S. 2 – ESEA reauthorization
Amendments approved at Senate Committee mark-up

The amendments made by the Committee at its recent mark-up are briefly summarized below in the order in which they appear in the bill. Page references are to the Jeffords substitute (KOSOO.142) as paginated from 1-805 (not as the bill is posted on the Committee web site, which starts each title at p. 1). Section references are to the ESEA as it would be amended by the bill. Other agencies that may have a particular interest in an amendment are noted in brackets.

Title I – Helping Disadvantaged Children Meet High Standards

p. 15, §1002(a): increases the FY 2001 authorization for Part A from $10 billion to $15 billion (Dodd #5)

pp. 32 through 32-2, §1114(a): decreases, from 50 to 40 percent, the proportion of poor children needed to authorize a schoolwide program; adds language relating to accounting records for program funds used in schoolwides (Frist #1)

pp. 34 through 34-5, new §1115B: adds section on transfers by students in Title I schools who are victims of violent crimes at school or who attend unsafe schools (Gregg #1) [DOJ]

p. 36, §1116(a)(2)(A)(ii) and (iii): adds language on information to be included in school performance reports (Gregg #1)

pp. 41 and 41-1, §1116(c)(3)(C): adds language on parental notification about student transfers from low-performing schools (Gregg #1)

p. 44, §1116(c)(5)(B)(vi): removes student transfers from the list of available corrective actions (Gregg #1)

pp. 45 through 45-3, new §1116(c)(6): mandates public school choice for students in schools identified as in need of improvement (Gregg #1)

p. 48, §1116(d)(1)(C)(iii): adds language on information in State reports on LEAs (Gregg #1)

p. 54, §1116(d)(6)(B): deletes various State-level corrective actions and the prohibition on taking certain actions before the State has developed the assessments required by §1111 (Gregg #1)

pp. 110 through 110-20: adds new Subpart 3 (Child Centered Program) to Part A (Gregg #2)

pp. 146 through 146-R, adds new part relating to school dropouts (Bingaman #4)

Title II – Teacher Quality

pp. 182 and 182-1, §2041(e): adds Troops-to-Teachers to national programs (DeWine #4) [DOD]

Title III – Enrichment Initiatives

pp. 257 through 257-16: adds new part relating to advanced placement (Bingaman #6) [replaces Title VIII-B of the 1998 HEA Amendments]

Title IV – Safe and Drug-Free Schools and Communities

pp. 295 through 295-2, §4116(b)(15), (16): adds authority for local programs to use Title IV funds for drug-testing of students, searches of their lockers, and background checks on LEA employees (Sessions #2) [DOJ, ONDCP]

pp. 321 through 321-7: various provisions relating to use of Title IV funds, school uniforms, transfer of disciplinary records, disclaimers on materials, and the constitutionality of religious activities at public school memorial services (Sessions #2) [DOJ, ONDCP]

pp. 321-8 through 321-18: new part on tobacco-free schools and other facilities (Harkin #2) [replaces Title X, Part C of Goals 2000] [HHS]

Title V-A, Technology [current Title III]

pp. 324 through 324-2, §5111(9), (10): adds, to the statement of purpose, language relating to the "digital divide" and parental involvement (Mikulski #1 and Reed #7)

pp. 342 through 348, §§5133-5135: adds material to be included in State and local applications, and provisions on local uses of funds (Bingaman #7 and Reed #7)

pp. 353 and 353-1, §5136: adds language relating to parental involvement and fiscal agents under the National Technology Innovation Grants program (Reed #7 and Bingaman #14)

Title VI – Innovative Education

p. 544, Part G heading and §6701: changes part heading and short title from "Academic Achievement for All" to "Education Performance Partnerships" (Gregg #6) pp. 574 through 574-22: insert Part H[?] – Academic Achievement for All Demonstration (Gregg #6)

Title VIII – Impact Aid

p. 614, §8003(b)(2)(B)(i)(II)(bb): lowers, from 40 percent to 35 percent, the proportion of federally connected children needed to qualify for one category of payments for "heavily impacted" districts (Hagel)

pp. 642 through 642-5, §8003(a)(4) and (5): adds language (identical to provisions in H.R. 3616, as reported in the House) to allow LEAs, in certain cases, to weight students who are living off base ("b" students) as if they were living on base ("a" students), providing a 10-fold increase (from 0.10 to 1.0) in the weights used for allocating funds Hagel) [DOD]

Title X – General Provisions (current Title XIV)

pp. 751 and 751-1, §101xx: adds section stating that nothing in the ESEA prohibits military recruiters from having the same access to high school students (and to directory information about them) as is afforded by those schools to colleges and to prospective employers (Kennedy) [DOD]

ESEA - SENATE DRAFT (as of 3/21/99)
[based on Committee amendments approved at mark-up, but before "clean" print of reported bill is available; *italics reflect Committee amendments*]

The ESEA would be restructured as follows:

Sec. 1. Short title.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I - HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

Part A - Improving Basic Programs Operated by Local Educational Agencies
Part B - Even Start Family Literacy Programs
Part C - Education of Migratory Children
Part D - Parental Assistance
[Part E - Federal Evaluations, Demonstrations, and Transition Projects [haven't seen yet; this is the current name]]
Part F - Comprehensive School Reform
Part G - General Provisions
**Part ?? - Assistance to Address School Dropout Problems [Part added]*

TITLE II - TEACHER QUALITY

Part A - Teacher Empowerment
Part B - Leadership Education and Development Program
Part C - Reading Excellence Act
Part D - National Writing Project
Part E - The New Century Program for Distributed Teacher Professional Development
Part F - Digital Education Content Collaborative
Part G - General Provisions

TITLE III - ENRICHMENT INITIATIVES

Part A - 21st Century Community Learning Centers
Part B - Initiatives for Secondary School Students and for Neglected, Delinquent, or At Risk Students
Part C - Gifted and Talented Children
Part D - Arts in Education
**Part ?? - Advanced Placement Programs [Part added]*

TITLE IV - SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

Part A - State Grants
Part B - Gun Possession
**Part C - School Safety and Violence Prevention [Part added]*
**Part ?? - Environmental Tobacco Smoke [Part added]*

TITLE V - EDUCATIONAL OPPORTUNITY INITIATIVES

Part A - Technology Education
Part B - Star Schools Program
Part C - Magnet Schools Assistance
Part D - Charter Schools
Part E - Women's Educational Equity Act
Part F - Civic Education
Part G - Fund for the Improvement of Education
Part H - Allen J. Ellender Fellowship Program
Part I - Ready-to-Learn Television
Part J - Inexpensive Book Distribution Program

TITLE VI - INNOVATIVE EDUCATION

Part A - Innovative Education Program Strategies
Part B - Rural Education Initiative
Part C - Education Flexibility Partnerships
Part D - Flexibility in the Use of Administrative and Other Funds
Part E - Coordination of Programs; Consolidated State and Local Plans and Applications
Part F - Waivers
*Part G - *Education Performance Partnerships [change of heading only]*
Part ?? - Academic Achievement for All Demonstration [Part added]

TITLE VII - BILINGUAL EDUCATION, LANGUAGE ENHANCEMENT, AND LANGUAGE ACQUISITION PROGRAMS

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

TITLE VIII - IMPACT AID

TITLE IX - INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Part A - Indian Education
Part B - Native Hawaiian Education
Part C - Alaska Native Education

TITLE X - GENERAL PROVISIONS

Part A - Uniform Provisions
Part B - Evaluations
Part C - America's Education Goals
Part D - America's Education Goals Panel

ESEA - SENATE DRAFT
February 25, 2000

Sec. 3. Definitions

Defines *parental involvement* to require that any effort to involve parents must serve parents of children across *all* school levels (p.10-11) and that *all* early childhood parental involvement activities include the full panoply of activites required under Title I. This could create an unintended burden to schools and districts, and might in fact discourage them from involving parents in any decisions or planning activities.

Definition of *mentoring* may need to be broadened to include teachers; it currently includes only children and youth.

TITLE I: Helping Disadvantaged Children Meet High Standards

Part A: Improving Basic Programs Operated by Local Educational Agencies

Major Concerns:

- **Weak Accountability**. The draft does not encourage the use of a single, rigorous accountability system within states that applies to both Title I and non-Title I schools. Research demonstrates that when States have two accountability systems, the Title I system gets the least attention. In addition, it would be preferable to include the accountability framework proposed by the Administration, which makes clear what the components of the accountability system are, and ensures that schools are accountable for increases in overall student performance and the performance of the lowest achieving children. It also is important to allow for the use of alternative mechanisms to identify schools for improvement in cases where the State can demonstrate student achievement gains.

- **Teacher Quality**. The draft does not include provisions to strengthen teacher quality by requiring a 10 percent set aside for professional development; does not raise the minimum education required for paraprofessionals or clarify the scope of their work; does not require that all new teachers be certified in the field in which they teach or have a bachelor's degree and be working to full certification in three years; and does not include the research-based description of professional development activities contained in the Administration bill. Research indicates that teacher quality is the single most important indicator of increased student achievement.

- **Inadequate reporting of student achievement.** Draft does not require reporting on student achievement for disaggregated groups of students (other than possibly economically disadvantaged and LEP students), and it is not clear which disaggregations are used for accountability.

- **Targeting.** The draft perpetuates the problem of not allocating sufficient Title I resources to the areas of greatest need by: 1) expanding the hold-harmless so it applies to concentration grants; 2) allowing districts that become ineligible for Title I grants to continue receiving funds for 5 years; and 3) does not allocate enough funds through targeted grants.

Other Issues:

Section 102: Authorization of Appropriations

The draft does not include a 2.5 percent set aside for intervening in schools identified for school improvement or corrective action. Instead it proposes that 50% percent of all new appropriations above $8.076,000,000 be reserved for three purposes—improving schools, developing assessments, and awards.

Adds new language relating to the existing 0.5 percent set aside for school improvement (p.16, line 24-p.17, line 19). The language provides that if the appropriation does not exceed $8,076,000,000 then .5 percent can be reserved for school improvement from Parts (a), (c) and (d). Then, if appropriations go above this amount, the Secretary reserves 50 percent for the purposes described above and the State may also reserve 0.5 percent from parts (c) and (d). (Clarification: Is the reference to part (d) meant to be the current part (d) which is neglected and delinquent program or the parent assistance centers in the Majority draft?) It also retains the authorization for additional appropriations for school improvement, so these would be three separate sources of accountability funding.

The draft does not repeal the authorization for capital expenses as proposed in the Administration bill – instead it phases it out over 3 years.

Section 103: State Plans

Requires AYP to be defined in a way that all students meet both the State's proficient and advanced performance levels in 10 year. It also adds language that AYP be defined in a way that results in continuous and substantial academic improvement for all students (which is similar to that in EEACA) including economically disadvantaged students and LEP students, except that **this clause does not apply if the State can demonstrate to the Secretary that it has an insufficient number of these children**. (It is not clear how a State would be eligible for Title I funds if it did not have many economically disadvantaged children. If the intent is to require separate AYP definitions for each of these subgroups the language should say so specifically. Current law contains similar language right now and the Department has not read current law to require separate AYP definitions for these groups.)

P. 23, lines 11 – 13. This language, which says that AYP definition must be "linked" to assessments, is inconsistent with the language on line 3 which requires AYP to be based primarily on the standards and assessments. Everything should be struck though the word "permitting on line 13" and insert "that permit"

P. 24, line 1. The draft **does not include a requirement that Title I assessments use tests written in Spanish** for Spanish-speaking students if a Spanish-language assessment is more likely than an English-language test to yield accurate information on what those students know and can do in content areas other than English. (The draft does include a requirement that LEP students who have attended school in the U.S. for three or more consecutive years be assessed in English on the reading/language arts assessment.) This provision--with other testing requirements--makes sure schools are held accountable for both English language and content acquisition for LEP students.

P. 24, lines 14 – 18. This language is in the wrong section—(H) requires that assessments provide individual student reports on the attainment of student performance standards. All the language after that would more appropriately be in a school report card generally – as drafted language would require individual student reports on drop out rates and attendance which is probably not what is intended.

The draft **does not delete obsolete assessment language on transitional assessments.**

The draft **does not include the accountability framework** proposed by the administration to strengthen Title I accountability by making clear what the components of the accountability system are, ensuring that schools are accountable for increases in overall student performance and the performance of the lowest achieving children, encouraging the use of a single accountability system within states that applies to both Title I and non-Title I schools, and allowing the use of alternative mechanisms to identify schools for improvement in cases where the State can demonstrate student achievement gains..

P. 27, line 10. Includes a special rule postponing requirements related to science standards until 9/1/2005, but does not require the development of science standards.

<u>Section. 103: Schoolwide Programs</u>
The draft keeps the 50% threshold, but doesn't include any of the changes proposed by the Administration that would make schoolwides more effective, for example, by emphasizing coherent research-based approaches for raising student achievement by reforming the entire school including clarifying the need for a comprehensive needs assessment, a coherent design to improve teaching and learning; and a regular review of the school's process in implementing the schoolwide plan.

The draft does not include a requirement for schoolwide plans to be peer reviewed.

(P. 24, line 18. Makes technical changes expanding the illustrative list of parent involvement activities.)

<u>Section 104: Local Educational Agency Plans</u>
The draft **does not include language requiring diagnostic assessments to determine the literacy level of first graders** in order to identify early reading problems.

The draft does not require LEAs to describe in their plan how they will promote the use of extended learning time such as before- and after- school and summer school.

The draft **does not require LEAs to provide an assurance that that they will annually assess the English proficiency of LEP children** and use the results to guide and modify instruction in the content areas.

Page 30, line 22 through 25 duplicates Page 29 lines 23 to 25.

The draft contains no requirement that LEA plans be peer-reviewed or that plan revisions be submitted to States for approval.

