AMENDMENT

H. R. 1804

103rd Congress
2d Session
In the Senate of the United States,
February 8 (legislative day, January 25), 1994.

Resolved, That the bill from the House of Representatives (H.R. 1804) entitled “An Act 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”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
2 (a) SHORT TITLE.—Titles I through IV of this Act
3 may be cited as the “Goals 2000: Educate America Act”.
HR 1804 EAS

(b) Table of Contents.—The table of contents is 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. 203. Duties.
Sec. 204. Powers of the goals panel.
Sec. 205. Administrative provisions.
Sec. 206. Director and staff; experts and consultants.
Sec. 207. Early childhood assessment.

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 grants.

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

Sec. 221. Purposes.
Sec. 222. Federal leadership.
Sec. 223. Office of Educational Technology.
Sec. 224. Uses of funds.
Sec. 225. Non-Federal share.
Sec. 226. Office of Training Technology Transfer.

PART D—AUTHORIZATION OF APPROPRIATIONS

Sec. 231. 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.
Sec. 315. Clarification regarding State standards and assessments.
Sec. 316. State planning for improving student achievement through integration of technology into the curriculum.

TITLE IV—MISCELLANEOUS

Sec. 401. Public schools.
Sec. 402. Construction.
Sec. 403. Kalid Abdul Mohammed.
Sec. 404. Prohibition on Federal mandates, direction, and control.
Sec. 405. School prayer.
Sec. 406. Daily silence for students.
Sec. 407. Funding for the Individuals With Disabilities Education Act.
Sec. 408. National Board for Professional Teaching Standards.
Sec. 409. Forgiveness of certain overpayments.
Sec. 410. Study of Goals 2000 and students with disabilities.
Sec. 411. Mentoring, peer counseling and peer tutoring.
Sec. 412. Content and performance standards.
Sec. 413. State-sponsored higher education trust fund savings plan.
Sec. 414. Amendments to summer youth employment and training program.
Sec. 415. State and local government control of education.
Sec. 416. Protection of pupils.
Sec. 417. Contraceptive devices.
Sec. 418. Educational agencies not denied funds for adopting constitutional policy relative to prayer in 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.
Sec. 509. Sunset provision.

TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

Sec. 601. Short title; statement of purpose.
Sec. 602. Safe schools program authorized.
Sec. 603. Eligible applicants.
Sec. 604. Applications and plans.
Sec. 605. Use of funds.
Sec. 606. National leadership.
Sec. 607. National cooperative education statistics system.
Sec. 608. Coordination of Federal assistance.
Sec. 609. Effective date.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

Sec. 621. State leadership activities to promote safe schools program.

TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

Sec. 701. Short title.
Sec. 702. Grants for midnight basketball league training and partnership programs.
Sec. 703. Public housing midnight basketball league programs.

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

Sec. 801. Purpose.
Sec. 802. Findings.
Sec. 803. Provisions.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 901. Short title.

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 911. Repeal.
Sec. 912. Office of Educational Research and Improvement.
Sec. 913. Savings provisions.
Sec. 914. Field readers.

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

SUBPART 1—INTERNATIONAL EDUCATION PROGRAM

Sec. 921. International Education Program.

SUBPART 2—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

Sec. 931. National Occupational Information Coordinating Committee.

SUBPART 3—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

Sec. 941. Short title.
Sec. 942. Statement of purpose.
Sec. 943. Program authorized.
Sec. 944. Allotments of funds.
Sec. 945. State application.
Sec. 946. Local application.
Sec. 947. Participation of private schools.
Sec. 948. Program requirements.
Sec. 949. Federal administration.
Sec. 950. Authorization of appropriations.

SUBPART 4—MEDIA INSTRUCTION

Sec. 951. Media instruction.
It is the purpose of this Act to provide a framework for meeting the National Education Goals described in title I of this Act by—
(1) promoting coherent, nationwide, systemic education reform;
(2) improving the quality of teaching and learning in the classroom;
(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform;
(4) establishing valid, reliable, and fair mechanisms for—
   (A) building a broad national consensus on United States education reform;
   (B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;
   (C) assisting in the development and certification of opportunity-to-learn standards; and
   (D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;
(5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards; and
(6) providing a framework for the reauthorization of all Federal education programs by—

(A) creating a vision of excellence and equity that will guide all Federal education and related programs;

(B) providing for the establishment of high-quality, internationally competitive content and student performance standards that all students, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, and academically talented students, will be expected to achieve;

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

(D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children;
(E) providing resources to help individual schools, including schools serving students with high needs, develop and implement comprehensive improvement plans; and

(F) promoting the use of technology to enable all students to achieve the National Education Goals.

SEC. 3. DEFINITIONS.

As used in this Act (other than in titles V and IX)—

(1) the term "all children" means children from all backgrounds and circumstances, including disadvantaged children, children with diverse racial, ethnic, and cultural backgrounds, children with disabilities, children with limited-English proficiency, children who have dropped out of school, and academically talented children;

(2) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

(3) the term "assessment" means the overall process and instrument used to measure student at-
tainment of content standards, except that such term
need not include the discrete items that comprise each
assessment;
(4) the term "content standards" means broad
descriptions of the knowledge and skills students
should acquire in a particular subject area;
(5) the term "Governor" means the chief execu-
tive of the State;
(6) the term "intergenerational mentoring pro-
gram" means a program that—
(A) matches adult mentors, with a particu-
lar emphasis on older mentors, with elementary
and secondary school age children for the pur-
poses of sharing experience and skills;
(B) is operated by a nonprofit organization
or governmental agency;
(C) provides opportunities for older individ-
uals to be involved in the design and operation
of the program; and
(D) has established, written mechanisms for
screening mentors, orienting mentors and pro-
teges, matching mentors and proteges, and mon-
itoring mentoring relationships;
(7) the terms "interoperable" and "interoper-
ability" refers to the ability to easily exchange data
with, and connect to, other hardware and software in order to provide the greatest accessibility for all students;

(8) the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965, except that such term may include a public school council if such council is mandated by State law;

(9) the term "opportunity-to-learn standards" means the conditions of teaching and learning necessary for all students to have a fair opportunity to learn, including ways of measuring the extent to which such standards are being met;

(10) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), and the Freely Associated States;

(11) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that such students are proficient in the skills and knowledge framed by content standards;
(12) the term "public telecommunication entity" has the same meaning given to such term in section 397(12) of the Communications Act of 1934;

(13) the term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act;

(14) the term "school" means a public school that is under the authority of the State educational agency or a local educational agency or, for the purpose of carrying out section 314(b), a school that is operated or funded by the Bureau of Indian Affairs;

(15) the term "Secretary", unless otherwise specified, means the Secretary of Education;

(16) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(17) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965; and

(18) the term "technology" means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper and fiber optic transmission,
computer, video and audio laser and CD-ROM disks,
and video and audio tapes, or other technologies.

**TITLE I—NATIONAL EDUCATION GOALS**

**SEC. 101. PURPOSE.**

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

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

The Congress declares the National Education Goals are as follows:

1. **School Readiness.**
   
   **(A) Goal.** By the year 2000, all children in America will start school ready to learn.
   
   **(B) Objectives.** The objectives for the goal described in subparagraph (A) are that—
   
   (i) all children, including disadvantaged and disabled children, will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;
   
   (ii) every parent in the United States will be a child’s first teacher and devote time each day to helping such parent’s preschool child learn, and parents will have ac-
cess to the training and support parents need; and

(iii) children will receive the nutrition, physical activity experiences, and health care needed to arrive at school with healthy minds and bodies, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

(2) SCHOOL COMPLETION.—

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

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

(i) the Nation must dramatically reduce its high school dropout rate, and 75 percent of high school students who do drop out of school will successfully complete a high school degree or its equivalent; and

(ii) the gap in high school graduation rates between United States students from minority backgrounds and their nonminority counterparts will be eliminated.
(3) **Student achievement and citizenship.**—

(A) **Goal.**—By the year 2000, United States students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, and every school in the United States will ensure that all students learn to use their minds well, so students may be prepared for responsible citizenship, further learning, and productive employment in our Nation’s modern economy.

(B) **Objectives.**—The objectives for the goal described in subparagraph (A) are that—

(i) the academic performance of elementary and secondary students will increase significantly in every quartile, and the distribution of minority students in each quartile will more closely reflect the student population as a whole;

(ii) the percentage of students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;
(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

(iv) all students will have access to physical education and health education to ensure all students are healthy and fit;

(v) the percentage of students who are competent in more than one language will substantially increase; and

(vi) all students will be knowledgeable about the diverse heritage of our Nation and about the world community.

(4) MATHEMATICS AND SCIENCE.—

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

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

(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the educational system, especially in the early grades;
(ii) the number of teachers with a substantive background in mathematics and science will increase by 50 percent from the number of such teachers in 1992; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(5) ADULT LITERACY AND LIFELONG LEARNING.—

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

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

(i) every major United States business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work
methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including programs at libraries, that are designed to serve more effectively the needs of the growing number of part-time and mid-career students, will increase substantially;

(iv) the proportion of qualified students, especially minorities, who enter college, who complete at least 2 years of college, and who complete their degree programs, will increase substantially; and

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially.

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

(A) GOAL.—By the year 2000, every school in the United States will be free of drugs, firearms, alcohol, and violence and will offer a disciplined environment conducive to learning.
(B) Objectives.—The objectives for the goal described in subparagraph (A) are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, governmental and community organizations will work together to ensure that schools provide a healthy environment and are a safe haven for all children;

(iii) every school district will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

(iv) drug and alcohol curriculum should be taught as an integral part of sequential, comprehensive health education;

(v) community-based teams should be organized to provide students and teachers with needed support; and

(vi) every school should work to eliminate sexual harassment.

(7) Parental participation.—

(A) Goal.—By the year 2000, every school will promote partnerships that will increase pa-
rental involvement and participation in promoting the social, emotional and academic growth of children.

(B) OBJECTIVES.—The objectives for the Goal established under subparagraph (A) are that—

(i) every State will develop policies to assist local schools and school districts to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

(ii) every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decision-making at school; and

(iii) parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

(8) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—
(A) Goal.—By the year 2000, the Nation’s teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) Objectives.—The objectives for the goal established under subparagraph (A) are that—

(i) all teachers will have access to preservice teacher education and continuing professional development activities that will provide such teachers with the knowledge and skills needed to teach to an increasingly diverse student population with a variety of educational, social, and health needs;

(ii) all teachers will have continuing opportunities to acquire additional knowledge and skills needed to teach challenging subject matter and to use emerging new methods, forms of assessment, and technologies;

(iii) States and school districts will create integrated strategies to attract, recruit, prepare, retrain, and support the con-
continued professional development of teachers, administrators, and other educators, so that there is a highly talented work force of professional educators to teach challenging subject matter; and

(iv) partnerships will be established, whenever possible, among local educational agencies, institutions of higher education, parents, and local labor, business, and professional associations to provide and support programs for the professional development of educators.

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

PART A—NATIONAL EDUCATION GOALS PANEL

SEC. 201. PURPOSE.

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

(1) building a national consensus for education improvement;

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

(3) periodically reviewing the goals and objectives described in title I and recommending adjust-
ments to such goals and objectives, as needed, in order to guarantee education reform that continues to provide guidance for quality, world class education for all students; and

(4) reviewing and approving the voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for the certification of such standards, and the criteria for the certification of State assessments or systems of assessments certified by such Council.

SEC. 202. NATIONAL EDUCATION GOALS PANEL.

(a) ESTABLISHMENT.—There is established in the executive branch a National Education Goals Panel (hereafter in this title referred to as the “Goals Panel”).

(b) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this part referred to as “members”), including—

(1) two members appointed by the President;

(2) eight members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be of the opposite political party of the President, appointed by the Chairperson
and Vice Chairperson of the National Governors’ Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson’s or Vice Chairperson’s respective political party, in consultation with each other;

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

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

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

(C) one member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

(D) one member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

(4) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

(c) SPECIAL APPOINTMENT RULES.—
(1) IN GENERAL.—The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

(2) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of paragraph (4) of subsection (b), prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to be in compliance with the provisions of such subsections and shall not be required to be reappointed pursuant to such subsections.

(d) TERMS.—The terms of service of members shall be as follows:
(1) **Presidential appointees.**—Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) **Governors.**—Members appointed under paragraph (2) of subsection (b) shall serve a 2-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every 2 years.

(3) **Congressional appointees and state legislators.**—Members appointed under paragraphs (3) and (4) of subsection (b) shall serve for 2-year terms.

(e) **Date of Appointment.**—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(f) **Initiation.**—The Goals Panel may begin to carry out its duties under this part when 10 members of the Goals Panel have been appointed.

(g) **Vacancies.**—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) **Travel.**—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each
day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

(i) Chairperson.—

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

(2) Term and political affiliation.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

SEC. 203. DUTIES.

(a) In general.—The Goals Panel shall—

(1) report on the progress the Nation and the States are making toward achieving the National Education Goals described in title I, including issuing an annual national report card;

(2) submit to the President nominations for appointment to the National Education Standards and Improvement Council in accordance with subsections (b) and (c) of section 212;

(3) review and approve (or explain why approval is withheld) the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of content and student perform-
(B) voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by such Council;

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

(5) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) NATIONAL REPORT CARD.—

(1) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of the Congress, and the Governor of each State a national report card that shall—

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

(B) identify actions that should be taken by Federal, State, and local governments to enhance
progress toward achieving the National Education Goals.

(2) Form; Data.—National report cards shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 204. POWERS OF THE GOALS PANEL.

(a) Hearings.—

(1) In General.—The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

(2) Representation.—In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and State assessments or systems of assessments described in section 213(e).

(b) Information.—The Goals Panel may secure directly from any department or agency of the Federal Government information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of any such department or agency
shall furnish such information to the Goals Panel to the extent permitted by law.

(c) Postal Services.—The Goals Panel may use the United States mail in the same manner and under the same conditions as departments and agencies of the Federal Government.

(d) Gifts; Use of Facilities.—The Goals Panel may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency or instrumentality of the Federal Government, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) Administrative Arrangements and Support.—

(1) In General.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) Contracts and Other Arrangements.—The Secretary shall, to the extent appropriate, and on
a reimbursable basis, make contracts and other arrange-
ments that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of the Goals Panel's responsibilities.

SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Goals Panel shall meet on a reg-
ular basis, as necessary, at the call of the Chairperson of
the Goals Panel or a majority of the members of the Goals
Panel.

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

(c) VOTING AND FINAL DECISIONS.—

(1) IN GENERAL.—No individual may vote, or
exercise any of the duties or powers of a member of
the Goals Panel, by proxy.

(2) FINAL DECISIONS.—

(A) In making final decisions of the Goals
Panel with respect to the exercise of its duties
and powers the Goals Panel shall operate on the
principle of consensus among the members of the
Goals Panel.

(B) If a vote of the membership of the Goals
Panel is required to reach a final decision with
respect to the exercise of its duties and powers,
then such final decision shall be made by a three-fourths vote of the members of the Goals Panel who are present and voting.

(d) Public Access.—The Goals Panel shall ensure public access to the proceedings of the Goals Panel (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) Director.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) Appointment and Pay of Employees.—

(1) In general.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

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

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

(c) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such department to the Goals Panel to assist the Goals Panel in carrying out its responsibilities under this part.

SEC. 207. EARLY CHILDHOOD ASSESSMENT.

(a) IN GENERAL.—The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (hereafter in this subsection referred to as the “Groups”) to improve the methods of assessing the readiness of all children for school.

(b) ACTIVITIES.—The Groups shall—
(1) develop a model of elements of school readiness that address a broad range of early childhood developmental needs, including the needs of children with disabilities;

(2) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, including norm-referenced assessments and assessment formats that are appropriate for use in culturally and linguistically diverse communities, based on model elements of school readiness;

(3) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

(4) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

(c) ADVICE.—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.
(d) **REPORT.**—The Goals Panel shall provide reports on the work of the Groups to the Congress, the Secretary, and the public.

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

**SEC. 211. PURPOSE.**

It is the purpose of this part to establish a mechanism to—

1. certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do;
2. certify challenging State content standards and challenging State student performance standards submitted by States on a voluntary basis, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the National Education Standards and Improvement Council;
3. certify voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards.
and the voluntary national student performance standards certified by the National Education Standards and Improvement Council;

(4) certify comprehensive State opportunity-to-learn standards submitted by States on a voluntary basis that—

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

(B) address the elements described in section 213(c)(3); and

(5) certify assessments or systems of assessments submitted by States or groups of States on a voluntary basis, if such assessments or systems—

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

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

SEC. 212. NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.

(a) Establishment.—There is established in the executive branch a National Education Standards and Improvement Council (hereafter in this part referred to as the "Council").
(b) **Composition.**—The Council shall be composed of 19 members (hereafter in this part referred to as "members") appointed by the President from nominations submitted by the Goals Panel.

(c) **Qualifications.**—

(1) **In general.**—The members of the Council shall include—

(A) five professional educators appointed from among elementary and secondary classroom teachers, preschool educators, related services personnel, and other school-based professionals, State or local educational agency administrators, or other educators;

(B) four representatives of business and industry or postsecondary educational institutions, including at least 1 representative of business and industry who is also a member of the National Skill Standards Board established pursuant to title V;

(C) five representatives of the public, appointed from among representatives of advocacy, civil rights, and disability groups, parents, civic leaders, tribal governments, or State or local education policymakers (including members of State or local school boards); and
(D) five education experts, appointed from among experts in measurement and assessment, curriculum, school finance and equity, or school reform.

(2) NOMINATIONS.—The Goals Panel shall submit to the President at least 15 nominations for each of the 4 categories of appointment described in subparagraphs (A) through (D) of paragraph (1).

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

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

(B) include persons from each of the 4 categories described in subparagraphs (A) through (D) of paragraph (1) who have expertise in the education of subgroups of students who are at risk of school failure.

(d) TERMS.—

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

(2) INITIAL TERMS.—The President shall establish initial terms for members of 1, 2, or 3 years in
order to establish a rotation in which one-third of the members are selected each year.

(e) Date of Appointment.—The initial members shall be appointed not later than 120 days after the date of enactment of this Act.

(f) Initiation.—The Council shall begin to carry out the duties of the Council under this part when all 19 members have been appointed.

(g) Retention.—In order to retain an appointment to the Council, a member shall attend at least two-thirds of the scheduled meetings, and hearings when appropriate, of the Council in any given year.

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

(i) Compensation.—Members who are not regular full-time employees of the United States, while attending meetings or hearings of the Council, may be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum rate of basic pay payable for GS-15 of the General Schedule.

(j) Travel.—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the perform-
ance of duties for the Council away from the home or regular place of business of the member.

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

(l) Conflict of Interest.—No member, staff, expert, or consultant assisting the Council shall be appointed to the Council—

(1) if such member, staff, expert, or consultant has a fiduciary interest in an educational assessment; and

(2) unless such member, staff, expert, or consultant agrees that such member, staff, expert, or consultant, respectively, will not obtain such an interest for a period of 2 years from the date of termination of such member's service on the Council.

SEC. 213. DUTIES.

(a) Voluntary National Content Standards; Voluntary National Student Performance Standards.—

(1) In general.—The Council, upon recommendation from a working group on voluntary national content standards, shall—

(A) identify areas in which voluntary national content standards need to be developed;
(B) certify voluntary national content standards and voluntary national student performance standards that define what all students should know and be able to do; and

(C) forward such voluntary national content standards and voluntary national student performance standards to the Goals Panel for approval.

(2) CRITERIA.—(A) The Council, upon recommendation from a working group on voluntary national content standards and voluntary national student performance standards, shall—

(i) identify and develop criteria to be used for certifying the voluntary national content standards and voluntary national student performance standards; and

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

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

(i) the extent to which the proposed standards are internationally competitive and comparable to the best standards in the world;

(ii) the extent to which the proposed voluntary national content standards and vol-
untary national student performance standards reflect the best available knowledge about how all students learn and about how a content area can be most effectively taught;

(iii) the extent to which the proposed voluntary national content standards and voluntary national student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers, related services personnel, and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, parents, secondary school students, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) Voluntary State Content Standards; Voluntary State Student Performance Standards.—The Council may certify challenging State content stand-
ards and challenging State student performance standards presented on a voluntary basis by a State or group of States, if such standards are comparable in rigor and quality to the voluntary national content standards and voluntary national student performance standards certified by the Council.

(c) Voluntary National Opportunity-To-Learn Standards.—

(1) In general.—The Council, upon recommendation from a working group on voluntary national opportunity-to-learn standards, shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all students a fair opportunity to achieve the knowledge and skills described in the voluntary national content standards certified by the Council. In carrying out the preceding sentence the Council and the working group are authorized to consider proposals for voluntary national opportunity-to-learn standards from groups other than those that receive grants under section 218.

(2) Requirement.—The voluntary national opportunity-to-learn standards shall be sufficiently general to be used by any State without unduly restrict-
ing State and local prerogatives regarding instructional methods to be employed.

(3) Elements addressed.—The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability of curricula, instructional materials, and technologies;

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

(C) the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to content standards;

(E) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide an opportunity-to-learn; and

(F) other factors that the Council deems appropriate to ensure that all students receive a
fair opportunity to achieve the knowledge and 
skills described in the voluntary national content 
standards and the voluntary national student 
performance standards certified by the Council.

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

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

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

(ii) prepare their teachers; and

(iii) provide continuing professional 
development opportunities for their teachers;

and

(B) develop criteria to be used for certifying 
the voluntary national opportunity-to-learn 
standards and, before applying such criteria, for-
ward such criteria to the Goals Panel for ap-
proval.

(5) RECOMMENDATIONS AND COORDINATION.—
The Council shall assist in the development of the vol-
untary national opportunity-to-learn standards by—

(A) making recommendations to the Sec-
retary regarding priorities and selection criteria 
for each grant awarded under section 218; and
(B) coordinating with each consortium receiving a grant under section 218 to ensure that the opportunity-to-learn standards the consortium develops for all students are of high quality and are consistent with the criteria developed by the Council for the certification of such standards.

(6) Approval.—The Council shall forward the voluntary national opportunity-to-learn standards that the Council certifies to the Goals Panel for approval.

(d) Voluntary State Opportunity-To-Learn Standards.—The Council may certify comprehensive State opportunity-to-learn standards presented on a voluntary basis by a State that—

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

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

(e) Assessments.—

(1) In General.—(A) The Council shall certify, for a period not to exceed 5 years, an assessment of a single subject area or a system of assessments involving several subject areas presented on a voluntary
basis by a State or group of States if such assessment
or system of assessments—

(i) is aligned with such State's or group of
States' challenging State content standards cer-
tified by the Council;

(ii) involves multiple measures of student
performance; and

(iii) provides for—

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

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

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

(i) exemplifying for students, parents, and
teachers the kinds and levels of achievement that
should be expected, including the identification of
student performance standards;

(ii) improving classroom instruction and
improving the learning outcomes for all students;

(iii) informing students, parents, and teach-
ers about student progress toward such stand-
ards;
(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and
(v) assisting education policymakers in making decisions about education programs.

