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MARKUP REPORT: House Education and the Workforce House Panel Begins "Title I" Reauthorization

By Molly Peterson
National Journal News Service

WASHINGTON (Oct. 5, 1999) -- [NOTE: This is an interim FLASH report that will be replaced with a comprehensive version as soon as it is available.]

Members of the House Education and the Workforce Committee on Tuesday began work on a massive bill to reauthorize the nation's largest federal grant program for disadvantaged elementary and secondary public school students.

Sponsors said the "Student Results Act" [H.R. 2] would not change the current formulas for allocating so-called Title I grants, but would enable schools to make better use of the funds and require them to be more accountable for student achievement.

"No longer will we allow low-performing schools to continue to fail our children," said Rep. Michael N. Castle, R-Del., who chairs the Early Childhood, Youth and Families Subcommittee.

Members spent hours debating amendments to the legislation, but were unable to finish their work by day's end. They planned to complete action on the bill Wednesday.

The bill would provide a five-year reauthorization for Title I of the Elementary and Secondary Education Act. Title I channels about \$8 billion annually into programs for about 10 million disadvantaged students.

The committee draft of the legislation -- unveiled Tuesday as an amendment in the nature of a substitute by Committee Chairman William Goodling, R-Pa. -- is several hundred pages in length and includes significant compromises by both Republicans and Democrats.

Republicans, for example, opted not to include a voucher provision that would enable poor students to use public

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dollars to attend private schools. And Democrats agreed to a GOP-favored provision that limits the number of teacher aides that can be hired with Title I funds.

"Both sides gave something and both sides got something in the negotiations," said Rep. Dale Kildee, D-Mich., who serves as the subcommittee's ranking member.

Although Kildee and other Democrats said they generally were pleased with the bill and planned to vote in favor of it, they still had a few glaring concerns.

They complained, for example, that a provision to lower the threshold for Title I-funded school-wide projects could undermine the targeting of Title I resources to poor areas. They also opposed a provision that would require schools to try to obtain parental consent before enrolling students with limited English proficiency in classes taught in their native language.

Rep. Matthew Martinez, D-Calif., unsuccessfully offered an amendment to Goodling's substitute, which would have eliminated the parental consent provision. Martinez said the provision could limit access to Title I services for students with limited English proficiency and place them in "educational limbo."

"I believe they should be treated the same as all Title I students," Martinez said, noting that more than 3.5 million such students currently are enrolled in U.S. public schools -- a 50 percent increase since the 1990-1991 school year.

But most Republicans opposed Martinez' amendment, saying parents should be able to choose whether to have their children educated in their native language or in English. The amendment failed on a 22-25 vote. [Vote 1]

The committee also rejected an amendment by Rep. Bob Schaffer, R-Colo., to eliminate a provision from the bill that would require states to set aside 25 percent of new Title I funds to provide cash rewards to schools that reduce "achievement gaps" between low-performing and high-performing students.

Predicting that those funds could add up to hundreds of millions of dollars nationwide, Schaffer argued that rewards programs should be left up to local districts using local dollars.

But supporters of the rewards provision said it would give schools important incentive to improve student achievement, and Schaffer's amendment failed by a 17-30 vote. [Vote 2]

Schaffer then offered another amendment that would have made the reward program optional for states, but that

amendment failed by a 23-25 vote.[Vote 3]

The panel also defeated, by an 8-40 vote, [Vote 5] a Schaffer amendment to eliminate the bill's requirements regarding teacher assistants. The bill would freeze the number of teacher aides, or "paraprofessionals," that can be hired with Title I funds. It also would require, within three years of enactment, that all teacher aides hired with Title I funds meet certain educational requirements or locally-set performance standards.

The committee also rejected, by a 21-26 vote, [Vote 7] an amendment by Rep. Chaka Fattah, D-Pa., that would have required states to make their funding allocations to local school districts more equitable in order to qualify for federal Title I funds.

But the committee did approve, by voice vote, an en bloc amendment by Castle and Kildee making several technical and substantive changes to Goodling's amendment in the nature of a substitute.

The en bloc amendment would ensure that a progress report provision in the bill would pertain only to states, local education agencies and schools that receive Title I funds. The amendment also would clarify that if a school district is unable to obtain parental consent to enroll a child in a bilingual education program, the school may provide the services to the child after 10 days.

Committee members expected to vote on Goodling's substitute, and any remaining amendments, during Wednesday's debate.

