

107TH CONGRESS  
2D SESSION

# H. R. 5346

To provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2002

Mr. FATTAH (for himself, Ms. JACKSON-LEE of Texas, Mr. SANDERS, Ms. BROWN of Florida, Ms. KILPATRICK, Mr. GEORGE MILLER of California, Mr. CONYERS, Ms. MCKINNEY, Mr. OWENS, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. PAYNE, Mr. BORSKI, Ms. MILLENDER-MCDONALD, Ms. DELAURO, Mrs. CLAYTON, Mr. HALL of Ohio, Mr. RUSH, Mr. CUMMINGS, Mr. ANDREWS, Ms. LEE, Mr. BRADY of Pennsylvania, Mr. MURTHA, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. HOEFFEL, Ms. PELOSI, Mr. FROST, Ms. WOOLSEY, Mr. FILNER, Mr. GEPHARDT, Mr. LARSON of Connecticut, Mr. BALDACCI, Mr. PASCARELL, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BACA, Mr. DOYLE, Mr. FORD, Mr. RANGEL, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## A BILL

To provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Student Bill of  
5 Rights”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- 3 Sec. 1. Short title.
- 4 Sec. 2. Table of contents.
- 5 Sec. 3. Findings and purposes.

TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC SCHOOL SYSTEMS

Subtitle A—Access to Educational Opportunity

- 6 Sec. 111. Adequate and equitable State public school systems.
- 7 Sec. 112. State educational adequacy and equity requirements.
- 8 Sec. 113. State-established standards for access to educational opportunity.

Subtitle B—State Accountability

- 9 Sec. 121. Determination of educationally adequate and inequitable State public school systems.
- 10 Sec. 122. State accountability for improvement of educational opportunity.
- 11 Sec. 123. Consequences of nonremediation.

Subtitle C—Public Reporting and Remedy

- 12 Sec. 131. Annual report by Secretary on adequacy and equity in State public school systems.
- 13 Sec. 132. Civil action for enforcement.

TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON ECONOMIC GROWTH AND NATIONAL DEFENSE

- 14 Sec. 201. Effects on economic growth and productivity.
- 15 Sec. 202. Effects on national defense.

TITLE III—GENERAL PROVISIONS

- 16 Sec. 301. Definitions.
- 17 Sec. 302. Notice and opportunity for hearing.
- 18 Sec. 303. Rulemaking.
- 19 Sec. 304. Rule of construction.

3 **SEC. 3. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—The Congress finds the following:

- 5 (1) A high-quality, highly competitive education
- 6 for all students is imperative for the economic
- 7 growth and productivity of the United States, for its
- 8 effective national defense, and for achievement of
- 9 the historical aspiration to be one Nation of equal

1 citizens. It is therefore necessary and proper to over-  
2 come the nationwide phenomenon of educationally  
3 inadequate or inequitable State public school sys-  
4 tems, in which high-quality public schools serve  
5 high-income communities and poor-quality schools  
6 serve low-income, urban, rural, and minority commu-  
7 nities.

8 (2) There exists in the States an ever-widening  
9 educational opportunity gap for low-income, urban,  
10 rural, and minority students characterized by the  
11 following:

12 (A) Highly differential educational expend-  
13 itures among public school districts within  
14 States.

15 (B) Continuing disparities within the  
16 States in students' access to the fundamentals  
17 of educational opportunity described in section  
18 112(a).

19 (C) Radically differential educational  
20 achievement among public school districts with-  
21 in the States, as measured by the following:

22 (i) Achievement in mathematics, read-  
23 ing or language arts, and science on State  
24 academic achievement tests and measures,

1 including the academic assessments de-  
2 scribed in section 113(b)(1).

3 (ii) Advanced placement courses of-  
4 fered and taken.

5 (iii) Scholastic Aptitude Test (SAT)  
6 and ACT Assessment scores.

7 (iv) Dropout rates and graduation  
8 rates.

9 (v) College-going and college-comple-  
10 tion rates.

11 (vi) Job placement and retention rates  
12 and indices of job quality.

13 (3) As a consequence of this educational oppor-  
14 tunity gap, the quality of a child's education depends  
15 largely upon where the child's family lives, and the  
16 detriments of lower quality public education are im-  
17 posed particularly on—

18 (A) children from low-income families;

19 (B) children living in urban and rural  
20 areas; and

21 (C) minority children.

22 (4) Since 1785, the Congress of the United  
23 States, exercising the power to admit new States  
24 under article IV, section 3 of the Constitution (and  
25 previously, the Congress of the Confederation of

1 States under the Articles of Confederation), has im-  
2 posed upon every State, as a fundamental condition  
3 of the State’s admission, the following requirements:

4 (A) One, and sometimes two, square-mile  
5 lots in every township were to be “granted and  
6 . . . reserved for the maintenance and use of  
7 public schools”.

