**PRESIDENT CLINTON ANNOUNCES AGREEMENT ON PLAN TO HIRE 100,000 HIGH-QUALITY TEACHERS TO REDUCE CLASS SIZE**
**November 11,1999**

## PRESERVES PRESIDENT'S PLAN TO HIRE 100,000 TEACHERS OVER 6 YEARS TO REDUCE CLASS SIZE

- Late Wednesday, Congressional leaders and the White House reached an agreement in principle to preserve the President's plan to hire 100,000 teachers over the next 6 years to reduce class size in the early grades.

- The agreement provides at least $1.3 billion in FY 2000, a 10% increase from $1.2 billion in FY 1999.

- The Education Department estimates that communities are using the funds from last year's agreement to hire more than 29,000 teachers and reduce the average class size for 1.7 million children from 23 down to 18. With the funds in this new agreement, communities will be able to retain those 29,000 teachers; hire more teachers; and remain on track to hiring 100,000 teachers to reduce class size in the early grades to a nationwide average of 18 by the year 2005.

## PROVIDES FOR MORE TEACHERS AND BETTER TEACHERS

- The agreement ensures that all teachers hired under the class size program must be fully qualified. Teachers must be certified in their state or have completed an alternative route to certification, must have a baccalaureate degree, and must know the subjects they're teaching and demonstrate the skills to teach them.

- School districts can spend up to 25% of the funds on training existing teachers, testing new teachers, and providing high-quality professional development to ensure that all teachers have the knowledge and skills to teach effectively.

- School districts with an exceptionally high percentage (more than 10%) of uncertified elementary school teachers have the flexibility to use additional funds to help those teachers meet certification standards in time for the 2001-02 school year.

## PROVIDES LOCAL FLEXIBILITY FOR TEACHER TRAINING, NOT BLOCK GRANTS AND VOUCHERS

- Republicans abandoned their plan to turn the President's class size reduction program into a block grant. The agreement guarantees that funds must be used primarily to recruit, hire, and train teachers to reduce class size in the early grades.

- The bill the President vetoed did not guarantee a single dollar for class size reduction, and would even have allowed school districts to use the money for vouchers. Under the agreement, taxpayer dollars will go for smaller classes in public schools, not vouchers to private schools.

- Because the purpose of the program is smaller classes with qualified teachers, the agreement gives school districts the option to spend up to 25% of the funds on teacher training and testing of new teachers. This is an increase from 15% last year.

**PRESERVES OTHER KEY ELEMENTS OF PRESIDENT'S PLAN**

- The agreement preserves existing provisions to target funds to high-poverty communities, with 80% of funds allocated on the basis of poverty and 20% on the basis of population. This will ensure that children who stand to gain the most from smaller classes and better teachers will get them.

- The agreement continues to provide communities with flexibility to tailor class size reduction efforts to meet local needs and priorities.

- The agreement strengthens provisions to hold schools and districts accountable for results by reporting to parents on progress in reducing class size with fully qualified teachers.

Class-size reduction: FY 99
Act and conference report



*Public Law 105–277
105th Congress

## An Act

Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes.

Oct. 21, 1998
[H.R. 4328]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.

## DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:

SEC. 101. ~~(a) For programs, projects or activities in the Agri-~~culture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999.

## TITLE I

## AGRICULTURAL PROGRAMS

### PRODUCTION, PROCESSING, AND MARKETING

### OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,836,000: *Provided*, That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

*Note: This is a typeset print of the original hand enrollment as signed by the President on October 21, 1998. The text is printed without corrections.

(2) otherwise achieve the purpose of providing relief to persons who are injured as a result of an official action of a tribal government.

**SEC. 705. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out this title.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1999".

101(f)

(f) For programs, projects or activities in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999. Department of Labor Appropriations Act, 1999.

AN ACT Making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 1999, and for other purposes.

