material in State content standards in 1 or more subject areas;

(12) 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 315(b), a school that is operated or funded by the Bureau;

(13) the term "Secretary", unless otherwise provided, means the Secretary of Education; and

(14) the term "State", unless otherwise provided, means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

(b) TITLES IV, V, VI, VII, VIII, AND IX.—For the purpose of titles IV, V, VI, VII, VIII, and IX—

(1) except as provided in paragraph (3) and unless otherwise provided, the terms used in such titles have the same meanings given such terms in section 1471 of the Elementary and Secondary Education Act of 1965;

(2) the term "Bureau", unless otherwise provided, means the Bureau of Indian Affairs; and

(3) the term "Secretary", unless otherwise provided, means the Secretary of Education.

TITLE I—NATIONAL EDUCATION GOALS

20 USC 5811.

SEC. 101. PURPOSE.

The purpose of this title is to establish National Education Goals.

20 USC 5812.

SEC. 102. NATIONAL EDUCATION GOALS.

The Congress declares that the National Education Goals are the following:

(1) SCHOOL READINESS.—(A) By the year 2000, all children in America will start school ready to learn.

(B) The objectives for this goal are that—

(i) all 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 access 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 to maintain the mental alertness necessary to be prepared to learn, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

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

(B) The objectives for this goal are that—

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

total = 47 will(s)

American students from minority backgrounds and their non-minority counterparts will be eliminated.

(3) STUDENT ACHIEVEMENT AND CITIZENSHIP.—(A) By the year 2000, all 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 America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.

(B) The objectives for this goal are that—

(i) the academic performance of all students at the elementary and secondary level 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 all 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 they are healthy and fit;

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

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

(4) TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT.—

(A) 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) The objectives for this goal 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 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 sible, 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.

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

(B) The objectives for this goal are that—

(i) mathematics and science education, including the metric system of measurement, will be strengthened throughout the system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science, including the metric system of measurement, will increase by 50 percent; 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.

(6) ADULT LITERACY AND LIFELONG LEARNING.—(A) By the year 2000, every adult American 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) The objectives for this goal are that—

(i) every major American 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 those at libraries, that are designed to serve more effectively the needs of the growing number of part-time and midcareer students will increase substantially;

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

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

(vi) schools, in implementing comprehensive parent involvement programs, will offer more adult literacy, parent training and life-long learning opportunities to improve the ties between home and school, and enhance parents' work and home lives.

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

(A) By the year 2000, every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol and will offer a disciplined environment conducive to learning.

(B) The objectives for this goal 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 the rights of students to study in a safe and secure environment that is free of drugs and crime, and that schools provide a healthy environment and are a safe haven for all children;

(iii) every local educational agency will develop and implement a policy to ensure that all schools are free of violence and the unauthorized presence of weapons;

(iv) every local educational agency will develop a sequential, comprehensive kindergarten through twelfth grade drug and alcohol prevention education program;

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

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

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

(8) PARENTAL PARTICIPATION.—

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

(B) The objectives for this Goal are that—

(i) every State will develop policies to assist local schools and local educational agencies 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 decisionmaking 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.

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

PART A—NATIONAL EDUCATION GOALS PANEL

SEC. 201. PURPOSE. 20 USC 5821.

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

EDUCATION DAILY

Special Supplement

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Goals 2000 Will Shape State, Local School Reform

This week, the Education Department welcomed teams from each state to a Washington, D.C., conference to plan together how they will carry out the Goals 2000: Educate America Act. The new law, P.L. 103-227, offers states federal grants to develop and implement world-class standards and strategies to help students meet them. The law also establishes national panels to certify voluntary national and state academic and job skills standards. Congress set aside $105 million for Goals 2000 this year and imposed no funding limits through fiscal 1999, when the law expires. Education Daily Reporter David Hoff details the law in this special supplement. The supplement excludes the law's titles VI, VIII and IX, into which Congress wrapped reauthorization of ED's Office of Educational Research and Improvement.

Title I
National Education Goals

Goals 2000 expands and modifies the six national education goals then-President Bush and the nation's governors adopted in 1990. The law adds new goals for teacher development and parent involvement, and refines the original six.

The goals now say that by 2000:

1. Children will enter school ready to learn;

2. The high school graduation rate will be 90 percent;

3. Students will leave fourth, eighth and 12th grades having showed competency in English, mathematics, science, foreign languages, civics and government, economics, arts, history and geography;

4. Teachers will have the professional development they need to help students reach the other goals;

5. American students will be first in the world in math and science achievement;

6. Every adult will be literate and have the skills to compete in the global economy and participate in American democracy;

7. Schools will be free of drugs, violence, unauthorized guns and alcohol; and

8. Schools will promote partnerships with parents to increase their participation in their children's education.

Title II:
National Education Reform Leadership, Standards and Assessments

National Education Goals Panel

The law formally authorizes the National Education Goals Panel, a bipartisan committee of state and federal officials meeting since 1990 to monitor progress toward the goals.

Its membership will expand from 14 to 18 members: eight governors, three from the president's party and five from the opposing party, appointed by the National Governors'

(more)

National Education Goals Panel (Cont.)

Association; two senators appointed by the Senate majority and minority leaders; two representatives chosen by the House Speaker and Minority Leader; four state lawmakers, two from each party, appointed by the National Conference of State Legislatures; and two federal officials appointed by the president.

The president may appoint the education secretary as a nonvoting member, if he chooses two other officials from his administration.

All members, except presidential appointees, will serve two-year terms. They will elect a chairperson for a one-year term, and the position must alternate between political parties every year.

The goals panel will play a significant role in developing national model standards and nominating education experts and policymakers for the president to choose from for a new National Education Standards and Improvement Council (NESIC).

The goals panel will review the criteria NESIC sets to evaluate proposals for content, student performance and opportunity-to-learn standards. It may reject those criteria with a two-thirds vote.

Later, the goals panel will review the standards NESIC recommends for approval, and may veto them with a two-thirds majority.

The goals panel will continue to play a major role in tracking education reform through its annual reports on progress toward meeting the education goals. Goals 2000 adds requirements that the panel report annually on national state and local efforts to provide equal opportunities to learn, plus progress toward meeting the opportunity-to-learn standards or strategies states must write to get grants under Title III *(see p. 4)*.

The goals panel may hire its own staff and borrow employees from federal agencies.

To address the first national education goal, the panel must continue to work with a series of existing working committees on that topic. Those panels are to set guidelines for examining whether students enter school ready to learn and search for ways to interpret the nation's success in meeting the school readiness goal.

National Education Standards and Improvement Council

The National Education Standards and Improvement Council (NESIC) will be on the front line of setting national model standards. First, NESIC will decide what areas it wants to address when writing content and student performance standards.

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National Education Standards and Improvement Council (Cont.)

NESIC then will set criteria for evaluating proposals for the model standards. The criteria are to explain what the standards must contain to be internationally competitive, developed with public comment and based on current research. They also will show how any standards can be "sufficiently general" to be used in any state.

After the goals panel approves the criteria, NESIC will review subject-area teams' proposals for the content standards. The goals panel may overrule NESIC and veto standards with a two-thirds vote.

