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CHARTER FRIENDS NATIONAL NETWORK

FEDERAL POLICY UPDATE

A periodic update on federal legislation and policy of interest to charter schools

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November 19, 1999

Congress, President agree on grant funding increase to \$145.0 million in FY2000

Strong support for charter schools continues to be a rare point of bi-partisan agreement between Republicans and Democrats in Washington. Amid heated debate over taxes and spending priorities, Congress has voted to increase funding for the Federal charter school grant program from \$100.0 last year to \$145.0 million for the fiscal year that began October 1. President Clinton, who had also proposed a hefty increase in appropriations for the charter grant program, is expected to sign the bill that funds a number of federal education and other programs.

The FY2000 appropriation will help meet growing demand for the start-up grant program, with approximately 1,700 charters in operation this year -- up from 1,200 a year ago. States now also have the option of reserving up to 10 percent of their grant funds for "Dissemination Grants" to more mature schools that are no longer eligible for start-up funding. These new grants may be used to help start new charters and share successful practices with other district and charter schools.

FY2000 appropriation continues growth in program; six-year total \$400.0 million

This year's appropriations process began with an initial proposal from the Clinton Administration to increase funding for the charter school grant program from \$100.0 to \$130.0 million. The House Appropriations Committee voted to honor the President's request; while its Senate counterpart voted to keep funding at \$100.0 million for the coming year. That wasn't a huge surprise since the Senate Appropriations Committee also voted for no funding increase last year, only to agree to the House's higher funding level in conference committee.

This year, however, the Senate moved more quickly to demonstrate its support for charter schools when, on October 6, it approved an amendment offered by Sen. Paul Coverdell (R-GA). The Coverdell Amendment included an increase in funding for the charter grant program from \$100.0 to \$150.0 million -- in effect raising the bar for the final compromise with the House at \$145.0 million. Since 1994, Congress has now appropriated at total of \$400.0 million for the charter grant program, starting with \$6.0 million in FY1995, then \$18.0 million in FY1996, \$51.0 million in FY1997, \$80.0 million in FY1998, \$100.0 million in FY1999, and \$145.0 million in FY2000.

Ed Department rethinking 'national activities' priorities; asking for charter input

Ninety-five percent of the funds approved each year for the federal charter program goes to states and schools, mostly for planning and start-up grants for new charters. The remaining five-percent may be held by the U.S. Department of Education to administer the program and for what are called "national activities" that support charter schools.

In the past these funds have been used largely to fund a series of research projects that are now winding down. To help it decide what "national activities" should be funded in the future, the Department is planning a series of focus groups of charter school leaders, developers and authorizers in nine cities around the country. Charter Friends National Network has been asked to recruit local Friends Groups and schools in each city to help organize the focus groups.

Participants in the focus groups will be asked to identify priority needs for technical assistance -- possibly opening the door for expanded federal support for grassroots technical assistance activities. The Department has asked that the focus groups be conducted prior to the end of January so their input can be used in setting priorities for "national activities" funds in the coming year.

House Justice Subcommittee holds hearing on charter deseg order conflict

On Thursday, October 14, the House Judiciary Committee Subcommittee on Constitutional Issues heard testimony on an ongoing conflict between charter schools in East Baton Rouge, Louisiana and a desegregation consent decree governing the Baton Rouge school district. In this dispute (which has unfolded and come to a head in the past year), local charter school advocates and Louisiana Governor Mike Foster's office charge that the U.S. Department of Justice has unduly blocked the opening and/or expansion of charter schools in Baton Rouge by applying the district's 1996 consent decree to operating charters as well as new charter applications.

The district's consent decree mandates that schools attain specified percentages of both African-American and white students. Meanwhile, because of the schools' locations and the choices demonstrated by local families, the charter schools in question would serve predominantly African-American students, to an extent presumably out of compliance with the district's consent decree.

Testimony from East Baton Rouge parents, school officials, U.S. Justice Dept

At the October 14 hearing, the House Subcommittee heard testimony from several parties involved in the dispute, including parents and administrators of East Baton Rouge charter schools; the Department of Justice's Civil Rights Division; Louisiana Governor Mike Foster's office; and the Institute for Justice. The Institute is a Washington, DC-based legal advocacy group that's planning to sue the Justice Department next month on behalf of families in Baton Rouge and elsewhere whose charter schools have been blocked from opening or expanding because of presumed conflict with desegregation orders.

The Subcommittee appeared sympathetic to testimony from the charter schools' and Governor's office's that the Justice Department has been obstructing the opening of Baton Rouge charter schools "by delay[ing the review of] charter schools' applications to death" (as described by gubernatorial aide Andy Kopplin). The hearing did not resolve any issues in the Baton Rouge conflict, and the dispute will likely proceed to litigation soon.

Why should charter supporters care about this hearing? What should we know?

At the hearing, the Department of Justice announced that it will be working in coming weeks with the U.S. Department of Education to develop a technical assistance document for state school officials, local education authorities, and charter school operators. This guidance will outline basic steps a developing charter school can take to ensure that it complies with any desegregation order or plan in effect in its host district. The document is expected to be available in about six weeks.

Friends groups may also be interested in the statement of Anita Hodgkiss, the Department of Justice's deputy assistant attorney general for civil rights, who concluded her testimony by saying:

"If a charter school is being considered in a district with a court-ordered desegregation plan, notify the Department of Education or the Department of Justice of the school's plans early on so that we

can work together. With early notice and cooperation, we believe new charter schools can avoid costly delays, challenges, or litigation."

For those interested in more background on the Baton Rouge controversy and the October 14 hearing, below is an excerpt of a press report on the October 14 hearing. The full text of this article and a shorter Associated Press report on the hearing are available online at:

<http://www.theadvocate.com> (The Advocate) -- "Charter School Interference Hit" by Joan McKinney, October 15, 1999 and at <http://www.nytimes.com/aponline/a/AP-Chart> (The Associated Press) -- "Disputes Arise Over Charter Schools," October 15, 1999. A follow-up article in The Advocate is also available at <http://theadvocate.com/news/story.asp?storyID=9211>. And, full texts of the hearing testimony from witnesses are available on the U.S. House Justice Committee's web site at: <http://www.house.gov/judiciary/con1014.htm>

Charter friends groups interested in additional perspectives on this hearing can also check out the Center for Education Reform's full report on the Subcommittee's resolution, which will be available within the next few weeks from CER -- 202-833-9000; <http://www.edreform.com> -- and the Web site for the Institute for Justice which is providing much of the legal horsepower behind these cases -- is <http://www.ij.org>

Finally, you will find attached a lively exchange on this issue that ran recently on the editorial pages of the *Wall Street Journal*.

From "Charter School Interference Hit," Joan McKinney, *The Advocate*, October 15, 1999:

... [Anita] Hodgkiss, the Justice Department's deputy assistant attorney general for civil rights, testified that the department reviews the creation of any new public school in any district of the country that's covered by a court desegregation order where the Justice Department has been a party in the litigation. ... Hodgkiss said the department does not automatically reject majority-black nor majority-white charter schools, and that many charters are too small to have a big impact on the overall demographics of a school district or the demographics of a desegregation consent decree.

"As of 1999, we are aware of approximately 50 charter schools operating in approximately 30 districts where Justice is party to a desegregation lawsuit. ... On just three occasions, we have notified a school district that we would not be able to support a proposed charter school," Hodgkiss said. Those districts are in Texas, Mississippi and South Carolina.

In East Baton Rouge Parish, the 1996 consent decree requires the school district to get court permission before opening new public schools, and requires the school district to spend certain amounts of money to upgrade some one-race schools, Hodgkiss said.

The local school district has failed to make the required expenditures on its traditional schools; and when the School Board proposed expansion of some charter schools, the Justice Department believed "it was fair to question the board's decision to approve the expansion ... that could result in a diversion of almost \$2 million from the system."

However, after review, the Justice Department did not oppose the expansions, Hodgkiss said. The department also has not formally objected to a proposal to open United Charter School, Hodgkiss said. However, it has asked the school's administrators to provide information about the school and the question-and-answer process is not complete, she said.

Meanwhile, the federal court has blocked the school's operation, she noted. Again, a key legal issue is whether or not the proposed United Charter School would drain financial resources that the School Board, under the consent decree, has pledged to the upgrading of traditional schools, Hodgkiss said.

[Louisiana] [gubernatorial aide [Andy] Kopplin said that "we are very concerned" that the Justice Department's involvement in the opening of charter schools "will delay the charter schools' applications to death."

The department's actions "must be split into two forms of intervention – formal and informal," he said. "Formally, the DOJ (Department of Justice) will be able to point to court desegregation orders that require their involvement. . . . They will also indicate that they have done nothing to really prevent the creation of charter schools. . . ."

Kopplin said that, unfortunately, the actions of Justice Department officials have given people in Louisiana the impression that those officials plan to do everything in their power to prevent the opening of certain charter schools.

Delays "are deadly for charter schools" because "almost no charter schools have the resources to engage in protracted legal wrangling," Kopplin said.

Justice Department interventions "have cost the state and local organizations seeking charters tens of thousands in legal fees, and have put a damper on the efforts of others thinking about creating such schools," he said.

" . . . The DOJ has done little to formally prevent the creation of charter schools in Louisiana. But informally, they have done a great deal," Kopplin said.

Rolfe McCollister, a founder of the Children's Charter and the proposed United Charter schools, said the schools serve lower-income and minority children. Efforts to operate the schools "have been thwarted at every turn by the Justice Department," he said.

--- End of excerpt ---

October 20, 1999 Wall Street Journal

Review & Outlook

Charter Hypocrites

"When I became president, there was one independent public charter school in all of America. With our support, there are 1,100 today. My budget assures that early in the next century, there will be 3,000."

--President Clinton, 1999 State of the Union address.

Another lie, it turns out. When it comes to actual treatment of the nation's fledgling charter schools, the Clinton Administration follows another policy: It tortures them.