## TITLE I—DEPARTMENT OF LABOR

### EMPLOYMENT AND TRAINING ADMINISTRATION

#### TRAINING AND EMPLOYMENT SERVICES

#### (INCLUDING RESCISSION)

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; the Stewart B. McKinney Homeless Assistance Act; the Women in Apprenticeship and Nontraditional Occupations Act; the National Skill Standards Act of 1994; section 166(j) of the Workforce Investment Act of 1998; and the School-to-Work Opportunities Act; $5,272,324,000 plus reimbursements, of which $3,740,287,000 is available for obligation for the period July 1, 1999 through June 30, 2000; of which $1,250,965,000 is available for obligation for the period April 1, 1999 through June 30, 2000, including $250,000,000 for activities authorized by section 127(b)(1) of the Workforce Investment Act; of which $152,072,000 is available for the period July 1, 1999 through June 30, 2002, including $1,500,000 under authority of part B of title III of the Job Training Partnership Act for use by The Organizing Committee for The 2001 Special Olympics World Winter Games in Alaska to promote employment opportunities for individuals with mental disabilities, and $150,572,000 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $125,000,000 shall be available from July 1, 1999 through September 30, 2000, for carrying out activities of the School-to-Work Opportunities Act: *Provided*, That funds made available under this heading to carry out the Job Training Partnership Act may be used for transition to, and implementation of, the provisions of the Workforce Investment Act of 1998: *Provided further*, That $57,815,000 shall be for carrying out section 401 of the Job Training Partnership Act, $71,517,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $9,000,000 shall be

Division A, §101(f)

section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121).".

42 USC 300x–7 note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall become effective as if enacted on October 1, 1998 and shall only apply during fiscal year 1999.

(2) APPLICATION.—Upon the expiration of the fiscal year described in paragraph (1), the provisions of sections 1918(b) and 1933(b) of the Public Health Service Act (42 U.S.C. 300x–7(b) and 300x–33(b)), as in effect on September 30, 1998, shall be applied as if the amendments made by this section had not been enacted.

SEC. 219. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

This title may be cited as the "Department of Health and ~~Human Services Appropriations Act, 1999".~~

Department of Education Appropriations Act, 1999.

## TITLE III—DEPARTMENT OF EDUCATION

~~EDUCATION REFORM~~

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and sections 3122, 3132, 3136, and 3141 and parts B, C, and D of title III of the Elementary and Secondary Education Act of 1965, $1,314,100,000, of which $491,000,000 for the Goals 2000: Educate America Act and $125,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1999 and remain available through September 30, 2000, and of which $87,000,000 shall be for section 3122: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act, except that no more than $1,500,000 may be used to carry out activities under section 314(a)(2) of that Act: *Provided further*, That section 315(a)(2) of the Goals 2000 Act shall not apply: *Provided further*, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register: *Provided further*, That $22,000,000 of the funds made available under section 3136 shall be for a competition consistent with the subjects outlined in the House and Senate reports and the statement of the managers, and that such competition should be administered in a manner consistent with the authorizing legislation and current departmental practices and policies: *Provided further*, That $9,850,000 of the funds made available for star schools shall be for a competition consistent with the language outlined in the House and Senate reports and the statement of the managers, and that such competition should be administered in a manner

Division A
§101(f)
T. III

### SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, XII and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of VIII of the Higher Education Act; $2,811,134,000, of which $2,381,300,000 shall become available on July 1, 1999, and remain available through September 30, 2000: *Provided,* That of the amount appropriated, $335,000,000 shall be for Eisenhower professional development State grants under title II–B of the Elementary and Secondary Education Act of 1965, and $1,575,000,000 shall be for title VI, of which $1,200,000,000 shall be available, notwithstanding any other provision of law, to carry out title VI of the Elementary and Secondary Education Act of 1965 in accordance with section 307 of this Act, in order to reduce class size, particularly in the early grades, using highly qualified teachers to improve educational achievement for regular and special needs children.

### ~~READING EXCELLENCE~~

For necessary expenses to carry out the Reading Excellence Act, $260,000,000, which shall become available on July 1, 1999, and shall remain available through September 30, 2000.

### INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, $66,000,000.

### BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, without regard to section 7103(b), $380,000,000: *Provided,* That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

### SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $5,124,146,000, of which $4,879,885,000 shall become available for obligation on July 1, 1999, and shall remain available through September 30, 2000: *Provided,* That $1,500,000 shall be awarded to The Organizing Committee for The 1999 Special Olympics World Summer Games and $1,500,000, to remain available until expended, shall be for preparation and planning and shall be awarded to The Organizing Committee of The 2001 Special Olympics World Winter Games: *Provided further*, That $600,000 shall be for the Early Childhood Development Project of the National Easter Seal Society for the Mississippi Delta Region, which funds shall be used to provide training, technical support, services, and equipment to address personnel and other needs.