NESIC must follow the same process to adopt national opportunity-to-learn standards. In writing the standards, NESIC must analyze what other countries "with rigorous content standards" do to give students opportunities to learn and to prepare and continually improve their teachers' abilities. Specifically, the standards must explain what schools must do to provide:

▪ High-quality curricula aligned with the national content standards;

▪ Teachers skilled at adapting curricula to individual students' needs and who have access to professional development programs to continually improve their skills;

▪ Safe school facilities with the necessary libraries, laboratories and other resources needed to achieve national content standards;

▪ A school environment that does not discriminate against students because of their gender; and

▪ Anything else NESIC members consider necessary to provide students a fair opportunity to learn.

The Education Department will issue a competitive grant to a consortium of educators and politicians to write model opportunity-to-learn standards.

Approving State Standards

After endorsing national standards, NESIC then will have the power to certify standards states voluntarily submit.

State content standards must be "comparable or higher in rigor and quality" to the voluntary national standards NESIC adopted.

On the related issue of assessment, the council may not start the process of approving state tests aligned with the standards until 1997.

First, NESIC must approve criteria it will use to judge the assessments, addressing such issues as how well they mesh with the state's content standards and how they will be fair to students regardless of their race or gender.

NESIC's stamp of approval on a state assessment will be limited to five years.

The tests are to inform the public of the state's progress toward reaching its education goals and improving student performance. They may not be used to determine grade promotion or graduation until March 31, 1999.

Membership

The council's 19 members will be appointed by the president, based on a complex series of nominations.

The law creates four categories of members: educators; business leaders; civil rights and disability advocates, parents and civic leaders; and experts in assessment, curriculum, school finance and reform.

The education secretary will nominate 21 people, three from the first group and six from each other category. The president will select seven of those nominees.

The president will select the remaining 12 members from nominations by the Speaker of the House, the Senate Majority Leader and the National Governors' Association, each of whom will nominate three people under each category. The president must select one person under each category submitted by each nominator.

What's more, NESIC must have representatives of higher education, organized labor and the National Skill Standards Board established under Title V *(see p. 8)*.

Terms will be for three years, with a two-term limit. The panel's initial members will serve staggered terms, with a lottery determining who will serve one-, two- and three-year first terms.

The panel must be in place by August. (more)

Leadership in Educational Technology

Goals 2000 creates an Education Department Office of Educational Technology to write a national plan explaining how it will work with other federal agencies to promote advanced technologies in America's classrooms.

The plan also must outline how ED will collaborate with teachers, business leaders and others to reach that end. It will conclude by setting long-range goals.

ED already has named Linda Roberts director for the new office.

Title III
State and Local Education Systemic Improvement

This section creates the state grant program where most Goals 2000 money will go.

Of the $105 million Congress set aside for Goals 2000 in fiscal 1994, ED says it will commit $91.5 million for the state grants. ED says $658.9 million will go to state grants next year if Congress meets President Clinton's request of $700 million for Goals 2000.

To qualify for grants in fiscal 1994, a state need only submit a general four-page application explaining how it will meet Goals 2000 mandates in future years.

The state must say how it will form a statewide panel to write a school improvement plan and how it will start setting standards for content and student performance standards, as well as opportunity-to-learn standards or strategies.

ED must approve the plan if "there is a substantial likelihood" that the state's next application will meet the law's second-year requirements.

In the program's first year, states must pass along 60 percent of their grants to school districts, which then must send the same proportion to schools.

In future years, states must send 90 percent of their grants to districts, of which 90 percent must go to schools.

States may not spend more than 4 percent of their grants or $100,000--whichever is greater--on administrative expenses.

Fiscal 1994 money will be available July 1, and states may apply until June 1995.

Future state applications must be more detailed, with a plan written by a panel appointed half by the governor and half by the chief state school officer.

Besides the governor and school chief, the panels are to comprise the state board chair, teachers, principals, administrators, assessment experts, teachers union officials, high school students and parents, as well as business, labor and higher-education leaders.

Eye On Achievement

The plan should explain what policies the state education department will change to improve student achievement.

Furthermore, the plan will set content standards to help students reach the national education goals in such subjects as English, math, science, history, geography, foreign languages, the arts, civics and government and economics. States may form coalitions with each other to write these standards.

The plan must explain how schools' curricula will be revised to meet the standards and how teachers will learn of the standards and how to use them.

Once content standards are in place, the state must create tests to measure students' success in meeting them. These assessments must be adapted for students with disabilities and limited English proficiency.

Opportunity To Learn

The state panel also must adopt opportunity-to-learn standards or strategies, but the law gives states broad authority to decide what those will be.

Goals 2000 does not require states to address the same issues as the national opportunity-to-learn standards. It says only the state

(more)

State and Local Education Systemic Improvement (Cont.)

standards "shall include such factors as the state deems appropriate to ensure that all students receive a fair opportunity to learn."

Furthermore, the law adds that these standards should not be construed as a federal mandate to equalize school funding or set building standards. While states must have the standards or strategies, meeting them will be voluntary.

However, a state must explain how it will reform the management of its education system, distributing curriculum and technology materials more fairly among the state's schools.

The panel's also must explain how the state education department will change to accomplish its goals. That will include changing management so decisions about content and performance standards are made "closest to the learners."

Involving Parents

The plan also must explain how schools will work with parents on reforms, and describe how community members, especially parents, were involved in writing the state plan.

State, Federal Waivers

To help local educators, a state plan must explain how it will provide waivers from rules that prevent innovations.

For the first time, Goals 2000 gives ED authority to waive portions of federal law and regulations, based on requests in Goals 2000 plans.

To any state or school district requesting it, ED may grant flexibility from mandates in the:

- Chapter 1 program for disadvantaged students;
- Chapter 2 state block grant program;
- Dwight D. Eisenhower Mathematics and Science state program;
- Carl D. Perkins Vocational and Applied Technology Education Act; and
- Immigrant education and drug-free schools programs.

ED may not, however, grant exceptions to rules requiring states and schools to continue raising how much money they put into programs, or rules outlining how states distribute program money.

ED also will not give flexibility from requirements that public schools involve parents in decisions.

If ED decides a law or rule would hamper a school's reform plan, it may offer an exemption for up to four years. The school's plan must explain the impact such a waiver would have and what innovations it would allow the school to try. If granted, the school must report its progress to ED every other year.

ED may end the waiver at any time.

Waivers In Tandem

Under an Education Flexibility Partnership Demonstration program, ED may grant a series of waivers to up to six states in the programs listed above.

Half the demonstration states must have populations exceeding 3.5 million.

Only states participating in Goals 2000 will be eligible for the demonstration waivers, which will last up to five years. The same restrictions will apply to the types of waivers allowed.

In exchange for the flexibility, states must promise student achievement will improve and outline what steps they will take to make sure it does.

Once approved to participate in the flexibility program, a state would field applications from local schools seeking five-year waivers. States must send ED annual reports on their progress.

Noncollege-Bound Included

The state panel must explain how its efforts will help dropouts and students not going to college. It must say how the state will entice dropouts back to school and teach them to the

(more)

State and Local Education Systemic Improvement (Cont.)

state-adopted standards. For noncollege-bound students, the state must ensure it will coordinate Goals 2000 efforts with programs under the 1994 School-to-Work Opportunities Act, P.L. 103-239.

Under each requirement, states must set timetables and indicators it will use to measure progress toward meeting the state plan.

If they wish, the state panel may address issues such as:

- Providing technical assistance to help schools teach the new content standards;
- Examining spending equity in the state's schools;
- Providing new curriculum materials to schools based on the content standards; and
- Offering improved teacher preparation and professional development.

Progress Reports

States in the Goals 2000 program must send ED annual reports on activities and progress they've made with the funding and explain the forthcoming year's activities.

