



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

October 11, 1995

NOTE TO: Mike Cohen, OS

SUBJECT: Goals 2000 technical drafting assistance

Two versions of draft language are attached. The first version includes language requiring States that follow the alternate approval procedure to report annually to the Secretary on their progress and permits the Secretary to withhold funds to States that have not made adequate progress or taken corrective action. This language, which is not in the second version, would set a standard for the annual receipt of funds by these States that, as we read the current Act, need not be met by States whose plans are approved by the Secretary. It seems that, under current law, those States are basically home free once the Secretary approves their plan. Is that how we'll be implementing current law? If so, do we want to require a higher showing for States whose plans the Secretary will not be approving?

Happy to discuss. You can reach me at 401-6269 and Jack at 401-6267.

Paul Riddle

Attachments

cc: Jack Kristy

1 ALTERNATIVE TO SECRETARIAL APPROVAL OF STATE PLANS

2 SEC. 1. (a) STATE IMPROVEMENT PLANS. Section 306 of the
3 Goals 2000: Educate America Act is amended--

4 (1) by redesignating subsections (o), (p), and (q) as
5 subsections (p), (q), and (r), respectively;

6 (2) by inserting after subsection (n) a new subsection
7 (o) to read as follows:

8 "(o) ALTERNATIVE SUBMISSION.--(1) Any State that wishes to
9 receive a grant under this title after its first year of
10 participation may, instead of submitting its State plan for
11 approval by the Secretary under subsection (n) and
12 section 305(c)(2), or submitting major amendments to the
13 Secretary under subsection (q), provide the Secretary, as part of
14 an application under section 305(c) or as an amendment to a
15 previously approved application--

16 "(A) an assurance from the Governor and the chief
17 State school officer that--

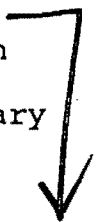
18 "(i) the State has a plan that meets the
19 requirements of this section; and

20 "(ii) any amendments that the State makes to
21 its plan will meet the requirements of this section; and

22 "(B) the benchmarks and timelines described in
23 subsection (k).

24 "(2) Any State that chooses to submit the information
25 described in paragraph (1) shall report annually to the Secretary

*Paragraphs (2) and (3) are
not in version 2*



1 on its progress toward meeting the benchmarks and timelines
2 described in subsection (k).

3 "(3) The Secretary may withhold funds from any such
4 State if the Secretary determines that the State--

5 "(A) failed to make adequate progress toward its
6 benchmarks and milestones for two years; and

7 "(B) failed to take adequate corrective measures.

8 [What, if anything, do we need to do about the 2-year deadline
9 for submitting a plan in section 306(n)(2), as applied to this
10 alternative approach? I think we can ignore it and rely on the
11 implementation deadline in section 307(b)(2).]

12 (b) STATE APPLICATIONS. Section 305(c)(2) of the
13 Goals 2000: Educate America Act is amended by inserting "except
14 as provided in section 306(o)," before "include".

15 (c) SECRETARY'S REVIEW OF APPLICATIONS. Section
16 307(b)(1)(A) of the Goals 2000: Educate America Act is amended by
17 inserting "or the State has submitted the information described
18 in section 306(o)" after "section 306(n)".

19 LIMITATIONS

20 SEC. 2. Title III of the Goals 2000: Educate America Act is
21 further amended by adding at the end thereof a new section 320 to
22 read as follows:

23 "LIMITATIONS

24 "SEC. 320. (a) PROHIBITED CONDITIONS. No State, local
25 educational agency, or school shall be required, as a condition
26 of receiving assistance under this title--

27 "(1) to provide 'outcomes-based' education;

1 "(2) to provide school-based health clinics or any
2 other health or social service; or

3 "(3) to take any action that would violate [or
4 otherwise be inconsistent with?] State education law [or
5 policy?].

6 [What does paragraph (3) mean? If State law or policy conflicts
7 with Goals 2000, but the State otherwise complies with the Act,
8 must the Secretary give it money?]

9 "(b) LIMITATION ON GOVERNMENT OFFICIALS. Nothing in this
10 Act shall be read to require or permit any State or Federal
11 official to inspect a home, judge how parents raise their
12 children, or remove children from their parents, as a result of
13 the participation of a State, local educational agency, or school
14 in any program or activity carried out under this Act."

* * * * *

1 ALTERNATIVE TO SECRETARIAL APPROVAL OF STATE PLANS

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11 approval by the Secretary under subsection (n) and
12 section 305(c)(2), or submitting major amendments to the
13 Secretary under subsection (q), provide the Secretary, as part of
14 an application under section 305(c) or as an amendment to a
15 previously approved application--

16 "(1) an assurance from the Governor and the chief State
17 school officer that--

18 "(A) the State has a plan that meets the
19 requirements of this section; and

20 "(B) any amendments that the State makes to its
21 plan will meet the requirements of this section; and

22 "(2) the benchmarks and timelines described in
23 subsection (k)."

24 [What, if anything, do we need to do about the 2-year deadline
25 for submitting a plan in section 306(n)(2), as applied to this
26 alternative approach? I think we can ignore it and rely on the
27 implementation deadline in section 307(b)(2).]

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20 otherwise be inconsistent with?] State education law [or
21 policy?].

22 [What does paragraph (3) mean? If State law or policy conflicts
23 with Goals 2000, but the State otherwise complies with the Act,
24 must the Secretary give it money?]

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26 Act shall be read to require or permit any State or Federal

1 official to inspect a home, judge how parents raise their
2 children, or remove children from their parents, as a result of
3 the participation of a State, local educational agency, or school
4 in any program or activity carried out under this Act."

* * * * *

Two amendments to Title III of the Goals 2000: Educate America Act would authorize direct grants from the Department of Education to school districts in States that do not participate in the program and provide an alternative method of participation for States that do not wish to submit their full State improvement plans to the Secretary for approval.

Direct grants to school districts. The first amendment would provide for participation in the Goals 2000 program by communities in those few States that have opted not to participate. The Secretary would use some or all of the funds that would otherwise have been awarded to the State to make grants to school districts in the State that want to participate and that submit applications containing information the Secretary requires, consistent with the purpose of the program. Grant amounts would be based on relative student enrollments in those school districts or on other appropriate factors selected by the Secretary.

Alternative method of State participation. The second amendment would provide an alternative method of participation in the Goals 2000 program for States that do not wish to submit their full State improvement plans to the Secretary for approval. Under this alternative, a State could receive its full allocation if, instead of submitting its plan for review and approval by the Secretary, it submits two things: (1) an assurance from the Governor and the chief State school officer that it has a plan, widely available throughout the State, that meets all the requirements of the statute, and that any amendments it makes to the plan will comply with the statute; and (2) the benchmarks and timelines it will use to measure its progress.

A State that follows this alternative procedure would, each year, report to the public on how it spent its Goals 2000 funds and on the progress it had made toward meeting its benchmarks and timelines. The Secretary could comment on the State's benchmarks and timelines, and on the State's progress, but his comments would not be binding on the State.

AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 1. Section 304 of the Goals 2000: Educate America Act is amended by adding at the end thereof a new subsection (e) to read as follows:

"(e) DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.--(1) If a State [has not participated/is not participating] in the program authorized by this title as of October 20, 1995, the Secretary shall use all [or a portion] of the allotment that the State would have received under this section to award grants to local educational agencies in the State that have approved applications under paragraph (2). ✓

"(2) Any local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary that contains such information as the Secretary may require, consistent with the purpose of this title. The Secretary may establish a deadline for the submission of such applications.

"(3) The Secretary shall use such factors as the Secretary determines are appropriate, which may include relative student enrollments in local educational agencies, to award grants under this subsection.

["(4) The Secretary shall use any portion of a State's allotment under this section that the Secretary determines is not needed to make awards to local educational agencies under this

1 subsection to provide additional assistance to States and local
2 educational agencies to carry out activities under this title.]".

3 ALTERNATIVE TO SECRETARIAL APPROVAL OF STATE PLANS

4 SEC. 2. (a) STATE IMPROVEMENT PLANS. Section 306 of the
5 Goals 2000: Educate America Act is amended--

6 (1) by redesignating subsections (o), (p), and (q) as
7 subsections (p), (q), and (r), respectively;

8 (2) by inserting after subsection (n) a new subsection
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10 "(o) ALTERNATIVE SUBMISSION.--(1) Any State that wishes to
11 receive a grant under this title after its first year of
12 participation may, instead of submitting its State plan for
13 approval by the Secretary under subsection (n) and
14 section 305(c)(2), or submitting major amendments to the
15 Secretary under subsection (q), provide the Secretary, as part of
16 an application under section 305(c) or as an amendment to a
17 previously approved application--

18 "(A) an assurance from the Governor and the chief
19 State school officer that--

20 "(i) the State has a plan that meets the
21 requirements of this section and that is widely available
22 throughout the State; and

23 "(ii) any amendments that the State makes to
24 its plan will meet the requirements of this section; and

25 "(B) the State's benchmarks of improved student
26 performance and of progress in implementing its plan, and the

1 timelines against which the State's progress in carrying out its
2 plan can be measured.

3 "(2) Any State that chooses to use the alternative
4 method described in paragraph (1) shall annually report to the
5 Secretary and to the public summary information on the use of
6 funds under this title by the State and its local educational
7 agencies, as well as its progress toward meeting the benchmarks
8 and timelines described in paragraph (1)(B).

9 "(3) The Secretary may comment on the State's
10 benchmarks and timelines and on the State's progress toward
11 meeting them. The Secretary's comments are not binding on the
12 State.