Recorded Votes

House Committee on Education and the Workforce
 Bill: H.R. 2 Vote: 1
 Martinez amendment.
 Tally: 22 Yes 25 No 2 Not Voting

Republicans	Democrats
N GOODLING (R-Pa.)	Y CLAY (D-Mo.)
N PETRI (R-Wis.)	Y MILLER (D-Calif.)
	Y KILDEE (D-Mich.)
N ROUKEMA (R-N.J.)	Y MARTINEZ (D-Calif.)
N BALLENGER (R-N.C.)	Y OWENS (D-N.Y.)
N BARRETT, BILL (R-Neb.)	Y PAYNE (D-N.J.)
NV BOEHNER (R-Ohio)	Y MINK (D-Hawaii)
N HOEKSTRA (R-Mich.)	Y ANDREWS (D-N.J.)
N MCKEON (R-Calif.)	Y ROEMER (D-Ind.)
N CASTLE (R-Del.)	Y SCOTT (D-Va.)
N JOHNSON, SAM (R-Texas)	Y WOOLSEY (D-Calif.)
N TALENT (R-Mo.)	NV ROMERO-BARCELO (D-PR)
N GREENWOOD (R-Pa.)	Y FATTAH (D-Pa.)
N GRAHAM (R-S.C.)	Y HINOJOSA (D-Texas)
Y SOUDER (R-Ind.)	Y MCCARTHY (D-N.Y.)

N	MCINTOSH (R-Ind.)	Y	TIERNEY (D-Mass.)
N	NORWOOD (R-Ga.)	Y	KIND (D-Wis.)
N	PAUL (R-Texas)	Y	SANCHEZ (D-Calif.)
N	SCHAFFER (R-Colo.)	Y	FORD (D-Tenn.)
N	UPTON (R-Mich.)	Y	KUCINICH (D-Ohio)
N	DEAL (R-Ga.)	Y	WU (D-Ore.)
N	HILLEARY (R-Tenn.)	Y	HOLT (D-N.J.)
N	EHLERS (R-Mich.)		
N	SALMON (R-Ariz.)		
N	TANCREDI (R-Colo.)		
N	FLETCHER (R-Ky.)		
N	DEMINT (R-S.C.)		
N	ISAKSON (R-Ga.)		

House Committee on Education and the Workforce
 Bill: H.R. 2 Vote: 2

Schaffer amendment to strike academic awards
 program.

Tally: 17 Yes 30 No 2 Not Voting

Republicans	Democrats		
N	GOODLING (R-Pa.)	N	CLAY (D-Mo.)
Y	PETRI (R-Wis.)	N	MILLER (D-Calif.)
		N	KILDEE (D-Mich.)
N	ROUKEMA (R-N.J.)	N	MARTINEZ (D-Calif.)
N	BALLENGER (R-N.C.)	Y	OWENS (D-N.Y.)
Y	BARRETT, BILL (R-Neb.)	N	PAYNE (D-N.J.)
NV	BOEHNER (R-Ohio)	N	MINK (D-Hawaii)
Y	HOEKSTRA (R-Mich.)	N	ANDREWS (D-N.J.)
Y	MCKEON (R-Calif.)	N	ROEMER (D-Ind.)
N	CASTLE (R-Del.)	Y	SCOTT (D-Va.)
Y	JOHNSON, SAM (R-Texas)	N	WOOLSEY (D-Calif.)
Y	TALENT (R-Mo.)	NV	ROMERO-BARCELO (D-PR)
N	GREENWOOD (R-Pa.)	N	FATTAH (D-Pa.)
N	GRAHAM (R-S.C.)	N	HINOJOSA (D-Texas)
Y	SOUDER (R-Ind.)	Y	MCCARTHY (D-N.Y.)
N	MCINTOSH (R-Ind.)	N	TIERNEY (D-Mass.)
Y	NORWOOD (R-Ga.)	N	KIND (D-Wis.)
Y	PAUL (R-Texas)	N	SANCHEZ (D-Calif.)
Y	SCHAFFER (R-Colo.)	Y	FORD (D-Tenn.)
N	UPTON (R-Mich.)	N	KUCINICH (D-Ohio)
N	DEAL (R-Ga.)	N	WU (D-Ore.)
N	HILLEARY (R-Tenn.)	N	HOLT (D-N.J.)
N	EHLERS (R-Mich.)		
Y	SALMON (R-Ariz.)		
Y	TANCREDI (R-Colo.)		
Y	FLETCHER (R-Ky.)		
N	DEMINT (R-S.C.)		
N	ISAKSON (R-Ga.)		

House Committee on Education and the Workforce
 Bill: H.R. 2 Vote: 3

Schaffer amendment on academic rewards program.