8 (B) “[S]chools and the means of education  
9 [are to] be forever encouraged”.

10 (C) “State conventions [were to] provide,  
11 by ordinances irrevocable without the consent of  
12 the United States and the people of said States  
13 . . . that provision . . . be made for the estab-  
14 lishment and maintenance of systems of public  
15 schools which shall be open to all children of  
16 said States”.

17 (See Ordinances of May 20, 1785, and July 13,  
18 1787; Act of March 3, 1845, 28th Cong. 2d Sess.,  
19 5 Stat. 789, Chap. 76 (admitting Iowa and Florida);  
20 Act of February 22, 1889, 50th Cong., 2d Sess.,  
21 Chap. 180 (admitting States created from the Da-  
22 kota Territories); and the Acts of Congress per-  
23 taining to the admission of each of the States.)

24 (5) Over the years since the landmark ruling in  
25 *Brown v. Board of Education*, when a unanimous

1 United States Supreme Court held that “the oppor-  
2 tunity of an education . . . , where the state has  
3 undertaken to provide it, is a right which must be  
4 made available to all on equal terms”, courts in 44  
5 of the States have heard challenges to the establish-  
6 ment, maintenance, and operation of educationally  
7 inadequate or inequitable State public school sys-  
8 tems. (347 U.S. 483, 493 (1954).)

9 (6) In 1970, the Presidential Commission on  
10 School Finance found that significant disparities in  
11 the distribution of educational resources existed  
12 among public school districts within States because  
13 the States relied too significantly on local district fi-  
14 nancing for educational revenues, and that reforms  
15 in systems of school financing would increase the  
16 Nation’s ability to serve the educational needs of all  
17 children.

18 (7) In 1999, the National Research Council of  
19 the National Academy of Sciences published a report  
20 entitled “Making Money Matter, Financing Amer-  
21 ica’s Schools”, which found that the concept of fund-  
22 ing adequacy, which moves beyond the more tradi-  
23 tional concepts of finance equity to focus attention  
24 on the sufficiency of funding for desired educational

1 outcomes, is an important step in developing a fair  
2 and productive educational system.

3 (8) In 2001, the Executive order establishing  
4 the President’s Commission on Educational Re-  
5 source Equity declared, “A quality education is es-  
6 sential to the success of every child in the 21st cen-  
7 tury and to the continued strength and prosperity of  
8 our Nation. . . . [L]ong-standing gaps in access to  
9 educational resources exist, including disparities  
10 based on race and ethnicity.” (Executive Order  
11 13190, § 1 (January 15, 2001); 66 Fed. Reg. 5424.)

12 (9) According to the Secretary of Education, as  
13 stated in a letter (with enclosures) dated January  
14 19, 2002, from the Secretary to States—

15 (A) racial and ethnic minorities continue to  
16 suffer from lack of access to educational re-  
17 sources, including “experienced and qualified  
18 teachers, adequate facilities, and instructional  
19 programs and support, including technology, as  
20 well as . . . the funding necessary to secure  
21 these resources”; and

22 (H) these inadequacies are “particularly  
23 acute in high-poverty schools, including urban  
24 schools, where many students of color are iso-  
25 lated and where the effect of the resource gaps

1           may be cumulative. In other words, students  
2           who need the most may often receive the least,  
3           and these students often are students of color”.

4           (10) The Elementary and Secondary Education  
5           Act of 1965 (20 U.S.C. 6301 et seq.), as amended  
6           by the No Child Left Behind Act of 2001 (Public  
7           Law 107–110), provides that—

8                   (A) States must establish standards and  
9                   assessments in mathematics, reading or lan-  
10                  guage arts, and science;

11                  (B) elementary schools and secondary  
12                  schools must ensure that all students are pro-  
13                  ficient in such subjects within 12 years after  
14                  the end of the 2001–2002 school year; and

15                  (C) elementary schools and secondary  
16                  schools will be held accountable for the stu-  
17                  dents’ progress.

18           (11) The standards and accountability move-  
19           ment will succeed only if, in addition to standards  
20           and accountability, all schools have access to the  
21           educational resources necessary to enable students to  
22           achieve.

23           (12) Raising standards without ensuring ade-  
24           quate and equitable access to educational resources



1        may, in fact, exacerbate achievement gaps and set  
2        children up for failure.

