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TITLE S. 2034. A Bill To Authorize the Creation of a National Education Report Card To Be Published Annually To Measure Educational Achievement of Both Students and Schools and To Establish a National Council on Educational Goals, before the Senate. One Hundred-First Congress, Second Session.

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ABSTRACT

A Bill (S. 2034) with a short title of the "National Education Report Card Act of 1990," was introduced in the Senate by Senators Bingaman, Mitchell, Kennedy, and Harkin. The contents of this Act include the following sections: findings, establishment, membership and appointments, functions, interim council report, annual report card, powers of the council, administrative provisions, and authorization of appropriations. The establishment of an independent council of respected, bipartisan, and diverse experts to study the nation's educational system was recommended. This council would have the power to make recommendations to the President and the Congress and to issue annual reports in the form of a national report card. Nine voting members and three ex officio non-voting members were proposed. The council's mandate would include: (1) compiling and analyzing existing information about educational achievement of students and schools in public and private education; (2) developing, monitoring, and reporting progress on a comprehensive set of attainable national educational goals; and (3) identifying gaps in existing data. An interim report should recommend goals to be achieved before the year 2000. The first report card would be due in 2 years, and annual reports would follow. Administrative provisions are described. The Bill was referred to the Committee on Labor and Human Relations. (SLD)

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101ST CONGRESS  
2D SESSION

# S. 2034

To authorize the creation of a National Education Report Card to be published annually to measure educational achievement of both students and schools and to establish a National Council on Educational Goals.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 30 (legislative day, JANUARY 23), 1990

Mr. BINGAMAN (for himself, Mr. MITCHELL, Mr. KENNEDY, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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# A BILL

To authorize the creation of a National Education Report Card to be published annually to measure educational achievement of both students and schools and to establish a National Council on Educational Goals.

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 bill may be cited as the "National Education  
5 Report Card Act of 1990".

6 **SEC. 2. TABLE OF CONTENTS.**

7 The contents of this Act are as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

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- Sec. 3. Findings.
- Sec. 4. Establishment.
- Sec. 5. Membership and appointments.
- Sec. 6. Functions.
- Sec. 7. Interim Council report.
- Sec. 8. Annual report card.
- Sec. 9. Powers of the Council.
- Sec. 10. Administrative provisions.
- Sec. 11. Authorization of appropriations.

1 **SEC. 3. FINDINGS.**

2       The Congress finds that—

3               (1) the social well-being, economic stability, and  
4       national security of the United States depend upon a  
5       strong educational system that provides all citizens  
6       with the skills necessary to become active members of  
7       a productive workforce;

8               (2) despite the many reforms to our educational  
9       system that have been implemented since the National  
10      Commission on Excellence in Education declared our  
11      Nation “at risk” in 1983, the United States remains at  
12      risk of educational failure;

13              (3) United States children and youth are leaving  
14      school unprepared to participate productively in the  
15      workforce, such children suffer high rates of functional  
16      illiteracy, and such children often display a lack of un-  
17      derstanding about this Nation and the world, in both  
18      an historical and futuristic context;

19              (4) United States students currently rank far  
20      below students of many other countries in educational

1 achievement, particularly in mathematics and the sci-  
2 ences;

3 (5) although States and localities bear the primary  
4 responsibility for elementary and secondary education,  
5 rapidly increasing international competitiveness de-  
6 mands that educational achievement become a national  
7 priority;

8 (6) the Federal Government has played a vital,  
9 leading role in funding important educational programs  
10 and research activities and should continue to do so;

11 (7) to ensure that maximum returns are realized  
12 on local, State, and Federal investments in education,  
13 accurate and reliable mechanisms must be available to  
14 assess and monitor educational progress;

15 (8) the mechanisms to assess and monitor educa-  
16 tional progress, and the national information infrastruc-  
17 ture needed to support those mechanisms, do not exist;

18 (9) there should be established an independent  
19 council of highly respected, bipartisan, diverse experts  
20 to study, make recommendations regarding, and peri-  
21 odically report on, the status of the Nation's education-  
22 al assessment system; and

23 (10) the council described in paragraph (10)  
24 should have the authority to—

1 (A) make such recommendations as such  
2 council deems necessary to the President, the  
3 Congress, and the States, and

4 (B) issue annual reports in the form of a "na-  
5 tional report card".

6 **SEC. 4. ESTABLISHMENT.**

7 There is established a National Council on Educational  
8 Goals (hereinafter referred to as the "Council").

9 **SEC. 5. MEMBERSHIP AND APPOINTMENTS.**

10 (a) **COUNCIL MEMBERSHIP.**—(1) The Council shall be  
11 composed of 3 ex officio, nonvoting members, and 9 voting  
12 members, as provided in this subsection.