Tally: 23 Yes 25 No X Not Voting

Republicans	Democrats		
N	GOODLING (R-Pa.)	N	CLAY (D-Mo.)
Y	PETRI (R-Wis.)	N	MILLER (D-Calif.)
		N	KILDEE (D-Mich.)
N	ROUKEMA (R-N.J.)	N	MARTINEZ (D-Calif.)
N	BALLENGER (R-N.C.)	N	OWENS (D-N.Y.)
Y	BARRETT, BILL (R-Neb.)	N	PAYNE (D-N.J.)
Y	BOEHNER (R-Ohio)	N	MINK (D-Hawaii)
Y	HOEKSTRA (R-Mich.)	N	ANDREWS (D-N.J.)

Y MCKEON (R-Calif.)	N ROEMER (D-Ind.)
N CASTLE (R-Del.)	Y SCOTT (D-Va.)
Y JOHNSON, SAM (R-Texas)	N WOOLSEY (D-Calif.)
Y TALENT (R-Mo.)	NV ROMERO-BARCELO (D-PR)
N GREENWOOD (R-Pa.)	Y FATTAH (D-Pa.)
Y GRAHAM (R-S.C.)	N HINOJOSA (D-Texas)
Y SOUDER (R-Ind.)	N MCCARTHY (D-N.Y.)
Y MCINTOSH (R-Ind.)	N TIERNEY (D-Mass.)
Y NORWOOD (R-Ga.)	N KIND (D-Wis.)
Y PAUL (R-Texas)	N SANCHEZ (D-Calif.)
Y SCHAFFER (R-Colo.)	Y FORD (D-Tenn.)
Y UPTON (R-Mich.)	N KUCINICH (D-Ohio)
Y DEAL (R-Ga.)	N WU (D-Ore.)
Y HILLEARY (R-Tenn.)	N HOLT (D-N.J.)
N EHLERS (R-Mich.)	
Y SALMON (R-Ariz.)	
Y TANCREDO (R-Colo.)	
Y FLETCHER (R-Ky.)	
Y DEMINT (R-S.C.)	
N ISAKSON (R-Ga.)	

House Committee on Education and the Workforce

Bill: H.R. 2 Vote: 4

Fattah amendment on state equalization of funding.

Tally: 21 Yes 27 No 1 Not Voting

Republicans

N GOODLING (R-Pa.)	Y CLAY (D-Mo.)
N PETRI (R-Wis.)	Y MILLER (D-Calif.)
	Y KILDEE (D-Mich.)
N ROUKEMA (R-N.J.)	Y MARTINEZ (D-Calif.)
N BALLENGER (R-N.C.)	Y OWENS (D-N.Y.)
N BARRETT, BILL (R-Neb.)	Y PAYNE (D-N.J.)
N BOEHNER (R-Ohio)	Y MINK (D-Hawaii)
N HOEKSTRA (R-Mich.)	Y ANDREWS (D-N.J.)
N MCKEON (R-Calif.)	Y ROEMER (D-Ind.)
N CASTLE (R-Del.)	Y SCOTT (D-Va.)
N JOHNSON, SAM (R-Texas)	Y WOOLSEY (D-Calif.)
N TALENT (R-Mo.)	NV ROMERO-BARCELO (D-PR)
N GREENWOOD (R-Pa.)	Y FATTAH (D-Pa.)
N GRAHAM (R-S.C.)	Y HINOJOSA (D-Texas)
N SOUDER (R-Ind.)	Y MCCARTHY (D-N.Y.)
N MCINTOSH (R-Ind.)	Y TIERNEY (D-Mass.)
N NORWOOD (R-Ga.)	Y KIND (D-Wis.)
N PAUL (R-Texas)	Y SANCHEZ (D-Calif.)
N SCHAFFER (R-Colo.)	Y FORD (D-Tenn.)
N UPTON (R-Mich.)	Y KUCINICH (D-Ohio)
N DEAL (R-Ga.)	Y WU (D-Ore.)
N HILLEARY (R-Tenn.)	Y HOLT (D-N.J.)
N EHLERS (R-Mich.)	
N SALMON (R-Ariz.)	
N TANCREDO (R-Colo.)	
N FLETCHER (R-Ky.)	
N DEMINT (R-S.C.)	
N ISAKSON (R-Ga.)	

Democrats

House Committee on Education and the Workforce

Bill: H.R. 2 Vote: 5

Schaffer amendment on paraprofessionals.

