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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Rhinoceros and Tiger Conservation Reauthorization Act of 2001 - To: POTUS - From: Mitchell E. Daniels, Jr.	2	01/02/2002	P5;
002	Memorandum	African Elephant Conservation Reauthorization Act of 2001 - To: POTUS - From: Mitchell E. Daniels, Jr.	3	01/02/2002	P5;

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FOLDER TITLE:
01/08/2002 [H.R. 1] [1]

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RESTRICTION CODES

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P3 Release would violate a Federal statute [(a)(3) of the PRA]
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APPROVED
JAN 8 2002

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

'02 JAN 7 AM 7:57

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1 - No Child Left Behind Act of 2001
Sponsors - Rep. Boehner (R) Ohio and 84 cosponsors

Last Day for Action

January 16, 2002 - Wednesday

Purpose

Reauthorizes for six years the Elementary and Secondary Education Act of 1965 (ESEA), and amends the ESEA and other Federal programs by: (1) requiring States, by the 2005-2006 school year, to administer annual reading and math tests for students in grades three through eight; (2) requiring States to take corrective action against and, if necessary, reorganize, schools that fail to demonstrate proficiency of all students; (3) expanding school choice options, including permitting parents to move children in low-performing schools to better public schools; (4) giving States and localities more flexibility to direct Federal resources to unique and pressing educational needs; (5) establishing programs to ensure that children can read by the end of third grade; (6) authorizing funding for teacher quality improvement programs; and (7) consolidating limited English proficiency programs.

Agency Recommendations

Office of Management and Budget	Approval
Department of Education (ED)	Approval
Department of Labor	Approval (Informally)
National Institute for Literacy	Approval (Informally)
Department of Justice	No objection
Department of the Treasury	No objection (Informally)
National Commission on Libraries and Information Science	No objection (Informally)
Department of the Interior	Defers to ED
Department of Defense	Defers to ED (Informally)
Department of Health and Human Services	Defers to ED (Informally)
Department of Housing and Urban Development	Defers to ED (Informally)

National Science Foundation	Defers to ED (Informally)
Department of Commerce	No comment (Informally)
Department of State	No comment (Informally)
Department of Transportation	No comment (Informally)
Council on Environmental Quality	No comment (Informally)
Environmental Protection Agency	No comment (Informally)
National Endowment for the Arts	No comment (Informally)
Office of Government Ethics	No comment (Informally)
Office of National Drug Control Policy	No comment (Informally)
Office of Personnel Management	No comment (Informally)
Office of Science and Technology Policy	No comment (Informally)

Discussion

H.R. 1 would reauthorize and amend the Elementary and Secondary Education Act of 1965 (ESEA) and other education programs for six years, through FY 2007. The enrolled bill is the product of intensive negotiations, and it conforms substantially with the priorities articulated in the "No Child Left Behind" blueprint that you transmitted to Congress last January. However, there are some differences, such as the enrolled bill's provisions limiting school choice options to public schools and authorizing appropriations that exceed your FY 2002 Budget. Major provisions of H.R. 1 are described below. Other significant provisions are described in an Attachment.

Appropriation Authorizations. H.R. 1 would authorize appropriations totaling \$26.5 billion for ESEA programs in FY 2002. Your FY 2002 Budget requested \$19.1 billion for ESEA programs. The Departments of Labor, Health and Human Services (HHS), Education, and Related Agencies FY 2002 Appropriations Act contains \$22.1 billion for these programs. For FYs 2003-2007, the enrolled bill generally authorizes "such sums" as may be necessary, except that specific amounts are authorized for certain Title I grants.

Approximately half of ESEA funding supports programs in Title I of the Act, which authorizes grants to States and school districts to benefit disadvantaged children and help improve instruction in high-poverty schools. The ESEA also authorizes programs for professional development of educators, educational technology, reading and literacy services, bilingual education, drug and violence prevention, education of Indian children, rural and migratory education, neglected or delinquent children, and impact aid (compensation to school districts for costs associated with educating children from families living or working on Federal property, such as military bases and Indian lands).

Title I Grants. H.R. 1 would authorize appropriations of \$13.5 billion in FY 2002 and a total of \$102.8 billion for FYs 2003-2007 for ESEA Title I basic programs operated by local school districts. It also would authorize appropriations of \$500 million in FY 2003 and "such sums" in each of FYs 2003-2007 for formula grants to States for a new Assistance for Local

School Improvement grant program. States would make subgrants to help local school districts comply with the school improvement activities required by the enrolled bill to assist low-performing schools. The Labor, HHS, Education FY 2002 Appropriations Act contains $10.35 billion for Title I basic programs and $235 million for the new school improvement grants.

Student Testing. The ESEA currently requires reading and math assessments once within each of three grade spans (3-5, 6-9, and 10-12). H.R. 1 would maintain this requirement through the 2004-2005 school year, after which time States would be required to implement annual reading and math tests for students in grades 3 through 8. The enrolled bill also would require science assessments in the three grade spans beginning in the 2007-2008 school year. H.R. 1 would authorize appropriations of $490 million in FY 2002 and "such sums" for each of FYs 2003-2007 to help States design these assessment tests. States could delay implementation of the new tests if Congress does not annually appropriate amounts specified in H.R. 1. (The FY 2002 appropriation exceeds the specified level.)

The enrolled bill would further require all States, as a condition of receiving Title I funds, to participate in the National Assessment of Educational Progress (NAEP), an independent test in reading and math that is currently administered biennially to a small sample of 4th and 8th graders in forty States that currently participate on a voluntary basis. This test would be used as a benchmark to measure State programs and standards. Federally sponsored national testing, Federally controlled curricula, and mandatory national teacher certification would be specifically prohibited by the enrolled bill.

School Improvement and Corrective Action for Low-Performing Schools. The enrolled bill would establish a system of rewards and sanctions to hold schools and local school districts accountable for increasing student achievement. States and schools would be required to make "adequate yearly progress" (AYP) towards achieving the goal of all students being proficient in reading and math within 12 years after the 2001-2002 school year. AYP must be made by the State, school district, school, and by disaggregated groups, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. States would set AYP goals, intermediate goals for achieving 100 percent proficiency, and the standard for 100 percent proficiency. The intermediate goals must be increased in equal increments at least once every three years. The enrolled bill would require that specific amounts of administrative funds be withheld from States that fail to meet requisite deadlines for implementing standards and a system for measuring AYP.

Schools exceeding AYP goals for two consecutive years could receive additional funds from the State (including funds for individual teacher awards). However, if the school fails to meet these goals, parents would receive new options for their children's education. Specifically, if a school fails to make AYP for two consecutive years, a district would be required to offer students in the school the opportunity to transfer to another public school within the same district (unless public school choice is prohibited by State law). School districts would be required to pay the cost of transporting students to other public schools and to provide technical assistance to

help failing schools improve. Failure by schools to make AYP for three consecutive years would require districts to provide low-achieving disadvantaged students within the school supplemental instructional services (e.g., tutoring, after-school classes, and summer classes) from a provider chosen by the parents, including services provided by private or faith-based organizations. If a school fails to make AYP for four consecutive years, the district would be required to take corrective action to improve the school, including replacing staff or implementing new curricula. Finally, if a school fails to make AYP for five consecutive years, the local district would be required to restructure the school, including through a State takeover or converting the school to a charter school.

While a school is undergoing corrective action or being restructured, districts must continue to offer public school choice and provide supplemental services. Once a school makes AYP for two consecutive years, it would no longer be required to take remedial actions.

Other Parental Options. H.R. 1 would authorize competitive grant awards of up to five years for States, local school districts, or public or private sector partnerships to establish or expand programs that provide students and parents with greater voluntary public school choice. To enable parents to make informed choices, the enrolled bill would require that parents receive data, through annual report cards, about the quality of their children's schools, teacher qualifications, and their children's progress in key subjects.

The bill would permit transfer of students from low-performing schools to charter schools. Charter schools can be publicly or privately run enterprises operating within public school systems, which are generally exempt from regulatory requirements to help them develop innovative approaches to education. H.R. 1 also would authorize appropriations of $300 million in FY 2002 and "such sums" in each of FYs 2003-2007 for charter schools. In FY 2002, the first $200 million would be authorized for grants to charter schools and the remainder would be for a new program of competitive 5-year grants to States to assist charter schools with facility costs. The FY 2002 Labor, HHS, Education Appropriations Act provides $200 million for charter schools and no funds for the facilities program. In addition, a student who is the victim of a crime, or who attends a public school designated by the State as unsafe, would be permitted to transfer to a safe public school or charter school.

Flexibility for States and Local School Districts. H.R. 1 would provide greater flexibility to States and local school districts in deciding how to use Federal funds to address their unique needs and priorities. States would be authorized, after notifying the Secretary, to transfer up to 50 percent of "State activity funds" (Federal funds reserved for use at the State level for purposes other than administration) they receive under certain programs (e.g., teacher training, technology education, etc.) among those programs, as well as into the State's Title I allotment. The requirements of the program to which the funds are transferred would apply to those funds. Local school districts would be afforded similar flexibility to decide how to distribute certain program funds without State approval. Districts could distribute up to 50 percent (30 percent for districts identified for improvement, with some limitations) of the Federal funds allocated for

local use under certain programs (e.g., teacher training, technology education, etc.) among those programs, as well as into the district's allocation under Title I.

H.R. 1 would provide additional flexibility by authorizing new State and local demonstration projects. Up to seven States could participate in a demonstration program that would give them the flexibility to combine State activity and administrative funds from certain Title I programs and other programs, including teacher training and technology education, and use the funds for any educational purpose authorized under the ESEA. As part of the demonstration program, States would be required to enter into 4-10 performance agreements with local school districts (at least half of which must be high-poverty districts) to align the local district's use of funds with the State's use of the funds it combined under the demonstration program. In addition, up to 80 local school districts in other States could participate in a demonstration programs directly with the Secretary where the districts could consolidate and use formula grant funds made available to the district under certain programs, for any educational purpose authorized under the ESEA. Certain Federal requirements would be waived for States and districts participating in the demonstration programs in exchange for their agreement to improve student achievement and meet AYP.

<u>Reading First Literacy Initiatives</u>. H.R. 1 adopts your Reading First and Early Reading First initiatives. The enrolled bill would authorize appropriations of $900 million in FY 2002 (the same funding level included in the FY 2002 Labor, HHS, Education Appropriations Act) and "such sums" for each of FYs 2003-2007 for the Reading First program. The FY 2002 program level is three times the amount appropriated for FY 2001. Under this program, grants are provided to States and local school districts to implement scientifically-based reading programs from kindergarten through second grade, with the goal of ensuring that every student reads by the third grade.

H.R. 1 also would authorize appropriations of $75 million in FY 2002 (the same funding level included in the FY 2002 Labor, HHS, Education Appropriations Act) and "such sums" in each of FYs 2003-2007 for the new Early Reading First initiative. This program is designed to provide the early identification and early reading interventions necessary to prevent reading failure and otherwise enhance reading readiness for children in high poverty areas. Support to States for this program would be directed to preschool programs, including Head Start centers.

<u>Improving Teacher Quality</u>. The enrolled bill would authorize appropriations totaling $3.18 billion in FY 2002 and "such sums" in each of FYs 2003-2007, $1 billion over the level in the FY 2002 Labor, HHS, Education Appropriations Act, for grants to States for professional development, recruitment, and retention activities to improve teacher quality. Each school receiving Title I funds would be required to ensure that all teachers hired and teaching in a program supported with those funds are "highly qualified" (e.g., State-certified, holding at least a bachelor's degree, and, for new teachers, passing a rigorous State test on subject knowledge and teaching skills). States must submit plans to ensure that all public school teachers of core academic subjects are "highly qualified" by the end of the 2005-2006 school year.

