

Bill Summary & Status for the 106th Congress

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H.R.2 (Major Legislation)

Sponsor: Rep Goodling, William F. (introduced 2/11/1999)

Related Bills: H.RES.336

Latest Major Action: 10/25/1999 Referred to Senate committee

Title: To send more dollars to the classroom and for certain other purposes.

MOST RECENT SUMMARY:10/21/1999--Passed House, amended. (There are 2 other summaries)**TABLE OF CONTENTS:**

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and Emergency Immigrant Education

Student Results Act of 1999 - Amends the Elementary and Secondary Education Act of 1965 (ESEA) to revise, and reauthorize through FY 2004, various ESEA programs.

Title I: Student Results - Part A: Basic Program - Revises and retitles title I of ESEA as Helping Low-Achieving Children Meet High Standards (currently, Helping Disadvantaged Children Meet High Standards).

(Sec. 102) Sets forth a revised statement of purpose and intent.

(Sec. 103) Extends through FY 2004 the authorization of appropriations for ESEA title I programs of: (1) local educational agency (LEA) grants (part A); (2) education of migrant children (part C); and (3) prevention and intervention programs for youth who are neglected, delinquent, or at risk of dropping out (part D).

Extends through FY 2002 (but phases out in decreasing amounts) the authorization of appropriations for a program of payments for certain capital expenses (including those of private schools renting neutral sites to deliver title I educational services).

Revises requirements relating to authorized State reservation of funds for school improvement.

Allows States to reserve specified portions of title I funds to carry out administrative duties. Authorizes appropriations through FY 2004 for additional State administration grants.

(Sec. 104) Repeals specified requirements relating to reservation and allocation of funds for school improvement.

(Sec. 105) Revises title I part A (Improving Basic Programs operated by Local Educational Agencies) requirements for State plans.

Sets forth requirements for implementing challenging content and student performance standards, yearly student assessments, and accountability standards.

Requires students who have attended school in the United States for at least three consecutive years to be assessed in the English language.

Sets forth requirements for annual State and LEA report cards.

(Sec. 106) Revises requirements for LEA plans. Sets forth requirements for parental notification and consent for English language instruction.

(Sec. 107) Revises requirements for eligible school attendance areas. Permits school districts to give priority to elementary schools.

(Sec. 108) Revises requirements for schoolwide programs. Provides that schoolwide programs are not required to maintain separate fiscal accounting records when State and LEA funds are combined with Federal education funds.

Allows schools eligible for schoolwide programs to use title I funds for prekindergarten programs for three-, four-, and five-year old children, such as Even Start programs.

(Sec. 109) Revises requirements for targeted assistance schools.

(Sec. 110) Revises requirements for public school choice for targeted assistance schools. Allows title I funds to be used for transportation services.

(Sec. 111) Establishes requirements relating to public school safety and family school choice. Requires an LEA to allow a student to attend another public school or public charter school selected by the student's parent, if: (1) the student becomes a victim of a violent criminal offense while in or on the grounds of a public school that the student attends and that receives part A assistance; and (2) the student is eligible to be served under a targeted assistance program or attends a school eligible for a schoolwide program. Authorizes an LEA, if the public school that a student attends and that receives part A assistance has been designated as an unsafe public school, to allow such student to attend another public school or public charter school selected by the student's parent. Requires SEA determinations of what actions constitute a violent criminal offense and which schools are unsafe public schools.

(Sec. 112) Revises requirements for assessment and LEA and school improvement.

(Sec. 113) Revises requirements for State assistance for school support and improvement.

(Sec. 114) Establishes an academic achievement awards program to recognize and financially reward schools that have substantially closed the achievement gap and made outstanding yearly progress for two consecutive years.

(Sec. 115) Revises requirements for parental involvement.

(Sec. 116) Sets forth required qualifications and duties for teachers and paraprofessionals in title I schools.

(Sec. 117) Revises requirements for professional development activities.

Includes among required activities any strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices. Includes among optional activities instruction in: (1) ways teachers, principals, and guidance counselors can work with parents and students from groups, such as females and minorities, that are underrepresented in careers in mathematics, science, engineering, and technology, to encourage and maintain student interest in such careers; and (2) gender-equitable methods, techniques, and practices.

(Sec. 118) Revises requirements for participation of children enrolled in private schools in title I services. Revises a formula for allocation of funds. Sets forth consultation and documentation requirements. Permits a bypass option for third party providers.

(Sec. 119) Includes among coordination requirements for LEAs the linking of LEA educational services with those provided in local Head Start agencies.

(Sec. 120) Revises requirements for reservation and allocation of funds for grants for the outlying areas and the Secretary of the Interior.

(Sec. 121) Sets forth revised formulas for allocating amounts for basic grants, concentration grants, and targeted grants.

(Sec. 122) Revises requirements for basic grants to LEAs.

(Sec. 123) Revises requirements for concentration grants to LEAs.

(Sec. 124) Revises requirements for targeted grants to LEAs.

(Sec. 125) Revises special allocation procedures.

(Sec. 126) Requires any school that receives ESEA title I part A funds to ensure that educational services or other benefits provided under such part, including materials and equipment, shall be secular, neutral, and nonideological.

Part B: Education of Migratory Children - Revises ESEA title I part C, Education of Migratory Children.

(Sec. 131) Revises requirements for State allocations with respect to the needs of migratory children and level of services to assist them. Eliminates certain requirements relating to consortium arrangements.

(Sec. 132) Revises program information requirements with respect to integration of services and to family literacy services.

(Sec. 133) Revises authorized activities to require: (1) flexibility for States and LEAs; and (2) focus on unaddressed needs of migratory children.

(Sec. 134) Revises requirements for the coordination of migrant education activities. Directs the Secretary of Education to assist States in improving student record transfers, determining the number of migratory children in each State, and establishing minimum data elements for maintained records. Increases the maximum amounts which the Secretary may reserve for: (1) coordination of migrant education activities; and (2) (as a portion of such coordination funds) incentive grants for State educational agencies (SEAs) to arrange consortium agreements with other States or to improve the delivery of services.

Part C: Neglected or Delinquent Youth - Revises and retitles ESEA title I part D as Prevention and Intervention Programs for Neglected or Delinquent Children and Youth (currently Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk of Dropping Out).

(Sec. 143) Revises requirements for allocation of funds for subpart 1 (State Agency Programs).

(Sec. 144) Revises requirements for State plans and State agency applications, including those relating to the transition of students from institutions to locally operated programs.

(Sec. 145) Revises requirements for uses of subpart 1 funds to refer to transitions to vocational and technical training, as well as other transitions.

(Sec. 146) Includes operation of programs for youth returning from correctional facilities in local schools which may also serve youth at risk of dropping out of school among requirements for SEA use of part D funds for institution-wide projects that serve all children.

(Sec. 147) Raises from ten to 15 percent the maximum portion of subpart 1 funds a State agency may reserve for transition services projects to help the transition of children from State-operated institutions to LEAs.

(Sec. 148) Revises subpart 2 (Local Agency Programs) rules for subgrants to LEAs. Requires such programs to: (1) meet the transitional and academic needs of students returning to LEAs or alternative education programs from correctional facilities; and (2) ensure that the meeting of such student needs is not affected adversely by subpart 2 services to students at risk of dropping out of school.

(Sec. 149) Revises requirements for LEA applications, and sets forth requirements with respect to students returning from correctional facilities.

(Sec. 150) Revises requirements for uses of subpart 2 funds to give priority to youth returning from correctional facilities.

(Sec. 151) Revises program requirements to refer to vocational training and entrepreneurship education.

Part D: General Provisions - Revises ESEA title I part F (General Provisions).

(Sec. 161) Requires the negotiated rulemaking process to be on a minimum of three key issues, including: (1) accountability; (2) implementation of assessments; and (3) use of paraprofessionals.

Requires all published proposed regulations to conform to agreements that result from such negotiated rulemaking, unless the Secretary reopens that process or provides a written explanation to participants.

Sets forth requirements relating to: (1) home schools; (2) non-recipient nonpublic schools; and (3) local administrative cost limitation.

Prohibits mandatory national certification of teachers and paraprofessionals.

Directs the General Accounting Office (GAO) to conduct studies of: (1) paraprofessionals; (2) how title I funds could follow a child from school to school; and (3) the feasibility of electronically transferring and maintaining migrant student records. Directs the Comptroller General to analyze, evaluate, and report to a specified House committee on the impact on title I of individual waivers schools, LEA waivers, and statewide waivers granted pursuant to the Education Flexibility Partnership Act of 1999.

Expresses the sense of the Congress in support of paperwork reduction activities.

Part E: Comprehensive School Reform Program - Amends ESEA title I to establish a part G (Comprehensive School Reform) program.

(Sec. 171) Authorizes the Secretary to make grants to SEAs to provide subgrants to LEAs to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically-based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State content and performance standards.

Allows reservation of specified amounts for schools supported by the Bureau of Indian Affairs (BIA), schools in U.S. territories, and national evaluation activities.

Sets forth requirements for State awards, local awards, evaluation, and reporting. Defines scientifically-based research.

Authorizes appropriations through FY 2004 for such comprehensive school reform program.

Title II: Magnet Schools Assistance and Public School Choice - Revises and retitles ESEA title V as Magnet Schools Assistance and Public School Choice (currently Promoting Equity).

(Sec. 201) Revises and reauthorizes part A, Magnet School Assistance.

Reauthorizes the Secretary to make grants to LEAs and LEA consortia to carry out specified purposes for magnet schools. Includes among such purposes promoting diversity and increasing choices in public elementary and secondary schools and educational programs.

Sets forth eligibility, applications, and program requirements. Gives priority to applicants who demonstrate the greatest need, propose to expand or revise magnet school projects, and propose to select students for Magnet Schools by a lottery system. Sets forth requirements for use of funds, prohibitions on usage of funds, limitations, and reservations of funds for evaluations, technical assistance, and dissemination.

Authorizes appropriations through FY 2004 for such Magnet Schools Assistance program. Gives priority to awarding certain excess amounts as grants to LEAs or consortia that did not receive a part A grant in the preceding fiscal year.

Public School Choice Act of 1999 - Sets forth a new part B, Public School Choice.

Authorizes the Secretary to make grants to SEAs and LEAs to support programs that promote innovative approaches to high-quality public school choice.

Sets forth requirements for uses of funds, grant applications, and priorities.

Authorizes appropriations through FY 2004 for such Public School Choice program.

Revises, reauthorizes, and transfers to a new part C provisions for Women's Educational Equity (also known as the Women's Educational Equity Act of 1994, and currently part B).

Authorizes the use of such Women's Educational Equity program funds for grants to LEAs in communities with an historic tie to a major leader of the women's suffrage movement to educate their students about the significance of that former resident.

Directs the Secretary to report to the President and Congress on the status of educational equity for girls and women in the nation.

Authorizes appropriations for FY 2000 through 2004 for Women's Educational Equity programs.

Eliminates current part C provisions for School Dropout Assistance.

(Sec. 202) Provides for continuation of grant awards made under current part A requirements for innovative programs prior to enactment of this Act (which eliminates such grant provisions).

Title III: Teacher Liability Protection - Teacher Liability Protection Act of 1999 - Establishes a new ESEA title XV, Teacher Liability Protection.

(Sec. 301) Sets forth requirements for preemption, election of State non-applicability, limitation on liability for teachers, and liability of non-economic loss.

Title IV: Indian, Native Hawaiian, and Alaska Native Education - Subtitle A: Elementary and Secondary Education Act of 1965 - Revises title IX (Indian, Native Hawaiian, and Alaska Native Education) of ESEA.

(Sec. 401) Revises and reauthorizes part A, Indian Education, subpart 1 requirements for formula grants to LEAs for assisting Indian students to meet challenging State standards. Allows an entity receiving such funds to: (1) submit a plan to the Secretary for integration of education and related services provided to Indian students; and (2) if the plan is approved, consolidate in a demonstration project all Federal funds for which the applicant is eligible to provide such services. Directs the Secretary to make preliminary and final reports to specified congressional committees on statutory obstacles to such program integration.

Revises subpart 2 special programs and projects to improve educational opportunities for Indian children to reauthorize: (1) grants for improvement of educational opportunities for Indian children; and (2) professional development for teachers and educational professionals.

Repeals subpart 2 requirements for Indian student fellowships, grants for gifted and talented programs, and grants for tribal education administrative planning and development.

Repeals the current subpart 3 special programs for Indian adult education.

Reauthorizes subpart 3 (current subpart 4) national research activities.

Reauthorizes subpart 4 (current subpart 5) requirements for Federal administration, including those for

the National Advisory Council on Indian Education, peer review, preference for Indian applicants, and minimum grant criteria.

Extends through FY 2004 the authorization of appropriations for programs under part A subparts 1, 2, and 3.

Part B: Native Hawaiian Education - Repeals part B (Native Hawaiians) requirements for Native Hawaiian education.

Part C: Alaska Native Education - Revises part C (Alaska Native Education) to repeal mandates for the following programs: (1) Alaska Native Educational Planning, Curriculum Development, Teacher Training and Recruitment; (2) Alaska Native Home Based Education for Preschool Children; and (3) Alaska Native Student Enrichment.

(Sec. 403) Establishes a new program for Alaska Native Education.

Authorizes the Secretary to make grants to and contracts with specified Alaska Native and other entities for Alaska Native educational activities, including development and implementation of educational plans, curriculum development, professional development for educators, teacher recruitment, home instruction for preschoolers, family literacy services, student enrichment in science and math, research activities, and other appropriate activities.

Authorizes appropriations for FY 2000 through 2004. **Subtitle B: Amendments to the Education Amendments of 1978** - Amends the Education Amendments of 1978 to revise requirements relating to education programs of the Bureau of Indian Affairs (BIA) (of the Department of the Interior).

(Sec. 410) Sets forth requirements for accreditation, as well as standards for basic education of Indian children in BIA schools.

Sets a new deadline for the Secretary of the Interior to carry out by contract with an Indian organization studies and surveys to establish and revise standards for basic education of Indian children attending BIA-funded schools.

Requires published minimum academic standards to be revised and applied to BIA-funded schools not otherwise accredited. Allows BIA-funded schools to elect to meet standards of accreditation as set forth by a tribal, State, regional, or national accrediting body (if tribal standards meet State standards) instead of those set by the BIA. Continues to allow alternative standards if they meet State minimum standards. Continues to authorize: (1) tribes or school boards to waive standards and propose alternatives that take into account the specific needs of the tribe's children; and (2) the Secretary of the Interior to reject such alternative standards. Continues to require the Secretary of the Interior to submit an annual plan for meeting the standards.

Directs the Secretary of the Interior to assist school boards of grant or contract schools in implementing such standards if such boards request such implementation in part or whole.

Requires the BIA to establish fiscal and accounting standards for all contract and grant schools.

Revises requirements relating to tribal approval for closure or consolidation of certain BIA-funded schools or programs.

Revises requirements relating to consideration of applications to contract or grant non-BIA-funded schools or to expand BIA-funded schools. Prohibits such requirements from precluding expansion at a BIA-funded school where expansion and its maintenance are paid for by non-BIA funds.

Allows funds received by BIA-funded schools, from the BIA or from any Department of Education or other Federal agency to provide education or related services, to be used for schoolwide projects to improve the educational program for all Indian students.

Directs the Comptroller General to study the adequacy of funding for BIA-funded schools, and the formulas used by the BIA to establish such funding levels.

Directs the Secretary of the Interior to revise national standards for home-living (dormitory) situations to include specified types of factors. Requires such standards to be implemented at BIA-operated schools, and to serve as minimum standards for contract or grant schools.

Incorporates specified BIA education regulations into such Act, and allows them to be altered only by an Act of Congress.

Revises requirements for geographical attendance areas for BIA-funded schools. Allows tribal provision of parental school choice.

Revises requirements for school facilities construction. Requires: (1) publication of the BIA's system for prioritizing school replacement and construction projects for BIA-funded schools and home-living schools, including boarding schools and dormitories; (2) establishment of a long-term construction and replacement listing for all BIA-funded education-related facilities; and (3) distribution of school operation and maintenance funds by formula. Sets forth procedures for school closure or consolidation because of hazardous conditions at BIA-funded schools.

Revises requirements relating to BIA-education functions to require that the program for operation and maintenance include a method for determining needs and priorities with respect to facilities repair and maintenance projects through use of meetings for comments by representatives of BIA-funded schools.

Revises requirements for review and revision of an allotment formula for funding BIA-funded schools. Includes among factors to be considered the costs of therapeutic programs for students who require them. Requires formula review and revision to increase the availability of therapeutic programs (as well as counseling) for students in off-reservation home-living (dormitory) schools and other BIA-operated residential facilities. Revises formula adjustment factors. Authorizes reservation of funds for school board activities. Requires school boards to train new members.

Revises requirements for administrative cost grants to tribes or tribal organizations operating contract or grant schools. Requires the Director of the Office of Indian Education Programs to conduct specified studies relating to tribal educational administrative costs. Authorizes appropriations for such grants.

Revises (or reauthorizes) requirements for: (1) the Division of Budget Analysis within the Office of Indian Education Programs; (2) the system of uniform direct funding and support of BIA-funded schools; (3) the policy for Indian control of Indian education; (4) educational personnel; (4) the management information system; (5) uniform procedures and practices; (6) the recruitment of Indian educators; (7) biennial reports on the BIA's Indian education program and tribally controlled community colleges; (8) audits of BIA-funded schools; (9) rights of Indian students attending BIA-funded schools; (10) grants for early childhood development programs; and (11) grants for tribal departments of education.

Sets forth requirements for regulations, and procedures for negotiated rulemaking.

Subtitle C: Tribally Controlled Schools Act of 1988 - Amends the Tribally Controlled Schools Act of 1988 to reauthorize and revise requirements for part B grants by the Secretary of the Interior to Indian tribes and tribal organizations to operate tribally controlled schools, including BIA-funded schools, including requirements for: (1) special rules relating to grants composition; (2) eligibility for grants; (3) duration of eligibility determination; (4) payment of grants and investment of funds; (5) the role of the Director of the Office of Indian Education Programs; and (6) regulations.

(Sec. 420) Requires the BIA to report annually to the Congress on all applications received for such grants, and actions taken, including associated costs.

Changes from every three to every two years the required frequency of certain positive evaluations of a school necessary to avoid revocation of eligibility for assistance.

Adds to those requirements of the Indian Self-Determination and Education Assistance Act of 1975 which apply to part B grants new ones relating to: (1) access to Federal sources of supply; (2) lease of facility used for administration and delivery of services; (3) limitation on remedies relating to cost allowances; (4) use of funds for matching or cost participation requirements; (5) allowable uses of funds; and (6) specified model agreements provisions.

Establishes a Tribally Controlled Grant School Endowment Program.

Title V: Gifted and Talented Children - Jacob K. Javits Gifted and Talented Students Act of 1999 - Amends ESEA title X (Programs of National Significance) to revise requirements for part B (Gifted and Talented Children).

(Sec. 501) Continues the current discretionary grant program, until a minimum level of appropriations for formula grants is first reached.

Adds scientifically-based research to authorized uses of grant funds.

Establishes a State formula grant program for teacher preparation and other services for the gifted and talented students in elementary and secondary schools, to be initiated when the annual appropriation first equals or exceeds a specified amount, and continued in succeeding fiscal years.

Continues the National Center for Research and Development in the Education of Gifted and Talented Children and Youth.

Authorizes appropriations for FY 2000 through 2004 for such gifted and talented programs.

Title VI: Rural Education Assistance - Rural Education Initiative Act of 1999 - Amends ESEA title X to revise and rename part J as the Rural Education Initiative (currently Urban and Rural Education Assistance).

(Sec. 601) Establishes: (1) a small and rural school program of assistance for rural LEAs with small enrollments (less than 600); and (2) a low-income and rural school program of assistance to rural LEAs with larger enrollments but with school age poverty rates of at least 20 percent.

Permits the small rural LEAs to consolidate and use funds they receive under various Federal formula grant programs for activities they identify that support local or State education reform efforts to improve academic achievement or instruction. Authorizes grants for these LEAs based on their enrollment, for similar activities.

Provides for grants for low-income rural LEAs (which may not include LEAs eligible under the small rural LEA program) for various specified uses, including educational technology, professional development, and academic enrichment. Allocates such grant funds among States by formula based on the enrollment in all eligible districts. Provides for subgrants from States to eligible LEAs, as well as direct grants from the Secretary to an LEA where an SEA does not participate in the program. Allows substate allocations to be either competitive or by formula based on enrollment in the State's eligible LEAs.

Authorizes appropriations for FY 2000 through 2004 for such rural education programs.

Title VII: McKinney Homeless Education Improvements Act of 1999 - Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999 - Amends the Stewart B. McKinney Homeless Education Assistance Act to revise and reauthorize title VII subtitle B, Education for Homeless Children and Youth.

(Sec. 704) Prohibits States receiving such funds from segregating homeless children and youth solely on the basis of their homeless status (with an exception for separate schools for the homeless initiated prior to enactment of these amendments).

Requires schools to enroll immediately any homeless child or youth seeking enrollment, even if the records (except immunization records) normally required for enrollment cannot be produced.

Provides that the school of origin is the default interpretation of the best interest of the child regarding school placement, unless this is contrary to the wishes of parents or guardians.

Requires LEAs that seek to receive such funds to conduct an assessment of the educational and related needs of homeless children and youth.

Revises reporting requirements.

Authorizes appropriations for FY 2000 through 2004 for such assistance for education of homeless children and youth.

Title VIII: Schoolwide Program Adjustment - Sets at 40 percent the minimum portion of school enrollment that must be children from low-income families in order for a school to be eligible for a schoolwide program.

Title IX: Education of Limited English Proficient Children and Emergency Immigrant Education - English Language Proficiency and Academic Achievement Act - Amends ESEA title VII to revise and rename part A (Bilingual Education, also known as the Bilingual Education Act) as English Language Education, also to be known as the English Language Proficiency and Academic Achievement Act.

(Sec. 901) Requires LEAs to obtain parental consent prior to placement of a Limited English Proficient (LEP) child in an English language instruction program.

Consolidates bilingual education instructional services grants. Provides for a transition in aid allocation, when annual appropriations reach a specified amount, from the discretionary grants by the Secretary to formula grants to States (with discretionary grants within States). Guarantees, after such transition, one year of funding from the State for previous recipients of discretionary grants.

Authorizes appropriations for FY 2000 through 2004 for: (1) the subpart 1 discretionary grant program or the subpart 2 formula grant program, as appropriate; (2) subpart 3, professional development; and (3) subpart 4, research, evaluation, and dissemination.

Requires States, under the formula grant program, to discontinue funding to LEAs where the majority of students are not attaining English language fluency and reaching State standards after three years. Requires testing in English, for reading or language arts, of LEP students who have attended U.S. schools for three consecutive years, unless an LEA allows a student to be tested in another language.

Eliminates the 25 percent maximum limit on the portion of part A funds that may be used for special alternative instruction (non- bilingual) programs.

Consolidates bilingual education professional development grants into a single five-year grant. Authorizes appropriations for such program.

Eliminates the Foreign Language Assistance Program (current part B).

Revises, and transfers to part B, provisions for the Emergency Immigrant Education Program (currently part C).

(Sec. 902) Amends the Department of Education Organization Act to rename the Office of Bilingual Education and Minority Affairs as the Office of Educational Services for Limited English Proficient

Children.

October 19, 1999
(House Rules)

H.R. 2 - The Students Results Act of 1999
(Rep. Goodling (R) PA and 18 others)

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

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

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

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

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

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

reauthorization is important to ensure that all women and girls have full and equal access to all educational and career opportunities. Increasing numbers of school districts are seeking materials and technical assistance related to gender equity, and the President's proposal would help meet those growing demands.

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

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(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Bowers) in consultation with EIML (Wang/Cassell) and the Department of Education (Riddle/Kristy). The Departments of Justice (Taylor), Interior (Fink), and Defense (Brick), the General Services Administration (Ratchford), Office of National Drug Control Policy (Rivait), DPC (Rotherham), OIRA (Werfel), WH/LA (Johnson), and WH/IGA (Farrow) agree with or do not object to this position.

Education Deputy Secretary Smith is not in full agreement with this position. He would prefer that the Administration oppose the bill unless it is amended, and he would like the Statement to be more critical of the accountability provisions in the bill.

OMB/LA Clearance: Barbara Chow, Ted Zegers (OMB); Broderick Johnson (WHLA); Andy Rotherham (DPC); Brian Kennedy (NEC); Maria Echaveste (CoS).

BACKGROUND

On May 21, 1999, the President transmitted to Congress the Educational Excellence for All Children Act of 1999, the Administration's proposed legislation to reauthorize and improve the Elementary and Secondary Education Act of 1965. The proposal builds on the standards-based reform in the current ESEA, focusing on translating current efforts into increased student achievement in the classroom for all students. The President's proposal to improve standards for schools and students is coupled with provisions to assure accountability for results and increased quality of teachers. H.R. 2 focuses on some of these same principles that shaped the President's proposal, but deviates in certain key provisions.

Secretary Riley sent a letter to the House Committee on Education and the Workforce on October 5, 1999, applauding the bipartisan effort reflected in a committee draft substitute to H.R. 2, but stating he is very concerned about certain key provisions of the bill (generally, the same concerns expressed in this Statement of Administration Policy). The Committee ordered reported H.R. 2 on October 13, 1999, by a vote of 42 to 6.

SUMMARY OF H.R. 2

H.R. 2 would authorize appropriations for major parts of the Elementary and Secondary Education Act of 1965 (ESEA). It would also amend the Act in various respects to build upon changes made to the Act in 1994 that required States to develop academic standards and tests to measure student progress. The major provisions are summarized below.

Title I - Education Programs for Disadvantaged Children. H.R. 2 would reauthorize Title I of the ESEA, which provides Federal aid to States and school districts to help educationally disadvantaged students achieve the same high standards as other children. Title I addresses the special educational needs of low-achieving children in the highest-poverty schools, children with limited English proficiency, children of migrant workers, children with disabilities, Indian

children, children who are neglected or delinquent, and young children and their parents who are in need of family literacy services. Title I of H.R. 2 would authorize appropriations totaling \$8.834 billion for FY 2000, and such sums as may be necessary for the following four years for most of these components of Title I. The FY 1999 appropriation for the programs totals \$7.7 billion. H.R. 2 would amend Title I in the following ways:

Accountability/School Improvement. H.R. 2 would continue the implementation of State content and performance standards that were included in the ESEA in 1994. It would increase accountability by requiring schools to issue report cards on their performance. Different standards for student performance and testing would be required for Title I students and schools than other students and schools. The bill would require States to prioritize resources for improvement to those low-performing schools furthest from reaching State standards. The Administration's bill would require each State to reserve specified Title I funds for this purpose.