Consider what it is doing to Louisiana's United Charter school. Back in 1995, Louisiana lawmakers surveyed

their failing schools. After decades of desegregation orders, mandatory busing and so on, Louisiana school kids, half of whom are black, ranked 49th in the nation in overall achievement. Distressed, legislators passed one of the nation's more far-reaching laws for charter schools--public schools that are given autonomy to try their own educational approach without bureaucratic oversight. Among the new schools planned was United Charter, a K-8 center for 650 at-risk children in an abandoned mall in inner-city Baton Rouge. Again, bear in mind we're talking about a public school. Applications flowed in. "It's something our kids need," parent Estella Percy told the local paper.

This didn't sit well with Mr. Clinton's civil rights czar, Acting Assistant Attorney General Bill Lann Lee. To Mr. Lee and his fellow crusaders at Justice, it seems, the actual welfare of flesh-and-blood students ranks a distant second to abstract notions of "rights." Tucking a 43-year-old court desegregation decree under their collective arm, Mr. Lee's attorneys descended on Louisiana to block United Charter.

In meetings with local officials and school advocates, the Justice Department let it be known that it had concerns about the project, among them that the new school might draw too many white children from neighboring schools, upsetting those schools' racial balance. "What the parents want isn't important to me," a Justice official told Rolfe McCollister, a charter backer. "I'm interested in the law."

This struck locals as ridiculous. First of all, what matters more, skin color or education quality? Second, it wasn't clear that, after years of forced busing, there were enough whites in the community left to recruit even if United Charter sought to do so. As Roger Moser, the local system's school board president, told the Greater Baton Rouge Business Report, United Charter "has a chance of either improving education dramatically for blacks and/or evolving to the point it could be desegregated. But given the location it would have, I don't see any way it would ever become a high proportion of white kids."

Nonetheless, the feds continued to pepper the fragile project with questions. Particularly frustrating to locals was that the government's lawyers never laid out their case against the school on paper. Soon thoroughly intimidated, Baton Rouge authorities halted plans to open United Charter. That's why parents, represented by the Washington-based Institute for Justice, are now turning to the courts to try to resurrect their dream.

Unfortunately, United Charter is far from the only school to find itself harassed by Justice police. When SABIS International, a private school management firm, tried to open another charter school in St. Helena Parish, near the Mississippi River, the civil rights division used yet another desegregation order to block that project. The New Vision Charter School in Monroe was luckier.

Though Justice had set its sites on the school, federal Judge F.A. Little Jr. let the project proceed. This mode of attack on charter schools, moreover, is by no means confined to Louisiana. Nineteen of the 30 states that have charter laws also have areas that are under some sort of desegregation order, all potential battlefields for Justice litigators. In a recent hearing before Congress, Deputy Assistant Attorney General Anita Hodgkiss testified that the Justice Department has opposed charter schools in three other states: Texas, Mississippi and South Carolina.

Some argue that the never-confirmed Bill Lann Lee is the exception in an otherwise centrist Administration. In fact, Mr. Lee represents more the pattern than the exception. His counterpart at the civil rights division of the Education Department, Norma Cantu, spent months harassing another infant school, New York City's Young Womens Leadership School, with the threat that its single-sex program was discriminatory. According to Kimberly Schuld of the Independent Women's Forum, Ms. Cantu backed off only after her boss at education, Richard Riley, began making repeated positive references to charter schools in speeches.

We wish we had confidence that the exposure of the Administration's ongoing hypocrisy toward charter schools would shame it into better behavior. But so long as the Democratic Party's future is tied to the teachers unions, the opposite is more likely.

**Wall Street Journal
October 29, 1999 Commentary
We're All for Charter Schools**

Your Oct. 20 editorial "Charter Hypocrisy" citing the Clinton administration's "torture" of fledgling charter schools is just plain wrong. The Justice Department strongly supports charter schools and the wide range of innovative programs they provide. In fact, we know of at least 50 charter schools in districts where we are party to a desegregation decree; in the vast majority of those districts, we raised no objection. At the same time, we remain committed to making good on the promise of *Brown v. Board of Education* by enforcing existing court orders to eliminate the last vestiges of segregation in public schools. Both objectives can be achieved simultaneously.

Charter schools, like all public schools, can and should fulfill their civil rights obligations. These responsibilities have not prevented more than 1,700 charter schools from opening just this fall. In a recent national survey, charter school leaders identified 14 other issues that were more troublesome than federal regulations, with the lack of dollars for start-up as the most daunting challenge. For this reason, the administration has supported the Department of Education's charter school grant program, which helps meet start-up costs.

Over the past few years, a large majority of new charter schools have received federal grants to help plan their schools, design curriculum, train teachers, buy materials or refurbish facilities. To date, this program has delivered more than \$230 million in grants. The budget request before Congress would increase the annual funding to \$130 million, \$30 million more than the previous fiscal year.

Also contrary to your suggestion, the Justice Department has not objected to any charter schools in Louisiana. We have simply sought information about various proposals to ensure their compliance with existing court orders. Louisiana state law explicitly requires charter schools to comply with desegregation orders in districts where they operate. In East Baton Rouge, we supported the expansion of existing charter schools once we confirmed that they would not prevent the school district from meeting its financial obligations under the court's order and that students were not leaving integrated schools so as to make them newly segregated schools.

Your editorial also inaccurately assails Acting Assistant Attorney General Bill Lann Lee for the department's actions in East Baton Rouge and St. Helena Parishes. In fact, before joining the Justice Department, Mr. Lee recused himself from all discussions and actions in that litigation because of his previous work with the NAACP Legal Defense Fund, which is also a party to those cases.

*Anita Hodgkiss
Deputy Assistant Attorney General
Civil Rights Division
Department of Justice*



106TH CONGRESS
1ST SESSION

H. R. 1995

AN ACT

To amend the Elementary and Secondary Education Act of 1965 to empower teachers, improve student achievement through high-quality professional development for teachers, reauthorize the Reading Excellence Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Teacher Empowerment
 5 Act”.

6 **SEC. 2. TEACHER EMPOWERMENT.**

7 (a) IN GENERAL.—Title II of the Elementary and
 8 Secondary Education Act of 1965 (20 U.S.C. 6601 et
 9 seq.) is amended—

10 (1) by striking the heading for title II and in-
 11 serting the following:

12 **“TITLE II—TEACHER QUALITY”;**

13 (2) by repealing sections 2001 through 2003;
 14 and

15 (3) by amending part A to read as follows:

16 **“PART A—TEACHER EMPOWERMENT**

17 **“SEC. 2001. PURPOSE.**

18 “The purpose of this part is to provide grants to
 19 States and local educational agencies in order to assist
 20 their efforts to increase student academic achievement
 21 through such strategies as improving teacher quality.

22 **“Subpart 1—Grants to States**

23 **“SEC. 2011. FORMULA GRANTS TO STATES.**

24 “(a) IN GENERAL.—In the case of each State that
 25 in accordance with section 2013 submits to the Secretary

1 an application for a fiscal year, the Secretary shall make
 2 a grant for the year to the State for the uses specified
 3 in section 2012. The grant shall consist of the allotment
 4 determined for the State under subsection (b).

5 “(b) DETERMINATION OF AMOUNT OF ALLOT-
 6 MENT.—

7 “(1) RESERVATION OF FUNDS.—From the
 8 amount made available to carry out this subpart for
 9 any fiscal year, the Secretary shall reserve—

10 “(A) $\frac{1}{2}$ of 1 percent for allotments for the
 11 Virgin Islands, Guam, American Samoa, and
 12 the Commonwealth of the Northern Mariana Is-
 13 lands, to be distributed among these outlying
 14 areas on the basis of their relative need, as de-
 15 termined by the Secretary in accordance with
 16 the purpose of this part; and

17 “(B) $\frac{1}{2}$ of 1 percent for the Secretary of
 18 the Interior for programs under this part for
 19 professional development activities for teachers,
 20 other staff, and administrators in schools oper-
 21 ated or funded by the Bureau of Indian Affairs.

22 “(2) STATE ALLOTMENTS.—

23 “(A) HOLD HARMLESS.—

24 “(i) IN GENERAL.—Subject to sub-
 25 paragraph (B), from the total amount

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1 1999 if it had elected to participate in all
2 of the programs for which it was eligible
3 under each of the provisions referred to in
4 such subclauses.

5 “(iii) RATABLE REDUCTION.—If the
6 total amount made available to carry out
7 this subpart for any fiscal year and not re-
8 served under paragraph (1) is insufficient
9 to pay the full amounts that all States are
10 eligible to receive under clause (i) for any
11 fiscal year, the Secretary shall ratably re-
12 duce such amounts for such fiscal year.

13 “(B) ALLOTMENT OF ADDITIONAL
14 FUNDS.—

15 “(i) IN GENERAL.—Subject to clause
16 (ii), for any fiscal year for which the total
17 amount made available to carry out this
18 subpart and not reserved under paragraph
19 (1) exceeds the total amount made avail-
20 able to the 50 States, the District of Co-
21 lumbia, and the Commonwealth of Puerto
22 Rico for fiscal year 1999 under the au-
23 thorities described in subparagraph (A)(i),
24 the Secretary shall allot such excess
25 amount as follows:

1 “(I) 50 percent of such excess
2 amount shall be allotted among such
3 States on the basis of their relative
4 populations of individuals aged 5
5 through 17, as determined by the Sec-
6 retary on the basis of the most recent
7 satisfactory data.

50%
POV

8 “(II) 50 percent of such excess
9 amount shall be allotted among such
10 States in proportion to the number of
11 children, aged 5 to 17, who reside
12 within the State from families with in-
13 comes below the poverty line (as de-
14 fined by the Office of Management
15 and Budget and revised annually in
16 accordance with section 673(2) of the
17 Community Services Block Grant Act
18 (42 U.S.C. 9902(2)) applicable to a
19 family of the size involved for the
20 most recent fiscal year for which sat-
21 isfactory data are available, compared
22 to the number of such individuals who
23 reside in all such States for that fiscal
24 year.