13 (b) STATE APPLICATIONS. Section 305(c)(2) of the
14 Goals 2000: Educate America Act is amended by inserting "except
15 as provided in section 306(o)," before "include".

16 (c) SECRETARY'S REVIEW OF APPLICATIONS. Section 307(b)(1)
17 of the Goals 2000: Educate America Act is amended--

18 (1) in subparagraph (A), by striking out "or" at the
19 end thereof;

20 (2) in subparagraph (B), by striking out "and" after
21 the semicolon and inserting in lieu thereof "or"; and

22 (3) by adding at the end thereof a new subparagraph (C)
23 to read as follows:

24 "(C) the State has submitted the information
25 described in section 306(o); and".

(d) PROGRESS REPORTS. Section 312(a) of the Goals 2000:

Educate America Act is amended by inserting a comma and "except
under section 306(o)," immediately after "under this title".

* * * * *

AMENDMENT TO GOALS 2000 ACT

GOALS 2000 PERFORMANCE PROGRAM

The purpose of this amendment is to provide an alternative to Secretarial review and approval of state education reform plans, while providing for comparable and appropriate accountability, and preserving the basic framework of systemic reform. The basic idea is that the state identifies the milestones of progress it will be accountable for, based on its own education reform plan, and then reports on its progress annually when it applies for additional funds.

- o **Optional for states**
 - o States can continue to participate under current law, or they may participate under the terms of this amendment.
- o **States required to develop (or use preexisting) reform plan consistent with the intent and purposes of Section 306.**
 - o States submit reform plan for informational purposes only. There must be explicit language in the amendment that the Secretary is not required to approve, nor may require changes in, state's education reform plan.
 - o The state must provide an assurance that its plan establishes challenging academic standards for all students, assessments for measuring student performance related to those academic standards, provides for preparation and continuing professional development for teachers designed to enable them to teach to the academic standards. There must be explicit language in the amendment that the Secretary shall not review or approve the state's academic standards and assessments.
 - o "Consistent with intent and purposes" is language from "preexisting plan" provision, and is intended to mean that the state plan does not need to meet each of the specific requirements of Section 306.
- o **When a state submits initial application for funds (or when it first indicates it wants to switch from current law to new approach) it proposes to the Secretary a set of annual milestones it will meet in education reform, and performance indicators it will use to determine if each are met. The milestones must reflect the accomplishments the state intends to achieve each year in implementing its reform plan, including improvements in student academic performance. In each year's application, the milestones should cover a three year period.**

from rev
law

- o When the state submits application for funds for subsequent year, it must report on progress against the benchmarks it proposed, propose revised milestones and performance indicators as appropriate, and describe steps that will be taken to reach any milestones it was unable to reach on schedule. The Secretary may withhold funds from a state only if he determines that (1) the state failed to make sufficient progress toward meeting its milestones for two years, and (2) the state failed to take any reasonable steps to make sufficient progress.
- o The state must provide an assurance that it has made the annual milestones, performance indicators and steps to reach each milestone readily available to the public, to parents, and to educators.
- o USES OF FUNDS: same provisions as in current law--60% of funds in first year, 90% in subsequent years distributed competitively, etc.

Additional Amendments:

1. No state, school district or school required to undertake outcomes based education as a condition of participating in Goals 2000.

2. No state, school district or school required to provide school-based health clinics or any other social or health services as a condition of participating in Goals 2000.

3. No school district or school is required to undertake any steps that violate or are inconsistent with state education law or policy as a condition of participating in Goals 2000.

4. Notwithstanding any other provision of this Act, no federal or state officials will be required or authorized to inspect homes, judge how parents raise their children, or remove children from their parents as a result of a state's or local school district's participation in any provision of the Goals 2000 Act.

Barry Caldwell - Chief of Staff

Sen. Arlen Specter

Specter Amendments to Goals 2000

Some comfortable w/ -- one concerned about --

According to Betty Lou Taylor, Senator Specter will offer a bill today with the following amendments to Goals 2000:

1. Eliminate NESIC
2. Eliminate OTL standards
3. Permit LEA's in states not participating in Goals 2000 to apply directly to the Secretary, on a competitive basis, for funds from state's Goals 2000 allotment. - Better to apply to only those states which have never before applied -
4. Eliminates requirement that state submit its plan to the Secretary for review and approval. (There is no substitute accountability provision in this amendment)
- Some accountability necessary -
- Approving standards not big deal w/ me -

The Secretary should call Senator Specter and ask him to delay proposing the legislation until we have a chance to quickly consult with him. We are particularly concerned about two proposed changes:

- Allowing local districts to apply to the Secretary for funds if the state is not participating in Goals 2000 could lead a number of other states to drop out. The needs of New Hampshire's local school districts could still be met if this provision were limited to LEA's in states that have never participated in Goals 2000 (New Hampshire and Virginia).
- Removing the requirement that the Secretary approve the state plan without any alternative accountability mechanism is a serious concern. Possible options include:

• An amendment that explicitly prohibits the Secretary from reviewing or approving a state's content or performance standards, rather than the whole plan;

- An amendment that gives states the option of the current arrangement for review and approval of state plans, or permits the state to propose education reform performance indicators it will meet, without the Secretary approving the state's plan. This keeps an element of accountability, while preserving the state's complete control over its education reform plan.

- An amendment that clarifies that the Secretary may disapprove a state's plan only if the state fails to make the case that the plan as a whole has the potential for success. The amendment could state that the Secretary may not require a state to modify its plan, nor may it be disapproved if there are problems only with specific parts of the plan. The amendment could also

If I don't approve plan -
① Meets req of law
② High chance of succeeding
③ Commitment in state to implement
④ Accountability for local schools
⑤ Disapproval not...

Soften the requirement -- not offer some account.
Option -

remove the requirement that the Secretary approve major changes to a state's plan once the plan has been approved.

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104TH CONGRESS
1ST SESSION

S. 1301

To amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council and requirements concerning opportunity-to-learn standards, to limit the authority of the Secretary of Education to review and approve State plans, to permit certain local educational agencies to receive funding directly from the Secretary of Education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 10, 1995

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council and requirements concerning opportunity-to-learn standards, to limit the authority of the Secretary of Education to review and approve State plans, to permit certain local educational agencies to receive funding directly from the Secretary of Education, and for other purposes.

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



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

October 17, 1995

NOTE TO: Mike Cohen, OS
Jennifer Davis, OS
Mike Smith, OUS
Kae Rairdin, OLCA
Dennis Koepfel, OGC
Phil Rosenfelt, OGC
Jack Kristy, OGC

SUBJECT: Senator Specter's bill to amend the Goals 2000 Act

Attached, for your information, are: (1) S. 1301, Senator Specter's bill to amend the Goals 2000: Educate America Act, as introduced on October 10; (2) Senator Specter's introductory statement from the October 10 Congressional Record; and (3) a mark-up of the Goals 2000 statute, showing the amendments that would be made by the bill.

The bill would also make technical changes to the Elementary and Secondary Education Act of 1965, the General Education Provisions Act, and the Education Amendments of 1978 to conform to the changes that would be made to Goals 2000.


Paul Riddle

Attachments

cc: Nancy Heindel

(K) Section 6166(b)(3) (relating to farmhouses and certain other structures taken into account).

(L) Subparagraphs (B), (C), and (D) of section 6166(g)(1) (relating to acceleration of payment).

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter A of chapter 11 is amended by inserting after the item relating to section 2033 the following new item:

"Sec. 2033A. Family-owned business exclusion."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 1995.

TITLE VI—SPENDING REDUCTIONS

SEC. 6001. SHORT TITLE.

This title may be cited as the "Spending Reductions Act of 1995".

SEC. 6002. SERVICE CONTRACTS.

Notwithstanding any other provision of law, of the funds available for fiscal year 1996, the total amount available for service contracts shall not exceed \$105,000,000,000.

SEC. 6003. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

Notwithstanding any other provision of law, of the funds available for the Department of Defense for fiscal year 1996, the total amount available for procurement of work from federally funded research and development centers shall not exceed \$1,000,000,000.

SEC. 6004. FOREIGN MILITARY FINANCING.

Notwithstanding any other provision of law, of the funds available for fiscal year 1996, the total amount available for the Foreign Military Financing Program under section 23 of the Arms Export Control Act shall not exceed \$3,500,000,000.

BOOST—FIVE-POINT PLAN

1. Taxpayer Bill of Rights 2 (T2). Laws ensuring the IRS treats taxpayers with respect are the key to making our tax system work. The original Taxpayer Bill of Rights, enacted in 1988, took the first step in the battle to achieve this goal. T2 is the next natural step toward requiring the IRS to meet new standards of timeliness, accuracy, and accountability.

2. 100% Health Care Deduction for Self-Employed. Today, large corporations may deduct 100% of the cost of their employees' health care premiums while the self-employed may deduct only 30% of their health insurance costs. There is no reason for treating self-employed workers differently than large corporations. BOOST provides a 75% deduction in 1996 and a permanent 100% deduction for 1997 and thereafter for the self-employed.

3. S Corporation Reform Act. In 1958, S Corporations were first created in the tax law to help small U.S. companies. The S corp rules have been extremely helpful to small businesses. Today, close to \$2 million U.S. companies are S Corps. However, as written in 1958, S corps are very limited and operating as an S corp contains many pitfalls. The S Corporation Reform Act overhauls these outdated rules so small business can better compete in today's financial environment.