The enrolled bill would consolidate the Eisenhower Professional Development program (grants to States, local school districts, and institutions of higher education to improve teacher performance) and the Class-Size Reduction program (grants to States to reduce class sizes in the primary grades) into a single new Teacher Quality program. The new program would give local school districts flexibility to decide how to allocate resources to put more highly qualified teachers in every classroom. These resources could be used for professional development, recruitment, and hiring of teachers.

The bill also would authorize grants to partnerships among States, local institutions, and institutions of higher education to improve math and science teacher education, with the goal of improving student performance in those subjects. Grants could be used for activities such as summer workshops for teachers or teacher recruitment programs. H.R. 1 would authorize appropriations of $450 million in FY 2002 and "such sums" in each of FYs 2003-2007 to ED for this program. The FY 2002 Budget proposed to house this program in the National Science Foundation (NSF) and fund it at $200 million. For FY 2002, Congress has appropriated $12.5 million to ED for the program and $160 million to NSF for similar activities.

The bill would update and authorize appropriations totaling $150 million in FY 2002 and "such sums" for each of FYs 2003-2007 for the: (1) Troops-to-Teachers program, which helps armed forces personnel obtain certification or licensure as teachers or vocational technical leaders; and (2) Transition to Teaching recruiting program, which helps high-need local school districts recruit and train highly qualified individuals to make a transition to teaching.

H.R. 1 also would provide teachers with new tools to improve classroom management and foster better quality education. It would provide civil immunity to teachers and other school personnel, as well as school board members, for certain actions taken to maintain discipline in the classroom or school. Through amendments to the Safe and Drug-Free Schools Act, the bill would authorize schools to develop new policies that allow teachers to maintain control of the classroom. For example, school districts would be required to have plans for effective disciplinary policies, security procedures, prevention activities, student codes of conduct, and crisis management for responding to violent or traumatic incidents on school grounds.

<u>Teaching Students with Limited English Proficiency</u>. H.R. 1 would authorize appropriations of $750 million in FY 2002 and "such sums" for each of FYs 2003-2007 for education to benefit children with limited English proficiency (LEP). The FY 2002 Labor, HHS, Education Appropriations Act includes $665 million for this function. The enrolled bill would consolidate several current bilingual education and immigrant education programs into a streamlined single formula grant program that would focus on helping LEP students learn English. It would eliminate the current requirement that 75 percent of bilingual education funding support programs that instruct children by using the student's native language. The bill would require that LEP children be tested for reading and language arts in English after they have attended school in the United States for three consecutive years. All teachers in language instruction classes for LEP students would be required to be fluent in English. States would be

required to monitor the progress of LEP students in attaining English proficiency and be held accountable for meeting those objectives. The bill would require parents to be notified that their child is in need of English language instruction and of the befits of LEP instruction. Parental choice would be fostered by allowing parents to: (1) opt out of English instruction programs for their children; and (2) choose their child's instructional program if more than one is offered.

Conclusion and Recommendations

The Department of Education strongly recommends approval of H.R. 1 and notes that the enrolled bill incorporates many of the specific proposals from the "No Child Left Behind" comprehensive reform plan, including annual student testing, holding schools accountable for student achievement, empowering parents with options for choice, new reading programs, and greater flexibility for States and localities in using Federal education funds. ED states that this legislation "is of tremendous importance for America's children" and "a major accomplishment for the President."

We join ED and other interested agencies in recommending approval of H.R. 1, which passed the House by a vote of 381-41 and the Senate by 87-10.

M. E. Daniels, J

Mitchell E. Daniels, Jr.
Director

Enclosures

Attachment

Other Provisions of H.R. 1

Technology Education. H.R. 1 would authorize appropriations of $1 billion in FY 2002 and "such sums" for each of FYs 2003-2007 for consolidation of two educational technology programs into a single State formula grant program to support the integration of educational technology into classrooms to improve teaching and learning. It would require additional targeting of resources to school districts with poor children and those with schools identified as needing improvement. The FY 2002 Labor, HHS, Education Appropriations Act contains $785 million for the current technology education programs.

21st Century Learning Centers. The enrolled bill would authorize appropriations of $1.25 billion in FY 2002 and a total of $10 billion for FYs 2003-2007 for grants to school districts or nonprofit organizations, including faith-based organizations, to provide after-school learning programs. For FY 2002, the Labor, HHS, Education Appropriations Act contains $1 billion for this program.

Safe and Drug-Free Schools. H.R. 1 would authorize appropriations of $650 million in FY 2002 and "such sums" for each of FYs 2003-2007 for grants to States for drug and violence prevention programs in schools.

Rural Education. H.R. 1 would authorize appropriations of $300 million in FY 2002 and "such sums" in each of FYs 2003-2007 for new initiatives that address the unique needs of schools in rural areas. Eligible districts (generally areas of low population, low student attendance, or in non-urban locations) would be able to combine funds under various programs, and would be afforded special flexibility in using ESEA funds to support school improvement efforts. While each district would generally be held accountable to the performance requirements in the enrolled bill, rural schools would be eligible to receive additional assistance in helping to improve failing schools because actions required by the bill, such as restructuring or alternative placement of students, might not be feasible.

Education of Indian Children. H.R. 1 would authorize appropriations totaling $120.4 million in FY 2002 and "such sums" in each of FYs 2003-2006 for grants and other assistance to meet the educational needs of Indian children and and to train teachers in schools with substantial numbers of Indian children. The FY 2002 Labor, HHS, Education Appropriations Act includes $120.4 million for these programs. The enrolled bill also would authorize appropriations of "such sums" in each of FYs 2002-2007 for Native Hawaiian and Alaska Native education programs.

Education of Homeless Children. The enrolled bill would amend the McKinney-Vento Homeless Assistance Act to authorize appropriations of $70 million in FY 2002 and "such sums" in each of FYs 2003-2007 to provide grants to States to help ensure that homeless children and youth have access to the same public education as other children and youth. H.R. 1 would

modify the McKinney Act to improve services for homeless children, including: (1) prohibiting States from segregating homeless students, except in specified counties where separate schools have been approved; and (2) requiring local school districts to provide or arrange transportation to the homeless child's school.

Miscellaneous. H.R. 1 contains various new requirements and prohibitions relating to the Federal role in education. For example, it would require each local school district receiving ESEA funds to certify to its State educational agency that it has no policy that prevents constitutionally protected prayer in public schools. Currently, ESEA funds may only be withheld from districts or States in cases where Federal courts have determined that the State or district has violated a Federal court order to refrain from violating the constitutional right of any student with respect to public school prayer. The enrolled bill also would prohibit States, school districts, or schools that receive ESEA funds and permit outside youth or community groups to meet on school premises before or after school from denying equal access to those facilities to the Boy Scouts based on the scout group's membership criteria or oath of allegiance. H.R. 1 also would require each school district receiving ESEA funds to provide, on request by a military recruiter or an institution of higher education, access to the names, addresses, and telephone listings for secondary students, except in cases where parents have requested that such information not be released without their prior written consent.

THE WHITE HOUSE
WASHINGTON

January 7, 2002

Mr. President:

THE PRESIDENT HAS SEEN
01-08-02

I am attaching copies of the Enrolled Bill Memos for not only H. R. 1, but also for four other bills that must be signed tomorrow. The four other Enrolled Bill Memos address the following bills:

1. H. R. 2657-District of Columbia Family Court Act of 2001;
2. H. R. 2199-District of Columbia Police Coordination Amendment Act of 2001;
3. H. R. 645-Rhinoceros and Tiger Conservation Reauthorization Act of 2001; and
4. H. R. 643-African Elephant Conservation Reauthorization Act of 2001.

Each of these memos has been staffed to all relevant Senior Staff. The Memos drew no adverse comments.

The Enrolled Bill Memo for H. R. 1 adds detail to the information contained in your briefing papers and attached materials for your speeches tomorrow.

Respectfully,

Harriet Miers

Harriet Miers

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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SUBJECT: Enrolled Bill H.R. 1 - No Child Left Behind Act of 2001
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January 16, 2002 - Wednesday

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Other Parental Options. H.R. 1 would authorize competitive grant awards of up to five years for States, local school districts, or public or private sector partnerships to establish or expand programs that provide students and parents with greater voluntary public school choice. To enable parents to make informed choices, the enrolled bill would require that parents receive data, through annual report cards, about the quality of their children's schools, teacher qualifications, and their children's progress in key subjects.

The bill would permit transfer of students from low-performing schools to charter schools. Charter schools can be publicly or privately run enterprises operating within public school systems, which are generally exempt from regulatory requirements to help them develop innovative approaches to education. H.R. 1 also would authorize appropriations of $300 million in FY 2002 and "such sums" in each of FYs 2003-2007 for charter schools. In FY 2002, the first $200 million would be authorized for grants to charter schools and the remainder would be for a new program of competitive 5-year grants to States to assist charter schools with facility costs. The FY 2002 Labor, HHS, Education Appropriations Act provides $200 million for charter schools and no funds for the facilities program. In addition, a student who is the victim of a crime, or who attends a public school designated by the State as unsafe, would be permitted to transfer to a safe public school or charter school.

Flexibility for States and Local School Districts. H.R. 1 would provide greater flexibility to States and local school districts in deciding how to use Federal funds to address their unique needs and priorities. States would be authorized, after notifying the Secretary, to transfer up to 50 percent of "State activity funds" (Federal funds reserved for use at the State level for purposes other than administration) they receive under certain programs (e.g., teacher training, technology education, etc.) among those programs, as well as into the State's Title I allotment. The requirements of the program to which the funds are transferred would apply to those funds. Local school districts would be afforded similar flexibility to decide how to distribute certain program funds without State approval. Districts could distribute up to 50 percent (30 percent for districts identified for improvement, with some limitations) of the Federal funds allocated for

local use under certain programs (e.g., teacher training, technology education, etc.) among those programs, as well as into the district's allocation under Title I.

H.R. 1 would provide additional flexibility by authorizing new State and local demonstration projects. Up to seven States could participate in a demonstration program that would give them the flexibility to combine State activity and administrative funds from certain Title I programs and other programs, including teacher training and technology education, and use the funds for any educational purpose authorized under the ESEA. As part of the demonstration program, States would be required to enter into 4-10 performance agreements with local school districts (at least half of which must be high-poverty districts) to align the local district's use of funds with the State's use of the funds it combined under the demonstration program. In addition, up to 80 local school districts in other States could participate in a demonstration programs directly with the Secretary where the districts could consolidate and use formula grant funds made available to the district under certain programs, for any educational purpose authorized under the ESEA. Certain Federal requirements would be waived for States and districts participating in the demonstration programs in exchange for their agreement to improve student achievement and meet AYP.

Reading First Literacy Initiatives. H.R. 1 adopts your Reading First and Early Reading First initiatives. The enrolled bill would authorize appropriations of $900 million in FY 2002 (the same funding level included in the FY 2002 Labor, HHS, Education Appropriations Act) and "such sums" for each of FYs 2003-2007 for the Reading First program. The FY 2002 program level is three times the amount appropriated for FY 2001. Under this program, grants are provided to States and local school districts to implement scientifically-based reading programs from kindergarten through second grade, with the goal of ensuring that every student reads by the third grade.

H.R. 1 also would authorize appropriations of $75 million in FY 2002 (the same funding level included in the FY 2002 Labor, HHS, Education Appropriations Act) and "such sums" in each of FYs 2003-2007 for the new Early Reading First initiative. This program is designed to provide the early identification and early reading interventions necessary to prevent reading failure and otherwise enhance reading readiness for children in high poverty areas. Support to States for this program would be directed to preschool programs, including Head Start centers.

