

112TH CONGRESS
1ST SESSION

S. 622

To establish the Commission on Effective Regulation and Assessment Systems
for Public Schools.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2011

Mr. BENNET (for himself and Mr. ALEXANDER) introduced the following bill;
which was read twice and referred to the Committee on Health, Edu-
cation, Labor, and Pensions

A BILL

To establish the Commission on Effective Regulation and
Assessment Systems for Public Schools.

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 “Commission on Effec-
5 tive Regulation and Assessment Systems for Public
6 Schools Act”.

1 **SEC. 2. COMMISSION ON EFFECTIVE REGULATION AND AS-**
 2 **SESSMENT SYSTEMS FOR PUBLIC SCHOOLS.**

3 (a) IN GENERAL.—The Elementary and Secondary
 4 Education Act of 1965 (20 U.S.C. 6301 et seq.) is amend-
 5 ed by adding at the end the following:

6 **“TITLE X—COMMISSION ON EF-**
 7 **FECTIVE REGULATION AND**
 8 **ASSESSMENT SYSTEMS FOR**
 9 **PUBLIC SCHOOLS**

10 **“SEC. 10001. DEFINITIONS.**

11 “In this title:

12 “(1) CHAIRPERSON.—The term ‘Chairperson’
 13 means the Chairperson of the Commission.

14 “(2) COMMISSION.—The term ‘Commission’
 15 means the Commission on Effective Regulation and
 16 Assessment Systems for Public Schools.

17 “(3) RELEVANT COMMITTEES.—The term ‘rel-
 18 evant committees’ means the Committee on Health,
 19 Education, Labor, and Pensions of the Senate and
 20 the Committee on Education and the Workforce of
 21 the House of Representatives.

22 **“SEC. 10002. ESTABLISHMENT OF COMMISSION ON EFFEC-**
 23 **TIVE REGULATION AND ASSESSMENT SYS-**
 24 **TEMS FOR PUBLIC SCHOOLS.**

25 “(a) IN GENERAL.—Not later than 30 days after the
 26 date of enactment of the Commission on Effective Regula-

1 tion and Assessment Systems for Public Schools Act, the
 2 Secretary shall establish a commission to be known as the
 3 ‘Commission on Effective Regulation and Assessment Sys-
 4 tems for Public Schools’.

5 “(b) PURPOSE.—The Commission shall—

6 “(1) examine Federal, State, and local regu-
 7 latory requirements on elementary and secondary
 8 education;

9 “(2) make recommendations on how to align
 10 and improve such Federal, State, and local require-
 11 ments to improve performance and innovation;

12 “(3) examine the quality and purpose of current
 13 Federal, State, and local assessment requirements;
 14 and

15 “(4) make recommendations to improve and
 16 align assessment systems to provide quality and
 17 meaningful information for parents, teachers, and
 18 students to improve student achievement, teacher
 19 performance, and innovation.

20 “(c) MEMBERSHIP.—

21 “(1) COMPOSITION.—The Commission shall be
 22 composed of—

23 “(A) 4 Governors;

24 “(B) 6 State legislators;

25 “(C) 2 Chief State school officers;

1 “(D) 2 State officials responsible for ad-
2 ministering Federal education programs;

3 “(E) 4 superintendents;

4 “(F) 2 principals;

5 “(G) 2 teachers;

6 “(H) 2 assessment experts; and

7 “(I) 2 teacher and principal effectiveness
8 experts.

9 “(2) RECOMMENDATIONS.—The Secretary shall
10 solicit input and nominations for appointing mem-
11 bers of the Commission from—

12 “(A) Governors;

13 “(B) members of Congress;

14 “(C) State legislators;

15 “(D) superintendents, principals, teachers,
16 and other members of the education commu-
17 nity; and

18 “(E) parents, students, and other members
19 of the general public.

20 “(3) DETERMINATION.—The Secretary shall de-
21 termine the membership of the Commission after
22 considering recommendations submitted under para-
23 graph (2).

24 “(d) CHAIRPERSON.—The Secretary shall designate
25 a Governor as the Chairperson of the Commission.

1 “(e) MEETINGS.—The Commission shall hold, at the
 2 call of the Chairperson, at least 1 meeting every 6 months.
 3 All such meetings shall be open to the public. The Com-
 4 mission may hold, at the call of the Chairperson, such
 5 other meetings as the Chairperson sees fit to carry out
 6 this title.

7 “(f) QUORUM.—A majority of the members of the
 8 Commission shall constitute a quorum, but a lesser num-
 9 ber of members may hold hearings.

10 “(g) INITIAL MEETING.—The Commission shall hold
 11 its first meeting not later than 60 days after the date of
 12 enactment of the Commission on Effective Regulation and
 13 Assessment Systems for Public Schools Act.

14 **“SEC. 10003. POWERS OF THE COMMISSION.**

15 “(a) HEARINGS.—

16 “(1) IN GENERAL.—The Commission shall hold
 17 such hearings, sit and act at such times and places,
 18 take such testimony, and receive such evidence as
 19 the Commission determines appropriate to carry out
 20 this title.

21 “(2) PARTICIPATION.—In hearings held under
 22 this subsection, the Commission shall consider invit-
 23 ing witnesses from, among other groups—

24 “(A) teachers;

25 “(B) parents;

1 “(C) principals;

2 “(D) superintendents;

3 “(E) Federal, State, and local educational
4 agency personnel;

5 “(F) researchers and other experts; and

6 “(G) any other individuals determined ap-
7 propriate by the Commission.

8 “(b) INFORMATION FROM FEDERAL AGENCIES.—

9 The Commission may secure directly from any Federal de-
10 partment or agency such information as the Commission
11 considers necessary to carry out this title. Upon request
12 of the Chairperson, the head of such department or agency
13 shall furnish such information to the Commission.