50%
POV

1 “(ii) EXCEPTION.—No State receiving
2 an allotment under clause (i) may receive
3 less than $\frac{1}{2}$ of 1 percent of the total ex-
4 cess amount allotted under clause (i).

5 “(3) REALLOTMENT.—If any State does not
6 apply for an allotment under this subsection for any
7 fiscal year, the Secretary shall reallocate such amount
8 to the remaining States in accordance with this sub-
9 section.

10 **“SEC. 2012. WITHIN-STATE ALLOCATIONS.**

11 “(a) USE OF FUNDS.—Each State receiving a grant
12 under this subpart shall use the funds provided under the
13 grant in accordance with this section to carry out activities
14 for the improvement of teaching and learning.

15 “(b) REQUIRED AND AUTHORIZED EXPENDI-
16 TURES.—

17 “(1) REQUIRED EXPENDITURES.—The Sec-
18 retary may make a grant to a State under this sub-
19 part only if the State agrees to expend at least 95
20 percent of the amount of the funds provided under
21 the grant for the purpose of making, in accordance
22 with this part, subgrants to local educational agen-
23 cies under subpart 3 and subgrants to eligible part-
24 nerships under subpart 2.

1 “(2) AUTHORIZED EXPENDITURES.—A State
 2 that receives a grant under this subpart may expend
 3 not more than 5 percent of the amount of the funds
 4 provided under the grant for one or more of the au-
 5 thorized State activities described in subsection (d)
 6 (of which percent, the State may use up to 5 percent
 7 for planning and administration related to carrying
 8 out such activities and making subgrants to local
 9 educational agencies under subpart 3).

10 “(c) DISTRIBUTION OF SUBGRANTS.—

11 “(1) FORMULA FOR 80 PERCENT OF FUNDS.—

12 “(A) IN GENERAL.—A State receiving a
 13 grant under this subpart shall distribute 80
 14 percent of the amount described in subsection
 15 (b)(1) through a formula under which—

16 “(i) 50 percent is allocated to local
 17 educational agencies in accordance with
 18 the relative enrollment in public and pri-
 19 vate nonprofit elementary and secondary
 20 schools within the boundaries of such
 21 agencies; and

22 “(ii) 50 percent is allocated to local
 23 educational agencies in proportion to the
 24 number of children, aged 5 to 17, who re-
 25 side within the geographic area served by

80 %

80 %

50 % -
20 %

50 % -
20 %

1 such agency from families with incomes
2 below the poverty line (as defined by the
3 Office of Management and Budget and re-
4 vised annually in accordance with section
5 673(2) of the Community Services Block
6 Grant Act (42 U.S.C. 9902(2))) applicable
7 to a family of the size involved for the
8 most recent fiscal year for which satisfac-
9 tory data are available, compared to the
10 number of such individuals who reside in
11 the geographic areas served by all the local
12 educational agencies in the State for that
13 fiscal year.

14 “(B) MINIMUM AMOUNT.—

15 “(i) IN GENERAL.—For any fiscal
16 year for which a local educational agency
17 would receive under subparagraph (A) an
18 amount that is less than the total amount
19 that the agency received for fiscal year
20 1999 under—

21 “(I) section 2203(1)(B) of this
22 Act (as in effect on the day before the
23 date of the enactment of the Teacher
24 Empowerment Act); and

1 “(II) section 307 of the Depart-
2 ment of Education Appropriations
3 Act, 1999,

4 a State receiving a grant under this sub-
5 part shall ensure that the local educational
6 agency receives under this paragraph an
7 amount equal to such total amount.

8 “(ii) SOURCE OF FUNDS.—Notwith-
9 standing paragraph (2), a State shall use
10 such portion of the funds described in
11 paragraph (2)(A) as may be necessary to
12 pay to a local educational agency the dif-
13 ference between the agency’s allotment
14 under subparagraph (A) and the allotment
15 to the agency required under clause (i).

16 “(2) DISTRIBUTION OF 20 PERCENT OF
17 FUNDS.—

18 “(A) COMPETITIVE PROCESS.—Subject to
19 subparagraph (C), a State receiving a grant
20 under this subpart shall distribute 20 percent
21 of the amount described in subsection (b)(1) (or
22 such portion of such amount as remains after
23 satisfaction of the requirements in subpara-
24 graphs (A) and (B)(ii) of paragraph (1))
25 through a competitive process that results in an

1 equitable distribution by geographic area within
2 the State.

3 “(B) PARTICIPANTS.—The competitive
4 process under subparagraph (A) shall be open
5 to local educational agencies and eligible part-
6 nerships (as defined in section 2021(d)), except
7 that a State shall give priority to local edu-
8 cational agencies that focus on math, science,
9 or reading professional development programs.

10 “(C) SUBGRANTS TO ELIGIBLE PARTNER-
11 SHIPS.—A State receiving a grant under this
12 subpart shall expend at least 3 percent of the
13 amount described in subparagraph (A) for the
14 purpose of making subgrants to eligible part-
15 nerships under subpart 2.

16 “(d) AUTHORIZED STATE ACTIVITIES.—The author-
17 ized State activities referred to in subsection (b)(2) are
18 the following:

19 “(1) Reforming teacher certification, recertifi-
20 cation, or licensure requirements to ensure that—

21 “(A) teachers have the necessary teaching
22 skills and academic content knowledge in the
23 subject areas in which they are assigned to
24 teach;

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1 “(B) they are aligned with the State’s
2 challenging State content standards; and

3 “(C) teachers have the knowledge and
4 skills necessary to help students meet chal-
5 lenging State student performance standards.

6 “(2) Carrying out programs that—

7 “(A) include support during the initial
8 teaching experience, such as mentoring pro-
9 grams that—

10 “(i) provide mentoring to beginning
11 teachers from veteran teachers with exper-
12 tise in the same subject matter that the
13 beginning teachers will be teaching;

14 “(ii) provide mentors time for activi-
15 ties such as coaching, observing, and as-
16 sisting the teachers who are mentored; and

17 “(iii) use standards or assessments
18 for guiding beginning teachers that are
19 consistent with the State’s student per-
20 formance standards and with the require-
21 ments for professional development activi-
22 ties under section 2033.

23 “(B) establish, expand, or improve alter-
24 native routes to State certification of teachers,
25 especially in the areas of mathematics and

1 science, for highly qualified individuals with a
2 baccalaureate degree, including mid-career pro-
3 fessionals from other occupations, paraprofes-
4 sionals, former military personnel, and recent
5 college or university graduates with records of
6 academic distinction who demonstrate the po-
7 tential to become highly effective teachers.

8 (3) Developing and implementing effective
9 mechanisms to assist local educational agencies and
10 schools in effectively recruiting and retaining highly
11 qualified and effective teachers and principals.

12 (4) Reforming tenure systems and imple-
13 menting teacher testing and other procedures to ex-
14 peditiously remove incompetent and ineffective
15 teachers from the classroom.

16 (5) Developing enhanced performance systems
17 to measure the effectiveness of specific professional
18 development programs and strategies.

19 (6) Providing technical assistance to local edu-
20 cational agencies consistent with this part.

21 (7) Funding projects to promote reciprocity of
22 teacher certification or licensure between or among
23 States, except that no reciprocity agreement devel-
24 oped under this paragraph or developed using funds
25 provided under this part may lead to the weakening

1 of any State teaching certification or licensing re-
 2 quirement.

3 ~~“(8)~~ Developing or assisting local educational
 4 agencies or eligible partnerships (as defined in sec-
 5 tion 2021(d)) in the development and utilization of
 6 proven, innovative strategies to deliver intensive pro-
 7 fessional development programs that are both cost-
 8 effective and easily accessible, such as through the
 9 use of technology and distance learning.

10 ~~“(9)~~ Providing assistance to local educational
 11 agencies and eligible partnerships (as defined in sec-
 12 tion 2021(d)) for the development and implementa-
 13 tion of innovative professional development programs
 14 that train teachers to use technology to improve
 15 teaching and learning and are consistent with the re-
 16 quirements of section 2033.

17 “(e) COMPONENTS OF ALTERNATIVE ROUTES TO
 18 STATE CERTIFICATION PROGRAMS.—To the extent appro-
 19 priate, programs under subsection (d)(2)(B) shall—

20 “(1) include strong academic and teaching-re-
 21 lated course work that provides teachers with the
 22 subject matter and teaching knowledge needed to
 23 help students reach the States content standards;

24 “(2) provide intensive field experience in the
 25 form of an internship, or student teaching, under

1 the direct daily supervision of an expert, veteran
2 teacher; and

3 “(3) provide that, before entry into teaching,
4 candidates must be fully qualified.

5 “(f) COORDINATION.—States receiving grants under
6 section 202 of the Higher Education Act of 1965 shall
7 coordinate the use of such funds with activities carried out
8 under this section.

9 “(g) PUBLIC ACCOUNTABILITY.—

10 “(1) IN GENERAL.—A State that receives a
11 grant under this subpart—

12 ~~AS~~ “(A) in the event the State provides public
13 State report cards on education, shall include in
14 such report cards information on the State’s
15 progress with respect to—

16 “(i) subject to paragraph (2), improv-
17 ing student academic achievement, as de-
18 fined by the State;

19 “(ii) closing academic achievement
20 gaps, as defined by the State, between the
21 groups described in paragraph (2)(A)(i);

22 “(iii) increasing the percentage of
23 classes in core academic areas taught by
24 fully qualified teachers; and

25 “(iv) reducing class size; or

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1 “(B) in the event the State provides no
 2 such report card, shall publicly report the infor-
 3 mation described in subparagraph (A) through
 4 other means. 

