

Education - ESEA

PHOTOCOPY
PRESERVATION

HELP Panel Delivers Blow To Clinton Education Proposals

EDUCATION

SENATE HEALTH, Education, Labor and Pensions Committee Republicans dealt some staggering blows to President Clinton's school initiatives Wednesday — voting to reject his plan to hire 100,000 new teachers and to help finance the renovation of rundown local school buildings, *National Journal News Service* reported.

As the panel continued its contentious markup of renewal of the Elementary and Secondary Education Act, GOP members adopted a Republican plan that would expand a low-income student's ability to switch to a better school.

Committee Democrats, led by **HELP ranking member Edward Kennedy**, D-Mass., vowed to reprise the debate when the bill reaches the Senate floor,

probably in early April. But the prospect of overturning the panel's judgment appears remote — thereby leading to a presidential veto

Spearheaded by **Sen. Judd Gregg**, R-N.H., a former governor, GOP members adopted ESEA amendments that would empower states to use the federal money with few restrictions, other than prescribing broad directions to improve the performance of low-income and minority students.

Most of the nearly \$20 billion in the ESEA bill allocated for FY2001 would go to states and local schools in block grants consolidating major programs that up until now have been financed separately and targeted for specific purposes. Governors would have wide sway to spend the money as they deemed appropriate.

The committee approved, by a party-line 9-8 vote, Gregg's amendment permitting low-income students to switch to other schools — and take their federal allocation of money under ESEA's Title I program with them. That allocation ranges from \$400 to \$700 per pupil.

If a student moved to another school, the first school would have to fork over his or her portion of the Title I money to the new school. Parents could use the money for individual tutoring of the child.

Gregg's proposal would start as a demonstration program in 10 states, as yet undesignated. He said Arizona and Milwaukee have launched such "portability" programs, with reported improvements in academic achievement.

— BY DAVID HESS

Kasich, Domenici Resume Direct Talks On Crafting Budget Plan

BUDGET

HOUSE BUDGET Chairman **Kasich** and Senate Budget Chairman **Domenici** have resumed their effort of early February to "pre-conference" the total discretionary spending number for the FY2001 budget resolution — although neither committee is prepared to mark up a budget blueprint this week.

While the Senate will be out next week, the House Budget Committee hopes to go to markup next Wednesday.

But first, panel Republicans must wrestle with the same problem that has stalled their Senate Budget colleagues — agreeing to a spending total that satisfies both conservative hardliners and budget pragmatists.

To that end, **House Speaker Hastert** and **Kasich** held back-to-back listening sessions Wednesday evening — first with defense hawks and then with various interested members — to determine what number the House GOP Conference could support.

The discussions will continue as the leadership tries to balance competing pressures from defense hawks, who want to spend \$10 billion to \$15 billion more on the military next year

than the president; moderates and appropriators, who say some increase over current spending is needed to meet GOP pledges of more money for education, biomedical research, veterans and agriculture; and hardline fiscal conservatives, who want to freeze total appropriations at the FY2001 enacted level of \$586 billion.

Domenici, who believes \$600 billion is more realistic, has a similar struggle on his hands within the Senate Budget Committee — where conservatives led by **Sen. Phil Gramm**, R-Texas, also want to clamp down on FY2001 spending.

Gramm has said he opposes allowing real growth in non-defense discretionary spending. And Gramm — as well as **Kasich** — wants to make sure

the budget leaves room for the \$483 billion tax cut package proposed by the likely GOP presidential nominee, Texas Gov. George W. Bush.

Rep. John Sununu, R-N.H., a member of both the House Budget and Appropriations panels, said: "You've got to give a lot of credit to the senators who are weighing in to control spending in the Senate budget resolution. In the House, there has always been very broad support for [a spending freeze]."

But Sununu also acknowledged that pressure to spend more from defense hawks and others would force the House Budget Committee to go higher than the freeze level, although he predicted the committee will produce a budget that "quite likely will be very close to \$586 [billion]."

Sununu also said the committee's budget will contain separate reconciliation instructions to cover the "marriage penalty" tax relief bill and the Social Security earnings limit repeal already passed by the House — as well as for a version of the Senate's Education Savings Accounts legislation, and possibly for urban renewal tax credits.

— BY LISA CARUSO

Rep. John Sununu, R-N.H., said pressure to spend more from defense hawks and others would force the House Budget Committee to go higher than the freeze level.

Congress This Week

Today

Senate Committees

Appropriations

DOT Oversight

Transportation Subcommittee hearing on Transportation Department program oversight. **Witnesses:** Ken Mead, inspector general, Transportation Department; and Jack Basso, assistant secretary, Transportation Department. 124 DSOB. 10 a.m.

Medicare Waste

Labor-HHS Subcommittee hearing on Medicare waste, fraud and abuse. **Witnesses:** June Gibbs Brown, inspector general, HHS; Nancy-Ann Min Deparle, administrator, Health Care Financing Administration; and Leslie Aronovitz, associate director, health financing and public health, GAO. 216 HSOB. 9:30 a.m.

Treasury Budget Estimate

Treasury-Postal Subcommittee hearing on proposed FY2001 budget estimates for the Treasury Department. **Witness:** Treasury Secretary Summers. 116 DSOB. 10 a.m. (Postponed.)

Armed Services

Atomic Defense

Full committee hearing on the Energy Department's FY2001 budget request for atomic energy defense activities. **Witness:** Energy Secretary Richardson. 222 RSOB. 9:30 a.m.

Defense Budget

Personnel Subcommittee hearing on legislation authorizing FY2001 funds for the Defense Department and the Future Years Defense Program. 222 RSOB. 2:30 p.m. (New.)

Banking

International Financial Institutions

Full committee hearing on a report by the International Financial Institution Advisory Commission on changes recommended in the International Monetary Fund and the World Bank and other international financial institutions. 628 DSOB. 10 a.m.

Environment and Public Works

NRC

Clean Air, Wetlands, Private Property and Nuclear Safety Subcommittee hear-

ing on the Nuclear Regulatory Commission. **Witness:** Gary Jones, associate director, energy, resources and science, GAO. 406 DSOB. 9 a.m. (Revised.)

Finance

Internal Revenue Code

Full committee hearing on penalty and interest provisions in the Internal Revenue Code. 215 DSOB. 10 a.m.

Foreign Relations

NATO/European Defense

European Affairs Subcommittee hearing on NATO and the European Defense Program. **Witnesses:** Marc Grossman, assistant secretary, European affairs, State Department; and Frank Kramer, assistant secretary, international security affairs, Defense Department. 419 DSOB. 2 p.m.

Governmental Affairs

Human Capital

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee hearing on managing human capital in the 21st Century. **Witnesses:** David Walker, comptroller general, GAO; and Janice Lachance, director, Office of Personnel Management. 342 DSOB. 10 a.m.

Judiciary

Pending Legislation

Full committee markup of H.R.1658, to provide a more just and uniform procedure for federal civil forfeitures; S.2045, to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens; S.1796, to modify the enforcement of certain anti-terrorism judgments; and S.J.Res.39, recognizing the 50th anniversary of the Korean War and the service by members of the armed forces during such war. 226 DSOB. 10 a.m.

Intelligence

Intelligence Matters

Full committee hearing on pending intelligence matters. 219 HSOB. 9:30 a.m. (Postponed.)

Intelligence Matters

Full committee hearing on pending intelligence matters. 219 HSOB. 2 p.m. (Closed.)

Small Business

Cyber Crime

Full committee forum on cyber crime. 428-A RSOB. 9:30 a.m.

House Committees

Appropriations

FY2000 Supplemental

Full committee markup of FY2000 supplemental appropriations. 2359 RHOB. 1 p.m. (Revised.)

Air Force Construction

Military Construction Subcommittee hearing on FY2001 appropriations for military construction. B-300 RHOB. 9:30 a.m.

ATF Budget

Treasury-Postal Subcommittee hearing on FY2001 appropriations for the Bureau of Alcohol, Tobacco and Firearms. **Witness:** Bradley Buckles, director, ATF. 2358 RHOB. 9:30 a.m. (Revised.)

Farm and Foreign Services

Agriculture Subcommittee hearing on FY2001 appropriations for the Agriculture Department's farm and foreign agricultural services. **Witness:** August Schumacher, undersecretary, farm and foreign agricultural services, Agriculture Department. 2362-A RHOB. 10 a.m.

Forest Service Budget

Interior Subcommittee hearing on FY2001 appropriations for the Forest Service. **Witness:** Michael Dombeck, chief, Forest Service. B-308 RHOB. 10 a.m.

Education Department Budget

Labor-HHS Subcommittee hearing on FY2001 appropriations for the Education Department. **Witness:** Education Secretary Riley. 2358 RHOB. 10 a.m.

Education Budgets

Labor-HHS Subcommittee hearing on FY2001 appropriations for elementary and secondary education, bilingual education and minority language affairs. 2358 RHOB. 2 p.m. (Postponed.)

Neighborhood/Community

VA-HUD Subcommittee hearing on FY2001 appropriations for the Neighborhood Reinvestment Corp. and community development financial institutions. H-143 Capitol. 10 a.m.



Copied
Read
Podesta

Associated Press

Immuniton northwest of Grozny.

VICTOR KOTOWITZ/Los Angeles Times

Russian Rockets Reportedly Kill 18 in Chechnya

MAYERBEK NUNAYEV
and RICHARD C. PADDOCK
SPECIAL TO THE TIMES

GROZNY, Russia—At least three rockets fired by Russian forces slammed into a crowded market and two other sites in this Chechen capital Thursday, killing as many as 118 people as Russian troops moved to within eight miles of the city, Chechen authorities said.

The attack, which may have been designed to prepare the way for a Russian ground assault on Grozny, created scenes of havoc and carnage where the rockets struck at the market, a street near a maternity hospital and a site close to the residence of Chechen resident Aslan Maskhadov.

"Blood was everywhere," said Aslan Akhmatov, a 26-year-old

House Approves Toughest School Standards Ever

■ **Education:** Bipartisan votes raise achievement levels and accountability in longtime funding program for the poor. Vouchers for private tuition are rejected.

By RICHARD T. COOPER, TIMES STAFF WRITER

WASHINGTON—The House, in a rare display of bipartisan agreement on education, voted overwhelmingly Thursday to approve the strongest requirements for higher standards and accountability ever imposed by the federal government on local schools serving poor and disadvantaged students.

And, in a stinging rebuff to Majority Leader Dick Armey (R-Texas) and other conservatives, more than 50 Republicans joined Democrats in rejecting proposals to offer vouchers for private school tuition to students in failing or violent schools, even on a limited basis.

The bipartisan bill, which tracks closely what the Senate is expected to approve, renews a 34-year-old Great Society program that channels federal funds into the vast majority of U.S. school districts and would provide almost \$200 million for Los Angeles alone.

But in renewing the massive Title I of the Elementary and Secondary Education Act for five years, the House bill would stiffen requirements for higher academic achievement by disadvantaged students. The bill would toughen

■ CHILD-CARE BENEFITS

Quality child care for poor preschoolers yields lasting benefits, a study says. A3

qualifications for teachers' aides, who now play an important role in many classrooms in poor areas but often lack college training.

And it puts public pressure on schools where student achievement continues to lag far behind state and national standards by ordering local officials to issue detailed report cards on test scores

Please see SCHOOLS, A8

Congress Seeks to Criminalize Assisted Suicide

By ALISSA J. RUBIN
TIMES STAFF WRITER

WASHINGTON—Congress is looking to stymie the nascent movement in the states to make doctor-assisted suicide legal for the terminally ill.

The House is set to approve legislation today that effectively would nullify Oregon's law allowing physician-assisted suicide for terminally ill patients—the only such law in the country. The bill also could serve to dampen support in California and a few other states with legislative committees that are considering laws similar to Oregon's.

The measure on the House floor today would explicitly make it a crime—regardless of state law—for doctors to prescribe controlled substances such as morphine with the intention of hastening death. Violators would face mandatory prison terms—up to 20 years for the prescription of morphine, one of the most commonly prescribed painkillers.

Although doctors could continue to prescribe non-controlled substances in lethal doses, most

Please see HOUSE, A8

BRUC
ESER

Espresso - A lot of good
stuff here - in the
times
credit to -

Is

When the... themselves with...

physicians to be as aggressive as they should be in treating terminally ill patients," said Mark Gibson, who advises Oregon Gov. Jon Kitzhaber on health and human services. "I'm not sure what these folks are trying to accomplish."

Hyde, a sponsor of the bill, pointed out that it was changed to make clear that aggressive pain control would not be grounds for investigation or prosecution. Doctors could prescribe all the controlled substances necessary to alleviate pain, even if the effect is to hasten death, as long as the intent is not to assist in a patient's suicide.

"We must take steps to kill the pain, not the patient," Hyde said. He urged his colleagues to vote for the bill to ensure "that powerful drugs under federal control are used to eliminate pain and suffering, not to eliminate our fellow Americans."

The bill also would authorize \$5 million annually to train law enforcement agents and doctors in appropriate pain treatment and to establish protocols for treating severe pain. Many law enforcement officers and even doctors are not aware that the dosages necessary to quell severe pain at the end of life can run at least 500 times more than would be appropriate for patients who had not already developed a tolerance for the drug.

Doctors and experts in pain treatment are split on the bill. The American Medical Assn. and the National Hospice Assn. support it, but nine state medical associations, including those in California, Oregon and Washington, signed a letter opposing the bill as an intrusion into the sensitive area of pain treatment at the end of life and states' prerogative to regulate the practice of medicine.

Clinton has walked a tortured course, threading between his moral objections to assisted suicide and his support of states' rights. The Justice Department's most recent take on the issue left the president leeway to go either way on whatever bill ultimately reaches his desk.

In 1997, Clinton signed a ban on using federal funds under such programs as Medicare, Medicaid and the military health-care system for assisted suicide. The previous year, arguing what were thought to be Clinton's personal views, Dellinger told the U.S. Supreme Court that there is no constitutional right to assisted suicide.

from England 13 months ago, the hero and his motley

SCHOOLS: House Links Funds With Higher Standards

Continued from A1

and other measures of success, permitting parents to monitor school performance. The bill would require parents to be notified promptly if their children are attending low-performing schools or are taught by teachers who lack professional qualifications. And it would give parents the right—and limited federal aid—to move their children to better public schools. Though the bill, which passed 358 to 67, echoes the theme of greater accountability that has become the mantra of Republican governors and education reformers, Thursday's voting also reflected a lingering ideological split among Republicans.

The votes on vouchers and several other defeated amendments proposed by conservatives demonstrated that moderate Republicans, who often bow to the wishes of House leaders on less sensitive issues, are willing to buck them on education, which polls show is a core concern of voters. A breakdown of the numbers showed that moderate Republicans supported the bipartisan bill, with 157 of 223 Republicans voting for it. But they also joined Democrats in raising next year's authorized funding to \$9.9 billion, adding \$1.5 billion to the 8% increase already provided in the original bill.

Assessing the new political atmosphere, Rep. David M. McIntosh (R-Ind.) said that it reflects caution and fear at a time when Texas Gov. George W. Bush, the party's presumptive standard-bearer next year, has bashed House Republicans on budget policy and when the party's own leaders are weak.

"A lot of Republicans say: 'I'm going to run for the hills and not cast a vote that anyone can criticize me for.' . . . It's fear based on absence of leadership, and it's not going to change until the next president is elected," McIntosh said.

