

and earnings of the funds such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the provisions of this chapter.

(f) Disbursements

Disbursements from the fund shall be made on vouchers approved by the Foundation and signed by the Chairman.

(Pub. L. 102-281, title IV, § 426, May 13, 1992, 106 Stat. 143.)

REFERENCES IN TEXT

The Christopher Columbus Quincentenary Coin Act, referred to in subsec. (a)(4), is subtitle A (§§ 401-411) of title IV of Pub. L. 102-281, May 13, 1992, 106 Stat. 139, which is classified as a note under section 5112 of Title 31, Money and Finance.

§ 5706. Audits

The activities of the Foundation under this chapter may be audited by the Comptroller General of the United States. The Comptroller General shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Foundation, pertaining to such activities and necessary to facilitate the audit.

(Pub. L. 102-281, title IV, § 427, May 13, 1992, 106 Stat. 144.)

§ 5707. Executive Secretary of Foundation

(a) Duties

There shall be an Executive Secretary of the Foundation who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board.

(b) Compensation

The Executive Secretary of the Foundation shall be compensated at an annual rate of basic pay not in excess of the amount payable for Executive Level V.

(Pub. L. 102-281, title IV, § 428, May 13, 1992, 106 Stat. 144.)

REFERENCES IN TEXT

Executive Level V, referred to in subsec. (b), probably means level V of the Executive Schedule, which is set out in section 5316 of Title 5, Government Organization and Employees.

§ 5708. Administrative provisions

(a) The Foundation may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter, except that in no case shall employees (other than the Executive Secretary) be compensated at a rate in excess of the rate of basic pay payable for GS-15 of the General Schedule;

(2) procure temporary and intermittent services of such experts and consultants as are necessary to the extent authorized by section 3109 of title 5, but at rates not in excess of the rate of basic pay payable for Executive Level V;

(3) prescribe such regulations as the Foundation may determine to be necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 5 of title 41;

(7) make advances, progress, and other payments which the Board deems necessary under this chapter without regard to the provisions of section 3324(a) and (b) of title 31;

(8) rent office space;

(9) conduct programs in addition to or in conjunction with the Fellowship program which shall further the Foundation's purpose of encouraging new discoveries in all fields of endeavor for the benefit of mankind; and

(10) to make other necessary expenditures.

(b) ANNUAL REPORT.—The Foundation shall submit to the President and to the Congress an annual report of its operations under this chapter.

(Pub. L. 102-281, title IV, § 429, May 13, 1992, 106 Stat. 144.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a)(1), is set out under section 5332 of Title 5, Government Organization and Employees.

Executive Level V, referred to in subsec. (a)(2), probably means level V of the Executive Schedule, which is set out in section 5316 of Title 5.

CODIFICATION

In subsec. (a)(7), "section 3324(a) and (b) of title 31" substituted for reference to section 529 of title 31, United States Code, on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

CHAPTER 68—NATIONAL EDUCATION REFORM

Sec. 5801.	Purpose.
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	(a) Subchapters I, II, III, and X.
	(b) Subchapters IV, V, VI, VII, VIII, and IX.

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

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 6102, 6103, 6112, 6123, 6124, 6143, 6144, 6311, 6312, 6367, 6396, 6434, 6645, 6648, 6671, 6843, 6845, 6900, 7112, 7115, 7206, 7301, 7351, 7426, 7431, 7545, 8101, 8852, 8857, 8904, 8941 of this title; title 25 section 2001.

§ 5801. Purpose

The purpose of this chapter is to provide a framework for meeting the National Education Goals established by subchapter I of this chapter 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 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) 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) providing resources to help individual schools, including those serving students with high needs, develop and implement comprehensive improvement plans; and

(E) 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 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 chapter 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.

(Pub. L. 103-227, §2, Mar. 31, 1994, 108 Stat. 128; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(2)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

AMENDMENTS

1996—Par. (4)(B) to (D). Pub. L. 104-134, §101(d) [title VII, §703(a)(2)(A)], inserted “and” at end of subpar. (B), redesignated subpar. (D) as (C), and struck out former subpar. (C) which read as follows: “assisting in the development and certification of opportunity-to-learn standards; and”.

Par. (6)(C) to (F). Pub. L. 104-134, §101(d) [title VII, §703(a)(2)(B)], redesignated subpars. (D) to (F) as (C) to (E), respectively, and struck out former subpar. (C) which read as follows: “providing for the establishment of high-quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;”.

SHORT TITLE

Section 1(a) of Pub. L. 103-227 provided that: “This Act (other than titles V and IX) [enacting this chapter (other than subchapters V and IX) and sections 3351 and 3425 of this title, amending sections 1107, 1221e-1, 1232h, 2421, 3381 to 3384, 3386, and 5093 of this title, section 5315 of Title 5, Government Organization and Employees, sections 1632, 1633, and 1635 of Title 29, Labor, and section 11903a of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 5093 and 6301 of this title and section 11901 of Title 42] may be cited as the ‘Goals 2000: Educate America Act.’”

§ 5802. Definitions

(a) Subchapters I, II, III, and X

As used in subchapters I, II, III, and X of this chapter—

(1) the terms “all students” and “all children” mean students or children from a broad range of backgrounds and circumstances, including disadvantaged students and children, students or children with diverse racial, ethnic, and cultural backgrounds, American Indians, Alaska Natives, Native Hawaiians, students or children with disabilities, students or children with limited-English proficiency, school-aged students or children who have dropped out of school, migratory students or children, and academically talented students and children;

(2) the term “Bureau”, unless otherwise provided, means the Bureau of Indian Affairs;

(3) the terms “community”, “public”, and “advocacy group” include representatives of organizations advocating for the education of American Indian, Alaska Native, and Native Hawaiian children and Indian tribes;

(4) the term “content standards” means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(5) the term “Governor” means the chief executive of the State;

(6) the terms “local educational agency” and “State educational agency” have the meaning given such terms in section 8801 of this title;

(7) the term “outlying areas” means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), the Republic of the Marshall Islands, and the Federated States of Micronesia;

(8) the term “performance standards” means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that such students are proficient in the skills and knowledge framed by content standards;

(9) the term “related services” has the same meaning given such term under section 1401(a)(17)¹ of this title;

(10) the term “State assessment” means measures of student performance which include at least 1 instrument of evaluation, and may include other measures of student performance, for a specific purpose and use which are intended to evaluate the progress of all students in the State toward learning the material in State content standards in 1 or more subject areas;

(11) the term “school” means a public school that is under the authority of the State educational agency or a local educational agency or, for the purpose of carrying out section 5895(b) of this title, a school that is operated or funded by the Bureau;

(12) the term “Secretary”, unless otherwise provided, means the Secretary of Education; and

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

(b) Subchapters IV, V, VI, VII, VIII, and IX

For the purpose of subchapters IV, V, VI, VII, VIII, and IX of this chapter—

(1) except as provided in paragraph (3) and unless otherwise provided, the terms used in such subchapters have the same meanings given such terms in section 8801 of this title;

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

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

(Pub. L. 103-227, §3, Mar. 31, 1994, 108 Stat. 129; Pub. L. 103-382, title III, §394(f)(1), Oct. 20, 1994, 108 Stat. 4027; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(3)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

Subchapters I to X, referred to in text, were in the original references to titles I to X of Pub. L. 103-227,

¹ See References in Text note below.

Mar. 31, 1994, 108 Stat. 131-265. Titles I, III, IV, V, VI, and VIII are classified generally to subchapters I (§ 5811 et seq.), III (§ 5881 et seq.), IV (§ 5911 et seq.), V (§ 5931 et seq.), VI (§ 5951), and VIII (§ 5981 et seq.), respectively, of this chapter. Title II enacted subchapter II (§ 5821 et seq.) of this chapter and section 3425 of this title, amended section 5093 of this title and section 5315 of Title 5, Government Organization and Employees, and enacted provisions set out as a note under section 5093 of this title. Title VII enacted subchapter VII (§ 5961 et seq.) of this chapter and amended section 1221e-1 of this title. Title IX enacted subchapter IX (§ 6001 et seq.) of this chapter, amended sections 2422, 3155, 3412, 3419, 3462, and 4085b of this title, repealed section 1221e of this title, and enacted provisions set out as notes under sections 1221e and 3155 of this title. Title X enacted subchapter X (§ 6061 et seq.) of this chapter and section 3351 of this title, amended sections 1107, 1232h, 2421, 3381 to 3384, and 3386 of this title, sections 1632, 1633, and 1635 of Title 29, Labor, and section 11903a of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under section 6301 of this title and section 11901 of Title 42. For complete classification of titles I to X to the Code, see Tables.

For Oct. 1, 1994, as the date the Compact of Free Association with the Government of Palau takes effect, referred to in subsec. (a)(7), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

Section 1401(a)(17) of this title, referred to in subsec. (a)(9), was in the original a reference to section 602(a)(17) of the Individuals with Disabilities Education Act, Pub. L. 91-230, title VI. Section 602 of Pub. L. 91-230 was omitted in the general amendment of subchapter I of chapter 33 of this title by Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 37. Pub. L. 105-17 enacted a new section 602 of Pub. L. 91-230, which is classified to section 1401 of this title, and which contains provisions defining "related services".

AMENDMENTS

1996—Subsec. (a)(7) to (14). Pub. L. 104-134 redesignated pars. (8) to (14) as (7) to (13), respectively, and struck out former par. (7) which read as follows: "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;"

1994—Subsec. (a)(6). Pub. L. 103-382, § 394(f)(1)(A)(i), substituted "section 8801" for "section 2891".

Subsec. (a)(10). Pub. L. 103-382, § 394(f)(1)(A)(ii), substituted "section 1401(a)(17)" for "section 1401".

Subsec. (b)(1). Pub. L. 103-382, § 394(f)(1)(B), substituted "section 8801" for "section 2891".

SUBCHAPTER I—NATIONAL EDUCATION GOALS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5801, 5802, 5823, 5881, 6102 of this title.

§ 5811. Purpose

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

(Pub. L. 103-227, title I, § 101, Mar. 31, 1994, 108 Stat. 130.)

§ 5812. National Education Goals

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

(1) School readiness

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

(B) The objectives for this goal are that—

(i) all children will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

(ii) every parent in the United States will be a child's first teacher and devote time each day to helping such parent's preschool child learn, and parents will have access to the training and support parents need; and

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

(2) School completion

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

(B) The objectives for this goal are that—

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

(ii) the gap in high school graduation rates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

(3) Student achievement and citizenship

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

(B) The objectives for this goal are that—

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

(ii) the percentage of all students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

(iii) all students will be involved in activities that promote and demonstrate good citizenship, good health, community service, and personal responsibility;

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

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

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

(4) Teacher education and professional development

(A) By the year 2000, the Nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.

(B) The objectives for this goal are that—

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

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

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

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

(5) Mathematics and science

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

(B) The objectives for this goal are that—

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

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

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

(6) Adult literacy and lifelong learning

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

(B) The objectives for this goal are that—

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

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to

emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

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

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

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

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

(7) Safe, disciplined, and alcohol- and drug-free schools

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

(B) The objectives for this goal are that—

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

(ii) parents, businesses, governmental and community organizations will work together to ensure the rights of students to study in a safe and secure environment that is free of drugs and crime, and that schools provide a healthy environment and are a safe haven for all children;

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

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

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

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

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

(8) Parental participation

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

(B) The objectives for this Goal are that—

(i) every State will develop policies to assist local schools and local educational agencies to establish programs for increasing partnerships that respond to the varying

needs of parents and the home, including parents of children who are disadvantaged or bilingual, or parents of children with disabilities;

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

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

(Pub. L. 103-227, title I, §102, Mar. 31, 1994, 108 Stat. 130.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6301, 6702 of this title.

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

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5802, 5934, 6065 of this title.

PART A—NATIONAL EDUCATION GOALS PANEL

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 5871 of this title.

§ 5821. 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.

(Pub. L. 103-227, title II, §201, Mar. 31, 1994, 108 Stat. 133; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(4)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Par. (3). Pub. L. 104-134 substituted “and voluntary national student performance standards” for “, 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”.

§ 5822. National Education Goals Panel

(a) Establishment

There is established in the executive branch a National Education Goals Panel (hereafter in this subchapter referred to as the “Goals Panel”) to advise the President, the Secretary, and the Congress.

(b) Composition

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

- (1) 2 members appointed by the President;
- (2) 8 members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be from the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors’ Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson’s or Vice Chairperson’s respective political party, in consultation with each other;
- (3) 4 Members of the Congress, of whom—
 - (A) 1 member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;
 - (B) 1 member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;
 - (C) 1 member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and
 - (D) 1 member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

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

(c) Special appointment rules

(1) In general

The members appointed pursuant to subsection (b)(2) of this section shall be appointed as follows:

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

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

(2) Special rule

If the National Governors’ Association has appointed a panel that meets the requirements of subsections (b) and (c) of this section, except for the requirements of paragraph (4) of subsection (b) of this section, prior to March 31, 1994, then the members serving on such panel shall be deemed to be in compliance with the provisions of such subsections and shall not be required to be reappointed pursuant to such subsections.

(3) Representation

To the extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

(d) Terms

The terms of service of members shall be as follows:

(1) Presidential appointees

Members appointed under subsection (b)(1) of this section shall serve at the pleasure of the President.

(2) Governors

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

(3) Congressional appointees and State legislators

Members appointed under paragraphs (3) and (4) of subsection (b) of this section shall serve for 2-year terms.

(e) Date of appointment

The initial members shall be appointed not later than 60 days after March 31, 1994.

(f) Initiation

The Goals Panel may begin to carry out its duties under this part when 10 members of the Goals Panel have been appointed.

(g) Vacancies

A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) Travel

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

(i) Chairperson**(1) In general**

The members shall select a Chairperson from among the members.

(2) Term and political affiliation

The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

(j) Conflict of interest

A member of the Goals Panel who is an elected official of a State which has developed content or student performance standards may not participate in Goals Panel consideration of such standards.

(k) Ex officio member

If the President has not appointed the Secretary as 1 of the 2 members the President appoints pursuant to subsection (b)(1) of this section, then the Secretary shall serve as a non-voting ex officio member of the Goals Panel.

(Pub. L. 103-227, title II, §202, Mar. 31, 1994, 108 Stat. 134; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(5)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original "this title", meaning title II of Pub. L. 103-227,

Mar. 31, 1994, 108 Stat. 133, which enacted this subchapter and section 3425 of this title, amended section 5093 of this title and section 5315 of Title 5, Government Organization and Employees, and enacted provisions set out as a note under section 5093 of this title.

AMENDMENTS

1996—Subsec. (j). Pub. L. 104-134 substituted "or student performance" for " , student performance, or opportunity-to-learn".

§ 5823. 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 subchapter I of this chapter, including issuing an annual report;

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

(3) 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

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

(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.

(2) Form; data

Reports shall be presented in a form, and include data, that is understandable to parents and the general public.

(Pub. L. 103-227, title II, §203, Mar. 31, 1994, 108 Stat. 136; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(6)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-134, §101(d) [title VII, §703(a)(6)(A)(iii)], amended par. (2) generally. Prior to amendment, par. (2) read as follows: "after taking into consideration the public comments received pursuant to section 5846 of this title 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;”.

Pub. L. 104-134, §101(d) [title VII, §703(a)(6)(A)(i), (ii)], redesignated par. (4) as (2) and struck out former par. (2) which read as follows: “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;”.

Subsec. (a)(3) to (6). Pub. L. 104-134, §101(d) [title VII, §703(a)(6)(A)(i), (ii)], redesignated pars. (5) and (6) as (3) and (4), respectively, and struck out former par. (3) which read as follows: “submit to the President nominations for appointment to the National Education Standards and Improvement Council in accordance with subsections (b) and (c) of section 5842 of this title;”. Former par. (4) redesignated (2).

Subsec. (b)(1)(C). Pub. L. 104-134, §101(d) [title VII, §703(a)(6)(B)], struck out subpar. (C) which read as follows: “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.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 25 section 2001.

§ 5824. Powers of 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, and State assessments.

(b) Information

The Goals Panel may secure directly from any department or agency of the United States information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of a department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

(c) Postal services

The Goals Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(d) Use of facilities

The Goals Panel may, with consent of any agency or instrumentality of the United States, or of any State or political subdivision thereof, use the research, equipment, services, and facilities of such agency, instrumentality, State, or subdivision, respectively.

(e) Administrative arrangements and support

(1) In general

The Secretary shall provide to the Goals Panel, on a reimbursable basis, such adminis-

trative support services as the Goals Panel may request.

(2) Contracts and other arrangements

The Secretary, to the extent appropriate, and on a reimbursable basis, shall make contracts and other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of such responsibilities.

(f) Gifts

The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

(Pub. L. 103-227, title II, §204, Mar. 31, 1994, 108 Stat. 136; Pub. L. 103-382, title III, §361(b)(1), Oct. 20, 1994, 108 Stat. 3974; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(7)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-134 struck out “voluntary national opportunity-to-learn standards,” before “and State assessments” and struck out “described in section 5843(f) of this title” after “and State assessments”.

1994—Subsec. (f). Pub. L. 103-382 added subsec. (f).

§ 5825. Administrative provisions

(a) Meetings

The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of its members.

(b) Quorum

A majority of the members shall constitute a quorum for the transaction of business.

(c) Voting and final decision

(1) Voting

No individual may vote, or exercise any of the powers of a member, by proxy.

(2) Final decisions

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

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

(d) Public access

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

(Pub. L. 103-227, title II, §205, Mar. 31, 1994, 108 Stat. 137.)

§ 5826. Director and staff; experts and consultants

(a) Director

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

(b) Appointment and pay of employees

(1) In general

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

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

(2) Additional employees

The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5.

(c) Experts and consultants

The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5.

(d) Staff of Federal agencies

Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Goals Panel to assist the Goals Panel in its duties under this part.

(Pub. L. 103-227, title II, §206, Mar. 31, 1994, 108 Stat. 138.)

REFERENCES IN TEXT

Level V of the Executive Schedule, referred to in subsec. (a), is set out in section 5316 of Title 5, Government Organization and Employees.

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (b)(1)(A), are classified generally to section 3301 et seq. of Title 5.

The General Schedule, referred to in subsec. (b)(1)(B), is set out under section 5332 of Title 5.

§ 5827. Early childhood assessment

(a) In general

The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (hereafter in this section referred to as the “Groups”) to improve the methods of assessing the readiness of children for school that would lead to alternatives to currently used early childhood assessments.

(b) Activities

The Groups shall—

(1) develop a model of elements of school readiness that address a broad range of early

childhood developmental needs, including the needs of children with disabilities;

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

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

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

(c) Advice

The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

(d) Report

The Goals Panel shall provide reports on the work of the Groups to the appropriate committees of the Congress, the Secretary, and the public.

(Pub. L. 103-227, title II, §207, Mar. 31, 1994, 108 Stat. 138.)

PART B—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

PRIOR PROVISIONS

A prior part B, consisting of sections 5841 to 5851 of this title, was repealed by Pub. L. 104-134, title I, §101(d) [title VII, §701(1)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-251; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.

Section 5841, Pub. L. 103-227, title II, §211, Mar. 31, 1994, 108 Stat. 139, stated purpose.

Section 5842, Pub. L. 103-227, title II, §212, Mar. 31, 1994, 108 Stat. 139, established National Education Standards and Improvement Council and provided for composition, appointment rules and qualifications, terms, date of appointment, initiation of duties, retention of appointment, vacancy, compensation, conflict of interest, travel, and officers.

Section 5843, Pub. L. 103-227, title II, §213, Mar. 31, 1994, 108 Stat. 142, related to duties of Council.

Section 5844, Pub. L. 103-227, title II, §214, Mar. 31, 1994, 108 Stat. 147, required Council to submit annual reports to President, Secretary, appropriate committees of Congress, Governor of each State, and Goals Panel regarding its work.

Section 5845, Pub. L. 103-227, title II, §215, Mar. 31, 1994, 108 Stat. 147; Pub. L. 103-382, title III, §361(b)(2), Oct. 20, 1994, 108 Stat. 3975, related to powers of Council.

Section 5846, Pub. L. 103-227, title II, §216, Mar. 31, 1994, 108 Stat. 148, related to publication in Federal Register for public comment of certain proposed procedures, standards, and criteria.

Section 5847, Pub. L. 103-227, title II, §217, Mar. 31, 1994, 108 Stat. 148, contained administrative provisions relating to Council, including provisions relating to meetings, quorum, voting, and public access.

Section 5848, Pub. L. 103-227, title II, §218, Mar. 31, 1994, 108 Stat. 149, related to Council Director and staff, and use of experts and consultants and staffs of Federal agencies.

Section 5849, Pub. L. 103-227, title II, §219, Mar. 31, 1994, 108 Stat. 149, related to opportunity-to-learn development grants.

Section 5850, Pub. L. 103-227, title II, §220, Mar. 31, 1994, 108 Stat. 150, related to assessment development and evaluation grants.

Section 5851, Pub. L. 103-227, title II, §221, Mar. 31, 1994, 108 Stat. 151, required Secretary to make grant, in amount not to exceed \$500,000, to National Academy of Sciences or National Academy of Education to evaluate technical quality of work performed, and certain processes used, by Goals Panel and Council, and required recipient of grant to submit final report to Congress, Secretary, and the public regarding activities assisted under this section not later than Jan. 1, 1998.

§§ 5861 to 5864. Repealed. Pub. L. 103-382, title III, § 361(a), Oct. 20, 1994, 108 Stat. 3974

Section 5861, Pub. L. 103-227, title II, §231, Mar. 31, 1994, 108 Stat. 151; Pub. L. 103-382, title III, §394(f)(2), Oct. 20, 1994, 108 Stat. 4027, stated purpose of this part to provide leadership in educational technology.

Section 5862, Pub. L. 103-227, title II, §232, Mar. 31, 1994, 108 Stat. 152; Pub. L. 103-382, title III, §394(f)(3), Oct. 20, 1994, 108 Stat. 4027, related to Federal leadership in use of technology in education.

Section 5863, Pub. L. 103-227, title II, §234, Mar. 31, 1994, 108 Stat. 155, related to uses of funds.

Section 5864, Pub. L. 103-227, title II, §235, Mar. 31, 1994, 108 Stat. 156, related to non-Federal share of cost of activities assisted under grants or contracts under this part.

PART C—AUTHORIZATION OF APPROPRIATIONS

§ 5871. Authorization of appropriations

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 subchapter.

(Pub. L. 103-227, title II, §241, Mar. 31, 1994, 108 Stat. 156; Pub. L. 104-134, title I, §101(d) [title VII, §701(3)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-251; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Pub. L. 104-134 struck out subsec. (a) designation and heading “National Education Goals Panel”, and struck out subsecs. (b) to (d) which read as follows:

“(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 subchapter.

“(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 5849 of this title.

“(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 5850 of this title.”

SUBCHAPTER III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5802, 6041, 6065, 6066, 6311, 6314, 6320, 6649, 6702, 7207, 7814, 8821, 8857 of this title.

§ 5881. Findings

The Congress finds that—

(1) all students can learn and achieve to high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education from 1977 through 1992 have achieved some good results, but such reform efforts often have been limited to a few schools or to a single part of the educational system;

(3) leadership must come from teachers, related services personnel, principals, and parents in individual schools, and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

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

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

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

(8) States and local educational agencies, working together, must immediately set about developing and implementing such systemwide improvement strategies if our Nation is to educate all children to meet their full potential and achieve the National Education Goals described in subchapter I of this chapter;

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

(10) businesses should be encouraged—

(A) to enter into partnerships with schools;

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

(C) to provide necessary education and training materials and support; and

(D) to continue the lifelong learning process throughout the employment years of an individual;

(11) schools should provide information to businesses regarding how the business community can assist schools in meeting the purposes of this chapter;

(12) institutions of higher education should be encouraged to enter into partnerships with schools to provide information and guidance to schools on the skills and knowledge graduates need in order to enter and successfully complete postsecondary education, and schools should provide information and guid-

ance to institutions of higher education on the skills, knowledge, and preservice training teachers need, and the types of professional development educators need in order to meet the purposes of this chapter;

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

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

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

(16) quality education management services are being utilized by local educational agencies and schools through contractual agreements among local educational agencies or schools and businesses providing quality education management services.

(Pub. L. 103-227, title III, §301, Mar. 31, 1994, 108 Stat. 157.)

REFERENCES IN TEXT

This chapter, referred to in pars. (11) and (12), was in the original “this Act”, meaning Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

§ 5882. Purpose

(a) Purpose

It is the purpose of this subchapter to improve the quality of education for all students by improving student learning through a long-term, broad-based effort to promote coherent and coordinated improvements in the system of education throughout the Nation at the State and local levels.

(b) Congressional intent

This subchapter provides new authorities and funding for the Nation’s school systems without replacing or reducing funding for existing Federal education programs. It is the intention of the Congress that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this subchapter.

(Pub. L. 103-227, title III, §302, Mar. 31, 1994, 108 Stat. 158.)

§ 5883. Authorization of appropriations

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

(Pub. L. 103-227, title III, §303, Mar. 31, 1994, 108 Stat. 158.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5884, 5888 of this title.

§ 5884. Allotment of funds

(a) Reservations of funds

From funds appropriated under section 5883 of this title, 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 5893 and 5894 of this title; and

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

(b) State allotments

From the amount appropriated under section 5883 of this title and not reserved under subsection (a) of this section 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 1¹ 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 A¹ 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) of this section will not be needed for such fiscal year by the State, the Secretary shall reallot 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 subchapter, in utilizing the proceeds of an allotment received under this subchapter, shall maintain the expenditures of such recipient for the activities assisted under this subchapter 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

¹ See References in Text note below.

justifiable reasons for a reduction in the level of expenditures required by this subsection.

(e) Direct grants to local educational agencies

(1) In general

Notwithstanding subsection (c) of this section, if a State educational agency was not participating in the program under this section as of October 20, 1995, and the State educational agency approves, the Secretary shall use all or a portion of the allotment that the State would have received under this section for a fiscal year to award grants to local educational agencies in the State that have approved applications under paragraph (2) for such fiscal year.

(2) Application

Any local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary that is consistent with the provisions of this chapter and shall notify the State educational agency of such application in accordance with paragraph (1). The Secretary may establish a deadline for the submission of such applications.

(3) Award basis

The Secretary may use the student enrollment of a local educational agency or other factors as a basis for awarding grants under this subsection.

(Pub. L. 103-227, title III, §304, Mar. 31, 1994, 108 Stat. 158; Pub. L. 104-134, title I, §101(d) [title VII, §§703(a)(8), 704], Apr. 26, 1996, 110 Stat. 1321-211, 1321-252, 1321-255; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

Chapter 1 and part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965, referred to in subsec. (b), are chapter 1 and part A of chapter 2 of title I of Pub. L. 89-10, as added by Pub. L. 100-297, title I, §1001, Apr. 28, 1988, 102 Stat. 140, 204, which were classified generally to division 1 (§2701 et seq.) and part A (§2921 et seq.) of division 2, respectively, of subchapter I of chapter 47 of this title prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519.

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-134, §101(d) [title VII, §703(a)(8)], inserted “and” at end of subpar. (A), substituted period for “; and” in subpar. (B), and struck out subpar. (C) which read as follows: “evaluation activities under section 5851 of this title.”

