

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.”.