Not only did moderates refuse to follow conservative leaders, they also forced conservatives to retreat on what one House aide called "the flagship piece" of the conservatives' education agenda: a

companion bill called "Straight A's." That bill, endorsed by the House Education and Workforce Committee as a companion bill to Title I, would allow states to receive aid as block grants for almost any educational purpose they choose—without necessarily targeting disadvantaged students, as Title I has always required.

Originally, "Straight A's" was to have come to the floor immediately after Title I and was considered likely to pass, though by a narrower margin. But when moderate Republicans who had supported the bill in committee spread the word that they could not do so on the floor, "Straight A's" sponsors stepped back. They turned it into a proposal for a limited pilot program, supervised by the Secretary of Education.

Late Thursday night, mollified by the concessions and ready to give conservatives a chance to cast a symbolic vote for their constituents, moderate Republicans helped pass "Straight A's" by a margin of 213 to 208, with one Democrat denouncing it as "a political gimmick to provide Republicans with 30-second sound bites."

The 60 Republicans who voted against the Title I bill were chiefly conservatives who considered its accountability features a violation of local control of schools. Democratic support reflected not only continuing support for federal help to the poor but a seismic shift in philosophy about the schools. Initially uneasy about the accountability movement, Democrats—and the teachers' unions that often support them—now strongly favor the concept. In part that is because the conservative alternative to improving public schools through accountability is vouchers that could be used to send students to private schools.

Most education specialists said that the Senate is likely to approve reauthorization of Title I in a form similar to that passed by the House on Wednesday. The administration has indicated that Clinton could accept such a bill. "We think it is indeed a bipartisan product and are generally supportive," Scott Fleming, assist-

ant secretary of Education for legislation, said of the House measure. "There is a lot to like," he said, though the administration will seek changes on some points as the legislative process moves forward.

Rep. Bill Goodling (R-Pa.), chairman of the House Education and Workforce Committee and architect of the bipartisan bill, acknowledged that many of his fellow Republicans see parts of the measure as dictating to local schools, but "this is 100% federal tax dollars, and we cannot continue to fail these kids."

"For the first time in the history of Title I, it will actually improve the academic achievement of those most in need."

Title I is the federal government's largest aid program for students who are poor, disabled or have limited English proficiency. It has channeled about \$130 billion in federal funds into schools serving such students over the last three decades and has become a crucial funding source for many school systems, especially in large cities.

In the Los Angeles Unified School District, about 475,000 students in 472 schools are eligible for Title I assistance, most of them in the elementary grades. That is about two-thirds of the district's students. Statewide, California received about \$830 million in the last fiscal year, 11% of the total \$7.3-billion Title I budget. Approximately 4,800 schools in 833 districts received funds.

The bill approved Thursday strengthens the effort begun in the 1994 reauthorization to pressure local schools to do more to boost educational achievement among poor, immigrant and other disadvantaged students.

Christopher T. Cross, president of the Council for Basic Education, a nonpartisan organization advocating higher standards, said that federal pressure to raise achievement is needed because "states have not been paragons of strength when it comes to enforcing standards against local schools."

"Local governments almost never have the guts to do something like that. That

is a legitimate and perfectly proper role for the federal government to play."

Cross, who served in the Education Department in the Reagan administration, was a member of the independent review panel that studied Title I last year. Many of the panel's concerns are addressed in the House bill. Specifically, the House measure includes requirements that schools receiving Title I money:

- Post achievement gains for all categories of students, including the poor, those with limited English proficiency and the disabled. Now, states can meet achievement goals on the basis of statewide averages of all students, which can mask continuing failure among Title I schools.

- Make public the information on student performance, graduation rates, retention rates and other measures of success or failure for individual schools.

- Disclose the qualifications of teachers, including those who are working in classrooms without meeting state certification requirements, a common condition in Los Angeles schools, especially in poor and immigrant neighborhoods.

- Require paraprofessional teacher's aides to finish at least two years of college or pass an equivalent test within three years. Such aides are widely used in Los Angeles and other large cities to supplement or even perform the duties classroom teachers, though current law requires only a high school diploma and general education certificate within years of being hired.

- Allow students in low-performing schools to transfer to better schools within their districts and receive Title I money for transportation.

The bill also extends the approach begun in 1994 to require that disadvantaged students be held to the same achievement standards applied to students in a state.

Times staff writers Richard L. Colvin in Los Angeles and Janet Hook and Keenan Suarez in Washington contributed to this story.

822C -
ESEA

H.R. 2, The Student Results Act of 1999

(Updated October 15, 1999)

SUMMARY

H.R. 2, the Student Results Act of 1999 authorizes Title I of the Elementary and Secondary Education Act and other programs assisting low achieving students. Programs authorized in the bill are: Title I, Part A (education of the disadvantaged), Migrant Education, Neglected and Delinquent, Magnet Schools Assistance, Native Americans, Hawaiians, and Alaskan programs, Gifted and Talented, Rural Education, and the Stewart B. McKinney Homeless Assistance program. The legislation was reported from Committee by a vote of 42-6 on October 13, 1999.

Title I, Part A (education for the disadvantaged)

Title I, Part A is the largest program of ESEA and is funded at \$7.7 billion for FY 1999. The program authorizes federal aid to state and local educational agencies for helping educationally disadvantaged children achieve to the same high state performance standards as all other students.

- **Structure.** Continues the current standards-based approach with Title I students being held accountable for meeting the same challenging state standards as all other students.
- **Academic Accountability.** Modifies existing accountability provisions to ensure that each of the separate subgroups of students (economically disadvantaged, limited English proficient, minority, students with disabilities, etc.) as well as students as a whole show increased academic achievement gains at the state, school district and school levels.
- **Public School Choice for Students in Low Performing Schools.** If a school that receives Title I funding is designated for "school improvement" (meaning that the school is low performing), then parents of children who attend the school would have the option of transferring to another public school or public charter school that is not in "school improvement." Title I funding could be used, if local officials so decide, for transportation to another public school or public charter school.
- **Rewards.** Up to 30 percent of any increase in Title I funding may be set aside by states to provide rewards to schools (and teachers in such schools) that substantially close the achievement gap between the lowest and highest performing students and that have made outstanding yearly progress for two consecutive years.
- **Annual State Reports.** The academic performance of all schools receiving Title I funding would be included in annual state reports produced by the states for parents and the public. If states are already producing annual state reports, then the Title I data could be included in such reports or disseminated through alternative means such as posting on the Internet, distribution to media or through other public agencies. The report will include information on each school receiving Title I funds. The information would be for those Title I schools in the aggregate in school districts and individually on the following things: student

performance according to subgroups on state assessments; comparison of students at below basic, basic, proficient, and advanced levels of performance on state assessments; graduation rates; retention rates; completion of Advanced Placement courses; and qualifications of teachers and teachers' aides.

- **School District Reports.** School districts receiving Title I funding would prepare annual reports for parents and the public on the academic performance of each Title I school in the aggregate in the school district and individually. If school districts are already producing annual school district reports, then the Title I data could be included in such reports or provided through an alternative means such as posting on the Internet, distribution to media, or through other public agencies. The school district reports will include information on: the numbers and percentages of schools identified within the school district as in "school improvement" (low performing) under Title I; information that shows how Title I students performed on statewide assessments, according to subgroups; graduation rates; retention rates; completion of Advanced Placement courses; and information on teachers' and teachers' aides qualifications.
- **Testing of Students in English language.** Students who have attended school in the United States for at least three consecutive years would be tested in reading and language arts in the English language.
- **Parental Consent for Bilingual Education.** School officials would be required to seek the informed consent of parents prior to placement of their children in an English language instruction program for limited English proficient children funded under Title I.
- **Paraprofessionals (teachers' aides).** Under current law, teachers' aides funded under Title I must, at a minimum, obtain a high school diploma or GED within two years of employment as an aide. The bill would require, not later than 3 years after enactment, all teachers' aides to have: (1) completed at least 2 years of study at an institution of higher education; (2) obtained an associate's or higher degree; or (3) met a rigorous standard of quality established at the local level, which includes an assessment of math, reading and writing. Also, would freeze the number of paraprofessionals at their current levels, with limited exceptions.
- **Priority for elementary school grades.** Requires school districts to continue to rank and serve schools in school districts according to poverty (from highest to lowest) but school districts would be permitted to give priority to elementary schools.
- **Schoolwide poverty threshold.** The 50% poverty requirement for eligibility to have a schoolwide program (where services are made available to the entire school and where the school may combine various federal funds with state and local funds to serve the entire school) is lowered from 50% to 40% poverty. This will permit more flexibility at the local level in implementing schoolwide programs.
- **Schoolwide programs are relieved of separate fiscal accounting provisions.** The bill makes clear that schoolwide programs are not required to maintain separate fiscal accounting records when they combine federal education funds with state and local funds.

- **Formulas.** No changes in the formulas. However, a hold harmless would be applied to the basic and concentration grants. The education finance incentive grant, which has never been funded, is repealed.
- **Consultation with private schools strengthened.** The provisions requiring school districts to have timely and meaningful consultations with private school officials in determining the scope of Title I services to be provided to private school children are significantly strengthened.
- **Bypass for private schools.** In determining whether to grant a bypass of the local educational agency, the Secretary may consider one or more factors, including the quality, size, scope and location of the Title I program and the opportunity of eligible children to participate.
- **1% set-aside for state administration.** The current 1% set-aside for state administration would continue to apply to appropriations that at least equal the FY 1999 level (\$7.7 billion). The set aside would not apply to any increases above that level. A separate line item authorization would be included for additional administrative expenses, and subject to appropriations.
- **½ % for school improvement activities.** One half of one percent of a state's total Title I allocation may be set-aside for school improvement activities. Title I funds at the school district level may also be used for school improvement activities by the school district.
- **Comprehensive School Reform Grants.** Comprehensive school reform grants, currently provided through the appropriations process would be authorized through a statutory grant program as a part of Title I. Schools, through their school districts, would compete to receive such grants from the state. Such grants involve reform of the whole school and must employ innovative strategies and proven methods for student learning, teaching and school management that are based on scientifically based research.
- **Secular, Neutral, Non-ideological Title I services.** During Committee consideration, an amendment was adopted which requires public schools to ensure that Title I services are secular, neutral and non-ideological. This is the same standard that applies to private schools.

Education of Migrant Students

The federal migrant education program assists migrant children to help them overcome the problems associated with multiple moves, which hinders them from performing well in school.

- **State Allocations.** Revises the formula to implement an actual student count (they are currently funded based on full time equivalents (FTEs)). A holdharmless is included for the 2000 school year. Only new funds will go out based on the new formula.

- **Needs Assessment/Authorized Activities.** Eliminates the comprehensive plan section and is replaced by a streamlined section on authorized activities that provides state educational agencies (SEAs) with the flexibility to determine the activities to be provided with funds under this Part.
- **Coordination.** Requires the Administration to assist states in developing effective methods for the transfer of student records within and among states. It further requires that the Administration, working with the states, develop a common set of data elements that must be included in student records when funds under this Part are used for such purposes.

Prevention and Intervention Programs for Children and Youth Who are Neglected and Delinquent

This program provides formula grants to states for neglected and delinquent children being educated in state agency programs for children and youth in institutions or community day programs for neglected or delinquent children and in adult correctional facilities.

- **Subpart 1 (State Program).** The bill increases from 10 to 15 percent the amount of funds states are to reserve to provide transition services for children returning from state-operated institutions to local educational agencies.
- **Subpart 2 (Local Program).** The bill restructures this section to insure the school component focuses on children returning from facilities for delinquent youth. The bill still permits such program to serve other at risk populations, but not to the detriment of delinquent youth in need of assistance.

Magnet Schools Assistance Program

The Magnet Schools Assistance Program supports magnet schools in local educational agencies that are implementing school desegregation plans. Magnet schools offer special vocational or academic programs designed to attract students from outside the school's traditional enrollment area. Grantees receive three-year awards, which cannot exceed \$4 million per year.

- **Emphasizes Student Achievement.** The bill emphasizes a commitment to student achievement by revising the Findings and Applications and Requirements sections and by including professional development as a use of funds.
- **Renews Focus on Magnet Schools.** The bill renews the program's focus on magnet schools by eliminating two outdated priorities and by repealing the Innovative Programs. (Any grant recipient that has an agreement in effect under the Innovative Programs will continue to receive funds through the end of the applicable grant cycle.)

Public School Choice Program

The bill authorizes a new \$20 million public school choice program which would provide competitive grants to state and local educational agencies to support programs that promote innovative approaches to public school choice. This was an amendment adopted in Committee.

Native Americans, Hawaiians, and Alaskan Education Programs

Indian Education Programs within the Department of Education

The purposes of the Department of Education Indian education programs are to provide financial support to reform and improve elementary and secondary school programs that serve Indian students; improve and enrich the quality of education for Indian students; research and evaluate information on the effectiveness of Indian education programs; and improve educational opportunities for adult Indians.

- **Maintains Funding.** Maintains currently funded programs, at current funding levels.
- **Repeals Unfunded Programs.** Repeals four unfunded competitive grant programs: Fellowships for Indian students, Gifted and Talented programs. Grants to Tribes for Administrative Planning and Development, and Special Programs Relating to Adult Education.
- **Includes Family Literacy.** Adds family literacy services as an allowable use of funds.
- **Provides Flexibility.** Adds a new flexibility provision to allow school districts receiving formula grants for Indian students to combine all federal funds they receive to serve Indian students into a single, more flexible and efficient program for improving Indian student achievement.
- **Directs more Money to the Classroom.** Limits the use of funds for administrative purposes to five percent.

Indian Education Programs within the Bureau of Indian Affairs (BIA)

Indian education programs within the BIA serve students in BIA funded schools. To be eligible, Indian students must have membership in a federally recognized Tribe or have a minimum of ¼ degree or more Indian blood and be in residence on or near a federal Indian reservation.

- **Coordination of Family Literacy Services.** Requires coordination of efforts between providers of family literacy services.
- **Accreditation.** Allows BIA funded schools to get state or regional accreditation, rather than meeting BIA federally imposed education standards.

- **Improve and expand educational programs.** Allows Tribes to improve and expand educational programs at BIA funded schools using their own resources.
- **School Choice.** Allows Indian parents the choice of which BIA funded school their children will attend.
- **Tribal Authority and Flexibility.** Gives Tribes a greater say in repair and maintenance priorities; allows Tribes to contract for training services; increases Tribal authority to pick service providers for purchasing supplies; and gives Tribes and local school boards more flexibility in making school staffing decisions. Requires BIA inspectors to get a second opinion from an independent source (with Tribal input) before fully closing a BIA funded school for health and safety violations.
- **Use of Maintenance Funds.** Requires BIA to spend all maintenance money at school sites, rather than diverting it to fund administrative activities.

Native Hawaiian Education Programs

During Committee consideration, an amendment was adopted to repeal the supplemental educational programs for Native Hawaiians under Title IX, Part B of the Elementary and Secondary Education Act.

Alaska Native Educational Programs

The purpose of these programs is to (1) recognize the unique educational needs of Alaska Natives; (2) develop supplemental educational programs to benefit Alaska Natives; and (3) provide direction and guidance to appropriate federal, state, and local agencies to focus resources on meeting the educational needs of Alaska Natives.

- **Consolidation.** Consolidates all three competitive grant programs into a single, more flexible and efficient program, funded at the current level.
- **Includes Family Literacy Services.** Adds family literacy services as an allowable use of funds.
- **Directs more Money to the Classroom.** Reduces the limit on use of funds for administrative purposes from 10 percent to five percent.