Improving Teacher Quality. The enrolled bill would authorize appropriations totaling $3.18 billion in FY 2002 and "such sums" in each of FYs 2003-2007, $1 billion over the level in the FY 2002 Labor, HHS, Education Appropriations Act, for grants to States for professional development, recruitment, and retention activities to improve teacher quality. Each school receiving Title I funds would be required to ensure that all teachers hired and teaching in a program supported with those funds are "highly qualified" (e.g., State-certified, holding at least a bachelor's degree, and, for new teachers, passing a rigorous State test on subject knowledge and teaching skills). States must submit plans to ensure that all public school teachers of core academic subjects are "highly qualified" by the end of the 2005-2006 school year.

The enrolled bill would consolidate the Eisenhower Professional Development program (grants to States, local school districts, and institutions of higher education to improve teacher performance) and the Class-Size Reduction program (grants to States to reduce class sizes in the primary grades) into a single new Teacher Quality program. The new program would give local school districts flexibility to decide how to allocate resources to put more highly qualified teachers in every classroom. These resources could be used for professional development, recruitment, and hiring of teachers.

The bill also would authorize grants to partnerships among States, local institutions, and institutions of higher education to improve math and science teacher education, with the goal of improving student performance in those subjects. Grants could be used for activities such as summer workshops for teachers or teacher recruitment programs. H.R. 1 would authorize appropriations of $450 million in FY 2002 and "such sums" in each of FYs 2003-2007 to ED for this program. The FY 2002 Budget proposed to house this program in the National Science Foundation (NSF) and fund it at $200 million. For FY 2002, Congress has appropriated $12.5 million to ED for the program and $160 million to NSF for similar activities.

The bill would update and authorize appropriations totaling $150 million in FY 2002 and "such sums" for each of FYs 2003-2007 for the: (1) Troops-to-Teachers program, which helps armed forces personnel obtain certification or licensure as teachers or vocational technical leaders; and (2) Transition to Teaching recruiting program, which helps high-need local school districts recruit and train highly qualified individuals to make a transition to teaching.

H.R. 1 also would provide teachers with new tools to improve classroom management and foster better quality education. It would provide civil immunity to teachers and other school personnel, as well as school board members, for certain actions taken to maintain discipline in the classroom or school. Through amendments to the Safe and Drug-Free Schools Act, the bill would authorize schools to develop new policies that allow teachers to maintain control of the classroom. For example, school districts would be required to have plans for effective disciplinary policies, security procedures, prevention activities, student codes of conduct, and crisis management for responding to violent or traumatic incidents on school grounds.

Teaching Students with Limited English Proficiency. H.R. 1 would authorize appropriations of $750 million in FY 2002 and "such sums" for each of FYs 2003-2007 for education to benefit children with limited English proficiency (LEP). The FY 2002 Labor, HHS, Education Appropriations Act includes $665 million for this function. The enrolled bill would consolidate several current bilingual education and immigrant education programs into a streamlined single formula grant program that would focus on helping LEP students learn English. It would eliminate the current requirement that 75 percent of bilingual education funding support programs that instruct children by using the student's native language. The bill would require that LEP children be tested for reading and language arts in English after they have attended school in the United States for three consecutive years. All teachers in language instruction classes for LEP students would be required to be fluent in English. States would be

required to monitor the progress of LEP students in attaining English proficiency and be held accountable for meeting those objectives. The bill would require parents to be notified that their child is in need of English language instruction and of the befits of LEP instruction. Parental choice would be fostered by allowing parents to: (1) opt out of English instruction programs for their children; and (2) choose their child's instructional program if more than one is offered.

Conclusion and Recommendations

The Department of Education strongly recommends approval of H.R. 1 and notes that the enrolled bill incorporates many of the specific proposals from the "No Child Left Behind" comprehensive reform plan, including annual student testing, holding schools accountable for student achievement, empowering parents with options for choice, new reading programs, and greater flexibility for States and localities in using Federal education funds. ED states that this legislation "is of tremendous importance for America's children" and "a major accomplishment for the President."

We join ED and other interested agencies in recommending approval of H.R. 1, which passed the House by a vote of 381-41 and the Senate by 87-10.

M. E. Daniels, J

Mitchell E. Daniels, Jr.
Director

Enclosures

Attachment

Other Provisions of H.R. 1

Technology Education. H.R. 1 would authorize appropriations of $1 billion in FY 2002 and "such sums" for each of FYs 2003-2007 for consolidation of two educational technology programs into a single State formula grant program to support the integration of educational technology into classrooms to improve teaching and learning. It would require additional targeting of resources to school districts with poor children and those with schools identified as needing improvement. The FY 2002 Labor, HHS, Education Appropriations Act contains $785 million for the current technology education programs.

21st Century Learning Centers. The enrolled bill would authorize appropriations of $1.25 billion in FY 2002 and a total of $10 billion for FYs 2003-2007 for grants to school districts or nonprofit organizations, including faith-based organizations, to provide after-school learning programs. For FY 2002, the Labor, HHS, Education Appropriations Act contains $1 billion for this program.

Safe and Drug-Free Schools. H.R. 1 would authorize appropriations of $650 million in FY 2002 and "such sums" for each of FYs 2003-2007 for grants to States for drug and violence prevention programs in schools.

Rural Education. H.R. 1 would authorize appropriations of $300 million in FY 2002 and "such sums" in each of FYs 2003-2007 for new initiatives that address the unique needs of schools in rural areas. Eligible districts (generally areas of low population, low student attendance, or in non-urban locations) would be able to combine funds under various programs, and would be afforded special flexibility in using ESEA funds to support school improvement efforts. While each district would generally be held accountable to the performance requirements in the enrolled bill, rural schools would be eligible to receive additional assistance in helping to improve failing schools because actions required by the bill, such as restructuring or alternative placement of students, might not be feasible.

Education of Indian Children. H.R. 1 would authorize appropriations totaling $120.4 million in FY 2002 and "such sums" in each of FYs 2003-2006 for grants and other assistance to meet the educational needs of Indian children and and to train teachers in schools with substantial numbers of Indian children. The FY 2002 Labor, HHS, Education Appropriations Act includes $120.4 million for these programs. The enrolled bill also would authorize appropriations of "such sums" in each of FYs 2002-2007 for Native Hawaiian and Alaska Native education programs.

Education of Homeless Children. The enrolled bill would amend the McKinney-Vento Homeless Assistance Act to authorize appropriations of $70 million in FY 2002 and "such sums" in each of FYs 2003-2007 to provide grants to States to help ensure that homeless children and youth have access to the same public education as other children and youth. H.R. 1 would

modify the McKinney Act to improve services for homeless children, including: (1) prohibiting States from segregating homeless students, except in specified counties where separate schools have been approved; and (2) requiring local school districts to provide or arrange transportation to the homeless child's school.

Miscellaneous. H.R. 1 contains various new requirements and prohibitions relating to the Federal role in education. For example, it would require each local school district receiving ESEA funds to certify to its State educational agency that it has no policy that prevents constitutionally protected prayer in public schools. Currently, ESEA funds may only be withheld from districts or States in cases where Federal courts have determined that the State or district has violated a Federal court order to refrain from violating the constitutional right of any student with respect to public school prayer. The enrolled bill also would prohibit States, school districts, or schools that receive ESEA funds and permit outside youth or community groups to meet on school premises before or after school from denying equal access to those facilities to the Boy Scouts based on the scout group's membership criteria or oath of allegiance. H.R. 1 also would require each school district receiving ESEA funds to provide, on request by a military recruiter or an institution of higher education, access to the names, addresses, and telephone listings for secondary students, except in cases where parents have requested that such information not be released without their prior written consent.

Withdrawal Marker
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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Rhinoceros and Tiger Conservation Reauthorization Act of 2001 - To: POTUS - From: Mitchell E. Daniels, Jr.	2	01/02/2002	P5;

This marker identifies the original location of the withdrawn item listed above. For a complete list of items withdrawn from this folder, see the Withdrawal/Redaction Sheet at the front of the folder.

COLLECTION:
Executive Clerk, Office Of the
SERIES:
Saunders, G. Timothy (Tim) - Bill Files
FOLDER TITLE:
01/08/2002 [H.R. 1] [1]
FRC ID:
781
OA Num.:
732
NARA Num.:
1458

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	African Elephant Conservation Reauthorization Act of 2001 - To: POTUS - From: Mitchell E. Daniels, Jr.	3	01/02/2002	P5;

This marker identifies the original location of the withdrawn item listed above. For a complete list of items withdrawn from this folder, see the Withdrawal/Redaction Sheet at the front of the folder.

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Executive Clerk, Office Of the
SERIES:
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FOLDER TITLE:
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FRC ID:
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

'02 JAN 2 PM 7:01

THE DIRECTOR

January 2, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2199 - District of Columbia Police Coordination Amendment Act of 2001
Sponsor - Del. Norton (D) District of Columbia

Last Day for Action

January 8, 2002 - Tuesday

Purpose

Permits any Federal law enforcement agency to enter into a cooperative law enforcement agreement with the Metropolitan Police Department of the District of Columbia.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Department of the Interior	Defers to Justice (Informally)
Department of the Treasury	No objection (Informally)
District of Columbia	No objection (Informally)
General Services Administration	No objection (Informally)

Discussion

Under current law (P.L. 105-33), thirty-two specific Federal agencies are permitted to enter into cooperative agreements with the Metropolitan Police Department of the District of Columbia. These agreements allow Federal agencies to send personnel on patrol in areas of the District which immediately surround the area of the agency's jurisdiction, and to share equipment and radio frequencies.

H.R. 2199 would amend P.L. 105-33 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia, if deemed appropriate by the Chief of the Metropolitan Police Department and the United States Attorney for the District of Columbia.

According to the Senate Governmental Affairs Committee report on H.R. 2199, the 1997 law "inadvertently omitted certain agencies [and] H.R. 2199 addresses this problem by adding a new catch-all clause to encompass any other Federal law enforcement agency."

Conclusion and Recommendations

We join the Department of Justice in recommending approval of H.R. 2199, which passed the House by a vote of 420-0 and the Senate by unanimous consent.

M E Daniels

Mitchell E. Daniels, Jr.
Director

Enclosures

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

'02 JAN 2 PM 7:04

THE DIRECTOR

January 2, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2657 - District of Columbia Family Court Act of 2001
Sponsors - Rep. DeLay (R) Texas and 3 cosponsors

Last Day for Action

January 8, 2002 - Tuesday

Purpose

Redesignates the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court and makes structural and administrative changes affecting the Court's operations, including rules regarding the assignment and service of Family Court judges.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
District of Columbia	Approval
Court Services and Offender Supervision Agency	Approval
General Services Administration	No objection (Informally)
Office of Personnel Management	No objection (Informally)
Department of Health and Human Services	Defers to Justice (Informally)

Discussion

Background. Under the Constitution, Congress has exclusive jurisdiction over the District of Columbia, including over its local courts. The District of Columbia Superior Court was established by Public Law 91-358 in 1970 as a court of general jurisdiction with five branches: family, civil, criminal, tax, and probate. Currently the Court has 58 judges and one chief judge. The judges are appointed by the President and confirmed by the Congress. The President makes his selection from a list of three names provided to him by the District of Columbia Judicial Nominations Commission.

Concern about the Court's role in handling cases of abused and neglected children was heightened as a result of newspaper coverage of the death of 23-month old Brianna Blackmond, a child under court supervision who died in January 2000 after a judge returned her to her troubled home without conducting a formal hearing. According to the Senate Governmental Affairs Committee Report on H.R. 2657, "the dispersal of abuse and neglect cases to all 59 judges" has contributed to shortcomings that the enrolled bill is intended to address.

H.R. 2657 would make several changes to the way that the Family Division of the Superior Court of the District of Columbia is structured and administered. A description of the bill's major provisions follows. Other provisions are described in the Attachment.