Division A
§101(f)
1. VII

Education and Assessment Partnerships; $1,150,000 shall be awarded to provide technology assistance and for operation of a math/science learning center in Perry County, Kentucky; $100,000 shall be for Presidio School District, Texas for library equipment and materials; $1,200,000 shall be for the Southeastern Pennsylvania Consortium for Higher Education; $1,000,000 shall be for the Dowling College Global Learning Center at the former LaSalle Academy in New York for a master teacher training and education center; $10,000,000 for continuing a demonstration of public school facilities repair and construction to the Iowa Department of Education; and $1,000,000 shall be awarded to the Hechkscher Museum of Art, Long Island, New York for incorporating arts into education curriculum: *Provided further,* That of the amount provided for part I of title X of the Elementary and Secondary Education Act of 1965, $500,000 shall be for after school programs for the Chippewa Falls Area United School System, Wisconsin; $400,000 shall be for after-school programs for the Wausau School System, Wisconsin; $350,000 shall be for the New Rochelle School System, New York, after-school programs; $100,000 shall be for the New York Hall of Science, Queens, New York, after-school program; $25,000 shall be for Louisville Central Community Centers Youth Education Program to support after-school programming; $25,000 shall be for Canaan's Community Development Corporation in Louisville, Kentucky for the Village Learning Center after-school program; $300,000 shall be for the Bay Shore Community Learning Wellness and Fitness Center for Drug Free Lifestyles in Bay Shore, New York; $2,500,000 shall be for an after school anti-drug pilot program in the Chicago Public Schools; and $400,000 shall be for the Green Bay, Wisconsin Public School System after school program: *Provided further,* That $10,000,000 of the funds provided for the national education research institutes shall be allocated notwithstanding section 931(c)(2)(B) of Public Law 103–227.

### DEPARTMENTAL MANAGEMENT

#### PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $362,000,000.

#### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $66,000,000.

#### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education ~~Organization Act, $31,242,000.~~

## GENERAL PROVISIONS

~~SEC. 301. No funds appropriated in this Act may be used~~ for the transportation ~~of students or~~ teachers (or for the purchase of equipment for such transportation) in order ~~to overcome racial~~

Division A
§101(f)
Title III

~~Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011).~~

~~(c) STUDIES.—~~

~~(1) PURPOSE, DEFINITION, AND ACHIEVEMENT LEVELS.—The National Assessment Governing Board shall determine and clearly articulate in a report the purpose and intended use of any proposed federally sponsored national test. Such report shall also include—~~

~~(A) a definition of the meaning of the term "voluntary" in regards to the administration of any national test; and~~

~~(B) a description of the achievement levels and reporting methods to be used in grading any national test.~~

~~The report shall be submitted to the White House, the Committees on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate not later than September 30, 1999.~~

~~(2) RESPONSE TO REPORT.—The National Assessment Governing Board shall develop and submit to the entities identified in paragraph (1) a report, not later than September 30, 1999, that addresses and responds to the findings reported by the National Academy of Sciences in the report entitled "Grading the Nation's Report Card: Evaluating NAEP and Transforming the Assessment of Educational Progress" that assert that the achievement levels of the National Assessment of Educational Progress (NAEP) are fundamentally flawed.~~

~~(3) TECHNICAL FEASIBILITY.—The National Academy of Sciences shall conduct a study regarding the technical feasibility, validity, and reliability of including test items from the National Assessment of Educational Progress (NAEP) for 4th grade reading and 8th grade mathematics or from other tests in State and district assessments for the purpose of providing a common measure of individual student performance. The National Academy of Sciences shall submit, to the entities identified under paragraph (1), an interim progress report not later than June 30, 1999 and a final report not later than September 30, 1999.~~

~~SEC. 306. Notwithstanding any other provision of law, any institution of higher education which receives funds under title III of the Higher Education Act, except for grants made under section 326, may use up to 20 percent of its award under part A or part B of the Act for endowment building purposes authorized under section 331. Any institution seeking to use part A or part B funds for endowment building purposes shall indicate such intention in its application to the Secretary and shall abide by departmental regulations governing the endowment challenge grant program.~~

SEC. 307. (a) From the amount appropriated for title VI of the Elementary and Secondary Education Act of 1965 in accordance with this section, the Secretary of Education—

BIA/outlying areas

(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

State allocations

(2) shall allocate the remainder by providing each State the greater of the amount the State would receive if a total of $1,124,620,000 were allocated under section 1122 of the

Division A, § 101(f)
T. III, 307(a)

Elementary and Secondary Education Act of 1965 or under section 2202(b) of the Act for fiscal year 1998, except that such allocations shall be ratably increased or decreased as may be necessary.