(2) IMPLEMENTATION.—(A)(i) The Council shall develop, and not sooner than 3 years nor later than 4 years after the date of enactment of this Act, begin utilizing, criteria for the certification of an assessment or a system of assessments in accordance with this subsection.

(ii) The Council shall not certify an assessment or system of assessments for a period of 3 years beginning on the date of enactment of this Act, if such assessment or system will be used to make decisions regarding graduation, grade promotion, or retention of students.

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

(B) The certification criteria described in this paragraph shall address the extent to which an assessment or a system of assessments—

(i)(I) is aligned with a State's or a group of States' challenging State content standards, if
such State or group has challenging State content standards that have been certified by the Council; and

(II) will support effective curriculum and instruction;

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

(iii) includes all students, especially students with disabilities or with limited-English proficiency.

(C) In determining appropriate certification criteria under this paragraph, the Council shall—

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

(ii) recommend needed research;

(iii) encourage the development and field testing of assessments or systems of assessments; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessments or systems of assessments.
(D) Prior to determining the certification criteria described in this paragraph, the Council shall take public comment on its proposed certification criteria.

(f) **Performance of Duties.**—In carrying out its responsibilities under this title, the Council shall—

(1) work with Federal and non-Federal departments, agencies, or organizations that are conducting research, studies, or demonstration projects to determine internationally competitive education standards and assessments, and may establish subject matter and other panels to advise the Council on particular content, student performance, and opportunity-to-learn standards and on assessments or systems of assessments;

(2) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards described in title V;

(3) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(4) inform the public about what constitutes high quality, internationally competitive, content, student

performance, and opportunity-to-learn standards, and
easessments or systems of assessments;
   (5) on a regular basis, review and update cri-
tera for certifying content, student performance, and
opportunity-to-learn standards, and assessments or
systems of assessments; and
   (6) periodically recertify, as appropriate, the vol-
untary national content standards, the voluntary na-
tional student performance standards, and the vol-
untary national opportunity-to-learn standards.
(g) CONSTRUCTION.—Nothing in this Act shall be con-
strued to—
   (1) require any State to have standards certified
pursuant to subsection (b) or (d) in order to partici-
pate in any Federal program; or
   (2) create a legally enforceable right for any per-
son against a State, local educational agency, or
school based on a standard or assessment certified by
the Council or the criteria developed by the Council
for such certification.
SEC. 214. ANNUAL REPORTS.
Not later than 1 year after the date the Council con-
cludes its first meeting, and each year thereafter, the Coun-
cil shall prepare and submit a report regarding its work
to the President, the Secretary, the appropriate committees
of the Congress, the Governor of each State, and the Goals Panel.

SEC. 215. POWERS OF THE COUNCIL.

(a) Hearings.—

(1) In general.—The Council shall, for the purpose of carrying out its responsibilities, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate.

(2) Location.—In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and assessments or systems of assessments described in section 213(e).

(b) Information.—The Council may secure directly from any department or agency of the Federal Government information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of such department or agency shall furnish such information to the Council to the extent permitted by law.
(c) Postal Services.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Gifts; Use of Facilities.—The Council may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) use the research, equipment, services, and facilities of any department, agency, or instrumentality of the United States, or of any State or political subdivision thereof with the consent of such department, agency, instrumentality, State or subdivision, respectively.

(e) Administrative Arrangements and Support.—

(1) In general.—The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) Contracts and other arrangements.—The Secretary, to the extent appropriate and on a reimbursable basis, shall enter into contracts and other arrangements that are requested by the Council to help the Council compile and analyze data or carry
out other functions necessary to the performance of
the Council's responsibilities.

SEC. 216. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Council shall meet on a regular
basis, as necessary, at the call of the Chairperson of the
Council or a majority of its members.

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

(c) VOTING.—The Council shall take all action of the
Council by a majority vote of the total membership of the
Council, ensuring the right of the minority to issue written
views. No individual may vote or exercise any of the powers
of a member by proxy.

(d) PUBLIC ACCESS.—The Council shall ensure public
access to its proceedings (other than proceedings, or por-
tions of proceedings, relating to internal personnel and
management matters) and shall make available to the pub-
lic, at reasonable cost, transcripts of such proceedings.

SEC. 217. DIRECTOR AND STAFF; EXPERTS AND CONSULT-
ANTS.

(a) DIRECTOR.—The Chairperson of the Council, with-
out regard to the provisions of title 5, United States Code,
relating to the appointment and compensation of officers
or employees of the United States, shall appoint a Director
to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) Appointment and Pay of Employees.—

(1) In General.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Council without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) Additional Employees.—The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.

(c) Experts and Consultants.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) Staff of Federal Agencies.—Upon the request of the Council, the head of any department or agency of the Federal Government may detail any of the personnel
of such department or agency to the Council to assist the
Council in carrying out its duties under this part.

SEC. 218. OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS. (a) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary is authorized to award more than one grant, on a competitive basis, to consortia of individuals and organizations to enable such consortia to develop voluntary national opportunity-to-learn standards, and a listing of model programs for use, on a voluntary basis, by States in—

(A) assessing the capacity and performance of individual schools; and

(B) developing appropriate actions to be taken in the event that the schools fail to achieve such standards.

(2) COMPOSITION OF CONSORTIUM.—To the extent possible, each consortium described in paragraph (1) shall include the participation of—

(A) Governors (other than Governors serving on the Goals Panel);

(B) chief State school officers;
(C) teachers, especially teachers involved in the development of content standards, and related services personnel;
(D) principals;
(E) superintendents;
(F) State and local school board members;
(G) curriculum and school reform experts;
(H) parents;
(I) State legislators;
(J) representatives of businesses;
(K) representatives of higher education;
(L) representatives of regional accrediting associations;
(M) representatives of advocacy groups; and
(N) secondary school students.

(b) Applications.—Each consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) Award Consideration.—In establishing priorities and selection criteria for awarding more than one grant under this section, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 213(c)(5)(A).
PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

SEC. 221. PURPOSES.

It is the purpose of this part to promote achievement of the National Education Goals and—

(1) to provide leadership at the Federal level, through the Department of Education, by developing a national vision and strategy—

(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State and local level;

(B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

(2) to promote awareness of the potential of technology for improving teaching and learning;
(3) to support State and local efforts to increase the effective use of technology for education;

(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

(6) to promote high-quality professional development opportunities for teachers and administrators regarding the integration of technology into instruction and administration;

(7) to promote the effective uses of technology in existing Federal education programs, such as chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and vocational education programs; and

(8) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

SEC. 222. FEDERAL LEADERSHIP.

(a) Activities Authorized.—
(1) In General.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this part, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this part.

(2) Transfer of Funds.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this part, the Secretary may accept funds from, and transfer funds to, other Federal departments or agencies.

(b) National Long-Range Technology Plan.—

(1) In General.—The Secretary shall develop and publish within 12 months of the date of enactment of this Act, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this part.

(2) Plan Requirements.—The Secretary shall—
(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the educational applications of technology, representatives of a distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Program Assistance Act, and providers of technology services and products;

(B) transmit such plan to the President and to the appropriate committees of the Congress; and

(C) publish such plan in a form that is readily accessible to the public.

(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this part, including—

(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State content standards and challenging State student performance standards, especially through programs administered by the Department of Education;
(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and

(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

(C) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

(D) how the Secretary will promote—
(i) higher achievement of all students through the integration of technology into the curriculum;

(ii) increased access to the benefits of technology for teaching and learning for schools with a high concentration of children from low-income families;

(iii) the use of technology to assist in the implementation of State systemic reform strategies;

(iv) the application of technological advances to use in education; and

(v) increased opportunities for the professional development of teachers in the use of new technologies;

(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;
(F) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act to promote the purposes of this part; and

(G) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

(c) Assistance.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 316.

SEC. 223. OFFICE OF EDUCATIONAL TECHNOLOGY.

(a) Amendment to the Department of Education Organization Act.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

"OFFICE OF EDUCATIONAL TECHNOLOGY

"Sec. 216. There shall be in the Department of Education an Office of Educational Technology, to be administered by the Director of Educational Technology. The Director of Educational Technology shall report directly to the Secretary and shall perform such additional functions as the Secretary may prescribe. Such Office shall be established
in accordance with section 405A of the General Education
Provisions Act.”.

(b) AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT.— Part A of the General Education Provisions Act (20 U.S.C. 1221c et seq.) is amended by inserting after section 405 the following new section:

“SEC. 405A. OFFICE OF EDUCATIONAL TECHNOLOGY.

“(a) ESTABLISHMENT.— The Secretary shall establish an Office of Educational Technology (hereafter in this section referred to as the ‘Office’).

“(b) FUNCTIONS OF THE OFFICE.— The Director of the Office of Educational Technology (hereafter in this section referred to as the ‘Director’), through the Office, shall—

“(1) in support of the overall national technology policy and in consultation with other Federal departments or agencies which the Director determines appropriate, provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve challenging State content and challenging State student performance standards;

“(2) review all programs and training functions administered by the Department and recommend policies in order to promote increased use of tech-
nology and technology planning throughout all such programs and functions;

"(3) review all relevant programs supported by the Department to ensure that such programs are co-
ordinated with and support the national long-range technology plan developed pursuant to this Act; and

"(4) perform such additional functions as the Secretary may require.

"(c) Personnel.—The Director is authorized to select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Office, subject to the provisions of title 5, United States Code (governing appointments in the competitive service), and the provi-
sions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates.

"(d) Experts and Consultants.—The Secretary may obtain the services of experts and consultants in ac-
cordance with section 3109 of title 5, United States Code.

(c) Compensation of the Director.—Section 5315 of title 5, United States Code, is amended by adding at
the end the following:

"Director of the Office of Educational Technology."
SEC. 224. USES OF FUNDS.

(a) In General.—The Secretary shall use funds appropriated pursuant to the authority of section 231(d) for activities designed to carry out the purpose of this part, including—

(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the educational uses of technology, including professional development;

(2) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this part;

(3) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

(4) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

(5) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary edu-
cation, training and lifelong learning, and professional development of educational personnel;

(6) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals, challenging State content standards and challenging State student performance standards;

(7) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

(8) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

(9) research on, and the evaluation of, the effectiveness and benefits of technology in education giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;

(10) a biannual assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal,
State and local governments may rely for decision-making about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

(11) conferences on, and dissemination of information regarding, the uses of technology in education;

(12) the development of model strategies to promote gender equity in the use of technology;

(13) encouraging collaboration between the Department of Education and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

(14) such other activities as the Secretary determines will meet the purposes of this part.

(b) SPECIAL RULES.—

(1) IN GENERAL.—The Secretary shall carry out the activities described in subsection (a) directly or by grant or contract.

(2) GRANTS AND CONTRACTS.—Each grant or contract under this part shall be awarded—

(A) on a competitive basis; and

(B) pursuant to a peer review process.
SEC. 225. NON-FEDERAL SHARE.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may require any recipient of a grant or contract under this part to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

(b) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this part after the first year such recipient receives funds under such grant or contract.

(c) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this part.

SEC. 226. OFFICE OF TRAINING TECHNOLOGY TRANSFER.

(a) TRANSFER.—

(1) IN GENERAL.—The Office of Training Technology Transfer as established under section 6103 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093) is transferred to the Office of Educational Technology.

(2) TECHNICAL AMENDMENT.—The first sentence of section 6103(a) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093(a)) is amended by
striking "Office of Educational Research and Improvement" and inserting "Office of Educational Technology".

(b) Authorization of Appropriations.—The Training Technology Transfer Act of 1988 (20 U.S.C. 5091 et seq.) is amended by adding at the end the following new section:

"SEC. 6108. AUTHORIZATION OF APPROPRIATIONS. "There are authorized to be appropriated $3,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out this chapter."

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

(a) National Education Goals Panel.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part A.

(b) National Education Standards and Improvement Council.—There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out part B.

(c) Opportunity-To-Learn Development Grants.—There are authorized to be appropriated
$1,000,000 for fiscal year 1994, and such sums as may be
necessary for fiscal year 1995, to carry out section 219.
(d) Leadership in Educational Technology.—
There are authorized to be appropriated $5,000,000 for the
fiscal year 1994, and such sums as may be necessary for
each of the fiscal years 1995 through 1998, to carry out
part C.

TITLE III—STATE AND LOCAL
EDUCATION SYSTEMIC IMPROVEMENT

SEC. 301. FINDINGS.
The Congress finds that—
(1) all students can learn to high standards and
must realize their potential if the United States is to
prosper;
(2) the reforms in education from 1977 through
1992 have achieved some good results, but such reform
efforts often have been limited to a few schools or to
a single part of the educational system;
(3) leadership must come from teachers, related
services personnel, principals, and parents in individ-
ual schools, and from policymakers at the local, State,
tribal, and national levels, in order for lasting im-
promvements in student performance to occur;
(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement;

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

(7) all students are entitled to teaching practices that are in accordance with accepted standards of professional practice and that hold the greatest promise of improving student performance;

(8) all students are entitled to participate in a broad and challenging curriculum and to have access to resources sufficient to address other education needs;

(9) State and local education improvement efforts must incorporate strategies for providing stu-
students and families with coordinated access to appropriate social services, health care, nutrition, early childhood education, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(10) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide improvement strategies if our Nation is to educate all children to meet their full potential and achieve the National Education Goals described in title I;

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

(12) businesses should be encouraged—

(A) to enter into partnerships with schools;

(B) to provide information and guidance to schools based on the needs of area businesses for properly educated graduates in general and on the need for particular workplace skills that the schools may provide;

(C) to provide necessary education and training materials and support; and
(D) to continue the lifelong learning process throughout the employment years of an individual;

(13) the appropriate and innovative use of technology, including distance learning, can be very effective in helping to provide all students with the opportunity to learn and meet high standards;

(14) Federal funds should be targeted to support State and local initiatives, and to leverage State and local resources for designing and implementing system-wide education improvement plans; and

(15) quality education management services are being utilized by local educational agencies and schools through contractual agreements between local educational agencies or schools and such businesses.

SEC. 302. PURPOSE.

It is the purpose of this title to—

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

(2) provide new authorities and funding for our Nation’s school systems;
(3) not replace or reduce funding for existing Federal education programs; and

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

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 304. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated pursuant to the authority of section 303 in each fiscal year, the Secretary—

(1) shall reserve a total of 1 percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas;

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs; and

(C) to the Alaska Federation of Natives in cooperation with the Alaska Native Education Council to benefit Alaska Native students; and
(2) may reserve a total of not more than 4 percent for—

(A) national leadership activities under subsections (a), (b) and (d) of section 313; and

(B) the costs of peer review of State improvement plans and applications under this title.

(b) State Allotments.—From the amount appropriated under section 303 and not reserved under subsection (a) in each fiscal year the Secretary shall make allotments to State educational agencies as follows:

(1) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.

(2) 50 percent of such amount shall be allocated in accordance with the relative amounts each State would have received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year if funds under such chapter in such preceding fiscal year were not reserved for the outlying areas.
(c) Reallotments.— If the Secretary determines that any amount of a State educational agency’s allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallocate such amount to other State educational agencies that need additional funds, in such manner as the Secretary determines is appropriate.

(d) Maintenance of Effort.— Each recipient of funds under this title, in utilizing the proceeds of an allotment received under this title, shall maintain the expenditures of such recipient for the activities assisted under this title at a level equal to not less than the level of such expenditures maintained by such recipient for the fiscal year preceding the fiscal year for which such allotment is received, except that provisions of this section shall not apply in any fiscal year in which the amount appropriated to carry out this title is less than the amount appropriated to carry out this title in the preceding fiscal year.

(e) Supplement Not Supplant.— Each recipient of funds under this title, may use the proceeds of an allotment received under this title only so as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the activities assisted under this title.
SEC. 305. STATE APPLICATIONS.

(a) Application.—

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

(2) Additional information.—In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary’s responsibilities under section 313, and will comply with reasonable requests of the Secretary for data related to the State’s progress in developing and implementing its State improvement plan under this title;

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

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

(b) First Year.—A State educational agency’s application for the first year of assistance under this title shall—
(1) describe the process by which the State educational agency will develop a school improvement plan that meets the requirements of section 306; and

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

(c) **SUBSEQUENT YEARS.**—A State educational agency’s application for the second year of assistance under this title shall—

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

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

(3) include an explanation of how the State educational agency will use funds received under this title, including how such agency will make subgrants to local educational agencies in accordance with sec-
tion 309(a), and how such agency will use such funds received under this title for education preservice pro-
grams and professional development activities in ac-
cordance with section 309(b).

SEC. 306. STATE IMPROVEMENT PLANS.

(a) Basic Scope of Plan.—Any State educational agency that desires to receive an allotment under this title after its first year of participation shall develop and implement a State improvement plan for the improvement of elementary and secondary education in the State.

(b) Plan Development.—

(1) In general.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor. The panel shall include—

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

(B) the chairperson of the State board of education and the chairpersons of the appropriate authorizing committees of the State legis-
lature, or their designees;

(C) school teachers, related services personnel, principals, and administrators who have successfully improved student performance; and
(D) representatives of teachers' organizations, organizations serving young children, parents, secondary school students, business and labor leaders, community-based organizations of demonstrated effectiveness, institutions of higher education, private, nonprofit elementary and secondary schools, local boards of education, State and local officials, tribal agencies, as appropriate, and others.

(2) Appointment.—The Governor and the chief State school officer shall each appoint half the members of the panel and shall jointly select the Chairperson of the panel and the representative of a private, nonprofit elementary and secondary school described in paragraph (1)(D).

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

(4) Consultation.—The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the State improvement plan.
(5) Outreach.—The panel shall be responsible for conducting a statewide, grassroots outreach process, including conducting public hearings, to involve educators, related services personnel, parents, local officials, tribal government officials, as appropriate, individuals representing private nonprofit elementary and secondary schools, community and business leaders, citizens, children’s advocates, secondary school students, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and the State’s student population, including students of limited-English proficiency, American Indian, Alaska Native, and Native Hawaiian students, and students with disabilities, in the development of the State improvement plan and in a continuing dialogue regarding the need for and nature of challenging standards for students and local and State responsibilities for helping all students achieve such standards in order to assure that the development and implementation of the State improvement plan reflects local needs and experiences and does not result in a significant increase in paperwork for teachers.

(6) Procedure and Approval.—The panel shall develop a State improvement plan, provide op-
portunity for public comment, and submit such plan to the State educational agency for approval.

(7) **Submission.**—The State educational agency shall submit the original State improvement plan developed by the panel and the State improvement plan modified by such agency, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(8) **Matters not under the jurisdiction of the State educational agency.**—If any portion of a State improvement plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval of, or changes to, such portion, with an explanation thereof, from the Governor or other official responsible for that portion before submitting such plan to the Secretary.

(9) **Monitoring; revisions; reporting.**—After approval of the State improvement plan by the Secretary, the panel shall be informed of progress on such plan by the State educational agency, and such agency, in close consultation with teachers, principals, administrators, advocates and parents in local educational agencies and schools receiving funds under
this title, shall monitor the implementation and operation of such plan. The panel shall review such plan, and based on the progress described in the preceding sentence, determine if revisions to such plan are appropriate and necessary. The panel shall periodically report such determination to the public.

(c) Teaching, Learning, Standards, and Assessments.—Each State improvement plan shall establish strategies for meeting the National Education Goals described in title I by improving teaching and learning and students' mastery of basic and advanced skills to achieve a higher level of learning and academic accomplishment in English, math, science, United States history, geography, foreign languages and the arts, civics, government, economics, physics, and other core curricula, and such strategies shall involve broad-based and ongoing classroom teacher input, such as—

(1) a process for developing or adopting challenging State content standards and challenging State student performance standards for all students;

(2) a process for providing assistance and support to local educational agencies and schools to strengthen the capacity and responsibility of such agencies and schools to provide all of their students the opportunity to meet challenging State content
standards and challenging State student performance standards;

(3) a process for developing or recommending instructional materials and technology to support and assist local educational agencies and schools to provide all of their students the opportunity to meet the challenging State content standards and challenging State student performance standards;

(4) a process for developing and implementing a valid, fair, nondiscriminatory, and reliable assessment or system of assessments—

(A) which assessment or system shall—

(i) be aligned with such State's content standards;

(ii) involve multiple measures of student performance;

(iii) provide for—

(I) the participation of all students with diverse learning needs in such assessment or system; and

(II) the adaptations and accommodations necessary to permit such participation;

(iv) be consistent with relevant, nationally recognized professional and tech-
technical standards for such assessment or system;

(v) be capable of providing coherent information about student attainments relative to the State content standards; and

(vi) support effective curriculum and instruction; and

(B) which process shall provide for monitoring the implementation of such assessment, system or set and the impact of such assessment, system or set on improved instruction for all students; and

(5) a process for improving the State’s system of teacher and school administrator preparation and licensure, and of continuing professional development programs, including the use of technology at both the State and local levels, so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards described in paragraph (1).

(d) OPPORTUNITY-TO-LEARN STRATEGIES.—Each State improvement plan shall establish strategies for providing all students with an opportunity to learn.
(e) Accountability and Management.—Each State plan shall establish strategies for improved accountability and management of the education system of the State.

(f) Parental and Community Support and Involvement.—Each State improvement plan shall describe comprehensive strategies to involve communities, including community representatives such as parents, businesses, institutions of higher education, libraries, cultural institutions, employment and training agencies, health and human service agencies, intergenerational mentoring programs, and other public and private nonprofit agencies that provide nonsectarian social services, health care, child care, early childhood education, and nutrition to students, in helping all students meet the challenging State standards.

(g) Making the Improvements System-Wide.—In order to help provide all students throughout the State the opportunity to meet challenging State content standards and challenging State student performance standards, each State improvement plan shall describe the various strategies for ensuring that all local educational agencies and schools within the State are involved in developing and implementing needed improvements within a specified period of time.

(h) Promoting Bottom-Up Reform.—Each State improvement plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bot-
tom up in communities, local educational agencies, and schools, and is guided by coordination and facilitation from State leaders.

(i) **BENCHMARKS AND TIMELINES.**—Each State improvement plan shall include specific benchmarks of improved student performance and of progress in implementing such plan, and timelines against which the progress of the State in carrying out such plan, including the elements described in subsections (c) through (h), can be measured.

(j) **PEER REVIEW AND SECRETARIAL APPROVAL.**—

(1) **IN GENERAL.**—(A) The Secretary shall review, within a reasonable period of time, each State improvement plan prepared under this section, and each application submitted under section 305, through a peer review process involving the assistance and advice of State and local education policymakers, educators, classroom teachers, related services personnel, experts on educational innovation and improvement, parents, advocates, and other appropriate individuals. Such peer review process shall be representative of the diversity of the United States with regard to geography, race, ethnicity, gender and disability characteristics. Such peer review process shall include at least 1 site visit to each State.
(B) Notwithstanding the provisions of subparagraph (A), in the first year that a State educational agency submits an application for assistance under this title the Secretary shall not be required to—

(i) review such application through a peer review process; and

(ii) conduct a site visit.