Family Court. The bill would redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court and would require the chief judge of the Superior Court to designate one of the judges assigned to the Family Court to serve as presiding judge of the Family Court. Except for cases assigned to, or already pending in, a cross-jurisdictional unit of the Superior Court (such as the Domestic Violence Unit), the bill would grant the Family Court original jurisdiction over family law issues brought before the Superior Court such as child abuse and neglect cases, child custody hearings, and divorce, adoption, and paternity proceedings. The bill would also require that any appeal from a decision of the Family Court terminating parental rights or granting or denying a petition to adopt would have to receive expedited review by the District of Columbia Court of Appeals.

Disposition of cases. The enrolled bill would require the Family Court to establish a "one family, one judge" policy requiring, to the greatest extent possible, one judge to handle all matters in the court involving one child or one family. Most cases assigned to the Family Court would remain within the Court until final resolution. However, the enrolled bill would specify certain procedures under which a judge who is rotating out of the Family Court could retain a Family Court case for up to 12 months after leaving the court. The bill would also require the Family Court, to the greatest extent possible, to resolve cases and proceedings through alternative dispute resolution procedures in accordance with rules established by the Superior Court.

Judges. The bill would limit the number of judges serving on the Family Court to a maximum of 15. (There are currently 12 judges in the Family Division. However, all 59 Superior Court judges review child welfare cases in addition to their other duties.) The chief judge of the Superior Court could temporarily assign qualified judges from other divisions of the Superior Court to the Family Court if an emergency situation creates a need for more than 15 judges. In those situations, the chief judge would be required to report to the President and to Congress with justification for the action. If the total number of judges serving on the Family Court is less than 15 and the chief judge is unable to find volunteers in other divisions of the Superior Court to serve on the Family Court to maintain the maximum of 15 judges, H.R. 2657 would authorize the chief judge to recruit new judges to serve on the Family Court. Such recruitment would be authorized even if it meant exceeding the total cap of 59 judges serving on the Superior Court. To do so, however, the chief judge would be required to obtain the approval of the District of Columbia's Joint Committee on Judicial Administration and to report to Congress on why it is necessary to exceed the cap.

H.R. 2657 would require judges appointed to serve on the Family Court from outside of the Superior Court to: (1) have training or experience in family law; (2) agree to participate in ongoing training programs; and (3) serve for a five-year term. Judges already serving on the Superior Court would be required to serve for at least three years. The bill would grant the chief judge the authority to reassign judges outside of the Family Court before the end of their term if such reassignment is in the interest of justice.

Transition plan. The chief judge of the Superior Court would be required to prepare and submit to the President and to Congress a transition plan for the Family Court within 90 days of enactment, including: (1) a determination of the number of judges and magistrates needed to serve on the court; (2) a determination of the role and function of the presiding judge of the Family Court; (3) a description of case flow, management and staffing needs; and (4) a proposal to carry out the disposition of child abuse and neglect cases pending in the Superior Court. The bill would require the chief judge to provide for the transfer or disposition of these cases within 18 months of filing the transition plan. The chief judge would also be required to submit a progress report to Congress every six months on the disposition of these cases.

Magistrate judges. The bill would redesignate hearing commissioners of the Superior Court as magistrate judges. Magistrate judges would be given the authority to administer oaths, conduct hearings, make findings, and enter final orders or judgments. Magistrate judges of the Family Court and of the Domestic Violence Unit would be required to have specific qualifications, including experience in family law. Magistrate judges of the Family Court would have to be appointed by the chief judge and the presiding judge no later than 60 days after enactment in order to assist in the implementation of the transition plan for the Family Court. In doing so, these magistrates would be first assigned by the chief judge of the Superior Court and the presiding judge of the Family Court to cases involving allegations of abuse or neglect that were filed more than two years prior to enactment and that are currently being handled by judges outside of the Family Division.

Appropriations. The FY 2002 appropriations act for the District of Columbia (Public Law 107-96) included a Federal payment of $24 million to carry out this Act.

Agency Views

The Department of Justice advises that "[t]he family court would give abuse and neglect cases the priority and consistency that they deserve," and "would be a significant contribution to improving the child welfare system in the District of Columbia."

The Mayor of the District of Columbia states that the enrolled bill "is a critical component of our efforts to reform the District's child welfare system" and "includes key provisions that will lead to better adjudicative outcomes for vulnerable children."

Conclusion and Recommendations

We join the Department of Justice, the District of Columbia, and the Court Services and Offender Supervision Agency in recommending approval of H.R. 2657, which passed the Senate by unanimous consent and the House by a vote of 418 to 1.

M E Daniels

Mitchell E. Daniels, Jr.
Director

Enclosures

Attachment

Other Provisions of H.R. 2657

H.R. 2657 would require the Mayor of the District of Columbia to ensure that representatives of D.C. social services agencies are available at the Family Court to coordinate the provision of social services for those appearing in court. The Mayor would be required to appoint an individual to act as liaison between the Family Court and the District government for this purpose.

The bill would also require the District to prepare a plan for integrating the computer systems of the District government with the computer systems of the Superior Court. In accordance with the plan, all records and materials of the Family Court would have to be stored and maintained in electronic format accessible to staff of the Family Court and other offices of the District government. The bill would also require the establishment of an electronic case tracking and management system for these materials.

In consultation with the presiding judge of the Family Court, the chief judge of the Superior Court would be required to carry out a program of training in family law to judges, magistrates, attorneys, and other non-judicial personnel of the Family Court and to other judges of the Superior Court who are assigned Family Court cases. Also, to the greatest extent possible, the chief judge and presiding judge would be required to ensure that materials, services, and proceedings are understandable and accessible to individuals and families served by the Court.

The bill would require the chief judge of the Superior Court to submit a report to Congress within 90 days of the end of each year on the activities of the Family Court during that year, including information on: (1) the extent to which applicable deadlines, standards, and timetables were met; and (2) the number, status, recruitment, and reassignment of judges on the Family Court.

The enrolled bill would also require the chief judge and the presiding judge to submit to Congress: (1) a plan, in consultation with the General Services Administration, within a year of enactment on the feasibility of constructing or acquiring permanent facilities for the Family Court; and (2) an analysis of the impact of using Family Court magistrate judges on reducing the backlog of cases pending in the Family Court.

The bill would also require the Comptroller General to report, within two years of enactment, on the implementation of the bill's provisions, including an analysis of the initial appointments of judges to the Family Court; the impact of magistrate judges on the workload of judges and other court personnel; the number of judges needed for the Family Court; and an analysis of the timeliness of the resolution and disposition of cases.

The bill expresses the sense of Congress that the District of Columbia, Maryland and Virginia should enter into an agreement to facilitate the timely and safe placement of children in the District's child welfare system. It also expresses the sense of the Senate that the chief judge and the presiding judge should encourage the use of Court Appointed Special Advocates in Family Court proceedings.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

'02 JAN 7 AM 7:57

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1 - No Child Left Behind Act of 2001
Sponsors - Rep. Boehner (R) Ohio and 84 cosponsors

Last Day for Action

January 16, 2002 - Wednesday

Purpose

Reauthorizes for six years the Elementary and Secondary Education Act of 1965 (ESEA), and amends the ESEA and other Federal programs by: (1) requiring States, by the 2005-2006 school year, to administer annual reading and math tests for students in grades three through eight; (2) requiring States to take corrective action against and, if necessary, reorganize, schools that fail to demonstrate proficiency of all students; (3) expanding school choice options, including permitting parents to move children in low-performing schools to better public schools; (4) giving States and localities more flexibility to direct Federal resources to unique and pressing educational needs; (5) establishing programs to ensure that children can read by the end of third grade; (6) authorizing funding for teacher quality improvement programs; and (7) consolidating limited English proficiency programs.

Agency Recommendations

Office of Management and Budget	Approval
Department of Education (ED)	Approval
Department of Labor	Approval (Informally)
National Institute for Literacy	Approval (Informally)
Department of Justice	No objection
Department of the Treasury	No objection (Informally)
National Commission on Libraries and Information Science	No objection (Informally)
Department of the Interior	Defers to ED
Department of Defense	Defers to ED (Informally)
Department of Health and Human Services	Defers to ED (Informally)
Department of Housing and Urban Development	Defers to ED (Informally)

National Science Foundation	Defers to ED (Informally)
Department of Commerce	No comment (Informally)
Department of State	No comment (Informally)
Department of Transportation	No comment (Informally)
Council on Environmental Quality	No comment (Informally)
Environmental Protection Agency	No comment (Informally)
National Endowment for the Arts	No comment (Informally)
Office of Government Ethics	No comment (Informally)
Office of National Drug Control Policy	No comment (Informally)
Office of Personnel Management	No comment (Informally)
Office of Science and Technology Policy	No comment (Informally)

Discussion

H.R. 1 would reauthorize and amend the Elementary and Secondary Education Act of 1965 (ESEA) and other education programs for six years, through FY 2007. The enrolled bill is the product of intensive negotiations, and it conforms substantially with the priorities articulated in the "No Child Left Behind" blueprint that you transmitted to Congress last January. However, there are some differences, such as the enrolled bill's provisions limiting school choice options to public schools and authorizing appropriations that exceed your FY 2002 Budget. Major provisions of H.R. 1 are described below. Other significant provisions are described in an Attachment.

Appropriation Authorizations. H.R. 1 would authorize appropriations totaling $26.5 billion for ESEA programs in FY 2002. Your FY 2002 Budget requested $19.1 billion for ESEA programs. The Departments of Labor, Health and Human Services (HHS), Education, and Related Agencies FY 2002 Appropriations Act contains $22.1 billion for these programs. For FYs 2003-2007, the enrolled bill generally authorizes "such sums" as may be necessary, except that specific amounts are authorized for certain Title I grants.

Approximately half of ESEA funding supports programs in Title I of the Act, which authorizes grants to States and school districts to benefit disadvantaged children and help improve instruction in high-poverty schools. The ESEA also authorizes programs for professional development of educators, educational technology, reading and literacy services, bilingual education, drug and violence prevention, education of Indian children, rural and migratory education, neglected or delinquent children, and impact aid (compensation to school districts for costs associated with educating children from families living or working on Federal property, such as military bases and Indian lands).

- Title I Grants. H.R. 1 would authorize appropriations of $13.5 billion in FY 2002 and a total of $102.8 billion for FYs 2003-2007 for ESEA Title I basic programs operated by local school districts. It also would authorize appropriations of $500 million in FY 2003 and "such sums" in each of FYs 2003-2007 for formula grants to States for a new Assistance for Local

School Improvement grant program. States would make subgrants to help local school districts comply with the school improvement activities required by the enrolled bill to assist low-performing schools. The Labor, HHS, Education FY 2002 Appropriations Act contains $10.35 billion for Title I basic programs and $235 million for the new school improvement grants.

Student Testing. The ESEA currently requires reading and math assessments once within each of three grade spans (3-5, 6-9, and 10-12). H.R. 1 would maintain this requirement through the 2004-2005 school year, after which time States would be required to implement annual reading and math tests for students in grades 3 through 8. The enrolled bill also would require science assessments in the three grade spans beginning in the 2007-2008 school year. H.R. 1 would authorize appropriations of $490 million in FY 2002 and "such sums" for each of FYs 2003-2007 to help States design these assessment tests. States could delay implementation of the new tests if Congress does not annually appropriate amounts specified in H.R. 1. (The FY 2002 appropriation exceeds the specified level.)

The enrolled bill would further require all States, as a condition of receiving Title I funds, to participate in the National Assessment of Educational Progress (NAEP), an independent test in reading and math that is currently administered biennially to a small sample of 4th and 8th graders in forty States that currently participate on a voluntary basis. This test would be used as a benchmark to measure State programs and standards. Federally sponsored national testing, Federally controlled curricula, and mandatory national teacher certification would be specifically prohibited by the enrolled bill.