<u>Section 106. Targeted Assistance Programs</u>
(The draft makes changes in the eligible children provisions that would provide more flexibility in operating pre-K programs. Note: The term "early childhood services" and Pre-K are mixed-up in different places—minor issue.)

The draft does not include language that would require programs to **use research-based approaches**.

Section 107: Assessment and Local Educational Agency and School Improvement

In general, the draft moves more towards the EEACA provisions. However, there are still concerns:

Adds expanded local reporting requirement by LEAs with regard to schools. However these reports do not have to provide specific data on economically-disadvantaged and LEP students if the State can demonstrate it has an insufficient number of such students; reports can be provided directly to teacher and parents or just widely disseminated. LEAs do not have to issue such a report if the State does.

P. 38, line 22. Adds language clarifying that schools have 30 days to review data before LEA makes final decision on designating a school for improvement—does not require LEAs to consider a school's comments.

P. 40. Adds requirement that schools identified for improvement spend 10 percent of their funds annually on professional development.

Adds new provisions to the list of mandatory corrective actions from EEACA such as instituting a new curriculum, but requires that LEA use not less that one of these options. Allowing students to transfer is an independent option, but the draft, as written, **would allow schools to provide the transfer option without being required to take any action to improve the low-performing school.**

P. 51, Line 19. Provides **no timeline for when SEAs must take corrective action against LEAs.**

P. 54, line 19. **Delays accountability** by providing that no corrective actions can be taken against LEAs until final assessments are in place.

Section 108: Parental Involvement

Information From Parental Information and Resource Centers – This provision should be revisited taking into consideration the changes in the Parent Information Centers that the Administration has proposed to help these centers assist greater numbers of parents.

Section 109: Professional Development

The draft makes **no changes to improve teacher quality in Title I schools**--either by ensuring that only qualified teachers serve our poorest children, or by supporting increased investments in improving instruction through professional development. For example, the draft does not include provisions to strengthen teacher quality by requiring a 10 percent set-aside for professional development, does not include the research-based description of professional development activities, does not raise the minimum education required for paraprofessionals or clarify the scope of their work, and does not require that all new teachers be certified in the field in which they teach or have a bachelor's degree and be working to full certification in three years.

The draft does not clarify that child-care providers can be included in joint professional development activities.

Section 110. Participation of Children Enrolled in Private Schools

Lines 19 – 22. Requiring consultation to include a discussion of who provides services to eligible children attending private schools would enable private school officials to object to the particular teacher that would be providing the services. This language should be modified so as not to suggest that private schools would determine which individuals provide which services.

The language on third-party contractors could be extremely burdensome for public school officials.

Section 1113

The draft adds a provision, which the Administration supports, restoring the one-year grandfather clause. This clause would enable LEAs to serve an ineligible school for one additional year if that school was eligible and served the preceding fiscal year.

Section 114 plus: Allocations

The draft holds all districts harmless at the FY 99 funding level.

The draft allows districts that no longer meet the eligibilityrequirements for concentration grants to continue to receive these funds for 5 consecutive years after the time they become ineligible.

The draft does not make changes that would increase funding for Puerto Rico, but instead, maintains the current SPPE adjustment provision for Puerto Rico. Rather than using 40% of a state's per pupil expenditure (as is done for the states), Puerto Rico's adjusted SPPE is tied to the lowest state's PPE and compared to 32% of the national PPE. This language artificially reduces Puerto Rico's allocations.

Part B: Even Start Family Literacy Programs

(The bill has picked up many of the Administration's provisions that the previous draft (S. 1891) did not have. These provisions include:

-- Discretionary rather than mandatory Statewide Initiative grant authority (except that a conforming change is needed under Reading Excellence, sec.2260(b)(3)).

-- State plan provision that is similar to the Administration's proposal.

-- A number of revised program elements that local projects must provide:

- high-quality, intensive family literacy services.
- a year round program with instructional services during the summer months
- serving a 3-year age range
- encouraging families to regularly attend and remain in the program a sufficient time to meet their goals
- continuity of services at critical times in the lives of families
- independent local evaluation to be used for continuous improvement.

-- Adding a family literacy program expert to the subgrant review panel.

In addition, the bill improves upon research provisions in the House bill by placing the research authority with the Secretary "in consultation with" NIFL.)

The proposal **fails to set standards for professional qualifications**, does not provide an 8-year limit on local projects, and contains a requirement for local projects to use "scientifically based reading research." It would be difficult to find approaches to family literacy that meet the "scientifically-based research" standard, though there are strategies with demonstrated effectiveness.

P. 118. **Allows for services to families of children older than 8 years old, as long as Title I contributes a "portion" of the costs.** This should be revised to require that Title I, Part A supports services for these families. Even Start should continue to focus on family services, however, Title I should pay the full cost of educational services for these families (if they are not participating under continuing eligibility.) Under continuing eligibility Even Start can pay the full cost of services for families with children up to age ten as long as the parent is still eligible.

As currently written younger teen parents who are within the compulsory school attendance age became eligible as of the last reauthorization -- but the language excluded older teen parents who are over the compulsory school age and who are in school (i.e. a 16 or 17 year old who is still in high school). As a result, the only way older teen parents are eligible to participate in Even Start is if they have dropped out of high school. This provision would seem to encourage young parents to drop out of school. Section 1206(a)(1)(B) should be corrected by inserting "or who are attending secondary school," at the end of the provision right before the "and."

The bill adds a new performance indicator related to program implementation, requiring States to develop performance indicators for specific levels of intensity of services and the duration of individual's participation necessary to result in the outcomes in the State's other performance indicators. However, it creates a deadline for states to develop performance indicators by September, 2000. The Department has already been working with states on this effort toward a January, 2001 deadline. This extended timeline is necessary, particularly with the addition of another unanticipated category of indicators.

Part C: Education of Migratory Children (p.121)

Page 124, lines 9-12 (sec.133). **The proposal fails to deal with supplement/supplant concerns.** Language of the bill speaks to "State planning" not being used "to supplant State efforts regarding, or administrative funding for, this part." Efforts should be made to ensure funds are used to meet the unique needs of migrant children first, that are not addressed by services available from other programs, and to clarify role of Part A funds versus Part C funds.

P. 124 (sec.134). Coordination. (b) Access to Information on Migrant Students.
Language on records keeping is unclear, and might suggest the development of one uniform system directed by the Secretary, rather than one system created through the harvesting of state and other data sources (as is being developed).
-Appears to require a system that—from the start--collects data on *all* students versus the most mobile students with clear needs for records exchange. Costs of such a system will be extraordinary as dual management information system will be operated by states.
-P.125. Unclear if Department in paragraph (B), lines 10-19, has complete flexibility and authority to determine and regulate on 1) what information—data elements, 2) system requirements, and 3) access to records.
-Language appears to mandate that within one year of enactment a comprehensive electronic record transfer system for all "served" students. While work is underway, **this timeline is unrealistic.**
-P.125-126. The language is unclear as to whether $10 million is set aside for records transfer, and an additional $10 million set aside for all of section 134, or if only $10 million is set side for the entire section.
-P.126. Lines 3-12. Adds requirement for Secretary to report to congressional committees on "*findings and recommendations regarding services under this part.*" It's unclear what the focus and content of this report would be, and what "interim measures" mean—given the timeline.

Page 122. State Allocation.
By retaining the current language from sec.1303, the proposal:

-Fails to simplify the funding formula. By keeping the current language, the bill requires the continued use of FTEs (information which states have no way of collecting and reporting), it fails to provide for minimum and maximum state allocations that guard against large swings in funding due to unusual changes in migration patterns, and it does not provide a simple means of ensuring small states a reasonable $200,000 minimum allocation. It also does not address the funding problem for Puerto Rico;
-Keeps language dealing with Consortium Arrangements that overly prescribes the Department's administration of such activities and is redundant with later sections;
-Retains 1303 subsection (e) Determining Numbers of Eligible Children, a section that requires the Department to develop burdensome procedures to reflect cost factors of different summer program designs and to conduct an analysis for adjusting the formula so as to better direct services to children whose education has been interrupted; and
-Forces the Department to continue to rely on FTE "factors" that are six years-old (1994).

P.122. **Does not include language on integration of services, measurable goals, inclusion in state assessments, and criteria to be consider in subgranting processes in a State Application** (which are required in a Comprehensive Plan).

P.123, lines 5-16 (sec. 132). Includes weak language on the need to involve migrant parents in the planning and operation of programs. Removes the words "appropriate" and "to the extent feasible" but inserts "unless extraordinary circumstances make the implementation with such section impractical." This phrase should be deleted. (Does add an acceptable requirement to consult parents "in a format and language understandable to parents.")

Page 123, (sec. 133). Retains language in current law that is confusing and ambiguous in relation to the Comprehensive Plan.

P.126, lines 13-17 is in the wrong section—it is under the "*Report to Congress*." Appears to be redundant.

Part D: Parental Assistance (p.127-137)

Besides improving the purpose of the parent centers to make better school-family connections, the Administration's proposal would redirect the centers as state-wide technical assistance providers to schools, LEAs, CBOs, parent groups, etc. In contrast, the Senate proposal **multiplies current implementation problems by further broadening the purpose and activities.** As a result, there is no clear focus for the centers.

P. 127. Purposes are slightly different, and the purpose of increasing "parental knowledge and confidence in child-rearing activities such as teaching and nurturing their young children" has been eliminated.

P.128, line 8. Under "Grants Authorized", the PIRCs would serve parents of children in elementary and secondary schools, thus **dropping preschool children** (and conforming changes have been made throughout the part). Because parents of preschool children are, however, included in the purpose (p.127, line 16), it is assumed that this is an unintentional mistake and should be corrected.

P. 128. The modifier "to the greatest extent possible" has been dropped from the requirement that the Secretary ensure equitable geographic distribution of the grants (lines 18-21); the rationale for doing so is unclear, particularly since services are currently reaching the entire county.

P. 129-131. In the assurances that must be included in a grant application, the bill would eliminate current law section 402(a)(2)(B)(ii) (membership of special advisory committee broadly representative of minority, low-income, and other individuals and groups that have an interest in compensatory education and family literacy) and replace it with "representatives of local elementary schools and secondary schools who may include students and representatives from local youth organizations" (lines 20-23). These changes do not ensure diversity in committee membership, nor do they ensure that the needs of the community being served are being represented.

P.129, line 24. To ensure that services are targeted to those most in need, the proposal **should change the current requirement that half the funds serve high-poverty areas to 75% of the funds for these communities.**

P.131-132. Grantees **should be required to provide/ensure a 25% non-federal match** as an indicator of capacity to continue after the life of the grant and as a means of increasing capacity to serve the entire state.

P.132-135. The uses of funds are substantially longer, and now divided into required uses and permissive activities. All of the permissive activities (page 133, line 21 through page 134, line 18) are new. Of the required uses, paragraphs (1)(A) and (D) (page 132, lines 10-15 and lines 22-25) and paragraph (3) (page 133, line 11-12) are new and only serve to expand an unreasonable list of required activities. This list should be revised and narrowed to ensure school partnerships and coordination with the standards-based reform effort, while making clear that a Center's role is one of coordinator and technical assistance provider.

The grandfather clause (page 134, line 19 through page 135, line 2) authorizes the use of funds to continue funding current grantees (or contractors) under the current PIRC program for the duration of the award. If the focus of the centers is to be updated to match the needs of the field and the capacity of centers, then current grantees may not be the most appropriate entities to fulfill these goals. The Department has been planning accordingly, such that new grants would be aligned the ESEA reauthorization and its enactment.

The proposal includes an annual dissemination requirement imposed on the Secretary (page 136, lines 12-15), requiring the Department to share information submitted by the grantees. Is the intent here only to make the Secretary a facilitator of information transfer, or to have the Secretary provide information on program implementation and promising projects and strategies (such as a traditional report to Congress or the field)?

Part E: Federal Evaluations, Demonstrations, and Transition Projects

Nothing is included here. At a minimum, current law should be updated so as to not require already completed studies.

Part F: Comprehensive School Reform

This appears to be mostly identical to the draft reviewed in January. In the main, it follows the framework of the existing legislation, although **there are subtle changes that serve to water down the legislation**. There is one modest improvement --the state would now be required to address how it will "make available" technical assistance to LEAs; the draft language was limited to "upon request."

Multiple places, beginning with section 1601, p. 137, lines 17-18 – bill language refers to comprehensive school reforms based upon *"promising and effective practices and research-based programs,"* where existing language simply refers to "reliable research and effective practices."
-The language is confusing – it sets up two levels of evidence for practices (promising and effective) and another for programs (research-based) -- without defining any of these terms.
-The language could be misconstrued as watering down the requirement to use approaches that have a solid track record of performance.
-It would be better to **keep existing CSRD language, "reliable research and effective practices."** This is the definition that has been used by the field over the first two years of this program, and for which widely accepted guidance has been developed.

Section 1604(b)(2), p. 141, line 7 – consistent with the provision added by Sen. Jeffords in FY 99 appropriations act, after "each participating school" add "or school consortia serving a maximum of 500 students," in order to allow awards to consortia of small schools.

Section 1602(a)(2)(C), p. 139, line 9 –seems to be a typo/technical error. Funds should be reallocated to states "that do apply" rather than states "that do not apply" for the program, which is the current bill language. If states do not apply, it is logically impossible to reallocate program funds to them.

Section 1606(a)(1), p. 144, line 2 – arguably technical – should be to enable schools to implement a comprehensive school reform program "that" (rather than "for"). The intent, as with the existing program, is that all 9 elements must be addressed. Corresponding changes in syntax would be necessary.

Section 1606(a)(5), p. 144, line 23 – should be support "from" or "by" teachers and others, not support "for" these stakeholders – this is supposed to ensure buy-in.

