

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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001. email	Goodwin Liu to Heidi Ramirez and Kristin Bunce re: Mike's plea for strong arguments [partial] (1 page)	09/28/1999	b(6)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Ann O'Leary
OA/Box Number: 19578

FOLDER TITLE:

ESEA [Elementary and Secondary Education Act] [1]

2013-0436-S

rc1280

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 advice 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]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- 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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Technical Assistance on House Proposal on ESEA
DRAFT Talking Points
October 1, 1999

Title I:

Ensuring against dual accountability systems. Experience reminds us that when states and districts administer dual accountability systems, one that meets the requirements of Title I law and one that responds to local requirements, the result is often lower expectations for Title I students than their more advantaged peers. The Administration's proposal explicitly encourages states to develop and implement "a **statewide system** for holding local educational agencies and schools accountable for student performance."

- The prescriptiveness of the House proposal, absent flexibility for states to develop their own accountability systems that are at least as rigorous as the Title I system, will likely encourage two systems. Any proposal to ensure accountability should allow for alternative statewide approaches that permit states to determine performance levels, measure gains, and intervene in low-performing schools that 1) duplicate the Title I system described in law; 2) meet, through an alternative approach, the rigorous standards of the Title I system; or 3) is a statewide system that demonstrates success in meeting the objectives of the Title I defined system--namely, closing the achievement gap and supporting overall improvement.
- The addition of a fourth proficiency level and more complicated definitions of AYP, particularly now when states are completing their assessment systems, identifying performance levels, and identifying accountability measures, may lead states down the path of separate assessment systems and proficiency levels for Title I and all other students.
- The Administration's proposed Title XI provisions would require education report cards that contain information on educational progress in all districts and schools statewide. In contrast, the Republican proposal requires report cards only on schools and districts served by Title I, thus precluding **comparisons between Title I schools and other schools in a district or state.**
- To support the effective implementation of a statewide accountability system, and particularly to provide support to failing schools, the proposal should include a provision that would reserve 2.5-3.5% of a state's Title I allocation to intervene in low-performing schools.

Supporting educational opportunities and achievement for students with limited English proficiency. Through out the bill, House language fails to ensure that limited-English-proficient (LEP) children receive the full benefit of Title I services and are supported in learning English and achieving to high academic standards.

- The bill would prohibit a school district from using any Title I funds to provide a LEP child any "English language instruction" until it obtains **parental consent** for that instruction. This provision will likely result in delay and denial of critical services while districts and schools wait for parents, who, for a variety of reasons, may not respond to requests for their consent.
- To truly support meaningful parental involvement in the education of LEP children, the proposal should include, as proposed by the Administration, an **annual assessment of English language proficiency**, the results of which would be used to inform parents and improve instruction.
- To ensure LEP participation in the state assessment system and continued academic progress, the bill should include language from the President's proposal that (in addition to current language on including students to "extent practicable") would **require the use of tests written in Spanish if Spanish-language tests are more likely than English-language tests to yield accurate and reliable information** on what Spanish-speaking LEP students know and can do in subjects other than English. Considering the dramatic increases in the number of Spanish-speaking LEP students, it is essential to accurately describing student achievement, that each state have aligned assessments available in at least Spanish.
- In addition, the required **assessment of first grade literacy** should--as described in the Administration's proposal--be clear that such an assessment should be in a form and language that is most likely to yield accurate and reliable data on what the student knows and is able to do.
- Besides ensuring academic achievement, schools and districts should be held increasingly accountable for helping LEP students learn English. The bill includes the Administration's proposal for requiring that students who have attended schools in the United States for three consecutive years be assessed in English for reading/language arts, however, it provides a **1-year grace period for the use of such English-language tests**. This caveat would fail to hold schools truly accountable for LEP student progress in learning English.

Providing for choice among public schools. The Administration's proposal strongly supports expanding student and parental choice in selecting among public schools, including public charter schools. Aligned with this commitment, we will be reviewing the proposed school choice language in Title I, particularly in regard to the feasibility for its implementation.

Targeting schools and students who most need support. The Administration's proposal calls for improved targeting to concentrate Title I funds more intensively on the high-poverty districts and schools that most need support to raise student achievement. The

proposal would allocate substantial funding through the Targeted Grants formula (section 1125), which distributes a larger share of Title I funds to higher-poverty districts than the Basic Grants do.

- The House proposal would undermine targeting to the poorer districts by authorizing **substantial annual increases in Basic Grants**.
- The House bill would create a **"hold-harmless" on Concentration grant allocations** that would guarantee that ineligible districts continue to receive funds for four additional years. As a result, Title I Concentration grant funds (section 1124A) would be prevented from targeting funds to newly eligible districts (those with sharp increases in poverty).

Promoting high quality instruction in our poorest schools. Paraprofessionals continue to be widely used to provide instruction in Title I schools, particularly in high-poverty schools, even though very few paraprofessionals have the educational background necessary to teach students. Given the substantial achievement gaps that often exist between Title I students and non-Title I students, the **responsibilities of paraprofessionals' should be consistent with their qualifications and abilities.**

Ensuring schoolwides serve students with disabilities. Current law (Sec.1114(b)(4)(A)) allows the Secretary to exempt schoolwide programs from statutory and regulatory requirements of federal programs, as long as the intent and purpose of those programs are met. However, the language is clear that this does not exempt schools from IDEA requirements. The proposal deletes such language; it should be restored to ensure that students with disabilities are provided services consistent with IDEA.

Indian Education:

By allowing Indian education formula grants recipients to consolidate federal funding into a single program, the proposal would subject grantees to several pages of conditions and requirements at both the local and Federal levels.

Magnet schools:

The proposal deletes current section 5106(c) of the ESEA, which requires the Department's Office for Civil Rights (OCR) to determine, before a grant can be made to a school district, that the district will, in fact, meet the civil rights assurances included in its application. OCR review of these assurances is important for **ensuring equity** in the implementation of this particular program, and while the Secretary would continue to seek OCR's determinations on these applications even if this provision were deleted, the deletion of this provision sends a confusing message.

Rural education:

While schools in rural communities face a variety of special needs and challenges, it is not clear that we need a new ESEA program exclusively focused on rural areas, particularly one like the overly complicated proposal for a new Part J of Title X.



"Ramirez, Heidi" <Heidi_Ramirez@ed.gov>

09/25/99 12:51:30 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Ann O'Leary/OPD/EOP, "Tom Corwin (E-mail)" <tomcorwin@aol.com>, "Mike Cohen (E-mail)" <mikec_20904@yahoo.com>
Subject: Summary points

Well, we had a few small problems on the printing of PDF files and then running copies (and I didn't have Title I to send electronically), but I think we've got it all figured out now. As promised, copies are in Scott's office, though I expect there won't be enough copies of Indian Ed or Title I (each of these is about 200 pages)...we'll need to make a few more.

On the language overall:

- * Does someone have Migrant Ed?
- * Title I does not look dramatically different from what we saw earlier, though they have cleaned up the allocations language (125%) to get back at targeting. I'll try and send more specifics under another e-mail.
- * Rural education is almost identical to what we saw earlier. It is still a block grant (Titles II, IV, and VI; no Goals?) to rural LEAs with no purpose beyond general support of reform, and what amounts to no accountability. Below are Tom C's comments from the earlier version. "Sec 10961 seems to say that SEAs would give small, rural LEAs their share of funds under certain programs, but it's not clear that there will always be such a clear, identifiable share. For instance, Title IV (SDFS) is one of the programs, but our Title IV proposal would have the States award more or less all funds competitively and I understand the Hill is looking favorably at that idea. (Wouldn't his also be an issue w/ the competitive portion of the new Title II) If that gets enacted, how much Title IV money would the SEAs allocate to the small LEAs?

The same section would allow the small, rural LEAs to use "the applicable funding" to support local or statewide educational reform efforts. But it's not clear to me that means LEAs can either: (1) consolidate the funds from the 4 applicable programs; or (2) use those funds for activities that aren't otherwise authorized, since neither of these things is stated in the bill. As one example, the purpose of Title VI, another one of the programs, is to support state and local educational reforms. Telling these LEAs that they can use Title VI money to support reforms could be seen as just repeating language from Title VI.

Section 10962 would create a new Federal-to-local formula grant program for rural LEAs. A first issue is that it's not clear how the formula would operate when the appropriation is less than full funding. (In other words, does the \$20,000 minimum grant take precedence over the ratable reduction rule, or not? Paragraphs (c)(2), (3), and (4) are badly worded.)

Next technical problem with this section is the language on average daily attendance. ADA generally means the average number of kids who are in attendance over the course of a year. But the bill language seems to call for a one-day census taken on some day before December 1. Which do they want, the average or a snapshot?

With regard to the accountability measures set forth in 10963, I agree with Heidi that they are a pretty weak reed compared to what's in Title I. They not only don't call for any significant improvement in achievement, but there is no language on disaggregation or on closing achievement gaps or on reporting the data publicly in the community. The bill does call for using the State test, where there is one, and presumably (given our Title I language) that will generally be Title I test. Agree with Heidi that a cross-reference to Title I would be helpful.

It's also not clear to me how the testing language provides any accountability for the section 10962 formula grants. Under 10961, if after 5 years you're not making progress, you lose the (presumably intended) flexibility. But under 10962, nothing seems to happen at all. The LEAs don't seem to have to report on the assessments to anyone; all they have to do is administer them.

Subpart 2 would create another program for the small, rural LEAs. This leads to a major conceptual issue for me: if the problem for those LEAs is that there are too many ED programs, too many applications, too many funding streams to track, then why create two almost identical programs? (The section 10962 program would be to support education reform. The Subpart 2 program would pay for professional development, TA, technology, and all the other components of reform. To me they're the same program but authorized twice.)

And if small rural LEAs aren't equipped to deal with ED competitions, why authorize competitions among those LEAs under Subpart 2?

The allocation rules for Subpart 2 are a little strange. States would receive allocations on the basis of their total public school enrollment, but then they could only distribute funds to rural, low-income LEAs. What if they don't have any of those LEAs, or very few? (DC obviously doesn't have any; don't know what happens in Hawaii or Puerto Rico, which do have rural areas but also have only one LEA. I doubt that Rhode Island has any LEAs that qualify, and New Jersey, which would receive a large allocation, probably has only a handful. My guess is that a number of other non-southern States -- maybe mountain States like Montana or Wyoming, or even some of the Midwestern or northwestern States -- would have very few districts with 20 percent or more poverty -- it would be mostly their Indian districts. Ian or Jim Butler could do a check on this.) Note that the bill uses the OMB definition of poverty; States would not have the flexibility to use a more expansive definition like free and reduced price lunch."

More to come....

Message Sent To:

"Ramirez, Heidi" <Heidi_Ramirez@ed.gov>
"Cohen, Mike" <Mike_Cohen@ed.gov>
"Liu, Goodwin" <Goodwin_Liu@ed.gov>
"Kelley, Thomas" <Thomas_Kelley@ed.gov>
"Cook, Sandra" <Sandra_Cook@ed.gov>
"Jones, Lonna" <Lonna_Jones@ed.gov>
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"Bradley, Bridget" <Bridget_Bradley@ed.gov>
"Smith, Mike" <Mike_Smith@ed.gov>
Ann O'Leary/OPD/EOP
"LeTendre, Mary Jean" <Mary_Jean_LeTendre@ed.gov>
"Riddle, Paul" <Paul_Riddle@ed.gov>
"Rosenfelt, Phil" <Phil_Rosenfelt@ed.gov>
"Rigling, Kay" <Kay_Rigling@ed.gov>



"Ramirez, Heidi" <Heidi_Ramirez@ed.gov>

09/25/99 02:35:52 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Ann O'Leary/OPD/EOP, "Tom Corwin (E-mail)" <tomcorwin@aol.com>, "Mike Cohen (E-mail)" <mikec_20904@yahoo.com>

Subject: Title I

-
- * no longer a separate authorization/appropriation for state admin, though the language is still unclear
 - * no requirement for K-3 standards and assessments
 - * creates four levels of proficiency but returns to current law in terms of 3 test spans
 - * still withholds state admin funds for incomplete standards and assessments
 - * adds a state authority section to protect Iowa (p.15)
 - * adds a strange caveat to 3-year testing language and no longer requires at least a Spanish test
 - * has added peer review to the state plan, still not local plan review
 - * no more supplemental assistance grants for school choice
 - * apparently there was no compromise on pases....

Attached are my notes, slightly <<Housecompromise9-25.doc>> more precise than last time...



- Housecompromise9-25.doc

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"Smith, Mike" <Mike_Smith@ed.gov>



"Corwin, Thomas" <Thomas_Corwin@ed.gov>

09/25/99 08:36:18 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Ann O'Leary/OPD/EOP, "Tom Corwin (E-mail)" <tomcorwin@aol.com>, "Mike Cohen (E-mail)" <mikec_20904@yahoo.com>

Subject: RE: Summary points

See below

> -----Original Message-----

> From: Ramirez, Heidi

> Sent: Saturday, September 25, 1999 12:52 AM

> To: Ramirez, Heidi; Cohen, Mike; Liu, Goodwin; Kelley, Thomas; Cook,

> Sandra; Jones, Lonna; Corwin, Thomas; Jovicich, Catherine; Johnson,

> Judith; Hansen, Randy; Bunce, Kristin; Rogers, Diane; Bradley, Bridget;

> Smith, Mike; 'Ann O'Leary (E-mail)'; LeTendre, Mary Jean; Riddle, Paul;

> Rosenfelt, Phil; Rigling, Kay

> Cc: 'Ann O'Leary (E-mail)'; 'Tom Corwin (E-mail)'; 'Mike Cohen (E-mail)'

> Subject: Summary points

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> this.) Note that the bill uses the OMB definition of poverty; States
> would not have the flexibility to use a more expansive definition like
> free and reduced price lunch."

[Corwin, Thomas] Jim Butler subsequently pointed out to me that I
was off on that final point. States would receive allocations on the basis
of their enrollment in eligible LEAs, not their total enrollment. But this
probably means that some States will get very little money and others will
get none -- a pretty odd State formula program. We can probably create
simulations.

> More to come....

>
>
>
>
>

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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Ann O'Leary
OA/Box Number: 19578

FOLDER TITLE:

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C. Closed in accordance with restrictions contained in donor's deed of gift.