ED must submit reports on national progress every other year, starting April 30, 1996. The report will explain the national standard-setting process and state grant uses. It also must describe which states are using rule waivers and their successes.

School District Grants

States must pass on the bulk of their grants to school districts: 60 percent of fiscal 1994 money and 90 percent for fiscal 1995 through 1999.

At least one urban and one rural district in each state is guaranteed a subgrant. And states must give preference to applications from district consortia.

Once in the hands of school district officials, half the money must go to schools with high levels of poverty or low student achievement.

Overall, 75 percent of a district's fiscal 1994 money must go to school efforts to help students meet the state's content and student performance standards. In future years, that portion rises to 85 percent.

Districts may spend only 5 percent of a grant on administrative expenses.

To qualify for a grant, a district must appoint a "broad-based" panel to write a plan, encompassing: administrators, parents, teachers and business leaders. In addition, the panel must reflect the student body's representation of minority, limited-English-proficient and disabled students.

The plan is to outline how the district's reform activities will line up with the state's overall school improvement plan. That includes using the state's content and student performance standards as well as having strategies that ensure student have a "fair opportunity to learn."

Each district's plan must explain how it will improve children's readiness to attend school by identifying their health, nutrition, child care and other needs.

Plans also may identify federal or state regulation inhibiting the district's progress and request a waiver. State officials will forward those requests to ED for review *(see, p. 5)*.

Teacher Education Grants

States must devote part of their Goals 2000 funds not going to school districts to improving teacher preparation and professional development.

States will make competitive grants to school districts working on such efforts with higher education institutions and nonprofit groups. Grant recipients must coordinate their efforts with the state's Goals 2000 plan.

(more)

National Activities

ED may use 5 percent of Title III appropriations for national activities. At least half the money, $4.6 million in fiscal 1994, will assist local reform efforts, either by making grants to schools districts to implement improvement plans or by offering technical assistance to urban and rural schools.

Another $1 million in fiscal 1994 must go to replication of efforts successfully offering students school-based social and health services.

With the remaining money, ED may help states put improvement plans into practice; make grants to projects that integrate the model national standards into a curriculum; and support demonstration programs where school, business, higher education and labor leaders work together to support school reform.

Assistance For Bureau Of Indian Affairs Schools

To participate in Goals 2000, the Interior Department's Bureau of Indian Affairs must form a plan following similar guidelines as states.

In addition, BIA's plan must outline how it will cooperate with states to improve schools and how opportunity-to-learn standards will apply to BIA boarding schools.

BIA must hire the National Academy of Sciences or the National Academy of Education to analyze costs of using content and other standards in BIA schools.

BIA's panel writing the plan must include: the director of Interior's Office of Indian Education Programs and two assistants; an ED-appointed member; and representatives of BIA teachers, BIA administrators, a representative of a national Indian group; and members of the Navajo and other tribes and their school boards.

State Plans For Using Technology In State Curricula

Each state participating in Goals 2000 will receive at least $75,000 a year to plan how it can increase the use of technology in classrooms.

A state task force, separate from its reform panel, must write a technology plan explaining how it will work with business leaders and educators to effectively use telecommunications and computers in classrooms.

Cost estimates for purchasing equipment and upgrading the state's telecommunications structure must be in each plan.

Within a year of submitting its technology plan, each state must report its progress to ED.

Title IV
Parental Assistance

This title authorizes competitive grants for regional centers where parents can get the information and help they need to participate in their children's education.

Nonprofit groups receiving grants from ED will have to establish a governing board that includes parents and is advised by teachers and literacy activists. Centers must supplement federal funding with money from outside sources and involve school officials.

Grant winners may use their federal money to help parents understand their children's learning needs, learn how to participate in school decision-making and learn about federal education programs.

(more)

Title V
National Skill Standards Board

The board will get $3 million in fiscal 1994, and whatever appropriators consider necessary until fiscal 1999, to set guidelines for what prospective employees need to know and do before entering the workforce.

By Dec. 31, 1995, the board will identify "clusters" of occupations encompassing several job descriptions. It then will spell out the skills students will need to master before working in one of those clusters. After seeking public comment, the board will revise and then endorse the standards, which schools and businesses may voluntarily adopt.

The board will disband on Sept. 30, 1999.

The board's 28 members will include the education, labor and commerce secretaries, and NESIC's chair. The president will appoint 12 members, and the House's Speaker and Senate President Pro Tempore each will appoint six members, based on recommendations from the majority and minority leaders of each chamber. They will include: eight business leaders; eight union members; two human resource professionals; representatives from vocational and other schools, nonprofit groups, state and local governments and civil rights activists.

Title VII
Safe Schools

This title seeks to assist schools fighting crime and violence. Congress set aside $20 million for the program in fiscal 1994, and ED requested $100 million for it in fiscal 1995.

Ninety percent of the money will go to competitive grants to schools in areas with high child homicide rates, juvenile crime and school expulsions. School districts may win up to $3 million for up to two years.

Grant-seekers will receive priority if they have broad-based community participation, including input from students, in their proposed program.

Grantees may use their money to examine their crime problem, plan long-term strategies for addressing it and train teachers and administrators. They may spend only 5 percent of their grants on purchasing and installing metal detectors.

Grant winners must report to ED by March 1, 1995, and to Congress by Oct. 1, 1995, about progress in their program.

ED will spend the remaining money on national activities. Half of it will go to Washington, D.C., for its school safety problems.

Title X
Miscellaneous Provisions

The bill includes several new policy requirements for any school participating in federal education programs.

Probably the most sweeping mandate will be that any federal program serving children, including schools participating in the Elementary and Secondary Education Act (ESEA), must be smoke-free by the end of the year. The smoking ban will go into effect three months after the Health and Human Services Department publishes guidelines, or at the end of the year. Schools that allow smoking according to a collective bargaining arrangement may get a waiver for up to a year.

In a separate requirement, schools receiving ESEA money must have a policy suspending for one year students who bring a firearm to school. A loophole that gives school administrators the power to overrule the policy on a "case-by-case basis." Districts must report to states annually the number of students suspended and types of guns involved.

A third amendment requires schools to allow parents to inspect a wide range of instructional materials, such as teacher's manuals, videos and psychological tests. At the same time, schools may not force students to reveal their or any family member's psychological problems, political affiliation or income.

Another amendment bars distribution of contraceptives to minors without parents' permission under ED- and HHS-funded programs.

APR 18 1994

Public Law 103-227, the Goals 2000: Educate America Act

TITLE III - STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

<u>§301, Findings.</u> Sets out 16 congressional findings that support creation of the Title III program.

<u>§302, Purpose.</u> Subsection (a) states that it is the purpose of Title III to improve the quality of education for all students by improving student learning through a long-term, broad-based effort to promote coherent and coordinated improvements in the system of education throughout the Nation at the local and State levels in order to meet the National Education Goals.

Subsection (b) states that Title III provides new authorities and funding for the Nation's school systems without replacing funding for existing Federal education programs. Subsection (b) also expresses congressional intention that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any Title III funds.

<u>§303, Authorization of appropriations.</u> Section 303 authorizes the appropriation of $400 million for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out Title III. Of the $105 million actually appropriated to carry out the Act for FY 94, $89 million will be dedicated to the Title III program. (An additional $5 million is earmarked for State technology planning grants under a separate authorization in section 317(f).) The President has requested that nearly $700 million be appropriated for Title III for FY 95.