School Improvement and Corrective Action for Low-Performing Schools. The enrolled bill would establish a system of rewards and sanctions to hold schools and local school districts accountable for increasing student achievement. States and schools would be required to make "adequate yearly progress" (AYP) towards achieving the goal of all students being proficient in reading and math within 12 years after the 2001-2002 school year. AYP must be made by the State, school district, school, and by disaggregated groups, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. States would set AYP goals, intermediate goals for achieving 100 percent proficiency, and the standard for 100 percent proficiency. The intermediate goals must be increased in equal increments at least once every three years. The enrolled bill would require that specific amounts of administrative funds be withheld from States that fail to meet requisite deadlines for implementing standards and a system for measuring AYP.

Schools exceeding AYP goals for two consecutive years could receive additional funds from the State (including funds for individual teacher awards). However, if the school fails to meet these goals, parents would receive new options for their children's education. Specifically, if a school fails to make AYP for two consecutive years, a district would be required to offer students in the school the opportunity to transfer to another public school within the same district (unless public school choice is prohibited by State law). School districts would be required to pay the cost of transporting students to other public schools and to provide technical assistance to

help failing schools improve. Failure by schools to make AYP for three consecutive years would require districts to provide low-achieving disadvantaged students within the school supplemental instructional services (e.g., tutoring, after-school classes, and summer classes) from a provider chosen by the parents, including services provided by private or faith-based organizations. If a school fails to make AYP for four consecutive years, the district would be required to take corrective action to improve the school, including replacing staff or implementing new curricula. Finally, if a school fails to make AYP for five consecutive years, the local district would be required to restructure the school, including through a State takeover or converting the school to a charter school.

While a school is undergoing corrective action or being restructured, districts must continue to offer public school choice and provide supplemental services. Once a school makes AYP for two consecutive years, it would no longer be required to take remedial actions.

<u>Other Parental Options</u>. H.R. 1 would authorize competitive grant awards of up to five years for States, local school districts, or public or private sector partnerships to establish or expand programs that provide students and parents with greater voluntary public school choice. To enable parents to make informed choices, the enrolled bill would require that parents receive data, through annual report cards, about the quality of their children's schools, teacher qualifications, and their children's progress in key subjects.

The bill would permit transfer of students from low-performing schools to charter schools. Charter schools can be publicly or privately run enterprises operating within public school systems, which are generally exempt from regulatory requirements to help them develop innovative approaches to education. H.R. 1 also would authorize appropriations of $300 million in FY 2002 and "such sums" in each of FYs 2003-2007 for charter schools. In FY 2002, the first $200 million would be authorized for grants to charter schools and the remainder would be for a new program of competitive 5-year grants to States to assist charter schools with facility costs. The FY 2002 Labor, HHS, Education Appropriations Act provides $200 million for charter schools and no funds for the facilities program. In addition, a student who is the victim of a crime, or who attends a public school designated by the State as unsafe, would be permitted to transfer to a safe public school or charter school.

<u>Flexibility for States and Local School Districts</u>. H.R. 1 would provide greater flexibility to States and local school districts in deciding how to use Federal funds to address their unique needs and priorities. States would be authorized, after notifying the Secretary, to transfer up to 50 percent of "State activity funds" (Federal funds reserved for use at the State level for purposes other than administration) they receive under certain programs (e.g., teacher training, technology education, etc.) among those programs, as well as into the State's Title I allotment. The requirements of the program to which the funds are transferred would apply to those funds. Local school districts would be afforded similar flexibility to decide how to distribute certain program funds without State approval. Districts could distribute up to 50 percent (30 percent for districts identified for improvement, with some limitations) of the Federal funds allocated for

local use under certain programs (e.g., teacher training, technology education, etc.) among those programs, as well as into the district's allocation under Title I.

H.R. 1 would provide additional flexibility by authorizing new State and local demonstration projects. Up to seven States could participate in a demonstration program that would give them the flexibility to combine State activity and administrative funds from certain Title I programs and other programs, including teacher training and technology education, and use the funds for any educational purpose authorized under the ESEA. As part of the demonstration program, States would be required to enter into 4-10 performance agreements with local school districts (at least half of which must be high-poverty districts) to align the local district's use of funds with the State's use of the funds it combined under the demonstration program. In addition, up to 80 local school districts in other States could participate in a demonstration programs directly with the Secretary where the districts could consolidate and use formula grant funds made available to the district under certain programs, for any educational purpose authorized under the ESEA. Certain Federal requirements would be waived for States and districts participating in the demonstration programs in exchange for their agreement to improve student achievement and meet AYP.

Reading First Literacy Initiatives. H.R. 1 adopts your Reading First and Early Reading First initiatives. The enrolled bill would authorize appropriations of $900 million in FY 2002 (the same funding level included in the FY 2002 Labor, HHS, Education Appropriations Act) and "such sums" for each of FYs 2003-2007 for the Reading First program. The FY 2002 program level is three times the amount appropriated for FY 2001. Under this program, grants are provided to States and local school districts to implement scientifically-based reading programs from kindergarten through second grade, with the goal of ensuring that every student reads by the third grade.

H.R. 1 also would authorize appropriations of $75 million in FY 2002 (the same funding level included in the FY 2002 Labor, HHS, Education Appropriations Act) and "such sums" in each of FYs 2003-2007 for the new Early Reading First initiative. This program is designed to provide the early identification and early reading interventions necessary to prevent reading failure and otherwise enhance reading readiness for children in high poverty areas. Support to States for this program would be directed to preschool programs, including Head Start centers.

Improving Teacher Quality. The enrolled bill would authorize appropriations totaling $3.18 billion in FY 2002 and "such sums" in each of FYs 2003-2007, $1 billion over the level in the FY 2002 Labor, HHS, Education Appropriations Act, for grants to States for professional development, recruitment, and retention activities to improve teacher quality. Each school receiving Title I funds would be required to ensure that all teachers hired and teaching in a program supported with those funds are "highly qualified" (e.g., State-certified, holding at least a bachelor's degree, and, for new teachers, passing a rigorous State test on subject knowledge and teaching skills). States must submit plans to ensure that all public school teachers of core academic subjects are "highly qualified" by the end of the 2005-2006 school year.

The enrolled bill would consolidate the Eisenhower Professional Development program (grants to States, local school districts, and institutions of higher education to improve teacher performance) and the Class-Size Reduction program (grants to States to reduce class sizes in the primary grades) into a single new Teacher Quality program. The new program would give local school districts flexibility to decide how to allocate resources to put more highly qualified teachers in every classroom. These resources could be used for professional development, recruitment, and hiring of teachers.

The bill also would authorize grants to partnerships among States, local institutions, and institutions of higher education to improve math and science teacher education, with the goal of improving student performance in those subjects. Grants could be used for activities such as summer workshops for teachers or teacher recruitment programs. H.R. 1 would authorize appropriations of $450 million in FY 2002 and "such sums" in each of FYs 2003-2007 to ED for this program. The FY 2002 Budget proposed to house this program in the National Science Foundation (NSF) and fund it at $200 million. For FY 2002, Congress has appropriated $12.5 million to ED for the program and $160 million to NSF for similar activities.

The bill would update and authorize appropriations totaling $150 million in FY 2002 and "such sums" for each of FYs 2003-2007 for the: (1) Troops-to-Teachers program, which helps armed forces personnel obtain certification or licensure as teachers or vocational technical leaders; and (2) Transition to Teaching recruiting program, which helps high-need local school districts recruit and train highly qualified individuals to make a transition to teaching.

H.R. 1 also would provide teachers with new tools to improve classroom management and foster better quality education. It would provide civil immunity to teachers and other school personnel, as well as school board members, for certain actions taken to maintain discipline in the classroom or school. Through amendments to the Safe and Drug-Free Schools Act, the bill would authorize schools to develop new policies that allow teachers to maintain control of the classroom. For example, school districts would be required to have plans for effective disciplinary policies, security procedures, prevention activities, student codes of conduct, and crisis management for responding to violent or traumatic incidents on school grounds.

<u>Teaching Students with Limited English Proficiency</u>. H.R. 1 would authorize appropriations of $750 million in FY 2002 and "such sums" for each of FYs 2003-2007 for education to benefit children with limited English proficiency (LEP). The FY 2002 Labor, HHS, Education Appropriations Act includes $665 million for this function. The enrolled bill would consolidate several current bilingual education and immigrant education programs into a streamlined single formula grant program that would focus on helping LEP students learn English. It would eliminate the current requirement that 75 percent of bilingual education funding support programs that instruct children by using the student's native language. The bill would require that LEP children be tested for reading and language arts in English after they have attended school in the United States for three consecutive years. All teachers in language instruction classes for LEP students would be required to be fluent in English. States would be

required to monitor the progress of LEP students in attaining English proficiency and be held accountable for meeting those objectives. The bill would require parents to be notified that their child is in need of English language instruction and of the befits of LEP instruction. Parental choice would be fostered by allowing parents to: (1) opt out of English instruction programs for their children; and (2) choose their child's instructional program if more than one is offered.

Conclusion and Recommendations

The Department of Education strongly recommends approval of H.R. 1 and notes that the enrolled bill incorporates many of the specific proposals from the "No Child Left Behind" comprehensive reform plan, including annual student testing, holding schools accountable for student achievement, empowering parents with options for choice, new reading programs, and greater flexibility for States and localities in using Federal education funds. ED states that this legislation "is of tremendous importance for America's children" and "a major accomplishment for the President."

We join ED and other interested agencies in recommending approval of H.R. 1, which passed the House by a vote of 381-41 and the Senate by 87-10.

M. E. Daniels, J

Mitchell E. Daniels, Jr.
Director

Enclosures

Attachment

Other Provisions of H.R. 1

Technology Education. H.R. 1 would authorize appropriations of $1 billion in FY 2002 and "such sums" for each of FYs 2003-2007 for consolidation of two educational technology programs into a single State formula grant program to support the integration of educational technology into classrooms to improve teaching and learning. It would require additional targeting of resources to school districts with poor children and those with schools identified as needing improvement. The FY 2002 Labor, HHS, Education Appropriations Act contains $785 million for the current technology education programs.

21st Century Learning Centers. The enrolled bill would authorize appropriations of $1.25 billion in FY 2002 and a total of $10 billion for FYs 2003-2007 for grants to school districts or nonprofit organizations, including faith-based organizations, to provide after-school learning programs. For FY 2002, the Labor, HHS, Education Appropriations Act contains $1 billion for this program.

Safe and Drug-Free Schools. H.R. 1 would authorize appropriations of $650 million in FY 2002 and "such sums" for each of FYs 2003-2007 for grants to States for drug and violence prevention programs in schools.

Rural Education. H.R. 1 would authorize appropriations of $300 million in FY 2002 and "such sums" in each of FYs 2003-2007 for new initiatives that address the unique needs of schools in rural areas. Eligible districts (generally areas of low population, low student attendance, or in non-urban locations) would be able to combine funds under various programs, and would be afforded special flexibility in using ESEA funds to support school improvement efforts. While each district would generally be held accountable to the performance requirements in the enrolled bill, rural schools would be eligible to receive additional assistance in helping to improve failing schools because actions required by the bill, such as restructuring or alternative placement of students, might not be feasible.

Education of Indian Children. H.R. 1 would authorize appropriations totaling $120.4 million in FY 2002 and "such sums" in each of FYs 2003-2006 for grants and other assistance to meet the educational needs of Indian children and and to train teachers in schools with substantial numbers of Indian children. The FY 2002 Labor, HHS, Education Appropriations Act includes $120.4 million for these programs. The enrolled bill also would authorize appropriations of "such sums" in each of FYs 2002-2007 for Native Hawaiian and Alaska Native education programs.