4. Small Businesses Pensions. In businesses with less than 25 employees, only 19% of the employees have any employer provided pension available, and only 15% of these employees participated in the plan. A major contributing factor to this dismal statistic is the sky-high cost of establishing and maintaining a pension plan for a small business. BOOST provides a maximum \$1000 tax credit for the start-up costs of providing a new plan for employers with 50 or fewer employees, and it slashes annual nondiscrimination

testing requirements for firms where no employee is highly compensated. Thus, BOOST alleviates high cost barriers for small businesses wishing to provide employees a pension.

American Family-Owned Business Act. The impact of the estate tax on a family-owned business is devastating because of one simple fact—the rates are too high. On top of this, the tax bill oftentimes comes due abruptly and at a time when the business has lost one of its key assets. The tremendous financial strain causes many family-owned businesses to close. The effect is that jobs are lost, and the community loses the goods and/or services provided by the business. The American Family-Owned Business Act carefully targets estate tax relief to estates whose major asset is its business and whose family members will materially participate in the business in the coming years.

By Mr. BREAUX:

S. 1300. A bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits, to the Committee on Finance.

THE DISTILLED SPIRITS TAX PAYMENT SIMPLIFICATION ACT OF 1995

• Mr. BREAUX, Mr. President, I introduce the Distilled Spirits Tax Payment Simplification Act of 1995, a bill more readily known as all-in-bond. The bill would streamline the way in which the Government collects the Federal excise tax on distilled spirits by extending the current system of collection now applicable only to imported products to domestic products as well.

Today wholesalers purchase foreign bottled distilled spirits in bond—tax-free—paying the Federal excise tax directly after sale to a retailer. In contrast, when the wholesaler buys domestically bottled spirits—nearly 86 percent of total inventory—the price includes the Federal excise tax, prepaid by the distiller. This means that hundreds of U.S. family owned wholesale businesses increase their inventory carrying costs by 40 percent when buying U.S. products, which must be financed through borrowing.

Under my bill, wholesalers would be allowed to purchase domestically bottled distilled spirits in-bond from distillers just as they are now permitted to purchase foreign produced spirits. Products would become subject to tax on removal from the wholesale premises. Additionally, the Federal tax collection process would be simplified by providing that only one Federal agency collect the tax.

All-in-bond is an equitable and sound way in which to remove the burden of prepayment of the Federal excise tax on domestically bottled spirits while streamlining our tax collection system. I hope my colleagues will join me in cosponsoring this important legislation.

By Mr. SPECTER:

S. 1301. A bill to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council and requirements concerning opportunity-to-learn standards, to limit the authority of the

Secretary of Education to review and approve State plans, to permit certain local educational agencies to receive funding directly from the Secretary of Education, and for other purposes; to the Committee on Labor and Human Resources.

GOALS 2000 LEGISLATION

Mr. SPECTER. Mr. President, back in 1983, when President Reagan's Education Secretary, Terrell Bell, issued that now-famous report on the problems of education in this country he called that report "A Nation at Risk." Not a school district at risk. Not a State at risk. But a nation at risk.

Recognizing the need to improve educational achievement of this Nation's children, Governors of both parties launched a program to raise the achievement standards in American schools and a national education goals effort was embraced at the 1989 education summit in Charlottesville.

That effort culminated early last year, when a bipartisan majority in Congress voted to approve Goals 2000 legislation. That legislation supports development of model national academic standards in 13 subjects, standards that any school district may use as guides.

The Goals 2000 legislation also authorizes grants to States to help reform their schools so they can achieve their education goals. Participating States must develop challenging State content and performance standards and assessments aligned with those standards.

Since the passage of Goals 2000, 48 States have applied for and received funding. Two States, Virginia and New Hampshire, have refused the funds and have taken issue with the intent of Goals 2000, citing fears of Federal intrusion. A third State, Montana, has declined to receive 2d year funding; and a fourth State, Alabama, announced last week that it was ending its participation. In addition, a number of organizations have leveled a wide assortment of charges against Goals 2000.

Some say the legislation usurps State and local control over education. Others say it does no such thing and represents unprecedented flexibility in Federal legislation.

All of the concerns expressed, however, ultimately focus on what is the most appropriate and effective Federal role in elementary and secondary education.

By way of background and to help put this in context, let me review a few facts.

States now contribute about 36 percent of the cost of running our schools; local agencies contribute 26 percent, and private institutions account for 30 percent. The Federal Government's financial stake amounts to less than 10 percent.

If one agrees with the old adage that money is power, then it appears that the principal responsibility for running our schools continues to rest with the States and with local communities.

Where the Federal Government has traditionally played an important role in helping to build partnerships among States, communities, and private institutions; and in helping to disseminate information on what works in one part of the country to others which may be struggling with the same problem. In that regard, I have always believed that the Federal Government can play an important part in helping to ensure a degree of fairness and equity for all our children.

The Labor, Health, and Human Services and Education Subcommittee which I chair recently held a hearing on the Goals 2000 issue. To help us better understand the controversy surrounding goals, the subcommittee heard from two witnesses.

Our first witness was Education Secretary Richard Riley, who testified in support of the Goals 2000 legislation and the administration's request of \$750 million for fiscal year 1996.

Our second witness was Mr. Ovide Lamontagne, who chairs the New Hampshire State Board of Education. Specifically, Mr. Lamontagne raised concerns about the Secretary of Education's ability to review and approve a State's plan for its entire educational system, which he considered unprecedented. After much discussion with Mr. Lamontagne and Secretary Riley, the Secretary seemed to think he could live without that provision. Mr. Lamontagne also stated that eliminating secretarial review and approval would go a long way toward improving the legislation.

We also addressed the issue of school districts receiving funds directly from the Secretary, if their States chose not to participate in Goals 2000. In addition, discussions were held concerning the National Education Standards and Improvement Council [NESIC] and both the Secretary and Mr. Lamontagne agreed that eliminating the Council would be desirable.

The legislation which I am introducing today addresses the concerns of States that have chosen not to participate in Goals 2000. Specifically, the legislation:

Permits school districts, in States that elect not to participate in the Goals 2000 Program, to apply directly to the Secretary of Education for Goals 2000 funding.

Eliminates the requirement that States submit their plans to the Secretary of Education.

Removes the authority of the Secretary of Education to review and approve State plans.

Deletes the requirements for the composition of State and local panels that develop State and local improvement plans.

Eliminates the National Education Standards and Improvement Council [NESIC], which was to certify national and State standards, and which some viewed as a national school board.

Removes the requirement for States to develop opportunity-to-learn stand-

ards. These standards would specify the educational resources—such as funding, facilities, and materials—deemed necessary for local schools to achieve State or national content and performance standards.

It is my hope that this legislation will improve Goals 2000 so that all States will feel they are able to participate in this important program because it strikes the proper balance between State and local responsibility for education and Federal leadership.

By Ms. MIKULSKI:

S. 1302. A bill to restore competitiveness to the sugar industry by reforming the Federal Sugar Program and thereby ensuring that consumers have an uninterrupted supply of sugar at reasonable prices, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE SUGAR COMPETITIVENESS ACT OF 1995

• Ms. MIKULSKI. Mr. President, today I may be introducing legislation to dramatically reform the sugar program run by the Department of Agriculture. My bill, the Sugar Competitiveness Act, is designed to restore competitiveness to the sugar industry by reducing Government intervention in the marketplace.

Since the present sugar policy was enacted in 1981 we have seen 10 of the sugar refining industry's 22 refineries close. Another refinery is scheduled to close permanently in the near future. The industry has lost over 40 percent of its capacity, not to mention the thousands of blue-collar jobs that go with it.

My own hometown of Baltimore is home to a sugar refining plant. Generations of workers have walked through the gates of Domino sugar every morning to give an honest day's work for an honest day's pay. My bill is designed to save those jobs and preserve the future of the sugar refining industry.

Today, refiners are being forced to operate under an absurd situation in which the Department of Agriculture is forcing up the price of their raw material—raw cane sugar—to a level higher than the price of refined beet sugar. The USDA creates this artificial shortage by tightly restricting imports.

As a result of this Government-inflicted shortage of raw sugar, it has become impossible for refiners to compete. All refiners have been losing money for months.

Recently, refiners have been forced to pay 24 to 25 cents per pound for raw sugar, while their competitors, the beet sugar processors, have been selling refined sugar at those levels. It is impossible for refiners to cover these increased raw sugar costs in the refined sugar market.

But, there is more at stake here than the survival of the refining industry and its labor. Refiners provide over 50 percent of the sugar marketed in the United States. They play an important and unique role in ensuring that food processors and consumers have an un-

interrupted supply of sugar under all circumstances.

When there is a domestic crop shortage, caused by a freeze or drought, as there often is, food processors depend upon the refiners to fill the void by importing more sugar. Any further loss of refining capacity will seriously endanger the Nation's sugar supply, to the detriment of consumers and food processors throughout the country.

The first thing my bill would do is eliminate USDA marketing allotments. These allotments limit the amount of sugar that domestic sugarcane and sugar beet processors can sell.

The second thing the bill does is to reduce the raw sugar cane loan rate from 18 cents to 12 cents per pound in stages, 2 cents per year for 3 years. Currently the USDA offers loans at a floor of 18 cents per pound for raw cane sugar, which is nearly double the world price of sugar. These loans set minimum prices that sugar processors must pay to producers, which drive up the cost of sugar for consumers.

Third, my bill regulates sugar imports to ensure that the market for raw cane sugar does not exceed the loan rate or the world market price, whichever is higher. Because the sugar program is designed as a no-net-cost subsidy, and the loans are non-recourse, the USDA keeps the market price for sugar processors much higher than necessary.