Tally: 8 Yes 40 No 1 Not Voting

Republicans

Democrats

N GOODLING (R-Pa.)	N CLAY (D-Mo.)
N PETRI (R-Wis.)	N MILLER (D-Calif.)
	N KILDEE (D-Mich.)
N ROUKEMA (R-N.J.)	N MARTINEZ (D-Calif.)
N BALLENGER (R-N.C.)	N OWENS (D-N.Y.)
N BARRETT, BILL (R-Neb.)	N PAYNE (D-N.J.)
N BOEHNER (R-Ohio)	N MINK (D-Hawaii)
Y HOEKSTRA (R-Mich.)	N ANDREWS (D-N.J.)
N MCKEON (R-Calif.)	N ROEMER (D-Ind.)
N CASTLE (R-Del.)	Y SCOTT (D-Va.)
N JOHNSON, SAM (R-Texas)	N WOOLSEY (D-Calif.)
N TALENT (R-Mo.)	NV ROMERO-BARCELO (D-PR)
N GREENWOOD (R-Pa.)	N FATTAH (D-Pa.)
N GRAHAM (R-S.C.)	N HINOJOSA (D-Texas)
Y SOUDER (R-Ind.)	N MCCARTHY (D-N.Y.)
N MCINTOSH (R-Ind.)	N TIERNEY (D-Mass.)
N NORWOOD (R-Ga.)	N KIND (D-Wis.)
Y PAUL (R-Texas)	N SANCHEZ (D-Calif.)
Y SCHAFER (R-Colo.)	N FORD (D-Tenn.)
N UPTON (R-Mich.)	N KUCINICH (D-Ohio)
N DEAL (R-Ga.)	Y WU (D-Ore.)
N HILLEARY (R-Tenn.)	N HOLT (D-N.J.)
Y EHLERS (R-Mich.)	
Y SALMON (R-Ariz.)	
Y TANCREDO (R-Colo.)	
N FLETCHER (R-Ky.)	
N DEMINT (R-S.C.)	
N ISAKSON (R-Ga.)	

House Committee on Education and the Workforce

Bill: H.R. 2 Vote: 6

Owens' amendments en bloc.

Tally: 21 Yes 27 No 1 Not Voting

Republicans

N GOODLING (R-Pa.)
 N PETRI (R-Wis.)

 N ROUKEMA (R-N.J.)
 N BALLENGER (R-N.C.)
 N BARRETT, BILL (R-Neb.)
 N BOEHNER (R-Ohio)
 N HOEKSTRA (R-Mich.)
 N MCKEON (R-Calif.)
 N CASTLE (R-Del.)
 N JOHNSON, SAM (R-Texas)
 N TALENT (R-Mo.)
 N GREENWOOD (R-Pa.)
 N GRAHAM (R-S.C.)
 N SOUDER (R-Ind.)
 N MCINTOSH (R-Ind.)
 N NORWOOD (R-Ga.)
 N PAUL (R-Texas)
 N SCHAFER (R-Colo.)
 N UPTON (R-Mich.)
 N DEAL (R-Ga.)
 N HILLEARY (R-Tenn.)
 N EHLERS (R-Mich.)
 N SALMON (R-Ariz.)
 N TANCREDO (R-Colo.)
 N FLETCHER (R-Ky.)
 N DEMINT (R-S.C.)
 N ISAKSON (R-Ga.)

Democrats

Y CLAY (D-Mo.)
 Y MILLER (D-Calif.)
 Y KILDEE (D-Mich.)
 Y MARTINEZ (D-Calif.)
 Y OWENS (D-N.Y.)
 Y PAYNE (D-N.J.)
 Y MINK (D-Hawaii)
 Y ANDREWS (D-N.J.)
 Y ROEMER (D-Ind.)
 Y SCOTT (D-Va.)
 Y WOOLSEY (D-Calif.)
 NV ROMERO-BARCELO (D-PR)
 Y FATTAH (D-Pa.)
 Y HINOJOSA (D-Texas)
 Y MCCARTHY (D-N.Y.)
 Y TIERNEY (D-Mass.)
 Y KIND (D-Wis.)
 Y SANCHEZ (D-Calif.)
 Y FORD (D-Tenn.)
 Y KUCINICH (D-Ohio)
 Y WU (D-Ore.)
 Y HOLT (D-N.J.)

House Committee on Education and the Workforce
 Bill: H.R. 2 Vote: 7
 Fattah amendment on state equalization of
 funding.
 Tally: 21 Yes 26 No 2 Not Voting