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"Liu, Goodwin" <Goodwin_Liu@ed.gov>
09/28/99 01:03:12 PM

Record Type: Record

To: "Ramirez, Heidi" <Heidi_Ramirez@ed.gov>, "Bunce, Kristin" <Kristin_Bunce@ed.gov>
cc: Ann O'Leary/OPD/EOP
Subject: RE: Mike's plea for strong arguments

I totally agree. Even the short memo last week doesn't make any strong arguments. (b)(6)

[001]

(b)(6) maybe we can regroup before the WH strategy call?
(Ann, if you have time, we would benefit from your wonkish expertise on these issues!)

Reading the "Mike-o-meter" from last weekend's meeting, I glean the following "big ideas" he really wants pushed. Please add/subtract --

1. Single statewide accountability system -- A lot of our concerns about the bill, especially regarding AYP definition, fall under this heading. Mike says there is a body of research supporting the proposition that when states have dual accountability systems (Title I and non-Title I), the Title I system doesn't get implemented properly and falls by the wayside. Who knows this research?
2. Remove roadblocks to Title I implementation -- We need info on what states are currently doing, and how various bill provisions (e.g., four performance levels, subgroup comparisons for AYP, waivers) will force states to either start from scratch or at least delay Title I implementation.
3. Within-district targeting -- Not sure what arguments we are making here. I guess we hammer away at two general fairness principles: (a) higher-poverty schools should get served before lower-poverty schools, and (b) there is reason to require school districts to serve poor elementary schools before even poorer middle and high schools. I suppose we could drum up some data to demonstrate the extent to which these principles are or are not being followed currently. But I'm not sure what arguments we make to support the principles themselves, beyond somewhat general statements about what ought to be the purpose of Title I.
4. School improvement (2.5%) -- Looks like we need two kinds of arguments here. The first is that states tend not to invest in statewide TA systems unless required to do so. This supports our "shall reserve" language instead of the bill's "may reserve." The second is that TA adequate to realistically implement the improvement and corrective action requirements costs a lot more than 0.5%. How did we arrive at 2.5%?
5. School choice -- I think we're fine with the general choice provision on page 57 of the bill. We're taking aim at the mandatory choice provision on

page 62. Seems like we have the basic arguments for why this is bad -- i.e., diverts attention from school improvement, practically impossible to implement in districts with high numbers of schools identified for improvement. Do we have any research on the amount of energy and time that design and implementation of school choice plans under current law have required? Any research on the effectiveness of such plans?

6. Comparability of services -- Do we know any research showing that the current law provisions are too weak to ensure comparability and that our proposed strengthening would do the trick?

7. Title I formulas -- We haven't talked about this as a "big issue" -- but given our goal of targeting Title I funds to poor schools, the hold-harmless provisions and the authorizations for targeted grants both look pretty unacceptable. Lonna has this pretty well covered, and we can ask her for additional data if needed.

Your thoughts?

> -----Original Message-----

> From: Ramirez, Heidi

> Sent: Tuesday, September 28, 1999 12:18 PM

> To: Liu, Goodwin; Bunce, Kristin

> Subject: Mike's plea for strong arguments

>

> I think we should probably take some time this afternoon to take a look at
> this. Are you guys free later?

>

> While I think what we've done so far is clear and accurate, Mike's
> probably right in that we don't make particularly strong arguments. We
> should be adding more data and research to our cases. Do we have an
> updated short memo of the big themes we could work from?

>

> Thanks,

> Heidi

>

>

> -----Original Message-----

> From: Bradley, Bridget

> Sent: Tuesday, September 28, 1999 11:52 AM

> To: Liu, Goodwin; Stroud, Vicky

> Cc: Rogers, Diane; Bunce, Kristin; Ramirez, Heidi

> Subject: RE: Thursday ESEA lunch

>

> hey--

>

> just FYI: I just talked to Mike, told him the House mark up is
> postponed (is that still true) and that you all are continuing to edit the
> TA doc... He was glad about the extra time, and said we should focus on
> making really strong arguments on our 3-4 priorities and try to win on
> those... He'll continue to read the draft we sent him on the plane today.

>

> BB

>
>
> -----Original Message-----
> From: Liu, Goodwin
> Sent: Tuesday, September 28, 1999 11:39 AM
> To: Stroud, Vicky
> Cc: Rogers, Diane; Bradley, Bridget; Bunce, Kristin;
> Ramirez, Heidi
> Subject: Thursday ESEA lunch

>
> Vicky --

>
> I see on Mike's calendar that there is an ESEA lunch on
> Thursday at noon. We haven't been consistent in actually doing this
> meeting week to week, but I wanted to give you a heads-up that we WILL
> have a meeting this Thursday. The purpose of the meeting is to catch our
> collective breath and get on the same page re: the status of the House
> bill, the schedule for mark-up, and our evolving response to the bill.
> Could you please send a reminder to all the names that appear in the
> forwarded message below? Thanks.

>
> -----Original Message-----
> From: Liu, Goodwin
> Sent: Monday, September 27, 1999 2:28 PM
> To: Ramirez, Heidi; Cohen, Mike; Kelley, Thomas; Cook,
> Sandra; Jones, Lonna; Corwin, Thomas; Jovicich, Catherine; Johnson,
> Judith; Hansen, Randy; Bunce, Kristin; Rogers, Diane; Bradley, Bridget;
> LeTendre, Mary Jean; Riddle, Paul; Rosenfelt, Phil; Rigling, Kay; Kincaid,
> William; Brockhouse, Steve; Smith, Mike; Fleming, Scott; Wetmore, Cynthia
> Subject: latest draft TA

>
> Hello all -- Here is the draft that Sandra sent to Alex Nock
> around 1 p.m. today. It is still a work in progress! Many, many thanks
> to everyone who typed speedily this morning to finish their parts. This
> draft does not include comments on magnets (which I now have) or on gifted
> & talented. Because of time constraints, it also doesn't reflect all the
> comments (and comments on comments) I received this morning. A deluge of
> comments came by e-mail around 12:30 today, and I'll be sure to look
> through them all today.

>
> As additional and/or revised pieces of the bill come in this
> week, this document will be revised accordingly. Because the document was
> a little rushed, and because it incorporates many separate pieces from
> many different people, I think it's important that we get together as a
> group this week to make sure that we're all on the same page regarding the
> policy decisions and recommendations in the details of the document. Mike
> S. is out until Wednesday; I'm checking his schedule for later this week,
> possibly Thursday. Will keep you posted.

>
> << File: TAhousebill.Alex.doc >>

TECHNICAL ASSISTANCE ON HOUSE BILL REAUTHORIZING THE ELEMENTARY AND SECONDARY EDUCATION ACT

October 1, 1999

TITLE I: PART A BASIC PROGRAM

Recognition of Need

- Page I-4, lines 13-16: This provision could be read to support private school choice. We suggest that line 15 read “and should be given public school alternatives”

Authorization of Appropriations

- Page I-5: No funds are authorized for national evaluation activities. Because of the ongoing need to evaluate the effectiveness of Title I and strategies used to implement it, the bill should authorize \$10 million to support evaluation in fiscal year 2000 and “such sums as may be necessary for each of the four succeeding fiscal years.”
- Page I-7, lines 6-9: A 0.5% reservation for school improvement does not realistically reflect the level of resources needed to turn around failing schools. The bill should require states to reserve 2.5% of Title I funds for this purpose (and 3.5% after 2001). At least 70% of the reserved funds should flow to LEAs, with first priority given to LEAs with schools identified for corrective action and second priority given to LEAs with schools identified for improvement. Moreover, school improvement funds should be defined as a share of not only Title I, Part A funds, but also funds for migrant education and neglected or delinquent youth programs.

Standards and Assessments

- Page I-9, line 22page I-10, line 8: The bill renames the third level of proficiency “basic” instead of “partially proficient” and introduces a fourth level of proficiency, “below basic.” If the intent is to classify student performance into four categories, then no departure from current law is needed. The Department and the states have interpreted the three performance levels under current law as thresholds, each of which defines a group of students above and below the threshold. Massachusetts, for example, has developed a comprehensive assessment system with three performance levels that classify students into four categories: “advanced,” “proficient,” “needs improvement,” and “failing.” Alternatively, the bill language should clarify that the four labels—“advanced,” “proficient,” “basic,” and “below basic”—name *categories*

of students, not performance levels. Introducing a five-category system would significantly frustrate current Title I implementation, forcing many states to redesign their assessment systems and, in turn, their accountability systems.

- Page I-19, lines 4-18: The exception to the three-year rule (beginning on line 19) should be deleted because it undermines institutional accountability for helping students learn English. Moreover, this section should require states to provide tests in Spanish to Spanish-speaking students with limited English proficiency, if such tests are more likely than tests written in English to yield accurate performance data in content areas other than English.
- Page I-27, lines 1-20: These provisions prescribing penalties for failure to implement standards, assessments, and accountability systems on time are more specific than the general withholding authority given to the Secretary on page I-10, lines 17-22. The approach on page I-27 is sensible. To eliminate confusion, the provision on page I-10 should be deleted, or the words “under subsection (g)” should be added after “determines” on line 22.
- Page I-27, line 24page I-28, line 2: States may already seek waivers through the general waiver provisions of current law. This provision would only increase applications for waiver, thus delaying Title I implementation. It should be deleted.

Adequate Yearly Progress

- Page I-10, line 24page I-11, line 16: This provision requires state plans to demonstrate what constitutes adequate yearly progress of schools, LEAs, and states. But pages I-11 to I-14 go on to clearly and specifically define what constitutes adequate yearly progress of schools, LEAs, and states. Apart from what the statute explicitly requires, what more must state plans demonstrate?
- Page I-13, lines 15: Because “promotion” may include social promotion, and because several states are developing accountability systems that end social promotion, “promotion” should not be included in the list of “other academic measures.” Alternatively, the term should be rephrased as “promotion based on learning to state standards.”
- Page I-13, lines 7-13: This exception should be deleted. It unnecessarily constrains states in their development of single statewide accountability systems for Title I and non-Title I schools. While making clear that statewide assessments are the primary basis for evaluating adequate yearly progress, the bill should give states the flexibility to take “other academic measures” into account, even if this alters the number or percentage of schools or LEAs subject to improvement or corrective action. Moreover, how is the exception supposed to work? If a state decides, based on “other academic measures,” that a school or LEA otherwise subject to improvement or corrective action has made adequate progress, must the state identify another school or LEA *not* otherwise subject to improvement or corrective action in order to preserve “the number or percentage” of schools or LEAs otherwise subject to improvement or

corrective action?

- Page I-13, lines 14-18: This provision requires schools to show improvement every year in the performance of every subgroup specified on page I-12, lines 8-14 and to narrow performance gaps between subgroups every year. While we agree that accountability for improved performance among all groups is important, this approach is problematic for two reasons. First, as a statistical matter, year-to-year fluctuations in student performance data do not necessarily reflect true changes in performance. To account for this, adequate progress should be defined more flexibly in terms of “continuous and substantial gains.” Second, no state has developed an accountability system so rigorous as to require schools to narrow performance gaps and to demonstrate improvement by *every* subgroup *every* year. Consequently, this provision will lead the vast majority of states, if not all, to develop dual accountability systems—one for Title I schools, another for non-Title I schools. It makes more sense to define adequate progress by reference to gains in both overall student performance and the performance of low-achieving students, consistent with approaches currently used in many states.
- Page I-14, line 13: The 90% requirement means that any LEA with less than 10 schools cannot demonstrate adequate yearly progress unless 100% of its schools demonstrate adequate yearly progress. Again, this will lead many states to develop dual accountability systems.
- Page I-14, line 19: By itself, the 90% requirement sets too low a benchmark for the overall percentage of students from all populations who should take the assessments. In addition to the 90% requirement, this provision should specify that 95% of students overall must take the assessments. The 95% figure provides sufficient flexibility for schools with substantial numbers of students (e.g., severely disabled students) for whom the assessments may not yield accurate or reliable performance data.

School Report Cards

- Page I-28, lines 10-11; page I-29, lines 14-15; page I-31, line 24page 32, line 1: The bill requires state, district, and school reporting on student performance only in Title I schools and districts. Such a limited requirement provides no way to compare Title I schools with other schools in the state or district, does not respond to the public’s need for clear information, and does not encourage states to develop single statewide accountability systems. The bill should require reporting for all schools in the state.
- Page I-29, lines 18-19: To ensure that all children are held to the same high academic standards, the bill should require reporting on student performance in content areas other than math and reading, if states have standards and assessments in other areas.
- Page I-31, lines 16-17: The bill should require schools to report data on school safety and class size, since these are among the items parents most want to see on school report cards.

LEA Plans

- Page I-37, lines 12-22: Requirements for assessing first grader literacy do not ensure that such assessments provide the most accurate data on the literacy of LEP students. After line 22, the following language should be inserted: “(iii) administered to students in the language most likely to yield valid results.”
- Page I-43, lines 11-20: The bill nowhere requires peer review for state approval of LEA plans. Implementation of current Title I plan requirements and reviews of state standards and Goals 2000 state plans indicate that review by teams of teachers, parents, administrators, and other education experts improves the quality and perceived legitimacy of feedback, and dramatically improves program implementation. The bill should require peer review of LEA plans.

Parental Notification and Consent for English Language Instruction

- Page I-45, lines 5-15: This provision should be deleted. While requiring parental consent “prior to” a child’s placement, this section nowhere explains what, if any, support for learning English a child will receive during the interim between the LEA’s attempt to obtain consent and the parents’ response. Children whose parents fail to respond (for whatever reason) would apparently receive *no* support of any kind for learning English. Indeed, the bill requires parental consent before placement of an LEP students in *any* English language instruction program, whether taught in the student’s native language or not. Furthermore, the burdens imposed by this consent requirement may cause districts to forgo using Title I funds to help LEP students learn English.

Targeting: Eligible Attendance Areas and Local Allocations

- Page I-48, line 10: After this line, the bill should include a grandfather clause to ensure continuity and fiscal stability for schools that had received Title I funds the previous year. The following language should be added: “designate and serve a school attendance area or school that is not eligible under subsection (b), but that was eligible and that was served in the preceding fiscal year, but only for one additional fiscal year.”
- Page I-53, lines 10-14: This provision should make clear that funds must be allocated “in rank order” and that no higher poverty school may receive a lower per-pupil allocation than a lower poverty school.
 - Page I-54, line 13: To ensure that homeless children are served by Title I, the clause “where appropriate” and the word “eligible” should be deleted.
 - Page I-54, line 18: If Part D, Subpart 2 remains in the bill, the phrase “or delinquent”

should be deleted. Because such children would be served through this program, LEAs should not be required to reserve funds from their Part A allocation for this population.