The Jacob K. Javits Gifted and Talented Students Education Act of 1999

The Jacob K. Javits Gifted and Talented program supports a national research effort and awards competitive grants to SEAs and LEAs, institutions of higher education, and other public and private agencies and organizations to help build a nationwide capability to meet the needs of gifted and talented students in elementary and secondary schools.

The Committee amendment to this part makes minor changes to current law and incorporates a version of H.R. 637, the Gifted and Talented Students Education Act, introduced

by Mr. Gallegly (R-CA), to provide formula grants to states to help them implement successful research findings and model projects funded by the Javits program over the past 10 years. This program was funded at \$6.5 million for FY 1999.

Subpart 1 – Discretionary Grant Program. Maintains the research focus found in current law with minor improvements. This subpart:

- Stipulates that all research done under this part is to be “scientifically based.”
- Ensures that nothing shall be construed to prohibit a recipient of funds from serving gifted and talented students simultaneously with other students in the same educational settings where appropriate. This language would apply to the entire bill.
- Eliminates previously unfunded subsections to better streamline the program (including all references to gender equity).

Subpart 2 – Formula Grant Program. Subpart 2 authorizes SEAs to distribute grants to LEAs, including charter schools, on a competitive basis to provide gifted and talented students with programs and services. Once the current program (subpart 1) reaches funding sufficient to provide formula grants to the states, subpart 2 activities are triggered and conducted in lieu of subpart 1. The trigger for subpart 2 activities is \$50 million. In subpart 2, states would have the flexibility to competitively distribute funds for gifted and talented programs according to local priorities.

Rural Education Assistance

The Committee amendment, a combination of H.R. 2725, “The Rural Education Initiative Act,” introduced by Rep. Bill Barrett (R-NE) and H.R. 2997, “The Low-Income and Rural School Program,” introduced by Rep. Van Hilleary (R-TN), addresses the unique problems associated with the education of students in rural school districts. Specifically, this amendment to replace part J of title X of the Elementary and Secondary Education Act, will address the different needs of (1) small, rural school districts and (2) low-income, rural school districts.

Subpart 1 – Small Rural School Program. An LEA would be eligible to use the applicable funding under this subpart if:

1. The total number of students in average daily attendance at all of the schools served by the LEA is less than 600; and
2. All of the schools served by the LEA are located in a community with a Rural-Urban Continuum Code (Beale Code) of 6, 7, 8, or 9, as determined by the Secretary of Agriculture.

Flexibility with Formula Grant Programs – An eligible LEA would be able to combine funds from the following programs and use the money to support local or statewide education reform efforts:

- Title II – Eisenhower Professional Development Program;

- Title IV – Safe and Drug-Free Schools and Communities;
- Title VI – Innovative Education Program Strategies;
- Title VII (Part A) – Bilingual Education;
- Title VII (Part C) – Emergency Immigrant Education Program; and
- Title X (Part I) – 21st Century Community Learning Centers

Grants under this subpart would be awarded to eligible LEAs based on the number of students in average daily attendance less the amount they received from the aforementioned formula grant programs. Minimum grants for LEAs will not be less than \$20,000.

Subpart 2 – Low-Income Rural School Program. If an LEA did not qualify for funding under Subpart 1, it would be eligible to use the applicable funding under Subpart 2 if the LEA serves:

1. A school-age population, 20 percent or more of whom are from families with incomes below the poverty line; and
2. All of the schools served by the LEA are located in a community with a Rural-Urban Continuum Code (Beale Code) of 6, 7, 8, or 9, as determined by the Secretary of Agriculture.

Funds are allocated among states by formula based on student enrollment in eligible districts within those states. States, in turn, allocate funds to eligible districts by a competitive grant process or according to a state-determined formula based on the number of students each eligible LEA serves. Funds awarded to LEAs or made available to schools under this subpart can be used for: Educational Technology; Professional Development; Technical Assistance; Teacher Recruitment and Retention; Parental Involvement Activities; or Academic Enrichment Programs.

Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999

This program authorizes formula grants to states, based on state allocations for grants to LEAs under ESEA Title I, Part A. Grants must be used to establish an Office of Coordinator of Education of Homeless Children and Youth within each SEA, implement professional development activities for school personnel, and provide each child the opportunity to meet the same state student performance standards that others are expected to meet.

Improves the McKinney Act by amending it to incorporate a version of H.R. 2888, the Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999, introduced by Ms. Biggert (R-IL) to help homeless children enroll, attend, and succeed in school. The Committee amendment strengthens and clarifies current law to address the educational needs of homeless children and youth including:

- **At-Risk Students.** Allows funds to be used to provide the same services to other children at risk of failing in, or dropping out, of school.
- **Data Collection.** Eliminates the requirement that the state coordinator estimate the number of homeless children in the state and the number of homeless children served by the program.

- **Report.** Directs the Secretary to develop and issue a report to be made available to states, LEAs, and other applicable agencies. This report will address successful ways in which states can help LEAs immediately enroll homeless children and encourages states to follow programs implemented in state law that have successfully addressed transportation barriers for homeless children and youth.
- **School of Origin.** Stipulates that a homeless student be kept – to the extent feasible – in their school of origin. Requires that LEAs provide a written explanation to a parent or guardian (including the right to appeal an enrollment decision) if such child is sent to a school other than their school of origin.
- **Segregation.** Prohibits a state receiving funds from segregating a homeless child, either in a separate school or in a separate program within a school, based on that student's status as homeless. This provision contains a grandfather clause that ensures established schools do not lose funding.

Teacher Liability Protection

During Committee consideration, an amendment was adopted which provides limited civil litigation immunity for teachers, principals, local school board members, superintendents, and other educational professionals who engage in reasonable actions to maintain school discipline.

Testimony of
Judith Johnson
Acting Assistant Secretary for
Elementary and Secondary Education
U.S. Department of Education
On Reauthorization of the Elementary and Secondary Education Act of 1965
U.S. Senate Committee on Indian Affairs
October 27, 1999

Thank you Mr. Chairman, Senator Inouye, and members of the Committee for inviting me to discuss the Administration's proposal for the reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA) and, in particular, the reauthorization of ESEA programs for American Indians, Native Hawaiians, and Alaska Natives.

Five years ago, in the reauthorization of the ESEA, this Administration set out to end what Secretary Riley has called the "tyranny of low expectations," the deeply flawed assumption that it is acceptable to provide children in poverty with a second- or even a third-class education. This Administration has never been willing to accept that assumption. No child should be left behind. No child should be allowed to drift through school unable to read. No child should have an unqualified teacher. And no child should have to go to a failing school.

Since that time, the States and school districts have taken significant steps to establish high standards for all students, particularly poor and educationally disadvantaged students. More importantly, there are promising signs of real State progress toward meeting those standards.

To increase educational excellence and equity, the Administration's ESEA reauthorization proposal has six broad themes. They are: (1) implementing high standards in every classroom; (2) reducing class sizes in the early grades and helping every child read well by the 3rd grade, if not earlier; (3) strengthening teacher and principal quality; (4) emphasizing accountability for school and student performance, including turning around failing schools, and toughening accountability in Federal education programs; (5) providing safe, healthy, and disciplined learning environments that better connect students, teachers, families, and communities; and (6) Modernizing schools for the 21st Century by putting useful technology in the classrooms, making schools smaller and more personalized, increasing opportunities to learn foreign languages, and expanding after-school and summer programs.

These themes are present throughout our reauthorization proposal and are intended to continue the progress that the nation's schools have already made in raising the academic expectations of poor, minority, low-income, and educationally disadvantaged students. Our proposal takes a step in the right direction toward ending the tyranny of low expectations for poor and minority students and will encourage all of our students, including American Indians, Native Hawaiians, and Alaska Natives, to achieve to high standards and high expectations.

Our investments in Title I, Comprehensive School Reform Demonstrations, the Class-Size Reduction program, the Reading Excellence Act, and after-school programs, among others, are important components of our effort to get communities and their teachers and principals the resources they need to raise achievement for all students, including American Indians, Native Hawaiians, and Alaska Natives. These important investments, and their targeting provisions, rightly focus on providing resources to communities that do not have the necessary resources to

provide a world-class education to all their children so that the educational achievement gap between the “haves” and the “have nots” will, over time, disappear.

Our reauthorization proposal recognizes that qualified teachers are the most critical in-school factor in improving student achievement, and all of our children deserve to have high-quality and well-prepared teachers in the classroom. It would end the practice of putting unqualified teachers in front of the most educationally disadvantaged and educationally at-risk students, improve resources for professional development so that our teachers are able to improve their skills, train educators in the use of technology in the classroom, prepare teachers to teach to high standards for all students, and help ensure that teachers are well trained to teach students with limited English proficiency.

Our reauthorization proposal includes significant language on accountability that strikes a careful balance between, on the one hand, giving schools the increased support and flexibility they need to raise achievement levels for all students and, on the other hand, holding schools accountable when they do not measure up to clearly established goals. Toward that end, our accountability provisions include measures intended to end social promotion, encourage school report cards, identify low-performing schools, improve discipline in schools and classrooms, and putting in place measurable ways to make change happen, such as standards-based assessments at different grade levels. These measures will improve the educational opportunities for American Indian, Native Hawaiian, and Alaska Native students and give them the resources they need to achieve to challenging standards.

American Indians and Alaska Natives have made progress in recent decades but continue to be disproportionately affected by poverty and low educational attainment and have fewer educational opportunities than other students. For example, recent data show that:

- The high school completion rate for American Indians, ages 20 to 24, is 70 percent, 12.5 percent below the national average.
- In 1990, 36.2 percent of American Indian children ages 5-17 were living below the poverty level, compared with 17 percent of all other children.
- In 1992, 31 percent of American Indian high school graduates earned the core credits recommended by *A Nation at Risk* -- a dramatic increase over the 6 percent reported in 1982. However, the proportion of American Indian high school graduates taking the recommended core credits was well below that for all high school students (47 percent).
- American Indian students, on average, score lower on the National Assessment of Education Progress than other students. For example, 48 percent of American Indian 4th graders scored "at or above basic" on the 1994 reading assessment, compared to 60 percent of all students.
- The combined score on the SAT in 1994-95 for American Indians was 850, or 60 points lower than the combined score of 910 reported for all students.
- In 1990, 9.3 percent of American Indian persons 25 years old and over had attained a bachelor's degree or higher, as compared to 20.3 percent for all persons.

These data undergird the important role that the Indian Education programs play in supporting the academic achievement of American Indians, Native Hawaiians, and Alaska Natives. They also demonstrate the need for continued support for the important programs and services that are provided under the Indian Education, Native Hawaiian, and Alaska Native programs.

In 1994, Congress amended the Indian Education authorization to focus programs on improving the capacity of schools to provide challenging curriculum to Indian students. The statute now supports a comprehensive approach to educational reform and helps ensure that Indians benefit from national education reforms and receive every opportunity to achieve to high standards. Title IX programs provide direct assistance for the education of Indian children and adults; the training of Indian individuals as educators and in other professions serving Indian people; and research, evaluation, and data collection. The programs promote the efforts of local educational agencies, State educational agencies, and Indian tribes and organizations to meet the unique educational and culturally related needs of these students.

The Administration's reauthorization proposal builds on the significant changes made in the 1994 reauthorization. While the proposal would maintain our commitment to the formula grant program to improve the quality of instruction that American Indian students receive, some minor changes are proposed. These changes include a clarification to eliminate confusion regarding the role of the parent committee and a modification of the BIA application process to reduce redundancy in student identifications. Consistent with general Administration policy, several un-funded, generally duplicative authorizations would be repealed.

This Administration is particularly committed to improving the educational achievement of American Indian, Native Hawaiian, and Alaska Native students. Our reauthorization proposal is itself evidence of this commitment and the tremendous job done in the 1994 reauthorization to improve education programs for these students. The previous reauthorization made significant changes in the Indian Education programs, and we have spent the past several years implementing those important reforms. In our consultation with Indian educators, tribes, parents,

and students, as well as with the broader education community, we heard a strong consensus for continuing with the current mission.

Our reauthorization proposals for the Native Hawaiian and Alaska Native programs are intended to ease the administration of the programs in order to facilitate implementation of the innovative educational strategies that are emerging from native educators in Hawaii and Alaska. The current Native Hawaiian authorization has separate authorities in 7 different areas: Gifted and Talented Education; Special Education; Higher Education; Curriculum Development, Teacher Training, and Recruitment; Family-Based Education Centers; Community-Based Education Centers; and the Native Hawaiian Education and Island Councils. The current Alaska Native authorization has separate authorities in three different areas: Educational Planning, Curriculum Development, Teacher Training, and Recruitment; Home-Based Education for Preschool Children; and Student Enrichment Programs. Our experience has shown us that the particular requirements of these authorities has made it difficult to fund creative and new approaches to meeting the unique needs of Native Hawaiians and Alaska Natives.

For the Native Hawaiian program, we propose to merge the 7 authorities into one comprehensive authority that would give the Department the flexibility to fund creative, cross-cutting approaches to meeting the educational and culturally related needs of Native Hawaiian students. Similarly for the Alaska Native program, we propose to merge the three authorities into one comprehensive authority.

The Administration strongly opposes the proposal by the House Education and the Workforce Committee to repeal the Native Hawaiian programs. The House Committee's action fails to consider the unique educational and culturally related needs of the Native Hawaiian population.

I would also like to point out that our proposal would retain the current set-asides for native populations and the Bureau of Indian Affairs in our State formula programs (except where the bill would consolidate programs). These set-asides provide funding for Title I, Class Size Reduction, professional development, Safe and Drug-Free Schools, and Homeless Education. These set-asides are important to maintain because they ensure that funds are available to serve the educational needs of American Indians, Native Hawaiians, and Alaska Natives.

Our reauthorization proposal is not the only effort we are making to improve educational opportunities for Indian students. On August 6, 1998, President Clinton signed Executive Order 13096, which cited the importance of improving educational achievement and academic progress for American Indian and Alaska Native students and reaching the goal of preparing every student for responsible citizenship, continued learning, and productive employment.

In order to fulfill that commitment, the President directed Federal agencies to focus special attention on six key goals, which include:

- 1) improving reading and mathematics;
- 2) increasing high school completion and postsecondary attendance rates;
- 3) reducing the influence of long-standing factors that impede educational performance, such as poverty and substance abuse;
- 4) creating strong, safe, and drug-free school environments;
- 5) improving science education; and
- 6) expanding the use of educational technology.

The President called for the development of a comprehensive Federal Indian education policy to accomplish the six goals and address the fragmentation of government services and the

complexity of inter-governmental relationships affecting the education of American Indian and Alaska Native students.

This Executive Order is an important step forward in addressing systemic and long-standing difficulties in meeting the unique needs of our American Indian and Alaska Native students. The resulting Policy will set the stage for important discussions surrounding the programs and services that we provide to American Indian and Alaska Native students, and will have a positive impact on the educational achievement and academic opportunities available to them.

Thank you again for the opportunity to appear before this Committee. I look forward to discussing our reauthorization proposal with you and answering any questions that you may have.



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

602C -
ESEA

October 19, 1999
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 2 - The Students Results Act of 1999

(Rep. Goodling (R) PA and 18 others)

The Administration supports House passage of H.R. 2, as reported by the Committee on Education and the Workforce, but strongly urges that the bill be improved as outlined below.