Education of Homeless Children. The enrolled bill would amend the McKinney-Vento Homeless Assistance Act to authorize appropriations of $70 million in FY 2002 and "such sums" in each of FYs 2003-2007 to provide grants to States to help ensure that homeless children and youth have access to the same public education as other children and youth. H.R. 1 would

modify the McKinney Act to improve services for homeless children, including: (1) prohibiting States from segregating homeless students, except in specified counties where separate schools have been approved; and (2) requiring local school districts to provide or arrange transportation to the homeless child's school.

Miscellaneous. H.R. 1 contains various new requirements and prohibitions relating to the Federal role in education. For example, it would require each local school district receiving ESEA funds to certify to its State educational agency that it has no policy that prevents constitutionally protected prayer in public schools. Currently, ESEA funds may only be withheld from districts or States in cases where Federal courts have determined that the State or district has violated a Federal court order to refrain from violating the constitutional right of any student with respect to public school prayer. The enrolled bill also would prohibit States, school districts, or schools that receive ESEA funds and permit outside youth or community groups to meet on school premises before or after school from denying equal access to those facilities to the Boy Scouts based on the scout group's membership criteria or oath of allegiance. H.R. 1 also would require each school district receiving ESEA funds to provide, on request by a military recruiter or an institution of higher education, access to the names, addresses, and telephone listings for secondary students, except in cases where parents have requested that such information not be released without their prior written consent.

Rachael L. Sunbarger 01/08/2002 04:14:10 PM

Record Type: Record

To:

cc:
Subject: REMARKS BY THE PRESIDENT AT EDUCATION BILL SIGNING - Hamilton, Ohio

THE WHITE HOUSE

Office of the Press Secretary
(Boston, Massachusetts)
For Immediate Release January 8, 2002

REMARKS BY THE PRESIDENT
AT EDUCATION BILL SIGNING

Hamilton High School
Hamilton, Ohio

9:50 A.M. EST

THE PRESIDENT: Thank you all very much.

AUDIENCE: U-S-A! U-S-A!

THE PRESIDENT: Okay. I know you all are anxious to get back to class. (Laughter.) So please be seated. (Laughter.) Thank you for such a warm welcome. It's great to be in the home of the Big Blue. (Applause.) Hamilton High School. I want to thank you all for coming. I particularly want to thank my friend, the Governor of the great state of Ohio, Governor Taft, for being here. (Applause.)

I want to thank Tracy Miller for being so hospitable. (Applause.) I want to thank all who have come to witness this historic moment. For those of you who have studied the history of our government, you know most bills are signed at the White House. But I decided to sign this bill in one of the most important places in America -- a public school. (Applause.)

We've got large challenges here in America. There's no greater challenge than to make sure that every child -- and all of us on this stage mean every child, not just a few children -- (applause) -- every single child, regardless of where they live, how they're raised, the income level of their family, every child receive a first-class education in America. (Applause.)

And as you know, we've got another challenge, and that's to protect America from evil ones. And I want to assure the seniors and juniors and sophomores here at Hamilton High School that the effort that

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this great country is engaged in, the effort to defend freedom and to defend our people, the effort to rout out terror wherever it exists, is noble and just and right, and your great country will prevail in this effort. (Applause.)

I long for peace. But I also understand that if we do not lead the world against terror, that your children and your grandchildren will not grow up in a society that is as free as the society we have today. Freedom is the precious gift that one generation can pass to the next. It is a gift and a promise that I intend to keep to the American children. (Applause.)

And we owe the children of America a good education. And today begins a new era, a new time in public education in our country. As of this hour, America's schools will be on a new path of reform, and a new path of results.

Our schools will have higher expectations. We believe every child can learn. Our schools will have greater resources to help meet those goals. Parents will have more information about the schools, and more say in how their children are educated. From this day forward, all students will have a better chance to learn, to excel, and to live out their dreams. (Applause.)

I want to thank the Secretary of Education, Rod Paige, for being here and for his leadership. (Applause.) I asked Rod to join my administration because I wanted somebody who understood what it meant to run a school district in Washington, D.C. I didn't need somebody that based his knowledge on theory; I wanted somebody who based his knowledge on experience. And Rod was a teacher, a school board member, and the Superintendent of the Houston Independent School District. He did a fine job there, and he's doing a fine job in Washington. (Applause.)

Reaching this moment has not been easy, as you could tell from Chairman Boehner's discussion. (Laughter.) But we made it, because of the willingness of four fine leaders to do what was right for America. We made it because proud members of the House and the Senate, loyal to their parties, decided to set partisan politics aside and focus on what was right for America. (Applause.)

I want to thank George Miller. I call him Big George, Jorge el Grande. (Laughter.) As John mentioned, George and I aren't from the same political ideology -- except when I met with George in Austin, I could tell he shares the same passion I share for making sure that every child gets educated. And he, like me and others, realize that a system that simply shuffles children through the schools is a system that's going to leave people behind. And so we made up our minds right then and there to do something about it.

I appreciate so very much my friend, Judd Gregg, from the state of New Hampshire, being here. He was my campaign manager in the New Hampshire primary. I still invited him to come with me. (Laughter and applause.) After here, we're going to New Hampshire. I look forward to singing Judd's praises because he is a solid, solid United States senator -- honest, full of integrity, and like the others here, he buckled down to do what was right for the children.

And then, of course, there's Senator Edward Kennedy. And the folks at the Crawford Coffee Shop -- (laughter) -- would be somewhat shocked when I told them I actually like the fellow. (Laughter and applause.) He is a fabulous United States senator. When he's against you, it's tough. When he's with you, it is a great experience. (Applause.)

And I'm signing this bill here because it's the home of the Chairman, John Boehner. (Applause.) John did a really good job. He shepherded the process. He made sure people showed up for the meetings. He was dogged in his determination to get this bill done. It would not have happened without his leadership. And all four of these members up here need to be proud of the legacy they have left behind. This is a good bill for the American children, and I'm proud to sign it in their presence. (Applause.)

There are other members of the Congress who are here, as well, and I want to thank them for coming. Senator Evan Bayh from the state of Indiana, is here. Evan, thank you for your leadership on education reform. (Applause.) Senator Mike DeWine of your state of Ohio, who helped author -- (applause) -- who helped to author the safe and drug-free schools part of this bill. Thank you for your leadership. (Applause.)

Steve Chabot of Ohio, Van Hilleary of Tennessee -- thank you both for coming, as well. (Applause.) In that box is the bill. I don't intend to read it all. (Laughter.) It's not exactly light reading. (Laughter.) But if you were to read it all, you would find that it contains some very important principles that will help guide our public school system for the next decades.

First principle is accountability. Every school has a job to do. And that's to teach the basics and teach them well. If we want to make sure no child is left behind, every child must learn to read. And every child must learn to add and subtract. (Applause.) So in return for federal dollars, we are asking states to design accountability systems to show parents and teachers whether or not children can read and write and add and subtract in grades three through eight.

The fundamental principle of this bill is that every child can learn, we expect every child to learn, and you must show us whether or not every child is learning. (Applause.) I read a quote one time from a young lady in New York. She said, "I don't ever remember taking an exam. They just kept passing me along. I ended up dropping out in the 7th grade. I basically felt nobody cared."

The story of children being just shuffled through the system is one of the saddest stories of America. Let's just move them through. It's so much easier to move a child through than trying to figure out how to solve a child's problems. The first step to making sure that a child is not shuffled through is to test that child as to whether or not he or she can read and write, or add and subtract.

The first way to solve a problem is to diagnose it. And so, what this bill says, it says every child can learn. And we want to know early, before it's too late, whether or not a child has a problem in learning. I understand taking tests aren't fun. Too bad. (Laughter.) We need to know in America. We need to know whether or not children have got the basic education. (Applause.)

No longer is it acceptable to hide poor performance. No longer is it acceptable to keep results away from parents. One of the interesting things about this bill, it says that we're never going to give up on a school that's performing poorly; that when we find poor performance, a school will be given time and incentives and resources to correct their problems. A school will be given time to try other methodologies, perhaps other leadership, to make sure that people can succeed. If, however, schools don't perform, if, however, given the new resources, focused resources, they are unable to solve the problem of not educating their children, there must be real consequences. There must be a moment in which parents can say, I've had enough of this school. Parents must be given real options in the face of failure in order to make sure reform is meaningful.

And so, therefore, this bill's second principle is, is that we trust parents to make the right decisions for their children. Any school that doesn't perform, any school that cannot catch up and do its job, a parent will have these options -- a better public school, a tutor, or a charter school. We do not want children trapped in schools that will not change and will not teach. (Applause.)

The third principle of this bill is that we have got to trust the local folks on how to achieve standards, to meet the standards. In Washington, there's some smart people there, but the people who care most about the children in Hamilton are the citizens of Hamilton. The people who care most about the children in this school are the teachers and parents and school board members. (Applause.) And therefore, schools not only have the responsibility to improve, they now have the freedom to improve.

The federal government will not micromanage how schools are run. We believe strongly -- we believe strongly the best path to education reform is to trust the local people. And so the new role of the federal government is to set high standards, provide resources, hold people accountable, and liberate school districts to meet the standards. (Applause.)

I can't think of any better way to say to teachers, we trust you. And, first of all, we've got to thank all the teachers who are here. I thank you for teaching. (Applause.) Yours is indeed a noble profession. And our society is better off because you decided to teach. And by saying we trust local folks, we're really saying we trust you. We trust you. We want you to have as much flexibility as possible to see to it that every child that walks in your classroom can succeed. So thank you for what you do. (Applause.)

And a fourth principle is that we're going to spend more money, more resources, but they'll be directed at methods that work. Not feel-good methods, not sound-good methods, but methods that actually work. Particularly when it comes to reading. We're going to spend more on our schools, and we're going to spend it more wisely.

If we've learned anything over the last generations, money alone doesn't make a good school. It certainly helps. But as John mentioned, we've spent billions of dollars with lousy results. So now it's time to spend billions of dollars and get good results. (Applause.)

As John mentioned, too many of our kids can't read. You know, a huge percentage of children in poverty can't read at grade level. That's not right in America. We're going to win the war overseas, and we need to win the war against illiteracy here at home, as well. And so this bill -- (applause) -- so this bill focuses on reading. It sets a grand goal for the country. Our children will be reading by the third grade.

That's not an impossible goal. It's a goal we must meet if we want every child to succeed. And so, therefore, we tripled the amount of federal funding for scientifically-based early reading programs. We've got money in there to make sure teachers know how to teach what works. We've got money in there to help promote proven methods of instruction.

There are no more excuses, as far as I'm concerned, about not teaching children how to read. We know what works. The money is now available, and it's up to each local district to make sure it happens. It's up to you, the citizens of Hamilton, to make sure no child is left behind. And the federal government can spend money and we can help set standards, and we can assist upon accountability. But the truth of the matter is our schools will flourish when citizens join in the noble cause of making sure no child is left behind.

This is the end of a legislative process. Signing this bill is the end of a long, long time of people sitting in rooms trying to hammer out differences. It's a great symbol of what is possible in Washington when good people come together to do what's right. But it's just the beginning of change. And now it's up to you, the local citizens of our great land, the compassionate, decent citizens of America, to stand up and demand high standards, and to demand that no child -- not one single child in America -- is left behind.

Thank you for letting us come. May God bless. (Applause.)