Subsec. (e). Pub. L. 104-134, §101(d) [title VII, §704], added subsec. (e).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5886, 5887, 5893, 5894, 5895, 5897 of this title.

§ 5885. State applications

(a) Application

(1) In general

Each State educational agency that desires to receive an allotment under this subchapter shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) Additional information

In addition to the information described in subsections (b) and (c) of this section, each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary’s responsibilities under section 5892 of this title, and will comply with reasonable requests of the Secretary for data related to the State’s progress in developing and implementing its State improvement plan under section 5886 of this title;

(B) an assurance that State law provides adequate authority to carry out each component of the State’s improvement plan developed, or to be developed under section 5886 of this title, or that such authority will be sought;

(C) an assurance that the State content standards and State student performance standards developed for student achievement are not less rigorous than such standards used prior to March 31, 1994;

(D) an assurance that the State will provide for broad public participation in the planning process; and

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

(b) First year

A State educational agency’s application for the first year of assistance under this subchapter shall—

(1) describe the process by which the State educational agency will develop a State improvement plan that meets the requirements of section 5886 of this title; and

(2) describe how the State educational agency will use funds received under this subchapter for such year, including how such agency will make subgrants to local educational agencies in accordance with section 5889(a) of this title, and how such agency will use funds received under this subchapter for education preservice programs and professional development activities in accordance with section 5889(b) of this title.

(c) Subsequent years

A State educational agency’s application for the second year of assistance under this subchapter shall—

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

(2) except in the case of a State educational agency submitting the information described in section 5886(n)(4) of this title, include a copy of the State’s improvement plan that meets the requirements of section 5886 of this title, or if the State improvement plan is not complete, a statement of the steps the State will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State educational agency will use funds received under this subchapter, including how such agency will make subgrants to local educational agencies in accordance with section 5889(a) of this title, and how such agency will use such funds received under this subchapter for education preservice programs and professional development activities in accordance with section 5889(b) of this title.

(Pub. L. 103-227, title III, §305, Mar. 31, 1994, 108 Stat. 159; Pub. L. 104-134, title I, §101(d) [title

VII, §705(b)], Apr. 26, 1996, 110 Stat. 1321–211, 1321–256; renumbered title I, Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Subsec. (c)(2). Pub. L. 104–134 inserted “except in the case of a State educational agency submitting the information described in section 5886(n)(4) of this title,” before “include”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5886, 5887, 5895, 5897 of this title.

§ 5886. State improvement plans

(a) Basic scope of plan

Except as provided in section 5885(c)(2) of this title and consistent with the requirements of this section, any State educational agency that wishes to receive an allotment under this subchapter 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

A State improvement plan under this subchapter shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor.

(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 [20 U.S.C. 2325];

(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;

(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 subchapter;

(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) Repealed. Pub. L. 104-134, title I, § 101(d) [title VII, § 702(a)(1)(B)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-251; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327

(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

(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.

(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) of this section, 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 [20 U.S.C. 2301 et seq.].

(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 5885 of this title, through a peer review process in-

volving 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 subchapter the Secretary shall not be required to—

- (i) review such application through a peer review process; and
- (ii) conduct a site visit.

(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 5884(b) of this title, 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 chapter;
- (C) meets the requirements of subsections (a) through (k) of this section; 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 5885 of this title, before offering the State—

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

(4) Alternative submission

(A) In general

Notwithstanding any other provision of this subchapter, any State educational agency that wishes to receive an allotment under this subchapter after the first year such State educational agency receives such an allotment may, in lieu of submitting its State improvement plan for approval by the Secretary under this subsection and section 5885(c)(2) of this title, or submitting major amendments to the Secretary under subsection (p) of this section, provide the Secretary, as part of an application under section 5885(c) of this title or as an amendment to a previously approved application—

- (i) an assurance, from the Governor and the chief State school officer of the State, that—

(I) the State has a plan that meets the requirements of this section and that is widely available throughout the State; and

(II) any amendments the State makes to the plan will meet the requirements of this section; and

(ii) the State's benchmarks of improved student performance and of progress in implementing the plan, and the timelines against which the State's progress in carrying out the plan can be measured.

(B) Annual report

Any State educational agency that chooses to use the alternative method described in paragraph (1) shall annually report to the public summary information on the use of funds under this subchapter by the State and local educational agencies in the State, as well as the State's progress toward meeting the benchmarks and timelines described in subparagraph (A)(ii).

(o) Regular review

Each State improvement plan shall include a process for periodically reviewing and updating any State content standards, State student performance standards, and State assessments.

(p) 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) of this section.

(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.

(q) 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) of this section if the Secretary determines that such approval would further the purposes of State systemic education improvement.

(2) Special rule

(A)¹ If, before March 31, 1994, 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)² of subsection (b) of this section, the Secretary may, at the request of the Gov-

¹ So in original. No subpar. (B) has been enacted.

² See References in Text note below.

error and the State educational agency, treat such panel as meeting the requirements of this subchapter 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.

(Pub. L. 103-227, title III, §306, Mar. 31, 1994, 108 Stat. 160; Pub. L. 104-134, title I, §101(d) [title VII, §§702(a), 703(a)(9), 705(a)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-251, 1321-253, 1321-256; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

The Carl D. Perkins Vocational and Applied Technology Education Act, referred to in subsec. (l), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended, which is classified generally to chapter 44 (§2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

Subsection (b) of this section, referred to in subsec. (q)(2)(A), was amended generally by Pub. L. 104-134, title I, §101(d) [title VII, §702(a)(1)(A)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-251; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, and, as so amended, no longer contains pars. (1) through (3).

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-134, §101(d) [title VII, §702(a)(1)(A)], amended subsec. (b) generally, substituting present provisions for former provisions relating to plan development and consisting of pars. (1) to (9).

Subsec. (d). Pub. L. 104-134, §101(d) [title VII, §702(a)(1)(B)], struck out subsec. (d) which related to opportunity-to-learn standards and strategies.

Subsec. (n)(4). Pub. L. 104-134, §101(d) [title VII, §705(a)], added par. (4).

Subsec. (o). Pub. L. 104-134, §101(d) [title VII, §703(a)(9)], struck out “State opportunity-to-learn standards or strategies,” after “performance standards,”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5885, 5887, 5888, 5890, 5891, 5892, 5894, 5895, 5897 of this title.

§ 5887. Secretary’s review of applications; payments

(a) First year

The Secretary shall approve the State educational agency’s first year application under section 5885(b) of this title if the Secretary determines that—

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

(2) there is a substantial likelihood that the second year application of the State educational agency under section 5885(c) of this title will provide for the development and implementation of a State improvement plan that complies with section 5886 of this title.

(b) Second through fifth years

The Secretary shall approve the State educational agency’s second year application under section 5885(c)(1) of this title for the second through fifth years of participation only if—

(1)(A) the Secretary has approved the State improvement plan under section 5886(n) of this title;

(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; or

(C) the State educational agency has submitted the information described in section 5886(n)(4) of this title; and

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

(c) Payments

For any fiscal year for which a State has an approved application under this subchapter, the Secretary shall provide an allotment to the State educational agency in the amount determined under section 5884(b) of this title.

(Pub. L. 103-227, title III, §307, Mar. 31, 1994, 108 Stat. 167; Pub. L. 104-134, title I, §101(d) [title VII, §705(c)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-256; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Subsec. (b)(1)(C). Pub. L. 104-134 added subpar. (C).

§ 5888. State use of funds

(a) First year

In the first year for which a State educational agency receives an allotment under this subchapter, such agency—

(1) if the amount made available under section 5883 of this title for such year is equal to or greater than \$50,000,000, shall use at least 60 percent of such allotted funds to award subgrants—

(A) in accordance with section 5889(a) of this title, to local educational agencies for the development or implementation of local improvement plans; and

(B) in accordance with section 5889(b) of this title, to improve educator preservice programs and for professional development activities consistent with the State improvement plan;

(2) if the amount made available under section 5883 of this title for such year is less than \$50,000,000, may use such funds for the subgrants described in paragraph (1); and

(3) shall use any such allotted funds not used in accordance with paragraphs (1) and (2) to develop, revise, expand, or implement a State improvement plan described in section 5886 of this title.

(b) Succeeding years

Each State educational agency that receives an allotment under this subchapter for any year after the first year of such agency receives assistance under this subchapter shall—

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

(A) in accordance with section 5889(a) of this title, to local educational agencies for the implementation of the State improvement plan and of local improvement plans; and

(B) in accordance with section 5889(b) of this title, 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, and State assessments linked to such standards, including through consortia of States;

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

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

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

(E) supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and motivating students to develop higher order thinking skills, discipline, and creative resolution methods;

(F) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools;

(G) outreach to and training for parents, tribal officials, organizations serving young children, classroom teachers, related services personnel, and other educators, and the public, related to education improvement;

(H) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement systemic local improvement plans, implement new State assessments, and develop curricula consistent with the State content standards and State student performance standards;

(I) promoting public magnet schools, public "charter schools", and other mechanisms for increasing choice among public schools, including information and referral programs which provide parents with information on available choices;

(J) supporting activities relating to the planning of, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

(K) supporting intergenerational mentoring programs;

(L) supporting the development, at the State or local level, of school-based programs that restore discipline and reduce violence in schools and communities, such as community mobilization programs; and

(M) collecting and analyzing data.

(c) Limit on administrative costs

A State educational agency that receives an allotment under this subchapter 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 5886(b) of this title.

(d) Special rule

Any new public school established under this subchapter—

(1) shall be nonsectarian;

(2) shall not be affiliated with a nonpublic sectarian school or religious institution; and

(3) shall operate under the authority of a State educational agency or local educational agency.

(Pub. L. 103-227, title III, § 308, Mar. 31, 1994, 108 Stat. 168; Pub. L. 104-134, title I, § 101(d) [title VII, § 703(a)(10)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-253; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Subsec. (b)(2)(A). Pub. L. 104-134, § 101(d) [title VII, § 703(a)(10)(A)], struck out "State opportunity-to-learn standards," after "performance standards," substituted "including through consortia of States;" for "including—", and struck out cls. (i) and (ii) which read as follows:

"(i) through consortia of States; or

"(ii) with the assistance of the National Education Standards and Improvement Council established under part B of subchapter II of this chapter;"

Subsec. (c). Pub. L. 104-134, § 101(d) [title VII, § 703(a)(10)(B)], substituted "5886(b)" for "5886(b)(1)".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5889, 5895, 8821 of this title.

§ 5889. Subgrants for local reform and professional development

(a) Subgrants to local educational agencies

(1) In general

(A) Each State educational agency shall make subgrants, through a competitive process to carry out the authorized activities described in paragraph (4), to local educational agencies (or consortia of such agencies) in accordance with section 5888 of this title.

(B) In making such subgrants, the State educational agency shall award not less than 1 subgrant in each fiscal year to an urban local educational agency and not less than 1 subgrant in each fiscal year to a rural local educational agency, where appropriate, except that this provision shall not apply to the District of Columbia. An education service agency may serve as a fiscal agent for a rural local educational agency.

(C) Each such subgrant shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this subchapter effectively.

(2) Application required

(A) A local educational agency desiring to receive a subgrant under this subsection for

the development of a local improvement plan shall submit an application to the State educational agency. Such application shall contain assurances that the local educational agency intends to develop a local improvement plan that meets the requirements of this section.

(B) A local educational agency only shall be eligible to receive a subgrant under this subsection to develop a local improvement plan for one fiscal year.

(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;

(B) address districtwide education improvement, directed at enabling all students to meet the State content standards and State student performance standards, including specific goals and benchmarks, reflect the priorities of the State improvement plan (either approved or under development) and include a strategy for—

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

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating, maintaining, and strengthening parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) promote the flexibility of local schools in developing plans which address the particular needs of their school and community and are consistent with the local improvement plan;

(D) describe a process of broad-based community participation in the development, implementation, and evaluation of the local improvement plan;

(E) describe how the local educational agency will encourage and assist schools to develop and implement comprehensive school improvement plans that—

(i) focus on helping all students reach State content standards and State student performance standards; and

(ii) address relevant elements of the local improvement plan of the local educational agency identified in subparagraph (B);

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

(G) describe how the subgrant funds will be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (6)(A);

(H) identify, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that such agency requests be waived in accordance with section 5891 of this title, which requests shall promptly be transmitted to the Secretary by the State educational agency; and

(I) contain such other information as the State educational agency may reasonably require.

(4) Submission

A local educational agency which has approved a local improvement plan shall submit such plan to the State educational agency for approval together with a description of modifications made by the local educational agency to such plan and any comments from the local panel regarding such plan.

(5) Monitoring

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

(6) Authorized activities

(A) A local educational agency that receives a subgrant under this subsection—

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

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

(II) not less than 75 percent of the subgrant funds to support individual school improvement initiatives related to providing all students in the school the opportunity to meet State content standards and State student performance standards; and

(ii) in subsequent years, shall use subgrant funds for any activities approved by the

State educational agency which are reasonably related to carrying out the State or local improvement plans which may include the establishment of innovative new public schools and the acquisition of technology and use of technology-enhanced curricula and instruction, except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans which are designed to meet the needs of their particular student population and help all students meet State content standards and State student performance standards.

(B) At least 50 percent of the funds made available by a local educational agency to individual schools under this section in any fiscal year shall be made available to schools with a special need for such assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(C) A local educational agency may not use more than five percent of the subgrant funds such agency receives in each fiscal year under this subchapter for administrative expenses.

(7) Special consideration

The State educational agency shall give special consideration in awarding a subgrant to—

(A) a consortium of local educational agencies; or

(B) a local educational agency that provides in the application or local improvement plan described in paragraph (2) or (3), respectively, that such subgrant funds will be used to assist a consortium of schools that has developed a plan for school improvement.

(b) Subgrants for preservice teacher education and professional development activities

(1) In general

(A) Each State educational agency shall make subgrants, through a competitive, peer-reviewed process to a local educational agency, or a consortium of local educational agencies, in cooperation with institutions of higher education, nonprofit organizations, or any combination thereof, in accordance with section 5888 of this title to—

(i) improve preservice teacher education programs consistent with the State improvement plan, including how to work effectively with parents and the community; and

(ii) support continuing, sustained professional development activities for educators and school administrators or related services personnel working with educators which will increase student learning in accordance with the State improvement plan.

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

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

(ii) a local educational agency or consortium that forms partnerships with collegiate

educators to establish professional development sites; and

(iii) a local educational agency or consortium that—

(I) focuses on upgrading teachers' knowledge of content areas; or

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

(2) Application

Each local educational agency or consortium that desires to receive a subgrant under this subsection shall submit an application to the State educational agency which—

(A) describes how the applicant will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator professional development activities consistent with the State improvement plan;

(B) identifies the criteria to be used by the applicant to judge improvements in preservice education or the effects of professional development activities consistent with the State improvement plan; and

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

(3) Required activities

A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

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

(B) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, principals, and other educators at the school or district level that equip educators with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(4) Permissive activities

A recipient of a subgrant under this subsection may use the subgrant funds for costs related to release time for teachers to participate in professional development activities, which professional development shall include related services personnel as appropriate.

(c) Special award rule

(1) In general

Each State educational agency shall award at least 50 percent of subgrant funds under subsection (a) of this section in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average such percentage or number for all local educational agencies in the State.

(2) Waiver

The State educational agency may waive the requirement of paragraph (1) if such agency

does not receive a sufficient number of applications to comply with such requirement.

(Pub. L. 103-227, title III, §309, Mar. 31, 1994, 108 Stat. 169; Pub. L. 103-382, title III, §361(c), Oct. 20, 1994, 108 Stat. 3975; Pub. L. 104-134, title I, §101(d) [title VII, §§702(b), 703(a)(11)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-251, 1321-253; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Subsec. (a)(3)(A). Pub. L. 104-134, §101(d) [title VII, §702(b)], substituted a semicolon for “that—” after “panel” and struck out cls. (i) and (ii) which read as follows:

“(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;”

Subsec. (a)(6)(A)(ii). Pub. L. 104-134, §101(d) [title VII, §703(a)(11)], inserted “and the acquisition of technology and use of technology-enhanced curricula and instruction” after “new public schools”.

1994—Subsec. (a)(4). Pub. L. 103-382 inserted “made by the local educational agency” after “modifications”.

PURPOSE OF 1996 AMENDMENT

Section 101(d) [title VII, §703(a)(11)] of Pub. L. 104-134 provided in part that the amendment made by that section was “[f]or the purpose of expanding the use and availability of computers and computer technology”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5885, 5888, 5894 of this title.

§ 5890. Availability of information and training

(a) Information and training

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

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

(2) a State educational agency or local educational agency which uses funds under this subchapter for teacher and administrator training shall provide in the State improvement plan described in section 5886 of this title for the training of teachers and administrators in private schools located in the geographical area served by such agency.

(b) Waiver

If, by reason of any provision of law, a State or local educational agency is prohibited from providing for the equitable participation of teachers and administrators from private schools in training programs assisted with Federal funds provided under this subchapter, or if

the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation, the Secretary shall waive such requirements and shall arrange for the provision of training consistent with State goals and State content standards for such teachers and administrators. Such waivers shall be subject to consultation, withholding, notice, and judicial review in accordance with sections 6321¹ and 8893 of this title.

(Pub. L. 103-227, title III, §310, Mar. 31, 1994, 108 Stat. 174; Pub. L. 103-382, title III, §394(f)(4), Oct. 20, 1994, 108 Stat. 4028.)

REFERENCES IN TEXT

Section 6321 of this title, referred to in subsec. (b), was in the original a reference to section 1020 of the Elementary and Secondary Education Act of 1965, meaning section 1020 of Pub. L. 89-10, which was translated as reading section 1120 of that Act to reflect the probable intent of Congress, because Pub. L. 89-10 does not contain a section 1020, but it does contain a section 1120 relating to participation of children enrolled in private schools.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-382 substituted “sections 6321 and 8893” for “section 2727”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6066 of this title.

§ 5891. Waivers of statutory and regulatory requirements

(a) Waiver authority

(1) In general

Except as provided in subsection (c) of this section, the Secretary may waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b) of this section for a State educational agency, local educational agency, or school if—

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

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

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

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

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

(D) in the case of a local educational agency waiver, the local educational agency provides parents, community groups, and advocacy or civil rights groups with the opportunity to comment on the proposed waiver.

(2) Application

(A)(i) To request a waiver under paragraph (1), a local educational agency or school that

¹ See References in Text note below.

receives funds under this subchapter, or a local educational agency or school that does not receive funds under this subchapter but is undertaking school reform efforts that the Secretary determines are comparable to the activities described in section 5886 of this title, shall transmit an application for such a waiver to the State educational agency. The State educational agency then shall submit approved applications for waivers under paragraph (1) to the Secretary.

(ii) A State educational agency that receives funds under this subchapter may request a waiver under paragraph (1) by submitting an application for such waiver to the Secretary.

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

(i) identify the statutory or regulatory requirements that are requested to be waived and the goals that the State educational agency or local educational agency or school intends to achieve;

(ii) describe the action that the State educational agency has undertaken to remove State statutory or regulatory barriers identified in the application of local educational agencies;

(iii) describe the goals of the waiver and the expected programmatic outcomes if the request is granted;

(iv) describe the numbers and types of students to be impacted by such waiver;

(v) describe a timetable for implementing a waiver; and

(vi) describe the process the State educational agency will use to monitor, on a bi-annual basis, the progress in implementing a waiver.

(3) Timeliness

The Secretary shall act promptly on a request for a waiver under paragraph (1) and shall provide a written statement of the reasons for granting or denying such request.

(4) Duration

Each waiver under paragraph (1) shall be for a period not to exceed 4 years. The Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out reform plans.

(b) Included programs

The statutory or regulatory requirements subject to the waiver authority of this section are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.].

(2) Part A of title II of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6621 et seq.].

(3) Part A of title V of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7201 et seq.].

(4) Title VIII of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7701 et seq.].

(5) Part B of title IX of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7901 et seq.].

(6) The Carl D. Perkins Vocational and Applied Technology Education Act [20 U.S.C. 2301 et seq.].

(c) Waivers not authorized

The Secretary may not waive any statutory or regulatory requirement of the programs or Acts described in subsection (b) of this section—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

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

(D) parental participation and involvement; and

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

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

(d) Termination of waivers

The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver under subsection (a)(1) of this section and shall terminate the waiver if the Secretary determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

(e) Flexibility demonstration

(1) Short title

This subsection may be cited as the “Education Flexibility Partnership Demonstration Act”.

(2) Program authorized

(A) In general

The Secretary may carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 State educational agencies serving eligible States to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b) of this section, other than requirements described in subsection (c) of this section, for the State educational agency or any local educational agency or school within the State.

(B) Award rule

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

(C) Designation

Each eligible State participating in the demonstration program described in sub-

paragraph (A) shall be known as an “Ed-Flex Partnership State”.

(3) “Eligible State” defined

For the purpose of this subsection the term “eligible State” means a State that—

(A) has developed a State improvement plan under section 5886 of this title that is approved by the Secretary; and

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

(4) State application

(A) Each State educational agency desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for 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 described in paragraph (2)(A); and

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

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

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

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

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

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

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

(5) Local application

(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or reg-

ulatory 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 or school affected by the proposed waiver; and

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

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

(C) 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 described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) Monitoring

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

(7) Duration of Federal waivers

(A) The Secretary shall not approve the application of a State educational agency under paragraph (4) 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) The Secretary shall periodically review the performance of any State educational agency granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such agency’s authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency’s performance has been inadequate to justify continuation of such authority.

(f) Accountability

In deciding whether to extend a request for a waiver under subsection (a)(1) of this section, or a State educational agency’s authority to issue waivers under subsection (e) of this section, the

Secretary shall review the progress of the State educational agency, local educational agency, or school affected by such waiver or authority to determine if such agency or school has made progress toward achieving the desired results described in the application submitted pursuant to subsection (a)(2)(B)(iii) or (e)(5)(A)(ii) of this section.

(g) Publication

A notice of the Secretary's decision to grant waivers under subsection (a)(1) of this section and to authorize State educational agencies to issue waivers under subsection (e) of 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.

(Pub. L. 103-227, title III, §311, Mar. 31, 1994, 108 Stat. 174; Pub. L. 103-382, title III, §394(f)(5), Oct. 20, 1994, 108 Stat. 4028.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(1) to (5), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended generally by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of this title. Part A of title II of the Act is classified generally to part A (§6621 et seq.) of subchapter II of chapter 70 of this title. Part A of title V of the Act is classified generally to part A (§7201 et seq.) of subchapter V of chapter 70 of this title. Title VIII of the Act is classified generally to subchapter VIII (§7701 et seq.) of chapter 70 of this title. Part B of title IX of the Act is classified generally to part B (§7901 et seq.) of subchapter IX of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Carl D. Perkins Vocational and Applied Technology Education Act, referred to in subsec. (b)(6), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended, which is classified generally to chapter 44 (§2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

AMENDMENTS

1994—Subsec. (b)(1) to (6). Pub. L. 103-382 amended pars. (1) to (6) generally. Prior to amendment, pars. (1) to (6) read as follows:

“(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including Even Start.

“(2) Part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965.

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

“(4) The Emergency Immigrant Education Act of 1984.

“(5) The Drug-Free Schools and Communities Act of 1986.

“(6) The Carl D. Perkins Vocational and Applied Technology Education Act.”

ADDITIONAL STATE EDUCATIONAL AGENCIES AUTHORIZED TO WAIVE FEDERAL REQUIREMENTS

Pub. L. 104-134, title I, §101(d) [title III], Apr. 26, 1996, 110 Stat. 1321-211, 1321-229; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, provided in part: “That notwithstanding section 311(e) of Public Law 103-227 [20 U.S.C. 5891(e)], the Secretary is authorized to grant up to six additional State education agen-

cies authority to waive Federal statutory or regulatory requirements for fiscal year 1996 and succeeding fiscal years”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5889, 5892 of this title.

§ 5892. Progress reports

(a) State reports to Secretary

Except in the case of a State educational agency submitting the information described in section 5886(n)(4) of this title, each State educational agency that receives funds under this subchapter shall annually report to the Secretary regarding—

(1) progress in meeting State goals and plans;

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

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

(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, allotments under this subchapter; and

(2) the effect of waivers granted under section 5891 of this title, including—

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

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

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

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

(Pub. L. 103-227, title III, §312, Mar. 31, 1994, 108 Stat. 178; Pub. L. 104-134, title I, §101(d) [title VII, §§703(a)(12), 705(d)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-253, 1321-257; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-134, §101(d) [title VII, §705(d)], substituted “Except in the case of a State educational agency submitting the information described in section 5886(n)(4) of this title, each” for “Each” in introductory provisions.

Subsec. (b). Pub. L. 104-134, §101(d) [title VII, §703(a)(12)], redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1) which read as follows: “the activities assisted under, and outcomes of, grants or contracts under section 5850 of this title, 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;”.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5885 of this title.

§ 5893. Technical and other assistance regarding school finance equity

(a) Technical assistance

(1) In general

From funds reserved in each fiscal year under section 5884(a)(2)(A) of this title, the Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State educational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist such agencies in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

(2) Activities

A grant, contract or cooperative agreement under this section may support technical assistance activities, such as—

- (A) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;
- (B) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and
- (C) obtaining advice from experts in the field of school finance equalization.

(b) Data

Each State educational agency or local educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.] shall provide such data and information on school finance as the Secretary may require to carry out this section.

(c) Models

The Secretary is authorized, directly or through grants, contracts, or cooperative agreements, to develop and disseminate models and materials useful to States in planning and implementing revisions of the school finance systems of such States.

(Pub. L. 103-227, title III, §313, Mar. 31, 1994, 108 Stat. 179.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b), is Pub. L. 89-10, Apr. 11,

1965, 79 Stat. 27, as amended generally by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519, which is classified generally to chapter 70 (§6301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5884 of this title.

§ 5894. National leadership

(a) Technical assistance and integration of standards

From funds reserved in each fiscal year under section 5884(a)(2)(A) of this title, the Secretary may, directly or through grants or contracts—

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

(2) gather data on, conduct research on, and evaluate systemic education improvement and how such improvement affects student learning, including the programs assisted under this subchapter;

(3) disseminate research findings and other information on outstanding examples of systemic education improvement in States and local communities through existing dissemination systems within the Department of Education, including through publications, electronic and telecommunications mediums, conferences, and other means;

(4) provide grants to tribal divisions of education for coordination efforts between school reform plans developed for schools funded by the Bureau and public schools described in section 5886(g)(2) of this title, including tribal activities in support of such plans;

(5) support national demonstration projects that unite local and State educational agencies, institutions of higher education, government, business, and labor in collaborative arrangements in order to make educational improvements systemwide; and

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

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

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

(b) Reservation of funds

(1) In general

The Secretary shall use at least 50 percent of the funds reserved each year under section 5884(a)(2)(A) of this title to make grants, in accordance with the provisions of section 5889(a) of this title that the Secretary determines appropriate, and provide technical and other assistance to urban and rural local educational agencies with large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency, to assist such agencies in developing and im-

plementing local school improvement plans, except that any school that received funds under section 5889(a) of this title shall not receive assistance pursuant to this paragraph other than technical assistance.

(2) Survey

The Secretary shall use not less than \$1,000,000 of the funds reserved for fiscal year 1994 under section 5884(a)(2)(A) of this title to replicate coordinated services programs that have been found to be successful in helping students and families and improving student outcomes, and shall disseminate information about such programs to schools that plan to develop coordinated services programs.