The fourth effect this legislation would have is to provide for 3-month CCC loans, and convert those loans from a non-recourse to a recourse basis. Under the current loan structure, sugar processors must put up sugar as collateral for loans. At the end of the present 9-month loan, the processor must decide to do one of two things, pay back the loan with interest or forfeit the sugar they put up as collateral. Processors can choose to simply hold on to the Government's money and forfeit the sugar collateral if it is more profitable.

If the processor forfeits, the disposition of the collateral sugar would fall to USDA. In order to avoid that possibility USDA maintains the market price much higher than the loan rate. Why should the taxpayer subsidize non-recourse loans to corporations? My bill would correct the situation to the benefit of consumers by changing the loan structure to a recourse loan, which requires that processors repay the loan instead of simply forfeiting the sugar to USDA.

Finally, the proposed legislation increases the sugar marketing assessment, and extends it to imported sugar. The sugar marketing assessment is a fee paid by domestic processors to the CCC. Currently foreign processors who are allowed to sell limited amounts of sugar in the United States do not have to pay this. This bill levels the playing field between foreign and domestic processors.

Mr. President, America is at the crossroads. Over the past decade we

104TH CONGRESS
1ST SESSION

S. 1301

To amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council and requirements concerning opportunity-to-learn standards, to limit the authority of the Secretary of Education to review and approve State plans, to permit certain local educational agencies to receive funding directly from the Secretary of Education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 10, 1995

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council and requirements concerning opportunity-to-learn standards, to limit the authority of the Secretary of Education to review and approve State plans, to permit certain local educational agencies to receive funding directly from the Secretary of Education, and for other purposes.

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

1 **SECTION 1. ELIMINATION OF THE NATIONAL EDUCATION**
 2 **STANDARDS AND IMPROVEMENT COUNCIL**
 3 **AND OPPORTUNITY-TO-LEARN STANDARDS.**

4 The Goals 2000: Educate America Act (20 U.S.C.
 5 5801 et seq.) is amended—

6 (1) by repealing part B of title II (20 U.S.C.
 7 5841 et seq.);

8 (2) by redesignating parts C and D of title II
 9 (20 U.S.C. 5861 et seq. and 5871 et seq.) as parts
 10 B and C, respectively, of title II; and

11 (3) in section 241 (20 U.S.C. 5871)—

12 (A) in subsection (a), by striking “(a) NA-
 13 TIONAL EDUCATION GOALS PANEL.—”; and

14 (B) by striking subsections (b) through
 15 (d).

16 **SEC. 2. STATE AND LOCAL EDUCATION SYSTEMIC IM-**
 17 **PROVEMENT.**

18 (a) **PANEL COMPOSITION; OPPORTUNITY-TO-LEARN**
 19 **STANDARDS; AND SUBMISSION OF PLAN TO THE SEC-**
 20 **RETARY FOR APPROVAL.—**

21 (1) **STATE IMPROVEMENT PLAN.—**Section 306
 22 of the Goals 2000: Educate America Act (20 U.S.C.
 23 5886) is amended—

24 (A) by amending subsection (b) to read as
 25 follows:

1 “(b) PLAN DEVELOPMENT.—A State improvement
2 plan under this title shall be developed by a broad-based
3 State panel in cooperation with the State educational
4 agency and the Governor.”;

5 (B) by striking subsection (d);

6 (C) by striking subsection (n);

7 (D) by amending subsection (p) to read as
8 follows:

9 “(p) AMENDMENTS TO PLAN.—Each State edu-
10 cational agency shall periodically review its State improve-
11 ment plan and revise such plan, as appropriate.”; and

12 (E) by striking subsection (q).

13 (2) SECRETARY’S REVIEW OF APPLICATIONS.—

14 Section 307 of such Act (20 U.S.C. 5887) is amend-
15 ed—

16 (A) by amending subsection (a) to read as
17 follows:

18 “(a) FIRST YEAR.—The Secretary shall approve the
19 State educational agency’s first year application under
20 section 305(b) if the Secretary determines that such appli-
21 cation meets the requirements of this title.”; and

22 (B) in subsection (b), by striking “(1)(A)”

23 and all that follows through “(B) the Sec-

24 retary” and inserting “(1) the Secretary”.

2aX1XB)-

(2XB)

1 (b) LOCAL PANEL COMPOSITION.—Section
2 309(a)(3)(A) of such Act (20 U.S.C. 5889(a)(3)(A)) is
3 amended—

4 (1) in the matter preceding clause (i), by strik-
5 ing “that—” and inserting a semicolon; and

6 (2) by striking clauses (i) and (ii).

7 (c) LOCAL BYPASS.—Section 304 of such Act (20
8 U.S.C. 5884) is amended by adding at the end the follow-
9 ing new subsection:

10 “(e) LOCAL BYPASS.—

11 “(1) LOCAL GRANTS AUTHORIZED.—Notwith-
12 standing any other provision of law, if a State does
13 not participate in the program authorized under this
14 title, the Secretary is authorized to use the allotment
15 such State would have received under this section to
16 award grants, through a competitive process, to local
17 educational agencies in such State that have applica-
18 tions approved under paragraph (2).

19 “(2) APPLICATION REQUIRED.—Each local edu-
20 cational agency described in paragraph (1) desiring
21 a grant under such paragraph shall submit an appli-
22 cation to the Secretary at such time, in such manner
23 and accompanied by such information, as the Sec-
24 retary may require. Each such application shall con-
25 tain assurances that the local educational agency

2(b) -
(c)

1 will develop a local improvement plan that meets
 2 such requirements applicable to a State educational
 3 agency under section 306, and will meet such other
 4 requirements applicable to a State educational agency
 5 under this title, as the Secretary determines are
 6 appropriately applied to a local educational agency
 7 under this subsection.”.

8 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

9 (a) GOALS 2000: EDUCATE AMERICA ACT.—

10 (1) The table of contents for the Goals 2000:
 11 Educate America Act is amended, in the items relating to title II—
 12

13 (A) by striking the items relating to part
 14 B;

15 (B) by striking “PART C” and inserting
 16 “PART B”; and

17 (C) by striking “PART D” and inserting
 18 “PART C”.

19 (2) Section 2 of such Act (20 U.S.C. 5801) is
 20 amended—

21 (A) in paragraph (4)—

22 (i) in subparagraph (B), by inserting
 23 “and” after the semicolon;

24 (ii) by striking subparagraph (C); and

1 (iii) by redesignating subparagraph
 2 (D) as subparagraph (C); and
 3 (B) in paragraph (6)—

4 (i) by striking subparagraph (C); and

5 (ii) by redesignating subparagraphs
 6 (D) through (F) as subparagraphs (C)
 7 through (E), respectively.

8 (3) Section 3(a) of such Act (20 U.S.C. 5802)
 9 is amended—

10 (A) by striking paragraph (7); and

11 (B) by redesignating paragraphs (8)
 12 through (14) as paragraphs (7) through (13),
 13 respectively.

14 (4) Section 201(3) of such Act (20 U.S.C.
 15 5821(3)) is amended by striking “, voluntary na-
 16 tional student performance” and all that follows
 17 through “such Council” and inserting “and vol-
 18 untary national student performance standards”.

19 (5) Section 202(j) of such Act (20 U.S.C.
 20 5822(j)) is amended by striking “, student perform-
 21 ance, or opportunity-to-learn” and inserting “or stu-
 22 dent performance”.

23 (6) Section 203 of such Act (20 U.S.C. 5823)
 24 is amended—

25 (A) in subsection (a)—

2(a)(2)(A)(iii) -
(6)(A)

1 (i) by striking paragraphs (2) and (3);

2 (ii) by redesignating paragraphs (4)

3 through (6) as paragraphs (2) through (4),

4 respectively; and

5 (iii) by amending paragraph (2) (as

6 redesignated by clause (ii)) to read as fol-

7 lows:

8 “(2) review voluntary national content stand-

9 ards and voluntary national student performance

10 standards;”; and

11 (B) in subsection (b)(1)—

12 (i) in subparagraph (A), by inserting

13 “and” after the semicolon;

14 (ii) in subparagraph (B), by striking

15 “; and” and inserting a period; and

16 (iii) by striking subparagraph (C).

17 (7) Section 204(a)(2) of such Act (20 U.S.C.

18 5824(a)(2)) is amended—

19 (A) by striking “voluntary national oppor-

20 tunity-to-learn standards;”; and

21 (B) by striking “described in section

22 213(f)”.

23 (8) Section 304(a)(2) of such Act (20 U.S.C.

24 5884(a)(2)) is amended—

30X6XAX(i)-

(8)

1 (A) in subparagraph (A), by adding “and”
 2 after the semicolon;

3 (B) in subparagraph (B), by striking “;
 4 and” and inserting a period; and

5 (C) by striking subparagraph (C).

6 (9) Section 306(o) of such Act (20 U.S.C.
 7 5886(o)) is amended by striking “State opportunity-
 8 to-learn standards or strategies,”.

9 (10) Section 308 of such Act (20 U.S.C. 5888)
 10 is amended—

11 (A) in subsection (b)(2)—

12 (i) in the matter preceding clause (i)
 13 of subparagraph (A), by striking “State
 14 opportunity-to-learn standards,”; and

15 (ii) in subparagraph (A), by striking
 16 “including—” and all that follows through
 17 “part B of title II;” and inserting “includ-
 18 ing through consortia of States;”; and

19 (B) in subsection (c), by striking
 20 “306(b)(1)” and inserting “306(b)”.

21 (11) Section 312(b) of such Act (20 U.S.C.
 22 5892(b)) is amended—

23 (A) by striking paragraph (1); and

24 (B) by redesignating paragraphs (2) and

25 (3) as paragraphs (1) and (2), respectively.