(2) Approval of Plan.—The Secretary shall approve a State improvement plan if—

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

(B) the Secretary determines, after considering the peer reviewers' comments, that such plan—

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

(ii) holds reasonable promise of helping all students.

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

(A) an opportunity to revise such plan or application; and
(k) Amendments to Plan.—

(1) In general.—Each State educational agency shall periodically review its State improvement plan and revise such plan, as appropriate, in accordance with the process described in subsection (b).

(2) Review.—The Secretary shall review any major amendment to a State improvement plan and shall not disapprove any such amendment before offering a State educational agency—

(A) an opportunity to revise such amendment; and

(B) a hearing.

(l) Preexisting State Plans and Panels.—

(1) In general.—If a State has developed a comprehensive and systemic State improvement plan to help all students meet challenging State content standards and challenging State student performance standards, or any component of such plan, that meets the intent and purposes of section 302, the Secretary shall approve such plan or component notwithstanding that such plan was not developed in accordance with subsection (b), if—
(A) the Secretary determines that such approval would further the purposes of State systemic education improvement; and

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

(2) SPECIAL RULE.—(A) If, before the date of enactment of this Act, a State has made substantial progress in developing a plan that meets the intent and purposes of section 302, but was developed by a panel that does not meet the requirements of paragraphs (1) through (3) of subsection (b), the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting such requirements for all purposes of this title if the Secretary determines that there has been substantial public and educator involvement in the development of such plan.

(B) If a State has not developed a State improvement plan but has an existing panel which such State would like to use for the purpose of developing such plan, then the Secretary shall, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of paragraphs
(1) through (3) of subsection (b) for all purposes of this title if—

(i) the Secretary determines that such existing panel is serving a similar such purpose; and

(ii) the composition of such existing panel would ensure broad-based input from various education, political, community, and other appropriate representatives.

SEC. 307. SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS.

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

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

(2) there is a substantial likelihood that the State will be able to develop and implement an education improvement plan that complies with section 306.

(b) SECOND THROUGH FIFTH YEARS.—The Secretary shall approve the State educational agency’s renewal application under section 305(c)(1) in the second through fifth years of participation only if—

(1)(A) the Secretary has approved the State improvement plan under section 306(j); or
(B) the Secretary determines that the State has
made substantial progress in developing its State im-
provement plan and will implement such plan not
later than the end of the second year of participation;
and

(2) the application meets the other requirements
of this title.

(c) Payments.— For any fiscal year for which a State
has an approved application under this title, the Secretary
shall provide an allotment to the State educational agency
in the amount determined under section 304(b).

SEC. 308. STATE USE OF FUNDS.

(a) First Year.— In the first year for which a State
educational agency receives an allotment under this title,
such agency—

(1) if the amount appropriated pursuant to the
authority of section 303 for such year is equal to or
greater than $200,000,000, shall use at least 75 per-
cent of such allotted funds to award subgrants—

(A) to local educational agencies for the de-
velopment or implementation of local improve-
ment plans in accordance with section 309(a);
and

(B) to improve educator and related services
personnel preservice programs and for profes-
sional development activities consistent with the
State improvement plan and in accordance with
section 309(b);
(2) if the amount appropriated pursuant to the
authority of section 303 for such year is equal to or
greater than $100,000,000, but less than
$200,000,000, shall use at least 50 percent of such al-
lotted funds to award subgrants described in subpara-
graphs (A) and (B) of paragraph (1);
(3) if the amount appropriated pursuant to the
authority of section 303 for such year is less than
$100,000,000, may use such allotted funds to award
subgrants described in subparagraphs (A) and (B) of
paragraph (1); and
(4) shall use any such allotted funds not used in
accordance with paragraphs (1), (2), and (3) to de-
velop, revise, expand, or implement a State improve-
ment plan described in section 306.
(b) SUCCEEDING YEARS.—Each State educational
agency that receives an allotment under this title for any
year after the first year of participation shall—
(1) use at least 85 percent of such allotment
funds in each such year to make subgrants—
(A) for the implementation of the State improvement plan and of local improvement plans in accordance with section 309(a); and

(B) to improve educator and related services personnel preservice programs and for professional development activities that are consistent with the State improvement plan in accordance with section 309(b); and

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

(A) supporting the development or adoption of challenging State content standards, challenging State student performance standards, comprehensive State opportunity-to-learn standards, and assessment tools linked to the standards, including activities assisted—

(i) through consortia of States; or

(ii) with the assistance of the National Education Standards and Improvement Council established under part B of title II;

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

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating and rewarding educators;

(D) providing special attention to the needs of minority, disabled, and female students, including instructional programs and activities that encourage such students in elementary and secondary schools to aspire to enter and complete postsecondary education or training;

(E) supporting innovative and proven methods of enhancing a teacher’s ability to identify student learning needs, and motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess;

(F) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;
(G) outreach to and training for parents, tribal officials, organizations serving young children, classroom teachers, related services personnel, and other educators, and the public, related to education improvement;

(H) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement systemic local improvement plans, implement new assessments or systems of assessments described in the State improvement plan developed in accordance with section 306, and develop curricula consistent with the challenging State content standards and challenging State student performance standards;

(I) promoting mechanisms for increasing public school choice, including information and referral programs which provide parents information on available choices and other initiatives to promote the establishment of innovative new public schools, including magnet schools and charter schools;

(J) supporting activities relating to the planning of, start-up costs associated with, and evaluation of, projects under which local edu-
cational agencies or schools contract with private
management organizations to reform a school;
(K) supporting intergenerational mentoring
programs; and
(L) collecting and analyzing data; and
(M) supporting the development, at the
State or local level, of school-based programs that
restore discipline and reduce violence in schools
and communities, such as community mobiliza-
tion programs.

(c) Limit on Administrative Costs.—A State edu-
cational agency that receives an allotment under this title
in any fiscal year shall use not more than 4 percent of such
allotment in such year, or $100,000, whichever is greater,
for administrative expenses, which administrative expenses
shall not include the expenses related to the activities of the
panel established under section 306(b)(1).

(d) Special Rule.—Any new public school estab-
lished under this title—
(1) shall be nonsectarian;
(2) shall not be affiliated with a nonpublic sec-
tarian school or religious institution; and
(3) shall operate under the authority of a State
educational agency or local educational agency.
SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) Subgrants to Local Educational Agencies.—

(1) In General.—(A) Each State educational agency, through a competitive process, shall make subgrants to local educational agencies to carry out the authorized activities described in paragraph (4).

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

(2) Application Required.—Each local educational agency desiring to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) is developed by a broad-based panel, appointed by the local educational agency, that is representative of the diversity of the students and community to be served with regard to race, language, ethnicity, gender, disability and socioeconomic characteristics, and includes teachers, related services personnel, secondary school students, parents, school administrators, business representatives, early childhood educators, representatives of community-based organizations,
and others, as appropriate, and is approved by
the local educational agency, including any
modifications the local educational agency deems
appropriate;

(B) includes, in the application submitted
for the second year of participation, a com-
prehensive local improvement plan for school dis-
trict-wide education improvement, directed at
enabling all students to meet high academic
standards, including specific goals and bench-
marks, and includes a strategy for—

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

(ii) improving teaching and learning;

(iii) improving governance and man-
agement;

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

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

(C) describes how the local educational
agency will encourage and assist schools to de-
velop and implement comprehensive school im-
provement plans that focus on helping all stu-
dents meet high academic standards and that
address each element of the local educational agency’s local improvement plan described in subparagraph (B);

(D) describes how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private nonprofit agencies to increase the access of students and families to coordinated nonsectarian services in a school setting or at a nearby site;

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

(F) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such agency requests be waived in accordance with section 311, which re-
quests shall promptly be transmitted to the Secretary by the State educational agency; and

(G) contains such other information as the State educational agency may reasonably require.

(3) MONITORING.—The panel described in paragraph (2)(A), after approval of the local educational agency's application by the State educational agency, shall be informed of progress on such plan by the local educational agency, and the local educational agency shall monitor the implementation and effectiveness of the local improvement plan in close consultation with teachers, related services personnel, principals, administrators, and parents from schools receiving funds under this title, as well as assure that implementation of the local improvement plan does not result in a significant increase in paperwork for teachers. The panel shall review such plan and based on the progress described in the preceding sentence, determine if revisions to the local improvement plan should be recommended to the local educational agency. The panel shall periodically report such determination to the public.
(4) Authorized Activities.—A local educational agency that receives a subgrant under this subsection—

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

(i) not more than 25 percent of the subgrant funds to develop a local improvement plan or for any local educational agency activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans, including the establishment of innovative new public schools; and

(ii) not less than 75 percent of the subgrant funds to support individual school improvement initiatives related to providing all students in the school the opportunity to meet high academic standards; and

(B) in subsequent years, shall use the subgrant funds for any activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans (including the establishment of innovative new public schools), except that at
least 85 percent of such funds shall be made
available to individual schools to develop and
implement comprehensive school improvement
plans designed to help all students meet high
academic standards.

(b) Subgrants for Preservice Teacher Edu-
cation and Professional Development Activities.—

(1) In general.—(A) Each State educational
agency, through a competitive, peer review process,
shall make subgrants to a local educational agency, or
a consortium consisting of local educational agencies,
institutions of higher education, or nonprofit edu-
cation organizations, or any combination thereof, in
order to—

(i) improve preservice teacher and related
services personnel education programs in accord-
ance with the State improvement plan; and

(ii) support continuing, sustained profes-
sional development activities for educators in ac-
cordance with the State improvement plan.

(B) Each State educational agency awarding
subgrants under subparagraph (A) shall give priority
to awarding such subgrants to—

(i) a local educational agency or consortium
serving a greater number or percentage of dis-
advantaged students than the statewide average of such number or percentage; or

(ii) a consortium that has a demonstrated record of working with school districts, such as a consortium that—

(I) prepares and screens teacher interns in professional development school sites;

(II) focuses on upgrading teachers’ knowledge of content areas; or

(III) targets preparation and continued professional development of teachers of students with limited-English proficiency and students with disabilities.

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

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

(A) describes how the local educational agency or consortium will use the subgrant to improve teacher preservice and school administrator education programs or to implement edu-
cator and related services personnel professional development activities in accordance with the State improvement plan;

(B) identifies the criteria to be used by the local educational agency or consortium to judge improvements in preservice education or the effects of professional development activities in accordance with the State improvement plan; and

(C) contains any other information that the State educational agency determines is appropriate.

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

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or

(B) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, related services personnel, principals, and other educators at the school or school dis-
strict level that equip such individuals with such
expertise, and with other knowledge and skills
necessary for leading and participating in con-
tinuous education improvement.

(c) **SPECIAL AWARD RULES.**—

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

(B) At least 50 percent of the subgrant funds
made available by a local educational agency to indi-
vidual schools under subsection (a) in any fiscal year
shall be made available to schools with a special need
for assistance, as indicated by a high number or per-
centage of students from low-income families, low stu-
dent achievement, or other similar criteria developed
by the local educational agency.

(2) **WAIVER.**—The State educational agency may
waive the requirement of paragraph (1)(A) if such
agency does not receive a sufficient number of appli-
cations from local educational agencies in the State
to enable the State educational agency to comply with such requirement.

SEC. 310. AVAILABILITY OF INFORMATION AND TRAINING.

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

(1) a State educational agency or local educational agency which uses funds under this title to develop goals, challenging State content standards or challenging State student performance standards, curricular materials, and assessments or systems of assessments shall, upon request, make information related to such goals, standards, materials, and assessments or systems available to private schools; and

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

SEC. 311. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) Waiver Authority.—
(1) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) for a State educational agency, local educational agency, or school, if—

(A) and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local improvement plan;

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

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

(i) provides all local educational agencies in the State with notice and an opportunity to comment on the State educational agency’s proposal to seek a waiver; and

(ii) submits the local educational agencies’ comments to the Secretary; and

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or
(2) Application.—(A)(i) To request a waiver, a local educational agency or school that receives funds under this Act, or a local educational agency or school that does not receive funds under this Act but is undertaking school reform efforts and has an education reform plan approved by the State, shall transmit an application for a waiver under this section to the State educational agency. The State educational agency then shall submit approved applications for a waiver under this section to the Secretary.

(ii) A State educational agency requesting a waiver under this section shall submit an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) describe the purposes and overall expected outcomes of the request for a waiver and how progress for achieving such outcomes will be measured;

(ii) identify each Federal program to be involved in the request for a waiver and each Federal statutory or regulatory requirement to be waived;
(iii) describe each State and local requirement that will be waived; and

(iv) demonstrate that the State has made a commitment to waive related requirements pertaining to the State educational agency, local educational agency or school.

(3) **Timeliness.**—The Secretary shall act promptly on a waiver request and shall provide a written statement of the reasons for granting or denying such request.

(4) **Duration.**—

(A) **In general.**—Each waiver under this section may be for a period not to exceed 5 years.

(B) **Extension.**—The Secretary may extend the period described in subparagraph (A) if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out their reform plans.

(b) **Included Programs.**—The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:
(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including Even Start.


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


(c) Waivers Not Authorized.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

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

(D) parental participation and involvement; and

(E) the distribution of funds to States or to local educational agencies; and
(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) Termination of Waivers.—The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

(e) Flexibility Demonstration.—

(1) Short title.—This subsection may be cited as the “Education Flexibility Partnership Demonstration Act”.

(2) Program authorized.—

(A) In general.—The Secretary shall carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 eligible States to waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b), other than requirements described in subsection
(c), for such eligible State or any local educational agency or school within such State.

(B) Award rule.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three eligible States that each have a population of 3,500,000 or greater and three eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) Designation.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an “Ed-Flex Partnership State”.

(3) Eligible state.—For the purpose of this subsection the term “eligible State” means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the
State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) **State Application.**—(A) Each eligible State desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for such State that includes—

(i) a description of the process the eligible State will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the eligible State will waive.
(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the eligible State and affected local educational agencies and schools within such State in carrying out comprehensive educational reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the eligible State’s process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described
in paragraph (2)(A) and any relevant State statutory or regulatory requirement from an eligible State shall submit an application to such State at such time, in such manner, and containing such information as such State may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected outcomes of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) An eligible State shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) An eligible State shall not approve an application for a waiver under this paragraph unless—
(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) Monitoring.—Each eligible State participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) Duration of Federal Waivers.—(A) The Secretary shall not approve the application of an eligible State under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that the eligible State's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any eligible State granting waivers of
Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such State's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such State's performance has been inadequate to justify continuation of such authority.

(f) Results-Oriented Accountability.—In deciding whether to extend a request for a waiver under this section the Secretary shall review the progress of the State educational agency, local educational agency or school receiving a waiver to determine if such agency or school has made progress toward achieving the outcomes described in the application submitted pursuant to subsection (a)(2)(B)(i).

SEC. 312. PROGRESS REPORTS.

(a) State Reports to the Secretary.—Each State educational agency that receives an allotment under this title shall annually report to the Secretary—

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

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

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

(b) Secretary's Reports to Congress.—By April 30, 1996, and every 2 years thereafter, the Secretary shall
submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing—

(1) the activities assisted under, and outcomes of, grants or contracts under paragraph (2) of section 313(b), including—

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

(B) an analysis of the impact of such assessments on the performance of students, particularly students of different racial, gender, ethnic, or language groups and individuals with disabilities;

(2) the activities assisted under, and outcomes of, allotments under this title; and

(3) the effect of waivers granted under section 311, including—

(A) a listing of all State educational agencies, local educational agencies and schools seeking and receiving waivers;

(B) a summary of the State and Federal statutory or regulatory requirements that have been waived, including the number of waivers
sought and granted under each such statutory or regulatory requirement;

(C) a summary of waivers that have been terminated, including a rationale for the terminations; and

(D) recommendations to the Congress regarding changes in statutory or regulatory requirements, particularly those actions that should be taken to overcome Federal statutory or regulatory impediments to education reform.

(c) Technical and other assistance regarding school finance equity.—

(1) Technical assistance.—(A) From the national leadership funds reserved in section 304(a)(2)(A), the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.
(B) A grant, contract or cooperative agreement under this subsection may support technical assistance activities, such as—

(i) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

(ii) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

(iii) obtaining advice from experts in the field of school finance equalization.

(2) DATA.—Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall provide such data and information on school finance as the Secretary may require to carry out this subsection.

(3) MODELS.—The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.
SEC. 313. NATIONAL LEADERSHIP.

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

(1) provide technical assistance to States, local educational agencies, and tribal agencies developing or implementing school improvement plans, in a manner that ensures that such assistance is broadly available; or

(2) support model projects to integrate multiple content standards, if—

(A) such standards are certified by the National Education Standards and Improvement Council and approved by the National Goals Panel for different subject areas, in order to provide balanced and coherent instructional programs for all students; and

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

(b) INNOVATIVE PROGRAMS; ASSESSMENT; EVALUATION.—From not more than 50 percent of the funds reserved in each fiscal year under section 304(a)(2)(A), the Secretary, directly or through grants or contracts, shall—
(1) provide urban and rural local educational agencies, schools, or consortia thereof, with assistance for innovative or experimental programs in systemic education reform that are not being undertaken through grants provided under section 309(a), giving special consideration or priority to local educational agencies, schools, or consortia thereof that serve large numbers or concentrations of economically disadvantaged students, including students of limited-English proficiency; or

(2) provide a State or local educational agency, nonprofit organization or consortium thereof with assistance to help defray the cost of developing, field testing and evaluating an assessment or system of assessments with a priority on grants or contracts for limited-English proficiency students or students with disabilities, if—

(A) such assessment or system—

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

(ii) is aligned to State content standards certified by the National Education Standards and Improvement Council; and
(B) such agency, organization or consortium—

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

(ii) devotes special attention to how such assessment or system treats all students, especially with regard to the race, gender, ethnicity, disability and language proficiency of such students.

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

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

(2) disseminate research findings and other information on outstanding examples of systemic education improvement in States and local communities through existing dissemination systems within the Department of Education, including through publications, electronic and telecommunications mediums, conferences, and other means.
SEC. 314. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

(a) Outlying Areas.—

(1) In General.—Funds reserved for the outlying areas in each fiscal year under section 304(a)(1)(A) shall be made available to, and expended by, such areas, under such conditions and in such manner as the Secretary determines will best meet the purposes of this title.

(2) Inapplicability of Public Law 95-134.—The provisions of Public Law 95-134, permitting the consolidation of grants to the Insular Areas, shall not apply to funds received by such areas under this title.

(b) Secretary of the Interior.—The funds reserved by the Secretary for the Secretary of the Interior under section 304(a)(1)(B) shall be made available to the Secretary of the Interior pursuant to an agreement between the Secretary and the Secretary of the Interior containing such terms and assurances, consistent with this title, as the Secretary determines will best achieve the purpose of this title.

(c) Secretary of Defense.—The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.
SEC. 315. CLARIFICATION REGARDING STATE STANDARDS AND ASSESSMENTS.

Notwithstanding any other provision of this title, standards, assessments, and systems of assessments described in a State improvement plan submitted in accordance with section 306 shall not be required to be certified by the Council.

SEC. 316. STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.

(a) PURPOSE.—It is the purpose of this section to assist each State to plan effectively for improved student learning in all schools through the use of technology as an integral part of the State improvement plan described in section 306.

(b) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—The Secretary shall award grants in accordance with allocations under paragraph (2) to each State educational agency that, as part of its application under section 305, requests a grant to develop (or continue the development of), and submits as part of the State improvement plan described in section 306, a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning.
and staff development in support of the National Education Goals and challenging standards.

(2) FORMULA.—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, each State educational agency with an application approved under section 305 shall receive a grant under paragraph (1) in such year in an amount determined on the same basis as allotments are made to State educational agencies under subsections (b) and (c) of section 304 for such year, except that each such State shall receive at least $75,000, whichever is greater.

(3) DURATION.—A State educational agency may receive assistance under this section for not more than 2 fiscal years.

(c) PLAN OBJECTIVES.—Each State educational agency shall use funds received under this section to develop and, if the Secretary has approved the systemic statewide plan, to implement such plan. Such plan shall have as its objectives—

(1) the promotion of higher student achievement through the use of technology in education;

(2) the participation of all schools and school districts in the State, especially those schools and dis-
districts with a high percentage of disadvantaged students;

(3) the development and implementation of a cost-effective, high-speed, statewide, interoperable, wide-area-communication educational technology support system for elementary and secondary schools within the State, particularly for such schools in rural areas; and

(4) the promotion of shared usage of equipment, facilities, and other technology resources by adult learners during after-school hours.

(d) Plan Requirements.—At a minimum, each systemic statewide plan shall—

(1) be developed by a task force that—

(A) includes among its members experts in the educational use of technology and representatives of the State panel described in section 306(b); and

(B) ensures that such plan is integrated into the State improvement plan described in section 306;

(2) be developed in collaboration with the Governor, representatives of the State legislature, the State board of education, institutions of higher education, appropriate State agencies, local educational...
agencies, public and private telecommunication entities, parents, public and school libraries, students, adult literacy providers, and leaders in the field of technology, through a process of statewide grassroots outreach to local educational agencies and schools in the State;

(3) identify and describe the requirements for introducing state-of-the-art technologies into the classroom and school library in order to enhance educational curricula, including the installation and ongoing maintenance of basic connections, hardware and the necessary support materials;

(4) describe how the application of advanced technologies in the schools will enhance student learning, provide greater access to individualized instruction, promote the strategies described in section 306(d), and help make progress toward the achievement of the National Education Goals;

(5) describe how the ongoing training of educational personnel will be provided;

(6) describe the resources necessary, and procedures, for providing ongoing technical assistance to carry out such plan;
(7) provide for the dissemination on a statewide basis of exemplary programs and practices relating to the use of technology in education;

(8) establish a funding estimate (including a statement of likely funding sources) and a schedule for the development and implementation of such plan;

(9) describe how the State educational agency will assess the impact of implementing such plan on student achievement and aggregate achievement for schools;

(10) describe how the State educational agency and local educational agencies in the State will co-coordinate and cooperate with business and industry, and with public and private telecommunications entities;

(11) describe how the State educational agency will promote the purchase of equipment by local educational agencies that, when placed in schools, will meet the highest possible level of interoperability and open system design;

(12) describe how the State educational agency will consider using existing telecommunications infrastructure and technology resources;
(13) describe how the State educational agency will apply the uses of technology to meet the needs of children from low-income families; and

(14) describe the process through which such plan will be reviewed and updated periodically.

(e) Reports.—Each State educational agency receiving a grant under this section shall submit a report to the Secretary within 1 year of the date such agency submits to the Secretary its systemic statewide plan under this section. Such report shall—

(1) describe the State’s progress toward implementation of the provisions of such plan;

(2) describe any revisions to the State’s long-range plans for technology;

(3) describe the extent to which resources provided pursuant to such plan are distributed among schools to promote the strategies described in section 306(d); and

(4) include any other information the Secretary deems appropriate.