(b)(1) Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies, of which— WITHIN-STATE ALLOCATIONS

(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of such agencies;

(2) Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size. SMALL LEAS-CONSORTIA

(c)(1) Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective. USE OF FUNDS

(2)(A) Each such local educational agency may pursue the goal of reducing class size through—

(i) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

(ii) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

(iii) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

(B) A local educational agency may use not more than a total of 15 percent of the award received under this section for activities described in clauses (ii) and (iii) of subparagraph (A). TESTING + PD

(C) A local educational agency that has already reduced class size in the early grades to 18 or less children may use funds received under this section—

Division A, §101(f)
T. III, 307(b)-(c)(2)(C)

307(c)(2)(C)(i)

(i) to make further class-size reductions in grades 1 through 3;

(ii) to reduce class size in kindergarten or other grades; or

(iii) to carry out activities to improve teacher quality, including professional development.

(3) Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

SUPPLANTING

(4) No funds made available under this section may be used to increase the salaries or provide benefits, other than participation in professional development and enrichment programs, to teachers who are, or have been, employed by the local educational agency.

CURRENT TEACHERS

(d)(1) Each State receiving funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

ST. REPORTS

(2) Each school benefiting from this section, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, on student achievement that is a result of hiring additional highly qualified teachers and reducing class size.

LEA/SCHOOL REPORTS

(e) If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure for the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 of the Elementary and Secondary Education Act of 1965 shall not apply to other activities under this section.

PRIVATE SCHOOL TEACHERS

(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative costs.

(g) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 6303 of the Elementary and Secondary Education Act of 1965 a description of the agency's program to reduce class size by hiring additional highly qualified teachers.

LOCAL REQUEST

This title may be cited as the "Department of Education Appropriations Act, 1999".

## ~~TITLE IV—RELATED AGENCIES~~

### ~~ARMED FORCES RETIREMENT HOME~~

~~For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$70,745,000, of which \$15,717,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided,* That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction at the United States Soldiers' and Airmen's Home, to include construction of a long-term care facility at the United States Naval Home and conversion of space in the~~

Division A, §101(f)
T. III, §307(c)(2)(C)(i).
(9)

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999".

~~(g) For programs, projects or activities in the Department of~~ Transportation and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

Department of Transportation and Related Agencies Appropriations Act, 1999.

AN ACT Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes

## TITLE I

## DEPARTMENT OF TRANSPORTATION

### OFFICE OF THE SECRETARY

#### IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,624,000.

#### IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $585,000.

#### OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $8,750,000.

#### OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,808,000.

#### OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,650,300: *Provided*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received in user fees.

#### OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,349,000, including not to exceed $40,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

#### OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $1,940,600.

Division A
§101(f)

## DIVISION K—PAY-AS-YOU-GO PROVISION

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105–217, legislation in section 103 of Division A and in divisions C through J of this Act that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced ~~Budget and Emergency Deficit Control Act of 1985.~~

This Act may be cited as the "Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999".

Approved October 21, 1998.

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LEGISLATIVE HISTORY—H.R. 4328 (S. 2307):

HOUSE REPORTS: No. 105–648 (Comm. on Appropriations) and 105–825 (Comm. of Conference).

SENATE REPORTS: No. 105–249 accompanying S. 2307 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 144 (1998):

July 29, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 2307.

Oct. 20, House agreed to conference report.

Oct. 21, Senate agreed to conference report.

○

105TH CONGRESS
*2d Session*
HOUSE OF REPRESENTATIVES
REPORT
105–825

# MAKING OMNIBUS CONSOLIDATED AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999

OCTOBER 19, 1998.—Ordered to be printed

Mr. LIVINGSTON, from the committee of conference, submitted the following

## CONFERENCE REPORT

[To accompany H.R. 4328]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4328) "making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

### *DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS*

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:*

*SEC. 101~~(a) For programs, projects or activities in the Agri-~~ culture, Rural Develop~~ment, Food~~ and Drug Administration, and Related Agencies Appropriations Act, ~~1999, provided~~ as follows, to be effective as if it had been enacted into law as the ~~regular~~ appropriations Act:*



Division A, §101

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4328) making appropriations for the Department of Transportation and Related Agencies Appropriations Act, 1999, for the fiscal year ending September 30, 1999, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying report.

The composition of this conference agreement includes more than the Department of Transportation and Related Agencies Appropriations Act for fiscal year 1999. While the House version of H.R. 4328 and the Senate amendment in the nature of a substitute dealt only with transportation appropriations, the conference report was expanded to include other matters, most significantly, other fiscal year 1999 appropriations for other departments and agencies. These appropriations are included in division A of this conference agreement and are organized in groupings as they would have been had they been enacted in their regular appropriations act.