The Administration is pleased that the Committee worked in a bipartisan manner and that H.R. 2 reflects some of the themes that shaped the President's Elementary and Secondary Education Act (ESEA) reauthorization proposal, the Educational Excellence for All Children Act of 1999. The Administration is encouraged that the Committee-reported version of H.R. 2 continues the work of standards-based reform, emphasizes public school choice, recognizes the importance of accountability, and rejects the false promise of vouchers.

The Administration does, however, encourage the Congress to improve specific aspects of the legislation as the reauthorization process moves forward. Specifically, the Administration looks forward to working with the Congress to amend the bill to:

- Target funds to areas of greatest need by concentrating Title I funds on high-poverty districts and schools that have the greatest need for funds and the farthest to go to raise student achievement. The bill should thus be amended to devote substantially more funds to Targeted Grants and less funds to Basic Grants. In addition, the House should delete language that would guarantee the award of Concentration Grants to districts for four years after they lose their eligibility. Finally, the bill should be amended to adopt the President's proposal to determine the Basic Grant allocation for Puerto Rico on the same basis as is used for the rest of the country.
- Ensure that children with limited English proficiency (LEP) are able to meet State standards for all children. To support our continued commitment to improving parental involvement in the education of students with limited English proficiency, the bill should require that schools annually assess the English proficiency of LEP children in their Title I programs. Results would be used both to improve instruction and inform parents of student progress. In addition, the House should delete any provisions of the bill that would require parental consent for certain Title I services and jeopardize student access to the full benefit of Title I and opportunities to achieve to high standards.

The House should also include provisions from the President's proposal that would require States to use tests written in Spanish when testing Spanish-speaking students in subjects other than English, if Spanish-language tests are more likely to yield accurate and reliable information on what these students know in those subjects. This will help ensure that States, school districts, and schools are accountable for the academic performance of children with limited English proficiency. Similarly, to ensure accountability for helping students learn English, States should be required to include LEP students in State assessments of reading/language arts in English, when students have been in U.S. public schools for three or more consecutive years. Finally, the bill should require that tests used to assess the literacy level of first graders be in the language most likely to yield valid results.

- Retain the current eligibility requirements for school-wide programs. Currently, schools with 50 percent of their students from low-income families can use their Title I funds for school-wide programs. H.R. 2 would lower the threshold to 40 percent. A threshold lower than 50 percent is likely to dilute the effect of Title I services for disadvantaged students in the school.
- Strengthen accountability by including the President's proposal that each State set aside 2.5 percent of its annual Title I allocation to help turn around the lowest-performing schools. The bill should also be amended to promote single Statewide accountability systems, that would be effective immediately, to help ensure that all schools, including Title I schools, help students learn to the same high standards. By establishing potentially unworkable performance requirements solely for Title I schools, H.R. 2 would lead States to develop dual accountability systems -- one for Title I schools and another for all other schools. Moreover, because even the best State accountability systems today do not meet the requirements the bill would impose on Title I schools, the procedures required by the bill would cause significant delays in implementing effective district and school accountability. The States have already been given several years to implement accountability systems, and students in low-performing schools should not have to wait for further improvements.
- Improve the quality of Title I instruction by incorporating the President's proposals to ensure that Title I teachers and paraprofessionals are fully trained and qualified, and substantially curtail the use of paraprofessionals to provide instructional services. The bill should also require school districts to devote at least five percent of their annual Title I allocations to provide high-quality professional development for teachers, principals, and other school staff.
- Strengthen provisions on "comparability". The bill should include the President's proposal to strengthen current "comparability" provisions to ensure that disadvantaged children in Title I schools have access to the same quality of instruction and other resources as do children in other schools.

- Reauthorize the Women's Educational Equity Act, as proposed by the President, in order to continue the national commitment to promote gender equity in education. This reauthorization is important to ensure that all women and girls have full and equal access to all educational and career opportunities. Increasing numbers of school districts are seeking materials and technical assistance related to gender equity, and the President's proposal would help meet those growing demands.

The Administration is pleased that the Committee included the President's proposed demonstration program that would provide support for high-quality public school choice initiatives. The bill should also reauthorize education programs for Native Hawaiians and adopt amendments to provide the additional flexibility proposed by the President to simplify and streamline these programs, which address the special educational obstacles that Native Hawaiians face. H.R. 2 should not include the new (and unworkable) program focused on rural areas. It is unlikely that the proposal would achieve its apparent objective of reducing administrative burdens or increasing flexibility for rural districts. The Administration looks forward to working with the Congress to address the education needs of rural areas.

* * * * *



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

300 -
236A

October 19, 1999
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 2300 - Academic Achievement for All Act (Straight A's Act)

(Rep. Goodling (R) PA and 128 Others)

The Administration strongly opposes H.R. 2300, as reported by the Committee on Education and the Workforce. If the bill were presented to the President, his senior advisers would recommend that he veto it.

H.R. 2300 would effectively permit States to convert a wide array of Federal education programs that address national priorities into a single block grant program providing general aid for education. The bill would thus undermine the Federal Government's commitment to help local communities raise educational standards and educational achievement for all students, reduce class size, improve the quality of teaching, put a computer in every classroom, make schools free from drugs and violence, and promote family literacy. These efforts have been proven successful in helping schools to improve.

Block grants would replace these worthy and targeted efforts with general aid, without providing adequate mechanisms to: (1) hold States and communities accountable for their use of taxpayer funds; (2) hold schools and school systems accountable for results; and (3) give the Administration and Congress information with which to evaluate the block grant program's performance. The bill would not target funds to school districts and schools, or for educational services, that most warrant Federal assistance, and it would not ensure that funds are actually used for classroom instruction. The bill would also open the door for Federal funds to be spent on private and religious school tuition. The Administration's position on this issue is well known.

The Administration is pleased that the House is working to improve and reauthorize the Elementary and Secondary Education Act of 1965. The Administration urges the House to reject the block grant approach of H.R. 2300 and, instead, work towards adopting the ESEA reauthorization legislation as proposed by the President in his Educational Excellence for All Children Act of 1999.

EDUC -
ESEA

STATEMENT OF ADMINISTRATION POLICY

(HOUSE RULES)

H.R. 2, THE STUDENT RESULTS ACT OF 1999
(GOODLING-PA AND 18 OTHERS)

The Administration supports House passage of H.R. 2, as reported by the Committee on Education and the Workforce, but strongly urges that it be improved in several respects. Although the bill, which would reauthorize certain key programs under the Elementary and Secondary Education Act of 1965 (ESEA), focuses on some of the same themes that shaped the President's ESEA proposal, the Educational Excellence for All Children Act of 1999, it should be strengthened to further help States and local school districts translate the promising work of standards-based educational reform into increased student achievement in the classroom, particularly for our most disadvantaged students.

Among other concerns, the bill's provisions relating to the program for educationally disadvantaged children under Title I of the ESEA should be amended to:

- o Strengthen accountability by promoting single statewide accountability systems, that would be effective immediately, to help ensure that all schools, including Title I schools, help students learn to the same high standards. By establishing unduly rigid and prescriptive performance requirements for Title I schools, the reported bill would lead States to develop dual accountability systems -- one for those schools and another for all other schools. Moreover, because even the best State systems that are now in place (such as those in Maryland, North Carolina, and Texas) do not meet these requirements, the cumbersome procedures required by the bill would cause significant delays in implementing effective district and school accountability. The States have already been given several years to implement accountability systems, and students in low-performing schools should not have to wait further for things to improve.

The bill should also include the President's proposal that each State set aside 2.5 percent of its annual Title I allocation to help turn around the lowest-performing schools.

- o Target funds to areas of greatest need by concentrating Title I funds on high-poverty districts and schools that have the farthest to go to raise student achievement and the greatest need for funds. The bill should thus be amended to devote substantially more funds to Targeted Grants and less funds to Basic Grants. In addition, the House should delete language that would guarantee the award of Concentration Grants to districts for four years after they lose their eligibility.

- o Retain the current eligibility requirements for schoolwide programs. The proportion of a schools' students who are from low-income families in order for a school

to qualify to carry out a schoolwide program should remain at 50 percent, not be lowered to 40 percent, as provided in the bill. A threshold lower than 50 percent is likely to dilute the effect of Title I services for disadvantaged students in the school.

o Ensure that children with limited English proficiency are able to meet State standards for all children. To support our continued commitment to improving parental involvement in education, particularly the education of students with limited English proficiency, the bill should require that districts annually assess the English proficiency of LEP children in their Title I programs. Results would be used both to improve instruction and inform parents of student progress. In addition, the House should delete any provisions of the bill that would require parental consent for certain Title I services and jeopardize student access to the full benefit of Title I and opportunities to achieve to high standards.

The House should also include provisions from the Administration's proposal that would require States to use tests written in Spanish when testing Spanish-speaking students in subjects other than English, if Spanish-language tests are more likely to yield accurate and reliable information on what these students know in those subjects. This will help ensure that States, districts, and schools are accountable for the academic performance of children with limited English proficiency. Similarly, to ensure accountability for helping students learn English, States should be required to include LEP students in State assessments of reading/language arts in English, when students have been in US public schools for 3 or more consecutive years. Finally, the bill should require that tests used to assess the literacy level of first graders be in the language most likely to yield valid results.

o Improve the quality of Title I instruction by incorporating the President's proposals to ensure that Title I teachers and paraprofessionals are fully trained and qualified, and that the use of paraprofessionals to provide instructional services is substantially curtailed. The bill should also require school districts to devote at least 5 percent of their annual Title I allocations to provide high-quality professional development for teachers, principals, and other school staff.

o Strengthen provisions on "comparability". The bill should include the President's proposal to strengthen current "comparability" provisions to ensure that disadvantaged children in Title I schools have access to the same quality of instruction and other resources as do children in other schools.

The Administration is pleased that the Committee included the President's proposed demonstration program of support for high-quality public school choice initiatives. The bill should also reauthorize the Women's Educational Equity Act, but should not include the new (and unworkable) program focused on rural areas. It is unlikely that that proposal would achieve its apparent objective of reducing administrative burdens or increasing flexibility for rural districts.

* * * * *

From: Constance J. Bowers on 10/15/99 11:47:26 AM

Record Type: Record

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

cc:

Subject: Summary of amendments to HR 2

guc —
E30A

----- Forwarded by Constance J. Bowers/OMB/EOP on 10/15/99 11:46 AM -----



"Riddle, Paul" <Paul_Riddle@ed.gov>

10/15/99 11:15:36 AM

Record Type: Record

To: Constance J. Bowers/OMB/EOP

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

Subject: Summary of amendments to HR 2

Here's a summary of the committee amendments to HR 2 that I put together from e-mails from ED staff who attended the mark-up sessions. I still haven't seen the amendments themselves, but I've got a high degree of confidence in the accuracy of these summaries.

<<CommitteeAmendments.doc>>



- CommitteeAmendments.doc

Message Copied To:

"Kristy, Jack" <Jack_Kristy@ed.gov>
"Rosenfelt, Phil" <Phil_Rosenfelt@ed.gov>
"Somerville, Leslie" <Leslie_Somerville@ed.gov>
"Rigling, Kay" <Kay_Rigling@ed.gov>
"Freid, Steve" <Steve_Freid@ed.gov>

Message Sent To:

H.R. 2 - Amendments approved by
the House Committee on Education and the Workforce
October 5, 6, 7, and 13, 1999

October 5

Castle and Kildee (en bloc)

LEP children: limits parental consent requirement for placing LEP children in English language instruction to only those circumstances where the instruction will be tailored for LEP children;

--provides that parental consent need not be obtained if, after written notice and reasonable and substantial effort by the LEA, a parental response is not received; 10 days before placing a child, the LEA must mail or deliver proof of documentation (presumably to the parent) of its efforts to obtain consent;

Within-district allocations: increases from 1,000 to 1,500 the total enrollment needed in a school district to exempt a district from ranking requirements for within-district allocations.

"Grandfather" clause: As proposed by ED, restores provision from pre-1994 statute permitting LEAs to serve schools that do not meet eligibility criteria but that were eligible and were served in the previous year. LEAs could serve such schools for only one additional year.

Program improvement/accountability: requires LEAs to reserve sufficient funds to carry out school improvement and corrective action responsibilities;

Schoolwide programs: emphasizes that schoolwide programs should focus on children most at risk of academic failure.

Restores current law provision prohibiting exemption of schoolwides from IDEA requirements, except as provided in section 613(a)(2)(D) of the IDEA.

Comprehensive school reform demonstrations: No longer requires States to award grants "through an equitable distribution by geographic area within the State." Instead requires States, when making awards, to "take into account the equitable distribution of awards to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students." Also, with respect to national evaluation, requires evaluation not only of program results but also of program implementation.

Requires ED reports on CSRD to be sent to both authorizing and appropriations committees.

Performance standards: Gets rid of the fourth proficiency level ("below basic"), thus restoring the three-level approach under current law.

Other academic measures of annual yearly progress (AYP): Makes clear that academic measures other than performance on State assessments (e.g., promotion, completion of college prep courses) may not change the identification of schools or LEAs for improvement or corrective action if they would be so identified absent the other academic measures.

Report cards: Strengthens language to make clear that report cards need to report only on Title I schools, except that if a State or LEA reports on all students in the state or district, it must include info required by Title I. Also makes clear that only States and LEAs -- and not schools -- need to issue report cards.

LEA improvement: Restores current law provision that LEAs can be removed from "improvement status" if they have made AYP for 2 out of 3 years after being identified.

Paraprofessionals: Makes clear that a high school diploma or GED is a necessary but not sufficient component of the "rigorous standard of quality" option for qualification. Also provides that paraprofessionals may not provide instructional services in writing or math (as well as reading) unless they have demonstrated, through a State or local assessment, the ability effectively to carry out reading, writing, or math instruction.

Puerto Rico allocation: Makes clear that if using the ratio of Puerto Rico's per-pupil expenditure to the lowest State average per-pupil expenditure in the allocation formula would result in any State or D.C. getting less money than it received the previous year, then the ratio used to calculate Puerto Rico's share shall be not less than the ratio used in the previous year. Before this amendment, the bill provided that the Puerto Rico allocation won't cause any State or D.C. to get less than it got the previous year, while ensuring that Puerto Rico will get at least as much as it got the previous year (assuming the average U.S. per-pupil expenditure stays constant).

Bypass for private school children: Deletes a bill provision that would have allowed bypass whenever private school children served by Title I funds fail to make satisfactory educational progress. Our concern here was that this provision would have made LEAs, not private schools, primarily if not wholly responsible for the education of private school students.

Neglected and Delinquent Youth program: includes entrepreneurship education, mentoring, and peer mediation as allowable uses of funds under the Neglected and Delinquent Youth program;

Day 2, October 6

Roemer: authorizes a \$20 million innovative choice demonstration program to support high-quality public school choice initiatives. This is what the Administration proposed under Title V of the ESEA.

Day 3, October 7

Clay: directing the GAO to evaluate how waivers for schools and LEAs, as well as statewide waivers, granted pursuant to Ed-Flex affect student learning to high standards.

Day 4, October 13

Schaffer: to make the 25 percent set-aside for Title I awards optional and to increase the optional amount that can be reserved for this purpose to 30 percent (adopted by a vote of 23 to 20).

Hoekstra: lowering the schoolwide threshold to 40 percent (adopted by a vote of 26 to 21). (The Committee had previously approved a Payne amendment to restore the current threshold of 50 percent.)

Hoekstra: clarifying that if a State already has a report card, it can include information on Title I schools in that report card and providing that if a State does not have a report card, it can disseminate the required information by other methods such as the Internet, media, or distribution through public agencies (adopted by voice vote).