Section 1606(b), p. 145, line 20 – arguably technical -- under the special rule, locally developed programs should be allowed "that meet the criteria in" subsection (a), not simply "as described in" subsection (a).

Part G: General Provisions

TITLE II: Teacher Quality

Part A: Teacher Empowerment

Major Concerns:

- **Retreats from the commitment to reduce class size** in the early elementary grades by failing to provide a separate, dedicated funding stream for reducing class size in the early elementary grades.

- **Does not advance the next generation of standards-based reforms.** The proposal would not provide support for such activities as the refinement and continued development of State content and performance standards, and curricula and assessments aligned with those standards.

- **Puts at risk Title II's focus on inservice teacher development.** The proposal tends to emphasize teacher licensure over professional development, largely by supporting a limited vision of effective professional development while encouraging local districts to dedicate most of their resources to recruitment, hiring, and salaries. As written, districts need only spend a "portion" of the funds on professional development and mentoring.

- **Creates incomplete and confusing accountability for State and district implementation.** State accountability provisions should be expanded to address progress in recruiting, hiring, and retaining qualified teachers. Local accountability provisions would create a second and confusing accountability system that would be difficult to enforce. In addition, the approach to professional development proposed by TOPs is explicitly contrary to effective, research-based strategies.

- **Encourages the use of ineffective strategies for professional development.** The Teacher Opportunity Payments (TOPs), would promote activities that are contrary to promising practices by supporting individually selected strategies separate from school and district reform efforts or the needs of the students or teachers. In addition, such efforts are typically neither collaborative nor job-embedded.

- **Fails to encourage high-quality, innovative efforts by distributing all funds to districts through a formula.**

- **Fails to adequately address issues of national significance.** This bill limits the Secretary of Education to administering specific national activities that both duplicate the purpose of the state and local grants and fails to support recruitment and hiring issues such as through job banks, programs to encourage pension and credential portability, and the development of performance-based systems for assessing teacher content knowledge and skills.

- **Fails to authorize the continuation and expansion of the Troops-to-Teachers program.**

- **Does not include direct support of professional development focused on early language and literacy development for early childhood educators.**

Other Issues:

Fails to articulate a purpose dedicated to improving teacher quality through a commitment to high-quality, inservice professional development, mentoring, and improved induction programs.

Fails to provide the Secretary any authority to disapprove State applications that do not hold promise of providing a high-quality program. State applications could only be disapproved if they are not in technical compliance with the Act (p. 160, line 22-p. 161, line2).

Limits competitive grants to only the 5% dedicated to SAHEs, even though evidence suggests that competition yields more innovative and effective professional development efforts (p.153-154, line 15).

Fails to provide significant resources for higher education partnerships, despite program evaluations indicating their effectiveness. Proposed language is unclear, but appears to reserve only 5% of funds for SAHE partnerships (p.154, line 11). Current law reserves 16% of the state allocation for this purpose. Assuming that the 5% is intended to be a share of the entire State grant, the reserve would provide a national total of $52million (roughly equal to current share) only if the amount appropriated for state grants is over $1 billion. Because no one can be completely confident that full funding will be provided, an absolute dollar requirement is preferred.

Fails to require States to demonstrate or report progress in improving teacher quality. States would be required to report neither to the Secretary nor the public on indicators of progress. They should be held accountable for helping to ensure progress toward ensuring that 95% of teachers are certified and teaching in-field. In addition, state and local reporting and accountability should also describe progress in reducing teacher attrition and providing high-quality professional development.

Puts in place an additional and complicated accountability system that threatens to confuse the Title I system (p. 170) and would support individual professional development activities as determined by teachers who are least likely to make appropriate PD choices. The proposal would allow low-performing teachers to opt into activities that are neither collaborative nor job embedded and without consideration of expense. In addition, the proposal provides a priority for TOPs payments that focus on certifying and licensing teachers, rather than providing high-quality professional development.

Fails to reserve significant funds for professional development activities in math and science. The proposal requires LEAs to use only "a portion of the funds" for activities in math and science (p.164, line 8). The Administration's proposal would increase the current $250 million reserve to $300 million.

Includes an unnecessary and unclear grandfathering of waivers that would seem to extend unrelated waivers almost infinitely. It is not clear what the intent is here (p.164, lines13-20). What is being waived?

Focuses local efforts largely on recruiting, hiring, and paying teachers (p.165-6), while requiring that only a "portion" of available funds be used for professional development activities (p164, line 24). While recruitment issues are important, the purpose of this Title should not be to pay teacher salaries; the emphasis could lead to districts to spend most of their resources on such activities rather than actually improving instruction in meaningful ways. Relatedly, requirements for professional development activities (p. 169) are incomplete. The Administration's language is preferred.

Fails to explicitly require comprehensive local planning. Local applications should ask for a broader, district-wide plan for improving teacher quality and instruction (that encourages coordination of all state and local resources) rather than just a plan for the use of funds.

Does not explicitly target resources to corrective action schools, only schools identified as in need of improvement (p.174, lines 12-13).

Offers little description of program purpose or performance indicators for alternative routes to teaching and other national activities programs (p.175-)

Creates duplicative model professional development program (p.177, line 17). The purpose of this additional discretionary program is unclear. Similarly, the purpose of the separate program for training math and science teachers is unclear (p.180, lines 10-23).

Excludes state licensure or certification, as well as teaching skills as indicators of "highly qualified" teachers (p.183). The definition offered would allow states and districts to meet standards for reducing out-of-field teachers with uncertified instructional staff.

Confuses implementation by referring to SEAs as states or governors (p.185, lines 3-7).

Fails to require partnerships for the development of school leadership programs while failing to limit the definition of eligible entities (p.186, lines 3-7). In addition, proposed language should make clearer the commitment to developing leaders' instructional expertise (not just management).

National Clearinghouse:
The proposal expands the list of required activities and potential contentareas focus, thus diluting the work of the single clearinghouse and challenging its capacity to provide expert information with such limited resources. It would be unwise to expect a single clearinghouse to have expertise in multiple subject areas.

In addition, calls on the Clearinghouse to rank the effectiveness of materials--similar to expert panels' work, is this intentional?

National Board:
Only authorizes NBPTS for 2001 p.180

Part B: Leadership Education and Development Program

Would fund status quo activities without providing an incentive for change. The proposal does not focus on helping principals become instructional leaders; also expands list of project participants, thus taking the focus off principals and prospective principals (p.185-6). In addition, there is no mention of activities related to recruitment.

Part C: Reading Excellence Act

The proposal reflects current law, but should also include authorizations for technical assistance and national activities.

Part D: National Writing Project

The Administration proposal revised the evaluation section allowing the Secretary to conduct an independent evaluation, by grant or contract, of the program. This proposal is largely current law, though it deletes the Findings section, and does not provide for any sort of evaluation of the programs carried out under this part; an evaluation authority should be added.

Part E: The New Century Program for Distributed Teacher Professional Development

New program.

Part F: Digital Education Content Collaborative

New program.

TITLE III: Enrichment Initiatives

Part A: 21st Century Community Learning Centers

Largely current law, the proposal includes an authorization that is $500 million below the FY01 request.

The purpose **should make clear the commitment to afterschool efforts and the focus on expanded learning opportunities** to help students achieve to challenging standards. The draft does not create a requirement that community learning center grantees offer "significant expanded learning opportunities, such as before and after school."

Should require a 50% local match, extend grant period from 3 to 5 years and **allow CBOs to be part of an applying consortium.** The draft does not provide for the possibility for community-based organizations to receive grants with up to 10% of funds appropriated in any fiscal year.

The proposal should provide explicit language ensuring that these programs will serve children with expanded learning opportunities as well as serving the community at large, target high-quality services to needy communities, and provide a set-aside for national leadership.

Part B: Initiatives for Secondary School Students and for Neglected, Delinquent, or At Risk Students

Bill would continue current law, including the ineffective subpart 2 program.

Part C: Gifted and Talented Children

The Administration proposed reauthorizing current law with the addition of a dissemination piece, as well as reworking the section on review and dissemination. (This draft has the same problems as the one reviewed on 1/18/00.)

P.236. The trigger for going to formula, should be revised to take effect any time the appropriation is more than $50 million above cost of continuation of current grantees. As written, the Secretary could be distributing very few funds by formula. For example, if the appropriation is $52 million, and continuations cost $49 million, only the remaining $4 million would be allocated by formula.

The proposal **does not include the current national and state priority for serving disadvantaged children** (Sec. 10205 in current law).

P. 237, line 17-22. Seems to indicate that there is a matching requirement for projects under this part and that the SEA has to come up with the match separate from other (e.g. LEA) resources. It doesn't seem to specify where the funds are to come from. If the intent is to allow the use other federal funds, the bill should include something like, "Information demonstrating that the applicant will provide at least 20% of the cost of the project from other sources, which may include other Federal funds and may be provided in cash or in-kind fairly evaluated." However, this requirement is confusing and unnecessary.

P. 237, line 23. The requirement for a "biennial submission" is unclear; is this data on alternate years, or data on each year, submitted 2 years at a time?

P. 239, line 15-18. "Supplement not to supplant" should not be an authorized State use of funds. It is a grant condition (e.g. federal funds must provide additional activities, not replace those that would have been provided anyway). This should be corrected; it is not a use of the federal funds themselves.

P. 242, line 13. This section requires the Secretary to ensure that provision is made for the equitable participation of students and teachers in private schools. How could the Secretary possibly do this when it is the State, not the Secretary, who makes the awards to schools?

Part D: Arts in Education

The bill would retain current law, including the unfunded subpart 2 partnerships program, which the Administration proposed to repeal.

Part E:

Not provided.

Part F: Nonschool Time Care

Not provided.

TITLE IV: Safe and Drug Free Schools and Communities

P.273, Line 7: Administration proposal would require subgrants to be awarded to LEAs on a competitive basis; no more than 50 percent of LEAs could receive grants. The current draft **could provide even less targeting of funds than under current law**, permitting States to distribute all funds based on enrollment or up to 30% of funds on any basis the State selects. Current draft also fails to include consideration of quality of proposal for use of funds if a State elected to target any of its funds.

Project SERV: The draft contains authorization for providing direct services to schools "to support crisis situations and appropriate response efforts" (page 303, lines 11-14), but not a separate authorization for Project SERV, (and specifically the activities that provide support for strategies designed to build SEA and LEA capacity to respond to crises).

Pro-Children Act (PCA): The draft contains no provisions concerning requirements for policies concerning drug, alcohol and tobacco use on school grounds as included in administration proposal. The PCA requires LEAs to adopt policies that prohibit smoking in enclosed facilities where routine educational services are provided. At the minimum, Federal requirements concerning environmental tobacco smoke in schools should retained.

P. 305, Line 17, Section 4121: Advisory Committee
This section duplicates the authority provided in Section 4121 (National Programs – Federal Activities). Both contain coordination requirements and authorize the Secretary to engage in similar "national leadership" activities. The provisions in Section 4123 significantly limit the Secretary's prerogatives in administering the program, and duplicate the functions of many existing agencies or bodies with similar coordinating functions (e.g. ONDCP, Juvenile Justice Coordinating Council, and the White House Council on Youth Violence). **The list of activities undertaken by the committee should be revised to more clearly represent an advisory role,** rather than providing direct services, such as technical assistance, determining evaluation plans or reviewing regulations.

Page 264, Line 5: **Provisions tie increases in National Programs appropriations to increases in State Grants Program.** The current draft would prohibit any increase in National Programs without a ten percent increase in State Grants (a $44 million increase at current funding levels for the State Grants program).

Draft doesn't contain requirement for SEAs to provide information about school-associated violent deaths. While this data collection reveals only about 30 cases a year, it is an expensive effort when undertaken at the national level (approximately $250,000 per year).

Draft doesn't include supplement not supplant provision. A significant number of States continue to inquire about requiring their LEAs to use SDFSCA funds to support State mandated initiatives (e.g. school safety assessments, conflict resolution, character education).

Lifelong Physical Activity: The draft contains no authority to support programs to encourage the development of skills to support lifelong physical activity.

Page 290, Line 1: This section is inconsistent with the section on "use of funds" that begins on line 17 of this page. It appears to restrict authorized activities to only research-based program, but the "use of funds" section authorizes expenditures for activities that do not meet this standard. (The language provided as part of recent technical assistance would address this issue and acknowledge that some useful activities (e.g. teacher training) can't meet the research-based standard, but are still an important component of a comprehensive approach and should be able to be funded.)

Part B: Gun Possession
Page 319: The current draft still doesn't include language requiring: (1) **referral of expelled students to receive evaluation and mental health services if needed, or (2) LEAs to place students who have been expelled under the act in an alternative education settings** sufficient for these students to make progress toward graduation.

Increased burden/cost: The draft includes several provisions that impose new burdens or costs at the LEA level, even though there has been significant concern expressed about the proportion of LEAs that receive small amounts of funding under this program (and thus would be particularly burdened by these requirements). The current draft does nothing to address the issue of concentrating funding, while imposing additional costly requirements. For example, the bill expands responsibilities for local advisory councils (page 284, line 13) to ensuring that they have a mechanism in place to enable LEAs to have access to up- to-date information concerning: (1)agencies that administer related programs, and (2) any changes in the law. It also expands application requirements by including the results of a risk and protective factor analysis to be submitted by each LEA – a new task that could absorb a significant part of the available grant funding for many of the LEAs that receive limited funding under the program.