<u>§304, Allotment of funds.</u> Section 304 of the bill describes how funds appropriated under section 303 for any fiscal year would be used for various purposes and allotted to the States.

Under subsection (a)(1), the Secretary must reserve a total of 1 percent of the Title III appropriation (not including the technology funds under section 317) to provide assistance, in amounts determined by the Secretary, to the outlying areas; to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs; and to the Alaska Federation of Natives in cooperation with the Alaska Native Education Council to benefit Alaska Native students. (The Alaska provision was not in the Administration proposal.)

Subsection (a)(2) permits the Secretary to reserve a total of up to 5 percent of the Title III appropriation for national leadership activities under sections 313 and 314, for the costs of peer review of State improvement plans and applications under the program, and for the evaluation of the activities of the National Education Goals Panel and the NESIC, as required by section 221. The Administration proposal was for a 6 percent set-aside for national leadership activities, and did not include the section 221 evaluation anywhere in the bill.

Under subsection (b), the Secretary is to allot the remaining amount (i.e., at least 94% of the Title III total) to the States as follows: (1) half of this amount is to be allocated in accordance with the relative amounts each State received under Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965 (ESEA) for the preceding fiscal year; and (2) half of this amount is to be allocated in accordance with the relative amounts each State received through the State formula grant program under Chapter 2 of Title I of the ESEA for the preceding fiscal year.

Subsection (c) directs the Secretary, if he determines that any amount of a State's allotment for any fiscal year will not be needed by the State, to reallot that amount to other States that need additional funds, in whatever manner the Secretary determines is appropriate.

Subsection (d) requires each recipient of Title III funds, in using those funds, to maintain its expenditures for the assisted activities at least at the previous year's level. The Secretary may reduce the required level of expenditures if he determines that the recipient has justifiable reasons for such a reduction. This maintenance of effort requirement was not included in the Administration proposal and may be hard to apply, given the difficulty, in the context of systemic reform, of identifying the specific activities and dollar amounts that constitute the baseline for year-to-year comparisons. Moreover, these requirements may stifle creativity and promote very conservative behavior out of fear of audit exceptions.

<u>§305, State applications.</u> Section 305 describes the process for States to apply for Title III funds.

Subsection (a) requires that, in addition to the material described in subsections (b) and (c), each application must include various assurances, including an assurance that the State content standards and State student performance standards are (or, more accurately, will be) at least as rigorous as standards used before enactment of the Act.

Subsection (b) requires that a State's application for the first year of assistance under Title III: (1) describe the process by which the State will develop a school improvement plan that meets the requirements of section 306; and (2) describe how the State will use Title III funds for that year, including how it will make subgrants to LEAs and for professional development.

(Section 308(a)(1) and (b)(1) require that 60 percent of a State's first-year funds and 90 percent of each succeeding year's funds, respectively, be spent on these subgrants.)

Subsection (c) provides for a succeeding multi-year application from each State, to be submitted before the second year of the program. Under subsection (c)(1), a State's second application must: (1) cover the second through fifth years of its participation; (2) include a copy of its improvement plan that meets the requirements of section 306 or, if the State plan is not complete, a statement of the steps it will take to complete the plan and a schedule for doing so; and (3) an explanation of how the State will use Title III funds, including how it will make subgrants to LEAs and for professional development.

<u>§306, State improvement plans.</u> Section 306 describes how a State develops a State improvement plan, what must be in the plan, and how the Secretary reviews and approves the plan.

<u>Subsection (a), basic scope of plan.</u> Subsection (a) requires any State that wishes to receive a Title III grant after its first year of participation to develop and implement a plan for the improvement of elementary and secondary education in the State.

<u>Subsection (b), plan development.</u> Subsection (b)(1) requires that each State's improvement plan be developed by a broad-based panel in cooperation with the SEA and the Governor. Under subsection (b)(2), the Governor and the chief State school officer (CSSO) each appoint half the members of the State panel and jointly select the Chairperson of the panel. Subsection (b)(3) requires that, to the extent feasible, the panel be geographically representative of the State and reflect the diversity of the population of the State. In particular, the percentage of panel members with expertise or background in the educational needs or assessments of certain categories of special-needs children must be at least as high as their percentage of all children in the State, or one third, whichever is less. This requirement was not proposed by the Administration.

Subsection (b)(4) directs the panel to consult the Governor, the CSSO, the State board of education, and relevant committees of the State legislature in developing the plan.

Under subsection (b)(5), the panel is responsible for conducting a statewide, grass-roots outreach process, including conducting public hearings, to involve various "stakeholders" in the development of the State plan and in a continuing dialogue regarding the need for and nature of standards for students and local and State responsibilities for helping all students achieve them.

Subsection (b)(6) requires the panel to develop a State plan, provide opportunity for public comment, and submit the State plan to the SEA for approval. Under subsection (b)(7), the SEA is to submit the panel's version of the State plan, together with any changes made by the SEA, to the Secretary for approval. If any portion of the State's plan addresses matters that, under State or other applicable law, are not under the authority of the SEA, subsection (b)(8) requires the SEA to obtain the approval of, or changes to, that portion from the Governor or other responsible official before submitting the plan to the Secretary.

After the Secretary has approved a State's plan, subsection (b)(9) requires the SEA to monitor the implementation and effectiveness of the State plan and inform the State panel of progress. The panel then determines if revisions to the plan are appropriate, and periodically reports its findings to the public. (See, also, subsections (o) and (p)(1).)

<u>Subsection (c), teaching, learning, standards, and assessments.</u> Subsection (c) requires that each State plan include strategies for meeting the National Education Goals (see Title I) by improving teaching and learning and students' mastery of basic and advanced skills in core content areas. The Act does not prescribe these areas, but gives examples of possible core subjects.

Subsection (c)(1) provides that these strategies <u>must</u> include a process for developing or adopting content and student performance standards for all students; (2) a process for developing and implementing valid, nondiscriminatory, and reliable State assessments that, among other things, are aligned with the State content standards, involve multiple measures of student performance, and provide the adaptations and accommodations necessary to permit participation of all students with diverse learning needs.

Subsection (c)(2) provides that the strategies included in a State's plan <u>may</u> include processes for: (1) assisting LEAs and schools to meet the State content and student performance standards; (2) assessing the effectiveness and equity of the State's school finance program; (3) developing, selecting, and recommending instructional materials and technology; (4) providing appropriate and effective professional development; and (5) improving the State's teacher and administrator preparation, licensure, and professional development programs.

<u>Subsection (d), opportunity-to-learn standards and strategies.</u> Subsection (d)(1) requires each State improvement plan to establish standards <u>or</u> strategies for providing all

students with an opportunity to learn. States are not required to develop or adopt opportunity-to-learn (OTL) standards. The Administration's proposal would have required each State plan to establish a strategy and timetable for adopting OTL standards that address the needs of all students and for ensuring that every school in the State achieves those standards.

Subsection (d)(2) provides that notwithstanding any other provision of the Act, the implementation of opportunity-to-learn standards or strategies is voluntary for States, LEAs, and schools. Subsection (d)(3) provides that nothing in section 306 is to be read to mandate equalized per-pupil spending or national school building standards for a State, LEA, or school. These provisions were added during congressional consideration of the legislation.

<u>Subsection (e), governance, accountability, and management.</u> Subsection (e) requires each State improvement plan to establish strategies for improved governance, accountability, and management of the State's education system, such as: (1) aligning responsibility, authority, and accountability throughout the education system; and (2) creating an integrated and coherent approach to recruiting, retaining, and supporting the continued professional development of teachers and other educators.