5 “(2) DISAGGREGATED DATA.—The information
 6 described in paragraph (1)(A)(i) and section
 7 2013(b)(3)((A) shall be—

8 “(A) disaggregated—

9 “(i) by minority and non-minority sta-
 10 tus and by low-income and non-low-income
 11 status; and

12 “(ii) using assessments consistent
 13 with section 1111(b)(3); and

14 “(B) publicly reported in the form of
 15 disaggregated data only when such data are
 16 statistically sound.

17 **“SEC. 2013. APPLICATIONS BY STATES.**

18 “(a) IN GENERAL.—To be eligible to receive a grant
 19 under this subpart, a State shall submit an application
 20 to the Secretary at such time, in such manner, and con-
 21 taining such information as the Secretary may reasonably
 22 require.

23 “(b) CONTENTS.—Each application under this sec-
 24 tion shall include the following:

1 “(1) A description of how the State will ensure
2 that a local educational agency receiving a subgrant
3 under subpart 3 will comply with the requirements
4 of such subpart, including the required use of funds
5 for mathematics and science programs, professional
6 development, and hiring teachers to reduce class
7 size.

8 “(2) A plan to ensure all teachers within the
9 State are fully qualified not later than December 31,
10 2003.

11 “(3) An assurance that the State will require
12 each local educational agency and school receiving
13 funds under this title to publicly report their annual
14 progress on the agency’s and the school’s perform-
15 ance indicators in the following:

16 “(A) Subject to section 2012(f)(2), improv-
17 ing student academic achievement, as defined
18 by the State.

19 “(B) Closing academic achievement gaps,
20 as defined by the State, between the groups de-
21 scribed in section 2012(f)(2)(A)(i).

22 “(C) Increasing the percentage of classes
23 in core academic areas taught by fully qualified
24 teachers.

1 “(4) A description of how the State will hold
2 local educational agencies and schools accountable
3 for making annual gains in meeting the performance
4 indicators described in paragraph (3).

5 “(5) A description of how the State will coordi-
6 nate professional development activities authorized
7 under this part with professional development activi-
8 ties provided under other Federal, State, and local
9 programs, including those authorized under title I,
10 title III, title IV, part A of title VII, and (where ap-
11 plicable) the Individuals with Disabilities Education
12 Act and the Carl D. Perkins Vocational and Tech-
13 nical Education Act. The application shall also de-
14 scribe the comprehensive strategy that the State will
15 take as part of such coordination effort, to ensure
16 that teachers are trained in the utilization of tech-
17 nology so that technology and its applications are ef-
18 fectively used in the classroom to improve teaching
19 and learning in all curriculum and content areas, as
20 appropriate.

21 “(6) A description of how the State will encour-
22 age the development of proven, innovative strategies
23 to deliver intensive professional development pro-
24 grams that are both cost-effective and easily acces-

1 sible, such as through the use of technology and dis-
2 tance learning.

3 “(7) A description of how the State will ensure
4 that local educational agencies will comply with the
5 requirement under section 2033(b)(5), especially
6 with respect to ensuring the participation of teachers
7 and parents.

8 “(c) APPLICATION SUBMISSION.—A State application
9 submitted to the Secretary under this section shall be ap-
10 proved by the Secretary unless the Secretary makes a
11 written determination, within 90 days after receiving the
12 application, that the application is in violation of the provi-
13 sions of this Act.

14 **“Subpart 2—Subgrants to Eligible Partnerships**

15 **“SEC. 2021. PARTNERSHIP GRANTS.**

16 “(a) IN GENERAL.—From the amount described in
17 section 2012(c)(2)(C), the State agency for higher edu-
18 cation, working in conjunction with the State educational
19 agency (if such agencies are separate), shall award grants
20 on a competitive basis to eligible partnerships to enable
21 such partnerships to carry out activities described in sub-
22 section (b). Such grants shall be equitably distributed by
23 geographic area within the State. Not more than 5 percent
24 of the amount made available to an agency to carry out
25 this subpart may be used for planning and administration.

1 “(b) USE OF FUNDS.—A recipient of funds under
2 this section shall use the funds for—

3 “(1) professional development activities in core
4 academic subjects to ensure that teachers have con-
5 tent knowledge in the subjects they teach; and

6 “(2) developing and providing assistance to
7 local educational agencies and the teachers, prin-
8 cipals, and administrators, of public and private
9 schools in each such agency, for sustained, high-
10 quality professional development activities which—

11 “(A) ensure they are able to use State con-
12 tent standards, performance standards, and as-
13 sessments to improve instructional practices
14 and improve student achievement; and

15 “(B) may include intensive programs de-
16 signed to prepare teachers who will return to
17 their school to provide such instruction to other
18 teachers within such school.

19 “(c) SPECIAL RULE.—No single participant in an eli-
20 gible partnership may retain more than 50 percent of the
21 funds made available to the partnership under this section.

22 “(d) ELIGIBLE PARTNERSHIPS.—As used in this sec-
23 tion, the term ‘eligible partnerships’ means an entity
24 that—

25 “(1) shall include—

1 “(A) a high-need local educational agency;

2 “(B) a school of arts and sciences; and

3 “(C) an institution that prepares teachers;

4 and

5 “(2) may include other local educational agen-
6 cies, a public charter school, a public or private ele-
7 mentary or secondary school, an educational service
8 agency, a public or private nonprofit educational or-
9 ganization, or a business.

10 “(e) COORDINATION.—Partnerships receiving grants
11 under section 203 of the Higher Education Act of 1965
12 shall coordinate the use of such funds with any related
13 activities carried out by such partnership with funds made
14 available under this section.

15 **“Subpart 3—Subgrants to Local Educational**
16 **Agencies**

17 **“SEC. 2031. LOCAL USE OF FUNDS.**

18 “(a) REQUIRED ACTIVITIES.—

19 “(1) IN GENERAL.—Each local educational
20 agency that receives a subgrant under this subpart
21 shall use the subgrant to carry out the activities de-
22 scribed in this subsection.

23 “(2) MATHEMATICS AND SCIENCE.—

24 “(A) IN GENERAL.—Of the amount made
25 available to each local educational agency under

1 this subpart for a fiscal year, the agency shall
2 use not less than the amount expended by the
3 agency under section 2206(b) of this Act (as in
4 effect on the day before the date of the enact-
5 ment of the Teacher Empowerment Act) for the
6 fiscal year preceding such enactment for profes-
7 sional development activities in mathematics
8 and science in accordance with section 2033.

9 “(B) WAIVER.—

10 “(i) APPLICATION.—A local edu-
11 cational agency, in consultation with teach-
12 ers and principals, may seek a waiver of
13 the requirement in subparagraph (A) from
14 a State in order to allow the local edu-
15 cational agency to use such funds for pro-
16 fessional development in academic subjects
17 other than mathematics and science.

18 “(ii) STANDARD FOR GRANTING.—A
19 State may not approve such a waiver un-
20 less the local educational agency is able to
21 demonstrate that—

22 “(I) the professional development
23 needs of mathematics and science
24 teachers, including elementary teach-
25 ers responsible for teaching mathe-

1 matics and science, have been ade-
2 quately served and will continue to be
3 adequately served if the waiver is ap-
4 proved;

5 “(II) State assessments in math-
6 ematics and science demonstrate that
7 each school within the local edu-
8 cational agency has made and will
9 continue to make progress toward
10 meeting the challenging State or local
11 content standards and student per-
12 formance standards in these areas;
13 and

14 “(III) State assessments in other
15 academic subjects demonstrate a need
16 to focus on subjects other than mathe-
17 matics and science.

18 “(iii) GRANDFATHER OF OLD WAIV-
19 ERS.—A waiver provided to a local edu-
20 cational agency under part D of title XIV
21 prior to the date of the enactment of the
22 Teacher Empowerment Act shall be
23 deemed effective until such time as it oth-
24 erwise would have ceased to be effective.

1 “(3) PROFESSIONAL DEVELOPMENT ACTIVI-
2 TIES.—Each local educational agency that receives a
3 subgrant under this subpart shall use a portion of
4 such funds for professional development activities
5 that give teachers, principals, and administrators the
6 knowledge and skills to provide students with the op-
7 portunity to meet challenging State or local content
8 standards and student performance standards. Such
9 activities shall be consistent with sections 2033 and
10 2034.

11 “(4) HIRING AND RETAINING WELL-QUALIFIED
12 AND EFFECTIVE TEACHERS.—

13 “(A) IN GENERAL.—Each local educational
14 agency that receives a subgrant under this sub-
15 part shall use a portion of such funds for re-
16 cruiting, hiring, and training fully qualified
17 teachers, including teachers fully qualified
18 through State and local alternative routes, in
19 order to reduce class size.

20 “(B) SPECIAL RULE FOR SPECIAL EDU-
21 CATION TEACHERS.—Notwithstanding subpara-
22 graph (A), a local educational agency may use
23 some or all of the funds described in such sub-
24 paragraph to hire special education teachers re-

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1 gardless of whether such action reduces class
2 size.

3 “(C) WAIVER.—

4 “(i) APPLICATION.—A local edu-
5 cational agency may seek a waiver of the
6 requirement in subparagraph (A) from a
7 State in order to allow the local edu-
8 cational agency to use such funds for pur-
9 poses other than hiring teachers in order
10 to reduce class size.

11 “(ii) STANDARD FOR GRANTING.—A
12 State may not approve such a waiver un-
13 less the local educational agency is able to
14 demonstrate that—

15 “(I) such funds will be used to
16 ensure that all instructional staff have
17 the subject matter knowledge, teach-
18 ing knowledge, and teaching skills
19 necessary to teach effectively in the
20 content area or areas in which they
21 provide instruction; or

22 “(II) an initiative to reduce class
23 size would result in having to rely on
24 underqualified teachers, inadequate
25 classroom space, or would have any

1 other negative consequence affecting
2 the efforts of the local educational
3 agency to improve student academic
4 achievement.