Schoolwide Programs

- Page I-55, line 2: The bill should clearly state the purposes of schoolwide programs—namely, to enable high-poverty schools to upgrade their entire educational program and to help ensure that all children in such schools, particularly those most at risk of educational failure, meet challenging state standards.
- Page I-55, line 9: The bill reduces the poverty threshold for schoolwides to 40%. To ensure that Title I funds support schoolwide programs specifically in schools where, according to educational research, the level of poverty negatively affects the educational achievement of all students, the threshold should remain at 50%.
- Page I-55, lines 13-20: The bill should require LEAs to subject schoolwide plans to peer review.
- Page I-56, line 16-17: As written, this language would permit the Secretary to exempt schoolwide programs from statutory or regulatory provisions of the IDEA. No such exemption should be permitted. On line 17, after “administered by the Secretary,” the following language should be added: “(other than formula or discretionary grant programs under the IDEA, except as provided in section 613(a)(2)(D) of the IDEA).”
- Page I-57, line 22page I-62, line 10: The bill should clearly state the three essential components of effective schoolwide programs—a comprehensive needs assessment, a coherent design to improve teaching and learning throughout the school based on the needs assessment, and regular review for purposes of improvement.

Page I-58, line 5: The comprehensive needs assessment should include other factors that affect teaching and learning in the school. These lines should read: “. . . that is based on information including, but not limited to, the performance of children”

Page I-59, line 18: The words “high-quality and ongoing” should be added before “professional development.”

Page I-60, lines 15-23: This provision should also provide for teacher-parent conferences to discuss student difficulties, and it should suggest what interventions (e.g., one-on-one tutoring, before- or after-school programs, summer school) schools and parents should undertake to address difficulties.

Page I-63, lines 12-14: Instead of requiring “review[] . . . as necessary” of schoolwide plans, this provision should include a clear requirement for *regular* review of each school’s progress toward implementing schoolwide programs and achieving student achievement goals.

School Choice

- Page I-70, line 10: The choice plan should include the provision (section 1115A(b)(4)) in current law requiring LEAs to describe how schools will provide individual student assessment results to parents. This provision promotes accountability for the achievement of disadvantaged students, regardless of the school they attend.
- Page I-70, line 13: Who are “eligible students”? Do LEAs have total discretion to define eligibility?

School/LEA Improvement and Corrective Action

- Page I-75, line 7; page I-76, line 4: This provision requires LEAs to develop public school choice options for students in schools identified for improvement. While this provision may assist students who are able to transfer to schools not identified for improvement, it underscores the need for states, LEAs, and schools to commit substantial resources toward improving the low-performing schools where many students will inevitably remain. As discussed earlier, the bill should require states to reserve 2.5% of Title I funds for this purpose (and 3.5% after 2001).
- Page I-75, line 17: The word “any” preceding “other public school” suggests that LEAs must immediately develop *inter*-district choice options, not merely intra-district options. This line should read: “any other public school within the local educational agency.”
- Page I-78, line 12: This provision should require LEAs to subject plans for school improvement to peer review.
- Page I-80, line 7; page I-89, line 9: Consistent with emerging research on the time it takes to turn around low-performing schools, the bill should require corrective action after the end of three, not two, years following school or LEA identification for improvement.
- Page I-82, lines 6-14; page I-91, lines 18-25: These exceptions allowing for delay of corrective action should be deleted.
- Page I-91, line 25: After this line, there should be a provision specifying when states may remove LEAs from improvement status—presumably when an LEA, for at least two out of three years following its identification for improvement, has made adequate yearly progress.

Paraprofessionals

- Page I-104, lines 5-6: The bill allows hiring of new paraprofessionals who “have met a rigorous standard of quality.” Although this provision demands a “formal assessment” of various skills, it nowhere defines the requisite degree of “rigor” (beyond specifying that paraprofessionals must have more than a high school

diploma or GED). Apparently, LEAs have the prerogative to define “rigor”; thus, standards of quality for paraprofessionals may vary from district to district within a single state. Because this provision is too vague to ensure that new paraprofessionals are high quality, it should be deleted.

- Page I-104, lines 11-12: For clarity, these lines should read: “. . . shall be necessary but not by itself sufficient”
- Page I-105, lines 21-23: By specifying the responsibilities that paraprofessionals “*may* be assigned,” does this section limit the responsibilities of paraprofessionals or simply provide examples from a larger universe of duties they may perform? This ambiguity is salient in light of the bill’s expansion of permissible paraprofessional functions compared to current law. The language should be limiting: “A paraprofessional . . . may only be assigned one or more of the following duties—.”
- Page I-106, lines 13-14: This provision allows paraprofessionals to provide “instructional services,” a broad category that could encompass the regular instructional duties of fully qualified teachers. Because paraprofessionals typically lack the expertise of fully qualified teachers, the bill should not open the door to paraprofessionals serving in teachers’ roles.
- Page I-106, lines 17-18: To clarify that direct teacher supervision is required for all activities in subparagraph (2), these lines should read “any instructional service described in subparagraph (2).”
- Page I-106, lines 21-25: Math and writing instruction should also be subject to this requirement.

Professional Development

- Page I-109, line 1; page I-112, line 12: These sections should more clearly endorse activities that involve collaborative groups of teachers and administrators from the same school or district (not only in activity design but also in implementation) and, to the greatest extent possible, should include follow-up and school-based support such as coaching or study groups.
- Page I-113, lines 16-21: To ensure that children most at risk of educational failure have high-quality teachers, the bill should require LEAs to reserve 5% to 10% of their Title I funds for on-going professional development.

Private Schools

- Page I-116, line 4; page I-116, line 25; page I-117, line 2: Requiring consultation with entities “by whom” the services to private school children will be provided implies that an LEA must discuss the specific employees who will provide services. Lines 24-25 on page I-116 should read: “. . . on the provision of contract services through

potential providers.”

- Page I-117, lines 2-8: This requirement would be burdensome for school districts, especially large districts that enter into many contracts. Moreover, because consultation on the provision of contract services is not required, the language on lines 2-8 may discourage districts from consulting with private school officials on such issues. This language could be deleted with no consequence to private school officials, since the “compliance” provision (page I-118, lines 3-14) provides the same protection.
- Page I-117, line 23: This provision would require private school officials to sign a written affirmation that consultation has occurred. It could be construed as giving private school officials a veto over the services to be provided if they are in any way dissatisfied.
- Page I-118, lines 6-7: Because consultation described in subparagraphs (F) and (G) is covered by the general language of this provision, the phrase beginning with “including” should be deleted.
- Page I-118, line 8: The term “due consideration” may suggest an analogy to “due process” and may invite litigation. The term “appropriate consideration” should be substituted.
- Page I-119, lines 9-20: By authorizing a bypass if a single private school child has “failed to make satisfactory progress in those subjects for which the child receives Title I services,” the bill makes LEAs wholly responsible for meeting the educational needs of children who attend private schools. Given the difficult questions this raises concerning where an LEA’s obligation ends and where the private school’s begins, this provision should be removed.

Comparability of Services

- The bill proposes no amendments to the comparability of services requirement in section 1120A of current law. This section should be amended to strengthen the quality of inputs to be examined in ensuring intra-district school comparability. Such inputs should include teacher qualifications, school safety conditions, and accessibility to technology, among others.

Amounts for Grants (Title I formulas)

- Page I-120, line 16page I-124, line 7: The intent of section 1121 is unclear. It appears to delete the current authority for formula grants to the Outlying Areas, while providing for competitive grants to the four Outlying Areas and the three islands that are not U.S. territories but are “freely-associated states.” Funding for competitive grants would be limited to \$5 million. (Under current law, \$5 million is the required level of funding for the competitive program limited to the three freely-associated states.) If

the competitive grants are the only funding for the Outlying Areas, then the BIA would receive at least 93% of the set-aside funds (instead of its current share, which is about 64% of the total set-aside). The BIA should not receive this huge windfall, since it already receives adequate funds under the 1% set-aside. Thus, language on line 21 of page I-120 should be changed to reserve a total of *up to* 1%.

- Page I-122, lines 14-18: Unlike current law, the bill would not allow the Outlying Areas to consolidate Title I funds, and it would require funds to be used for Title I purposes, not for broader purposes under ESEA. Is the intent to have the Outlying Areas, some of which receive only small amounts of funds, meet all Title I accountability requirements?
- Page I-124, line 15page 125, line 11: Because this provision would significantly decrease the amount of funds allocated as Targeted Grants relative to current law, it should be reconsidered. The proposed allocation formula would authorize substantial annual increases in Basic Grants, which spread funds thinly across high- and low-poverty LEAs. Meanwhile, Targeted Grants would receive only 50% of any increase in Title I LEA Grants above the FY 1999 level. Substantially more funds should be authorized through the Targeted Grants formula, as it distributes funds more fairly by providing higher per-child amounts to higher-poverty LEAs and lower per-child amounts to less poor LEAs.
- Page I-127, lines 4-15: By guaranteeing Concentration Grant funds to LEAs that do not meet the eligibility thresholds for four additional years under the Concentration formula, this provision would drastically reduce increases in funding to all eligible LEAs. It would prevent retargeting of Concentration Grant funds to LEAs that are newly eligible for funds or that are experiencing substantial increases in poverty. For example, with the use of new 1999 poverty data, 956 LEAs were newly eligible for Concentration Grant funding, and 3,112 received additional funds as a result of increased poverty. Continuing funding to the 1,534 ineligible LEAs for four additional years severely reduces funding to the newly eligible and increasingly poor LEAs, and the newly eligible LEAs could receive nothing at all in the event that the Title I appropriation is not substantially increased each year. Moreover, the provision circumvents targeting under the Concentration Grants formula, which is specifically designed to provide money to LEAs where the number of poor children exceeds 6,500 or 15 percent of the total school-age population. Finally, what is the intent behind the phrase “if sufficient funds are appropriated” on lines 4-5?
- Page I-134, lines 1-4: This language is part of several provisions to ensure that Puerto Rico is paid on the same basis as the states over time. What happens to Puerto Rico’s allocation if application of the annual factors on the previous page in the Title I formula *does* “result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year”?

“Scientifically based research”

- The term “scientifically based research” is broadly used in this bill. This term has a specific definition in the provisions authorizing Comprehensive School Reform Demonstration programs and in the provisions of current law authorizing reading and literacy grants (Title II, Part C). In particular, research qualifies as “scientifically based” only if, among other things, it “has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.” This definition would render virtually impossible the implementation of many Title I provisions. In the following areas where the term “scientifically based research” occurs, the bill should require or encourage (as appropriate) that programs, plans, reforms, or strategies simply be “research-based,” “based on relevant research,” or “based on the best available research.”
 - Page I-1, lines 16-17 (effective educational strategies).
 - Page I-37, line 20; page I-40, lines 8-9 (LEA plans).
 - Page I-58, line 16 (schoolwide reform strategies).
 - Page I-67, lines 5-6 (targeted assistance programs).
 - Page I-77, lines 4-5 (school improvement plans).
 - Page I-78, lines 22-23; page I-79, lines 14-15 (LEA-provided technical assistance to schools identified for improvement).
 - Page I-82, lines 2-3 (LEA-prescribed corrective action for schools).
 - Page I-87, lines 1-2 (LEA improvement plans).
 - Page I-109, lines 14-15; page I-110, line 1 (required professional development activities).

Comprehensive Technical Assistance Centers

- Page I-79, lines 8-9: Reference to these centers should be deleted. These centers should be replaced by a customer-driven system of technical assistance, which provides services directly to states and high-poverty LEAs.

TITLE I: COMPREHENSIVE SCHOOL REFORM DEMONSTRATION PROGRAMS

- Page I-D-1, lines 20-23: The language should make clear that comprehensive school reform not merely “one means,” but “an important means” or “a promising means” by which children “can be” assisted to meet challenging state standards.
- Page I-D-2, line 3: The end of the purpose statement should include the following: “so that all children can meet challenging state content and performance standards.”
- Page I-D-2, lines 10-14: Current law provides a 1% set-aside for grants to schools supported by BIA and other entities, and a 1% set-aside for national evaluation. In an apparent drafting error, the bill appears to set up two different evaluation set-asides (one for national evaluation, another for BIA and other entities), while leaving no program set-aside for BIA and other entities. The language in lines 12-14 following “the Secretary may reserve” should be removed.
- Page I-D-4, lines 7 and 12: The word “that” should be inserted between “reforms” and “are.”
- Page I-D-4, lines 18-19: The words “upon request” should be deleted. States should have the option of requiring LEAs to receive certain technical assistance at the beginning of the process in order to participate in the state’s subgrant competition. In addition, many states are providing grants to schools in school improvement or corrective action. Some level of state technical assistance should be provided to those schools, whether requested or not.
- Page I-D-5, lines 3-5: The language should specify that the SEA “shall use such funds to provide competitive grants to local educational agencies to support comprehensive school reforms in schools eligible for funds under Title I, Part A.” Under current law, all funds in the Title I portion of the program (83% of the funds) are limited to Title I eligible schools.
- Page I-D-5, lines 5-7: Although an equitable geographic distribution of awards is important, the existing language places too much up-front emphasis on geographic distribution, possibly at the expense of the quality of the school’s proposal and need for reform. In addition, the bill omits language under current law relating to urban and rural schools, and schools at different grade levels. Instead of the “equitable distribution” language on lines 5-7, the following language should be added between subsections (C) and (D): “In making subgrant awards, the state shall take into account the equitable distribution of awards to different geographic regions within the state, including to urban and rural areas, and to schools serving elementary, middle and high school grades.”
- Page I-D-5, lines 17-19: This provision should clarify that grants are renewable “if schools are making substantial progress in the implementation of their reforms.”

- Page I-D-5, lines 23-25: This priority should be expanded to read “schools identified as being in need of improvement or corrective action under section 1116(c).”
- Page I-D-6, line 2: To ensure proper implementation of reforms, the “budget allocation” language should be expanded to read “budget allocation, staffing, professional development and other strategies necessary.”
- Page I-D-9, line 21: Consistent with current law, the word “programs” should replace the word “models” to clarify that locally developed programs are acceptable if they have a solid research base and meet the criteria that apply to all programs funded.
- Page I-D-10, line 5: Evaluation should consider not simply the results but also the implementation of comprehensive school reforms.