<u>Subsection (f), parental and community support and involvement.</u> Subsection (f) requires each State improvement plan to describe strategies for how the SEA will involve parents and other community representatives in planning, designing, and implementing the State improvement plan.

<u>Subsection (g), making the improvements systemwide.</u> Subsection (g) requires each State improvement plan to describe strategies to help provide all students throughout the State the opportunity to meet State standards.

<u>Subsection (h), promoting bottom-up reform.</u> Subsection (h) requires each State improvement plan to include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, LEAs, and schools, as well as guided by coordination and facilitation from State leaders.

<u>Subsection (i), dropout strategies.</u> Subsection (i) requires each State improvement plan to include strategies for assisting LEAs and schools to enable them to meet the needs of dropouts; bring dropouts into the education system; and help them meet State content and student performance standards. This requirement was not in the Administration's proposal.

Subsection (j), coordination with school-to-work programs. Subsection (j) requires that if a State has received Federal funds for a school-to-work program, its State improvement plan must describe how the school-to-work program will be incorporated into the State's school reform efforts. This requirement was not in the Administration's proposal.

Subsection (k), benchmarks and timelines. Subsection (k) requires that each State improvement plan include specific benchmarks of improved student performance and of progress in implementing the improvement plan, and timelines against which the progress of the State in carrying out its plan can be measured.

Subsection (l), coordinating strategies [vocational education]. Subsection (l) requires each State improvement plan to include strategies for coordinating the integration of academic and vocational instruction under the Perkins Act. This requirement was not in the Administration's proposal.

Subsection (m), program improvement and accountability. Subsection (m) requires each State improvement plan to describe how the State will monitor progress towards implementing the State and local improvement plans and the procedures it plans to use to improve schools that are not meeting the State content standards (but not student performance standards or other elements of the State plan) within the established timelines.

Subsection (n), peer review and Secretarial approval. Under subsection (n)(1), the Secretary will review each State improvement plan prepared under section 306, and each application submitted under section 305, with 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. The review process must be representative of the geographic, racial, and cultural diversity of the United States and include at least one site visit to each State, except during the period when the State plan is being developed. The peer-review and site-visit requirements do not apply to a State's first-year application.

Subsection (n)(2) directs the Secretary to approve a State's plan if it is submitted within two years after the SEA receives its first Title III grant and if the Secretary determines, after considering the peer reviewers' comments, that it reflects a widespread commitment within the State and holds reasonable promise of helping all students, among other criteria. The Administration's proposal did not include a deadline for the submission of a State plan.

Under subsection (n)(3), the Secretary may not disapprove a State's plan, or a State application submitted under section 305, before offering the State an opportunity to revise its plan or application and a hearing.

Subsection (o), regular review. Subsection (o) requires each State plan to include a process for periodically reviewing and updating State content standards, student performance standards, opportunity-to-learn standards, and assessments.

Subsection (p), amendments to plan. Subsection (p)(1) requires each SEA to periodically review its State plan and amend it, as appropriate, following the same process, described in subsection (b), it used to develop the plan. (See, also, subsection (b)(9).) Subsection (p)(2) requires the Secretary to review major amendments to a State's improvement plan and provide an opportunity for revisions and a hearing before disapproving them.

Subsection (q), pre-existing State plans and panels. Subsection (q)(1) provides that if a State has developed a comprehensive and systemic improvement plan to help all students meet State standards, or any component of such a plan, that meets the intent and purposes of section 306, the Secretary may approve the plan or that component even if it was not developed through the procedures described in subsection (b), if the Secretary determines that approval would further the purposes of the State systemic education improvement. Similarly, subsection (b)(2) provides that if before the enactment of the Act [i.e,, before March 31, 1994], a State has made substantial progress in developing a plan that meets the intent and purposes of section 306, but was developed by a panel that does not meet the requirements of subsection (b)(1) - (3), the Secretary may, at the request of the Governor and the SEA, treat that panel as meeting those requirements for all purposes of Title III, if the Secretary determines that there has been statewide involvement of educators, parents, students, advocacy groups, and other interested members of the public in the development of the plan.

§307, Secretary's review of applications; payments. Section 307 describes the standards by which the Secretary reviews a State's applications under Title III. Subsection (a) requires the Secretary to approve the State's initial year application under section 305(b) if the Secretary determines that it meets the requirements of Title III and there is a substantial likelihood that the State's Year 2 application will provide for the development and implementation of a State improvement plan that complies with section 306.

Under subsection (b), the Secretary may approve the State's renewal application for years two through five only if:

(1) the Secretary has approved the State's improvement plan, or the Secretary determines that the State has made substantial progress in developing its plan and will implement the plan by the end of the second year of participation; and (2) the application meets the other requirements of Title III.

Subsection (c) directs the Secretary to make a grant to the SEA for any fiscal year for which the State has an approved application. The amount of each State's grant is determined under section 304(b).

<u>§308, State use of funds.</u> Section 308 describes how an SEA may use Title III funds.

<u>Subsection (a), first year.</u> Subsection (a) provides that, in the first year for which a State receives a grant, the State must use at least 60 percent of the grant to make subgrants to LEAs for the development or implementation of local improvement plans and to make subgrants for professional development, if the amount allocated to States under section 304(b) for that fiscal year is $50 million or more. If that amount is less than $50 million, the State is permitted, but not required, to make subgrants. (Since the amount available under the FY 94 appropriation (approximately $83 million) exceeds the $50 million trigger, the subgrant requirement applies to FY 94. The Administration proposed a 50 percent flow-through, but only if the amount available for State grants was at least $100 million.) The State may use the remainder of its grant to develop, revise, expand, or implement its State improvement plan.

<u>Subsection (b), succeeding years.</u> Subsection (b) requires a State to use at least 90 percent of its grant in the second and succeeding years to make subgrants to LEAs for the local implementation of the State improvement plan and of local improvement plans, and to make subgrants for professional development. (The Administration proposed an 85 percent flow-through requirement.) The State may use any remaining funds for State activities designed to implement its improvement plan. Among the examples of permissible activities listed in the Act is promoting public magnet schools, public "charter schools", and other mechanisms for increasing choice among public schools.

<u>Subsection (c), limit on administrative costs.</u> Subsection (c) limits each State's use of its grant funds for administrative expenses to four percent of its annual allotment, or $100,000, whichever is greater. The activities of the panel established under section 306(b)(1) to develop the State's plan are not included in the expenses subject to this limit.

<u>Subsection (d), special rule.</u> Subsection (d) requires that any new public school established under Title III be nonsectarian; not be affiliated with a nonpublic sectarian school

or religious institution; and operate under the authority of an SEA or LEA. These limitations, which probably reflect otherwise applicable law, were not in the Administration's proposal.

§309, Subgrants for local reform and professional development. Section 309 describes how subgrants are to be made to LEAs and for professional development, and how LEAs and other recipients are to use those subgrants.

Subsection (a), subgrants to local educational agencies. Subsection (a)(1) requires each State to make subgrants to LEAs through a competitive process. Where appropriate, the SEA must make at least one subgrant to an urban LEA and one to a rural area. This requirement, which was not in the Administration proposal, does not apply to the District of Columbia. (See, also, subsection (c), described below.)

Subsection (a)(2) authorizes LEAs to apply to the SEA for subgrants to develop a local improvement plan. An LEA is eligible to receive a development subgrant for only one year.