Schaffer: lowering the authorization of appropriations for capital expenses to \$15 million for FY 2000 and 20001 and \$5 million for FY 2002.

Schaffer: requiring all Title I services in public schools to be "secular, neutral, and nonideological" -- the same requirement applicable to Title I services for private school children. (adopted 28 to 21)

McIntosh: expressing the sense of the Congress that the federal government and states reduce the paperwork requirements placed on schools, teachers, principals, and other administrators (adopted by voice vote).

able to sit down and negotiate until Republicans understand that nobody believes their phony numbers. I'm not looking for a train wreck. I'm looking for a resolution of this on reasonable grounds." Obey, Gephardt and **House Budget ranking member John Spratt**, D-S.C., all kept up their assault on the Republicans' budget numbers today and charged that without the various emergency designations and instances when budget writers used more favorable OMB numbers instead of CBO numbers, FY2000 spending bills currently would result in an on-budget deficit of at least \$13.3 billion, which by the end of the process could total as much as \$23.8 billion — and that includes the projected \$14 billion on-budget surplus.

Also today, the Senate adopted the VA-HUD conference report by a vote of 93-5; the measure is expected to be signed into law. And **Senate Minority Leader Daschle** and **Sen. Patty Murray**, D-Wash., unveiled a letter from 38 Senate Democrats to the president, "strongly" urging him to veto the Labor-HHS conference report if it "does not include full funding for the Class Size Reduction program without requiring subsequent authorizing legislation," and pledging that "we would certainly vote to sustain your veto." — *by Lisa Caruso*

(2) UC -

ESEA

... As White House Indicates Support For Week-Long CR

Even as GOP leaders Thursday vowed to get the remaining appropriations measures to President Clinton by the time the current continuing resolution expires next Thursday, White House Press Secretary Joe Lockhart today all but offered Congress a one-week extension. Clinton, Lockhart indicated, would grant Republicans another CR "if they can make a credible case about why they think they need an extra week to finish their work." But faced with GOP determination to put the onus on the president for not completing the budget process, Lockhart argued that seeking to wrap up the year by sending Clinton bills he will not sign was tantamount to Congress not finishing its work. "If they want to send bills down here that they know we'll veto, then they'll need to ask for another CR," he said. But Lockhart maintained the White House is "not going to be happy" about a further CR. Although Lockhart said Clinton does not want a government shutdown and hopes to work with Republicans, he offered some of the most scathing rhetoric yet to describe GOP consideration of the budget. "They've gone from bad ideas, to terrible ideas, to hyper-terrible ideas," he charged.

Meanwhile, **Senate Budget Chairman Domenici** today predicted Clinton would seek a strategy of rolling at least four spending bills into an FY2000 omnibus budget bill, but said congressional Republicans want individual bills and provide continuing resolutions if needed. "If he wants to close down the government, I'm going to be suggesting that's his doing, not ours," Domenici told members of the National Italian American Foundation. Domenici also said a "very significant philosophical battle" had begun in Congress over how to spend non-Social Security budget surpluses, urging Republicans guard against new government programs. — *by Keith Koffler and Mark Wegner*

► EDUCATION

Jeffords Releases Draft Of ESEA Reauthorization Plan

Senate Health, Education, Labor and Pensions Chairman Jeffords today released his draft bill to reauthorize the Elementary and Secondary Education Act, which includes new flexibility for states to use federal education dollars outside existing programs. These block grants, which Democrats likely will oppose, would be increased to \$2.2 billion over five years from the \$375 million in the last ESEA bill. Under the bill, President Clinton's 100,000 teacher initiative and class size reduction program, and the GOALS 2000 program, would be among the programs from which states could redirect the money for other purposes, such as professional development, class size reduction, technology improvement, and library services.

Jeffords also proposed a new early childhood initiative to better prepare children under six years old for learning and school. "We are increasingly seeing the evidence that the first years of life are an important period for learning," Jeffords said in a statement. The bill would spend \$7 billion over five years to increase the availability of "voluntary programs, services, and activities that support early childhood education and promote school

Teacher / prof development
 5 months in 500
 Architectural Title II

Title I - 1

- has not moved on till
- fixing faculty salaries was pretty - BOS wanted full \$, ended up w/ use of 3 steps - better than union law 1) salary w/ state dictated steps, 2) tighter list of transfers
else: withdraw admin \$
- teacher's qual - paragon - labor problems ahead -> teacher's qual def by student achievement? ^{was} Rany wanted, killed
- schoolwork projects, content of reports with T.I. students
 - pretty was 62 when to debate poverty threshold for 52 to 2570 -> economic issues - more H. Dan Sen
 - concentration of poor & underclass (as v GDP growth)
- LOP: goal of less than 3 yrs, but BACKED OFF
 - post-long pattern in CA is BERRY, partly due to waves
 - current law requires testing in test language - results mixed & we will face even worse
 - long and LITIGATION
 - was long EX issue
 - language barrier & comprehension barrier: things going long
- American Ready - BOS has it done over

Title II

- Goodling went ahead & implemented several props, mixed.

Early Byron Act

Goals 2000 - class size - the EC props into a flex
 Model grant. + much class size & program but not a req.
 one thing they make is that prof dev = heads goal. → 2 of
 what is good PROF DEV.

- Every will do performance indicators

• State Board for Prof. Eval. Standards - Review general -
 experts, non-profit, 18 M fed \$ - Master Teachers - Goodling
 states it, fees, benchmarking, standards, tried to call it, ^{PROF}
 threaten veto - now in limbo w/ Secy - describing \$
 - fear that T.E.A. will get attention to labor / H - we will
 try find it regardless - ^{board} GFA will give a light price, but
 the ODP like it OK.

• heads 2 \$: 1/2 formula, 1/2 capitation. - Home regts, could
 pick up in Jan.

• heads C&TIF: our proposal: \$5% ^{5 year} uncertif. → alt. route
certif. COOPHOLE + taken out of 95% → POTUS letter (TFA) -
 Geo Miller hates b/c he sees as way for state allowances
uncertif. - more steep 0% → he got D2 - A2 believe it
 - Senate dropped the provision in the TFA. → will be
 caught in b/t → GP GNS can come in - help

• BIC HAD a WORKING AGREEMENT → SUPP. SIDE

- district union: early master (last), gov, action / mid / run

- prob also RETENTION in early yrs.

- class size & can be used to REVERT w/ rehab & hiring ? ^{WGA} ^{Philly}
 → APPROPRIATE in PHILLY PROG. → we need BWD then
 we're doing it.

Title II

- only 2 white fed into the grants, VP wants stop

After M.D.
 board certif.
 1700 M ann
 ↓
 POTUS goal of
 100K.

Title IV: Safe - Drug-Free

- permitted badly → shift to competitive grants to convert to \$.
↳ not spend it then.

- 201. cap - DoED wants cap, BA no

- expending (yr if long term under law → Dept wanted
GSA) kind get still more ed = Q of unfunded accumulate, or dis-
seminate to effort: find language in work req. to help lead

- roots in IDEA, req to still provide services ~ continuing

of present treatment: Secy's ^{men} view: don't ever deny

- Denver goes down in a school → any need referred to BPN?

② [gen desire to spread BPN PMSHMOOT]

Title V:

- ②
- work-site schools, campus schools: new choice → Hill Den
 - charts + magnets etc (once-yearly opposition to choice → hard to get consensus)

Title VI:

- annual goals is almost new
- big effort is more \$ (as per) dev - keep coming big
(renewment + training) → our proposal very close to current

Title VII:

- began to put out a high priority for Dept - GSA thing

Title IX:

- Hawaiian protected to some

CIVIL 502

With $\bar{X}$:

- 2 new cells: HS before & BSA
- whole & in whole
- big BA party: AFTER SCHOOL, HS of agent → WORKING GROWTH?

LuTah

② my mind shift from conservation
to Formula - 4th C.

Wtth XI

- we know won't serve: (R comes; flex people as a reward)
- Feinstein, Lowell Toffens like
- they couple the (we know) (after + summer school)

The Educational Excellence for All Children Act of 1999
A Summary of the Administration's ESEA Reauthorization Proposal

Introduction

BWL - ESEA

Philosophy underlying the ESEA reauthorization. Retain the principles of standards-based reform, but advance it to the next evolutionary step by supporting:

- **High standards in every classroom.** The 1994 ESEA amendments re-oriented every major Federal education program to help all students reach challenging academic standards. They helped States implement standards-based reform, under which States define standards (what students should know and be able to do), then align all aspects of instruction – including testing, curriculum, and teacher training – to help students reach those standards. Because virtually every State has established the basic tools of standards-based reform, the 1999 reauthorization proposes to advance this process by ensuring that high standards are implemented in the classroom, and by targeting the students and schools farthest from reaching the State standards.
- **Teacher and principal quality improvements.** A strong emphasis is placed on professional development so that teachers are equipped to teach to higher standards, and on ensuring that teachers are certified in the fields in which they are teaching.
- **Performance accountability improvements.** By focusing on improving student outcomes, the 1994 amendments provided a great deal of flexibility in how States and districts could raise student achievement. The 1999 amendments move “flexibility coupled with accountability” a step forward by ensuring that States and districts are accountable for improving performance among the lowest achieving students, providing States more resources for intervening in low achieving schools, ending social promotion, and providing the public information on student, teacher, and school performance through school and district report cards.
- **Safe, disciplined, and drug-free classrooms.** The ESEA reauthorization seeks to reform the Safe and Drug-Free Schools and Communities program grant process and require all school districts to develop discipline policies that focus on prevention.

Title I, Part A: Grants to LEAs

Overview. Title I is the largest elementary and secondary education program, providing over \$8 billion each year to serve over 11 million students in over half of all public schools. It provides extra financial support to communities with low-income students to help low-achieving students catch up with their peers. The 1994 amendments required that Title I students be held to the same high standards as all students, rather than to minimum competencies.

- **Standards and assessments.** Retains the timetable for implementing standards and assessments: by the 2000-2001 school year, all states must establish content standards, student performance standards, and assessments aligned to those standards.
- **Fixing failing schools.** Provides a set-aside to States for intervening in and reforming low-performing schools through a continuum of school improvement activities. These may include requiring a specific curriculum, or taking over or closing down a school.
- **Uniform and rigorous accountability system.** Encourages States to implement one rigorous accountability system for all schools and requires them to at least implement such a system for their Title I schools.
- **Teacher quality.** Improves teacher quality by requiring districts to spend at least 10 percent of their Title I funds on professional development, ensures that new Title I teachers are certified in the field in which they are teaching, and requires paraprofessionals who assist with instruction to have completed at least two years of college and to work under the supervision of a teacher.
- **Schoolwide projects.** Retains an emphasis on and reforms schoolwide projects, under which various ESEA programs can be consolidated at the school level to promote comprehensive reform. Requires such programs to be research-based and to utilize high quality staff and ongoing professional development.
- **LEP students.** Improves the education of limited English proficient (LEP) students by: annually testing their English proficiency; providing assessments, to the extent practicable, in the language most likely to yield the best results; and requiring that assessments be made available at least in Spanish. Students who have attended school in the U.S. for at least three consecutive years would be tested in English on State reading and language arts exams.
- **Other Title I programs.** A number of smaller programs under Title I are reauthorized with minor changes. These include the Reading Excellence Act, which funds professional development activities to train teachers on how to teach reading, extended learning such as tutoring and after-school programs, and family literacy programs. Also included are the Even Start Family Literacy Program, the Neglected and Delinquent program for institutionalized students, Migrant Education, and Comprehensive School Reform Demonstrations, which fund research-based, whole-school reform programs.

Title II, Part A: Teaching to High Standards

Overview. Envisioned as the next step in standards-based reform, the new Title II is designed to sustain State-level reforms and bring them into classrooms, primarily through high-quality professional development for teachers. Our Title II proposal consolidates the Goals 2000 program, the Eisenhower Professional Development program, and the Title VI block grant into a single program. In FY 1999, these programs totaled about \$1.2 billion.

- **State activities.** States would use a portion of their Title II formula grant to support ongoing development of challenging academic standards for all children, assessments to measure progress on those standards, and alignment of curriculum and instruction to those standards. Title II would also support State reforms in teacher licensing, hiring, evaluation, and rewards.
- **Local activities.** States would subgrant most of the funding to local districts, half by a targeted formula and half through competition. Districts would use Title II primarily to support intensive, research-based professional development to improve the knowledge and skills of teachers, with a priority on mathematics and science. Districts could also use Title II funds to orient and mentor new teachers and to purchase certain curricular and instructional aids.
- **Accountability.** Under the proposed Title II, States would be required to hold local districts accountable for performance on indicators to be determined by the Secretary.
- **National activities.** A flexible authority is provided for national activities and demonstrations, such as creating a teacher job bank, funding innovative recruitment programs, and supporting the National Board for Professional Teaching Standards.
- **Republican proposal.** The House-passed Teacher Empowerment Act (TEA) would consolidate Goals 2000, Eisenhower, and Class Size Reduction into a flexible grant program to improve teacher quality. The President, however, threatened to veto the TEA because it fails to guarantee that any funds would be used to reduce class sizes. It is also less targeted, weaker on accountability, and fails to advance State-level standards-based reforms.

Other key Title II programs

- **Part B, Transition to Teaching: Troops to Teachers.** Our proposal continues DOD's Troops to Teachers program for recruiting, preparing, and supporting retired military personnel as teachers in high-need subject areas and school districts. The proposal also builds upon the

UP' helix 9

success of Troops to Teachers through Transition to Teaching – a program that will recruit, prepare and support talented midcareer professionals from diverse fields as classroom teachers.

- **Part C, Early childhood educator professional development.** Our proposal creates a new program to improve the knowledge and skills of early childhood educators in the Nation’s public preschools, Head Start, and child care programs.
- **Part D, Technical assistance programs.** Our proposal revamps the Federal technical assistance system to make it more market-based. It eliminates the relatively ineffective system of Comprehensive Regional Assistance Centers in favor of allowing States and the 100 largest school districts to use formula grants to “shop” for technical assistance.

Title III: Technology for Education

- **Technology Literacy Challenge Fund (TLCF).** Our proposal continues the core components of the TLCF, including the formula for allocating funds to states, the awarding of competitive grants to districts, and the requirement for state and local technology plans. The proposal would also require states to coordinate TLCF technology plans with state plans for standards-based education reform.
- **Next Generation Technology Innovation Awards.** Our proposal consolidates the Technology Innovation Challenge Grants program and the Star Schools program into a single Next Generation program to develop and expand cutting-edge technologies such as simulations, web-based instruction, and distance learning, to improve education. The proposal would include a priority for projects that serve traditionally under served populations, such as low-income students, students with disabilities, and students with limited English proficiency.
- **Other Title III programs.** Our proposal continues various other technology programs such as the Preparing Tomorrow’s Teachers to Use Technology program, which supports the training of new teachers to use technology; the Community Technology Centers program, which provides access to technology and training in high-poverty communities; and educational software development and professional development.

Title IV: Safe and Drug-Free Schools and Communities

Overview. The Safe and Drug-Free Schools and Communities (SDFSC) program is one of the key Federal drug and violence prevention programs and a major part of the National Drug Control Strategy. SDFSC currently provides funds to about 97 percent of the Nation’s school districts for drug and violence prevention education, enhancements to school security, after-school programs, and support services such as mentoring.