TITLE V: Educational Opportunity Initiatives

Part A: Technology Education (p.322)

Major Concerns:

- **Makes no effort to narrow the technology gap** by targeting TLCF to high-need districts and helping to increase their capacity to use education technology to prepare all students to achieve to high academic standards.
- **Fails to stimulate the development and use of innovative technologies** to create engaging teaching and learning environments by not updating language in Star Schools and not focusing national Technology Innovation Challenge Grants on new technologies, uses, and strategies.
- **Fails to sufficiently focus on preparing teachers**, through both inservice and preservice efforts, to effectively integrate technology into their classrooms.

Other Issues:

Fails to create separate authorizations for TLCF and National Technology Innovation Challenge Grants so as to require appropriations to ensure sufficient resources for the discretionary programs (Sec. 5113).

Technology Literacy Challenge Fund (p.341, Sec. 5132)
State plans should be required to contain **benchmarks and timelines** for the accomplishment of State educational technology goals.

The Senate bill retains the current weak supplement-not-supplant provision ((2)(J)); a stronger and more explicit provision should be included.

Sec. 5134
Fails to revise the purpose of the Technology Literacy Challenge Fund to significantly focus on building local capacity to effectively use technology, use research-based strategies, and promote high-quality professional development. In addition, little reference to standards is made. The Senate bill retains the current language, although many changes both in technology itself and the sources of funding for it have occurred. The language should include greater emphasis on new technologies and professional development, and a reduced emphasis on connectivity, now largely provided by the E-rate.

A provision that requires LEAs to first use E-rate funding for connectivity, as proposed by the Administration, should be added (in local assurances, sec. 3136).

The uses of funds should strongly emphasize links to and support of education reform at both the State and local levels.

Sec. 5135 (p.346)
As with the uses of funds, the emphasis in local plans should shift to new technologies, professional development, and links to State and local standards and education reform.

Fails to target TCLF to high-poverty or high-need communities. Current law requires a state priority for such LEAs only in the provision of technical assistance, not the provision of resources or awarding of grants. The proposal should include an explicit priority for high poverty local education agencies or consortia that include such agencies. This would narrow eligible local applicants to specifically serve LEAs with high numbers of children in poverty and would allow for partnerships between technology proficient and deficient schools to better ensure improved technology capacity and use. (Contains the current TLCF targeting provisions that the Administration proposed to strengthen; EEACA proposal would have required SEAs to define and identify low-income districts as the only eligible applicants, but set a priority for partnerships that would include other entities such as IHEs, libraries, and other school districts not defined as low-income. Recent NCES data indicate a continuing need to provide assistance to high-poverty schools.)

Fails to push innovative local uses of funds (p.344-346). These should be expanded to promote more innovative uses of technology, such as wireless communication, web-based materials and technologies, new means of connecting homes and schools, etc.

<u>National Technology Innovation Challenge Grants</u>
Duplicates TLCF authority in the national discretionary authority (p.352-3). There needs to be a separate uses of funds section that is different than those supported by TLCF and stresses innovation and development of new applications for learning. The Administration's language is preferred. It would encourage the development of high-speed, broadband telecommunications networks and more powerful and intelligent computer systems such as:

(a) web-based learning resources, including online classes, interactive tutorials, and interactive tools and virtual environments for problem solving;
(b) hand-held devices, wireless technologies, voice recognition systems, and high quality digital video;
(c) distance learning networks;
(d) visualization, modeling, and simulation software; and
(e) learning-focused digital libraries and information retrieval systems.

The proposal should allow for eligible applicants to include *any* member of the consortium (not just the LEA).

<u>Regional Technical Support</u> (p.355)
Requires consortia to attempt to meet all of the activities described on pages 355-360, despite their very limited funds. Language should be revised to describe allowable uses of funds and provide the Secretary authority to establish priorities.

Part B (1st): Women's Educational Equity Act
Acceptable.

Part B (2nd): Star Schools Program (p.366)
Section 5208 should be deleted. Funds should be provided for programming and not infrastructure costs.

Part C: Magnet Schools Assistance

P.391 (lines 10-14). The proposal **seems to create expand the current eligibility criteria**, making eligible a school that that neither operates under a court orders or a voluntary desegregation agreement approved by OCR.

Fails to support OPTIONS. The Opportunities To Improve Our Nation's Schools program would support innovative approaches to school desegregation and other efforts to create diverse learning environments through public school choice. The new competitive grants would support the demonstration, development, implementation, evaluation and dissemination of information about public school choice projects that stimulate educational innovation and improvement 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.

Section 5305(b)(2)(A) should read: "use funds under this part for the purposes specified in section 5301(b).

Add to Section 5310(b) Applicability: "[section] 5301(b)." This change would clarify the purpose and allowable uses of funds under the Innovative Programs authority, if it is retained. (The Administration has proposed that it be repealed and OPTIONS be authorized.)

Part D: Charter Schools

Acceptable.

Part E: Civic Education

The Administration proposal retained current law with the repeal of section 10602--the instruction in civics, government, and the law. The bill appears to be consistent with current law, incorporating the International Education Program (although not exactly) from Title VI of Goals 2000.

Part G: Fund for the Improvement of Education (p.414)

The proposal makes **no reference to standards-based reform**; the purpose should be revised to include this.

P.414. The bill **could be read to limit the authority under Section 5701(a) by authorizing only a narrow set of activities** in (b). Sec. (b). This should be revised to read "Funds under this section may be used to carry out subsection (a), including ---".

P.415, lines 1-3. Paragraph 1 should be deleted or language should be added to to provide the Secretary the authority to support meritorious unsolicited applications.

P. 416, line 21. The grant term for Character Education should be increased from 3 years to "not to exceed 5 years," to allow for continuation of successful projects.

P.420. The proposal **limits research and dissemination in character education** to 5%; there is no current limit and this share is too small.

The authorization is less than the FY01 budget request, $137.5

Part H: Allen J. Ellender Fellowship Program

The Administration proposed repealing the program. This is current law.

Part I: Ready-to-Learn Television

Purpose of awards (Page 448, lines 4-9): The language about facilitating the development of programming and digital content is new and it is not clear that the telecommunications entities are best qualified or have the necessary expertise to be developing academic content.

Eligible entities (Page 448, line 22): **Limits eligibility**; instead of "a nonprofit entity (including a public telecommunications entity)", the provision only refers to "a public telecommunications entity" with capacity for *national* distribution of programming (line 24).

Duties of the Secretary (Page 449, line 15): The eligible entities have been changed slightly to refer back to the provision cited above.

Authorization of appropriations (page 454, lines 21-23): Under current law, there is a requirement that at least 10 percent of annual appropriations be used for "identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness"; under the bill, this funding rule has been eliminated and there is a new funding rule requiring that at least 60 percent of annual appropriations be used to carry out section 5902 (which is currently misnumbered as a second 5901--see page 447, line 17). Section 5902 describes the awards for educational programming. This funding rule seems odd. After subtracting the 5 percent maximum for administrative costs under section 5906, it looks like up to 35 percent of the funds could be used for reporting and evaluation. The funding rule should be clearer.

Part J: Inexpensive Book Distribution Program

Current law and consistent with the Administration's proposal.

TITLE VI: Innovative Education

Part A: Innovative Education Program Strategies (p.458)

Part B: Rural Education Initiative

Major Concerns:

- **Allows small, rural LEAs to consolidate funds from Titles II, IV, and VI without any meaningful accountability.** Such LEAs--with fewer than 600 students and located in communities with rural-urban codes 6,7, 8, or 9--would be able to use these funds for activities authorized under Title VI. The proposal offers substantially weaker accountability than H.R. 2 for small, rural LEAs eligible to consolidate funds.

  The proposal does not specifically require LEAs--in measuring achievement--to base student academic achievement on the Statewide assessments under Title I. Instead, the bill confusingly says (page 489, line 9): "an assessment that is used statewide and consistent with the assessment described in section 1111(b)." It's not clear why the bill doesn't simply require student performance to be measured by the "State assessment system under section 1111 of Title I." As written, the bill seems to open the door for multiple State assessment systems, which would only add confusion.

Where there is no statewide assessment, the bill allows LEAs to base student academic achievement on "a test, that is selected by the [LEA]" (page 495, line 17). The bill should require this test to be valid, reliable, or aligned to both state content and performance standards.

An LEA can continue to consolidate funds if it shows that students performed "better" on tests, comparing the first year to the fifth year (pages 490, line 13). The term "better" is weak; how much "better" must student performance be? According to the language, **any improvement (however little) appears to suffice**. Also, five years is too long an interval to wait before ensuring accountability.

- **Creates supplemental grants for small, rural LEAs.** Although the bill purports to create a "competitive" program (page 486, line 11), the amount of the grantee's award would be computed by formula with a $60,000 maximum (page 487, line 8). Is the intent to provide supplemental funds to all eligible LEAs (as defined on page 486, line 16) without competition? The accountability provisions are the same as above, with the same weaknesses.

- **Creates a new formula program for poor, rural LEAs.** Accountability is weak. State applications "*may*" include "specific educational goals and objectives relating to achievement, drop out rates, ...or other factors that the SEA or LEA may *choose* to measure." This open-ended provision would significantly dilute accountability. Although LEAs appear to be accountable for student achievement, the accountability mechanism is the same as for small, rural LEAs and has the same weaknesses. thereby implying that the Secretary could not ask for such information in the application.

Parts C through F fail to make the many useful improvements proposed by the Administration that would update and streamline these provisions to reflect experience since the IASA's enactment and to conform to the rest of the Administration's proposal.

Part C: Education Flexibility Partnerships

No changes from previous draft. (See attached Administration changes to current law.)

Part D: Flexibility in the Use of Administrative and Other Funds

Section 6403(b), p. 521, lines 4-12:
States should not be given an extension of time to develop procedures to respond to requests from LEAs to consolidate administrative funds. They were given 1 year from enactment of the IASA, which has long since passed, so it's a mistake (which was also in the Administration's bill) to simply replace the reference to the IASA with a reference to the name of the Senate bill, and give States another year to do something which they were required to have done more than 5 years ago.

Section 6401, p.518-520: Consolidation of State administrative funds.
The proposed language **does not expand the list of programs to which section 6401 applies, nor does it expand the list of activities for which the consolidated funds may be used** (See Administration proposal).

Section 6406, p.525, lines 9-17: Availability of Unneeded Program Funds.
Subsection (a), should convert the standard from "unneeded" to "more effective" in determining whether up to five percent of an LEA's funds may be moved from one program to another.

Subsection (b) should, like current law (section 14206(b)), make reference to title XI in determining what a coordinated services project is.

Part E: Coordination of Programs; Consolidated State and Local Plans and Applications

Section 6502, p.526: Optional Consolidated State plans. The proposal should clarify that a State educational agency submitting a consolidated State plan must comply with all requirements applicable to the programs included in the plan. The language should also clarify that the Secretary shall ensure that a consolidated State plan must contain for each included program the descriptions and information needed to ensure proper and effective administration of that program.

The proposal does not contain provisions--as proposed by the Administration--designed to ensure integration and coordination of resources.

The proposal limits any ability to ensure quality and effectiveness by failing to include performance indicators. Likewise, the proposal should require the inclusion of plan provisions relating to monitoring and data integrity, as well as procedural provisions relating topeer review and secretarial approval and revision and amendment. Without these additions, the consolidated reporting and application requirements supported by the Administration can, and have sometimes been, real obstacles to collecting meaningful data, evaluating programs, and even identifying promising practices.

Section 6504, p.531: Additional Coordination.
This section, which the Administration proposed to repeal, duplicates a lot of what's required by PL 106-107, the Federal Financial Assistance Management Improvement Act of 1999, enacted last November. That Act requires OMB to develop a common application and reporting system across Federal agencies and programs and requires each Federal agency, by May 20, 2001, to develop and implement a plan that, among other things, includes a common application and reporting system for its financial assistance programs. There's no need to continue this separate ESEA provision.

Section 6505, p.531-2: Consolidated local plans. The language **does not include provision that for each program included in the consolidated local plan, the Secretary may designate the descriptions and information that must be included in the plan** in order to ensure that each such program is administered in a proper and effective manner.

Section 6507, p.535-6: Relationship of state and local plans to other plans does not include the Administration's provisions.

The proposal **does not include a provision on consolidated reporting**; this is necessary.

Part F: Waivers

Section 6601, p.536: Waivers of statutory and regulatory requirements.
This should be expanded to include the Perkins Act and McKinney Homeless.

This proposal **does not contain necessary provisions on maintenance of effort; participation of private school children; or evaluation and indicators.**

Part G: Academic Achievement for All (Straight A's)

Allows states to convert an array of programs that address national priorities into a single, general aid, block grant. The proposal fails to:

1) Target resources within state to the districts and schools who most need them (and often generate the resources). With the exception of Title I funds, states determine how funds should be distributed --and on what basis--within the state.
2) Ensure program integrity and purpose by holding states and communities accountable for the use federal funds.
3) Hold schools and districts accountable for student performance.
4) Provide Congress, the Administration, and the public information from which to evaluate program effectiveness.

Programs that States may include in the Academic Achievement for All (Straight A's Act):

Program	Authorization ($000s)
Title I Part A – Grants to local educational agencies	$10,000,000
Title I Part B – Even Start	$500,000
Title I Part C – Migrant Children	$400,000
Section 1502[1]	$200,000
Title II Part A Teacher Empowerment	$1,960,000
Subpart 1 – Grants to States	
Subpart 2 – Subgrants to Eligible Partnerships	
Subpart 3 – Grants to Eligible LEAs	
Title III Part B – Neglected and Delinquent	No authorization[2]
Section 5132 – Technology Literacy Challenge Fund	$560,000
Title VI – Innovative Education	$850,000
Title VII Part C – Emergency Immigrant Education	$200,000
Class Size Reduction (Sec. 310 of the Dept. of Ed. Appropriations Act, 2000	n/a
Education for Homeless Children and Youth (Stewart B. McKinney Homeless Assistance Act)	$40,000

Note:: In addition to the listed programs, States may include: "Any other provision of this Act that is not in effect on the date of enactment of the Educational Opportunities Act under which the Secretary provides grants to States on the basis of a formula."

