

103^D CONGRESS
1ST SESSION

S. 429

To establish a demonstration program that encourages State educational agencies to assist teachers, parents, and communities in establishing new public schools, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24 (legislative day, JANUARY 5), 1993

Mr. DURENBERGER (for himself, Mr. LIEBERMAN, Mr. KERREY, and Mr. GORTON) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To establish a demonstration program that encourages State educational agencies to assist teachers, parents, and communities in establishing new public schools, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public School Redefini-
5 tion Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) the ability of the United States to deliver
2 more effective educational services to citizens, espe-
3 cially disadvantaged citizens, is of primary impor-
4 tance to the national and economic security of the
5 United States;

6 (2) fundamental reform is needed in our
7 Nation's educational system in order to release the
8 creative energies of teachers, students, parents, and
9 communities;

10 (3) market forces of competition and choice can
11 have a positive influence in promoting fundamental
12 reform; however, choice is incomplete without the
13 availability of more diverse educational choices for
14 all students, including disadvantaged students and
15 historically underserved students;

16 (4) the exclusive franchise that local educational
17 agencies have traditionally had on the creation of
18 new public schools has served to limit the number
19 and variety of school choices available to parents and
20 students; and

21 (5) public education should be defined by out-
22 comes and requirements that protect and promote
23 the public interest, not solely by input-oriented rules
24 and regulations, or by the ownership or control of

1 facilities and programs by a local educational
2 agency.

3 **SEC. 3. PURPOSE.**

4 It is the purpose of this Act to—

5 (1) encourage States to offer teachers, parents,
6 and local communities the opportunity to establish
7 new and more effective public schools;

8 (2) provide Federal assistance and flexibility to
9 encourage States to assist teachers, parents, and
10 communities to develop such schools; and

11 (3) provide criteria for States, teachers, par-
12 ents, and communities to use in establishing new
13 and more effective public schools.

14 **SEC. 4. DEFINITIONS.**

15 For the purpose of this Act—

16 (1) the term “eligible partnership” means a
17 partnership between—

18 (A) a sponsor; and

19 (B) a charter public school;

20 (2) the term “local educational agency” has the
21 meaning given such term by section 1471(12) of the
22 Elementary and Secondary Education Act of 1965;

23 (3) the term “charter public school” means a
24 school that—

1 (A) is nonsectarian in its programs, admis-
2 sions policies, employment practices, and all
3 other operations and is not affiliated with a
4 nonpublic sectarian school or religious institu-
5 tion;

6 (B) has a primary focus of providing a
7 comprehensive program of instruction for at
8 least one grade from kindergarten to twelfth
9 grade or one age group from 5 to 18 years of
10 age;

11 (C) does not charge tuition;

12 (D) complies with title VI of the Civil
13 Rights Act of 1964, title IX of the Education
14 Amendments of 1972, section 504 of the Reha-
15 bilitation Act of 1973, and the procedural safe-
16 guards under the Individuals with Disabilities
17 Education Act;

18 (E) in the event that more students apply
19 for admission than may be accommodated, ad-
20 mits students on the basis of a lottery;

21 (F) is subject to the same Federal and
22 State financial audits and audit procedures and
23 requirements as any other school located in the
24 State in which such school is located;

1 (G) meets all State and local health and
2 safety requirements; and

3 (H) participates in an eligible partnership;

4 (4) the term “Secretary” means the Secretary
5 of Education;

6 (5) the term “sponsor” means a—

7 (A) school board;

8 (B) local educational agency; or

9 (C) State educational agency; and

10 (6) the term “State educational agency” has
11 the meaning given such term by section 1471(23) of
12 the Elementary and Secondary Education Act of
13 1965.

14 **SEC. 5. PROGRAM AUTHORITY.**

15 (a) PROGRAM AUTHORIZED.—

16 (1) IN GENERAL.—The Secretary is authorized
17 to award grants to State educational agencies having
18 applications approved pursuant to section 6 to en-
19 able such agencies to conduct a charter public school
20 program in accordance with this Act.

21 (2) SPECIAL RULE.—If a State elects not to
22 participate in the program assisted under this Act,
23 the Secretary is authorized to award a grant to a
24 charter public school that serves such State and has
25 an application approved pursuant to section 6, as

1 permitted by applicable State laws and regulations
2 in the State in which the school shall operate.

3 (b) USE OF GRANTS.—

4 (1) STATE.—Each State educational agency re-
5 ceiving a grant under this Act shall use such grant
6 funds to award grants to one or more charter public
7 schools in the State to enable such schools to plan
8 and implement a charter public school in accordance
9 with this Act.

10 (2) CHARTER PUBLIC SCHOOL.—Each charter
11 public school receiving a grant from the Secretary
12 pursuant to subsection (a)(2) shall use such grant
13 funds to plan and implement a charter public school
14 in accordance with this Act.

15 (3) ADMINISTRATIVE EXPENSES.—Each State
16 educational agency receiving a grant pursuant to
17 subsection (a)(1) may reserve not more than 5 per-
18 cent of such grant funds for administrative expenses
19 associated with the program assisted under this Act.

20 (c) DURATION.—A charter public school shall receive
21 a grant under this Act for a period of not more than 3
22 years.