Children with Limited English Proficiency (LEP). To address special needs of LEP children, H.R. 2 would require States to monitor their performance on State assessments and to use this data to identify schools for improvement. School officials would be required to seek the informed consent of parents prior to placement of their children in an English language instruction program for LEP children. The President's proposal contained no such consent requirement. The President's bill proposed that schools be required to assess annually the English proficiency of LEP children in their Title I programs. H.R. 2 would require LEP children to be tested in the language that is most likely to produce valid results, but children in U.S. schools for three consecutive years would be required to be tested in reading and language arts in the English language. The Administration's bill would require the use of tests written in Spanish when testing Spanish-speaking LEP children, if such tests are more likely than English-language tests to yield accurate and reliable information on student knowledge and achievement in subjects other than English.

Public School Choice. As proposed by the Administration, H.R. 2 would authorize a new \$20 million public school choice program, which would provide competitive grants to State and local educational agencies to support programs that promote innovative approaches to public school choice. The bill would also permit parents of children in schools that receive Title I funding that are designated for school improvement (i.e., low-performing schools), to transfer their children to another public school or public charter school that is not designated for school improvement. Local officials could authorize use of Title I funding for transportation to another such public school.

School-wide Programs. The Administration did not propose to modify the provision in the ESEA that authorizes schools with 50 percent of their students at poverty level to use their Title I funds on programs intended to benefit the entire school, rather than focusing the funds on disadvantaged children. H.R. 2 would lower this threshold to 40 percent.

Paraprofessionals. Title I would permit instruction activities -- including classroom teaching -- of Title I students by paraprofessionals who do not have at least two years of college. Such teachers' aides must either have: (1) completed at least two years of study at an institution of higher education; (2) obtained at least an associate's degree; or (3) met a rigorous standard of

quality established at the local level. The Administration's bill would preclude paraprofessionals from conducting classroom instruction, thereby limiting their work to tutoring, classroom management, and assisting in computer labs.

Comparability between Title I and Other Schools. The Administration proposed that steps be taken by school districts to ensure comparability between Title I and non-Title I schools with respect to teacher qualifications, curriculum and course offerings, and condition and safety of school buildings. H.R. 2 contains no such requirements.

Targeting. The Administration's bill contained provisions to improve targeting to concentrate Title I funds more intensively on the high-poverty schools and districts that most need funds to raise student achievement. It would accomplish this through substantial funding allocations under a Targeted Grants formula, rather than allocating most Title I funds for Basic Grants. Basic Grants, the focus of the current allocation of Title I funds, distributes funds across school districts with both high and low rates of poverty. H.R. 2 would authorize substantial increases for Basic Grants, in lieu of increased targeting. It would allow States to set-aside any increase in Title I funds to reward schools and teachers in such schools that substantially close the gap between the lowest and highest performing students and that have made outstanding yearly progress for two consecutive years. H.R. 2 would also modify the formula under which Basic Grants are allocated to needy children in Puerto Rico. The Administration proposed to modify that formula even further to ensure that the allocations were made on the same basis as is used for the 50 States.

Rural Education. H.R. 2 would establish a new program within the ESEA to permit consolidation of Federal education funds (block grant) for schools in rural communities. The Administration proposal did not contain such provisions and, rather, would reauthorize and improve programs serving particular areas of need -- such as Title I Basic Grants, Title I programs for migratory children, and the Technology Literacy Challenge Fund -- by including specific provisions for geographic distribution of funds or allowing special consideration for isolated or certain rural school districts (e.g., education technical assistance centers.)

Indian Education. H.R. 2 would amend Title III of the ESEA to permit school districts that receive Indian education formula grants to consolidate all Federal funding that they receive on a formula basis, from any Federal agency, into a single program, subject to specified conditions and requirements. The Administration's bill would continue current authority for these districts to integrate ESEA Indian Education funds with other programs, as long as funding applications include a comprehensive program explaining how Federal, State, and local programs will meet the special needs of the Indian student population.

Women's Educational Equity Act. H.R. 2 does not include a provision to reauthorize the Women's Educational Equity Act, which promotes educational equity for women by encouraging female students to take the same types of classes and ultimately pursue the same types of careers as male students. The Administration proposed to reauthorize this Act.

Native Hawaiian Education Program. H.R. 2 would repeal authority for the Native Hawaiian

Education program, which the Administration proposed to reauthorize. This program provides education assistance directed to the special education needs of Native Hawaiians.

Teacher Liability Protection. H.R. 2 contains a provision for limited civil litigation immunity for teachers, principals, local school board members, superintendents, and other educational professionals who engage in reasonable actions to maintain school order and discipline, and it would preempt inconsistent State laws. The Department of Justice is reviewing this provision, and indicates that as currently drafted, the provision may be vulnerable to challenge on the grounds that it exceeds Congress' authority under the Commerce Clause. Justice will pursue this issue as the bill moves through Congress.

Pay-As-You-Go Scoring

According to EIML (Wang), H.R. 2 is not subject to the pay-as-you-go provisions of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION DRAFT
October 19, 1999 - 12:30 PM

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

(Updated October 25, 1999)

SUMMARY

H.R. 2, the Student Results Act of 1999 authorizes Title I of the Elementary and Secondary Education Act and other programs assisting low achieving students. Programs authorized in the bill are: Title I, Part A (education of the disadvantaged), Migrant Education, Neglected and Delinquent, Bilingual Education, Magnet Schools Assistance, Native Americans, Hawaiians, and Alaskan programs, Gifted and Talented, Rural Education, and the Stewart B. McKinney Homeless Assistance program. The legislation passed the House on October 21, 1999 by a vote of 358-67.

Title I, Part A (educationally disadvantaged)

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

- **Structure**. Continues the current standards-based approach with Title I students being held accountable for meeting the same challenging state standards as all other students.
- **Academic Accountability**. Modifies existing accountability provisions to ensure that each of the separate subgroups of students (economically disadvantaged, limited English proficient, minority, students with disabilities, etc.) as well as students as a whole show increased academic achievement gains at the state, school district and school levels. Also expands minimum standards and assessments to include science by the 2005-06 school year.
- **Public School Choice for Students in Low Performing Schools**. If a school that receives Title I funding is designated for "school improvement" (meaning that the school is low performing), then parents of children who attend the school would have the option of transferring to another public school or public charter school that is not in "school improvement." Title I funding could be used, if local officials so decide, for transportation to another public school or public charter school.
- **Rewards**. Up to 30 percent of any increase in Title I funding may be set aside by states to provide rewards to schools (and teachers in such schools) that substantially close the achievement gap between the lowest and highest performing students and that have made outstanding yearly progress for two consecutive years.
- **Annual State Reports**. The academic performance of all schools receiving Title I funding would be included in annual state reports produced by the states for parents and the public. If states are already producing annual state reports, then the Title I data could be included in such reports or disseminated through alternative means such as posting on the Internet, distribution to media or through other public agencies. The report will include information on each school receiving Title I funds. The information would be for those Title I schools in the aggregate in school districts and individually on the following things: student performance according to subgroups on state assessments; comparison of students at below basic, basic, proficient, and

advanced levels of performance on state assessments; graduation rates; retention rates; completion of Advanced Placement courses; and qualifications of teachers and teachers' aides.

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

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

Education of Migrant Students

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

- **State Allocations.** Revises the formula to implement an actual student count (they are currently funded based on full time equivalents (FTEs)). A holdharmless is included for the 2000 school year. Only new funds will go out based on the new formula.
- **Needs Assessment/Authorized Activities.** Eliminates the comprehensive plan section and is replaced by a streamlined section on authorized activities that provides state educational agencies (SEAs) with the flexibility to determine the activities to be provided with funds under this Part.
- **Coordination.** Requires the Administration to assist states in developing effective methods for the transfer of student records within and among states. It further requires that the Administration, working with the states, develop a common set of data elements that must be included in student records when funds under this Part are used for such purposes.

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

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

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

English Language Proficiency and Academic Achievement Act (Formerly the Bilingual Education Act)

This provision would amend Title VII of the Elementary and Secondary Education Act to revise the current Bilingual Education Act and reauthorize the Emergency Immigrant Education Program. The current Bilingual Education Act awards grants, on a competitive basis, to eligible entities to provide educational services to limited English proficient children. Not less than seventy-five percent of funds are to be used for programs that use a child's native language in instruction. Key changes to the Bilingual Education Act follow:

- **Parental Rights:** Local educational agencies would be required to obtain informed parental consent prior to placing children in an instruction program that is not taught primarily in English. If written consent is not obtained, schools must document the date and manner in which they obtained parental consent. Parents would have the right to immediately remove their child from a program for limited English proficient children.
- **Transition to a Formula Grant:** Once appropriations reach \$220 million, this program would become a formula grant to the States.
- **Local Flexibility:** Eligible entities would be able to choose the method of instruction they would use to teach limited English proficient children in both the competitive and formula grant programs. The bill eliminates the current requirement that seventy-five percent of funding be used to support programs using a child's native language instruction.
- **Accountability:** Under the formula grant program, States would be required to monitor the progress of eligible entities and remove funding from programs where the majority of children were not moving into classrooms not tailored for limited English proficient children (classes taught in English) within three years. Eligible entities receiving grant awards would be required to complete an evaluation every year on the progress students are making learning English and achieving the same high levels of academic achievement as other students.
- **Dollars to the Classroom:** Ninety five percent of funds under the formula grant program are to be used to make grants to eligible entities to teach limited English proficient children.
- **Testing:** Reading and language arts assessments of children who have attended school in the United States for at least three consecutive years and who participate in a program funded under this Act, would be in the English language. Eligible entities receiving funds under the formula grant program would be required to assess the English proficiency of participating children each year.

Magnet Schools Assistance Program

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

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

Women's Educational Equity

The bill reauthorizes the Women's Educational Equity Act (WEEA). This program promotes gender equity in education and provides financial assistance to enable educational agencies and institutions to comply with title IX of the Education Amendments of 1972 (which prohibits sex discrimination in educational programs and activities that receive federal financial assistance). WEEA authorizes the Secretary of Education to award two types of grants: (1) to develop and implement gender equity programs; and (2) to provide "support and technical assistance" in areas such as teacher training and evaluation of exemplary programs, as well as for research and development.

Public School Choice Program

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

Native Americans, Hawaiians, and Alaskan Education Programs

Indian Education Programs within the Department of Education

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

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

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

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

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

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

Native Hawaiian Education Programs

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

Alaska Native Educational Programs

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

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

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

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

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

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

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

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

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

Rural Education Assistance

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

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

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

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

- Title II – Eisenhower Professional Development Program;
- Title IV – Safe and Drug-Free Schools and Communities;

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

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

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

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

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

Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999

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

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

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

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

Teacher Liability Protection

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

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

(Updated October 15, 1999)

SUMMARY

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

Title I, Part A (education for the disadvantaged)

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

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

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

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

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

Education of Migrant Students

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

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

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

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

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

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

Magnet Schools Assistance Program

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

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

Public School Choice Program

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

Native Americans, Hawaiians, and Alaskan Education Programs

Indian Education Programs within the Department of Education

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

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

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

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

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

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

Native Hawaiian Education Programs

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

Alaska Native Educational Programs

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

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

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

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

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

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

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

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

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

Rural Education Assistance

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

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

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

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

- Title II – Eisenhower Professional Development Program;

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

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

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

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

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

Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999

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

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

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

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

Teacher Liability Protection

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

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2011-0103-5

MEMORANDUM

TO: Alex Nock
RE: Republican proposal to amend Title I
DATE: September 20, 1999

Upon comparing the Republican proposal to amend Title I with the Administration's reauthorization proposal, we have developed the attached list of concerns. The list does not place items in order of substantive priority. Instead, it comments on the Republican proposal page by page. Here we wish to highlight seven major areas of concern:

1. **The proposal erodes targeting of Title I funds to high-poverty schools.** Missing from the proposal (pp. 38-42) is any requirement that each local educational agency provide at least the same amount of dollars per child to its highest poverty schools as it provides to its lower poverty schools. For schools below 75% poverty, LEAs have total discretion in allocating funds. Depending on the allocation criteria that LEAs choose, Title I funds could flow disproportionately to the lowest poverty schools. We support the within-district allocation provisions under current law. In addition, the proposal (p. 99) would result in only small sums of money (\$150 million) flowing through the targeted grants formula, in contrast to the estimated \$1.6 billion that would reach the highest poverty schools under the Administration's proposal. Moreover, unlike our proposal, the Republican proposal does nothing to strengthen the intra-district school comparability provisions in current law.
2. **The school choice provisions present many unanswered questions.** The proposed requirement that LEAs provide students an intra-district transfer option immediately after a school has been identified for improvement (p. 63) will be difficult to implement, especially in districts where as much as a majority of schools have been identified for improvement. Furthermore, the intent behind the supplemental assistance grants for developing and implementing school choice plans (p. 60) is unclear. Would this allow the appropriations process to divert virtually all Title I funds to school choice plans? Is there any requirement that school choice plans benefit students in Title I schools? Our proposal makes clear that we support public school choice, especially when schools have been identified for corrective action. We are willing to help develop additional school choice provisions that not only give students options to transfer out of failing schools but also include strategies and resources to turn around failing schools.

3. **The proposal does not adequately encourage each State to develop a single, integrated accountability system.** Under the proposal, "adequate yearly progress" must "take[] into account the progress of all students in the States" (p. 11). Without any provisions specifying what it means to "take into account" the progress of students statewide, each State could develop an accountability system for Title I schools that is separate from the system applicable to all other schools. Our proposal contains stronger language explicitly encouraging States to develop and implement "a *statewide system* for holding local educational agencies and schools accountable for student performance." Similarly, unlike our proposed Title XI provisions requiring education report cards that contain information on educational progress in all districts and schools statewide, the Republican proposal requires report cards only on schools and districts served by Title I (p. 129), thus precluding comparisons between Title I schools and other schools in a district or state.
4. **The proposal does not require States to reserve enough funds for school improvement.** The provision allowing States to reserve 0.5% of Title I funds for school improvement (p. 6) does not reflect a realistic view of the amount of resources required to provide swift, effective assistance to low-performing schools. Our proposal requires each State to reserve 2.5% of Title I funds for building state and local capacity to turn around failing schools.
5. **The proposal does not require LEAs to set aside enough funds for professional development.** While listing a variety of mandatory and optional professional development activities, the Republican proposal (pp. 86-90) nowhere provides LEAs the resources needed to implement such activities. Our proposal requires LEAs to reserve 5% (and 10% after 2002) of Title I funds for professional development.
6. **The proposal does not ensure timely implementation of State assessment systems.** Through the provision allowing States to seek a one-year waiver (apparently for any reason) to complete their assessment systems (p. 21), the proposal effectively invites waivers. This provision should be deleted. At the same time, the proposal's requirement for standards and assessments applicable to grades K-2 (p. 8, 18) should be accompanied by a reasonable timeline for phase-in, since most states currently do not have such standards and assessments.
7. **The proposal appears to make LEAs wholly responsible for meeting the educational needs of children who attend private schools.** By making an LEA's failure "to meet the educational needs of [private school] children" a standard for bypassing the LEA in providing services to such children, the proposal (p. 97) presents a standard that raises difficult questions about where an LEA's obligation ends and where the private school's begins. Because an LEA cannot be wholly responsible for meeting the educational needs of private school children, we oppose this provision.

Technical Assistance on Title I Proposal
September 19, 1999
DRAFT

Recognition of Need and Findings

- Recognition 3 (p.2) could be read to argue for school choice
"(3) too many students must attend local school that fail to provide them with a quality education, and are given no alternatives to enable them to receive a quality education"
- Finding 4 (p.3) makes an illogical argument for increased flexibility
"(4) Congress and the public would benefit from additional data in order to evaluate the efficacy of changes made to Title I ...[in IASA], and therefore States, local educational agencies and schools should be given as much flexibility as possible in exchange for greater accountability for improving student achievement."

Authorization of Appropriations

- In providing specific appropriations for year 2000, rather than "such sums," there is some obvious decrease in funding for particular efforts.
 - Considering the ongoing need to evaluate the effectiveness of Title I and strategies used in its implementation, support for evaluation as authorized under federal activities (p.5, line 8) should be increased \$10 million.
 - Support for the Comprehensive School Reform Demonstration program (p.5, line 11) should be increased to at least \$200 million; the FY2000 request.
 - Current statute does not require a separate appropriation for state administrative funds; the existing language should be substituted here.
 - Changes (p.5, line 14) indicate that that support for state administration will be equal to 1% of only the state's Title I-Part A allocation (rather than Parts A, C, and D), which could mean a drop as great as \$4.5 million in FY2000.
 - There is no provision for reserving more than 1% for small states as in Sec. 1603(c)(2) of current law.
- The intent of the special rule as described on p. 6 and referred to on p.26 is unclear.
- Dollars in support of school improvement include only a share of Title I-Part A funds, not including migrant education or N or D (p.6, line 7). In addition, it is recommended that this share be increased to 2.5% to build capacity for and turn around low-performing schools.

Standards and Assessments

- The Department favors the bracketed language on page 7, lines 5-7.
- The proposal requires standards in kindergarten through grade 12 (p.8, line 10) as well as the administration of assessments during grades K-2 (p. 18, line 8). While the focus on standards and achievement in the early years is important, it should be clear that 1) states that do not currently have K-2 standards will have a reasonable timeline for phasing them in, but 2) will still be required to have standards and assessments in other grades by 2000-2001.
- Proposed assessment requirements call for tests at four grade spans, including, "(iii) grades 7 through 9, if applicable; and (iv) grades 10 through 12, if applicable." The term "if applicable" is not necessary and may be misleading; it should be deleted.

- The proposed language renames the third proficiency level (from partially proficient to basic) and adds a fourth level of proficiency (below basic) (p.9, lines 10-21). This could frustrate the efforts of states that have already or are in the process of developing performance standards and assessments. Will this new requirement affect the degree to which they are considered to be in compliance with the law? Will it relax the pace of assessment and accountability implementation?
- Assessment development language specifically allows for a waiver of the assessment development timeline (p.21, lines 12-19). This language is unnecessary (such waivers are already allowed) and would only encourage increased application for waiver of the requirements; it should be deleted.

Withholding of State Administrative Funds

- In general, penalties provisions need clarification (p. 22, line 9). Should the word "by" on line 17 be "from"? Moreover, how does this fit with the withholding provisions (p.10, line 5)?

Yearly Progress

- The effort to compare student performance data across groups (in measuring AYP) does not include disaggregation by gender (p.11, (B)(iv)), although this cut is included in assessment requirements (p.20, line 12 and current law). IS THIS OK?
- While we agree that the effort to ensure accountability for improved student performance among all groups is important, the formulation described (p.13, lines 1-12) would cause significant burden and would likely include dramatic, and potentially misleading, year to year changes in scores. The Administration's proposal is preferred.
- In describing the use of multiple measures in defining AYP, the proposal's exception to using such data in identifying schools for improvement or corrective action is unclear (p.12, line 19). The exception should prohibit such measures from enabling a specific school to avoid being identified, not from affecting the overall number or proportion of such schools.
- The requirement that at least 90% of students in each group take the assessment may set too low a benchmark for including students from all populations (p.14, line 9). To account for this, while still accounting for different school compositions (e.g. a school may have a significant population of students with severe disabilities), this provision should also require that 95% of students overall in the school be included in the assessment.
- The language on regulation and review of state plans (p.15, lines 11-24), particularly in regard to the timing and sequencing of required activities, is unclear. Must the Secretary both issue regulations and finish reviewing plans within six months? If so, is the Department to be drafting regulations and reviewing plans at the same time? Is it reviewing new or current plans? Why should a state be expected to submit a definition of AYP before regulations are issued?

LEA Plans

- Consistent with the purpose of the Title I law, the proposal would add "low-achieving" to modify "children" (p.28, line 25). However, such a change might be

read to suggest different standards for low-achieving children. The amendment should read, "all children, particularly low-achieving children."

- Specific requirements for the assessment of first grader literacy (p.29, lines 7-16) do not ensure that such assessments provide the most accurate data on the literacy of LEP students. Consistent with the Administration's proposal should require that such assessments "(D)(iii) administered to students in the language most likely to yield valid results."
- There is no mention of the peer review of either LEA or schoolwide plans (p.34, line 21 and p.53). Implementation of current title I plan requirements, as well as reviews of state standards requirements, and Goals 2000 state plans indicate that review by teams of outside experts of teachers, parents, administrators, etc. improves the quality (and perceived legitimacy) of feedback and dramatically improves program implementation. Consistent with the Administration's proposal, peer review of local and school plans should be required.

Pre-school Education

- The proposed cross-reference to Head Start standards is more difficult for LEAs to use (p.30, line 6 and p. 32, line 4). We strongly recommend deleting these provisions and, instead, including the Administration's preschool provisions in §1120B(d), which incorporate the Head Start standards; moreover, our proposal gives greater prominence to this very important area. The Administration language also clarifies the option for jointly funded programs which is not in current law.

Targeting: Eligible Attendance Areas and Local Allocations

- Page 35, line 22 appears to require a technical correction. Shouldn't it read, "...or in the case of a public charter school that *does not* constitute a local educational agency under State law."
- As described in the Administration's proposal, the allocation of local title I funds should include a grandfather clause to ensure some continuity and fiscal stability in funding from year to year (p.38). Language should be added to allow an LEA to "designate and serve a school attendance area or school that is not eligible under subsection (a)(2), but that was eligible and that was served in the preceding fiscal year, but only for one additional fiscal year."
- The proposal includes several measures and omits others that collectively, significantly threaten Title I's ability to target and serve those students and schools most in need.
 - Sec. 1113(g), allocations, would totally defeat targeting of resources to the highest poverty schools. As written, it requires an LEA to allocate funds to K-6 schools above 75% poverty, in rank order, based on numbers of low-income children. There is no mention of 7-12 schools above 75% poverty. The 1994 reauthorization strengthened targeting provisions to include the highest-poverty high schools. Currently Title I serves approximately 14,000 high poverty high schools. The Department continues to believe that targeting funds to high schools is critical to continuing support for students at risk of failure and ensuring a comprehensive and continuous approach to improving their education. While focusing on the early grades is important, this focus should not be at the expense

of high poverty high schools. Line 7 on page 38 should read, "schools that serve children in grades kindergarten through 12." Lines 11-13 should be deleted.

- Over the last four years, Title I has been increasingly targeted to the highest-poverty schools. However, as written, the proposal would allow such broad discretion on the part of LEAs in making allocations to schools that Title I funds might not be targeted on children in the poorest schools. For schools below 75% poverty, the LEA has complete discretion in allocating funds. As a result, there would be no requirement to provide at least the same amount of dollars per child to the highest poverty schools as the LEA provides to its lower poverty schools. Moreover, the LEA could presumably use any criteria it wishes for allocating funds to schools (p.38-42).
- In order to better ensure that homeless children are served by Title I, the clause "where appropriate" should be deleted from Sec. 1113(g)(2)(A) (p.43, line 14).

Comparability

The proposal maintains the current comparability requirements (Sec. 1120A) without providing amendments to strengthen the quality of inputs to be examined in ensuring intra-district school comparability. It should be amended to include, among other things, teacher qualifications, school safety conditions, and accessibility to technology.

Schoolwides

- The proposal drops the poverty threshold necessary to operate a schoolwide program to 40% (p.44, line 9). To ensure appropriate targeting of Title I funds consistent with the statute's intent, the current threshold of 50% should be maintained.
- Schoolwides are not required to meet many of the statutory and regulatory requirements of the federal programs whose funds are combined, as long as they meet the intent and purposes of those programs through activities in the schoolwide. The proposal would make specific that a school is not required to keep separate accounts for each federal program and would require only an assurance that the intent and purposes were met (p.46, line 22). We recommend deleting this provision because it suggests that schoolwides would no longer be accountable for demonstrating that activities meet the intent and purpose of the programs.

School Choice

- The intent and implementation of supplemental assistance grants is unclear (p.60, line 10).
 - Why would this effort require a separate appropriation authority? It seems to leave open the possibility that all Title I funds could be appropriated to pursue through this approach.
 - As written, the grants program seems to allow for broad distribution of Title I funds within a LEA. The uses of such funds, particularly since this is a one-time award, are not clear. Are there any restrictions? Must they benefit Title I schools primarily or exclusively? What is the desired effect?
 - Implementation would require a uniform definition of an eligible child.
- The school choice option, as written (p.63, line 17) is both very unclear and seems impossible to effectively implement particularly given the potentially high number

identified for improvement under the AYP criteria specified in the proposal. However, the Department would be willing to provide technical assistance in regard to developing such an option for corrective action schools.

School Improvement and Corrective Action

- In the case of both schools identified for improvement and corrective action, LEAs are required to provide considerable information to parents. (p.62, line 19; p.73, line 4; p.81, line 21). To be sure that the intent to better inform parents and the community is met, without adding considerable burden to the schools or districts, the language should be clear that such notification may be made through broad dissemination efforts like local newspapers, as well as electronic means.
- The exception for LEAs to delay implementation of corrective action (p.69, lines 13-20) should be deleted.
- Neither school improvement nor corrective action language provides a description of how identified schools or LEAs are removed from identified categories. The proposal should add a special rule to each section consistent with the Administration's proposal. For example, "Special rule. A state educational agency may remove from improvement status under this subsection any local educational agency that, for at least two of the three years following identification under paragraph (3), makes substantial gains toward meeting the state's standards."
- In addition, the proposal would require states and districts to take corrective "after the end of the second year"(p.67, line 13; p.75, line 23). Consistent with recent research on the time it takes to turn around low-performing schools, ED has proposed that action be required three years after school or LEA identification. This change should be considered.

Parental Involvement

- The proposed cap on Title I funds used in support of parental involvement (p. 81, line 5) should be deleted and current law maintained.

Professional Development

- The proposal makes a clear commitment to ensuring the provision of high-quality professional development. Consistent with this notion, the language should more clearly include activities that involve collaborative groups of teachers and administrators from the same school or district and, to the greatest extent possible, include follow-up and school-based support such as coaching or study groups.
- In order to ensure that children most at risk of educational failure have well-trained and qualified teachers, the proposal should ensure that LEAs reserve 5-10% of their Title I allocation to specifically support on-going professional development.