- **State grant competition.** Because the current formula program spreads Federal dollars so thinly across so many school districts, resulting in minimally sized grants that in turn support minimally effective programs, our proposal includes a dramatic shift from formula grants to competitive grants. States would be required to subgrant SDFSC funds on a competitive basis, taking into account need and quality. Furthermore, States would not be allowed to make subgrants to more than half of their school districts unless they demonstrate that they can exceed that limit and still support programs of sufficient size and scope to be effective. To ease the transition, States may reserve 10 percent of their funds for one-time, non-competitive grants to exceptionally needy but unsuccessful applicant districts.
- **Principles of effectiveness.** Our proposal codifies ED's "principles of effectiveness," requiring local SDFSC programs to conduct a rigorous needs assessment, establish measurable objectives, adopt research-based activities, and evaluate progress.
- **School security.** Our proposal makes the 20 percent limit on the use of local funds for metal detectors and security personnel subject to a waiver by the State educational agency.
- **Project SERV.** Our proposal authorizes Project SERV (School Emergency Response to Violence, also proposed in the FY 2000 budget), to provide emergency funding for crisis counseling, security, etc. to school districts that experience a violent or traumatic disruption.
- **National programs.** The proposal reauthorizes a flexible authority to support various nationally significant projects, such as the Administration's drug and violence coordinators initiative and the Safe Schools/Healthy Students Initiative.
- **Gun-Free Schools Act (GFSA).** Our proposal reauthorizes the GFSA, which requires States to establish policies to expel for not less than one year any student who brings a firearm to school. A new proposal would require that any such student deemed by a mental health professional to pose an imminent threat receive appropriate mental health services before readmission.

Title V: Public School Choice

- **OPTIONS program.** Aside from reauthorizing and making minor tweaks to the Magnet Schools Assistance Program and Public Charter Schools Program, Title V creates a new public school choice program, Opportunities to Improve Our Nation's Schools (OPTIONS), under which the Secretary may make grants to States and districts to support innovative public school choice programs, such as the worksite schools proposed in the FY 2000 budget.

Title VI: Class-Size Reduction

Overview. First established through the 1999 appropriations process, this program funds the President's commitment to hire 100,000 teachers to reduce class sizes in the primary grades to an average of 18.

- **Authorizes the program.** Establishes the authority to administer the program while maintaining much of the existing program, such as an emphasis on the early grades and allowing up to 15 percent of funds to be used for professional development so that teachers are equipped to take full advantage of teaching in smaller class settings.
- **Matching requirement.** Includes a matching requirement on a sliding scale basis of up to 35 percent to ensure local buy-in, but exempts high-poverty districts from the requirement.
- **Republican bill.** The Teacher Empowerment Act is discussed under Title II above.

Title VII: Bilingual Education, Language Enhancement, and Language Acquisition Programs

Overview. Bilingual Education assists States and school districts in helping LEP students learn English and achieve to the same high standards as all students. This program has come under attack in the past few years, the most onerous of which would have restricted a student's participation in a federally-funded bilingual education program to two years. In response to these proposals, the President articulated a set of principles to strengthen Bilingual Education: (1) a goal that students learn English within three years; (2) accountability for results, so that students not making adequate progress receive the extra help they need and programs that do not measure up are improved; (3) local flexibility for determining how best to achieve results; and (4) an adequate supply of well-trained teachers. These principles are embodied in the Administration's Title I and Title VII proposals.

- **Strengthened accountability in instructional programs.** Two of the most important proposed changes include (1) requiring annual evaluation reports to better measure progress of grantees and determine grant continuation, and (2) requiring grantees to meet program objectives or carry out an improvement plan in order to receive continued funding. Title VII grantees would be required to submit baseline data in the grant application and to provide annual, rather than biennial, performance reports on student progress. At the end of the second year of an award, projects that failed to demonstrate continuous and substantial progress would be required to submit a plan for project improvement for the Secretary's review. If grantees failed to make improvements after implementing the new plan, the Secretary would terminate the grant.
- **Professional Development.** Between 1990 and 1997, the number of LEP students increased by 57 percent, to roughly 3.4 million, thus increasing the need for bilingual education teachers. Our proposal would enhance district capacity to teach LEP students, through teacher education programs for new teachers and through professional development for current teachers.

- **Immigrant Education.** Title VII also reauthorizes with few changes the Immigrant Education program, which provides formula grants to States to help school districts with large numbers of recent immigrant students. The program typically supports local bilingual/ESL programs.

Title VIII - Impact Aid

Overview. This program, first established in the 1950s, compensates school districts for the presence of Federal property and Federally-connected children in the districts' schools.

- **More equitable funding formula.** Reforms the funding formula by eliminating funds for children of parents who live or work on a Federal facility, such as a military base, and utilizing only the most equitable per pupil funding factors in determining allocations.
- **Reauthorizes "Payments for Federal Properties".** Although the Administration has not requested funding for this program for several years, the ESEA proposes to reform the program rather than eliminate it given its popularity in Congress. The proposal would reimburse districts only on the basis of the current value of the Federal property, not its potential value.

Title IX: Indian, Alaska Native, and Native Hawaiian Education

Overview. Current law authorizes formula grants to school districts and BIA schools serving Indian children. The formula grants help provide such services as tutoring, native language and culture instruction, and guidance counseling to 460,000 American Indian and Alaska Native students.

- **Improved teacher quality.** The reauthorization proposes to support professional development consortia to train current teachers to meet the needs of Indian students, using the best available research-based teaching and learning strategies. It would also encourage collaborations among tribally controlled colleges, other institutions of higher education, and school districts serving substantial numbers of Indian students.
- **Reduced burden and greater flexibility for tribal schools.** The proposal allows tribal schools to determine student enrollment through the standard student eligibility requirements met by public schools, rather than the BIA certification process, if they so choose.

Title X: Programs of National Significance

Overview. Title X reauthorizes a wide array of programs, most with only minor changes, such as the Fund for the Improvement of Education, the National Writing Project, Civic Education, the Javits Gifted and Talented program. Highlights of Title X appear below.

- **After School.** The 21st Century Community Learning Centers program provides grants to public schools to offer opportunities for extended learning time to students and community members. The program has expanded from a \$1 million demonstration program in FY 1997 to a \$200 million program in FY 1999 that will serve about 400,000 children and over 200,000 adults. Our ESEA proposal makes a few changes to the program, such as a new 50-percent local matching requirement (also proposed in the FY 2000 budget) and more encouragement for schools to collaborate with community organizations.

• **High school reform.** The Administration's Title X proposal contains a new initiative to promote educational reform in the Nation's high schools. Many Federal education programs, such as the flagship Title I program, disproportionately serve elementary schools. However, high school dropout rates remain high, and international assessments point to major deficiencies in math and science among American high school students. This initiative would provide grants to districts to implement research-based reforms in high schools, especially Title I high schools, in order to create more personal, smaller learning environments conducive to high achievement.

• **Elementary School Foreign Language Assistance** This program authorizes three-year discretionary grants to States and school districts for innovative elementary and secondary foreign language programs. The reauthorization proposes to increase accountability by requiring States to submit an annual report that provides information on the project's progress in reaching its goals. Local educational agencies must annually report on student gains in comprehending, speaking, and writing a foreign language as compared to State foreign language standards.

Title XI, Part B: Education Accountability Act

Overview. Title XI contains the Education Accountability Act, a cornerstone of the Administration's proposal which the President announced in his State of the Union address. This new Act, which will work in tandem with the accountability provisions in other ESEA programs, has several key components, described below.

- **Fixing failing schools and establishing uniform accountability systems.** As mentioned in the Title I section, States will retain funds to intervene in failing schools and will be responsible for ensuring that all students, in particular those at-risk of academic failure, will reach challenging State academic standards.

• **Ending social promotion.** States are required to end both social promotion and traditional grade retention and instead implement policies that provide ample opportunities for students who are not meeting the State's standards to catch up with their peers, but not allow students to advance until they have mastered the material at their grade level.

- **Qualified teachers.** Within four years, States are required to ensure that 95 percent of their teachers are fully certified or are working toward certification through alternative means. Also, States will be required to test prospective teachers in subject matter knowledge and teaching.
- **Discipline and drug-free school policies.** Requires States to ensure that districts have discipline policies that focus on prevention in place and that they provide for supervision, counseling, and educational services for suspended and expelled students.
- **School report cards.** Requires State, district and school level annual report cards that must be disseminated widely to parents and the public. The report cards must include easy-to-understand information on student achievement (as a whole, and, as appropriate, of subgroups), teacher qualifications, class sizes, and school safety.
- **Sanctions for States.** If a State fails to meet the requirements of the Accountability Act, the Secretary may take punitive action including withholding administrative funds and revoking a State's ED-Flex authority.
- **Funding.** No specific funding is authorized for these activities, but rather States may use their administration funds and certain funds from Title I and Title II to carry out these provisions.
- **Other Title XI provisions.** This title also includes general provisions that apply to all programs in the bill. The provisions that have the most impact on local policy are those that: (1) support the consolidation of program applications and administrative funds which encourages State to implement programs in a more coordinated way; (2) provide the Secretary with expanded waiver authority so that State and districts may overcome barriers to reform; and (3) allow the Secretary to develop performance indicators in all programs.

8002-
3EA

PRESIDENT CLINTON: EDUCATIONAL ACCOUNTABILITY AND EXCELLENCE

May 19, 1999

Today, the President announced that this week he will transmit to Congress his proposal to reauthorize the Elementary and Secondary Education Act (ESEA). This legislation authorizes the federal government's largest investments in elementary and secondary education and is its most significant effort to ensure that all children receive a quality education. This proposal will strengthen accountability, improve teacher quality, increase school safety, expand public school choice, promote secondary school reform, and reauthorize programs such as Title I (aid to disadvantaged students), bilingual education, magnet schools, and programs that support technology in schools.

ACCOUNTABILITY FOR RESULTS. The President's ESEA proposal includes accountability measures he announced in his State of the Union Address that for the first time will hold school districts and states accountable for real results. The federal government spends about \$15 billion a year on our public schools. The President's proposal will fundamentally change the way we spend that money, to support what works and stop supporting what doesn't. The legislation will require states and school districts to turn around failing schools, issue report cards to parents on how schools are doing, put qualified teachers in the classroom, adopt sound discipline codes, and end the practice of social promotion, not by holding students back but by providing meaningful after-school and summer school programs, smaller classes, and other early interventions to lift them up.

Turn Around Failing Schools. The President's proposal will require states and school districts to publicly identify the lowest-performing schools and intervene to turn them around. These interventions would include steps such as intensive teacher training, extended learning opportunities and the implementation of proven approaches to school reform. If there is no satisfactory improvement in student performance within two years, districts would be required to take corrective actions, such as permitting students to attend other public schools; reconstituting the school and making significant staff changes; or closing the school entirely and reopening it as a charter school. Nineteen states currently take similar actions to turn around low-performing schools, and experience demonstrates that when these interventions are carefully implemented and accompanied by the necessary resources, schools and students make significant gains. The President's FY 2000 budget contains \$200 million to help states take these steps immediately.

Issue School Report Cards to Empower Parents. The President's proposal will require states and school districts to distribute to all parents and taxpayers annual report cards for each school and school district, as well as for the state as a whole. These report cards will include information on student achievement, teacher qualifications, class size, school safety, and attendance and graduation rates. Where appropriate, the report cards will show academic achievement by demographic groups, to help focus on the need to close the achievement gap between disadvantaged students and their peers. Thirty-six states currently publish or require local school districts to publish school report cards, and five additional states will begin the practice in the next two years. A recent report by Public Agenda, however, shows that only 31 percent of parents had seen these report cards. The President's proposal will help ensure that all parents have access to the information they need to evaluate the quality of their schools and identify the areas in which improvement is needed.

Put Qualified Teachers in the Classroom. Every year, approximately 50,000 individuals teach on “emergency” certificates, which means they do not meet the standards the state has set for certification. In addition, numerous teachers teach subjects for which they lack adequate preparation, with fully one quarter of secondary school teachers lacking even a minor in their main teaching field. In schools with the highest minority enrollment, students have a less than 50 percent chance of having a math or science teacher with a license and degree in the field. The President’s proposal will require states to adopt performance examinations for all new teachers, requiring them to demonstrate both subject-matter knowledge and teaching expertise. The proposal also will require states and school districts to phase out, over four years, the use of teachers with emergency certificates and the practice of assigning teachers to subjects for which they lack adequate preparation. States would have to ensure that within four years, at least 95% of their teachers are fully certified through regular or alternative routes, are in a program that leads to full certification within three years or are fully certified in another state and working toward meeting any state-specific requirements. To support these new teacher quality standards, the proposal will provide resources to help states strengthen teacher certification standards, test new teachers, provide training to current teachers, and offer incentives to recruit more highly qualified teachers.

Adopt and Enforce Sound, Fair Discipline Policies. In many schools, the breakdown of classroom discipline remains one of the biggest obstacles to learning and one of the greatest concerns for teachers, students, and parents alike. The President’s proposal will require states and school districts to adopt fair, consistent discipline policies that are developed with the participation of the school community. In the case of students who are suspended or expelled from school, schools must provide appropriate supervision, counseling, and educational services.

End Social Promotion and Help All Students Meet Challenging Standards. The President’s proposal will require states and school districts to end the practice of social promotion, not by holding students back but by providing qualified teachers, meaningful after-school and summer school programs, smaller classes, and other early interventions to help students succeed. Students will have to demonstrate that they meet standards at three key transition points, including graduation from high school. States and school districts will need to help all students meet challenging standards by:

Supporting Students Who Need Extra Help. To ensure that this requirement helps more students succeed, the President’s proposal would hold states and school districts accountable for: (1) requiring early identification and intervention for students who need extra help; (2) providing all students with well-prepared teachers who are supported through high-quality professional development; and (3) providing extended learning time for students who need extra help, including after-school and summer school programs.

Reducing Class Size. The President’s proposal will authorize continuation of his class-size reduction initiative -- which seeks to hire 100,000 teachers to reduce class size to a nationwide average of 18 in the early grades -- to give all students the individual attention they need to master the basics and meet challenging standards. Congress agreed last fall to a \$1.2 billion downpayment on class size. Over seven years, the President’s initiative would provide a total of

\$12.6 billion to help communities across the nation hire 100,000 well-prepared teachers. Studies show that smaller classes help teachers provide more personal attention to students and maintain discipline; as a result students learn more and get a stronger foundation in the basic skills.

Providing Extended Learning Time: After-School and Summer School Programs. Giving children more time to learn in enriching after-school, weekend and summer school programs can be an effective tool in helping all students meet high academic standards and ending both social promotion and retention. The President's proposal will continue his administration's strong commitment to the 21st Century Community Learning Centers program, which provides grants to public schools to offer additional learning opportunities for students and community members. The President's FY 2000 budget provides \$600 million for this program – triple what Congress approved last fall.

ENSURING TEACHER QUALITY. The President's proposal includes several measures to improve teacher quality and put more highly trained teachers into America's public schools.

Help Teachers Teach to High Standards. The President's proposal includes a new, comprehensive Teaching to High Standards initiative to help schools and school districts give teachers the tools and training they need to help students reach high standards. The initiative would support state and local efforts to: (1) help teachers and principals align curricula and assessments with challenging state and local content standards; (2) provide teachers with sustained and intensive high-quality professional development in core academic content areas; (3) support new teachers during their first three years in the classroom; and (4) help ensure that all teachers are proficient in content knowledge and teaching skills. This new initiative takes the place of, and incorporates the most successful elements of, three current state grant programs: Goals 2000, Eisenhower Professional Development, and ESEA Title VI Innovative Education Program Strategies. In FY 1999, Congress appropriated a total of \$1.2 billion for those three programs.

