

H.R. 864: Mr. MCGOVERN, Mr. SWEENEY, Mr. WELLER, Mr. CALLAHAN, Mr. CAPPS, Mr. RILEY, Mr. ALLEN, Mr. HULSHOF, Mr. BARRITT of Nebraska, Mr. SESSIONS, Mr. BURR of North Carolina, Mr. WHITFIELD, Mr. CAMP, Mr. UPTON, Ms. DANNER, Mr. HILL of Montana, Mr. HAYES, Mr. LEWIS of California, Mr. DICKS, Mr. SUNUNU, Mr. WOLF, Mr. OBERSTAR, Mr. HEFLEY, Mr. SMITH of Washington, Mr. SNYDER, Mr. SANDLIN, Mr. CRAMER, Mr. METCALF, Mr. PETERSON of Minnesota, Mr. BOUCHER, Mr. LARSON, Mr. CLYBURN, Mr. WAMP, Ms. KILPATRICK, Mr. UDALL of Colorado, Mr. JENKINS, and Mr. BALLENGER.

H.R. 872: Mrs. MCCARTHY of New York, Mr. FILNER, Mr. KUCINICH, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 876: Mr. FOLEY and Mrs. EMERSON.

H.R. 883: Mr. FORBES, Mr. PETERSON of Minnesota, Mr. COOK, Mr. STENHOLM, Mr. SESSIONS, Mr. SMITH of New Jersey, and Mr. COLLINS.

H.R. 894: Mr. GOODLING, Mr. CONDIT, and Mr. SHOWS.

H.R. 901: Mrs. JOHNSON of Connecticut.

H.R. 922: Mr. RILEY, Ms. GRANGER, Mr. NETHERCUTT, Mr. GRAHAM, Mr. SAXTON, Mr. CHAMBLISS, and Mr. LAHOOD.

H.R. 927: Mr. HERGER and Mr. PETRI.

H.J. Res. 9: Mr. MICA and Mr. PETERSON of Pennsylvania.

H.J. Res. 22: Ms. STABENOW and Mr. BONIOR.

H.J. Res. 25: Mr. LOBIONDO, Mr. FOSSELLA, Mr. KING of New York, Mr. SCHAFER, Mr. METCALF, Mr. FROST, Mr. GUTIERREZ, Mr. SPENCE, Mr. CALVERT, Ms. VELÁZQUEZ, Mrs. MINK of Hawaii, Mr. DIAZ-BALART, Mr. MOORE, Mr. DICKEY, Mr. ROYCE, Mr. MCHUGH, Mr. FORBES, Mr. UNDERWOOD, and Mr. BALDACC.

H. Con. Res. 5: Mr. BONIOR, Mr. HINCHEY, Mr. BORSKI, Mr. WYNN, and Mr. LAMPSON.

H. Con. Res. 5: Ms. LOFGREN.

H. Con. Res. 23: Mr. PICKERING, Mr. JENKINS, Mr. BACHUS, Mr. CAMPBELL, Mrs. MINK of Hawaii, Mr. UNDERWOOD, Mr. STUMP, Mr. FILNER, and Mr. GUTIERREZ.

H. Con. Res. 24: Mr. CHABOT, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. SHERWOOD, Mr. THUNE, Mr. BOEHNER, Mrs. FOWLER, Mr. BALLENGER, Mr. KLECZKA, Mrs. NAPOLITANO, Mr. DICKS, Mr. RAMSTAD, Mr. FARR of California, Mr. PASCRELL, and Mr. ROGERS.

H. Con. Res. 25: Mrs. NORTUP.

H. Con. Res. 30: Mr. GIBBONS.

H. Con. Res. 31: Mr. KING of New York, Mr. GONZALEZ, and Mr. GIBBONS.

H. Con. Res. 34: Ms. BROWN of Florida, Mr. UNDERWOOD, Ms. PELOSI, and Mr. STRICKLAND.

H. Res. 41: Mr. GALLEGLY, Mr. NEY, Mr. WAXMAN, and Mrs. WILSON.

H. Res. 89: Mrs. MORELLA, Mr. STEARNS, Mr. SHOWS, Mr. GREEN of Texas, Mrs. MCCARTHY of New York, and Mr. FROST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 863: Ms. WOOLSEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 800

OFFERED BY: MR. CASTLE

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Flexibility Partnership Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in 1 State improve may not prove successful in other States.

(2) Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to State and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.

(3) By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing educational reforms and raising the achievement levels of all children.

(4) State educational agencies are closer to local school systems, implement statewide educational reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.

(5) The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.