5 “(b) ALLOWABLE ACTIVITIES.—Each local edu-
6 cational agency that receives a subgrant under this sub-
7 part may use the subgrant to carry out the following ac-
8 tivities:

9 “(1) Initiatives to assist recruitment of fully
10 qualified teachers who will be assigned teaching posi-
11 tions within their field, including—

12 “(A) providing signing bonuses or other fi-
13 nancial incentives, such as differential pay, for
14 teachers to teach in academic subject areas in
15 which there exists a shortage of such fully
16 qualified teachers within a school or the local
17 educational agency;

18 “(B) establishing programs that—

19 “(i) recruit professionals from other
20 fields and provide such professionals with
21 alternative routes to teacher certification,
22 especially in the areas of mathematics and
23 science; and

24 “(ii) provide increased opportunities
25 for minorities, individuals with disabilities,

1 and other individuals underrepresented in
2 the teaching profession; and

3 “(C) implementing hiring policies that en-
4 sure comprehensive recruitment efforts as a
5 way to expand the applicant pool, such as
6 through identifying teachers certified through
7 alternative routes, coupled with a system of in-
8 tensive screening designed to hire the most
9 qualified applicant.

10 “(2) Initiatives to promote retention of highly
11 qualified teachers and principals including—

12 “(A) programs that provide mentoring to
13 newly hired teachers, such as from master
14 teachers, and to newly hired principals; or

15 “(B) programs that provide other incen-
16 tives, including financial incentives, to retain
17 teachers who have a record of success in help-
18 ing low-achieving students improve their aca-
19 demic success.

20 “(3) Programs and activities that are designed
21 to improve the quality of the teacher force, such
22 as—

23 “(A) innovative professional development
24 programs (which may be through partnerships
25 including institutions of higher education), in-

cluding programs that train teachers to utilize technology to improve teaching and learning, that are consistent with the requirements of section 2033;

“(B) development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning;

“(C) tenure reform;

“(D) merit pay;

“(E) testing of elementary and secondary school teachers in the subject areas taught by such teachers;

“(F) professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including those who are gifted and talented);

“(G) professional development programs that provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subparagraph (F) learn; and

1 “(H) professional development programs
2 that provide instruction in how to teach char-
3 acter education in a manner that—

4 “(i) reflects the values of parents,
5 teachers, and local communities; and

6 “(ii) incorporates elements of good
7 character, including honesty, citizenship,
8 courage, justice, respect, personal responsi-
9 bility, and trustworthiness.

10 “(4) Teacher opportunity payments, consistent
11 with section 2034.

12 “(5) Professional activities designed to improve
13 the quality of principals.

14 **“SEC. 2032. LOCAL APPLICATIONS.**

15 “(a) IN GENERAL.—A local educational agency seek-
16 ing to receive a subgrant from a State under this subpart
17 shall submit an application to the State—

18 “(1) at such time as the State shall require;
19 and

20 “(2) which is coordinated with other programs
21 under this Act, or other Acts, as appropriate.

22 “(b) LOCAL APPLICATION CONTENTS.—The local ap-
23 plication described in subsection (a), shall include, at a
24 minimum, the following:

1 “(1) A description of how the local educational
2 agency intends to use funds provided under this sub-
3 part, including an assurance that the local edu-
4 cational agency will meet the requirements for the
5 use of funds for mathematics and science programs,
6 professional development, and hiring teachers to re-
7 duce class size, under section 2031.

8 “(2) An assurance that the local educational
9 agency will target funds to schools within the juris-
10 diction of the local educational agency that—

11 “(A) have the lowest proportion of fully
12 qualified teachers;

13 “(B) have the largest average class size; or

14 “(C) are identified for school improvement
15 under section 1116(e).

16 “(3) A description of how the local educational
17 agency will coordinate professional development ac-
18 tivities authorized under this subpart with profes-
19 sional development activities provided through other
20 Federal, State, and local programs, including those
21 authorized under title I, title III, title IV, part A of
22 title VII, and (where applicable) the Individuals with
23 Disabilities Education Act and the Carl D. Perkins
24 Vocational and Technical Education Act.

1 “(4) A description of how the local educational
2 agency will integrate funds under this subpart with
3 funds received under title III that are used for pro-
4 fessional development to train teachers in how to use
5 technology to improve learning and teaching.

6 “(5) A description of how the local educational
7 agency has collaborated with teachers, principals,
8 parents, and administrators in the preparation of
9 the application.

10 “(c) PARENTS’ RIGHT-TO-KNOW.—A local edu-
11 cational agency that receives funds under this subpart
12 shall provide, upon request and in an understandable and
13 uniform format, to any parent of a student attending any
14 school receiving funds under this subpart, information re-
15 garding the professional qualifications of the student’s
16 classroom teachers, including, at a minimum, the fol-
17 lowing:

18 “(1) Whether the teacher has met State quali-
19 fication and licensing criteria for the grade levels
20 and subject areas in which the teacher provides in-
21 struction.

22 “(2) Whether the teacher is teaching under
23 emergency or other provisional status through which
24 State qualification or licensing criteria have been
25 waived.

1 “(3) The baccalaureate degree major of the
2 teacher and any other graduate certification or de-
3 gree held by the teacher, and the field or discipline
4 of the certification or degree.

5 **“SEC. 2033. PROFESSIONAL DEVELOPMENT FOR TEACHERS.**

6 “(a) LIMITATION RELATING TO CURRICULUM AND
7 CONTENT AREAS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), professional development funds under this
10 subpart may not be provided for a teacher and an
11 activity if the activity is not—

12 “(A) directly related to the curriculum and
13 content areas in which the teacher provides in-
14 struction; or

15 “(B) designed to enhance the ability of the
16 teacher to understand and use the State’s
17 standards for the subject area in which the
18 teacher provides instruction.

19 “(2) EXCEPTION.—Paragraph (1) does not
20 apply to funds for professional development activities
21 that instruct in methods of disciplining children.

22 “(b) OTHER REQUIREMENTS.—Professional develop-
23 ment activities funded under this subpart—

1 “(1) shall be measured, in terms of progress,
2 using the specific performance indicators established
3 by the State in accordance with section 2013(b)(3);

4 “(2) shall be tied to challenging State or local
5 content standards and student performance stand-
6 ards;

7 “(3) shall be tied to scientifically based research
8 demonstrating the effectiveness of such program in
9 increasing student achievement or substantially in-
10 creasing the knowledge and teaching skills of such
11 teachers;

12 “(4) shall be of sufficient intensity and duration
13 (such as not to include 1-day or short-term work-
14 shops and conferences) to have a positive and lasting
15 impact on the teacher’s performance in the class-
16 room, except that this paragraph shall not apply to
17 an activity if such activity is one component of a
18 long-term comprehensive professional development
19 plan established by the teacher and the teacher’s su-
20 pervisor based upon an assessment of their needs,
21 their students’ needs, and the needs of the local edu-
22 cational agency;

23 “(5) shall be developed with extensive participa-
24 tion of teachers, principals, parents, and administra-
25 tors of schools to be served under this part and, with

1 respect to any professional development program de-
2 scribed in subparagraphs (F) and (G) of section
3 2031(b)(3), shall, if appropriate, be developed with
4 extensive coordination with, and participation of,
5 professionals with expertise in such types of profes-
6 sional development; and

7 “(6) shall, to the extent appropriate, provide
8 training for teachers in the use of technology so that
9 technology and its applications are effectively used
10 in the classroom to improve teaching and learning in
11 the curriculum and academic content areas in which
12 those teachers provide instruction.

13 “(c) ACCOUNTABILITY.—

14 “(1) IN GENERAL.—A State shall notify a local
15 educational agency that the agency is on notice of
16 the possibility that the agency may be subject to the
17 requirement in paragraph (3) if, after any fiscal
18 year, the State determines that the programs or ac-
19 tivities funded by the agency fail to meet the re-
20 quirements of subsections (a) and (b).

21 “(2) TECHNICAL ASSISTANCE.—A local edu-
22 cational agency that has been put on notice pursu-
23 ant to paragraph (1) may request technical assist-
24 ance from the State in order to provide the oppor-

1 tunity for such local educational agency to comply
2 with the requirements of subsections (a) and (b).

3 “(3) REQUIREMENT TO PROVIDE TEACHER OP-
4 PORTUNITY PAYMENTS.—A local educational agency
5 that has been put on notice by the State pursuant
6 to paragraph (1) during any 2 consecutive fiscal
7 years shall expend under section 2034 for the suc-
8 ceeding fiscal year a proportion of the amount made
9 available to the agency under this subpart equal to
10 the proportion of such amount expended by the
11 agency on professional development for the second
12 fiscal year in which it was put on notice.

13 **“SEC. 2034. TEACHER OPPORTUNITY PAYMENTS.**

14 “(a) IN GENERAL.—A local educational agency re-
15 ceiving funds under this subpart may (or, in the case of
16 a local educational agency described in section 2033(c)(3),
17 shall) provide funds directly to a teacher or a group of
18 teachers seeking opportunities to participate in a profes-
19 sional development activity of their choice.

20 “(b) NOTICE TO TEACHERS.—Local educational
21 agencies distributing funds under this section shall estab-
22 lish and implement a timely process through which proper
23 notice of availability of funds will be given to all teachers
24 within schools identified by the agency and shall develop
25 a process whereby teachers will be specifically rec-

1 ommended by principals to participate in such program
 2 by virtue of—

3 “(1) their not being fully qualified to teach in
 4 the subject or subjects in which they teach; or

5 “(2) their need for additional assistance to en-
 6 sure that their students make progress toward meet-
 7 ing challenging State content standards and student
 8 performance standards.

9 “(c) SELECTION OF TEACHERS.—In the event ade-
 10 quate funding is not available to provide payments under
 11 this section to all teachers seeking such assistance, or
 12 identified as needing such assistance pursuant to sub-
 13 section (b), a local educational agency shall establish pro-
 14 cedures for selecting teachers which provide a priority for
 15 those teachers described in paragraph (1) or (2) of sub-
 16 section (b).