Private Schools

- By its placement in the ranking portion of Sec.1113(d)(2) (p.94), allocation for equitable service to private school students would appear to *require* an LEA to count poor private school children in identifying and ranking eligible schools. Although this practice may be desirable, it would require the LEA to have income data on all private school children in the LEA, rather than only those who reside in participating

public school attendance areas. These same provisions are repeated in Sec.1120(a)(6), which may be a more appropriate placement.

- In Sec.1113(d)(2)(A)(ii) (p.94, lines 9-13), before *requiring* extrapolation of survey data, there should be some safeguards to ensure that the resulting number would be reliable: e.g., a reasonable number of surveys were returned from which to extrapolate to the whole and assurance that the surveys returned represent the population of the school as a whole. Otherwise, the count of low-income children may be artificially high or artificially low.
- In (B) complaint process (p.94, line 21), there is no way that a Department survey could be reliable *per se*. It would always depend on the number and characteristics of the families returning the survey.
- The exception in Sec. 1113(e) is misplaced. It should only apply to ranking, not the whole section which includes counting private school children, etc.

Amounts for Grants (Title I formulas)

- Title I provides funds to high-poverty LEAs, which have the furthest to go to help children meet high standards. Two provisions would drastically reduce targeting to these LEAs:
 - Changes to Sec. 1122(a) (p. 98) would significantly decrease the amount of funds allocated as Targeted Grants. As written, only 50% of any increase in appropriations above the FY 99 level, which at the 2000 level in their bill language would mean only about \$309 million would be distributed through this formula. In contrast, the Administration's proposal would distribute all of the increase in appropriations above the FY 95 level or 20% of the annual Title I LEA Grants appropriation, through Targeted Grants (about \$1.6 billion at the 2000 level). The Targeted Grants formula is designed to provide higher per-child amounts to high-poverty LEAs, and lower per-child amounts to the less poor LEAs.
 - Proposed language on p. 101 would guarantee Title I funds for 5 years to ineligible LEAs that received FY 1999 Title I funds. Only after 5 consecutive years of ineligibility, would those LEAs lose their hold-harmless. This prevents money from flowing to high-poverty LEAs.
- The proposal creates a hold harmless for Concentration Grants (p. 100, line 21-24). The current law and the Administration's proposal do not contain a hold harmless, allowing funds to be accurately targeted to the highest-poverty LEAs (with at least 6,500 poor children or 15% poverty).
- Line 23 on p. 100 indicates that the hold harmless is 895 percent of the previous year's amount. Is the hold harmless supposed to be 89.5%?
- The Administration's bill would phase in changes to ensure that, by 2005, Puerto Rico receives Title I allocations on the same basis as States. The proposed language maintains current law, which caps Puerto Rico's allocation at a much lower level (p. 106); this should be reconsidered.

School Report Cards

- The proposal requires state, district, and school reporting only on student performance in schools and districts served by Title I. Thus, there is no way to compare Title I schools with others in the state or district (p.129, line 19).
- The proposal requires reporting on performance in math and reading only, even where states have standards and require assessments in other subjects (p.130, line 16). This is inconsistent with the goal of achieving a single accountability system for each state.
- The proposal requires reporting of school safety information only "where such information is otherwise collected" (p.131, line 12). This qualifying language should be deleted.

Scientifically-based Research

- The term scientifically-based research is broadly used in this proposal; in some places it is inappropriate or impossible to implement.
 - On p.31, it refers to model programs for the education of disadvantaged children in the early years. Are there such programs that would meet the criteria of this term (as described in CSRD)?
 - On p.47, the reference would require that each individual method or strategy would be based on scientific research, not just the comprehensive model. We expect that none would meet this requirement, but would suggest broadening the reference to describe a "scientifically-based reform."
 - Page 56, same problem as above.
 - Page 66, lines 6-7 again describes individual methods and instructional strategies.
 - Page 66, line 23 refers to technical assistance, we do not know of any such models.
 - On P.69, lines 6-7, the reference is to curriculum, which could, because so few would meet this criteria, inadvertently lead to a national curriculum.
 - Page 87 presents a capacity issue as there are very few, if any, professional development models that meet this standard.

Other

- References to the comprehensive technical assistance centers (p.45, line 1) should be deleted. The Administration has not recommended the reauthorization of the centers, which are currently authorized in Title XIII.

PURPOSE

The purpose of H.R. 2, the Student Results Act of 1999 is to authorize Title I of the Elementary and Secondary Education Act (ESEA) and other programs assisting low achieving students. Programs authorized in the bill are: Title I, Part A (Education of the Disadvantaged), Migrant Education, Neglected and Delinquent, Magnet Schools Assistance, Native American and Alaska Native Programs, Gifted and Talented, Rural Education, and the Stewart B. McKinney Homeless Assistance program.

COMMITTEE ACTION

In December of 1998, organizations, associations and governmental bodies were invited to submit to the Committee on Education and the Workforce their legislative recommendations for the authorization of the Elementary and Secondary Education Act. The Committee received recommendations from more than 50 respondents. Some of these submitting recommendations to the Committee were: American Association of School Administrators (AASA); American Federation of Teachers (AFT); Council of the Great City Schools; Council of Chief State School Officers; Council for American Private Education; Family Research Council; National Association of Bilingual Education (NABE); National Association of Elementary School Principals; National Conference of State Legislatures; National Indian Education Association (NIEA); National PTA; National School Boards Association; National Science Teachers Association (NSTA); Sylvan Learning Systems, Inc.; National Association for College Admission Counseling; National Association of Social Workers; National Association of State Directors of Special Education, Inc. (NASDE); National Center for Home Education; United States Catholic Conference; Citizens for Educational Freedom; The Center for Law and Education; Arizona University, College of Education; California Association of Private School Organizations; Delaware State Department of Education; Georgia State Department of Education; Kansas State Department of Education; Mississippi State Department of Education; New Jersey State Department of Education; Oklahoma State Department of Education; South Carolina State Department of Education; Texas Education Agency; Washington State Superintendent of Public Instruction; Wyoming State Department of Education; New Jersey Catholic Conference; the Texas Catholic Conference; American Library Association; Archdiocese of Los Angeles; Archdiocese of Miami; The Child Care Consortium; Educational Engineering; The Lutheran Church -- Missouri Synod; National Center on Economic Education; Charles J. O'Malley & Associates, Inc.; Our Kids, Inc.; Pearson Education; The Riggs Institute; Smith, Bucklin & Associates, Inc.; Spalding Education Foundation; Voyager Expanded Learning; and Very Special Arts (VSA).

HEARINGS

The Committee on Education and the Workforce, the Subcommittee on Early Childhood, Youth and Families, and the Subcommittee on Oversight and Investigations together have held 20 hearings both in and outside of Washington to review and make determinations on revising the Elementary and Secondary Education Act, specifically with regard to improving the education of the disadvantaged and low achieving students. A list of all of the hearings are as follows:

Full Committee Hearings

1. January 27, 1999, "The Administration's Education Proposals and Priorities for FY 2000"
2. January 28, 1999, "Implementing School Reform in States and Communities"
3. February 11, 1999, "The Administration's Education Proposals and Priorities for FY 2000"
4. April 14, 1999, "Title I of the Elementary and Secondary Education Act: An Overview"
5. June 10, 1999, "Key Issues in the Authorization of Title I of the Elementary and Secondary Education Act"
6. July 13, 1999, "Comprehensive School Reform: Current Status and Issues"
7. July 22, 1999, "Helping Migrant, Neglected, and Delinquent Children Succeed in School"
8. July 27, 1999, "Title I: What's Happening at the School District and School Building Level"

Subcommittee on Early Childhood, Youth and Families

1. April 8, 1999, "What Congress Can Learn from Successful State Education Reform"

Efforts"

2. May 25, 1999, "Education Reform: Putting the Needs of Our Children First"
3. June 9, 1999, "Academic Accountability"
4. June 24, 1999, "Examining the Bilingual Education Act"
5. July 15, 1999, "Elementary and Secondary Education Act: Educating Diverse Populations"
6. July 20, 1999, "Examining Education Programs Benefiting Native American Children"

Field hearings

1. June 21, 1999 " Title I: Local Efforts to Boost Student Achievement," in Waterford, Michigan
2. July 7, 1999, "Reauthorization of the Bilingual Education Act," in McAllen, Texas
3. August 12, 1999, "Excellence in Education through Innovative Alternatives," Greenville, South Carolina
4. September 8, 1999, "Challenges and Innovations in Elementary and Secondary Education," in Raleigh, North Carolina

Subcommittee on Oversight and Investigations

1. September 8, 1999, "Improving Student Achievement and Reforming the Federal Role in Education"

Field hearing

1. April 19, 1999, "Chicago Education Reforms and the Importance of Flexibility in Federal Education Programs"

LEGISLATIVE ACTION

On February 11, 1999, Representative Bill Goodling (R-PA) introduced H.R. 2, the Dollars to the Classroom Act. As introduced, the bill contained three Titles; the amendment in the nature of a substitute offered by Mr. Goodling replaced the language of the original bill with major changes to the Elementary and Secondary Education Act and other education programs. The original three titles in the bill have either moved through a separate legislative process or are currently moving on other bills. The original first Title of H.R. 2 contained the Dollars to the Classroom resolution, which in the 106th Congress is contained in H. Res. 303, Dollars to the Classroom introduced by Rep. Joseph R. Pitts, which passed the House of Representatives on October 12, 1999; it is also similar to H. Res. 139 from the 105th Congress, which passed the House of Representatives on October 27, 1997. The original second Title contained the "Education Flexibility Partnership Act, Ed-Flex" which became Public Law 106-25, through H.R. 800, that was introduced by Representatives Michael N. Castle and Tim Roemer. The original third Title, which modified federal arbitration laws, is within the jurisdiction of the Committee on Ways and Means, and has been included in H.R. 2488, the "Financial Freedom Act of 1999".

On the basis of the hearings, bills referred to the Committee and the Subcommittee, the recommendations of the Administration, and the recommendations of the education community, an amendment in the nature of a substitute was prepared. The Committee on Education and the Workforce considered this substitute, to H.R. 2, the Student Results Act of 1999 in legislative session on October 5, 6, 7, and 13, 1999 during which 47 amendments were considered on which 28 roll call votes were taken. The Committee on Education and the Workforce with a majority of the Committee present, favorably reported H.R. 2 as amended, to the House of Representatives by a vote of 42 to 6 on October 13, 1999.

Below is a description of the adopted amendments to H.R. 2:

- Goodling amendment in the Nature of a Substitute.
- Castle En Bloc amendment to clarify that only states, local educational agencies (LEAs) and

schools who receive Title I funds do report cards or other public reports on the progress of groups of Title I students; ensures that if a state, LEA, or school already issues public report cards for all children that such report cards include the information under this Act for Title I students; clarifies that if a LEA issues no report card, they must publicly report information on schools receiving funds under this Act through some other public means; clarifies parental consent must be obtained for limited English proficient children in English language instruction programs funded under Title I, but such consent is not required for classes which are taught exclusively or almost exclusively in English; describes what an LEA must do when parental consent cannot be obtained to place a limited English proficient child in English instruction programs; allows LEAs to use Title I funds to provide improvements to schools in school improvements and for corrective action measures; allows LEAs in school improvement to get out of school improvement if they have made progress toward meeting the state's proficient and advanced levels of performance for two out of three years following such identification.; and makes other technical and clarifying amendments.

- McCarthy amendment to make teacher mentoring programs an optional use of Title I funds.
- Souder amendment to permit school districts to offer public school choice if not prohibited by state or local law, including school board policies.
- Roemer amendment to create a new \$20 million grant program to give funds to states to provide public school choice.
- Payne amendment to increase the schoolwide poverty threshold from 40% to 50%.
- Scott En Bloc amendment to allow school districts to use Title I funds to provide financial incentives and rewards to teachers who teach in failing schools for the purpose of attracting and retaining qualified and effective teachers and adds to the assessment of paraprofessionals that they can be assessed based on their ability to assist in instructing in reading readiness, writing readiness and math readiness, as appropriate.
- Clay amendment to require a GAO to evaluate the impact of Ed-Flex on Title I.
- Schaffer amendment to require public schools to ensure that educational services or other benefits provided by Title I are secular, neutral and nonideological.
- McIntosh amendment to provide limited civil litigation immunity for teachers, principals, local school board members, superintendents, and other educational professionals who engage in reasonable actions to maintain school discipline.
- Boehner amendment to repeal all Native Hawaiian programs under Part B, Title IX of the ESEA.
- Schaffer amendment to lower the authorization on capital expenses for private schools from \$24 million to \$15 million for FY 2000, from \$16 million to \$15 million for FY 2001, and from \$8 million to \$5 million for FY 2002.
- McIntosh amendment stating a Sense of Congress to encourage paperwork reduction practices by school districts and schools.
- Schaffer amendment to increase the state set aside for Academic Achievement Awards to schools from 25% to 30% and gives states the option to participate in such program.
- Hoekstra amendment to allow states that already provide school reports on student performance to waive any additional reporting requirements and provides specific criteria for public dissemination.
- Hoekstra amendment to reinstate the schoolwide poverty threshold to 40%. (*An amendment by*

Mr. Payne increased it from 40% to 50%. The schoolwide poverty threshold is set at 40% in H.R. 2).

SUMMARY

Title I, Part A, Basic Program

Title I, Part A of H.R. 2 extends and modifies Title I, Part A of the Elementary and Secondary Education Act (ESEA). Part A provides supplemental educational services to low-achieving students to assist them in meeting challenging state student performance standards. The bill maintains the existing standards and assessments-based structure to Title I; strengthens academic accountability by holding all States, school districts and schools accountable for ensuring that their students meet high academic standards; provides for distribution of report cards on the academic quality of Title I schools, including the qualifications of teachers and teachers' aides, to parents and communities; gives families the opportunity to leave failing Title I schools and enroll in other public schools or charter schools; provides rewards to Title I schools that are closing the achievement gap; ensures that all newly-hired teachers funded by Title I are fully qualified; raises the qualifications of teachers' aides; and provides greater flexibility to schoolwide programs.

Title I, Part B, Education of Migratory Children

Title I, Part B of H.R. 2 extends and modifies Title I, Part C of the Elementary and Secondary Education Act, "Education of Migratory Children." The bill makes slight modifications to the eligibility requirements for receiving funds under this Part to better address the needs of migrant children. Some of the most important provisions seek to improve the transfer of migrant student records. These provisions direct the Secretary to assist States in developing effective methods for the transfer of student records and for determining the minimum data elements to be transferred. The bill also provides States with increased flexibility in the use of funds.

Title I, Part C, Neglected and Delinquent Youth

Title I, Part C of H.R. 2 makes several minor changes to Title I, Part D of ESEA for neglected and delinquent children. The majority of changes are made to insure the Subpart 2 program for local educational agencies is focused primarily on addressing the needs of youth returning from local correctional facilities to their local schools or programs of alternative education. The amendments would still permit local educational agencies to serve the needs of other at risk children as long as they first meet the academic and other needs of youth returning from local correctional facilities. The bill also increases the amount of Subpart 1 funds States are to set aside to use to transition youth in State correctional facilities back to their local schools from 10 to 15 percent.

Title I, Part D, Comprehensive School Reform

Title I, Part D, of H.R. 2 puts into statutory form the comprehensive school reform grant program, which had previously existed by virtue of narrative, paragraph-style text included in the FY1998 Labor, Health and Human Services, and Education Appropriations Act (P.L. 105-78). The comprehensive school reform grant program provides financial incentives for schools to develop comprehensive reforms to change an entire school. The reforms must be based upon reliable research and effective practices, and emphasize basic academics and parental involvement.

Title I, Part E, General Provisions

Title I, Part E, of H.R. 2, includes general provisions governing Title I. Such provisions include negotiated rulemaking; State rulemaking; rules of construction; local educational agency cost limitations; General Accounting Office studies; and definitions.

Title II, Magnet Schools Assistance

The Magnet Schools Assistance Program (MSAP) provides competitive grants to Local Education Agencies for magnet schools that are implementing school desegregation plans. Magnet schools offer special vocational or academic programs designed to attract students from outside the school's traditional enrollment area. MSAP grantees receive three-year awards, which cannot exceed \$4 million per year. Funds may be used for planning and promoting academic programs, acquiring instructional equipment, and paying the salaries of fully qualified teachers who conduct programs in magnet schools. However, over the three-year period, a decreasing proportion of the grant may be used for planning activities; 50%, 15%, and 10% respectively.

Title IV, Indian, Native Hawaiian, and Alaska Native Education

Title IV amends Title IX of the Elementary and Secondary Education Act, as well as Title XI of the Education Amendments of 1978, and the Tribally Controlled Schools Act of 1988. Taken together, these statutes provide most of the federal government's education aid that is specifically targeted to American Indian and Alaska Native students and the schools and organizations which serve them. In updating and improving these programs, the Committee has focused on improving student achievement, targeting resources to the programs that are providing the best results, greatly increasing the flexibility of the programs at the local level so that Native Americans, Hawaiians and Alaskans can make the decisions which impact themselves; reducing the administrative burden placed on participating entities, increasing the amount of aid that actually reaches the classroom, and increasing the emphasis placed on family literacy services for the effected populations. In addition, with respect to education programs funded by the Bureau of Indian Affairs, the Committee has shifted as much authority and responsibility to the Tribes, tribal organizations, and local school boards as possible while maintaining accountability for the use of federal funds. The Committee recognizes that, if given the chance, these entities, working with the parents of Indian children can and will do a far better job of improving student achievement than any federal agency.

Title V, Gifted and Talented Children

The Jacob K. Javits Gifted and Talented program was first authorized in 1988 to serve the educational needs of gifted and talented children. This program supports a national research effort and awards competitive grants to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations to help build a nationwide capability to meet the needs of gifted and talented students in elementary and secondary schools. Since 1989, the Javits Gifted and Talented Program has funded almost 100 grants that have supported model programs and practices for educating gifted and talented students nationwide. The Committee amendment to this part makes minor changes to current law and incorporates a version of H.R. 637, "The Gifted and Talented Students Education Act," introduced by Rep. Elton Gallegly (R-CA), to provide formula grants to States to implement successful research findings and model projects funded by the Javits program over the past 10 years.

Subpart 1 of the Committee amendment eliminates previously unfunded subsections and stipulates that all research conducted shall be "scientifically based." Subpart 2 provides formula grants, based on student population, to State educational agencies to support programs and services for gifted and talented students. Once the current program reaches funding sufficient to provide formula grants to the States, subpart 2 activities are triggered and conducted in lieu of subpart 1. The trigger for subpart 2 activities is \$50,000,000. Subpart 2 authorizes State educational agencies to distribute grants to local educational agencies, including charter schools, on a competitive basis to provide gifted and talented students with programs and services. Authorized activities for subpart 2 include: (1) professional development, including in-service training for general education teachers, administrators, or other personnel at the elementary and secondary levels; (2) innovative programs and services, including curriculum for high-ability students; (3) emerging technologies, including distance learning; and (4) technical assistance to schools and local districts. Subpart 3 maintains activities conducted by the National Research Center on the Gifted and Talented at \$1,950,000 for both subparts 1 and 2.

Title VI, Rural Education Assistance

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

Subpart 1 of the Committee amendment addresses the needs of small, rural school districts. A local educational agency would be able to use applicable funding to support local or statewide education reform efforts intended to improve the academic achievement of elementary and secondary school students and the quality of instruction provided for these students. A local educational agency would be eligible to use funding under this subpart if: (1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and (2) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code (Beale Code) of 6, 7, 8, or 9, as determined by the Secretary of Agriculture. An eligible local educational agency would be able to combine funds from Title II, Professional Development Programs; Title IV, Safe and Drug-Free Schools and Communities; Title VI, Innovative Education Program Strategies; Title VII (Part A), Bilingual Education; Title VII (Part C), Emergency Immigrant Education Program; and Title X (Part I), 21st Century Community Learning Centers formula grant programs and use the money to support local or statewide education reform efforts. Grants under this subpart would be awarded to eligible local educational agencies based on the number of students in average daily attendance less the amount they received from the aforementioned formula grant programs. Minimum grants for local educational agencies would not be less than \$20,000. The maximum a local educational agency could receive would be \$60,000. Local educational agencies participating in this initiative would have to meet high accountability standards by demonstrating the ability to meet academic achievement standards under Title I, such as the State's definition of adequate yearly progress. Schools failing to meet these requirements would not be eligible for continued funding.

Subpart 2 of the Committee amendment addresses the needs of low-income, rural school districts. A local educational agency is eligible to use the applicable funding under subpart 2 if it serves (1) a school-age population, 20 percent or more of whom are from families with incomes below the poverty line; and (2) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code (Beale Code) of 6, 7, 8, or 9, as determined by the Secretary of Agriculture. Funds for this subpart are allocated among states by formula based on enrollment in eligible districts within those states. States, in turn, allocate funds to eligible local educational agencies competitively or according to a state-determined formula based on the number of students each eligible local educational agency serves. Funds awarded to local educational agencies or made available to schools under this subpart can be used for: educational technology; professional development; technical assistance; teacher recruitment and retention; parental involvement activities; or academic enrichment programs. A local education agency utilizing Subpart 2 may not utilize Subpart 1.

Title VII, McKinney Homeless Education Improvements. Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act authorizes formula grants to States, based on state allocations for grants to local educational agencies under title I, part A of the Elementary and Secondary Education Act. Grants must be used for State and local programs to provide equal access to a free, public education for homeless children and youth, including a public preschool education, equivalent to that provided to other children and youth. Grants must also be used to establish an Office of Coordinator of Education of Homeless Children and Youth within each State educational agency; implement professional development activities for school personnel; and provide each child or youth the opportunity to meet the same State student performance standards that others are expected to meet. The Committee amendment to this part strengthens the McKinney Act by amending it to incorporate a version of H.R. 2888, "The Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999," introduced by Rep. Judy Biggert (R-IL) and provisions in the Administration's "Educational Excellence for All Children Act of 1999," to help homeless children enroll, attend, and succeed in school.

COMMITTEE STATEMENT AND VIEWS

Title I, Part A, Basic Program

Historical Perspective

Title I, the largest federal Elementary and Secondary Education Act (ESEA) program, provides supplemental educational services to children who are achieving below grade level. From the time it was first enacted in 1965 until the present, taxpayers have provided over \$120 billion in funding, with the initial investment in 1965 of \$960 million having risen to \$7.7 billion in 1999.

The reach of Title I is broad. Title I grants or services are provided to almost all school districts in the country---approximately 90 percent---and 58 percent of public schools. Approximately 11,000,000 students are served, including 167,000 in private schools.

Over its 34 year history, Title I has been confronted with continuing questions about its effectiveness at raising the academic achievement of the students it serves. One example is the *Prospects* study, a national longitudinal study of Title I. The 1993 interim report from this study showed that Title I did not appear to help at-risk students in high-poverty schools to close their academic achievement gaps with students in low-poverty schools. The final report, released in 1997, confirmed the generally negative findings from the interim report:

In the period covered by this study, children in high-poverty schools began school academically behind their peers in low-poverty schools, and were unable to close this gap in achievement as they progressed through school.

When assessed against high academic standards, most students failed to exhibit the skill and mastery in reading and mathematics expected for their respective grade levels. Students in high-poverty schools were, by far, the least able to demonstrate the expected levels of academic proficiency. (*Prospects: The Congressionally Mandated Study of Educational Growth and Opportunity*, Puma et.al. 1997, p. iv)

On the other hand, the National Assessment of Title I (NATI), released in 1999, came to a different conclusion based on early results of changes made in the 1994 reauthorization. This study, mandated by Congress in the 1994 reauthorization of the Elementary and Secondary Education Act, found that the standards-based changes made in 1994 Title I legislation were working, in large part because the National Assessment of Educational Progress (NAEP)-test scores improved from 1994 to 1998. However, that is only part of the picture. Though NAEP reading scores did increase modestly from 1994-1998, they only returned to the level that the scores were in 1992, and when compared to the long-term trends in NAEP from the 1970s to 1998, the scores are basically flat. More fundamentally, despite claims by the Clinton Administration, there is no direct link between NAEP and the changes made to Title I in 1994. The NATI study itself points out that "full implementation [of the 1994 reforms] in classrooms across the country has yet to be accomplished." Further, another report, the *Status of Education Reform in Public Elementary Schools: Principals' Perspectives*, indicated that most principals in Title I eligible schools were unaware of the standards-based reforms required by the 1994 legislation, and so it is even more difficult to attribute the increase in scores to the 1994 changes in Title I. Though these reports only represent a sample of the studies that have been conducted since 1965, they are reflective of continuing concerns.

Factually one thing remains clear. The effectiveness of Title I at improving the academic achievement of students below grade level continues to be open to question. H.R. 2, the Student Results Act, addresses this issue through its recurring emphasis on academic accountability---requiring final aligned assessments to be in place by the 2000-2001 school year; making report cards on the academic quality of

Title I schools available to parents and communities; providing public school choice to parents of students enrolled in low performing Title I schools; and requiring all groups of students (economically disadvantaged, limited English proficient, and others) and not just students in the aggregate to show improvement.

Standards-Based Approach of Title I, Part A

The structure of H.R. 2, the Student Results Act of 1999, maintains the existing standards-based approach to Title I that was adopted in the 1994 amendments (Improving America's Schools Act, P.L. 103-382) to Title I. The 1994 changes to the Title I statute required States to develop State content and performance standards by the 1997-98 school year, and State assessments aligned to those standards by the 2000-2001 school year. Student academic performance under Title I is measured by these assessments against a State's standards. In short, what this means is that students who receive Title I services are held accountable for meeting the same challenging state standards and assessments as all other non-Title I students. Though there has been progress in many States in implementing standards-based reform since the 1994 amendments, additional information is needed to reach a final conclusion at this juncture about the success or limitations of this approach in Title I.

Why? Two primary reasons. First, the 1994 authorization of Title I did not require States to have their final assessments in place and aligned with their standards until the 2000-2001 school year. To the Committee's knowledge, no State has reported that it has fully implemented its assessments as of the date of this committee report. So it is impossible to fully determine whether the approach that was started in 1994 is working or whether adjustments or other approaches are needed.

Second, studies being conducted by the Department are not yet complete. For example, the Committee did not receive the long-awaited Longitudinal Evaluation of School Change and Performance (LESCP) on Title I schools until June of this year, well into the authorization cycle. Of all the Department's studies, this is the one study which was anticipated to shed the most light on whether the 1994 changes to Title I were working. Neither the Committee nor the public has received the full data sets (specifically test score results) on which the report was based. Nevertheless, the authorization process must go forward. The Committee has chosen to continue the standards-based approach to Title I, but understands that it may be necessary to revisit the whole notion of standards based reform (incorporated in Title I) as new data sheds light upon its implementation.