[1] Should this be a reference to section 1602 Comprehensive School Reform Demonstrations?
[2] There is no authorization of appropriations listed in the bill.

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

Part A: Bilingual Education

The proposal increases the floor for SEA grants from $100,000 to $200,000, effectively doubling the cost of this program or, dramatically altering the distribution of Title VII resources across states. Would require an increase from $9.6 proposed to $11.4 million just to provide each state with $200,000 of more money for state systems w/ out accountability. (Under this scenario, California loses $900,000.)

Professional Development: The Administration's proposal carefully drew a distinction among each of the 4 professional development activities. The Senate bill completely rejected that approach. Under the Senate bill (and current law), Training for all Teachers, Teacher and Personnel Grants, and Career Ladder will be indistinguishable and make individual program evaluation and accountability near impossible. The **programs should be streamlined to have distinct purposes and increase the Secretary's ability to measure effectiveness against clear goals.**

The Senate bill adopts much of the Administration's language overall. However, in Comprehensive School Grants and Systemwide Grants the proposal **drops language in the current law that requires Comprehensive Grants to serve all, or virtually all LEP students in the school and Systemwide Grants to improve programs "within an entire local educational agency."** The proposed change potentially takes us back in the direction of pre-1994 grants that often operated in isolation from what was happening in the rest of the school or district. This inclusion is integral to ensuring that all teachers serving LEP students, not just those in designated bilingual or ESL classrooms, are trained to meet the unique learning needs of these students.

The Senate bill also rejects the Administration's proposal to hold Comprehensive and Systemwide grantees accountable for low performance and potentially withhold their fifth year of funding. The Senate bill **requires that of funds available for Comprehensive Grants and Systemwide grants, funds first cover continuation awards for grantees first funded under the old statute, and then use 1/3 of remaining funds for new Systemwide grants and 2/3 for new Comprehensive Grants.** The Secretary should have the discretion to determine the distribution of these funds across programs.

Support Services:
The Senate excludes minor amendments to the research authorization and to the instructional materials authority.

Part B: Foreign Language Assistance Program

Fails to use the national discretionary grants program to advance second language learning in US schools. The bill fails to improve the program to encourage the development and implementation of elementary school foreign language programs, ensure **articulation between elementary and secondary** school programs, promote programs that focus on developing language fluency--not just familiarity--and **encourage states to develop standards for foreign language learning**. These changes are integral to advancing the current state of foreign language learning in the US and of supporting innovative programs that can effectively serve as models of language learning.

Continues foreign language incentive program; at a minimum some reporting or evaluation requirements should be added.

Part C: Emergency Immigrant Education Program

The Senate bill fails to provide states with the authority to use any or all of their grant for discretionary grants to LEAs; this continues to be accomplished through appropriations language.

Part D: Administration

Part E: General Provisions

TITLE VIII: Impact Aid (p.601)

Section 8002: Payments for Federal Property (p.601-610)
These changes are objectionable. Either the Administration's proposal or current law is preferable. The proposed Senate changes to the formula would essentially require that funds be distributed largely based on hold harmless provisions. The payment formula in section 8002(h)(4) (p.604-606) would appear to result in districts that become eligible after FY 1995 receiving small section 8002 payments compared to other 8002 districts with the same level of need. Funds under this section should be distributed based upon the current burden on each district caused by the Federal ownership of real property. Because this formula is based primarily upon hold harmless provisions, districts that are relatively new applicants would receive little or no compensation, despite the relative amount of Federal property in the district.

The "special needs" provisions (8002,8003) would earmark funds for individual districts that are identified by name or unique characteristics. They should be deleted because these funds should be distributed based on an objective, quantifiable assessment of current need rather than hold harmless provisions and funding earmarks.

The Department would have difficulty meeting a requirement to pay all LEAs an initial amount of 60% of the prior year's payment within 60 days of the appropriation as would be required by subsection (l)(2), p.607-8. A similar preliminary payment authority in the statute prior to the last reauthorization caused many overpayments. (Section 8002 payments are based on current year data and applications are due January 31, approximately 120 days after the beginning of the fiscal year.)

Establishing a 5-year time limit for new applicants following the acquisition of federal property in a local school district (subsection(m)(1-2)p. 608-9) would hinder new applicants for section 8002 payments. Since the existence of the section 8002 payment program is not widely known outside of the community of school districts that currently receive Impact Aid, some eligible school districts do not learn of and begin to apply for the program until years after the acquisition of federal property. This provision **could prevent some otherwise eligible school districts from receiving Impact Aid**. Thus, it would favor those school districts that currently participate in the section 8002 program by limiting new applicants.

In addition, the five-year timeframe for "combined Federal property" and for "new Federal property" specifically refers to five years following the date the Federal Government acquires property for those properties that are acquired after enactment of the act. This provision appears to assume that Federal property acquisitions in a district occur in one transaction. However, most

Federal property acquisitions take place over a multi-year period that sometimes stretches over a decade. It is not unusual for a LEA to have substantial amounts of federal property acquired in its district years before it actually reaches the 10 percent eligibility threshold. These provisions would preclude those districts from applying for these funds.

Section 8003(a): Federally connected children
Would continue payments on behalf of "b" children, even though they create a very limited financial burden to LEAs. "a" students, who impose a greater burden than "b" students, should receive priority when distributing Impact Aid funds. The Senate bill is particularly objectionable because it would increase the weight for military "b's" from .10 to .25 (p.610, lines 10-13). Military "b" students reside with their parents who live off-base on property that communities can tax to raise money for education. In contrast, "a" students generally reside with their parents who both live and work on Federal property that communities may not tax. The likely effect of the Senate bill would be that increases in funding under Basic Support Payments would raise payments on behalf of "b" students while funds generated on behalf of "a" students would remain constant or be reduced over time.

Section 8003(b): Basic Support Payments formula (p.610-611)
The Senate bill would largely leave the formula unchanged. Several changes should be made to the formula under current law.

The Administration's proposed payment formula includes changes from current law in the weighted student count and in how the maximum payment and LOT are calculated. The formula would make payments more equitable and more closely reflect the actual local cost of educating these students. Only "a" students would be included in the weighted student count. The proposed formula would use the greatest of three LCRs, which would be multiplied by the weighted student count, to calculate the maximum payment. The three factors are:
-the LCR of comparable LEAs in the State (from current law);
-the product of the SPPE and the State's local contribution percentage (from current law); and
-the product of the average per pupil expenditure in the U.S. and the State's local contribution percentage (new).

These three LCR alternatives would more closely approximate the local cost of educating these students than do the four available under the current statute, because all three include a measure of the amount and the proportion of funds provided at the local level. The Department's proposal would exclude two LCR options that are available under current law: (1) one-half of the SPPE and (2) one-half of the average per-pupil expenditure in the U.S. Both of these LCR options arbitrarily assume that one-half of revenue for education is derived at the local level, an assumption that has no factual basis. (According to NCES, the proportion of education funds for elementary and secondary education derived from the local level, which reflects the local cost of educating students, varied from 12 to 87 percent among States in the 1994-95 school year.) The two excluded LCR options inequitably shift funds away from LEAs with a relatively high local cost of educating a student to LEAs with a relatively low local cost.

The Administration's proposal would amend the LOT percentage to make it the sum of:
(1) 50 percent, and
(2) one-half of the percentage of federally connected students.

The LOT proposed by the Administration would consistently favor LEAs with high concentrations of federally connected students, which face a disproportionately high federally imposed burden. The LOT formula in current statute does not. Rather, the current statute allows an LEA to reach a LOT of 100 percent when its percentage of federally connected students is considerably less than 100 percent.

The proposed LOT would also eliminate a pernicious effect of current law -- the potential reward for LEAs that reduce local tax effort. One of the components of the current LOT is the maximum payment as a percentage of total current expenditures. As an LEA decreases the amount of local funds it expends, the maximum payment as a percentage of total current expenditures increases. The current LOT, as a result, is higher for LEAs with a relatively low tax effort (and a corresponding relatively low local cost of educating students), all other factors being equal.

Section 8003(d): Payments for Children with Disabilities
As proposed for Basic Support Payments, the Administration would eliminate payments on behalf of military "b" students. The limited amount of funds available for Impact Aid should be focused on "a" students since they present the greatest uncompensated burden to school districts.

The reference to a "free appropriate public education" should be changed to "services."

Section 8003(e): Hold Harmless Amounts (p.611-612)
All available funds should be distributed based on objective data that measure the level of current need within a school district. The approach used under current law, which limits hold harmless payments to two years, is preferable to the approach here, which includes no such limit.

Section 8003(f): Additional Assistance for Heavily Impacted LEAs
While current law must be amended, the proposed Senate bill would replace this with complex special basic support payments for heavily impacted districts (p.612-623). The proposal incorporates much of the FY 1999 and 2000 "pilot program" for section 8003(f) into the basic support payment provisions; the proposal would pay districts that qualified in FY 2000 for section 8003(f) and that meet a number of other criteria a much higher basic support payment. The Department estimates that the proposed payment would approximate the amount that districts received in basic support and under section 8003(f) in FY 1999. The proposal also guarantees these districts the payments for at least two years, even if they do not meet the requirements in the second year. With this "hold harmless" provision and the use of three-year old data, the proposal would seem to have little regard as to whether the districts were currently heavily impacted.

The current law or the Department's proposal is a better starting point for the reauthorization of support for legitimate heavily impacted districts. The system for providing payments for heavily impacted districted should be simplified, not made more complex, and it should consider genuine need for the increased payments.

Section 8003(g): Additional payments for LEAs with High Concentrations of Children with Severe Disabilities
This authority should be repealed; it has never been funded.

Section 8003(h): Other funds
The reference to the Section 6 program is outdated and should be replaced. The Administration proposed to replace it with language that is currently in Impact Aid regulations at 34 CFR 222.30(2)(ii).

Section 8003(i): Maintenance of effort

The Administration proposed to eliminate this requirement regarding local effort because it is inappropriate for Impact Aid. Impact Aid funds are designed to assist LEAs meet the local cost of educating students. Unlike most programs in the Department of Education, most Impact Aid funds are not categorical funds designed to help LEAs educate special populations.

Section 8004: Policies and Procedures relating to children residing on Indian lands.

The Administration proposed to strengthen the language in section 8004 to support Indian community participation in public schools that receive Impact Aid by requiring school districts serving Indian children to carry out a program of family and community involvement required under Title I, through the Title IX Indian parent committees. Our proposal would also clarify that section 8003 funds may be used to increase tribal and parent involvement in the education of Indian children.

Section 8005: Application for payments under sections 8002 and 8003

The Alaska provision under (d)(4) should be excluded.

Section 8007: Construction (p.6260628)

Current section 8007 construction authority should be reformed, but using 8007 as a vehicle for providing construction funds for several types of school districts with federally connected students, some of which have not previously been eligible is not the right approach. Rather than diluting these funds by making additional categories of LEAs eligible for these funds, the Administration's proposal targets scarce resources for construction assistance under this authority to the Impact Aid school districts with 50 percent or more of the students live on Indian lands. These districts have a far greater need for school construction assistance than the other types of districts that are eligible for these funds. The predominantly Indian districts have a poverty level of 45 percent compared to just 10 percent poverty on average in LEAs with 50 percent or more students with a parent in the uniformed services. The poverty percentages are important because the General Accounting Office has found that the quality of school facilities tends to be worse in high poverty schools and the National Center for Education Statistics reports that school facilities with relatively high proportions of students in poverty tend to be relatively old. The predominantly Indian districts also have the highest percentages of federally connected children and the least amounts of local taxable property. In addition, the National Indian Impacted Schools Association reports that in a recent survey its member school districts reported that they each need $6.9 million on average to bring their schools into good overall condition.

In addition, there appear to be technical problems with the approach specified for the competitive grants. Eligibility would be restricted to local educational agencies that have an assessed value of taxable property per student that is below the State average. However, we believe that these data are not available from all States and that when they are available, they would not necessarily provide comparable data within the States due to disparate real estate assessment practices within States.

Section 8009 State consideration of payments in providing State aid

The Administration proposes to add an additional requirement to the equalization standard a State must meet before it is permitted to offset Impact Aid received by local school districts in its State education funding formula. A State should not be permitted to reduce State aid to Impact Aid districts unless its current per-pupil educational expenditures are at least 80 percent of the national average. This would help ensure that Impact Aid school districts receive adequate funding.

Section 8010: Federal Department
The Senate bill would appropriately delete eligibility rules for fiscal years prior to 1995.

Section 8012: Forgiveness of overpayments
Retained.

Section 8013:Definitions
Refer to technical corrections to definitions that should be included in the bill.

Section 8014: Authorization of appropriations

Conforming amendments
There does not appear to be a reference to 8014(e) under 8007(b)(1). However, there are more problematic references in 8007A(a)(1) and 8007A(d).

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

Part A: Indian Education (p.643)

Creates an unnecessary and burdensome "Indian-Flex" authority to allow grantees to consolidate resources from across federal programs (Education, Interior, etc.). The proposed language, similar to H.R.#2, would limit the Secretary's authority by limiting program evaluation and reporting to only a single system implemented by the "lead agency" (p.663, line19) that could be: 1) inconsistent with evaluations and reporting requirements implemented for non-consolidated programs; and 2) less rigorous than the standards or indicators established by the Secretary (p.664). In addition the "flexibility" would create increased paperwork , at both the local and Federal levels, without potential benefit in terms of flexibility. For LEAs, the only programs that could be consolidated would likely be Title IX and Johnson-O'Malley, which can already be used to operate combined programs. BIA schools already have the authority to consolidate ESEA funds and do not need this authority.

