Memorandum

TO: Interested Parties

FROM: The Chairman's Staff
Senate Committee on Health, Education, Labor and Pensions

DATE: October 15, 1999

RE: Reauthorization of the Elementary and Secondary Education Act (ESEA)

The attached is a summary of the discussion draft of the ESEA reauthorization bill prepared by Chairman Jeffords. This draft includes some of the changes recommended by members of the committee and others--particularly as they relate to programs currently funded under ESEA. Other initiatives which have been suggested are not reflected in the draft at this point, as they require further refinement or discussion.

This discussion draft is intended to serve as the foundation for committee discussion in preparation for formal committee action, which we would like to complete this year.

SENATE DISCUSSION DRAFT PROPOSED BY CHAIRMAN JIM JEFFORDS
OCTOBER 15, 1999

REAUTHORIZATION OF ELEMENTARY AND SECONDARY EDUCATION ACT "EDUCATIONAL OPPORTUNITIES ACT"

Definitions

TITLE I -- Helping Disadvantaged Children Meet High Standards

Part A: Basic Programs
Part B: Even Start
Part C: Migrants
Part D: Evaluations/Demonstrations
Part E: General Provisions

TITLE II -- Educator Empowerment and Partnership Program

Part A: Federal Activities
Part B: State & Local Activities
Part C: Reading & Literacy
Part D: Leadership Education and Development
Part E: Partnership Grant Program
Part F: National Writing Project
Part G: The New Century Program for Distributed Teacher Professional Development
Part H: Digital Education Content Collaborative
Part I: General Provisions

TITLE III -- Early Childhood Programs and Enrichment Initiatives

Part A: Early Childhood Education
    Subpart 1- Early Learning Initiative
    Subpart 2-Ready-to-Learn Television
    Subpart 3-Inexpensive Book Distribution Program
Part B: 21st Century Community Learning Centers
Part C: High School Initiative (including Neglected & Delinquent)
Part D: The Jacob Javits Gifted and Talented Students Education Act
Part E: Arts in Education

TITLE IV -- Safe and Drug-Free Schools and Communities

TITLE V-- Educational Opportunity Initiatives

Part A: Technology Education
Part B: Star Schools
Part C: Magnet Schools
Part D: Public Charter Schools
Part E: Women's Educational Equity Act
Part F: Fund for the Improvement of Education
Part G: Civic Education
Part H: Allen J. Ellender Fellowship Program

TITLE VI -- Innovative Education

Part A: Innovative Education Program Strategies
Part B: Rural Flexibility
Part C: Education Flexibility Partnerships
Part D: Flexibility in the Use of Administrative and Other Funds
Part E: Coordination of Programs; Consolidated State and Local Plans and Applications
Part F: Waivers

TITLE VII -- Bilingual Education, Language Enhancement, and Language Acquisition Programs

Part A: Bilingual Education
Part B: Foreign Language Assistance
Part C: Emergency Immigrant Education
Part D: Administration
Part E: General Provisions

TITLE VIII -- Impact Aid

TITLE IX -- Indian, Native Hawaiian, and Alaska Native Education

Part A: Indian Education
Part B: Native Hawaiians
Part C: Alaska Native Education

TITLE X -- General Provisions

Part A: Uniform Provisions
Part B: Evaluation and Dissemination

Title XI -- Amendments to Other Acts

Part A: Education for Homeless Children and Youth (McKinney Act)

TITLE I -- Helping Disadvantaged Children Meet High Standards

OVERVIEW

The purpose of this title is to provide opportunities for those students served by Title I activities to meet challenging State performance and content standards. To achieve this purpose, both the current law and the proposed reauthorization provide greater decisionmaking authority and flexibility to schools and teachers in exchange for increased responsibility for student performance. The last reauthorization of Title I, which occurred in 1994, made major changes in the program regarding standards, assessment, and professional development. These changes have all been retained in the proposed Title I reauthorization. The current law Title I formula regarding the distribution of funds has also been retained in the proposed reauthorization. Proposed changes to current law are outlined below.

STATE PLANS -- Provisions have been added to coordinate Title I activities, where appropriate, with activities in other Federal education programs, including the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act.

LOCAL EDUCATIONAL AGENCY ASSESSMENTS -- Language has been added to require the local educational agency to ensure that assessments:

a) are developmentally appropriate;

b) use multiple measures to assess students; and

c) are administered to students in the language most likely to yield valid results (this provision applies to students with limited English proficiency).

LOCAL EDUCATIONAL AGENCY PLANS -- A new provision is included which requests the local educational agency to describe how extended learning time may be used, such as extended school year, before- and after-school programs, and summer programs.

SCHOOLWIDE PROJECTS -- Each local educational agency plan shall provide assurances that the local educational agency will --

a) inform eligible schools and parents of schoolwide project authority;

b) provide technical assistance and support to schoolwide programs;

c) work closely with the eligible schools so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

d) coordinate and collaborate, to the extent feasible, with other agencies providing services to children, youth, and families, including health and social services agencies;

e) take into account the experience of model programs for the educationally disadvantaged and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades;

f) assure that Title 1 services will comply with Head Start standards if a local educational agency chooses to use Title 1 funds for early childhood development services to low-income children; and

g) annually assess the English proficiency of participating students with limited English proficiency, and the assessment results will be used to guide instruction.

PARENTAL INVOLVEMENT -- Language has been included throughout the planning and assessment sections to require parental involvement activities.

FEDERAL FUNDING -- $10,000,000,000 is the amount authorized to carry out this program for the first fiscal year following enactment (current funding for the Title 1 program is $7,732, 397,000)

TITLE 1, PART B -- Even Start Family Literacy Program

The Even Start Family Literacy program is designed to improve the educational opportunities for low-income families by integrating early childhood education, adult basic education, and parenting education into a unified family literacy program. The Secretary of Education awards grants to State educational agencies through a formula allocation. The State educational agencies distribute the funds to local educational agencies that form a collaboration with a community based organization, an institution of higher education, or another agency or nonprofit organzation. This collaboration will provide joint education programs to serve children aged 0-7 years and their parents. The grants awarded to local educational agencies occur through a peer review process.

Even Start program services must include adult literacy instruction, early childhood education, instruction to help parents support their child's education, staff training, and home-based instruction. Child care and transportation may be provided if these services are necessary and other funding sources are not available.

Even Start initiatives are geared for areas with high rates of: poverty, illiteracy, unemployment, families of limited English proficiency, or disadvantaged children. Grants are awarded for a four-year period and may be renewed for up to four additional years. The Federal share is limited to 90% for the first year and declines to 50% for the fifth and subsequent years. In 1998, several changes were made to the Even Start Law as part of the Reading Excellence Act. The changes primarily focused on improving the coordination between Even Start and other literacy and early childhood programs. The proposal for the Even Start reauthorization maintains current law, including the 1998 changes. $500,000,000 is the authorized amount being proposed to carry out this program for the first fiscal year following enactment (current funding is $135,000,000)

TITLE 1 -- PART C, Migrant Education Program

The Migrant Education program provides grants to State educational agencies to develop or improve education programs for migrant students. Most migrant programs are administered by local educational agencies and operate during both the regular school year and in the summer. Priority for services is given to current migrant students and to students who are failing, or at greatest risk of failing, to meet State performance standards.

Students are eligible for the program if: they have moved from one school district to another; from one administrative area to another within a State having a single district; or, if by living in a school district of at least 15,000 square miles, the child must travel at least 20 miles for temporary residence for the purpose of gaining fishing employment for themselves or their parents.