TITLE I: PART D NEGLECTED OR DELINQUENT YOUTH

- The bill maintains the current Title I, Part D structure, continuing State Agency programs under Subpart 1 and Local Agency programs under Subpart 2. The continuation of Subpart 2 in its current form is problematic. Under Subpart 2, states send funds to districts with high proportions of youth in local correctional facilities. However, these funds support dropout prevention and intervention programs not only for institutionalized, delinquent youth, but also more broadly for non-institutionalized at-risk youth, including pregnant and parenting teens, gang members, migrants, immigrants, LEP students, and students who are one or more years behind their grade level. The diversity of programming dilutes services to especially needy students in local delinquent and correctional institutions. Moreover, many non-institutionalized at-risk students already receive services through other Title I funds. Finally, Subpart 2 reduces districts' incentives to help institutionalized students because Title I, Part A funds are not allocated to individual districts for these students.

For these reasons, *Subpart 2 should be deleted*. These funds should be redirected to Title I, Part A. School districts receiving Title I, Part A funds should be required to use such funds for the sole purpose of serving students in correctional facilities. The services provided should be comparable to those received by students served in other district-based Title I programs and should hold institutionalized students to the same high standards as other students. In essence, school districts would operate programs for students in correctional institutions in the same way that they currently operate programs for students living in institutions for neglected children.

TITLE II MIGRANT EDUCATION

The bill does not require state applications to include a description of how a state will encourage the participation of migratory children in state assessments. To ensure that migrant children are held to the same high standards as other children, and that schools and districts are held accountable for their performance, the accurate and appropriate assessment of migratory children should be included as a requirement in the bill. Additionally, each state that receives a grant should be awarded no less than \$200,000 per year so that all states have sufficient funds to implement effective programs.

- Page 1, lines 8-18: This section makes reference to the existing Full Time Equivalent (FTE) count. While this FTE relates only to FY 2000, it creates a base allocation for a 100% “hold harmless” funding level for the succeeding fiscal years. The 100% level will not allow funds to follow highly mobile migrant children who are moving from state to state. Dollars need to follow children so that their needs can be met in *every* state where families travel to work. Furthermore, with funding guaranteed to remain at the existing level, states may become complacent about actively *finding* and certifying eligible migrant students, since they will be secure that funding will not decrease below that base amount.
- Page 2, lines 1-9: This section refers to the issue discussed above. The bill should remove “succeeding” from line 5 and include a statement addressing the gradual implementation of the formula as outlined on page 3, lines 1-25 subparagraph (B). The incremental application of the formula should include an 80% to 120% hold harmless for the states.
- Page 2, lines 2-25: The phrase “nonparticipating States” is inaccurate. All 50 states, the District of Columbia, and Puerto Rico received MEP funds in FY 1999. (The Pacific Trust territories are not currently eligible to receive migrant funding.) This section should be deleted.
- Page 3, lines 1-25: Running only the new money through the formula introduces inequity. This section implies that all states would receive a portion of the additional money through the formula. This would favor states that have a decline in child counts, as states that otherwise might have seen a reduction in their allocations would receive 100% of their FY 2000 amount *plus* a share of the additional money—at the expense of states with growing child counts. A more equitable alternative is to allocate all money based on the formula counts with the stipulation that no state shall receive less than it received for FY 2000.
- Page 3, line 13: The language regarding “fiscal year” is problematic as this means that states would count migrant children during a time frame which is not well-matched to

the nature of seasonal farm work. The bill should replace the term “fiscal year” with “previous year.” This allows the Department to define the period during which migrant children can be identified and reported. The Department currently defines this time frame in guidance (as the program year, or 9/01– 8/31), allowing the Department to modify reporting timeframes to correspond to the school year calendar and related federal reporting requirements.

- Page 4, lines 14-17: Change the referenced programs in this section to include the following: programs under Part A of the Title I, early childhood programs, and programs under Parts A and C of Title VII.
- Page 5, line 13: In order to strengthen parent involvement in migrant program components, the bill should add, “or English language proficiency”, under Section 1304 (c) (3) in paragraph (3) and eliminate “to the extent feasible” language in subsection (c).
- Page 8, line 1: In order to make clear the Secretary’s role in helping states implement a system of electronic records maintenance and transfer for migrant students, the bill should change the word “encourage” to “assist.”

TITLE III

INDIAN EDUCATION

- Page 17, lines 3-13: This provision creates a new program integration authority that would permit integration of services for programs serving Indian students in any of the nearly 1,300 LEAs that receive funds under the Indian Education program. By allowing grantees to seek waiver of statutory provisions, regulations, policies, or procedures necessary to implement integration plans, this authority could substantially dilute program requirements. Moreover, the integration authority also would create substantial administrative and reporting burdens for the Department of Education. For example, upon receiving a plan from a grantee wishing to integrate services, the Secretary must consult with the heads of each federal department providing funds to be used to implement the plan. Yet the Secretary has only 90 days to approve the plan. Moreover, within 180 days of enactment, the Secretary must enter into an agreement with the Secretary of the Interior and any other relevant federal officials providing for the implementation of projects authorized under this section.

Because current law provides adequate authority for these districts to integrate their Title IX-A funds with other programs to comprehensively address the needs of Indian students, this new authority should be deleted.

- The bill authorizes \$4 million to be appropriated for Subparts 2 and 3 in fiscal year 2000. Consistent with the Administration's FY2000 request, the authorization should be increased to \$15 million.

TITLE IV MAGNET SCHOOLS

- Page 9, after line 2: Currently, section 5106(c) requires the Office for Civil Rights to determine, before a grant can be made to a school district, that the district will meet the civil rights assurances included in its application. This provision should not be deleted. The OCR review of these assurances is particularly important for this program, which assists school districts that are desegregating. Although the Secretary does not need statutory authority in order to require OCR review of plans, dropping this language would appear to signal congressional intent that such review is unimportant or unnecessary.
- Page 9, line 7: This section should be amended by striking the words “expense or.” This change would invite discussion of other difficulties inherent in implementing approved desegregation plans, while still permitting applicants to raise expense as an issue, where appropriate. As currently written, the significance of need is diluted by virtue of the fact that expense of implementing a plan can easily be shown to exceed available resources. Consequently, the priority is ineffective in helping to determine which applicants should receive awards.
- Page 11, line 3: Current law defines “academic subjects” for the purpose of this program. This language should not be deleted so as to ensure clarity among widely differing views on what constitutes or qualifies as academic instruction. Without such a definition, the Department of Education would need to regulate to ensure fair and consistent interpretation of the kinds of courses funds may support.

TITLE VIII RURAL EDUCATION

Subpart 1 – Small and Rural School Program

Alternative Uses of Funds: Section 10961 would authorize small, rural LEAs, upon notifying SEAs of their intent, to consolidate fund funds from the Class Size Reduction, Eisenhower Professional Development, Safe and Drug-Free Schools, Innovative Education Program Strategies, Bilingual Education, Emergency Immigrant Education, and 21st Century Community Learning Centers programs. Without much accountability, LEAs could use these funds for local or statewide education reform efforts to improve academic achievement and the quality of instruction in elementary and secondary schools.

- Page 2, lines 19-25: The language allows eligible LEAs to use applicable funds to support state and local education reform efforts but does not make clear whether LEAs would be able (1) to consolidate the funds from the four applicable programs or (2) to use those funds for activities that aren't otherwise authorized. The proposal also fails to require LEAs to provide SEAs with a plan for how it would use the funds to implement this program consistent with state and local systematic reform efforts in order to improve student achievement or the quality of instruction.
- Page 3, lines 9-21: This provision would make eligible (1) an LEA that serves fewer than 600 students and serves only schools in communities with a United States Department of Agriculture Rural-Urban Continuum Code of 6, 7, 8, or 9; or (2) LEAs that serve fewer than 600 students and are in an area designated as rural by the state and receive a waiver from the Secretary to use applicable funding to support state or local reform efforts. The language regarding a "community" is problematic because the Rural-Urban Continuum Code applies to counties, not towns. In addition, determining which schools served by the LEA are in communities with the appropriate code would be confusing and burdensome to states.

Formula Grants to Small, Rural Districts: Section 10962 would authorize grants of \$20,000 plus \$100 per student for every student over 50, except that no award may exceed \$60,000, to LEAs that meet the same criteria for using applicable funding.

- Page 4, lines 23-25: LEAs are required to use program funds to supplement not supplant other federal, state, or local education funds that would otherwise be available for the purpose of this subpart. The supplement not supplant provision would create a new record-keeping burden and compliance problems for LEAs that received program funds because the language "funds that would otherwise be available for the purpose of this subpart" is so broadly written. Audit problems would arise due to the difficulty of determining the base amount of expenditures for supporting reform efforts to improve academic achievement and instructional quality.

- Page 7, lines 1-7: The Secretary would award an eligible LEA an amount equal to \$20,000 plus \$100 per student for every student over 50, except that no award may exceed \$60,000, *minus* the amount the LEA received from the Class Size Reduction, Eisenhower State Grants, Safe and Drug-Free Schools, and Innovative Education Program Strategies, Bilingual Education, Emergency Immigrants, and 21st Century Community Learning Centers programs in the previous fiscal year. This provision would be impossible for the Department to implement without collecting substate allocation data from the states, since the Department does not make the allocations for most of the affected programs directly to LEAs. It would be necessary to have each rural district provide the Department annually with a report on the amount of funds it had received from the applicable programs in the previous year. Such a requirement would be time consuming and burdensome for these districts and states. It is also unclear as to why the proposal would reduce the amount of awards to LEAs that did not use their applicable funding for alternative uses.
- Page 7, lines 23-25: An LEA desiring to receive an award would have to conduct a census, by December 1, of the average daily attendance in grades kindergarten through 12. The language is unclear as to whether the intent is to determine the average daily attendance for the LEA over a period of time, or the attendance on one particular day before December 1.

Subpart 2 – Low-Income and Rural School Program

Subpart 2 would authorize a state formula grant program to provide subgrants to poor, rural districts. In a state that chooses not to participate in the program, the Secretary would be authorized to make awards directly to eligible LEAs in those states.

- Page 10, lines 15-25: The Secretary would allocate to each state its share of funds based on the average daily attendance in eligible districts within the state. Formula changed from number served to average daily attendance. An eligible district is one with: (1) at least 20 percent of the children it serves residing in households with incomes below the poverty line; and (2) a Rural-Urban Continuum Code of 6, 7, 8, or 9. The language contained in the bill describing the method of allocation is very poorly drafted and is confusing to read. As written, Connecticut, Rhode Island, and New Jersey would not receive any funds under this program. There would be the question of what to do with rural areas in Hawaii and Puerto Rico. Determining which LEAs were eligible would also be difficult. In addition, using average daily attendance would make the formula more difficult to run than using enrollment data, which is more readily available to the Department. If average daily attendance is to be used as the basis for the allocations, language should be inserted specifying that it is the average daily attendance for the previous school year.

There are no real accountability provisions contained in the subpart. States desiring to receive a grant under this subpart must apply to the Secretary and provide such

information as the Secretary may require. The state must also provide specific measurable goals and objectives and report annually on the method the state used to allocate funds within the state, how LEAs used the funds, and progress made within the state toward meeting the goals and objectives contained in the application. However, the proposal contains no provision allowing states to terminate awards to districts that fail to make significant progress toward their goals or objectives, and no provisions authorizing the Department to withhold funds from states or districts that receive awards directly from the Department that fail to make sufficient progress.

As written, it would be difficult and burdensome for SEAs to determine the eligibility of many LEAs, particularly because many LEAs serve students from more than one county; the proposal does not contain any means for states to adjust poverty counts in LEAs to allow for this situation.

TITLE IX
HOMELESS CHILDREN

- Page 5, line 18: The bill would require the Secretary to transfer 1% of the appropriation to the Bureau of Indian Affairs (BIA). At the FY 1999 level of funding, this would require the Department to reserve \$288,000 for the BIA, nearly tripling the BIA's award. (In the last few years the Department has given BIA \$100,000, which is the minimum allocation.) The bill should simply authorize the Secretary to reserve *up to* 1%.
- Page 8, line 20: States that established segregated schools for homeless children prior to enactment of this bill would remain eligible to receive funds for those schools. This would, potentially, have the impact of "grandfathering" in segregated schools that are already in operation. This section should be deleted. The Department is opposed to providing assistance to schools that separate homeless students from the mainstream school environment.

I-1

[COMMITTEE PRINT]

SEPTEMBER 29, 1999

**AMENDMENT IN THE NATURE
OF A SUBSTITUTE TO H.R. 2
OFFERED BY MR. GOODLING OF PENNSYLVANIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Students Results Act
3 of 1999”.

4 SEC. 2. REFERENCES.

5 Except as otherwise expressly provided, whenever in
6 this Act an amendment or repeal is expressed in terms
7 of an amendment to, or repeal of, a title, chapter, part,
8 subpart, section, subsection, or other provision, the ref-
9 erence shall be considered to be made to a title, chapter,
10 part, subpart, section, subsection, or other provision of the
11 Elementary and Secondary Education Act of 1965. (20
12 U.S.C. 6301 et seq.).



1 **TITLE I—STUDENT RESULTS**

2 **PART A—BASIC PROGRAM**

3 **SEC. 101. LOW-ACHIEVING CHILDREN MEET HIGH STAND-**
4 **ARDS.**

5 The heading for title I is amended by striking “**DIS-**
6 **ADVANTAGED**” and inserting “**LOW-ACHIEV-**
7 **ING**”.

8 **SEC. ____ . PURPOSES AND INTENT.**

9 Section 1001 (20 U.S.C. 6301) is amended to read
10 as follows:

11 **“SEC. 1001. FINDINGS; STATEMENT OF PURPOSE; AND REC-**
12 **OGNITION OF NEED.**

13 “(a) FINDINGS.—Congress finds the following:

14 “(1) Schools that enroll high concentrations of
15 children living in poverty face the greatest challenges
16 but effective educational strategies based on [scientific-
17 ically based research] can succeed in educating chil-
18 dren to high standards. *nam/mut* *high all*

19 “(2) High-poverty schools are much more likely
20 to be identified as failing to meet State standards
21 for satisfactory progress. As a result, these schools
22 are generally the most in need of additional re-
23 sources and technical assistance to build the capac-
24 ity of these schools to address the many needs of
25 their students.

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I-3

1 “(3) The educational progress of children par-
2 ticipating in programs under this title is closely as-
3 sociated with their being taught by a highly qualified
4 staff, particularly in schools with the highest con-
5 centrations of poverty, where paraprofessionals,
6 uncertified teachers, and teachers teaching out of
7 field frequently provide instructional services.