(c) Administration

Any activities assisted under this section that involve research shall be administered through the Office of Educational Research and Improvement.

(Pub. L. 103-227, title III, §314, Mar. 31, 1994, 108 Stat. 180; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(13)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-253; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Subsec. (a)(6)(A). Pub. L. 104-134 struck out “certified by the National Education Standards and Improvement Council and” after “such standards are”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5884 of this title.

§ 5895. Assistance to outlying areas and to Secretary of the Interior

(a) Outlying areas

(1) In general

Funds reserved for outlying areas under section 5884(a)(1)(A) of this title shall be distributed among such areas by the Secretary according to relative need of such areas.

(2) Inapplicability of Public Law 95-134

The provisions of Public Law 95-134, permitting the consolidation of grants to the insular areas, shall not apply to funds received by such areas under this subchapter.

(b) Secretary of the Interior

(1) In general

The funds reserved for the Secretary of the Interior under section 5884(a)(1)(B) of this title 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 chapter. The agreement shall, at a minimum, contain assurances that—

(A) a panel, as set forth in paragraph (3), shall be established;

(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 5886 of this title 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 shall be carried out in the same time frames and under the same conditions stipulated for the States in sections 5885 and 5886 of this title, provided that for these purposes, the term “local educational agencies” shall be interpreted to mean “schools funded by the Bureau”.

(2) Plan specifics

The reform and improvement plan shall include, in addition to the requirements described above, specific provisions for—

(A) review and incorporation of the National Education Goals and the voluntary national content standards and voluntary national student performance standards, provided that such review shall include the issues of cultural and language differences; and

(B) 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 5886(g)(2) of this title.

(3) 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 (4), a majority of the members of such panel shall be from the entities designated under subparagraph (A)(iii).

(4) Additional members

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

(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 (3)), 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.

(c) Bureau of Indian Affairs cost analysis and studies

(1) In general

The Secretary of the Interior shall reserve from the funds received pursuant to section 5884(a)(1)(B) of this title in the first and second fiscal year for which the Secretary of the Interior receives such funds an amount not to exceed \$500,000 for each such year to provide, through a contract executed, after open solicitation, with an organization or institution having extensive experience in school finance, for an analysis of—

(A) the costs associated with meeting the academic, home-living, and residential standards of the Bureau for each Bureau funded school and annual projections of such costs; and

(B) the feasibility and desirability of changing the method of financing for Bureau funded schools from the weighted student unit formula method in effect on March 31, 1994, to a school-based budget system or other alternative system of financial support.

(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)(3) of this section with baseline data regarding the current state of operations funded by the Bureau. 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—

(A) the standards either published in the Federal Register and effective for schools

funded by the Bureau on October 20, 1994, or the State or regional standards in effect on October 20, 1994, 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 October 20, 1994.

(3) Feasibility study purpose

(A) The purpose of the feasibility analysis provided for in paragraph (1)(B) shall be to determine whether it is feasible and desirable for the Bureau to replace or modify the weighted student unit formula system in effect on March 31, 1994.

(B) For the purposes of the feasibility analysis described in paragraph (1)(B), the term “school-based budget system” means a system based upon an initial determination, at each school site, of the number of students who shall be served at the site, the needs of those students, the standards which will best meet those needs (including any standards or conditions reflecting local community input and such community’s program), the personnel profile necessary to establish such program and the cost (determined on an actual basis) of funding such a program. Such a system shall include procedures to aggregate the determinations for each school site to determine the amount needed to fund all Bureau funded schools, to prepare a budget submission based upon such aggregate, and to provide for a mechanism for distributing such sums as may be appropriated based upon the determination at each school site.

(4) Results report

The contractor selected shall be required to report the results of analyses provided for in this section, in aggregate and school-specific form to the chairpersons and ranking minority members of the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives and the Committee on Indian Affairs and the Committee on Appropriations of the Senate, and to the Secretary of the Interior, not later than six months after October 20, 1994. The contractor shall also be required to provide an estimate of the costs of meeting the academic and residential standards of the Bureau for each Bureau funded school for each of the three succeeding forward-funded fiscal years following the date of submission of such report. The contractor shall provide an estimate of such costs to such persons and members not later than January 1 of each succeeding fiscal year.

(d) Secretary of Defense

The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this subchapter are applied to the Department of Defense schools.

(e) Grants

The Secretary of the Interior may use not more than one percent of the funds received pursuant to section 5884(a)(1)(B) of this title in the first and second fiscal year¹ for which the Secretary of the Interior receives such funds for the purpose of providing grants, if requested by Bureau funded school boards, to enable such school boards to carry out activities of reform planning as such activities are described for States in section 5888(b)(2)(J) of this title, including the feasibility of becoming a contract school pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or a grant school pursuant to section 2503 of title 25.

(f) Study

In cooperation with the panel established in subsection (b)(3) of this section, 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) of this section and to the panel described in subsection (b)(3) of this section not later than 12 months after October 20, 1994.

(Pub. L. 103-227, title III, §315, Mar. 31, 1994, 108 Stat. 181; Pub. L. 103-382, title III, §384, Oct. 20, 1994, 108 Stat. 4018; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(14)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-253; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

Public Law 95-134, referred to in subsec. (a)(2), is Pub. L. 95-134, Oct. 15, 1977, 91 Stat. 1159, as amended. Provisions relating to consolidation of grants are contained in section 501 of Pub. L. 95-134 which is classified in section 1469a of Title 48, Territories and Insular Possessions.

The Indian Self-Determination and Education Assistance Act referred to in subsec. (e), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

AMENDMENTS

1996—Subsec. (b)(1)(A). Pub. L. 104-134, §101(d) [title VII, §703(a)(14)(A)(iv)], substituted “paragraph (3)” for “paragraph (4) of this subsection”.

Subsec. (b)(1)(C). Pub. L. 104-134, §101(d) [title VII, §703(a)(14)(A)(i)], struck out “, including the requirements for timetables for opportunity-to-learn standards,” after “such State improvement plans”.

Subsec. (b)(2). Pub. L. 104-134, §101(d) [title VII, §703(a)(14)(A)(ii), (iii)], redesignated par. (3) as (2) and struck out heading and text of former par. (2). Text read as follows: “The provisions applicable to the States in section 5843 of this title 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.”

Subsec. (b)(2)(A). Pub. L. 104-134, §101(d) [title VII, §703(a)(14)(A)(v)(III)], substituted “and voluntary national student performance standards” for “, voluntary

natural student performance standards, and voluntary natural opportunity-to-learn standards developed under part B of subchapter II of this chapter”.

Pub. L. 104-134, §101(d) [title VII, §703(a)(14)(A)(v)(I), (II)], redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: “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;”.

Subsec. (b)(2)(B), (C). Pub. L. 104-134, §101(d) [title VII, §703(a)(14)(A)(v)(II)], redesignated subpar. (C) as (B). Former subpar. (B) redesignated (A).

Subsec. (b)(3). Pub. L. 104-134, §101(d) [title VII, §703(a)(14)(A)(iii)], redesignated par. (4) as (3). Former par. (3) redesignated (2).

Subsec. (b)(3)(B). Pub. L. 104-134, §101(d) [title VII, §703(a)(14)(A)(vi)], substituted “paragraph (4)” for “paragraph (5)”.

Subsec. (b)(4), (5). Pub. L. 104-134, §101(d) [title VII, §703(a)(14)(A)(iii), (vii)], redesignated par. (5) as (4) and substituted “paragraph (3)” for “paragraph (4)” in introductory provisions and in subpar. (B). Former par. (4) redesignated (3).

Subsec. (c)(2). Pub. L. 104-134, §101(d) [title VII, §703(a)(14)(B)], in introductory provisions, substituted “subsection (b)(3)” for “subsection (b)(4)”, and struck out “and to provide a framework for the implementation of opportunity-to-learn standards or strategies” after “funded by the Bureau”.

Subsec. (f). Pub. L. 104-134, §101(d) [title VII, §703(a)(14)(C)], substituted “subsection (b)(3)” for “subsection (b)(4)” in two places.

1994—Subsec. (c). Pub. L. 103-382, §384(a)(1), amended heading and text of subsec. (c) generally. Prior to amendment, text contained pars. (1) and (2) relating to BIA cost analysis, reserving up to \$500,000 for one fiscal year for cost analysis, specifying contents of cost analysis, and directing that such analysis be reported to Congressional committees.

Subsecs. (e), (f). Pub. L. 103-382, §384(a)(2), added subsecs. (e) and (f).

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5802 of this title; title 25 section 2001.

§ 5896. Repealed. Pub. L. 104-134, title I, § 101(d) [title VII, § 703(a)(15)(A)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-254; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327

Section, Pub. L. 103-227, title III, §316, Mar. 31, 1994, 108 Stat. 184, provided that standards or State assessments described in State improvement plan submitted in accordance with section 5886 of this title were not to be required to be certified by Council.

§ 5897. State planning for improving student achievement through integration of technology into curriculum

(a) Purpose

It is the purpose of this section to assist each State to plan effectively for improved student

¹ So in original. Probably should be “years”.

learning in all schools through the use of technology as an integral part of the State improvement plan described in section 5886 of this title.

(b) Program authorized

(1) Authority

The Secretary shall award grants in accordance with allocations under paragraph (2) to each State educational agency that, as part of its application under section 5885 of this title, requests a grant to develop (or continue the development of), and submits as part of the State improvement plan described in section 5886 of this title, a systemic statewide plan to increase the use of state-of-the-art technologies that enhance elementary and secondary student learning and staff development in support of the National Education Goals and State content standards and State student performance standards.

(2) Formula

From the amount appropriated pursuant to the authority of subsection (f) of this section in each fiscal year, each State educational agency with an application approved under section 5885 of this title shall receive a grant under paragraph (1) in such year in an amount determined on the same basis as allotments are made to State educational agencies under subsections (b) and (c) of section 5884 of this title for such year, except that each such State shall receive at least \$75,000.

(3) Outlying areas

(A) From the amount appropriated pursuant to the authority of subsection (f) of this section for fiscal year 1995, the Secretary shall reserve a total of 1 percent to provide assistance under this section—

(i) to the outlying areas; and

(ii) for the Secretary of the Interior to conduct directly or through a contract, systemic technology planning for Bureau-funded schools.

(B) The funds reserved under subparagraph (A) shall be distributed among the outlying areas and the Secretary of the Interior by the Secretary according to the relative need of such areas and schools for assistance under this section.

(c) Plan objectives

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

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

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

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

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

(d) Plan requirements

At a minimum, each systemic statewide plan shall—

(1) be developed by a task force that—

(A) includes among its members experts in the educational use of technology and representatives of the State panel described in section 5886(b) of this title; and

(B) ensures that such plan is integrated into the State improvement plan described in section 5886 of this title;

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

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

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

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

(6) describe the resources necessary, and procedures, for providing ongoing technical assistance to carry out such plan;

(7) provide for the dissemination on a statewide basis of exemplary programs and practices relating to the use of technology in education;

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

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

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

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

(12) describe how the State educational agency will consider using existing telecommunications infrastructure and technology resources;

(13) describe how the State educational agency will apply the uses of technology to meet the needs of children from low-income families;

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

(15) describe how the State educational agency will facilitate collaboration between State literacy resource centers, local educational agencies, and adult and family literacy providers, to ensure that technology can be used by adult and family literacy providers during after school hours.

(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; and

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

(f) Authorization of appropriations

There are authorized to be appropriated \$5,000,000 for fiscal year 1994 to carry out this section.

(Pub. L. 103-227, title III, §317, Mar. 31, 1994, 108 Stat. 184; Pub. L. 103-382, title III, §361(d), Oct. 20, 1994, 108 Stat. 3975; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(16)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-254; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Subsec. (d)(4). Pub. L. 104-134, §101(d) [title VII, §703(a)(16)(A)], struck out “promote the standards and strategies described in section 5886(d) of this title,” after “individualized instruction.”

Subsec. (e)(2) to (4). Pub. L. 104-134, §101(d) [title VII, §703(a)(16)(B)], inserted “and” at end of par. (2), redesignated par. (4) as (3), and struck out former par. (3) which read as follows: “describe the extent to which resources provided pursuant to such plan are distributed among schools to promote the standards and strategies described in section 5886(d) of this title; and”.

1994—Subsec. (b)(3). Pub. L. 103-382 added par. (3).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6832 of this title.

§ 5898. Prohibition on Federal mandates, direction, and control

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

(Pub. L. 103-227, title III, §318, Mar. 31, 1994, 108 Stat. 186.)

§ 5899. State and local government control of education

(a) Findings

The Congress finds as follows:

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

(2) In Public Law 96-88 [20 U.S.C. 3401 et seq.] the Congress found that education is fundamental to the development of individual citizens and the progress of the Nation.

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

(4) In Public Law 96-88 the Congress declared the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education.

(5) With the establishment of the Department of Education, Congress intended to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies.

(6) Public Law 96-88 specified that the establishment of the Department of Education shall not increase the authority of the Federal Government over education or diminish the responsibility for education which is reserved to the States and local school systems and other instrumentalities of the States.

(7) Public Law 96-88 specified that no provision of a program administered by the Secretary or by any other officer of the Department of Health, Education, and Welfare¹ shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, over any accrediting agency or association or over the selection or content of library resources, textbooks, or other instructional materials by any educational institution or school system.

(b) Reaffirmation

The Congress agrees and reaffirms that the responsibility for control of education is reserved to the States and local school systems and other instrumentalities of the States and that no action shall be taken under the provisions of this chapter by the Federal Government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, provision of financial assistance and otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

(Pub. L. 103-227, title III, §319, Mar. 31, 1994, 108 Stat. 186.)

¹So in original. Probably should be “Department of Education”.

REFERENCES IN TEXT

Public Law 96-88, referred to in subsec. (a), is Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668, as amended, known as the Department of Education Organization Act, which is classified principally to chapter 48 (§3401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of this title and Tables.

§ 5900. Limitations**(a) Prohibited conditions**

Nothing in this chapter shall be construed to require a State, a local educational agency, or a school, as a condition of receiving assistance under this subchapter—

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

(b) Limitation on government officials

Nothing in this chapter shall be construed to require or permit any Federal or State official to inspect a home, judge how parents raise their children, or remove children from their parents, as a result of the participation of a State, local educational agency, or school in any program or activity carried out under this chapter.

(Pub. L. 103-227, title III, §320, as added Pub. L. 104-134, title I, §101(d) [title VII, §706], Apr. 26, 1996, 110 Stat. 1321-211, 1321-257; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

SUBCHAPTER IV—PARENTAL ASSISTANCE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5802 of this title.

§ 5911. Parental information and resource centers**(a) Purpose**

The purpose of this subchapter is—

- (1) to increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;
- (2) to strengthen partnerships between parents and professionals in meeting the educational needs of children aged birth through 5 and the working relationship between home and school;
- (3) to enhance the developmental progress of children assisted under this subchapter; and
- (4) to fund at least 1 parental information and resource center in each State before September 30, 1998.

(b) Grants authorized**(1) In general**

The Secretary is authorized to award grants in each fiscal year to nonprofit organizations, and nonprofit organizations in consortia with local educational agencies, to establish parental information and resource centers that provide training, information, and support to—

- (A) parents of children aged birth through 5 years;
- (B) parents of children enrolled in elementary and secondary schools; and
- (C) individuals who work with the parents described in subparagraphs (A) and (B).

(2) Award rule

In awarding grants under this subchapter, the Secretary shall ensure that such grants are distributed, to the greatest extent possible, to all geographic regions of the United States.

(Pub. L. 103-227, title IV, §401, Mar. 31, 1994, 108 Stat. 187.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5912, 5913, 6319 of this title.

§ 5912. Applications**(a) Grants applications****(1) In general**

Each nonprofit organization and nonprofit organization in consortium with a local educational agency which desires a grant under this subchapter shall submit an application to the Secretary at such time and in such manner as the Secretary shall determine.

(2) Contents

Each application submitted under paragraph (1) shall, at a minimum, include assurances that a grantee will—

(A)(i) be governed by a board of directors the membership of which includes parents; or

(ii) be an organization that represents the interests of parents;

(B) establish a special advisory committee the membership of which—

(i) includes—

(I) parents described in subparagraphs (A) and (B) of section 5911(b)(1) of this title; and

(II) representatives of education professionals with expertise in improving services for disadvantaged children; and

(ii) is broadly representative of minority, low-income, and other individuals and groups that have an interest in compensatory education and family literacy;

(C) use at least one-half of the funds provided under this chapter in each fiscal year to serve areas with high concentrations of low-income families in order to serve parents who are severely educationally or economically disadvantaged;

(D) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

(E) serve both urban and rural areas;

(F) design a center that meets the unique training, information, and support needs of parents described in subparagraphs (A) and (B) of section 5911(b)(1) of this title, particularly parents who are educationally or economically disadvantaged;

(G) demonstrate the capacity and expertise to conduct the effective training information and support activities for which assistance is sought;

(H) network with—

(i) clearinghouses;

(ii) parent centers for the parents of infants, toddlers, children, and youth with

disabilities served under section 1431(e)¹ of this title;

- (iii) other organizations and agencies;
- (iv) established national, State, and local parent groups representing the full range of parents of children, aged birth through 5 years; and
- (v) parents of children enrolled in elementary and secondary schools;

(I) focus on serving parents described in subparagraphs (A) and (B) of section 5911(b) of this title who are parents of low-income, minority, and limited-English proficient children; and

(J) use part of the funds received under this subchapter to establish, expand, or operate Parents as Teachers programs or Home Instruction for Preschool Youngsters programs.

(b) Grant renewal

In each fiscal year after the first fiscal year a grantee receives assistance under this subchapter, the grantee shall demonstrate in the application submitted for each fiscal year after such first year that a portion of the services provided by such grantee is supported through non-Federal contributions, which contributions may be in cash or in kind.

(Pub. L. 103-227, title IV, § 402, Mar. 31, 1994, 108 Stat. 187.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2)(C), was in the original “this Act”, meaning Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

Section 1431(e) of this title, referred to in subsec. (a)(2)(H)(ii), was in the original a reference to section 631(e) of the Individuals with Disabilities Education Act, Pub. L. 91-230, title VI. Section 631 of Pub. L. 91-230 was omitted in the general amendment of subchapters III and IV of chapter 33 of this title by Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 37. Pub. L. 105-17 enacted a new section 631 of Pub. L. 91-230, relating to findings and policy regarding infants and toddlers with disabilities, which is classified to section 1431 of this title, and which no longer contains a subsec. (e). Provisions relating to parent training and information centers are now contained in section 1482 of this title.

§ 5913. Uses of funds

Grant funds received under this subchapter may be used—

- (1) for parent training, information, and support programs that assist parents to—
 - (A) better understand their children’s educational needs;
 - (B) provide followup support for their children’s educational achievement;
 - (C) communicate more effectively with teachers, counselors, administrators, and other professional educators and support staff;
 - (D) participate in the design and provision of assistance to students who are not making adequate educational progress;

(E) obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents described in subparagraphs (A) and (B) of section 5911(b) of this title;

(F) seek technical assistance regarding compliance with the requirements of this subchapter and of other Federal programs relevant to achieving the National Education Goals;

(G) participate in State and local decision-making;

(H) train other parents; and

(I) plan, implement, and fund activities that coordinate the education of their children with other Federal programs that serve their children or their families; and

(2) to include State or local educational personnel where such participation will further the activities assisted under the grant.

(Pub. L. 103-227, title IV, § 403, Mar. 31, 1994, 108 Stat. 189.)

§ 5914. Technical assistance

The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information and support programs and parental information and resource centers.

(Pub. L. 103-227, title IV, § 404, Mar. 31, 1994, 108 Stat. 189.)

§ 5915. Definitions

For purposes of this subchapter—

(1) the term “parent education” includes parent support activities, the provision of resource materials on child development, parent-child learning activities and child rearing issues, private and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home;

(2) the term “Parents as Teachers program” means a voluntary early childhood parent education program that—

(A) is designed to provide all parents of children from birth through age 5 with the information and support such parents need to give their child a solid foundation for school success;

(B) is based on the Missouri Parents as Teachers model with the philosophy that parents are their child’s first and most influential teachers;

(C) provides—

(i) regularly scheduled personal visits with families by certified parent educators;

(ii) regularly scheduled developmental screenings; and

(iii) linkage with other resources within the community in order to provide services that parents may want and need, except that such services are beyond the scope of the Parents as Teachers program;

(3) the term “Home Instruction for Preschool Youngsters program” means a vol-

¹ See References in Text note below.

untary early-learning program for parents with one or more children between the ages of 3 through 5, that—

(A) provides support, training, and appropriate educational materials necessary for parents to implement a school-readiness, home instruction program for their child; and

(B) includes—

(i) group meetings with other parents participating in the program;

(ii) individual and group learning experiences with the parent and child;

(iii) provision of resource materials on child development and parent-child learning activities; and

(iv) other activities that enable the parent to improve learning in the home.

(Pub. L. 103-227, title IV, §405, Mar. 31, 1994, 108 Stat. 189.)

§ 5916. Reports

Each organization receiving a grant under this subchapter shall submit to the Secretary, on an annual basis, information concerning the parental information and resource centers assisted under this subchapter, including—

(1) the number of parents, including the number of minority and limited-English-proficient parents, who receive information and training;

(2) the types and modes of training, information, and support provided under this subchapter;

(3) the number of Parents as Teachers programs and Home Instruction for Preschool Youngsters programs which have been assisted under this subchapter; and

(4) the strategies used to reach and serve parents of minority and limited-English-proficient children, parents with limited literacy skills, and other parents in need of the services provided under this subchapter.

(Pub. L. 103-227, title IV, §406, Mar. 31, 1994, 108 Stat. 190.)

§ 5917. General provision

Notwithstanding any other provision of this subchapter—

(1) no person, including a parent who educates a child at home, public school parent, or private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this subchapter;

(2) no program assisted under this subchapter shall take any action that infringes in any manner on the right of a parent to direct the education of their children; and

(3) the provisions of section 1232g(c)¹ of this title shall apply to organizations awarded grants under this subchapter.

(Pub. L. 103-227, title IV, §407, Mar. 31, 1994, 108 Stat. 190.)

REFERENCES IN TEXT

Section 1232g(c) of this title, referred to in par. (3), was in the original a reference to section 438(c) of the

General Education Provisions Act. Sections 432 and 438 of that Act were renumbered as sections 438 and 444, respectively, by Pub. L. 103-382, title II, §212(b)(1), Oct. 20, 1994, 108 Stat. 3913, and are classified to sections 1232a and 1232g, respectively, of this title.

§ 5918. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1998 to carry out this subchapter.

(Pub. L. 103-227, title IV, §408, Mar. 31, 1994, 108 Stat. 191.)

SUBCHAPTER V—NATIONAL SKILL STANDARDS BOARD

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5802, 6102, 6103, 6125, 6143 of this title.

§ 5931. Short title

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

(Pub. L. 103-227, title V, §501, Mar. 31, 1994, 108 Stat. 191.)

§ 5932. Purpose

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

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

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

(3) that can be used, consistent with civil rights laws—

(A) by the Nation, to ensure the development of a high skills, high quality, high performance workforce, including the most skilled frontline workforce in the world;

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

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

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

(E) by workers, to—

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

(ii) pursue career advancement; and

(iii) enhance their ability to reenter the workforce;

(F) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(G) by training providers and educators, to determine appropriate training services to offer;

(H) by government, to evaluate whether publicly funded training assists participants

¹ See References in Text note below.

to meet skill standards where such standards exist and thereby protect the integrity of public expenditures;

(I) to facilitate the transition to high performance work organizations;

(J) to increase opportunities for minorities and women, including removing barriers to the entry of women into nontraditional employment; and

(K) to facilitate linkages between other components of the national strategy to enhance workforce skills, including school-to-work transition, secondary and postsecondary vocational-technical education, and job training programs.

(Pub. L. 103-227, title V, § 502, Mar. 31, 1994, 108 Stat. 191.)

REFERENCES IN TEXT

The civil rights laws, referred to in par. (3), are classified generally to chapter 21 (§1981 et seq.) of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5936 of this title.

§ 5933. Establishment of National Board

(a) In general

There is established a National Skill Standards Board (hereafter in this subchapter referred to as the "National Board").

(b) Composition

(1) In general

The National Board shall be composed of 27 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) 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) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(F)(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 (F) 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 (D), (E), and (F) of paragraph (1)) shall be appointed by the President.

(B) Six members (two from each class of members described in subparagraphs (D), (E), and (F) 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 (D), (E), and (F) 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 (D), (E), and (F) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the House of Representatives.

(C) Six members (two from each class of members described in subparagraphs (D), (E), and (F) 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 (D), (E), and (F) 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 (D), (E), and (F) of paragraph (1)) shall be selected from recommendations made by the Minority Leader of the Senate.

(4) Ex officio nonvoting members

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

(5) Term

Each member of the National Board appointed under subparagraph (D), (E), or (F) 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 (D), (E), and (F) 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 (D), (E), and (F) of paragraph (1)), of whom—

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

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

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

(6) Vacancies

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

(c) Chairperson and Vice Chairpersons

(1) Chairperson

(A) In general

Except as provided in subparagraph (B), the National Board, by 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 (D) of subsection (b)(1) of this section) and shall serve for a term of 2 years.

(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 (D), (E), and (F) of subsection (b)(1) of this section and each of whom shall serve for a term of 1 year) from among its members appointed under subsection (b)(3) of this section.

(d) Compensation and expenses

(1) Compensation

All Members of the National Board who are not full-time employees or officers of the Federal Government shall serve without compensation. All members of the National Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) Expenses

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

(e) Executive Director and staff

(1) Executive Director

The Chairperson of the National Board shall appoint an Executive Director who shall be compensated at a rate determined by the National Board, not to exceed the rate payable

for level V of the Executive Schedule under section 5316 of title 5.

(2) Staff

(A) In general

The Executive Director may appoint and compensate such additional staff as may be necessary to enable the Board to perform its duties. Such staff shall include at least one individual with expertise in measurement and assessment.

(B) Compensation

The Executive Director may fix the compensation of the staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification of positions and General Schedule pay rates, except that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) Voluntary and uncompensated services

Notwithstanding section 1342 of title 31, the National Board is authorized, in carrying out this subchapter, to accept voluntary and uncompensated services.

(g) Agency support

(1) Use of facilities

The National Board may use the research, equipment, services, and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) Staff of Federal agencies

Upon the request of the National Board, the head of any Federal agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such Federal agency to assist the National Board in carrying out this subchapter. Such detail shall be without interruption or loss of civil service status or privilege.

(h) Conflict of interest

An individual who has served as a member of the National Board may not have any financial interest in an assessment and certification system developed or endorsed under this subchapter for a period of 3 years after the termination of service of such individual from the National Board.

(i) Procurement of temporary and intermittent services

The Chairperson of the National Board may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5.

(j) Termination

The National Board shall terminate on September 30, 1999.

(Pub. L. 103-227, title V, §503, Mar. 31, 1994, 108 Stat. 192; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(17)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-254; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104-134, §101(d) [title VII, §703(a)(17)(A)(i)(I)], substituted “27” for “28” in introductory provisions.