Subsection (a)(3) requires each LEA wishing to receive a subgrant to implement its plan to submit the plan to the SEA. Among other requirements, the local plan must be developed by a broad-based panel, appointed by the LEA, and address district-wide education improvement, directed at enabling all students to meet the State's content and student performance standards, including specific goals and benchmarks.

Under subsection (a)(4), the LEA submits the local plan to the SEA, with a description of any changes it made to the plan as developed by the local panel. If the LEA's application is approved by the SEA, subsection (a)(5) requires the LEA to monitor the implementation and effectiveness of the local improvement plan and directs the local panel to determine if revisions to the local plan should be recommended to the LEA.

Subsection (a)(6) permits an LEA to use up to 25 percent of its first year subgrant funds to develop its local improvement plan or for any activities approved by the SEA that are reasonably related to carrying out the State or local improvement plans. The LEA must use at least 75 percent of the first year subgrant to support individual school improvement initiatives related to providing all students in the school the opportunity to meet State content and student performance standards. Subgrant funds in succeeding years may be used for any activities approved by the SEA that are reasonably related to carrying out the State or local improvement plans, except that at least 85 percent of these funds in each year must be made available to individual schools to develop and implement school improvement plans designed to help all students meet the State standards. At least half the funds made available by an LEA to individual schools in any year must be made available to schools with a special need for such assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the LEA. An LEA may use up to 5 percent of its annual subgrant for administrative expenses. This limitation was not included in the Administration's proposal.

Subsection (a)(7) requires each SEA, in awarding LEA subgrants under subsection (a), to give "special consideration" to consortia of LEAs and to LEAs that will use their subgrants to assist consortia of schools. This requirement was not in the Administration proposal.

Subsection (b), subgrants for preservice teacher education and professional development activities. Subsection (b) requires each SEA to make subgrants, on a competitive, peer-reviewed basis, to LEAs (in cooperation with institutions of higher education) and nonprofit organizations to improve preservice teacher education programs, consistent with the State plan; and to support continuing, sustained professional development activities for educators and school administrators consistent with the State improvement plan. The Act does not contain the Administration's proposed requirements that each applicant for a pre-service teacher training grant include at least one LEA and one institution of higher education (IHE) in its consortium, and that each applicant for a professional development grant include at least one LEA.

Subsection (c), special award rule. Subsection (c) requires each SEA to award at least 50 percent of LEA subgrant funds under subsection (a) in each fiscal year to LEAs that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all LEAs in the State. The SEA may waive this requirement if it does not receive a sufficient number of applications to comply with it.

§310, Availability of information and training [private schools]. Subsection (a) requires SEAs and LEAs to provide private schools, on request, with information about goals, standards, materials, and assessments developed with program funds, and to include private school teachers and administrators in training carried out with program funds "[p]roportionate to the number of children" in the State or LEA who attend private schools. Subsection (b) provides for a Secretarial bypass, under the same conditions that govern Chapter 1 bypasses, if the SEA or LEA is unable to (or doesn't) comply. (Section 1020 of the Act prohibits the use of Title III funds to benefit private schools "directly or indirectly", except as authorized by §310.) These provisions were not included in the Administration's proposal.

__§311, Waivers of statutory and regulatory requirements.__ Section 311 permits the Secretary to waive statutory and regulatory requirements of certain programs administered by the Secretary, in conjunction with a State or local improvement plan approved under Title III.

__Subsection (a), waiver authority.__ Subsection (a)(1) authorizes the Secretary to waive any such requirement at the request of the SEA or, through the SEA, an LEA or school if, and only to the extent that, the Secretary determines that the requirement impedes the ability of the State, or of an LEA or school in the State, to carry out the State or local improvement plan. The SEA must also have waived, or agreed to waive, similar requirements of State law. If the SEA requests a statewide waiver of a requirement, the SEA must provide all LEAs and parent organizations in the State with notice and an opportunity to comment on the SEA's proposal to seek that waiver, and must submit the LEAs' comments to the Secretary.

Subsection (a)(2)(A) permits waiver requests to be made on behalf of an LEA or school that receives Title III funds or that is undertaking comparable school reform efforts. Subsection (a)(2)(B) describes the information that an SEA must include in a waiver application submitted to the Secretary.

Subsection (a)(3) requires the Secretary to act promptly on a waiver request and to provide a written statement of the reasons for granting or denying each request. Subsection (a)(4) provides that each waiver may be for a period of up to 4 years. The Secretary may extend the period of a waiver if the Secretary determines that the waiver has been effective in enabling the State or affected LEAs to carry out their reform plans. (See, also, subsection (f).)

__Subsection (b), included programs.__ Subsection (b) identifies the following statutes as subject to the waiver authority: (1) Chapter 1 of Title I of the ESEA, including the Even Start program; (2) Part A (State Grants) of Chapter 2 of Title I of the ESEA; (3) the Dwight D. Eisenhower Mathematics and Science Education Act (Title II, Part A of the ESEA); (4) the Emergency Immigrant Education Act of 1984 (Title IV, Part D of the ESEA); (5) the Drug-Free Schools and Communities Act of 1986 (Title V of the ESEA); and (6) the Carl D. Perkins Vocational and Applied Technology Education Act.

__Subsection (c), waivers not authorized.__ Subsection (c) prohibits the Secretary from waiving any statutory or regulatory requirement of the programs listed in subsection (b) relating to: (1) maintenance of effort; (2) comparability of services; (3) the equitable participation of students and professional staff in private schools; (4) parental participation and involvement; or (5) the distribution of funds to States or to LEAs. In addition, a requirement may not be waived unless the underlying purposes of the statutory requirements of the program in question continue to be met to the Secretary's satisfaction.

Subsection (d), termination of waivers. Subsection (d) directs the Secretary periodically to review the performance of any State, LEA, or school for which he has granted a waiver and to terminate the waiver if he determines that the performance of the State, LEA, or school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

Subsection (e), flexibility demonstration. Subsection (e), the Education Flexibility Partnership Demonstration Act (proposed by Senator Hatfield and added on the Senate floor), authorizes the Secretary to delegate, to up to 6 States (3 with less than 3.5 million people and 3 with 3.5 million or more people) the authority to waive the requirements that the Secretary may waive under section 311. A State may be selected only if the Secretary has approved its Title III plan and the State waives State requirements while holding affected LEAs and schools accountable for student performance. The Secretary may delegate the waiver authority to a State under this subsection for up to 5 years.

Subsection (f), accountability. Subsection (f) directs the Secretary, in determining whether to extend a waiver under subsection (a) or an SEA's authority to grant waivers under subsection (e), to review the progress of the SEA, LEA, or school to determine if it has made satisfactory progress toward achieving the desired results described in its application.

Subsection (g), publication. Subsection (g) requires the Secretary to publish, in the Federal Register, notices of his decisions to grant waivers and to authorize SEA waivers. This requirement was not included in the Administration's proposal.

§312, Progress reports. Subsection (a) requires each SEA that receives funds under Title III to report annually to the Secretary on the State's progress in meeting its goals and plans, on the State's proposed activities for the succeeding year, and, in summary form, on the progress of LEAs in meeting local goals and plans.

Subsection (b) requires the Secretary to submit a report to Congress by April 30, 1996, and every two years thereafter. The reports are to describe: (1) the activities and outcomes of grants under section 220 of the Act (assessment development and evaluation grants) and an analysis of the impact of those assessments on the performance of students; (2) the activities assisted under Title III, and the outcomes of those activities; and (3) the effect of waivers granted under section 311.