Creates changes to increase Indian access and involvement in grants and contracts, but does so in ways that may limit the Secretary's discretion in acquiring specific expertise. Current section 9153 requires the Secretary, in making grants under subparts 2 (discretionary programs), 3 (adult education), and 4 (national R and D), to give a preference to Indian tribes, organizations, and IHEs. The proposal would apply this preference not just to grants, but also to contracts and cooperative agreements under those subparts. Such a change could have very serious repercussions for activities under subpart 4, where the Department has used national program funds to augment NCES surveys, analyze census data, and other studies to ensure that Indian interests are pursued. While Indians have been involved in many of these projects, the contracts (or activities within contracts) have not been awarded to tribes or Indian organizations. The language should be changed to exempt subpart 4 contract activity (p.710, line 3).

Continues four unfunded discretionary authorities--Fellowships, Gifted and Talented, Tribal Educational Agencies, and Adult Education--that the Administration has proposed for repeal. Since the unfunded authorizations are maintained, the bill also fails to include gifted and talented programs as allowable under the LEA formula grants program.

The bill unsuccessfully revised language on eligible entities from the earlier draft; revert to current law. As it stands, the applicant has to be a consortium even when an IHE may be the most appropriate or most qualified applicant.

FY2001 authorization for Indian Education is $32,765,000 below the Administration's request for subpart 1, and $18,735,000 below the request for subpart 2.

Part B: Native Hawaiian Education

Acceptable, though there are still issues related to 1) appointment of council members being based only on recommendations from the Hawaiian community, 2) family literacy is categorized under higher education, and 3) addition of 2 islands to the Island Councils list.

Part C: Alaska Native Education

Acceptable.

TITLE X: General Provisions

Part A: Uniform Provisions

Private schools:

None of the changes proposed by the Administration, current sections 14503-14506 are included. These included **clarifications and improvements relating to consultation with private school officials,** as well as language clarifying that the services provided to kids in private schools are to address their needs (and thus need not be the same services provided to kids in the public schools). These proposals track the proposals made in the corresponding provisions in Title I.

(Some fine tuning will be need before the language is final to ensure that provisions apply only to formal grant programs.)

With respect to other uniform provisions relating to equitable participation the balance of part A of title X would largely track the current provisions, subject to technical cross reference changes. As a result, the draft would not make the changes to current title XIV-E proposed by the Administration and designed to accomplish the following:

In current section 14503(a)(1) of the ESEA, clarify that services should address the needs of private school students.

In current section 14503(c)(1), add to the issues to be covered by consultation between designated public educational agencies and appropriate private school officials. (The new issues to be covered by such broadened consultation would include (1) the amount of funds received by the agency that are attributable to the private school children and (2) how and when the agency will make decisions about the delivery of services to these children.)

In current section 14503(c)(2), clarify the timing of such consultation. Under the Administration proposal, such consultation would be required to include meetings of agency and private school officials to occur *before* the LEA makes any decision that affects the opportunities of eligible private school children or their teachers to participate in ESEA programs. Such consultation would also be required to continue throughout the implementation and assessment of activities under current section 14503 of the ESEA.

Part B: Evaluations

[Sec. 10201, pp. 751-758; current sec. 14701, Administration proposed sec. 11911]

The draft is nearly identical to current law, and does not include the Administration's proposed amendments to greatly streamline this section; **explicitly authorize evaluations to carry out GPRA**. It does not include proposed new subsection(e) that would authorize ED to work with States to develop information on program performance that can be used by States, districts, and schools for continuous program improvement (should go on p.758, after line 10).

The proposal (p.755, between lines 12 and 13) deletes authority for evaluations of how ESEA programs contribute to reform efforts (note: this long section in current law is replaced with one sentence in the EEACA). The proposal should direct the Secretary to use reserved funds to conduct independent studies of ESEA programs and the effectiveness of these programs in achieving their purposes, to determine, among other things, whether the programs are contributing to improved student academic performance and supporting the development of challenging standards and aligned assessments that guide other elements of school reform.

P.757, lines 18-23 requires final report on evaluation by January 1, 2004—EEACA would require an interim report three years after the date of enactment and a final report 4 years after the date of enactment.

The draft also does not include our proposed section 11912 relating to performance indicators, and does not include proposal to better focus the national evaluation provisions. The draft does not include a specific authorization for the Secretary to develop performance indicators, benchmarks, and targets for ESEA programs and the McKinney Act and does not authorize the Secretary, with funds reserved under current section 14701, to conduct evaluations to carry out the purposes of the Government and Performance Results Act of 1993 and work in partnership with the States to develop information relating to program performance that can be used to help achieve continuous improvement at the State, school district, and school level.

The proposal should also direct the Secretary to provide technical assistance to ESEA recipients to strengthen the collection and assessment of information relating to program performance and quality assurance at State and local levels, in order to promote the development, use and reporting of data on valid, reliable, timely and consistent performance indicators within and across programs.

The Secretary should also have authority to establish an independent panel to review these studies and advise on progress.

Other repeals

The draft repeals Titles XI, XII, and XIII. (Have all of these been revised?) What is the intention in regard to Coordinated Services (XI) or Technical Assistance, etc. (XIII), neither of which have been provided?

Miscellaneous (p.1-13)

ESEA definitions are moved from 14101 to section 3, but it's not clear what, if anything, is planned for 14102 (which ESEA language applies to Impact Aid) and 14103 (applicability of the ESEA to BIA schools). The Administration proposed to keep both of those sections and to add a definition of "family literacy services".

Part C: America's Education Goals (p.758-768)

The draft does not include any findings or a statement of the purpose of having the goals, as the Administration bill [sec. 3(a) of the EEACA and sec. 3(a) of the ESEA] would.

Part D: America's Education Goals Panel

The draft lacks an authorization of appropriations for the Panel. See current section 241 of Goals 2000 and the Administration's proposed section 11307.

The draft does not include the proposal to treat the Panel's Director and staff as Federal "employees" under Title 5 of the US Code. A failure to include this clarification could put the status of the Director and staff at risk.

The phrase "in the executive branch" (page 768, lines 20-21) needs to be deleted, or Panel members could be subject to assorted Federal Government ethics reporting requirements.

The special rule on p. 771, lines 5-16 is not needed as drafted because there is no existing goals panel appointed by the National Governor's Association. It needs to be revised if the intent is to say that the existing Goals Panel meets these requirements

The date of appointment and initiation provisions (page 772, lines 14-21) are no longer needed--they were only necessary when the Goals Panel was created, and if there was any question at all regarding the need for these provisions at this point, the transition rule (page 780, line 21 through page 781, line 2) should be sufficient.

The reporting requirement at page 774, lines 12-15 appears duplicative of the requirement at lines 7-11. It appears that the two could be combined.

In addition, there are several technical drafting issues regarding the Goals Panel provisions (including some glitches being carried over from current law).

MEMORANDUM TO DAVID BEIER

FROM: Bethany Little

SUBJECT: Senate activity on Education issues

ESEA Reauthorization

The Senate Health, Education, Labor and Pensions (HELP) Committee began marking up the Elementary and Secondary Education Act reauthorization today (March 1). Because of floor debate on Education Savings Accounts (see below), the markup was adjourned immediately following opening statements. The basic split will be between Republicans attempting to block-grant programs and Democrats insisting on funding categorical programs with accountability for results. Senator Lieberman's proposal to consolidate the 60 existing ESEA programs into performance-based grants for compensatory education, teacher professional development, limited-English proficient students, and innovative strategies (such as after school programs and technology) remains the wild card in this mix, but is unlikely to be considered in committee.

The Republican proposal, drafted by Chairman Jeffords, would not significantly change most of the ESEA Titles, with one big exception – it would give states or local districts the ability to combine funds from formula grants (such as Title I aid for disadvantaged students) to implement programs designed to reach goals set by the state to improve student performance within five years. Failure to meet the goals would force states to revert to the current categorical system of formula grants. This provision is often called "Super Ed-Flex" and mimics the Republican "Straight As" bill passed in the House last year. Jeffords' bill would also establish a $2.5 billion bonus fund for states that exceed their five-year goals. The bill would authorize more than $19.6 billion, a number that would increase dramatically if some of the Democratic amendments were adopted, but Republicans insist that the gulf between the two parties is over policy, not money.

The first five Democratic amendments that will be considered should be:

- Senator Kennedy's amendment to provide about $500 million a year to help recruit, train and retain teachers for high-poverty areas;
- Senator Dodd's amendment to protect 21st Century Community Learning Centers (after school and summer school);
- Senator Harkin's amendment to authorize $1.3 billion in grants and loans for emergency school construction and repairs -- he also wants to restore provisions requiring schools and other organizations that receive federal funding for children's activities to ban smoking at their facilities;
- Senator Mikulski's amendment to help close the digital divide; and
- Senator Bingaman's amendment to increase accountability for Title I funds similar to the Administration's proposal.

Eventually Senator Murray will offer an amendment to continue funding to reduce class size, and Senator Wellstone will offer an amendment to authorize $340 million a year to hire 100,000 new school counselors, 21,000 school psychologists and 20,000 school social workers among other amendments.

Republicans may also offer amendments to the proposal, but none are expected that would change the overall thrust of giving states more control over spending.

Education Savings Accounts

Senator Coverdell's bill to modify the current Education Savings Accounts is being debated on the floor today. This bill would expand the maximum annual tax-free contribution from $500 to $2,000 and would allow the savings to be used for any private or public education expense rather than only for higher education expenses. This bill would disproportionately benefit wealthy families, and would offer almost no benefit to the majority of parents whose children attend public schools. The Secretaries of Education and Treasury have both recommended that the President veto the Coverdell bill should it clear Congress. Because Republicans know this bill would be vetoed, this debate is generally perceived as an attempt by the Republicans to buy time and be seen as acting on education. Democrats are using this opportunity to promote our education priorities by offering substitute amendments that would invest in programs like school construction or fixing failing schools. Among these, the Senate has already rejected an amendment offered by Senator Dodd to replace the savings account provisions, and instead allocate the estimated $1.2 billion cost of the savings accounts over five years to education for disabled children. Senator Dodd's amendment was offered to force Republicans to choose between funds for IDEA (which they claim to have increased over the Administration's objections) and a tax cut for the wealthy.

Republicans are using this as an opportunity to load up the bill with other "pet projects" including:

- Tax breaks for business that are strongly supported by labor. At a cost of $2.6 billion, this provision would continue to give employers a tax exemption for their contributions to undergraduate courses for their employees, and it would add graduate courses to the exemption. The tax break would expire June 30, 2004.
- Making the money parents contribute to certain prepaid college tuition programs tax-free at a cost of $959 million over 10 years. Currently, the prepaid tuition programs are tax deferred.
- On a vote of 98-0, the Senate adopted an amendment that would allow teachers to deduct school supplies and expenses from their personal taxes regardless of the current 2 percent floor on deductions. It would also allow a $100 tax credit for teachers who use their own money to pay for classroom materials and professional development.

EDUCATION DAILY

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Alexandria Schools To Appeal $1 Million Verdict

Attorneys for Alexandria, Va., school officials will ask a federal judge for relief from an unprecedented $1 million jury verdict levied against them for failing to stop a teacher from sexually abusing a student.

On Friday, a federal jury assessed what legal experts tout as the largest penalty in recent history against a school system for failing to prevent the sexual abuse of a student by a teacher who exhibited signs of being a child molester.

The school board was ordered to pay $700,000 to Jackson Baynard, who is now 20 and a student at George Mason University in McLean, Va. Catherine Malone, the principal of Charles Barrett Elementary School at the time, was ordered to pay $350,000.

Baynard sued the school system and several administrators in 1999 for ignoring warnings that his sixth-grade teacher, Craig Lawson, had abused children in the past.

Lawson sexually abused Baynard for seven years, beginning when he was 12, and ending when he turned 18.

Message To School Districts

Some say the verdict reinforces the message that school districts which fail to prevent such abuse will face stiff penalties in federal court.

But the Alexandria schools' attorney, Francis Prior, said districts don't need a warning because the Supreme Court has made clear their obligations under Title IX of the 1972 Education Amendments, which bar sexual discrimination at public institutions.

Further, Alexandria officials and local police investigated Lawson's past in 1991 and found no evidence of his then-alleged delinquent behavior, he said.

(more on p. 2)

In This Issue

Vol. 33, No. 48 ■ Tuesday, March 14, 2000

CCSSO To Lobby Against 'Straight A's' Measures

State education leaders said yesterday they are prepared to "twist some arms" on Capitol Hill over Republican-backed legislation to consolidate funding for several federal education programs, known as the "Straight A's" bill.

Conference Report

Unless education funding is targeted toward specific purposes and goals, federal programs will gradually lose the support of both Congress and the American public, warned Gordon Ambach, director of the Council of Chief State School Officers (CCSSO).

"The risk is not just for the states that decide to [enroll in Straight A's], it's for every state," he said, encouraging CCSSO members to visit their congressional representatives during a legislative conference in Washington, D.C., this week.

Embedded in S. 2—a bill to reauthorize the nation's main K-12 law—the Senate Health, Education, Labor and Pensions Committee last week passed two versions of the Straight A's proposal, which would allow some states to receive federal funds in a lump sum if they agree to enter "performance agreements" with the Education Department (ED, March 9).

The House passed a similar measure last year, H.R. 2300 (ED, Oct. 25, 1999).

(more on p. 4)

Alexandria Schools To Appeal $1 Million Verdict (Cont.)

Robert Bullock, Baynard's attorney, could not be reached for comment.

Julie Lewis, a staff attorney with the National School Boards Association, said the incident happened long ago, well before school districts made changes to their policies. She called the case a modern-day "exception."