Republicans	Democrats
N GOODLING (R-Pa.)	Y CLAY (D-Mo.)
N PETRI (R-Wis.)	Y MILLER (D-Calif.)
	Y KILDEE (D-Mich.)
N ROUKEMA (R-N.J.)	Y MARTINEZ (D-Calif.)
N BALLENGER (R-N.C.)	Y OWENS (D-N.Y.)
N BARRETT, BILL (R-Neb.)	Y PAYNE (D-N.J.)
N BOEHNER (R-Ohio)	Y MINK (D-Hawaii)
N HOEKSTRA (R-Mich.)	Y ANDREWS (D-N.J.)
N MCKEON (R-Calif.)	Y ROEMER (D-Ind.)
N CASTLE (R-Del.)	Y SCOTT (D-Va.)
N JOHNSON, SAM (R-Texas)	Y WOOLSEY (D-Calif.)
N TALENT (R-Mo.)	NV ROMERO-BARCELO (D-PR)
N GREENWOOD (R-Pa.)	Y FATTAH (D-Pa.)
N GRAHAM (R-S.C.)	Y HINOJOSA (D-Texas)
N SOUDER (R-Ind.)	Y MCCARTHY (D-N.Y.)
N MCINTOSH (R-Ind.)	Y TIERNEY (D-Mass.)
N NORWOOD (R-Ga.)	Y KIND (D-Wis.)
N PAUL (R-Texas)	Y SANCHEZ (D-Calif.)
N SCHAFFER (R-Colo.)	Y FORD (D-Tenn.)
N UPTON (R-Mich.)	Y KUCINICH (D-Ohio)
N DEAL (R-Ga.)	Y WU (D-Ore.)
N HILLEARY (R-Tenn.)	Y HOLT (D-N.J.)
N EHLERS (R-Mich.)	
N SALMON (R-Ariz.)	
N TANCREDO (R-Colo.)	
N FLETCHER (R-Ky.)	
N DEMINT (R-S.C.)	
N ISAKSON (R-Ga.)	

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Education -

ESEA / HOUSE

Monday, September 27, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference
OMB CONTACT: Constance J. Bowers
E-Mail: Constance_J._Bowers@omb.eop.gov
PHONE: (202)395-3803 FAX: (202)395-6148
SUBJECT: House Committee on Education and the Workforce Congressional Draft on
ESEA Reauthorization (amendments to HR 2 - Dollars to the Classroom)

DEADLINE: Wednesday, September 29, 1999

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

(*) COMMENTS: The House Education and the Workforce Committee is scheduled to begin marking up parts of the ESEA reauthorization on Wed., Sept. 29, 1999. Attached are several parts of staff working draft language that the Committee is expected to use. HR 2, "Dollars to the Classroom Act," may be the vehicle.

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LRM ID: CJB108 **SUBJECT:** House Committee on Education and the Workforce Congressional Draft on ESEA Reauthorization (amendments to HR 2 - Dollars to the Classroom)

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Constance J. Bowers Phone: 395-3803 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: _____ (Date)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

1 **TITLE VII—GIFTED AND**
2 **TALENTED CHILDREN**

3 **SEC. 701. AMENDMENT TO ESEA RELATING TO GIFTED AND**
4 **TALENTED CHILDREN.**

5 Part B of title X of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 8031 et seq.) is amend-
7 ed to read as follows:

8 **“PART B—GIFTED AND TALENTED CHILDREN**

9 **“SEC. 10201. SHORT TITLE.**

10 “This part may be cited as the ‘Jacob K. Javits Gift-
11 ed and Talented Students Education Act of 1999’.

12 **“SEC. 10202. FINDINGS.**

13 “The Congress finds the following:

14 “(1) While the families or communities of some
15 gifted students can provide private programs with
16 appropriately trained staff to supplement public edu-
17 cational offerings, most high-ability students, espe-
18 cially those from inner cities, rural communities, or
19 low-income families, must rely on the services and
20 personnel provided by public schools. Therefore, gift-
21 ed education programs, provided by qualified profes-
22 sionals in the public schools, are needed to provide
23 equal educational opportunities.

24 “(2) Due to the wide dispersal of students who
25 are gifted and talented and the national interest in

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1 a well-educated populace, the Federal Government
2 can most effectively and appropriately conduct sci-
3 entifically based research and development to pro-
4 vide an infrastructure and to ensure that there is a
5 national capacity to educate students who are gifted
6 and talented to meet the needs of the 21st century.

7 “(3) State and local educational agencies often
8 lack the specialized resources and trained personnel
9 consistently to plan and implement effective pro-
10 grams for the identification of gifted and talented
11 students and for the provision of educational services
12 and programs appropriate for their needs.

13 “(4) Because gifted and talented students gen-
14 erally are more advanced academically, are able to
15 learn more quickly, and study in more depth and
16 complexity than others their age, their educational
17 needs require opportunities and experiences that are
18 different from those generally available in regular
19 education programs.

20 “(5) Typical elementary school students who
21 are academically gifted and talented already have
22 mastered 35 to 50 percent of the school year’s con-
23 tent in several subject areas before the year begins.
24 Without an advanced and challenging curriculum,

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1 they often lose their motivation and develop poor
2 study habits that are difficult to break.

3 “(6) Elementary and secondary teachers have
4 students in their classrooms with a wide variety of
5 traits, characteristics, and needs. Most teachers re-
6 ceive some training to meet the needs of these stu-
7 dents, such as students with limited English pro-
8 ficiency, students with disabilities, and students
9 from diverse cultural and racial backgrounds. How-
10 ever, most teachers do not receive any training on
11 meeting the needs of students who are gifted and
12 talented.