Ensuring Quality and Accountability for Results

Academic Accountability for all Students and Subgroups of Students

Current Title I law provides for academic accountability through States and school districts who ensure that Title I schools are making adequate progress. The Student Results Act continues and builds upon this system of accountability.

As mentioned earlier in this report, under Title I law, States develop state content and performance standards, and then align their assessments to those standards. For purposes of determining the academic progress of Title I students and schools, States, under current law, develop a definition of "adequate yearly progress" that: (1) is consistent with guidelines established by the Secretary; (2) "results in continuous and substantial yearly improvement of each local educational agency and school sufficient to achieve the goal of all children served under this part meeting the State's proficient and advanced levels of performance"; and (3) links progress primarily to performance on the state assessments but permitting progress to be established in part through the use of other measures. Once a State develops its definition, it then becomes the measure for determining whether Title I school districts and schools are making adequate yearly progress. Under current law, if a school or school district fails to make adequate yearly progress for two consecutive years, the school or school district is identified for school improvement. At that time, technical and other assistance is made available in an effort to bring about improvement. If the school or school district fails to make improvement after a period of 3 years, then corrective action must be taken to improve the school or school district. Corrective action may include such things as withholding funds, decreasing decision-making authority, reconstituting schools, making alternative

governance arrangements, and authorizing students to transfer to other public schools.

This basic framework of current law is maintained in H.R. 2 with several additions that strengthen academic accountability. First, the definition of adequate yearly progress in section 1111 is further refined to: (1) ensure that states, in defining adequate yearly progress, take into account the progress of all students in the state as a whole, at the school district level, and at the school building level; (2) ensure that within each State, school district and school the performance and progress of students can be compared according to race, ethnicity, gender, English proficiency status, migrant status, disability status, and by economically disadvantaged status; (3) compare the proportions of students and subgroups of students that are at the basic, proficient and advanced levels of performance; (4) include annual numerical goals for improving all of the subgroups of students and narrowing academic achievement gaps; and (5) include a timeline for all subgroups of students to meet or exceed the state's proficient level of performance within 10 years.

Furthermore, under the bill, for a State to make adequate yearly progress, not less than 90 percent of the school districts within its jurisdiction are to meet the State's criteria for adequate yearly progress. For a school district to make adequate yearly progress, not less than 90 percent of the schools within its jurisdiction are to meet the State's criteria for adequate yearly progress. For a school to make adequate yearly progress, not less than 90 percent of each subgroup of students who are enrolled are required to take the state assessments.

The Committee is aware and encouraged by several States that are already disaggregating data by subgroups of students, and reporting on the academic performance of such students at the local level. Alabama, Florida, Kansas, New York, North Carolina, and Texas provide several such examples according to recent report entitled *State Education Indicators With a Focus on Title I, 1998*.

The Committee is also aware that some States may choose to include in their state plans information on the progress of the same students from one school year to the next, and not inconsistent with federal privacy statutes or other laws. Such information, if included, could be provided through a variety of existing sources, including statewide assessments or local assessments in those State and local educational agencies that give such assessments in every grade.

The Student Results Act also strengthens the academic accountability provisions found in section 1116 relating to school improvement. Section _____ provides for parents to be notified if their child's school is designated for school improvement. This designation triggers the right of the parent to transfer their child out of such schools as discussed in greater detail in the section below. In addition, if a school in school improvement does not improve within two years of having been so designated, then corrective action shall be taken against such school. Under current law, the time period within which to improve and thereby avoid corrective action is three years.

School Choice for Students Attending Schools Identified for School Improvement

The Student Results Act provides a right of public school choice for students attending low-performing (i.e. schools identified for school improvement) Title I schools. Once a school is identified for school improvement, the school district must then develop and implement a public school choice program for parents of children attending such a school within 18 months. While the Committee recognizes that it may take up to 18 months to implement this public choice program, the Committee considers 18 months to be an outer limit. It is expected that school districts will act expeditiously to implement a choice program.

A recent Department of Education report (July 1999) entitled *State ESEA Title I Participation Information, 1996-97*, shows about 16 percent of Title I schools or 7,065 out of 45,399 schools have been identified for school improvement. Attached as Exhibit _____ in the Appendix are two tables from the aforementioned report which show the numbers of schools and school districts, state by state, that have been identified for school improvement.

The Committee wishes to make clear that the choice program envisioned by this section is a requirement

for school districts that have or will have schools identified for school improvement. School choice and the specific right to transfer to another public school is required to be implemented unless affirmatively prohibited by State or local law, which includes school board-approved local educational agency policy.

One of the problems in education today is that some students, especially those participating in Title I programs, are trapped in substandard schools without a way out. This change to Title I provides a way out. It gives them the choice to transfer to another public school that is not low performing. And if there are no such schools within the school district, then the school district shall attempt to work out a school choice program involving schools in a neighboring school district.

Just a few years ago the Committee heard from Ms. Alveda King, the niece of the late Dr. Martin Luther King, Jr., and herself a former public and private school teacher, about the importance of parental choice. She said, "It has been demonstrated that when you implement a choice program, . . . that you empower the parents, the system improves, the schools begin to compete, and that hope arises." It is the Committee's hope that this choice provision, will indeed empower parents and lead to great improvements in low performing Title I schools.

School Choice Generally

Section _____ continues and expands the authority of a local educational agency to use Title I funds to provide public school choice to Title I students. The bill provides a simple grant of authority to local educational agencies to, if they wish, use Title I funds, together with State, local and private funds to operate a public school choice program for Title I students. Two new features to this choice authorization are: (1) choice is expanded to include transfer to non-Title I schools and public charter schools; and (2) Title I funds may be used for transportation expenses for Title I children. Under current law, choice was only limited to transfer from one Title I school to another Title I school, and transportation expenses were prohibited.

Annual State Academic Reports and School Report Cards

Section _____ of the Student Results Act of 1999 expands upon current provisions of the Elementary and Secondary Education Act which require schools to collect and report to the public information on the academic quality of Title I schools. Under section 1111 of current law, States must develop State student assessments that will be used to determine the adequate yearly performance of each local educational agency and school. These assessments must "enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged."

In addition, section 1116 of current law (relating to school improvement), requires each local educational agency to review the schools under the agency's jurisdiction to determine the extent to which each school is making progress toward helping its students meet the State's student performance standards. The local agency must "publicize and disseminate to teachers and other staff, parents, students, and the community, the results of the annual review...in individual school performance profiles that include sound disaggregated results..."

Similarly, section 1114(b)(2) of current law (relating to schoolwide programs), requires a school's comprehensive plan to provide for the reporting of disaggregated student assessment results.

In recent years, many States have sought to provide more information to parents and other taxpayers on the quality of individual schools as a means to hold them accountable. A January 11, 1999 report by *Education Week* entitled *Quality Counts '99: Rewarding Results, Punishing Failure*, provided an in-depth look at the use of report cards at the State and local levels. The report noted that "Thirty-six states will publish annual report cards on individual schools this year or require schools or districts to do so. Another four will start publishing them next year, and one more will join the club in 2001."

The Student Results Act of 1999 builds upon current law and the efforts of States and localities to

provide parents and taxpayers helpful information on the quality of Title I schools. In a focus group survey, *Education Week* found that 91% of taxpayers believed that "widely publicized ratings on such things as test scores and graduation rates motivate public school teachers to work harder to improve schools' performance." However, only 24% of these same taxpayers indicated they had ever seen a school report card. The intent of the Student Results Act of 1999 is to ensure that information on academic performance of Title I schools is made available to parents and the public at large.

Section ____ of the committee substitute to the Student Results Act authorizes annual State academic reports and school district report cards on Title I schools. If a State or school district reports on the academic performance of all students then this information would be required to be included in such reports covering all students. On this matter, if data is not currently reported on all students and schools, the Committee does not require, but does encourage States and school districts to consider expanding the coverage to include all such public schools and students as this will provide a better context for analysis of academic quality.

The committee substitute clarifies that for the handful of States and school districts that do not provide annual academic reports or report cards, the information required to be reported under this Act may be provided through other public means. If States have other, more appropriate means to provide this information, then they should have the flexibility to do so.

The information included in the annual State report and school district report cards will enable parents, taxpayers, and others to make informed judgments about the quality of education in Title I schools in their communities. The information to be included in the annual state report and the school district report cards includes: (1) student achievement data, based upon State assessments and disaggregated according to student subgroups (gender, racial/ethnic groups, English proficiency status, migrant status, students with disabilities, and economically disadvantaged); (2) retention rates; (3) graduation rates; (4) completion of advanced placement courses; and (5) the qualifications of both teachers and paraprofessionals. The reports may also include an analysis of how schools improved or declined from one year to the next. In addition, State annual reports and school district report cards *may* include information on such things as class size, school safety, and the incidences of student suspensions.

During Committee consideration of the committee substitute on October 13, 1999, an amendment was offered by Rep. Peter Hoekstra (R-MI) which would allow States and school districts to report information on the academic quality of Title I schools (as referenced in the above paragraphs), either through report cards or some other means such as posting on the Internet, distribution to the media, and distribution through public agencies. The amendment, which passed by voice vote, provides greater flexibility to States and school districts in how they make the information available to the public, while not making any change in the content of what must be made public pursuant to the committee substitute.

The Committee is aware that some States and school districts will need to make modest adjustments to be able to report the above-referenced information, and accordingly, language has been included to give States and school districts until the beginning of the 2001-2002 school year to first report the information.

In addition to annual State academic reports and school district reports, the Student Results Act of 1999 expands accountability through a new 'parents right to know' provision. Under this provision, local educational agencies must provide parents, upon request, information on the professional qualifications of their child's classroom teacher. Such information must include whether he or she is teaching under an emergency or other provisional status and whether their child is being taught by a paraprofessional. Local educational agencies receiving Title I funds must also provide to parents their child's performance on each of the State assessments. In addition, they must provide timely notice to parents if their child has been assigned or taught for two or more consecutive weeks by a substitute teacher or by a teacher not fully qualified.

These provisions come amid a growing body of research showing that next to parental involvement, the quality of the teacher is the number one factor in determining student academic success. In fact, the impact of being taught by a unqualified teacher has been shown to have a lasting negative impact on

student achievement. Therefore, the Committee believes parents in schools funded under Title I should have every right to be informed when their child is not being taught by a fully qualified teacher.

Incentives for Academic Excellence

Under current law, authority is provided in Title I for States to recognize schools ("distinguished schools") in which virtually all students have met the State's advanced level of student performance. The Student Results Act maintains this concept but improves upon it through the establishment of the Academic Achievement Awards Program in section 1117A. Under the committee substitute, States are required to set aside 25% of any increases in Title I funding to provide cash awards for Title I schools that have significantly closed the achievement gap or that have exceeded their adequate yearly progress goals. Teachers, whose students have consistently made gains in academic achievement in the areas in which the teacher provides instruction, may also receive cash awards. The Committee believes that such awards and recognition will help to motivate further gains in academic performance and focus our students, teachers, and schools on success.

During Committee consideration of the committee substitute on October 13, 1999, an amendment was offered by Rep. Bob Schaffer (R-CO) to make the awards program permissive, rather than mandatory. The amendment also allowed States to set aside up to 30% of any increases in Title I funding. The amendment, which ultimately gives States greater flexibility with respect to whether or not to establish an awards program, passed by a vote of 23-20.

Local Control and Flexibility

The Student Results Act significantly expands the existing flexibility in Title I at the local level. The flexibility accorded schools which utilize a schoolwide approach (whereby a school is able to consolidate several different federal education program funds with State and local resources to serve all students at the school) is strengthened by the lowering of the schoolwide poverty eligibility threshold from 50 percent to 40 percent. Section ____ of the bill, which provides this authority, will enable more schools to consider utilizing this approach to serving Title I students. Given the growing popularity of the schoolwide approach (over 80 percent of schools eligible to implement a schoolwide program actually utilize such an approach) it can be expected that even more schools will take advantage of this opportunity. Since 1995, the number of schools implementing schoolwide programs has more than tripled, from about 5,000 to approximately 16,000. An explanation of schoolwide programs can be found under the heading of this report entitled "Schoolwide Programs."

Another area where flexibility is maintained is in how a school district or school uses Title I resources. Under current law, Title I funds may be used to employ teachers and teachers' aides, purchase supplemental reading and math instructional services from a third party contractor, purchase computers, conduct professional development activities, and others. This flexibility in the use of funds is preserved in H.R. 2.

The Committee would also note that for States that have become Ed Flex states under the recently enacted Education Flexibility Partnership Act (P. L. 106-25) or its predecessor, the Education Flexibility Partnership Demonstration Act, waivers may be obtained for many of the provisions of Title I. Ed Flex recognizes that there may not be one single best way to operate a federal education program. Texas and Maryland, in particular, are two States that have utilized ed flex authority to allow more schools to participate in schoolwide projects and to better target Title I funds to the lowest achieving students. Such waivers as well as waivers under the Secretary's Title XIV waiver authority would remain available to States and school districts under the bill.

In addition to maintaining flexibility, H.R. 2 continues to ensure that almost all of Title I resources are directed to the local level. Approximately 1.5 percent of a State's Title I allocation is retained at the State level for administrative and school improvement expenses with the balance, 98.5 percent, going to the local level to be controlled and administered by local authorities.

Limitations Upon State and Local Administrative Funds

Under current law, States are permitted to set-aside 1% of the total Title I funds received by the State under Title I for State administrative expenses. The Student Results Act would continue to allow States to reserve up to 1% of the amount of funding received in FY 1999. If appropriations are greater than the FY1999 level, then the 1% would not apply to the increase above the FY1999 level. Additional administrative funding could be provided to States through a separate line item authorization.

A large portion of these federal funds have been used in the past to finance up to 80 percent of the operating expenses of some State educational agencies. While some States have reduced the relative share of federal funds used for this purpose, the Committee believes that at a maximum, no more than 50 percent of the State educational agency's operating expenses should be derived from Title I administrative funds. Section ____ of the Student Results Act would limit the federal share to no more than 50 percent of a State educational agency's operating expenses.

At the school district level, no limit is currently placed on the amount that can be used for administrative expenses. The Department of Education's *Study of Education Resources and Federal Funding: Preliminary Report*, issued in June 1999, shows that about 8 percent of Title I funds at the school district level are spent on administrative costs. According to the study, this percentage is greater than any other federal elementary and secondary formula grant program except the Safe and Drug Free Schools program. In keeping with the Committee's continuing emphasis upon sending more dollars directly into the classroom, the Committee has limited Title I administrative costs at the school district level to no more than 4 percent of the district's Title I allocation. This limitation is found in section ____ of the bill. The Committee has further required, in section ____, the Secretary of Education to develop a definition of administrative expenses in consultation with others.

Ranking and Priority for Grades K-6

Under current law once Title I funding reaches the school district, all schools with over 75 percent poverty must be served first, in rank order from highest to lowest poverty. This provision is intended to increase the number of high-poverty schools that receive Title I funds, and that has been the effect. According to the National Assessment of Title I, Title I funds go to nearly all (95 percent) of schools with over 75 percent poverty, and nearly 75 percent of Title I funds go to schools with poverty levels of 50 percent or greater. Schools with lower poverty rates are less likely to receive Title I funds. Only 36 percent of schools with 35 percent or less poverty receive these funds.

Once the schools with 75 percent and greater poverty are served, schools below 75 percent poverty are served in rank order from highest to lowest poverty. A school district may not serve a school below 75 percent poverty until all schools above 75% poverty are served. However, school districts may choose to serve schools below 75 percent poverty within grade span groupings or within the district as a whole, but regardless of the choice, must serve these schools in rank order.

Section ____ of the Student Results Act would continue the ranking requirements as under current law with the modification that school districts, if they wish, may give priority to the elementary grades before serving other schools or grade levels. Essentially, this permissive authority would allow school districts to first serve elementary schools above 75 percent poverty, in rank order, before serving other schools above 75 percent poverty and serve elementary schools below 75 percent poverty, in rank order, before serving other schools below 75 percent poverty. Given the particular importance of the early years of a child's education, the Committee believes this priority will enable many school districts to more effectively utilize Title I funding in improving student academic achievement.

Schoolwide Programs

Under current law, schools with 50% or more poverty, may if they wish, choose to serve all students in

the school. These schools are known as "schoolwide programs." Under a schoolwide program, funds could, for example, be used to provide professional development to all of a school's teachers, upgrade instructional technology, or implement new curricula. Schoolwide programs also have the added flexibility of combining federal, State and local education funds to serve the entire school, rather than having to operate many separate federal education programs with multiple sets of rules and regulations. In addition, schoolwide programs utilize a strategic plan. Strategic plans allow Title I services to be considered within the broader context of a school's reform goals, and provide a framework for better integration of Title I within the regular academic program at the school.

In recent years, more and more schools have opted to utilize the schoolwide approach under Title I. According to the National Assessment of Title I, the number of schools implementing schoolwide programs has more than tripled from about 5,000 to approximately 16,000 since 1995. Local school principals, teachers and administrators enjoy having the schoolwide option. As of 1997-98, 82% of eligible schools were using the schoolwide option and an additional 12% were considering implementing schoolwide programs.

Principals and teachers have found the schoolwide approach offers increased opportunities to support comprehensive efforts to upgrade an entire school, and thereby more effectively help improve the achievement levels of the lowest achieving students. The February 25, 1999 testimony of Ms. Madeleine Manigold before the Subcommittee on Early Childhood, Youth, and Families, noted that Texas schoolwide programs had been particularly successful in improving the academic performance for all students and all groups of students in reading and mathematics. Further, her testimony indicated the performance gap has been closing at schools utilizing the schoolwide approach at an even greater rate than in the State of Texas as a whole.

The State of Maryland has also had success with schoolwide programs. In Garrett County, through use of the schoolwide approach and an ed flex waiver, two elementary schools have shown achievement on the Comprehensive Test of Basic Skills (also known as TerraNova) well above national averages.

Section ____ of H.R. 2 would continue to authorize the schoolwide approach, and expand it so that schools with 40% or more poverty could operate schoolwide programs. The Committee strongly endorses this increased flexibility at the local level and recognizes that many more schools may soon utilize this model for delivering Title I services than with the 50 percent threshold.

Over the past year, it has come to the attention of the Committee that some schoolwide programs have not been utilizing the authority under current law to combine federal, State, and local education funds to serve the entire school, because of state and local fiscal accounting barriers. The consolidation of funds in order to use all available resources to upgrade the entire educational program in a high-poverty school is an integral component of a "schoolwide" program. Section ____ of H.R. 2 addresses this concern by making it clear that schools may "consolidate" funds. Current law states that the funds "may be used in combination" with other funds, which is unclear. Section ____ of H.R. 2 addresses barriers that may discourage schools from consolidating funds by clarifying that schools do not need to conduct separate fiscal accounting by program to demonstrate that the intent and purpose of the programs are met. The statute does not require separate fiscal accounting records to demonstrate that the intent and purposes of all the programs that contribute funds toward the schoolwide program are met, but documentation is necessary. While the statute does not specify what type of documentation would be acceptable, the Committee anticipates acceptable documentation would include evidence that activities were conducted which address the intent and purposes of the programs. Finally, section ____ also addresses schoolwide accounting barriers to consolidating funds by requiring states and localities to reduce any such barriers that schools may be experiencing.

One of the components of a schoolwide program mentioned in the amendments to section 1114 are schoolwide reform strategies. Such strategies may include increasing the amount and quality of learning time, such as through extended school year and before and after school, and summer programs. The committee believes that after school and summer enrichment and gifted and talented programs provide special opportunities for schoolwide improvement and are important and valuable education reform tools.

With respect to pre-kindergarten services, the Committee wishes to note that the Student Results Act retains as a component part of a schoolwide program provisions for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or State run preschool programs to elementary school programs. Specifically, the Committee improves upon these provisions by requiring local educational agencies to coordinate their educational services with those provided by local Head Start agencies, mirroring a provision added to last year's Head Start reauthorization. In addition, local educational agency plans must describe how local educational agencies will coordinate and integrate services relating to Head Start, Even Start and other preschool programs and how Title I funds will be used to support preschool programs for children.

Targeted Assistance Programs

In addition to schoolwide programs, the other major program model for delivery of Title I services is the targeted assistance program. Under a targeted program, Title I services are focused upon the lowest achieving students in the school. For example, students may be "pulled out" of their regular classroom for several hours of more intensive instruction by a specialist teacher each week, or funds may be used to hire a paraprofessional who provides additional assistance to low achieving pupils in their regular classroom. School districts and schools have substantial discretion in determining how they will select pupils to be served by Title I, as long as their methods are applied consistently to all pupils in the grades to be served.

Section ____ would essentially continue the targeted assistance program intact with a few minor changes. However, one significant change for both schoolwide programs and targeted assistance programs would be the scientifically based research requirement as mentioned below.

Scientifically Based Research

Consistent with the Reading Excellence Act, the Committee believes that Title I programs—whether utilizing the schoolwide approach or the targeted approach—should be based on sound scientifically-based research. Dr. Reid Lyon of the National Institute of Child, Health and Development (NICHD), in testimony before the full Committee on July 27, 1999 noted that many educationally disadvantaged students continue to fail at mastering reading because the methods of instruction—though touted as "research-based"—are not of the quality and rigor that they should be in order to bring about improvements in reading achievement. He said,

"... given that the term "research-based" implies that the reading programs or approaches have been objectively evaluated to determine for which children the programs are most appropriate, why do so many disadvantaged children continue to founder in reading? One major reason is that the term "research-based" currently means many things to many people, with significant variations in the scientific quality of the research described by the use of the term. For example, some instructional reading programs touted as "research-based" may be based upon mediocre and substantially flawed scientific studies, while other instructional programs are based on studies that meet rigorous scientific criteria for research quality. The problem is that many in the field of education do not recognize the difference. To date, adherence to scientific quality and criteria has not been a strong guiding force in selecting and implementing instructional reading programs and approaches for children eligible for Title I services.[emphasis added]"

To address this shortcoming, the Committee has included language in the bill which ensures that the instructional strategies used to provide Title I supplemental educational services must be of high quality and based on scientifically based research. This means the instructional strategies must have resulted from the application of rigorous, systematic, and objective procedures; must employ systematic empirical methods that draw on observation or experiment; involve rigorous data analyses; rely upon measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and have been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific

review.

Empowering Parents

For several years Title I has actively engaged parents in the education of their children through such things as parental compacts and formal parental involvement policies. School-parent compacts, which are developed by parents and school officials, typically outline how parents, the school staff and students will share the responsibility for improving student achievement at the school. Such compacts also serve as the means by which the school and parents build and develop working partnerships to help children achieve to the advanced and proficient levels of performance on a state's assessments.

In addition, Title I provides a structure for regular meetings at which parents are informed of the school's participation in Title I, what that participation means, and how the parents can be involved. Title I parents are also provided reports on the academic performance of their children's schools, their child's individual student assessment results, a description and explanation of the curriculum used at the school and the forms of assessments used to measure student progress, information on family literacy services, and in some cases, pays for the reasonable and necessary expenses of attending school-related meetings and training sessions.

Section _____ of H.R. 2 would generally continue the existing approach of parental involvement as outlined above. However, the Committee wishes to note that there are several other new provisions in H.R. 2, which would put more power in the hands of parents. As mentioned earlier in this report, one of the most significant provisions in the Student Results Act is the parental public school choice option. For the first time, parents would be given the choice of opting their child out of a low performing Title I school, and transferring to another higher performing public school or public charter school. For families that need assistance with transportation, Title I funding could be used to assist with that purpose.

Other significant parental empowerment provisions are the annual State academic reports on schools and the school district reports. H.R. 2 would require that parents be given information, through school district report cards and annual State reports, or through other means, on the academic quality of Title I schools. Such information would include, among other things, test scores at the school as compared to other Title I schools in the school district, and to the State as a whole. Such scores would be disaggregated according to race, ethnicity, migrant status, economically disadvantaged, disability status, and limited English proficiency status.

A third parental empowerment provision is section _____, which would require school districts to make available, upon request, information regarding the qualifications of the Title I student's classroom teachers, including such information as whether the teacher has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction, whether the teacher is teaching under emergency or other provisional status, and the baccalaureate degree major of the teachers and any other graduate certification or degree held by the teacher.

A fourth parental empowerment aspect of H.R. 2 is the addition, in several places, of the requirement that information to parents be provided in a form and, to the extent practicable, a language that they can understand. The Committee believes that access by parents to all information provided by Title I programs is critical and that the form and language in which the information is provided should not be a barrier to full parental participation. While the Committee recognizes that it may be difficult to provide information to parents in all languages, it is the Committee's intent that State educational agencies, local educational agencies, and schools make reasonable efforts to ensure that parents receive information in a language they can understand.

The Committee believes that these provisions will leverage improvements in the quality of Title I services by giving parents and communities the information they need to hold Title I schools accountable for results.

Testing of Students in the English language

Recognizing the many benefits of prompt acquisition of English language skills, the Committee has included language in the bill requested by the Clinton Administration regarding testing of certain Title I students in the English language. Section ____ of H.R. 2 would require all Title I students who have attended schools in the United States for at least three consecutive years be tested in reading and language arts in the English language. Attaining English proficiency, particularly for purposes of reading and language arts tests, is especially important for the success of limited English proficient students in the early years. However, recognizing that there may be some situations where limited English proficient students may have difficulty mastering the language, the local educational agency may extend the 3 year time frame mentioned above for one additional year on an individual case by case basis.

Parental Rights and Notification Provisions

Over the past few years, the Committee has heard a growing number of complaints from parents whose children have been placed and retained in bilingual education courses without their permission or knowledge. In many instances, these parents faced great resistance in their efforts to remove their children from such programs.

Since the enactment of the Improving America's Schools Act, Title I, Part A has provided services to limited English proficient children. In fact, the Title I program far outdistances the Bilingual Education Act in the provision of services to limited English proficient children. For 1996-97, a total of 430,724 children received services under the Bilingual Education Act (with some children participating in several programs). At the same time, over 1.8 million limited English proficient children were served under Title I, Part A. The Committee is concerned that many of the problems related to program participation that have arisen under the Title VII Bilingual Education Act will emerge under Title I, Part A, as well.