17 “(d) ELIGIBLE PROGRAM.—Teachers receiving a pay-
 18 ment under this section shall have the choice of attending
 19 any professional development program that meets the cri-
 20 teria set forth in subsection (a) or (b) of section 2033.

21 **“Subpart 4—National Activities**

22 **“SEC. 2041. ALTERNATIVE ROUTES TO TEACHING.**

23 “(a) TEACHER EXCELLENCE ACADEMIES.—

1 “(1) IN GENERAL.—The Secretary may award
2 grants on a competitive basis to eligible consortia to
3 carry out activities described in this subsection.

4 “(2) USE OF FUNDS.—

5 “(A) IN GENERAL.—An eligible consortium
6 receiving funds under this subsection shall use
7 the funds to pay the costs associated with the
8 establishment or expansion of a teacher acad-
9 emy in an elementary or secondary school facil-
10 ity that carries out the activities promoting al-
11 ternative routes to State teacher certification
12 specified in subparagraph (B), the model pro-
13 fessional development activities specified in sub-
14 paragraph (C), or all such activities.

15 “(B) PROMOTING ALTERNATIVE ROUTES
16 TO TEACHER CERTIFICATION.—The activities
17 promoting alternative routes to State teacher
18 certification specified in this subparagraph are
19 the design and implementation of a course of
20 study and activities providing an alternative
21 route to State teacher certification that—

22 “(i) provide opportunities to highly
23 qualified individuals with a baccalaureate
24 degree, including mid-career professionals
25 from other occupations, paraprofessionals,

1 former military personnel, and recent col-
2 lege or university graduates with records of
3 academic distinction;

4 “(ii) provide stipends, for not more
5 than 2 years, to permit individuals de-
6 scribed in clause (i) to participate as stu-
7 dent teachers able to fill teaching needs in
8 academic subjects in which there is a dem-
9 onstrated shortage of teachers;

10 “(iii) provide for the recruitment and
11 hiring of master teachers to mentor and
12 train student teachers within such acad-
13 emies; and

14 “(iv) include a reasonable service re-
15 quirement for individuals completing the
16 alternative certification program estab-
17 lished by the consortium.

18 “(C) MODEL PROFESSIONAL DEVELOP-
19 MENT.—The model professional development
20 activities specified in this subparagraph are ac-
21 tivities providing ongoing professional develop-
22 ment opportunities for teachers, such as—

23 “(i) innovative programs and model
24 curricula in the area of professional devel-
25 opment which may serve as models to be

1 disseminated to other schools and local
2 educational agencies; and

3 “(ii) developing innovative techniques
4 for evaluating the effectiveness of profes-
5 sional development programs.

6 “(3) PRIORITY.—The Secretary shall award not
7 less than one grant to a consortium that—

8 “(A) includes a high-need local educational
9 agency located in a rural area; and

10 “(B) proposes the extensive use of distance
11 learning in order to provide the applicable
12 course work to student teachers.

13 “(4) SPECIAL RULE.—No single participant in
14 an eligible consortium may retain more than 50 per-
15 cent of the funds made available to the consortium
16 under this subsection.

17 “(5) APPLICATION.—To be eligible to receive a
18 grant under this subsection, an eligible consortium
19 shall submit an application to the Secretary at such
20 time, in such manner, and containing such informa-
21 tion as the Secretary may reasonably require.

22 “(6) ELIGIBLE CONSORTIUM.—In this sub-
23 section, the term ‘eligible consortium’ means a con-
24 sortium for a State that—

25 “(A) shall include—

1 “(i) the State agency responsible for
2 certifying teachers;

3 “(ii) not less than one high-need local
4 educational agency;

5 “(iii) a school of arts and sciences;
6 and

7 “(iv) an institution that prepares
8 teachers; and

9 “(B) may include local educational agen-
10 cies, public charter schools, public or private el-
11 ementary or secondary schools, educational
12 service agencies, public or private nonprofit
13 educational organizations, museums, or busi-
14 nesses.

15 “(b) CONTINUATION OF TROOPS-TO-TEACHERS PRO-
16 GRAM.—

17 “(1) PURPOSE.—It is the purpose of this sub-
18 section to authorize the continuation after Sep-
19 tember 30, 2000, of the teachers and teachers’ aide
20 placement program known as the ‘troops-to-teachers
21 program’, which was established by the Secretary of
22 Defense, and the Secretary of Transportation with
23 respect to the Coast Guard, under section 1151 of
24 title 10, United States Code.

1 “(2) TRANSFER OF FUNDS TO CONTINUE PRO-
2 GRAM.—Subject to the requirements of this sub-
3 section, the Secretary of Education may provide a
4 transfer of funds to the Defense Activity for Non-
5 Traditional Education Support of the Department of
6 Defense to permit the Defense Activity to carry out
7 the troops-to-teachers program under section 1151
8 of title 10, United States Code, notwithstanding the
9 termination date specified in subsection (c)(1)(A) of
10 such section.

11 “(3) DEFENSE AND COAST GUARD CONTRIBU-
12 TION.—The Secretary of Education may not make a
13 transfer of funds under paragraph (2) unless the
14 Secretary of Defense, and the Secretary of Trans-
15 portation with respect to the Coast Guard, agree to
16 cover not less than 25 percent of the costs associ-
17 ated with the activities conducted under the troops-
18 to-teachers program. The contributions may be in
19 the form of in-kind contributions or cash expendi-
20 tures, which may include the use of private contribu-
21 tions made for purposes of the program.

22 **“SEC. 2042. EISENHOWER NATIONAL CLEARINGHOUSE FOR**
23 **MATHEMATICS AND SCIENCE EDUCATION.**

24 “The Secretary may award a grant or contract, in
25 consultation with the Director of the National Science

1 Foundation, to continue the Eisenhower National Clear-
2 inghouse for Mathematics and Science Education.

3 **“SEC. 2043. PROFESSIONAL DEVELOPMENT FOR PRIN-**
4 **CIPALS AS LEADERS OF SCHOOL REFORM.**

5 “(a) COMPETITIVE GRANTS.—The Secretary shall
6 award grants on a competitive basis to eligible
7 partnerships—

8 “(1) consisting of—

9 “(A) one or more institutions of higher
10 education that provide professional development
11 for principals and other school administrators;
12 and

13 “(B) one or more local educational agen-
14 cies; and

15 “(2) that may include other entities, agencies,
16 or organizations, such as a State educational agency,
17 a State agency for higher education, educational
18 service agencies, or professional organizations of
19 principals and teachers.

20 “(b) APPLICATION.—

21 “(1) IN GENERAL.—Any eligible partnership
22 that desires to receive a grant under this section
23 shall submit an application at such time, in such
24 manner, and containing such information as the Sec-
25 retary may require.

1 “(2) CONTENTS.—Each such application shall
2 include a description of—

3 “(A) the activities the partnership will
4 carry out to achieve the purpose of this section;

5 “(B) how those activities will build on, and
6 be coordinated with, other professional develop-
7 ment programs and activities, including activi-
8 ties under title I of this Act and title II of the
9 Higher Education Act of 1965; and

10 “(C) how principals, teachers, and other
11 interested individuals were involved in devel-
12 oping the application and will be involved in
13 planning and carrying out activities under this
14 section.

15 “(c) USE OF FUNDS.—An eligible partnership that
16 receives a grant under this section shall use the grant
17 funds to provide professional development to principals
18 and other school administrators to enable them to be effec-
19 tive school leaders and prepare all students to achieve to
20 challenging State content and student performance stand-
21 ards, including professional development relating to—

22 “(1) leadership skills;

23 “(2) recruitment, assignment, retention, and
24 evaluation of teachers and other staff;

- 1 “(3) effective instructional practices, including
2 the use of technology;
3 “(4) using smaller classes effectively; and
4 “(5) parental and community involvement.

5 **“SEC. 2044. NATIONAL CLEARINGHOUSE FOR TEACHER EN-**
6 **TREPRENEURSHIP.**

7 “The Secretary may award a grant or contract to an
8 organization or institution with substantial experience in
9 entrepreneurship education to establish and operate a Na-
10 tional Clearinghouse for Teacher Entrepreneurship to co-
11 ordinate professional development opportunities for teach-
12 ers, collect and disseminate curricular materials, and un-
13 dertake other activities to encourage teacher interest and
14 involvement in entrepreneurship education, particularly
15 for teachers of grades 7 through 12.

16 **“SEC. 2045. RURAL TEACHERS.**

17 “(a) IN GENERAL.—The Secretary may award grants
18 on a competitive basis to rural eligible local educational
19 agencies to carry out activities described in subsection (b).

20 “(b) USE OF FUNDS.—A rural eligible local edu-
21 cational agency that receives a grant under this section
22 may use such funds to develop incentive programs—

- 23 “(1) to recruit and retain qualified teachers;
24 and

1 “(2) to provide high-quality professional devel-
2 opment to teachers.

3 “(c) APPLICATION.—To be eligible to receive a grant
4 under this section, a rural eligible local educational agency
5 shall submit an application to the Secretary at such time,
6 in such manner, and containing such information as the
7 Secretary may reasonably require.

8 “(d) DEFINITIONS.—For purposes of this section:

9 “(1) METROPOLITAN STATISTICAL AREA.—The
10 term ‘metropolitan statistical area’ has the meaning
11 given such term by the Bureau of the Census.

12 “(2) RURAL ELIGIBLE LOCAL EDUCATIONAL
13 AGENCY.—The term ‘rural eligible local educational
14 agency’ means a local educational agency—

15 “(A) that is not located in a metropolitan
16 statistical area; and

17 “(B) in which there is a high percentage of
18 individuals from families with incomes below
19 the poverty line (as defined by the Office of
20 Management and Budget and revised annually
21 in accordance with section 673(2) of the Com-
22 munity Services Block Grant Act (42 U.S.C.
23 9902(2))).