Subsec. (b)(1)(D) to (G). Pub. L. 104-134, §101(d) [title VII, §703(a)(17)(A)(i)(II), (III)], redesignated subpars. (E) to (G) as (D) to (F), respectively, and struck out former subpar. (D) which read as follows: “one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to section 5842(a) of this title;”.

Subsec. (b)(2). Pub. L. 104-134, §101(d) [title VII, §703(a)(17)(A)(ii), (iii)], in introductory provisions, substituted “subparagraph (F)” for “subparagraph (G)” and “subparagraphs (D), (E), and (F)” for “subparagraphs (E), (F), and (G)”.

Subsec. (b)(3). Pub. L. 104-134, §101(d) [title VII, §703(a)(17)(A)(ii)], substituted “subparagraphs (D), (E), and (F)” for “subparagraphs (E), (F), and (G)” wherever appearing.

Subsec. (b)(4). Pub. L. 104-134, §101(d) [title VII, §703(a)(17)(A)(iv)], substituted “and (C)” for “(C), and (D)”.

Subsec. (b)(5). Pub. L. 104-134, §101(d) [title VII, §703(a)(17)(A)(ii), (v)], substituted “subparagraph (D), (E), or (F)” for “subparagraph (E), (F), or (G)” in introductory provisions and “subparagraphs (D), (E), and (F)” for “subparagraphs (E), (F), and (G)” in introductory provisions of subpars. (A) and (B).

Subsec. (c)(1)(B), (2). Pub. L. 104-134, §101(d) [title VII, §703(a)(17)(B)], which directed that subsec. (e) of this section be amended by substituting “subparagraph (D)” for “subparagraph (E)” in par. (1)(B) and “subparagraphs (D), (E), and (F)” for “subparagraphs (E), (F), and (G)” in par. (2), was executed by making the amendment in subsec. (c) of this section to reflect the probable intent of Congress, because the language being struck out did not appear in subsec. (e).

§ 5934. Functions of National Board

(a) Identification of occupational clusters

(1) In general

Subject to paragraph (2), the National Board shall identify broad clusters of major occupations that involve 1 or more than 1 industry in the United States and that share characteristics that are appropriate for the development of common skill standards.

(2) Procedures for identification

Prior to identifying broad clusters of major occupations under paragraph (1), the National Board shall engage in extensive public consultation, including solicitation of public comment on proposed clusters through publication in the Federal Register.

(b) Establishment of voluntary partnerships to develop standards

(1) In general

For each of the occupational clusters identified pursuant to subsection (a) of this section, the National Board shall encourage and facilitate the establishment of voluntary partnerships to develop a skill standards system in accordance with subsection (d) of this section.

(2) Representatives

Such voluntary partnerships shall include the full and balanced participation of—

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

(ii) representatives of trade associations that have received grants from the Department of Labor or the Department of Education to establish skill standards prior to March 31, 1994;

(B) employee representatives who have expertise in the area of workforce skill requirements and who shall be—

(i) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(ii) such other individuals who are non-managerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry;

(C) representatives of—

(i) educational institutions;

(ii) community-based organizations;

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

(iv) other policy development organizations with expertise in the area of workforce skill requirements; and

(v) non-governmental organizations with a demonstrated history of successfully protecting the rights of racial, ethnic, or religious minorities, women, individuals with disabilities, or older persons; and

(D) individuals with expertise in measurement and assessment, including relevant experience in designing unbiased assessments and performance-based assessments.

(3) Experts

The partnerships described in paragraph (1) may also include such other individuals who are independent, qualified experts in their fields.

(c) Research, dissemination, and coordination

In order to support the activities described in subsections (b) and (d) of this section, the National Board shall—

(1) conduct workforce research relating to skill standards (including research relating to use of skill standards in compliance with civil rights laws) and make such research available to the public, including the voluntary partnerships described in subsection (b) of this section;

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

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a) of this section, the voluntary partnerships described in subsection (b) of this section, and among education and training providers through such mechanisms as the Capacity Building and Information and Dissemination Network established under section 1733(b) of

title 29 and the Educational Resources Information Center Clearinghouses;

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

(5) encourage the development and adoption of curricula and training materials, for attaining the skill standards developed pursuant to subsection (d) of this section, that provide for structured work experiences and related study programs leading to progressive levels of professional and technical certification and post-secondary education;

(6) provide appropriate technical assistance to voluntary partnerships involved in the development of standards and systems described in subsection (b) of this section; and

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

(d) Endorsement of skill standards systems

(1) Development of endorsement criteria

(A) The National Board, after extensive public consultation, shall develop objective criteria for endorsing skill standards systems relating to the occupational clusters identified pursuant to subsection (a) of this section. Such criteria shall, at a minimum, include the components of a skill standards system described in subparagraph (B). The endorsement criteria shall be published in the Federal Register, and updated as appropriate.

(B) The skill standards systems endorsed pursuant to paragraph (1) shall have one or more of the following components:

(i) Voluntary skill standards, which at a minimum—

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

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

(III) take into account content and performance standards certified pursuant to subchapter II of this chapter;

(IV) take into account the requirements of high performance work organizations;

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

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

(VII) are not discriminatory with respect to race, color, gender, age, religion, ethnicity, disability, or national origin, consistent with Federal civil rights laws.

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

(I) has been developed after taking into account relevant methods of such assessment and certification used in other countries;

(II) utilizes a variety of evaluation techniques, including, where appropriate, oral and written evaluations, portfolio assessments, and performance tests; and

(III) includes methods for establishing that the assessment and certification system is not discriminatory with respect to race, color, gender, age, religion, ethnicity, disability, or national origin, consistent with Federal civil rights laws.

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

(iv) A system to evaluate the implementation of the skill standards, and assessment and certification systems developed pursuant to this paragraph, and the effectiveness of the information disseminated pursuant to subparagraph (C) for informing the users of such standards and systems of the requirements of relevant civil rights laws.

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

(2) Endorsement

The National Board, after public review and comment, shall endorse those skill standards systems relating to the occupational clusters identified pursuant to subsection (a) of this section that—

(A) meet the objective endorsement criteria that are developed pursuant to paragraph (1); and

(B) are submitted by voluntary partnerships that meet the requirements of subsection (b) of this section.

(e) Relationship with civil rights laws

(1) In general

Nothing in this subchapter shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, color, gender, age, religion, ethnicity, disability, or national origin.

(2) Evidence

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

(f) Financial assistance**(1) In general**

From funds appropriated pursuant to section 5937 of this title—

(A) the National Board may enter into contracts and cooperative agreements to carry out the purposes of this subchapter; and

(B) the Secretary of Labor may, in accordance with paragraph (2), award grants to voluntary partnerships for the development of skill standards systems meeting the requirements of subsection (d) of this section.

(2) Grants to voluntary partnerships**(A) Eligibility and application**

Voluntary partnerships that meet the requirements of subsection (b) of this section shall be eligible to apply for a grant under this subsection. Each such voluntary partnership desiring a grant shall submit an application to the National Board at such time, in such manner, and accompanied by such information as the National Board may reasonably require.

(B) Review and recommendation

The National Board shall review each application submitted pursuant to subparagraph (A) in accordance with the objective criteria published pursuant to subparagraph (C) and shall forward each such application to the Secretary of Labor accompanied by a nonbinding recommendation for the approval or disapproval of each such application by the Secretary.

(C) Criteria for review

Prior to each fiscal year, the National Board shall publish objective criteria to be used by the Board in reviewing applications under subparagraph (B).

(3) Limitation on use of funds**(A) In general**

Not more than 20 percent of the funds appropriated pursuant to the authority of section 5937(a) of this title for each fiscal year shall be used by the National Board for the costs of administration.

(B) "Costs of administration" defined

For purposes of this paragraph, the term "costs of administration" means costs relating to staff, supplies, equipment, space, and travel and per diem, costs of conducting meetings and conferences, and other related costs.

(Pub. L. 103-227, title V, §504, Mar. 31, 1994, 108 Stat. 195; Pub. L. 104-134, title I, §101(d) [title VII, §703(a)(18)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-254; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

Act of August 16, 1937, known as the National Apprenticeship Act, referred to in subsec. (d)(1)(B)(i)(II), is act Aug. 16, 1937, ch. 663, 50 Stat. 664, as amended, which is classified generally to chapter 4C (§50 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 50 of Title 29 and Tables.

Subchapter II of this chapter, referred to in subsec. (d)(1)(B)(i)(III), was in the original "title II", meaning title II of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 133, which enacted subchapter II of this chapter and section 3425 of this title, amended section 5093 of this title and section 5315 of Title 5, Government Organization and Employees, and enacted provisions set out as a note under section 5093 of this title.

Federal civil rights laws, referred to in subsec. (d)(1)(B)(i)(VII), (ii)(III), are classified generally to chapter 21 (§1981 et seq.) of Title 42, The Public Health and Welfare.

AMENDMENTS

1996—Subsecs. (f), (g). Pub. L. 104-134 redesignated subsec. (g) as (f) and struck out heading and text of former subsec. (f). Text read as follows: "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 5843 of this title."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5935 of this title.

§ 5935. Deadlines

Not later than December 31, 1995, the National Board shall, at a minimum—

(1) identify occupational clusters pursuant to section 5934(a) of this title representing a substantial portion of the workforce; and

(2) promote the development of an initial set of skill standards in accordance with section 5934(d) of this title for such clusters.

(Pub. L. 103-227, title V, §505, Mar. 31, 1994, 108 Stat. 199.)

§ 5936. Reports

The National Board shall prepare and submit to the President and the Congress in each of the fiscal years 1994 through 1999, a report on the activities conducted under this subchapter. Such report shall include information on the extent to which skill standards have been adopted by employers, training providers, and other entities, and on the effectiveness of such standards in accomplishing the purposes described in section 5932 of this title.

(Pub. L. 103-227, title V, §506, Mar. 31, 1994, 108 Stat. 199.)

§ 5937. Authorization of appropriations**(a) In general**

There are authorized to be appropriated to carry out this subchapter \$15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1999.

(b) Availability

Amounts appropriated pursuant to subsection (a) of this section shall remain available until expended.

(Pub. L. 103-227, title V, §507, Mar. 31, 1994, 108 Stat. 199.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5934 of this title.

§ 5938. Definitions

For purposes of this subchapter, the following definitions apply:

(1) Community-based organizations

The term “community-based organizations” has the meaning given the term in section 1503(5) of title 29.

(2) Educational institution

The term “educational institution” means a high school, a vocational school, and an institution of higher education.

(3) Institution of higher education

The term “institution of higher education” means an institution of higher education (as such term is defined in section 1088 of this title) which continues to meet the eligibility and certification requirements under section 1099c of this title.

(4) Skill standard

The term “skill standard” means a standard that specifies the level of knowledge and competence required to successfully perform work-related functions within an occupational cluster.

(Pub. L. 103-227, title V, § 508, Mar. 31, 1994, 108 Stat. 200.)

§ 5939. Sunset provision**(a) Repeal**

This subchapter is repealed on September 30, 1999.

(b) Review of repeal

It is the sense of the Congress that the appropriate committees of the Congress should review the accomplishments of the National Board prior to the date of repeal described in subsection (a) of this section in order to determine whether it is appropriate to extend the authorities provided under this subchapter for a period beyond such date.

(Pub. L. 103-227, title V, § 509, Mar. 31, 1994, 108 Stat. 200.)

SUBCHAPTER VI—INTERNATIONAL EDUCATION PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5802 of this title.

§ 5951. International Education Program**(a) Program established**

The Secretary, with the concurrence of the Director of the United States Information Agency and with the foreign policy guidance of the Secretary of State, shall carry out an International Education Program in accordance with this section that shall provide for—

- (1) the study of international education programs and delivery systems; and
- (2) an international education exchange program.

(b) Assessment and information

The Secretary shall award grants for the study, evaluation, and analysis of education systems in other nations, particularly Great Britain, France, Germany and Japan. Such studies shall focus upon a comparative analysis of curriculum, methodology, and organizational struc-

ture, including the length of the school year and school day. In addition, the studies shall provide an analysis of successful strategies employed by other nations to improve student achievement, with a specific focus upon application to schooling and the National Education Goals.

(c) International Education Exchange Program**(1) Requirement****(A) In general**

The Secretary, in consultation with the Director of the United States Information Agency, shall carry out a program to be known as the International Education Exchange Program. Under such program the Secretary shall award grants to or enter into contracts with organizations with demonstrated effectiveness or expertise in international achievement comparisons, in order to—

- (i) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education and economic education developed in the United States;
- (ii) assist eligible countries in the adaptation and implementation of such programs or joint research concerning such programs;
- (iii) create and implement educational programs for United States students which draw upon the experiences of emerging constitutional democracies;
- (iv) provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational, and private sector leaders of participating eligible countries; and
- (v) provide support for—

(I) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy.

(B) Program administration

The Secretary and the Director of the United States Information Agency, or their designees, shall be jointly responsible for the design of the program described in subparagraph (A). The Secretary and the Director of the United States Information Agency shall name to an oversight committee an equal number of representatives. Such committee shall determine the specifications for requests for proposals, the eligibility and review criteria for proposals, and the review process for proposals, for grants or contracts under this section. The Director of the United States Information Agency shall have particular responsibility for ensuring that programs assisted under this section are not duplicative of other efforts in the target countries and that foreign partner institutions are creditable.

(C) Reservations

In carrying out the program described in subparagraph (A), there shall be reserved in each fiscal year—

- (i) 50 percent of the amount available to carry out this subsection for civics and government education activities; and
- (ii) 50 percent of such amount available to carry out this subsection for economic education activities.

(2) Contract authorized**(A) In general**

The Secretary, in consultation with the Director of the United States Information Agency, is authorized to contract with independent nonprofit educational organizations to carry out the provisions of this subsection.

(B) Number

The Secretary, in consultation with the Director of the United States Information Agency, shall award at least 1 but not more than 3 contracts described in subparagraph (A) in each of the areas described in clauses (i) and (ii) of paragraph (1)(B).

(C) Avoidance of duplication

The Secretary, in consultation with the Director of the United States Information Agency, shall award contracts described in subparagraph (A) so as to avoid duplication of activities in such contracts.

(D) Requirements

Each organization with which the Secretary enters into a contract pursuant to subparagraph (A) shall—

(i) be experienced in—

(I) the development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities, and private sector organizations;

(II) the development and implementation of cooperative university and school-based inservice training programs for teachers of grades kindergarten through grade 12 using scholars from such relevant disciplines as political science, political philosophy, history, law and economics;

(III) the development of model curricular frameworks in civics and government education and economic education;

(IV) the administration of international seminars on the goals and objectives of civics and government education or economic education in constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers; and

(V) the evaluation of civics and government education or economic education programs; and

(ii) have the authority to subcontract with other organizations to carry out the provisions of this subsection.

(3) Activities

The international education program described in this subsection shall—

(A) provide eligible countries with—

(i) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(ii) visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(iii) home stays in United States communities;

(iv) translations and adaptations regarding United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(v) translation of basic documents of United States constitutional government for use in eligible countries, such as The Federalist Papers, selected writings of Presidents Adams and Jefferson and the Anti-Federalists, and more recent works on political theory, constitutional law and economics; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and the preservation and improvement of an efficient market economy;

(B) provide United States participants with—

(i) seminars on the histories, economics, and governments of eligible countries;

(ii) visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;

(iii) home stays in eligible countries;

(iv) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government and economics of such countries that are useful in United States classrooms;

(v) opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(vi) research and evaluation assistance to determine—

(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(II) effective participation in and improvement of an efficient market economy; and

(C) assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

(4) Participants

The primary participants in the international education program assisted under this subsection shall be leading educators in the areas of civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

(5) Personnel and technical experts

The Secretary is authorized to provide Department of Education personnel and technical experts to assist eligible countries to establish and implement a database or other effective methods to improve educational delivery systems, structure and organization.

(6) "Eligible country" defined

For the purpose of this subsection the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

(d) Authorization of appropriations

(1) Assessment and information

There are authorized to be appropriated \$1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (b) of this section.

(2) International education exchange

There are authorized to be appropriated \$10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999, to carry out subsection (c) of this section.

(Pub. L. 103-227, title VI, §601, Mar. 31, 1994, 108 Stat. 200.)

SUBCHAPTER VII—SAFE SCHOOLS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5802 of this title.

§ 5961. Short title; statement of purpose

(a) Short title

This subchapter may be cited as the "Safe Schools Act of 1994".

(b) Statement of purpose

It is the purpose of this subchapter to help local school systems achieve Goal Six¹ of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

(Pub. L. 103-227, title VII, §701, Mar. 31, 1994, 108 Stat. 204.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this title", meaning title VII of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 204, which enacted this subchapter and amended section 1221e-1 of this title.

§ 5962. Safe schools program authorized

(a) Authority

(1) In general

From funds appropriated pursuant to the authority of subsection (b)(1) of this section, the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six¹ of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) Grant duration and amount

Grants under this subchapter may not exceed—

- (A) two fiscal years in duration; and
- (B) \$3,000,000.

(3) Geographic distribution

To the extent practicable, grants under this subchapter shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

(b) Authorization of appropriations and reservation

(1) Authorization

There are authorized to be appropriated \$50,000,000 for fiscal year 1994 to carry out this subchapter.

(2) Reservation

The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national activities described in section 5966 of this title, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section 5966(b) of this title.

(Pub. L. 103-227, title VII, §702, Mar. 31, 1994, 108 Stat. 204.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5966 of this title.

§ 5963. Eligible applicants

(a) In general

To be eligible to receive a grant under this subchapter, a local educational agency shall

¹ So in original. Probably should be "Goal Seven".

¹ So in original. Probably should be "Goal Seven".

demonstrate in the application submitted pursuant to section 5964(a) of this title that such agency—

(1) serves an area in which there is a high rate of—

- (A) homicides committed by persons between the ages 5 to 18, inclusive;
- (B) referrals of youth to juvenile court;
- (C) youth under the supervision of the courts;
- (D) expulsions and suspensions of students from school;
- (E) referrals of youth, for disciplinary reasons, to alternative schools; or
- (F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) Priority

In awarding grants under this subchapter, the Secretary shall give priority to a local educational agency that submits an application that assures a strong local commitment to the projects or activities assisted under this subchapter, such as—

(1) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(2) a high level of youth participation in such projects or activities.

(Pub. L. 103-227, title VII, §703, Mar. 31, 1994, 108 Stat. 205.)

§ 5964. Applications and plans

(a) Application

In order to receive a grant under this subchapter, an eligible local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools to be served by the grant and in the community to be served by the applicant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the activities and projects to be carried out with grant funds, and how these activities and projects will help to reduce the current violence and crime problems in the schools and communities served;

(4) a description of educational materials to be developed in the first most predominate non-English language of the schools and communities to be served by the grant, if applicable;

(5) if the local educational agency receives Federal education funds, an explanation of how activities assisted under this subchapter will be coordinated with and support any sys-

temic education improvement plan prepared with such funds;

(6) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to combat such problems;

(7) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure the applicant's progress in achieving the purpose of this subchapter;

(8) a description of how, in subsequent fiscal years, the grantee will integrate the violence prevention activities the grantee carries out with funds under this subchapter with activities carried out under the grantee's comprehensive plan for drug and violence prevention adopted under the Drug-Free Schools and Communities Act of 1986;

(9) a description of how the grantee will coordinate the grantee's school crime and violence prevention efforts with education, law enforcement, judicial, health, and social service programs supported under the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601 et seq.], and other appropriate agencies and organizations serving the community;

(10) a description of how the grantee will inform parents about the extent of crime and violence in their children's schools and maximize the participation of parents in the grantee's violence prevention activities;

(11) an assurance that grant funds under this subchapter will be used to supplement and not supplant State and local funds that would, in the absence of funds under this subchapter, be made available by the applicant for the purposes of the grant;

(12) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to determine the effectiveness of projects and activities assisted under this subchapter or the extent of school violence and discipline problems throughout the Nation; and

(13) such other information as the Secretary may require.

(b) Plan

In order to receive funds under this subchapter for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain a description of how the grantee will coordinate the grantee's school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community.

(Pub. L. 103-227, title VII, §704, Mar. 31, 1994, 108 Stat. 205.)

REFERENCES IN TEXT

The Drug-Free Schools and Communities Act of 1986, referred to in subsec. (a)(8), is title V of Pub. L. 89-10

as added by Pub. L. 100-297, title I, §1001, Apr. 28, 1988, 102 Stat. 252, which was classified generally to subchapter V (§3171 et seq.) of chapter 47 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519. See section 7101 et seq. of this title.

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (a)(9), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5963, 5967 of this title.

§ 5965. Use of funds

(a) In general

A local educational agency shall use grant funds received under this subchapter for one or more of the following activities:

(1) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities with education, law enforcement, judicial, health, social service, and other appropriate agencies and organizations, juvenile justice programs, and gang prevention activities.

(2) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(3) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(4) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(5) Activities which involve parents in efforts to promote school safety and prevent school violence.

(6) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(A) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(B) the need for community support.

(7) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law enforcement, judicial, health, social service, and other appropriate agencies and organizations and juvenile justice programs.

(8) Developing and implementing violence prevention activities and materials, including—

(A) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(B) disciplinary alternatives to expulsion and suspension of students who exhibit violent or antisocial behavior;

(C) student-led activities such as peer mediation, peer counseling, and student courts; or

(D) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, educational and instructional activities, and mentoring and community service programs.

(9) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(10) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(11) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(12) Counseling programs for victims and witnesses of school violence and crime.

(13) Acquiring and installing metal detectors and hiring security personnel.

(14) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(15) Evaluating projects and activities assisted under this subchapter.

(16) The cost of administering projects or activities assisted under this subchapter.

(17) Other projects or activities that meet the purpose of this subchapter.

(b) Limitations

(1) In general

A local educational agency may use not more than—

(A) a total of 5 percent of grant funds received under this subchapter in each fiscal year for activities described in paragraphs (11), (13), and (14) of subsection (a) of this section; and

(B) 5 percent of grant funds received under this subchapter in each fiscal year for activities described in paragraph (16) of subsection (a) of this section.

(2) Special rule

A local educational agency shall only be able to use grant funds received under this subchapter for activities described in paragraphs (11), (13), and (14) of subsection (a) of this section if funding for such activities is not available from other Federal sources.

(3) Prohibition

A local educational agency may not use grant funds received under this subchapter for construction.

(Pub. L. 103-227, title VII, §705, Mar. 31, 1994, 108 Stat. 206.)

§ 5966. National activities

(a) National activities

(1) In general

To carry out the purpose of this subchapter, the Secretary—

(A) is authorized to use funds reserved under section 5962(b)(2) of this title to—

(i) conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this subchapter;

(ii) provide grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking; and

(iii) conduct peer review of applications under this subchapter; and

(B) shall develop a written safe schools model so that all schools can develop models that enable all students to participate regardless of any language barrier.

(2) Special rule

The Secretary may carry out the activities described in paragraph (1) directly, through interagency agreements, or through grants, contracts or cooperative agreements.

(b) National model city

The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section 5962(b)(2) of this title in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

(Pub. L. 103-227, title VII, § 706, Mar. 31, 1994, 108 Stat. 208.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5962 of this title.

§ 5967. Reports

(a) Report to Secretary

Each local educational agency that receives funds under this subchapter shall submit to the Secretary a report not later than March 1, 1995, that describes progress achieved in carrying out the plan described in section 5964(b) of this title.

(b) Report to Congress

The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report not later than October 1, 1995, which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under section 5964(a) of this title, and an evaluation of programs assisted under this subchapter.

(Pub. L. 103-227, title VII, § 708, Mar. 31, 1994, 108 Stat. 209.)

§ 5968. Coordination of Federal assistance

The Secretary, as a member of the Coordinating Council on Juvenile Justice and Delin-

quency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this subchapter with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other Federal law for purposes that are determined by the Secretary to be similar to the purpose of this subchapter, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

(Pub. L. 103-227, title VII, § 709, Mar. 31, 1994, 108 Stat. 209.)

SUBCHAPTER VIII—MINORITY-FOCUSED CIVICS EDUCATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5802 of this title.

§ 5981. Short title

This subchapter may be cited as the “Minority-Focused Civics Education Act of 1994”.

(Pub. L. 103-227, title VIII, § 801, Mar. 31, 1994, 108 Stat. 209.)

§ 5982. Purposes

It is the purpose of this subchapter—

(1) to encourage improved instruction for minorities and Native Americans in American government and civics through a national program of accredited summer teacher training and staff development seminars or institutes followed by academic year inservice training programs conducted on college and university campuses or other appropriate sites, for—

(A) social studies and other teachers responsible for American history, government, and civics classes; and

(B) other educators who work with minority and Native American youth; and

(2) through such improved instruction to improve minority and Native American student knowledge and understanding of the American system of government.

(Pub. L. 103-227, title VIII, § 802, Mar. 31, 1994, 108 Stat. 209.)

§ 5983. Grants authorized; authorization of appropriations

(a) Grants authorized

(1) In general

The Secretary is authorized to make grants to eligible entities for the development and implementation of seminars in American government and civics for elementary and secondary school teachers and other educators who work with minority and Native American students.

(2) Award rule

In awarding grants under this subchapter, the Secretary shall ensure that there is wide geographic distribution of such grants.

(b) Authorization of appropriations

There are authorized to be appropriated \$5,000,000 for fiscal 1995, and such sums as may

be necessary for each of the fiscal years 1996, 1997, and 1998, to carry out this subchapter.

(Pub. L. 103-227, title VIII, § 803, Mar. 31, 1994, 108 Stat. 210.)

§ 5984. Definitions

For purposes of this subchapter—

(1) the term “eligible entity” means a State educational agency, an institution of higher education or a State higher education agency, or a public or private nonprofit organization, with experience in coordinating or conducting teacher training seminars in American government and civics education, or a consortium thereof; and

(2) the term “State higher education agency” means the officer or agency primarily responsible for the State supervision of higher education.

(Pub. L. 103-227, title VIII, § 804, Mar. 31, 1994, 108 Stat. 210.)

§ 5985. Applications

(a) Application required

Each eligible entity desiring a grant under this subchapter shall submit an application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

(b) Contents of application

Each application submitted pursuant to subsection (a) of this section shall—

(1) define the learning objectives and course content of each seminar to be held and describe the manner in which seminar participants shall receive substantive academic instruction in the principles, institutions and processes of American government;

(2) provide assurances that educators successfully participating in each seminar will qualify for either graduate credit or professional development or advancement credit according to the criteria established by a State or local educational agency;

(3) describe the manner in which seminar participants shall receive exposure to a broad array of individuals who are actively involved in the political process, including political party representatives drawn equally from the major political parties, as well as representatives of other organizations involved in the political process;

(4) provide assurances that the seminars will be conducted on a nonpartisan basis;

(5) describe the manner in which the seminars will address the role of minorities or Native Americans in the American political process, including such topics as—

(A) the history and current political state of minorities or Native Americans;

(B) recent research on minority or Native American political socialization patterns and cognitive learning styles; and

(C) studies of political participation patterns of minorities or Native Americans;

(6) describe the pedagogical elements for teachers that will enable teachers to develop effective strategies and lesson plans for teach-

ing minorities or Native American students at the elementary and secondary school levels;

(7) identify the eligible entities which will conduct the seminars for which assistance is sought;

(8) in the case that the eligible entity is an institution of higher education, describe the plans for collaborating with national organizations in American government and civics education;

(9) provide assurances that during the academic year educators participating in the summer seminars will provide inservice training programs based upon what such educators have learned and the curricular materials such educators have developed or acquired for their peers in their school systems with the approval and support of their school administrators; and

(10) describe the activities or services for which assistance is sought, including activities and services such as—

(A) development of seminar curricula;

(B) development and distribution of instructional materials;

(C) scholarships for participating teachers; and

(D) program assessment and evaluation.