2001

8 “(4) Congress and the public would benefit
9 from additional data in order to evaluate the efficacy
10 of the changes made to Title I in the Improving
11 America’s Schools Act of 1994,

12 “(5) States, local educational agencies, and
13 schools should be given as much flexibility as pos-
14 sible in exchange for greater accountability for im-
15 proving student achievement.

16 “(6) Programs funded under this part must
17 demonstrate increased effectiveness in improving
18 schools in order to ensure all children achieve to
19 high standards.

20 “(b) PURPOSE AND INTENT.—The purpose and in-
21 tent of this title are to ensure that all children have a
22 fair and equal opportunity to obtain a high quality edu-
23 cation.

24 “(c) RECOGNITION OF NEED.—The Congress recog-
25 nizes that—



I-4

1 “(1) educational needs are particularly great for
2 low-achieving children in our Nation’s highest-pov-
3 erty schools, children with limited English pro-
4 ficiency, children of migrant workers, children with
5 disabilities, Indian children, children who are ne-
6 glected or delinquent and young children and their
7 parents who are in need of family-literacy services;

8 “(2) Despite more than 3 decades of Federal as-
9 sistance, a sizable achievement gap remains between
10 minority and nonminority students, and between dis-
11 advantaged students and their more advantaged
12 peers;

13 “(3) too many students must attend local
14 schools that fail to provide them with a quality edu-
15 cation, and are given no alternatives to enable them
16 to receive a quality education;

17 “(4) States, local educational agencies and
18 schools should be held accountable for improving the
19 academic achievement of all students, and for identi-
20 fying and turning around low-performing schools;
21 and

22 “(5) Federal education assistance is intended
23 not only to increase pupil achievement overall, but
24 also more specifically and importantly, to help en-
25 sure that all pupils, especially the disadvantaged,

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I-5

1 meet challenging standards for curriculum content
2 and pupil performance. It can only be determined if
3 schools, local educational agencies, and States, are
4 reaching this goal if pupil achievement results are
5 reported specifically by disadvantaged and minority
6 status.

7 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) LOCAL EDUCATIONAL AGENCY GRANTS.—Sub-
9 section (a) of section 1002 (20 U.S.C. 6302(a)) is amend-
10 ed by striking “\$7,400,000,000 for fiscal year 1995” and
11 inserting “\$8,350,000,000 for fiscal year 2000”.

12 (b) EDUCATION OF MIGRATORY CHILDREN.—Sub-
13 section (c) of section 1002 (20 U.S.C. 6302(c)) is amend-
14 ed by striking “\$310,000,000 for fiscal year 1995” and
15 inserting “\$400,000,000 for fiscal year 2000”.

16 (c) PREVENTION AND INTERVENTION PROGRAMS
17 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT
18 RISK OF DROPPING OUT.—Subsection (d) of section 1002
19 (20 U.S.C. 6302(d)) is amended by striking “\$40,000,000
20 for fiscal year 1995” and inserting “\$50,000,000 for fiscal
21 year 2000”.

22 (d) CAPITAL EXPENSES.—Subsection (e) of section
23 1002 (20 U.S.C. 6302(e)) is amended to read as follows:

24 “(e) CAPITAL EXPENSES.—For the purpose of car-
25 rying out section 1120(e), there are authorized to be ap-



I-6

1 appropriated \$24,000,000 for fiscal year 2000, \$16,000,000
2 for fiscal year 2001, and \$8,000,000 for fiscal year
3 2002.”.

4 (e) ADDITIONAL ASSISTANCE.—Subsection (f) of sec-
5 tion 1002 is repealed.

6 (f) STATE ADMINISTRATION.—Section 1002 is
7 amended by adding at the end the following:

8 “(h) STATE ADMINISTRATION.—

9 “(1) STATE RESERVATION.—Each State may
10 reserve, from the grants it receives under parts A,
11 C, and D, of this title, an amount equal to the
12 greater of 1 percent of the amount it received under
13 parts A, C, and D, for fiscal year 1999, or \$400,000
14 (\$50,000 for each outlying area), to carry out ad-
15 ministrative duties assigned under parts A, C, and
16 D.

17 “(2) Authorization of appropriations.—There
18 are authorized to be appropriated for fiscal year
19 2000 and for each of the 4 succeeding fiscal years,
20 such sums as may be necessary for additional State
21 administration grants. Any such additional grants
22 shall be allocated among the States in proportion to
23 the grants received by each State for that fiscal year
24 under parts A, C, and D of this title.”



I-7

1 “(3) SPECIAL RULE.—The amount allocated to
2 each State under this subsection may not exceed the
3 amount of State funds expended by the State edu-
4 cational agency to administer elementary and sec-
5 ondary education programs in such State.”

6 (g) SCHOOL IMPROVEMENT.—Each State may re-
7 serve for the purpose of carrying out its duties under sec-
8 tion 1116 and 1117, the greater of one half of 1 percent
9 of the amount allocated under this part, or \$200,000.

10 **SEC. ____ . RESERVATION AND ALLOCATION.**

11 Section 1003 (20 U.S.C. 6303) is repealed.

12 **SEC. ____ . STATE PLANS.**

13 Section 1111 (20 U.S.C. 6311) is amended to read
14 as follows:

15 **“SEC. 1111. STATE PLANS.**

16 “(a) PLANS REQUIRED.—

17 “(1) IN GENERAL.—Any State desiring to re-
18 ceive a grant under this part shall submit to the
19 Secretary a plan, developed in consultation with local
20 educational agencies, teachers, pupil services per-
21 sonnel, administrators (including administrators of
22 programs described in other parts of this title),
23 other staff, and parents, that satisfies the require-
24 ments of this section and that is coordinated with
25 other programs under this Act, the Individuals with

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I-8

1 Disabilities Education Act, the Carl D. Perkins Vo-
2 cational and Technical Education Act of 1998, and
3 the Head Start Act.

4 “(2) CONSOLIDATED PLAN.—A State plan sub-
5 mitted under paragraph (1) may be submitted as
6 part of a consolidated plan under section 14302.

7 “(b) STANDARDS, ASSESSMENTS, AND ACCOUNT-
8 ABILITY.—

9 “(1) CHALLENGING STANDARDS.—(A) Each
10 State plan shall demonstrate that the State has
11 adopted challenging content standards and chal-
12 lenging student performance standards that will be
13 used by the State, its local educational agencies, and
14 its schools to carry out this part, except that a State
15 shall not be required to submit such standards to
16 the Secretary.

17 “(B) The standards required by subparagraph
18 (A) shall be the same standards that the State ap-
19 plies to all schools and children in the State.

20 “(C) The State shall have such standards for
21 elementary and secondary school children served
22 under this part in subjects determined by the State,
23 but including at least mathematics and reading or
24 language arts, which shall include the same knowl-



I-9

1 edge, skills, and levels of performance expected of all
2 children.

3 “(D) Standards under this paragraph shall
4 include—

5 “(i) challenging content standards in aca-
6 demic subjects that—

7 “(I) specify what children are ex-
8 pected to know and be able to do;

9 “(II) contain coherent and rigorous
10 content; and

11 “(III) encourage the teaching of ad-
12 vanced skills;

13 “(ii) challenging student performance
14 standards that—

15 “(I) are aligned with the State’s con-
16 tent standards;

17 “(II) describe two levels of high per-
18 formance, proficient and advanced, that
19 determine how well children are mastering
20 the material in the State content stand-
21 ards;

22 “(III) describe a third level of per-
23 formance, basic, to provide complete infor-
24 mation about the progress of the lower
25 performing children toward achieving to



I-10

1 the proficient and advanced levels of per-
2 formance; and

3 “(IV) describe a fourth level of per-
4 formance, below basic, to provide complete
5 information about the progress of the low-
6 est performing children toward achieving
7 to the basic, proficient, and advanced levels
8 of performance.

WLS
Resolving issue

9 “(E) For the subjects in which students will be
10 served under this part, but for which a State is not
11 required by subparagraphs (A), (B), and (C) to de-
12 velop, and has not otherwise developed such stand-
13 ards, the State plan shall describe a strategy for en-
14 suring that such students are taught the same
15 knowledge and skills and held to the same expecta-
16 tions as are all children.

17 “(F) If the State fails to demonstrate that it
18 has in place its challenging State content and chal-
19 lenging student performance standards as required
20 by subsection (b)(1), administrative funds shall be
21 withheld in such amount as the Secretary deter-
22 mines until such standards are implemented.

23 “(2) ADEQUATE YEARLY PROGRESS.—

24 “(A) Each State plan shall demonstrate,
25 based on assessments described under para-



I-11

1 graph (3), what constitutes adequate yearly
2 progress of—

3 “(i) any school served under this part
4 toward enabling all children to meet the
5 State’s challenging student performance
6 standards;

7 “(ii) any local educational agency that
8 received funds under this part toward ena-
9 bling all children in schools receiving as-
10 sistance under this part to meet the
11 State’s challenging student performance
12 standards; and

13 “(iii) the State in enabling all children
14 in schools receiving assistance under this
15 part to meet the State’s challenging stu-
16 dent performance standards.

17 “(B) Adequate yearly progress shall be de-
18 fined in a manner that—

19 “(i) applies the same high standards
20 of academic performance to all students in
21 the State;

22 “(ii) takes into account the progress
23 of all students in the State and in each
24 local educational agency and school served
25 under section 1114 or 1115; and



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I-12

1 “(iii) uses the State challenging con-
2 tent and challenging student performance
3 standards and assessments described in
4 paragraphs (1) and (4);

5 “(iv) compares separately, within each
6 State, local educational agency, and school,
7 the performance and progress of students
8 by gender, each major ethnic and racial
9 group, by English proficiency status, by
10 migrant status, by students with disabil-
11 ities as compared to nondisabled students,
12 and by economically disadvantaged stu-
13 dents as compared to students who are not
14 economically disadvantaged (except that
15 such disaggregation shall not be required
16 in a case in which the number of students
17 in a category is insufficient to yield statis-
18 tically reliable information or the results
19 would reveal individually identifiable infor-
20 mation about an individual student);

21 “(v) compares the proportions of stu-
22 dents at the ‘below basic’, ‘basic’, ‘pro-
23 ficient’, and ‘advanced’ levels of perform-
24 ance with the proportions of students at



I-13

1 each of the 4 levels in the same grade in
2 the previous school year;

3 “(vi) at the State’s discretion, may
4 also include other academic measures such
5 as promotion, completion of college pre-
6 paratory courses, and high school comple-
7 tion, except that inclusion of such other
8 measures may not decrease the number or
9 percentage of schools or local educational
10 agencies that would otherwise be subject to
11 improvement or corrective action under
12 section 1116 if the discretionary indicators
13 were not included; }

14 “(vii) includes annual numerical goals
15 for improving the performance of all
16 groups specified in clause (iv) and nar-
17 rowing gaps in performance between these
18 groups;

19 “(viii) includes a timeline for ensuring
20 that each group of students described in
21 clause (iv) meets or exceeds the State’s
22 proficient level of performance on each
23 State assessment used for the purposes of
24 section 1111 and section 1116 within 10

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I-14

1 years from the date of enactment of the
2 Student Results Act of 1999.

3 “(C) ANNUAL IMPROVEMENT FOR
4 STATES.—For a State to make adequate yearly
5 progress under subparagraph (A)(iii), not less
6 than 90 percent of the local educational agen-
7 cies within its jurisdiction shall meet the State’s
8 criteria for adequate yearly progress.

9 “(D) ANNUAL IMPROVEMENT FOR LOCAL
10 EDUCATIONAL AGENCIES.—For a local edu-
11 cational agency to make adequate yearly
12 progress under subparagraph (A)(ii), not less
13 than 90 percent of the schools within its juris-
14 diction must meet the State’s criteria for ade-
15 quate yearly progress.

16 “(E) ANNUAL IMPROVEMENT FOR
17 SCHOOLS.—For a school to make adequate
18 yearly progress under subparagraph (A)(i), not
19 less than 90 percent of each group of students
20 described in subparagraph (A)(iv) who are en-
21 rolled in such school are required to take the
22 assessments consistent with section
23 612(a)(17)(A) of the Individuals with Disabil-
24 ities Education Act and section



I-15

1 1111(b)(4)(F)(iv) on which adequate yearly
2 progress is based.

3 “(F) PUBLIC NOTICE AND COMMENT.—
4 Each State shall ensure that in developing its
5 plan for adequate yearly progress, it diligently
6 seeks public comment from a range of institu-
7 tions and individuals in the State with an inter-
8 est in improved student achievement and that
9 the State makes and will continue to make a
10 substantial effort to ensure that information
11 under this part is widely known and understood
12 by the public, parents, teachers, and school ad-
13 ministrators throughout the State. Such efforts
14 shall include, at a minimum, publication of such
15 information and explanatory text, broadly to the
16 public through such means as the Internet, the
17 media, and public agencies.

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18 “(G) REVIEW.—The Secretary shall review
19 the information from States on the adequate
20 yearly progress of schools and local educational
21 agencies required under subparagraphs (A) and
22 (B) for the purpose of determining State and
23 local compliance with section 1116.

24 “(3) STATE AUTHORITY.—If a State edu-
25 cational agency provides evidence, which is satisfac-

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I-16

1 tory to the Secretary, that neither the State edu-
2 cational agency nor any other State government offi-
3 cial, agency, or entity has sufficient authority, under
4 State law, to adopt curriculum content and student
5 performance standards, and assessments aligned
6 with such standards, which will be applicable to all
7 students enrolled in the State's public schools, then
8 the State educational agency may meet the require-
9 ments of this subsection by—

10 “(A) adopting standards and assessments
11 that meet the requirements of this subsection,
12 on a statewide basis, limiting their applicability
13 to students served under this part; or

14 “(B) adopting and implementing policies
15 that ensure that each local educational agency
16 in the State which receives grants under this
17 part will adopt curriculum content and student
18 performance standards, and assessments
19 aligned with such standards, which meet all of
20 the criteria in this subsection and any regula-
21 tions regarding such standards and assessments
22 which the Secretary may publish, and which are
23 applicable to all students served by each such
24 local educational agency.