3(a)(8)(A) -
 (11)

1 (12) Section 314(a)(6)(A) of such Act (20
2 U.S.C. 5894(a)(6)(A)) is amended by striking “cer-
3 tified by the National Education Standards and Im-
4 provement Council and”.

5 (13) Section 315 of such Act (20 U.S.C. 5895)
6 is amended—

7 (A) in subsection (b)—

8 (i) in paragraph (1)(C), by striking
9 “, including the requirements for time-
10 tables for opportunity-to-learn standards,”;

11 (ii) by striking paragraph (2);

12 (iii) by redesignating paragraphs (3)
13 through (5) as paragraphs (2) through (4),
14 respectively;

15 (iv) in paragraph (1)(A), by striking
16 “paragraph (4) of this subsection” and in-
17 serting “paragraph (3)”;

18 (v) in paragraph (2) (as redesignated
19 by clause (iii))—

20 (I) by striking subparagraph (A);

21 (II) by redesignating subpara-
22 graphs (B) and (C) as subparagraphs
23 (A) and (B), respectively; and

24 (III) in subparagraph (A) (as re-
25 designated by subclause (II)) by strik-

ing^“, voluntary natural student performance standards, and voluntary natural opportunity-to-learn standards developed under part B of title II of this Act” and inserting “and voluntary national student performance standards”;

(vi) in subparagraph (B) of paragraph (3) (as redesignated by clause (iii)), by striking “paragraph (5),” and inserting “paragraph (4),”; and

(vii) in paragraph (4) (as redesignated by clause (ii)), by striking “paragraph (4)” each place it appears and inserting “paragraph (3)”;

(B) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking “subsection (b)(4)” and inserting “subsection (b)(3)”;

(ii) by striking “and to provide a framework for the implementation of opportunity-to-learn standards or strategies”; and

3(a)(13)(A)(vi)-
(B)

1 (C) in subsection (f), by striking “sub-
 2 section (b)(4)” each place it appears and insert-
 3 ing “subsection (b)(3)”.

4 (14)(A) Section 316 of such Act (20 U.S.C.
 5 5896) is repealed.

6 (B) The table of contents for such Act is
 7 amended by striking the item relating to section
 8 316.

9 (15) Section 317 of such Act (20 U.S.C. 5897)
 10 is amended—

11 (A) in subsection (d)(4), by striking “pro-
 12 mote the standards and strategies described in
 13 section 306(d),”; and

14 (B) in subsection (e)—

15 (i) in paragraph (2), by inserting
 16 “and” after the semicolon;

17 (ii) by striking paragraph (3); and

18 (iii) by redesignating paragraph (4) as
 19 paragraph (3).

20 (16) Section 503 of such Act (20 U.S.C. 5933)
 21 is amended—

22 (A) in subsection (b)—

23 (i) in paragraph (1)—

1 (I) in the matter preceding sub-
2 paragraph (A), by striking "28" and
3 inserting "27";

4 (II) by striking subparagraph
5 (D); and

6 (III) by redesignating subpara-
7 graphs (E) through (G) as subpara-
8 graphs (D) through (F), respectively;

9 (ii) in paragraphs (2), (3), and (5), by
10 striking "subparagraphs (E), (F), and
11 (G)" each place it appears and inserting
12 "subparagraphs (D), (E), and (F)";

13 (iii) in paragraph (2), by striking
14 "subparagraph (G)" and inserting "sub-
15 paragraph (F)";

16 (iv) in paragraph (4), by striking
17 "(C), and (D)" and inserting "and (C)";
18 and

19 (v) in the matter preceding subpara-
20 graph (A) of paragraph (5), by striking
21 "subparagraph (E), (F), or (G)" and in-
22 serting "subparagraph (D), (E), or (F)";
23 and
24 (B) in subsection (c)—

1 (i) in paragraph (1)(B), by striking
 2 “subparagraph (E)” and inserting “sub-
 3 paragraph (D)”; and

4 (ii) in paragraph (2), by striking
 5 “subparagraphs (E), (F), and (G)” and in-
 6 serting “subparagraphs (D), (E), and
 7 (F)”.

8 (17) Section 504 of such Act (20 U.S.C. 5934)
 9 is amended—

10 (A) by striking subsection (f); and

11 (B) by redesignating subsection (g) as sub-
 12 section (f).

13 (b) ELEMENTARY AND SECONDARY EDUCATION ACT
 14 OF 1965.—

15 (1) Section 1111 of the Elementary and Sec-
 16 ondary Education Act of 1965 (20 U.S.C. 6311) is
 17 amended—

18 (A) in subsection (b)(8)(B), by striking
 19 “(which may include opportunity-to-learn stand-
 20 ards or strategies developed under the Goals
 21 2000: Educate America Act)”;

22 (B) in subsection (f), by striking “oppor-
 23 tunity-to-learn standards or strategies,”;

24 (C) by striking subsection (g); and

1 (D) by redesignating subsection (h) as sub-
 2 section (g).

3 (2) Section 1116 of such Act (20 U.S.C. 6317)
 4 is amended—

5 (A) in subsection (c)—

6 (i) in paragraph (2)(A)(i), by striking
 7 all beginning with “, which may” through
 8 “Act”; and

9 (ii) in paragraph (5)(B)(i)—

10 (I) in subclause (VI), by insert-
 11 ing “and” after the semicolon;

12 (II) in subclause (VII), by strik-
 13 ing “; and” and inserting a period;
 14 and

15 (III) by striking subclause (VIII);
 16 and

17 (B) in subsection (d)—

18 (i) in paragraph (4)(B), by striking
 19 all beginning with “, and may” through
 20 “Act”; and

21 (ii) in paragraph (6)(B)(i)—

22 (I) by striking subclause (IV);
 23 and

3(b)(1)(D) -
 (2)(B)(ii)(I)

1 (II) by redesignating subclauses
 2 (V) through (VIII) as subclauses (IV)
 3 through (VII), respectively.

4 (3) Section 1501(a)(2)(B) of such Act (20
 5 U.S.C. 6491(a)(2)(B)) is amended—

6 (A) by striking clause (v); and

7 (B) by redesignating clauses (vi) through
 8 (x) as clauses (v) through (ix), respectively.

9 (4) Section 10101(b)(1)(A)(i) of such Act (20
 10 U.S.C. 8001(b)(1)(A)(i)) is amended by striking
 11 “and opportunity-to-learn standards or strategies for
 12 student learning”.

13 (5) Section 14701(b)(1)(B)(v) of such Act (20
 14 U.S.C. 8941(b)(1)(B)(v)) is amended by striking
 15 “the National Education Goals Panel,” and all that
 16 follows through “assessments)” and inserting “and
 17 the National Education Goals Panel”.

18 (c) GENERAL EDUCATION PROVISIONS ACT.—Sec-
 19 tion 428 of the General Education Provisions Act (20
 20 U.S.C. 1228b), as amended by section 237 of the Improv-
 21 ing America’s Schools Act of 1994 (Public Law 103–382),
 22 is amended by striking “the National Education Stand-
 23 ards and Improvement Council,”.

24 (d) EDUCATION AMENDMENTS OF 1978.—Section
 25 1121(b) of the Education Amendments of 1978 (25

1 U.S.C. 2001(b)), as amended by section 381 of the Im-
2 proving America's Schools Act of 1994 (Public Law 103-
3 382), is amended by striking "213(a)" and inserting
4 "203(a)(2)".

○

Public Law 103-227
103d Congress

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 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.

Mar. 31, 1994
[H.R. 1804]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act (other than titles V and IX) may be cited as the “Goals 2000: Educate America Act”.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.

Goals 2000:
Educate
America Act.
Inter-
governmental
relations.
20 USC 5801
note.

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. 202. National Education Goals Panel.
- 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. Publication for public comment.~~
- ~~Sec. 217. Administrative provisions.~~
- ~~Sec. 218. Director and staff; experts and consultants.~~
- ~~Sec. 219. Opportunity-To-Learn Development Grant.~~
- ~~Sec. 220. Assessment development and evaluation grants.~~
- ~~Sec. 221. Evaluation.~~

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

- Sec. 231. Purposes.
- Sec. 232. Federal leadership.

Note: sections 231, 232, 234, and 235 were repealed by section 361(a) of P.L. 103-382, Oct. 20, 1994; 108 Stat. 3974

Goals 2000: Educate America Act,
showing amendments that would be
made by S. 1301 (104th Congress),
as introduced by Senator Specter
on October 10, 1995

1(a)-
(b)

- Sec. 233. Office of educational technology.
Sec. 234. Uses of funds.
Sec. 235. Non-Federal share.
Sec. 236. Office of training technology transfer.

PART ~~23~~ AUTHORIZATION OF APPROPRIATIONS

- Sec. 241. 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. Technical and other assistance regarding school finance equity.
Sec. 314. National leadership.
Sec. 315. Assistance to the outlying areas and to the Secretary of the Interior.
~~Sec. 316. Clarification regarding State standards and assessments.~~
Sec. 317. State planning for improving student achievement through integration of technology into the curriculum.
Sec. 318. Prohibition on Federal mandates, direction, and control.
Sec. 319. State and local government control of education.

TITLE IV—PARENTAL ASSISTANCE

- Sec. 401. Parental information and resource centers.
Sec. 402. Applications.
Sec. 403. Uses of funds.
Sec. 404. Technical assistance.
Sec. 405. Definitions.
Sec. 406. Reports.
Sec. 407. General provision.
Sec. 408. Authorization of appropriations.