3            (13) According to the World Economic Forum’s  
4        Global Competitiveness Report 2001–2002, the  
5        United States ranks last among developed countries  
6        in the difference in the quality of schools available  
7        to rich and poor children.

8            (14) Each State Government has ultimate au-  
9        thority in determining every important aspect and  
10       priority of the public school system that provides ele-  
11       mentary and secondary education to children in the  
12       State, including whether children throughout the  
13       State have high access to the fundamentals of edu-  
14       cational opportunity described in section 112(a).

15           (15) Since 1965, the Congress, in exercising its  
16        spending authority, has provided substantial Federal  
17        financial assistance to the States for the improve-  
18        ment of their public school systems. In their expend-  
19        iture and oversight of this assistance, the States  
20        have failed systematically to achieve the purpose of  
21        the Congress in providing the assistance, namely the  
22        effective education of all the children of the United  
23        States.

24           (16) Because a well-educated populace is crit-  
25        ical to the Nation’s political and economic well-being

1 and national security, the Federal Government has  
2 a substantial interest in ensuring that States provide  
3 a high-quality education by ensuring that all chil-  
4 dren have access to the fundamentals of educational  
5 opportunity described in section 112(a) to enable the  
6 children to succeed academically and in life.

7 (b) PURPOSES.—The purposes of this Act are the fol-  
8 lowing:

9 (1) To further the goals of the No Child Left  
10 Behind Act of 2001 (Public Law 107–110) and the  
11 Elementary and Secondary Education Act of 1965  
12 (20 U.S.C. 6301 et seq.) by holding States account-  
13 able for providing all students access to the fun-  
14 damentals of educational opportunity described in  
15 section 112(a).

16 (2) To ensure that all students in public ele-  
17 mentary schools and secondary schools receive edu-  
18 cational opportunities that enable the students—

19 (A) to acquire the knowledge and skills  
20 necessary for responsible citizenship, including  
21 the ability to participate fully in the political  
22 process through informed electoral choice;

23 (B) to meet challenging State student aca-  
24 demic achievement standards; and

1 (C) to be able to compete and succeed in  
2 a global economy.

3 (3) To end the pervasive pattern of education-  
4 ally inadequate or inequitable State public school  
5 systems.

6 **TITLE I—EDUCATIONAL OPPOR-**  
7 **TUNITY IN STATE PUBLIC**  
8 **SCHOOL SYSTEMS**

9 **Subtitle A—Access to Educational**  
10 **Opportunity**

11 **SEC. 111. ADEQUATE AND EQUITABLE STATE PUBLIC**  
12 **SCHOOL SYSTEMS.**

13 Each State receiving Federal financial assistance for  
14 elementary or secondary education shall maintain a public  
15 school system that meets the requirements of section 112  
16 and provides all students in the State with—

17 (1) the educational resources needed to succeed  
18 academically and in life; and

19 (2) an education that enables the students—

20 (A) to acquire the knowledge and skills  
21 necessary for responsible citizenship;

22 (B) to participate fully in the political  
23 process through informed electoral choice; and

24 (C) to be able to compete and succeed in  
25 a global economy.

1 **SEC. 112. STATE EDUCATIONAL ADEQUACY AND EQUITY**  
2 **REQUIREMENTS.**

3 (a) **FUNDAMENTALS OF EDUCATIONAL OPPOR-**  
4 **TUNITY.**—A State shall provide for all public schools in  
5 the State access, at levels defined by the State under sec-  
6 tion 113 as ideal or adequate, to each of the following fun-  
7 damentals of educational opportunity:

8 (1) **HIGH-QUALITY CLASSROOM TEACHERS AND**  
9 **SCHOOL ADMINISTRATORS.**—High-quality classroom  
10 instruction and school-level administrators, as meas-  
11 ured by the following:

12 (A) The proportion of teachers in core aca-  
13 demic subjects who are highly qualified (as that  
14 term is defined in section 9101 of the Elemen-  
15 tary and Secondary Education Act of 1965 (20  
16 U.S.C. 7801)).

17 (B) Leadership, management, and guid-  
18 ance from school principals (and other school-  
19 level administrators) certified under an applica-  
20 ble State or national program.

21 (2) **RIGOROUS ACADEMIC STANDARDS, CUR-**  
22 **RICULA, AND METHODS OF INSTRUCTION.**—Rigorous  
23 academic standards, curricula, and methods of in-  
24 struction, as measured by the extent to which each  
25 public school district succeeds in providing high-  
26 quality academic standards, curricula, and methods

1 of instruction to students in each public elementary  
2 school and secondary school within the district.

3 (3) SMALL CLASS SIZES.—Small class sizes, as  
4 measured by the following:

5 (A) The average class size and the range  
6 of class sizes.