Because of this concern, the Committee has included language in Title I, Part A requiring local educational agencies to obtain informed parental consent prior to placing a child in an English language instruction program for limited English proficient children. This restriction would not apply to classes which exclusively, or almost exclusively, use the English language in instruction or where instruction is not tailored for limited English proficient children. The provision does allow LEAs to serve children if a response is not obtained from their parents after written notice and reasonable effort to obtain such consent. In such instances, a local educational agency must document, in writing, that it has given such written notice and has made specific efforts to obtain such consent. LEAs must then provide proof of such efforts, in writing, to the parents or guardian of the child at least 10 business days prior to the actual provision of services under this part. Such correspondence must include a final notice requesting parental consent for such services.

The Committee wants to make it very clear that informed parental consent is only required for classes which are exclusively or almost exclusively taught in English or for classes not tailored for limited English proficient children. For example, mainstream classes in academic subjects that do not use a child's native language in instruction would not be covered under this provision.

According to a November, 1997 report issued by the United States Commission on Civil Rights entitled *Equal Educational Opportunity and Nondiscrimination for Students with Limited English Proficiency: Federal Enforcement of Title VI and Lau v. Nichols*,

"School districts across the country are experiencing serious tensions between school officials and parents over placement. Many parents of students with limited English proficiency are expressing dissatisfaction with the education their children are receiving. For example, in New York City, Maria Perez, a parent who is fighting her child's placement in the city's bilingual education program recently stated: 'what bothered me was that they place children in bilingual programs and keep them there for years and years. They aren't learning English.' The problems that prevent academic success can and should be addressed by parents working together with school personnel to determine where the problems exist and how they can be solved."

The parental consent provisions in this bill make it very clear that parents should play a major role in

determining the placement of their child in an English language instruction program. Schools should not be making decisions regarding the placement of English language learners unless they have reached an agreement on such placement with the child's parents. Parents want their child to learn English as quickly as possible because they know it is the language of success. They should be able to prevent their child from being placed in a classroom which they do not believe will help them learn English and succeed in school. Parents should also have the ability to remove their child from such a classroom if they believe it is not in their child's best interest. The Committee agrees with the report of the Civil Rights Commission in stating that parents and schools should be working together to make the best possible decisions regarding the education of English language learners.

Finally, H.R. 2 includes a provision requiring school districts to allow parents to choose the type of English language instruction program in which their child is enrolled if more than one type of program is offered. Again, the Committee believes parents should play a major role in guiding the education of their children.

Teachers, Paraprofessionals, and Professional Development

The Title I *Follow-Up School Survey* (Washington, DC: US Department of Education, 1998) found that approximately 74,600 full time teachers were funded under Title I during the 1997-98 school year, a level that has remained fairly consistent over the past 20 years.

Given that up to half of Title I funds goes toward teachers, the Committee has been keenly interested in the quality of these teachers. The US Department of Education's *1999 Study of Education Resources and Federal Funding*, showed that in fact all Title I teachers possess a Bachelor's degree, while half have a Master's degree -- reflecting the average educational attainment of teachers nationwide. However, while it is known that nationwide, 44% of middle schools teacher majored in an academic field, there is not reliable data on the percentage of Title I teachers with a major in an academic field. *Teacher Quality: A Report on the Preparation and Qualifications of Public School Teachers, January 1999, National Center for Education Statistics*

Although not specifically dealing with Title I teachers, a report by the Education Trust entitled "*Good Teaching Matters*" Vol 3, Issue 2, "*Thinking K-16*" A publication of the Education Trust", provides data compiled by Richard Ingersoll, a professor at the University of Georgia on the quality of teachers in poor schools. Specifically, he found that while only 15% of classes in low poverty schools are taught by teachers lacking a major in field, fully 25% of classes in high poverty schools are taught by such teachers. As the report notes, "the very youngsters who are most dependent on their teachers' for content knowledge are systematically taught by teachers with the least content knowledge."

The United States Department of Education's *1999 National Assessment of Title I* noted teacher quality as one of the challenges continuing to face Title I.

"Along with the evidence that high-achieving high-poverty schools focus attention on challenging standards for all students, comes the reality that many teachers are not prepared to teach to challenging standards. In a 1998 survey, only about one-third of teachers in schools with 60% or more poor children believe they are well-equipped to use standards in the classroom. This is particularly noteworthy given evidence that teachers' reported preparedness in both subject matter and instructional strategies had a positive relationship with student gains."

It is the strongly held view of the Committee that each and every teacher hired using these funds be fully qualified to teach. In a series of hearings earlier this year, leading to the passage in the House of H.R. 1995, the "Teacher Empowerment Act," the Committee was provided the most recent findings on the difference that a qualified teacher can make in the academic lives of students.

Dr. Sandra Horn, University of Tennessee, Value Added Research and Assessment Center Knoxville,

Tennessee, provided one such example. In her remarks, she stated:

"In the past few years, the team at the University of Tennessee Value-Added Research and Assessment Center (UT-VARAC) has examined the effects of class size, class heterogeneity, past achievement level of students, building change, and several other factors on the academic growth of students. Although several of the factors studied affect student gains to some degree, in every case, the effect of the teacher has been found to be far and away the most important determinant of student academic growth. Effects of ineffective teachers are cumulative and very large and can be seen years after a student moves on to other teachers. There is no evidence that effective teachers can ever rectify the retardation of academic growth that occurred under a previous poor teacher. And there is evidence that teacher assignment patterns may indeed be perpetuating and sustaining the achievement gap between white students and minority students."

The impact of quality teachers is also highlighted in the report by The Education Trust, reference above, entitled, *"Good Teaching Matters."* Among the findings highlighted in the report were those from a large-scale study in Texas conducted by Ronald Ferguson of Harvard University. His study "found that teacher quality – as measured by education, experience, and test scores on initial teacher licensing exams – has more impact on student achievement (explained some 43% of the variance) than any other single factor, including family income and parent education."

Based on the same work outlined by Dr. Horn, the Education Trust report also notes that Dr. William Sanders of the University of Tennessee found that, "students who scored at roughly the same level on mathematics tests in third grade were separated by differences of as much as 50 percentage points on sixth grade tests depending on the quality of the teachers to whom they were assigned. Scoring differences of this magnitude can represent the difference between placement in the remedial and accelerated tracks."

Additionally, the report noted that "In North Carolina, Robert Strauss and Elizabeth Sawyer found that a 1% increase in teacher scores on the State's initial teacher licensing exam would bring about a 5% decrease in the number of North Carolina students failing the State's academic competency tests."

Given the importance of teacher quality, and the high proportion of federal education dollars used to fund teachers, the Student Results Act of 1999 includes language to ensure that at a minimum, all teachers hired under Title I will meet the teaching requirements within the State they are teaching. As part of this minimum level of education, these teachers will have to demonstrate their grasp of the subjects in which they teach. This not only raises the bar for teachers teaching under Title I, it also represents a signal to school administrators that every effort should be made to avoid assigning a teacher to a class in which the teacher has no academic subject knowledge.

The Committee believes the combination of these minimum education levels, along with the increased information provided to the parents of students being taught by unqualified or under-qualified teachers, will have a significant and lasting impact on the quality of instruction under Title I and an increased level of academic achievement among students in Title I schools.

The Student Results Act of 1999, also incorporates language from H.R. 1995, as passed, in which States must plan for how they will ensure all teachers in the State meet their minimum certification or licensure requirements and will be proficient in the academic subjects in which they teach.

Paraprofessionals:

Teacher aides, otherwise referred to as paraprofessionals, have been a fixture of Title I since its inception. In a report prepared for the National Education Association, *Paraprofessionals in the Education Workforce, 1995*, Anna Lou Pickett, referring to such programs as Title I and Head Start, noted that "federal legislation in the 1960's and 70's designed to carry out the *War on Poverty* provided significant impetus and support for the employment of paraprofessionals."

Given this historical perspective, it may not be surprising that nearly 40 years later, some leading education experts, including those within the U.S. Department of Education, are beginning to openly question whether the use of Title I aides has amounted to simply a jobs program for those within the community. This view is supported by the fact that the use of paraprofessionals is often far greater in urban, and other traditionally higher unemployment, areas.

A recent *Los Angeles Times* article ("*Title I's \$118 Billion Fails to Close Gap*". 1/17/99) highlighted some of the concerns related to the use of paraprofessionals under Title I.

"... part of the problem, according to high-ranking education officials and other experts, is that schools squander Title I funds on clerical workers and classroom aides who lack the expertise to teach poor students the kind of high-level skills needed to compete with their more affluent peers."

"It's pretty significant that half of the instructional staff under Title I were paraprofessionals," said Val Plisko, who supervises independent evaluations for the Education Department's Planning and Evaluation Service. "For children who are most at risk, you want the best-educated, the most knowledgeable, the most effective teachers."

The 1999 *National Assessment of Title I* noted that there has been a growth of paraprofessionals since 1993, from 65,000 full-time aides to 76,900 in 1997-98. (52,000 of these aides in 1997-98 were in high-poverty schools). It is estimated that up to 25% of all Title I funds are used to hire paraprofessionals. "In California, the latest available figures indicate that the ratio of aides to teachers paid for by Title I funds is 4 to 1. At Los Angeles Unified, the nation's second-largest school district, the ratio is about 7 to 1." (1/17/99 *Los Angeles Times*)

Nevertheless, some educators see significant value in the use of Title I funds for paraprofessionals when they are properly trained, and utilized effectively by a qualified teacher. However, there is growing evidence that the roles and responsibilities given to paraprofessionals by both teachers and principals, has gone beyond the original intent. Too often paraprofessionals are asked to carry out duties for which they are not qualified.

Currently, under ESEA, paraprofessionals employed with Title I funds must meet three criteria: have the knowledge and skills necessary to assist Title I children in meeting education goals; be within two years of having a diploma or GED (except that paraprofessionals acting as translators have no such requirement); and be under the direct supervision of a teacher.

In fact, most paraprofessionals meet the minimum education requirements under current law. According to the 1999 *National Assessment of Title I*, 99% of paraprofessionals have a high school diploma or GED. However, the educational attainment of paraprofessionals in high-poverty schools is often far below that of their peers in low-poverty schools. Specifically, while 37% of paraprofessionals in low-poverty schools have bachelors' degree, only 10% of those in high-poverty Title I schools have a bachelors' degree. Similarly, while 86% of teacher aides in low-poverty schools at the secondary level have a bachelors' degree, just 4% of their counterparts in high-poverty schools have a bachelor's degree.

If paraprofessionals were strictly carrying out non-instructional duties, the fact that many have a minimum level of education would not pose a significant problem. However, as noted in the 1999 *National Assessment of Title I* prepared for the U.S. Department of Education, paraprofessionals under Title I "spend a majority of their time teaching despite their lack of the educational background to do so." Providing detail as to the extent of this problem, the Assessment noted the following findings: 98% of aides were either teaching or helping to teach students; 76% of aides spent at least some of this time teaching on their own, without a teacher present; and 46% of aides in high-poverty schools spent half or more of the this time on their own, without a teacher present.

Given that Title I students are being extensively exposed to paraprofessionals, (often without the direct supervision of a teacher), the Committee is concerned with growing evidence that such trends may be having a negative impact upon student achievement. An article in the *The New Republic* ("*The Trouble with Teacher's Aides*," August 9, 1999) indicated that "A recent Department of Education reanalysis of

Title I data from the late '80s found 'no positive impact' for students in classes with teacher aides."

A press release issued by the Educational Research Service in April 1999, entitled the "*Unexpected Lessons from the Tennessee Project Star Study*" provided further evidence of the impact paraprofessionals may have upon student achievement. The study found that classes of 25 students with a full-time teacher aide did not improve student achievement in grades K-3 in reading or math. A follow up study found that students who had been taught in the regular/aide classes found consistent small negative affects on student achievement.

In response to these and other concerns over the use of paraprofessionals, the Student Results Act of 1999 includes provisions to raise the educational level of paraprofessionals and to ensure they are provided with appropriate responsibilities.

First, the language sets a higher threshold of qualifications for paraprofessionals, surpassing that of simply a high school diploma or its equivalent. Specifically, it requires paraprofessionals to have completed either two years of college; an associate's degree; or met a rigorous standard of quality through a formal assessment, knowledge of and the ability to instruct in reading, writing, or math, or reading readiness, writing readiness, or math readiness. The Committee emphasizes that such assessment shall not simply be met by receipt of a high school degree, or its equivalent.

Secondly, the language sets clear guidelines for duties that paraprofessionals may carry out. The Committee believes that if paraprofessionals are hired under Title I, they should not simply serve in an administrative or child-supervisory capacity. Instead, paraprofessionals should, when qualified, assist primarily in providing instructional services to students. The Committee emphasizes language included under the Act which prohibits paraprofessionals from providing instruction if not working under the direct supervision of a fully qualified teacher. The language goes further with respect to instructional services in the area of reading, a subject in which 88% of paraprofessionals assist in providing instruction. Specifically, paraprofessionals may not provide instructional services to students in the area of reading unless the paraprofessional has demonstrated, through a State or local assessment, the ability to effectively carry out instruction in reading, writing, and math. This provision comes amid a growing consensus of the importance that students receive instruction founded upon scientifically based research and from fully qualified teachers.

It is the intent of the Committee that the SEA carefully monitor the quality of the local formal assessment of paraprofessionals to ensure that the assessments are rigorous. The Committee intends that only qualified teachers provide instructional services to Title I students and that instructional services provided by paraprofessionals be restricted to one-on-one tutoring that reinforces and supports the instruction provided by the teacher.

The Committee notes language that has been added to the Student Results Act prohibiting the Secretary from imposing any mandatory national certification of paraprofessionals.

Finally, in an attempt to stem the continued growth of paraprofessionals hired under Title I, the provisions include a freeze on the hiring of paraprofessionals. The language does however, allow for vacancies created by departing paraprofessionals to be filled. The intent of the Committee is that local educational agencies could fill vacancies caused by the departure of a paraprofessional from a school, but would not be allowed to create "new" vacancies which would result in an increase in the number of paraprofessionals above what existed before departures. The Act provides an exception to this hiring freeze if the local educational agency is able to demonstrate that all teachers within the local educational agency are fully qualified. In any event, this exception does not waive the minimum qualifications paraprofessionals must meet, as described above and under subparagraphs (b) and (c) of section 1119.

The Committee believes that these provisions, along with the increased information on the quality of paraprofessionals provided through report cards under this Act, will significantly increase the quality of paraprofessionals within Title I schools. During the course of the next several years, the Committee intends to continue to take a close examination of the role of paraprofessionals to determine if further changes to Title I need to be made in this area. As part of this process, the Act also includes a request for

the General Accounting Office to begin taking a closer look at the extent to which paraprofessionals are utilized under Title I.

Professional Development:

The *Study of Education Resources and Federal Funding* found that in FY 1997, Title I expenditures on professional development at the district and school levels amounted to \$191 million. The study noted that use of Title I funds for professional development was widespread, with 86 percent of district coordinators reporting using at least some portion of their Title I funds for this purpose.

Although widespread, the intensity of professional development provided to Title I teachers appears to be limited. The *1999 National Assessment of Title I* found that "55% of teachers in high-poverty schools reported spending less than 9 hours per year on training in the content areas. Moreover, 70% of teachers in high-poverty school report receiving less than 9 hours per year of professional development related to State or district curriculum and performance standards..."

With the focus on teacher quality and the increased attention on ensuring fully qualified teachers in every classroom, it can be expected that professional development will constitute a growing proportion of the use of Title I funds in the coming years. In anticipation of this growth, the Student Results Act of 1999 builds upon current Title I provisions, and language from the House passed Teacher Empowerment Act, H.R. 1995, to ensure that professional development under Title I is worthwhile.

Through a series of hearings related to teacher quality, the Committee heard from a variety of witnesses on the importance and characteristics of high quality professional development.

At a joint hearing with the Committee on Science, this Committee heard from Dr. Jane Butler Kahle, Condit Professor of Science Education at Miami University in Oxford Ohio, who provided an overview of the leading research in this area. She noted results from a systemic initiative in Ohio, which found that teachers participating in sustained professional development, when compared to those who had not, had students with higher test scores. For example, she noted, "African-American girls in classes of teachers with sustained professional development scored 9% higher on the science achievement test than did their peers in classrooms of teachers who had not participated."

While some professional development can lead to higher student achievement, it is clear that not all professional development leads to such results. Dr. Kahle also noted the work of Dr. D.H. Monk, which concluded that "additional coursework in specific areas (e.g., number and kinds of science and mathematics courses) has a positive effect on student learning, while additional coursework by teachers in unrelated subjects has no, or a negative effect on student learning." Dr. Kahle concluded that "short-term, finite programs (described in the vernacular as "make and take" or "spray and pray" workshops) usually do not result in improved content knowledge for teachers, or changes teaching practice, or enhanced student learning."

The reforms to professional development contained in the Student Results Act builds upon research and evaluations, such as the American Institute of Research's evaluation of the Eisenhower Professional Development program. These reports have begun to identify common characteristics of effective professional development.

Specifically, professional development must be: 1) directly related to the curriculum and content areas in which the teacher provides instruction and be designed to enhance the ability of the teacher to understand and use the State's standards for the subject area in which they teach; 2) measured in terms of progress in increasing student achievement and improving content knowledge of teachers as demonstrated through reductions in out-of-field teaching and emergency certified teachers; 3) tied to challenging State or local content standards and student performance standards; 4) tied to scientifically based research demonstrating the effectiveness of such programs in increasing student achievement or substantially increasing the knowledge and teaching skills of such teachers; 5) developed with extensive participation of teachers, principals, and administrators of schools to be served under this part; and 6) be of sufficient intensity and duration not to include 1-day, or short-term workshops and conferences to

have a positive and lasting impact on the teacher's performance in the classroom.

The Committee believes that with the focus on quality under both Title II of ESEA and the changes made under this Act to Title I, teachers will have the opportunity to participate in high level programs that have a direct impact in not only raising their own skills but also translating those skills into gains in academic achievement of their students.

Participation of Children Enrolled in Private Schools

In general, under current law Title I services are provided to eligible private school children directly by the local educational agency or through a third party contract with the school district. As a part of the process, the local educational agency is required to provide timely and meaningful consultation with private school officials on how the needs of private school children will be identified, what kinds of Title I services will be offered, how and where the services will be provided, how the services will be assessed, the size and scope of the services, and the proportion of funds allocated.

The 1998 Department of Education publication *Title I Services for Private School Students under the Reauthorization of ESEA [Elementary and Secondary Education Act]: A Snapshot of Federal Assistance in Transition* indicates that there is serious disagreement among public, private, and religious school representatives on the extent to which Title I consultations have been meaningful and timely. Catholic school officials have informed the Committee that in some areas of the country, local educational agencies provide little or no consultation with private school officials, and where consultation does occur, it can hardly be considered meaningful. In written testimony submitted to the Committee on Education and the Workforce on June 10, 1999, Mr. John R. Clark, Assistant Superintendent for the Diocese of Allentown Pennsylvania and Chairman of the United State Catholic Conference Federal Assistance Advisory Commission told how public and private school officials developed and implemented a specific signoff form by both parties as to the issues on which consultation takes place. This approach has worked well in Pennsylvania and the Committee wishes to offer the Pennsylvania model as a example to other local educational agencies of what has worked well in one jurisdiction. A copy is included as Exhibit _____ in the Appendix to this committee report.

The Committee has included language in Section _____ of the Student Results Act which tightens the requirements for "timely and meaningful consultation." Under H.R. 2, the local educational agency must consult with private school officials not only on how and where the services will be provided, as under current law, but they must also consult on the selection of the contractor that provides the services, in situations where contractors are utilized. In addition, the local educational agency must tell how the Title I services will be assessed, and how the results of that assessment will be used to improve the services to private school children. The consultations must involve not only meetings prior to the school district making a decision on the services, but also throughout the implementation and assessment of the services. Such measures will help ensure that high quality services are provided to private school children. The requirement that the services be assessed and that the district use the results to improve the services should help guard against private schools receiving poor quality services, and having no recourse. The Committee is aware of a situation in Compton, California where private schools had no choice but to continue to tolerate ineffective and poor quality services for an extended time, prior to the Department of Education reviewing the situation. Such situations should be less likely with these new provisions in place.

H.R. 2 also provides a phase out over a three year period of the capital expense account for private schools, which had been used to offset the costs, for example, of renting space in "neutral" sites to deliver instruction. With the June 23, 1997 United States Supreme Court decision in the Agostini v. Felton (521 U.S. 203 (1997)), such rentals are no longer essential to meeting federal constitutional requirements. In Agostini, the court abandoned the presumption that placing public employees within religious institutions inevitably results in either indoctrination, excessive entanglement, or a symbolic union between government and religion. However, the Committee is informed that in some school districts, long term contracts for the rental of neutral sites for the provision of services continue to exist,

and in an effort to address such situations, the Committee has chosen to continue the authorization for capital expenses but only for a three year period, and in declining amounts each year.

Title I, Part A Allocation Formulas

H.R. 2 makes minor changes to the Title 1 Part A formula because the Committee believes that the significant changes made to the formula in the 1994 amendments have not been implemented due to 100 percent hold harmless provisions applied by the Appropriations Committees since 1995. In an effort to break that trend, the Committee has made a change in how new funds are to be distributed which is described below. The Committee is hopeful that the Appropriations Committees will abide by the authorizing statute so that Title 1 funds can be distributed to those areas where the most disadvantaged children live so those children who need these educational services the most can receive them.

With respect to the share of Part A funds to be allocated under each of the authorized formulas -- Basic, Concentration, and Targeted Grants -- the bill provides that an amount equal to the FY1999 appropriation will be allocated under the Basic and Concentration Grant formulas (and in the same proportions as for FY1999 -- 85% Basic Grants and 15% Concentration Grants). Next, any increases in funds over the FY1999 appropriation for Part A will be allocated one-half under the Targeted Grant formula and one-half under the Basic and Concentration Grant formulas (again, 85% Basic Grants and 15% Concentration Grants for this half of the increase).

The major provisions of the Basic, Concentration, and Targeted Grant formulas in H.R. 2 are generally the same as under current law. However, the bill does make the following modifications to the current provisions of these formulas. First, a hold harmless rate, of 85% of previous year grants, will be applied to Concentration Grants. Currently, the ESEA provides a hold harmless rate of 85-95% of previous year grants for Basic and Targeted Grants, but no hold harmless for Concentration Grants. In addition, for the Concentration Grant formula only, H.R. 2 provides that hold harmless amounts would apply to all local educational agencies, including those which do not meet "primary eligibility criteria" -- i.e., the 6,500 or 15% thresholds for receipt of Concentration Grants; however, this provision would no longer apply if a local educational agency does not meet the eligibility thresholds for 4 consecutive years.

Second, H.R. 2 deletes the Temporary Assistance for Needy Families (formerly the Aid to Families with Dependent Children) category of children counted in the Part A allocation formulas. There are extremely few of these children currently -- only children aged 5-17 in families receiving Temporary Assistance for Needy Families payments in excess of the poverty income level for a family of 4 are counted. For FY1999, these children constituted only about 0.1% of all of the children counted in allocating Title I grants, and over 97% were of them were in a single state.

Third, the expenditure factor used in all of the Title I allocation formulas will be increased for Puerto Rico in stages over the FY2000-2004 period. As a result, at the end of this period, the Puerto Rico expenditure factor will be at least 85% of the minimum expenditure factor applicable to the 50 States and the District of Columbia (for FY1999, it is 71.5% of this minimum). However, this provision will not be implemented if it would result in any State receiving less than its previous year grant under Part A.

Fourth, the bill eliminates a number of provisions that were in effect only for past years and are no longer relevant. Further, some provisions are simplified and/or clarified, with no substantive amendment.

H.R. 2 deletes provisions for the fourth Title I, Part A allocation formula which is currently authorized, although no funding is provided for it -- the Education Finance Incentive Grant formula. It also deletes the current provision for the reservation of \$5 million each year for grants to the freely associated states (Palau, Federated States of Micronesia, and the Republic of the Marshall Islands), which are no longer U.S. territories, replacing it, through FY2001 only, with a requirement for a similar amount of each year's Part A grant to be distributed through a competition among these areas as well as other outlying areas. However, the Committee wants to make clear that the outlying areas (U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas) will receive their full allotment

under the one percent reservation and do not have to compete for their share. The outlying areas, however, are eligible to compete for additional funds under the competition described above.

Title I, Part B, Education of Migratory Children

Background

Title I, Part C of the ESEA, program for the children of migrant workers was created to assist migrant children in overcoming problems associated with multiple moves which interrupted their education and prevented them from performing well in school. The program serves migrant children ages 3-21, as well as emancipated youth and formerly migrant children. Most migrant programs are administered by local educational agencies (LEAs) and operate during the summer months as well as the regular school year. Services provided by LEAs include instruction, health services, counseling and testing, career education, preschool services, and transportation to migrant services.

Views

The children of migrant workers are some of the most vulnerable children in schools throughout the United States. Migrant children at greatest risk are those whose education is interrupted as they follow their parents along the migrant stream. According to the Department of Education, for 1996-97 States reported approximately 580,000 Migrant Education Program participants, including 475,000 served during the regular school year and 285,000 served in the summer program.

H.R. 2 extends the Title I, Part C program serving the needs of migrant children and makes modest changes directed at improving services to this at-risk population. The dropout rate for this population of students is very high and the additional academic assistance they receive under this Act is often the determining factor in whether or not they stay in school and graduate.

Of key interest to the Committee has been the ability of States to rapidly transfer student records in the absence of the costly Migrant Study Records Transfer System (MSRTS). MSRTS was eliminated as a part of the Improving America's Schools Act because it was found to be ineffective in completing its primary responsibility of transferring student records.

Changes to this Act during the 103rd Congress directed the Secretary to pursue alternative strategies for the effective and efficient transfer of student records. Report language also encouraged States to develop agreements on transferring credits from one school to another.

In the absence of MSRTS, the Department of Education found that most States and school districts have relied on mail, telephone and fax machine to transfer records for migrant students. Although 19 States have some type of electronic system in place, many of these systems are used for maintaining, rather than transferring, student records.

The Committee believes the transfer of student records is key to the ability of schools to adequately serve the educational needs of migrant students. If basic, essential information regarding a child's grade, test scores and vaccination records are not transferred in an efficient manner, a child may be subjected to additional vaccinations and be incorrectly placed in a classroom above or below their actual academic abilities.

As such, the Committee has modified the Title I, Part C Migrant Education Program to require the Secretary to assist States in developing effective methods for the transfer of student records and in determining the number of migratory children in each State. The Secretary is further required to work with States in order to determine the minimum data elements for records to be maintained and transferred when funds under this part are used for record transfer.