Funds are distributed through a formula which is based on the number of migrant children residing in the State. This number is then adjusted to the average per pupil expenditure for both the State and the U.S.

The proposed Migrant Education reauthorization retains most current law provisions with several changes listed below:

a) Includes language ensuring that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State student performance and content standards;

b) A provision has been added which ensures that migratory children receive full and appropriate opportunities to meet the same challenging State content and performance standards that all children are expected to meet;

c) includes a requirement to have joint planning efforts between migrant education programs and bilingual education;

d) includes provisions emphasizing the importance of parental involvement;

e) includes a student records provision stating that, in maintaining student records with Federal funds, the Secretary will determine the minimum data elements, the means and requirements for access, and the education agencies eligible to obtain such records.

TITLE 1 -- Evaluations and Demonstration Models

The proposed reauthorization will retain the current law provisions, with some modifications, pertaining to Federal evaluations. In addition, Comprehensive School Reform, often referred to as "Obey-Porter," will be included in the reauthorization proposal.

Title II – Educator Empowerment and Partnership Program

Title II of the proposed reauthorization maintains a focus on the professional development needs of educators. In addition, it includes a new initiative designed to meet the pressing need to develop the leadership skills of principals, superintendents, and educators. The current Title II programs receive $358.3 million in funding. The proposed reauthorization places initiatives that have the professional development of teachers and other school leaders as a primary goal into a single title and streamlines the purposes of the Federal, State and Local activities to clarify and tighten the federal role in professional development. It eliminates unfunded programs [National Teacher Training Project (section 2103) and the Professional Development Demonstration Project (Part D)]. It also provides an authorization for partnership activities designed to bridge the preservice teacher training activities funded under Title II of the Higher Education Act with the inservice activities authorized in ESEA. It increases the authorization level from $800,000,000 to $1,000,000,000.

Parts A and B – Federal, State, and Local Activities

Purpose: Increasing academic achievement through strategies such as improving teacher quality; investing in sustained and intensive high quality professional development that is aligned to challenging state content standards and challenging state performance standards and that is of sufficient intensity to have an impact on the teacher's performance, and as a result, the student's performance in the classroom; supporting sustained and intensive high quality professional development activities in core academic subject areas, mentoring and teacher leader models.

Federal Funding: Authorizes $1,000,000,000 for fiscal year 2001 of which 5% is available to carry out federal activities, 1% is reserved for the model leadership programs under federal activities and 94% is reserved for state and local.activities.

Federal Activities: Requires the Secretary to continue to make funds available for an Eisenhower National Clearinghouse for Math and Science Education (and requires that the Clearinghouse make its materials widely available to educators), continues to provide seed money to Local Education Agency (LEA), State Education Agency (SEA), State Agency for Higher Education (SAHE), Institutions of Higher Education (IHE), and others to develop their capacity to provide sustained and intensive high quality professional development; and reserves 1% of total funds appropriated for Parts A and B for model programs that provide professional development for school leadership personnel to help educators improve their ability to initiate and sustain change in local schools throughout the nation. The proposal maintains the current law provision requiring that $250,000,000 be reserved for professional development in the areas of math and science.

Allotments to States : Maintains State formula from current law in Title II; simplifies the State application and requires that State funds be coordinated with funds received under Title II of the Higher Education Act, if applicable; consolidates the State use of funds for professional development; allows for the inclusion of principals and superintendents in professional development activities; demands coordination with other federal, state and local professional development programs, including Title II of the Higher Education Act;

Allotments to Local Education Agencies: Maintains the formula used to distribute funds to LEAs; eliminates the requirement that local education agencies form consortia, yet allows them to enter such an agreement if that is in the best interest of the students served by the LEA; requires that LEAs provide assurances to the SEA that any professional development activities funded in whole or in part with funds under this title be expended only on programs, projects, or activities that provide sustained and intensive high-quality professional development; allows for the inclusion of principals and superintendents in professional development activities; emphasizes the importance of mentoring and teacher leader models for professional development.

Part C – Reading and Literacy Grant Program

Maintains the current program, the current authorization level of $260,000,000 and extends the authority for this program through fiscal year 2005. Currently funded at $260,000,000, the purposes of the program are: to provide children with the readiness skills they need to learn to read once they enter school; to improve the reading skills of students and the instructional practices for current teachers; to expand the number of high-quality family literacy programs; and to provide early literacy intervention to children who are experiencing reading difficulties in an effort to reduce the number of students who are inappropriately referred to special education.

Part D – Leadership Education and Development

The proposed reauthorization addresses the national need for leadership training by including a competitive grant program for leadership education and development and authorizes $100 million for the initiative. State education agencies, institutions of higher education, and nonprofit educational organizations will be eligible to apply for grants with the purpose of providing professional development services for elementary and secondary school educators, principals, and superintendents to develop and enhance their leadership skills. Grant funds shall be used for activities that include: providing school leaders with effective leadership, management, instructional skills, and practices; enhancing and developing school management and business skills; improving the understanding of the effective use of technology; encouraging highly qualified individuals to become school leaders; and establishing sustained and rigorous support for mentorship and developing a network of school leaders within the state. In making grants, the Secretary must give due consideration to equal representation of rural and urban communities and school districts.

Part E - Partnership Grant Program

Establishes a partnership grant program that makes funds available by formula to State Higher Education Agencies (if funding for this part exceeds $50 million) to award subgrants to education partnerships. Funds may be used to strengthen the emphasis on content training that prospective teachers receive; and provide a link between preservice and inservice professional development by providing mentoring and academic support to new teachers during the critical induction period. If funds appropriated are less than $50 million, funds will be distributed on a competitive basis.

Part F -National Writing Project

Moves National Writing Project from Title X, Part K, to Title II; updates provisions of the program; authorizes $15,000,000 for fiscal year 2001 and such sums as necessary for succeeding fiscal years. Currently funded at $7 million, the National Writing Project has as its primary purpose improving the quality of student writing and learning and the teaching of writing as a learning process in the Nation's classrooms. National Writing Project has 161 sites in 47 states and has served over 2 million teachers.

Part G – The New Century Program for Distributed Teacher Professional Development

Moves the current "Telecommunications Demonstration Program for Mathematics" (Mathline) from Title III, Part D, to Title II and expands purposes of the program. It provides the authority for the Secretary to make grants to a nonprofit communications entity or partnerships to carry out a national telecommunications-based program to improve teaching in core curriculum areas. It is designed to assist elementary and secondary school teachers in preparing students for achieving State content standards. The program will provide funds to deliver video and data in an integrated service to train teachers in the use of standards based curricula material appropriate for each State. The Secretary must make grants in at least 15 States. It authorizes $20,000,000 for fiscal year 2001 and such sums as necessary for the four succeeding fiscal years.

Part H – Digital Education Content Collaborative

Authorizes a competitive grant program to develop, produce, and distribute educational material and instructional video programming that is designed for use by kindergarten through grade 12 schools and is based on State standards. The program will facilitate the development of educational programming that shall: include student assessment tools and built-in teacher utilization and support components; be created for or adaptable to State content standards; and be capable of distribution through digital broadcasting and school digital networks. Authorizes $25,000,000 for fiscal year 2001 and such sums as necessary for the succeeding four fiscal years.

Part I – General Provisions

Maintains provisions from current law; adds a definition for "highly qualified."