"Public schools have made major changes to how they handle sexual misconduct," she said.

'The school board certainly understands the jury's desire to compensate [Baynard] for what he went through for seven years at the hands of Lawson, but we still don't believe we are legally responsible.'

Francis Prior, attorney for Alexandria schools

"Not only are we taking it very seriously, but we have worked hard to explain the legal standard set in *Davis* to encourage school districts to set up clear reporting guidelines," Lewis said. "That is one way to avoid situations where the right people in a school are not told of incidents that could result in a gray area that leads to liability."

She was referring to *Davis v. Monroe County Board of Education* (97-843), a case in which the Supreme Court ruled that school districts could be held liable for severe and pervasive sexual harassment about which they were informed and still failed to act.

Lewis said the issue of exactly who should know and when liability is triggered is an unanswered question, even after the *Davis* ruling (ED, May 26, 1999).

Prior said he will file a motion within 11 days, the court-ordered time frame, requesting the ruling and verdict be overturned or that there be a new trial.

The argument that the district is not liable in this case is, in part, based on the standard set in the Supreme Court's *Gebser v. Lago Vista*, which established that school officials are not liable for teacher-to-student sexual abuse unless they had actual knowledge of it and failed to act to stop it (ED, May 25, 1999).

"The principal was not an 'official' with authority to terminate," Prior said, suggesting that neither Baynard nor his representatives informed the Alexandria City School Board of the abuse, and as a result, the system cannot be held liable.

Shaky Legal Ground

And despite court evidence that Malone was informed of Lawson's past abuses against his former students, Prior said the principal was given no knowledge of Lawson's abuse of Baynard at any time during the seven years.

He said a new trial would be warranted because the ruling and verdict are not consistent with the standard set in *Gebser* and other cases.

"The school board certainly understands the jury's desire to compensate [Baynard] for what he went through for seven years at the hands of Lawson," Prior said, "but we still don't believe we are legally responsible."

Prior said the schools will appeal the ruling and verdict in *Baynard v. Larson et al.* (99621) to the 4th Circuit Court of Appeals if the trial court rules against them.

In the summer of 1995, Alexandria public schools began requiring criminal background checks of all applicants in compliance with a state law that mandated all school districts do so for any applicant hired after July 1, 1989.
—Esmeralda Barnes

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Conservatives: Democratic Bill Is 'Step In Right Direction'

Republicans indicate a new education-spending framework unveiled last week by a coalition of moderate Democrats may contain some common ground on which to build a compromise—even while the National Education Association (NEA) has come out strongly opposed to the bill.

The proposed Public Education Reinvestment, Reinvention and Responsibility Act (the "Three R's Act") offers a "third way" between the Democratic agenda of more spending on programs and the Republican priorities of block grants and vouchers, say its sponsors in the New Democrat Coalition (ED, March 10).

Senators in the coalition hope to meet with their Republican counterparts this week to seek compromise and support for the proposal. They plan to introduce the bill as an amendment to the Elementary and Secondary Education Act (ESEA) when the full Senate brings it up for renewal next month.

In Search Of Common Ground

The Three R's Act would, among other things, increase federal spending by $35 billion over the next five years and consolidate many ESEA programs into five goal-oriented titles—with few strings attached.

Sen. Olympia Snowe, R-Maine, is looking for ways to reach sensible, common ground on education policy—something that historically divides Democrats and Republicans, said her spokesman, Dave Lackey.

"This could be that framework," Lackey said, noting that there are several other compromise proposals out there.

But, he said, Snowe, who heads up the reconstituted Centrist Coalition of moderate Republicans, is "definitely willing" to look at this proposal, and that the overall differences between moderate Republicans and Democrats are not that far apart.

Sen. Slade Gorton, R-Wash., meanwhile, is always excited when anyone—Republican or Democrat—proposes giving local school districts more control, said his spokeswoman, Megan Frey.

She said Gorton has been in contact with the office of Sen. Joe Lieberman, D-Conn., one of the bill's lead sponsors, and "he will continue to talk with Senator Lieberman and others about their proposal."

"But he is still going ahead with Straight A's," Frey said of the Republican proposal that would allow some states to block-grant funding for several federal programs if they enter a "performance agreement" with the Education Department (ED, March 9).

A 'Substantive Overhaul'

One conservative analyst, however, says the Republicans' Straight A's provision for education reform doesn't go far enough.

"The ESEA base bill is really still a status quo bill—pretty much what we have in current law," said Nina Shokraii Rees, an education policy analyst at the Heritage Foundation, a conservative think tank. "That is unacceptable."

She favors the concept behind the Three R's proposal, with some changes.

"Of course we do not think it is a good idea to raise education funding to $35 billion, especially given that [the moderate Democrats] are not promoting things like portability and vaster control of federal funds at the state level," Rees continued.

She noted, however, that Straight A's is just an option under the Republican plan, reaching only about 15 states, "whereas Lieberman's plan is a substantive overhaul of the base ESEA proposal."

"In that sense, I think it is a step in the right direction," Rees said. "With some changes, it could be palatable to conservatives."

In addition to a smaller price tag, some of the other Republican concerns include funding levels for classroom reduction and teacher quality training.

Rees says the most palatable compromise would include a provision that left Straight A's attached as an option for states.

There is considerable room for compromise on the Democratic side, said Lieberman press secretary Dan Gerstein.

(more on p. 5)

CCSSO To Lobby Against 'Straight A's' Measures (Cont. from p. 1)

... Doomed To Repeat It?

Ambach cited the consolidation of two dozen programs under Title VI in the early 1980s as a dire example of what might happen to the Straight A's programs if the bill is signed into law.

Because it was difficult to measure whether spending spurred improvements, the block grants under Title VI became targets for cuts and reprogramming.

Straight A's is 'an abandonment of the partnership between the federal government, states and local districts.'

President Nancy Keenan, president
Council of Chief State School Officers

Since the program's inception in 1982, funding has dropped from $760 million to $335 million in fiscal 2000.

In his budget request for fiscal 2001, President Clinton proposed eliminating the program altogether, saying the grants "are not well designed to support real improvements in teaching and learning." (ED, Feb. 8)

Washington's role in education could likewise be eliminated if Straight A's is passed, said CCSSO President Nancy Keenan.

"It's an abandonment of the partnership between the federal government, states and local districts," she said.

CCSSO's legislative conference also mobilized state leaders against another recent Republican measure: a "portability" amendment to S.2 that would permit some states to distribute Title I funds on a per-pupil basis.

The proposal from Sen. Judd Gregg, R-N.H., would allow up to 10 states and 20 school districts to "attach" funding to individual disadvantaged students, which would then follow the students to whatever school they attend.

Parents could also opt to have their child's share remain at school or put toward supplemental education services, such as tutoring (ED, March 9).

Gregg argued the measure would better target disadvantaged students and empower their families, but Ambach countered that the measure:

- Dilutes the funding stream, making it ineffective;
- Would not be needed in the first place if Title I were better funded; and
- Would create administrative burdens and decrease accountability.

CCSSO also put out its positions on other legislative issues, such as class-size reduction, education savings accounts and school modernization.

Briefly, the group supports federal involvement in school construction and renovation, and the president's efforts to reduce class size, but believes the savings accounts would divert funds from more important education programs (ED, March 6).

Many of CCSSO's positions are available online at www.ccsso.org/positions/fedpos.html.
—Michael Cardman

NEA Opposed To Moderates' 'Three R's Act' (Cont. from p. 3)

"There is interest on both sides to explore the middle ground," Gerstein said.

Initial, private discussions with Republicans have shown "they are interested in our framework," according to Gerstein. "We want to put flesh on the bones" of a compromise proposal.

In a March 10 letter to members of the House, the NEA urged them to refrain from signing on to the Three R's Act. The letter states that while the NEA supports certain provisions in the bill—including increased accountability and increased Title I authorized funding—there are a number of objectionable items that prevent the teacher union from endorsing the bill.

These include the "use of federal monies for tenure reform, the testing of all teachers and the exemption of charter school teachers from teacher quality requirements."

Countering the letter's claims, Gerstein says that drafters of the Three R's Act have already addressed the NEA's concerns, and he called the letter "disingenuous."
—Neal Learner

Funding Alert

◆ **'Extending The Reach' Scholar In Residence:** The National Endowment for the Humanities is seeking to fund programs that partner a humanities scholar from a local college or university with middle schools or high schools in areas identified as underserved by the NEH.

The program will team a local, NEH-identified scholar with a middle school or high school that seeks to improve teaching and learning about an area of the humanities.

Deadline: April 3.

Funds: $250,000; each grant is $10,000.

Eligibility: Public and private nonprofit organizations in Alabama, Alaska, Florida, Idaho, Louisiana, Missouri, Montana, Nevada, North Dakota, Ohio, Oklahoma, Puerto Rico, Texas, Washington and Wyoming.

Contact: Humanities Scholar in Residence Program, Division of Educational Programs, National Endowment of the Humanities, 1100 Pennsylvania Ave. NW, Room 318, Washington, DC 20506, (202)606-8380; fax, (202)606-8394; e-mail, education@neh.gov; *www.neh.gov.*

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◆ **Advanced Technological Education:** The National Science Foundation (NSF) is inviting applications under the Advanced Technological Education (ATE) program for projects to improve undergraduate and secondary technology education at the national and regional levels, with priority on leadership from two-year colleges.

NSF says all ATE projects must be guided by a coherent vision of technological education that recognizes the needs of the modern workplace and of students as lifelong learners.

The program especially encourages efforts that: develop innovative education approaches in core science, mathematics and technology courses at the secondary school and college levels; implement national science, mathematics, technology and industry standards in education; and recognize current and projected occupational requirements and give prospective technicians insight into real-world work environments.

Deadline: May 25 for preliminary proposals; Oct. 19 for full proposals.

Funds: $41 million for approximately 75 grants. Grant ranges vary by project category.

Eligibility: Colleges, universities, and public and private nonprofit and for-profit organizations. NSF especially encourages two-year colleges to apply. Consortia of other organizations (such as four-year colleges and universities, secondary schools, professional societies and educational research and development groups) that include two-year colleges in development roles also may apply.

Contact: National Science Foundation, Advanced Technological Education, 4201 Wilson Blvd., Arlington, VA 22230l; Elizabeth

(more)

Funding Alert *(Cont.)*

Teles, Undergraduate Education Div., Suite 835, (703)306-1668; e-mail, eteles@nsf.gov; or Dr. Gerald Salinger, Elementary, Secondary and Informal Education Div., Suite #885, (703)306-1620; e-mail gsalinge@nsf.gov; *www.nsf.gov/pubs/2000/nfs0062/start.htm.*

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◆ **Youth Violence Prevention:** The Substance Abuse and Mental Health Services Administration is inviting applications for cooperative agreements for comprehensive community actions to promote youth violence prevention, suicide prevention and resilience enhancement.

There are two phases in the two-year program, which constitutes a revision of SAMHSA's previous school action grants. Phase I focuses on community collaboration; phase II is a pilot implementation phase.

In phase I, grantees develop intensive community-wide collaborations to address youth violence prevention and suicide; in phase II, grantees pilot chosen, evidence-based youth violence/suicide prevention programs.

Deadline: May 23.

Funds: $4.1 million for 27 to 40 awards. Four grants totaling up to $600,000 will go to organizations proposing suicide prevention programs.

Eligibility: Domestic, non-government, nonprofit and for-profit entities; public or private education systems, institutions and agencies; tribal government units and organizations; and community-based organizations, such as advocacy groups; community-based health, mental health and social service organizations; parent and teacher associations; consumer and family groups; and minority-serving organizations.

Contact: For applications, National Mental Health Services Knowledge Exchange Network, P.O. Box 42490, Washington, DC 20015, (800)789-2647; fax, (301)984-8796. Forms also are available on the SAMHSA Web site, *www.samhsa.gov*. Refer to SM00-005. For program information, Tiffany Ho or Malcolm Gordon, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, MD 20857, (301)443-2892 or (301)443-2957, respectively.

◆ **South Pacific Scholarship:** The State Department's Bureau of Educational and Cultural Affairs is seeking applications to organize and implement an academic exchange program for students from the South Pacific.

Deadline: April 7.

Funds: $700,000 for first-year funding of a five-year project.

Eligibility: Nonprofit organizations and institutions.

Contact: Marianne Craven, (202)619-6409; fax, (202)205-2452; e-mail, mcraven@usia.gov; *http://e.usia.gov/education/rfps*. Refer to ECA/A-SP-00-01.

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◆ **National Gardening Association's Youth Garden Grants:** The National Gardening Association (NGA) gives grants of supplies to support youth gardening initiatives through two programs, Kids Growing with Dutch Bulbs Awards Program and Youth Garden Grant Program.

The NGA seeks to support child-centered plans that emphasize children directly learning and working in an outdoor garden in order to learn life-science concepts, build confidence, promote teamwork and encourage environmental awareness.

Deadline: April 1 for Dutch flowering bulb awards; Nov. 1 for Youth Garden Grants awards.

Funds: 500 awards of 200 flower bulbs, or 400 grants of gardening equipment, seeds, and garden products valued at $750.

Eligibility: Public and private schools for bulb awards. Any group—community centers, camps, etc.—of 15 or more children between the ages of 3 and 18 for the Youth Garden program.