14 **“SEC. 10004. DUTIES OF THE COMMISSION.**

15 “(a) DUTIES.—

16 “(1) IN GENERAL.—The Commission shall take
17 such actions as it determines necessary to gain a full
18 understanding of the issues of effective regulation
19 and assessment systems for public schools.

20 “(2) AREAS OF EMPHASIS.—The Commission
21 shall focus—

22 “(A) in examining the over-regulation of
23 public schools, on—

24 “(i) examining Federal, State and
25 local regulations governing public schools;

1 “(ii) differentiating between financial,
2 programmatic, general education, special
3 education, and civil rights requirements;

4 “(iii) identifying which government
5 entity requires each regulation;

6 “(iv) measuring the cost of compli-
7 ance in terms of funds spent on compliance
8 and time in hours and personnel;

9 “(v) identifying duplicative, redun-
10 dant, or unnecessary regulations at each
11 governmental level; and

12 “(vi) investigating how Federal, State,
13 and local interpretations of laws and regu-
14 lations create additional or unnecessary
15 burden and are used as rationale for im-
16 posing requirements that are not actually
17 mandated by law; and

18 “(B) in examining the effective testing of
19 public schools, on—

20 “(i) examining Federal, State, and
21 local testing and standardized assessment
22 requirements for public elementary schools,
23 middle schools, and high schools;

24 “(ii) determining the purpose and in-
25 tent of each such test or assessment, in-

1 cluding whether it is intended to measure
2 student achievement and growth, teacher
3 and principal effectiveness, or system ac-
4 countability;

5 “(iii) determining the frequency,
6 length, and scheduling of such tests and
7 assessments, and measuring, in hours and
8 days, the student and teacher time spent
9 on testing;

10 “(iv) examining standardized assess-
11 ments required by Federal, State, or local
12 requirements, excluding teacher-created
13 tests and quizzes and formative assess-
14 ments;

15 “(v) reporting on the quality of stand-
16 ardized assessments;

17 “(vi) examining reporting practices of
18 test results and the degree to which they
19 are returned in a timely manner with suffi-
20 cient quality to be useful to parents, teach-
21 ers and principals, and students to inform
22 and improve their work, including tar-
23 geting instruction to student needs, grad-
24 ing student work, and evaluating teacher
25 and principal effectiveness;

1 “(vii) analyzing the ability of quality
2 assessments to measure whether a student
3 is prepared to graduate from high school
4 and pursue college or a career without the
5 need for academic remediation;

6 “(viii) examining what factors most
7 contribute to quality assessments and the
8 extent to which high-quality assessments
9 can advance student learning;

10 “(ix) determining the technology in-
11 frastructure required for next generation
12 assessments; and

13 “(x) identifying opportunities to im-
14 prove assessment practices to better pro-
15 mote parent, teacher and principal, and
16 student understanding of progress toward
17 college and career readiness and public un-
18 derstanding of school performance and
19 educational productivity.

20 “(3) SAMPLES.—In conducting its work under
21 this title, the Commission may rely on samples of
22 States and local school districts for examples of reg-
23 ulations and testing requirements.

24 “(b) REPORTS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 the Commission shall provide regular reports in a
3 manner and form of the Commission’s choosing to—

4 “(A) the Secretary; and

5 “(B) the members of the relevant commit-
6 tees.

7 “(2) ANNUAL REPORT.—Not later than 1 year
8 after the date of the first meeting of the Commis-
9 sion, and annually thereafter, the Commission shall
10 issue a report to—

11 “(A) the Secretary; and

12 “(B) the members of the relevant commit-
13 tees.

14 “(3) PUBLIC REPORT.—The Commission
15 shall—

16 “(A) prepare a report—

17 “(i) analyzing findings of the Commis-
18 sion; and

19 “(ii) making recommendations for
20 Federal, State, and local policy makers;
21 and

22 “(B) broadly disseminate such report to
23 the general public.

24 “(c) TESTIMONY.—The Chairperson shall annually
25 provide testimony to the relevant committees.

1 **“SEC. 10005. COMMISSION PERSONNEL MATTERS.**

2 “(a) COMPENSATION OF MEMBERS.—Each member
3 of the Commission shall serve without compensation in ad-
4 dition to any such compensation received for the member’s
5 service as an officer or employee of the United States, if
6 applicable.

7 “(b) TRAVEL EXPENSES.—The members of the Com-
8 mission shall be allowed travel expenses, including per
9 diem in lieu of subsistence, at rates authorized for employ-
10 ees of agencies under subchapter 1 of chapter 57 of title
11 5, United States Code, while away from their homes or
12 regular places of business in the performance of services
13 for the Commission.

14 “(c) ASSISTANCE.—

15 “(1) IN GENERAL.—The Assistant Secretary of
16 Elementary and Secondary Education shall provide
17 assistance to the Commission, upon request of the
18 Commission, without reimbursement.

19 “(2) DETAIL OF GOVERNMENT EMPLOYEES.—
20 Any Federal Government employee may be detailed
21 to the Commission without reimbursement, and such
22 detail shall be without interruption or loss of civil
23 service status or privilege.”.

24 “(b) TABLE OF CONTENTS.—The table of contents in
25 section 2 of the Elementary and Secondary Education Act
26 of 1965 is amended by adding at the end the following:

“TITLE X—COMMISSION ON EFFECTIVE REGULATION AND
ASSESSMENT SYSTEMS FOR PUBLIC SCHOOLS

“Sec. 10001. Definitions.

“Sec. 10002. Establishment of Commission on Effective Regulation and Assessment Systems for Public Schools.

“Sec. 10003. Powers of the Commission.

“Sec. 10004. Duties of the Commission.

“Sec. 10005. Commission personnel matters.”.