TITLE III – Early Childhood Programs and Enrichment Initiatives

Part A: Early Childhood Education

IN GENERAL - Early Childhood Education plays a critical role in academic success for our young people. Research into the development and growth of the human brain clearly demonstrates that learning begins at birth, and that the years between birth and the age of mandatory school enrollment are critical for future academic success. Part A: Early Childhood Education brings together new early learning initiatives and existing provisions in the Elementary and Secondary Education Act to build a cohesive federal policy that provides parents, caretakers, child care providers, and educators with the tools they need to better ensure that our children have the opportunity to enter school ready to learn.

Subpart 1: Early Learning Initiative

Purpose: The purpose of Title III, Part A, Subpart 1 is to increase the availability of voluntary programs, services, and activities that support early childhood education and promote school readiness of young children (age birth to 6) by helping parents, caretakers, child care providers, and educators who desire to incorporate appropriate developmental activities into the daily lives of pre-school age children and to facilitate broader involvement of other members in the community to develop a cohesive network of early learning opportunities. The "Early Learning Initiative" blends two new components with the Parent Assistance program formerly in Goals 2000. Because of the preponderance of early learning and related health and human service programs within the Department of Health and Human Services, the Secretary of HHS is responsible for administering this initiative (except for the Parent Assistance Program) in collaboration with the Secretary of Education.

Coordination of Federal Programs: Requires and provides the authority to the Secretaries of the Department of Health and Human Services and Education to develop effective mechanisms to resolve conflicts between early learning programs and remove barriers to the creation of a community-driven, unified system of services, activities, and programs for young children and their families.

Preserving Parental Rights and Roles: Clearly states that parents are not required to participate in any programs, services or activities funded under this part and reinforces that parents are responsible for directing the education of their children.

Federal Funding: $7 billion over 5 years is the amount authorized to carry out this early learning initiative. The amount starts at $1 billion and increases to $1.8 billion a year during the fifth year of the authorization.

Allotments to States: The federal share is 80% for the first two years of the grant, decreasing to 70% in the second and third years, and to 50% for the remainder of the initiative. There is a broad definition of how states can meet the match requirements, including cash or in-kind facilities, equipment, or services. The funds are allocated to the states based equally on the population of children aged 6 or under and the number of children aged 6 or under who are living in poverty. There is a small state minimum of .35% and a 1% set-aside for Indian Tribes, Native Alaskans, Hawaii Natives, and the Outlying areas. States are not permitted to use the funds to supplant existing funding for child care, Head Start, and other early learning programs.

Limit on Administrative Costs: Administrative costs are limited for both the Department of Health and Human Services (5%) and the States (3% for state-level coordination of services and 5% for administrative costs).

State Eligibility: To receive a grant allotment, States must submit an application, designate a lead entity, ensure that funds are distributed on a competitive basis throughout the state, ensure that a broad array/variety of early learning programs, activities, and services receive funds, and develop mechanisms to ensure compliance with the requirement of the initiative. States also are required to develop performance goals based on an assessment of needs and available resources and annually report the State's progress towards meeting those goals.

Awarding Grants to Localities: States must award grants consistent with the performance goals set by the State. Preference is given to grants which include services to help parents as well as those which provide direct activities for young children, and to grants which increase local collaboration to maximize the use of existing resources. There is no definition of entities eligible to receive grants, in order to facilitate the broadest possible participation among local community resources.

Use of Funds: Entities receiving funds from the State grant allotment will use the funds to:

1) Help parents increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social-emotion, and motor skills and promote learning readiness in their young children;
2) Provide increased opportunities for parents, caretakers, child care providers and educators to participate, with their children, in a variety of early learning programs, activities and services;
3) Remove barriers to the provision of an accessible, unified system of early childhood learning programs;
4) Establish and support local councils or partnerships to facilitate coordination and encourage broad-based involvement in expanding early learning opportunities within the community;
5) Develop linkages among early learning programs within a community and between early learning programs and health care services for young children; and
6) Early learning activities may include: formation of community-based early learning

councils, parent education, traveling or mobile pre-schools, home visiting, mother's-day-out programs, family literacy, library and other reading programs, parent-child exercise activities, recreational programs, formalized play groups, family resource services, home extension services, museum programs, respite services for parents, English as a second language programs for parents and their children, parent support groups, fine arts, performance arts and cultural activities, nutritional guidance and services, computer skills training for children, activities in non-profit cultural institutions, expansion of existing Head Start programs (including early head start), child care services, and other voluntary programs, services, and activities of sufficient intensity to ensure the likelihood of sustaining early learning gains and learning readiness.

Accountability: The State is primarily responsible for monitoring the use of funds by state grantees. If the State determines that the grantee is not complying with the requirements of the grant, the state must inform the grantee of the problems, provide training and technical assistance to help them correct the problems, and if that fails, terminate the grant.

Availability of Funds: The State has 2 years to expend the funds received under the State's allotment. Any unexpended funds will be redistributed to other states which have expended their allotment using the same formula as the original allocation. Of the allotment to Indian Tribes, Alaska Natives, Native Hawaiians, and Outlying areas, any funds not expended withing 2 years is redistributed to other entities receiving funding under this set-aside.

(b) - PARENTAL ASSISTANCE:

The Parental Assistance Program, formerly included in the Goals 2000: Educate America Act has been moved to the Early Learning Initiative to more effectively integrate community-based early learning activities within the States. The legislation continues to authorize the Parental Information and Resource Centers that currently operate in every state. These Centers work to increase parents' knowledge and confidence in child-rearing activities, strengthen partnerships between parents and professionals in meeting the educational needs of children between birth and age 5, and enhance the developmental progress of children assisted under the Individuals with Disabilities Education Act. A portion of the funds for this program supports the development of Parents as Teachers and Home Instruction for Preschool Youngsters programs in communities throughout the country. Currently funded at $30 million, the legislation changes the authorization to a $50 million set-aside within the Early Learning Initiative, and requires that at least half of those funds be used to establish, expand, or operate community-based early learning programs such as Parents as Teachers and the Home Instruction for Preschool Youngsters programs. The Department of Education will continue to administer this program.

(c) NATIONAL RESOURCES FOR EARLY LEARNING:

The National Resources for Early Learning provision of the legislation supports and enhances the toll-free hotline which links parents, caretakers, child care providers, educators, government entities, and private entities with community based resources to help them identify and access early learning resources, including child care services, available in the local area. It creates a national clearinghouse on effective practices in the field of early childhood education and early learning programs, services, and activities. This clearinghouse is linked to community-based early education and child care resources to facilitate the sharing of information among parents, providers, and educators. The hotline and clearinghouse will provide a single point of contact for parents, care givers, child care providers, and educators. In addition, the legislation authorizes the Secretary to work with the broadcast media to explore innovative ways to extend early learning opportunities beyond television programming. Built upon the groundwork laid by the Ready to Learn Act, this provision creates a collaborative process designed to engage the commercial arena in efforts to reach out to parents, service providers, and educators through the distribution of early learning materials, Internet-based activities, and viewing guides that supplement educational programming by expanding early learning opportunities beyond the television screen and in the home and community.

The Secretary is authorized to use no less than 3% and no more than 5% of the appropriations for the Early Learning Initiative to contract for these three activities. The intent is to enhance and expand hotline and clearinghouse resources by building on existing services.

Subpart 2: Ready to Learn Television

Purpose: The Ready to Learn Television program authorizes the Secretary of Education to award grants or enter into contracts or cooperative agreements to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents. Recognizing that television is part of the daily experience of most young children, the program supports efforts to teach parents, care givers, and child care providers how to use television as a means to help learn, develop, and play creatively.