In addition, the Committee has included language in H.R. 2 to require a local educational agency receiving assistance under this Part to make student records available, at no cost, to another local educational agency requesting such records in order to meet the needs of a migratory child.

The Committee wants to make it very clear that the timely transfer of student records is an important element of the Migrant Education Program. It expects States and local educational agencies to work together to ensure that student records are transferred as quickly as possible through the most effective possible means. It would further encourage States and local educational agencies to develop effective means of electronically transferring student records. The Committee believes that an additional focus on the electronic transfer of student records is vitally important to ensure that migrant children have access to high quality education.

The Committee has also adopted the Clinton Administrations' proposal for simplifying the formula for distributing funds to the States. Under current law, counts of migrant students are based on estimates and full-time equivalents (FTEs) of these children. Current law requires either a burdensome collection of data or the continued use of increasingly dated FTE adjustment factors based on 1994 data. Under the Administration's proposal, a State's child count would be based on the number of eligible children, aged 3 through 21, residing in the State during the previous year, plus the number of children who received services in summer or intersession programs provided by the State. This approach is easier to understand and administer, minimizes the data-collection burden on the States, and encourages the identification and recruitment of eligible children. However, due to concerns that this new formula could cause a minor shift in funds, the Committee has included a hold-harmless, so that no State will receive less than the allocation it received in fiscal year 2000. Only funding appropriated for this program over and above the amount appropriated for fiscal year 2000 will be distributed based on the new formula.

The Committee has also modified the Title I, Part C program for migrant children to eliminate the requirement that States develop both a comprehensive service-delivery plan and a program application. Key elements of the plan have been incorporated into the application requirements. This streamlining should reduce the paperwork burden on the States. The bill also provides States with greater flexibility in determining the activities to be provided with funds under this part as long as they are first used to meet the identified needs of migratory children that result from their migratory lifestyle and permit them to participate effectively in school.

Over the years since the enactment of the Migrant Education Program, the number of migrant students graduating from high school has increased dramatically. However, it still lags significantly behind that of the general population. The Committee believes these changes will allow States and local schools to better meet the needs of this vulnerable population and insure they receive the best possible education.

Title I, Part C, Neglected and Delinquent Youth

Background

The Title I, Part D program provides formula grants to States for neglected and delinquent children being educated in State agency programs. These programs serve neglected and delinquent children and youth in institutions or community day programs, as well as those who are in adult correctional facilities. Funds are allocated to States on a formula based primarily on the number of children and youth in their State agency program who are enrolled in a regular program of instruction operated by the agency for at least 20 hours a week for children and youth, or 15 hours a week if the participant is an adult correctional facility. There is also a Subpart 2 program for local educational agencies (LEAs), funded with allocations diverted from the Title I, Part A program, for districts with the high numbers or percentages of children in locally operated correction facilities. Funds are provided to LEAs for meeting the needs of youth returning from correctional facilities, for coordinating social and other services to help students complete their education, and for programs meeting the unique educational needs of students at risk of dropping out.

Views

The Committee believes that far too many youth who spend time in correctional facilities do not graduate from high school. According to the Department of Education, one-third of 16 and 17 year olds do not return to school after their release from a correctional facility and one-third of the enrolled 16 and 17 year olds dropped out within 10 months. It is the view of the Committee that many of these students would stay in school and graduate if they received quality educational support during their incarceration and assistance in transitioning back into the school environment.

To address these concerns, the Committee has made several changes to Subpart 1 and Subpart 2 of current law. Specifically, in Subpart 1, we have increased the percentage of funding each State agency is required to reserve to support projects that facilitate the transition of children from State-operated institutions to local educational agencies from 10 percent to 15 percent. The Committee believes that transition assistance plays a key role in determining whether or not delinquent youth will succeed in school and graduate.

During the last reauthorization a new Subpart 2 was added to Part D to address the academic and other social service needs of youth in local correctional facilities. Its creation was based on evidence that children in local correctional facilities who were counted for the purpose of generating funds in Title I, Part A were, in most instances, not receiving services from Part A. Programs operated under this new Subpart were to address the academic needs of such youth while they were incarcerated and upon return to their local school. The portion of the program operated in local schools was intended to provide support to delinquent youth that were transitioning back into the regular school setting and to provide assistance to other youth at risk of dropping out.

Concerns have been raised that the school portion of the Subpart 2 program has, more often than not, become a dropout prevention program that does not focus on assisting youth returning from correctional facilities. The Committee believes that other at-risk youth would benefit from the types of programs operated for delinquent youth under Subpart 2. However, it is the view of the Committee that programs under this Subpart should serve at-risk youth secondary to serving youth returning from correctional facilities. As such, the language in Subpart 2 has been revised to focus on the provision of services to youth returning from correctional facilities. If participating schools are able to serve other at-risk students at the same time, they are permitted to do so.

The Committee has also modified the Subpart 2 program to allow the use of funds for several new activities, including curriculum-based youth entrepreneurship education, peer mediation, and mentoring.

To be successful, it is the view of the Committee that curriculum-based youth entrepreneurship education programs must include organized academic materials that are sequentially based and which have been field-tested and based on sound educational practices. Additionally, such programs must have a demonstrated record of empowering disadvantaged youth with applied math and other analytical skills. There is growing evidence that innovative organizations and institutions working to instill entrepreneurial behavior, through classroom and practical experiences, and to expose young students to new career options, are highly effective in teaching some youth. Through such programs, students learn the basic skills required by entrepreneurs and gain a greater understanding of the relationship between academic subjects and the business world.

In addition, mentoring programs have proven to be highly effective in assisting at risk and delinquent children to overcome academic and other problems by providing them with a strong adult role model. The Committee believes mentors, including senior volunteers, are highly effective in helping these youth.

Delinquent youth are a high-risk population and the Committee believes they can easily turn to further involvement in criminal activities if they are not provided the support they need to stay in school and turn their lives around. The purpose of Subpart 2 is to insure they receive the assistance they need to graduate and lead productive lives.

Title I, Part D, Comprehensive School Reform

The Comprehensive School Reform Program (CSRP) was first funded in FY 1998 as part of the Departments of Labor, Health and Human Services, and Education Appropriations Act (*P.L. 105-78*). The language in the appropriations bill in 1998 did not specifically amend Title I of the Elementary and Secondary Education Act. Rather the program was included in narrative, paragraph-style text in the conference report of the appropriations legislation. What the Committee has done is incorporated the concepts from that legislation into a categorical grant included in the statutory text of Title I, Part E. This was done because the Committee has not been satisfied with the way the program has been implemented up until now, particularly given the absence of statutory format and content.

Essentially, the CSRP provides financial incentives for schools to develop comprehensive reforms for the entire school, based upon reliable research and effective practices, with an emphasis on basic academics and parental involvement. These reforms are called "comprehensive" because they are intended to affect all aspects of school operations, including curriculum and instruction, school organization, professional development and resource use, rather than a piecemeal approach to reform. The intent is to provide another means by which to ensure that all children in a school achieve to a state's student performance standards.

The Committee is aware of utilization of a number of pre-existing comprehensive reform models throughout the country. While no one model fits all school situations, schools are encouraged to consider the positive aspects of existing design models as well as new approaches. The Committee is aware that some States, as well as the United States Department of Education, are attempting to limit comprehensive school reform to certain models or approaches. We disagree with such limits.

The Comprehensive School Reform Grant Program included in Part D of the bill is authorized at \$175,000,000. It provides formula grants to the States in proportion to their Title I Part A allocations under section 1124 to the State as a whole. Local educational agencies then apply to their State Educational Agency for the grants on behalf of individual schools that seek to implement comprehensive school reform. Grants to individual schools are for not less than \$50,000 and renewable for two additional years after the initial one-year grant.

The components of comprehensive school reform are: (1) utilization of innovative strategies and proven methods of learning, teaching and school management that are based on scientifically-based research; (2) integration of a comprehensive design; (3) provision of high quality and continuous professional development; (4) inclusion of measurable goals for student performance and benchmarks for meeting such goals; (5) support by teachers, administrators and other professional staff; (6) provision for the meaningful involvement of parents; (7) use of high quality external technical support; (8) inclusion of a plan for evaluation of the implementation of school reforms and student results achieved; and (9) identification of how other resources will be used to coordinate services to support and sustain the school reform effort.

Title I, Part E, General Provisions

Title I, Part E, of H.R. 2, includes general provisions governing Title I. Such provisions include negotiated rulemaking; State rulemaking; rules of construction; local educational agency cost limitations; General Accounting Office studies; and definitions.

Title II, Magnet Schools Assistance Program

Background

The Magnet Schools Assistant Program provides competitive grants to Local Educational Agencies for magnet schools that are intended to reduce, eliminate, or prevent minority group isolation in elementary

and secondary schools and to provide strengthened academic or vocational programs for students. In order to be eligible for a grant, a local educational agency must be participating in a court ordered or voluntary desegregation plan. Magnet Schools provide a special curriculum intended to attract students of different races.

Provisions of H.R. 2

The Committee has made a number of revisions to the Magnet Schools Assistance Program, while keeping the basic structure intact. These revisions include an additional emphasis on student achievement and a renewed focus on serving magnet schools. Specifically, the bill reinstates the program's commitment to student achievement by not only stressing the need to reduce minority group isolation in elementary and secondary schools, but also by strengthening the finding and applications and requirements section in relation to academic performance. In addition, the bill includes professional development as a use of funds. As for renewing the program's focus on magnet schools, the bill eliminates two outdated priorities and repeals the Innovative Programs. However, any grant recipient that has an agreement in effect under the Innovative Programs will continue to receive funds through the end of the applicable grant cycle.

Title IV, Indian, Native Hawaiian, and Alaskan Native Education

Background and Committee Views

Programs designed to enhance the educational opportunities for native populations are administered by both the Department of Education under the Elementary and Secondary Education Act (ESEA) of 1965, and the Bureau of Indian Affairs. Title IV of the Student Results Act updates and improves these programs as follows.

Department of Education Programs

Programs administered by the Department of Education are designed to provide financial support to reform and improve elementary and secondary school programs that serve American Indian students; improve and enrich the quality of education for Indian students; research and evaluate information on the effectiveness of Indian education programs; and improve educational opportunities for adult Indians. The majority of the funds are distributed under a formula based on the number of Native American children in the LEA or BIA funded schools. For FY 1999, awards were made to 1,120 LEAs, 84 BIA grant/contract schools, and 70 BIA operated schools, and served 460,782 students in 41 States. In addition, under Part C of the ESEA, the Department administers a number of competitive grant programs to provide supplemental education for Alaska Native children and adults.

In updating and improving these programs, the Committee focused on improving student achievement, targeting resources to the programs that are providing the best results, greatly increasing the flexibility of the programs at the local level, reducing the administrative burden placed on participating entities, increasing the amount of aid that actually reaches the classroom, and increasing the emphasis placed on family literacy services for the effected populations. The centerpiece of the Committee's efforts is flexibility coupled with accountability for results. Specifically, the Committee included a new provision allowing LEAs which receive formula grants under Title IX Part A to commingle all of the federal funding they receive for educating Indian children, regardless of which agency provides it, into one coordinated, comprehensive program to meet the specific needs of Indian children. LEAs that choose to do this will submit a single plan describing how they intend to consolidate funding, and specifying the student achievement goals that they will meet. The Committee intends that these entities be given the maximum flexibility in implementing their plans, and expects the Secretary and the head of any effected agency to give applicants their fullest cooperation. The Committee is hopeful that the flexibility provided will allow LEAs to reduce administrative costs while improving services to Indian children. Additionally, the Committee has provided increased flexibility in counting eligible children for funding purposes to BIA funded schools. This is consistent with our efforts to reduce administrative burdens

placed on grant recipients.

The Committee has also accepted the Administration's proposed elimination of 4 unfunded programs under Part A. These programs include: Fellowships for Indian students; Indian Gifted and Talented programs; Grants to Tribes for Administrative Planning and Development; and Special Programs Relating to Adult Education. In taking this action, the Committee recognizes that none of these programs have been funded since Fiscal Year 1995, and that 2 of them have never been funded. This action is consistent with the Committee's philosophy of focusing resources on the programs which are providing the best results, and consistent with its responsibility to set priorities for the Appropriations Committee. The Committee notes that the services that would be provided under these programs to Indian youth and adults are currently funded through other authorities, including under other parts of this Act, the Higher Education Act, and through programs administered by the Bureau of Indian Affairs (BIA).

The Committee has made significant reforms to programs for Alaska Natives under Part C. Specifically, the Committee has consolidated the 3 competitive grant programs serving Alaska Natives into a single, more efficient and flexible program to improve services.

In an effort to ensure that more of the money provided reaches the classroom and serves the intended students, the Committee has limited recipients of funding under Title IX to using not more than 5 percent of the funding for administrative costs. This is consistent with the philosophy that a minimum of 95 percent of federal education funds should reach the classroom.

On a vote of 27 – 22, the Committee accepted an amendment offered by Representative Boehner, which eliminates the Native Hawaiian specific programs formerly authorized under Title IX, Part B, of the Elementary and Secondary Education Act. This action is consistent with attempts to reduce duplication of effort and focus scarce federal resources to those in greatest need. The Administration proposed similar action in its FY 1995 budget request, citing as its rationale the fact that similar assistance is available to all students, including Native Hawaiians, under programs such as Title I, the Gifted and Talented program, Even Start, Special Education, the Higher Education Act, and other, broader authorities. In taking this action, the Committee specifically considered available census data which shows that Native Hawaiian students already graduate from high school at a rate higher than the national average, and tend to come from families with incomes somewhat higher than the national average. The Committee notes that unlike other indigenous populations, there is no treaty relationship with the government of the United States, and no specific Constitutional responsibilities pertaining to Native Hawaiians as a distinct group. Unlike other indigenous populations, Native Hawaiians have a trust, established by the last Hawaiian princess, which exists solely to educate Native Hawaiian children. The Bishop Trust is currently one of the largest charitable trusts in the world, valued in excess of \$10 billion, and holds approximately 8 percent of all land in the State of Hawaii as well as a 10 percent share of Goldman Sachs. The Committee urges the Trust to redouble its efforts to educate Native Hawaiian children. The Committee also believes that these children should be given the same opportunities afforded to all of our children under the programs authorized in this and other acts. However, the Committee cannot justify the continuation of special programs serving only Native Hawaiian children.

Family Literacy Services

Family literacy is a very effective method of stopping the cycle of illiteracy. It not only builds on the literacy skills of parents, but it insures their children will have every opportunity to succeed in school. Family literacy programs throughout the United States assist parents in obtaining the literacy and other skills they need to get a job, reduce their dependence on public assistance, and most importantly, to be their child's first and most important teacher. Family literacy strengthens families. Recognizing this, the Committee has included the provision of family literacy services as an allowable use of funds under formula and competitive grant programs authorized under Title IX. The Committee was pleased to hear the testimony of Ms. Rose Potvin regarding the FACE program operated by the Bureau of Indian Affairs. Language included in this legislation makes it clear that family literacy is a use of funds in BIA operated programs. The Committee encourages the BIA to expand the number of family literacy programs in order to insure positive outcomes for children and their parents.

Bureau of Indian Affairs Programs

The Committee is encouraged that progress continues to be made among Indian students at schools funded by the BIA. Members are pleased to note that the tribes and tribal organizations continue to take increased control of the schools that serve their children through contract or grant arrangements with the Bureau. The Committee recognizes that, if given the chance, these entities, working with the parents of Indian children, will do a far better job of improving student achievement than any federal agency. The Committee is also pleased with the continued growth in attendance at institutions of higher education of Indian students. It is estimated that current postsecondary enrollments are in excess of 130,000. In considering this legislation, the Committee has acted to increase local control of education, and to shift responsibility and authority for education to tribes and tribal organizations.

Currently, Bureau funded schools are generally required to meet rigid education standards established by the Bureau. In an attempt to increase local control, this legislation allows schools that choose to do so to become accredited by a tribal, State or regional accrediting body and meet the standards of accreditation rather than those imposed by the Bureau. The Committee has modified the section on standards in recognition of the fact that Bureau-funded schools have made substantial progress in the last twenty years in their educational programs. In contrast to 1978, when the Committee first acted on this topic and fewer than 2 percent of Bureau-funded schools met accreditation standards, today, practically all schools exceed such standards.

The Committee has also included a provision such that if the criteria with respect to accreditation are observed, the local school board and the administrator may choose the standards to be applied. Standards are required to be at least those necessary to meet State standards of the State or region in which the school is located. This does not mean that these standards must be the State or regional standards; rather, State or regional standards would be used as a floor.

In addition, this legislation makes it clear that tribal entities may improve and expand educational programs at Bureau funded schools using their own resources. The Student Results Act gives tribes a greater say in repair and maintenance priorities; allows tribes to contract for training services; increases tribal authority to pick service providers for purchasing supplies; and gives tribes and local school boards more flexibility in making school staffing decisions. BIA inspectors will also be required to get a second opinion from an independent source (with tribal input) before fully and finally closing a BIA funded school for health and safety violations.

In keeping with the philosophy of parental choice and local control, the Committee has included a provision to give tribes and parents of eligible students the choice of which Bureau funded school their children attend. In carrying out this provision, the Committee expects the Bureau's full cooperation in assuring that funding follows the child.

The Committee remains concerned that, despite Congressional direction, the Bureau has never established a Division of Budget Analysis within the Office of Indian Education Programs. This legislation mandates the creation of this entity within 1 year of the date of enactment of the Student Results Act. Some are concerned that the Bureau's budget requests may not be sufficient to provide a quality education for Native American students. Therefore, in addition to the creation of the Budget Division, the Committee has provided that the Comptroller General examine the funding of these schools in relationship to other comparable facilities, and examine the criteria used by the Bureau in developing its budget for education programs.

The Committee has taken a number of actions to modify the school boundaries provisions. All such actions are intended to assure that schools take a proactive stance on identifying and providing services to all Indian students in their geographic service area.

Finally, the Committee greatly increased the consultation required throughout these Acts. In considering future changes to Indian education programs, the Committee expects that the Bureau will take into account the full range of views of all interested parties, and will engage in a consultative process prior to taking action.

Title V, Gifted and Talented Children.

Despite the gains made through the Javits Gifted and Talented program in serving the educational needs of gifted and talented children, a large percentage of the nation's gifted and talented students are not benefiting from the results of the research, model projects, and exemplary programs. Therefore, subpart 2 of the Committee amendment authorizes formula grants to State educational agencies to support programs and services for gifted and talented students. These state formula grants, which are awarded competitively to local educational agencies, are designed to assist States in improving services to the nation's three million gifted and talented students. Such services may incorporate programs and strategies that research, model projects, and exemplary programs have shown to be effective in meeting these students' educational needs.

The Committee recognizes that ongoing research, model projects, and exemplary programs are a necessary foundation for quality gifted and talented education programming. To build on that foundation, the Committee amendment stipulates that the Secretary prioritize funding for applications from State educational agencies that are designed to disseminate information and apply research results in classrooms, other appropriate learning environments, and personnel training programs. The Committee also acknowledges the importance of using such funds for identifying gifted and talented students who may not be identified and served through traditional assessment methods; mentoring and apprenticeship programs; modifications to curriculum; acceleration; distance learning programs; dual enrollment; teacher education; family education and support; and other educational activities designed to meet the needs of gifted and talented students.

Title VI, Rural Education Assistance

Each year, many rural school districts forgo funding because they lack the enrollment, financial resources, and poverty data needed to compete against larger school districts for federal education grants. Rural school districts find it particularly difficult to fully benefit from federal funds because the unique needs of rural school districts are not addressed in federal formula programs. Generally, current federal education formulas unintentionally bypass small, rural school districts because the formulas do not produce enough revenue to substantially support education reform efforts designed to improve academic achievement. These school districts lie in remote areas distant from commercial centers, making it particularly difficult for teachers and administrators to utilize consortia, pooled resources and technical assistance. Rural school districts also have unique technology and communications infrastructure challenges due to their remote locations. In addition, rural school districts cannot adequately compete for grants since they lack resources and do not have access to specialists in federal grant writing as do larger school districts. The Committee amendment provides rural school districts with increased flexibility and funding to enhance academic achievement and addresses the unique needs of those districts that cannot compete for federal education grants because they do not have adequate resources.

Title VII, McKinney Homeless Education Improvements.

The McKinney Act currently requires that States provide estimates of the number of homeless children and youth in their States and information about their access to education and related services. This provision has resulted in widely varying data in both quality and quantity. States do not have the resources or the expertise to conduct these kinds of assessments, and the lack of a uniform method of data collection has resulted in unreliable national data. The Committee amendment eliminates the requirement that the State homeless coordinator estimate the number of homeless children in the State and the number of homeless children served by the program. Under the Committee amendment, this responsibility is placed under the authority of the Secretary who shall, either directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information on the number and location of homeless children and youth; the education and related services such children and youth receive; and the extent to which such needs are being met. The result of these changes to the McKinney Act will enable a more reliable and uniform data collection method that will help guide Congress in making accurate funding decisions.

Many homeless children and youth are forced to wait days and even weeks before they can enroll in school because they do not have the necessary paperwork required for enrollment such as proof of residency, previous academic records, birth certificates, and other documentation. According to the FY 1997 Department of Education Report to Congress (issued in 1999), States reported that lack of school records and birth certificates were among the most frequent reasons for homeless children and youth not attending school. In addition, the report noted that lack of documentation is among the reasons that 45 percent of homeless children and youth were not attending school on a regular basis during their homelessness. The Committee amendment directs schools to immediately enroll a homeless child even if they are unable to produce the documents normally required for enrollment. However, to help ensure a healthy environment for all students, the Committee amendment does not require schools to accept a homeless child until the enrolling school receives their immunization records. In cases where a homeless child is denied enrollment because of immunization records, the enrolling school shall promptly refer his or her parent or guardian to the homeless liaison to assist in resolving enrollment disputes. In addition, the Committee amendment directs the Secretary to issue a report to be made available to States, local educational agencies, and other applicable agencies. This report will address successful ways in which states can help local educational agencies immediately enroll homeless children.

Nationwide, the lack of transportation is one of the most pervasive barriers to enrollment and success in school for homeless children and youth. According to the FY 1997 Department of Education Report to Congress (issued in 1999), lack of transportation to or from temporary residences was the most frequent reason given by States as to why homeless children and youth did not attend school. Forty States listed transportation as a major need to be addressed to ensure the individual academic success of a homeless child or youth. The Committee amendment directs the Secretary to develop and issue a report to be made available to States, local educational agencies, and other applicable agencies. This report will encourage States to follow programs implemented in State law that have successfully addressed transportation barriers for homeless children and youth.

SECTION BY SECTION ANALYSIS

Title I, Part A, Basic Program

(Title I, Part A)

Section 101 amends the heading for Title I by striking "disadvantaged" and inserting "low-achieving;" amends Section 1001 to state the findings; statement of purpose, and recognition of need for the bill.

Section 102 states the authorization of appropriations for Local Educational Agency (LEA) Grants; Migrant Education; Neglected and Delinquent; amends Section 1002(e) regarding capital expenses; repeals Section 1002(f); and authorizes appropriations for State administration purposes.

Section ____ repeals Section 1003 regarding reservation and allocation.

Section ____ amends Section 1111 to provide for State plans, including provisions for implementing challenging content and student performance standards, yearly student assessments and accountability standards; requires students who have attended school in the U.S. for at least three consecutive years be assessed in the English language; and requires annual State and LEA report cards.

Section ____ sets forth provisions for amending Local Educational Agency plans, including provisions for parental notification and consent for English language instruction.

Section ____ amends Section 1113 to provide for eligible school attendance areas, including provisions to permit school districts to give priority to elementary schools.

Section ____ amends Section 1114 regarding schoolwide programs, including provisions to clarify that

schoolwide programs are not required to maintain separate fiscal accounting records when State and local education funds are combined with federal education funds.

Section ____ contains provisions regarding the Targeted Assistance Schools program.

Section ____ amends Section 1115A regarding public school choice for Targeted Assistance Schools, including a provision to allow Title I funds to be used for transportation services.

Section ____ contains provisions relating to local review, school improvement provisions, technical assistance, and corrective action; provisions for providing public school choice for student attending low-performing schools, including the use of funds for transportation services.

Section ____ contains provisions relating to State review of LEAs, LEA improvement, technical assistance, and corrective action.

Section ____ amends Section 1117 to provide for a system of statewide assistance of intensive and sustained school support and improvement for LEAs and schools served by Title I.

Section ____ amends Subpart 1 of Title I, Part A to provide for the establishment of an academic achievement awards program that recognizes and financially rewards schools who have substantially closed the achievement gap and made outstanding yearly progress for two consecutive years.

Section ____ amends Section 1118 relating to activities and procedures for involving parents in Title I programs, including provisions for building the capacity of parental involvement.

Section ____ amends Section 1119 to specify the qualifications and duties permitted for teachers and paraprofessionals that teach and work in Title I schools.

Section ____ amends Section 1119A to stipulate the purpose and required activities regarding professional development activities.

Section ____ amends Section 1120 to provide for the participation of private school children in Title I services, including a new formula for allocation of funds; consultation and documentation requirements; and provisions to permit a bypass option for third party providers.

Section ____ amends Section 1120B regarding coordination of activities requirement.

Section ____ amends Section 1121(b) to provide for the distribution of funds for the outlying areas and the Secretary of the Interior.

Section ____ amends Section 1122 regarding amounts allocated for Title I basic grants, concentration grants and targeted assistance grants; and special allocation procedures.

(Title I, Part B -- Migrant children)

Section 201(1) amends Section 1303(a), State Allocations to better address the needs of this at-risk population and improve the level of services rendered in their assistance.

Section 201(2) strikes Sections 1303(d) and (e) deletes consortium arrangement.

Section 202(a) amends Section 1304(b), Program Information, to provide greater integration of services and encourage family literacy services.

Section 202(b) makes technical amendments Section 1304(c), Assurances.

Section 203 amends Section 1306, Authorized Activities, to provide greater flexibility for State and local educational agencies and to focus on previously unaddressed needs of migratory children.

Section 204(a) amends Section 1308(a)(2) by striking "subpart" and inserting "subsection".

Section 204(b) amends Section 1308(b) to require the Secretary to assist States in efforts to improve student record transfers, determining the number of migratory children in each State, and establishing minimum data elements for maintained records.

Section 204(c) amends Section 1308(d) to provide greater incentive for States to arrange consortium agreements with other States to improve the delivery of services.