END 10:14 A.M. EST

SS/ RM NO. ______

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 3:00 PM

Subject: ENROLLED BILL H.R. 1 - NO CHILD LEFT BEHIND ACT OF 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☑	☐	HUBBARD	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☑	☐
CALIO	☑	☐	LINDSEY	☑	☐
CONNAUGHTON	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☑
FLEISCHER	☑	☐	RIDGE	☐	☑
GERSON	☐	☐	ROVE	☑	☐
GONZALES	☑	☐	SPELLINGS	☑	☐
HAGIN	☑	☐	CLERK	☐	☑
HAWKINS	☑	☐	______	☐	☐

REMARKS:
PLEASE FORWARD YOUR COMMENTS TO THE STAFF SECRETARY, EXTENSION 62702, BY 3:00 PM , AND SEND A COPY TO JIM JUKES, OMB. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1 - No Child Left Behind Act of 2001
Sponsors - Rep. Boehner (R) Ohio and 84 cosponsors

Last Day for Action

January 16, 2002 - Wednesday

Purpose

Reauthorizes for six years the Elementary and Secondary Education Act of 1965 (ESEA), and amends the ESEA and other Federal programs by: (1) requiring States, by the 2005-2006 school year, to administer annual reading and math tests for students in grades three through eight; (2) requiring States to take corrective action against and, if necessary, reorganize, schools that fail to demonstrate proficiency of all students; (3) expanding school choice options, including permitting parents to move children in low-performing schools to better public schools; (4) giving States and localities more flexibility to direct Federal resources to unique and pressing educational needs; (5) establishing programs to ensure that children can read by the end of third grade; (6) authorizing funding for teacher quality improvement programs; and (7) consolidating limited English proficiency programs.

Agency Recommendations

Office of Management and Budget	Approval
Department of Education (ED)	Approval
Department of Labor	Approval (Informally)
National Institute for Literacy	Approval (Informally)
Department of Justice	No objection
Department of the Treasury	No objection (Informally)
National Commission on Libraries and Information Science	No objection (Informally)
Department of the Interior	Defers to ED
Department of Defense	Defers to ED (Informally)
Department of Health and Human Services	Defers to ED (Informally)
Department of Housing and Urban Development	Defers to ED (Informally)

National Science Foundation	Defers to ED (Informally)
Department of Commerce	No comment (Informally)
Department of State	No comment (Informally)
Department of Transportation	No comment (Informally)
Council on Environmental Quality	No comment (Informally)
Environmental Protection Agency	No comment (Informally)
National Endowment for the Arts	No comment (Informally)
Office of Government Ethics	No comment (Informally)
Office of National Drug Control Policy	No comment (Informally)
Office of Personnel Management	No comment (Informally)
Office of Science and Technology Policy	No comment (Informally)

Discussion

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Reading First Literacy Initiatives. H.R. 1 adopts your Reading First and Early Reading First initiatives. The enrolled bill would authorize appropriations of $900 million in FY 2002 (the same funding level included in the FY 2002 Labor, HHS, Education Appropriations Act) and "such sums" for each of FYs 2003-2007 for the Reading First program. The FY 2002 program level is three times the amount appropriated for FY 2001. Under this program, grants are provided to States and local school districts to implement scientifically-based reading programs from kindergarten through second grade, with the goal of ensuring that every student reads by the third grade.

H.R. 1 also would authorize appropriations of $75 million in FY 2002 (the same funding level included in the FY 2002 Labor, HHS, Education Appropriations Act) and "such sums" in each of FYs 2003-2007 for the new Early Reading First initiative. This program is designed to provide the early identification and early reading interventions necessary to prevent reading failure and otherwise enhance reading readiness for children in high poverty areas. Support to States for this program would be directed to preschool programs, including Head Start centers.

Improving Teacher Quality. The enrolled bill would authorize appropriations totaling $3.18 billion in FY 2002 and "such sums" in each of FYs 2003-2007, $1 billion over the level in the FY 2002 Labor, HHS, Education Appropriations Act, for grants to States for professional development, recruitment, and retention activities to improve teacher quality. Each school receiving Title I funds would be required to ensure that all teachers hired and teaching in a program supported with those funds are "highly qualified" (e.g., State-certified, holding at least a bachelor's degree, and, for new teachers, passing a rigorous State test on subject knowledge and teaching skills). States must submit plans to ensure that all public school teachers of core academic subjects are "highly qualified" by the end of the 2005-2006 school year.

The enrolled bill would consolidate the Eisenhower Professional Development program (grants to States, local school districts, and institutions of higher education to improve teacher performance) and the Class-Size Reduction program (grants to States to reduce class sizes in the primary grades) into a single new Teacher Quality program. The new program would give local school districts flexibility to decide how to allocate resources to put more highly qualified teachers in every classroom. These resources could be used for professional development, recruitment, and hiring of teachers.

The bill also would authorize grants to partnerships among States, local institutions, and institutions of higher education to improve math and science teacher education, with the goal of improving student performance in those subjects. Grants could be used for activities such as summer workshops for teachers or teacher recruitment programs. H.R. 1 would authorize appropriations of $450 million in FY 2002 and "such sums" in each of FYs 2003-2007 to ED for this program. The FY 2002 Budget proposed to house this program in the National Science Foundation (NSF) and fund it at $200 million. For FY 2002, Congress has appropriated $12.5 million to ED for the program and $160 million to NSF for similar activities.

The bill would update and authorize appropriations totaling $150 million in FY 2002 and "such sums" for each of FYs 2003-2007 for the: (1) Troops-to-Teachers program, which helps armed forces personnel obtain certification or licensure as teachers or vocational technical leaders; and (2) Transition to Teaching recruiting program, which helps high-need local school districts recruit and train highly qualified individuals to make a transition to teaching.

H.R. 1 also would provide teachers with new tools to improve classroom management and foster better quality education. It would provide civil immunity to teachers and other school personnel, as well as school board members, for certain actions taken to maintain discipline in the classroom or school. Through amendments to the Safe and Drug-Free Schools Act, the bill would authorize schools to develop new policies that allow teachers to maintain control of the classroom. For example, school districts would be required to have plans for effective disciplinary policies, security procedures, prevention activities, student codes of conduct, and crisis management for responding to violent or traumatic incidents on school grounds.

Teaching Students with Limited English Proficiency. H.R. 1 would authorize appropriations of $750 million in FY 2002 and "such sums" for each of FYs 2003-2007 for education to benefit children with limited English proficiency (LEP). The FY 2002 Labor, HHS, Education Appropriations Act includes $665 million for this function. The enrolled bill would consolidate several current bilingual education and immigrant education programs into a streamlined single formula grant program that would focus on helping LEP students learn English. It would eliminate the current requirement that 75 percent of bilingual education funding support programs that instruct children by using the student's native language. The bill would require that LEP children be tested for reading and language arts in English after they have attended school in the United States for three consecutive years. All teachers in language instruction classes for LEP students would be required to be fluent in English. States would be

required to monitor the progress of LEP students in attaining English proficiency and be held accountable for meeting those objectives. The bill would require parents to be notified that their child is in need of English language instruction and of the befits of LEP instruction. Parental choice would be fostered by allowing parents to: (1) opt out of English instruction programs for their children; and (2) choose their child's instructional program if more than one is offered.

Conclusion and Recommendations

The Department of Education strongly recommends approval of H.R. 1 and notes that the enrolled bill incorporates many of the specific proposals from the "No Child Left Behind" comprehensive reform plan, including annual student testing, holding schools accountable for student achievement, empowering parents with options for choice, new reading programs, and greater flexibility for States and localities in using Federal education funds. ED states that this legislation "is of tremendous importance for America's children" and "a major accomplishment for the President."

We join ED and other interested agencies in recommending approval of H.R. 1, which passed the House by a vote of 381-41 and the Senate by 87-10.

M. E. Daniels, J

Mitchell E. Daniels, Jr.
Director

Enclosures

Attachment

Other Provisions of H.R. 1

Technology Education. H.R. 1 would authorize appropriations of $1 billion in FY 2002 and "such sums" for each of FYs 2003-2007 for consolidation of two educational technology programs into a single State formula grant program to support the integration of educational technology into classrooms to improve teaching and learning. It would require additional targeting of resources to school districts with poor children and those with schools identified as needing improvement. The FY 2002 Labor, HHS, Education Appropriations Act contains $785 million for the current technology education programs.

21st Century Learning Centers. The enrolled bill would authorize appropriations of $1.25 billion in FY 2002 and a total of $10 billion for FYs 2003-2007 for grants to school districts or nonprofit organizations, including faith-based organizations, to provide after-school learning programs. For FY 2002, the Labor, HHS, Education Appropriations Act contains $1 billion for this program.

Safe and Drug-Free Schools. H.R. 1 would authorize appropriations of $650 million in FY 2002 and "such sums" for each of FYs 2003-2007 for grants to States for drug and violence prevention programs in schools.

Rural Education. H.R. 1 would authorize appropriations of $300 million in FY 2002 and "such sums" in each of FYs 2003-2007 for new initiatives that address the unique needs of schools in rural areas. Eligible districts (generally areas of low population, low student attendance, or in non-urban locations) would be able to combine funds under various programs, and would be afforded special flexibility in using ESEA funds to support school improvement efforts. While each district would generally be held accountable to the performance requirements in the enrolled bill, rural schools would be eligible to receive additional assistance in helping to improve failing schools because actions required by the bill, such as restructuring or alternative placement of students, might not be feasible.

Education of Indian Children. H.R. 1 would authorize appropriations totaling $120.4 million in FY 2002 and "such sums" in each of FYs 2003-2006 for grants and other assistance to meet the educational needs of Indian children and and to train teachers in schools with substantial numbers of Indian children. The FY 2002 Labor, HHS, Education Appropriations Act includes $120.4 million for these programs. The enrolled bill also would authorize appropriations of "such sums" in each of FYs 2002-2007 for Native Hawaiian and Alaska Native education programs.

Education of Homeless Children. The enrolled bill would amend the McKinney-Vento Homeless Assistance Act to authorize appropriations of $70 million in FY 2002 and "such sums" in each of FYs 2003-2007 to provide grants to States to help ensure that homeless children and youth have access to the same public education as other children and youth. H.R. 1 would

modify the McKinney Act to improve services for homeless children, including: (1) prohibiting States from segregating homeless students, except in specified counties where separate schools have been approved; and (2) requiring local school districts to provide or arrange transportation to the homeless child's school.

Miscellaneous. H.R. 1 contains various new requirements and prohibitions relating to the Federal role in education. For example, it would require each local school district receiving ESEA funds to certify to its State educational agency that it has no policy that prevents constitutionally protected prayer in public schools. Currently, ESEA funds may only be withheld from districts or States in cases where Federal courts have determined that the State or district has violated a Federal court order to refrain from violating the constitutional right of any student with respect to public school prayer. The enrolled bill also would prohibit States, school districts, or schools that receive ESEA funds and permit outside youth or community groups to meet on school premises before or after school from denying equal access to those facilities to the Boy Scouts based on the scout group's membership criteria or oath of allegiance. H.R. 1 also would require each school district receiving ESEA funds to provide, on request by a military recruiter or an institution of higher education, access to the names, addresses, and telephone listings for secondary students, except in cases where parents have requested that such information not be released without their prior written consent.

SS/ RM NO. ______________

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 3:00 PM

Subject: ENROLLED BILL H.R. 1 - NO CHILD LEFT BEHIND ACT OF 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT ok	☑	☐	HUBBARD concur.	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☑	☐
CALIO ok	☑	☐	LINDSEY ok	☑	☐
CONNAUGHTON N/c	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☑
FLEISCHER	☑	☐	RIDGE	☐	☑
GERSON	☐	☐	ROVE	☑	☐
GONZALES N/c	☑	☐	SPELLINGS ok	☑	☐
HAGIN	☐	☐	CLERK	☐	☑
HAWKINS	☑	☐	______________	☐	☐

REMARKS:
PLEASE FORWARD YOUR COMMENTS TO THE STAFF SECRETARY, EXTENSION 62702, BY 3:00 PM , AND SEND A COPY TO JIM JUKES, OMB. THANK YOU.