7 (B) The proportion of classes with 17 or  
8 fewer students.

9 (4) QUALITY FACILITIES, TEXTBOOKS, AND IN-  
10 STRUCTIONAL MATERIALS AND SUPPLIES.—Quality  
11 school facilities, textbooks, and instructional mate-  
12 rials and supplies, as measured by the following:

13 (A)(i) The physical condition of school  
14 buildings and major school building features.

15 (ii) Environmental conditions in school  
16 buildings.

17 (iii) The quality of instructional space.

18 (B) The proportion of students who begin  
19 the school year with school-issued textbooks.

20 (C) The average age of textbooks and in-  
21 structional materials and supplies used in core  
22 academic subjects.

23 (5) UP-TO-DATE LIBRARY RESOURCES.—High-  
24 quality, up-to-date, and state-of-the-art library re-  
25 sources, as measured by the following:

1 (A) The size and qualifications of library  
2 staff, including whether the library is staffed by  
3 a full-time librarian certified under an applica-  
4 ble State or national program.

5 (B) The size (relative to the number of  
6 students) and quality of the library's collection  
7 of books and periodicals.

8 (C) Hours of library operation.

9 (6) UP-TO-DATE COMPUTER TECHNOLOGY.—  
10 Computer technology, as measured by the following:

11 (A) The ratio of computers to students.

12 (B) The quality of computers and software  
13 available to students at school, including the  
14 type, processing speed, age, or version of such  
15 computers or software.

16 (C) The availability of Internet access.

17 (D) The quality of system maintenance  
18 and technical assistance for the computers.

19 (E) The number of computer laboratory  
20 courses taught by qualified computer instruc-  
21 tors.

22 (7) QUALITY GUIDANCE COUNSELING.—Quali-  
23 fied guidance counselors, as measured by the ratio  
24 of students to guidance counselors who have ob-

1       tained certification under an applicable State or na-  
2       tional program.

3       (b) COMPARABLE EDUCATIONAL SERVICES.—A  
4 State shall provide educational services in public school  
5 districts that receive funds under part A of title I of the  
6 Elementary and Secondary Education Act of 1965 (20  
7 U.S.C. 6311 et seq.) that are, taken as a whole, at least  
8 comparable to educational services provided in public  
9 school districts not receiving such funds.

10       (c) COMPLIANCE WITH COURT ORDERS.—A State  
11 shall comply with any substantive Federal or State court  
12 order in any matter concerning the adequacy or equity of  
13 the State’s public school system, to the extent required  
14 in the order.

15 **SEC. 113. STATE-ESTABLISHED STANDARDS FOR ACCESS**  
16 **TO EDUCATIONAL OPPORTUNITY.**

17       (a) ESTABLISHMENT.—In carrying out section  
18 112(a), a State educational agency, in consultation with  
19 local educational agencies, teachers, principals, pupil serv-  
20 ices personnel, administrators, other staff, and parents,  
21 shall develop standards to describe and measure the extent  
22 to which the State provides to the students in each public  
23 school and school district in the State each of the fun-  
24 damentals of educational opportunity described in section

1 112(a) in terms of ideal, adequate, and basic levels of such  
2 access.

3 (b) FACTORS FOR CONSIDERATION.—In defining the  
4 levels of access required under subsection (a), the State  
5 shall consider, in addition to the factors described in sec-  
6 tion 112(a)—

7 (1) the access available to students in schools in  
8 the highest achieving decile of public elementary  
9 schools and secondary schools in the State, as deter-  
10 mined on the basis of student performance on state-  
11 wide student academic assessments, including—

12 (A) student academic assessments in read-  
13 ing or language arts, mathematics, and science  
14 under section 1111(b)(3) of the Elementary  
15 and Secondary Education Act of 1965 (20  
16 U.S.C. 6311(b)(3));

17 (B) national student academic assessments  
18 of reading and mathematics under the National  
19 Assessment of Educational Progress carried out  
20 under section 411(b)(2) of the National Edu-  
21 cation Statistics Act of 1994 (20 U.S.C.  
22 9010(b)(2)); and

23 (C) State student academic assessments of  
24 reading and mathematics under the National  
25 Assessment of Educational Progress carried out



1 under section 411(b)(3) of the National Edu-  
2 cation Statistics Act of 1994 (20 U.S.C.  
3 9010(b)(3));

4 (2) the unique needs of low-income, urban and  
5 rural, and minority students; and

6 (3) other educationally appropriate factors.