23 (d) MATCHING REQUIREMENT.—In order for a char-
24 ter public school to receive a grant pursuant to subsection

1 (a), such school shall provide matching funds in the
2 amount of—

3 (1) 10 percent of the grant payment received in
4 the first year such school receives a grant under this
5 Act; and

6 (2) 25 percent of the grant payment received in
7 the second and third such years.

8 (e) GEOGRAPHIC DISPERSION.—The Secretary shall
9 ensure that grants awarded pursuant to subsection (a)
10 benefit students in urban and rural areas.

11 (f) CONSTRUCTION, RENOVATION, AND REPAIR.—

12 (1) PROHIBITION.—Grant funds awarded under
13 this Act shall not be used for the construction or
14 major renovation or repair of facilities.

15 (2) STARTUP COSTS.—Grant funds awarded
16 under this Act may be used for planning, equipment
17 purchases, and other startup costs, including minor
18 renovation of facilities necessary to meet applicable
19 State and local health and safety requirements.

20 **SEC. 6. APPLICATION.**

21 (a) STATE APPLICATION.—

22 (1) IN GENERAL.—Each State educational
23 agency desiring a grant under this Act shall submit
24 to the Secretary an application at such time, in such

1 manner, and containing or accompanied by such in-
2 formation as the Secretary may reasonably require.

3 (2) CONTENTS.—Each application submitted
4 pursuant to paragraph (1) shall—

5 (A) describe the objectives of the State
6 educational agency’s charter public school pro-
7 gram and a description of how such objectives
8 shall be fulfilled, including steps taken by the
9 State educational agency to inform teachers,
10 parents, and communities of the State edu-
11 cational agency’s charter public school program
12 and the availability of grants for the establish-
13 ment of such schools;

14 (B) contain assurances that the State edu-
15 cational agency shall obtain a waiver of all
16 State and Federal statutes and regulations ap-
17 plicable to a school board, local educational
18 agency or school district that are relevant to
19 and hindering the establishment of a charter
20 public school in such State;

21 (C) provide a written description of out-
22 comes and other requirements to be included in
23 each eligible partnership agreement between a
24 sponsor and a charter public school;

1 (D) provide a description of how charter
2 public schools within the State shall be required
3 to meet the definition of a charter public school
4 contained in section 4(3);

5 (E) contain specific outcomes to be
6 achieved by the students attending a charter
7 public school in accordance with the outcomes
8 agreement described in section 7;

9 (F) provide an explanation of how progress
10 in meeting the outcomes described in section 7
11 shall be measured; and

12 (G) contain a description of how teachers,
13 parents, and community members have been, or
14 shall be, involved in the planning, development
15 and implementation of each charter public
16 school.

17 (b) ELIGIBLE PARTNERSHIP APPLICATION.—

18 (1) IN GENERAL.—Each charter public school
19 desiring a grant pursuant to section 5(a)(2) shall
20 submit an application to the Secretary at such time,
21 in such manner, and accompanied by such informa-
22 tion as the Secretary may reasonably require.

23 (2) CONTENTS.—Each application submitted
24 pursuant to paragraph (1) shall contain the same in-
25 formation and assurances as the information and as-

1 surances described in subparagraphs (B) through
2 (G) of subsection (a)(2).

3 **SEC. 7. OUTCOMES AGREEMENT.**

4 (a) AGREEMENT.—In order to receive a grant under
5 this Act a charter public school shall enter into an out-
6 comes agreement with the sponsor participating in the eli-
7 gible partnership.

8 (b) CONTENTS.—Each agreement referred to in sub-
9 section (a) shall—

10 (1) be in the form of a written contract between
11 the sponsor and the board of directors of the charter
12 public school participating in the eligible partner-
13 ship;

14 (2) set forth outcomes that such school shall
15 achieve; and

16 (3) include information and assurances de-
17 scribed in subparagraphs (B) through (G) of section
18 6(a)(2).

19 **SEC. 8. CONTINUATION OF FUNDING.**

20 Each charter public school receiving a grant under
21 this Act shall be eligible to receive Federal, State, and
22 local education revenue, grants and other aids as though
23 such school were a local educational agency.

1 **SEC. 9. TERMINATION.**

2 The Secretary or a State educational agency receiving
3 a grant under this part shall terminate grant payments
4 to a charter public school under this Act if the Secretary
5 or such State educational agency, at any time, determines
6 that the charter public school is not making acceptable
7 progress toward meeting the outcomes described in section
8 7.

9 **SEC. 10. REPORTS.**

10 (a) STATE REPORT.—

11 (1) REPORTS.—Each charter public school re-
12 ceiving a grant pursuant to section 5(a)(1) shall re-
13 port at least annually to the State educational agen-
14 cy or other agency designated by the Governor on
15 such school's progress in meeting the outcomes de-
16 scribed in section 7.

17 (2) REPORT TO THE SECRETARY.—Each State
18 educational agency receiving a report under sub-
19 section (a) shall annually report to the Secretary on
20 the program assisted under this Act.

21 (b) SCHOOL REPORTS.—Each charter public school
22 receiving a grant pursuant to section 5(a)(2) shall at least
23 annually report to the Secretary the charter public school's
24 progress in meeting the outcomes described in section 7.

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated \$50,000,000
3 for fiscal year 1994, \$75,000,000 for fiscal year 1995, and
4 such sums as may be necessary for each of the 3 succeed-
5 ing fiscal years, to carry out the provisions of this Act.

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