Since this conference agreement is expanded to include matters beyond those relating to the Department of Transportation and Related Agencies Appropriations Act, the title of the bill is amended to reflect this expansion.

### SECTION 101~~(a). AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED~~ AGENCIES APPROPRIATIONS ACT, 1999

The conferees on H.R. 4101 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of H.R. 4101, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 4101.

#### CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress.



Division A, § 101

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|---|---|
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1998 | −3,842,000 |
| Budget estimates of new (obligational) authority, fiscal year 1999 | −162,606,000 |
| House bill, fiscal year 1999 | +616,147,000 |
| ~~Senate bill, fiscal year 1999~~ | ~~+447,945,000~~ |

## SECTION 101(f): DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The conferees on H.R. 4328 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions (H.R. 4274 and S. 2400) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 4274 and S. 2440.

In implementing this agreement, the Departments and agencies should comply with the language and instructions set forth in House Report 105–635 and Senate Report 105–300. In the case where the language and instructions specifically address the allocation of funds, the Departments and agencies are to follow the funding levels specified in the Congressional budget justifications accompanying the fiscal year 1999 budget or the underlying authorizing statute and should give full consideration to all items, including items allocating specific funding included in the House and Senate reports. With respect to the provisions in the House and Senate reports that specifically allocate funds, each has been reviewed and those which are jointly concurred in have been included in this joint statement.

The Departments of Labor, Health and Human Services and Education, and Related Agencies Appropriations Act, FY 1999, put in place by this bill, incorporates the following agreements of the managers:

## ~~TITLE I—DEPARTMENT OF LABOR~~

### EMPLOYMENT AND TRAINING ADMINISTRATION

#### TRAINING AND EMPLOYMENT SERVICES

The conference agreement appropriates $5,272,324,000, instead of $4,000,873,000 as proposed by the House and $5,409,375,000 as proposed by the Senate.

The agreement includes language inserting a legal citation to the Workforce Investment Act of 1998 as proposed by the Senate to fund a specific project authorized by the new law. It also includes language proposed by the Senate modified to identify funds for youth job training activities, making the funds available for the period April 1, 1999 through June 30, 2000, and specifying an amount and a legal citation for youth opportunity grants. It includes language proposed by the Senate providing that job training funds may be used for transition to, and implementation of, the provisions of the Workforce Investment Act of 1998. The House had no similar provisions.

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### MEDICARE+CHOICE

The conference agreement includes a provision contained in both House and Senate bills that assures Medicare+Choice plans are not required to provide abortion services but that such services must be available to beneficiaries outside the plan.

### DALE AND BETTY BUMPERS VACCINE RESEARCH FACILITY

The conference agreement includes a provision contained in the Senate bill to name the Vaccine Research Facility (Building 40) at NIH the Dale and Betty Bumpers Vaccine Research Facility. The House bill contained no similar provision.

### PROSTATE CANCER RESEARCH

The conference agreement deletes without prejudice a provision contained in the Senate bill that earmarks $175,000,000 for prostate cancer research at NIH. The House bill contained no similar provision.

### SUBSTANCE ABUSE AND MENTAL HEALTH BLOCK GRANT FORMULA

The conference agreement includes a provision not contained in either the House or Senate bills that allows funds allocated to the States for the substance abuse block grant and the mental health block grant to be allocated according to current law which would incorporate the Secretary's decision to change the wage proxy to the use of non-manufacturing wages.

### TITLE X COMPLIANCE WITH STATE LAWS

The conference agreement includes a provision contained in the House bill that requires Title X clinics to comply with State laws relating to notification or reporting of child abuse, child molestation, sexual abuse, rape or incest. The Senate bill contained no ~~similar provision.~~

## TITLE III—DEPARTMENT OF EDUCATION

### ~~EDUCATION REFORM~~

The conference agreement includes $1,314,100,000 for Education Reform, instead of the $861,500,000 proposed by the House and $1,244,500,000 as proposed by the Senate.

*Goals 2000*

The conference agreement provides $491,000,000 instead of $496,000,000 provided by the Senate and $245,500,000 provided by the House. This amount includes $461,000,000 for state grants instead of $466,000,000 as proposed by the Senate and $220,500,000 as proposed by the House. For parental assistance, the conference agreement includes $30,000,000, the same level as in the Senate bill instead of $25,000,000 in the House.

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ment provides no funding for the targeted grants program. The House bill provided $300,000,000 for this purpose. The Senate bill contained no similar provision.