7 (c) CHALLENGING STANDARDS.—The levels of access  
8 required under subsection (a) shall be aligned with the  
9 challenging State academic content and achievement  
10 standards, and the high-quality academic assessments, re-  
11 quired under the Elementary and Secondary Education  
12 Act of 1965 (20 U.S.C. 6301 et seq.).

13 (d) SUBMISSION TO SECRETARY.—A State edu-  
14 cational agency shall submit to the Secretary—

15 (1) a description of each of the levels of access  
16 required under subsection (a);

17 (2) a description of the level of access of each  
18 public school district, elementary school, and sec-  
19 ondary school in the State to each of the fundamen-  
20 tals of educational opportunity described in section  
21 112(a), including identification of any such schools  
22 that do not provide ideal or adequate levels of access  
23 (as defined under subsection (a));

1           (3) an estimate of the additional cost, if any, of  
 2           ensuring that the public school system meets the re-  
 3           quirements of section 112; and

4           (4) the information required under subpara-  
 5           graphs (B) and (C) of paragraph (1) and paragraph  
 6           (2)(B) of section 131.

7           (e) PUBLICATION AND DISSEMINATION TO PAR-  
 8           ENTS.—The State annually shall publish the information  
 9           submitted under subsection (d) and shall disseminate the  
 10          information to the public and the parents of children at-  
 11          tending (or who may attend) public schools in the State,  
 12          in an understandable and uniform format and, to the ex-  
 13          tent practicable, in a language that the parents can under-  
 14          stand, through such means as the Internet, the media, and  
 15          public agencies.

## 16          **Subtitle B—State Accountability**

### 17          **SEC. 121. DETERMINATION OF EDUCATIONALLY ADEQUATE** 18                               **AND INEQUITABLE STATE PUBLIC SCHOOL** 19                               **SYSTEMS.**

20          (a) ANNUAL DETERMINATION BY SECRETARY.—Be-  
 21          ginning not later than October 1 of the first full school  
 22          year after the date of enactment of this Act, the Secretary  
 23          shall annually determine whether each State meets each  
 24          of the requirements of section 112.

1 (b) PUBLICATION BY SECRETARY.—The Secretary  
2 shall publish and make available to the general public (in-  
3 cluding by means of the Internet) the determinations  
4 under subsection (a).

5 **SEC. 122. STATE ACCOUNTABILITY FOR IMPROVEMENT OF**  
6 **EDUCATIONAL OPPORTUNITY.**

7 (a) STATE REMEDIATION PLAN.—A State deter-  
8 mined under section 121 not to meet the requirements of  
9 section 112 shall develop and submit to the Secretary, by  
10 not later than 1 year after the determination, a remedi-  
11 ation plan (which the State may amend to improve the  
12 plan or to take into account significantly changed cir-  
13 cumstances), as follows:

14 (1) LONG-TERM REMEDIATION FOR ACCESS TO  
15 FUNDAMENTALS OF EDUCATIONAL OPPORTUNITY.—  
16 If the State is determined not to meet the require-  
17 ments under section 112(a) (relating to access to the  
18 fundamentals of educational opportunity), the plan  
19 shall provide for the following:

20 (A) A description of the actions the State  
21 will take to meet the requirements of section  
22 112(a), by not later than 12 years after the end  
23 of the 2001–2002 school year, to provide ideal  
24 or adequate access (as defined by the State  
25 under section 113) to the fundamentals of edu-

1 educational opportunity for each public school in  
2 the State.

3 (B) A timeline for improvement that in-  
4 cludes annual interim goals for increasing the  
5 number of public schools and school districts in  
6 the State that have ideal or adequate levels of  
7 access (as defined by the State under section  
8 113) to each of the fundamentals of educational  
9 opportunity, in order to achieve the required  
10 levels of access within the time described in  
11 subparagraph (A).

12 (C) Implementation of a single, statewide  
13 accountability system to ensure that the State  
14 achieves the interim goals described in subpara-  
15 graph (B).

16 (2) 2-YEAR REMEDIATION FOR COMPARABLE  
17 EDUCATIONAL SERVICES.—If the State is deter-  
18 mined not to meet the requirements of section  
19 112(b) (relating to comparable educational services),  
20 the plan shall describe the actions the State will take  
21 to meet the requirements of such section by not later  
22 than 2 school years after submission of the plan.

23 (b) DISAPPROVAL OF PLAN.—The Secretary may dis-  
24 approve a plan (or amendment) submitted under sub-

1 section (a) that the Secretary determines does not meet  
2 the requirements of such subsection.