Expand Recruitment and Retention Efforts. To help meet the need for 2.2 million new teachers over the next decade, the President's proposal would support state and local efforts to recruit and retain high-quality teachers in high-need areas, including a national job bank and effort to increase portability of teaching licenses and pensions. His proposal would also preserve and build on the successful Troops to Teachers program, which has helped 3,000 retiring military personnel become teachers in public schools since 1994. This expanded initiative -- Transition to Teaching -- would provide scholarships and other support to help retiring military and other non-military mid-career professionals to become teachers, particularly in high-poverty schools and in high-need subject areas like math, science, or special education.

Qualified Teachers in High-Poverty Schools. In order to help ensure that students in the most need are being taught by qualified teachers, the President's proposal would require all new teachers in programs supported with Title I funds to be fully certified in the subject that they teach. Within two years, teacher aides in Title I schools with less than two years of college would be limited to non-instructional duties, while those with two years or more of college could provide instructional support and tutoring only under the supervision of a certified teacher.

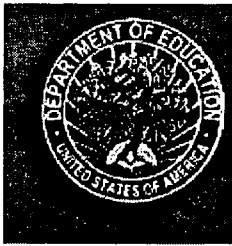
SAFE, DISCIPLINED AND DRUG-FREE SCHOOLS. The President has challenged states, communities, and schools to take a number of steps to restore order and safety, such as adopting school uniforms, enforcing truancy laws, and imposing curfews, and has sent Congress common-sense legislation to keep guns out of the hands of criminals and young people. This proposal would take additional steps to help ensure that each school is a safe, healthy, disciplined, and drug-free learning environment that allows teachers to teach and students to learn.

Strengthened Safe, Disciplined and Drug-Free Schools Program. The Safe and Drug-Free Schools and Communities Program represents the federal government's largest effort to prevent youth drug use and school violence. Under the President's proposal, school districts would be expected to develop comprehensive plans that, among other things, use proven anti-drug and violence prevention programs, collect and report relevant data, intervene with troubled youth, and establish security procedures for schools. This proposal would also support programs that educate students about the risks associated with guns; promote alternative schools and "second chance" programs for students who constantly disrupt classes; and expand character education programs that help instill common sense values in our children.

Counseling for Students Bringing Guns to School. Under current law, schools are generally required to expel any student who brings a gun or explosive device to school, as well as to report that student to local law enforcement officials and juvenile justice authorities. During the 1996-97 school year, this national policy of "zero tolerance" for guns resulted in more than 6,000 students being expelled from school. The President's new proposal requires an assessment of any student expelled for bringing a firearm to school to determine if the student poses an imminent threat of harm to himself or others -- in which case the student must receive appropriate treatment before returning to school.

Report to Parents on Gun and Drug Incidents. Parents have a right to know that their children are safe. The President's proposal requires schools to give parents an annual report of gun, drug, and violent incidents in their child's school.

Emergency Response to Violence. The President's reauthorization proposal also contains his Project SERV initiative -- developed with the help of the communities impacted by recent schools shootings -- to provide immediate assistance as soon as a school-related violent or traumatic incident occurs, through: an Emergency Response Fund to help communities meet urgent and unplanned needs, such as additional security personnel, emergency mental health crisis counseling, and longer-term counseling to students, faculty, and their families; and Crisis Response Experts identified and funded by the Departments of Education, Justice, Health and Human Services, and FEMA, who can help local officials identify and respond to community needs. Officials from those federal agencies worked together to help schools affected by last year's shootings. These agencies will continue to work together as part of Project SERV.



➤ [Reauthorization Home](#)

➤ [Fact Sheet](#)

➤ [Prospectus: Title-by-Title Description](#)

➤ [Publications on ESEA Programs](#)



Educational Excellence for All Children Act of 1999

Fact Sheet

The President announced that he would shortly send to the Congress the "Educational Excellence for All Children Act of 1999," his proposal to reauthorize the Elementary and Secondary Education Act of 1965 (ESEA). This legislation reaffirms the critical role of the Federal Government in working with schools, school districts, and States to promote educational excellence for all children. Every child, parent, grandparent, and taxpayer deserves high quality public schools in their communities.

More specifically, the proposal would build on the 1994 ESEA reauthorization, which established the core principle that disadvantaged children should achieve to the same challenging academic standards as their more fortunate peers, by helping States, districts, schools, and teachers use these standards to guide classroom instruction and assessment for all students.

Background

In 1994, the Clinton Administration and the Congress began the transformation of the Federal role in education by passing the Improving America's Schools Act, which reauthorized the ESEA, and the Goals 2000: Educate America Act, which supported State and local school reform efforts based on challenging academic standards and assessments linked to those standards. Prior to 1994, our education system had for too long condoned low expectations and low standards for disadvantaged children, and Federal programs often reflected those expectations. The 1994 laws established the clear expectation that all children can and should reach high standards.

The two laws were built on the principle that students and schools rise to the expectations and standards we set for them. Therefore, Federal resources were focused on helping States to develop and implement challenging State standards for all children and to use those standards to improve learning through a coherent and aligned system of curricula and assessments.

The 1994 laws complemented and accelerated reforms already underway in many States and school districts, while providing a catalyst for change in States that had not yet begun setting high academic standards. In fact, in a recent study by the General Accounting Office, many States reported that Goals 2000 has been a significant factor in promoting their education reform efforts. Similarly, according to the National Assessment of Title I, about half of poor school districts across the Nation report that Title I is "driving standards-based reform in the district as a whole." With 48 States, Puerto Rico, and the District of Columbia having completed the development of State content standards for all children, it is clear that higher standards are taking hold nationwide.

More importantly, there is strong evidence that where States have implemented standards-based reform over a period of time-together

with accountability mechanisms linked to those standards-students have benefited. For example, North Carolina and Texas made greater gains in math and reading on the National Assessment of Educational Progress (NAEP) than any other State between 1992 and 1996. Texas also showed significant progress in closing the achievement gap between minority and white students. A recent study by RAND researchers concluded that the most plausible explanation for these gains included the effort by both States to align their systems of standards, curriculum, and assessments, and to hold schools accountable for the improvement of all students.

In developing its 1999 ESEA reauthorization proposal, the Administration drew on the experience of implementing the 1994 Act, efforts to measure program performance under the Government Performance and Results Act, and a review of Congressionally mandated evaluations of Title I and other programs. These efforts also were informed and enriched by conversations with hundreds of teachers, principals, parents, community activists, and State and local officials nationwide. Four themes emerged again and again during this process, and these same themes are found throughout the Educational Excellence for All Children Act of 1999: (1) firmly committing to high standards in every classroom, (2) improving teacher and principal quality to ensure quality instruction for all children, (3) strengthening accountability for results coupled with flexibility, and (4) ensuring safe, healthy, disciplined, and drug-free school environments where all children feel connected, motivated, and challenged to learn and where parents are welcomed and involved. To ensure that States adopt policies and practices that promote high quality education for all children, ESEA requires States receiving grants under the Act to adopt policies and programs incorporating these important themes.

High Standards in Every Classroom

The next step in education improvement is to take the high standards set at the Statehouse and move them to schools and classrooms. The Educational Excellence for All Children Act of 1999 renews the Federal commitment to high standards for all children and promotes this next stage of standards-based reform by helping States, districts, schools, and teachers use challenging State standards to guide classroom instruction and student assessment. The bill also supports high standards by helping children to read well and by providing extra resources to help all students succeed. The proposal would:

- Raise student performance by increasing academic standards. The proposal would support implementation of challenging standards and aligned assessments in every State. Title I of the ESEA would continue to focus on high expectations for all children, retaining the current statutory requirement that States establish content standards, student performance standards, and assessments aligned with the standards by the 2000-01 school year. Title II includes a specific authorization to help States and school districts align instruction, curriculum, assessments, and professional development to challenging academic standards.

- Implement continuous improvement and accountability based on challenging standards. States will hold all school districts accountable, and school districts will hold schools accountable, for continuous and substantial gains in overall student performance and in the performance of the lowest-performing students.
- Provide teachers with up-to-date training and support through a new Teaching to High Standards initiative. States have made great strides in developing standards, but only 36 percent of teachers report that they feel very well prepared to teach to high standards. The Title II Teaching to High Standards initiative would help schools and school districts give teachers the tools and training they need to help students reach high standards.
- Put useful technology into schools and classrooms to help teachers teach to high standards. The Technology for Education initiative would help teachers, particularly in high-poverty districts, use technology to teach students to challenging State standards, for instance by using distance learning to get challenging subject matter into all classrooms.
- Strengthen the teaching of reading and reduce class size. The bill would continue the Class-Size Reduction initiative, which seeks to reduce class size in the first through third grades to a nationwide average of 18 students, to ensure that all students receive the individual attention they need to read well and independently by the end of the third grade. It would continue the Reading Excellence Act, which focuses on professional development, extended learning time, and family literacy. Improvements in the Even Start family literacy program would increase the intensity and quality of family literacy services, while a new initiative in Title II would provide professional development for early childhood educators.
- Emphasize math and science education by earmarking the first \$300 million of the Teaching to High Standards grants under Title II for professional development in those subjects. In particular, these funds would help States and school districts take full advantage of new research and curricular materials aimed at improving the teaching and learning of mathematics. The bill also would reauthorize the Eisenhower National Clearinghouse for Mathematics and Science Education and the Eisenhower Regional Mathematics and Science Education Consortia.
- Improve foreign language instruction by setting a national goal that 25 percent of all public elementary schools offer high-quality, standards-based foreign language programs by the year 2005, rising to 50 percent by 2010. The bill would help States and districts meet this goal by supporting the development of foreign language standards and assessments, expanding the pool of elementary school foreign language teachers through improved recruitment and professional development efforts, and encouraging the use of educational technology in foreign language instruction.

- Focus on promoting equity, excellence, and public school choice options for all students. Recognizing that no one school or program can meet the unique needs of every student, public school choice provides students with the flexibility to choose among public schools and programs that differ with respect to educational settings, pedagogy, and academic emphasis. Title V will support programs that can enhance options for students and parents, including the Magnet Schools Program, the Public Charter Schools Program, and a new authority that will fund innovative options for public school choice.
- Continue to target education resources on areas of need. The bill also would continue to target Federal elementary and secondary education resources on those students furthest from meeting State and local standards, with a particular emphasis on narrowing the gap in achievement between disadvantaged students and their more fortunate peers. In this regard, the bill would also phase in equal treatment of Puerto Rico in ESEA funding formulas, so that poor children in Puerto Rico are treated the same as those in the rest of the country for the purpose of formula allocations.

Strengthen Teacher and Principal Quality

Qualified teachers are critical to improving student achievement, yet too many teachers are not provided with on-going, high-quality professional development to help them improve and build on their teaching skills. In addition, many teachers leave the profession in their first three years, and far too many teachers are teaching in a field in which they were not trained. In Title I schools, an increasing number of unqualified teacher aides are providing direct instruction without supervision by a certified teacher. To address these problems and help ensure that every child in America has a talented and dedicated teacher who is prepared to help all children reach high standards, the President's bill would:

- Help teachers teach to high standards. The Title II Teaching to High Standards initiative would support State and local efforts to: (1) help teachers and principals align curricula and assessments with challenging State and local content standards; (2) provide teachers with sustained and intensive high-quality professional development in core academic content areas; (3) support new teachers during their first three years in the classroom; and, (4) help ensure that all teachers are proficient in content knowledge and teaching skills. This new initiative takes the place of, and incorporates the most successful elements of, three current State grant programs: Goals 2000, Eisenhower Professional Development, and ESEA Title VI Innovative Education Program Strategies.
- Support a national effort to recruit talented individuals to become principals and support their professional development to become effective instructional leaders. The Teaching to High standards initiative would authorize support for new and continuing principal development and leadership.

- Expand recruitment and retention efforts to help meet the need for 2.2 million new teachers over the next decade. The Teaching to High Standards initiative would support State and local efforts to recruit and retain high-quality teachers in high-need areas. These efforts would include, for example, the creation of a national job bank and encouraging portability of licensure and other teaching credentials. The Teaching to High Standards initiative also would include a priority for school districts that support teachers in their first three years of teaching, a period when many good teachers leave the classroom. The Transition to Teaching initiative would expand the existing Troops to Teachers program to help non-military (as well as military) mid-career professionals become teachers, particularly in high-poverty school districts and high-need subject areas.
- Require certification for new teachers in Title I schools. Our proposal would require all new teachers in programs supported with Title I funds to be fully certified in the subject they teach. By July 1, 2002, paraprofessionals with less than two years of college would be limited to non-instructional duties, while those with two or more years of college could provide instructional support and tutoring only under the supervision of a certified teacher. A new set-aside for professional development in Title I would help create a career-long professional learning environment for teachers in Title I schools.
- Strengthen the State teacher certification process. States would be required to ensure that, within four years, at least 95 percent of their teachers are either (1) fully certified, (2) working toward full certification through an alternative route, or (3) fully certified in another State and working toward meeting any State-specific requirements. States will also be required to ensure that at least 95 percent of secondary school teachers have academic training or demonstrated competence in the subject area in which they teach.
- Help future teachers use advanced technology to improve classroom instruction. The Technology Literacy Challenge Fund would support sustained and intensive high quality professional development in school districts to increase teacher capacity to create improved learning environments through the integration of technology into instruction. The Preparing Tomorrow's Teachers to Use Technology initiative would support consortia of public and private entities to train new teachers to use technology to prepare students to achieve to challenging State and local standards.
- Train early childhood educators to prepare disadvantaged students for school. This Title II proposal would provide grants to partnerships of professional development providers, community-based early childhood programs, and school districts to provide high-quality professional development to early childhood providers. The emphasis would be on research-based approaches to professional development in language acquisition, literacy, and reading development.

- Train classroom teachers to teach students with limited English proficiency (LEP). Because LEP students are found in more and more classrooms, the proposed amended Title VII Bilingual Education program would support teacher education programs that develop the ability of regular classroom teachers to teach LEP students.

Strengthen Accountability for Student Performance

The 1994 laws provided States and districts with increased flexibility to coordinate, modify, and combine program funding and activities in exchange for greater accountability for improved educational achievement. States, districts, and schools have begun to take advantage of this increased flexibility, but too often without the necessary implementation of effective accountability mechanisms. Early research suggests, however, that it is precisely those States with the most comprehensive and effective accountability systems that are making the most progress in increasing expectations and standards for students and schools and improving student achievement.

The President's reauthorization proposal would retain the ESEA flexibility provisions included in the 1994 law, including the expansion of schoolwide programs, consolidation of administrative funds, and waiver procedures for regulatory and statutory provisions that stand in the way of innovative reform efforts. The bill also would retain and update the provisions of the Education Flexibility Partnership Act of 1999, which expanded eligibility for ED-Flex authority to all States.