Program: The proposed reauthorization fundamentally maintains the current Ready to Learn Television program. It makes funds available to local public television stations to work in partnerships with State education agencies (SEAs), local educational agencies (LEAs), local schools, institutions of higher education, or community-based organization to:

1) Address the learning needs of limited English proficient households;
2) Develop programming and support materials to increase family literacy skills;
3) Identify, support and enhance the effective use of innovative programs that promote school readiness; and
4) Develop and disseminate training materials that support efforts to integrate developmentally appropriate games and activities based on Ready to Learn Television programming.

Federal Funds: The Ready to Learn Television Program is currently funded at $11 million. This legislation increases the authorization of the program to $50,000,000 for fiscal year 2001 and such sums as necessary for the four succeeding fiscal years.

Subpart 3: Inexpensive Book Distribution Program

Purpose and Program: Funds made available under the Inexpensive Book Distribution Program" support "Reading is Fundamental" (RIF). Currently funded at $18 million, RIF supports and promotes programs, including the distribution of inexpensive books to students, to motivate children to read. RIF is a public private partnership program that operates nationwide and serves 3.5 million children annually in schools, child care centers, libraries, hospitals, clinics and homeless centers. The proposed reauthorization allocation for the first fiscal year following enactment is $25,000,000 (current funding level is $15,000,000).

PART B: 21st CENTURY COMMUNITY LEARNING CENTERS (Title III, Part B, Subparts 1 and 2)

OVERVIEW

The 21st Century Community Learning Centers initiative is designed to give public schools the opportunity to create facilities that deliver lifelong learning and related services to individuals of all ages. To carry out the purpose of the program, schools are strongly encouraged to collaborate with other public and nonprofit agencies and organizations, local businesses, and other entities so that services may be maximized.

Several key changes have been made in the reauthorization proposal from the current law. First, the authorization level has been substantially increased from $20 million to $800 million. Second, the reauthorization establishes two programs: 21st Century Community Learning Centers–Subpart 1 and Subpart 2. Subpart 1 continues the intent of the current law program which enables schools to offer an array of activities for lifelong learners. Subpart 2 creates a grant program that will fund non-school hours care for children and youth and will be administered by the Department of Health and Human Services. Funds appropriated for the 21st Century Community Learning Centers will be evenly divided between Subparts 1 and 2. Third, the process for awarding grants for Subpart 1 significantly differs from current law. Presently, the Secretary of Education awards the grants directly to schools. Since the proposed authorization level has substantially increased, States will receive funding based on a formula and will then make the awards to schools through a competitive process. Subpart 2, entitled "Nonschool Hours Care," is designed to make the most effective use of existing after-school, youth development, and youth services resources within a community. It focuses on fostering local collaboration, eliminating barriers, providing a broad array of activities to encourage children and youth to participate, and meeting the needs of working parents. Funds are allocated by formula to States, for distribution to local entities and collaboratives on a competitive basis.

SUMMARY OF PROVISIONS

SUBPART 1: 21st CENTURY COMMUNITY LEARNING CENTERS

PURPOSE -- The purpose is to enable public schools to establish and develop centers that deliver education and human resources to all members of the communities served by the public schools. Schools collaborate with other public and nonprofit organizations, local businesses, other educational entities, recreational, cultural, and human service organizations to address the needs of the community.

FEDERAL FUNDING -- $800,000,000 is authorized for the first fiscal year following enactment.

ALLOTMENT TO STATES -- The Secretary allots to each State an amount based on a ratio of a State's school-age population to the school-age population of all States. A small state minimum is also included which is 1/2 of one percent.

GRANDFATHER CLAUSE -- All current grantees that have been awarded funds under the 21st Century Community Learning Centers program will continue to receive funds under the original terms of the grant until the time period for that grant has expired.

STATE APPLICATIONS -- Any State seeking a grant will include the following information in their application to the Secretary:

a) designation of the State educational agency as the agency responsible for the administration of the program, including dissemination of data; and

b) provides for a biennial submission of data regarding use of funds

c) period of application -- the application is for 3 years and may be amended annually as may be necessary.

STATE USES OF FUNDS -- A State educational agency may use not more than 15 percent of funding for the following activities:

a) a peer review process for grant applications;

b) supervision of the awarding of funds to public elementary schools, secondary schools, or consortia of these schools;

c) monitoring and evaluation of programs; and

d) providing technical assistance.

DISTRIBUTION TO SCHOOLS -- A State educational agency shall use not less than 85 percent of funds to award grants, on a competitive basis, to elementary schools, secondary schools, or consortia of schools. A State educational agency shall not award a grant in any fiscal year that is less than $75,000.

a) Priority -- In awarding the grants, the State educational agency shall give priority to funding applications that describe projects that offer a broad selection of services that address the needs of the community to be served by the school or consortium.

<u>LOCAL APPLICATION CONTENTS</u> -- Any public elementary school, secondary school, or consortium seeking a grant will include the following information in their application to the State educational agency:

a) a comprehensive plan that enables the school or consortium to serve as a center for the delivery of education and human resources for members of a community;

b) an evaluation of the needs, available resources, and objectives for the proposed project; and

c) a description of the proposed project, including --

1) identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized;

2) a description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, businesses, or other appropriate organizations;

3) a description of how the school or consortium will serve as a delivery center for existing and new services; and

4) an assurance that the school or consortium will establish a facility utilization policy regarding utilization of the building and supervision guidelines.

<u>LOCAL APPLICATION SPECIAL RULE</u> -- A local educational agency may apply for a grant under this part on behalf of a public elementary school, secondary school, or consortia if the school building officials lack the authority to apply for Federal funds.

<u>LOCAL USES OF FUNDS</u> -- A public school or consortium may use their grant to carry out not less than four of the following activities:

a) literacy education programs;

b) senior citizen programs;

c) integrated education, health, social service, recreational, or cultural programs;

d) extended learning programs, including summer and weekend school programs in conjunction with recreational programs;

e) nutrition and health programs;

f) expanded library service hours to serve community needs;

g) telecommunications and technology education programs for individuals of all ages;

h) parenting skills education programs;

i) employment counseling, training, and placement;

j) services for individuals who leave school before graduating from secondary school, regardless of the age of such individuals;

i) services for individuals with disabilities

SUBPART 2: NON-SCHOOL HOURS CARE

<u>PURPOSE</u> -- The purpose of Subpart 2 is to increase the availability of care for school-age children and youth during the non-school hours, including before- and after-school. It expands the types of programs and activities eligible to receive funds to encourage the participation of a wide variety of community-based youth service providers, such as schools, youth development organizations, parks and recreation services, and other local resources.

<u>ADMINISTRATION AND FUNDING</u> -- The Secretary of Education is required to transfer 50 percent of the amount appropriated for the 21st Century Community Learning Centers to the Department of Health and Human Services for the administration of this Subpart.

<u>COORDINATION OF FEDERAL PROGRAMS</u> -- The Secretary of Health and Human Services, the Secretary of Education, and the Assistant Attorney General for the Office of Justice Programs are authorized and required to develop effective mechanisms to resolve conflicts between early learning programs and remove barriers to the creation of a community-driven, unified system of nonschool hours activities and programs.

<u>GRANTS TO STATES</u> -- The legislation creates a State grant program in which funds for this Subpart are allocated to States based equally on the total number of children and youth aged 5 to 17 and the number of those youth living in poverty. There is a small state minimum of .35% and an allocation of 1 percent for Indian Tribes, Alaska Natives, Native Hawaiians, and Outlying areas. States are not permitted to use the funds to supplant existing funding for before- and after-

school care, youth development programs, parks and recreational services, academic enrichment or summer school programs, and other activities for children and youth in the non-school hours.