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—INTERNATIONAL EDUCATION PROGRAM

- Sec. 601. International Education Program.

TITLE VII—SAFE SCHOOLS

- Sec. 701. Short title; statement of purpose.
Sec. 702. Safe schools program authorized.
Sec. 703. Eligible applicants.
Sec. 704. Applications and plans.
Sec. 705. Use of funds.
Sec. 706. National activities.
Sec. 707. National cooperative education statistics system.
Sec. 708. Reports.
Sec. 709. Coordination of Federal assistance.

TITLE VIII—MINORITY-FOCUSED CIVICS EDUCATION

- Sec. 801. Short title.
Sec. 802. Purposes.
Sec. 803. Grants authorized; authorization of appropriations.
Sec. 804. Definitions.

(2)

1(b)

Sec. 805. Applications.

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 901. Short title.

Sec. 902. Findings.

PART A—GENERAL PROVISIONS REGARDING THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

Sec. 911. Repeal.

Sec. 912. Office of Educational Research and Improvement.

Sec. 913. Assistant Secretary for Educational Research and Improvement.

Sec. 914. Savings provision.

Sec. 915. Existing grants and contracts.

PART B—NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

Sec. 921. Establishment within Office of Educational Research and Improvement.

PART C—NATIONAL RESEARCH INSTITUTES

Sec. 931. Establishment within the Office of Educational Research and Improvement.

PART D—NATIONAL EDUCATION DISSEMINATION SYSTEM

Sec. 941. Establishment within Office of Educational Research and Improvement.

PART E—NATIONAL LIBRARY OF EDUCATION

Sec. 951. Establishment within Office of Educational Research and Improvement.

PART F—STAR SCHOOLS

Sec. 961. Star schools.

PART G—OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION

Sec. 971. Office of Comprehensive School Health Education.

PART H—FIELD READERS

Sec. 981. Field readers.

PART I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

Sec. 991. National Occupational Information Coordinating Committee.

TITLE X—MISCELLANEOUS

PART A—MISCELLANEOUS PROVISIONS

Sec. 1011. School prayer.

Sec. 1012. Funding for the Individuals with Disabilities Education Act.

Sec. 1013. National Board for professional teaching standards.

Sec. 1014. Forgiveness of certain overpayments.

Sec. 1015. Study of goals 2000 and students with disabilities.

Sec. 1016. Amendments to summer youth employment and training program.

Sec. 1017. Protection of pupils.

Sec. 1018. Contraceptive devices.

Sec. 1019. Assessments.

Sec. 1020. Public schools.

Sec. 1021. Assessment of educational progress activities.

Sec. 1022. Sense of the Congress.

PART B—GUN-FREE SCHOOLS

Sec. 1031. Short title.

Sec. 1032. Gun-free requirements in elementary and secondary schools.

PART C—ENVIRONMENTAL TOBACCO SMOKE

Sec. 1041. Short title.

Sec. 1042. Definitions.

Sec. 1043. Nonsmoking policy for children's services.

Sec. 1044. Preemption.

PART D—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

Sec. 1051. Short title.

Sec. 1052. Grants for midnight basketball league training and partnership programs.

Sec. 1053. Public housing midnight basketball league programs.

SEC. 2. PURPOSE.

The purpose of this Act is to provide a framework for meeting the National Education Goals established by title I of this Act by—

(1) promoting coherent, nationwide, systemic education reform;

(2) improving the quality of learning and teaching in the classroom and in the workplace;

(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform and lifelong learning;

(4) establishing valid and reliable mechanisms for—

(A) building a broad national consensus on American education reform;

(B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards; and

~~(C) assisting in the development and certification of opportunity to learn standards; and~~

(C) ← (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 academic and occupational skill standards and to succeed in the world of employment and civic participation;

(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 and strategies that all 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;~~

(C) ← (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 to prepare them to participate fully as workers, parents, and citizens;

(D) ← (E) providing resources to help individual schools, including those serving students with high needs, develop and implement comprehensive improvement plans; and

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

(7) stimulating the development and adoption of a voluntary national system of skill standards and certification to

(5)

serve as a cornerstone of the national strategy to enhance workforce skills; and

(8) assisting every elementary and secondary school that receives funds under this Act to actively involve parents and families in supporting the academic work of their children at home and in providing parents with skills to advocate for their children at school.

SEC. 3. DEFINITIONS.

(a) TITLES I, II, III, AND X.—As used in titles I, II, III, and X of this Act—

* * *

~~(7) the term "opportunity-to-learn standards" means the criteria for, and the basis of, assessing the sufficiency or quality of the resources, practices, and conditions necessary at each level of the education system (schools, local educational agencies, and States) to provide all students with an opportunity to learn the material in voluntary national content standards or State content standards,~~

[redesignate following paragraph]

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; and

(3) reviewing the voluntary national content standards, *and* 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 certified by the National Education Standards and Improvement Council, with the option of disapproving such standards and criteria not later than 90 days after receipt from such Council.~~

2(9),
3(a)(7),
201

6

SEC. 202. NATIONAL EDUCATION GOALS PANEL.

✓ (j) CONFLICT OF INTEREST.—A member of the Goals Panel who is an elected official of a State which has developed content, student performance ~~or opportunity to learn~~ standards may not participate in Goals Panel consideration of such standards. → or

SEC. 203. DUTIES.

(a) IN GENERAL.—The Goals Panel shall—

(1) report to the President, the Secretary, and the Congress regarding the progress the Nation and the States are making toward achieving the National Education Goals established under title I of this Act, including issuing an annual report;

~~(2) report on State opportunity to learn standards and strategies and the progress of States that are implementing such standards and strategies to help all students meet State content standards and State student performance standards;~~

~~(3) 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;~~

~~(4) after taking into consideration the public comments received pursuant to section 216 and not later than 90 days after receipt, review the—~~

~~(A) criteria developed by the National Education Standards and Improvement Council for the certification of State content standards, State student performance standards, State assessments, and State opportunity-to-learn standards; and~~

~~(B) 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, except that the Goals Panel shall have the option of disapproving such criteria and standards by a two-thirds majority vote of the membership of the Goals Panel not later than 90 days after receipt of such criteria and standards;~~

~~(5) 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~~

~~(6) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.~~

(2) review voluntary national content standards and voluntary national student performance standards;

202(j),
203(a)

(b) REPORT.—

(1) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report 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 and to provide all students with a fair opportunity to learn;

→

✓ ~~(C) report on State opportunity to learn standards and strategies and the progress of States that are implementing such standards and strategies to help all students meet State content standards and State student performance standards.~~

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 standards, voluntary national student performance standards, ~~voluntary national opportunity to learn standards~~ and State assessments described in section 218(c).

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

} entire part would be repealed

~~PART C—LEADERSHIP IN EDUCATIONAL
TECHNOLOGY~~

→ B

Note: sections 231, 232, 234, and 235 were repealed by section 361(a) of P.L. 103-382, Oct. 20, 1994; 108 Stat. 3974

203(b),
204(a)
Title II- B and C

(8)

**PART ~~II~~—AUTHORIZATION OF
APPROPRIATIONS**

SEC. 241. 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 four succeeding fiscal years, to carry out part A of this title.

~~(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 fiscal years 1995 through 1998, to carry out part B of this title.

~~(c) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—~~There are authorized to be appropriated \$2,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out section 219.

~~(d) ASSESSMENT, DEVELOPMENT AND EVALUATION GRANTS.—~~There are authorized to be appropriated \$5,000,000 for fiscal year 1994, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out section 220.

**TITLE III—STATE AND LOCAL
EDUCATION SYSTEMIC IMPROVEMENT**

SEC. 304. ALLOTMENT OF FUNDS.

(a) RESERVATIONS OF FUNDS.—From funds appropriated under section 303, the Secretary—

(1) shall reserve a total of one 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; 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 5 percent for—
(A) national leadership activities under sections 313 and 314;

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

(C) evaluation activities under section 221.

and

Title II - D, 241
304(a)

(9)

(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 the Secretary may reduce, temporarily or permanently, the level of expenditures required by this subsection if the Secretary determines that such recipient has justifiable reasons for a reduction in the level of expenditures required by this subsection.

→“(e) LOCAL BYPASS.—

“(1) LOCAL GRANTS AUTHORIZED.—Notwithstanding any other provision of law, if a State does not participate in the program authorized under this title, the Secretary is authorized to use the allotment such State would have received under this section to award grants, through a competitive process, to local educational agencies in such State that have applications approved under paragraph (2).

“(2) APPLICATION REQUIRED.—Each local educational agency described in paragraph (1) desiring a grant under such paragraph shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may require. Each such application shall contain assurances that the local educational agency will develop a local improvement plan that meets such requirements applicable to a State educational agency under section 306, and will meet such other requirements applicable to a State educational agency under this title, as the Secretary determines are appropriately applied to a local educational agency under this subsection.”.

304(b)-
(e)

SEC. 306. STATE IMPROVEMENT PLANS.