RESPONSE:

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Assistant to the President
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Ext. 62702

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1 - No Child Left Behind Act of 2001
Sponsors - Rep. Boehner (R) Ohio and 84 cosponsors

Last Day for Action

January 16, 2002 - Wednesday

Purpose

Reauthorizes for six years the Elementary and Secondary Education Act of 1965 (ESEA), and amends the ESEA and other Federal programs by: (1) requiring States, by the 2005-2006 school year, to administer annual reading and math tests for students in grades three through eight; (2) requiring States to take corrective action against and, if necessary, reorganize, schools that fail to demonstrate proficiency of all students; (3) expanding school choice options, including permitting parents to move children in low-performing schools to better public schools; (4) giving States and localities more flexibility to direct Federal resources to unique and pressing educational needs; (5) establishing programs to ensure that children can read by the end of third grade; (6) authorizing funding for teacher quality improvement programs; and (7) consolidating limited English proficiency programs.

Agency Recommendations

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Reading First Literacy Initiatives. H.R. 1 adopts your Reading First and Early Reading First initiatives. The enrolled bill would authorize appropriations of $900 million in FY 2002 (the same funding level included in the FY 2002 Labor, HHS, Education Appropriations Act) and "such sums" for each of FYs 2003-2007 for the Reading First program. The FY 2002 program level is three times the amount appropriated for FY 2001. Under this program, grants are provided to States and local school districts to implement scientifically-based reading programs from kindergarten through second grade, with the goal of ensuring that every student reads by the third grade.

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The enrolled bill would consolidate the Eisenhower Professional Development program (grants to States, local school districts, and institutions of higher education to improve teacher performance) and the Class-Size Reduction program (grants to States to reduce class sizes in the primary grades) into a single new Teacher Quality program. The new program would give local school districts flexibility to decide how to allocate resources to put more highly qualified teachers in every classroom. These resources could be used for professional development, recruitment, and hiring of teachers.

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The Department of Education strongly recommends approval of H.R. 1 and notes that the enrolled bill incorporates many of the specific proposals from the "No Child Left Behind" comprehensive reform plan, including annual student testing, holding schools accountable for student achievement, empowering parents with options for choice, new reading programs, and greater flexibility for States and localities in using Federal education funds. ED states that this legislation "is of tremendous importance for America's children" and "a major accomplishment for the President."

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Director

Enclosures

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SS/ RM NO. ____________

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-7-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-7-02 3:00 PM

Subject: ENROLLED BILL H.R. 1 - NO CHILD LEFT BEHIND ACT OF 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☑	☐	HUBBARD	☑	☐
CARD	☑	☐	HUGHES	☑	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☑	☐	JOHNSON	☑	☐
CALIO	☑	☐	LINDSEY	☑	☐
CONNAUGHTON	☑	☐	MIERS	☐	☑
DANIELS	☐	☑	RICE	☐	☑
FLEISCHER	☑	☐	RIDGE	☐	☑
GERSON	☐	☐	ROVE	☑	☐
GONZALES	☑	☐	SPELLINGS	☑	☐
HAGIN	☑	☐	CLERK	☐	☑
HAWKINS	☑	☐	____________	☐	☐

REMARKS:
PLEASE FORWARD YOUR COMMENTS TO THE STAFF SECRETARY, EXTENSION 62702, BY 3:00 PM , AND SEND A COPY TO JIM JUKES, OMB. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1 - No Child Left Behind Act of 2001
Sponsors - Rep. Boehner (R) Ohio and 84 cosponsors

Last Day for Action

January 16, 2002 - Wednesday

Purpose

Reauthorizes for six years the Elementary and Secondary Education Act of 1965 (ESEA), and amends the ESEA and other Federal programs by: (1) requiring States, by the 2005-2006 school year, to administer annual reading and math tests for students in grades three through eight; (2) requiring States to take corrective action against and, if necessary, reorganize, schools that fail to demonstrate proficiency of all students; (3) expanding school choice options, including permitting parents to move children in low-performing schools to better public schools; (4) giving States and localities more flexibility to direct Federal resources to unique and pressing educational needs; (5) establishing programs to ensure that children can read by the end of third grade; (6) authorizing funding for teacher quality improvement programs; and (7) consolidating limited English proficiency programs.

Agency Recommendations

Office of Management and Budget	Approval
Department of Education (ED)	Approval
Department of Labor	Approval (Informally)
National Institute for Literacy	Approval (Informally)
Department of Justice	No objection
Department of the Treasury	No objection (Informally)
National Commission on Libraries and Information Science	No objection (Informally)
Department of the Interior	Defers to ED
Department of Defense	Defers to ED (Informally)
Department of Health and Human Services	Defers to ED (Informally)
Department of Housing and Urban Development	Defers to ED (Informally)

National Science Foundation	Defers to ED (Informally)
Department of Commerce	No comment (Informally)
Department of State	No comment (Informally)
Department of Transportation	No comment (Informally)
Council on Environmental Quality	No comment (Informally)
Environmental Protection Agency	No comment (Informally)
National Endowment for the Arts	No comment (Informally)
Office of Government Ethics	No comment (Informally)
Office of National Drug Control Policy	No comment (Informally)
Office of Personnel Management	No comment (Informally)
Office of Science and Technology Policy	No comment (Informally)

Discussion

H.R. 1 would reauthorize and amend the Elementary and Secondary Education Act of 1965 (ESEA) and other education programs for six years, through FY 2007. The enrolled bill is the product of intensive negotiations, and it conforms substantially with the priorities articulated in the "No Child Left Behind" blueprint that you transmitted to Congress last January. However, there are some differences, such as the enrolled bill's provisions limiting school choice options to public schools and authorizing appropriations that exceed your FY 2002 Budget. Major provisions of H.R. 1 are described below. Other significant provisions are described in an Attachment.

Appropriation Authorizations. H.R. 1 would authorize appropriations totaling $26.5 billion for ESEA programs in FY 2002. Your FY 2002 Budget requested $19.1 billion for ESEA programs. The Departments of Labor, Health and Human Services (HHS), Education, and Related Agencies FY 2002 Appropriations Act contains $22.1 billion for these programs. For FYs 2003-2007, the enrolled bill generally authorizes "such sums" as may be necessary, except that specific amounts are authorized for certain Title I grants.

Approximately half of ESEA funding supports programs in Title I of the Act, which authorizes grants to States and school districts to benefit disadvantaged children and help improve instruction in high-poverty schools. The ESEA also authorizes programs for professional development of educators, educational technology, reading and literacy services, bilingual education, drug and violence prevention, education of Indian children, rural and migratory education, neglected or delinquent children, and impact aid (compensation to school districts for costs associated with educating children from families living or working on Federal property, such as military bases and Indian lands).

Title I Grants. H.R. 1 would authorize appropriations of $13.5 billion in FY 2002 and a total of $102.8 billion for FYs 2003-2007 for ESEA Title I basic programs operated by local school districts. It also would authorize appropriations of $500 million in FY 2003 and "such sums" in each of FYs 2003-2007 for formula grants to States for a new Assistance for Local

School Improvement grant program. States would make subgrants to help local school districts comply with the school improvement activities required by the enrolled bill to assist low-performing schools. The Labor, HHS, Education FY 2002 Appropriations Act contains $10.35 billion for Title I basic programs and $235 million for the new school improvement grants.

Student Testing. The ESEA currently requires reading and math assessments once within each of three grade spans (3-5, 6-9, and 10-12). H.R. 1 would maintain this requirement through the 2004-2005 school year, after which time States would be required to implement annual reading and math tests for students in grades 3 through 8. The enrolled bill also would require science assessments in the three grade spans beginning in the 2007-2008 school year. H.R. 1 would authorize appropriations of $490 million in FY 2002 and "such sums" for each of FYs 2003-2007 to help States design these assessment tests. States could delay implementation of the new tests if Congress does not annually appropriate amounts specified in H.R. 1. (The FY 2002 appropriation exceeds the specified level.)

The enrolled bill would further require all States, as a condition of receiving Title I funds, to participate in the National Assessment of Educational Progress (NAEP), an independent test in reading and math that is currently administered biennially to a small sample of 4th and 8th graders in forty States that currently participate on a voluntary basis. This test would be used as a benchmark to measure State programs and standards. Federally sponsored national testing, Federally controlled curricula, and mandatory national teacher certification would be specifically prohibited by the enrolled bill.

School Improvement and Corrective Action for Low-Performing Schools. The enrolled bill would establish a system of rewards and sanctions to hold schools and local school districts accountable for increasing student achievement. States and schools would be required to make "adequate yearly progress" (AYP) towards achieving the goal of all students being proficient in reading and math within 12 years after the 2001-2002 school year. AYP must be made by the State, school district, school, and by disaggregated groups, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. States would set AYP goals, intermediate goals for achieving 100 percent proficiency, and the standard for 100 percent proficiency. The intermediate goals must be increased in equal increments at least once every three years. The enrolled bill would require that specific amounts of administrative funds be withheld from States that fail to meet requisite deadlines for implementing standards and a system for measuring AYP.

Schools exceeding AYP goals for two consecutive years could receive additional funds from the State (including funds for individual teacher awards). However, if the school fails to meet these goals, parents would receive new options for their children's education. Specifically, if a school fails to make AYP for two consecutive years, a district would be required to offer students in the school the opportunity to transfer to another public school within the same district (unless public school choice is prohibited by State law). School districts would be required to pay the cost of transporting students to other public schools and to provide technical assistance to

help failing schools improve. Failure by schools to make AYP for three consecutive years would require districts to provide low-achieving disadvantaged students within the school supplemental instructional services (e.g., tutoring, after-school classes, and summer classes) from a provider chosen by the parents, including services provided by private or faith-based organizations. If a school fails to make AYP for four consecutive years, the district would be required to take corrective action to improve the school, including replacing staff or implementing new curricula. Finally, if a school fails to make AYP for five consecutive years, the local district would be required to restructure the school, including through a State takeover or converting the school to a charter school.

While a school is undergoing corrective action or being restructured, districts must continue to offer public school choice and provide supplemental services. Once a school makes AYP for two consecutive years, it would no longer be required to take remedial actions.

Other Parental Options. H.R. 1 would authorize competitive grant awards of up to five years for States, local school districts, or public or private sector partnerships to establish or expand programs that provide students and parents with greater voluntary public school choice. To enable parents to make informed choices, the enrolled bill would require that parents receive data, through annual report cards, about the quality of their children's schools, teacher qualifications, and their children's progress in key subjects.

The bill would permit transfer of students from low-performing schools to charter schools. Charter schools can be publicly or privately run enterprises operating within public school systems, which are generally exempt from regulatory requirements to help them develop innovative approaches to education. H.R. 1 also would authorize appropriations of $300 million in FY 2002 and "such sums" in each of FYs 2003-2007 for charter schools. In FY 2002, the first $200 million would be authorized for grants to charter schools and the remainder would be for a new program of competitive 5-year grants to States to assist charter schools with facility costs. The FY 2002 Labor, HHS, Education Appropriations Act provides $200 million for charter schools and no funds for the facilities program. In addition, a student who is the victim of a crime, or who attends a public school designated by the State as unsafe, would be permitted to transfer to a safe public school or charter school.

Flexibility for States and Local School Districts. H.R. 1 would provide greater flexibility to States and local school districts in deciding how to use Federal funds to address their unique needs and priorities. States would be authorized, after notifying the Secretary, to transfer up to 50 percent of "State activity funds" (Federal funds reserved for use at the State level for purposes other than administration) they receive under certain programs (e.g., teacher training, technology education, etc.) among those programs, as well as into the State's Title I allotment. The requirements of the program to which the funds are transferred would apply to those funds. Local school districts would be afforded similar flexibility to decide how to distribute certain program funds without State approval. Districts could distribute up to 50 percent (30 percent for districts identified for improvement, with some limitations) of the Federal funds allocated for

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