(f) Authorization of Appropriations.—There are authorized to be appropriated $10,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section.
TITLE IV—MISCELLANEOUS

SEC. 401. PUBLIC SCHOOLS.
Except as provided in section 310, nothing in this Act shall be construed to authorize the use of funds under title III of this Act to directly or indirectly benefit any school other than a public school.

SEC. 402. CONSTRUCTION.
Nothing in this Act shall be construed—
(1) to supersede the provisions of section 103 of the Department of Education Organization Act;
(2) to require the teaching of values or the establishment of school-based clinics as a condition of receiving funds under this Act;
(3) to mandate limitations or class size for a State, local educational agency or school;
(4) to mandate a Federal teacher certification system for a State, local educational agency or school;
(5) to mandate teacher instructional practices for a State, local educational agency or school;
(6) to mandate equalized spending per pupil for a State, local educational agency or school;
(7) to mandate national school building standards for a State, local educational agency or school;
(8) to mandate curriculum content for a State, local educational agency or school; and
(9) to mandate any curriculum framework, instructional material, examination, assessment or system of assessments for private, religious, or home schools.

SEC. 403. KALID ABDUL MOHAMMED.
It is the sense of the Senate that the speech made by Mr. Khalid Abdul Mohammed at Kean College on November 29, 1993, was false, anti-Semitic, racist, divisive, repugnant and a disservice to all Americans and is therefore condemned.

SEC. 404. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.
Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

SEC. 405. SCHOOL PRAYER.
No funds made available through the Department of Education under this Act, or any other Act, shall be available to any State of local educational agency which has a
policy of denying, or which effectively prevents participation in, constitutionality protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionality protected prayer in such public schools.

SEC. 406. DAILY SILENCE FOR STUDENTS.

It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this Act.

SEC. 407. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) The Senate finds that—

(1) the Individuals with Disabilities Education Act was established with the commitment of forty per-
cent Federal funding but currently receives only eight percent Federal funding;

(2) this funding shortfall is particularly burdensome to school districts and schools in low-income areas which serve higher than average proportions of students with disabilities and have fewer local resources to contribute; and

(3) it would cost the Federal Government approximately $10,000,000,000 each year to fully fund the Individuals with Disabilities Education Act.

(b) It is the sense of the Senate that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget monetary constraints.

SEC. 408. NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

Section 551 of the Higher Education Act of 1965 (20 U.S.C. 1107) is amended—

(1) in paragraph (1) of subsection (b), by striking "the Federal share of";

(2) in subparagraph (B) of subsection (e)(1), by striking "share of the cost of the activities of the
Board is” and inserting “contributions described in subsection (f) are”; and

(3) by amending subsection (f) to read as follows:

“(f) Matching Funds Requirement.—

“(1) In General.—The Secretary shall not provide financial assistance under this subpart to the Board unless the Board agrees to expend non-Federal contributions equal to $1 for every $1 of the Federal funds provided pursuant to such financial assistance.

“(2) Non-federal Contributions.—The non-Federal contributions described in paragraph (1)—

“(A) may include all non-Federal funds raised by the Board on or after January 1, 1987; and

“(B) may be used for outreach, implementation, administration, operation, and other costs associated with the development and implementation of national teacher assessment and certification procedures under this subpart.”.

SEC. 409. FORGIVENESS OF CERTAIN OVERPAYMENTS.

(a) In General.—Notwithstanding section 1401 of the Elementary and Secondary Education Act of 1965 or any other provision of law—

(1) the allocation of funds appropriated for fiscal year 1993 under the Department of Education Appro-
priations Act, 1993, to Colfax County, New Mexico
under section 1005 of the Elementary and Secondary
Education Act of 1965, and any other allocations or
grants for such fiscal year resulting from such alloca-
tion to such county under any program administered
by the Secretary of Education, shall be deemed to be
authorized by law; and
(2) in any program for which allocations are
based on fiscal year 1993 allocations under section
1005 of such Act, the fiscal year 1993 allocations
under such section deemed to be authorized by law in
accordance with paragraph (1) shall be used.

(b) Notwithstanding subsection (a)(1) of this section,
in carrying out section 1403(a) of the Elementary and Sec-
ondary Education Act of 1965 for fiscal year 1994, the
amount allocated to Colfax County, New Mexico under sec-
tion 1005 of such Act for fiscal year 1993 shall be deemed
to be the amount that the Secretary determines would have
been allocated under such section 1005 had the correct data
been used for fiscal year 1993.

SEC. 410. STUDY OF GOALS 2000 AND STUDENTS WITH DIS-
ABILITIES.

(a) Study Required.—

(1) In General.—Not later than 180 days after
the date of enactment of this Act, the Secretary of
Education shall make appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the inclusion of children with disabilities in GOALS 2000 school reform activities.

(2) DEFINITION.—For purposes of this section, the term “children with disabilities” has the same meaning given such in the Individuals with Disabilities Education Act.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an evaluation of the National Education Goals and objectives, curriculum reforms, standards, and other programs and activities intended to achieve those goals;

(2) a review of the adequacy of assessments and measures used to gauge progress towards meeting National Education Goals and any national and State standards, and an examination of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

(3) an examination of what incentives or assistance might be provided to States to develop improve-
ment plans that adequately address the needs of children with disabilities;

(4) the relation of Goals 2000 to other Federal laws governing or affecting the education of children with disabilities; and

(5) such other issues as the National Academy of Sciences considers appropriate.

(c) Study Panel Membership.—Any panel constituted in furtherance of the study to be conducted under subsection (a) shall include consumer representatives.

(d) Findings and Recommendations.—The Secretary of Education shall request the National Academy of Sciences to submit an interim report of its findings and recommendations to the President and Congress not later than 12 months, and a final report not later than 24 months, from the date of the completion of procurement relating to the study.

(e) Funding.—From such accounts as the Secretary deems appropriate, the Secretary shall make available $600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.
SEC. 411. MENTORING, PEER COUNSELING AND PEER TUTORING.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) Mentoring, peer counseling and peer tutoring programs provide role models for children and build self-esteem;

(2) Mentoring, peer counseling and peer tutoring programs promote learning and help students attain the necessary skills they need to excel academically;

(3) Mentoring, peer counseling, and peer tutoring programs provide healthy and safe alternatives to involvement in drugs, gangs or other violent activities; and

(4) Mentoring, peer counseling, and peer tutoring programs promote school, community and parental involvement in the livelihood and well-being of our children.

(b) SENSE OF THE CONGRESS.—Therefore, it is the Sense of the Congress that Federal education programs that provide assistance to elementary and secondary education students should include authorizations for establishing mentoring, peer counseling and peer tutoring programs.

SEC. 412. CONTENT AND PERFORMANCE STANDARDS.

It is the sense of the Senate that because high academic standards are the key to excellence for all students and a
focus on results is an important direction for education re-
form, it is the sense of the Senate that States should develop
their own content and performance standards in academic
subject areas as an essential part of their State reform plan.

SEC. 413. STATE-SPONSORED HIGHER EDUCATION TRUST
FUND SAVINGS PLAN.

It is the sense of the Senate that—

(1) individuals should be encouraged to save to
meet the higher education costs of their children;

(2) an effective way to encourage those savings
is through State-sponsored higher education trust
fund savings plans; and

(3) an effective way for the Federal Government
to assist such plans is to amend the Federal tax laws
to provide that—

(A) no tax is imposed on the earnings on
contributions to the plans if the earnings are
used for higher education costs,

(B) State organizations sponsoring the
plans are exempt from Federal taxation, and

(C) any charitable gift to the plans are tax-
deductible and are distributed to recipients on a
pro rata basis.
SEC. 414. AMENDMENTS TO SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

(a) PROGRAM DESIGN.—

(1) ACADEMIC ENRICHMENT AUTHORIZED.—

Paragraph (1) of section 253(a) of the Job Training Partnership Act is amended by inserting “academic enrichment” after “remedial education,”.

(2) REQUIRED SERVICES AND DESIGN.—

(A) Subsection (c) of such section 253 is amended by adding at the end the following new paragraphs:

“(3) BASIC EDUCATION AND PREEMPLOYMENT TRAINING.—The programs under this part shall provide, either directly or through arrangements with other programs, each of the following services to a participant where the assessment and the service strategy indicate such services are appropriate:

“(A) Basic and Remedial Education.

“(B) Preemployment and Work Maturity Skills Training.

“(4) INTEGRATION OF WORK AND LEARNING.—

“(A) WORK EXPERIENCE.—Work experience provided under this part, to the extent feasible, shall include contextual learning opportunities which integrate the development of general com-
petencies with the development of academic skills.

“(B) Classroom Training.—Classroom training provided under this part shall, to the extent feasible, include opportunities to apply knowledge and skills relating to academic subjects to the world of work.”.

(B) Section 253 of the Job Training Partnership Act is further amended by adding at the end the following new subsection:

“(e) Educational Linkages.—In conducting the program assisted under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include arrangements to ensure that there is a regular exchange of information relating to the progress, problems and needs of participants, including the results of assessments of the skill levels of participants.”.

(C) Section 254 of the Job Training Partnership Act is amended by adding at the end the following new subsection:

“(c) Prohibition on Private Actions.—Nothing in this part shall be construed to establish a right for a participant to bring an action to obtain services described in the
Section 253(c)."

(b) Transfer of Funds to Year Round Program.—Section 256 of the Job Training Partnership Act is amended by striking "10 percent" and inserting "20 percent".

SEC. 415. STATE AND LOCAL GOVERNMENT CONTROL OF EDUCATION.

(a) Findings.—

(1) Congress is interested in promoting State and local government reform efforts in education;

(2) In Public Law 96-88 the Congress found that education is fundamental to the development of individual citizens and the progress of the Nation;

(3) In Public Law 96-88 the Congress found that in our Federal system the responsibility for education is reserved respectively to the States and the local school systems and other instrumentalities of the States;

(4) In Public Law 96-88 the Congress declared the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit
146

education research institutions, community based
organizations, parents and schools to improve the
quality of education;

(5) The establishment of the Department of Edu-
cation, Congress intended to protect the rights of
State and local governments and public and private
educational institutions in the areas of educational
policies and administration of programs and to
strengthen and improve the control of such govern-
ments and institutions over their own educational
programs and policies;

(6) Public Law 96–88 specified that the estab-
lishment of the Department of Education shall not in-
crease the authority of the Federal Government over
education or diminish the responsibility for education
which is reserved to the States and local school sys-
tems and other instrumentalities of the States;

(7) Public Law 96–88 specified that no provision
of a program administered by the Secretary or by
any other officer of the Department shall be construed
to authorize the Secretary or any such officer to exer-
cise any direction, supervision, or control over the
curriculum, program of instruction, administration,
or personnel of any educational institution, school, or
school system, over any accrediting agency or associa-
tion or over the selection or content of library re-
resources, textbooks, or other instructional materials by
any educational institution or school system, now
therefore

(b) REAFFIRMATION.—The Congress agrees and reaf-
firms that the responsibility for control of education is re-
served to the States and local school systems and other in-
strumentalities of the States and that no action shall be
taken under the provisions of this Act by the Federal Gov-
ernment which would, directly or indirectly, impose stand-
ards or requirements of any kind through the promulgation
of rules, regulations, provision of financial assistance and
otherwise, which would reduce, modify, or undercut State
and local responsibility for control of education.

SEC. 416. PROTECTION OF PUPILS.

Section 439 of the General Education Provisions Act
is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS
"Sec. 439. (a) All instructional materials, including
teacher's manuals, films, tapes, or other supplementary ma-
terial which will be used in connection with any survey,
analysis, or evaluation as part of any applicable program
shall be available for inspection by the parents or guardians
of the children.
“(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning:

“(1) political affiliations;

“(2) mental and psychological problems potentially embarrassing to the student or his family;

“(3) sex behavior and attitudes;

“(4) illegal, anti-social, self-incriminating and demeaning behavior;

“(5) critical appraisals of other individuals with whom respondents have close family relationships;

“(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

“(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

“(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.
“(d) Enforcement.—The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

“(1) there has been a failure to comply with such section; and

“(2) compliance with such section cannot be secured by voluntary means.

“(e) Office and Review Board.—The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.”.

SEC. 417. CONTRACEPTIVE DEVICES.

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.
SEC. 418. EDUCATIONAL AGENCIES NOT DENIED FUNDS FOR ADOPTING CONSTITUTIONAL POLICY RELATIVE TO PRAYER IN SCHOOLS.

Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public school.

TITLE V—NATIONAL SKILL STANDARDS BOARD

SEC. 501. SHORT TITLE.

This title may be cited as the “National Skill Standards Act of 1994”.

SEC. 502. PURPOSE.

It is the purpose of this title to establish a National Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification—

(1) that will serve as a cornerstone of the national strategy to enhance work force skills;

(2) that will result in increased productivity, economic growth, and American economic competitiveness; and

(3) that can be used, consistent with civil rights laws—
(A) by the Nation, to ensure the development of a high skills, high quality, high performance work force, including the most skilled frontline work force in the world;

(B) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

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

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

(E) by workers, to—

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

(ii) pursue career advancement; and

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

(F) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;
(G) by training providers and educators, to
determine appropriate training services to be of-
fered by the providers and educators;

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

(I) to facilitate linkages between other com-
ponents of the work force investment strategy, in-
cluding school-to-work transition and job train-
ing programs.

SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.

(a) In General.—There is established a National
Skill Standards Board (hereafter referred to in this title
as the “National Board”).

(b) Composition.—

(1) In General.—The National Board shall be
composed of 28 members (appointed in accordance
with paragraph (3)), of whom—

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

(B) one member shall be the Secretary of
Education;
(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 212(a);

(E) eight members shall be representatives of business (including representatives of small employers and representatives of large employers) selected from among individuals recommended by recognized national business organizations or trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G)(i) four members shall be certified human resource professionals;

(ii) three members shall be representatives of educational institutions (including vocational-technical institutions); and

(iii) one member shall be a representative of nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic or religious minorities,
women, persons with disabilities, or older persons.

(2) SPECIAL REQUIREMENTS.—The members described in subparagraph (G) of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs (E), (F), and (G) of paragraph (1) shall, in the aggregate, represent a broad cross-section of occupations and industries.

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

(A) Twelve members (four from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the House of Representatives and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate.
bers described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate. Of the members so appointed, three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Majority Leader of the Senate and three members (one from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) Ex officio nonvoting members.—The members of the National Board specified in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be ex officio, nonvoting members of the National Board.

(5) Term.—Each member of the National Board appointed under subparagraph (E), (F), or (G) of paragraph (1) shall be appointed for a term of 4
years, except that of the initial members of the Board appointed under such subparagraphs—

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

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

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

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

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

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

(ii) one from each such class shall be appointed in accordance with paragraph (3)(B); and
(iii) one from each such class shall be
appointed in accordance with paragraph
(3)(C).

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

(c) Chairperson and Vice Chairpersons.—

(1) Chairperson.—

(A) In General.—Except as provided in
subparagraph (B), the National Board, by ma-
jority vote, shall elect a Chairperson once every
2 years from among the members of the National
Board.

(B) Initial Chairperson.—The first
Chairperson of the National Board shall be elect-
ed, by a majority vote of the National Board,
from among the members who are representatives
of business (as described in subparagraph (E) of
subsection (b)(1)) and shall serve for a term of
2 years.

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

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.— Members of the National Board who are not full-time employees or officers of the Federal Government shall serve without compensation.

(2) EXPENSES.— The members of the National Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57, title 5, United States Code, while away from their homes or regular places of business in the performance of services for the National Board.

(e) EXECUTIVE DIRECTOR AND STAFF.—

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

(2) STAFF.— The Executive Director may appoint and compensate such additional staff as may be necessary to enable the Board to perform its duties. The Executive Director may fix the compensation of
the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) Gifts.—The National Board is authorized, in carrying out this title, to accept and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(g) Agency Support.—

(1) Use of Facilities.—The National Board may use the research, equipment, services and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) Staff of Federal Agencies.—Upon the request of the National Board, the head of any Federal agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the Na-
tional Board in carrying out this title. Such detail shall be without interruption or loss of civil service status or privilege.

(h) **Procurement of Temporary and Intermittent Services.**—The Chairperson of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(i) **Termination of the Commission.**—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the termination of the National Board.

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

(a) **Identification of Occupations.**—The National Board, after extensive public consultation, shall identify broad clusters of major occupations that involve one or more than one industry in the United States.

(b) **Establishment of Voluntary Partnerships To Develop Standards.**—

(1) **In General.**—For each of the occupational clusters identified pursuant to subsection (a), the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d).
(2) **Representatives.**—Such voluntary partnerships shall include the full and balanced participation of—

(A)(i) representatives of business (including representatives of large employers and representatives of small employers) who have expertise in the area of work force skill requirements, and who are recommended by national business organizations or trade associations representing employers in the occupation or industry for which a standard is being developed; and

(ii) representatives of trade associations that have received grants from the Department of Labor or the Department of Education to establish skill standards prior to the date of enactment of this title;

(B) employee representatives who—

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

(ii) shall be—

(I) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and
(II) such individuals who are nonmanagerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry; and

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

(iii) State and local agencies with administrative control or direction over education or over employment and training;

(iv) other policy development organizations with expertise in the area of work force skill requirements; or

(v) nongovernmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, persons with disabilities, or older persons.

(3) Experts.—The partnerships described in paragraph (2) may also include other individuals who are independent, qualified experts in their fields.
(c) Research, Dissemination, and Coordination.—In order to support the activities described in subsections (b) and (d), the National Board shall—

(1) conduct work force research relating to skill standards and make the results of such research available to the public, including the voluntary partnerships described in subsection (b);

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

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a), and among education and training providers;

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

(5) encourage the development and adoption of curricula and training materials, for attaining the skill standards endorsed pursuant to subsection (d), that provide for structured work experiences and related study programs leading to progressive levels of professional and technical certification;
(6) provide appropriate technical assistance to voluntary partnerships involved in the development of standards and systems described in subsection (b); and

(7) facilitate coordination among voluntary partnerships that meet the requirements of subsection (b)(2) in order to promote the development of a coherent national system of voluntary skill standards.

(d) ENDORSEMENT OF SKILL STANDARDS SYSTEMS.—

(1) IN GENERAL.—The National Board, after public review and comment, shall endorse skill standards systems relating to the occupational clusters identified pursuant to subsection (a) that—

(A) meet the requirements of paragraph (2);

(B) are submitted by voluntary partnerships that meet the requirements of subsection (b)(2); and

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

(2) COMPONENTS OF SYSTEM.—The skill standards systems endorsed pursuant to paragraph (1) shall have one or more of the following components:

(A) Voluntary skill standards, which—

(i) are formulated in such a manner that promotes the portability of credentials
and facilitates worker mobility within an occupational cluster or industry and among industries;

(ii) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(iii) are not discriminatory with respect to race, color, religion, sex, national origin, ethnicity, age, or disability;

(iv) meet or exceed the highest applicable standards used in the United States, including apprenticeship standards registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”, 50 Stat. 664, chapter 663, 29 U.S.C. 50 et seq.); and

(v) have been developed after taking into account—

(I) relevant standards used in other countries and relevant international standards;

(II) voluntary national content standards and voluntary national stu-
dent performance standards developed
pursuant to section 213; and

(III) the requirements of high perfor-

mance work organizations.

(B) A voluntary system of assessment and
certification of the attainment of skill standards
developed pursuant to subparagraph (A),
which—

(i) utilizes a variety of evaluation tech-
niques, including, where appropriate, oral
and written evaluations, portfolio assess-
ments, and performance tests;

(ii) includes methods for establishing
the validity and reliability of the assessment
and certification system for the intended
purposes of the system; and

(iii) has been developed after taking
into account relevant methods of assessment
and certification used in other countries.

(C) A system to disseminate information re-
lating to the skill standards, and the assessment
and certification systems, developed pursuant to
this paragraph (including dissemination of in-
formation relating to civil rights laws relevant to
the use of such standards and systems), and to
promote use of such standards and systems by, entities such as institutions of higher education offering professional and technical education, labor organizations, trade and technical associations, and employers providing formalized training, and other organizations likely to benefit from such standards and systems.

(D) A system to evaluate the implementation and effectiveness of the skill standards, the assessment and certification systems, and the information dissemination systems, developed pursuant to this paragraph.

(E) A system to periodically revise and update the skill standards, and the assessment and certification systems, developed pursuant to this paragraph, which will take into account changes in standards in other countries.

(e) RELATIONSHIP WITH CIVIL RIGHTS LAWS.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, religion, sex, national origin, ethnicity, age, or disability.

(2) EVIDENCE.—The endorsement or absence of an endorsement by the National Board of a skill
standard, or assessment and certification system, endorsed under subsection (d) may not be used in any action or proceeding to establish that the use of a skill standard or assessment and certification system conforms or does not conform to the requirements of civil rights laws.

(f) Coordination.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this section with the development of voluntary national content standards and voluntary national student performance standards in accordance with section 213.

(g) Financial Assistance.—

(1) In general.—(A) From funds appropriated pursuant to the authority of section 507, the Secretary of Labor may award grants and enter into contracts and cooperative arrangements (including awarding grants to, and entering into contracts and cooperative agreements with, voluntary partnerships in accordance with paragraph (2)) that are requested by the National Board for the purposes of carrying out this title.

(B) Each entity desiring a grant, contract or cooperative agreement under this title shall submit an
application to the National Board at such time, in such manner and accompanied by such information as the National Board may reasonably require.

(2) Special rule regarding assistance for voluntary partnerships.—The Secretary only shall award a grant to, or enter into a contract or cooperative agreement with, a voluntary partnership that meets the requirements of subsection (b)(2) for the development of skill standards systems in accordance with subsection (d).

(3) Criteria for board consideration.—Prior to each of the fiscal years 1994 through 1998, the National Board shall publish objective criteria for the National Board's consideration of applications submitted pursuant to paragraph (1)(B).

(4) Recommendations to the Secretary of Labor.—The National Board shall review each application received pursuant to paragraph (1)(B) in accordance with the objective criteria published pursuant to paragraph (3), and shall submit each such application to the Secretary of Labor accompanied by a recommendation by the National Board on whether or not the Secretary of Labor should award a grant to the applicant.

(5) Limitation on use of funds.—
(A) In General.—Not more than 20 percent of the funds appropriated pursuant to the authority of section 507(a) for each fiscal year shall be used by the National Board for the costs of administration.

(B) Startup Costs.—Notwithstanding subparagraph (A), in order to facilitate the establishment of the National Board, the limitation contained in subparagraph (A) shall not apply to funds appropriated pursuant to the authority of section 507(a) for fiscal year 1994.

(C) Definition.—For purposes of this paragraph, the term “costs of administration” means costs relating to staff, supplies, equipment, space, and travel and per diem, costs of conducting meetings and conferences, and other related costs.

SEC. 505. Deadlines.