STATE MATCH -- The federal funds can be used for 80 percent of the costs of the programs and activities, with state or local match being cash or in-kind, including facilities, equipment, and services. Fee-for-service funds can be used to achieve the match, as long as no fee is charged to children living in families who qualify to receive free- or reduced price lunches.

ADMINISTRATIVE COSTS -- The Department of Health and Human Services may use up to 7% of the funds transferred by the Department of Education for the costs of monitoring, evaluating, providing training and technical assistance, and administering the grant program. States may use not more than 4 percent of the State's grant to carry out training and technical assistance and an additional 4 percent for the costs associated with administering the grant.

STATE ELIGIBILITY -- To receive a grant allotment, States must submit an application to the Department of Health and Human Services, designate a lead entity, ensure that funds are distributed on a competitive basis throughout the state, ensure that a broad variety of non-school hours programs and types of service providers receive funds, and develop mechanisms to ensure compliance with the requirements of the initiative.

AWARDING GRANTS TO LOCAL ENTITIES -- The state may award grants to public and private entities with demonstrated experience in providing services to children and youth. Preference is given to activities which remove barriers to the provision of nonschool hours care (such as the lack of transportation services between school, home, and program locations), coordinated programs which connect resources from a variety of community-based resources to achieve a continuity of care across the age and activities spectrum, and programs which use at least 20 percent of the funding received in the community under the Safe- and Drug-Free Schools and Communities Act to provide nonschool hours activities for school-aged youth. For the first three years of the grant program, communities which have received funding under the 21st Century Community Learning Centers Act for after-school care will receive a preference if they have formalized cooperative agreements that demonstrate that such program operates on a collaborative basis with other youth serving entities in the community.

ELIGIBILITY OF LOCAL GRANTEES -- To receive a grant from the State, local entities or collaborations must maintain cooperative agreements with a broad range of public and private agencies, organizations, and other service providers (including, to the maximum extent possible, local elementary and secondary schools) to facilitate a continuity of care across the age and activities spectrum. Activities receiving funds must be designed to meet the needs of working parents and assist youth in acquiring the skills and competencies needed to make successful transition from childhood to adulthood. Those competencies include the social, physical, emotional, moral, and cognitive development of children and youth. Although activities should be primarily non-academic in focus, they can include tutoring and a wide range of academic enrichment programs conducted outside the traditional classroom environment.

AUTHORIZED ACTIVITIES -- The legislation includes a illustrative list of types of programs and activities that may receive funding under this Subpart, including: leadership development, mentoring, peer counseling and teaching, literacy and other reading activities, community service, sports and recreation, arts and cultural activities, character development, mediation skills, substance abuse prevention, camping and environmental education, tutoring, academic enrichment, and homework help.

HELPING LOW-INCOME FAMILIES -- At least 30 percent of the funds received by a grantee must be used to subsidize the cost of activities for low-income youth (living in families qualified to receive free- or reduced-price lunches).

ACCOUNTABILITY -- The Secretary of the Department of Health and Human Services is responsible for monitoring and evaluating the effectiveness of activities receiving funding under this Subpart and shall consult with other appropriate federal agencies to ensure effective coordination of this Subpart with other programs providing similar services for children and youth (including child care, delinquency prevention, substance abuse, pregnancy prevention, school-to-work transition, and extended school day/year programs). The State is primarily responsible for monitoring the use of funds by local grantees. If the State determines that the grantee is not complying with the requirements of the grant, the state must inform the grantee of the problems, provide training and technical assistance to help them correct the problems, and if that fails, terminate the grant.

Part C: High School Initiative

The purpose of this part is to create initiatives that will better prepare high school students to meet the challenges of the global economy. The part consists of two subparts which are: (1) a high school reform program and (2) Part D from the current Title I law--which is the Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk of Dropping Out.

To implement the high school reform program, States will award funds competitively to high schools for the development of activities to motivate students to complete their high school education. Such efforts include: articulation agreements between secondary and postsecondary institutions; promoting partnerships with both business and the community; and alternative school efforts that match a student's readiness to learn with a curriculum that addresses the student's learning needs.

The Title I, Part D, program for youth who are neglected, delinquent, or at risk of dropping out primarily serves youth who have been assigned to institutional facilities. The purpose of the program is to provide those youth with the opportunity to make a successful transition from institutionalization to further schooling or employment. Most of the current law provisions would be retained in this proposal.

Part D: The Jacob Javits Gifted and Talented Students Education Act

__Overview:__ Under current law, the Javits Gifted and Talented program provides grants to State educational agencies, local educational agencies, institutions of higher education, and other public and private agencies. These grants fund research, demonstration projects, and training activities designed to meet the special needs of gifted and talented students. The present funding level is $6.5 million.

The proposal for the Elementary and Secondary Education Act reauthorization is to place greater emphasis on providing grants to local public schools. These grants will encourage the development of challenging curricula and expand professional development opportunities for educators. The authorized funding level for the State and local grant program would be increased to $155,000,000 for the first fiscal year following enactment.

In addition, the reauthorization also retains language from current law regarding the establishment of a National Center for Research and Development in the Education of Gifted and Talented Children and Youth. The authorized funding level for the center is $5,000,000 for the first year following enactment.

__Purpose:__ The primary purpose of the Javits Gifted and Talented program is to provide grants to State educational agencies and local public schools for the support of programs, classes, and other services designed to meet the needs of gifted and talented students in elementary and secondary schools.

__Federal Funding__: $155,000,000 is the amount authorized to carry out this program for the first fiscal year following enactment.

__Allotment to States:__ The Secretary allots to each State an amount based on a ratio of a State's school-age population to the school-age population of all States. A small state minimum is also included which is ½ of one percent.

__Grandfather Clause:__ All current grantees that have been awarded funds under the Javits Gifted and Talented program will continue to receive funds under the original terms of the grant until the time period for that grant has expired.

__State Applications:__ Any State seeking a grant will include the following information in their application to the Secretary:

> a) designation of the State educational agency as the agency responsible for the administration of the program, including public dissemination of data;
>
> b) an assurance that the State educational agency will have the ability to provide matching funds of amount equal to and not less than 20 percent for gifted and talented activities

(match is defined as either in cash or in-kind); and

c) provides for a biennial submission of data regarding the use of gifted and talented funds.

State Uses of Funds: A State educational agency may use not more than 10 percent of funding for the following activities:

a) a peer review process for grant applications;

b) supervision of the awarding of funds to elementary schools, secondary schools, or consortia of these schools;

c) technical assistance, evaluation, and dissemination or programs and activities; and

d) supplementing, but not supplanting, State and local funds for the education of gifted and talented students.

Parental Support: A State educational agency may use not more than 2 percent of funding for support to parents of gifted and talented children.

Distribution to Schools: A State educational agency shall use not less than 88 percent of funds to award grants, on a competitive basis, to elementary schools, secondary schools, or consortia of schools. A State educational agency shall not award a grant in any fiscal year that is less than $75,000.

Local Application Contents: Any elementary school, secondary school, or consortium seeking a grant will include the following information in their application:

a) an assurance that funds received under this program will be used to identify and support gifted and talented students, including gifted and talented students from all economic, ethnic, and racial backgrounds, such as students of limited English proficiency and students with disabilities;

b) a description of how the school or consortium will meet the educational needs of gifted and talented students, including --

(1) the training of personnel in the education of gifted and talented students; and

(2) where appropriate, using gifted and talented services, materials, and methods for all students; and

c) a description of how the school or consortium will evaluate and disseminate information regarding their activities.