I-17

1 “(4) ASSESSMENTS.—Each State plan shall
2 demonstrate that the State has implemented a set of
3 high-quality, yearly student assessments that in-
4 clude, at a minimum, assessments in mathematics
5 and reading or language arts, that will be used,
6 starting not later than the 2000–2001 school year,
7 as the primary means of determining the yearly per-
8 formance of each local educational agency and school
9 served under this title in enabling all children served
10 under this part to meet the State’s challenging stu-
11 dent performance standards. Such assessments
12 shall—

13 “(A) be the same assessments used to
14 measure the performance of all children, if the
15 State measures the performance of all children;

16 “(B) be aligned with the State’s chal-
17 lenging content and student performance stand-
18 ards and provide coherent information about
19 student attainment of such standards;

20 “(C) be used for purposes for which such
21 assessments are valid and reliable, and be con-
22 sistent with relevant, nationally recognized pro-
23 fessional and technical standards for such as-
24 sessments;



I-18

1 “(D) measure the proficiency of students
2 in the academic subjects in which a State has
3 adopted challenging content and student per-
4 formance standards and be administered not
5 less than one or more times during—

6 “(i) grades 3 through 5;

7 “(ii) grades 6 through 9; and

8 “(iii) grades 10 through 12;

9 “(E) involve multiple up-to-date measures
10 of student performance, including measures
11 that assess higher order thinking skills and un-
12 derstanding;

13 “(F) provide for—

14 “(i) the participation in such assess-
15 ments of all students;

16 “(ii) the reasonable adaptations and
17 accommodations for students with disabil-
18 ities defined under 602(3) of the Individ-
19 uals with Disabilities Education Act nec-
20 essary to measure the achievement of such
21 students relative to State content and
22 State student performance standards;

23 “(iii) the inclusion of limited English
24 proficient students who shall be assessed,
25 to the extent practicable, in the language



I-19

1 and form most likely to yield accurate and
2 reliable information on what such students
3 know and can do in content areas;

4 “(iv) notwithstanding clause (iii), the
5 assessment (using tests written in English)
6 *an* of reading or language arts of any student
7 *unme* who has attended school in the United
8 States (not including Puerto Rico) for 3 or
9 more consecutive school years, except if the
10 local educational agency determines, on a
11 case-by-case individual basis, that assess-
12 ments in another language and form would
13 likely yield more accurate and reliable in-
14 formation on what such students know and
15 can do, the local educational agency may
16 assess such students in the appropriate
17 language other than English for 1 addi-
18 tional year; and

19 “(G) include students who have attended
20 schools in a local educational agency for a full
21 academic year but have not attended a single
22 school for a full academic year, except that the
23 performance of students who have attended
24 more than one school in the local educational
25 agency in any academic year shall be used only



I-20

1 in determining the progress of the local edu-
2 cational agency;

3 “(H) provide individual student reports,
4 which include assessment scores, or other infor-
5 mation on the attainment of student perform-
6 ance standards; and

7 “(I) enable results to be disaggregated
8 within each State, local educational agency, and
9 school by gender, by each major racial and eth-
10 nic group, by English proficiency status, by mi-
11 grant status, by students with disabilities as
12 compared to nondisabled students, and by eco-
13 nomically disadvantaged students as compared
14 to students who are not economically disadvan-
15 tagged.

16 “(5) SPECIAL RULE.—

17 “(A) IN GENERAL.—Assessment measures
18 that do not meet the requirements of paragraph
19 (4)(C) may be included as one of the multiple
20 measures, if a State includes in the State plan
21 information regarding the State’s efforts to
22 validate such measures.

23 “(B) STUDENT PROFICIENCY IN GRADES
24 K-2.—States may measure the proficiency of
25 students in the academic subjects in which a



not for
substantive

I-21

1 State has adopted challenging content and stu-
2 dent performance standards one or more times
3 during grades K-2.

4 “(6) LANGUAGE ASSESSMENTS.—Each State
5 plan shall identify the languages other than English
6 that are present in the participating student popu-
7 lation and indicate the languages for which yearly
8 student assessments are not available and are need-
9 ed. The State shall make every effort to develop
10 such assessments and may request assistance from
11 the Secretary if linguistically accessible assessment
12 measures are needed. Upon request, the Secretary
13 shall assist with the identification of appropriate as-
14 sessment measures in the needed languages, but
15 shall not mandate a specific assessment or mode of
16 instruction.

17 “(7) ASSESSMENT DEVELOPMENT.—A State
18 shall develop, and implement State assessments that
19 are aligned to challenging State content standards
20 that include, at a minimum, mathematics and read-
21 ing or language arts by the 2000–2001 school year.

22 “(8) REQUIREMENT.—Each State plan shall
23 describe—

24 “(A) how the State educational agency will
25 assist each local educational agency and school

I-22

1 affected by the State plan to develop the capac-
2 ity to comply with each of the requirements of
3 sections 1112(c)(1)(D), 1114(b), and 1115(c)
4 that is applicable to such agency or school; and

5 “(B) such other factors the State considers
6 appropriate to provide students an opportunity
7 to achieve the knowledge and skills described in
8 the challenging content standards adopted by
9 the State.

10 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
11 AND LEARNING.—Each State plan shall contain assur-
12 ances that—

13 “(1) the State educational agency will work
14 with other agencies, including educational service
15 agencies or other local consortia, and institutions to
16 provide technical assistance to local educational
17 agencies and schools to carry out the State edu-
18 cational agency’s responsibilities under this part, in-
19 cluding technical assistance in providing professional
20 development under section 1119 and technical as-
21 sistance under section 1117; and

22 “(2)(A) where educational service agencies
23 exist, the State educational agency will consider pro-
24 viding professional development and technical assist-
25 ance through such agencies; and

*for No Set aside
P.D. ✓
X.H.*



I-23

1 “(B) where educational service agencies do not
2 exist, the State educational agency will consider pro-
3 viding professional development and technical assist-
4 ance through other cooperative agreements such as
5 through a consortium of local educational agencies;

6 “(3) the State educational agency will notify
7 local educational agencies and the public of the con-
8 tent and student performance standards and assess-
9 ments developed under this section, and of the au-
10 thority to operate schoolwide programs, and will ful-
11 fill the State educational agency’s responsibilities re-
12 garding local educational agency improvement and
13 school improvement under section 1116, including
14 such corrective actions as are necessary;

15 “(4) the State educational agency will provide
16 the least restrictive and burdensome regulations for
17 local educational agencies and individual schools par-
18 ticipating in a program assisted under this part;

19 “(5) the State educational agency will inform
20 the Secretary and the public of how Federal laws, if
21 at all, hinder the ability of States to hold local edu-
22 cational agencies and schools accountable for stu-
23 dent academic performance;

24 “(6) the State educational agency will encour-
25 age schools to consolidate funds from other Federal,



I-24

1 State, and local sources for schoolwide reform in
2 schoolwide programs under section 1114;

3 “(7) the State educational agency will modify or
4 eliminate State fiscal and accounting barriers so
5 that schools can easily consolidate funds from other
6 Federal, State, and local sources for schoolwide pro-
7 grams under section 1114;

8 “(8) the State educational agency has involved
9 the committee of practitioners established under sec-
10 tion 1603(b) in developing the plan, and monitoring
11 its implementation; and

12 “(9) the State educational agency will inform
13 local educational agencies of the local educational
14 agency’s authority to obtain waivers under title XIV
15 and, if the State is an Ed-Flex Partnership State,
16 waivers under the Education Flexibility Partnership
17 Act of 1999.

18 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—
19 The Secretary shall—

20 “(1) establish a peer review process to assist in
21 the review of State plans;

22 “(2) approve a State plan after its submission
23 unless the Secretary determines that the plan does
24 not meet the requirements of this section;



I-25

1 “(3) if the Secretary determines that the State
2 plan does not meet the requirements of subsection
3 (a), (b), or (c), immediately notify the State of such
4 determination and the reasons for such determina-
5 tion;

6 “(4) not decline to approve a State’s plan
7 before—

8 “(A) offering the State an opportunity to
9 revise its plan;

10 “(B) providing technical assistance in
11 order to assist the State to meet the require-
12 ments under subsections (a), (b), and (c); and

13 “(C) providing a hearing;

14 “(5) have the authority to disapprove a State
15 plan for not meeting the requirements of this part,
16 but shall not have the authority to require a State,
17 as a condition of approval of the State plan, to in-
18 clude in, or delete from, such plan one or more spe-
19 cific elements of the State’s content standards or to
20 use specific assessment instruments or items; and

21 “(6) States shall revise their plans if necessary
22 to satisfy the requirements of this section.

23 Revised plans under paragraph (6) shall be submitted to
24 the Secretary for approval not later than 1 year after the
25 date of the enactment of the Student Results Act of 1999.



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1 “(e) DURATION OF THE PLAN.—

2 “(1) IN GENERAL.—Each State plan shall—

3 “(A) be submitted for the first year for
4 which this part is in effect after the date of the
5 enactment of the Student Results Act of 1999;

6 “(B) remain in effect for the duration of
7 the State’s participation under this part; and

8 “(C) be periodically reviewed and revised
9 by the State, as necessary, to reflect changes in
10 the State’s strategies and programs under this
11 part.

12 “(2) ADDITIONAL INFORMATION.—If the State
13 makes significant changes in its plan, such as the
14 adoption of new State content standards and State
15 student performance standards, new assessments, or
16 a new definition of adequate yearly progress, the
17 State shall submit such information to the Sec-
18 retary.

19 “(f) LIMITATION ON CONDITIONS.—Nothing in this
20 part shall be construed to authorize an officer or employee
21 of the Federal Government to mandate, direct, or control
22 a State, local educational agency, or school’s specific in-
23 structional content or student performance standards and
24 assessments, curriculum, or program of instruction, as a
25 condition of eligibility to receive funds under this part.



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1 “(g) PENALTIES.—

2 “(1) IN GENERAL.—If a State fails to meet the
3 statutory deadlines for demonstrating that it has in
4 place challenging content standards and student per-
5 formance standards and assessments, and a system
6 for measuring and monitoring adequate yearly
7 progress, the State shall be ineligible to receive any
8 administrative funds under section 1002(g) that ex-
9 ceed the amount received by the State for such pur-
10 pose in the previous year.

by
Sept. 1, 2007

11 “(2) ADDITIONAL FUNDS.—Based on the extent
12 to which such content standards, performance stand-
13 ards, assessments, and monitoring of adequate year-
14 ly progress, are not in place, additional administra-
15 tive funds shall be withheld in such amount as the
16 Secretary determines appropriate, except that for
17 each additional year that the State fails to comply
18 with such requirements, the Secretary shall withhold
19 not less than $\frac{1}{5}$ of the amount the State receives for
20 administrative expenses under section 1002(g).

21 “(3) WAIVER.—Notwithstanding title XIV of
22 this Act and the Education Flexibility Partnership
23 Act or any other provision of law, a waiver shall not
24 be granted except that a State may request a 1-time,



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1 1-year waiver to meet the requirements of this sec-
2 tion.”.

3 “(h) SCHOOL REPORT CARDS.—

4 “(1) IN GENERAL.—

5 “(A) ANNUAL REPORT.—Except as pro-
6 vided in subparagraph (C), not later than the
7 beginning of the 2001–2002 school year, a
8 State that receives assistance under this Act
9 shall prepare and disseminate an annual report
10 on all schools that receive funds under this
11 part. A State that publishes State report cards
12 on education shall include in such report cards
13 information described in paragraph (2). A State
14 that publishes a report card on all public
15 schools in the State shall include, at a min-
16 imum, the information described in paragraph
17 (2) for all schools that receive funds under this
18 part.

*Separate
report
cards.*

19 “(B) IMPLEMENTATION.—The State shall
20 ensure implementation of these report cards at
21 all levels. Annual report cards under this sec-
22 tion shall be—

23 “(i) concise; and

24 “(ii) presented in a format and man-
25 ner that parents can understand, and



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1 which, to the extent practicable, shall be in
2 a language the parents can understand.

3 “(C) OTHER MEANS.—In the event the
4 State provides no such report card, the State
5 shall, not later than the beginning of the 2001–
6 2002 school year, publicly report the informa-
7 tion described in paragraph (2) for all schools
8 that receive funds under this part through
9 other public means.

10 “(2) CONTENT OF ANNUAL STATE REPORTS.—

11 “(A) REQUIRED INFORMATION.—The
12 State shall, at a minimum, include in the an-
13 nual State reports information for the State on
14 each local educational agency and school receiv-
15 ing funds under this part regarding—

16 “(i) student performance on statewide
17 assessments for the current and preceding
18 years in at least reading (or language arts)
19 and mathematics, including—

20 “(I) a comparison of the propor-
21 tions of students who performed at
22 the “below basic”, “basic”, “pro-
23 ficient”, and “advanced” levels in
24 each subject area, for each grade level
25 at which assessments are required



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1 under title I, with proportions in each
2 of the same 4 categories at the same
3 grade levels in the previous school
4 year; and

5 “(II) a statement of the percent-
6 age of students not tested and a list-
7 ing of categories of the reasons why
8 they were not tested;

9 “(ii) retention in grade, completion of
10 advanced placement courses, and 4-year
11 graduation rates;

12 “(iii) the professional qualifications of
13 teachers in the aggregate, including the
14 percentage of teachers teaching with emer-
15 gency or provisional credentials, and the
16 percentage of class sections not taught by
17 fully qualified teachers; and

18 “(iv) the professional qualifications of
19 paraprofessionals, the number of para-
20 professionals in the aggregate and the
21 ratio of paraprofessionals to teachers in
22 the classroom.

23 “(B) STUDENT DATA.—Student data in
24 each report shall contain disaggregated results
25 for the following categories:



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1 “(i) gender;

2 “(ii) racial and ethnic group;

3 “(iii) migrant status;

4 “(iv) students with disabilities, as
5 compared to students who are not disabled;

6 “(v) economically disadvantaged stu-
7 dents, as compared to students who are
8 not economically disadvantaged; and

9 “(vi) Students with limited English
10 proficiency, as compared to students who
11 are proficient in English.

12 “(C) OPTIONAL INFORMATION.—A State
13 may include in its report any other information
14 it determines appropriate to reflect school qual-
15 ity and school achievement, including informa-
16 tion on average class size, by grade level and in-
17 formation on school safety, such as the inci-
18 dence of school violence and drug and alcohol
19 abuse, and the incidence of student suspensions
20 and expulsions.