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

(1) identify occupational clusters pursuant to section 504(a) representing a substantial portion of the work force; and
(2) promote the endorsement of an initial set of skill standards in accordance with section 504(d) for such clusters.

SEC. 506. REPORTS.
The National Board shall prepare and submit to the President and the Congress in each of the fiscal years 1994 through 1998, a report on the activities conducted under this title. Such report shall include information on the extent to which skill standards have been adopted by employers, training providers, and other entities, and on the effectiveness of such standards in accomplishing the purposes described in section 502.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.
(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1998.

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

SEC. 508. DEFINITIONS.
As used in this title:

(1) COMMUNITY-BASED ORGANIZATIONS.—The term "community-based organizations" has the meaning given the term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).
(2) Educational institution.—The term "educational institution" means a high school, a vocational school, and an institution of higher education.

(3) Institution of higher education.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) Skill standard.—The term "skill standard" means the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

SEC. 509. SUNSET PROVISION.

(a) Repeal.—This title is repealed on September 30, 1998.

(b) Review of Repeal.—It is the sense of the Congress that the appropriate committees of the Congress should review the accomplishments of the National Board prior to the date of repeal described in subsection (a) in order to determine whether it is appropriate to extend the authorities provided under this title for a period beyond such date.
TITLE VI—SAFE SCHOOLS

PART A—SAFE SCHOOLS PROGRAM

SEC. 601. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This part may be cited as the “Safe Schools Act of 1994”.

(b) STATEMENT OF PURPOSE.—It is the purpose of this part to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. 602. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this part may not exceed—

(A) two fiscal years in duration, except that the Secretary shall not award any new grants in
fiscal year 1996 but may make payments pursuant to a 2-year grant which terminates in such fiscal year; and

(B) $3,000,000 in any fiscal year.

(3) **Geographic Distribution.**—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

(b) **Authorization of Appropriations.**—

(1) **In General.**—There are authorized to be appropriated $75,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996, to carry out this part.

(2) **Reservation.**—The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national leadership activities described in section 606, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section 606(b).

**SEC. 603. Eligible Applicants.**

(a) **In General.**—To be eligible to receive a grant under this part, a local educational agency shall dem-
onstrate in the application submitted pursuant to section
604(a) that such agency—

(1) serves an area in which there is a high rate
of—

(A) homicides committed by persons be-
 tween the ages 5 to 18, inclusive;
(B) referrals of youth to juvenile court;
(C) youth under the supervision of the
courts;
(D) expulsions and suspension of students
from school;
(E) referrals of youth, for disciplinary rea-
asons, to alternative schools; or
(F) victimization of youth by violence,
crime, or other forms of abuse; and

(2) has serious school crime, violence, and dis-
cipline problems, as indicated by other appropriate
data.

(b) PRIORITY.—In awarding grants under this part,
the Secretary shall give priority to a local educational agen-
cy that—

(1) receives assistance under section 1006 of the
Elementary and Secondary Education Act of 1965 or
meets the criteria described in clauses (i) and (ii) of
section 1006(a)(1)(A) of such Act; and
(2) submits an application that assures a strong local commitment to the projects or activities assisted under this part, such as—

(A) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(B) a high level of youth participation in such projects or activities.

(c) DEFINITIONS.—For the purpose of this part—

(1) the term "local educational agency" has the same meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary" means the Secretary of Education.

SEC. 604. APPLICATIONS AND PLANS.

(a) APPLICATION.—In order to receive a grant under this part, a local educational agency shall submit to the Secretary an application that includes—
(1) an assessment of the current violence and crime problems in the schools and community to be served by the grant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the projects and activities to be carried out with grant funds, and how these projects and activities will help to reduce the current violence and crime problems in such schools and communities;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how projects and activities assisted under this part will be coordinated with and support such agency’s comprehensive local improvement plan prepared under that Act;

(5) the applicant’s plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school’s violence and discipline problems as well as in designing appropriate pro-
grams, policies, and practices to address those problems;

(6) the applicant’s plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure such applicant’s progress in achieving the purpose of this part;

(7) an assurance that grant funds under this part will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this part, be made available by the applicant for the purpose of this part;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to assess the effectiveness of projects and activities assisted under this part or the extent of school violence and discipline problems throughout the Nation;

(9) an assurance that the local educational agency has a written policy that prohibits sexual contact between school personnel and a student; and

(10) such other information as the Secretary may require.
(b) Plan.—In order to receive funds under this part for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) in the case that the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee’s comprehensive plan under this subsection is consistent with and supports its comprehensive local improvement plan prepared under that Act, if such explanation differs from that provided in the grantee’s application under that Act.

SEC. 605. USE OF FUNDS.

(a) Use of Funds.—

(1) In general.—A local educational agency shall use grant funds received under this part for one or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities and education,
law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(E) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—
(i) the local educational agency’s plan to promote school safety and reduce and prevent school violence and discipline problems; and

(ii) the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which
may include cultural, recreational, and educational and instructional activities.

(H) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(J) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks.

(M) Acquiring and installing metal detectors and hiring security personnel.

(N) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.
(O) Evaluating projects and activities assisted under this part.

(P) The cost of administering projects or activities assisted under this part.

(Q) Other projects or activities that meet the purpose of this part.

(2) LIMITATION.—A local educational agency may use not more than—

(A) a total of 10 percent of grant funds received under this part in each fiscal year for activities described in subparagraphs (J), (L), (M), and (N) of paragraph (1); and

(B) 5 percent of grant funds received under this part in each fiscal year for activities described in subparagraph (P) of paragraph (1).

(3) PROHIBITION.—A local educational agency may not use grant funds received under this part for construction.

SEC. 606. NATIONAL LEADERSHIP.

(a) IN GENERAL.—To carry out the purpose of this part, the Secretary is authorized to use funds reserved under section 602(b)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate
research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this part, and peer review of applications under this part. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts or cooperative agreements.

(b) National Model City.—The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section 602(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. 607. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.


(1) in clause (vi), by striking “and” after the semicolon; and

(2) by adding after clause (vii) the following new clause:

“(viii) school safety policy, and statistics on the incidents of school violence; and’’. 
SEC. 608. COORDINATION OF FEDERAL ASSISTANCE.

The Attorney General, through the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this Act with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other law for purposes that are similar to the purpose of this Act, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

SEC. 609. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on the date of enactment of this Act.

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

SEC. 621. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “State Leadership Activities to Promote Safe Schools Act”.

(b) AUTHORITY.—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) ALLOCATION.—Each State educational agency having an application approved under subsection (d) shall be

HR 1804 EAS
eligible to receive a grant under this section for each fiscal
year that bears the same ratio to the amount appropriated
pursuant to the authority of subsection (f) for such year
as the amount such State educational agency receives pur-
suant to section 1006 of the Elementary and Secondary
Education Act of 1965 for such year bears to the total
amount allocated to all such agencies in all States having
applications approved under subsection (d) for such year,
except that no State educational agency having an applica-
tion approved under subsection (d) in any fiscal year shall
receive less than $100,000 for such year.

(d) Application.—Each State educational agency de-
siring a grant under this section shall submit an applica-
tion to the Secretary at such time, in such manner and
containing such information as the Secretary may reason-
ably require. Each such application shall—

(1) describe the activities and services for which
assistance is sought;

(2) contain a statement of the State educational
agency’s goals and objectives for violence prevention
and a description of the procedures to be used for as-
ssessing and publicly reporting progress toward meet-
ing those goals and objectives; and

(3) contain a description of how the State edu-
cational agency will coordinate such agency’s activi-
ties under this section with the violence prevention ef-
forts of other State agencies.

(e) Use of Funds.—Grant funds awarded under this
section shall be used—

(1) to support a statewide resource coordinator;
(2) to provide technical assistance to both rural
and urban local school districts;
(3) to disseminate to local educational agencies
and schools information on successful school violence
prevention programs funded through Federal, State,
local and private sources;
(4) to make available to local educational agen-
cies teacher training and parent and student aware-
ness programs, which training and programs may be
provided through video or other telecommunications
approaches;
(5) to supplement and not supplant other Fed-
eral, State and local funds available to carry out the
activities assisted under this section; and
(6) for other activities the Secretary may deem
appropriate.

(f) Authorization of Appropriations.—There are
authorized to be appropriated $10,000,000 for each of the
fiscal years 1995 and 1996 to carry out this section.
TITLE VII—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. 701. SHORT TITLE.
This title may be cited as the “Midnight Basketball League Training and Partnership Act”.

SEC. 702. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.
Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in the section heading by inserting “AND ASSISTED” after “PUBLIC”;

(2) in the subsection heading for subsection (a), by inserting “PUBLIC HOUSING” before “YOUTH”;

and

(3) by adding at the end the following new subsection:

“(l) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

“(1) AUTHORITY.—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

“(A) eligible entities to assist such entities in carrying out midnight basketball league pro-
grams meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) Eligible entities.—

"(A) In general.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) Prohibition on second grants.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.
“(3) Use of Grant Amounts.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

“(A) to establish or carry out a midnight basketball league program under paragraph (4);

“(B) for salaries for administrators and staff of the program;

“(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

“(D) for costs of training and assistance provided under paragraph (4)(I).

“(4) Program Requirements.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

“(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

“(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in
section 3(b) of the United States Housing Act of 1937).

“(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

“(i) A substantial problem regarding use or sale of illegal drugs.

“(ii) A high incidence of crimes committed by youths or young adults.

“(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

“(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

“(v) A high unemployment rate for youths and young adults.

“(vi) A high rate of high school dropouts.

“(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league bas-
ketball games at or near the site of the games and at other specified times.

“(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

“(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

“(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.
“(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

“(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

“(5) Grant amount limitations.—

“(A) Private contributions.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

“(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

“(ii) In each of the last 3 years that amounts from the grant are disbursed, an
amount sufficient to provide not less than
50 percent of the cost of carrying out the
midnight basketball league program.

"(B) Non-Federal Funds.—For purposes
of this paragraph, the term ‘funds from non-Fed-
eral sources’ includes amounts from nonprofit or-
ganizations, public housing agencies, States,
units of general local government, and Indian
housing authorities, private contributions, any
salary paid to staff (other than from grant
amounts under paragraph (1)(A)) to carry out
the program of the eligible entity, in-kind con-
tributions to carry out the program (as deter-
mined by the Secretary after consultation with
the Advisory Committee), the value of any do-
nated material, equipment, or building, the value
of any lease on a building, the value of any util-
ities provided, and the value of any time and
services contributed by volunteers to carry out
the program of the eligible entity.

"(C) Prohibition on Substitution of
Funds.—Grant amounts under paragraph
(1)(A) and amounts provided by States and
units of general local government to supplement
grant amounts may not be used to replace other
public funds previously used, or designated for use, under this section.

“(D) Maximum and minimum grant amounts.—

“(i) In general.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than $55,000 or exceeding $130,000, except as provided in clause (ii).

“(ii) Exception for large leagues.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed $130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

“(E) Disbursement.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

“(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.
“(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

“(6) Applications.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

“(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

“(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

“(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

“(D) a list of persons and businesses from the community served by the program who have
expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

“(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

“(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

“(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

“(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

“(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for mid-
night basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

“(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

“(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

“(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

“(i) 2 grants shall be made to eligible advisory entities for development of mid-
night basketball league programs in public housing projects.

“(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $25,000.

“(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

“(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

“(B) A representative of the Center for Substance Abuse Prevention of the Public Health
Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa-8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) Reports.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) Study.—To the extent amounts are provided under appropriation Acts pursuant to para-
graph (13)(C), the Secretary shall make a grant to
one entity qualified to carry out a study under this
paragraph. The entity shall use such grant amounts
to carry out a scientific study of the effectiveness of
midnight basketball league programs under para-
graph (4) of eligible entities receiving grants under
paragraph (1)(A). The Secretary shall require such
entity to submit a report describing the study and
any conclusions and recommendations resulting from
the study to the Congress and the Secretary not later
than the expiration of the 2-year period beginning on
the date that the grant under this paragraph is made.

“(12) Definitions.—For purposes of this sub-
section:

“(A) The term ‘Advisory Committee’ means
the Advisory Committee established under para-
graph (9).

“(B) The term ‘eligible advisory entity’
means an entity meeting the requirements under
paragraph (8)(A).

“(C) The term ‘eligible entity’ means an en-
tity described under paragraph (2)(A).

“(D) The term ‘federally assisted low-in-
come housing’ has the meaning given the term in
section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

“(13) Authorization of Appropriations.—

There are authorized to be appropriated—

“(A) for grants under paragraph (1)(A), $2,650,000 in each of fiscal years 1994 and 1995;

“(B) for technical assistance grants under paragraph (1)(B), $100,000 in each of fiscal years 1994 and 1995; and

“(C) for a study grant under paragraph (11), $250,000 in fiscal year 1994.”.

SEC. 703. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C 11903a(c)) is amended by adding at the end the following new paragraph:

“(3) Midnight basketball league programs.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (l)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults
from the public housing project in which the program assisted by the grant is operated.”

TITLE VIII—YOUTH VIOLENCE IN SCHOOLS AND COMMUNITIES

SEC. 801. PURPOSE.

It is the purpose of this title to help local communities achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by strengthening local disciplinary control.

SEC. 802. FINDINGS.

The Congress finds that—

(1) the violence within elementary and secondary schools across the Nation has increased dramatically during the past decade;

(2) almost 3,000,000 crimes occur on or near school campuses every year, with 16,000 crimes occurring per school day or one crime occurring every 6 seconds;

(3) 20 percent of teachers in schools have reported being threatened with violence by a student;

(4) schools are being asked to take on responsibilities that society as a whole has neglected, and teach-
ers and principals are being forced to referee fights rather than teach;

(5) over two-thirds of public school teachers have been verbally abused, threatened with injury, or physically attacked;

(6) violent or criminal behavior by students interferes with a teacher’s ability to teach in a safe environment the students not exhibiting such behavior;

(7) 40 percent of all students do not feel safe in school and 50 percent of all students know someone who switched schools to feel safer;

(8) nearly one-half of the teachers who leave the teaching profession cite discipline problems as one of the main reasons for leaving such profession; and

(9) a lack of parental involvement contributes strongly to school violence.

SEC. 803. PROVISIONS.

(a) LOCAL DISCIPLINE CONTROL.—No Federal law or regulation, except education and civil rights laws protecting individuals with disabilities, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency, or elementary or secondary school, from developing and implementing disciplinary policies and action with respect to criminal or violent acts of students,
occurring on school premises, in order to create an environment conducive to learning.

(b) **Shared Information.**—No Federal law or regulation, or State policy implementing such a Federal law or regulation, shall restrict any local educational agency or elementary or secondary school from requesting and receiving information from a State agency, local educational agency, or an elementary or secondary school regarding a conviction or juvenile adjudication, within five years of the date of the request, or a pending prosecution for a violent or weapons offense, of a student who is attending an elementary or secondary school served by the local educational agency, or the elementary or secondary school, requesting such information.

(c) **Parental Responsibility.**—It is the policy of the Congress that States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to enforce disciplinary policies with respect to parents of children who display criminal or violent behavior toward teachers, students, other persons, or school property.
TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 901. SHORT TITLE.
This title may be cited as the "Educational Research and Improvement Act of 1994".

PART A—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 911. REPEAL.
(a) REPEAL.—Section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is repealed.
(b) CONFORMING AMENDMENT.—The second sentence of section 209 of the Department of Education Organization Act (20 U.S.C. 3419) is amended by inserting "and such functions as set forth in section 102 of the Educational Research and Improvement Act of 1993" after "delegate".

SEC. 912. OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT.
(a) PURPOSES; COMPOSITION; DEFINITIONS.—
(1) PURPOSES.—The purposes of the Office of Educational Research and Improvement are to—
(A) assess, promote, and improve the quality and equity of education in the United States, so that all Americans have an equal opportunity to receive an education of the highest quality;
(B) provide new directions for federally supported research and development activities with a view toward reform in the Nation's school systems, achieving the National Education Goals and affecting national policy for education;

(C) provide leadership in the scientific inquiry into the educational process;

(D) provide leadership in advancing the practice of education as an art, science, and profession;

(E) collect, analyze, and disseminate statistics and other data related to education in the United States and other nations; and

(F) make available to the Congress and the people of the United States the results of research and development activities in the field of education in order to bring research directly to the classroom to improve educational practice.

(2) COMPOSITION.—

(A) IN GENERAL.—The Office shall be administered by the Assistant Secretary and shall include—

(i) the Advisory Board of Educational Research described in subparagraph (B);
(ii) the directorates for educational research described in subsections (c) through (h);

(iii) the regional educational laboratories described in subsection (k);

(iv) the Office of Dissemination and Reform Assistance described in subsection (m);

(v) the National Education Library described in subsection (o);

(vi) the Education Resources Information Clearinghouses described in subsection (p);

(vii) the National Center for Education Statistics, including the National Assessment of Educational Progress; and

(viii) such other entities as the Assistant Secretary deems appropriate to carry out the purposes of the Office.

(B) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—

(i) ADVISORY BOARD OF EDUCATIONAL RESEARCH.—The Advisory Board of Educational Research shall consist of 9 members to be appointed by the Secretary. The As-
sistant Secretary shall serve as an ex officio member.

(ii) QUALIFICATIONS.—

(I) IN GENERAL.—The persons appointed as members of the Advisory Board shall be appointed solely on the basis of—

(aa) eminence in the fields of basic or applied research, or dissemination of such research; or

(bb) established records of distinguished service in educational research and the education professions, including practitioners.

(II) CONSIDERATION.—In making appointments under this clause, the Secretary shall give due consideration to the equitable representation of educational researchers who—

(aa) are women;

(bb) represent minority groups; or

(cc) are classroom teachers with research experience.
(III) RECOMMENDATIONS.—In making appointments under this clause, the Secretary shall give due consideration to any recommendations for an appointment which may be submitted to the Secretary by a variety of groups with prominence in educational research and development, including the National Academy of Education and the National Academy of Sciences.

(IV) A member of the Advisory Board may not serve on any other Department of Education advisory board, or as a paid consultant of such Department.

(iii) TERM.—(I) The term of office of each member of the Advisory Board shall be 6 years, except that initial appointments shall be made to ensure staggered terms, with one-third of such members' terms expiring every 2 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.
Any person, other than the Assistant Secretary, who has been a member of the Advisory Board for 12 consecutive years shall thereafter be ineligible for appointment during the 6-year period following such twelfth year.

(II) Prohibition regarding removal.—The Secretary shall neither remove nor encourage the departure of a member of the Advisory Board appointed in accordance with this subparagraph before the expiration of such member’s term.

(III) Chairperson.—The members of the Advisory Board shall select a Chairperson from among such members.

(IV) Quorum.—A majority of the appointed members of the Advisory Board shall constitute a quorum.

(V) Staff.—From amounts appropriated pursuant to the authority of subsection (q)(1)(A), the Advisory Board, in consultation with the Assistant Secretary, shall recommend for appointment such staff as may be necessary. Such staff shall be appointed by the Assistant Secretary and as
212

signed at the direction of the Advisory
Board.

(iv) Responsibilities.—The Advisory
Board shall provide oversight of the Office,
and shall—

(I) advise the Nation on the Federal research and development effort;

(II) recommend ways for strengthening active partnerships among researchers, educational practitioners, librarians, and policymakers;

(III) recommend ways to strengthen interaction and collaboration between the various program offices and components;

(IV) solicit advice and information from the educational field, to define research needs and suggestions for research topics, and shall involve educational practitioners, particularly teachers, in this process;

(V) solicit advice from practitioners, policymakers, and researchers, and recommend missions for the national research centers assisted under this sec-
tion by identifying topics which require long-term, sustained, systematic, programmatic, and integrated research and dissemination efforts;

(VI) provide recommendations for translating research findings into workable, adaptable models for use in policy and in practice across different settings, and recommendations for other forms of dissemination;

(VII) provide recommendations for creating incentives to draw talented young people into the field of educational research, including scholars from disadvantaged and minority groups;

(VIII) provide recommendations for new studies to close gaps in the research base;

(IX) evaluate and provide recommendations to the President and the Congress regarding the quality of research conducted through each directorate and regional educational laboratory, the relevance of the research top-
ics, and the effectiveness of the dissemination of each directorate's and laboratory's activities;

(X) advise the Assistant Secretary on standards and guidelines for research programs and activities to ensure that research is of high quality and free from partisan political influence; and

(XI) provide recommendations to promote coordination and synthesis of research among directorates.

(v) COMMITTEES AND REPORTS.—

(I) IN GENERAL.—The Advisory Board is authorized to appoint from among its members such committees as the Advisory Board deems necessary, and to assign to committees so appointed such survey and advisory functions as the Advisory Board deems appropriate to assist the Advisory Board in exercising its powers and functions under this section.

(II) From amounts appropriated pursuant to subsection (q)(1), the Ad-
visory Board shall transmit to the President, for submission to the Congress not later than January 15 of each even-numbered year, a report on the activities of the Office, and on education, educational research, national indicators, and data-gathering in general.

(3) Definitions.—For the purposes of this section—

(A) the term “Advisory Board” means the Advisory Board of Educational Research established under paragraph (2)(B);

(B) the term “Assistant Secretary” means the Assistant Secretary for Educational Research and Improvement established by section 202 of the Department of Education Organization Act;

(C) the term “development” means transformation or adaptation of research results into usable forms, in order to contribute to the improvement of educational practice;

(D) the term “dissemination” means the communication and transfer of the results of research and proven practice in forms that are understandable, easily accessible and usable or
adaptable for use in the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policy-makers, and the public;

(E) the term “education research” includes basic and applied research, inquiry with the purpose of applying tested knowledge gained to specific educational settings and problems, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education;

(F) the term “field-initiated research” means education research in which topics and methods of study are generated by investigators, including teachers and other practitioners, not by the source of funding;

(G) the term “Indian reservation” means a reservation, as such term is defined in—

(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or


(H) the term “Office”, unless otherwise specified, means the Office of Educational Re-
search and Improvement established by section 209 of the Department of Education Organization Act; and

(I) the term “technical assistance” means assistance in identifying, selecting, or designing solutions based on research to address educational problems, planning and design that leads to adapting research knowledge to school practice, training to implement such solutions, and other assistance necessary to encourage adoption or application of research.

(b) AUTHORIZED ACTIVITIES.—

(1) OFFICE.—In fulfilling its purposes under this section, the Office is authorized to—

(A) conduct and support education-related research activities, including basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations of national significance;

(B) disseminate the findings of education research, and provide technical assistance to apply such information to specific school problems at the school site;
(C) collect, analyze, and disseminate data related to education, and to library and information services;

(D) promote the use of knowledge gained from research and statistical findings in schools, other educational institutions, and communities;

(E) provide training in education research;

and

(F) promote the coordination of education research and research support within the Federal Government, and otherwise assist and foster such research.

(2) Open Competition.—All grants, contracts, and cooperative agreements awarded or entered into pursuant to this section shall be awarded or entered into through a process of open competition and peer review that shall be announced in the Federal Register or other publication that the Secretary determines appropriate.