To help ensure that this enhanced flexibility leads to improved student achievement, the President is proposing several new accountability measures:

- Strengthen accountability for districts and schools. Our proposal would encourage States to develop one rigorous accountability system that holds all schools, including Title I schools, accountable for making continuous and substantial gains in student performance. States will have the flexibility to use either the model outlined in the statute or an alternative that is at least as rigorous and effective. States without a single State-wide accountability system would be required to develop one for their Title I schools.
- Increase accountability to parents and the public through school report cards. States and school districts receiving ESEA funds would be required to produce and distribute annual report cards for each school, the school district, and the State. The report cards would include information on student achievement, teacher qualifications, class size, school safety, attendance, and graduation rates. Where appropriate, student achievement data would be broken out by demographic groups to identify any gaps between disadvantaged students and their peers.
- End unsound educational practices of social promotion and retention. States would be required to put into place

educational practices within four years, targeting students who need additional help in meeting challenging State academic standards at three key transition points (e.g., fourth grade and eighth grade and high school graduation). Such practices include early identification and intervention strategies, smaller classes with well-prepared teachers, high-quality professional development, greater family involvement, and extended learning time. State policies would use multiple measures, including an assessment valid for these purposes, to determine if a student has met the standards.

- Turn around low-performing schools. School districts would be required to identify publicly the lowest-performing schools that have not improved over two years and to implement interventions and provide technical assistance in these schools. Initial interventions could include implementing extended learning opportunities, proven school reform models, and extensive teacher training. If there is no satisfactory improvement in student performance within three years of the initial identification, districts would be required to take corrective actions, such as reconstituting the school by making wholesale staff changes or closing the school entirely and reopening it with new staff or as a charter school. States would be required to reserve 2.5 percent of their Title I LEA Grant funds (increasing to 3.5 percent in fiscal year 2003) to support interventions in failing schools, and would provide 70 percent of these funds to school districts to help them turn around low-performing schools.

Support Safe, Healthy, Disciplined, and Drug-Free Learning Environments

A critical prerequisite for achieving quality and excellence in education is a safe, healthy, disciplined, and drug-free learning environment that provides ample opportunities for each student to make connections with caring adults that support learning and personal development. Notwithstanding the recent tragedy at Columbine High School in Littleton, Colorado, survey data show that schools continue to be safe places in America's communities. Similar survey data, however, show that drug and alcohol use remain disturbingly high in middle and high schools, discipline appears to be a growing problem, and more and more children are leading lifestyles involving little or no physical exercise.

Parents play a critical role in creating and maintaining a healthy learning environment, and the Educational Excellence for all Children Act of 1999 would retain and strengthen the emphasis on parental involvement first established by the 1994 Act.

The following provisions would support State and local efforts to create safe, healthy, disciplined, and drug-free learning environments in all of our schools:

- Help support and expand the connections between adults and students that are necessary for effective learning and healthy personal development through a High School Reform initiative. This new initiative would provide resources to help transform

5,000 high schools into places where students receive individual attention, are motivated to learn, are provided with challenging courses, and are encouraged to develop and pursue long-term higher education and career goals. Participating schools would serve as models to guide reform in all secondary schools.

- Require every school district and school to have a sound discipline policy. Our proposal will require States to hold school districts and schools accountable for having discipline policies that focus on prevention, are consistent and fair, and are developed with the participation of the school community.
- Emphasize parent involvement policies at the school and district levels and continue implementation of Title I parent-school compacts.
- Improve the Parent Information and Resource Centers by focusing on high-poverty communities, encouraging the use of research-based models for increasing parent involvement, and emphasizing early literacy development.
- Expand access to information through technology by supporting community technology centers that make online education and training resources available to parents and other community members in high-poverty areas.
- Strengthen the Safe and Drug-Free Schools and Communities Act by concentrating funds on districts that have a significant need for drug- and violence-prevention and that are developing and implementing research-based prevention programs of proven effectiveness.
- Create a new School Emergency Response to Violence program (Project SERV) that would provide rapid assistance to school districts that have experienced violence or other trauma that disrupts the learning environment.
- Modify the Gun-Free Schools Act to require an assessment of any student who brings a firearm to school to determine if the student poses an imminent threat of harm and, in the case of students who are suspended or expelled from school, provide for appropriate supervision, counseling, and educational services.
- Promote physical fitness and lifelong healthy habits through demonstration projects. Exemplary physical education programs can promote life-long healthy habits, provide opportunities for students to connect to school, and become an important component of after-school programs.

Educational Excellence for All Children

The 1994 ESEA reauthorization marked a fundamental change in the Federal role in education by establishing the clear expectation that all children can and should reach high standards. Early results suggest that standards-based reform is a powerful tool for raising

student achievement and for closing the achievement gap between economically disadvantaged students in high poverty schools and their more fortunate peers. The Educational Excellence for All Children Act of 1999 would build on this early success by reinforcing State and local efforts in key areas like bringing high standards into every classroom, strengthening teacher and principal quality, increasing accountability for student performance, and supporting safe, healthy, disciplined, and drug-free learning environments. The bill provides the Congress a tremendous opportunity to support the changes needed to help all of our children reach high academic standards and to keep America strong and prosperous in the 21st century.

-###-

Page last updated on May 25, 1999 by [pjk]

GOP, Democrats Spar Over Education, As Law Comes Up for Reauthorization

By JUNE KRONHOLZ

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON-Republicans are adamant they won't pass President Clinton's program to reduce class size by helping schools hire 100,000 new teachers. Democrats say "no way" to the GOP's plan to send more education money to local school districts in the form of do-whatever-you-want-with-them block grants.

So what's the buzzword as Congress begins working its way through ESEA, the massive Elementary and Secondary Education Act?

Flexibility. Of course.

Republicans want to give local schools more leeway on using federal funds. Democrats want more-targeted goals. In either case, the lesson is clear: School's out, but education is in as a political issue. With ESEA up for its latest five-year reauthorization, it's becoming the stage on which the political parties are acting out their widely divergent views on the federal role in education—and taking up their positions for the 2000 elections at the same time.

So far, the only ESEA issue to make it to a floor vote has been a House measure that would give schools the choice of either hiring more teachers with federal funds or using some of that money to better train the teachers they already have. The GOP has been stung by the popularity of President Clinton's plan to reduce class size by funding thousands of teachers, and the party is fearful of seeing Democrats use it in their favor in the next elections. So last month, House Republicans reveled in a successful vote to gut Mr. Clinton's teacher initiative in the name of school-district flexibility, even though the president threatened to veto the entire education act if it didn't include his plan.

Quick Response by GOP

Senate Republicans quickly drafted a similar Teacher Empowerment Act that would allow districts to use the money to pay signing bonuses to new teachers, or for bonus pay to teachers in hard-to-fill specialties such as math. Senate Democrats, aware of public frustration with weak teachers, countered with their own teacher-training bills. But Democrats also charged that the GOP had agreed to the hiring initiative in last year's budget, but now is reneging as districts are poised to hire the first teachers under the program.

If the two parties seem at irreconcilable odds over teachers, it's only the least of their disagreements on education. When Congress resumes meeting next month, both houses expect to begin debate on two even thornier issues: block grants and vouchers.

The block-grant proposal, championed by Washington GOP Sen. Slade Gorton, is called Straight A's (for Academic Achievement for All Act). It would bundle two dozen federal education programs with a combined \$12 billion in spending. School districts then would have the flexibility—there's that word again—to either continue receiving their share of that money in program aid or take it as a block grant for another purpose, such as buying new computers.

Democrats hotly oppose Straight A's, fearful that it would cause successful programs to be abandoned. They say it's the local districts and their flexibility to teach what they choose that have gotten the U.S. public-education system into the worri-

some condition it is now. But Senate Majority Leader Trent Lott of Mississippi has endorsed Straight A's, there are 119 cosponsors in the House, five governors are behind it, and, perhaps most significant, Chicago's much-acclaimed school superintendent Paul Vallas has signed on.

President Clinton has promised to veto any education bill that contains Straight A's; Education Secretary Richard Riley quipped that the bill deserves "straight F's" for not requiring the districts to be more accountable for the money. But Straight A's gives the GOP "a positive message on education," says Nina Shockraii Rees, education analyst at the conservative Heritage Foundation, even if the party seems unable to come up with an education program to counter the president's.

The other no-compromise issue will be an idea by New Hampshire Republican Sen. Judd Gregg to allow what the GOP calls "portability" of Title I benefits and what Democrats call vouchers. Title I is the largest program in the \$14 billion education act, accounting for about \$8 billion that the government distributes to schools with high levels of family poverty.

Under the Republican plan, states would have the flexibility of deciding whether those benefits should stay with the low-income school or be assigned to each low-income student. That means the benefits could move with the youngster to any other school, including a non-Title I public school or, in some cases, a private or parochial school.

Shorn of language that could send Title I funds to private schools, the portability idea could even win support from some Democrats who despair that Title I has become little more than an inner-city jobs program, with the country's most needy students being taught by thousands of poorly educated school aides. But portability is opposed by the teachers' unions, which fear a foot in the door for vouchers.

One thing the Democrats and Republicans do agree on is President Clinton's plan to force school districts to end social promotion, that is, passing students along to the next grade even if they aren't ready for it. In a rare show of togetherness, both sides oppose the idea. Democrats recoil at Mr. Clinton's threat to close schools that pass underperforming students from grade to grade. Republicans recoil at the idea of telling local districts something so basic as who's ready for fifth grade and who's not.

Democrats Predict Tough Time

"Clinton's stuck with it" because he elaborately announced the social-promotion initiative in his State of the Union address and continued to promote it over the opposition of minority congressmen, says a House Democratic staffer. "But it will have a rough time," he adds.

Meanwhile, one thing the president and the Republicans agree on is passage of ESEA before the 2000 elections. Mr. Clinton is eager to have the education act passed so it will secure his legacy as the president who trained teachers, raised student performance, encouraged such innovation as charter schools, equipped classrooms with technology and financed new school construction. The Republicans, hammered by the Democrats in recent elections for having no education ideas of their own and for scuttling those of Mr. Clinton, also are eager for ESEA's passage to show they share voters' concerns about the schools.

Insurance Industry and Corporations Battle Over Reimbursement for Y2K Bug

By DEBORAH LOHSE

Staff Reporter of THE WALL STREET JOURNAL

Corporate America thinks it may have found a way to get reimbursed for the huge sums it has had to spend to fix computers plagued with the Year 2000 bug: property insurance. But the insurance industry has other ideas, and it is taking a hard-line stance in what will be a closely watched legal battle with billions of dollars at stake.

So far, GTE Corp. and Xerox Corp. have taken their insurers to court for reimbursement of hundreds of millions of dollars spent to overhaul their computer systems to correctly read the date "2000." Unisys Corp. filed a similar suit earlier this month in state court in Delaware. These companies argue that under an obscure provision of many insurance contracts, known as a "sue and labor" clause, money that a company spends to save its insurer from a loss — such as would occur if its software is corrupted by the Y2K bug and causes property damage — is reimbursable.

Insurance brokers, who help corporations buy insurance, say most of their large corporate clients are now weighing filing claims with their insurers, which will almost undoubtedly wind up in court, too. "There will definitely be a very diligent effort" by insured companies "to look at this matter," says Michael O'Halloran, president of Aon Corp., a large Chicago

insurance broker. "There's a strong possibility that they will seek to get remedy under those provisions."

As many as 100 companies — including pharmacy chain CVS Corp. and Equitable Cos., a financial-services concern — already have filed such claims or alerted

There are significant hurdles for corporations to get their Y2K costs covered by insurance, underwriters say.

their insurers of expected claims, according to research by PaineWebber insurance analyst Alice Schroeder.

Still, analysts say they don't really expect the insurance industry suddenly to find itself on the hook for \$150 billion or more of Y2K fix-it costs. "The risk of this bankrupting the industry is remote, because the industry's defenses are good," Ms. Schroeder says.

There are significant hurdles for corporations to get their Y2K costs covered by insurance, underwriters say. For one thing, companies typically are supposed to alert their insurers quickly when they incur such costs, yet many have been

fixing their computers for years while only now notifying their insurers of claims.

Also, many policies note that the loss being prevented must be "actual" or "imminent" — not a year or more away, the industry will argue. And "the loss being prevented must be one that the insurance policy would cover anyway — yet many insurers have long planned to argue that their policies are intended only to cover unexpected, or "fortuitous," events, not the well-publicized and highly anticipated Y2K event.

Nonetheless, insurers are taking the issue seriously, having learned from previous experience that courts are unpredictable. "The concern is that if you get a bad precedent, there will be more frivolous lawsuits and more legal costs," says Walter J. Andrews, counsel to the Insurers' Year 2000 Roundtable, a group of legal and claims representatives from 34 property-casualty insurers.

The Y2K Act signed by President Clinton last month, which tries partly to give corporations time to fix Y2K problems before being sued, doesn't directly address insurance issues. But it already has been invoked by one company, Xerox, to argue that its insurer should have given it more notice before countersuing to avoid paying Xerox's claims. The insurer, Zurich Insurance Co.'s American Guarantee & Liability Insurance Co., argues that the Y2K Act

Please Turn to Page C13, Column 3

doesn't apply.

Corporations believe they have strong arguments for having their computer-overhaul costs covered. For starters, they say, if they had done nothing, the insurers would be facing the prospect of damage claims many times greater than the remediation costs. "The whole idea of a sue-and-labor clause is we should try to avoid the big risks of insurance losses," says Robert Ruyak, outside counsel for GTE. "Insurance companies demand that clause," he adds. And many aspects of the policy language, including the requirement that a loss be "imminent," are ambiguous, corporate attorneys say.

The sue-and-labor provision stems from maritime policies and was designed to persuade ship owners not to sit by and do nothing if a craft was about to sink, in the belief that insurance would pick up the tab. Insurers agree to pay if boat owners take steps like retrieving cargo that is sinking with the ship.

Now, the obscure clause is being invoked for costs that are far more widespread, and far more expensive, than ever originally intended, insurers argue. Corporations have been spending more than \$150 billion fixing computers that otherwise might wreak havoc thinking that that code reading "00" means the year 1900, instead of 2000, according to estimates by consultants Gartner Group Inc.

The battle is expected to play out in court, with each side trying to have cases heard in venues friendly to its cause. American Guarantee filed its countersuit to Xerox in New York — which has relatively strict insurer-notification laws, arguing in part that Xerox didn't provide "proof of loss" within the required 60-day time frame after being requested to do so. Xerox, whose suit was filed last month in state court in Stamford, Conn., has estimated its Y2K costs at \$183 million.

Insurance companies say such costs are routine business expenses. They also argue that the history of the sue-and-labor measure is that fix-it costs must be "proportionate and reasonable to the covered loss," and that corporations must show that such costs were incurred for the benefit of the insurer, says Mr. Andrews.

"There's no need to spend hundreds of millions of dollars to save a loss," says Mr. Andrews. "You want a way to save a loss? Unplug the computer."

White House Plans Effort To Clean Up Waterways

WASHINGTON (AP) — The Clinton administration is formulating proposals for a nationwide effort to clean up polluted rivers, lakes and streams.

President Clinton, in his weekly radio address Saturday, said the Environmental Protection Agency will work with states "to assess the state of all our waterways, to identify the most polluted waters and to develop strong, enforceable plans to restore them to health."

He said the plan continues work begun in 1972 with passage of the federal Clean Water Act. The goal is to make waterways clean enough for swimming or fishing, he said, noting that about 40% of U.S. waterways don't meet the swimming or fishing test.

States and the EPA have already identified about 20,000 polluted waterways that fail to meet national water-quality standards, EPA Administrator Carol Browner said. For each, states must produce cleanup plans, she said.

Although states are responsible for making their lists and deciding how to fix pollution problems, the EPA will step in to enforce federal standards if states fall short, Ms. Browner said. The public has 60 days to comment on the rules, which are likely to take effect later this year.