3 **SEC. 123. CONSEQUENCES OF NONREMEDATION.**

4 (a) **FAILURE TO MEET ANNUAL INTERIM ACCESS**  
5 **GOALS.**—Notwithstanding any other provision of law and  
6 in addition to any other consequence under this section,  
7 the Secretary shall withhold  $3\frac{1}{3}$  percent of any funds oth-  
8 erwise available to a State (or a State educational agency)  
9 for administration of Federal elementary and secondary  
10 education programs for each annual interim goal estab-  
11 lished under section 122(a)(1)(B) for a fiscal year, or a  
12 prior fiscal year, that the Secretary determines the State  
13 fails to meet.

14 (b) **CONTINUING FAILURE TO PROVIDE COM-**  
15 **PARABLE EDUCATIONAL SERVICES.**—Notwithstanding  
16 any other provision of law and in addition to any other  
17 consequence under this section, the Secretary shall with-  
18 hold from a State determined by the Secretary to continue  
19 to fail to meet the requirements of section 112(b) (relating  
20 to comparable educational services) at the end of the sec-  
21 ond school year after a plan is required to be submitted  
22 under section 122, up to  $33\frac{1}{3}$  percent of funds otherwise  
23 available to the State for administration of Federal ele-  
24 mentary and secondary education programs.

1           (c) NONCOMPLIANCE WITH COURT ORDERS.—Not-  
2 withstanding any other provision of law and in addition  
3 to any other consequence under this section, the Secretary  
4 shall withhold from a State determined by the Secretary  
5 to fail to meet the requirements of section 112(c) (relating  
6 to compliance with court orders) up to 33 $\frac{1}{3}$  percent of  
7 funds otherwise available to the State for the administra-  
8 tion of Federal elementary and secondary education pro-  
9 grams.

10           (d) DISPOSITION OF WITHHELD FUNDS.—For each  
11 State from which funds are withheld under this section,  
12 the Secretary shall make a determination whether the  
13 State, by not later than 1 year after a determination under  
14 subsection (a), (b), or (c), has corrected the condition lead-  
15 ing to a withholding of funds and shall distribute withheld  
16 funds as follows:

17           (1) If the State corrects a condition leading to  
18 a withholding of funds, the Secretary shall make the  
19 applicable withheld funds available to the State (or  
20 State educational agency).

21           (2) If the State fails to correct a condition lead-  
22 ing to a withholding of funds, the Secretary shall al-  
23 locate the applicable withheld funds to public schools  
24 or school districts affected by the State's failure to  
25 make adequate remediation, for the purpose of ena-

1       bling the school or school district to correct such  
2       condition.

3       (e) TEMPORARY WAIVER.—The Secretary may grant  
4 a request by a State for a waiver of the withholding provi-  
5 sions of subsections (a) through (c) for a total period of  
6 not more than 1 year if—

7           (1) the Secretary is satisfied that exceptional  
8       circumstances (such as a precipitous decrease in  
9       State revenues) prevent a State from complying with  
10      the requirements of section 112; and

11          (2) the State’s request describes the manner in  
12      which the State will comply with the requirements of  
13      section 112 by the end of the waiver period.

## 14       **Subtitle C—Public Reporting and** 15   **Remedy**

### 16       **SEC. 131. ANNUAL REPORT BY SECRETARY ON ADEQUACY** 17   **AND EQUITY IN STATE PUBLIC SCHOOL SYS-** 18   **TEMS.**

19       (a) ANNUAL REPORT TO CONGRESS.—Not later than  
20 October 1 of the first full school year after the date of  
21 enactment of this Act, the Secretary shall transmit to the  
22 Congress a report that provides a detailed analysis of the  
23 public school system of each State.

1 (b) CONTENTS OF REPORT.—The analysis under  
2 subsection (a) shall include the following information with  
3 respect to each State’s public school system:

4 (1) BASIC PUBLIC SCHOOL SYSTEM INFORMA-  
5 TION.—

6 (A) The number of students, elementary  
7 schools, secondary schools, and school districts  
8 in the public school system.

9 (B) For each such school and school dis-  
10 trict, the number and percentage of—

11 (i) children counted under section  
12 1124(c) of the Elementary and Secondary  
13 Education Act of 1965 (20 U.S.C.  
14 6333(c)); and

15 (ii) students, disaggregated by groups  
16 described in section 1111(b)(3)(C)(xiii) of  
17 the Elementary and Secondary Education  
18 Act of 1965 (20 U.S.C.  
19 6311(b)(3)(C)(xiii)).

20 (C) For each such school, a statement  
21 whether the school is an urban, rural, or mixed  
22 school (as defined by the Commissioner of Edu-  
23 cation Statistics).

24 (D) The average per-pupil expenditure (in  
25 actual dollars and adjusted for cost and need)



1 for the State and for each school and school  
2 district.