(3) Assistant Secretary.—

(A) In General.—In carrying out the activities and programs of the Office, the Assistant Secretary shall—

(i) ensure that there is broad and regular public and professional involvement
from the educational field in the planning
and carrying out of the Office's activities,
including establishing teacher advisory
boards for any program office, program or
project of the Office as the Assistant Sec-
retary deems necessary, and involving In-
dian and Alaska Native researchers and
educators in activities that relate to the
education of Indian and Alaska Native peo-
ple;

(ii) ensure that the selection of research
topics and the administration of the pro-
gram are free from partisan political influ-
ence;

(iii) develop directly, or through grant
or contract, standards and guidelines for re-
search, programs and activities carried out
through the Office;

(iv) establish a long- and short-term
research agenda in consultation with the
Advisory Board; and

(v) review research priorities estab-
lished within each directorate and promote
research syntheses across the directorates.
(B) INFORMATION AND TECHNICAL ASSISTANCE.—The Assistant Secretary is authorized to offer information and technical assistance to State and local educational agencies, school boards, and schools, including schools funded by the Bureau of Indian Affairs, to ensure that no student is—

(i) denied access to the same rigorous, challenging curriculum that such student’s peers are offered; or

(ii) grouped or otherwise labeled in such a way that may impede such student’s achievement.

(C) LONG-TERM AGENDA.—One year after the date of enactment of this Act, the Assistant Secretary shall submit a report to the President and to the Congress on a 6-year long-term plan for the educational research agenda for the Office. Upon submission of such report and every 2 years thereafter, the Assistant Secretary shall submit to the President and to the Congress a progress report on the 6-year plan, including an assessment of the success or failure of meeting the components of the 6-year plan, proposed modi-
221

...fications or changes to the 6-year plan, and additions to the 6-year plan.

(4) Secretary.—The Secretary shall enter into contracts for the conduct of independent evaluations of the programs and activities carried out through the Office in accordance with this section, and transmit such evaluations to the Congress, the President and the Assistant Secretary, in order to—

(A) evaluate—

(i) the effectiveness of the programs and activities of the Office; and

(ii) the implementation of projects and programs funded through the Office over time;

(iii) the impact of educational research on instruction at the school level; and

(iv) the ability of the Office to keep research funding free from partisan political interference;

(B) measure the success of educational information dissemination;

(C) assess the usefulness of research and activities carried out by the Office, including products disseminated by the Office; and
(D) provide recommendations for improvement of the programs of the Office.

(5) INTRADEPARTMENTAL COORDINATION.—(A) The Secretary shall establish and maintain a program designed to facilitate planning and cooperative research and development throughout the Department of Education.

(B) The program described in subparagraph (A) shall include—

(i) establishing and maintaining a database on all Department of Education funded research and improvement efforts;

(ii) coordinating the work of the various program offices within the Department of Education to avoid duplication;

(iii) working cooperatively with the employees of various program offices with the Department of Education on projects of common interest to avoid duplication; and

(iv) generally increasing communication throughout the Department of Education regarding education research.

(c) DIRECTORATES OF EDUCATIONAL RESEARCH.—

(1) REQUIREMENTS.—
(A) In general.—In carrying out the functions of the Office, the Assistant Secretary shall establish 5 directorates of educational research in accordance with this section.

(B) Director.—The Assistant Secretary shall appoint a Director for each directorate. Each such Director shall be a leading professional in the field relevant to the mission of the directorate.

(C) Research Syntheses.—The Assistant Secretary shall provide for and promote research syntheses across the directorates in early childhood, elementary, secondary, vocational, and higher education, and shall coordinate research plans, projects, and findings across the directorates, placing a priority on synthesis and coordination between the directorates described in subsections (d) and (e). Each Director shall report directly to the Assistant Secretary, regarding the activities of the directorate, and shall work together to promote research syntheses across the directorates.

(2) Duties.—Each such directorate shall—

(A) carry out its activities directly or through grants, contracts, and cooperative agree-
ments with institutions of higher education, public and private organizations, institutions, agencies or individuals, or a consortia thereof;

(B) conduct and support the highest quality basic and applied research in early childhood, elementary and secondary, vocational and higher education, including teacher education, which is relevant to the directorate;

(C) have improved student learning and achievement as its primary focus;

(D) promote research that is based in core content areas;

(E) conduct sustained research and development on improving the educational achievement of poor and minority individuals as an integral part of the directorates' work;

(F) serve as a national database on model and demonstration programs which have particular application to the activities of the directorate, particularly with respect to model programs conducted by businesses, private, and non-profit organizations and foundations;

(G) support, plan, implement, and operate dissemination activities designed to bring the most effective research directly into classroom
practice, school organization and management, teacher preparation and training, and libraries, and to the extent possible, carry out dissemination activities through the use of technology;

(H) support and provide research information that leads to policy formation for State legislatures, State and local boards of education, schools funded by the Bureau of Indian Affairs, and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement;

(I) coordinate the directorate's activities with the activities of the regional educational laboratories established pursuant to subsection (k) and with other educational service organizations in designing the directorate's research agenda and projects in order to increase the responsiveness of such directorate to the needs of teachers and the educational field and to bring research findings directly into schools to ensure the greatest access at the local level to the latest research developments; and

(J) provide assistance to the Assistant Secretary in planning and coordinating syntheses
that provide research knowledge related to each level of the education system (from preschool to higher education) to increase understanding of student performance across different educational levels.

(3) Reservations.—

(A) Field-initiated research.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to conduct field-initiated research.

(B) National research centers.—Each directorate shall reserve in each fiscal year not less than one-third of the amount available to such directorate to award grants or enter into contracts with institutions of higher education, public agencies, or private nonprofit organizations, for the support of long-term national research centers of sufficient size, scope, and quality for educational research and development in accordance with paragraph (4), except that no such center shall receive such a grant or contract for less than $1,100,000 for such fiscal year. Each such center shall engage in research, development and dissemination involving topics rel-
relevant to the mission of the directorate supporting such center.

(C) SPECIAL RULE.—No research and development center supported by the Office and operating on the day preceding the date of enactment of this Act shall by reason of receipt of such support be ineligible to receive any other assistance from the Office authorized by law.

(4) NATIONAL RESEARCH CENTERS.—

(A) DURATION.—The grants or contracts awarded or entered into to support national research centers described in paragraph (3)(B) shall be awarded or entered into for a period of at least 5 years, and may be renewed for additional periods of 5 years after periodic review by the Assistant Secretary.

(B) REVIEW.—All applications to establish a national research center shall be reviewed by independent experts in accordance with standards and guidelines developed by the Office pursuant to subsections (a)(2)(B)(iv)(X) and (b)(3)(A)(iii). Such standards and guidelines shall include—
(i) whether applicants have assembled a group of high quality researchers sufficient to achieve the mission of the center;

(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

(iii) whether there is a substantial staff commitment to the work of the center;

(iv) whether the directors and support staff are full-time employees, to the extent practicable;

(v) review of the contributions of the applicant’s primary researchers for the purpose of evaluating the appropriateness of such primary researchers’ experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researchers’ time commitments to achievement of the mission of the center; and

(vi) the manner in which the results of education research will be disseminated for further use.
(5) Publication.—The Assistant Secretary shall publish proposed research priorities developed by each directorate in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.

(d) National Directorate on Curriculum, Instruction, and Assessment.—The Assistant Secretary shall establish and operate the National Directorate on Curriculum, Instruction, and Assessment. The directorate established under this subsection is authorized to conduct research on—

(1) methods to improve student achievement at all educational levels in core content areas;

(2) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

(3) enabling students to develop higher order thinking skills;

(4) methods to teach effectively all students in mixed-ability classrooms;

(5) developing, identifying, or evaluating new educational assessments, including performance-based and portfolio assessments which demonstrate skill and a command of knowledge;
(6) standards for what students should know and be able to do, particularly standards of desired performance set at internationally competitive levels;

(7) the use of testing in the classroom and its impact on improving student achievement, including an analysis of how testing affects what is taught;

(8) test bias as such bias affects historically underserved girls, women, and minority populations;

(9) test security, accountability, validity, reliability and objectivity;

(10) relevant teacher training and instruction in giving a test, scoring a test and in the use of test results to improve student achievement;

(11) curriculum development designed to meet challenging standards, including State efforts to develop such curriculum;

(12) the need for, and methods of delivering, teacher education, development, and inservice training;

(13) curriculum, instruction, and assessment in vocational education and school-to-work transition;

(14) educational methods and activities to reduce and prevent violence in schools;

(15) the use of technology in learning, teaching, and testing;
(16) methods of involving parents in their children's education and ways to involve business, industry, and other community partners in promoting excellence in schools; and

(17) other topics relevant to the mission of the directorate.

(e) National Directorate on the Educational Achievement of Historically Underserved Populations.—The Assistant Secretary shall establish and operate a National Directorate on the Educational Achievement of Historically Underserved Populations, the activities of which shall be closely coordinated with those of the directorate described in subsection (d). The directorate established under this subsection is authorized to conduct research on—

(1) the quality of educational opportunities afforded historically underserved populations, including minority students, students with disabilities, economically disadvantaged students, girls, women, limited-English proficient students, and Indian and Alaska Native students, particularly the quality of educational opportunities afforded such populations in highly concentrated urban areas and sparsely populated rural areas;
(2) effective institutional practices for expanding opportunities for such groups;

(3) methods for overcoming the barriers to learning that may impede student achievement;

(4) innovative teacher training and professional development methods to help the historically underserved meet challenging standards;

(5) the use of technology to improve the educational opportunities and achievement of the historically underserved;

(6) the means by which parents, community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;

(7) methods to improve the quality of the education of American Indian and Alaska Native students not only in schools funded by the Bureau of Indian Affairs, but also in public elementary and secondary schools located on or near Indian reservations, including—

(A) research on mechanisms to facilitate the establishment of tribal departments of education that assume responsibility for all education programs of State educational agencies operating on an Indian reservation and all education pro-
grams funded by the Bureau of Indian Affairs on an Indian reservation;

(B) research on the development of culturally appropriate curriculum for American Indian and Alaska Native students, including American Indian and Alaska Native culture, language, geography, history and social studies, and graduation requirements related to such curriculum;

(C) research on methods for recruiting, training and retraining qualified teachers from American Indian and Alaska Native communities, including research to promote flexibility in the criteria for certification of such teachers;

(D) research on techniques for improving the educational achievement of American Indian and Alaska Native students, including methodologies to reduce dropout rates and increase graduation by such students; and

(E) research concerning the performance by American Indian and Alaska Native students of limited-English proficiency on standardized achievement tests, and related factors; and

(8) other topics relevant to the mission of the directorate.
(f) **National Directorate on Early Childhood Development and Education.**—The Assistant Secretary shall establish and operate the National Directorate on Early Childhood Development and Education, which shall have a special emphasis on families and communities as families and communities relate to early childhood education. The directorate established under this subsection is authorized to conduct research on—

1. effective teaching and learning methods, and curriculum;
2. instruction that considers the cultural experiences of children;
3. access to current materials in libraries;
4. family literacy and parental involvement in student learning;
5. the impact that outside influences have on learning, including television, and drug and alcohol abuse;
6. methods for integrating learning in settings other than the classroom, particularly within families and communities;
7. teacher training;
8. readiness to learn, including topics such as prenatal care, nutrition, and health services;
(9) the use of technology, including methods to help parents instruct their children; and

(10) other topics relevant to the mission of the directorate.

(g) NATIONAL DIRECTORATE ON ELEMENTARY AND SECONDARY EDUCATIONAL GOVERNANCE, FINANCE, POLICYMAKING, AND MANAGEMENT.—The Assistant Secretary shall establish and operate a National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management. The directorate established under this subsection is authorized to conduct research on—

(1) the relationship among finance, organization, and management, and educational productivity, particularly with respect to student achievement across educational levels and core content areas;

(2) school-based management, shared decision-making and other innovative school structures, and State and local reforms and educational policies, which show promise for improving student achievement;

(3) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule and, as appropriate, conduct-
ing such further research as may be recommended or
suggested by the report issued by the National Edu-
cation Commission on Time and Learning pursuant
to section 443 of the General Education Provisions
Act;

(4) the social organization of schooling and the
inner-workings of schooling;

(5) policy decisions at all levels and the impact
of such decisions on school achievement and other stu-
dent outcomes;

(6) effective approaches to organizing learning;

(7) effective ways of grouping students for learn-
ing so that a student is not labeled or stigmatized in
ways that may impede such student's achievement;

(8) the amount of dollars allocated for education
that are actually spent on classroom instruction;

(9) the organization, structure, and finance of
vocational education;

(10) disparity in school financing among States,
school districts, and schools funded by the Bureau of
Indian Affairs;

(11) the use of technology in areas such as assist-
ing in school-based management or ameliorating the
effects of disparity in school financing among States,
school districts, and schools funded by the Bureau of
Indian Affairs;

(12) approaches to systemic reforms involving
the coordination of multiple policies at the local,
State, and Federal levels of government to promote
higher levels of student achievement;

(13) the special adult education needs of historically underserved and minority populations;

(14) the involvement of parents and families in
the management and governance of schools and the
education of their children; and

(15) other topics relevant to the mission of the
directorate.

(h) NATIONAL DIRECTORATE ON ADULT EDUCATION,
Literacy and Lifelong Learning.—The Assistant Sec-
retary shall establish and operate a National Directorate
on Adult Education, Literacy and Lifelong Learning. The
directorate established under this subsection is authorized
to conduct research on—

(1) learning and performance of adults, and
policies and methods for improving learning in con-
texts that include school-to-work, worker retraining,
and second-language acquisition;

(2) the most effective training methods for adults
to upgrade education and vocational skills;
(3) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(4) adult literacy and effective methods, including technology, to eliminate illiteracy;

(5) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks;

(6) the use of technology to develop and deliver effective training methods for adults to upgrade their education and their vocational skills; and

(7) other topics relevant to the mission of the directorate.

(i) PERSONNEL.—

(1) IN GENERAL.—The Assistant Secretary may appoint, for terms not to exceed 3 years (without regard to the provisions of title 5, United States Code governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or professional employees of the Office as the Assistant Secretary consid-
ers necessary to accomplish the functions of the Office. Such employees shall not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office. The rate of basic pay for such employees may not exceed the maximum annual rate of pay for grade GS-15 under section 5332 of title 5, United States Code.

(2) Reappointment.—The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for 1 additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

(j) Selection Procedures and Fellowships.—

(1) Selection Procedures.—When making competitive awards under this section, the Assistant Secretary shall—

(A) solicit recommendations and advice regarding research priorities, opportunities, and strategies from qualified experts, such as education professionals and policymakers, librarians, personnel of the regional educational laboratories described in subsection (k) and of the research and development centers assisted under
this section, and the Advisory Board, as well as parents and other members of the general public;

(B) employ suitable selection procedures using the procedures and principles of peer review providing an appropriate balance between expertise in research and practice for all proposals so that technical research merit is judged by research experts and programmatic relevance is judged by program experts, except where such peer review procedures are clearly inappropriate given such factors as the relatively small amount of a grant or contract or the exigencies of the situation; and

(C) determine that the activities assisted will be conducted efficiently, will be of high quality, and will meet priority research and development needs under this section.

(2) Fellowships.—

(A) Publication.— The Assistant Secretary shall publish proposed research priorities for the awarding of research fellowships under this paragraph in the Federal Register every 2 years, not later than October 1 of each year, and shall allow a period of 60 days for public comments and suggestions.
(B) **Competition.**—Prior to awarding a fellowship under this paragraph, the Assistant Secretary shall invite applicants to compete for such fellowships through notice published in the Federal Register.

(C) **Authority.**—From amounts appropriated pursuant to the authority of subsection (q)(1), the Assistant Secretary may establish and maintain research fellowships in the Office, for scholars, researchers, policymakers, education practitioners, librarians, and statisticians engaged in the use, collection, and dissemination of information about education and educational research. Subject to regulations published by the Assistant Secretary, fellowships may include such stipends and allowances, including travel and subsistence expenses provided under title 5, United States Code, as the Assistant Secretary considers appropriate.

(k) **Regional Educational Laboratories for Research, Dissemination, and Technical Assistance.**—

(1) **Authority.**—

(A) **In general.**—Subject to subparagraph (B), the Assistant Secretary shall support at least 10 but not more than 20 regional edu-
cational laboratories established by public agencies or private nonprofit organizations.

(B) SPECIAL RULE.—In any fiscal year in which the amount appropriated pursuant to the authority of subsection (q)(2) exceeds $38,000,000, the Assistant Secretary may use the amount in excess of $38,000,000 to support a regional educational laboratory serving a region not in existence on the day preceding the date of enactment of this Act, if such amount is equal to or exceeds $2,000,000.

(C) PRIORITY.—The Assistant Secretary shall give priority to supporting a regional educational laboratory that involves the combination or subdivision of a region or regions, such that States within a region in existence on the day preceding the date of enactment of this Act may be combined with States in another such region to form a new region so long as such combination does not result in any region in existence on such date permanently becoming part of a larger region, nor of any such region permanently subsuming another region.

(2) DEFINITION.—For purposes of this subsection, the term “regional educational laboratory”
means a public agency or institution or a private nonprofit organization that—

(A) serves the education improvement needs in a geographic region of the United States; and

(B) advances the National Education Goals.

(3) DUTIES.—Each regional educational laboratory shall—

(A) have as its central mission and primary function—

(i) to develop and disseminate educational research products and processes to schools, teachers, local educational agencies, State educational agencies, librarians, and schools funded by the Bureau of Indian Affairs; and

(ii) through such development and dissemination and the provision of technical assistance, to help all students learn to challenging standards;

(B) provide technical assistance to State and local educational agencies, school boards, schools funded by the Bureau of Indian Affairs, State boards of education, schools, and librarians in accordance with the prioritization described
in paragraph (4)(B)(vi) and needs related to
standard-driven education reform;

(C) facilitate school restructuring at the in-
dividual school level, including technical assist-
ance for adapting model demonstration grant
programs to each school;

(D) serve the educational development needs
of the region by providing education research in
usable forms in order to promote school improve-
ment and academic achievement and to correct
educational deficiencies;

(E) develop a plan for identifying and serv-
ing the needs of the region by conducting a con-
tinuing survey of the educational needs,
strengths, and weaknesses within the region, in-
cluding a process of open hearings to solicit the
views of schools, teachers, administrators, par-
ents, local educational agencies, librarians, and
State educational agencies within the region;

(F) use applied educational research to as-
ist in solving site-specific problems and to assist
in development activities;

(G) conduct applied research projects de-
dsigned to serve the particular needs of the region
only in the event that such quality applied re-
search does not exist as determined by the re-

gional education laboratory or the Department of

Education;

(H) facilitate communication between edu-
cational experts, school officials, and teachers,
parents, and librarians, to enable such individ-
uals to assist schools to develop a plan to meet
the National Education Goals;

(I) bring teams of experts together to de-
velop and implement school improvement plans
and strategies;

(J) provide training in—

(i) the field of education research and
related areas;

(ii) the use of new educational meth-
ods; and

(iii) the use of information-finding
methods, practices, techniques, and products
developed in connection with such training
for which the regional educational labora-
tory may support internships and fellow-
ships and provide stipends;

(K) coordinate such laboratory’s activities
with the directorates assisted under this section
in designing such laboratory’s services and projects, in order to—

(i) maximize the use of research conducted through the directorates in the work of such laboratory;

(ii) keep the directorates apprised of the work of the regional educational laboratories in the field; and

(iii) inform the directorates about additional research needs identified in the field;

(L) develop with the State educational agencies and library agencies in the region and the Bureau of Indian Affairs a plan for serving the region;

(M) collaborate and coordinate services with other technical assistance funded by the Department of Education; and

(N) cooperate with other regional laboratories to develop and maintain a national network that addresses national education problems.

(4) GOVERNING BOARD.—

(A) IN GENERAL.—In carrying out the activities described in paragraph (3), each regional educational laboratory shall operate under the
direction of a governing board, the members of which—

(i) are representative of that region;

and

(ii) include teachers and education researchers.

(B) Duties.—Each such governing board shall—

(i) determine, subject to the requirements of this section and in consultation with the Assistant Secretary, the mission of the regional educational laboratory;

(ii) ensure that the regional educational laboratory attains and maintains a high level of quality in its work and products;

(iii) establish standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(iv) direct the regional educational laboratory to carry out the regional educational laboratory’s duties in a manner as will make progress toward achieving the
National Education Goals and reforming
schools and educational systems;

(v) conduct a continuing survey of the
educational needs, strengths, and weaknesses
within the region, including a process of
open hearings to solicit the views of schools
and teachers; and

(vi) prioritize the needs of economi-
cally disadvantaged urban and rural areas
within the region and ensure that such
needs are served by the regional educational
laboratory.

(5) Application.—Each entity desiring support
for a regional educational laboratory shall submit to
the Assistant Secretary an application that contains
such information as the Assistant Secretary may rea-
sonably require, including assurances that a regional
educational laboratory will address the activities de-
scribed in paragraph (3).

(6) Additional Projects.—In addition to ac-
tivities described in paragraph (3), the Assistant Sec-
cretary, from amounts appropriated pursuant to sub-
section (q)(4), is authorized to enter into agreements
with a regional educational laboratory for the pur-
purpose of carrying out additional projects to enable such
regional educational laboratory to assist in efforts to achieve the National Education Goals and for other purposes.

(7) **Special Rule.**—No regional educational laboratory shall, by reason of receipt of assistance under this section, be ineligible to receive any other assistance from the Office authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(8) **Plan.**—Not later than July 1 of each year, each regional educational laboratory shall submit to the Assistant Secretary a plan covering the succeeding fiscal year, in which such laboratory’s mission, activities and scope of work are described, including a general description of—

(A) the plans such laboratory expects to submit in the 4 succeeding years; and

(B) an assessment of how well such laboratory is meeting the needs of the region.

(9) **Contract Duration.**—The Assistant Secretary shall enter into a contract for the purpose of supporting a regional educational laboratory under this subsection for a minimum of 5 years. The Secretary shall ensure that the recompetition cycles for new contracts for regional educational laboratories
are carried out in such a manner that the expiration
of the laboratory contracts is consistent with the reau-
thorization cycle.

(10) REVIEW.—The Assistant Secretary shall re-
view the work of each regional educational laboratory
in the third year that such laboratory receives assist-
ance under this subsection, and shall evaluate the per-
formance of such laboratory's activities to determine
if such activities are consistent with the duties de-
scribed in paragraph (3).

(11)± CONSTRUCTION.—Nothing in this sub-
section shall be construed to require any modifica-
tions in the regional educational laboratory contracts
in effect on the day preceding the date of enactment
of this Act.

(12) ADVANCE PAYMENT SYSTEM.—Each re-
regional educational laboratory shall participate in the
advance payment system of the Department of Edu-
cation.