13 (2) The individuals serving in the following positions  
14 shall be ex officio members of the Council while so serving:

15 (A) The Secretary of Education.

16 (B) The Chairperson of the National Governor's  
17 Association.

18 (C) The Chairman of the National Assessment  
19 Governing Board.

20 (3) The voting members shall be appointed by the Presi-  
21 dent of the United States, in consultation and upon agree-  
22 ment with the National Governor's Association, from among  
23 distinguished individuals of diverse political views, who are  
24 widely recognized for their experience in, knowledge of, and  
25 commitment to, education and educational excellence.

1       (4) All appointments of voting members shall be subject  
2 to the advice and consent of the Senate.

3       (5) The Council shall have no more than 5 voting mem-  
4 bers of the same political party.

5       (6)(A) The members of the Council shall be appointed  
6 under subsection (a)(3) no later than 60 days after the date of  
7 enactment of this Act.

8       (B) The Council shall have its first meeting no later  
9 than 60 days after the date of enactment of this Act.

10       (b) **TERMS OF APPOINTMENT.**—(1) Except as provided  
11 in paragraph (2), members of the Council shall be appointed  
12 for terms of 6 years each.

13       (2) The members of the Council first appointed under  
14 subsection (a)(3) shall be divided into 3 classes consisting of 3  
15 Council members per class. Members in the first class shall  
16 be appointed for a term of 2 years. Members in the second  
17 class shall be appointed for a term of 4 years. Members in the  
18 third class shall be appointed for a term of 6 years.

19       (3) Upon the expiration of each of the terms of members  
20 first appointed under subsection (a)(3), or upon any vacancy  
21 occurring before the expiration of a member's term, a new  
22 member shall be appointed by the majority vote of the re-  
23 maining members of the Council, from among distinguished  
24 individuals of diverse political views, who are widely recog-

1 nized for their experience in, knowledge of, and commitment  
2 to, education and educational excellence.

3 (c) COMPENSATION AND TRAVEL.—Each member of  
4 the Council shall serve without compensation, but shall be  
5 allowed travel expenses, including per diem in lieu of subsist-  
6 ence, as authorized by section 5703 of title 5, United States  
7 Code, when engaged in the performance of Council duties.

8 SEC. 6. FUNCTIONS.

9 (a) FUNCTIONS.—The Council shall—

10 (1) compile, inventory, and analyze existing infor-  
11 mation regarding the educational achievement of  
12 United States students and schools, including public  
13 and private elementary, secondary, and postsecondary  
14 schools.

15 (2) develop, monitor, and report progress on a  
16 comprehensive set of attainable, national goals that  
17 will help ensure excellence in education at all levels  
18 and, thereby guarantee the continued social well-being,  
19 economic stability and national security of the Nation  
20 in the 21st century; and

21 (3) through the interim Council report described in  
22 section 7 and the annual report card described in sec-  
23 tion 8, identify gaps in existing educational data and  
24 make recommendations for improvements in the meth-  
25 ods and procedures of assessing attainment or realiza-

1 tion of goals by the Department of Education and any  
 2 other Federal governmental entity, including sugges-  
 3 tions for such changes in laws and regulations as may  
 4 be required to improve the assessment process, proce-  
 5 dures, and organization of the Federal Government.

6 (b) PERFORMANCE OF FUNCTIONS.—In carrying out  
 7 the provisions of subsection (a)(2) the Council shall—

8 (1) consider the goals already set forth or recom-  
 9 mended by the President, the National Governor's As-  
 10 sociation, and other governmental and nongovernmen-  
 11 tal organizations;

12 (2) encourage the States to—

13 (A) establish similar educational goals aimed  
 14 at achieving or surpassing the national goals, and

15 (B) outline their assessment performance;

16 (3) report on the goals at the national level and  
 17 for all States and compare the educational achievement  
 18 of the United States with other nations; and

19 (4) consider all relevant data in at least the fol-  
 20 lowing areas:

21 (A) school readiness,

22 (B) student achievement in elementary, sec-  
 23 ondary, and postsecondary education,

24 (C) school performance, including—

25 (i) attendance and completion rates;

1 (ii) climate (vandalism, crime, and  
2 drugs);

3 (iii) teacher rewards (salary, conditions,  
4 and training);

5 (iv) parent participation; and

6 (v) school financing; and

7 (D) workforce literacy and skills.

8 **SEC. 7. INTERIM COUNCIL REPORT.**

9 Not later than 1 year after the Council concludes its  
10 first meeting of members, the Council shall submit a report to  
11 the President, the Congress, and the Governor of each State,  
12 that—

13 (1) recommends a comprehensive set of national  
14 educational goals to be achieved before the year 2000;  
15 and

16 (2) includes a series of reasonable steps for meas-  
17 uring the implementation and success of each recom-  
18 mendation of the Council.