3 (E) The decile ranking of each school dis-  
4 trict, as measured by achievement in mathe-  
5 matics, reading or language arts, and science  
6 on the academic assessments described in sub-  
7 paragraphs (A) and (C) of section 113(b)(1).

8 (2) SUCCESS IN PROVIDING FUNDAMENTALS OF  
9 EDUCATIONAL OPPORTUNITY.—

10 (A) A description of the ideal, adequate,  
11 and basic levels of access established by the  
12 State under section 113 to each of the fun-  
13 damentals of educational opportunity described  
14 under section 112(a).

15 (B) For each school and school district,  
16 the following information:

17 (i) The level of access (as established  
18 under section 113) of the school or school  
19 district to each of the fundamentals of  
20 educational opportunity described in sec-  
21 tion 112(a).

22 (ii) The percentage of students pro-  
23 ficient in mathematics, reading or lan-  
24 guage arts, and science, as measured  
25 through assessments under section

1           1111(b)(3)(C)(v) of the Elementary and  
2           Secondary Education Act of 1965 (20  
3           U.S.C. 6311(b)(3)(C)(v)).

4           (iii) Whether the school or school dis-  
5           trict is making adequate yearly progress  
6           under section 1111(b)(2) of the Elemen-  
7           tary and Secondary Education Act of 1965  
8           (20 U.S.C. 6311(b)(2)).

9           (D) The number and names of each school  
10          in the State that does not provide each of the  
11          fundamentals of educational opportunity de-  
12          scribed in section 112(a) at an ideal or ade-  
13          quate level (as established under section 113).

14          (3) STATE REMEDIATION ACTIONS.—If the  
15          State is determined under section 121 not to meet  
16          the requirements of section 112—

17                 (A) a detailed description and evaluation  
18                 of—

19                         (i) the State’s success in carrying out  
20                         any remediation plan required to be sub-  
21                         mitted by the State under section 122; and

22                         (ii) any other actions taken, or meas-  
23                         ures proposed to be taken, by the State to  
24                         meet the requirements of section 112; and

1 (B) a copy of any remediation plan re-  
2 quired to be submitted by the State under sec-  
3 tion 122 (including any amendments).

4 (4) EFFECTS ON ACADEMIC ACHIEVEMENT.—  
5 An analysis of the effects of the average per-pupil  
6 expenditure, and the level of access (as provided by  
7 the State under section 113) to each of the fun-  
8 damentals of educational opportunity described in  
9 section 112(a) provided to students in each school  
10 and school district on the outcomes of the academic  
11 assessments identified in section 113(b)(1).

12 (5) OTHER INFORMATION.—

13 (A) The most recent information submitted  
14 by the State under section 113(d).

15 (B) For the year covered by the report, a  
16 summary of any changes in the data required  
17 in paragraphs (1) and (2) for each of the pre-  
18 ceding 3 years (which may be based on such  
19 data as are available for the first 3 reports  
20 under subsection (a)).

21 (C) Such other information as the Sec-  
22 retary considers useful and appropriate to in-  
23 clude.

24 (c) SCOPE OF REPORT.—The report required under  
25 subsection (a) shall cover the school year ending in the

1 calendar year in which the report is required to be sub-  
2 mitted.

3 (d) SUBMISSION OF DATA TO SECRETARY.—Each  
4 State receiving Federal financial assistance for elementary  
5 and secondary education shall submit to the Secretary, at  
6 such time and in such manner as the Secretary may rea-  
7 sonably require, such data as the Secretary deems nec-  
8 essary to make a determination under section 121 and to  
9 submit the report under this section. Such data shall in-  
10 clude the information used to measure the State’s success  
11 in providing the fundamentals of educational opportunity  
12 described in section 112(a).

13 (e) FAILURE TO SUBMIT DATA.—If a State fails to  
14 submit the data required to make a determination under  
15 section 121—

16 (1) the State shall be deemed to have been de-  
17 termined under such section not to meet the applica-  
18 ble requirements of section 112, until the State sub-  
19 mits the data and the Secretary is able to make a  
20 determination under such section based on such  
21 data; and

22 (2) the Secretary shall—

23 (A) provide, to the extent practicable, the  
24 analysis required in subsection (a) for the State

1 based on the best data available to the Sec-  
2 retary; and

3 (B) update the analysis, as necessary, after  
4 submission of the data by the State.

5 (f) PUBLICATION.—The Secretary shall publish and  
6 make available to the general public (including by means  
7 of the Internet) the report required under subsection (a).