Local Application Special Rule: A local educational agency may apply for a grant under this part on behalf of an elementary school, secondary school, or consortia if the school building officials lack the authority to apply for Federal funds.

Local Uses of Funds: A school or a consortium may use their grant to carry out one or more of the following activities:

a) professional development -- developing and implementing programs to address State and local needs for inservice training activities for general educators, specialists in gifted and talented education, administrators, school counselors, or other school personnel;

b) identification of students -- providing services to gifted and talented students who may not be identified and served through traditional assessment methods, including educationally disadvantaged students; students of limited English proficiency; and individuals with disabilities;

c) model projects -- supporting and implementing innovative strategies such as cooperative learning, peer tutoring, independent study, and adapted curriculum used by schools or consortia; and

d) emerging technologies -- assisting schools or consortium, that do not have the resources to provide courses through new and emerging technologies which may include distance learning curriculum (no funds may be used for the purchase or upgrading of technological hardware).

Private School Children & Teachers Participation: This provision appears in current law. Where appropriate, the Secretary will ensure that there is equitable participation of students and teachers in private, nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development.

Establishment of a National Center: This provision is also contained in current law.

National Center Purpose: The purpose of the National Center for Research and Development in the Education of Gifted and Talented Children and Youth is to develop, devise, disseminate, and evaluate model projects and activities that serve gifted and talented students.

Center Establishment: The Secretary shall establish a National center through grants or contracts with 1 or more institutions of higher education, State educational agencies, or a consortia of such institutions and agencies.

Grandfather Clause: (This is a new provision.) The current National Center grantee will continue to be the grantee for the duration of the current grant.

Part E – Arts In Education

Purpose and Program: The Arts in Education program is currently funded at $10.5 million. The proposed reauthorization reauthorizes Subpart 1 – Arts Education, and Subpart 2 – Cultural Partnership for Youth at Risk, and moves these provision to Title III, Part E. The program will continue to support: activities that provide students opportunities to have the arts as an integral part of the elementary and secondary school curriculum; the important education programs of the John F. Kennedy Center and the Very Special Arts programs; and grants to improve the performance of at-risk youth by providing comprehensive and coordinated educational and cultural services. The draft proposal authorizes $25 million for subpart 1 and $45 million for subpart 2 and maintains the reservation of funds for the John F. Kennedy Center and the Very Special Arts programs.

TITLE IV -- Safe and Drug-Free Schools and Communities

[TO BE SUPPLIED]

TITLE V-- Educational Opportunity Initiatives

Part A: Technology Education
Part B: Star Schools
Part C: Magnet Schools
Part D: Public Charter Schools
Part E: Women's Educational Equity Act
Part F: Fund for the Improvement of Education
Part G: Civic Education
Part H: Allen J. Ellender Fellowship Program

Overview of Part A: Education Technology and Part B: Star Schools

The current education technology program authorized under Title III (Parts A and B) of the Elementary and Secondary Education Act make $682.1 million available to State education agencies, local educational agencies, institutions of higher education, technology consortia, and others for the purposes of improving technology access, education, professional development and instruction in elementary and secondary schools. The proposed reauthorization renews the federal government's commitment to education technology and makes only minor changes to Parts A and B. The Part A programs include: Leadership Activities; the Technology Literacy Challenge Fund program; the Technology Innovations Challenge Grant program, and the Regional Technology in Education Consortia. Part B is home to the "Star Schools" program. The Teacher Training in Technology and the Community-Based Technology Centers each received funding last fiscal year, yet are not authorized programs.

Part A: Technology Education

Purpose: The draft proposal updates the purposes of the program to include providing support for: helping all students develop technical and higher-order thinking skills and to achieve to challenging State academic and performance standards; giving all classrooms access to education technology; ensuring access to and effective use of educational technology through the provision off sustained and intensive high quality professional development.

Funding: The draft Senate proposal authorizes $815,000,000 for subparts 1, 2 and 3 for 2001 and such sums as necessary for the four succeeding fiscal years. Of that amount $5 million shall be available for federal leadership activities; $10 million for Regional Technology in Education Consortia; 25% of the remaining for Technology Innovation Challenge grants (competitive grant) and 75% of the remaining for the Technology Literacy Challenge Fund (formula program to States). It ensures that under no circumstances would the formula grant program to States receive less than it did in fiscal year 2000. The proposed reauthorization puts an emphasis on increasing the use of education technology to provide professional development opportunities for prospective teachers, current teachers as well as school leaders. It eliminates unfunded programs [Product Development (current Subpart 4 of Title III, Part A) and Elementary Mathematics and Science Equipment Program (Title III, Part E)].

Part B: Star Schools

The purpose of the Star Schools program is to use telecommunications to encourage improved instruction in math, science and foreign languages as well as literacy skills and vocational education to underserved populations. These are five-year grants which can be renewed for a three-year period. Currently funded at $45 million, the proposed reauthorization increases the authorization of the program to $50 million for fiscal year 2001 and such sums as necessary for the four succeeding fiscal years.

Part C: Magnet School Assistance

Magnet schools are public elementary schools or secondary schools that offer a special curriculum which attracts substantial numbers of students of different racial backgrounds. The purpose of the Magnet Schools Assistance program is to assist schools in increasing their racial, economic, linguistic, or ethnic diversity between minority and non-minority students and among students of different minority groups. Magnet school projects help local educational agencies implement systemic reform. The reauthorization proposal retains most of the current law provisions.

Part D: Public Charter Schools

Charter schools are public schools that are released from various regulations that normally apply to public schools in exchange for increased student performance accountability. The Public Charter Schools program supports the establishment of charter schools in states that have enacted state charter school laws.

The Public Charter Schools program supports the design, initial implementation, and evaluation of charter schools. Under this grant program, funds are provided for up to three years, to State educational agencies to support eligible charter schools within the State. The State educational agencies award grants for planning, technical assistance, and dissemination. The reauthorization proposal retains the provisions of current law.

Part E: Women's Educational Equity Act

The Women's Educational Equity Act (WEEA), currently authorized as Part B of Title V of ESEA, is extended through fiscal year 2005. WEEA provides grants for the operation of programs promoting educational equity for women and girls. Approximately two-thirds of WEEA funds are used to support local projects. The remaining funds are used for technical assistance, dissemination, and research and development. Fiscal year 1999 funding for WEEA was $3 million. The proposed reauthorization makes minor clarifying changes to the existing law and provides an authorization level of $5 million in FY 2001-- the same amount included in the 1994 reauthorization.

Part F: Fund for the Improvement of Education (FIE)

The Fund for the Improvement of Education (FIE), currently authorized as Part A of Title X of ESEA, is substantially streamlined and extended through fiscal year 2005. FIE provides the Secretary with broad authority to support nationally significant programs and projects designed to improve the quality of education. Several specific programs, such as character education, are also authorized under FIE. Fiscal year 1999 funding for FIE was $147 million.

The proposed reauthorization specifies activities to be supported by FIE to include: the identification of exemplary schools and programs (such as Blue Ribbon Schools); the development and evaluation of model strategies for professional development for teachers and administrators (such as Christa McAullife Fellowships); character education (which has separate authority under FIE and which received $10 million in fiscal year 1999); and the scholar-athletes program (also separately authorized under FIE, receiving $800,000 in FY 1999). The Comprehensive School Reform Program currently funded under FIE is transferred to Title I. A funding level of $35 million is authorized for fiscal year 2000. This level of funding is sufficient to support the more focused activities authorized by the proposed reauthorization.