13 **“Subpart 1—Discretionary Grant Program**

14 **“SEC. 10211. PURPOSE.**

15 “The purpose of this subpart is to initiate a coordi-
16 nated program of scientifically based research, demonstra-
17 tion projects, innovative strategies, and similar activities
18 designed to build a nationwide capability in elementary
19 and secondary schools to meet the special educational
20 needs of gifted and talented students.

21 **“SEC. 10212. GRANTS TO MEET EDUCATIONAL NEEDS OF**
22 **GIFTED AND TALENTED STUDENTS.**

23 **“(a) ESTABLISHMENT OF PROGRAM.—**

24 **“(1) IN GENERAL.—**Subject to section 10215,
25 from the sums available to carry out this subpart in

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1 any fiscal year, the Secretary (after consultation
2 with experts in the field of the education of gifted
3 and talented students) shall make grants to, or enter
4 into contracts with, State educational agencies, local
5 educational agencies, institutions of higher edu-
6 cation, other public agencies, and other private agen-
7 cies and organizations (including Indian tribes and
8 Indian organizations (as such terms are defined in
9 section 4 of the Indian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C. 450b)) and Native
11 Hawaiian organizations) to assist such agencies, in-
12 stitutions, and organizations in carrying out pro-
13 grams or projects authorized by this subpart that
14 are designed to meet the educational needs of gifted
15 and talented students, including the training of per-
16 sonnel in the education of gifted and talented stu-
17 dents and in the use, where appropriate, of gifted
18 and talented services, materials, and methods for all
19 students.

20 “(2) APPLICATION.—Each entity desiring as-
21 sistance under this subpart shall submit an applica-
22 tion to the Secretary at such time, in such manner,
23 and containing such information as the Secretary
24 may reasonably require. Each such application shall
25 describe how—

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1 “(A) the proposed gifted and talented serv-
2 ices, materials, and methods can be adapted, if
3 appropriate, for use by all students; and

4 “(B) the proposed programs can be evalu-
5 ated.

6 “(b) USES OF FUNDS.—Programs and projects as-
7 sisted under this subpart may include the following:

8 “(1) Carrying out—

9 “(A) scientifically based research on meth-
10 ods and techniques for identifying and teaching
11 gifted and talented students, and for using gift-
12 ed and talented programs and methods to serve
13 all students; and

14 “(B) program evaluations, surveys, and the
15 collection, analysis, and development of infor-
16 mation needed to accomplish the purpose of this
17 subpart.

18 “(2) Professional development (including fellow-
19 ships) for personnel (including leadership personnel)
20 involved in the education of gifted and talented stu-
21 dents.

22 “(3) Establishment and operation of model
23 projects and exemplary programs for serving gifted
24 and talented students, including innovative methods
25 for identifying and educating students who may not

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1 be served by traditional gifted and talented pro-
2 grams, including summer programs, mentoring pro-
3 grams, service learning programs, and cooperative
4 programs involving business, industry, and edu-
5 cation.

6 “(4) Implementing innovative strategies, such
7 as cooperative learning, peer tutoring and service
8 learning.

9 “(5) Programs of technical assistance and in-
10 formation dissemination, including assistance and
11 information with respect to how gifted and talented
12 programs and methods, where appropriate, may be
13 adapted for use by all students.

14 “(c) COORDINATION.—Scientifically based research
15 activities supported under this subpart—

16 “(1) shall be carried out in consultation with
17 the Office of Educational Research and Improve-
18 ment to ensure that such activities are coordinated
19 with and enhance the research and development ac-
20 tivities supported by such Office; and

21 “(2) may include collaborative scientifically
22 based research activities which are jointly funded
23 and carried out with such Office.

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1 **"SEC. 10213. PROGRAM PRIORITIES.**

2 “(a) **GENERAL PRIORITY.**—In the administration of
3 this subpart, the Secretary shall give highest priority to
4 programs and projects designed to develop new informa-
5 tion that—

6 “(1) improves the capability of schools to plan,
7 conduct, and improve programs to identify and serve
8 gifted and talented students, such as mentoring and
9 apprenticeship programs; and

10 “(2) assists schools in the identification of, and
11 provision of services to, gifted and talented students
12 who may not be identified and served through tradi-
13 tional assessment methods (including economically
14 disadvantaged individuals, individuals of limited
15 English proficiency, and individuals with disabili-
16 ties).