(a) BASIC SCOPE OF PLAN.—Except as provided in section 305(c)(2) and consistent with the requirements of this section, any State educational agency that wishes 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 legislature, or their designees;~~

~~(C) teachers, principals, and administrators who have successfully improved student performance, and deans or senior administrators of a college, school, or department of education;~~

~~(D) representatives of teacher's organizations, parents, secondary school students, institutions of higher education, business and labor leaders, community-based organizations of demonstrated effectiveness, organizations serving young children, local boards of education, State and local officials responsible for health, social, and other related services, private schools in which students or teachers participate in Federal education programs, and, as appropriate, Indian tribes and others;~~

~~(E) representatives from rural and urban local educational agencies in the State, as appropriate; and~~

~~(F) experts in educational measurement and assessment.~~

~~(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 private schools described in paragraph (1)(D).~~

~~(3) REPRESENTATION.—(A) To the extent feasible, 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.~~

~~(B) The membership of the panel shall be composed so that the minimum total number of members of the panel with expertise or background in the educational needs or assessments of children from low-income families, children with minority backgrounds, children with limited-English proficiency, or children with disabilities, serving on the panel—~~

~~(i) bears the same relation to the total number of members serving on the panel as the total number of all such children in the State bears to the total number of all children in the State; or~~

~~(ii) is at least one-third of the number of members of the panel, whichever is less.~~

(10)
“(b) PLAN DEVELOPMENT.—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.

306(a)-
(b)

(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, students with

disabilities, and, as appropriate, American Indian, Alaska Native, and Native Hawaiian students, in the development of the State improvement 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 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 opportunity 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 if 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 educational agency, with broad-based classroom teacher input, shall establish and include in its State improvement plan strategies for meeting the National Education Goals by improving teaching and learning and students' mastery of basic and advanced skills in core content areas, such as English, mathematics, science (including physics), history, geography, foreign languages, the arts, civics and government, and economics. Such strategies—

(1) shall include—

(A) a process for developing or adopting State content standards and State student performance standards for all students, which process shall include coordinating the standards developed pursuant to section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act;

(B) a process for developing and implementing valid, nondiscriminatory, and reliable State assessments—

(i) which assessments shall—

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

(II) involve multiple measures of student performance;

(III) provide for—

(aa) the participation in such assessments of all students with diverse learning needs; and

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

(IV) be consistent with relevant, nationally recognized professional and technical standards for such assessments;

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

(VI) support effective curriculum and instruction; and

(ii) which process shall provide for monitoring the implementation of such assessments and the impact of such assessments on improved instruction for all students;

(C) a process for aligning State or local curricula, instructional materials, and State assessments with the State content standards and State student performance standards; and

(D) a process for familiarizing teachers with the State content standards and State student performance standards and developing the capability of teachers to provide high quality instruction within the content areas described in the matter preceding paragraph (1) of this subsection;

(2) may include strategies such as—

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

306(c)(1) -
(2)(A)

(B) assessing the effectiveness and equity of the school finance program of the State to identify disparities in the resources available to each local educational agency and school in such State and how such disparities affect the ability of the State educational agency and local educational agencies to develop and implement plans under this title;

(C) a process for developing, selecting, or recommending instructional materials, including gender equitable and multicultural materials, and technology to support and assist local educational agencies and schools to provide all students the opportunity to meet State content standards and State student performance standards;

(D) a process for providing appropriate and effective professional development, including the use of technology, distance learning, and gender-equitable methods, necessary for teachers, school administrators, and others to help all students meet State content standards and State student performance standards; and

(E) 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 State content standards and State student performance standards.

~~(d) OPPORTUNITY-TO-LEARN STANDARDS AND STRATEGIES.~~

~~(1) IN GENERAL.—Each State improvement plan shall establish standards or strategies for providing all students with an opportunity to learn. Such standards or strategies shall include such factors as the State deems appropriate to ensure that all students receive a fair opportunity to achieve the knowledge and skills as described in State content standards and State student performance standards adopted by the State.~~

~~(2) IMPLEMENTATION.—Notwithstanding any other provision of this Act, the implementation of opportunity-to-learn standards or strategies shall be voluntary on the part of the States, local educational agencies, and schools.~~

~~(3) CONSTRUCTION.—Nothing in this section shall be construed to—~~

~~(A) mandate equalized spending per pupil for a State, local educational agency, or school; or~~

~~(B) mandate national school building standards for a State, local educational agency, or school.~~

(e) GOVERNANCE, ACCOUNTABILITY AND MANAGEMENT.—Each State improvement plan shall 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, so that decisions regarding the means for achieving State content standards and State student performance standards are made closest to the learners; and

306(C)(2)(B) -
CeX11

(2) creating an integrated and coherent approach to recruiting, retaining and supporting the continued professional development of teachers (including vocational teachers), and other educators, giving special attention to the recruitment into and retention of qualified minorities in the education profession.

(f) PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT.—Each State improvement plan shall describe strategies for how the State educational agency will involve parents and other community representatives in planning, designing, and implementing the State improvement plan, including strategies such as—

(1) focusing public and private community resources and public school resources on prevention and early intervention to address the needs of all students by identifying and removing unnecessary regulations and obstacles to coordination; and

(2) increasing the access of all students to social services, health care, nutrition, related services, and child care services, and locating such services in schools, cooperating service agencies, community-based centers, or other convenient sites designed to provide "one-stop shopping" for parents and students.

(g) MAKING THE IMPROVEMENTS SYSTEMWIDE.—To help provide all students throughout the State the opportunity to meet State standards, each State improvement plan shall describe strategies, such as strategies that—

(1) provide for the availability of curricular materials, learning technologies, including distance learning, and professional development in a manner that ensures equal access by all local educational agencies in the State; and

(2) develop partnerships with Indian tribes and schools funded by the Bureau, where appropriate, to improve consistency and compatibility in curriculum among public elementary and secondary schools, and such schools funded by the Bureau at all grade levels.

(h) PROMOTING BOTTOM-UP REFORM.—Each State improvement plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, as well as guided by coordination and facilitation from State leaders, including strategies such as—

(1) providing flexibility to individual schools and local educational agencies to enable such schools and agencies to adapt and integrate State content standards into courses of study appropriate for individual schools and communities; and

(2) facilitating the provision of waivers from State rules and regulations that impede the ability of local educational agencies or schools to carry out local improvement plans.

(i) DROPOUT STRATEGIES.—Each State improvement plan shall include strategies for assisting local educational agencies and schools to enable such agencies and schools—

(1) to meet the needs of school-aged children who have dropped out of school;

(2) to bring such children into the education system; and

(3) to help such students meet State content standards and State student performance standards.

306(e)(2) -

(i)

14

(15)

(j) COORDINATION WITH SCHOOL-TO-WORK PROGRAMS.—If a State has received Federal assistance for the purpose of planning for, expanding, or establishing a school-to-work program, then a State shall include in the State improvement plan a description of how such school-to-work program will be incorporated into the school reform efforts of the State. In particular, the State improvement plan shall include a description of how secondary schools will be modified in order to provide career guidance, the integration of academic and vocational education, and work-based learning, if such programs are proposed in the State's school-to-work plan.

(k) 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 (j), can be measured.

(l) COORDINATING STRATEGIES.—Each State plan shall include strategies for coordinating the integration of academic and vocational instruction pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act.

(m) PROGRAM IMPROVEMENT AND ACCOUNTABILITY.—Each State improvement plan shall describe—

(1) how the State will monitor progress towards implementing the State and local improvement plans; and

(2) procedures the State plans to use, consistent with State law, to improve schools that are not meeting the State content standards voluntarily adopted by the State within the established timelines.

~~(n) 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, except during the period when a State improvement plan is being developed.~~

~~(B) Notwithstanding the provisions of subparagraph (A), in the first year that a State educational agency submits an application for development of a State improvement plan 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.~~

306(j) -
(4)(1)

(2) APPROVAL.—The Secretary shall approve a State improvement plan if 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 when the Secretary determines, after considering the peer reviewers' comment, that such plan—

- (A) reflects a widespread commitment within the State;
- (B) holds reasonable promise of helping all students to achieve at the high levels called for by this Act;
- (C) meets the requirements of subsections (a) through (k); and
- (D) allows local schools, local educational agencies and communities the flexibility to implement local improvement plans in a manner which reflects local needs and requirements in order to promote a 'bottom up' system of school reform.

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

- (A) an opportunity to revise such plan or application; and
- (B) a hearing.

(c) REGULAR REVIEW.—Each State improvement plan shall include a process for periodically reviewing and updating any State content standards, State student performance standards, ~~State opportunity to learn standards or strategies~~ and State assessments.

~~(e) 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.

~~(g) 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 State standards or any component of such plan, that meets the intent and purposes of this section, then the Secretary may approve such plan or component notwithstanding that such plan was not developed in accordance with subsection (b) if the Secretary determines that such approval would further the purposes of State systemic education improvement.

(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 this section, but was developed by a panel that does not meet the requirements of paragraphs (1) through (3) of subsection (b), the Secretary may, at the request of the Governor and the State educational agency, treat such panel as meeting the requirements of this title 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.

→ "(p) AMENDMENTS TO PLAN.—Each State educational agency shall periodically review its State improvement plan and revise such plan, as appropriate.

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

~~(a) FIRST YEAR.—The Secretary shall approve the State educational agency's first 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 second year application of the State educational agency under section 305(c) will provide for the development and implementation of a State improvement plan that complies with section 306.~~

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

~~(1) the Secretary has approved the State improvement plan under section 306(a), or~~

~~(B) the Secretary determines that the State has made substantial progress in developing its State improvement 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).

(a) FIRST YEAR.—The Secretary shall approve the State educational agency's first year application under section 305(b) if the Secretary determines that such application meets the requirements of this title.

SEC. 308. STATE USE OF FUNDS.