§313, Technical and other assistance regarding school finance equity. Section 313 authorizes the Secretary to provide funds to various entities to provide technical assistance to SEAs and LEAs to increase school finance equity, and to develop and disseminate models of school finance systems. Each SEA and LEA that receives ESEA funds must provide the Secretary such data and information on school finance as he may require to carry out this section. Activities under this section are to be paid for out of the reservation of Title III funds (not to exceed 5 percent) for national leadership activities established by section 304(a)(2). Although the Administration did not propose this section in Goals 2000, it proposed a similar authority in its ESEA reauthorization proposal (as Title V-B of the ESEA), for which the President has requested $8 million for FY 95.

§314, National leadership. Subsection (a) authorizes the Secretary to use funds reserved under section 304(a)(2) (up to 5 percent of the Title III annual amount) to: (1) provide technical assistance to States, LEAs, and tribal agencies developing or implementing school improvement plans; (2) gather data on, conduct research on, and evaluate systemic education improvement; (3) disseminate research findings and other information on systemic education improvement; (4) provide grants to tribal divisions os education; (5) support national demonstration projects that unite SEAs, LEAs, institutions of higher education, government, business, and labor in collaborative arrangements to make educational improvements systemwide; and (6) support model projects to integrate multiple content standards. None of these activities is mandatory.

Subsection (b)(1) requires the Secretary to use at least 50 percent of the funds reserved (under section 304(a)(2)(A)) for sections 313 and 314 to provide technical and other assistance (including financial assistance), to urban and rural LEAs with large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency, to assist those agencies develop and implement local school improvement plans. However, a school that receives subgrant funds under section 309(a) may receive only technical assistance under section 314(b)(1), a limitation not included in the Administration's proposal. [Note: the 50% requirement of paragraph (1) and the FY 94 $1 million earmark in paragraph (2) [see next paragraph], acting together, require the Secretary to devote at least $1 million of FY 94 funds to the LEA assistance authority.]

Subsection (b)(2) requires the Secretary to earmark at least $1 million of the FY 94 national leadership funds to replicate coordinated services programs and to disseminate information about them to schools that plan to develop those programs.

Subsection (c) requires that any activities under section 314 that involve research be carried out through the Office of Educational Research and Improvement (OERI). This requirement was not included in the Administration's proposal.

§315. Assistance to the outlying areas and to the Secretary of the Interior. Section 315 governs the 1 percent set-aside for the Territories and the Bureau of Indian Affairs established by section 304(a)(1)(A).

Subsection (a), outlying areas. Subsection (a) directs the Secretary to distribute funds reserved for the outlying areas under section 304(a)(1)(A) according to the relative needs of those areas. Public Law 95-134, which permits the consolidation of certain grants to the Insular Areas, is inapplicable to funds received by those areas under this program.

Subsection (b), Secretary of the Interior. Subsection (b) requires that funds reserved by the Secretary of Education for the Secretary of the Interior under section 304(a)(1)(B) be made available to the Secretary of the Interior pursuant to an agreement between the two Secretaries containing such terms and assurances, consistent with Title III, as the Secretary of Education determines will best achieve the purpose of the Act. Various mandatory provisions of that agreement, not included in the Administration's proposal, are spelled out.

Subsection (c), BIA cost analysis. Subsection (c) directs the Secretary of the Interior to spend not more than $500,000 of its first year funds for the National Academy of Science or the National Academy of Education to analyze the costs of meeting the BIA's academic and home-living/residential standards for each BIA-funded school. We expect the BIA's first-year (FY 94) set-aside to be $445,000. This provision was not in the Administration's proposal.

Subsection (d), Secretary of Defense. Subsection (d) directs the Secretary of Education to consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of Title III are applied to the Department of Defense schools.

§316. Clarification regarding State standards and assessments. Provides that notwithstanding anything else in Title III, the State standards or State assessments described in a State's Title III plan need not be certified by the National Education Standards and Improvement Council established by Part B of Title II. This section was not included in the Administration's proposal.

§317. State planning for improving student achievement through integration of technology into the curriculum. Authorizes, for FY 94 only, a $5 million program of separate grants for States to plan for the effective educational use of technology. These plans would be part of the States' overall Title III improvement plans. The full $5 million has been appropriated for this section for FY 94. This separate program was added by the Senate at the behest of Senator Bingaman. [See, also, Part C of Title II.]

§318. Prohibition on Federal mandates, direction, and control. Provides that nothing in the Act shall be construed to authorize an officer or employee of the Federal Government to: (1) mandate, direct, or control a State, LEA, or school's curriculum, program of instruction, or allocation of State or local resources; or (2) mandate a State or any subdivision of a State to spend any funds or incur any costs not paid for under the Act. Most of this section, which was not proposed by the Administration, duplicates section 103(b) of the Department of Education Organization Act (DEOA) (which applies only to the Secretary and employees of ED) and section 432 of the General Education Provisions Act (GEPA), which applies to all Federal agencies and officials. The prohibition on reading the Act to contain "unfunded mandates" is not likely to hinder full implementation of the Act because the Act's requirements are triggered by the voluntary receipt of Federal funds and are thus not "mandates". Related language is contained in section 319 of the Act.

§319. State and local government control of education. Subsection (a) sets out findings relating to the DEOA's provisions on State and local control of education and the Federal role in education. Subsection (b) "reaffirms" that responsibility for control of education is reserved to the States and local school systems and that no action shall be taken under the Goals 2000 Act by the Federal Government that would "directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, provision of financial assistance and otherwise, [that] would reduce, modify, or undercut State and local responsibility for control of education". This section was not included in the Administration's proposal.

TITLE IV - PARENTAL ASSISTANCE

Title IV. Creates a new grant program, authorized at "such sums as may be necessary" for FYs 95-98, for nonprofit organizations, either on their own or in consortia with LEAs, to establish parental information and resource centers. This program was not proposed by the Administration.

TITLE VI - INTERNATIONAL EDUCATION PROGRAM

Title VI. Authorizes $1 million for FY 95, and "such sums" for Fys 96-99, for the Secretary to make grants for the study, evaluation, and analysis of education systems in other nations, particularly Great Britain, France, Germany, and Japan. Authorizes $10 million for FY 95, and "such sums" for Fys 96-99, for the Secretary, in consultation with the Director of the USIA, to conduct an international education exchange program. This programs was not proposed by the Administration.

TITLE VIII - MINORITY-FOCUSED CIVICS EDUCATION

Title VIII. Title VIII, the Minority-Focused Civics Education Act of 1994, authorizes $5 million for FY 95, and "such sums" for Fys 96-98, for the Secretary to support seminars in American government and civics for elementary and secondary teachers and other educators who work with minority and Native American students. This program was not proposed by the Administration.

TITLE X - MISCELLANEOUS

[Note: With the exception of section 1019(a), none of the education-related provisions of Title X was proposed by the Administration.]

PART A - MISCELLANEOUS PROVISIONS

§1011, School prayer. Prohibits States and LEAs from using Goals 2000 funds to adopt policies that prevent voluntary prayer and meditation in public schools. Similar language that applies to all ED funds has been included in each year's ED appropriation Act for several years. (See, for example, section 304 of the Department of Education Appropriations Act, 1994, Title III of P.L. 103-112.) In any case, using funds for such a purpose is probably not authorized under the various program statutes ED administers.