17 “(b) **SERVICE PRIORITY.**—In approving applications
18 for assistance under section 10212(a)(2), the Secretary
19 shall ensure that in each fiscal year at least ½ of the ap-
20 plications approved under such section address the priority
21 described in subsection (a)(2).

22 **"SEC. 10214. GENERAL PROVISIONS FOR SUBPART.**

23 “(a) **REVIEW, DISSEMINATION, AND EVALUATION.**—
24 The Secretary—

25 “(1) shall use a peer review process in review-
26 ing applications under this subpart;

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1 “(2) shall ensure that information on the activi-
2 ties and results of programs and projects funded
3 under this subpart is disseminated to appropriate
4 State and local agencies and other appropriate orga-
5 nizations, including nonprofit private organizations;
6 and

7 “(3) shall evaluate the effectiveness of pro-
8 grams under this subpart in accordance with section
9 14701, both in terms of the impact on students tra-
10 ditionally served in separate gifted and talented pro-
11 grams and on other students, and submit the results
12 of such evaluation to the Congress not later than 2
13 years after the date of the enactment of the Student
14 Results Act of 1999.

15 “(b) PROGRAM OPERATIONS.—The Secretary shall
16 ensure that the programs under this subpart are adminis-
17 tered within the Department by a person who has recog-
18 nized professional qualifications and experience in the field
19 of the education of gifted and talented students and who—

20 “(1) shall serve as a focal point of national
21 leadership and information on the educational needs
22 of gifted and talented students and the availability
23 of educational services and programs designed to
24 meet such needs; and

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1 “(2) shall assist the Assistant Secretary of the
2 Office of Educational Research and Improvement in
3 identifying research priorities which reflect the needs
4 of gifted and talented students.

5 **“SEC. 10215. CONDITION ON EFFECTIVENESS OF SUBPART.**

6 “‘This subpart shall be effective only for a fiscal year
7 for which the amount appropriated to carry out this part
8 is less than \$50,000,000.

9 **“Subpart 2—Formula Grant Program**

10 **“SEC. 10221. PURPOSE.**

11 “‘The purpose of this subpart is to provide grants to
12 States to support programs, classes, teacher preparation,
13 and other services designed to meet the needs of the Na-
14 tion’s gifted and talented students in elementary and sec-
15 ondary schools.

16 **“SEC. 10222. ESTABLISHMENT OF PROGRAM; USE OF**
17 **FUNDS.**

18 “(a) IN GENERAL.—In the case of each State that
19 in accordance with section 10224 submits to the Secretary
20 an application for a fiscal year, subject to section 10226,
21 the Secretary shall make a grant for the year to the State
22 for the uses specified in subsection (b). The grant shall
23 consist of the allotment determined for the State under
24 section 10223.

10

1 “(h) AUTHORIZED ACTIVITIES.—Each State receiv-
2 ing a grant under this subpart shall use the funds pro-
3 vided under the grant to assist local educational agencies
4 to develop or expand gifted and talented education pro-
5 grams through one or more of the following activities:

6 “(1) Development and implementation of pro-
7 grams to address State and local needs for in-service
8 training programs for general educators, specialists
9 in gifted and talented education, administrators,
10 school counselors, or other personnel at the elemen-
11 tary and secondary levels.

12 “(2) Making materials and services available
13 through State regional educational service centers,
14 institutions of higher education, or other entities.

15 “(3) Supporting innovative approaches and cur-
16 ricula used by local educational agencies (or con-
17 sortia of such agencies) or schools or (consortia of
18 schools).

19 “(4) Providing funds for challenging, high-level
20 course work, disseminated through new and emerg-
21 ing technologies (including distance learning), for in-
22 dividual students or groups of students in schools
23 and local educational agencies that do not have the
24 resources otherwise to provide such course work.

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1 “(c) **COMPETITIVE PROCESS.**—A State receiving a
2 grant under this subpart shall distribute at least 95 per-
3 cent of the amount of the grant to local educational agen-
4 cies through a competitive process that results in an equi-
5 table distribution by geographic area within the State.

6 “(d) **LIMITATIONS ON USE OF FUNDS.**—

7 “(1) **COURSE WORK PROVIDED THROUGH**
8 **EMERGING TECHNOLOGIES.**—Activities under sub-
9 section (b)(4) may include development of cur-
10 riculum packages, compensation of distance-learning
11 educators, or other relevant activities, but funds pro-
12 vided under this subpart may not be used for the
13 purchase or upgrading of technological hardware.

14 “(2) **ADMINISTRATIVE COSTS.**—A State receiv-
15 ing a grant under this subpart may use not more
16 than 5 percent of the amount of the grant for State
17 administrative costs.