* * *

(b) SUCCEEDING YEARS.—Each State educational agency that receives an allotment under this title for any year after the first year of such agency receives assistance under this title shall—

(1) use at least 90 percent of such allotment to make subgrants—

(A) in accordance with section 309(a), to local educational agencies for the implementation of the State improvement plan and of local improvement plans; and

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

(2) use the remainder of such assistance for State activities designed to implement its State improvement plan, such as—

(A) supporting the development or adoption of State content standards and State student performance standards, ~~State opportunity to learn standards~~ and State assessments linked to such standards, including

~~(i) through consortia of States;~~

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

307,
308(b)

(c) LIMIT ON ADMINISTRATIVE COSTS.—A State educational 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).

SEC. 309. SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT.

(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

* * * * *

(3) PLAN REQUIRED.—Each local educational agency desiring to receive a subgrant under this subsection to implement a local improvement plan shall submit a local improvement plan to the State educational agency. Each such plan shall—

(A) be developed by a broad-based panel that

~~(i) is appointed by the local educational agency and is representative of the diversity of students and community with regard to race, language, ethnicity, gender, disability, and socioeconomic characteristics and includes teachers, parents, advocacy groups, school administrators, business representatives, and others, as appropriate; and~~

~~(ii) shall, following the selection of its members, establish the procedures regarding the operation of the panel, including the designation of the chairperson,~~

* * * * *

SEC. 312. PROGRESS REPORTS.

* * * * *

(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 section 220, 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;~~

[redesignate following paragraph]

308(c),
309(a)(3)
312(b)(1)

SEC. 314. 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—

* * * * *

(6) 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.

SEC. 315. ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR.

* * * * *

(b) SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—The funds reserved for the Secretary of the Interior under section 304(a)(1)(B) shall be made in a payment which shall be pursuant to an agreement between the Secretary and the Secretary of the Interior containing such assurances and terms as the Secretary determines shall best achieve the provisions of this section and this Act. The agreement shall, at a minimum, contain assurances that—

(A) a panel, as set forth in paragraph ~~(4)~~ of this sub-section, shall be established; → (3),

(B) a reform and improvement plan, designed to increase student learning and assist students in meeting the National Education Goals, meeting the requirements pertaining to State improvement plans required in section 306 and providing for the fundamental restructuring and improvement of elementary and secondary education in schools funded by the Bureau, shall be developed by such panel; and

(C) the provisions and activities required under such State improvement plans ~~(including the requirements for timetables for opportunity to learn standards)~~ shall be carried out in the same time frames and under the same conditions stipulated for the States in sections 305 and 306, provided that for these purposes, the term "local educational agencies" shall be interpreted to mean "schools funded by the Bureau".

~~(2) VOLUNTARY SUBMISSION.—The provisions applicable to the States in section 213 of this Act shall apply to the Bureau plan with regard to voluntary submission of standards and assessments to the National Education Standards and Improvement Council for review and certification.~~

314(a)(6),
315 (b)

(2)

(3) PLAN SPECIFICS.—The reform and improvement plan shall include, in addition to the requirements described above, specific provisions for—

~~(A) opportunity to learn standards pertaining to residential programs and transportation costs associated with~~

~~programs located on or near reservations or serving students in off-reservation residential boarding schools;~~

(A)

(B) review and incorporation of the National Education Goals and the voluntary national content standards, ~~voluntary student performance standards, and voluntary natural opportunity to learn standards developed under part B of title II of this Act~~ *and* provided that such review shall include the issues of cultural and language differences; and

(B)

(C) provision for coordination of the efforts of the Bureau with the efforts for school improvement of the States and local educational agencies in which the schools funded by the Bureau are located, including the development of the partnerships outlined in section 306(g)(2) of the Act.

(3)

(4) PANEL.—(A) To carry out the provisions of this section, and to develop the plan for system-wide reform and improvement required under the agreement required under paragraph (1), the Secretary of the Interior shall establish a panel coordinated by the Assistant Secretary of the Interior for Indian Affairs. Such panel shall consist of—

(i) the Director of the Office of Indian Education Programs of the Bureau and two heads of other divisions of such Bureau as the Assistant Secretary shall designate;

(ii) a designee of the Secretary of Education; and

(iii) a representative nominated by each of the following:

(I) The organization representing the majority of teachers and professional personnel in schools operated by the Bureau.

(II) The organization representing the majority of nonteaching personnel in schools operated by the Bureau, if not the same organization as in subclause (I).

(III) School administrators of schools operated by the Bureau.

(IV) Education line officers located in Bureau area or agency offices serving schools funded by the Bureau.

(V) The organization representing the majority of contract or grant schools funded by the Bureau not serving students on the Navajo reservation.

(VI) The organization representing the majority of contract or grant schools funded by the Bureau serving students on the Navajo reservation.

(VII) The organization representing the school boards required by statute for schools operated by the Bureau not serving students on the Navajo reservation.

(VIII) The organization representing the school boards required by statute for schools funded by the Bureau serving students on the Navajo reservation.

(B) Including the additional members required by paragraph (5), a majority of the members of such panel shall be from the entities designated under subparagraph (A)(iii).

315(b)

(4) ~~(3)~~ ADDITIONAL MEMBERS.—In addition, the members of the panel described in paragraph ~~(4)~~ shall designate for full membership on the panel four additional members— (3)

21

(A) one of whom shall be a representative of a national organization which represents primarily national Indian education concerns; and

(B) three of whom shall be chairpersons (or their designees) of Indian tribes with schools funded by the Bureau on their reservations (other than those specifically represented by organizations referred to in paragraph ~~(4)~~), provided that preference for no less than two of these members shall be given to Indian tribes with a significant number of schools funded by the Bureau on their reservations, or with a significant percentage of their children enrolled in schools funded by the Bureau. (3)

(c) BUREAU OF INDIAN AFFAIRS COST ANALYSIS AND STUDIES.—

* * * * *

✓ (2) COST ANALYSIS PURPOSE.—The purpose of the cost analysis provided for in paragraph (1)(A) shall be to provide the Bureau and the panel described in subsection (b) ~~(4)~~ with baseline data regarding the current state of operations funded by the Bureau ~~and to provide a framework for the implementation of opportunity to learn standards or strategies~~. Such analysis shall evaluate the costs of providing a program in each school operated or supported by the Bureau for the next succeeding academic year and shall be based on— (3)

“(A) the standards either published in the Federal Register and effective for schools funded by the Bureau on the date of enactment of the Improving America's Schools Act of 1994, or the State or regional standards in effect on such date for a Bureau funded school;

“(B) the best projections of student counts and demographics as provided by the Bureau and as independently reviewed by the organization or institution selected by the Secretary to perform the analysis described in this section; and

“(C) the pay and benefit schedules and other personnel requirements for each school operated by the Bureau, as such pay and benefit schedules and requirements existed on the date of enactment of the Improving America's Schools Act of 1994.

315(b)(5),
315(c)(2)

§315

22

"(f) STUDY.—In cooperation with the panel established in subsection (b) ~~the Secretary of the Interior shall conduct a study to evaluate the feasibility of contracting with a private management firm for the operation of one or more Bureau operated schools to facilitate the achievement of the National Education Goals and the efficient use of funds in the education of Indian children, and to report to the persons identified in subsection (c)(4) and to the panel described in subsection (b) not later than 12 months after the date of enactment of the Improving America's Schools Act of 1994.~~

(2)

§316

~~SEC. 316. CLARIFICATION REGARDING STATE STANDARDS AND ASSESSMENTS.~~

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

SEC. 317. STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM

* * *

(d) PLAN REQUIREMENTS.—At a minimum, each systemic statewide plan shall—

* * *

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

(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 standards and strategies described in section 306(a)~~ and

(4) include any other information the Secretary deems

315(f),
316,
317(d)(4), (e)

→ (3)

TITLE V—NATIONAL SKILL STANDARDS BOARD

SEC. 503. ESTABLISHMENT OF NATIONAL BOARD.

(a) IN GENERAL.—There is established a National Skill Standards Board (hereafter in this title referred to as the "National Board").

(b) COMPOSITION.—

(1) IN GENERAL.—The National Board shall be composed of ~~12~~ 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 812(a),~~

(D) ← ~~(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;

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

(F) ← ~~(G)~~ (i) 2 members shall be neutral, qualified human resource professionals; and

(ii) 6 members shall be representatives from the following groups, with at least 1 member from each group:

(I) Educational institutions (including vocational-technical institutions).

(II) Community-based organizations.

(III) State and local governments.

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

(2) DIVERSITY REQUIREMENTS.—The members described in subparagraph ~~(F)~~ of paragraph (1) shall have expertise in the area of education and training. The members described in subparagraphs ~~(D)~~, ~~(E)~~, and ~~(G)~~ of paragraph (1) shall—

(A) in the aggregate, represent a broad cross-section of occupations and industries; and

(B) to the extent feasible, be geographically representative of the United States and reflect the racial, ethnic, and gender diversity of the United States.

(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.

→ 27

→ (F)

→ (D), (E), and (F)

503(a).
(5)(3)(A)

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

→ (D), (E), and (F)

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

→ and (C)

(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.

→ (E), (F), or (G)

(5) TERM.—Each member of the National Board appointed under subparagraph ~~(B)~~, ~~(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 ~~(B)~~, ~~(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 ~~(B)~~, ~~(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.—

503(b)(3)(B)-
(C)(1)

(A) IN GENERAL.—Except as provided in subparagraph (B), the National Board, by majority 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 elected, 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.

→ (D)

(2) VICE CHAIRPERSONS.—The National Board, by majority vote, shall annually elect 3 Vice Chairpersons (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), (E), and (F)

SEC. 504. FUNCTIONS OF THE NATIONAL BOARD.

* * * * *

~~(C) 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 212.~~

(F) FINANCIAL ASSISTANCE.—

→ (f)

503(C)(1)(A)-
(2),
504(F)