Part G: Civic Education

The proposed reauthorization merges the Civic Education program currently authorized as Part F of Title X and the International Education Exchange Program currently authorized under Title VI of Goals 2000: Educate America Act. The proposal authorizes $10 million for fiscal year 2001 for each component (domestic and international) and "such sums as may be necessary" through FY 2005.

The Civic Education program provides support for programs related to instruction on the basic principles of our constitutional democracy and the history of the Constitution and the Bill of Rights. The program received $7.5 million in fiscal year 1999.

The International Education Exchange program provides support for education exchange activities in civics and government education and in economic education between the United States and eligible developing countries (i.e. Eastern Europe, former republics of the Soviet Union). Its purpose is to support democracy and free market economies. Grantees offer exemplary curriculum and teacher training to educators from eligible countries. They also sponsor seminars and site visits and develop related programs for U.S. students. The program received $7 million in fiscal year 1999.

Part H: Allen J. Ellender Fellowship Program

The Allen J. Ellender Fellowship Program, currently authorized as Part G of Title X, is extended through fiscal year 2005 without major change. This program makes an award to the Close Up Foundation to provide fellowships to students from low-income families and their teachers to allow them to participate in one week of seminars on Government and meetings with representatives of all three branches of the Federal Government. Fiscal year 1999 funding for the program was $1.5 million. The proposed reauthorization provides an authorization of $1.5 million for fiscal year 2001.

TITLE VI – INNOVATIVE EDUCATION
OVERVIEW

The purpose of Title VI, Innovative Education, is to provide funds to local educational programs for the implementation of initiatives that support school improvement and reform efforts with the goal of advancing student performance. To accomplish the purpose of Title VI, States allocate funds to local school districts for an array of activities such as professional development, technology, and library services.

The Title VI reauthorization proposal expands the current funding level for the Innovative Education Program Strategies section. The new authorization of $2,236,000,000 (for the first fiscal year following enactment) combines funds from Goals 2000 State Grants Program (which is set to expire in the year 2000), the Class Size reduction allocation which was included as an amendment to the Fiscal Year 1999 Omnibus Consolidated and Emergency Appropriations Act, and the annual allocation for the authorized Title VI program. The appropriation for programs under the current Title VI program is $375 million.

In addition to significantly changing the authorized funding level from current law, the reauthorization proposal broadens the local uses of funds section. Local educational agencies may use their grant to recruit, hire, and train certified teachers (including teachers certified through State and local alternative routes) in order to reduce class size.

Another key change from current law is the inclusion in this title of the Education Flexibility Partnership Act, Consolidated State and Local Plan Applications, and Waivers of statutory and regulatory requirements These are provisions relating to both flexibility and accountability which are located in various titles of the current law and are now consolidated under Title VI.

The Rural Flexibility Act is a new Title VI initiative. The purpose of the Rural Flexibility proposal is to provide adequate funding to rural school districts for improving student performance. The Rural Flex initiative will enable rural school districts to maximize their funding resources which will assist in the implementation of education reform strategies. $105,000,000 is authorized to carry out this program for the first fiscal year following enactment.

SUMMARY OF PROVISIONS

PART A: INNOVATIVE EDUCATION PROGRAM STRATEGIES

PURPOSE -- The purpose of Title VI is to support education reform efforts that are consistent with and support statewide education reform initiatives. Grant funds are used to develop and implement education programs to improve school, student, and teacher performance, including professional development activities and class size reduction programs.

STATE AND LOCAL RESPONSIBILITY -- The administration of Title VI funds is handled by the State educational agencies. However, the design and implementation of Title VI activities are the responsibilities of the local educational agencies, school superintendents, principals, and teachers.

FEDERAL FUNDING -- $2,236,000,000 is the amount authorized to carry out the innovative education strategies section of this title, Parts A-D for the first year following enactment.

ALLOTMENT TO STATES -- This is the same as current law. The Secretary allots to each State an amount based on a ratio of a State's school-age population to the school-age population of all States. A small state minimum is also included, as in current law, which is ½ of one percent.

ALLOCATION TO LOCAL EDUCATIONAL AGENCIES -- Not less than 90 percent of the funds allocated to the States shall be distributed to local educational agencies. A State educational agency may use the remaining 10 percent for statewide education activities, technical assistance and direct grants to local educational agencies, and for monitoring and evaluating programs and activities funded through the Title VI program.

a) Formula distribution -- 80 percent of the 90 percent that is to be distributed to local educational agencies shall be based on the formula contained in current law. The formula is based on enrollments in public and private elementary and secondary schools within local educational agencies adjusted to provide higher per pupil allocations to local educational agencies serving high numbers or percentages of children from low-income families and children living in sparsely populated areas.

b) Competition -- This is a new provision. Both state and local education leaders have repeatedly stated that a portion of Title 6 funds should be awarded on a competitive basis as a means for encouraging creative and comprehensive reform efforts. 20 percent of the 90 percent shall be awarded through competition by the State educational agency to local educational agencies. The State educational agency shall consult with local educational agencies, private nonprofit elementary schools and secondary schools within the State regarding procedures for awarding the competitive grants.

STATE APPLICATIONS -- Any State submitting an application to the Secretary will provide assurances that, other than technical assistance and monitoring compliance, the State educational agency will not influence the decision making processes of local educational agencies as to how the local educational agencies will spend the funds received under this title.

LOCAL USES OF FUNDS -- Title VI funds allocated to local educational agencies shall be used for innovative assistance which includes:

a) programs to improve teaching and learning, including professional development activities that are consistent with comprehensive State and local systemic education reform efforts;

b) programs to recruit, hire, and train certified teachers (including teachers certified through State and local alternative routes) in order to reduce class size;

c) activities that encourage and expand improvements throughout the local educational agency that are designed to advance student performance;

d) initiatives to generate, maintain, and strengthen parental and community involvement, especially creating activities to meet the educational needs of children aged birth through 5;

e) programs to improve the academic performance of educationally disadvantaged elementary school and secondary school students, including activities to prevent students from dropping out of school;

f) programs and activities that expand learning opportunities through strategic research designed to improve classroom learning and teaching;

g) programs to combat both student and parental illiteracy;

h) technology activities related to the implementation of school-based reform efforts, including professional development to assist teachers and other school personnel regarding how to effectively use technology in the classroom;

i) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, and other curricula materials that --

1) are tied to promoting high academic standards;

2) will be used to improve student performance; and

3) are part of an overall education reform strategy

j) school improvement programs or activities relating to the assessment section of Title I; and

k) programs to provide for the educational needs of gifted and talented children.

<u>LOCAL APPLICATIONS</u> -- A local educational agency or consortium of agencies seeking Title VI funds will include in their applications such information as:

a) a description of the programs, projects, and activities that will be funded;

b) a description of how parents, teachers, school personnel, and administrative personnel will be involved in the design, planning, and implementation of Title VI initiatives;

c) a description of how Title VI projects will contribute to improving student achievement or improving the quality of education for students; and

d) assurances of compliance regarding the participation of children enrolled in private, nonprofit schools.

LOCAL EDUCATIONAL AGENCY DISCRETION -- A local educational agency receiving funds under Title VI will have complete discretion in determining how funds will be divided among the areas of targeted assistance. The local educational agency will ensure that the schools will meet the educational needs of the students served by the schools receiving Title VI funds.

PART B: RURAL FLEXIBILITY ACT

RURAL FLEXIBILITY ACT -- The purpose of this Part is to provide adequate funding to rural school districts for improving both student achievement and the quality of instruction. Through the Rural Flexibility Act, rural school districts will have the ability to maximize their resources for implementation of education reform strategies. In addition, the Rural Flex initiative will give rural schools the opportunity to offer programs and activities of sufficient size, scope, and quality which will benefit student and school performance.