(c) Priority

The Secretary, in approving applications for assistance under this subchapter, shall give priority to applications which demonstrate that—

(1) the applicant will serve teachers who teach in schools with a large number or concentration of economically disadvantaged students;

(2) the applicant has demonstrated national experience in conducting or coordinating accredited summer seminars in American government or civics education for elementary and secondary school teachers;

(3) the applicant will coordinate or conduct seminars on a national or multistate basis through a collaboration with an institution of higher education, State higher education agency or a public or private nonprofit organization, with experience in coordinating or conducting teacher training programs in American government and civics education;

(4) the applicant will coordinate or conduct seminars designed for more than one minority student population and for Native Americans; and

(5) the applicant will coordinate or conduct seminars that offer a combination of academic instruction in American government, exposure to the practical workings of the political system, and training in appropriate pedagogical techniques for working with minority and Native American students.

(Pub. L. 103-227, title VIII, § 805, Mar. 31, 1994, 108 Stat. 210.)

SUBCHAPTER IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3419, 5802, 6194 of this title.

§ 6001. Short title

This subchapter may be cited as the “Educational Research, Development, Dissemination, and Improvement Act of 1994”.

(Pub. L. 103-227, title IX, §901, Mar. 31, 1994, 108 Stat. 212.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title IX of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 212, which enacted this subchapter, amended sections 2422, 3155, 3412, 3419, 3462, and 4085b of this title, repealed section 1221e of this title, and enacted provisions set out as notes under sections 1221e and 3155 of this title.

§ 6002. Findings

The Congress finds as follows with respect to improving education in the United States:

(1) A majority of public schools in the United States are failing to prepare students to achieve the National Education Goals. The Federal Government should support an extensive program of educational research, development, dissemination, replication and assistance to identify and support the best responses for the challenges ahead. A significant investment in attaining a deeper understanding of the processes of learning and schooling and developing new ideas holds the best hope of making a substantial difference to the lives of every student in the United States. The Office of Educational Research and Improvement within the Department of Education should be at the center of this campaign in order to coordinate such efforts.

(2) The Federal role in educational research has been closely identified with youths who are socioeconomically disadvantaged, are minorities, belong to a language minority, or have a disability. The Federal commitment to education was sufficient to serve not more than—

(A) in 1993, 1 out of every 6 low-income children in need of preschool education;

(B) in 1990, 3 out of every 5 children in need of remediation;

(C) in 1991, 1 out of every 5 children in need of bilingual education; and

(D) in 1992, 1 out of every 20 youths eligible for assistance under the Job Training Partnership Act [29 U.S.C. 1501 et seq.].

(3) The failure of the Federal Government to adequately invest in educational research and development has denied the United States a sound foundation of knowledge on which to design school improvements. The educational achievement of minority children is of particular concern because at least half of the public school students in 25 of the largest cities of the United States are minority children, and demographers project that, by the year 2005, almost all urban public school students will be minority children or other children in poverty.

(4) The investment goal of the Federal research, development, and dissemination function should be at least 1 percent of the total amount of funds spent on education.

(5) Nationwide model programs and reliable interventions should be demonstrated and rep-

licated, and for such purposes, programs should be established to conduct research and evaluations, and to disseminate information.

(6) The Office should develop a national dissemination policy that will advance the goal of placing a national treasure chest of research results, models, and materials at the disposal of the education decisionmakers of the United States.

(7) A National Educational Research Policy and Priorities Board should be established to work collaboratively with the Assistant Secretary to forge a national consensus with respect to a long-term agenda for educational research, development, dissemination, and the activities of the Office.

(8) Existing research and development entities should adopt expanded, proactive roles and new institutions should be created to promote knowledge development necessary to accelerate the application of research findings to high priority areas.

(9) Greater use should be made of existing technologies in efforts to improve the educational system of the United States, including efforts to disseminate research findings.

(10) Minority educational researchers are inadequately represented throughout the Department of Education, but particularly in the Office. The Office therefore should assume a leadership position in the recruitment, retention, and promotion of qualified minority educational researchers.

(11) The coordination of the mission of the Office with that of other components of the Department of Education is critical. The Office should improve the coordination of the educational research, development, and dissemination function with those of other Federal agencies.

(Pub. L. 103-227, title IX, §902, Mar. 31, 1994, 108 Stat. 212.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in par. (2)(D), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

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

§ 6011. Office of Educational Research and Improvement**(a) Declaration of policy regarding educational opportunity****(1) In general**

The Congress declares it to be the policy of the United States to provide to every individual an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, age, disability, national origin, or social class. Although the American educational system has pursued this objective, it has not been attained. Inequalities of opportunity to receive high quality education remain pronounced. To achieve the goal of qual-

ity education requires the continued pursuit of knowledge about education through research, development, improvement activities, data collection, synthesis, technical assistance, and information dissemination. While the direction of American education remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

(2) Mission of Office

(A) The mission of the Office shall be to provide national leadership in—

- (i) expanding fundamental knowledge and understanding of education;
- (ii) promoting excellence and equity in education; and the achievement of the National Educational¹ Goals by spurring reform in the school systems of the United States;
- (iii) promoting the use and application of research and development to improve practice in the classroom; and
- (iv) monitoring the state of education.

(B) The mission of the Office shall be accomplished in collaboration with researchers, teachers, school administrators, parents, students, employers, and policymakers.

(b) Purpose and structure of Office

(1) In general

The Secretary, acting through the Office, shall carry out the policies set forth in subsection (a) of this section. In carrying out such policies, the Office shall be guided by the Research Priorities Plan developed by the Assistant Secretary working collaboratively with the Board and which has been approved by the Board.

(2) Administrative structure

The Office shall be administered by the Assistant Secretary and shall include—

- (A) the National Educational Research Policy and Priorities Board established by section 6021 of this title;
- (B) the national research institutes established by section 6031 of this title;
- (C) the national education dissemination system established by section 6041 of this title;
- (D) the National Center for Education Statistics; and
- (E) such other units as the Secretary deems appropriate to carry out the purposes of the Office.

(3) Authorized activities

(A) Office

In fulfilling its purposes under this section, the Office is authorized to—

- (i) conduct and support education-related research activities, including basic and applied research, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations of national significance;

- (ii) disseminate the findings of education research, and provide technical assistance to apply such information to specific problems at school sites;

- (iii) collect, analyze, and disseminate data related to education, and to library and information services;

- (iv) promote the use of knowledge gained from research and statistical findings in schools, other educational institutions, and communities;

- (v) provide training in education research; and

- (vi) promote the coordination of education research and research support within the Federal Government, and otherwise assist and foster such research.

(c) Appointment of employees

(1) In general

The Assistant Secretary may appoint, for terms not to exceed three years (without regard to the provisions of title 5 governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees of the Office as the Assistant Secretary considers necessary to accomplish its functions, provided that—

(A) at least 30 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

(B) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS-15, as determined in accordance with section 5376 of title 5;

(C) the appointment of such employee is necessary to provide the Office with scientific or technical expertise which could not otherwise be obtained by the Office through the competitive service; and

(D) the total number of such employees does not exceed one-fifth of the number of full-time, regular scientific or professional employees of the Office.

(2) Reappointment of employees

The Assistant Secretary may reappoint employees described in paragraph (1) upon presentation of a clear and convincing justification of need, for one additional term not to exceed 3 years. All such employees shall work on activities of the Office and shall not be reassigned to other duties outside the Office during their term.

(d) Authority to publish

(1) In general

The Assistant Secretary is authorized to prepare and publish such information, reports, and documents as may be of value in carrying out the purposes of this subchapter without further clearance or approval by the Secretary or any other office of the Department of Education.

¹ So in original. Probably should be "Education".

(2) Quality assurance

In carrying out such authority, the Assistant Secretary shall—

(A) establish such procedures as may be necessary to assure that all reports and publications issued by the Office are of the highest quality; and

(B) provide other offices of the Department of Education with an opportunity to comment upon any report or publication prior to its publication when its contents relate to matters for which such office has responsibility.

(e) Biennial report on activities of Office

The Assistant Secretary shall transmit to the President and the Congress by not later than December 30 of every other year a report which shall consist of—

(1) a description of the activities carried out by and through each research institute during the fiscal years for which such report is prepared and any recommendations and comments regarding such activities as the Assistant Secretary considers appropriate;

(2) a description of the activities carried out by and through the national education dissemination system established by section 6041 of this title during the fiscal years for which such report is prepared and any recommendations and comments regarding such activities as the Assistant Secretary considers appropriate;

(3) such written comments and recommendations as may be submitted by the Board concerning the activities carried out by and through each of the institutes and the national education dissemination system during the fiscal years for which such report is prepared;

(4) a description of the coordination activities undertaken pursuant to subsection (g) of this section during the fiscal years for which such report is prepared;

(5) recommendations for legislative and administrative changes necessary to improve the coordination of all educational research, development, and dissemination activities carried out within the Federal Government; and

(6) such additional comments, recommendations, and materials as the Assistant Secretary considers appropriate.

(f) Research priorities plan**(1) In general**

Working collaboratively with the Board, the Assistant Secretary shall—

(A) survey and assess the state of knowledge in education research, development and dissemination to identify disciplines and areas of inquiry in which the state of knowledge is insufficient and which warrant further investigation, taking into account the views of both education researchers and practicing educators;

(B) consult with the National Education Goals Panel and other authorities on education to identify national priorities for the improvement of education;

(C) actively solicit recommendations from education researchers, teachers, school ad-

ministrators, cultural leaders, parents, and others throughout the United States through such means as periodic regional forums;

(D) provide recommendations for the development, maintenance, and assurance of a strong infrastructure for education, research, and development in the United States; and

(E) on the basis of such recommendations, develop a research priorities program which shall recommend priorities for the investment of the resources of the Office over the next 5-, 10-, and 15-year periods, including as priorities those areas of inquiry in which further research, development and dissemination—

(i) is necessary to attain the National Education Goals;

(ii) promises to yield the greatest practical benefits to teachers and other educators in terms of improving education; and

(iii) will not be undertaken in sufficient scope or intensity by the other Federal and non-Federal entities engaged in education research and development.

(2) Contents of plan

(A) The research and priorities plan described in paragraph (1) shall, at a minimum—

(i) set forth specific objectives which can be expected to be achieved as a result of a Federal investment in the priorities set forth in the plan;

(ii) include recommendations with respect to research and development on cross-cutting issues which should be carried out jointly by 2 or more of the research institutes; and

(iii) include an evaluative summary of the educational research and development activities undertaken by the Federal Government during the preceding 2 fiscal years, which shall describe—

(I) what has been learned as a result of such activities;

(II) how such new knowledge or understanding extends or otherwise relates to what had been previously known or understood;

(III) the implications of such new knowledge or understanding for educational practice and school reform; and

(IV) any development, reform, and other assistance activities which have utilized such knowledge or understanding and the effects of such efforts.

(B) REPORT.—(i) Not later than 6 months after the first meeting of the Board and by October 1 of every second year thereafter, the Assistant Secretary shall publish a report specifying the proposed research priorities of the Office and allow a 60-day period beginning on the date of the publication of the report for public comment and suggestions.

(ii) Not later than 90 days after the expiration of the 60-day period referred to in clause (i), the Assistant Secretary shall submit to the Board a report specifying the proposed research priorities of the Office and any public

comment and suggestions obtained under such subparagraph for the Board's review and approval.

(g) Coordination

With the advice and assistance of the Board, the Assistant Secretary shall work cooperatively with the Secretary and the other Assistant Secretaries of the Department of Education to establish and maintain an ongoing program of activities designed to improve the coordination of education research, development, and dissemination and activities within such Department and within the Federal Government to—

- (1) minimize duplication in education research, development, and dissemination carried out by the Federal Government;
- (2) maximize the value of the total Federal investment in education research, development, and dissemination; and
- (3) enable entities engaged in education research, development, and dissemination within the Federal Government to interact effectively as partners and take full advantage of the diverse resources and proficiencies which each entity has available.

(h) Activities required with respect to coordination

In carrying out such program of coordination, the Assistant Secretary shall compile (and thereafter regularly maintain) and make available a comprehensive inventory of education research, development, dissemination activities, and expenditures being carried out by the Federal Government.

(i) Standards for conduct and evaluation of research

(1) In general

In consultation with the Board, the Assistant Secretary shall develop such standards as may be necessary to govern the conduct and evaluation of all research, development, and dissemination activities carried out by the Office to assure that such activities meet the highest standards of professional excellence. In developing such standards, the Assistant Secretary shall review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development and shall also actively solicit recommendations from research organizations and members of the general public.

(2) Contents of standards

Such standards shall at a minimum—

- (A) require that a process of open competition be used in awarding or entering into all grants, contracts, and cooperative agreements under this subchapter;
- (B) require that a system of peer review be utilized by the Office—
 - (i) for reviewing and evaluating all applications for grants and cooperative agreements and bids for those contracts which exceed \$100,000;
 - (ii) for evaluating and assessing the performance of all recipients of grants from and cooperative agreements and contracts with the Office; and

- (iii) for reviewing and designating exemplary and promising programs in accordance with section 6041(d) of this title;

(C) describe the general procedures which shall be used by each peer review panel in its operations;

(D)(i) describe the procedures which shall be utilized in evaluating applications for grants, proposed cooperative agreements, and contract bids; and

(ii) specify the criteria and factors which shall be considered in making such evaluations;

(E) describe the procedures which shall be utilized in reviewing educational programs which have been identified by or submitted to the Secretary for evaluation in accordance with section 6041(d) of this title; and

(F) require that the performance of all recipients of grants from and contracts and cooperative agreements with the Office shall be periodically evaluated, both during and at the conclusion of their receipt of assistance.

(3) Publication and promulgation of standards

(A) The Assistant Secretary shall publish proposed standards—

- (i) which meet the requirements of subparagraphs (A), (B), (C), and (D) of paragraph (2) not later than 1 year after March 31, 1994;
- (ii) which meet the requirements of paragraph (2)(E) not later than 2 years after March 31, 1994; and
- (iii) which meet the requirements of subparagraph (F) of paragraph (2) not later than 3 years after March 31, 1994.

(B) Following the publication of such proposed standards, the Assistant Secretary shall solicit comments from interested members of the public with respect to such proposed standards for a period of not more than 120 days. After giving due consideration to any comments which may have been received, the Assistant Secretary shall transmit such standards to the Board for its review and approval.

(C) Upon the approval of the Board, the Assistant Secretary shall transmit final standards to the Secretary which meet the requirements of the particular subparagraphs of paragraph (2) for which such standards were developed. Such standards shall be binding upon all activities carried out with funds appropriated pursuant to subsection (m) of this section.

(j) Additional responsibilities of Assistant Secretary

In carrying out the activities and programs of the Office, the Assistant Secretary—

- (1) shall be guided by the Research Priorities Plan developed by the Assistant Secretary working collaboratively with the Board and which has been approved by the Board;
- (2) shall ensure that there is broad and regular public and professional involvement from the educational field in the planning and carrying out of the Office's activities, including establishing teacher advisory boards for any program office, program or project of the Office as the Assistant Secretary deems necessary and involving Indian and Alaska Native researchers and educators in activities that

relate to the education of Indian and Alaska Native people;

(3) shall ensure that the selection of research topics and the administration of the program are free from undue partisan political influence;

(4) shall ensure that all statistics and other data collected and reported by the Office shall be collected, cross-tabulated, analyzed, and reported by sex within race or ethnicity and socioeconomic status whenever feasible (and when such data collection or analysis is not feasible, ensure that the relevant report or document includes an explanation as to why such data collection or analysis is not feasible);

(5) is authorized to administer funds to support a single project when more than 1 Federal agency uses funds to support such project, and the Assistant Secretary may act for all such agencies in administering such funds; and

(6) is authorized to offer information and technical assistance to State and local educational agencies, school boards, and schools, including schools funded by the Bureau, to ensure that no student is—

(A) denied access to the same rigorous, challenging curriculum that such student's peers are offered; or

(B) grouped or otherwise labeled in such a way that may impede such student's achievement.

(k) Independent evaluations

The Secretary shall enter into one or more contracts for the conduct of an independent evaluation of the effectiveness of the implementation of the provisions of this subchapter. Such evaluations shall be transmitted to the Congress, the President, and the Assistant Secretary not later than 54 months after March 31, 1994.

(l) Definitions

For purposes of this subchapter, the following definitions apply:

(1) Assistant Secretary

The term “Assistant Secretary” means the Assistant Secretary for Educational Research and Improvement established by section 3412 of this title.

(2) At-risk student

The term “at-risk student” means a student who, because of limited English proficiency, poverty, race, geographic location, or economic disadvantage, faces a greater risk of low educational achievement or reduced academic expectations.

(3) Board

The term “Board” means the National Educational Research Policy and Priorities Board.

(4) Development

The term “development”—

(A) means the systematic use, adaptation, and transformation of knowledge and understanding gained from research to create alternatives, policies, products, methods, practices, or materials which can contribute to the improvement of educational practice; and

(B) includes the design and development of prototypes and the testing of such prototypes for the purposes of establishing their feasibility, reliability, and cost-effectiveness.

(5) Dissemination

The term “dissemination” means the communication and transfer, through the provision of technical assistance and other means, of the results of research and proven practice in forms that are understandable, easily accessible and usable or adaptable for use in the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, policymakers, and the public.

(6) Educational research

The term “educational research” includes basic and applied research, inquiry with the purpose of applying tested knowledge gained to specific educational settings and problems, development, planning, surveys, assessments, evaluations, investigations, experiments, and demonstrations in the field of education and other fields relating to education.

(7) Field-initiated research

The term “field-initiated research” means education research in which topics and methods of study are generated by investigators, including teachers and other practitioners, not by the source of funding.

(8) National education dissemination system

The term “national education dissemination system” means the activities carried out by the Office of Reform Assistance and Dissemination established by section 6041 of this title.

(9) Office

The term “Office”, unless otherwise specified, means the Office of Educational Research and Improvement established in section 3419 of this title.

(10) National research institute

The term “national research institute” means an institute established in section 6031 of this title.

(11) Technical assistance

The term “technical assistance” means assistance in identifying, selecting, or designing solutions based on research to address educational problems, planning, and design that leads to adapting research knowledge to school practice, training to implement such solutions, and other assistance necessary to encourage adoption or application of research.

(12) United States; State

The terms “United States” and “State” means² each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), the Republic of the Marshall

²So in original. Probably should be “mean”.

Islands, and the Federated States of Micronesia.

(m) Authorization of appropriations

(1) National institutes

(A) For the purpose of carrying out section 6031 of this title, there is authorized to be appropriated \$68,000,000 for fiscal year 1995.

(B)(i) For the purpose of carrying out the provisions of section 6031 of this title relating to the National Institute on Student Achievement, Curriculum, and Assessment and the National Institute on the Education of At-Risk Students, there are authorized to be appropriated \$60,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

(ii) Of the total amounts appropriated pursuant to clause (i)—

(I) 50 percent shall be used by the Assistant Secretary for the purpose of carrying out the provisions of section 6031 of this title relating to the National Institute on the Education of At-Risk Students; and

(II) 50 percent shall be used for the purpose of carrying out the provisions of section 6031 of this title relating to the National Institute on Student Achievement, Curriculum, and Assessment.

(C) For the purpose of carrying out the provisions of section 6031 of this title relating to the National Institute on Educational Governance, Finance, Policy-Making, and Management, there are authorized to be appropriated \$10,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

(D) For the purpose of carrying out the provisions of section 6031 of this title relating to the National Institute on Early Childhood Development and Education, there are authorized to be appropriated \$15,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

(E) For the purpose of carrying out the provisions of section 6031 of this title relating to the National Institute on Postsecondary Education, Libraries, and Lifelong Learning, there are authorized to be appropriated \$15,000,000 for fiscal year 1996, and such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

(F) COORDINATION AND SYNTHESIS.—The Assistant Secretary is authorized to reserve not more than 10 percent of the total amounts appropriated in any fiscal year pursuant to subparagraphs (A) through (E) (but not more than 33 percent of the amount appropriated for any single institute in any fiscal year) for the purposes of supporting coordination and synthesis activities described in section 6031(i) of this title or to address other priorities which are consistent with the Research Priorities Plan developed by the Assistant Secretary and approved by the Board.

(2) National education dissemination system

(A)(i) For the purpose of carrying out paragraph (2) of subsection (b) and subsections (c) through (g) of section 6041 of this title, there are authorized to be appropriated \$23,000,000

for fiscal year 1995, and such sums as are necessary for each of the fiscal years 1996 through 1999.

(ii) Of the amount appropriated under clause (i) for any fiscal year, the Secretary shall make available not less than \$8,000,000 to carry out subsection (f) of section 6041 of this title (relating to Educational Resources Information Center Clearinghouses).

(B) For the purpose of carrying out subsection (h) of section 6041 of this title (relating to regional educational laboratories), there are authorized to be appropriated \$41,000,000 for fiscal year 1995, and such sums as are necessary for each of the fiscal years 1996 through 1999. Of the amounts appropriated under the preceding sentence for a fiscal year, the Secretary shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).

(C) For the purpose of carrying out subsection (j) of section 6041 of this title (relating to the teacher research dissemination demonstration program) there are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as are necessary for each of the fiscal years 1996 through 1999.

(D) For the purpose of carrying out subsection (i) of section 6041 of this title (relating to the Goals 2000 Community Partnerships program), there are authorized to be appropriated \$30,000,000 for fiscal year 1995, \$50,000,000 for fiscal year 1996, and such sums as are necessary for each of the fiscal years 1997 and³ 1999.

(3) National Educational Research Policy and Priorities Board

Of the amounts appropriated under paragraphs (1) and (2) for any fiscal year, the Secretary shall make available 2 percent of such amounts, or \$1,000,000, whichever is less, for the purpose of supporting the activities and expenses of the Board and the collaborative development of the Research Priorities Plan by the Assistant Secretary and the Board.

(4) Allocations for grants, cooperative agreements, and contracts

Of the amounts appropriated under paragraph (1) or (2) for any fiscal year, not less than 95 percent shall be expended to carry out the purposes described in such paragraphs through grants, cooperative agreements, or contracts.

(5) Limitations on appropriations

No amounts are authorized to be appropriated under paragraph (1) or (2) for fiscal year 1996 or any fiscal year thereafter unless the Board has been appointed in accordance with section 6021 of this title.

(6) Grant authorized

(A) In general

From the amounts appropriated pursuant to paragraph (1) for any fiscal year, the Secretary is authorized, in accordance with the provisions of this paragraph, to award a

³ So in original. Probably should be "through".

grant of not more than \$5,000,000 to a public or private institution, agency or organization for a period not to exceed 5 years for the purpose of conducting a State-by-State poll to determine the perceptions of recent graduates of secondary schools, their instructors in institutions of higher education, parents of recent such graduates, and employers of recent such graduates on how well schools have prepared students for further education or employment.

(B) Matching requirement

The grant described in subparagraph (A) shall be awarded on a competitive basis and shall be matched on a two-to-one basis by the recipient.

(Pub. L. 103-227, title IX, §912, Mar. 31, 1994, 108 Stat. 213; Pub. L. 103-382, title II, §271(a)(3)(B), Oct. 20, 1994, 108 Stat. 3929.)

REFERENCES IN TEXT

The provisions of title 5 governing appointment in the competitive service, referred to in subsec. (c)(1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

For Oct. 1, 1994, as the date the Compact of Free Association with the Government of Palau takes effect, referred to in subsec. (l)(12), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1994—Subsec. (l)(9). Pub. L. 103-382 made technical amendment to reference to section 3419 of this title to reflect renumbering of corresponding section of original act.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6021, 6031, 6041 of this title.

PART B—NATIONAL EDUCATIONAL RESEARCH
POLICY AND PRIORITIES BOARD

§ 6021. Establishment within Office of Educational Research and Improvement

(a) In general

There is established within the Office a National Educational Research Policy and Priorities Board.

(b) Functions

It shall be the responsibility of the Board to—

(1) work collaboratively with the Assistant Secretary to determine priorities that should guide the work of the Office and provide guidance to the Congress in its oversight of the Office;

(2) review and approve the Research Priorities Plan developed by the Assistant Secretary in collaboration with the Board;

(3) review and approve standards for the conduct and evaluation of all research, development, and dissemination carried out under the auspices of the Office pursuant to this subchapter; and

(4) review regularly, evaluate, and publicly comment upon, the implementation of its recommended priorities and policies by the Department and the Congress.

(c) Additional responsibilities of Board

It shall also be the responsibility of the Board to—

(1) provide advice and assistance to the Assistant Secretary in carrying out the coordination activities described in section 6011 of this title;

(2) make recommendations to the Assistant Secretary of persons qualified to fulfill the responsibilities of the Director of each research institute established by section 6031 of this title after making special efforts to identify qualified women and minorities and soliciting and giving due consideration to recommendations from professional associations and interested members of the public;

(3) advise and make recommendations to the President with respect to individuals who are qualified to fulfill the responsibilities of the Assistant Secretary for the Office;

(4) review and comment upon proposed contract grant, and cooperative agreement proposals in accordance with section 6031(c)(4) of this title;

(5) advise the United States on the Federal educational research and development effort;

(6) recommend ways for strengthening active partnerships among researchers, educational practitioners, librarians, and policymakers;

(7) recommend ways to strengthen interaction and collaboration between the various program offices and components;

(8) solicit advice and information from the educational field, to define research needs and suggestions for research topics, and shall involve educational practitioners, particularly teachers, in this process;

(9) solicit advice from practitioners, policymakers, and researchers, and recommend missions for the national research centers assisted under this subchapter by identifying topics which require long-term, sustained, systematic, programmatic, and integrated research and dissemination efforts;

(10) provide recommendations for translating research findings into workable, adaptable models for use in policy and in practice across different settings, and recommendations for other forms of dissemination; and

(11) provide recommendations for creating incentives to draw talented young people into the field of educational research, including scholars from disadvantaged and minority groups.

(d) Standing subcommittees

The Board may establish a standing subcommittee for each of the Institutes established by section 6031 of this title and for the Office of Reform Assistance and Dissemination established by section 6041(b) of this title which shall advise, assist, consult with and make recommendations to the Assistant Secretary, the Board, the Director of such entity and the Congress on matters related to the activities carried out by and through such entities.

(e) Powers of Board

In carrying out its functions, powers, and responsibilities, the Board—

(1) shall, without regard to the provisions of title 5 relating to the appointment and compensation of officers or employees of the United States, appoint a director to be paid at a rate not to exceed the rate of basic pay pay-

able for level V of the Executive Schedule who shall assist in carrying out and managing the activities of the Board and perform such other functions the Board determines to be necessary and appropriate;

(2) shall utilize such additional staff as may be appointed or assigned by the Assistant Secretary;

(3) may arrange for the detail of staff personnel and utilize the services and facilities of any department or agency of the Federal Government;

(4) may enter into contracts, or make other arrangements as may be necessary to carry out its functions;

(5) shall participate in any public meetings or other activities carried out by the Assistant Secretary in the development of the Research Priorities Plan;

(6) may review any grant, contract, or cooperative agreement made or entered into by the Office;

(7) may, to the extent otherwise permitted by law, obtain directly from any department or agency of the United States such information as the Board deems necessary to carry out its responsibilities;

(8) may convene workshops and conferences, collect data, and establish subcommittees which may be composed of members of the Board and nonmember consultants (including employees of the Department of Education) with expertise in the particular area addressed by such subcommittees; and

(9) shall establish such rules and procedures to govern its operations as it considers appropriate, to the extent otherwise permitted by law.

(f) Membership in general

(1) Qualifications

The members of the Board shall be individuals who, by virtue of their training, experience, and background in educational research and the education professions, are exceptionally qualified to appraise the educational research and development effort of the United States and to fulfill the responsibilities described in subsections (b) and (c) of this section.

(2) Broad representation

Due consideration shall be given to the gender, race, and ethnicity of appointees to assure that the Board is broadly representative of the diversity of the United States.

(3) Limitation

A voting member of the Board may not serve on any other governing or advisory board within the Department of Education or as a paid consultant of such Department.

(4) Conflict of interest

A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(g) Secretarial appointments

The Board shall consist of 15 members appointed by the Secretary. Of the members of the Board—

(1) five shall be appointed from among researchers in the field of education who have been nominated by the National Academy of Sciences;

(2) five shall be outstanding school-based professional educators; and

(3) five shall be individuals who are knowledgeable about the educational needs of the United States and may include parents with experience in promoting parental involvement in education, Chief State School Officers, local educational agency superintendents, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(h) Requirements for nominations by National Academy of Sciences

(1) In general

In making nominations for the members of the Board described in subsection (g)(1) of this section, the National Academy of Sciences—

(A) shall give due consideration to recommendations from research and education organizations;

(B) may not nominate any individual who is an elected officer or employee of such organization; and

(C) shall nominate not less than 5 individuals for each of the positions on the Board for which such organization has responsibility for making nominations.

(2) Request for additional nominations

In the event that the Secretary determines that none of the individuals nominated by the National Academy of Sciences meets the qualifications for membership on the Board specified in subsection (g) of this section, the Secretary may request that such organization make additional nominations.

(i) Nominations for Board membership

Prior to appointing any member of the Board, the Secretary shall actively solicit and give due consideration to recommendations from organizations such as the National Education Association, the American Federation of Teachers, the National Parent-Teachers Association, the American Library Association, the American Association of School Administrators, the National Association of State Boards of Education, the National Indian School Board Association, the Association of Community Tribal Schools, the National Indian Education Association, and other education-related organizations and interested members of the public.

(j) Ex officio members

The ex officio, nonvoting members of the Board shall include the Assistant Secretary and may also include—

(1) the Director of Research for the Department of Defense;

(2) the Director of Research for the Department of Labor;

(3) the Director of the National Science Foundation;

(4) the Director of the National Institutes of Health;

(5) the chair of the National Endowment for the Arts;

(6) the chair of the National Endowment for the Humanities;

(7) the Librarian of Congress; and

(8) the Director of the Office of Indian Education Programs of the Department of the Interior.

(k) Chair

The Board shall select a Chair from among its appointed members who shall serve for a renewable term of 2 years.

(l) Terms of office

(1) In general

Except as provided in paragraphs (2) and (3), the term of office of each voting member of the Board shall be 6 years.

(2) Exceptions

(A) Any individual appointed to fill a vacancy occurring on the Board prior to the expiration of the term for which the predecessor of the individual was appointed shall be appointed for the remainder of the term. A vacancy shall be filled in the same manner in which the original appointment was made.

(B) The terms of office of the members of the Board who first take office after March 31, 1994, shall, as designated by a random selection process at the time of appointment, be as follows:

(i) 3 years for each of 5 members of the Board.

(ii) 4 years for each of 5 members of the Board.

(iii) 6 years for each of 5 members of the Board.

(3) Prohibition on certain consecutive terms

An individual who has been a member of the Board for 12 consecutive years shall thereafter be ineligible for appointment during the 6-year period beginning on the date of the expiration of the 12th year.

(4) Prohibition regarding removal

The Secretary shall neither remove nor encourage the departure of a member of the Board before the expiration of such member's term.

(m) Meetings of Board

(1) Initial meeting

The Secretary shall ensure that the first meeting of the Board is held not later than May 15, 1995.

(2) Subsequent meetings

The Board shall meet quarterly, at the call of the Chair, and when at least one-third of the members of the Board make a written request to meet.

(3) Quorum

A majority of the Board shall constitute a quorum.

(4) Open meetings

The Government in the Sunshine Act (5 U.S.C. 552b) shall apply to meetings of the Board.

(Pub. L. 103-227, title IX, §921, Mar. 31, 1994, 108 Stat. 223.)

REFERENCES IN TEXT

Level V of the Executive Schedule, referred to in subsec. (e)(1), is set out in section 5316 of Title 5, Government Organization and Employees.

The Ethics in Government Act of 1978, referred to in subsec. (f)(4), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5.

The Government in the Sunshine Act, referred to in subsec. (m)(4), is Pub. L. 94-409, Sept. 13, 1976, 90 Stat. 1241, which enacted section 552b of Title 5, amended sections 551, 552, 556, and 557 of Title 5, section 10 of Pub. L. 92-463, set out in the Appendix to Title 5, and section 410 of Title 39, Postal Service, and enacted provisions set out as notes under section 552b of Title 5. For complete classification of this Act to the Code, see Short Title note set out under section 552b of Title 5 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6011 of this title.

PART C—NATIONAL RESEARCH INSTITUTES

§ 6031. Establishment within Office of Educational Research and Improvement

(a) Establishment of Institutes

In order to fulfill the research and development purposes of the Office, and to carry out a program of high-quality and rigorously evaluated research and development that is capable of improving Federal, State, Indian tribal, and local education policies and practices, there are established within the Office the following Institutes:

(1) The National Institute on Student Achievement, Curriculum, and Assessment.

(2) The National Institute on the Education of At-Risk Students.

(3) The National Institute on Educational Governance, Finance, Policy-Making, and Management.

(4) The National Institute on Early Childhood Development and Education.

(5) The National Institute on Postsecondary Education, Libraries, and Lifelong Education.

(b) Directors

(1) In general

Each Institute established by subsection (a) of this section shall be headed by a Director who shall be appointed by the Assistant Secretary from among individuals who have significant experience and expertise in the disciplines relevant to the purposes of such Institute. The Assistant Secretary shall give due consideration to recommendations made by the Board of individuals qualified to fill the position.

(2) Reporting

Each Director shall report directly to the Assistant Secretary regarding the activities of the Institute and shall work with the other directors to promote research synthesis across the Institutes.

(c) Authorities and duties

(1) In general

The Assistant Secretary is authorized to conduct research, development, demonstra-

tion, and evaluation activities to carry out the purposes for which such Institute was established—

(A) directly;

(B) through grants, contracts, and cooperative agreements with institutions of higher education, regional educational laboratories, public and private organizations, institutions, agencies, and individuals, or a consortium thereof, which may include—

(i) grants to support research and development centers which are—

(I) awarded competitively for a period of 5 years and which may be renewed for an additional 5 years;

(II) of sufficient size, scope, and quality, and funded at not less than \$1,500,000 annually in order to support a full range of basic research, applied research and dissemination activities, which may also include development activities; and

(III) established by institutions of higher education, by institutions of higher education in consortium with public agencies or private nonprofit organizations, or by interstate agencies established by compact which operate subsidiary bodies established to conduct postsecondary educational research and development;

(ii) meritorious unsolicited proposals for educational research and related activities;

(iii) proposals that are specifically invited or requested by the Assistant Secretary, on a competitive basis; and

(iv) dissertation grants, awarded for a period of not more than 2 years and in a total amount not to exceed \$20,000 to graduate students in the sciences, humanities, and the arts to support research by such scholars in the field of education;

(C) through the provision of technical assistance;

(D) through the award of fellowships to support graduate study in educational research by qualified African-American, Hispanic, American Indian and Alaska Native, and other individuals from groups which have been traditionally underrepresented in the field of educational research which shall—

(i) be awarded on the basis of merit for a period of 3 years; and

(ii) provide stipends to each fellow in an amount which shall be set at a level of support comparable to that provided by the National Science Foundation Graduate Fellowships, except that such amounts shall be adjusted as necessary so as not to exceed each fellow's demonstrated level of need; and

(E) through the award of fellowships in the Office for scholars, researchers, policy-makers, education practitioners, librarians, and statisticians engaged in the use, collection, and dissemination of information about education and educational research which—

(i) shall be awarded following the biennial publication in the Federal Register

of proposed research priorities and a period of 60 days for public comments and suggestions with respect to such priorities;

(ii) shall be awarded competitively following the publication of a notice in the Federal Register inviting the submission of applications; and

(iii) may include such stipends and allowances, including travel and subsistence expenses provided under title 5, as the Assistant Secretary considers appropriate.

(2) Scope and focus of activities

In carrying out the purposes for which each Institute is established, the Assistant Secretary shall—

(A) maintain an appropriate balance between applied and basic research;

(B) significantly expand the role of field-initiated research in meeting the education research and development needs of the United States by reserving not less than 20 percent of the amounts available to each Institute in fiscal years 1996 and 1997 and 25 percent in fiscal years 1998 and 1999 to support field-initiated research;

(C) provide for and maintain a stable foundation of long-term research and development on core issues and concerns conducted through university-based research and development centers by reserving not less than one-third of the amounts available to each Institute in any fiscal year to support such research and development centers;

(D) support and provide research information that leads to policy formation by State legislatures, State and local boards of education, schools funded by the Bureau, and other policy and governing bodies, to assist such entities in identifying and developing effective policies to promote student achievement and school improvement;

(E) promote research that is related to the core content areas;

(F) plan and coordinate syntheses that provide research knowledge related to each level of the education system (from preschool to postsecondary education) to increase understanding of student performance across different educational levels;

(G) conduct and support research in early childhood, elementary and secondary, vocational, adult and postsecondary education (including the professional development of teachers) to the extent that such research is related to the purposes for which such Institute has been established;

(H) conduct sustained research and development on improving the educational achievement of poor and minority individuals as an integral part of its work; and

(I) coordinate the Institute's activities with the activities of the regional educational laboratories and with other educational service organizations in designing the Institute's research agenda and projects in order to increase the responsiveness of such Institute to the needs of teachers and the educational field and to bring research findings directly into schools to ensure greatest access at the local level to the latest research developments.

(3) Requirements regarding financial assistance

No grant, contract, or cooperative agreement may be made under this subchapter unless—

(A) sufficient notice of the availability of, and opportunity to compete for, assistance has first been provided to potential applicants through notice published in the Federal Register or other appropriate means;

(B) such grant, contract, or agreement has been evaluated through peer review in accordance with the standards developed pursuant to section 6011(i) of this title;

(C) such grant, contract, or agreement will be evaluated in accordance with the standards developed pursuant to section 6011(i) of this title;

(D) in the case of a grant, contract, or cooperative agreement which exceeds \$500,000 for a single fiscal year or \$1,000,000 for more than one fiscal year, the Secretary has complied with the requirements of paragraph (4); and

(E) in the case of a grant, contract, or cooperative agreement to support a research and development center, all applications for such assistance have been evaluated by independent experts according to standards and criteria which include—

(i) whether applicants have assembled a group of high quality researchers sufficient to achieve the mission of the center;

(ii) whether the proposed organizational structure and arrangements will facilitate achievement of the mission of the center;

(iii) whether there is a substantial staff commitment to the work of the center;

(iv) whether the directors and support staff will devote a majority of their time to the activities of the center;

(v) review of the contributions of primary researchers (other than researchers at the proposed center) to evaluate the appropriateness of such primary researcher's experiences and expertise in the context of the proposed center activities, and the adequacy of such primary researcher's time commitment to achievement of the mission of the center; and

(vi) the manner in which the results of education research will be disseminated for further use, including how the center will work with the Office of Reform Assistance and Dissemination.

(4) Board review of certain proposed grant and contract actions

The Assistant Secretary may not solicit any contract bid or issue a request for proposals or applications for any grant or cooperative agreement the amount of which exceeds \$500,000 in any single fiscal year or which exceeds an aggregate amount of \$1,000,000 for more than one fiscal year unless the Board has had an opportunity to review such proposed grant, contract, or cooperative agreement and to provide written comments to the Assistant Secretary with respect to whether—

(A) the purposes and scope of the proposed action are consistent with the Research Priorities Plan; and

(B) the methodology and approach of the proposed action are sound and adequate to achieve the objectives of such grant, contract, or cooperative agreement.

(5) Historically underutilized researchers and institutions

The Assistant Secretary shall establish and maintain initiatives and programs to increase the participation in the activities of each Institute of groups of researchers and institutions that have been historically underutilized in Federal educational research activities, including—

(A) researchers who are women, African-American, Hispanic, American Indian and Alaska Native, or other ethnic minorities;

(B) promising young or new researchers in the field, such as postdoctoral students and recently appointed assistant or associate professors;

(C) Historically Black Colleges and Universities, Tribally Controlled Community Colleges, and other institutions of higher education with large numbers of minority students;

(D) institutions of higher education located in rural areas; and

(E) institutions and researchers located in States and regions of the United States which have historically received the least Federal support for educational research and development.

(6) Additional authorities

The Assistant Secretary—

(A) may obtain (in accordance with section 3109 of title 5 but without regard to the limitation in such section on the period of service) the services of experts or consultants with scientific or professional qualifications in the disciplines relevant to the purposes of such Institute;

(B) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefore; and

(C) may accept voluntary and uncompensated services.

(d) National Institute on Student Achievement, Curriculum, and Assessment

(1) Findings

The Congress finds as follows:

(A) The current achievement levels of students in the United States are far below those that might indicate competency in challenging subject matter in core content areas.

(B) During the last 20 years, relatively little changed in how students were taught. Despite much research suggesting better alternatives, classrooms continue to be dominated by textbooks, teacher lectures, short-answer activity sheets, and unequal patterns of student attention.

(C) Despite progress in narrowing the gaps, the differences in performance between Caucasian students and their minority counterparts remain unacceptably large. While progress has been made in reducing the gen-

der gap in mathematics, such gap still remains at higher levels of problem solving. Too little progress has been made in reducing gender performance gaps favoring males in science and females in writing.

(2) Purpose

The purpose of the National Institute on Student Achievement, Curriculum, and Assessment is to carry out a coordinated and comprehensive program of research and development to provide research-based leadership to the United States as it seeks to improve student achievement in core content areas and the integration of such areas. Such program shall—

(A) identify, develop, and evaluate innovative and exemplary methods to improve student knowledge at all levels in the core content areas, such as—

(i) student learning and assessment in various subject matters;

(ii) the effects of organizational patterns on the delivery of instruction, including issues of grouping and tracking, ungraded classrooms, and on the effects of various pedagogies, including the issues of technology in education;

(iii) standards for what students should know and be able to do, particularly standards of desired performance set to internationally competitive levels;

(iv) methods to improve the process of reading, the craft of writing, the growth of reasoning skills, and the development of information-finding skills;

(v) enabling students to develop higher order thinking skills;

(vi) methods to teach effectively all students in mixed-ability classrooms;

(vii) curriculum, instruction, and assessment, in vocational education and school-to-work transition;

(viii) the impact and effectiveness of Federal, State, and local efforts to provide gender-fair educational opportunities to elementary and secondary students;

(ix) programs, policies, and approaches which promote gender equity in elementary and secondary education;

(x) improving the working conditions of teachers and other educational practitioners, which may include such topics as—

(I) teacher isolation;

(II) professional resources available to teachers;

(III) continuing educational and professional opportunities available to teachers;

(IV) physical facilities and equipment, such as office space, telephone, computer access, and fax machines and television cable access available to teachers in the work environment;

(V) opportunities for teachers to share information and resources with other teachers and education professionals;

(VI) opportunities for advanced learning experience; and

(VII) the reduction of stress in the teaching profession;

(xi) curriculum development designed to meet challenging standards, including State efforts to develop such curriculum;

(xii) the need for, and methods of delivering, teacher education, development, and inservice training;

(xiii) educational methods and activities to reduce and prevent violence in schools;

(xiv) the use of technology in learning, teaching and testing; and

(xv) other topics relevant to the mission of the institute;¹

(B) conduct basic and applied research in the areas of human learning, cognition, and performance, including research and development on the education contexts which promote excellence in learning and instruction, and motivational issues related to learning;

(C) identify, develop, and evaluate programs designed to enhance academic achievement and narrow racial and gender performance gaps in a variety of subject areas, including research and development on methods of involving parents in their children's education and ways to involve business, industry and other community partners in promoting excellence in schools; and

(D) include a comprehensive, coordinated program of research and development in the area of assessment which—

(i) addresses issues such as—

(I) the validity, reliability, generalizability, costs, relative merits, and most appropriate uses of various approaches and methods of assessing student learning and achievement;

(II) methods and approaches to assessing student opportunities to learn (including the quality of instruction and the availability of resources necessary to support learning) and evaluating the quality of school environment;

(III) the impact of high-stakes uses of assessment on student performance and motivation, narrowing of curriculum, teaching practices, and test integrity;

(IV) the impact of various methods of assessment on children of different races, ethnicities, gender, socioeconomic status, and English language proficiencies, and children with other special needs;

(V) standards of performance, quality, and validity for various methods of assessment and the means by which such standards should be developed;

(VI) current and emerging testing practices of State and local education agencies within the United States, as well as other nations;

(VII) the diverse effects, both intended and unintended, of assessments as actually used in the schools, including effects on curriculum and instruction, effects on equity in the allocation of resources and opportunities, effects on equity of out-

¹ So in original. Probably should be capitalized.

comes, effects on other procedures and standards for judging students and practitioners and possible inflation of test scores;

(VIII) identifying and evaluating how students with limited-English proficiency and students with disabilities are included and accommodated in the various assessment programs of State and local education agencies;

(IX) the feasibility and validity of comparing or equating the results of different assessments;

(X) test security, accountability, validity, reliability, and objectivity;

(XI) relevant teacher training and instruction in giving a test, scoring a test, and in the use of test results to improve student achievement;

(XII) developing, identifying, or evaluating new educational assessments, including performance-based and portfolio assessments which demonstrate skill and a command of knowledge; and

(XIII) other topics relevant to the purposes of the Institute; and

(ii) may reflect recommendations made by the National Education Goals Panel.

(e) National Institute on the Education of At-Risk Students

(1) Findings

The Congress finds as follows:

(A) The rate of decline in our urban schools is escalating at a rapid pace. Student performance in most inner city schools grows worse each year. At least half of all students entering ninth grade fail to graduate 4 years later and many more students from high-poverty backgrounds leave school with skills that are inadequate for today's workplace. Student performance in many inner city neighborhoods grows worse each year. At least half of all students entering ninth grade fail to graduate in 4 years. In 1992, the average National Assessment of Educational Progress reading score of Caucasian 17 year-olds was approximately 25 points higher than that of African-American 17 year-olds and 20 points higher than that of Hispanic 17 year-olds.

(B) Rural schools enroll a disproportionately large share of the poor and at-risk students of the United States and yet often lack the means to address effectively the needs of these children. Intensive efforts should be made to overcome the problems of geographic isolation, declining population, inadequate financial resources and other impediments to the educational success of children residing in rural areas.

(C) By the year 2000, an estimated 3,400,000 school age children with limited-English proficiency will be entering the school system. The Federal Government should develop effective policies and programs to address the educational needs of this growing population of children who are at increased risk of educational failure.

(D) An educational emergency exists in those urban and rural areas where there are

large concentrations of children who live in poverty. The numbers of disadvantaged children will substantially increase by the year 2020, when the number of impoverished children alone will be 16,500,000, a 33 percent increase over the 12,400,000 children in poverty in 1987.

(E) American Indian and Alaska Native students have high dropout, illiteracy and poverty rates, and experience cultural, linguistic, social and geographic isolation. The estimated 400,000 Indian and Alaska Native student population from over 500 Indian and Alaska Native tribes, is small and scattered throughout remote reservations and villages in 32 States, and in off-reservation rural and urban communities where Indians constitute but a small percentage of public school student bodies. To meaningfully address the special educational needs of this historically under-served population, the existing research and development system should be opened to Indian and Alaska Native people to identify needs and design ways to address such needs.

(F) Minority scholars as well as institutions and groups that have been historically committed to the improvement of the education of at-risk students need to be more fully mobilized in the effort to develop a new generation of programs, models, practices, and schools capable of responding to the urgent needs of students who are educationally at-risk.

(2) Purpose

It shall be the purpose of the Institute on the Education of At-Risk Students to carry out a coordinated and comprehensive program of research and development to provide non-partisan, research-based leadership to the United States as it seeks to improve educational opportunities for at-risk students. Such program shall—

(A) undertake research necessary to provide a sound basis from which to identify, develop, evaluate, and assist others to replicate and adapt interventions, programs, and models which promote greater achievement and educational success by at-risk students, such as—

(i) methods of instruction and educational practices (including community services) which improve the achievement and retention of at-risk students;

(ii) the quality of educational opportunities afforded at-risk students, particularly the quality of educational opportunities afforded such students in highly concentrated urban areas and sparsely populated rural areas;

(iii) methods for overcoming the barriers to learning that may impede student achievement;

(iv) innovative teacher training and professional development methods to help at-risk students meet challenging standards;

(v) methods to improve the quality of the education of American Indian and Alaska Native students not only in schools funded by the Bureau, but also in public

elementary and secondary schools located on or near Indian reservations, including—

- (I) research on mechanisms to facilitate the establishment of tribal departments of education that assume responsibility for all education programs of State educational agencies operating on an Indian reservation and all education programs funded by the Bureau on an Indian reservation;
 - (II) research on the development of culturally appropriate curriculum for American Indian and Alaska Native students, including American Indian and Alaska Native culture, language, geography, history and social studies, and graduation requirements related to such curriculum;
 - (III) research on methods for recruiting, training and retraining qualified teachers from American Indian and Alaska Native communities, including research to promote flexibility in the criteria for certification of such teachers;
 - (IV) research on techniques for improving the educational achievement of American Indian and Alaska Native students, including methodologies to reduce dropout rates and increase graduation by such students; and
 - (V) research concerning the performance by American Indian and Alaska Native students of limited-English proficiency on standardized achievement tests, and related factors;
- (vi) means by which parents and community resources and institutions (including cultural institutions) can be utilized to support and improve the achievement of at-risk students;
- (vii) the training of teachers and other educational professionals and paraprofessionals to work more effectively with at-risk students;
- (viii) the most effective uses of technology in the education of at-risk students;
- (ix) programs designed to promote gender equity in schools that serve at-risk students;
- (x) improving the ability of classroom teachers and schools to assist new and diverse populations of students in successfully assimilating into the classroom environment;
- (xi) methods of assessing the achievement of students which are sensitive to cultural differences, provide multiple methods of assessing student learning, support student acquisition of higher order capabilities, and enable identification of the effects of inequalities in the resources available to support the learning of children throughout the United States; and
- (xii) other topics relevant to the purpose of the Institute; and

(B) maximize the participation of those schools and institutions of higher education that serve the greatest number of at-risk students in inner city and rural areas, and

on Indian reservations, including model collaborative programs between schools and school systems, institutions of higher education, cultural institutions, and community organizations.

(3) Consultation with Indian and Alaska Native educators

All research and development activities supported by the Institute which relate to the education of Indian and Alaska Native students shall be developed in close consultation with Indian and Alaska Native researchers and educators, Tribally Controlled Community Colleges, tribal departments of education, and others with expertise in the needs of Indian and Native Alaska students.

(f) National Institute on Early Childhood Development and Education

(1) Findings

The Congress finds as follows:

(A) Despite efforts to expand and improve preschool programs, many children still reach school age unprepared to benefit from formal education programs.

(B) Early intervention for disadvantaged children from birth to age five has been shown to be a highly cost-effective strategy for reducing later expenditures on a wide variety of health, developmental, and educational problems that often interfere with learning. Long-term studies of the benefits of preschool education have a demonstrated return on investment ranging from three to six dollars for every one dollar spent.

(C) The Federal Government should play a central role in providing research-based information on early childhood education models which enhance children's development and ultimately their success in school.

(2) Purpose

The purpose of the National Institute on Early Childhood Development and Education is to carry out a comprehensive program of research and development to provide non-partisan, research-based leadership to the United States as it seeks to improve early childhood development and education. Such program shall undertake research necessary to provide a sound basis from which to identify, develop, evaluate, and assist others to replicate methods and approaches that promise to improve early childhood development and education, such as—

(A) social and educational development of infants, toddlers, and preschool children;

(B) the role of parents and the community in promoting the successful social and educational development of children from birth to age five;

(C) topics relating to children's readiness to learn, such as prenatal care, nutrition, and health services;

(D) family literacy and parental involvement in student learning;

(E) methods for integrating learning in settings other than the classroom, particularly within families and communities;

(F) practices and approaches which sustain the benefits of effective preschool and child care programs;

(G) effective learning methods and curriculum for early childhood learning, including access to current materials in libraries;

(H) the importance of family literacy and parental involvement in student learning;

(I) effective teaching and learning methods, and curriculum;

(J) instruction that considers the cultural environment of children;

(K) access to current materials in libraries;

(L) the impact that outside influences have on learning, including television, and drug and alcohol abuse;

(M) the structure and environment of early childhood education and child care settings which lead to improved social and educational development;

(N) training and preparation of teachers and other professional and paraprofessional preschool and child care workers;

(O) the use of technology, including methods to help parents instruct their children; and

(P) other topics relevant to the purpose of the Institute.

(3) Certain requirements

In carrying out the activities of the Institute, the Assistant Secretary shall ensure that the Institute's research and development program provides information that can be utilized in improving the major Federal early childhood education programs.

(g) National Institute on Educational Governance, Finance, Policy-Making, and Management

(1) Findings

The Congress finds as follows:

(A) Many elementary and secondary schools in the United States—

(i) are structured according to models that are ineffective and rely on notions of management and governance that may be outdated or insufficient for the challenges of the next century; and

(ii) are unsuccessful in equipping all students with the knowledge and skills needed to succeed as citizens and in the working world.

(B) New approaches are needed in the governance and management of elementary and secondary education within the United States at the State, local, school building and classroom level.

(C) Not enough is known about the effects of various systems of school governance and management on student achievement to provide sound guidance to policymakers as such policymakers pursue school restructuring and reform.

(D) A concentrated Federal effort is needed to support research, development, demonstration, and evaluation of approaches to school governance, finance and management which promise to improve education equity and excellence throughout the United States.

(2) Purpose

It shall be the purpose of the National Institute on Educational Governance, Finance,

Policy-Making, and Management to carry out a coordinated and comprehensive program of research and development to provide non-partisan, research-based leadership to the United States as it seeks to improve student achievement through school restructuring and reform. Such program shall undertake research necessary to provide a sound basis from which to identify, develop and evaluate approaches in elementary and secondary school governance, finance, policy-making, and management at the State, local, tribal, school building and classroom level which promise to improve educational equity and excellence, such as—

(A) open enrollment programs, public school choice, magnet schools and other systems through which parents may select the public schools and educational programs in which their children are enrolled;

(B) innovative school design, including lengthening the school day and the school year, reducing class size and building professional development into the weekly school schedule and, as appropriate, conducting such further research as may be recommended or suggested by the report issued by the National Education Commission on Time and Learning pursuant to section 102 of the Education Council Act of 1991 (20 U.S.C. 1221-1 note);

(C) effective approaches to organizing learning;

(D) effective ways of grouping students for learning so that a student is not labeled or stigmatized in ways that may impede such student's achievement;

(E) effective approaches to organizing, structuring, and financing vocational education;

(F) the provision of financial and other rewards and incentives to schools and educators based on performance to improve student achievement;

(G) the use of regulatory flexibility on the State or school district level to promote innovation and school restructuring;

(H) policy decisions at all levels and the impact of such decisions on school achievement and other student outcomes;

(I) the effective use of dollars for classroom construction;

(J) expanding the role of teachers in policymaking and administration at the school and school district-wide level;

(K) disparity in school financing among States, school districts, schools, and schools funded by the Bureau;

(L) the use of technology in areas such as assisting in school-based management or ameliorating the effects of disparity in school financing among States, school districts, and schools funded by the Bureau;

(M) the involvement of parents and families in the management and governance of schools and the education of their children;

(N) effective approaches to increasing the representation of women and minorities among leadership and management positions in education;

(O) approaches to systemic reforms involving the coordination of multiple policies of

each level of government to promote higher levels of student achievement;

(P) approaches to coordinated services for children;

(Q) teacher certification at the State and tribal levels;

(R) school-based management, shared decisionmaking and other innovative school structures, and State and local reforms and educational policies, which show promise for improving student achievement;

(S) policies related to school-to-work transitions and preparing non-college-bound students; and

(T) other topics relevant to the mission of the Institute.

(h) National Institute on Postsecondary Education, Libraries, and Lifelong Learning

(1) Findings

The Congress finds as follows:

(A) The American system of postsecondary education is foremost in the world in such system's achievement of both academic excellence and equity in access, but maintaining that preeminence requires renewed efforts to strengthen the quality of postsecondary education. Disappointing student performance on achievement tests and licensure examinations, declining rates of postsecondary education persistence and completion among minorities, and other troubling trends in the quality of postsecondary education should be addressed by the United States as part of its overall drive to improve American education.

(B) The need to improve our economic productivity of the United States to meet the competitive challenges of a new, international economy, coupled with high levels of mobility in the United States labor market and demographic changes in the workforce, now demands more and higher quality programs of learning and training in the American workplace.

(C) The more than 1,000,000 men and women incarcerated in the prisons and jails in the United States are among the most severely educationally disadvantaged in the United States, with high rates of functional illiteracy and extremely low levels of educational attainment. Since an estimated 90 percent of these individuals are expected to be released by the end of the decade, the United States must act to assure that our correctional system has the means to equip these Americans with the knowledge and skills they will need to participate productively in our society.

(D) The development of a "Nation of Students" capable of and committed to the pursuit of formal and informal lifelong learning and literacy is essential to sustain both national and individual economic success and to provide a nurturing environment in which all children and youth can learn and achieve. Historically the most effective community resource for lifelong learning, the public library system of the United States, should expand and restructure its delivery of services to take full advantage of the poten-

tial of new information technologies to meet the needs of learning communities.

(2) Purpose

The purpose of the National Institute on Postsecondary Education, Libraries, and Lifelong Learning is to promote greater coordination of Federal research and development on issues related to adult learning and to carry out a program of research and development in adult learning to provide nonpartisan, research-based leadership to the United States as it seeks to improve libraries, postsecondary education, literacy, and lifelong learning throughout the United States. Such program—

(A) shall only support research and development in those areas of postsecondary education, libraries, literacy, and lifelong learning which are not being addressed by other entities within the Federal Government;

(B) may include basic and applied research, development, replication, and evaluation activities in areas such as—

(i) methods of assessing and evaluating individual, program, and institutional performance;

(ii) the uses and applications of new technologies to improve program effectiveness and enhance student learning;

(iii) the most effective training methods for adults to upgrade education and vocational skills;

(iv) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(v) adult literacy and effective methods, including technology, to eliminate illiteracy;

(vi) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks;

(vii) the use of technology to develop and deliver effective training methods for adults to upgrade their education and their vocational skills; and

(viii) institutional and classroom policies and practices at the postsecondary level necessary to improve matriculation, persistence, achievement and graduation by students who are economically disadvantaged, ethnic and racial minorities, women, older, working, and who have children;

(ix) instructional practices and programs which are effective in correctional settings;

(x) new models of service delivery for public library systems which expand opportunities for lifelong learning;

(xi) effective programs and approaches which promote greater access to and success by minorities in postsecondary programs which prepare such minorities for scientific, technical, teaching, and health career fields;

(xii) effective teaching for the preparation and continuing education of teachers;

(xiii) the development and evaluation of curricular materials for the initial and

continuing education of teachers and teacher educators;

(xiv) the role of Historically Black Colleges and Universities, Tribally Controlled Indian Community Colleges, women's colleges, and other special mission institutions in providing access, excellence, and equal opportunity in higher education;

(xv) methods for evaluating the quality of education at different types of institutions of higher education at all levels and the roles and responsibilities of regional and national accrediting agencies;

(xvi) methods for evaluating the productivity of different types of institutions of higher education;

(xvii) financial barriers to postsecondary educational opportunity, including—

(I) the role of Federal programs authorized under title IV of the Higher Education Act of 1965 [20 U.S.C. 1070 et seq. and 42 U.S.C. 2751 et seq.] and State grant and work programs in mitigating such barriers;

(II) the impact of the rising total cost of postsecondary education on access to higher education; and

(III) the extent and impact of student reliance on loans to meet the costs of higher education;

(xviii) opportunities for adults to continue their education beyond higher education and graduate school, in the context of lifelong learning and information-finding skills;

(xix) preparing students for a lifetime of work, the ability to adapt through retraining to the changing needs of the work force and the ability to learn new tasks; and

(xx) other topics relevant to the mission of the Institute.

(3) Involvement of certain agencies and organizations

In promoting coordination and collaboration on research and development on issues related to postsecondary education, literacy, libraries, and lifelong learning, the Institute shall, as appropriate, seek the involvement—

(A) within the Department of Education of—

- (i) the Office of Library Programs;
- (ii) the Office of Correctional Education;
- (iii) the Office of Vocational and Adult Education;
- (iv) the National Institute on Disability and Rehabilitation Research; and
- (v) the Office of Postsecondary Education;

(B) of the National Institute for Literacy;

(C) of the National Board for Professional Teaching Standards;

(D) of the Employment and Training Administration of the Department of Labor;

(E) of the Administration for Children and Families within the Department of Health and Human Services;

(F) of the National Institutes of Health;

(G) of the National Endowment for the Humanities;

(H) of the National Endowment for the Arts;

(I) of the Bureau of Prisons of the Department of Justice;

(J) of the Department of Commerce;

(K) of the Department of Defense; and

(L) of the Office of Indian Education Programs of the Department of the Interior.

(4) Additional responsibilities

In addition to the responsibilities described in paragraph (2), the Assistant Secretary shall ensure that the activities of the National Center on Literacy are fully coordinated with those of the National Institute for Literacy.

(i) Coordination and research synthesis

The Assistant Secretary shall promote and provide for research syntheses and the coordination of research and development activities among the Institutes established by this section to investigate those cross-cutting disciplines and areas of inquiry which are relevant to the missions of more than one of the Institutes. Such activities—

(1) may be carried out jointly by any one of the Institutes and—

(A) one (or more) of the Institutes;

(B) the National Center for Education Statistics; or

(C) any research and development entity administered by other offices of the Department of Education or by any other Federal agency or department; and

(2) shall meet all the standards developed by the Assistant Secretary and approved by the Board for other research and development conducted by the Office.

(j) Dates for establishment of Institutes

The National Institute on the Education of At-Risk Students, the National Institute on Educational Governance, Finance, Policy-Making, and Management, the National Institute on Early Childhood Development and Education, the National Institute on Student Achievement, Curriculum, and Assessment and the National Institute on Postsecondary Education, Libraries, and Lifelong Learning shall each be established on October 1, 1995.

(Pub. L. 103-227, title IX, §931, Mar. 31, 1994, 108 Stat. 227.)

REFERENCES IN TEXT

Section 102 of the Education Council Act of 1991, referred to in subsec. (g)(2)(B), is section 102 of Pub. L. 102-62, which is set out as a note under section 1221-1 of this title.

The Higher Education Act of 1965, referred to in subsec. (h)(2)(B)(xvii)(I), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of this title and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6011, 6021, 6041, 8677 of this title.

PART D—NATIONAL EDUCATION DISSEMINATION
SYSTEM**§ 6041. Establishment within Office of Educational Research and Improvement****(a) In general****(1) Findings**

The Congress finds as follows:

(A) In order to improve the American educational system for all students, achieve the National Education Goals, and provide for greater educational equity, policymakers, administrators, teachers, and parents must have ready access to the best information and methods available as a result of educational research and development.

(B) The Office of Educational Research and Improvement should have as one of its primary purposes the dissemination of such information and methods in order to assist the national education reform effort.

(C) All current resources within the Office, the Department of Education, and other agencies that can help accomplish the purposes described in subparagraph (B) should be coordinated by the Assistant Secretary, to the extent practicable, so as to form a systematic process to accomplish such purposes.

(D) Education research has the capacity to improve teaching and learning in our Nation's schools, however, teachers need training in the skills necessary to translate research into practice and to allow teachers to become knowledgeable practitioners and leaders in educational improvement.

(E) Adequate linkages between research and development providers and practitioners are essential to ensuring that research on effective practice is useful, disseminated to and supported with technical assistance for all educators, and that all educators are partners in the research and development process.

(2) Purpose

The purpose of this section is to—

(A) create a national system of dissemination, development, and educational improvement in order to create, adapt, identify, validate, and disseminate to educators, parents, and policymakers those educational programs that have potential or have been shown to improve educational opportunities for all students; and

(B) empower and increase the capacity of teachers to participate in the research and development process.

(3) "Educational program" defined

For the purposes of this section, the term "educational program" includes educational policies, research findings, practices, and products.

(b) Establishment of Office**(1) In general**

There is established within the Office an Office of Reform Assistance and Dissemination (hereafter in this section referred to as the "Dissemination Office") through which the

Secretary shall carry out all functions and activities described in this section. Such office¹ shall be headed by a Director who shall be appointed by the Assistant Secretary and have demonstrated expertise and experience in dissemination, including promoting the effective use of research in the classroom.

(2) Certain duties

The Dissemination Office shall—

(A) disseminate relevant and useful research, information, products, and publications developed through or supported by the Department of Education to schools, educators, parents, and policymakers throughout the United States;

(B) operate a depository for all Department of Education publications and products and make available for reproduction such publications and products;

(C) provide technical and financial assistance to individuals and organizations in the process of developing promising educational programs but who might not, without such assistance, be able to complete necessary development and assessment activities;

(D) coordinate the dissemination efforts of the Office, the regional educational laboratories, the research institutes, the National Diffusion Network, and the Educational Resources Information Center Clearinghouses;

(E) provide training and technical assistance regarding the implementation and adoption of exemplary and promising programs by interested entities;

(F) carry out a program of research on models for successful knowledge dissemination, and utilization, and strategies for reaching education policymakers, practitioners, and others interested in education;

(G) develop the capacity to connect schools and teachers seeking information with the relevant regional educational laboratories assisted under subsection (h) of this section, the National Diffusion Network, the Institutes assisted under this section, and the Educational Resources Information Center Clearinghouses; and

(H) provide a biennial report to the Secretary regarding the types of information, products, and services that teachers, schools, and school districts have requested and have determined to be most useful, and describe future plans to adapt Department of Education products and services to address the needs of the users of such information, products, and services.

(3) Additional duties

The Dissemination Office shall carry out a process for the identification of educational programs that work, dissemination through electronic networking and new technologies and the functions and activities performed by the following:

(A) The Educational Resources Information Center Clearinghouses.

(B) The regional educational laboratories.

(C) The Teacher Research Dissemination Demonstration Program.

¹ So in original. Probably should be "Dissemination Office".

(D) The Goals 2000 Community Partnerships Program.

(E) The existing National Diffusion Network and its Developer-Demonstrator and State Facilitator projects.

(F) Such other programs, activities, or entities the Secretary determines are consistent with purposes for which the Dissemination Office is established.

(c) Identification of programs

The Assistant Secretary shall coordinate a process through which successful educational programs are actively sought out for possible dissemination through the national educational dissemination system. Such process shall, at a minimum, have the capability to—

(1) work closely with the Institutes, research and development centers, regional educational laboratories, the National Diffusion Network and its Developer-Demonstrator and State Facilitator projects, learning grant institutions established under the Goals 2000 Community Partnerships Program, Department of Education-supported technical assistance providers, and other entities to identify successful educational programs at the regional, State, local, or classroom level;

(2) review successful educational programs supported by the Department of Education through all of its programs;

(3) through cooperative agreements, review for possible inclusion in the system educational programs administered by the Departments of Health and Human Services (particularly the Head Start program), Labor, and Defense, the National Science Foundation, the Department of the Interior (particularly the Office of Indian Education Programs), and any other appropriate Federal agency; and

(4) provide for an active outreach effort to identify successful educational programs through cooperative arrangements with State and local education agencies, teachers and teacher organizations, curriculum associations, foundations, private schools, institutions of higher education, and other entities that could enhance the ability of the Secretary to identify programs for possible inclusion in the dissemination system.

(d) Designation of exemplary and promising programs

(1) In general

The Assistant Secretary, in consultation with the Board, shall establish 1 or more panels of appropriately qualified experts and practitioners to—

(A) evaluate educational programs that have been identified by the Secretary under subsection (c) of this section or that have been submitted to the Secretary for such evaluation by some other individual or organization; and

(B) recommend to the Secretary programs that should be designated as exemplary or promising educational programs.

(2) Considerations in making recommendations

In determining whether an educational program should receive a recommendation under paragraph (1), a panel established under such paragraph shall consider—

(A) whether, based on empirical data, which may include test results, the program is effective and should be designated as exemplary and disseminated through the national dissemination system; or

(B) whether there is sufficient evidence to lead a panel of experts and practitioners to believe that the program shows promise for improving student achievement and should be designated as promising and disseminated through the national dissemination system while the program continues to be evaluated.

(3) Requirement regarding approval of programs

In seeking out programs for approval under paragraph (2), the Assistant Secretary shall seek programs that may be implemented at the State, local, and classroom level.

(4) Requirements regarding panels

(A) A panel shall not eliminate a program from consideration under this subsection based solely on the fact that the program does not have one specific type of supporting data, such as test scores.

(B) The Assistant Secretary may not designate a program as exemplary or promising unless a panel established under paragraph (1) has recommended that the program be so designated.

(C) The Secretary shall establish such panels under paragraph (1) as may be necessary to ensure that each program identified or submitted for evaluation is evaluated.

(D) Not less than $\frac{2}{3}$ of the membership of a panel established under paragraph (1) shall consist of individuals who are not officers or employees of the United States. Members of panels under paragraph (1) who are not employees of the United States shall receive compensation for each day they are engaged in carrying out the duties of the panel as well as compensation for their expenses.

(e) Dissemination of exemplary and promising programs

In order to ensure that programs identified as exemplary or promising are available for adoption by the greatest number of teachers, schools, local and State education agencies, and Bureau-funded schools, the Assistant Secretary shall utilize the capabilities of—

(1) the Educational Resources Information Center Clearinghouses;

(2) electronic networking;

(3) the regional educational laboratories;

(4) the National Diffusion Network;

(5) entities established under the Goals 2000 Community Partnerships Program;

(6) department-supported technical assistance providers;

(7) the National Library of Education; and

(8) other public and private nonprofit entities, including existing education associations and networks, that have the capability to assist educators in adopting exemplary and promising programs.

(f) Educational Resources Information Center Clearinghouses

(1) In general

The Assistant Secretary shall establish a system of 16 clearinghouses having, at a minimum, the functions and scope of work as the clearinghouses had on the day preceding March 31, 1994. The Assistant Secretary shall establish for the clearinghouses a policy for the abstraction from, and inclusion in, the Educational Resources Information Center Clearinghouses system for books, periodicals, reports, and other materials related to education.

(2) Additional functions

In addition to those functions carried out by the clearinghouses on the day preceding March 31, 1994, such clearinghouses may—

(A) periodically produce interpretive summaries, digests, and syntheses of the results and findings of education-related research and development; and

(B) contain and make available to users information concerning those programs designated as exemplary and promising under subsection (d) of this section.

(3) Coordination of activities

The Assistant Secretary shall assure that the functions and activities of such clearinghouses are coordinated with the activities of the Institutes, the regional educational laboratories, learning grant institutions, other clearinghouses supported by the Department of Education, the National Diffusion Network, and other appropriate entities within the Office and such Department.

(4) Special responsibilities of the Secretary

To assure that the information provided through such clearinghouses is fully comprehensive, the Secretary shall—

(A) require that all reports, studies, and other resources produced directly or by grant or contract with the Department of Education are made available to clearinghouses;

(B) establish cooperative agreements with the Departments of Defense, Health and Human Services, Interior, and other Federal departments and agencies to assure that all education-related reports, studies, and other resources produced directly or by grant from or contract with the Federal Government are made available to such clearinghouses; and

(C) devise an effective system for maximizing the identification, synthesis, and dissemination of information related to the needs of Indian and Alaska Native children.

(5) Copyright prohibited

(A) No clearinghouse or other entity receiving assistance under this subsection may copyright or otherwise charge a royalty or other fee that—

(i) is for the use or redissemination of any database, index, abstract, report, or other information produced with assistance under this subsection; and

(ii) exceeds the incremental cost of disseminating such information.

(B) For purposes of subparagraph (A), the incremental cost of dissemination does not include any portion of the cost of collecting, organizing, or processing the information which is disseminated.

(g) Dissemination through new technologies

(1) In general

The Assistant Secretary is authorized to award grants or contracts in accordance with this subsection to support the development of materials, programs, and resources which utilize new technologies and techniques to synthesize and disseminate research and development findings and other information which can be used to support educational improvement.

(2) Electronic networking

(A) Electronic network

The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, shall establish and maintain an electronic network which shall, at a minimum, link—

(i) each office of the Department of Education;

(ii) the Institutes established by section 6031 of this title;

(iii) the National Center for Education Statistics;

(iv) the National Library of Education; and

(v) entities engaged in research, development, dissemination, and technical assistance under grant from, or contract, or cooperative agreement with, the Department of Education.

(B) Certain requirements for network

The network described in subparagraph (A) shall—

(i) to the extent feasible, build upon existing national, regional, and State electronic networks and support video, telecomputing, and interactive communications;

(ii) at a minimum, have the capability to support electronic mail and file transfer services;

(iii) be linked to and accessible to other users, including State and local education agencies, institutions of higher education, museums, libraries, and others through the Internet and the National Research and Education Network; and

(iv) be provided at no cost (excluding the costs of necessary hardware) to the contractors and grantees described in clause (v) of subparagraph (A) and to educational institutions accessing such network through the Internet and the National Research and Education Network.

(C) Information resources

The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, may make available through the network described in subparagraph (A)—

(i) information about grant and contract assistance available through the Department of Education;

(ii) an annotated directory of current research and development activities and projects being undertaken with the assistance of the Department of Education;

(iii) information about publications published by the Department of Education and, to the extent feasible, the full text of such publications;

(iv) statistics and data published by the National Center for Education Statistics;

(v) syntheses of research and development findings;

(vi) a directory of other education-related electronic networks and databases, including information about the means by which such networks and databases may be accessed;

(vii) a descriptive listing of materials and courses of instruction provided by telecommunications partnerships assisted under the Star Schools program;

(viii) resources developed by the Educational Resources Information Center Clearinghouses;

(ix) education-related software (including video) which is in the public domain;

(x) a listing of instructional materials available through telecommunications to local education agencies through the Public Broadcasting Service and State educational television networks; and

(xi) such other information and resources the Assistant Secretary considers useful and appropriate.

(D) Evaluations regarding other functions of network

The Assistant Secretary shall also undertake projects to test and evaluate the feasibility of using the network described in subparagraph (A) for—

(i) the submission of applications for assistance to the Department of Education; and

(ii) the collection of data and other statistics through the National Center for Education Statistics.

(E) Training and technical assistance

The Assistant Secretary, acting through the Office of Reform Assistance and Dissemination, shall—

(i) provide such training and technical assistance as may be necessary to enable the contractors and grantees described in clause (v) of subparagraph (A) to participate in the electronic network described in such subparagraph; and

(ii) work with the National Science Foundation to provide, upon request, assistance to State and local educational agencies, the Department of the Interior's Office of Indian Education Programs, tribal departments of education, State library agencies, libraries, museums, and other educational institutions in obtaining access to the Internet and the National Research and Education Network.

(h) Regional educational laboratories for research, development, dissemination, and technical assistance

(1) Regional educational laboratories

The Assistant Secretary shall enter into contracts with public or private nonprofit entities to establish a networked system of not less than 10 and not more than 12 regional educational laboratories which serve the needs of each region of the United States in accordance with the provisions of this subsection. The amount of assistance allocated to each laboratory by the Assistant Secretary shall reflect the number of local educational agencies and the number of school-age children within the region served by such laboratory, as well as the cost of providing services within the geographic area encompassed by the region.

(2) Regions

The regions served by the regional educational laboratories shall be the 10 geographic regions in existence on the day preceding March 31, 1994, except that in fiscal year 1996, the Assistant Secretary may support not more than 2 additional regional educational laboratories serving regions not in existence on the day preceding March 31, 1994, provided that—

(A) the amount appropriated for the regional educational laboratories in fiscal year 1996 exceeds the amount appropriated for the regional educational laboratories in fiscal year 1995 by not less than \$2,000,000;

(B) each such additional regional laboratory shall be supported by not less than \$2,000,000 annually;

(C) the creation of any such additional laboratory region is announced at the time of the announcement of the competition for contracts for all regional educational laboratories;

(D) the creation of a regional educational laboratory that involves the combination or subdivision of a region or regions in existence on the day preceding March 31, 1994, in which States in 1 such region are combined with States in another such region does not result in any region in existence on such date permanently becoming part of a larger region, nor result in any such region permanently subsuming another region, nor creates within the continental United States a region that is smaller than 4 contiguous States, nor partitions a region in existence on the day preceding March 31, 1994, to include less than 4 contiguous States included in the region on the day preceding March 31, 1994;

(E) the Assistant Secretary has published a notice in the Federal Register inviting the public, for a period of not less than 60 days, to make recommendations with respect to the creation of 1 or 2 additional regional educational laboratories;

(F) the Assistant Secretary has solicited and received letters of support for the creation of any new region from the Chief State School Officers and State boards of education in each of the contiguous States that would be included in such new region.

(3) Duties

Each regional educational laboratory receiving assistance under this section shall promote the implementation of broad-based systemic school improvement strategies and shall have as such laboratory's central mission and primary function to—

(A) develop and disseminate educational research products and processes to schools, teachers, local educational agencies, State educational agencies, librarians, and schools funded by the Bureau, as appropriate, and through such development and dissemination, and provide technical assistance, to help all students meet standards;

(B) develop a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(C) provide technical assistance to State and local educational agencies, school boards, schools funded by the Bureau, as appropriate, State boards of education, schools, and librarians;

(D) facilitate school restructuring at the individual school level, including technical assistance for adapting model demonstration grant programs to each school;

(E) serve the educational development needs of the region by providing education research in usable forms in order to promote school improvement and academic achievement and to correct educational deficiencies;

(F) facilitate communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the National Education Goals;

(G) provide training in—

(i) the field of education research and related areas;

(ii) the use of new educational methods; and

(iii) the use of information-finding methods, practices, techniques, and products developed in connection with such training for which the regional educational laboratory may support internships and fellowships and provide stipends;

(H) use applied educational research to assist in solving site-specific problems and to assist in development activities;

(I) conduct applied research projects designed to serve the particular needs of the region only in the event that such quality applied research does not exist as determined by the regional education laboratory or the Department of Education;

(J) collaborate and coordinate services with other technical assistance providers funded by the Department of Education;

(K) provide support and technical assistance in—

(i) replicating and adapting exemplary and promising practices;

(ii) the development of high-quality, challenging curriculum frameworks;

(iii) the development of valid, reliable assessments which are linked to State, local, or Bureau-funded content and student performance standards and reflect recent advances in the field of educational assessment;

(iv) the improvement of professional development strategies to assure that all teachers are prepared to teach a challenging curriculum;

(v) expanding and improving the use of technology in education to improve teaching and learning;

(vi) the development of alternatives for restructuring school finance systems to promote greater equity in the distribution of resources; and

(vii) the development of alternative administrative structures which are more conducive to planning, implementing, and sustaining school reform and improved educational outcomes; and

(L) bring teams of experts together to develop and implement school improvement plans and strategies.

(4) Networking

In order to improve the efficiency and effectiveness of the regional laboratories, the governing boards of the regional laboratories shall establish and maintain a network to—

(A) share information about the activities each laboratory is carrying out;

(B) plan joint activities that would meet the needs of multiple regions;

(C) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and

(D) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.

(5) Additional duties

Each regional education laboratory receiving assistance under this subsection shall carry out the following activities:

(A) Collaborate with the Institutes established under section 6031 of this title in order to—

(i) maximize the use of research conducted through the Institutes in the work of such laboratory;

(ii) keep the Institutes apprised of the work of the regional educational laboratory in the field; and

(iii) inform the Institutes about additional research needs identified in the field.

(B) Consult with the State educational agencies and library agencies in the region in developing the plan for serving the region.

(C) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

(D) Report and disseminate information on overcoming the obstacles faced by rural educators and rural schools.

(E) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory's functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional laboratories so that such programs may be considered for inclusion in the national education dissemination system.

(6) Certain requirements

In carrying out its responsibilities, each regional educational laboratory shall—

(A) establish a governing board that—

(i) reflects a balanced representation of the States in the region, as well as the interests and concerns of regional constituencies, and that includes teachers and education researchers;

(ii) is the sole entity that—

(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award;

(II) determines the regional agenda of the laboratory;

(III) engages in an ongoing dialogue with the Assistant Secretary concerning the laboratory's goals, activities, and priorities; and

(IV) determines at the start of the contract period, subject to the requirements of this section and in consultation with the Assistant Secretary, the mission of the regional educational laboratory for the duration of the contract period;

(iii) ensures that the regional educational laboratory attains and maintains a high level of quality in the laboratory's work and products;

(iv) establishes standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(v) directs the regional educational laboratory to carry out the laboratory's duties in a manner as will make progress toward achieving the National Education Goals and reforming schools and educational systems; and

(vi) conducts a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers.

(B) Comply with the standards developed by the Assistant Secretary and approved by the Board under section 6011 of this title.

(C) Coordinate its activities, collaborate, and regularly exchange information with the Institutes established under section 6041² of this title, the National Diffusion Network, and its Developer-Demonstrator and State Facilitator projects, learning grant institutions and district education agents assisted

under subsection (i) of this section, the Educational Resources Information Center Clearinghouses, and other entities engaged in technical assistance and dissemination activities which are supported by other offices of the Department of Education.

(D) Allocate the regional educational laboratory's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the laboratory.