(13) COORDINATION.—The regional education
laboratories shall work collaboratively, and coordinate
the services such laboratories provide, with the tech-
nical assistance centers authorized under the Element-
(I) **Teacher Research Dissemination Demonstration Program.—**

(1) **Findings.—** The Congress finds that—

(A) education research, including research funded by the Office, is not having the impact on the Nation’s schools that such research should;

(B) relevant education research and resulting solutions are not being adequately disseminated to and used by the teachers that need such research and solutions;

(C) there are insufficient linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (k), the National Diffusion Network State facilitators, the Education Resources Information Clearinghouses, the comprehensive technical assistance centers assisted under the Elementary and Secondary Education Act of 1965, and the public schools to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

(D) the average teacher has little time to plan or engage in a professional dialogue with peers about strategies for improved learning;
(E) teachers do not have direct access to information systems or networks;

(F) teachers have little control over what in-service education teachers will be offered; and

(G) individual teachers are not encouraged to move beyond the walls of their school buildings to identify and use outside resources.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, public and private agencies and organizations, including institutions of higher education, the regional education laboratories, and the research and development centers, or consortia thereof—

(i) to develop and carry out projects that demonstrate effective strategies for helping elementary and secondary education teachers, in both urban and rural areas, become knowledgeable about, assist in the design and use of, and use, education research, including education research carried out under this section; and
(ii) to develop, implement, and evaluate models for creation of teacher research dissemination networks.

(B) PRIORITY.—In awarding grants and entering into contracts and cooperative agreements under subparagraph (A) the Secretary shall give priority to entities that have received Federal funds for research and dissemination.

(3) APPLICATIONS.—

(A) IN GENERAL.—An entity desiring to receive assistance under this subsection shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(B) CONTENTS.—Each such application shall describe how the project described in the application—

(i) was developed with the active participation of elementary and secondary school teachers;

(ii) will include the continuing participation of elementary and secondary school teachers in the management of the project;
(iii) is organized around one or more significant research topics;

(iv) will involve collaboration with entities that have received Federal funds for research and dissemination; and

(v) will sustain over time teacher research dissemination networks after Federal funding for such networks terminates.

(4) Use of Funds.—Funds provided under this subsection may be used—

(A) to train elementary and secondary education teachers (particularly new teachers) about the sources of education research findings, including research findings available through activities supported by the Office, and how to access and use such findings to improve the quality of instruction;

(B) to develop simple formats, both administrative and technological, that allow elementary and secondary education teachers easy access to and use of education research findings;

(C) to share strategies and materials;

(D) to support professional networks;

(E) to survey teacher needs in the areas of research and development; and
(F) for other activities designed to support elementary and secondary education teachers in becoming knowledgeable about, assisting in the design of, and using, educational research.

(5) **Stipends.**—The Secretary may provide for the payment of such stipends (including allowances for subsistence and other expenses for elementary and secondary teachers), as the Secretary determines to be appropriate, to teachers participating in the projects authorized under this subsection.

(6) **Coordination.**—Recipients of funds under this subsection shall, to the greatest extent possible, coordinate their activities with related activities under the Elementary and Secondary Education Act of 1965.

(7) **Report.**—The Secretary shall, within 5 years of the date of enactment of this Act, submit to the Congress a report on the effectiveness of activities assisted under this subsection.

(m) **Office of Dissemination and Reform Assistance.**—

(1) **In General.**—The Assistant Secretary shall establish an Office of Dissemination and Reform Assistance, which may include the Education Resources Information Clearinghouses, the regional educational
laboratories, the National Clearinghouse for Science and Mathematics Resources, the National Diffusion Network, the National Education Library, and such other programs and activities as the Assistant Secretary deems appropriate. The Office of Dissemination and Reform Assistance shall be headed by a Director who shall be appointed by the Assistant Secretary and have a demonstrated expertise and experience in dissemination.

(2) Duties.—In carrying out its dissemination activities, the Office of Dissemination and Reform Assistance shall—

(A) operate a depository for all Department of Education publications and products and make available for reproduction such publications and products;

(B) coordinate the dissemination efforts of all Office of Educational Research and Improvement program offices, the regional educational laboratories, the directorates assisted under this section, the National Diffusion Network, and the Education Resources Information Clearinghouses;

(C) disseminate relevant and useful research, information, products, and publications
developed through or supported by the Department of Education to schools throughout the Nation;

(D) develop the capacity to connect schools and teachers seeking information with the relevant regional educational laboratories assisted under subsection (k), the National Diffusion Network, the directorates assisted under this section, and the Education Resources Information Clearinghouses; and

(E) provide an annual report to the Secretary regarding the types of information, products, and services that teachers, schools, and school districts have requested and have determined to be most useful, and describe future plans to adapt Department of Education products and services to address the needs of the users of such information, products, and services.

(3) ADDITIONAL ACTIVITIES.—In addition, the Office of Dissemination and Reform Assistance may—

(A) use media and other educational technology to carry out dissemination activities, including program development;
(B) establish and maintain a database on all research and improvement efforts funded through the Department of Education;

(C) actively encourage cooperative publishing of significant publications;

(D) disseminate information on successful models and educational methods which have been recommended to the Office of Dissemination and Reform Assistance by educators, educational organizations, nonprofit organizations, businesses, and foundations, and disseminate such models by including, with any such information, an identification of the entity or entities that have recommended the program; and

(E) engage in such other dissemination activities as the Assistant Secretary determines necessary.

(n) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—The National Diffusion Network described in section 1562 of the Elementary and Secondary Education Act of 1965 is authorized to provide information through National Diffusion Network State facilitators on model or demonstration projects funded by the Department of Education. For purposes of carrying out this subsection, information on such model projects does not have to be ap-
proved through the program effectiveness panel, but may
tbe provided directly through the State facilitators. In addi-
tion, the National Diffusion Network may disseminate other
information available through the Office of Education Dis-
semination and Reform Assistance established under sub-
section (m) through the National Diffusion Network.

(o) National Education Library.—

(1) Establishment.—There shall be established
a National Library of Education at the Department
of Education (hereafter in this subsection referred to
as the “Library”) which shall—

(A) be a national resource center for teach-
ers, scholars, librarians, State, local, and Indian
tribal education officials, parents, and other in-
terested individuals; and

(B) provide resources to assist in the—

(i) advancement of research on edu-
cation;

(ii) dissemination and exchange of sci-
cientific and other information important to
the improvement of education at all levels;

and

(iii) improvement of educational
achievement.
(2) Mission.—The mission of the Library shall be to—

(A) become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement;

(B) strive to ensure widespread access to the Library’s facilities and materials, coverage of all education issues and subjects, and quality control;

(C) have an expert library staff; and

(D) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources.

(3) Functions.—The Library shall—

(A) establish a policy to acquire and preserve books, periodicals, data, prints, films, recordings, and other library materials related to education;

(B) establish a policy to disseminate information about the materials available in the Library;
(C) make available through loans, photographic or other copying procedures, or otherwise, such materials in the Library as the Secretary deems appropriate; and

(D) provide reference and research assistance.

(4) LIBRARIAN.—

(A) IN GENERAL.—The Secretary shall appoint a librarian to head the Library.

(B) EXPERIENCE.—The individual appointed pursuant to subparagraph (A) shall have extensive experience as a librarian.

(C) SOLICITATION OF NOMINATIONS.—The Secretary shall solicit nominations from individuals and organizations before making the appointment described in subparagraph (A).

(D) SALARY.—The librarian shall be paid at not less than the minimum rate of pay payable for level GS–15 of the General Schedule.

(p) EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.—The Assistant Secretary shall establish and support Education Resources Information Clearinghouses (including directly supporting dissemination services) having such functions as the clearinghouses had on the day preceding the date of enactment of this Act, except that—
(1) the Assistant Secretary shall establish for the clearinghouses a coherent policy for the abstraction from, and inclusion in, the educational resources information clearinghouse system books, periodicals, reports, and other materials related to education; and

(2) the clearinghouses shall collect and disseminate information on alternative management demonstration projects operating in public schools throughout the Nation.

(q) Authorization of Appropriations.—

(1) Directorates of Educational Research.—

(A) In general.—There are authorized to be appropriated $100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (c) through (h), relating to the Directorates of Educational Research.

(B) Appropriations of $70,000,000 or less.—From the amount made available under clause (i) in any fiscal year in which the amount appropriated to carry out such clause is $70,000,000 or less—

(i) at least 25 percent of such amount shall be available to carry out subsection
(d), relating to the National Directorate on Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount shall be available to carry out subsection (e), relating to the National Directorate on the Educational Achievement of Historically Underserved Populations;

(iii) at least 10 percent of such amount shall be available to carry out subsection (f), relating to the National Directorate on Early Childhood Development and Education;

(iv) at least 5 percent of such amount shall be available to carry out subsection (g), relating to the National Directorate on Elementary and Secondary Educational Governance, Finance, Policymaking, and Management;

(v) at least 5 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out syn-
thesis and coordination activities described 
in subsection (c)(1)(C).

(C) Appropriations greater than 
$70,000,000.—From the amount made available 
under clause (i) in any fiscal year in which the 
amount appropriated to carry out such clause is 
greater than $70,000,000—

(i) at least 30 percent of such amount 
shall be available to carry out subsection 
(d), relating to the National Directorate on 
Curriculum, Instruction, and Assessment;

(ii) at least 10 percent of such amount 
shall be available to carry out subsection 
(e), relating to the National Directorate on 
the Educational Achievement of Historically 
Underserved Populations;

(iii) at least 10 percent of such amount 
shall be available to carry out subsection (f), 
relating to the National Directorate on 
Early Childhood Development and Edu-
cation;

(iv) at least 10 percent of such amount 
shall be available to carry out subsection 
(g), relating to the National Directorate on 
Elementary and Secondary Educational
Governance, Finance, Policymaking, and Management;

(v) at least 10 percent of such amount shall be available to carry out subsection (h), relating to the National Directorate on Adult Education, Literacy and Lifelong Learning; and

(vi) not more than 10 percent of such amount shall be available to carry out synthesis and coordination activities described in subsection (c)(1)(C).

(D) Special rule.—Not less than 95 percent of funds appropriated pursuant to the authority of clause (i) in any fiscal year shall be expended to carry out this section through grants, cooperative agreements, or contracts.

(2) Regional educational laboratories.—There are authorized to be appropriated $41,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (k), relating to the regional educational laboratories.

(3) Teacher research dissemination demonstration program.—
(A) IN GENERAL.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out the provisions of subsection (l), relating to the teacher research dissemination demonstration program.

(B) PEER REVIEW.—The Secretary may use not more than 0.2 percent of the amount appropriated pursuant to the authority of subparagraph (A) for each fiscal year for peer review of applications under this section.

(4) OFFICE OF DISSEMINATION AND REFORM ASSISTANCE.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsections (m) and (k)(6), relating to the Office of Education Dissemination and Reform Assistance and additional projects for regional educational laboratories, respectively.

(5) NATIONAL DIFFUSION NETWORK STATE FACILITATORS.—There are authorized to be appropriated $10,000,000 for the fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1999, to carry out subsection (n), relat-
ing to the National Diffusion Network State Facilitators.

(6) **NATIONAL EDUCATION LIBRARY.**—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (o), relating to the National Education Library.

(7) **EDUCATION RESOURCES INFORMATION CLEARINGHOUSES.**—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (p), relating to the Education Resources Information Clearinghouses.

(8) **ADMINISTRATION OF FUNDS.**—When more than one Federal agency uses funds to support a single project under this section, the Office may act for all such agencies in administering such funds.

(r) **EXISTING CONTRACTS AND GRANTS.**—

(1) **SPECIAL RULE.**—Notwithstanding any other provision of law, grants or contracts for the regional educational laboratories and the centers assisted under section 405 of the General Education Provisions Act on the day preceding the date of enactment
of this Act shall remain in effect until the termination date of such grants or contracts, except that the grants or contracts for such centers which terminate before the competition for the new centers described in subsection (c)(3)(B) is completed may be extended until the time that the awards for such new centers are made.

(2) **Funding.**—The Secretary shall use amounts appropriated pursuant to the authority of subsection (q)(1)(A) to support the grants or contracts described in paragraph (1).

**SEC. 913. SAVINGS PROVISIONS.**

(a) **Continuing Effect of Legal Documents.**—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions of the Office of Educational Research and Improvement (as such functions existed on the day before the date of enactment of this Act); and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this
title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Educational Research and Improvement at the time this title takes effect, with respect to functions of such Office but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could
have been discontinued or modified if this title had not been
enacted.

(c) Suits Not Affected.— The provisions of this title
shall not affect suits commenced before the effective date of
this title, and in all such suits, proceedings shall be had,
appeals taken, and judgments rendered in the same manner
and with the same effect as if this title had not been enacted.

(d) Nonabatement of Actions.— No suit, action, or
other proceeding commenced by or against the Office of
Educational Research and Improvement, or by or against
any individual in the official capacity of such individual
as an officer of the Office of Educational Research and Im-
provement, shall abate by reason of the enactment of this
title.

(e) Administrative Actions Relating to Promul-
gation of Regulations.— Any administrative action re-
lating to the preparation or promulgation of a regulation
by the Office of Educational Research and Improvement re-
lating to a function of such Office under this title may be
continued by the Office of Educational Research and Im-
provement with the same effect as if this title had not been
enacted.

SEC. 914. FIELD READERS.

Section 402 of the Department of Education Organiza-
tion Act (20 U.S.C. 3462) is amended—
(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL RULE.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use not more than 1 percent of the funds appropriated for any education program that awards such funds on a competitive basis to pay the expenses and fees of non-Federal experts necessary to review applications and proposals for such funds.

"(2) APPLICABILITY.—The provisions of paragraph (1) shall not apply to any education program under which funds are authorized to be appropriated to pay the fees and expenses of non-Federal experts to review applications and proposals for such funds."

PART B—EDUCATIONAL IMPROVEMENT PROGRAMS

Subpart 1—International Education Program

SEC. 921. INTERNATIONAL EDUCATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary shall carry out an International Education Program in accordance with this section that shall provide for—
(1) the study of international education programs and delivery systems; and

(2) an international education exchange program.

(b) Assessment and Information.—The Secretary shall award grants for the study, evaluation and analysis of education systems in other nations, particularly Great Britain, France, Germany and Japan. Such studies shall focus upon a comparative analysis of curriculum, methodology and organizational structure, including the length of the school year and school day. In addition, the studies shall provide an analysis of successful strategies employed by other nations to improve student achievement, with a specific focus upon application to schooling and the National Education Goals.

(c) International Education Exchange.—

(1) Requirement.—

(A) In general.—The Secretary shall carry out a program to be known as the International Education Exchange Program. Under such program the Secretary shall award grants to or enter into contracts with organizations with demonstrated effectiveness or expertise in international achievement comparisons, in order to—
(i) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education and economic education developed in the United States;

(ii) assist eligible countries in the adaptation and implementation of such programs or joint research concerning such programs;

(iii) create and implement educational programs for United States students which draw upon the experiences of emerging constitutional democracies;

(iv) provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational and private sector leaders of participating eligible countries; and

(v) provide support for—

(I) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and
improvement of constitutional democracy; and

(II) effective participation in and
the preservation and improvement of
an efficient market economy.

(B) RESERVATIONS.—In carrying out the
program described in subparagraph (A), the Sec-
etary shall reserve in each fiscal year—

(i) 50 percent of the amount available
to carry out this subsection for civics and
government education activities; and

(ii) 50 percent of such amount for eco-
nomic education activities.

(2) CONTRACT AUTHORIZED.—

(A) IN GENERAL.—The Secretary is author-
ized to contract with independent nonprofit edu-
cational organizations to carry out the provi-
sions of this subsection.

(B) NUMBER.—The Secretary shall award
at least 1 but not more than 3 contracts de-
scribed in subparagraph (A) in each of the areas
described in clauses (i) and (ii) of paragraph
(1)(B).

(C) AVOIDANCE OF DUPLICATION.—The Sec-
etary shall award contracts described in sub-
paragraph (A) so as to avoid duplication of activities in such contracts.

(D) REQUIREMENTS.—Each organization with which the Secretary enters into a contract pursuant to subparagraph (A) shall—

(i) be experienced in—

(I) the development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau of Indian Affairs, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities, and private sector organizations;

(II) the development and implementation of cooperative university and school based inservice training programs for teachers of grades kindergarten through grade 12 using scholars from such relevant disciplines as polit-
276

critical science, political philosophy, history, law and economics;

(III) the development of model curricular frameworks in civics and government education and economic education;

(IV) the administration of international seminars on the goals and objectives of civics and government education or economic education in constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers; and

(V) the evaluation of civics and government education or economic education programs; and

(ii) have the authority to subcontract with other organizations to carry out the provisions of this subsection.

(3) Activities.—The international education program described in this subsection shall—

(A) provide eligible countries with—
(i) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(ii) visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(iii) home stays in United States communities;

(iv) translations and adaptations regarding United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(v) translation of basic documents of United States constitutional government for use in eligible countries, such as The Fed-
eralist Papers, selected writings of Presidents Adams and Jefferson and the Anti-Federalists, and more recent works on political theory, constitutional law and economics; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy;

(B) provide United States participants with—

(i) seminars on the histories, economics and governments of eligible countries;

(ii) visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;
(iii) home stays in eligible countries;
(iv) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government and economics of such countries that are useful in United States classrooms;
(v) opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and
(vi) research and evaluation assistance to determine—
(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and
(II) effective participation in and improvement of an efficient market economy; and
(C) assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for edu-
(4) Printer materials and programs.—All printed materials and programs provided to foreign nations under this subsection shall bear the logo and text used by the Marshall Plan after World War II, that is, clasped hands with the inscription “A gift from the American people to the people of (insert name of country)”.

(5) Participants.—The primary participants in the international education program assisted under this subsection shall be leading educators in the areas of civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

(6) Personnel and technical experts.—The Secretary is authorized to provide Department of Education personnel and technical experts to assist eligible countries establish and implement a database or other effective methods to improve educational delivery systems, structure and organization.

(7) Definitions.—For the purpose of this subsection the term “eligible country” means a Central
European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

(d) Authorization of Appropriations.—

(1) Assessment and Information.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (b).

(2) International Education Exchange.—There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (c).

Subpart 2—Amendments to the Carl D. Perkins Vocational and Applied Technology Education Act

SEC. 931. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.

Section 422 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2422) is amended—
(1) in paragraph (2) of subsection (a), by inserting "(including postsecondary employment and training programs)" after "training programs"; and

(2) in subsection (b)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(B) in the matter preceding paragraph (1) (as redesignated in subparagraph (A)), by inserting "the State board or agency governing higher education," after "coordinating council,";

and

(C) in paragraph (1) (as redesignated in subparagraph (A))—

(i) by striking "Act and of" and inserting "Act, of"; and

(ii) by inserting "and of the State board or agency governing higher education" after "Job Training Partnership Act";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following new subsection:

"(d) DATA COLLECTION SYSTEM.—In the development and design of a system to provide data on graduation or
completion rates, job placement rates from occupationally
specific programs, licensing rates, and awards of high
school graduate equivalency diplomas (GED), each State
board for higher education shall develop a data collection
system the results of which can be integrated into the occu-
pational information system developed under this section.”.

Subpart 3—Elementary Mathematics and Science
Equipment Program

SEC. 941. SHORT TITLE.
This subpart may be cited as the “Elementary Mathe-
matics and Science Equipment Act”.

SEC. 942. STATEMENT OF PURPOSE.
It is the purpose of this subpart to raise the quality
of instruction in mathematics and science in the Nation’s
elementary schools by providing equipment and materials
necessary for hands-on instruction through assistance to
State and local educational agencies.

SEC. 943. PROGRAM AUTHORIZED.
The Secretary is authorized to make allotments to
State educational agencies under section 944 to enable such
agencies to award grants to local educational agencies for
the purpose of providing equipment and materials to ele-
mentary schools to improve mathematics and science edu-
cation in such schools.
SEC. 944. ALLOTMENTS OF FUNDS.

(a) In General.—From the amount appropriated under section 950 for any fiscal year, the Secretary shall reserve—

(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau according to their respective needs for assistance under this subpart; and

(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this subpart.

(b) Allotment.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

(1) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

(2) one-half of such remainder shall be distributed according to each State's share of allocations
under chapter 1 of title I of the Elementary and Secondary Education Act of 1965,
except that no State educational agency shall receive less than one-half of 1 percent of the amount available under this subsection in any fiscal year or less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

(c) Reallocation of Unused Funds.—The amount of any State educational agency’s allotment under subsection (b) for any fiscal year to carry out this subpart which the Secretary determines will not be required for that fiscal year to carry out this subpart shall be available for reallocation from time to time, on such dates during that year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallocated among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallocated to a State educational agency under this subsection during a year shall be deemed a subpart of the State
educational agency’s allotment under subsection (b) for that
year.
(d) DEFINITION.—For the purposes of this subpart the
term “State” means each of the 50 States, the District of
Columbia, and the Commonwealth of Puerto Rico.
(e) DATA.—The number of children aged 5 to 11, in-
clusive, in the State and in all States shall be determined
by the Secretary on the basis of the most recent satisfactory
data available to the Secretary.
SEC. 945. STATE APPLICATION.
(a) APPLICATION.—Each State educational agency de-
siring to receive an allotment under this subpart shall file
an application with the Secretary which covers a period
of 5 fiscal years. Such application shall be filed at such
time, in such manner, and containing or accompanied by
such information as the Secretary may reasonably require.
(b) CONTENTS OF APPLICATION.—Each application
described in subsection (a) shall—
(1) provide assurances that—
(A) the State educational agency shall use
the allotment provided under this subpart to
award grants to local educational agencies with-
in the State to enable such local educational
agencies to provide assistance to schools served
by such agency to carry out the purpose of this subpart;

(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

(C) every public elementary school in the State is eligible to receive assistance under this subpart once over the 5-year duration of the program assisted under this subpart;

(D) funds provided under this subpart will supplement, not supplant, State and local funds made available for activities authorized under this subpart;

(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English pro-
ficiency, the economically disadvantaged, and individuals with disabilities; and

(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this subpart;

(2) provide, if appropriate, a description of how funds paid under this subpart will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(3) describe procedures—

(A) for submitting applications for programs described in sections 236 and 237 for distribution of assistance under this subpart within the State; and

(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.
(c) **STATE ADMINISTRATION.**—Not more than 5 percent of the funds allotted to each State educational agency under this subpart shall be used for the administrative costs of such agency associated with carrying out the program assisted under this subpart.

**SEC. 946. LOCAL APPLICATION.**

(a) **APPLICATION.**—A local educational agency that desires to receive a grant under this subpart shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this subpart only once.

(b) **CONTENTs OF APPLICATION.**—Each application described in subsection (a) shall—

(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this subpart to meet the purpose of this subpart;

(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this subpart, except that no such application shall be penalized or denied assistance under this subpart based on failure to provide such matching funds;
(3) describe, if applicable, how funds under this subpart will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

(c) PRIORITY.—In awarding grants under this subpart, the State educational agency shall give priority to applications that—

(1) assign highest priority to providing assistance to schools which—

(A) are most seriously underequipped; or

(B) serve large numbers or percentages of economically disadvantaged students;

(2) are attentive to the needs of underrepresented groups in science and mathematics;

(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and
(4) assign priority to providing equipment and materials for students in grades 1 through 6.