8 **SEC. 132. CIVIL ACTION FOR ENFORCEMENT.**

9 A student or parent of a student aggrieved by a viola-  
10 tion of this Act may bring a civil action against an appro-  
11 priate official in an appropriate United States district  
12 court seeking declaratory and injunctive relief to enforce  
13 the requirements of this Act, together with reasonable at-  
14 torney fees and the costs of the action, without regard to  
15 the citizenship of the parties or the amount in controversy.

16 **TITLE II—EFFECTS OF EDU-**  
17 **CATIONAL DISPARITIES ON**  
18 **ECONOMIC GROWTH AND NA-**  
19 **TIONAL DEFENSE**

20 **SEC. 201. EFFECTS ON ECONOMIC GROWTH AND PRODUC-**  
21 **TIVITY.**

22 (a) STUDY.—The Commissioner of Education Statis-  
23 tics, in consultation with the Secretaries of Commerce,  
24 Labor, and the Treasury, shall conduct a comprehensive  
25 study concerning the effects on economic growth and pro-

1 ductivity of eliminating disparities in public school systems  
2 that do not meet the requirements of section 112. Such  
3 study shall include the following:

4           (1) The economic costs to the Nation resulting  
5           from the maintenance by States of public school sys-  
6           tems that do not meet the requirements of section  
7           112.

8           (2) The economic gains to be expected from the  
9           elimination of disparities in public school systems  
10          that do not meet the requirements of section 112.

11          (b) REPORT TO CONGRESS.—Not later than 1 year  
12 after the date of enactment of this Act, the Commissioner  
13 of Education Statistics shall submit to the Congress a  
14 final report detailing the results of the study required  
15 under subsection (a).

16 **SEC. 202. EFFECTS ON NATIONAL DEFENSE.**

17          (a) STUDY.—The Commissioner of Education Statis-  
18 tics, in consultation with the Secretary of Defense, shall  
19 conduct a comprehensive study concerning the effects on  
20 national defense of eliminating disparities in public school  
21 systems that do not meet the requirements of section 112.

22 Such study shall include the following:

23           (1) The detriments to national defense resulting  
24           from the maintenance by States of public school sys-  
25           tems that do not meet the requirements of section

1 112, including the effects of education deficits arising from low-quality schools on—

3 (A) knowledge and skills necessary for the effective functioning of the Armed Forces;

5 (B) the costs to the Armed Forces of training; and

7 (C) efficiency resulting from the use of sophisticated equipment and information technology.

10 (2) The gains to national defense to be expected from the elimination of disparities in public school systems that do not meet the requirements of section 12 112.

14 (b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner 16 of Education Statistics shall submit to the Congress a 17 final report detailing the results of the study required 18 under subsection (a).

## 19 **TITLE III—GENERAL**

### 20 **PROVISIONS**

#### 21 **SEC. 301. DEFINITIONS.**

22 In this Act:

23 (1) The terms “elementary school”, “secondary school”, “local educational agency”, “State educational agency”, “core academic subjects”, “highly

1 qualified”, “parent”, and “average per-pupil expend-  
2 iture” each have the meanings given those terms in  
3 section 9101 of the Elementary and Secondary Edu-  
4 cation Act of 1965 (20 U.S.C. 7801).

5 (2) The term “public school system” means a  
6 State’s system of public elementary and secondary  
7 education.

8 (3) The term “Federal elementary and sec-  
9 ondary education programs” means programs pro-  
10 viding Federal financial assistance for elementary or  
11 secondary education, other than programs under the  
12 following provisions of law:

13 (A) The Individuals with Disabilities Edu-  
14 cation Act (20 U.S.C. 1400 et seq.).

15 (B) Title III of the Elementary and Sec-  
16 ondary Education Act of 1965 (20 U.S.C. 6801  
17 et seq.).

18 (C) The Richard B. Russell National  
19 School Lunch Act (42 U.S.C. 1751 et seq.).

20 (D) The Child Nutrition Act of 1966 (42  
21 U.S.C. 1771 et seq.).

22 (4) The term “State” means the several States,  
23 the District of Columbia, and the Commonwealth of  
24 Puerto Rico.



1 **SEC. 302. NOTICE AND OPPORTUNITY FOR HEARING.**

2       The Secretary may make an adverse determination  
3 under this Act only after notice and opportunity for hear-  
4 ing.

5 **SEC. 303. RULEMAKING.**

6       The Secretary may prescribe regulations to carry out  
7 this Act.

8 **SEC. 304. RULE OF CONSTRUCTION.**

9       Nothing in this Act may be construed to require a  
10 jurisdiction to increase property tax or other tax rates or  
11 to redistribute revenues from such taxes.

○