1 **“SEC. 2046. TRANSITION TO TEACHING.**

2 “(a) PURPOSE.—The purpose of this section is to ad-
3 dress the need of high-need local educational agencies for
4 highly qualified teachers in particular subject areas, such
5 as mathematics, science, foreign languages, bilingual edu-
6 cation, and special education, needed by those agencies,
7 following the model of the successful teachers placement
8 program known as the ‘Troops-to-Teachers program’, by
9 recruiting, preparing, placing, and supporting career-
10 changing professionals who have knowledge and experi-
11 ence that will help them become such teachers.

12 “(b) PROGRAM AUTHORIZED.—

13 “(1) AUTHORITY.—The Secretary is authorized
14 to use funds appropriated under paragraph (2) for
15 each fiscal year to award grants, contracts, or coop-
16 erative agreements to institutions of higher edu-
17 cation and public and private nonprofit agencies or
18 organizations to carry out programs authorized by
19 this section.

20 “(2) AUTHORIZATION OF APPROPRIATIONS.—

21 For the purpose of carrying out this section, there
22 are authorized to be appropriated \$9,000,000 for
23 fiscal year 2000 and such sums as may be necessary
24 for each of fiscal years 2001 through 2004.

25 “(c) APPLICATION.—Each applicant that desires an
26 award under subsection (b)(1) shall submit an application

1 to the Secretary containing such information as the Sec-
2 retary requires, including—

3 “(1) a description of the target group of career-
4 changing professionals upon which the applicant will
5 focus its recruitment efforts in carrying out its pro-
6 gram under this section, including a description of
7 the characteristics of that target group that shows
8 how the knowledge and experience of its members
9 are relevant to meeting the purpose of this section;

10 “(2) a description of the training that program
11 participants will receive and how that training will
12 relate to their certification as teachers;

13 “(3) a description of how the applicant will col-
14 laborate, as needed, with other institutions, agencies,
15 or organizations to recruit, train, place, support, and
16 provide teacher induction programs to program par-
17 ticipants under this section, including evidence of
18 the commitment of those institutions, agencies, or
19 organizations to the applicant’s program;

20 “(4) a description of how the applicant will
21 evaluate the progress and effectiveness of its pro-
22 gram, including—

23 “(A) the program’s goals and objectives;

1 “(B) the performance indicators the appli-
2 cant will use to measure the program’s
3 progress; and

4 “(C) the outcome measures that will be
5 used to determine the program’s effectiveness;
6 and

7 “(5) such other information and assurances as
8 the Secretary may require.

9 “(d) USES OF FUNDS AND PERIOD OF SERVICE.—

10 “(1) AUTHORIZED ACTIVITIES.—Funds under
11 this section may be used for—

12 “(A) recruiting program participants, in-
13 cluding informing them of opportunities under
14 the program and putting them in contact with
15 other institutions, agencies, or organizations
16 that would train, place, and support them;

17 “(B) training stipends and other financial
18 incentives for program participants, not to ex-
19 ceed \$5,000 per participant;

20 “(C) assisting institutions of higher edu-
21 cation or other providers of teacher training to
22 tailor their training to meet the particular
23 needs of professionals who are changing their
24 careers to teaching;

1 “(D) placement activities, including identi-
2 fying high-need local educational agencies with
3 a need for the particular skills and characteris-
4 tics of the newly trained program participants
5 and assisting those participants to obtain em-
6 ployment in those local educational agencies;
7 and

8 “(E) post-placement induction or support
9 activities for program participants.

10 “(2) PERIOD OF SERVICE.—A program partici-
11 pant in a program under this section who completes
12 his or her training shall serve in a high-need local
13 educational agency for at least 3 years.

14 “(3) REPAYMENT.—The Secretary shall estab-
15 lish such requirements as the Secretary determines
16 appropriate to ensure that program participants who
17 receive a training stipend or other financial incentive
18 under paragraph (1)(B), but fail to complete their
19 service obligation under paragraph (2), repay all or
20 a portion of such stipend or other incentive.

21 “(e) EQUITABLE DISTRIBUTION.—To the extent
22 practicable, the Secretary shall make awards under this
23 section that support programs in different geographic re-
24 gions of the Nation.

25 “(f) DEFINITIONS.—As used in this section:

1 “(1) The term ‘high-need local educational
2 agency’ has the meaning given such term in section
3 2061.

4 “(2) The term ‘program participants’ means ca-
5 reer-changing professionals who—

6 “(A) hold at least a baccalaureate degree;

7 “(B) demonstrate interest in, and commit-
8 ment to, becoming a teacher; and

9 “(C) have knowledge and experience that
10 are relevant to teaching a high-need subject
11 area in a high-need local educational agency.

12 **“Subpart 5—Funding**

13 **“SEC. 2051. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) FISCAL YEAR 2000.—For the purpose of car-
15 rying out this part (other than section 2043), there are
16 authorized to be appropriated \$2,019,000,000 for fiscal
17 year 2000, of which \$15,000,000 are authorized to be ap-
18 propriated to carry out subpart 4 (other than section
19 2043).

20 “(b) OTHER FISCAL YEARS.—For the purpose of
21 carrying out this part (other than section 2043), there are
22 authorized to be appropriated such sums as may be nec-
23 essary for fiscal years 2001 through 2004.

1 **“Subpart 6—General Provisions**

2 **“SEC. 2061. DEFINITIONS.**

3 “For purposes of this part—

4 “(1) ARTS AND SCIENCES.—The term ‘arts and
5 sciences’ means—

6 “(A) when referring to an organizational
7 unit of an institution of higher education, any
8 academic unit that offers one or more academic
9 majors in disciplines or content areas cor-
10 responding to the academic subject matter
11 areas in which teachers provide instruction; and

12 “(B) when referring to a specific academic
13 subject matter area, the disciplines or content
14 areas in which academic majors are offered by
15 the arts and sciences organizational unit.

16 “(2) FULLY QUALIFIED.—The term ‘fully
17 qualified’—

18 “(A) when used with respect to a public el-
19 ementary or secondary school teacher (other
20 than a teacher teaching in a public charter
21 school), means that the teacher has obtained
22 State certification as a teacher (including cer-
23 tification obtained through alternative routes to
24 certification) or passed the State teacher licens-
25 ing exam and holds a license to teach in such
26 State; and

1 “(B) when used with respect to —

2 “(i) an elementary school teacher,
3 means that the teacher holds a bachelor’s
4 degree and demonstrates knowledge and
5 teaching skills in reading, writing, mathe-
6 matics, science, and other areas of the ele-
7 mentary school curriculum; or

8 “(ii) a middle or secondary school
9 teacher, means that the teacher holds a
10 bachelor’s degree and demonstrates a high
11 level of competency in all subject areas in
12 which he or she teaches through—

13 “(I) a high level of performance
14 on a rigorous State or local academic
15 subject areas test; or

16 “(II) completion of an academic
17 major in each of the subject areas in
18 which he or she provides instruction.

19 “(3) BEGINNING TEACHER.—The term ‘begin-
20 ning teacher’ means an educator in a public school
21 who has not yet been teaching 3 full school years.

22 “(4) HIGH-NEED LOCAL EDUCATIONAL AGEN-
23 cy.—The term ‘high-need local educational agency’
24 means a local educational agency that serves an ele-

1 mentary school or secondary school located in an
2 area in which there is—

3 “(A) a high percentage of individuals from
4 families with incomes below the poverty line (as
5 defined by the Office of Management and
6 Budget and revised annually in accordance with
7 section 673(2) of the Community Services
8 Block Grant Act (42 U.S.C. 9902(2)));

9 “(B) a high percentage of secondary school
10 teachers not teaching in the content area in
11 which the teachers were trained to teach; or

12 “(C) a high teacher turnover rate.

13 “(5) MENTORING PROGRAM.—The term ‘men-
14 toring program’ means to provide professional sup-
15 port and development, instruction, and guidance to
16 beginning teachers, but does not include a teacher or
17 individual who begins to work in a supervisory posi-
18 tion.

19 “(6) PUBLICLY REPORT.—The term ‘publicly
20 report’, when used with respect to the dissemination
21 of information, means that the information is made
22 widely available to the public, including parents and
23 students, through such means as the Internet and
24 major print and broadcast media outlets.

1 “(7) SCIENTIFICALLY BASED RESEARCH.—The
2 term ‘scientifically based research’—

3 “(A) means the application of rigorous,
4 systematic, and objective procedures to obtain
5 valid knowledge relevant to professional devel-
6 opment of teachers; and

7 “(B) shall include research that—

8 “(i) employs systematic, empirical
9 methods that draw on observation or ex-
10 periment;

11 “(ii) involves rigorous data analyses
12 that are adequate to test the stated
13 hypotheses and justify the general conclu-
14 sions drawn;

15 “(iii) relies on measurements or obser-
16 vational methods that provide valid data
17 across evaluators and observers and across
18 multiple measurements and observations;
19 and

20 “(iv) has been accepted by a peer-re-
21 viewed journal or approved by a panel of
22 independent experts through a comparably
23 rigorous, objective, and scientific review.”.

24 (b) CONFORMING AMENDMENTS.—

1 (1) NATIONAL WRITING PROJECT.—Section
 2 10992(i) of the Elementary and Secondary Edu-
 3 cation Act of 1965 (20 U.S.C. 8332(i)) is amended
 4 to read as follows:

5 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated for the grant to the Na-
 7 tional Writing Project, such sums as may be necessary for
 8 each of fiscal years 2000 through 2004 to carry out the
 9 provisions of this section.”.