(6) Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, such as the important focus on improving math and science performance under title II of the Elementary and Secondary Education Act of 1965, (Dwight D. Eisenhower Professional Development Program), and maintaining such fundamental requirements as those relating to civil rights, educational equity, and accountability.

(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

SEC. 3. DEFINITIONS.

In this Act:

(1) ATTENDANCE AREA.—The term "attendance area" has the meaning given the term "school attendance area" in section 1113(a)(2)(A) of the Elementary and Secondary Education Act of 1965.

(2) ED-FLEX PARTNERSHIP STATE.—The term "Ed-Flex Partnership State" means an eligible State designated by the Secretary under section 4(a)(1)(B).

(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms "local educational agency" and "State educational agency" have the meaning given such terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) EDUCATION FLEXIBILITY PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an education flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for the State educational agency or any local educational agency or school within the State.

(B) DESIGNATION.—The Secretary shall designate each eligible State participating in the program described in subparagraph (A) to be an Ed-Flex Partnership State.

(2) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A)(i) has—

(I) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a) of such Act; or

(II) developed and implemented content standards and interim assessments and made substantial progress, as determined by the Secretary, toward developing and implementing performance standards and final aligned assessments, and toward having local educational agencies in the State produce the profiles, described in subclause (I); and

(ii) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4); and

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

(3) STATE APPLICATION.—

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

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

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

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

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of specific educational objectives the State intends to meet under such a plan; and

(iv) a description of the process by which the State will measure the progress of local educational agencies in meeting specific goals described in subsection (a)(4)(A)(iii).

(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within such State in carrying out comprehensive educational reform, after considering—

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

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

(iii) the degree to which the State's objectives described in subparagraph (A)(iii)—

(I) are specific and measurable; and

(II) measure the performance of schools or local educational agencies and specific groups of students affected by waivers;

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

(v) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

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

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

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

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

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's education flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in meeting its educational goals.

(5) MONITORING.—

(A) IN GENERAL.—Each State educational agency participating in the program under

this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section and shall submit an annual report regarding such monitoring to the Secretary.

(B) PERFORMANCE DATA.—Not later than 2 years after a State is designated as an Ed-Flex Partnership State each such State shall include performance data demonstrating the degree to which progress has been made toward meeting the objectives outlined in paragraph (3)(A)(iii).

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) PERFORMANCE REVIEW.—Three years after a State is designated an Ed-Flex Partnership State, the Secretary shall—

(i) review the performance of any State educational agency in such State that grants waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(ii) terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency has failed to make measurable progress in meeting the objectives outlined in paragraph (3)(A)(iii) to justify continuation of such authority.

(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the education flexibility program under this subsection for each of the fiscal years 1999 through 2004.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965.

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection (a)(1)(A)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

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

(D) parental participation and involvement;

(E) the distribution of funds to States or to local educational agencies;

(F) the selection of schools to participate in part A of title I of the Elementary and Secondary Education Act of 1965, except that

a State educational agency may grant waivers to allow schools to participate in part A of title I of such Act if the percentage of children from low-income families in the attendance area of such school or who actually attend such school is within 5 percentage points of the lowest percentage of such children for any school in the local educational agency that meets the requirements of section 1113 of the Act;

(G) use of Federal funds to supplement, not supplant, non-Federal funds; and

(H) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act shall not apply to a State educational agency that has been granted waiver authority under the following provisions of law:

(A) Section 311(e) of the Goals 2000: Educate America Act.

(B) The proviso referring to such section 311(e) under the heading "EDUCATION REFORM" in the Department of Education Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-229).

(2) EXCEPTION.—If a State educational agency that has been granted waiver authority, pursuant to paragraph (1)(A) or (B), applies to the Secretary to extend such authority, the provisions of this Act, except subsection (e)(1), shall apply to such agency.

(3) EFFECTIVE DATE.—This Act shall apply to State educational agencies described in paragraph (2) beginning on the date that such extension is granted.

(e) ACCOUNTABILITY.—

(1) EVALUATION FOR ED-FLEX PARTNERSHIP STATES.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if such agency—

(A) makes measurable progress toward achieving the objectives described in the application submitted pursuant to subsection (a)(3)(A)(iii); and

(B) demonstrates that local educational agencies or schools affected by such waiver or authority have made measurable progress toward achieving the desired results described in the application submitted pursuant to subsection (a)(4)(A)(iii).

(2) EVALUATION FOR EXISTING ED-FLEX PROGRAMS.—In deciding whether to extend a request for a State educational agency described in subsection (d)(2) to issue waivers under this section, the Secretary shall review the progress of the agency in achieving the objectives set forth in the application submitted pursuant to subsection (a)(2)(B)(iii) of the Goals 2000: Educate America Act.

(f) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.