21 “(3) CONTENT OF LOCAL EDUCATIONAL AGEN-
22 CIES AND SCHOOL REPORT CARDS.—

23 “(A) MINIMUM REQUIREMENTS.—The
24 State shall ensure that each local educational
25 agency and each school that receives funds



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1 under this part in the State collects appropriate
2 data and includes in its annual report card, at
3 a minimum—

4 “(i) the information described in para-
5 graphs (2)(A) and (2)(B) for each local
6 educational agency and school—

7 “(I) in the case of a local edu-
8 cational agency—

9 “(aa) the number and per-
10 centage of schools identified for
11 school improvement, including
12 schools identified under section
13 1116(e) of this Act;

14 “(bb) information that
15 shows how students in its schools
16 perform on the statewide assess-
17 ment compared to students in the
18 State as a whole;

19 “(II) in the case of the school—

20 “(aa) whether it has been
21 identified for school improve-
22 ment; and

23 “(bb) information that
24 shows how its students performed
25 on the statewide assessment com-



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1 pared to students in the local
2 educational agency and the State
3 as a whole.

4 “(B) OTHER INFORMATION.—A local edu-
5 cational agency and a school may include in
6 their annual report cards any other appropriate
7 information whether or not included in the an-
8 nual State report.

9 “(C) SPECIAL RULE.—A local educational
10 agency that issues report cards for all public
11 schools served by the agency shall include, at a
12 minimum, the information described in para-
13 graph (2) for all schools that receive funds
14 under this part.

15 “(4) DISSEMINATION AND ACCESSIBILITY OF
16 REPORTS AND REPORT CARDS.—

17 “(A) STATE REPORTS.—State annual re-
18 ports under paragraph (2) shall be, dissemi-
19 nated to all schools and local educational agen-
20 cies in the State, and made broadly available to
21 the public through means such as posting on
22 the Internet, distribution to the media, and dis-
23 tribution through public agencies.

24 “(B) LOCAL REPORTS.—Local educational
25 agency report cards under paragraph (3) shall



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1 be disseminated to all schools in the school dis-
2 trict and to all parents of students attending
3 these schools and made broadly available to the
4 public through means such as posting on the
5 Internet, distribution to the media, and dis-
6 tribution through public agencies.

7 “(C) SCHOOL REPORTS.—School report
8 cards under paragraph (3) shall be dissemi-
9 nated to all parents of students attending that
10 school and shall be made broadly available to
11 the public, through means such as the Internet,
12 to the media, and public agencies.

13 “(5) PARENTS RIGHT-TO-KNOW.—

14 “(A) QUALIFICATIONS.—A local edu-
15 cational agency that receives funds under this
16 title shall provide, upon request, in an under-
17 standable and uniform format, to any parent of
18 a student attending any school receiving funds
19 under this subpart, information regarding the
20 professional qualifications of the student’s
21 classroom teachers, including, at a minimum,
22 the following:

23 “(i) Whether the teacher has met
24 State qualification and licensing criteria



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1 for the grade levels and subject areas in
2 which the teacher provides instruction.

3 “(ii) Whether the teacher is teaching
4 under emergency or other provisional sta-
5 tus through which State qualification or li-
6 censing criteria have been waived.

7 “(iii) The baccalaureate degree major
8 of the teacher and any other graduate cer-
9 tification or degree held by the teacher,
10 and the field of discipline of the certifi-
11 cation or degree.

12 “(iv) Whether the child is provided
13 services by paraprofessionals and the quali-
14 fications of such paraprofessional.

15 “(B) ADDITIONAL INFORMATION.—In ad-
16 dition to the information which parents may re-
17 quest under paragraph (1), and the information
18 provided in subsection (c), a school which re-
19 ceives funds under this title shall provide to
20 each individual parent or guardian—

21 “(i) information on the level of per-
22 formance of the individual student for
23 whom they are the parent or guardian in
24 each of the State assessments as required
25 under this title; and



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1 “(ii) timely notice that the student for
2 whom they are the parent or guardian has
3 been assigned or has been taught for 2 or
4 more consecutive weeks by a substitute
5 teacher or by a teacher not fully qualified.

6 “(6) PLAN CONTENT.—A State shall include in
7 its plan under subsection (b) an assurance that it
8 has in effect a policy that meets the requirements of
9 this section.

10 “(g) PRIVACY.—Information collected under this sec-
11 tion shall be collected and disseminated in a manner that
12 protects the privacy of individuals.”.

13 **SEC. ____ . LOCAL EDUCATIONAL AGENCY PLANS.**

14 (a) SUBGRANTS.—Paragraph (1) of section 1112(a)
15 (20 U.S.C. 6312(a)(1)) is amended by striking “the Goals
16 2000: Educate America Act” and all that follows and in-
17 serting the following: “the Individuals with Disabilities
18 Education Act, the Carl D. Perkins Vocational and Tech-
19 nical Education Act of 1998, the Head Start Act, and
20 other Acts, as appropriate.”.

21 (b) PLAN PROVISIONS.—Subsection (b) of section
22 1112 (20 U.S.C. 6312(b)) is amended—

23 (1) by striking “Each” in the matter preceding
24 paragraph (1) and inserting “In order to help low-
25 achieving children achieve to high standards, each”;



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1 (2) in paragraph (1)—

2 (A) by striking “part” each place it ap-
3 pears and inserting “title”;

4 (B) in subparagraph (B), by inserting
5 “low-achieving” before “children”;

6 (C) by striking “and” at the end of sub-
7 paragraph (B);

8 (D) by inserting “and” at the end of sub-
9 paragraph (C); and

10 (E) by adding at the end the following new
11 subparagraph:

12 “(D) determine the literacy levels of first
13 graders and their need for interventions, and a
14 description of how the local educational agency
15 will ensure that any such assessments—

16 “(i) are developmentally appropriate;
17 and

18 “(ii) use multiple measures to provide
19 information about the variety of skills that
20 scientifically based research has identified
21 as leading to early acquisition of reading
22 skills.”;

23 (3) in paragraph (4)—

24 (A) in subparagraph (A), by striking “,
25 and school-to-work transition programs”; and



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1 (B) in subparagraph (B), by striking
2 “under part C or who were formerly eligible for
3 services under part C in the two-year period
4 preceding the date of the enactment of the Im-
5 proving America’s School Act of 1994, ne-
6 glected or delinquent youth and youth at risk of
7 dropping out” and inserting “under part C, ne-
8 glected or delinquent youth, Indian children
9 served under title IX,”;

10 (4) in paragraph (7), by striking “eligible
11 homeless children” and inserting “homeless chil-
12 dren”;

13 (5) by striking the period at the end of para-
14 graph (9) and inserting “; and”; and

15 (6) by adding at the end the following new
16 paragraphs:

17 “(10) a description of the actions the local edu-
18 cational agency will take to assist its low-performing
19 schools, including schools identified under section
20 1116 as in need of improvement; and

21 “(11) a description of how the agency will pro-
22 mote the use of extended learning time, such as an
23 extended school year and before and after school and
24 summer programs.”.



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1 (c) ASSURANCES.—Subsection (c) of section 1112
2 (20 U.S.C. 6312(c)) is amended to read as follows:

3 “(c) ASSURANCES.—

4 “(1) IN GENERAL.—Each local educational
5 agency plan shall provide assurances that the local
6 educational agency will—

7 “(A) inform eligible schools and parents of
8 schoolwide project authority and the ability of
9 such schools to consolidate funds from Federal,
10 State, and local sources;

11 “(B) provide technical assistance and sup-
12 port to schoolwide programs;

13 “(C) work in consultation with schools as
14 the schools develop the schools’ plans pursuant
15 to section 1114 and assist schools as the
16 schools implement such plans or undertake ac-
17 tivities pursuant to section 1115 so that each
18 school can make adequate yearly progress to-
19 ward meeting the State student performance
20 standards;

21 “(D) fulfill such agency’s school improve-
22 ment responsibilities under section 1116, in-
23 cluding taking corrective actions under section
24 1116(c)(4);



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1 “(E) provide services to eligible children
2 attending private elementary and secondary
3 schools in accordance with section 1120, and
4 timely and meaningful consultation with private
5 school officials regarding such services;

6 “(F) take into account the experience of
7 model programs for the educationally disadvan-
8 tagged, and the findings of relevant scientifically
9 based research indicating that services may be
10 most effective if focused on students in the ear-
11 liest grades at schools that receive funds under
12 this part;

13 “(G) in the case of a local educational
14 agency that chooses to use funds under this
15 part to provide early childhood development
16 services to low-income children below the age of
17 compulsory school attendance, ensure that such
18 services comply with the performance standards
19 established under section 641A(a) of the Head
20 Start Act;

21 “(H) comply with the requirements of sec-
22 tion 1119 regarding the qualifications of teach-
23 ers and paraprofessionals;

24 “(I) inform eligible schools of the local
25 educational agency’s authority to obtain waivers



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1 on the school's behalf under title XIV of this
2 Act, and if the State is an Ed-Flex Partnership
3 State, waivers under the Education Flexibility
4 Partnership Act of 1999; and

5 “(J) coordinate and collaborate, to the ex-
6 tent feasible and necessary as determined by
7 the local educational agency, with other agen-
8 cies providing services to children, youth, and
9 families.

10 “(2) SPECIAL RULE.—In carrying out subpara-
11 graph (G) of paragraph (1) the Secretary—

12 “(A) shall consult with the Secretary of
13 Health and Human Services on the implemen-
14 tation of such subparagraph and shall establish
15 procedures (taking into consideration existing
16 State and local laws, and local teacher con-
17 tracts) to assist local educational agencies to
18 comply with such subparagraph; and

19 “(B) upon publication, shall disseminate to
20 local educational agencies the Head Start per-
21 formance standards as in effect under section
22 641A(a) of the Head Start Act, and such agen-
23 cies affected by such subparagraph shall plan
24 for the implementation of such subparagraph
25 (taking into consideration existing State and



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1 local laws, and local teacher contracts), includ-
2 ing pursuing the availability of other Federal,
3 State, and local funding sources to assist in
4 compliance with such subparagraph.

5 “(3) INAPPLICABILITY.—The provisions of this
6 subsection shall not apply to preschool programs
7 using the Even Start model or to Even Start pro-
8 grams which are expanded through the use of funds
9 under this part.”.

10 (d) PLAN DEVELOPMENT AND DURATION.—Section
11 1112 is amended by striking subsection (d) and inserting
12 the following:

13 “(d) PLAN DEVELOPMENT AND DURATION.—

14 “(1) CONSULTATION.—Each local educational
15 agency plan shall be developed in consultation with
16 teachers, administrators (including administrators of
17 programs described in other parts of this title), and
18 other appropriate school personnel, and with parents
19 of children in schools served under this part.

20 “(2) DURATION.—Each such plan shall be sub-
21 mitted for the first year for which this part is in ef-
22 fect following the date of the enactment of the Stu-
23 dent Results Act of 1999 and shall remain in effect
24 for the duration of the agency’s participation under
25 this part.



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1 “(3) REVIEW.—Each such local educational
2 agency shall periodically review, and as necessary,
3 revise its plan.”.

4 (e) STATE APPROVAL.—Section 1112 (20 U.S.C.
5 6312(e)) is amended by striking subsection (e) and insert-
6 ing the following:

7 “(e) STATE APPROVAL.—

8 “(1) IN GENERAL.—Each local educational
9 agency plan shall be filed according to a schedule es-
10 tablished by the State educational agency.

11 “(2) APPROVAL.—The State educational agency
12 shall approve a local educational agency’s plan only
13 if the State educational agency determines that the
14 local educational agency’s plan—

15 “(A) will enable schools served under this
16 part to substantially help children served under
17 this part meet the standards expected of all
18 children described in section 1111(b)(1); and

19 “(B) will meet the requirements of this
20 section.”.

21 (f) PARENTAL NOTIFICATION AND CONSENT FOR
22 ENGLISH LANGUAGE INSTRUCTION.—Section 1112 (20
23 U.S.C. 6312) is amended by adding at the end the fol-
24 lowing:



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1 “(g) PARENTAL NOTIFICATION AND CONSENT FOR
2 ENGLISH LANGUAGE INSTRUCTION.—

3 “(1) NOTIFICATION.—If a local educational
4 agency uses funds under this part to provide English
5 language instruction to limited English proficient
6 children, the agency shall inform a parent or the
7 parents of a child participating in an English lan-
8 guage instruction program for limited English pro-
9 ficient children assisted under this part of—

10 “(A) the reasons for the identification of
11 the child as being in need of English language
12 instruction;

13 “(B) the child’s level of English pro-
14 ficiency, how such level was assessed, and the
15 status of the child’s academic achievement; and

16 “(C) how the English language instruction
17 program will specifically help the child acquire
18 English and meet age-appropriate standards for
19 grade promotion and graduation;

20 “(D) what the specific exit requirements
21 are for the program;

22 “(E) the expected rate of graduation from
23 the program into mainstream classes; and



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1 “(F) the expected rate of graduation from
2 high school for the program if funds under this
3 part are used for children in secondary schools.

4 “(2) CONSENT.—

5 “(A) AGENCY REQUIREMENTS.—Each local
6 educational agency that receives funds under
7 this part shall obtain informed parental consent
8 prior to the placement of a child in an English
9 language instruction program for limited
10 English proficient children that is funded under
11 this part. If written consent is not obtained, the
12 local educational agency shall maintain a writ-
13 ten record that includes the date and the man-
14 ner in which such informed consent was ob-
15 tained.

16 “(B) PARENTAL RIGHTS.—A parent or the
17 parents of a child participating in an English
18 language instruction program for limited
19 English proficient children assisted under this
20 Act shall—

21 “(i) select among methods of instruc-
22 tion, if more than one method is offered in
23 the program; and



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1 “(ii) have the right to have their child
2 immediately removed from the program
3 upon their request.

4 “(3) RECEIPT OF INFORMATION.—A parent or
5 the parents of a child identified for participation in
6 an English language instruction program for limited
7 English proficient children assisted under this part
8 shall receive, in a manner and form understandable
9 to the parent or parents, the information required by
10 this subsection. At a minimum, the parent or par-
11 ents shall receive—

12 “(A) timely information about English lan-
13 guage instruction programs for limited English
14 proficient children assisted under this Act; and

15 “(B) if a parent of a participating child so
16 desires, notice of opportunities for regular
17 meetings for the purpose of formulating and re-
18 sponding to recommendations from such par-
19 ents.

20 “(4) BASIS FOR ADMISSION OR EXCLUSION.—
21 Students shall not be admitted to or excluded from
22 any federally assisted education program on the
23 basis of a surname or language-minority status.