18 **“SEC. 10223. ALLOTMENTS TO STATES.**

19 “(a) **RESERVATION OF FUNDS.**—From the amount
20 made available to carry out this subpart for any fiscal
21 year, the Secretary shall reserve $\frac{1}{2}$ of 1 percent for the
22 Secretary of the Interior for programs under this subpart
23 for teachers, other staff, and administrators in schools op-
24 erated or funded by the Bureau of Indian Affairs.

25 “(b) **STATE ALLOTMENTS.**—

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“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall allot the total amount made available to carry out this subpart for any fiscal year and not reserved under subsection (a) to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico on the basis of their relative populations of individuals aged 5 through 18, as determined by the Secretary on the basis of the most recent satisfactory data.

10 “(2) MINIMUM GRANT AMOUNT.—No State re-
11 ceiving an allotment under paragraph (1) may re-
12 ceive less than $\frac{1}{4}$ of 1 percent of the total amount
13 allotted under such paragraph.

14 “(c) **REALLOTMENT.**—If any State does not apply for
15 an allotment under this section for any fiscal year, the
16 Secretary shall reallo^t such amount to the remaining
17 States in accordance with this section.

18 "SEC. 10224. APPLICATION.

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

24 “(b) CONTENTS.—Each application under this sec-
25 tion shall include assurances that—

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1 “(1) funds received under this subpart will be
2 used to support gifted and talented students in pub-
3 lic schools, including students from all economic,
4 ethnic, and racial backgrounds, students of limited
5 English proficiency, gifted students with disabilities,
6 and highly gifted students;

7 “(2) not less than 95 percent of the amount of
8 the funds provided under the grant will be used for
9 the purpose of making, in accordance with this sub-
10 part and on a competitive basis, subgrants to local
11 educational agencies;

12 “(3) funds received under this subpart will be
13 used only to supplement, but not supplant, the
14 amount of State and local funds expended for spe-
15 cialized education and related services provided for
16 the education of gifted and talented students; and

17 “(4) the State will develop and implement pro-
18 gram assessment models to evaluate educational ef-
19 fectiveness and ensure program accountability.

20 “(c) APPROVAL.—To the extent funds are made
21 available for this subpart, the Secretary shall approve an
22 application of a State if such application meets the re-
23 quirements of this section.

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1 **"SEC. 10225. ANNUAL REPORTING.**

2 "Beginning 1 year after the date of the enactment
3 of the Student Results Act of 1999, a State receiving a
4 grant under this subpart shall submit an annual report
5 to the Secretary that describes the number of students
6 served and the activities supported with funds provided
7 under this subpart. The report shall include a description
8 of the measures taken to comply with section 10224(b)(4).

9 **"SEC. 10226. CONDITION ON EFFECTIVENESS OF SUBPART.**

10 "This subpart shall be effective only for a fiscal year
11 for which the amount appropriated to carry out this part
12 equals or exceeds \$50,000,000.

13 **"Subpart 3—National Center for Research and Devel-**
14 **opment in the Education of Gifted and Talented**
15 **Children and Youth**

16 **"SEC. 10231. CENTER FOR RESEARCH AND DEVELOPMENT.**

17 "(a) IN GENERAL.—The Secretary (after consulta-
18 tion with experts in the field of the education of gifted
19 and talented students) shall establish a National Center
20 for Research and Development in the Education of Gifted
21 and Talented Children and Youth through grants to or
22 contracts with one or more institutions of higher education
23 or State educational agencies, or a combination or consor-
24 tium of such institutions and agencies, for the purpose of
25 carrying out activities described in section 10212(b)(1).

15

19 "Nothing in this part shall be construed to prohibit
20 a recipient of funds under this part from serving gifted
21 and talented students simultaneously with students with
22 similar educational needs, in the same educational settings
23 where appropriate.

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1 **"SEC. 10242. PARTICIPATION OF PRIVATE SCHOOL CHILD-**
2 **DREN AND TEACHERS.**

3 "In making grants and entering into contracts under
4 this part, the Secretary shall ensure, where appropriate,
5 that provision is made for the equitable participation of
6 students and teachers in private nonprofit elementary and
7 secondary schools, including the participation of teachers
8 and other personnel in professional development programs
9 serving such children.

10 **"SEC. 10243. DEFINITIONS**

11 "For purposes of this part:

12 "(1) The term 'scientifically based research'—

13 "(A) means the application of rigorous,
14 systematic, and objective procedures to obtain
15 valid knowledge relevant to the education of
16 gifted and talented children; and

17 "(B) shall include research that—

18 "(i) employs systematic, empirical
19 methods that draw on observation or ex-
20 periment;

21 "(ii) involves rigorous data analyses
22 that are adequate to test the stated
23 hypotheses and justify the general conclu-
24 sions drawn;

25 "(iii) relies on measurements or obser-
26 vational methods that provide valid data