19 **SEC. 8. ANNUAL REPORT CARD.**

20 (a) **IN GENERAL.**—Not later than 2 years after the  
21 Council concludes its first meeting of members, the Council  
22 shall submit to the President, the Congress and the Governor  
23 of each State a National Report Card, which—

1           (1) shall set forth an analysis of the Nation's  
2 progress toward achieving the Council's recommended  
3 goals; and

4           (2) may, as deemed necessary by the Council  
5 based on its findings and an analysis of the views and  
6 comments of all interested parties, including all rele-  
7 vant Federal entities, the National Governor's Associa-  
8 tion, the Congress, and private organizations and  
9 citizens—

10                   (A) identify new educational goals,

11                   (B) describe modifications to existing goals,

12                   (C) identify continuing gaps in existing edu-  
13 cational data, and

14                   (D) make recommendations for further im-  
15 provement in the methods and procedures of as-  
16 sessing attainment or realization of goals by the  
17 Department of Education and any other Federal  
18 governmental entity, including suggestions for  
19 such changes in laws and regulations as may be  
20 required to improve the assessment process,  
21 procedures, and organization of the Federal  
22 Government.

23           (b) CONTINUATION.—The Council shall continue to  
24 issue a National Report Card on an annual basis for the dura-  
25 tion of the existence of the Council.

1 **SEC. 9. POWERS OF THE COUNCIL.**

2 (a) **HEARINGS.**—(1) The Council may, for the purpose  
3 of carrying out this Act, conduct such hearings, sit and act at  
4 such times and places, take such testimony and receive such  
5 evidence, as the Council considers appropriate.

6 (2) In carrying out this subsection the Council shall—

7 (A) conduct public hearings in different geographic  
8 areas of the country, both urban and rural, to receive  
9 the reports, views, and analyses of a broad spectrum of  
10 experts and the public on the status and goals of the  
11 Nation's current educational system, the need to rede-  
12 fine and redirect educational goals, and methods that  
13 could be implemented to foster higher levels of educa-  
14 tional attainment in our Nation's schools; and

15 (B) receive testimony from—

16 (i) individuals such as educators, business  
17 persons, elected and appointed public officials; and

18 (ii) representatives of public and private or-  
19 ganizations and institutions with an expertise or  
20 interest in improving the quality of the Nation's  
21 educational system.

22 (b) **INFORMATION.**—The Council may secure directly  
23 from any Federal agency such information as may be neces-  
24 sary to enable the Council to carry out this Act. Upon re-  
25 quest of the Chairman of the Council, the head of the agency  
26 shall furnish such information to the Council.

1 (c) GIFTS.—The Council may accept, use, and dispose  
2 of gifts or donations of services or property.

3 (d) POSTAL SERVICES.—The Council may use the  
4 United States mail in the same manner and under the same  
5 conditions as other departments and agencies of the Federal  
6 Government.

7 (e) ADMINISTRATIVE AND SUPPORT SERVICES.—The  
8 Administrator of General Services Administration shall pro-  
9 vide to the Council on a reimbursable basis such  
10 administrative and support service as the Council may  
11 request.

#### 12 SEC. 10. ADMINISTRATIVE PROVISIONS.

13 (a) MEETINGS.—The Council shall meet on a regular  
14 basis, as necessary, at the call of the Chairman or a majority  
15 of its members.

16 (b) QUORUM.—A majority of the voting members to the  
17 Council shall constitute a quorum for the transaction of  
18 business.

19 (c) COMMISSION STAFF.—(1) The Chairman and Vice  
20 Chairman of the Council shall be elected by and from the  
21 voting members of the Council and shall serve in their elect-  
22 ed capacity until the expiration of their appointed terms as  
23 members, or until their resignation or removal by a majority  
24 of the voting members of the Council.

1       (2) The Chairman of the Council, in consultation with  
2 the Vice Chairman, shall appoint and fix the compensation of  
3 a staff administrator and such support personnel as may be  
4 reasonable and necessary to enable the Council to carry out  
5 its functions without regard to the provisions of title 5,  
6 United States Code, governing appointments in the competi-  
7 tive service, and without regard to the provisions of chapter  
8 51 and subchapter III of chapter 53 of such title, or of any  
9 other provision of law, relating to the number, classification,  
10 and General Schedule rates.

11       (d) **PERSONNEL DETAIL AUTHORIZED.**—Upon request  
12 of the Chairman of the Council, the head of any Federal  
13 agency is authorized to detail, without reimbursement, any of  
14 the personnel of such agency to the Council to assist the  
15 Council in carrying out its duties under the Act. Such detail  
16 shall be without interruption or loss of civil service status or  
17 privilege.

18 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

19       There are authorized to be appropriated such sums as  
20 may be necessary to carry out the provisions of this title.

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