The conference agreement includes $120,000,000 under Title I (and $25,000,000 under the Office of Educational Research and Improvement) for continuation grants to local educational agencies for the Comprehensive School Reform Demonstration Program. The conference agreement recognizes that small schools may have greater opportunities to implement comprehensive school reform efforts through working in collaboration with other small schools. In order to ensure the maximum opportunity for the participation of small schools in the Comprehensive School Reform Demonstration Program, the conference agreement clarifies that the minimum award amount applies to individual schools, or to school consortia serving a maximum of 500 students.

### IMPACT AID

The conference agreement provides $864,000,000 for the Impact Aid programs instead of $848,000,000 as proposed by the House and $810,000,000 as proposed by the Senate.

The conference agreement also includes a legislative provision relating to payments for heavily impacted school districts (section 8003(f)) which changes the method by which payments made under this section are allocated to provide supplemental payments for federally connected students only. It is understood that this provision will result in greater budget stability for school districts that are heavily impacted by the presence of federally connected children. It is further understood that the change has been agreed upon by all school districts that would be affected. No subsequent adjustments will be made for school districts that experience funding shortfalls or losses as a result of this provision. The Department of Education shall report to the Appropriations Committees of both the House and Senate no later than March 1, 1999 on the implementation of this provision.

The conference agreement also includes the following language provisions: eligibility for the Webster School District, Day County, South Dakota; payment calculations for Stanley County, South Dakota; timely filing of applications by the Delaware Valley, Pennsylvania, local educational agency, and Prince Georges County, Maryland; payments for San Diego, California, Centennial, Pennsylvania, and Hatboro-Horsham, Pennsylvania LEAs and Randolph Field Independent School District, Texas; and computing payments for Travis Unified School District in California. Neither the House ~~nor Senate bills contained similar provisions.~~

### SCHOOL IMPROVEMENT PROGRAMS

The conference agreement provides $2,811,134,000 for School Improvement Programs, instead of $1,542,334,000 as proposed by the House and $1,655,188,000 as proposed by the Senate. For the Eisenhower professional development activities, the agreement provides $335,000,000 the same level as in the Senate bill. The House provided $285,000,000.

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For innovative education program strategies, title VI of the Elementary and Secondary Education Act of 1965, the agreement provides $375,000,000. The House provided $400,000,000 and the Senate bill included $350,000,000.

The conference agreement includes an additional $1,200,000,000 under title VI for an initiative to reduce class size. Funding for this activity was included in neither the House nor Senate bills.

The conference agreement recognizes impressive research studies showing improvements in academic achievement and reduction in discipline problems among students attending smaller classes with well-prepared teachers in the early grades. Class-size reduction can be particularly beneficial in those early grades because students in those grades are learning to read and to master the basics in math and other subjects. Accordingly, the conference agreement includes $1,200,000,000 for state formula grants under title VI of the Elementary and Secondary Education Act of 1965 to assist states to reduce class size in their classrooms, particularly in grades 1–3.

The bill provides that the allocation of funds under section 307 to the states shall be based on the proportional share that each state received from the fiscal year 1998 appropriation under the Title 1 program or the Eisenhower Program, whichever is greater. States would allocate their grant funds among local educational agencies based on a formula that reflects both their relative numbers of children in low-income families and their school enrollments. Local educational agencies would use these funds to recruit, hire, and train new teachers, as well as to provide professional development to existing teachers. A local educational agency that has already reduced class size in its regular classrooms in the early grades could use its funds to make further reductions in grades 1–3, reduce class size in kindergarten or other grades, or carry out activities to improve teacher quality, including professional development. In order to provide for effective accountability to parents and the public, the conference agreement provides that individual schools or the local educational agency will provide an annual report card, in easily understandable language, on class size and student achievement.

The conference agreement includes $566,000,000 for the Safe and Drug-Free Schools and Communities Act. Both the House and Senate bills provided $556,000,000.

Included within this amount is $441,000,000 for state grants, instead of $531,000,000 as proposed by the House and $381,000,000 as proposed by the Senate. The conference agreement also includes $125,000,000 for a new school violence prevention initiative under the Safe and Drug-Free Schools program, instead of $25,000,000 proposed for national discretionary activities by the House and $175,000,000 proposed by the Senate for national school violence and national discretionary activities.

There is great concern about the frequent occurrence of violence in our nation's schools. The conference agreement provides that the Secretary shall use $90,000,000 under national programs to support activities that promote safe learning environments for students. Such activities should include targeted assistance,

narrative: DIV. A, §101(f): Labor-HHS-ED
Title III: ED

October 20, 1999

MEMORANDUM FOR BRUCE REED

From: Andrew Rotherham

Subject: Class Size/Teacher Quality Options for Appropriations

This memo contains both our substantive and cosmetic options on class size reduction and teacher quality. These two issues will be linked during appropriations discussions this fall and this linkage will allow us to broaden support for our class size initiative by engaging members such as Representative Miller who have been cool to our proposal in the past.

First, if an opportunity to change language on the class size legislation arises, we should not resist efforts to fix the consortia language for rural school districts. This provision has proven to be unworkable and the Department has issued a large number of waivers as a result. The Department has language to accomplish this fix.

Three core issues that we shouldn't compromise on are: (1) maintaining a separate revenue stream that supplements rather than supplants local and state efforts; (2) maintaining the targeting provision so that funds go to the neediest communities; and (3) maintaining an emphasis on class size reduction as the primary use of these funds.

Cosmetic Changes to Class Size Initiative:

1. Allow school districts to reduce class size in kindergarten as well as grades 1-3. This option is backed by research and is sound policy and is politically attractive.

2. Permit school districts to substitute pre-existing state or local class size reduction goals for the national goal of 18 so long as state or local goals do not exceed 20.

3. Clarify that school districts with space constraints, teacher shortages, or other limitations can utilize a number of "class size reduction" strategies including, (1) having two certified teachers team teach in a single classroom for a portion of or all of the school day; (2) hiring an additional certified teacher for a specific grade level, for example having three teachers for two 2nd-grade classes to allow for longer periods of instruction in priority subjects such as reading and math; (3) adopting flexible scheduling such as year-round schools; (4) creating smaller classes for academically focused after-school and summer school programs.

4. Clarify that school districts can, if it is necessary to recruit fully qualified teachers, use

funds for recruitment strategies including scholarships to undergraduates in exchange for teaching commitments, career ladders for paraprofessionals, and financial incentives for new teachers.

The advantage of these options is that they either strengthen or are neutral with regard to current law and allow the program to continue without significant disruption although strategy 4 in option 3 would have to be narrowly focused enough to ensure that the funds are still academically focused and that an emphasis on smaller classes is not lost.

The disadvantage is that except for option 4 these options don't address the teacher quality concerns of Representative Miller and others and option 4 does not address the issue as strongly as those members would like.

Substantive Changes to Class Size Initiative:

1. Prohibit school districts from using class size funds to hire teachers who lack full certification unless these individuals have a bachelors degree, participate in an intensive training program as part of an alternative route to full certification lasting no more than 3 years, and receive mentoring and supervision from an experienced teacher during this period. No class size funds could be used to pay any individual who is not fully certified by the end of three years. (If pushed the alternative route timeline could be limited to two years although this would impact some existing programs.)

2. Prohibit school districts from using class size funds to hire additional teachers for grades 1-3 if more than 5 percent of the current grade 1-3 teaching force in the district lacks full certification. These school districts would use the funding to bring existing teachers up to full certification, expand the supply of fully certified teachers through scholarships, career ladders, or other strategies to recruit certified teachers, and/or provide high-quality professional development and implement proven instructional practices.

3. If a state or school district is ending social promotion, allow the funds to be used for reducing class size in grades at key transition points, creating small classes with certified teachers after school, on Saturdays, and during the summer to provide intensive help, and creating small classes with certified teachers as part of an alternative strategy to retaining students who have not met promotion standards.

Options 1 and 2 would strongly appeal to Representative Miller although the 3-year path in option 1 would have to be written tightly enough to avoid the sort of "loopholes" he decries. Several of these options could be coupled together, for example, a deal could be struck allowing the substitution of local or state goals, use of funds for kindergarten, and a teacher quality measure such as option 1 or two above.

The Administration's ESEA proposal (Education Accountability Act) contains the following language intended to boost teacher quality.

> "Our proposal would require states to ensure that, within four years, at least 95 percent of their teachers are (1) fully-certified, (2) working toward full certification through an alternative route, or (3) are fully-certified in another state and working toward meeting any state-specific requirements. In addition, states would be required to ensure that at least 95 percent of secondary school teachers have had academic training or demonstrated competence in the subject area in which they teach."

In Chicago, they are apparently using the funding for small, intensive after-school and summer school classes already although we have no official confirmation of this. If this is the case, it is likely that Speaker Hastert could push for flexibility for that option.

The most crude fix that Republicans might propose is simply lifting the allowable percentage of funding dedicated to professional development from 15 percent to a higher number. Unofficial estimates are that about 8-12 percent of the funds are currently being used for this purpose. Lifting the cap to 20 percent would most likely not have an adverse effect although moving beyond this point might begin to dilute the purpose of the program.