SEC. 947. PARTICIPATION OF PRIVATE SCHOOLS.

(a) PARTICIPATION OF PRIVATE SCHOOLS.—To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private nonprofit elementary schools, such State educational agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this subpart.

(b) WAIVER.—If by reason of any provision of State law a local educational agency is prohibited from providing for the participation of children or teachers from private nonprofit schools as required by subsection (a), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers subject to the requirement of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements described in section 1017 of the Elementary and Secondary Education Act of 1965.
SEC. 948. PROGRAM REQUIREMENTS.

(a) COORDINATION.—Each State educational agency receiving an allotment under this subpart shall—

(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this subpart;

(2) evaluate applications of local educational agencies;

(3) award grants to local educational agencies based on the priorities described in section 946(c); and

(4) evaluate local educational agencies’ end-of-year summaries and submit such evaluation to the Secretary.

(b) LIMITATIONS ON USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this subpart only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

(2) CAPITAL IMPROVEMENTS.—Grant funds under this subpart may not be used for capital improvements. Not more than 50 percent of any match-
ing funds provided by the local educational agency
may be used for capital improvements of classroom
science facilities to support the hands-on instruction
that this subpart is intended to support, such as the
installation of electrical outlets, plumbing, lab tables
or counters, or ventilation mechanisms.

SEC. 949. FEDERAL ADMINISTRATION.

(a) Technical Assistance and Evaluation Procedures.—The Secretary shall provide technical assistance
and, in consultation with State and local representatives
of the program assisted under this subpart, shall develop
procedures for State and local evaluations of the programs
assisted under this subpart.

(b) Report.—The Secretary shall report to the Con-
gress each year on the program assisted under this subpart.

SEC. 950. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000
for fiscal year 1995, and such sums as may be necessary
for each of the fiscal years 1996 through 1999, to carry out
this subpart.

Subpart 4—Media Instruction

SEC. 951. MEDIA INSTRUCTION.

(a) Grants Authorized.—The Secretary shall enter
into a contract with an independent nonprofit organization
described in subsection (b) for the establishment of a na-
tional multimedia television-based project directed to homes, schools and after-school programs that is designed to motivate and improve the reading comprehension and writing coherence of elementary school-age children.

(b) **Demonstrated Effectiveness.**—The Secretary shall award the contract described in subsection (a) to an independent nonprofit organization that has demonstrated effectiveness in educational programming and development on a nationwide basis.

(c) **Authorization and Appropriations.**—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996 and fiscal year 1997, to carry out this section.

**Subpart 5—Star Schools**

SEC. 961. **STAR SCHOOLS.**

Subsection (a) of section 908 of the Star Schools Assistance Act (20 U.S.C. 4085b(a)) is amended by striking “greater” and inserting “lesser”.

**Subpart 6—Office of Comprehensive School Health Education**

SEC. 971. **OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.**

(a) **In General.**—Subsection (c) of section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155(c)) is amended—
(1) in the matter preceding paragraph (1), by striking “Office of the Secretary” and inserting “Office of Elementary and Secondary Education”; and

(2) by adding at the end the following new paragraph:

“(4) To act as a liaison office for the coordination of the activities undertaken by the Office under this section with related activities of the Department of Health and Human Services and to expand school health education research grant programs under this section.”.

(b) Transition.—The Secretary shall take all appropriate actions to facilitate the transfer of the Office of Comprehensive School Health Education pursuant to the amendment made by subsection (a).

Subpart 7—Minority-Focused Civics Education

SEC. 981. SHORT TITLE.

This subpart may be cited as the “Minority-Focused Civics Education Act of 1994”.

SEC. 982. PURPOSES.

It is the purpose of this subpart—

(1) to encourage improved instruction for minorities and Native Americans in American government and civics through a national program of accredited summer teacher training and staff develop-
ment seminars or institutes followed by academic
year inservice training programs conducted on college
and university campuses or other appropriate sites,
for—

(A) social studies and other teachers responsible for American history, government, and
civics classes; and

(B) other educators who work with minority
and Native American youth; and

(2) through such improved instruction to im-
prove minority and Native American student knowl-
edge and understanding of the American system of
government.

SEC. 983. GRANTS AUTHORIZED; AUTHORIZATION OF AP-
PROPRIATIONS.

(a) Grants Authorized.—

(1) In general.—The Secretary is authorized to
make grants to eligible entities for the development
and implementation of seminars in American govern-
ment and civics for elementary and secondary school
teachers and other educators who work with minority
and Native American students.

(2) Award rule.—In awarding grants under
this subpart, the Secretary shall ensure that there is
wide geographic distribution of such grants.
(b) Authorization of Appropriations.—There are
authorized to be appropriated $5,000,000 for fiscal 1995,
and such sums as may be necessary for each of the fiscal

SEC. 984. Definitions.

For purposes of this subpart—

(1) the term “eligible entity” means a State edu-
cational agency, an institution of higher education or
a State higher education agency, or a public or pri-
ivate nonprofit organization, with experience in co-
ordinating or conducting teacher training seminars
in American government and civics education, or a
consortium thereof; and

(2) the term “State higher education agency”
means the officer or agency primarily responsible for
the State supervision of higher education.

SEC. 985. Applications.

(a) Application Required.—Each eligible entity de-
siring a grant under this subpart shall submit an applica-
tion to the Secretary, at such time, in such manner and
containing or accompanied by such information as the Sec-
retary may reasonably require.

(b) Contents of Application.—Each application
submitted pursuant to subsection (a) shall—
(1) define the learning objectives and course content of each seminar to be held and describe the manner in which seminar participants shall receive substantive academic instruction in the principles, institutions and processes of American government;

(2) provide assurances that educators successfully participating in each seminar will qualify for either graduate credit or professional development or advancement credit according to the criteria established by a State or local educational agency;

(3) describe the manner in which seminar participants shall receive exposure to a broad array of individuals who are actively involved in the political process, including political party representatives drawn equally from the major political parties, as well as representatives of other organizations involved in the political process;

(4) provide assurances that the seminars will be conducted on a nonpartisan basis;

(5) describe the manner in which the seminars will address the role of minorities or Native Americans in the American political process, including such topics as—

(A) the history and current political state of minorities or Native Americans;
(B) recent research on minority or Native American political socialization patterns and cognitive learning styles; and

(C) studies of political participation patterns of minorities or Native Americans;

(6) describe the pedagogical elements for teachers that will enable teachers to develop effective strategies and lesson plans for teaching minorities or Native American students at the elementary and secondary school levels;

(7) identify the eligible entities which will conduct the seminars for which assistance is sought;

(8) in the case that the eligible entity is an institution of higher education, describe the plans for collaborating with national organizations in American government and civics education;

(9) provide assurances that during the academic year educators participating in the summer seminars will provide inservice training programs based upon what such educators have learned and the curricular materials such educators have developed or acquired for their peers in their school systems with the approval and support of their school administrators; and
(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) development of seminar curricula;

(B) development and distribution of instructional materials;

(C) scholarships for participating teachers; and

(D) program assessment and evaluation.

(c) PRIORITY.—The Secretary, in approving applications for assistance under this subpart, shall give priority to applications which demonstrate that—

(1) the applicant will serve teachers who teach in schools with a large number or concentration of economically disadvantaged students;

(2) the applicant has demonstrated national experience in conducting or coordinating accredited summer seminars in American government or civics education for elementary and secondary school teachers;

(3) the applicant will coordinate or conduct seminars on a national or multistate basis through a collaboration with an institution of higher education, State higher education agency or a public or private nonprofit organization, with experience in coordinat-
The applicant will coordinate or conduct seminars designed for more than one minority student population and for Native Americans; and

(5) the applicant will coordinate or conduct seminars that offer a combination of academic instruction in American government, exposure to the practical workings of the political system, and training in appropriate pedagogical techniques for working with minority and Native American students.

PART C—DEFINITIONS

SEC. 991. DEFINITIONS.

For the purpose of this title—

(1) the term “elementary school” has the same meaning given to such term by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) the term “institution of higher education” has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965;

(3) the term “local educational agency” has the same meaning given to such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;
(4) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education; and

(6) the term "State educational agency" has the same meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

**TITLE X—PARENTS AS TEACHERS**

**SEC. 1001. FINDINGS.**

The Congress finds that—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when remediation may already be necessary; and
(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 1002. STATEMENT OF PURPOSE.

It is the purpose of this title to encourage States and eligible entities to develop and expand parent and early childhood education programs in an effort to—

(1) increase parents’ knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 1003. DEFINITIONS.

For the purposes of this title—

(1) the term “developmental screening” means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;
(2) the term "eligible entity" means an entity in a State operating a parents as teachers program;

(3) the term "eligible family" means any parent with one or more children between birth and 3 years of age;

(4) the term "lead agency" means—

(A) except as provided in subparagraph (B), the office, agency, or other entity in a State designated by the Governor to administer the parents as teachers program authorized by this title; or

(B) in the case of a grant awarded under this title to an eligible entity, such eligible entity;

(5) the term "parent education" includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home; and

(6) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home
visits and developmental screening for eligible families.

SEC. 1004. PROGRAM ESTABLISHED.

(a) Authority.—

(1) In general.—The Secretary is authorized to make grants in order to pay the Federal share of the cost of establishing, expanding, or operating parents as teachers programs in a State.

(2) Eligible Recipients.—The Secretary may make a grant under paragraph (1) to a State, except that, in the case of a State having an eligible entity, the Secretary shall make the grant directly to the eligible entity.

(b) Funding Rule.—Grant funds awarded under this section shall be used so as to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

SEC. 1005. PROGRAM REQUIREMENTS.

(a) Requirements.—Each State or eligible entity receiving a grant pursuant to section 1004 shall conduct a parents as teachers program which—
(1) establishes and operates parent education programs, including programs of developmental screening of children; and

(2) designates a lead State agency which—

(A) shall hire parent educators who have had supervised experience in the care and education of children;

(B) shall establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 2 group meetings and 10 home visits for each participating family;

(C) shall be responsible for administering the periodic screening of participating children’s educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(D) shall develop recruitment and retention programs for hard-to-reach populations.

(b) LIMITATION.—Grant funds awarded under this title shall only be used for parents as teachers programs which serve families during the period beginning with the birth of a child and ending when the child attains the age of 3.
SEC. 1006. SPECIAL RULES.

Notwithstanding any other provision of this section—

(1) no person, including home school parents, public school parents, or private school parents, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this title;

(2) no parents as teachers program assisted under this title shall take any action that infringes in any manner on the right of parents to direct the education of their children; and

(3) the provisions of section 438(c) of the General Education Provisions Act shall apply to States and eligible entities awarded grants under this title.

SEC. 1007. PARENTS AS TEACHERS CENTERS.

The Secretary shall establish one or more Parents As Teachers Centers to disseminate information to, and provide technical and training assistance to, States and eligible entities establishing and operating parents as teachers programs.

SEC. 1008. EVALUATIONS.

The Secretary shall complete an evaluation of the parents as teachers programs assisted under this title within 4 years from the date of enactment of this Act, including an assessment of such programs' impact on at-risk children.
SEC. 1009. APPLICATION.

Each State or eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 1010. PAYMENTS AND FEDERAL SHARE.

(a) PAYMENTS.—The Secretary shall pay to each State or eligible entity having an application approved under section 1009 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share—

(A) for the first year for which a State or eligible entity receives assistance under this title shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year shall be 25 percent.
(2) **Non-Federal share.**—The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including planned equipment or services.

**SEC. 1011. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997, to carry out this title.

**SEC. 1012. HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS.**

Subsection (b) of section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742(b)) is amended by adding at the end the following new paragraph:

```
(4)(A)(i) In any fiscal year in which this subsection applies, each State that receives a grant under this part may use not more than 20 percent of such grant funds in accordance with this part (other than sections 1054(a), 1054(b), and 1055) to pay the Federal share of the cost of establishing, operating, or expanding a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of such sections.
```
“(ii) Each State establishing, operating or expanding a Home Instruction Program for Preschool Youngsters pursuant to clause (i) shall give priority to establishing, operating or expanding, respectively, such a program that targets—

“(I) working poor families or near poor families that do not qualify for assistance under the early childhood programs under the Head Start Act or this chapter; and

“(II) parents who have limited or unsuccessful formal schooling.

“(B) For the purpose of carrying out subparagraph (A), a Home Instruction Program for Preschool Youngsters that is not eligible to receive assistance under this part due to the application of sections 1054(a), 1054(b), and 1055 shall be deemed to be an eligible entity.

“(C) For the purpose of this paragraph—

“(i) the term ‘Home Instruction Program for Preschool Youngsters’ means a voluntary early-learning program, for parents with one or more children between age 3 through 5, inclusive, that—

“(I) provides support, training, and appropriate educational materials, nec-
necessary for parents to implement a school-readiness, home instruction program for the child; and

“(II) includes—

“(aa) group meetings with other parents participating in the program;

“(bb) individual and group learning experiences with the parent and child;

“(cc) provision of resource materials on child development and parent-child learning activities; and

“(dd) other activities that enable the parent to improve learning in the home;

“(ii) the term ‘limited or unsuccessful formal schooling’ means the—

“(I) completion of secondary school with low achievement during enrollment;

“(II) noncompletion of secondary school with low achievement during enrollment; or

“(III) lack of a certificate of graduation from a school providing secondary edu-
cation or the recognized equivalent of such certificate;

“(iii) the term ‘near poor families’ means families that have an income that is approximately 130 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act; and

“(iv) the term ‘working poor families’ means families that—

“(I) have family members—

“(aa) who are working; or

“(bb) who were looking for work during the 6 months prior to the date on which the determination is made; and

“(II) earn an income not in excess of 150 percent of the poverty line as described in clause (iii).”.

TITLE XI—GUN-FREE SCHOOLS

SEC. 1101. SHORT TITLE.

This title may be cited as the “Gun-Free Schools Act of 1994”.
SEC. 1102. GUN-FREE REQUIREMENTS IN ELEMENTARY AND SECONDARY SCHOOLS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as sections 9001 through 9005, respectively; and

(3) by inserting after title VII the following new title:

"TITLE VIII—GUN-FREE SCHOOLS

"SEC. 8001. GUN-FREE REQUIREMENTS.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—No assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of the agency except such policy may allow the chief administering officer of the agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) DEFINITION.—For the purpose of this section, the term "weapon" means a firearm as such
term is defined in section 921 of title 18, United States Code.

“(b) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

“(1) an assurance that such local educational agency has in effect the policy required by subsection (a); and

“(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (a), including—

“(A) the name of the school concerned;

“(B) the number of students expelled from such school; and

“(C) the types of weapons concerned.”.

TITLE XII—ENVIRONMENTAL TOBACCO SMOKE

SEC. 1201. SHORT TITLE.

This title may be cited as the “Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1994”.

SEC. 1202. FINDINGS.

Congress finds that—

HR 1804 EAS
environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(2) since citizens of the United States spend up to 90 percent of each day indoors, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(3) exposure to environmental tobacco smoke occurs in schools, public buildings, and other indoor facilities;

(4) recent scientific studies have concluded that exposure to environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts in sensitive populations (including children);

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency; and

(6) according to information released by the Environmental Protection Agency, environmental tobacco smoke results in a loss to the economy of over $3,000,000,000 per year.
SEC. 1203. DEFINITIONS.

As used in this title:

(1) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Children.—The term "children" means individuals who have not attained the age of 18.

(3) Children's services.—The term "children's services" means services that are—

(A)(i) direct health services routinely provided to children; or

(ii) any other direct services routinely provided primarily to children, including educational services; and

(B) funded, directly or indirectly, in whole or in part, by Federal funds (including in-kind assistance).

(4) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 1204. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) Issuance of Guidelines.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue guidelines for instituting and enforcing a nonsmoking policy at each indoor facility where children's services are provided.
(b) CONTENTS OF GUIDELINES.— A nonsmoking policy that meets the requirements of the guidelines shall, at a minimum, prohibit smoking in each portion of an indoor facility where children’s services are provided that is not ventilated separately (as defined by the Administrator) from other portions of the facility.

SEC. 1205. TECHNICAL ASSISTANCE.

(a) IN GENERAL.— The Administrator and the Secretary shall provide technical assistance to persons who provide children’s services and other persons who request technical assistance.

(b) ASSISTANCE BY THE ADMINISTRATOR.— The technical assistance provided by the Administrator under this section shall include information to assist persons in compliance with the requirements of this title.

(c) ASSISTANCE BY THE SECRETARY.— The technical assistance provided by the Secretary under this section shall include information for employees on smoking cessation programs and on smoking and health issues.

SEC. 1206. FEDERALLY FUNDED PROGRAMS.

(a) IN GENERAL.— Notwithstanding any other provision of law, each person who provides children’s services shall establish and make a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).
(b) NONSMOKING POLICY.—

   (1) GENERAL REQUIREMENTS.— A nonsmoking policy meets the requirements of this subsection if the policy—

      (A) is consistent with the guidelines issued under section 1204(a);

      (B) prohibits smoking in each portion of an indoor facility used in connection with the provision of services directly to children; and

      (C) where appropriate, requires that signs stating that smoking is not permitted be posted in each indoor facility to communicate the policy.

   (2) PERMISSIBLE FEATURES.— A nonsmoking policy that meets the requirements of this subsection may allow smoking in those portions of the facility—

      (A) in which services are not normally provided directly to children; and

      (B) that are ventilated separately from those portions of the facility in which services are normally provided directly to children.

(c) WAIVER.—

   (1) IN GENERAL.— A person described in subsection (a) may publicly petition the head of the Federal agency from which the person receives Federal
funds (including financial assistance) for a waiver from any or all of the requirements of subsection (b).

(2) Conditions for granting a waiver.—Except as provided in paragraph (3), the head of the Federal agency may grant a waiver only—

(A) after consulting with the Administrator, and receiving the concurrence of the Administrator;

(B) after giving an opportunity for public hearing (at the main office of the Federal agency or at any regional office of the agency) and comment; and

(C) if the person requesting the waiver provides assurances that are satisfactory to the head of the Federal agency (with the concurrence of the Administrator) that—

(i) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy (or a requirement under the policy) referred to in subsection (b) (including a case in which the person shares space in an indoor facility with another entity and cannot obtain an agreement with the other entity to abide by the nonsmoking policy requirement) and the
person will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(ii) the person requesting the waiver will establish and make a good-faith effort to enforce an alternative nonsmoking policy (or alternative requirement under the policy) that will protect children from exposure to environmental tobacco smoke to the same degree as the policy (or requirement) under subsection (b).

(3) **SPECIAL WAIVER.**—

(A) **IN GENERAL.**—On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) who employs individuals who are members of a labor organization and provide children’s services pursuant to a collective bargaining agreement that—

(i) took effect before the date of enactment of this Act; and
(ii) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(B) TERMINATION OF WAIVER.—A special waiver granted under this paragraph shall terminate on the earlier of—

(i) the first expiration date (after the date of enactment of this Act) of the collective bargaining agreement containing the provisions relating to smoking privileges; or

(ii) the date that is 1 year after the date specified in subsection (f).

(d) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person subject to the requirements of this section who fails to comply with the requirements shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of Federal funds received by the person for the fiscal year in which the violation occurred for the provision of children’s services. Each day a violation continues shall constitute a separate violation.

(2) ASSESSMENT.—A civil penalty for a violation of this section shall be assessed by the head of the
Federal agency that provided Federal funds (including financial assistance) to the person (or if the head of the Federal agency does not have the authority to issue an order, the appropriate official) by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the head of the Federal agency (or the appropriate official) shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

(3) **AMOUNT OF CIVIL PENALTY.**—In determining the amount of a civil penalty under this subsection, the head of the Federal agency (or the appropriate official) shall take into account—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the ability to pay, the effect of the penalty on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability,
and a demonstration of willingness to comply
with the requirements of this title; and

(C) such other matters as justice may re-
quire.

(4) Modification.—The head of the Federal
agency (or the appropriate official) may compromise,
modify, or remit, with or without conditions, any
civil penalty that may be imposed under this sub-
section. The amount of the penalty as finally deter-
mined or agreed upon in compromise may be de-
ducted from any sums that the United States owes to
the person against whom the penalty is assessed.

(5) Petition for review.—A person who has
requested a hearing concerning the assessment of a
penalty pursuant to paragraph (2) and is aggrieved
by an order assessing a civil penalty may file a peti-
tion for judicial review of the order with the United
States Court of Appeals for the District of Columbia
Circuit or for any other circuit in which the person
resides or transacts business. The petition may only
be filed during the 30-day period beginning on the
date of issuance of the order making the assessment.

(6) Failure to pay.—If a person fails to pay
an assessment of a civil penalty—
(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or
(B) after a court has entered a final judgment in favor of the head of the Federal agency (or appropriate official), the Attorney General shall recover the amount assessed (plus interest at then currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

(e) EXEMPTION.—This section shall not apply to a person who provides children's services who—

(1) has attained the age of 18;
(2) provides children's services—

(A) in a private residence; and
(B) only to children who are, by affinity or consanguinity, or by court decree, a grandchild, niece, or nephew of the provider; and
(3) is registered and complies with any State re-
quirements that govern the children’s services pro-
vided.

(f) Effective Date.—This section shall take effect on
the first day of the first fiscal year beginning after the date
of enactment of this Act.

SEC. 1207. REPORT BY THE ADMINISTRATOR.

Not later than 2 years after the date of enactment of
this Act, the Administrator shall submit a report to Con-
gress that includes—

(1) information concerning the degree of compli-
ance with this title; and

(2) an assessment of the legal status of smoking
in public places.

SEC. 1208. PREEMPTION.

Nothing in this title is intended to preempt any provi-
sion of law of a State or political subdivision of a State
that is more restrictive than a provision of this title.

Attest:

Secretary.
HR 1804 EAS — 2
HR 1804 EAS — 3
HR 1804 EAS — 4
HR 1804 EAS — 5
HR 1804 EAS — 6
HR 1804 EAS — 7
HR 1804 EAS — 8
HR 1804 EAS — 9
HR 1804 EAS — 10
HR 1804 EAS — 11
HR 1804 EAS — 12
HR 1804 EAS — 13
HR 1804 EAS — 14
HR 1804 EAS — 15
HR 1804 EAS — 16
HR 1804 EAS — 17
HR 1804 EAS — 18
HR 1804 EAS — 19
HR 1804 EAS — 20
HR 1804 EAS — 21
HR 1804 EAS — 22
HR 1804 EAS — 23
HR 1804 EAS — 24
HR 1804 EAS — 25
HR 1804 EAS — 26
HR 1804 EAS — 27
HR 1804 EAS — 28
HR 1804 EAS — 29
HR 1804 EAS — 30
HR 1804 EAS — 31