PART C: EDUCATION FLEXIBILITY PARTNERSHIP ACT

EDUCATION FLEXIBILITY PARTNERSHIP ACT -- The Education Flexibility Partnership Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, for the purpose of raising achievement of all students.

PART D: FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

CONSOLIDATION OF STATE AND LOCAL ADMINISTRATIVE FUNDS - A State educational agency may consolidate administrative funds for one or more of the activities specified below provided that the state educational agency can demonstrate that the majority of such agency's resources come from non-Federal sources. These programs include:

a) all Title 1 programs;

b) administration of this Title;

c) establishment and operation of peer-review mechanisms under ESEA; and

d) dissemination of information regarding model programs and practices.

Consolidated Administrative, Record keeping -- A State Educational Agency that consolidates administrative funds will not be required to keep separate records, by individual program, to account for administrative costs.

Review of Consolidated State Administrative. -- To determine the effectiveness of State educational agencies consolidating administrative funds, the Secretary may periodically review the performance of State educational agencies.

Consolidation of Local Administrative. -- In accordance with regulations, a local educational agency, with the approval of its State educational agency, may consolidate one or more of the programs outlined under Consolidation of State and Local Administrative. Funds.

Availability of Unneeded Program Funds -- With the approval of the State Educational Agency, a local educational agency that determines for a fiscal year, that funds from programs listed under Consolidation of State and Local Administrative. Funds (other than funds from Part A of Title I) are not needed to carry out that program, the local educational agency may use up to five percent of those funds to carry out one of the other programs listed under Consolidation of State and Local Administrative. Funds.

PART E: CONSOLIDATED PLANS

INTEGRATION OF STATE PLANS -- State educational agencies may integrate the following programs into one plan. These include:

a) Part A of Title 1 -- Helping Disadvantaged Children Meet High Standards;

B) Part C of Title 1 -- Education of Migratory Children;

C) Title II -- Professional Development;

D) Title IV -- Safe and Drug Free Schools; and

E) Part A of this Title -- Innovative Education Program Strategies;

INTEGRATION OF LOCAL PLANS -- Local educational agencies may integrate the following programs into one plan:

A) Part A of Title 1 -- Helping Disadvantaged Children Meet High Standards;

B) Title II -- Professional Development;

C) Title IV -- Safe and Drug Free Schools;

D) Part A of this Title -- Innovative Education Program Strategies;

PART F -- WAIVERS

WAIVERS -- A State educational agency, local educational agency, or Indian tribe which seeks a waiver, shall submit a waiver request to the Secretary that --

a) identifies the Federal programs affected by such requested waiver;

b) describes which Federal requirements are to be waived and how the waiving of such requirements will --

I) increase the quality of instruction for students; or

ii) improve student academic performance;

c) if applicable, describe which similar State and local requirements will be waived and how the waiving of such requirements will assist the local educational agencies, Indian tribes, or schools to achieve improvement in student academic performance or increase the quality of instruction for students;

d) describes specific, measurable, educational improvement goals and expected outcomes for all students;

e) describes the methods to be used to measure progress in meeting the goals and outcomes; and

f) describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

Requirement for State Educational Agencies -- In seeking a waiver, a State educational agency will provide all interested local educational agencies and the public with notice and the opportunity to comment and submit the comments to the Secretary.

Local Educational Agencies -- A waiver sought by a local educational agency will be reviewed by the State educational agency. In addition, the local educational agency will provide the opportunity for notice and comment to the public.

Restrictions -- Waivers will not be granted relating to the following:

a) the allocation or distribution of funds to States, local educational agencies, or other recipients under this Act;

b) maintenance of effort;

c) comparability of services;

d) use of Federal funds to supplement, not supplant, non-Federal funds;

e) equitable participation of private school teachers and students;

f) parental participation and involvement;

g) civil rights requirements;

h) requirements for a charter school;

i) prohibitions on the use of funds for religious worship or instruction

Duration and Extension of Waiver -- The duration of a waiver approved by the Secretary may be for a period not to exceed three years. The Secretary may extend the period if the Secretary determines that the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved student performance and that such an extension is in the public interest.

TITLE VII -- Bilingual Education, Language Enhancement, and Language Acquisition Programs

The Bilingual Education program is designed to provide educational assistance to students with limited English proficiency. Funds awarded under this program help students with limited English proficiency to meet challenging State content and performance standards. The reauthorization proposal retains most current law provisions--with an emphasis on professional development and parental involvement. The new professional development provisions will strengthen the professional development initiatives designed for school personnel who work with students with limited English proficiency. The new components pertaining to parents include outreach programs, with a particular focus of parental understanding of State standards and assessments. The minimum amount that a State educational agency will receive will not be less than $200,000 (this is increased from $100,000 under current law) for the State Grant program.

TITLE VIII -- IMPACT AID

Impact Aid programs provide assistance to school districts that are financially burdened as a result of activities of the Federal government for the education of federally connected children or due to the presence of Federal property.

The proposed reauthorization extends currently funded impact aid programs through fiscal year 2005. Unfunded authorities for special additional payments for LEAs with high concentrations of children with severe disabilities and for sudden and substantial increases in attendance of military dependents are repealed. Revisions in other impact aid programs are made in order to avoid disruption of payments to program participants and to reduce delays in the issuance of payments.

TITLE IX -- Indian, Native Hawaiian, and Alaska Native Education

Purpose and Program: The purpose of Title IX is to modify an improve the educational services provided for American Indian, Alaska Native, and Native Hawaiian students. The proposed reauthorization continues to make grants available to schools operated or supported by the Bureau of Indian affairs and allows Local Education Agencies to provide an increased range of services to include those that: (1) promote the incorporation of culturally responsive teaching and learning strategies; (2) incorporate American Indian and Alaska Native specific curriculum content into the curriculum; (3) promote coordination between tribal, Federal, and State public schools, in areas that will improve education; and (4) offer family literacy activities. The proposed reauthorization authorizes the provision of family literacy services for Indian, Native Hawaiian, and Native Alaskan students, limits administrative costs to 5%, and consolidates a number of programs under Part B: Native Hawaiian Education and Part C: Native Alaskan Education.

TITLE X -- General Provisions

Part A: Uniform Provisions

Part B: Evaluation and Dissemination

The ESEA reauthorization proposal contains a separate part pertaining to evaluation and dissemination of all elementary and secondary education programs funded under the Elementary and Secondary Education Act. Components include requiring the Secretary of Education to: carry out comprehensive evaluations of all programs and demonstration projects; evaluate the cost-efficiencies of Federal elementary and secondary education programs; assess the impact of programs in relation to student and school performance; and disseminate broadly the results of these evaluations. America's Education Goals Panel (formerly the National Education Goals Panel) will work with the Secretary of Education to disseminate information regarding best practices. The reauthorization of the Goals Panel will also be included in this part.

TITLE XI -- Amendments to Other Acts

Part A: Education for Homeless Children and Youth

The Education for Homeless Children and Youth program authorized as Subtitle B of the Steward B. McKinney Homelss Assistance Act is extended through fiscal year 2005. The program provides assistance for: the establishment of Offices of Coordinator of Education of Homeless Children and Youth in States; the development and implementation of State plans for the education of homeless children; and support to local educational agencies for the education of these children. The proposed reauthorization strengthens provisions of the current law designed to avoid segregating homeless students, to maintain a child's attendance at his or her school of origin, to avoid enrollment delays, and to assure that the quality of an application is considered in the provision of subgrants to local educational agencies.