Contact: NGA, 180 Flynn Ave., Burlington, VT 05401; or access the group online at *www.garden.org/edu/nga-edu6.htm.*

Memorandum

TO: Interested Parties

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

DATE: October 15, 1999

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

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

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

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

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

Definitions

TITLE I -- Helping Disadvantaged Children Meet High Standards

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

TITLE II -- Educator Empowerment and Partnership Program

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

TITLE III -- Early Childhood Programs and Enrichment Initiatives

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

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

TITLE V-- Educational Opportunity Initiatives

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

TITLE VI -- Innovative Education

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

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

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

TITLE VIII -- Impact Aid

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

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

TITLE X -- General Provisions

Part A: Uniform Provisions
Part B: Evaluation and Dissemination

Title XI -- Amendments to Other Acts

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

TITLE I -- Helping Disadvantaged Children Meet High Standards

OVERVIEW

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

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

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

a) are developmentally appropriate;

b) use multiple measures to assess students; and

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

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

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

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

b) provide technical assistance and support to schoolwide programs;

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

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

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

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

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

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

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

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

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

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

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

TITLE 1 -- PART C, Migrant Education Program

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

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

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

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

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

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

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

d) includes provisions emphasizing the importance of parental involvement;

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

TITLE 1 -- Evaluations and Demonstration Models

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

Title II – Educator Empowerment and Partnership Program

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

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

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

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

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

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

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

Part C – Reading and Literacy Grant Program

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

Part D – Leadership Education and Development

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

Part E - Partnership Grant Program

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

Part F -National Writing Project

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

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

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

Part H – Digital Education Content Collaborative

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

Part I – General Provisions

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

TITLE III – Early Childhood Programs and Enrichment Initiatives

Part A: Early Childhood Education

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

Subpart 1: Early Learning Initiative

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

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

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

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

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

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

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

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

<u>Use of Funds</u>: Entities receiving funds from the State grant allotment will use the funds to:

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

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

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

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

(b) - PARENTAL ASSISTANCE:

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

(c) NATIONAL RESOURCES FOR EARLY LEARNING:

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

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

Subpart 2: Ready to Learn Television

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

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

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

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

Subpart 3: Inexpensive Book Distribution Program

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

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

OVERVIEW

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

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

SUMMARY OF PROVISIONS

SUBPART 1: 21st CENTURY COMMUNITY LEARNING CENTERS

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

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

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

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

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

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

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

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

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

a) a peer review process for grant applications;

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

c) monitoring and evaluation of programs; and

d) providing technical assistance.

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

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

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

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

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

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

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

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

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

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

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

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

a) literacy education programs;

b) senior citizen programs;

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

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

e) nutrition and health programs;

f) expanded library service hours to serve community needs;

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

h) parenting skills education programs;

i) employment counseling, training, and placement;

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

i) services for individuals with disabilities

SUBPART 2: NON-SCHOOL HOURS CARE

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

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

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

GRANTS TO STATES -- The legislation creates a State grant program in which funds for this Subpart are allocated to States based equally on the total number of children and youth aged 5 to 17 and the number of those youth living in poverty. There is a small state minimum of .35% and an allocation of 1 percent for Indian Tribes, Alaska Natives, Native Hawaiians, and Outlying areas. States are not permitted to use the funds to supplant existing funding for before- and after-school care, youth development programs, parks and recreational services, academic enrichment or summer school programs, and other activities for children and youth in the non-school hours.

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

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

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

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

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

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

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

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

Part C: High School Initiative

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

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

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

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

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

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

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

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

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

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

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

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

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

b) an assurance that the State educational agency will have the ability to provide matching funds of amount equal to and not less than 20 percent for gifted and talented activities (match is defined as either in cash or in-kind); and

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

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

a) a peer review process for grant applications;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part E – Arts In Education

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

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

[TO BE SUPPLIED]

TITLE V-- Educational Opportunity Initiatives

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

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

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

Part A: Technology Education

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

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

Part B: Star Schools

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

Part C: Magnet School Assistance

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

Part D: Public Charter Schools

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

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

Part E: Women's Educational Equity Act

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

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

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

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

Part G: Civic Education

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

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

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

Part H: Allen J. Ellender Fellowship Program

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

TITLE VI – INNOVATIVE EDUCATION
OVERVIEW

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

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

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

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

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

SUMMARY OF PROVISIONS

PART A: INNOVATIVE EDUCATION PROGRAM STRATEGIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

g) programs to combat both student and parental illiteracy;

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

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

1) are tied to promoting high academic standards;

2) will be used to improve student performance; and

3) are part of an overall education reform strategy

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

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

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

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

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

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

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

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

PART B: RURAL FLEXIBILITY ACT

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

PART C: EDUCATION FLEXIBILITY PARTNERSHIP ACT

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

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

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

a) all Title 1 programs;

b) administration of this Title;

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

d) dissemination of information regarding model programs and practices.

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

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

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

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

PART E: CONSOLIDATED PLANS

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

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

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

C) Title II -- Professional Development;

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

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

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

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

B) Title II -- Professional Development;

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

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

PART F -- WAIVERS

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

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

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

I) increase the quality of instruction for students; or

ii) improve student academic performance;

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

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

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

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

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

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

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

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

b) maintenance of effort;

c) comparability of services;

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

e) equitable participation of private school teachers and students;

f) parental participation and involvement;

g) civil rights requirements;

h) requirements for a charter school;

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

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

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

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

TITLE VIII -- IMPACT AID

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

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

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

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

TITLE X -- General Provisions

Part A: Uniform Provisions

Part B: Evaluation and Dissemination

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

TITLE XI -- Amendments to Other Acts

Part A: Education for Homeless Children and Youth

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

Draft Comments on Mr. Jeffords' Summary for his ESEA reauthorization proposal

Big Picture Items:

- No support for continued work on standards
- No separate class-size authorization (it is folded into Title VI)
- No Ed Accountability Act provisions (report cards, teacher quality, discipline)
- 21st Century Program divided into two subparts

  —Subpart 1 is looks like the current law (as Mr. Jeffords wrote it)
  Subpart 2 is for after school programs to be administered by HHS
  -Authorization to be split between the two subpart; formula not workable at authorization level--would result in cuts to current grantees
- Retain current Title I law with minimal changes (most of EEACA provisions not included)
- New early childhood learning fund authorized for HHS
- Includes Rural Flexibility Act
- Authorizes a High School Reform Initiative (Does not say how much money or how similar to EEACA)
- Technology--fails to promote innovation in distance learning; no targeting for TLCF; no clear focus on professional development; Community Technology Centers nor Preservice Teacher Training program
- See teacher quality issues on page 3
- No technical assistance provisions

Title by Title Comments

Title I

- Includes only three of Administration's proposed changes

  --Requirements for coordinating Title I with IDEA and Perkins;
  --LEA plan to describe how extended learning time may be used
  --Requiring an annual assessment of English language proficiency for LEP students to guide instruction but maybe only for schoolwide schools—(It may be a mistake in how the summary is drafted)
- Authorizes CSRD
- Retains current evaluation provisions with unexplained changes

  - Missing/Issues/Questions

    --Accountability language

--2.5 percent set aside for program improvement
--Section 1116 changes regarding school identified for improvement and corrective action

Title I issues Continued

--Teacher Quality

--Paraprofessional/teacher quality language
--Professional development set aside

--LEP Issues

--Requirement to test LEP students that have been in country for 3 consecutive years in English on the reading/language arts assessment:
--Requirement to test LEP students in Spanish if that is the language and form most likely to yield accurate results

--Targeting

--Requirement to target funds through targeted grants
--Within district allocations

--Comparability

--Other Issues

--Peer review
--Private school language
--First grade diagnostic assessment for literacy readiness
--Clarify services for homeless children
--Reorganizing the components of a schoolwide plan
-- --Section 1117 State Assistance provisions
--Preschool changes
--Puerto Rico formula provisions
--National program funds
--Program performance indicators
--Location of N & D program

Title I, Part B –Even Start

- Makes only minor changes from current law focused primarily on coordination between Even Start and other program

- Makes none of EEACA changes to improve program quality, increase the intensity of services (a big issue), strengthening staff qualifications, strengthening evaluation requirements, or authorizing funds for exemplary projects to serve as models.

Title I, Part C – Migrant Ed

- Retains most of current law (what if anything is dropped?)
- Requires Secretary to determine minimum data elements for student records
- Ensures migratory children receive opportunities to meet the same challenging State content and performance standards all children are expected to meet (need to see language to see how close it is to EEACA accountability provisions)
- Does not address any other EEACA changes—simplifying the formula, limiting changes in state program allocations, increasing parental involvement, simplifying the State incentive grant program, or streamlining planning.

Title I, Part D – N & D –Moves to Title III as part of high school initiative (how is this funded?)

Title II – Education Empowerment and Partnership Program

- Parts A and B authorizes professional development program that looks pretty similar to Eisenhower; sends funds to States by existing formula, retain math and science priority, distributes funds to LEAs by existing formula
- Includes REA
- Authorizes new principal leadership competitive grant program
- Expands Telecommunications Demonstration to carry out a national telecommunications-based teacher training program
- Authorizes grant program to develop educational material and instructional video programming that can be distributed through digital broadcasting and school digital networks

Missing/Issues/Questions:

- No Transition to Teaching; Troops to Teacher
- No Early Childhood Professional Development
- No funds awarded competitively
- No activities authorized for continuing to support standards-based reform
- No emphasis on teachers in first-three years
- No provisions to address State and local efforts to improve systems for licensing, hiring, evaluation, and rewarding teachers
- Not clear if funds for SAHEs are retained in Parts A and B, and if so, how it would relate to new authority for partnership grant programs
- Needs EEACA definition of professional development
- Where is National Board for Professional Teaching Standards?
- Federal activities two a few specific activities including model programs for school

leadership (none of the EEACA national initiatives are mentioned.

Title III—Early Childhood and Enrichment Initiatives

- Part A – $7 billion HHS-administered early childhood program
  --Includes authorization for Parent Assistance Centers (leaves them in ED) with no changes (which were intended to help them reach more parents)
  --Includes authorizations for Ready to Learn TV and Inexpensive book distribution
- Title III, Part B is the 21st Century Community Learning Centers programs
  --Subpart 1 continues intent of current statutory provisions
  --Subpart 2 authorizes after school program to be administered by HHS
  --Appropriated funds are to be split between the two programs
  --Within Subpart 2, has 20 percent State match rather than EEACA proposed match; HHS gets 7 percent of funds for administration; funds can be awarded to any public or private agency – not school-based; preference is to be given to programs which use at least 20 percent of their SDFSCA funds for after school programs; activities should be primarily non-academic focus but may include tutoring and a wide range of academic enrichment programs conducted outside the traditional classroom

Title III – Part C – High School Initiative (Need to see language)

- Focus in on motivating students to complete high school, summary not detailed enough to know what, if anything, might have been picked up from EEACA
- This part also includes Title I N & D Program—which should be moved back to Title I

Title III – Part D -- Javits

--No threshold for formula distribution
--No focus on at-risk children

Title III—Part E – Arts in Education

Title III-Part F -- FIE

--No discretionary grants
--Large cut in authorization

Title VI – SDFSCA – to be provided

Title V – Educational Opportunity Initiatives

- Keeps the current law pretty much the way it is, with only minor changes
- Star Schools and the Challenge Grant program are retained as separate programs
- No targeting of the TLCF to high poverty schools

Title V -- Continued

- Magnet schools—summary says retains most of current law—what is dropped? —and appears to include none of EEACA proposed changes.
- This section also authorizes
  --Public Charter Schools (no changes):
  --WEEA (minor changes that are not explained);
  --FIE (transfers CSRD portion to Title I –what does this mean?);
  --Merges Civic Ed and the International Education Exchange Program;
  --Ellender Fellowships

Title VI

- Consolidates Title VI, Goals 2000 and Class-size
- Recruiting, hiring and training of teachers is only one of allowable uses of grant funds
- Also includes
  --Ed Flex (need to see bill language to know if there are any changes)
  --Consolidated Planning and Application authority (does not include extra programs that would be included under EEACA such as Even Start and Title I N & D or other EEACA provisions designed to improve the consolidated planning process at both the SEA and LEA level).
  --Consolidated Administrative funds (this part needs work—the lead in talks about programs for which administrative funds can be consolidated but most of the things they list are not programs)
  --Waiver provisions (retains current law and makes none of changes proposed in EEACA)
  --Rural Flexibility Act
- Has 10 percent State set-aside for statewide education activities (no mention of standards based-reform)
- 20 percent of funds to be allocated to LEAs are to be awarded competitively
- LEA funds can be used for school improvement programs or activities related to the assessment section in Title I

Title VII – Bilingual

- Retains most current law provisions – What is dropped?—and apparently none of the changes proposed by the EEACA
- No annual assessment of English acquisition

- No priority for districts with rapidly expanding LEP populations
- Not clear what it does about promoting second languages
- Appears to do nothing to strengthen program accountability
- Adds new components dealing with parent outreach and raises the minimum SEA grant under the State grant program
- Need to see language on Foreign Language and Immigrant Education

Title III – Impact Aid

- Does not eliminate payments for "b" children
- Says makes revisions in some programs but does not say what they are

Title XI – Indian, Native Hawaiian, and Alaska Native Education

- Consolidates programs under Part B – Native Hawaiians and Part C- Alaskan Native
- Four Indian Ed changes are same as EEACA; 5% cap on administration

Title X – General Provisions

Part A -- Uniform Provisions

Part B -- Evaluation and Dissemination

- No authority for coordinated services projects (what are folks currently using this authority to do?
- No general provisions for private school participation
- Will there be a definition section? If so, need to add definition of Family literacy
- Need uniform assurance provisions also.
- Not clear how evaluation is funded

Title XI – Amendments to other Acts

Part A -- Homeless

- Strengthens provisions of current law to avoid segregation homeless children
- Makes changes to assure that the quality of an application is considered in awarding subgrants to LEAs

Note: Both these issues above are addressed in the EEACA

- Does not appear to require a designated homeless liaison
- Does not appear to include EEACA provisions strengthening parental rights or to reduce the State data collection burden.

Teacher Quality

First Lady w/ Murray + Daschle
Murray