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1 **SEC. ____ . ELIGIBLE SCHOOL ATTENDANCE AREAS.**

2 Section 1113 (20 U.S.C. 6313) is amended to read
3 as follows:

4 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

5 “(a) DETERMINATION.—

6 “(1) IN GENERAL.—A local educational agency
7 shall use funds received under this part only in eligi-
8 ble school attendance areas.

9 “(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—
10 For the purposes of this part—

11 “(A) the term ‘school attendance area’
12 means, in relation to a particular school, the
13 geographical area in which the children who are
14 normally served by that school reside; and

15 “(B) the term ‘eligible school attendance
16 area’ means a school attendance area in which
17 the percentage of children from low-income
18 families is at least as high as the percentage of
19 children from low-income families in the local
20 educational agency as a whole.

21 “(3) LOCAL EDUCATIONAL AGENCY DISCRE-
22 TION.—

23 “(A) IN GENERAL.—Notwithstanding para-
24 graph (2), a local educational agency may—

25 “(i) designate as eligible any school
26 attendance area or school in which at least



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1 35 percent of the children are from low-in-
2 come families;

3 “(ii) use funds received under this
4 part in a school that is not in an eligible
5 school attendance area, if the percentage
6 of children from low-income families en-
7 rolled in the school is equal to or greater
8 than the percentage of such children in a
9 participating school attendance area of
10 such agency; and

11 “(iii) elect not to serve an eligible
12 school attendance area or eligible school
13 that has a higher percentage of children
14 from low-income families if—

15 “(I) the school meets the com-
16 parability requirements of section
17 1120A(c);

18 “(II) the school is receiving sup-
19 plemental funds from other State or
20 local sources that are spent according
21 to the requirements of section 1114 or
22 1115; and

23 “(III) the funds expended from
24 such other sources equal or exceed the



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1 amount that would be provided under
2 this part.

3 “(B) SPECIAL RULE.—Notwithstanding
4 subparagraph (A)(iii), the number of children
5 attending private elementary and secondary
6 schools who are to receive services, and the as-
7 sistance such children are to receive under this
8 part, shall be determined without regard to
9 whether the public school attendance area in
10 which such children reside is assisted under
11 subparagraph (A).

12 “(b) RANKING ORDER.—If funds allocated in accord-
13 ance with subsection (g) are insufficient to serve all eligi-
14 ble school attendance areas, a local educational agency—

15 “(1) shall annually rank from highest to lowest
16 according to the percentage of children from low-in-
17 come families in each agency’s eligible school attend-
18 ance areas in the following order—

19 “(A) eligible school attendance areas in
20 which the concentration of children from low-in-
21 come families exceeds 75 percent; and

22 “(B) all remaining eligible school attend-
23 ance areas in which the concentration of chil-
24 dren from low-income families is 75 percent or
25 lower;



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1 “(2) shall, within each category listed in para-
2 graph (1), serve schools in rank order from highest
3 to lowest according to the ranking assigned under
4 paragraph (1);

5 “(3) notwithstanding paragraph (2), may give
6 priority, within each such category and in rank order
7 from highest to lowest subject to paragraph (4), to
8 eligible school attendance areas that serve children
9 in elementary schools; and

10 “(4) not serve a school described in paragraph
11 (1)(B) before serving a school in paragraph (1)(A).

12 “(c) LOW-INCOME MEASURES.—In determining the
13 number of children ages 5 through 17 who are from low-
14 income families, the local educational agency shall apply
15 the measures described in paragraphs (1) and (2) of this
16 subsection:

17 “(1) ALLOCATION TO PUBLIC SCHOOL ATTEND-
18 ANCE AREAS.—The local educational agency shall
19 use the same measure of poverty, which measure
20 shall be the number of children ages 5 through 17
21 in poverty counted in the most recent census data
22 approved by the Secretary, the number of children
23 eligible for free and reduced priced lunches under
24 the National School Lunch Act, the number of chil-
25 dren in families receiving assistance under the State



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1 program funded under part A of title IV of the So-
2 cial Security Act, or the number of children eligible
3 to receive medical assistance under the Medicaid
4 program, or a composite of such indicators, with re-
5 spect to all school attendance areas in the local edu-
6 cational agency—

7 “(A) to identify eligible school attendance
8 areas;

9 “(B) to determine the ranking of each
10 area; and

11 “(C) to determine allocations under sub-
12 section (f).

13 “(2) ALLOCATION FOR EQUITABLE SERVICE TO
14 PRIVATE SCHOOL STUDENTS.—

15 “(A) CALCULATION.—A local educational
16 agency shall have the final authority, consistent
17 with section 1120 to calculate the number of
18 private school children, ages 5 through 17, who
19 are low-income by—

20 “(i) using the same measure of low-in-
21 come used to count public school children;

22 “(ii) using the results of a survey
23 that, to the extent possible, protects the
24 identity of families of private school stu-
25 dents and allowing such survey results to



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1 be extrapolated if complete actual data are
2 not available; or

3 “(iii) applying the low-income percent-
4 age of each participating public school at-
5 tendance area, determined pursuant to this
6 section, to the number of private school
7 children who reside in that attendance
8 area.

9 “(B) COMPLAINT PROCESS.—Any dispute
10 regarding low-income data on private school
11 students shall be subject to the complaint proc-
12 ess authorized in section 14505.

13 “(d) EXCEPTION.—This section (other than sub-
14 sections (a)(3) and (f)) shall not apply to a local edu-
15 cational agency with a total enrollment of less than 1,000
16 children.

17 “(e) WAIVER FOR DESEGREGATION PLANS.—The
18 Secretary may approve a local educational agency’s writ-
19 ten request for a waiver of the requirements of subsections
20 (a) and (f), and permit such agency to treat as eligible,
21 and serve, any school that children attend under a deseg-
22regation plan ordered by a State or court or approved by
23 the Secretary, or such a plan that the agency continues
24 to implement after it has expired, if—



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1 “(1) the number of economically disadvantaged
2 children enrolled in the school is not less than 25
3 percent of the school’s total enrollment; and

4 “(2) the Secretary determines on the basis of a
5 written request from such agency and in accordance
6 with such criteria as the Secretary establishes, that
7 approval of that request would further the purposes
8 of this part.

9 “(f) ALLOCATIONS.—

10 “(1) IN GENERAL.—A local educational agency shall
11 allocate funds received under this part to eligible school
12 attendance areas or eligible schools, identified under sub-
13 section (b)(1) on the basis of the total number of children
14 from low-income families in each area or school.

15 “(2) SPECIAL RULE.—(A) Except as provided
16 in subparagraph (B), the per pupil amount of funds
17 allocated to each school attendance area or school
18 under paragraph (1) shall be at least 125 percent of
19 the per pupil amount of funds a local educational
20 agency received for that year under the poverty cri-
21 teria described by the local educational agency in the
22 plan submitted under section 1112, except that this
23 paragraph shall not apply to a local educational
24 agency that only serves schools in which the percent-
25 age of such children is 35 percent or greater.



1 “(B) A local educational agency may reduce the
2 amount of funds allocated under subparagraph (A)
3 for a school attendance area or school by the amount
4 of any supplemental State and local funds expended
5 in that school attendance area or school for pro-
6 grams that meet the requirements of section 1114 or
7 1115.

8 “(3) RESERVATION.—A local educational agen-
9 cy shall reserve such funds as are necessary under
10 this part to provide services comparable to those
11 provided to children in schools funded under this
12 part to serve—

13 “(A) if appropriate, homeless children who
14 do not attend participating schools, including
15 providing educationally related support services
16 to children in shelters;

17 “(B) children in local institutions for ne-
18 glected or delinquent children; and

19 “(C) where appropriate, neglected and de-
20 linquent children in community day school pro-
21 grams.”.

22 **SEC. ____ . SCHOOLWIDE PROGRAMS.**

23 Section 1114 (20 U.S.C. 6314) is amended to read
24 as follows:



1 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

2 “(a) USE OF FUNDS FOR SCHOOLWIDE PRO-
3 GRAMS.—

4 “(1) IN GENERAL.—A local educational agency
5 may consolidate funds under this part, together with
6 other Federal, State, and local funds, in order to up-
7 grade the entire educational program of a school
8 that serves an eligible school attendance area in
9 which not less than 40 percent of the children are
10 from low-income families, or not less than 40 per-
11 cent of the children enrolled in the school are from
12 such families.

13 “(2) STATE ASSURANCES.—A local educational
14 agency may start new schoolwide programs under
15 this section only after the State educational agency
16 provides written information to each local edu-
17 cational agency in the State that demonstrates that
18 such State agency has established the statewide sys-
19 tem of support and improvement required by sub-
20 sections (c)(1) and (e) of section 1117.

21 “(3) IDENTIFICATION OF STUDENTS NOT RE-
22 QUIRED.—(A) No school participating in a
23 schoolwide program shall be required to identify par-
24 ticular children under this part as eligible to partici-
25 pate in a schoolwide program or to provide supple-
26 mental services to such children.



1 “(B) A school participating in a schoolwide pro-
2 gram shall use funds available to carry out this sec-
3 tion only to supplement the amount of funds that
4 would, in the absence of funds under this part, be
5 made available from non-Federal sources for the
6 school, including funds needed to provide services
7 that are required by law for children with disabilities
8 and children with limited English proficiency.

9 “(4) EXEMPTION FROM STATUTORY AND REGU-
10 LATORY REQUIREMENTS.—(A) Except as provided in
11 subsection (b), the Secretary may, through publica-
12 tion of a notice in the Federal Register, exempt
13 schoolwide programs under this section from statu-
14 tory or regulatory provisions of any other non-
15 competitive formula grant program administered by
16 the Secretary, or any discretionary grant program
17 administered by the Secretary, to support schoolwide
18 programs if the intent and purposes of such other
19 programs are met.

20 “(B) A school that chooses to use funds from
21 such other programs shall not be relieved of the re-
22 quirements relating to health, safety, civil rights,
23 student and parental participation and involvement,
24 services to private school children, maintenance of
25 effort, uses of Federal funds to supplement, not sup-



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1 plant non-Federal funds, or the distribution of funds
2 to State or local educational agencies that apply to
3 the receipt of funds from such programs.

4 “(C)(i) A school that consolidates funds from
5 different Federal programs under this section shall
6 not be required to maintain separate fiscal account-
7 ing records, by program, that identify the specific
8 activities supported by those particular funds as long
9 as it maintains records that demonstrate that the
10 schoolwide program, considered as a whole addresses
11 the intent and purposes of each of the Federal pro-
12 grams that were consolidated to support the
13 schoolwide program.

14 “(5) PROFESSIONAL DEVELOPMENT.—Each
15 school receiving funds under this part for any fiscal
16 year shall devote sufficient resources to effectively
17 carry out the activities described in subsection
18 (b)(1)(D) in accordance with section 1119 for such
19 fiscal year, except that a school may enter into a
20 consortium with another school to carry out such ac-
21 tivities.

22 “(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

23 “(1) IN GENERAL.—A schoolwide program shall
24 include the following components:



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1 “(A) A comprehensive needs assessment of
2 the entire school (including taking into account
3 the needs of migratory children as defined in
4 section 1309(2)) that is based on information
5 on the performance of children in relation to
6 the State content standards and the State stu-
7 dent performance standards described in section
8 1111(b)(1).

9 “(B) Schoolwide reform strategies that—

10 “(i) provide opportunities for all chil-
11 dren to meet the State’s proficient and ad-
12 vanced levels of student performance de-
13 scribed in section 1111(b)(1)(D);

14 “(ii) use effective methods and in-
15 structional strategies that are based upon
16 scientifically based research that—

17 “(I) strengthen the core aca-
18 demic program in the school;

19 “(II) increase the amount and
20 quality of learning time, such as pro-
21 viding an extended school year and
22 before- and after-school and summer
23 programs and opportunities, and help
24 provide an enriched and accelerated
25 curriculum; and



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1 “(III) include strategies for meet-
2 ing the educational needs of histori-
3 cally underserved populations;

4 “(iii)(I) address the needs of all chil-
5 dren in the school, but particularly the
6 needs of low-achieving children and those
7 at risk of not meeting the State student
8 performance standards who are members
9 of the target population of any program
10 that is included in the schoolwide program;

11 “(II) address how the school will de-
12 termine if such needs have been met; and

13 “(iv) are consistent with, and are de-
14 signed to implement, the State and local
15 improvement plans, if any.

16 “(D) Instruction by fully qualified (as de-
17 fined in section 1610) teachers.

18 “(E) In accordance with section 1119, pro-
19 fessional development for teachers and para-
20 professionals, and, where appropriate, pupil
21 services personnel, parents, principals, and
22 other staff to enable all children in the school
23 to meet the State’s student performance stand-
24 ards.



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1 “(F) Strategies to increase parental in-
2 volvement in accordance with section 1118,
3 such as family literary services.

4 “(G) Plans for assisting preschool children
5 in the transition from early childhood programs,
6 such as Head Start, Even Start, or a State-run
7 preschool program, to local elementary school
8 programs.

9 “(H) Measures to include teachers in the
10 decisions regarding the use of assessments de-
11 scribed in section 1112(b)(1) in order to pro-
12 vide information on, and to improve, the per-
13 formance of individual students and the overall
14 instructional program.

15 “(I) Activities to ensure that students who
16 experience difficulty mastering the proficient or
17 advanced levels of performance standards re-
18 quired by section 1111(b) shall be provided with
19 effective, timely additional assistance which
20 shall include measures to ensure that students’
21 difficulties are identified on a timely basis and
22 to provide sufficient information on which to
23 base effective assistance.

24 “(2) PLAN.—Any eligible school that desires to
25 operate a schoolwide program shall first develop (or



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1 amend a plan for such a program that was in exist-
2 ence on the day before the date of enactment of the
3 Student Results Act of 1999), a comprehensive plan
4 for reforming the total instructional program in the
5 school that—

6 “(A) incorporates the components de-
7 scribed in paragraph (1);

8 “(B) describes how the school will use re-
9 sources under this part and from other sources
10 to implement those components;

11 “(C) includes a list of State and local edu-
12 cational agency programs and other Federal
13 programs under subsection (a)(4) that will be
14 consolidated in the schoolwide program;

15 “(D) describes how the school will provide
16 individual student assessment results, including
17 an interpretation of those results, to the par-
18 ents of a child who participates in the assess-
19 ments required by section 1111(b)(3) and in a
20 format and, to the extent practicable, in a lan-
21 guage that they can understand; and

22 “(E) provides for the collection of data on
23 the achievement and assessment results of stu-
24 dents disaggregated by gender, major ethnic or
25 racial groups, limited English proficiency sta-