With regard to charter schools, any language that is intended to apply to all public schools should defer to state law in terms of certification requirements for teachers in public charter schools.

<u>Existing Programs</u>

The examples below illustrate how states and localities are using class size funds in innovative ways now. Our goal should be to encourage this sort of activity while opposing any restrictions that would curtail it. For example, without a provision for alternative routes the Philadelphia approach would be put in jeopardy. It is also important to note that the Department of Education has been liberal with waiver authority with regard to this program and although we don't want to highlight this because it also illustrates problems with the program, it does refute to some degree the Republican argument that the program is entirely inflexible.

- **Philadelphia**. Philadelphia is using federal class size reduction funds to address the challenges of teacher recruitment, support for new teachers, and class size reduction. Philadelphia has hired 265 "literacy interns", college graduates who lack teacher certification. Many are mid-career adults who are making the transition to teaching. These interns have received two weeks of intensive training during the summer, and now are working in classrooms along side, and under the supervision of, fully certified teachers. They are also enrolled in "alternative route" teacher education programs, which will lead to full certification in two years. Once certified, the interns will teach in small classes. Philadelphia's strategy enables it to recruit capable people into teaching and ensure that they become fully qualified; provide an extraordinary level of mentoring and support for teachers in their first two years on the job, immediately give students the benefits of smaller instructional groups by having two adults in the classroom, and ultimately lower class size in more conventional ways.

- **Montgomery County, MD** – Montgomery County, is combining federal class size reduction funds with state and local funds to support its Reading Initiative in every first and second grade class in the county. The initiative combines small classes of no more than 15 for reading instruction with the use of proven reading instruction approaches such as Reading Recovery.

- **Columbus, Ohio** – Columbus has hired 58 fully certified teachers with its class size reduction funds, and placed these teachers in 13 high poverty, low performing schools, reducing class size in grades 1-3 from 25 to 15. Along with the implementation of proven models of reading instruction, such as Success for All, as well as a number of other school reforms, class size reduction is a central part of Columbus' efforts to turn around low performing schools and implement a social promotion policy.

Statutory Language

From P.L. 105-277

112 STAT. 2681-375

Sec. 307. (a) From the amount appropriated for title VI of the Elementary and Secondary Education Act of 1965 in accordance with this section, the Secretary of Education--

(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

(2) shall allocate the remainder by providing each State the greater of the amount the State would receive if a total of $1,124,620,000 were allocated under section 1122 of the Elementary and Secondary Education Act of 1965 or under section 2202(b) of the Act for fiscal year 1998, except that such allocations shall be ratably increased or decreased as may be necessary.

(b)(1) Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies, of which--

(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data is available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of such agencies;

(2) Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new teacher in that agency, the State shall not make the award unless the local educational agency agrees to form a consortium with not less than 1 other local educational agency for the purpose of reducing class size.

(c)(1) Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with highly qualified teachers to improve educational achievement for both regular and special-needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

(2)(A) Each such local educational agency may pursue the goal of reducing class size through—

(i) recruiting, hiring, and training certified regular and special education teachers and teachers of special-needs children, including teachers certified through State and local alternative routes;

(ii) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

(iii) providing professional development to teachers, including special education teachers and teachers of special-needs children, consistent with title II of the Higher Education Act of 1965.

(B) A local educational agency may use not more than a total of 15 percent of the award received under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

(C) A local educational agency that has already reduced class size in the early grades to 18 or less children may use funds received under this section—

(i) to make further class-size reductions in grades 1 through 3;
(ii) to reduce class size in kindergarten or other grades; or
(iii) to carry out activities to improve teacher quality, including professional development.

(3) Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

(4) No funds made available under this section may be used to increase the salaries or provide benefits, other than participation in professional development and enrichment programs, to teachers who are, or have been, employed by the local educational agency.

(d)(1) Each State receiving funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

(2) Each school benefiting from this section, or the local educational agency serving that school, shall produce an annual report to parents, the general public, and the State educational agency, in easily understandable language, on student achievement that is a result of hiring additional highly qualified teachers and reducing class size.

(e) If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure for the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 of the Elementary and Secondary Education Act of 1965 shall not apply to other activities under this section.

(f) Administrative Expenses.--A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative costs.

(g) Request for Funds.--Each local educational agency that desires to receive funds under this section shall include in the application required under section 6303 of the Elementary and Secondary Education Act of 1965 a description of the agency's program to reduce class size by hiring additional highly qualified teachers.