(Title I, Part C, -- Neglected and Delinquent)

Section ____ amends the heading for part D of title I to read as follows: "Prevention and Intervention Programs for Neglected or Delinquent Children and Youth".

Section ____ amends Section 1401 (a), Findings.

Section ____ amends Section 1414, State Plan and State Agency Applications, to promote a greater focus on transitioning students from institutions to locally operated programs, to help insure that students stay in school.

Section ____ makes technical amendments to Section 1415(a).

Section ____ amends Section 1421(3), Purpose, to focus more on transitioning students in dropout prevention efforts.

Section ____ amends Section 1418(a), Transition Services, by striking "10 percent" and inserting "15 percent".

Section ____ (1) amends Section 1422(a), by striking "retained".

Section ____ (2) amends 1422(b), Special Rule, to focus more on transitioning students.

Section ____ (3) amends 1422 by adding "(d) Transitional and Academic Services", by designing programs under this subpart to meet the needs of transitional students and to ensure that services to prevent students at risk of dropping out to not negatively impact the needs of the aforementioned students.

Section ____ amends Section 1423, Local Educational Agency Applications, to focus more directly on students returning from correctional facilities.

Section ____ amends Section 1424, Uses of Funds, to give priority to youth returning from correctional facilities.

Section ____ (1) amends Section 1425(1) by striking "where feasible, ensure educational programs" and inserting "to the extent practicable, ensure that educational programs".

Section ____ (2) amends Section 1425(3), by striking "where feasible," and inserting "to the extent practicable".

Section ____ (3) amends Section 1425(8), by striking "where feasible," and inserting "to the extent practicable".

Section ____ (4) amends Section 1425(9), by inserting "and technical" after "vocational".

Section ____ (5) amends Section 1425(11) by adding "entrepreneurial leadership".

Section ____ amends Section 1426(1) by striking "male students and for female students" and inserting "students"

Section ____ amends Section 1431(a) is amended by striking "sex, and if feasible," and inserting "gender".

(Title I, Part D -- Comprehensive School Reform Program)

Section ____ amends Title I, Part E, subpart 3 to authorize the Comprehensive School Reform Program; state the findings and purpose; provide provisions for State awards, local awards, evaluation and report requirements; states the definition of "scientifically-based research"; and the authorization of appropriations.

(Title I, Part E -- General Provisions)

Section ____ amends Part F of Title I to provide for the general provisions; "Section 1601 authorizes the Secretary to issue federal regulations and contains the provisions for the negotiated rulemaking process; Section 1602 contains the provisions regarding agreements and records; Section 1603 contains the provisions regarding state administration, including provisions for rulemaking, support and facilitation, and the committee of practitioners; Section 1604 contains the provisions relating to construction, including provisions for prohibition of federal mandates, direction, or control, equalized spending, and building standards; Section 1605 contains the provisions regarding home schools; Section 1601 contains the provisions regarding non-recipient nonpublic schools; Section 1607 contains the provisions regarding local administrative cost limitation; Section 1608 contains the provisions relating to the prohibition on mandatory national certification of teachers and paraprofessionals; Section 1609 contains the provisions regarding GAO studies; and Section 1610 states the definitions."

Title II, Magnet Schools Assistance

Section 201. Magnet Schools Assistance. Amends Title V of the Elementary and Secondary Education Act of 1965.

Section 5101. Findings. Sets forth the Findings for Magnet Schools Assistance.

Section 5102. Statement of Purpose. Sets Forth the Purpose for Magnet Schools Assistance.

Section 5103. Program Authorized. Authorizes the Secretary to make grants where appropriate.

Section 5104. Definition. Defines "Magnet School."

Section 5105. Eligibility. Enumerates the requirements for a LEA or other educational consortium to receive assistance under Magnet Schools Assistance.

Section 5106. Applications and Requirements. Enumerates the Applications, and Information and Assurances that each LEA or other educational consortium must provide to receive assistance under Magnet Schools Assistance.

Section 5107. Priority. Requires the Secretary to give priority to applicants who demonstrate the greatest need, propose to expand or revise magnet school projects, and propose to select students for Magnet Schools by a lottery system.

Section 5108. Use of Funds. Enumerates the permissible usage of grant funds provided under Magnet Schools Assistance.

Section 5109. Prohibitions. Enumerates the prohibited usage of funds under Magnet Schools Assistance.

Section 5110. Limitations. Places restrictions on the duration of awards, use of planning funds, amount allocated per LEA or other educational consortium who receive grants under this Part, and directs the Secretary, to the extent practicable, to distribute grants no later than July 1 of the applicable fiscal year.

Section 5111. Evaluations. Permits the Secretary to carry out evaluations, technical assistance, and dissemination projects assisted under this Part. Enumerates the minimum requirements each evaluation shall address.

Section 5112. Authorization of Appropriations; Reservation. Authorizes funding for Magnet Schools Assistance for Fiscal Years 2000-2004. Directs the Secretary to give priority to LEAs or other educational consortia that did not receive grants in the previous fiscal year if the amount appropriated is greater than \$75,000,000.

Section 202. Continuation of Awards. Continues grants for any entity that was awarded an Innovative Programs grant prior to the date of the enactment of this Act.

Title IV, Indian, Native Hawaiian, and Alaskan Native Education.

Section 401. Amendments. Amends Part A, Indian Education, of Title IX of the Elementary and Secondary Education Act of 1965, as amended, by repealing previous sections 9123 (Indian student fellowships), 9124 (Indian gifted and talented grants), 9125 (tribal education administration development) and repealing subpart 3 (which consists of section 9131, improvement of Indian adult education), and by further amending Part A to read as follows:

Subtitle A — Indian Education

Section 9101. Findings. Sets forth the findings for Part A.

Section 9102. Purpose. Describes the purposes of Part A.

Subpart 1 — Formula Grants to Local Educational Agencies

Section 9111. Purpose. States that the purposes of Subpart 1 are to support local educational agencies (LEAs) in assisting Indian students to meet challenging State standards.

Section 9112. Grants to Local Education Agencies. Permits grants to LEAs with a minimum number or proportion of Indian students and describes circumstances under which Indian tribes may receive such grants.

Section 9113. Amount of Grants. Sets forth provisions relating to the amount of grants and of an allocation to the Secretary of the Interior for schools funded by the Bureau of Indian Affairs (BIA).

Section 9114. Applications. Sets forth requirements for applications for grants, including requirements for comprehensive LEA programs developed with and approved by a committee of parents of Indian children, teachers, and students in the local LEA.

Section 9115. Authorized Services and Activities. Describes authorized services and activities, allows for funds under this subpart to be used for school-wide projects, allows use of funds under this subpart to be used in school-wide projects and limits administrative costs.

Section 9116. Integration of Services Authorized. Permits LEAs receiving grants to integrate all funds from all federal programs serving Indian students into a comprehensive program for the education of Indian students, according to a plan approved by the Secretary of Education or the Secretary of the Interior. Sets forth plan requirements, federal responsibilities, administrative requirements, and required reports from the Secretary of Education.

Section 9117. Student Eligibility Forms. Enumerates the information requirements for student eligibility forms, requires the Secretary of Education to review a sample of such forms, sets child-count guidelines, and establishes criteria for tribal schools' child counts.

Section 9118. Payments. Sets forth provisions relating to payments to LEAs.

Section 9119. State Educational Agency Review. Requires LEAs to submit applications to State educational agencies for review and possible comment.

Subpart 2 — Special Programs and Projects to Improve Educational Opportunities for Indian Children

Section 9121. Improvement of Educational Opportunities for Indian Children. Permits grants for improvement of educational opportunities and achievement for Indian children, defines the entities eligible for such grants, describes authorized activities, sets grant and application requirements, and limits administrative costs.

Section 9122. Professional Development for Teachers and Education Professionals. Permits grants for educational training programs for Indians in educational professions serving Indian people, defines eligible entities, describes authorized activities, and requires a service obligation for recipients receiving training.

Subpart 3 — National Research Activities

Section 9141. National Activities. Permits the Secretary of Education to carry out national research, evaluation, and data-collection activities related to the education of Indian children and adults, permits grants to eligible for entities for such activities, and requires consultation with the Office of Educational Research and Improvement.

Subpart 4 — Federal Administration

Section 9151. National Advisory on Council on Indian Education. Establishes the National Advisory Council on Indian Education to advise the Secretary of Education on department programs benefiting Indian people.

Section 9152. Peer Review. Permits the Secretary to use a peer review process for applications under subparts 2 or 3.

Section 9153. Preferences for Indian Applicants. Directs the Secretary to give preference to Indian tribes, organizations, and higher-education institutions in awarding grants under subparts 2 or 3.

Section 9154. Minimum Grant Criteria. Establishes minimum criteria to receive grants under subpart 2.

Subpart 5 — Definitions; Authorizations of Appropriations

Section 9161. Definitions. Contains definitions of terms used in Part A.

Section 9162. Authorization of Appropriations. Authorizes appropriations for fiscal years

2000 through 2004 to carry out subpart 1, 2, and 3.

Section 402. Native Hawaiian Education. Repeals Part B, Native Hawaiians, of Title IX of the Elementary and Secondary Education Act of 1965.

Section 403. Alaskan Native Education. Amends Part C, Alaska Native education, of Title IX of the Elementary and Secondary Education Act of 1965. Repeals the Alaska Native Educational Planning, Curriculum Development, Teacher Training and Recruitment program, Alaska Native Home Based Education for Preschool Children program, and Alaska Native Student Enrichment program. Creates a new Section 9304.

Section 9304. Program Authorized. Permits the Secretary to make grants and contracts with, specified Alaska Native and other entities for Alaska Native educational activities, including development and implementation of educational plans, curriculum development, professional development for educators, teacher recruitment, home instruction for preschoolers, family literacy services, student enrichment in science and math, research activities, and other activities consistent with the purposes of Part C. Describes home instruction programs, limits administrative costs, and authorizes appropriations for fiscal years 2000 through 2004 to carry out Part C.

Subtitle B- Amendments to the Education Amendments of 1978

Section 410. Amendments to the Education Amendments of 1978. Amends Part B of Title XI of the Education Amendments of 1978 as follows:

Section 1120. Findings and Declaration of Policy. Sets forth findings and declares Congressional policy.

Section 1121. Accreditation and Standards for the Basic Education of Indian Children in Bureau of Indian Affairs Schools. Provides for accreditation and standards for basic education of Indian children in schools operated by BIA and in contract and grant schools. It states the purpose of standards for Bureau-operated schools, encourages school boards to adopt declarations of educational purpose, and mandates a study to revise standards for Bureau-funded schools. Published minimum academic standards are to be revised and applied to Bureau-funded schools not otherwise accredited. Bureau-funded schools may elect to meet standards of accreditation as set forth by a tribal, State, regional, or national accrediting body (if tribal standards meet State standards) instead of those set by the Bureau. Alternative standards are allowed if they meet State minimum standards. Tribes or school board may waive standards and substitute more appropriate standards, but the Secretary of the Interior may reject the tribal standards. The Secretary must make an annual plan for meeting the standards. Federal educational funds may be used school-wide, and the Bureau must establish fiscal and accounting standards for contract and grant schools. Sets forth the requirements for closing or consolidating Bureau-operated schools, and requires tribal approval for closure or consolidation of Bureau-funded schools. Identifies procedures and criteria for secretarial consideration of applications to contract or grant non-Bureau-funded schools or to expand Bureau-funded schools. None of this section's provisions may preclude expansion at a Bureau-funded school where expansion and its maintenance is paid for by non-Bureau funds. Directs the Comptroller General to conduct a study of the adequacy of funding for Bureau funded schools, and the formulas used by the Bureau to establish such funding levels.

Section 1122. National Criteria for Home Living Situations. Requires the Secretary to revise and implement national criteria for home-living (dormitory) situations at Bureau-funded boarding schools and dormitories

Section 1123. Regulations. Incorporates certain Bureau education regulations and sets requirements for changes in other Bureau education regulations.

Section 1124. School Boundaries. Directs the Secretary to establish geographical attendance areas for Bureau-funded schools, enumerates schools' responsibility for educating children in their areas, and provides for changes in school boundaries and tribal provision of parental school choice.

Section 1125. Facilities Construction. Directs the Secretary to bring Bureau-funded school facilities into compliance with tribal, State, and federal health and safety standards. Requires publication of the Bureau's system for prioritizing school replacement and construction projects, establishment of a long-term construction and replacement listing for all Bureau-funded schools, and distribution of school operation and maintenance funds by formula. Sets forth procedures for school closure or curtailment because of hazardous conditions at Bureau-operated schools.

Section 1126. Bureau of Indian Affairs Education Functions. Describes and assigns Bureau education functions and responsibilities for policy and procedure, supervision of education-related personnel (including school-related finance, contracting, and facilities management personnel), program evaluation, and provision of support and technical assistance. Directs the Assistant Secretary to submit annual plans for school construction, operation, and maintenance. Authorizes the Director of the Bureau's education program to accept gifts and bequests for Bureau-operated schools.

Section 1127. Allotment Formula. Directs the Secretary to establish an allotment formula for funding each Bureau-funded school, identifies factors to be considered in such formula, and allows for formula revision to meet standards, pro rata allotment of Bureau education appropriations, formula adjustments for certain factors, and reservations for school board activities and for emergencies. Provides definitions eligible Indian student for this section and permits non-eligible students to pay tuition to attend BIA funded schools. Authorizes funding for students attending Richfield Dormitory, Utah.

Section 1128. Administrative Cost Grants. Directs the Secretary to provide administrative cost grants to tribes or tribal organizations operating contract or grant schools, establishes a method for calculating the amount of such grants, allows grant recipients to combine grants with other administrative accounts, and defines terms used in this section. Requires a report on determining factors affecting tribal educational administrative costs, and authorizes appropriations for the appropriate fiscal year.

Section 1129. Division of Budget Analysis. Directs the Secretary to establish a division of budget analysis within the Office of Indian Education Programs to prepare projections of the amounts necessary to fund Bureau education programs.

Section 1130. Uniform Direct Funding and Support. Directs the Secretary to establish a system of uniform direct funding and support of Bureau-funded schools, based on the allotment formula in section 1127. Sets forth the timing and proportions of allotment distribution under the system, requires that expenditures for Bureau-operated schools be under local financial plans, and authorizes summer academic and support programs at Bureau-operated schools. Allows Bureau school supervisors to make acquisitions without competitive bidding under certain circumstances, sets requirements for funding educational technical assistance and training, allows a student project to be given to the student, excludes funding under this title from being considered federal funds for matching purposes, and authorizes cooperative agreements between Bureau schools, tribes, and LEAs.

Section 1131. Policy for Indian Control of Indian Education. Establishes the policy for the Secretary of Indian control of Indian education and requires consultation with tribes.

Section 1132. Indian Education Personnel. Directs the Secretary to set forth regulations to govern educational personnel, including qualifications, hiring, discharge, Indian preference,

compensation, leave, voluntary services, proration of pay, extracurricular activities, and furloughs, and defines the terms used in the section.

Section 1133. Computerized Management Information System. Directs the Secretary to establish a management information system in the Bureau education program office and at Bureau funded schools.

Section 1134. Uniform Education Procedures and Practices. Directs the Secretary to set forth uniform procedures and practices for Bureau education.

Section 1135. Recruitment of Indian Educators. Directs the Secretary to set forth a policy of recruitment of Indian educators.

Section 1136. Biennial Report; Audits. Directs the Secretary to conduct a biennial report to Congress on the Bureau's Indian education program and tribally controlled community colleges, and directs the Interior Department's Inspector General to ensure audits of Bureau-funded schools at least every three years.

Section 1137. Rights of Indian Students. Directs the Secretary to set forth rules and regulations to ensure the constitutional and civil rights of Indian students attending Bureau-funded schools.

Section 1138. Regulations. Permits the Secretary to set forth regulations for compliance with this title, in consultation with interested parties.

Section 1138A. Sets forth procedures for negotiated rulemaking.

Section 1139 Early Childhood Development Program. Directs the Secretary to make grants to eligible tribal entities for early childhood development programs, establishes a formula for grant amounts, requires applications, describes permissible activities, requires coordination of family literacy services, and authorizes appropriations.

Section 1140. Tribal Departments or Divisions of Education. Permits the Secretary to provide grants for the development and operation of tribal departments of education, describes grant purposes, sets priorities for grant awards, and authorizes appropriations.

Section 1141. Definitions. Includes definitions of terms used in Part A.

Subtitle C - Tribally Controlled Schools Act of 1988

Section 420 amends Part B of Title V of P.L. 100-297 as follows:

Section 5202. Findings. Sets forth the findings of Congress.

Section 5203. Declaration of Policy. Declares Congress' policy to maintain the federal government's trust relationship with Indian education, and affirms that the educational needs of the Indian peoples can best be met through a grant process.

Section 5204. Grants Authorized. Directs the Secretary to make grants to Indian tribes and tribal organizations to operate tribally controlled schools, including Bureau-funded schools, for educational expenditures for educational, academic, residential, counseling, and administrative purposes, school operation and maintenance, and support services for the schools, including transportation. Limits an Indian tribe or organization to one grant for any fiscal year, limits certain uses of funds, and limits transfers of funds among school sites. Tribes are not authorized to require grant recipients other than the tribe to move funds between other grantees. Provides that applications for grants shall be voluntary, allows retrocession of grants, and prohibits termination of grants for administrative convenience.

Section 5205. Composition of Grants. Describes the funds (and their statutory sources) of which the grants may be composed, exempts funds granted from certain Bureau requirements, requires separate accounts for facilities repair and construction funds and restricts use of such funds to those uses.

Section 5206. Eligibility of Grants. Sets forth grant eligibility criteria for Bureau-funded schools and for non-Bureau-funded schools, additional criteria and factors to be considered by the Secretary in determining eligibility. Specifies where reports are to be filed, requires documentation of tribal authorization of an application (while not making the tribe a party to a separate organization's grant or responsible for the grantee's actions), and provides for appeals of denied applications.

Section 5207. Duration of Eligibility Determination. Provides that the Secretary's determination that a tribally controlled school is eligible for a grant shall remain in effect until it is revoked by the Secretary, and may not be revoked if specified conditions are being met. Requires grantees to submit annual reports and specifies their contents, including impartial evaluations.

Section 5208. Payment of Grants; Investment of Funds. Sets forth procedures for payments to grantees, provides that interest accruing on grants shall be the property of the grantee and shall be spent on behalf of the tribally controlled school. Limits investment of grant funds, excludes grant funds from federal underrecovery or overrecovery determinations, and excludes grant funds from State computations for determining State aid to schools.

Section 5209. Application with Respect To Indian Self-Determination and Education Assistance Act. Applies certain provisions of the Indian Self-Determination and Education Assistance Act of 1975 to grants under Part B, allows self-determination contractors for relevant programs to switch to coverage under this part, prohibits duplication of payments under the Indian Self-Determination act and this part, and applies certain provisions of that act and the Equal Access to Justice Act to problems or disputes arising under Part B or administrative cost grants. Permits transfer and carryover of buildings, equipment, and funds to grantees.

Section 5210. Role of the Director. Describes the role of the Director of the Office of Indian Education Programs.

Section 5211. Regulations. Incorporates certain Bureau education regulations and sets requirements for changes in other Bureau education regulations.

Section 5212. The Tribally Controlled Grant School Endowment Program. Limits the areas in which the Secretary may issue regulations under Part B, and prohibits regulations under this part from having the standing of federal statute in judicial review.

Section 5213. Definitions. Contains definitions of terms used in Part C.

Title V, Gifted and Talented Children.

Section 501 amends Part B of Title X of Elementary and Secondary Education Act relating to Gifted and Talented Children.

Section 10201 contains the short title.

Section 10202 contains the findings.

Section 10203 contains the conditions of effectiveness for Subparts 1 and 2.

Section 10211 defines the purpose of Subpart 1.

Section 10212 authorizes grants to meet the educational needs of gifted and talented children, including provisions for the establishment of the program, use of funds, and coordination.

Section 10213 defines program priorities, including general priority, service priority, and subgrants to local educational agencies.

Section 10214 defines general provisions for Subpart 1, including requirements for review, dissemination, and evaluation; and program operations.

Section 10221 defines the purpose of Subpart 2.

Section 10222 authorizes the establishment of the program and use of funds for Subpart 2, including general provisions, authorized activities, competitive process, and limitations on the use of funds.

Section 10223 contains the provisions for allotment to States, including reservation of funds, State allotments, minimum grant amount, and reallocation.

Section 10224 defines the application for Subpart 2, including general provisions, contents, and approval.

Section 10225 defines the conditions for annual reporting for Subpart 2.

Section 10231 contains provisions for the Center for Research and Development, including general requirements, the director's responsibilities, and coordination.

Section 10241 stipulates that nothing in this part shall be construed to prohibit a recipient of funds from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

Section 10242 allows for the participation of private school children and teachers.

Section 10243 contains definitions.

Section 10244 provides for the authorization of appropriations, including the amounts for Subparts 1, 2, and 3.

Title VI, Rural Education Assistance.

Section 601 amends Part J of Title X of the Elementary and Secondary Education Act relating to Rural Education.

Section 10951 contains the short title.

Section 10952 contains the findings.

Section 10961 authorizes a formula grant program for Subpart 1 for small and rural schools, including alternative uses, eligibility, applicable funding, disbursement, supplement not supplant conditions, and consideration of a special rule.

Section 10962 authorizes the program for Subpart 1, including general provisions, eligibility, certification, allocation of funds, disbursement, special rule of effectiveness, and

supplement not supplant conditions.

Section 10963 sets forth the accountability requirements for Subpart 1, including academic achievement and State educational agency determination regarding continuing participation.

Section 10971 authorizes the program for Subpart 2, including reservations, grants to States, and local awards.

Section 10972 defines the State distribution of funds for Subpart 2, including provisions for award basis and administrative costs.

Section 10973 sets forth provisions for applications under Subpart 2.

Section 10974 defines provisions for reports under Subpart 2, including State reports, specially qualified agency reports, and a report to Congress.

Section 10975 contains definitions for Subpart 2.

Section 10981 contains a definition for this Part.

Section 10982 provides for the authorization of appropriations, including the amounts for Subparts 1 and 2.

Title VII, McKinney Homeless Education Improvements.

Section 701 contains the short title.

Section 702 contains the findings.

Section 703 defines the purpose.

Section 704 amends Subtitle B of Title VII of the Stewart B. McKinney Homeless Education Assistance Act.

Section 721 contains the statement of policy for the education of homeless children and youth.

Section 722 provides State and local grants, functions of the Office of Coordinator, and State plan.

Section 723 provides for local educational agency grants for the education of homeless children and youth, including provisions for grants for State and local activities for the education of homeless children and youth, including provisions for general authority, application, allocation and reservations, activities, for general authority, application, awards, and authorized activities.

Section 724 defines Secretarial responsibilities, including provisions for review of plans; technical assistance; a report to be made available to States, local educational agencies, and other applicable agencies; evaluation and dissemination; submission and distribution; determination by the Secretary; information; and a report to Congress.

Section 725 contains definitions.

Section 726 provides for the authorization of appropriations.

EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch. This bill authorizes Title I of the Elementary and Secondary Education Act and other programs assisting low achieving students. The bill does not prevent legislative branch employees from receiving the benefits of this legislation.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104-4) requires a statement of whether the provisions of the reported bill include unfunded mandates. This bill authorizes Title I of the Elementary and Secondary Education Act and other programs assisting low achieving students. As such, the bill does not contain any unfunded mandates.

ROLL CALL VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

****(Insert blank page or -- No recorded votes were taken on H.R. ****.)

CORRESPONDENCE

STATEMENT OF OVERSIGHT FINDINGS

AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of Rule XIII and clause (2)(b)(1) of Rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of Rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of Rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the

Committee has received the following cost estimate for H.R. 2 from the Director of the Congressional Budget Office:

--insert CBO statement here--

STATEMENT OF OVERSIGHT FINDINGS OF THE COMMITTEE ON GOVERNMENT REFORM

With respect to the requirement of clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on the subject of H.R. 2.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to lay and collect taxes, duties, imports and excises, to pay the debts and provide for the common defense and general welfare of the United States.

COMMITTEE ESTIMATE

Clauses 3(d)(2) of Rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 2. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

-insert ramseyer here-

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Summary of House passed H.R. 2 (Title I bill)

Below is a summary of the House passed version of H.R. 2. This summary does not encompass every issue, but is designed to describe major changes to each included program. The summary is organized by each Title's designation in current law, not the actual the House passed bill.

Title I, Part A

The bill, in this part, nearly keeps the entire structure and focus of the 1994 reauthorization of ESEA, particularly in the area of standards and assessments, within district targeting, and formula.

Authorization Levels

Sets authorization levels for programs in Title I, except Part B - Even Start (current law is in brackets): Part A: \$9.85 billion (\$7.4 billion), Part C - \$400 million (\$310 million) - Part D - \$50 million (\$41 million), 1120(e) Capital Expenses - \$24 million in 2000, \$16 million in 2001, and \$8 million in 2002, program repealed after 2002, Sec. 1501 - \$7.5 million (\$9 million), Sec. 1502/1503 (Authority used to fund CSRD) - \$175 million (\$50 million)

Standards, Assessments, Adequate Yearly Progress

Standards and Assessments - The bill continues the implementation of State content and performance standards and aligned assessments adopted in the 1994 reauthorization. States would be expected to have their content and performance standards in place by the date of enactment. States would also be required to have their final aligned assessments in place by the 2000-2001 school year (current law requirement), but would be allowed a one-time, one-year waiver of these requirements to complete development and implementation - States would not be permitted to get a waiver of these requirements under any other waiver authority. States not complying with these requirements could lose Title I administrative funding.

States would be required to test LEP children in the language and form most likely to yield valid results, except that students who attend U.S. schools for 3 consecutive years would be required to be tested in English on reading or language arts assessments. A waiver of this requirement for one additional year may be provided on an individual, case by case basis if testing a child in a language other than English is more likely to yield accurate and reliable information. In addition, parental consent would be required to be obtained for LEP children prior to their placement in a program of English language instruction. If parental consent cannot be obtained due to lack of a response, the school district may serve the such children after making a final attempt to gain consent and waiting 10 business days for a response. As in current law, assessments must enable results to be disaggregated by at-risk categories of children.

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Adequate Yearly Progress - This section is dramatically different from current law. In current law, States define adequate yearly progress (AYP), consistent with Secretarial regulations. The manager's amendment would require AYP to be defined as: applying the same standards to all students; taking into the account of all students, using the State's standards and assessments, and comparing the achievement of at-risk subgroups and students at each of the performance levels, including annual numerical goals for student performance, and including a 10 year time line for at-risk groups of students to meet the State's proficient standard of achievement.