(7) Evaluations

The Assistant Secretary shall provide for independent evaluations of each of the regional educational laboratories in carrying out the duties described in paragraph (1) in the third year that such laboratory receives assistance under this subsection in accordance with the standards developed by the Assistant Secretary and approved by the Board and shall transmit the results of such evaluations to the relevant committees of the Congress, the Board, and the appropriate regional educational laboratory board.

(8) Invitation regarding competition for awards of assistance

Prior to awarding a grant or entering into a contract under this section, the Secretary shall invite applicants, including the regional educational laboratories in existence on the day preceding March 31, 1994, to compete for such award through notice in the Federal Register and in the publication of the Department of Commerce known as the Commerce Business Daily.

(9) Application for assistance

Each application for assistance under this subsection shall—

(A) cover not less than a 5-year period;

(B) describe how the applicant would carry out the activities required by this subsection; and

(C) contain such additional information as the Secretary may reasonably require.

(10) Rule of construction

No regional educational laboratory receiving assistance under this subsection shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(11) Advance payment system

Each regional educational laboratory shall participate in the advance payment system at the Department of Education.

(12) Additional projects

In addition to activities described in paragraph (3), the Assistant Secretary, from amounts appropriated pursuant to this sub-

²So in original. Probably should be section "6031".

section, is authorized to enter into agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve the National Education Goals and for other purposes.

(13) Plan

Not later than July 1 of each year, each regional educational laboratory shall submit to the Assistant Secretary a plan covering the succeeding fiscal year, in which such laboratory's mission, activities, and scope of work are described, including a general description of—

- (A) the plans such laboratory expects to submit in the remaining years of such laboratory's contract; and
- (B) an assessment of how well such laboratory is meeting the needs of the region.

(14) Construction

Nothing in this subsection shall be construed to require any modifications in the regional educational laboratory contracts in effect on the day preceding March 31, 1994.

(i) Goals 2000 Community Partnerships Program

(1) Purpose

The purpose of the Goals 2000 Community Partnerships program is to improve the quality of learning and teaching in the most impoverished urban and rural communities of the United States by supporting sustained collaborations between universities, schools, businesses, and communities which apply and utilize the results of educational research and development.

(2) Grants for Goals 2000 Community Partnerships

The Assistant Secretary is authorized to make grants to eligible entities to support the establishment of Learning Grant Institutions and District Education Agents and the activities authorized under this subsection within eligible communities.

(3) "Eligible entity" and "eligible community" defined

For the purposes of this subsection:

- (A) The term "eligible entity" includes any institution of higher education, regional educational laboratory, National Diffusion Network project, national research and development center, public or private non-profit corporation, or any consortium thereof, that—
 - (i) has demonstrated experience, expertise and commitment in serving the educational needs of at-risk students; and
 - (ii) is, by virtue of its previous activities, knowledgeable about the unique needs and characteristics of the community to be served.

(B) The term "eligible community" means a unit of general purpose local government (such as a city, township, or village), a non-metropolitan county, tribal village, or a geographically distinct area (such as a school district, school attendance area, ward, precinct or neighborhood), or any group of such entities that—

(i) has a population of not less than 200,000 and not more than 300,000; and

(ii) in which not less than one-half of the school-age children have family incomes which are below the poverty line, as determined by the 1990 United States Census, participation in the National School Lunch program, or other current, reliable data concerning family income.

(4) Goals 2000 community partnerships

Each learning grant institution receiving assistance under this subsection shall establish a Goals 2000 community partnership to carry out the activities authorized under this subsection. Such partnership—

(A) shall include the participation of one or more local educational agencies, institutions of higher education, community-based organizations, parents, teachers, and the business community;

(B) may include the participation of human, social service and health care agencies, Head Start and child care agencies, libraries, museums, employment and training agencies, and the State educational agency or tribal department of education; and

(C) shall be broadly representative of all segments of the community in which the activities will be carried out.

(5) Comprehensive Goals 2000 plan

Each Goals 2000 Community Partnership shall develop a comprehensive plan for assuring educational success and high achievement for all students in the community. Each such plan shall—

(A) adopt the National Education Goals;

(B) identify additional needs and goals for educational improvement within the community;

(C) focus on helping all students reach challenging content and student performance standards;

(D) be consistent with the State and local improvement plans for system-wide education improvement developed pursuant to subchapter III of this chapter;

(E) establish a comprehensive community-wide plan for achieving such goals; and

(F) develop a means for measuring the progress of the community in meeting such goals for improvement.

(6) Implementation of community-wide plan

Each Goals 2000 Community Partnership shall, utilizing the District Education Agent, provide assistance in implementing the community-wide plan for educational improvement by—

(A) supporting innovation, restructuring, and continuous improvement in educational practice by—

(i) disseminating information throughout the community about exemplary and promising educational programs, practices, products, and policies;

(ii) evaluating the effectiveness of federally funded educational programs within the community and identifying changes in such programs which are likely to improve student achievement;

(iii) identifying, selecting and replicating exemplary and promising educational programs, practices, products, and policies in both in- and out-of-school settings;

(iv) applying educational research to solve specific problems in the classroom, home and community which impede learning and student achievement; and

(v) supporting research and development by teachers, school administrators, and other practitioners which promise to improve teaching and learning and the organization of schools;

(B) improving the capacity of educators, school administrators, child care providers and other practitioners to prepare all students to reach challenging standards and to attain the goals set out in the comprehensive community-wide plan through such means as—

(i) the training of prospective and novice teachers (including preschool and early childhood educators) in a school setting under the guidance of master teachers and teacher educators;

(ii) training and other activities to promote the continued learning and professional development of experienced teachers, related services personnel, school administrators to assure that such teachers develop the subject matter and pedagogical expertise needed to prepare all students to reach challenging standards;

(iii) training and other activities to increase the ability of prospective, novice, and experienced teachers to teach effectively at-risk students, students with disabilities, students with limited-English proficiency, and students from diverse cultural backgrounds; and

(iv) programs to enhance teaching and classroom management skills, including school-based management skills, of novice, prospective, and experienced teachers;

(C) promoting the development of an integrated system of service delivery to children from birth through age 18 and their families by facilitating linkages and cooperation among—

(i) local educational agencies;

(ii) health and social services agencies and providers;

(iii) juvenile justice and criminal justice agencies;

(iv) providers of employment training; and

(v) child care, Head Start, and other early childhood agencies; and

(D) mobilizing the resources of the community in support of student learning and high achievement by facilitating effective partnerships and collaboration among—

(i) local educational agencies;

(ii) postsecondary educational institutions;

(iii) public libraries;

(iv) parents;

(v) community-based organizations, neighborhood associations, and other civic and community organizations;

(vi) child care, Head Start, and other early childhood agencies;

(vii) churches, synagogues and other religious institutions;

(viii) labor organizations; and

(ix) business and industry.

(7) Additional requirements

In carrying out its responsibilities under this subsection, each partnership receiving assistance under this subsection shall—

(A) appoint a District Education Agent who shall be responsible, on a full-time basis, for directing the implementation of the community-wide plan, who shall have significant experience and expertise in the field of education in—

(i) addressing the needs of at-risk students; and

(ii) conducting educational research and promoting the application of the results of such research to educational practice;

(B) provide for such other professional and support personnel as may be necessary to implement the community-wide plan under the direction of the District Education Agent; and

(C) coordinate the partnership's activities and work cooperatively with the National Diffusion Network State facilitators, regional educational laboratories, and other components of the Office to utilize most effectively Federal research, development, and dissemination resources in implementing the community-wide plan.

(8) Application for grants

Any eligible entity desiring a grant under this subsection shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require. Each such application shall—

(A) include a comprehensive plan for meeting the objectives and requirements of this subsection; and

(B) provide evidence of support for the application from local elected officials, the State educational agency, the local educational agency, parents, local community leaders, businesses, and other appropriate organizations.

(9) Priority in making grants; duration and amount of grant

Each grant made under this subsection shall be—

(A) awarded on a competitive basis, with first priority given to those applications from communities with the greatest percentage of school-age children in families with poverty-level incomes;

(B) made for a 5-year period, with funding for the second and each succeeding year in such period conditioned upon a determination by the Assistant Secretary that the grant recipient has complied with the conditions of the grants during the previous year; and

(C) an amount equal to not less than \$1,000,000 per year.

(10) Limitation of one grant per congressional district

Not more than one grant under this subsection shall be awarded within a single congressional district.

(11) Technical assistance; evaluations

In administering the program authorized under this subsection, the Assistant Secretary shall, either directly or through grant or contract with an eligible nonprofit agency—

(A) upon request, provide technical assistance to eligible entities to assist in the development of a comprehensive community-wide plan to meet the requirements of this subsection and in the preparation of applications for assistance;

(B) regularly provide technical assistance to learning grant institutions receiving assistance under this subsection to assist with the development and implementation of the comprehensive community-wide plan for educational improvement;

(C) provide for an independent evaluation of the activities assisted under this subsection, including—

(i) the impact of the Goals 2000 Community Partnerships program on children and families within each community, including effects on the extent of educational achievement, rates of school retention and completion, and enrollment in postsecondary educational programs; and

(ii) whether an intensified effort to apply and utilize educational research within a limited geographic area significantly improves student learning and achievement; and

(D) plan for the expansion of the Goals 2000 Community Partnerships program throughout the remainder of the United States beginning in fiscal year 1999.

(j) Teacher research dissemination demonstration program**(1) Findings**

The Congress finds that—

(A) education research, including research funded by the Office, is not having the impact on the schools of the United States that such research should;

(B) relevant education research and resulting solutions are not being adequately disseminated to and used by the teachers that need such research and solutions;

(C) there are insufficient linkages between the research and development centers assisted under this section, the regional educational laboratories described in subsection (h) of this section, the National Diffusion Network State facilitators, the Educational Resources Information Center Clearinghouses, the comprehensive technical assistance centers assisted under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.], and the public schools to ensure that research on effective practice is disseminated and technical assistance provided to all teachers;

(D) the average teacher has little time to plan or engage in a professional dialogue

with peers about strategies for improved learning;

(E) teachers do not have direct access to information systems or networks;

(F) teachers have little control over what inservice education teachers will be offered; and

(G) individual teachers are not encouraged to move beyond the walls of their school buildings to identify and use outside resources.

(2) Establishment**(A) In general**

The Secretary is authorized to make grants to, and enter into contracts or cooperative agreements with, public and private agencies and organizations, including institutions of higher education, the regional education laboratories, and the research and development centers, or consortia thereof—

(i) to develop and carry out projects that demonstrate effective strategies for helping elementary and secondary education teachers, in both urban and rural areas, become knowledgeable about, assist in the design and use of, and use, education research, including education research carried out under this section; and

(ii) to develop, implement, and evaluate models for creation of teacher research dissemination networks.

(B) Priority

In awarding grants and entering into contracts and cooperative agreements under subparagraph (A) the Secretary shall give priority to entities that have received Federal funds for research and dissemination.

(3) Applications**(A) In general**

An entity desiring to receive assistance under this subsection shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

(B) Contents

Each such application shall describe how the project described in the application—

(i) was developed with the active participation of elementary and secondary school teachers;

(ii) will include the continuing participation of elementary and secondary school teachers in the management of the project;

(iii) is organized around one or more significant research topics;

(iv) will involve collaboration with entities that have received Federal funds for research and dissemination; and

(v) will sustain over time teacher research dissemination networks after Federal funding for such networks terminates.

(4) Use of funds

Funds provided under this subsection may be used—

(A) to train elementary and secondary education teachers (particularly new teach-

ers) about the sources of education research findings, including research findings available through activities supported by the Office, and how to access and use such findings to improve the quality of instruction;

(B) to develop simple formats, both administrative and technological, that allow elementary and secondary education teachers easy access to and use of education research findings;

(C) to share strategies and materials;

(D) to support professional networks;

(E) to survey teacher needs in the areas of research and development; and

(F) for other activities designed to support elementary and secondary education teachers in becoming knowledgeable about, assisting in the design of, and using, educational research.

(5) Stipends

The Secretary may provide for the payment of such stipends (including allowances for subsistence and other expenses for elementary and secondary teachers), as the Secretary determines to be appropriate, to teachers participating in the projects authorized under this subsection.

(6) Coordination

Recipients of funds under this subsection shall, to the greatest extent possible, coordinate their activities with related activities under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.].

(7) Report

The Secretary shall, within 5 years of March 31, 1994, submit to the Congress a report on the effectiveness of activities assisted under this subsection.

(Pub. L. 103-227, title IX, §941, Mar. 31, 1994, 108 Stat. 243.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (j)(1)(C), (6), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended generally by Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3519, which is classified generally to chapter 70 (§6301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6011, 6021, 6318, 6622, 6813, 8651 of this title.

PART E—NATIONAL LIBRARY OF EDUCATION

§ 6051. Establishment within Office of Educational Research and Improvement

(a) In general

There is established within the Department of Education a National Library of Education (hereafter in this section referred to as the “Library”), which shall be maintained by the Department of Education as a governmental activity.

(b) Functions of Library

The functions of the Library are—

(1) to provide a central location within the Federal Government for information about education;

(2) to provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

(3) to promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

(c) Mission

The mission of the Library shall be to—

(1) become a principal center for the collection, preservation, and effective utilization of the research and other information related to education and to the improvement of educational achievement;

(2) strive to ensure widespread access to the Library’s facilities and materials, coverage of all education issues and subjects, and quality control;

(3) have an expert library staff; and

(4) use modern information technology that holds the potential to link major libraries, schools, and educational centers across the United States into a network of national education resources.

(d) One-stop information and referral service

The Library shall establish and maintain a central information and referral service to respond to telephonic, mail and electronic and other inquiries from the public concerning—

(1) programs and activities of the Department of Education;

(2) publications produced by the Department of Education and, to the extent feasible, education related publications produced by the Departments of Labor, Health and Human Services, and other Federal departments and agencies;

(3) services and resources available to the public through the Office, including the Educational Resources Information Center Clearinghouses, the research institutes, and the national education dissemination system;

(4) statistics and other information produced by the National Center for Education Statistics; and

(5) referrals to additional sources of information and expertise about educational issues which may be available through educational associations and foundations, the private sector, colleges and universities, libraries and bibliographic databases.

The Library shall maintain and actively publicize a toll-free telephone number through which public inquiries to the Library may be made.

(e) Comprehensive reference services

(1) In general

The Library shall, to the extent feasible, provide for the delivery of a full range of reference services on subjects related to education to employees of the Department of Education and such Department’s contractors and grantees, other Federal employees, and members of the general public. Such services may include—

(A) specialized subject searches;

(B) search and retrieval of electronic databases;

(C) document delivery by mail and facsimile transmission;

(D) research counseling, bibliographic instruction, and other training services;

(E) interlibrary loan services; and

(F) selective dissemination of information services.

(2) Priority

The Library shall first give priority in the provision of reference services to requests made by employees of the Department of Education.

(f) Cooperation and resource sharing

The Library shall promote greater cooperation and resource sharing among libraries and archives with significant collections in the area of education through means such as—

(1) the establishment of information and resource sharing networks among such entities;

(2) the development of a national union list of education journals held by education libraries throughout the United States;

(3) the development of directories and indexes to textbook and other specialized collections held by education libraries throughout the United States; and

(4) cooperative efforts to preserve, maintain and promote access to items of special historical value or interest.

(g) Administration

The Library shall be administered by an Executive Director who shall—

(1) be appointed by the Assistant Secretary from among persons with significant training or experience in library and information science; and

(2) be paid at not less than the minimum rate of basic pay payable for GS-15 of the General Schedule.

(h) Task Force

(1) In general

The Assistant Secretary shall appoint a task force of librarians, scholars, teachers, parents, and school leaders (hereafter in this paragraph referred to as the “Task Force”) to provide advice on the establishment of the Library.

(2) Preparation of plan

The Task Force shall prepare a workable plan to establish the Library and to implement the requirements of this section.

(3) Certain authorities

The Task Force may identify other activities and functions for the Library to carry out, except that such functions shall not be carried out until the Library is established and has implemented the requirements of this section.

(4) Report

The Task Force shall prepare and submit to the Assistant Secretary not later than 6 months after the first meeting of the Task Force a report on the activities of the Library.

(i) Transfer of functions

There are hereby transferred to the Library all functions of—

(1) the Department of Education Research Library;

(2) the Department of Education Reference Section; and

(3) the Department of Education Information Branch.

(j) Collection development policy

Not later than 180 days after March 31, 1994, the Assistant Secretary shall promulgate a comprehensive collection development policy to govern the Library’s operations, acquisitions, and services to users. Such collection development policy shall—

(1) be consistent with the functions of the Library described in subsection (b) of this section;

(2) emphasize the acquisition and maintenance of a comprehensive collection of reference materials; and

(3) avoid unnecessary duplication by putting a priority on meeting the information needs of the Library’s users through cooperation and resource-sharing with other entities with significant collections in the field of education.

(k) Arrearage and preservation

On the basis of the collection development policy promulgated under subsection (j) of this section, the Executive Director shall develop a multiyear plan which shall set forth goals and priorities for actions needed to—

(1) eliminate within 3 years the arrearage of uncataloged books and other materials in the Library’s collections; and

(2) respond effectively and systematically to the preservation needs of the Library’s collections, relying, whenever possible, upon cooperative efforts with other institutions to preserve and maintain the usability of books and materials in the Library’s collections.

(Pub. L. 103-227, title IX, §951, Mar. 31, 1994, 108 Stat. 260.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (g)(2), is set out under section 5332 of Title 5, Government Organization and Employees.

SUBCHAPTER X—MISCELLANEOUS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5802 of this title.

PART A—MISCELLANEOUS PROVISIONS

§ 6061. School prayer

No funds authorized to be appropriated under this chapter may be used by any State or local educational agency to adopt policies that prevent voluntary prayer and meditation in public schools.

(Pub. L. 103-227, title X, §1011, Mar. 31, 1994, 108 Stat. 265.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original this “Act”, meaning Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

§ 6062. Funding for Individuals with Disabilities Education Act

(a) Findings

The Congress finds that—

(1) the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.] was established with the commitment of forty percent Federal funding but currently receives only eight percent Federal funding;

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

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

(b) Sense of Congress

It is the sense of the Congress that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.] as soon as reasonably possible, through the reallocation of noneducation funds within the current budget monetary constraints.

(Pub. L. 103-227, title X, § 1012, Mar. 31, 1994, 108 Stat. 265.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in text, is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

§ 6063. Study of Goals 2000 and students with disabilities

(a) Study required

(1) In general

Not later than 180 days after March 31, 1994, the Secretary shall make appropriate arrangements with the National Academy of Sciences or the National Academy of Education to conduct a comprehensive study of the inclusion of children with disabilities in school reform activities assisted under the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.].

(2) “Children with disabilities” defined

For purposes of this section, the term “children with disabilities” has the same meaning given such term in section 1401¹ of this title.

(b) Study components

The study conducted under subsection (a) of this section shall include—

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

(2) a review of the adequacy of assessments and measures used to gauge progress towards meeting National Education Goals and any national and State standards, and an examina-

tion of other methods or accommodations necessary or desirable to collect data on the educational progress of children with disabilities, and the costs of such methods and accommodations;

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

(4) the relation of the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.] to other Federal laws governing or affecting the education of children with disabilities; and

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

(c) Study panel membership

Any panel constituted in furtherance of the study to be conducted under subsection (a) of this section shall include consumer representatives.

(d) Findings and recommendations

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

(e) Funding

From funds appropriated to the Secretary for research related to individuals with disabilities the Secretary shall make available \$600,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out this section. Amounts made available under this subsection shall remain available until expended.

(Pub. L. 103-227, title X, § 1015, Mar. 31, 1994, 108 Stat. 266.)

REFERENCES IN TEXT

The Goals 2000: Educate America Act, referred to in subsecs. (a)(1) and (b)(4), is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to this chapter (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

Section 1401 of this title, referred to in subsec. (a)(2), was in the original a reference to section 602 of the Individuals with Disabilities Education Act, Pub. L. 91-230, title VI. Section 602 of Pub. L. 91-230 was omitted in the general amendment of subchapter I of chapter 33 of this title by Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 37. Pub. L. 105-17 enacted a new section 602 of Pub. L. 91-230, which is classified to section 1401 of this title, and which contains provisions defining “child with a disability”.

§ 6064. Contraceptive devices

The Department of Health and Human Services and the Department of Education shall ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage, to the extent practical, family participation in such programs.

(Pub. L. 103-227, title X, § 1018, Mar. 31, 1994, 108 Stat. 268.)

¹ See References in Text note below.

§ 6065. Assessments**(a) Subchapter II**

No funds provided under subchapter II of this chapter shall be used to develop or undertake assessments that will be used to make decisions regarding the graduation, grade promotion, or retention of students for 5 years after March 31, 1994.

(b) Subchapter III

Assessments developed with funds under subchapter III of this chapter may be used for decisions regarding graduation, grade promotion, or retention of students only on the condition that students have been prepared in the content for which the students are being assessed.

(Pub. L. 103-227, title X, §1019, Mar. 31, 1994, 108 Stat. 269.)

REFERENCES IN TEXT

Subchapter II of this chapter, referred to in subsec. (a), was in the original “title II of this Act”, meaning title II of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 133, which enacted subchapter II of this chapter and section 3425 of this title, amended section 5093 of this title and section 5315 of Title 5, Government Organization and Employees, and enacted provisions set out as a note under section 5093 of this title.

§ 6066. Public schools

Except as provided in section 5890 of this title, nothing in this chapter shall be construed to authorize the use of funds under subchapter III of this chapter to directly or indirectly benefit any school other than a public school.

(Pub. L. 103-227, title X, §1020, Mar. 31, 1994, 108 Stat. 269.)

§ 6067. Sense of Congress

It is the sense of the Congress that—

(1) no funds appropriated pursuant to this chapter should be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993¹ (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”);

(2) in the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this chapter, entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products;

(3) in providing financial assistance under this chapter, the head of each Federal agency should provide to each recipient of the assistance a notice describing the statement made in subsection (a)² by the Congress; and

(4) if it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning to any product sold in or shipped to the United States that is not made in the United States, such person should be ineligible to receive any contract or subcontract made with funds provided pursuant to this

chapter, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations, as such sections existed on March 31, 1994.

(Pub. L. 103-227, title X, §1022, Mar. 31, 1994, 108 Stat. 270.)

REFERENCES IN TEXT

The Buy American Act, referred to in par. (1), is title III of act Mar. 3, 1933, ch. 212, 47 Stat. 1520, as amended, which is classified generally to sections 10a, 10b, and 10c of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 10a of Title 41 and Tables.

PART B—ENVIRONMENTAL TOBACCO SMOKE

CODIFICATION

This part was, in the original, designated part C and has been redesignated part B for purposes of codification.

§ 6081. Short title

This part may be cited as the “Pro-Children Act of 1994”.

(Pub. L. 103-227, title X, §1041, Mar. 31, 1994, 108 Stat. 271.)

§ 6082. Definitions

As used in this part:

(1) Children

The term “children” means individuals who have not attained the age of 18.

(2) Children’s services

The term “children’s services” means the provision on a routine or regular basis of health, day care, education, or library services—

(A) that are funded, after March 31, 1994, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act [42 U.S.C. 1395 et seq., 1396 et seq.]); or

(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in 7 CFR 246.2) under section 17(b)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(6)), or

(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate Secretary in any enforcement action under this subchapter,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966 [42 U.S.C. 1771 et seq.].

(3) Person

The term “person” means any State or local subdivision thereof, agency of such State or

¹ So in original. Probably should be “1933”.

² So in original. No subsec. (a) has been enacted.

subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

(4) Indoor facility

The term "indoor facility" means a building that is enclosed.

(5) Secretary

The term "Secretary" means the Secretary of Health and Human Services.

(Pub. L. 103-227, title X, §1042, Mar. 31, 1994, 108 Stat. 271.)

REFERENCES IN TEXT

The Child Nutrition Act of 1966, referred to in par. (2), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, as amended, which is classified generally to chapter 13A (§1771 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of Title 42 and Tables.

The Social Security Act, referred to in par. (2)(A)(i), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XVIII and XIX of the Social Security Act are classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

This subchapter, referred to in par. (2)(B), was in the original "this title", meaning title X of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 265, which enacted this subchapter and section 3351 of this title, amended sections 1107, 1232h, 2421, 3381 to 3384, and 3386 of this title, sections 1632, 1633, and 1635 of Title 29, Labor, and section 11903a of Title 42, and enacted provisions set out as notes under section 2701 of this title and section 11901 of Title 42.

§ 6083. Nonsmoking policy for children's services

(a) Prohibition

After March 31, 1994, no person shall permit smoking within any indoor facility owned or leased or contracted for and utilized by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

(b) Additional prohibition

After March 31, 1994, no person shall permit smoking within any indoor facility (or portion thereof) owned or leased or contracted for by such person for the provision by such person of regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of the employees of such person who provides such services, except that this subsection shall not apply to—

- (1) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
- (2) any private residence.

(c) Federal agencies

(1) Kindergarten, elementary, or secondary education or library services

After March 31, 1994, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or

regular kindergarten, elementary, or secondary education or library services to children.

(2) Health or day care or early childhood development services

After March 31, 1994, no Federal agency shall permit smoking within any indoor facility (or portion thereof) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children, except that this paragraph shall not apply to—

- (A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
- (B) any private residence.

(3) Application of provisions

The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

(d) Notice

The prohibitions in subsections (a) through (c) of this section shall be incorporated by publication of a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after March 31, 1994, whichever occurs first.

(e) Special waiver

(1) In general

On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) of this section who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

- (A) took effect before March 31, 1994; and
- (B) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(2) Termination of waiver

A special waiver granted under this subsection shall terminate on the earlier of—

- (A) the first expiration date (after March 31, 1994) of the collective bargaining agreement containing the provisions relating to smoking privileges; or
- (B) the date that is 1 year after March 31, 1994.

(f) Civil penalties

(1) In general

Any failure to comply with a prohibition in this section shall be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the

Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violations occurred. For the purpose of the prohibition in subsection (c) of this section, the term “person” shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

(2) Administrative proceeding

A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued, by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5. Before making such assessment or issuing such order, or both, the Secretary shall give written notice thereof to such person by certified mail with return receipt and provide therein an opportunity to request in writing not later than 30 days after the date of receipt of such notice such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing which should be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary’s designee) and such person may consult to arrange a suitable date and location where appropriate.

(3) Circumstances affecting penalty or order

In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

- (A) the nature, circumstances, extent, and gravity of the violation;
- (B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and
- (C) such other matters as justice may require.

(4) Modification

The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or its agencies or instrumentalities owes to the person against whom the penalty is assessed.

(5) Petition for review

Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary

under this section may file a petition for judicial review thereof with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy thereof to the Secretary or the Secretary’s designee. The petition shall be filed within 30 days after the Secretary’s assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

(6) Failure to comply

If a person fails to pay an assessment of a civil penalty or comply with an order, after either or both are final under this section, or after a court under paragraph (5) has entered a final judgment in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at then currently prevailing rates from the day either or both are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

(Pub. L. 103-227, title X, § 1043, Mar. 31, 1994, 108 Stat. 272.)

§ 6084. Preemption

Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

(Pub. L. 103-227, title X, § 1044, Mar. 31, 1994, 108 Stat. 274.)

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