§1012, Funding for the Individuals with Disabilities Education Act. Subsection (b) expresses the sense of the Congress that the Federal Government should provide States and communities with adequate resources under the IDEA as soon as reasonably possible, through the reallocation of non-education funds, within the current budget constraints.

§1014, Forgiveness of certain overpayments. Subsection (a)(1) forgives the obligation of Colfax County, New

Mexico to repay an overpayment of approximately $350,000 it received in its fiscal year 1993 Basic Grant allocation under Chapter 1 of Title I of the ESEA. The overpayment was made as a result of ED's internal errors. In the absence of remedial legislation, the Department would be required to recover the overpayment from Colfax County.

Subsection (a)(1) also ratifies the FY 93 allocations to other counties under Chapter 1 and the FY 93 allocations under other programs (Even Start and Homeless) that were affected by the Colfax error. Subsection (a)(2) directs the Secretary and SEAs to use the uncorrected FY 93 Chapter 1 allocations in making allocations under other programs (Math-Science, Drug-Free Schools, Perkins Basic Grants, and Goals 2000 State Grants) that are based on the 1993 Chapter 1 allocations. These provisions avoid the need to recompute a large number of allocations that would involve very small adjustments.

To ensure that Colfax County does not derive a permanent windfall from the Department's one-time error, subsection (b) requires the Secretary to use the corrected FY 93 Colfax amount for the sole purpose of computing the FY 94 "hold harmless" amount for that county. (Section 1403(a) of the ESEA guarantees each county an allocation of at least 85% of what it received in the previous year.)

<u>§1015, Study of Goals 2000 and students with disabilities.</u> Directs the Secretary, within 180 days of enactment, to arrange with the National Academy of Sciences or the National Academy of Education for a comprehensive study of the inclusion of children with disabilities in school reform activities assisted under the Act. The Secretary is to pay for the study (at a cost of $600,000 for FY 94 and such sums as may be necessary for FY 95) from funds appropriated for research related to individuals with disabilities. An interim report is due in 12 months, and a final report is due in 24 months, after the contract is awarded. The Department would have preferred to give the Secretary greater discretion in selecting the contractor, defining the scope of the study, determining the cost of the study, and identifying the source of funds for the study. The due dates for the report are probably too soon because Goals 2000 activities are just beginning and may not translate into identifiable and quantifiable results for children with disabilities (or any children) until after the report is due.

<u>§1016, Amendments to summer youth employment and training program.</u> Amends the Job Training Partnership Act, administered by the Department of Labor.

<u>§1018, Contraceptive devices.</u> Directs HHS and ED to ensure that all federally funded programs that provide for the distribution of contraceptive devices to unemancipated minors

develop procedures to encourage, to the extent practical, family participation in those programs.

§1019, Assessments. Subsection (a) prohibits the use of Title II funds to develop or undertake assessments that will be used for "high-stakes" decisions (graduation, grade promotion, or retention of students) for five years after enactment. This limitation was proposed by the Administration.

Subsection (b) provides that assessments developed with Title III funds may be used for decisions regarding graduation, grade promotion, or retention of students only if the students have been prepared in the content for which they are being assessed. This limitation was not in the Administration's proposal.

§1020, Public schools. Provides that nothing in the Act is to be read to permit the use of Title III funds to directly or indirectly benefit any private school, except as provided in section 310. Section 310 requires SEAs and LEAs to provide private schools, on request, with information about goals, content or student performance standards, materials, or assessments developed with Title III funds and to include private school teachers and administrators in training carried out with Title III funds, "proportionate to the number of children" in the State or LEA who attend private schools.

§1022, Sense of the Congress. Expresses the sense of the Congress that: (1) recipients of Goals 2000 funds should spend those funds in accordance with the "Buy American Act"; (2) recipients of those funds should "buy American" when purchasing equipment or products; (3) Federal agencies should notify their Goals 2000 grantees and contractors of this sense of the Congress; and (4) any person who deliberately mislabels a product "Made in America" should be barred from receiving Goals 2000 Act funds.

PART B - GUN-FREE SCHOOLS

§1031, Short title. Provides that Part B of Title X may be cited as the "Gun-Free Schools Act of 1994".

§1032, Gun-free requirements in elementary and secondary schools. Redesignates Title VIII of the ESEA as Title IX and inserts a new Title VIII (Gun-Free Schools) consisting of one section, as follows:

ESEA, §8001, Gun-free requirements. Subsection (a) prohibits the provision of any assistance under the ESEA to any LEA that does not have a policy requiring the expulsion from school for at least one year of any student who brings a firearm to a school under the LEA's jurisdiction. The LEA's policy could, but need not (on the face of §8001) allow the LEA's chief administering officer to modify the expulsion requirement on a case-by-case basis.

This provision would require an LEA to have in place a policy that potentially conflicts with Part B of the Individuals with Disabilities Education Act (IDEA) and section 504 of the Rehabilitation Act of 1973. The IDEA does not permit an LEA to unilaterally change the placement (by expulsion or otherwise) of a student with a disability for any reason, including discipline. The student's parents must be given prior notice of any change in placement and be afforded an opportunity for a hearing. During the pendency of any administrative or judicial challenge by the parents to the proposed change, the student may not be removed from the current placement.

Similarly, section 504 prohibits discrimination based on disability, and would not permit expulsion for behavior related to a student's disability. In addition, even after a student is removed from his or her placement in accordance with the prescribed procedures, it is the Department's view that the IDEA and section 504 require the continued provision of educational services to a student whose misbehavior is related to his or her disability, and that the IDEA requires such services even if the misbehavior is not related to the disability. To avoid the potential conflict between those statutes and the Gun-Free Schools Act, ED will probably require that LEAs use the case-by-case exception authority to comply with the requirements of the IDEA and section 504 in the case of students with disabilities.

In addition, new section 8001 may be inconsistent with, but does not override, provisions of applicable State or local law relating to the discipline of students. Where it is inconsistent, LEAs would be forced to choose between compliance with State or local law and the receipt of ESEA funds.

Subsection (b) requires each LEA seeking ESEA funds from the State to include in its application an assurance that it has the required policy in effect and a description of the circumstances under which it has expelled students under that policy. These application requirements do not apply to programs, such as Magnet Schools, Bilingual Education, and Indian Education, under which LEAs apply directly to the Secretary.

PART C - ENVIRONMENTAL TOBACCO SMOKE

Part C is the "Pro-Children Act of 1994".

Section 1043(a) and (b) prohibit indoor smoking in any facility used for the routine or regular provision of federally funded kindergarten, elementary, or secondary education; library services for children; health care; or day care. Exceptions are provided for private residences and for hospital areas that are used for inpatient treatment of drug or alcohol addicts. Section 1043(c) imposes the same ban (with the same exceptions) on those services in facilities operated by the Federal Government, whether directly or by contract.

Under section 1043(d), these prohibitions are effective 90 days after the Secretary of HHS publishes a notice in the Federal Register or 270 days after enactment, whichever comes first. Section 1043(e) permits waivers, for not more than one year after enactment, to accommodate pre-existing collective bargaining agreements.

Section 1043(f) provides for the Secretary of HHS (but not other agency heads) to impose civil penalties of up to $1,000 for violations of the smoking ban (apparently including violations that have no tie to HHS funds), with review available in the appropriate U.S. Court of Appeals (not Federal district court).

PART D - MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

Part D, the "Midnight Basketball League Training and Partnership Act", amends the Cranston-Gonzalez National Affordable Housing Act, administered by the Department of Housing and Urban Development.

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