Academic Awards - The bill would allow States to reserve up to 30 percent of each years increase in appropriations to reward schools which close the achievement gap between disadvantaged students and their non disadvantaged peers.

Administrative Funding/School Improvement Reservation

Current Law allows States to reserve 1% of their Title I allocation for State administrative expenses and .5% for technical assistance to schools in school improvement and corrective action and local educational agencies in improvement and corrective action. The manager's amendment would allow States to reserve the same amount of funding for administration that they did in FY 99, up to 1% of their FY 99 allocation. There would be an authorization of appropriations for States to receive additional administrative funding. It would maintain the existing .5% setaside for improvement/corrective action.

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Within District Targeting

Sec. 1113 of current law contains provisions which govern the distribution of Part A funding within an LEA. The manager's amendment essentially maintains the basic targeting provisions of current law while including some priority for serving schools with grades K-6 below 75% poverty:

Issue	Current Law	Working Group Draft
75% and higher poverty schools	An LEA is first required to rank schools above 75% poverty from the highest poverty to the lowest and serve such schools, in rank order.	The policy in current law would be maintained, with the addition that school districts may give priority to fund elementary schools, in rank order before other schools.
75% and lower poverty schools	For schools below 75%, LEAs are permitted to serve all grade spans (elementary, middle, or high school), or just one specific grade span (for instance only elementary schools) in rank order to the average school district wide poverty percentage. LEAs are permitted to make any school above 35% poverty eligible for Title I funding. LEAs with less than 1000 total enrollment do not have to follow the ranking and eligible school provisions of section 1113	The policy in current law would be maintained, with the addition that school districts may give priority to fund elementary schools, in rank order before other schools.
125% rule	If a school district serves schools below 35% poverty, they must allocate to each school a per pupil allocation of 125%. This has the effect of limiting how low school districts can go in funding schools below 35% poverty.	Maintains current law

School wide percentage

Current law, consistent with Ed-Flex and Title 14 waiver authority, allows schools with 50% and higher poverty to operate schoolwide programs. The committee reported bill would allow

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schools with 40% poverty and higher to operate schoolwide programs.

1115A - Permissive Public School choice authority

Current law allows LEAs to utilize Title I funding to implement a public school choice plan. This is maintained mostly with technical changes. In addition, Title I funding could be used under this authority to provide the costs of transportation for children in public choice programs.

1115B - Public School Choice for victims of violent crimes and those in “unsafe schools”

On the floor, an amendment was adopted to (1) require school districts to offer public school choice to a student who is the victim of a violent crime on school grounds; and (2) allow (permissive) school districts to provide public school choice to a student who attends an “unsafe” school. Schools are defined as “unsafe” by the State.

School Improvement/Corrective Action

Current law has two levels of identification for improvement status and corrective action: school level and LEA level:

School level improvement and corrective action: Schools are identified for school improvement after two consecutive years of failing to meet adequate yearly progress. Schools are placed in corrective action after failing to make adequate yearly progress during their third year as a school in school improvement. Due to States not having their final assessments in place (see above) corrective action under current law is restricted to essentially technical assistance.

LEA improvement and corrective action: This mirrors the structure for schools, only applies to LEAs.

The bill would basically maintain current law with the following changes:

Corrective Action: An LEA/State would be required to select a corrective action, other than technical assistance (since States would have their final aligned assessments in place) from a menu of options similar to current law.

School Improvement Choice Program: Within 18 months of a school being placed in school improvement status, an LEA would be required to implement a public school choice program for students attending such school in school improvement. This program would be required to be “unless the option to transfer is prohibited by State law, or local law, including school board approved LEA policy.” Schools presently in school improvement status before the enactment of this bill would have 18 months to implement a public school choice plan. Public school choice plans implemented pursuant to this provision would have to be continued at least 2 years after a school loses its designation as a school in school improvement.

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Parental Involvement

Current law requires school districts to set aside up to 1% of funds for parental involvement. While the staff draft maintains this set aside and requires that 90% of the funds set aside to be disbursed to schools within the LEA, it also strengthens parental involvement provisions in various sections of the bill. In addition, LEAs would be allowed to establish a parent advisory council.

Teachers and Paraprofessionals

The staff draft would include the teacher quality provisions from H.R. 1995, the Teacher Empowerment Act, regarding fully qualified teachers and that State would be required to have a plan ensuring that all teachers would be fully qualified by 2003. Through a floor amendment, an option activity from current law was added back to allow for professional development dealing with gender equity. Through a floor amendment, a new optional activity was added to allow for instruction of teachers, principals and guidance counselors to work with parents and students from groups such as females and minorities who are underrepresented in careers such as math, science and technology.

Paraprofessionals - Current law requires paraprofessionals to have a high school degree, or its equivalent, or be within 2 years of obtaining either. Paraprofessionals who are proficient in a language other than English are exempt from this requirement if such proficiency is necessary to ensure the participation of an LEP child. Paraprofessionals are required to be under the direct supervision of a teacher.

The House passed bill would freeze the hiring of new paraprofessionals by an LEA, except to fill a vacancy, until all the teachers in the LEA are fully qualified. New paraprofessionals hired one year after the effective date of the bill would be required to have: 2 years of study at an IHE; an AA or higher degree; or met a rigorous standard of quality that demonstrates through a formal assessment their knowledge of, and ability to instruct in reading, writing, and math or reading readiness, writing readiness, or math readiness. LEAs would be required to submit the criteria for these assessments as a part of their plan for Title I funds to the State. Existing paraprofessionals, and those hired within one year of the effective date of the bill, will have until 2003 to meet these requirements. Paraprofessionals who provide translation services and solely do parental involvement activities would not be required to meet the new paraprofessional requirements, but all paraprofessionals would be required to have a high school diploma or GED, regardless of hiring date. A paraprofessional would be prohibited from providing instructional services to a student unless under the direct supervision of a fully qualified teacher. LEAs shall require the principal of each school to verify compliance with this section.

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Private Schools

Current law provides for the equitable participation of children enrolled in private schools. Current law also requires school districts to provide meaningful consultation to private school officials to determine the services provided to private school children. Current law does provide for an LEA to use a “third-party” contractor to provide services and requires the Secretary to “bypass” an LEA which is (1) prohibited by law from providing for the participation of private school children, or (2) if the LEA has substantially failed or is unwilling to provide such services.

The committee reported bill would make the following changes:

Consultation: Stronger consultation between private school officials and the LEA in determining services to private school children, including hearing the views of private school officials on the use of third party contractors and which third party contractor may provide such services. Private school officials who feel that the LEA did not provide meaningful consultation will have the right to appeal to the State.

Allocations: LEAs will be required to select from three options in determining the allocation for private school services: using the same method as determining the need for public school children, using a survey instrument, or applying the proportionate share of poor children in eligible Title I schools to the number of private school children in the LEA. LEAs would have the final authority to decide which option to utilize.

Bypass: The bill would clarify that in making a determination of whether to bypass an LEA, the Secretary would have to consider size, scope, location and quality of existing services.

Formula

Maintains current law with the following major changes:

New funding distribution between targeted and basic and concentration grant formulas: 50% of funding above the 2000 appropriation would be allocated under the targeted formula, 50% of funding above the 2000 appropriations would be allocated between the basic and concentration grant formulas, consistent with the current ratio between the two formulas 85%/15%.

Concentration Grant Hold Harmless: The bill would establish an 85% hold harmless for concentration grant allocations to LEAs, including LEAs that fail to meet the minimum eligibility criteria (6500 poor children or 15% LEA wide poverty) for four consecutive years.

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School Report Cards

Adds a new section to current law: States, LEAs, and schools would be required to issue report cards on aspects of student performance and teacher qualifications, or if they did not issue report cards, or did not desire to issue the information required to be issued under this bill, through some other public means. Parents would be allowed to request information on their child's teacher's qualifications and would be sent information on their individual performance.

Title I, Part C - Migrant Education

The Migrant Education Program presently provides grants to States to provide for the education of migratory students.

The manager's amendment would make several major changes:

Modifies the Federal to State formula

Current law provides funds to states based on the number of children who reside in the State full time and the number of "full-time equivalents" who reside in the State part of the year. The bill would change the formula to provide funding to States based on the number of migrant children who reside in the State and the number of migrant children served in summer or intercession programs. Coupled with this change in formula would be a FY 2000 hold-harmless, guaranteeing that each State receive the funding it got in FY 2000.

Migrant Student Records

Current law requires the Secretary to work with States in facilitating the transfer of migrant student records. This requirement has not produced effective records transfer systems. The bill would require the Secretary, in consultation with the States to develop a set of common data elements to be used in transferring migrant student records. LEAs which receive funds under this Part would be required to transfer migrant student records at no cost to other LEAs. The Secretary would be permitted to encourage States to adopt electronic transfer of migrant student records.

Incentive Grants

The Secretary would be authorized to provide incentive grants to State which form consortia to improve services to migrant students. Grants could be up to \$250,000 and the Secretary could reserve \$3 million, out of an authority to reserve \$10 million, for this purpose

Title I, Part D - Neglected and Delinquent

Current law provides grants to State education agencies, who in turn provide grants to state agencies and local education agencies to develop educational programs for neglected and delinquent children and youth at risk of dropping out of school.

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The program maintains a focus on educational programs for neglected and delinquent children. However, some focus is shifted away from the at-risk youth and towards educational support for children returning from correctional facilities. The bill would establish a “Transitional and Academic Services Program,” to provide for the transitional and academic needs of students returning from correctional facilities. In addition, through a floor amendment, Part D programs will have to focus, among other populations, on pregnant and parenting teens.

Title I, Part F - General provisions

Current law contains the negotiated rulemaking provisions pertaining to Title I, authorizes the Secretary to create a Title I policy manual and includes the provision allowing States to reserve 1% of Title I funds for administrative purposes

The House passed bill would maintain negotiated rulemaking for certain provisions in Title I, delete the authority for the Secretary to create a Title I policy manual, and establish a 4% LEA administrative cap on spending. This Part would also require the Secretary to develop a definition of administrative costs. In addition, several GAO studies would be included in this Part dealing with electronic transfer of migrant student records and an analysis of the Ed-Flex Partnership Act.

Title I, Part G - Comprehensive School Reform

The bill adds a new Part G that would authorize the existing Comprehensive School Reform Program in statute. The bill closely mirrors the policy articulated in the 1997 Labor/HHS appropriations conference report.

Title 5, Part A - Magnet Schools

Current law supports magnet schools in LEAs that are implementing school desegregation plans. The purpose of the program is to address minority group isolation in schools, and to support instruction within magnet schools that will provide all students the opportunity to meet challenging State content and student performance standards. Only LEAs currently implementing a desegregation plan ordered by a court or state official or voluntarily agreeing to adopt a desegregation plan can receive assistance under this program. Grant recipients receive three-year awards which cannot exceed \$4 million per year.

The bill makes mostly technical changes to current law.

Title 5, Part B - Women’s Educational Equity Act (WEEA)

Through a floor amendment, the authorization of WEEA was extended for five additional years.

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New Title 5, Part C - Public School Choice

The House passed bill also authorizes a new program providing additional funding for public school choice through competitive grants available for up to three years. These grants would support the demonstration, development, implementation, evaluation and dissemination of information about public school choice projects in all schools and contribute to standards-based reform efforts, including public schools at work sites or on college campuses, or options for postsecondary enrollment under this new authority. Districts and states could apply for grants that would fund choice activities.

Title 7 - Bilingual and Emergency Immigrant Education Act

Through a floor manager's amendment, Title 7 (Bilingual and Emergency Immigrant Education) was reauthorized and modified. Below is a description of the major provisions of the floor manager's amendment.

Federal to Local vs. State Grants

Current law provides for the Secretary to make competitive grants to "eligible entities" for four different types of grants - Program Development and Implementation (initial development and implementation of new programs); Program Enhancement Projects (enhancing existing programs); Comprehensive School Grants (schoolwide program upgrading); and Systemwide Improvement Grants (upgrade an entire LEA's program). Eligible entities are defined slightly differently in each grant section, but generally are defined as local educational agencies (LEAs), or LEAs in consortia with institutions of higher education or community based organizations. Current law also provides a separate State grant program that provides States with either 5% of the funding received by eligible entities in a State or \$100,000, whichever is greater for data collection and administration.

The manager's amendment would trigger a new grant State formula grant structure upon the appropriations for Instructional Services (presently Subpart 1 of Part A of Title VII) reaching \$220 million (FY 99 appropriations are \$160 million). Under this new grant structure, the Secretary would make formula grants to the States, based on their number of limited English proficient (LEP) children. States would then send this funding to eligible entities - 50% to the LEAs with a large number or percentage of LEP children, based on enrollment, and 50% competitive.

Three Separate Part A authorizations vs. One Part A authorization

Current law provides one authorization for all of Part A and its three separate programs: Instructional Services (Subpart 1), Support Services/Research (Subpart 2), and Professional Development (Subpart 3). The managers amendment would provide a separate authorization for each category - Instructional services (now separated into Subpart 1 - current law structure and Subpart 2 - State Grants structure) \$215 million and such sums, Research (now Subpart 3) \$16 million and such sums, Professional Development (now Subpart 4) \$55 million and such sums.

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Parental Consent/Notification

Current Law (Title VII) requires LEAs to give parents information on the programs their children are being placed in and allow for parents to “opt-out” their children from the program.

Under the manager’s amendment (under Title VII and Title I, Part A) LEAs would be required to attempt to obtain parental consent for a child’s placement in an English language instruction program which does not primarily use English in instruction or where instruction is tailored for LEP children. Depending on whether a child is returning from one school year to the next or whether they enroll on the first day of school, LEAs have different requirements they must meet in attempting to obtain parental consent. For children who are identified prior to the beginning of the school year (i.e. identified during the previous school year and returning to school the following year) the LEA has to make reasonable and substantial efforts to gain parental consent. The LEA can do this through written or other means, but if they do not get written parental consent they must document when and how the consent was obtained. If the LEA doesn’t receive a response from the parent after making such efforts, they must deliver proof of their efforts to contact the parent and a final request for parental consent prior to serving the child. After mailing or delivering this documentation, the LEA is required to provide the child with appropriate educational services. This structure would provide LEAs with the entire summer to gain parental consent, thereby ensuring that children will be appropriately served on the 1st day of school, even if their parents do not respond to attempts to gain consent.

For children not identified as LEP prior to the school year (i.e. those children who enroll on the first day of school or during the school year) an LEA must document efforts to obtain consent prior to serving the child. After documenting the LEA is required to provide the child with appropriate educational services. The LEA must then deliver notification of the child’s placement and information on how to remove the child from such placement to the parent. This structure would ensure that LEAs only have to make an effort to gain consent and after making such effort be required to serve the LEP child.

3 Year Program Defunding

There is no such provision in current law. The manager’s amendment would, once the \$220 million trigger takes effect, require States to monitor programs funded with Title VII money to assess whether a majority of students in a program are attaining English proficiency and meeting State academic standards. If a majority of children in a program are not meeting these criteria, then the program would be provided with one year of additional technical assistance. If after one year of technical assistance a program is still failing to meet these criteria, then the State would be required to defund it.

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Professional Development

Current law authorizes one professional development program with 4 separate grant classifications, described in four separate sections: Training for all Teachers (training for all teachers in instructing LEP children), Personnel Grants (training for personnel involved in the education of LEP children), Career Ladder (upgrading skills of noncertified bilingual education instructional staff), and Fellowships (fellowships for masters and doctoral study). This program is funded with a 25% setaside of Part A appropriations.

The bill would maintain a separate professional development program, adding a new separate authorization of appropriations for this subpart. The 4 existing grant classifications are collapsed into one section, while maintaining their separate focuses. The amount of funding that can be used for fellowships and recruitment is capped at 15% of the total appropriation. The amount of funding that can be used to assist a teacher to develop competency in a second language is capped at 10%.

English proficiency, Academics, and Native language

The purpose of the existing Title VII statute is to focus on both English fluency and academics, and to the extent possible, maintaining and developing fluency in the native language.

The manager's amendment strengthens the link between academics and English fluency, but significantly reduces the focus on native language fluency.

Title 9 - Indian, Hawaiian, and Alaskan Education

The House passed bill maintains the existing separate Parts for Title IX Indian, Hawaiian and Alaskan programs.

Part A - Native American Education

Major program changes include:

Strengthened focus on high academic achievement on Indian students in non BIA schools.

Added focus on family literacy to strengthen the literacy of both parents and children.

Increased focus on funding classroom services for Indian children.

Part B - Native Hawaiian Education

Little changes were made to Part B, other than some consolidation of activities.

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Part C - Alaskan Education

Little changes were made to Part C, other than some consolidation of activities.

95-561 (Education Amendments of 1978 dealing with BIA education programs), and the Tribally Controlled Schools Act

The House passed bill also makes changes to P.L. 95-561 and the Tribally Controlled Schools Act.

Major changes to 95-561:

Strengthened standards while giving Tribes more control over their education activities by allowing them to opt for accreditation of BIA schools.

Improved dormitory standards to upgrade the quality of life for Indian students.

Required BIA to invest in maintenance of schools rather than administrative expenses.

Provided tribes with a stronger voice in maintenance priorities.

Increased Tribal flexibility in purchasing supplies for schools.

Allows tribes to select high quality contractors for school board member training.

Tribally Controlled Grant Schools

Major changes include:

The establishment of an endowment program to support BIA school operations and help address limited funding.

Provided BIA schools with more flexibility in investing funds prior to using them for services.

Improved the focus on family literacy services.

Title 10, Part B - Javitz Gifted and Talented Program

The Javits Gifted and Talented Students Education Program awards grants to state and local education agencies, institutions of higher education, and other public and private agencies and organizations for research efforts for gifted and talented education programs. In addition, it also provides funding for a National Center for gifted and talented research

The bill would retain the existing Javitz program and structure, including the National Center,

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until total appropriations reach \$50 million (presently \$6.5 million). At \$50 million, the program would fund grants to States. States would compete grant funds to LEAs to implement gifted and talented programs and research activities.

Title 10, Part J, Subpart II - Rural Assistance Program

Current law provides authority for the Secretary to provide grants to LEAs which have at least 15% total poverty and are not in a metropolitan statistical area (MSA), or whose enrollment is less than 2500 students and does not serve schools in an MSA.

The legislation creates two subparts, each based on existing legislation from Mr. Barrett (H.R. 2725) and Mr. John (H.R. 1868).

Subpart 1 would allow LEAs with less than 600 children and serving communities with a Beale Code (Dept. of Agriculture estimate of ruralness) of 6 through 9 to combine funds from the following programs: Teacher Empowerment Act (Title II and class-size reduction program); Safe and Drug Free Schools; Title VI of ESEA, Title VII of ESEA, and 21st Century Community Learning Centers Program (in another bill the Majority intends to turn this program into a formula grant program to the States). LEAs would receive \$100 per each student, minus the amount of funding provided under combined programs. Each LEA would be guaranteed at least \$20,000 under this authority and would not receive more than \$60,000.

Subpart 2 would allow LEAs that with at least 20% poverty and served by communities with a Beale Code designation of 6 through 9 to receive grants either by a State determined formula based on the number of students, or a competitive grant process. Grant funds may be used for technology, professional development, technical assistance, teacher recruitment and retention, parental involvement activities, or academic enrichment programs.

Steward B. McKinney Homeless Assistance Act

The McKinney Homeless Assistance Act authorizes formula grants to states, based on each State's share of Title I, Part A funding. Grants are used to establish a Coordinator of Education of Homeless Children and Youth office, within each SEA, implement professional development, and provide homeless children with assistance in meeting high academic standards.

The bill incorporates changes sought by both the Administration and Representative Biggert.

*Bill Summary & Status for the 106th Congress***NEW SEARCH | HOME | HELP | ABOUT DIGESTS****H.R.1995** (Major Legislation)SPONSOR: Rep McKeon, Howard P. (Buck) (introduced 05/27/99)**SUMMARY:**

(REVISED AS OF 07/20/99 -- Passed House, amended)

Teacher Empowerment Act - Amends the Elementary and Secondary Education Act of 1965 (ESEA) to revise and rename title II as Teacher Quality (replaces the current title II Dwight D. Eisenhower Professional Development Program).

(Sec. 2) Sets forth a new title II part A Teacher Empowerment program of grants to improve the quality of teaching and learning.

Directs the Secretary of Education to make such grants to States, according to certain hold-harmless provisions and allotment formulas.

Requires States to distribute such grant funds as follows: (1) 95 percent for subgrants to local educational agencies (LEAs) according to specified formulas, with 20 percent of that LEA subgrant total amount reserved for competitive subgrants and at least three percent of the competitive subgrant total amount going to eligible partnerships; and (2) five percent for authorized State activities. Sets forth requirements for coordination, public accountability, and applications, including provisions to ensure program development participation of teachers and parents.

Includes among authorized State activities: (1) reform of teacher certification, recertification, or licensure requirements; (2) support, including mentoring, during the initial teaching experience; (3) alternative routes to State certification of teachers, especially in mathematics and science, for highly qualified individuals; (4) mechanisms to assist LEAs and schools in teacher and principal recruitment and retention; (5) reform of tenure systems and use of teacher testing to remove incompetent and ineffective teachers from classrooms; (6) measurement of performance of professional development programs and strategies; (7) technical assistance to LEAs; (8) promotion of reciprocity of teacher certification or licensure between or among States, without weakening any State requirements; (9) development of cost-effective and easily accessible professional development delivery strategies, including use of technology and distance learning; and (10) assistance to LEAs and eligible partnerships in developing professional development programs to train teachers in the use of technology to improve teaching and learning.

Requires eligible partnerships to use such subgrants for: (1) professional development activities in core academic subjects to ensure that teachers have content knowledge in the subjects they teach; and (2) assistance to LEAs and their teachers, principals, and administrators for professional development activities.

Requires LEAs to use portions of such subgrants for: (1) professional development activities in mathematics and science, in an amount at least equal to that under the current Eisenhower Program (unless given a State waiver); (2) professional development activities that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards; and (3) recruiting, hiring, and training certified teachers, including teachers certified through State and local alternative routes, in order to reduce class size (unless given a State waiver), or for hiring special education teachers regardless of whether such action reduces class size.

Authorizes LEAs to use such subgrants for highly qualified teacher recruitment programs, including: (1)

signing bonuses or other financial incentives for teaching in academic subject areas where there is a shortage; (2) recruiting and providing alternative routes to teacher certification for professionals from other fields; (3) providing increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in teaching; and (4) hiring policies that identify teachers certified through alternative routes and intensively screen for the most qualified applicants.

Authorizes LEAs to use such subgrants also for: (1) highly qualified teacher retention programs (including master teacher mentoring of newly hired teachers, or other incentives for highly qualified teachers to remain in the classroom); (2) teacher quality improvement and professional development programs (including technology training through partnerships with institutions of higher education, delivery of professional development activities through technology and distance learning, tenure reform, merit pay, testing of teachers in the subject areas they teach, instruction in how to teach children with different learning styles, particularly those with disabilities or special learning needs (including gifted and talented), instruction in classroom discipline and identifying early and appropriate interventions), and instruction in how to teach character education in a specified manner; (4) teacher opportunity payments; and (5) professional activities to improve the quality of principals.

Requires LEAs receiving subgrants to: (1) collaborate with teachers, principals, administrators, and parents in preparing subgrant applications; and (2) provide parents information regarding the professional qualifications of students' classroom teachers.

Prohibits the provision of professional development funds from LEA subgrants for a teacher and an activity if the activity is not: (1) directly related to the curriculum and content areas in which the teacher provides instruction; or (2) designed to enhance the teaching of such areas. Permits the use of such funds for instruction in methods of disciplining children. Sets forth various requirements for such professional development activities, including appropriate provision of teacher training in the use of technology to improve teaching and learning in the curriculum and academic content areas they teach.

Authorizes LEAs to use subgrants for teacher opportunity payments to certain teachers or groups of teachers for professional development activities of their own choosing. Requires certain LEAs, if they fail to meet State teaching standards, to make such teacher opportunity payments. Requires providing notice to teachers regarding the availability of such funds. Sets forth a process for selecting teachers in the event of inadequate funds.

Sets forth certain national activities under part A of title II of ESEA.

Authorizes the Secretary to award competitive grants to eligible consortia for Teacher Excellence Academies, in elementary or secondary school facilities, to carry out specified activities promoting alternative routes to State teacher certification, specified model professional development activities, or all such activities.

Authorizes continuation of the Troops-to-Teachers Program under specified conditions.

Authorizes the Secretary to make a grant or contract to continue the Eisenhower National Clearinghouse for Mathematics and Science Education.

Directs the Secretary to make competitive grants for professional development for principals as leaders of school reform to eligible partnerships of higher education institutions, LEAs, and other entities.

Authorizes the Secretary to make a grant or contract, to an organization or institution with substantial experience in entrepreneurship education, for a National Clearinghouse for Teacher Entrepreneurship to: (1) coordinate professional development opportunities for teachers; (2) collect and disseminate curricular materials; and (3) undertake other activities to encourage teacher interest and involvement in entrepreneurship education, particularly for teachers of grades seven through 12.

Authorizes the Secretary to make competitive grants to eligible rural LEAs to: (1) recruit and retain qualified teachers; and (2) provide high-quality professional development to teachers.

Authorizes the Secretary to use specified funds for a program to recruit qualified math and science teachers for high-need school systems, following the model of the Troops-to-Teachers teacher placement program. Authorizes program grants, contracts, or cooperative agreements to higher education institutions and public and private nonprofit entities. Authorizes appropriations.

Authorizes appropriations through FY 2004 for part A (Teacher Empowerment) of title II (Teacher Quality) of ESEA (with specified exceptions).

Extends through FY 2004 the authorization of appropriations for the National Writing Project under title X of ESEA.

(Sec. 3) Extends through FY 2004 the authorization of appropriations for the Reading Excellence Act (REA) program. Redesignates REA as part B of title II of ESEA.

(Sec. 4) Prohibits the Secretary from: (1) using Federal funds to plan, develop, implement, or administer any national teacher test or certification; or (2) withholding funds from any State or LEA that fails to adopt a specific method of teacher certification.

Provides that: (1) nothing in ESEA title II shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law; and (2) private, religious, or home schools are not barred, by the previous provision, from participation in programs or services under ESEA title II.

(Sec. 5) Expresses the sense of Congress that: (1) quality teachers are integral to the development of children; and (2) it is essential that Congress work to ensure their highest quality.