10 (2) REFERENCE TO NATIONAL CLEARINGHOUSE
 11 FOR MATHEMATICS AND SCIENCE EDUCATION.—Sec-
 12 tion 13302(1) of the Elementary and Secondary
 13 Education Act of 1965 (20 U.S.C. 8672(1)) is
 14 amended by striking “2102(b)” and inserting
 15 “2042”.

16 **SEC. 3. AMENDMENTS RELATING TO READING EXCEL-**
 17 **LENCE ACT.**

18 (a) REPEAL OF PART B.—Part B of title II of the
 19 Elementary and Secondary Education Act of 1965 (20
 20 U.S.C. 6641–6651) is repealed.

21 (b) READING EXCELLENCE ACT.—

22 (1) PART HEADING.—Part C of title II of such
 23 Act is redesignated as part B and the heading for
 24 such part B is amended to read as follows:

1 **“PART B—READING EXCELLENCE ACT”.**

2 (2) AUTHORIZATION OF APPROPRIATIONS.—

3 Section 2260(a) of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6661i(a)) is
5 amended by adding at the end the following:

6 “(3) FISCAL YEARS 2001 TO 2004.—There are
7 authorized to be appropriated to carry out this part
8 \$260,000,000 for fiscal year 2001 and such sums as
9 may be necessary for fiscal years 2002 through
10 2004.”.

11 **SEC. 4. GENERAL PROVISIONS.**

12 (a) IN GENERAL.—Title II of the Elementary and
13 Secondary Education Act of 1965 (20 U.S.C. 6601 et
14 seq.) is amended—

15 (1) by repealing part D;

16 (2) by redesignating part E as part C; and

17 (3) by striking sections 2401 and 2402 and in-
18 serting the following:

19 **“SEC. 2401. PROHIBITION ON MANDATORY NATIONAL CER-**
20 **TIFICATION OF TEACHERS.**

21 “(a) PROHIBITION ON MANDATORY TESTING OR
22 CERTIFICATION.—Notwithstanding any other provision of
23 law, the Secretary is prohibited from using Federal funds
24 to plan, develop, implement, or administer any mandatory
25 national teacher test or certification.

1 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The
2 Secretary is prohibited from withholding funds from any
3 State or local educational agency if such State or local
4 educational agency fails to adopt a specific method of
5 teacher certification.

6 **“SEC. 2402. PROVISIONS RELATED TO PRIVATE SCHOOLS.**

7 “The provisions of sections 14503 through 14506
8 apply to programs under this title.

9 **“SEC. 2403. HOME SCHOOLS.**

10 “Nothing in this title shall be construed to permit,
11 allow, encourage, or authorize any Federal control over
12 any aspect of any private, religious, or home school,
13 whether or not a home school is treated as a private school
14 or home school under State law. This section shall not be
15 construed to bar private, religious, or home schools from
16 participation in programs or services under this title.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) DEFINITION OF COVERED PROGRAM.—Sec-
19 tion 14101(10)(C) of the Elementary and Secondary
20 Education Act of 1965 (20 U.S.C. 8801(10)(C)) is
21 amended by striking “(other than section 2103 and
22 part D)”.

23 (2) PRIVATE SCHOOL PARTICIPATION.—Section
24 14503(b)(1)(B) (20 U.S.C. 8893(b)(1)(B)) of such

1 Act is amended by striking “(other than section
2 2103 and part D of such title)”.

3 **SEC. 5. SENSE OF THE CONGRESS.**

4 It is the sense of the Congress that high quality
5 teachers are an important part of the development of our
6 children and it is essential that Congress work to ensure
7 that the teachers who instruct our children are of the high-
8 est quality possible.

Passed the House of Representatives July 20, 1999.

Attest:

Clerk.

Here are the relevant sections from H.R. 1995, the Teacher Empowerment Act, as passed by the House:

20 percent of the money goes to a competitive grant program and the remainder goes to LEA's as indicated below. As you can see the primary problem is that there is no firm target for class size reduction. Overall, the targeting of funding in the bill is a major problem as well. Frankly, this language could be tightened up to mesh with some of the options I laid out in the memo and preserve the independent funding stream.

SEC. 2031. LOCAL USE OF FUNDS.

“(a) REQUIRED ACTIVITIES-

“(1) IN GENERAL- Each local educational agency that receives a subgrant under this subpart shall use the subgrant to carry out the activities described in this subsection.

“(2) MATHEMATICS AND SCIENCE-

“(A) IN GENERAL- Of the amount made available to each local educational agency under this subpart for a fiscal year, the agency shall use not less than the amount expended by the agency under section 2206(b) of this Act (as in effect on the day before the date of the enactment of the Teacher Empowerment Act) for the fiscal year preceding such enactment for professional development activities in mathematics and science in accordance with section 2033.

“(B) WAIVER-

“(i) APPLICATION- A local educational agency, in consultation with teachers and principals, may seek a waiver of the requirement in subparagraph (A) from a State in order to allow the local educational agency to use such funds for professional development in academic subjects other than mathematics and science.

“(ii) STANDARD FOR GRANTING- A State may not approve such a waiver unless the local educational agency is able to demonstrate that--

“(I) the professional development needs of mathematics and science teachers, including elementary teachers responsible for teaching mathematics and science, have been adequately served and will continue to be adequately served if the waiver is approved;

“(II) State assessments in mathematics and science demonstrate that each school within the local educational agency has made and will continue to make progress toward meeting the challenging State or local content standards and student performance

standards in these areas; and

`(III) State assessments in other academic subjects demonstrate a need to focus on subjects other than mathematics and science.

`(iii) GRANDFATHER OF OLD WAIVERS- A waiver provided to a local educational agency under part D of title XIV prior to the date of the enactment of the Teacher Empowerment Act shall be deemed effective until such time as it otherwise would have ceased to be effective.

`(3) PROFESSIONAL DEVELOPMENT ACTIVITIES- Each local educational agency that receives a subgrant under this subpart shall use a portion of such funds for professional development activities that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards. Such activities shall be consistent with sections 2033 and 2034.

`(4) HIRING AND RETAINING WELL-QUALIFIED AND EFFECTIVE TEACHERS-

`(A) IN GENERAL- Each local educational agency that receives a subgrant under this subpart shall use a portion of such funds for recruiting, hiring, and training fully qualified teachers, including teachers fully qualified through State and local alternative routes, in order to reduce class size.

`(B) SPECIAL RULE FOR SPECIAL EDUCATION TEACHERS- Notwithstanding subparagraph (A), a local educational agency may use some or all of the funds described in such subparagraph to hire special education teachers regardless of whether such action reduces class size.

`(C) WAIVER-

`(i) APPLICATION- A local educational agency may seek a waiver of the requirement in subparagraph (A) from a State in order to allow the local educational agency to use such funds for purposes other than hiring teachers in order to reduce class size.

`(ii) STANDARD FOR GRANTING- A State may not approve such a waiver unless the local educational agency is able to demonstrate that--

`(I) such funds will be used to ensure that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which they provide instruction; or

`(II) an initiative to reduce class size would result in having to rely

on underqualified teachers, inadequate classroom space, or would have any other negative consequence affecting the efforts of the local educational agency to improve student academic achievement.

`(b) ALLOWABLE ACTIVITIES- Each local educational agency that receives a subgrant under this subpart may use the subgrant to carry out the following activities:

`(1) Initiatives to assist recruitment of fully qualified teachers who will be assigned teaching positions within their field, including--

`(A) providing signing bonuses or other financial incentives, such as differential pay, for teachers to teach in academic subject areas in which there exists a shortage of such fully qualified teachers within a school or the local educational agency;

`(B) establishing programs that--

`(i) recruit professionals from other fields and provide such professionals with alternative routes to teacher certification, especially in the areas of mathematics and science; and

`(ii) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession; and

`(C) implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, coupled with a system of intensive screening designed to hire the most qualified applicant.

`(2) Initiatives to promote retention of highly qualified teachers and principals including--

`(A) programs that provide mentoring to newly hired teachers, such as from master teachers, and to newly hired principals; or

`(B) programs that provide other incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic success.

`(3) Programs and activities that are designed to improve the quality of the teacher force, such as--

`(A) innovative professional development programs (which may be through partnerships including institutions of higher education), including programs that

train teachers to utilize technology to improve teaching and learning, that are consistent with the requirements of section 2033;

`(B) development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning;

`(C) tenure reform;

`(D) merit pay;

`(E) testing of elementary and secondary school teachers in the subject areas taught by such teachers;

`(F) professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including those who are gifted and talented);

`(G) professional development programs that provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subparagraph (F) learn; and

`(H) professional development programs that provide instruction in how to teach character education in a manner that--

 `(i) reflects the values of parents, teachers, and local communities; and

 `(ii) incorporates elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness.

`(4) Teacher opportunity payments, consistent with section 2034.

`(5) Professional activities designed to improve the quality of principals.

`SEC. 2032. LOCAL APPLICATIONS.

`(a) IN GENERAL- A local educational agency seeking to receive a subgrant from a State

under this subpart shall submit an application to the State--

 `(1) at such time as the State shall require; and

 `(2) which is coordinated with other programs under this Act, or other Acts, as appropriate.

`(b) LOCAL APPLICATION CONTENTS- The local application described in subsection

(a), shall include, at a minimum, the following:

`(1) A description of how the local educational agency intends to use funds provided under this subpart, including an assurance that the local educational agency will meet the requirements for the use of funds for mathematics and science programs, professional development, and hiring teachers to reduce class size, under section 2031.

`(2) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that--

`(A) have the lowest proportion of fully qualified teachers;

`(B) have the largest average class size; or

`(C) are identified for school improvement under section 1116(c).

`(3) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs, including those authorized under title I, title III, title IV, part A of title VII, and (where applicable) the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act.

`(4) A description of how the local educational agency will integrate funds under this subpart with funds received under title III that are used for professional development to train teachers in how to use technology to improve learning and teaching.

`(5) A description of how the local educational agency has collaborated with teachers, principals, parents, and administrators in the preparation of the application.: