

**NLWJC - Kagan**

**DPC - Box 004 - Folder 005**

**Budget Materials - Appropriations  
Riders 1999: Education [1]**

MEMORANDUM

CC: Lew / Mallers  
Stein  
Reed / Kage  
Podach

**TO:** Erskine Bowles  
Larry Stein  
Jack Lew  
**FROM:** Sharon Masling  
Counsel on Disability Policy  
Senator Tom Harkin  
**DATE:** October 7, 1998  
**RE:** Proposed Alternative to Livingston's IDEA Amendment in the Labor-H Bill

---

Senator Harkin asked me to fax you the attached language, which requires GAO to conduct a study to determine whether and how the Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97) affect the ability of local educational agencies to maintain school environments that are safe and conducive to learning for all children.

As you know, it took three years to reauthorize IDEA. IDEA '97 provides significantly increased flexibility to schools to deal with disruptive children, yet maintains basic due process protections for children with disabilities and their families. Senator Harkin's position is that before we amend the statute again, we must give schools and parents a chance to implement IDEA '97, and Congress the time to evaluate IDEA '97's impact.

As an alternative to Rep. Livingston's amendment, Senator Harkin has proposed the attached study, with the understanding that if the study reveals that further changes to the law are necessary, Senator Harkin will work with Rep. Livingston to enact those changes. I have shared an outline of the study (also attached) with Rep. Livingston's staff but have *not* yet shared actual language, as we are still waiting to hear whether Rep. Livingston will even agree to the study's general parameters.

The attached study is, for all intents and purposes, a bottom line offer. For the study to be meaningful, we believe GAO must have a year in which to complete it. (We originally proposed an 18 month study; Rep. Livingston wanted it completed within 6 months.) Also, the study must be conducted by GAO, so we are assured of its objectivity. Finally, it is imperative that the study include all the attached elements.

Thank you for your assistance. If you have any questions, do not hesitate to call me at 224-6201.

## Proposed GAO Study

### Purpose

To determine whether and how IDEA '97 affects the ability of local educational agencies to maintain school environments that are safe and conducive to learning for all children.

### Study elements

GAO shall collect information from a representative sample of local educational agencies on:

- whether children with disabilities disproportionately engage in misconduct
- whether children with disabilities who misbehave are being disciplined differently than children without disabilities
- the extent to which IDEA '97 affects the ability of LEAs to discipline students with disabilities
- those situations in which LEAs believe they are unable to provide for a safe and orderly environment because of IDEA's requirements
- whether children with disabilities are being disciplined for behavior that is a manifestation of their disabilities
- the extent to which individualized education programs (IEPs) are designed to address the needs of children who are disciplined, before the child engages in behavior that results in discipline
- the extent to which IEPs are properly implemented for children with disabilities who engage in a pattern of misconduct

### Deadline

GAO shall report the results of the study to Congress within 18 months.

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S.L.C.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for the conduct of a study concerning the implementation of the Individuals with Disabilities Education Act Amendments of 1997.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

**S. 2440**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

1 At the appropriate place, insert the following:

2 SEC. \_\_\_\_ STUDY CONCERNING THE EFFECT OF THE INDI-

3 VIDUALS WITH DISABILITIES EDUCATION

4 ACT AMENDMENTS OF 1997.

5 (a) STUDY REQUIRED. The General Accounting Of-

6 fice shall conduct a study of a representative sample of

7 local educational agencies to determine whether and how

8 the Individuals with Disabilities Education Act Amend-

9 ments of 1997 (Public Law 105-17) affect the ability of

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1 such agencies to maintain school environments that are  
2 safe and conducive to learning for all children.

3 (b) STUDY ELEMENTS.—The study required by sub-  
4 section (a) shall include at least the following elements:

5 (1) In order to determine the extent to which  
6 children with disabilities, as compared to children  
7 without disabilities, engage in misconduct, the collec-  
8 tion of information on the number and type of inci-  
9 dents of misconduct by children with and without  
10 disabilities, which shall be disaggregated—

11 (A) for misconduct involving weapons,  
12 drugs, behavior that is substantially likely to re-  
13 sult in injury to self or others, and other types  
14 of misconduct as determined by the General Ac-  
15 counting Office; and

16 (B) by race, ethnicity, gender, grade or  
17 age, and disability.

18 (2) In order to determine the extent to which  
19 children with disabilities are treated differently from  
20 children without disabilities, the collection of infor-  
21 mation on the type, frequency, and duration of dis-  
22 ciplinary actions, such as suspension from school,  
23 that resulted from the incidents of misconduct de-  
24 scribed in paragraph (1), which shall be

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1 disaggregated in accordance with subparagraphs (A)  
2 and (B) of paragraph (1).

3 (3) In order to determine whether children with  
4 disabilities are being disciplined for behavior that is  
5 a manifestation of their disability, the collection of  
6 information on—

7 (A) the number of children with disabilities  
8 for whom a manifestation determination has  
9 been completed;

10 (B) the number of those children for whom  
11 the behavior was determined to not be a mani-  
12 festation of their disability, which shall be  
13 disaggregated in accordance with subpara-  
14 graphs (A) and (B) of paragraph (1).

15 (4) In order to determine the extent to which  
16 the protections provided by the Individuals with Dis-  
17 abilities Education Act Amendments of 1997 affect  
18 proposed disciplinary actions, the collection of infor-  
19 mation on the number of proposed disciplinary ac-  
20 tions in which parents agreed with the action pro-  
21 posed by the school and the number of those pro-  
22 posed actions in which parents disagreed with the  
23 proposed action and exercised their right to a due-  
24 process hearing. This information shall include data  
25 on the number of instances in which schools exer-

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1       cised the authority to remove children for up to 45  
2       days (under section 615(k)(1) of the Individuals  
3       with Disabilities Education Act (20 U.S.C.  
4       1415(k)(1)) or requested a hearing officer to do so  
5       (under section 615(k)(2) of such Act). All data re-  
6       ported under this paragraph shall be disaggregated  
7       in accordance with subparagraphs (A) and (B) of  
8       paragraph (1).

9       (5) Information on the outcomes of expedited  
10      due process hearings conducted pursuant to sections  
11      615(k)(2), 615(k)(6), and 615(k)(7) of the Individ-  
12      uals with Disabilities Education Act (42 U.S.C.  
13      1415(k)(2), (k)(6), and (k)(7)).

14      (6)(A) An opportunity for local educational  
15      agencies to identify situations in which they believed  
16      they could not effectively provide for a safe and or-  
17      derly environment because of the requirements of  
18      the Individuals with Disabilities Education Act.

19      (B) A local educational agency that identifies  
20      such a situation shall be requested to describe how  
21      such Act impeded its ability to provide for a safe  
22      and orderly environment in sufficient detail to deter-  
23      mine whether the agency understood and made full  
24      use of the options available to it under such Act, in-  
25      cluding, at a minimum—

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1 (i) removing a child for up to 10 school  
2 days per incident under section 615(k)(1)(A)(i)  
3 of such Act (20 U.S.C. 1415(k)(1)(A)(i));

4 (ii) placing the child in interim alternative  
5 educational settings under sections  
6 615(k)(1)(A)(ii) and 615(k)(2) of such Act (20  
7 U.S.C. 1415(k)(1)(A)(ii) and (k)(2));

8 (iii) extending an interim alternative edu-  
9 cational setting under section 615(k)(7)(C) of  
10 such Act (20 U.S.C. 1415(k)(7)(C));

11 (iv) suspending and expelling a child for  
12 behavior that is not a manifestation of the  
13 child's disability, under section 615(k)(5) of  
14 such Act (20 U.S.C. 1415(k)(5));

15 (v) seeking removal of the child through  
16 injunctive relief; and

17 (vi) proposing a change in the child's  
18 placement.

19 (7) The collection of information on the extent  
20 to which individualized education programs were  
21 properly implemented for children with disabilities  
22 who engaged in a pattern of misconduct.

23 (8) The collection of information, from parents  
24 of children with disabilities who were disciplined, on  
25 the extent to which their childrens' individualized

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1 education programs were designed to address the  
2 needs of the children before the behavior occurred  
3 that resulted in discipline.

4 (9)(A) In order to determine whether local edu-  
5 cational agencies are making appropriate use of be-  
6 havioral interventions to reduce the need for discipli-  
7 nary actions, as required by the Individuals with  
8 Disabilities Education Act, the collection of informa-  
9 tion on—

10 (i) the extent to which children with dis-  
11 abilities who are the subject of disciplinary ac-  
12 tions had functional behavioral assessments and  
13 behavioral intervention plans (or individualized  
14 education programs that included behavioral  
15 strategies) before the behavior occurred that is  
16 the subject of the disciplinary action;

17 (ii) the extent to which children with dis-  
18 abilities who are the subject of disciplinary ac-  
19 tions had such behavioral assessments and  
20 plans or strategies after the disciplinary action  
21 occurred; and

22 (iii) the qualifications of the persons con-  
23 ducting such functional behavioral assessments  
24 and developing such behavioral intervention  
25 plans.

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1 (B) Data collected and reported under subpara-  
2 graph (A) shall be disaggregated—

3 (i) as required by paragraph (1)(B); and

4 (ii) for children who were the subject of ex-  
5 pulsions, long-term suspension or multiple  
6 short-term suspensions.

7 (c) DEADLINE FOR REPORT. - -

8 (1) IN GENERAL.—The General Accounting Of-  
9 fice shall prepare and submit to the Committee on  
10 Labor and Human Resources of the Senate and the  
11 Committee on Education and the Workforce of the  
12 House of Representatives an interim and final report  
13 concerning the results of the study required by this  
14 section.

15 (2) DEADLINES.—The reports required under  
16 paragraph (1) shall be submitted—

17 (A) in the case of the interim report, not  
18 later than 6 months after the date of enactment  
19 of this Act; and

20 (B) in the case of the final report, not  
21 later than 12 months after the date of enact-  
22 ment of this Act.



## Southern California Cancer Pain Initiative

c/o City of Hope National Medical Center • 1500 E. Duarte Road • Duarte, CA 91010  
 Phone: (626) 359-8111 x 3829 • Fax: (626) 301-8941 • E-mail: sccpi@smtpink.coh.org



**RE: Lethal Drug Abuse Prevention Act**

**Chief of Staff Erskine Bowles  
 The White House  
 Washington, D.C.**

*cc: Reed/Kuger  
 Matthews/Lev*

Dear Mr. Bowles:

On behalf of the Board of Directors of the Southern California Cancer Pain Initiative (SCCPI), an organization comprised of healthcare professionals and patients throughout the U.S. and internationally, we are contacting you to **express our concern** and ask for your immediate attention regarding the **Lethal Drug Abuse Prevention Act** which may likely be attached as an amendment to an appropriations bill.

SCCPI's mission is to promote the relief of cancer patients with pain. Simultaneously, SCCPI holds firmly to the sanctity of life. We do **NOT** endorse, sponsor or support physician assisted suicide. We sponsor many programs designed to educate healthcare professionals, patients, and the public about sound, non-threatening ways to provide adequate treatment of cancer pain. We work closely with the American Cancer Society, the Wellness Community, and several other patient-focused organizations to heighten awareness that pain relief is a basic human right. SCCPI also aims to educate the public as well as practitioners that **80% of cancer pain can be relieved with already available medications.**

Treating cancer pain, especially at the end of life, is **NOT** analogous to physician assisted suicide. In fact, research has shown that adequately treated pain decreases requests for physician assisted suicide. However, at a recent California Pain Summit, it was shown that a **major** barrier to adequately treated pain is physician fear of regulatory scrutiny and threat of loss of license if their reasonable pain relief treatment falls under increased regulatory censure. As such, many physicians are reluctant to prescribe what would be deemed as reasonable and safe medication protocols. Additional restrictions, as outlined in the Lethal Drug Prevention Act, would certainly decrease, if not extinguish, physicians from practicing sound cancer pain management. Additional restrictions would also make the present plight of patients who seek adequate pain relief much more desperate while also needlessly causing an increase in undo suffering. We are in favor of censorship of abuse of prescribing privileges. **We are NOT in favor of carelessly allowing people to needlessly suffer when sophisticated treatments and medications are available to help alleviate pain and suffering WITHOUT necessarily endangering their life.**

The hasty manner in which the Lethal Drug Prevention Act is being proposed through Congress, does not give due justice to fully consider the scope and complexity of pain as well as the potential additional restrictions to pain relief. Please understand the gravity of the implications for patients who suffer either from various forms of cancer pain. If this bill becomes law:

- Doctors threatened with action by the government and with no way to prove their "well

intentions" (in the face of the assumptions that assisting in pain management is analogous with physician assisted suicide - a falsity) will end their pain practices, leaving patients who deserve adequate, well-sound treatment to suffer needlessly

- Pain patients will become more desperate than ever, turning to illicit channels for pain relieving drugs and increasing the momentum behind physician assisted suicide
- Research provided by the Pain and Public Policy Studies Group at the University of Wisconsin demonstrates that, contrary to popular assumptions, pain patients do not represent a threat in terms of the drug abuse problem in this country.
- The Bill FAILS to address the FACTS that people who have unmanaged pain have increased depression and increased requests for physician assisted suicide. Pain management DECREASES requests for physician assisted suicide.

The Lethal Drug Abuse Prevention Act fails to realize and address the complexity of pain and palliative care. By attaching it to any appropriations bill in this session, the Congress would be discounting the gravity and the significance of these issues. If the Congress allows the Lethal Drug Prevention Act to be an amendment to an appropriations bill, they are not only denying the suffering of millions, but they are not upholding the rights of every American for respect, dignity, and equal access to relief from suffering.

Notably, there are significant numbers of physicians and healthcare professionals, patients and their families, as well as the general public who are mobilizing on behalf of the suffering and NOT in favor of physician assisted suicide. There are other kindred groups who are also very concerned about the effects of this bill on the American polity and the rights to adequate, sound, and non-life-threatening pain management. We wish to create partnerships to help suffering patients, not accelerate the conflict.

Therefore, we ask that in your capacity as Chief of Staff and we ask the Administration as a whole to:

- 1) Oppose considering the Lethal Drug Abuse Prevention Act in THIS session of the Congress, as the hasty nature in which the bill is being pushed does not address the highly complex issues within the bill;
- 2) Actively OPPOSE adding as an amendment the Lethal Drug Abuse Prevention Act - either the Nickles bill or the Hatch Substitute- on any Appropriations bill, including the omnibus bill.

Mr. Bowles, we appreciate your consideration and that of the Administration of these highly complex, volatile issues. SCCPI asks for your support in opposing the Lethal Drug Prevention Act and not further restricting access to proper medical care and adequate pain management.

  
Betty Ferrell, RN, PhD, FAAN  
Chair, SCCPI

Sincerely,

  
Victor Kovler, MD, FACP  
Chair, Regulatory Affairs Committee

  
Barbara Hastie, MA  
Director, SCCPI

# Extreme Team

# '98

## More Far-Out Activity on the

**Far Right**

October 8, 1998

### GOP SENATE CANDIDATE: RAPE VICTIMS CAN'T GET PREGNANT

#### Claims Hormones Act as "Little Protective Shield" to Stop Rapists from Impregnating Victims

**GOP Senate Candidate Makes Bizarre Comments on Rape, Abortion.** Senate candidate Fay Boozman (R-AR) advanced a strange theory regarding the likelihood of pregnancy resulting from rape, calling it "almost impossible." Boozman, an eye doctor, asserted that pregnancies resulting from rape are rare, due to "God's little protective shield," which he said is a natural hormonal shield created by women when frightened, for example, during a sexual assault. Boozman, who is pro-life, was explaining why he might support allowing abortion in cases of rape, incest, or to save the life of the mother, since, he claimed, those situations are so rare. [Brummett, Arkansas Democrat-Gazette, 10/8/98]

- **15,000 Rape & Incest Victims Must Be Wrong.** Planned Parenthood cites figures from the late '80s that about 15,000 women a year become impregnated by rape or incest in America. [Arkansas Democrat-Gazette, 10/8/98]
- **Now the Republican Won't Talk About It.** Boozman's aide did not deny his boss made the peculiar comment, and said Boozman would decline to comment on his statement at all. [Arkansas Democrat-Gazette, 10/8/98]

DRAFT  
OCTOBER 14, 1998  
8:30 PM

1 1. In the appropriations language, insert the following in the  
2 appropriate place:

3 "of which \$1,100,000,000, which shall become available on  
4 July 1, 1999 and remain available through September 30, 2000,  
5 shall be available, notwithstanding any other provision of law,  
6 to carry out Title VI of the Elementary and Secondary Education  
7 Act of 1965 in accordance with section 3XX of this Act, in order  
8 to reduce class sizes in the early grades, using well qualified  
9 teachers and thereby improving educational achievement".

10 2. In the numbered sections of Title III of the Labor/HHS/ED  
11 appropriations bill, insert the following:

12 SEC. 3XX. (a) From the amount appropriated to carry out  
13 this section, the Secretary of Education-

14 (1) shall make available a total of \$\_\_\_\_\_ to  
15 the Secretary of the Interior (on behalf of the Bureau of Indian  
16 Affairs) and the outlying areas for activities under this  
17 section; and

18 (2) shall allocate the remainder by providing each  
19 State the greater of the amount it would receive if a total of  
20 \$\_\_\_\_\_ were allocated under part A of title I of the  
21 Elementary and Secondary Education Act of 1965 (ESEA) or under  
22 title II of the ESEA for fiscal year 1998, except that such

1 allocations shall be ratably increased or decreased as may be  
2 necessary.

3 (b) Each State that receives funds under this section—

4 (1) may reserve not more than one-half of one percent  
5 for the cost of administering this section; and

6 (2) shall distribute at least 99.5 percent to local  
7 educational agencies in accordance with their respective  
8 allocations for fiscal year 1998 under part A of title I of the  
9 ESEA except that, if a local educational agency's award under  
10 this section would be less than the starting salary for a new  
11 teacher in that agency, the State shall not make that award  
12 unless the local educational agency agrees to form a consortium  
13 with at least one other local educational agency in order to  
14 reduce class size.

15 (c) (1) Each local educational agency that receives funds  
16 under this section shall use those funds to carry out effective  
17 approaches to reducing class size with quality teachers to  
18 improve educational achievement for both regular and special  
19 needs students, and shall give priority to reducing class size  
20 in grades 1 through 3 in accordance with research findings  
21 showing that class-size reduction has the most benefit at those  
22 grade levels.

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

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

5 (ii) testing new teachers for State  
6 certification requirements that are consistent with  
7 section 202(d)(2) of the Higher Education Act of 1965 (HEA); and

8 (iii) providing professional development to  
9 teachers, including special education teachers and teachers of  
10 special-needs children, consistent with title II of the HEA.

11 (B) A local educational agency may not use more  
12 than a total of 10 percent of its award under this section for  
13 activities described in clauses (ii) and (iii) of  
14 subparagraph (A).

15 (C) A local educational agency that has already  
16 reduced class size in the early grades to 18 or less may use its  
17 funds under this section to-

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

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

22 (iii) carry out activities to improve  
23 teacher quality.

1           (3) Each such agency shall use funds under this  
 2 section only to supplement, and not to supplant, State and local  
 3 funds that, in the absence of funds under this section, it would  
 4 spend for activities under this section.

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

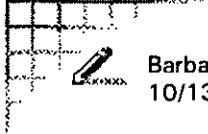
10          (d) (1) Each State receiving funds under this section shall  
 11 report on activities in the State under this section, consistent  
 12 with section 6202(a) (2) of the ESEA.

13          (2) Each school benefiting from this section, or the  
 14 local educational agency serving that school, shall produce an  
 15 annual report to parents, the general public, and the State  
 16 educational agency on student achievement and class size in the  
 17 school and on the effect of the activities carried out under  
 18 this section.

19          (e) Section 6402 of the ESEA shall apply to this section  
 20 only with respect to professional development activities.

\* \* \* \* \*

F



Barbara Chow  
10/13/98 08:49:18 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Barry White/OMB/EOP, Wayne Upshaw/OMB/EOP, Leslie S. Mustain/OMB/EOP, Sandra Yamin/OMB/EOP  
Subject: REVISED Bilingual "Report"

This is Barry at Barbara's machine. This is the version faxed this evening to Rep. Becerra (it conforms to his changes), the Speaker's Office, and Delia Pompa.



BILING3.W

Kate: pls give this to Kieffer

Message Sent To:

Janet Murguia/WHO/EOP  
Maria Echaveste/WHO/EOP  
Elena Kagan/OPD/EOP  
Michael Cohen/OPD/EOP  
Charles E. Kieffer/OMB/EOP  
Kate P. Donovan/OMB/EOP  
mike\_smith @ ed.gov @ inet

10/13/98 8:40 pm

## REPORT ON SUCCESSFUL BILINGUAL EDUCATION PRACTICES

Sec. ----. Subpart 2 of Part A of title VII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof a new section 7137 to read as follows:

"Section 7137. SPECIAL REPORT. (a) The Secretary shall commission a report on successful education practices for limited English proficient children. The report will identify a number of highly successful projects, including Transitional Bilingual Education Programs, Two-Way Bilingual Education Programs, English as a Second Language, and English immersion programs, funded from any source, to help limited English proficient students in high poverty schools attain proficiency in English and high levels of academic achievement. The report shall identify the features of each project that made it successful, and for each program, shall specify the characteristics of its children, schools and communities.

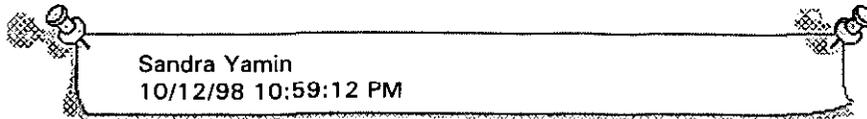
(b) The report is to be submitted by the Secretary to the President and to the Congress not later than September 30, 1999, with such interim reports as may be necessary.

(c) There are hereby appropriated \$500,000 to carry out the purposes of this section.

-----

The Managers note that there are a number of techniques in use to help Limited English Proficient children learn English and acquire academic skills rapidly and efficiently. Grantees under the Bilingual Education Act should have information on the features of program designs that work well, in order to design the best programs to meet the needs of their children.

The Act includes language directing the Secretary to develop a report on successful practices for use by grantees and to inform the Congress' deliberations on reauthorization of Title VII of the Elementary and Secondary Education Act in the next Congress.



Record Type: Record

To: Sylvia M. Mathews/OMB/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Bilingual Language sent to the Hill

This is the bilingual language that has been discussed with Congressman Becerra and transmitted to the Speaker's office.



BILING3.W

Message Copied To:

Maria Echaveste/WHO/EOP  
Janet Murguia/WHO/EOP  
Elena Kagan/OPD/EOP  
Michael Cohen/OPD/EOP  
Adrienne C. Erbach/OMB/EOP  
Robert L. Nabors/OMB/EOP  
Charles E. Kieffer/OMB/EOP  
Robert G. Damus/OMB/EOP  
Barry White/OMB/EOP  
Wayne Upshaw/OMB/EOP  
Leslie S. Mustain/OMB/EOP  
Mindy E. Myers/WHO/EOP  
Marjorie Tarmey/WHO/EOP  
Barbara Chow/OMB/EOP

10/12/98

## REPORT ON SUCCESSFUL BILINGUAL EDUCATION PRACTICES

Sec. ----. Subpart 2 of Part A of title VII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof a new section 7137 to read as follows:

"Section 7137. SPECIAL REPORT. (a) The Secretary shall commission a report on successful education practices for limited English proficient children. The report will identify a number of highly successful projects, including Transitional Bilingual Education Programs, Two-Way Bilingual Education Programs, and English immersion programs, funded from any source, to help limited English proficient students in high poverty schools attain proficiency in English and high levels of academic achievement. The report shall identify the features of each project that made it successful, and for each program, shall specify the characteristics of its children, schools and communities.

(b) The report is to be carried out by a respected, non-partisan organization outside the Department of Education, such as the National Academy of Sciences.

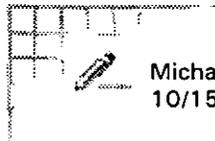
(c) The report is to be submitted by the Secretary to the President and to the Congress not later than September 30, 1999, with such interim reports as may be necessary.

(d) There are hereby appropriated \$500,000 to carry out the purposes of this section.

-----  
  
The Managers note that there are a number of techniques in use to help Limited English Proficient children learn English and acquire academic skills rapidly and efficiently. Grantees under the Bilingual Education Act should have information on the features of program designs that work well, in order to design the best programs to meet the needs of their children.

The Act includes language directing the Secretary to develop a report on successful practices through a non-partisan organization, for use by grantees and to inform the Congress' deliberations on reauthorization of Title VII of the Elementary and Secondary Education Act in the next Congress.

\$500,000 is appropriated by this section to fund this report.



Michael Cohen  
10/15/98 01:59:16 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Barbara Chow/OMB/EOP  
cc: Laura Emmett/WHO/EOP  
Subject: Class size negotiations

Together with Kennedy, Harkin, Clay, Daschle and ED staff, I met with staff from Goodling and Gorton's office on the outstanding class size issues. The R's came with their own draft, and insisted we work off of theirs. Much of their draft was lifted from the ED draft, which they had gotten from ED earlier in the evening. So we had a common starting point to work from, and it was easy to reach agreement on the bill language reflecting the points we had previously agreed to.

However, we were unable to resolve the outstanding issues, principally because the Republicans were unwilling to make any of the concessions Elena proposed at the end of the afternoon meeting. Further, they were clearly not interested in finding common ground at the meeting; they conceded early on that they had not agreed to any of our end-of -the-afternoon proposals, and would not move from their positions at this meeting. There was one area (see below) where they were open to bringing back our idea and so we have the basis to communicate again in the morning, and agreed to. Otherwise, it is not clear how best for us to proceed.

Here is where we are on an issue-by-issue basis, starting with the simple stuff:

**Private School Participation:** We agreed to language on this. It essentially requires equitable participation for private school teachers in professional development, and states that the private school provisions in Title 6 now otherwise do not apply to this program.

**Participation by BIA schools.** Daschle's staff yielded to Gorton on the size of the set aside for BIA schools. While the 1% setaside that Gorton could live with is much lower than in other programs, no one on our side felt strongly enough to fight--nor believed it would be possible to move Gorton very far on this if we tried.

**Reducing Class Size in the early grades.** Kennedy feels very strongly that we not give up on our original focus on grades 1-3. We had suggested that we could live with a priority for grades 1-3 (if adequately defined, Kennedy could live with this), and we did this in three places in our bill -- the statement of purpose in the opening paragraph; the provision that describes what local district's can spend the money on, and in the "local flexibility trigger" that allows other uses of the funds once an average class size of 18 is reached in grades 1-3. Their draft contained none of these.

While they were initially unwilling to consider any of our language, or possible modifications to it, Vic ultimately did agree to take our "trigger" proposal back to Goodling. In our judgment, this is actually the only provision with any teeth in it--if it is enacted into law it would have the effect of getting local districts to work on grades 1-3 first.

We could probably still get a decent message about this being an initiative aimed at grades 1-3 with new compromise language the Dems agreed to after the meeting. (i.e., requiring LEA's to give priority consideration to grades 1-3 because of the research showing that the impact of class size

reduction is greatest in the early grades). However, we didn't think this ought to be in play until we hear back on the trigger idea--and perhaps until one of you can get a better deal from the Speaker.

**Cap on Professional Development and Teacher Testing.** It was my understanding from Elena that Gingrich had agreed to a 10% cap on these items together. However, the Goodling draft proposed 10% for teacher testing, and an additional 10% for professional development. They claimed that the Speaker had only been asked about professional development, and therefore the additional 10% set-aside made sense.

We could easily live with a 10% cap on professional development, and an additional 2% or so for testing. However, it did not seem like a good idea to concede to Goodling's staff a point you had already won with the Speaker. Let me know if you want me to try this one out; the Dems will be ok with it.

**State Administrative Funds.** Our proposal is for .5% for state administration. Kennedy's staff has been very strong on this as is Riley. The R's were unmoveable on this, and insisted on nothing on State Administration.

In my judgment, Riley and Kennedy are not going to fall on their swords on this--and we certainly shouldn't. Clay could care less; he's just being a loyal team player. While they both think that some state \$ are needed, they are digging in on this mainly because they don't want to be hounded by the head of the state school superintendent's group, who has been a staunch supporter of and good friend to both of them. And neither wants to be the first to back off. I've told Scott Fleming to talk to Riley first thing in the morning, and explain that no one here is going to fall hold this up over state administration. I will follow up with Riley as well.; he will be here for the school safety conference.

I think we should try to get Kennedy and Riley to converge on a compromise--.025 % rather than .05%--which works out to roughly 50K per state. If we try this and the R's won't budge, both Kennedy and Riley should find it a lot easier to drop this, and to let each other off the hook.

**Formula.** It is our understanding there is agreement on the distribution of funds to states (the higher of Title 1 or Eisenhower for each state), on an appropriations of an additional \$100 million (bringing the appropriations to \$1.2 billion), and that the within state formula will be worked out sometime tomorrow at your level.

I'll check in first thing in the morning.

Claslan8 10/14/ 2:20 pm Republican offer modifications

Provided further, That, notwithstanding any other provision of law, for FY 1999 only, \$1,100,000,000 shall be sent directly to the States under ~~[[ OPEN ISSUE Title VI of the Elementary and Secondary Education Act of 1965, to be allocated fifty (50) percent based on school age population and fifty (50) percent based on child poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the fiscal year for which the determination is made, compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year) with a point five (.05) percent minimum for small states]]:~~

*2* **Provided further, That if a local educational agency would receive a suballocation of less than \$35,000, it shall not receive that allocation and the funds it would have received will be allocated to the remaining local educational agencies in the State in accord with the suballocation formula in the prior proviso:**

*the average starting salary for a new teacher in the state*  
 Provided further, That no funds for this provision are for Federal administration:

~~[[ OPEN ISSUE Provided further, That the State educational agency shall distribute one hundred (100) percent of the funds directly to local educational agencies based fifty (50) percent on student enrollment in public and private non-profit schools within the local educational agency and at least fifty (50) percent based on child poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))]]~~

Provided further, That a local educational agency may use no more than three (3) percent of its suballocation for local administrative costs:

~~[[OPEN ISSUE WITH ALTERNATIVE LANGUAGE TO FOLLOW Provided further, this provision is to carry out effective approaches to reducing class size *primarily in grades one through three*, with quality teachers (including recruiting, hiring, training and testing *new* regular and special education teachers and teachers of special needs children, and hiring qualified teachers through state and local alternative routes to teacher certification) in order to improve educational achievement for both regular and special needs students; provide professional development to these teachers and to special education teachers, including the teaching of special needs children and *teaching children in small class settings*, consistent with title II of the Higher Education Act Amendments Act of 1998]]~~

*1* **Provided further, That this provision is to carry out effective approaches to reducing class size with quality teachers to improve educational achievement in the early elementary grades, for both regular and special needs students;**

**Provided further, That local educational agencies may pursue the goal of reducing class size through recruiting, hiring, and training certified regular and special education teachers and teachers of special needs children, including those certified through state and local alternative**

MOE  
Matching req  
Report from st. on  
use of funds for  
c.l. size reduction

Provided further, that, notwithstanding any other provision of law, for FY 1999 only \$1,100,000,000.00 shall be sent directly to the States under Title VI of the Education and Secondary Education Act of 1965 to be allocated fifty (50) percent based on school-aged population and fifty (50) percent based on poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year) with a point five (.05) percent minimum for small states: Provided further, that no funds for this part are for federal administration and: Provided further, that the State educational agency shall distribute one hundred (100) percent of the funds directly to local educational agencies based fifty (50) percent on student enrollment in public and private nonprofit schools within the local educational agency and at least fifty (50) percent based on poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))

Formula 1  
among states

Formula 2  
substate

35% minimum

applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year): Provided further that local educational agencies may use no more than three (3) percent of its sub-allocation for local administrative costs: Provided further, this part is to carry out effective approaches to reducing class size with quality teachers (including recruiting, hiring, training and testing regular and special education teachers and teachers of special needs children, and hiring qualified teachers through State and local alternative routes to teacher certification) in order to improve educational achievement for both regular and special needs students; provide professional development to these teachers and to special education teachers, including the teaching of special needs children consistent with Title II of the Higher Education Act Amendments of 1998: Provided further, that no funds received under this part shall be used to increase the salaries or provide benefits, other than participation in professional development and enrichment programs; to teachers who are or have been employed by the local educational agency: Provided further, that no new application shall be required of the local educational agency and that the local educational agency shall describe in its application required under section 6303 of Title VI of the Elementary Secondary and Education Act how the local educational agency will meet the requirements of this part: Provided further, that each school benefiting from this part, or the local educational agency for that school, shall produce an annual report to parents and the general public on its students achievement.

delete  
including

10% pay.  
+ link to  
class size

see  
amnt  
rewrite

in Fiscal  
ASL

in early grades  
classified  
reduction  
in the  
early grades

under the public?

ok if only allowable  
under all new?

Provided that section 6402 of the ESEA shall apply only with respect to professional development activities.

**routes, testing new teachers for state certification, and providing professional development to teachers, including special education teachers, and teachers of special needs children consistent with Title II of the Higher Education Act Amendments of 1998, except that not more than ten (10) percent of the funds provided under this provision may be used for testing of new teachers and professional development:**

Provided further, That no new application shall be required of the local additional agency and that the local educational agency shall describe *in an addendum* to its application required under section 6303 of Title VI of the elementary and Secondary Act of 1965 how the local educational agency will meet the requirements of this provision:

Provided further, That each school benefiting from this provision, or the local educational agency for that school, shall produce an annual report to the parents and the general public on its **class size reduction and student achievement in the early grades and other grades, and the State shall provide a comparable report to the Secretary.**

#### **OPEN ISSUES:**

Maintenance of Effort

Matching

**Provided further, That this provision is to carry out effective approaches to reducing class size with quality teachers to improve educational achievement [in the early elementary grades] for both regular and special needs students;**

**Provided further, That local educational agencies may pursue the goal of reducing class size through recruiting, hiring, and training certified regular and special education teachers and teachers of special needs children, including those certified through state and local alternative routes, testing new teachers for state certification, and providing professional development to teachers, including special education teachers, and teachers of special needs children, consistent with Title II of the Higher Education Act Amendments of 1998, except that not more than ten (10) percent of the funds provided under this provision may be used for testing of new teachers and professional development.**

Supplement not supplant  
State report - in current one

Hwy 30  
back  
←

- 1. elem grades
- 2. 10% ceiling for prof dev
- 3. for certification - we will fix
- 4. 1/2 of 1% for states

Program accountability?  
multi-year in 1 yr program?

- Private schools
- Matching req (think about in)

Local flexibility - ok but  
elem. grades still an issue.

Minimum threshold

State give priority to early years?

Leg. Language that states and LEAs give priority

to early grades because research shows the

impact will be greatest.

## **Class Size language 10/14 11:30 am classlan7**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, including special education teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.*

**CONCEPTUAL AGREEMENTS** [Suggested language here and under Open Issues could be statutory or report language.]

Teacher Quality and Hiring. Local educational agencies shall use funds to reduce class size by hiring additional teachers and improving the quality of teachers. Suggested language in addition to the above:

“Hiring, recruiting, and preparing new high quality certified teachers who possess strong teaching skills, including teachers of special education and teachers certified through state and local alternative routes;

“Providing for and requiring testing of new teachers using State competency examinations based on subject areas to be taught, or content deemed appropriate by the State for elementary school teachers;

“Providing professional development to teachers to teach special needs children, and providing professional development to teachers consistent with Title II of the Higher Education Act Amendments of 1998, except that the total spent on these forms of professional development from funds under this provision may not exceed ten percent of these funds.”

### No new application

Agree on principle of no new application.

Unresolved as to whether the class size description is part of the Title I or Title VI

application. Administration position, reflected in the language below, is that the description should be an addendum to the Title I application.

Suggested language:

“There will be no new application required. Instead, the local education agency will submit to the State, an addendum to its application for funds under Title I which includes a description of how it will meet the requirements of this provision. The State will be responsible for ensuring compliance by the local education agencies.”

School Report Card suggested language:

“At the end of each school year in which a school receives funds under this program, the local educational agency shall issue a “Class Size Reduction and Teacher Quality Accountability Report” for that school to parents and the general public, which shall provide clear and easily understandable information on

“(1) class size reduction goals in grades one through three and other grade levels determined by the local educational agency.

“(2) actual class sizes that year.

“(3) teacher certification, licensure and related academic qualifications of that year’s teachers.

“(4) student achievement levels in reading in grades one through three and in other grade levels and subject areas determined by the local educational agency.

“Based on such accountability report, the State may require a local educational agency to take appropriate corrective actions as a condition for continued receipt of funds.”

## **PRESUMED AGREEMENT**

Extending Availability of Funds. Suggested language:

“Funds received under this provision shall remain available for obligation and expenditure by the LEA for one fiscal year beyond the period ordinarily provided by the General Education Provisions Act.”

## **OPEN ISSUES**

Maintenance of Effort. Suggested language:

“A local educational agency may receive grant funds under Part D only if it has on file with the SEA an assurance that the LEA will spend at least as much, from non-Federal resources, as the LEA spent in the previous year for the combination of:

“a) teachers in regular classrooms in grades 1 through 3 in schools receiving

assistance under Part D;

“b) teachers in each other grade and subject area for which funds under Part D are expended; and

“c) the other quality improvement activities eligible for support under Part D.

“The Secretary may waive or modify this requirement if he determines that doing so would be equitable due to exceptional or uncontrollable circumstances.”

Matching Requirements. Suggested language:

“The Secretary shall have authority to establish through regulations, graduated matching requirements beginning with a five percent match for LEAs with a 30 to 40 percent child poverty rate, up to a 45 percent matching requirement for LEAs with less than a ten percent child poverty rate.”

### Class Size language

*Provided further*, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: *Provided further*, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: *Provided further*, That no funds for the class size reduction initiative under this heading may be used for Federal administration.

includes  
spec. ed  
fund

application. Administration position, reflected in the language below, is that the description should be an addendum to the Title I application.

Suggested language:

“There will be no new application required. Instead, the local education agency will submit to the State, an addendum to its application for funds under Title I which includes a description of how it will meet the requirements of this provision. The State will be responsible for ensuring compliance by the local education agencies.”

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“(3) teacher certification, licensure and related academic qualifications of that year’s teachers.

“(4) student achievement levels in reading in grades one through three and in other grade levels and subject areas determined by the local educational agency.

“Based on such accountability report, the State may require a local educational agency to take appropriate corrective actions as a condition for continued receipt of funds.”

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“a) teachers in regular classrooms in grades 1 through 3 in schools receiving

assistance under Part D;

“b) teachers in each other grade and subject area for which funds under Part D are expended; and

“c) the other quality improvement activities eligible for support under Part D.

“The Secretary may waive or modify this requirement if he determines that doing so would be equitable due to exceptional or uncontrollable circumstances.”

Matching Requirements. Suggested language:

“The Secretary shall have authority to establish through regulations, graduated matching requirements beginning with a five percent match for LEAs with a 30 to 40 percent child poverty rate, up to a 45 percent matching requirement for LEAs with less than a ten percent child poverty rate.”

Further, an LEA that has already reached the State goal for class-size reduction in grades 1-3 may use subgrant funds to make further class-size reductions in those grades, to reduce class sizes in other grades, or to undertake additional quality improvement activities.

*Change the 50/50 + T. 1 - then T. 1  
or accept 50/50 as st level -  
insist on T. 1 in local level*

10/14/98

**Class Size Simulations: Comparison of State Allocations Based On Title I Share, Title VI Share, On 50% Title I Share/50% Title VI Share and Based 50% Poverty Count/50% School Aged Population Count**

| US TOTAL              | Allocation Based Solely On Title I Share<br>\$1,087,000,000 | Allocation Based Solely On Title VI Share*<br>\$1,087,000,000 | Allocation Based On 50% Title I Share & 50% Title VI Share*<br>\$1,087,000,000 | Allocation Based On 50% Poverty & 50% School Age Pop*<br>\$1,087,000,000 |
|-----------------------|---|---|--|--|
| ALABAMA               | \$18,783,888  | \$16,346,024  | \$17,267,053   | \$17,606,492   |
| ✓ALASKA               | 2,578,340   | 5,435,000   | 5,435,000  | 5,435,000  |
| ARIZONA               | 16,922,427  | 16,908,041  | 16,661,980   | 16,288,303   |
| ARKANSAS              | 11,235,133  | 10,149,236  | 10,518,183   | 10,602,604   |
| ✓CALIFORNIA           | 123,820,795   | 128,437,205   | 124,097,511  | 133,870,145  |
| ✓COLORADO             | 10,471,008  | 15,244,155  | 12,686,676   | 12,495,325   |
| ✓CONNECTICUT          | 10,205,728  | 12,043,653  | 10,962,822   | 10,311,755   |
| ✓DELAWARE             | 2,717,500   | 5,435,000   | 5,435,000  | 5,435,000  |
| ✓DISTRICT OF COLUMBIA | 3,247,873   | 5,435,000   | 5,435,000  | 5,435,000  |
| ✓FLORIDA              | 49,800,618  | 51,686,383  | 49,965,492   | 51,423,878   |
| ✓GEORGIA              | 28,908,852  | 29,341,022  | 28,674,418   | 29,889,257   |
| ✓HAWAII               | 2,996,771   | 5,435,000   | 5,435,000  | 5,435,000  |
| ✓IDAHO                | 3,258,102   | 5,435,000   | 5,435,000  | 5,435,000  |
| ILLINOIS              | 48,460,512  | 46,955,287  | 46,956,421   | 43,600,257   |
| ✓INDIANA              | 17,004,712  | 22,811,888  | 10,633,984   | 19,565,911   |
| ✓IOWA                 | 7,736,549   | 11,266,699  | 9,370,359  | 9,155,260  |
| ✓KANSAS               | 8,188,080   | 10,819,221  | 8,262,852  | 8,885,604  |
| KENTUCKY              | 18,884,673  | 14,874,812  | 16,641,187   | 16,596,648   |
| LOUISIANA             | 28,485,188  | 18,973,893  | 23,302,307   | 23,469,849   |
| ✓MAINE                | 4,306,167   | 5,435,000   | 5,435,000  | 5,435,000  |
| ✓MARYLAND             | 14,758,803  | 19,411,738  | 16,846,780   | 15,606,721   |
| MASSACHUSETTS         | 21,690,765  | 21,602,611  | 21,312,258   | 19,372,696   |
| MICHIGAN              | 48,693,849  | 39,080,211  | 43,098,874   | 39,050,574   |
| ✓MINNESOTA            | 12,889,998  | 19,484,362  | 15,885,432   | 15,679,354   |
| MISSISSIPPI           | 18,566,269  | 11,564,261  | 14,788,108   | 14,412,938   |
| ✓MISSOURI             | 18,754,158  | 21,525,349  | 19,843,318   | 20,421,741   |
| ✓MONTANA              | 3,793,832   | 5,435,000   | 5,435,000  | 5,435,000  |
| ✓NEBRASKA             | 4,725,783   | 6,888,534   | 5,728,018  | 5,435,000  |
| ✓NEVADA               | 3,284,978   | 6,140,140   | 5,435,000  | 5,435,000  |
| ✓NEW HAMPSHIRE        | 2,612,383   | 5,435,000   | 5,435,000  | 5,435,000  |
| ✓NEW JERSEY           | 24,007,086  | 28,843,535  | 28,442,348   | 24,898,390   |
| NEW MEXICO            | 9,287,992   | 7,854,989   | 8,334,572  | 8,870,075  |
| ✓NEW YORK             | 101,021,283   | 67,433,288  | 82,711,698   | 73,202,270   |
| ✓NORTH CAROLINA       | 20,750,421  | 27,872,862  | 23,877,199   | 24,748,991   |
| ✓NORTH DAKOTA         | 2,851,155   | 5,435,000   | 5,435,000  | 5,435,000  |
| OHIO                  | 44,596,091  | 43,758,880  | 43,404,020   | 41,917,194   |
| ✓OKLAHOMA             | 12,824,744  | 13,883,008  | 13,101,509   | 14,026,136   |
| ✓OREGON               | 10,151,835  | 12,500,670  | 11,164,388   | 10,484,622   |
| PENNSYLVANIA          | 49,277,121  | 44,683,889  | 46,226,507   | 41,347,097   |
| ✓PUERTO RICO          | 39,087,680  | 17,866,537  | 27,899,468   | 37,802,078   |
| ✓RHODE ISLAND         | 3,646,888   | 5,435,000   | 5,435,000  | 5,435,000  |
| ✓SOUTH CAROLINA       | 14,010,238  | 14,328,031  | 13,951,114   | 14,510,401   |
| ✓SOUTH DAKOTA         | 2,889,497   | 5,435,000   | 5,435,000  | 5,435,000  |
| ✓TENNESSEE            | 18,112,051  | 20,072,584  | 19,293,348   | 20,934,356   |
| ✓TEXAS                | 93,954,823  | 81,061,029  | 86,087,850   | 89,190,132   |
| UTAH                  | 4,920,584   | 10,276,102  | 7,512,323  | 7,693,300  |
| ✓VERMONT              | 2,585,387   | 5,435,000   | 5,435,000  | 5,435,000  |
| ✓VIRGINIA             | 16,410,825  | 24,659,756  | 20,288,148   | 21,378,512   |
| ✓WASHINGTON           | 18,134,792  | 22,018,692  | 18,815,853   | 18,548,123   |
| ✓WEST VIRGINIA        | 10,923,003  | 6,802,438   | 8,598,898  | 8,036,978  |
| ✓WISCONSIN            | 18,646,864  | 21,077,801  | 18,587,742   | 17,653,031   |
| ✓WYOMING              | 2,421,021   | 5,435,000   | 5,435,000  | 5,435,000  |

\* includes a small state minimum of 1/2 of 1 percent

**Class Size language 10/14 11:30 am classlan7**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, including special education teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.*

**CONCEPTUAL AGREEMENTS** [Suggested language here and under Open Issues could be statutory or report language.]

Teacher Quality and Hiring. Local educational agencies shall use funds to reduce class size by hiring additional teachers and improving the quality of teachers. Suggested language in addition to the above:

“Hiring, recruiting, and preparing new high quality certified teachers who possess strong teaching skills, including teachers of special education and teachers certified through state and local alternative routes;

“Providing for and requiring testing of new teachers using State competency examinations based on subject areas to be taught, or content deemed appropriate by the State for elementary school teachers;

“Providing professional development to teachers to teach special needs children, and providing professional development to teachers consistent with Title II of the Higher Education Act Amendments of 1998, except that the total spent on these forms of professional development from funds under this provision may not exceed ten percent of these funds.”

No new application

Agree on principle of no new application.

Unresolved as to whether the class size description is part of the Title I or Title VI

## **Class Size language 10/14 11:30 am classlan7**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, including special education teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.*

**CONCEPTUAL AGREEMENTS** [Suggested language here and under Open Issues could be statutory or report language.]

Teacher Quality and Hiring. Local educational agencies shall use funds to reduce class size by hiring additional teachers and improving the quality of teachers. Suggested language in addition to the above:

“Hiring, recruiting, and preparing new high quality certified teachers who possess strong teaching skills, including teachers of special education and teachers certified through state and local alternative routes;

“Providing for and requiring testing of new teachers using State competency examinations based on subject areas to be taught, or content deemed appropriate by the State for elementary school teachers;

“Providing professional development to teachers to teach special needs children, and providing professional development to teachers consistent with Title II of the Higher Education Act Amendments of 1998, except that the total spent on these forms of professional development from funds under this provision may not exceed ten percent of these funds.”

No new application

Agree on principle of no new application.

Unresolved as to whether the class size description is part of the Title I or Title VI

## **Class Size language 10/14 11:30 am classlan7**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, including special education teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.*

**CONCEPTUAL AGREEMENTS** [Suggested language here and under Open Issues could be statutory or report language.]

Teacher Quality and Hiring. Local educational agencies shall use funds to reduce class size by hiring additional teachers and improving the quality of teachers. Suggested language in addition to the above:

“Hiring, recruiting, and preparing new high quality certified teachers who possess strong teaching skills, including teachers of special education and teachers certified through state and local alternative routes;

“Providing for and requiring testing of new teachers using State competency examinations based on subject areas to be taught, or content deemed appropriate by the State for elementary school teachers;

“Providing professional development to teachers to teach special needs children, and providing professional development to teachers consistent with Title II of the Higher Education Act Amendments of 1998, except that the total spent on these forms of professional development from funds under this provision may not exceed ten percent of these funds.”

### No new application

Agree on principle of no new application.

Unresolved as to whether the class size description is part of the Title I or Title VI

application. Administration position, reflected in the language below, is that the description should be an addendum to the Title I application.

Suggested language:

“There will be no new application required. Instead, the local education agency will submit to the State, an addendum to its application for funds under Title I which includes a description of how it will meet the requirements of this provision. The State will be responsible for ensuring compliance by the local education agencies.”

School Report Card suggested language:

“At the end of each school year in which a school receives funds under this program, the local educational agency shall issue a “Class Size Reduction and Teacher Quality Accountability Report” for that school to parents and the general public, which shall provide clear and easily understandable information on

“(1) class size reduction goals in grades one through three and other grade levels determined by the local educational agency.

“(2) actual class sizes that year.

“(3) teacher certification, licensure and related academic qualifications of that year’s teachers.

“(4) student achievement levels in reading in grades one through three and in other grade levels and subject areas determined by the local educational agency.

“Based on such accountability report, the State may require a local educational agency to take appropriate corrective actions as a condition for continued receipt of funds.”

## **PRESUMED AGREEMENT**

Extending Availability of Funds. Suggested language:

“Funds received under this provision shall remain available for obligation and expenditure by the LEA for one fiscal year beyond the period ordinarily provided by the General Education Provisions Act.”

## **OPEN ISSUES**

Maintenance of Effort. Suggested language:

“A local educational agency may receive grant funds under Part D only if it has on file with the SEA an assurance that the LEA will spend at least as much, from non-Federal resources, as the LEA spent in the previous year for the combination of:

“a) teachers in regular classrooms in grades 1 through 3 in schools receiving

assistance under Part D;

“b) teachers in each other grade and subject area for which funds under Part D are expended; and

“c) the other quality improvement activities eligible for support under Part D.

“The Secretary may waive or modify this requirement if he determines that doing so would be equitable due to exceptional or uncontrollable circumstances.”

Matching Requirements. Suggested language:

“The Secretary shall have authority to establish through regulations, graduated matching requirements beginning with a five percent match for LEAs with a 30 to 40 percent child poverty rate, up to a 45 percent matching requirement for LEAs with less than a ten percent child poverty rate.”

**Class Size Simulations: State Allocations Based On Title I Share vs. Allocations Based On Title VI Share (Population Share)**

|                      | Allocation Based | Allocation Based  | Difference  |            | Average     |
|----------------------|------------------|-------------------|-------------|------------|-------------|
|                      | On Title I Share | On Title VI Share | Dollars     | Percentage | Class Size* |
| US TOTAL             | 1,087,000,000    | 1,087,000,000     |             |            |             |
| PUERTO RICO          | 39,087,680       | 18,305,129        | -20,782,551 | -53.17%    | 20.00       |
| DISTRICT OF COLUMBIA | 3,247,973        | 1,617,608         | -1,630,467  | -50.20%    | 21.40       |
| WEST VIRGINIA        | 10,923,003       | 6,768,302         | -4,154,701  | -38.04%    | 19.70       |
| MISSISSIPPI          | 18,566,269       | 11,854,778        | -6,711,491  | -36.16%    | 22.00       |
| LOUISIANA            | 28,485,196       | 19,450,657        | -9,034,539  | -31.72%    | 20.10       |
| NEW YORK             | 101,021,293      | 69,127,347        | -31,893,947 | -31.57%    | 22.00       |
| KENTUCKY             | 16,984,673       | 16,248,497        | -736,176    | -4.34%     | 22.60       |
| MICHIGAN             | 48,593,649       | 40,061,983        | -8,531,666  | -17.56%    | 25.50       |
| NEW MEXICO           | 9,287,992        | 7,847,290         | -1,440,702  | -15.60%    | 19.40       |
| TEXAS                | 83,954,823       | 83,087,444        | -867,379    | -1.03%     | 19.00       |
| ALABAMA              | 18,763,888       | 18,758,889        | -4,999      | -0.03%     | 20.80       |
| WYOMING              | 2,421,921        | 2,190,592         | -231,329    | -9.55%     | 16.30       |
| VERMONT              | 2,696,397        | 2,388,429         | -307,968    | -11.40%    | 16.70       |
| ARKANSAS             | 11,236,133       | 10,404,206        | -831,927    | -7.40%     | 20.20       |
| PENNSYLVANIA         | 49,277,121       | 45,816,770        | -3,460,351  | -7.02%     | 21.80       |
| ILLINOIS             | 48,460,512       | 48,134,908        | -325,604    | -0.67%     | 22.00       |
| DELAWARE             | 2,717,609        | 2,712,689         | -4,920      | -0.18%     | 23.70       |
| MONTANA              | 3,793,632        | 3,803,201         | 9,569       | 0.25%      | 19.00       |
| OHIO                 | 44,598,081       | 44,856,150        | 258,069     | 0.58%      | 22.50       |
| RHODE ISLAND         | 3,646,898        | 3,895,843         | 248,945     | 6.83%      | 19.90       |
| MASSACHUSETTS        | 21,998,755       | 22,145,312        | 146,557     | 0.67%      | 21.40       |
| ARIZONA              | 16,922,427       | 17,332,604        | 410,177     | 2.43%      | 23.80       |
| NORTH DAKOTA         | 2,651,155        | 2,731,464         | 80,309      | 3.03%      | 18.40       |
| GEORGIA              | 28,908,852       | 30,078,127        | 1,169,275   | 4.04%      | 21.00       |
| SOUTH CAROLINA       | 14,010,236       | 14,689,005        | 678,769     | 4.84%      | 19.60       |
| FLORIDA              | 49,800,618       | 52,984,848        | 3,184,230   | 6.39%      | 24.00       |
| CALIFORNIA           | 123,620,795      | 131,663,804       | 8,043,009   | 6.51%      | 27.70       |
| TENNESSEE            | 19,112,051       | 20,576,857        | 1,464,806   | 7.66%      | 22.20       |
| OKLAHOMA             | 12,924,744       | 14,028,761        | 1,104,017   | 8.53%      | 19.40       |
| ALASKA               | 2,570,340        | 2,883,715         | 313,375     | 12.23%     | 20.20       |
| SOUTH DAKOTA         | 2,889,497        | 3,282,752         | 393,255     | 13.61%     | 19.30       |
| MAINE                | 4,306,167        | 4,903,716         | 597,549     | 13.88%     | 18.80       |
| WISCONSIN            | 18,546,054       | 21,607,317        | 2,961,263   | 15.88%     | 21.90       |
| MISSOURI             | 18,764,166       | 22,066,108        | 3,301,942   | 17.66%     | 21.60       |
| CONNECTICUT          | 10,205,726       | 12,346,213        | 2,140,487   | 20.97%     | 20.10       |
| OREGON               | 10,151,635       | 12,814,711        | 2,663,076   | 26.23%     | 22.50       |
| NEW JERSEY           | 24,007,086       | 30,388,240        | 6,381,154   | 26.58%     | 21.50       |
| KANSAS               | 8,169,090        | 10,885,997        | 2,716,907   | 33.26%     | 20.10       |
| MARYLAND             | 14,766,603       | 19,899,398        | 5,132,795   | 34.85%     | 23.80       |
| NORTH CAROLINA       | 20,750,421       | 28,388,060        | 7,637,639   | 36.71%     | 24.20       |
| INDIANA              | 17,004,712       | 23,384,948        | 6,380,236   | 37.52%     | 20.80       |
| WASHINGTON           | 16,134,792       | 22,671,646        | 6,536,854   | 40.52%     | 23.10       |
| IOWA                 | 7,736,549        | 11,539,480        | 3,802,931   | 49.16%     | 20.80       |
| COLORADO             | 10,471,009       | 16,927,119        | 6,456,110   | 61.64%     | 23.70       |
| NEBRASKA             | 4,726,793        | 7,059,538         | 2,332,745   | 49.38%     | 18.20       |
| VIRGINIA             | 16,410,826       | 26,279,257        | 9,868,431   | 60.14%     | 20.30       |
| HAWAII               | 2,998,771        | 4,822,898         | 1,824,127   | 60.83%     | 21.80       |
| MINNESOTA            | 12,899,988       | 19,984,099        | 7,084,111   | 54.92%     | 22.90       |
| IDAHO                | 3,258,102        | 5,547,222         | 2,289,120   | 70.26%     | 22.00       |
| NEW HAMPSHIRE        | 2,612,363        | 4,732,187         | 2,119,824   | 81.15%     | 20.10       |
| NEVADA               | 3,294,978        | 6,294,392         | 2,999,414   | 91.03%     | 20.80       |
| UTAH                 | 4,920,584        | 10,533,233        | 5,612,649   | 114.06%    | 24.80       |

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**Class Size Simulations: State Allocations Based On Title VI Share**

|                      | Allocation Based<br><u>On Population Share</u> |
|----------------------|--|
| US TOTAL*            | 1,087,000,000                                  |
| ALABAMA              | 16,756,669                                     |
| ALASKA               | 2,693,715                                      |
| ARIZONA              | 17,332,804                                     |
| ARKANSAS             | 10,404,206                                     |
| CALIFORNIA           | 131,663,804                                    |
| COLORADO             | 15,627,119                                     |
| CONNECTICUT          | 12,346,213                                     |
| DELAWARE             | 2,712,866                                      |
| DISTRICT OF COLUMBIA | 1,617,506                                      |
| FLORIDA              | 52,984,848                                     |
| GEORGIA              | 30,078,127                                     |
| HAWAII               | 4,622,896                                      |
| IDAHO                | 5,547,222                                      |
| ILLINOIS             | 48,134,908                                     |
| INDIANA              | 23,384,948                                     |
| IOWA                 | 11,539,490                                     |
| KANSAS               | 10,885,997                                     |
| KENTUCKY             | 15,248,497                                     |
| LOUISIANA            | 19,450,657                                     |
| MAINE                | 4,903,716                                      |
| MARYLAND             | 19,899,398                                     |
| MASSACHUSETTS        | 22,145,312                                     |
| MICHIGAN             | 40,061,983                                     |
| MINNESOTA            | 19,984,099                                     |
| MISSISSIPPI          | 11,854,778                                     |
| MISSOURI             | 22,066,108                                     |
| MONTANA              | 3,803,201                                      |
| NEBRASKA             | 7,059,538                                      |
| NEVADA               | 6,294,392                                      |
| NEW HAMPSHIRE        | 4,732,187                                      |
| NEW JERSEY           | 30,388,240                                     |
| NEW MEXICO           | 7,847,298                                      |
| NEW YORK             | 69,127,347                                     |
| NORTH CAROLINA       | 28,368,060                                     |
| NORTH DAKOTA         | 2,731,464                                      |
| OHIO                 | 44,856,150                                     |
| OKLAHOMA             | 14,026,751                                     |
| OREGON               | 12,814,711                                     |
| PENNSYLVANIA         | 45,816,770                                     |
| PUERTO RICO          | 18,305,129                                     |
| RHODE ISLAND         | 3,695,843                                      |
| SOUTH CAROLINA       | 14,689,005                                     |
| SOUTH DAKOTA         | 3,282,752                                      |
| TENNESSEE            | 20,576,857                                     |
| TEXAS                | 83,097,444                                     |
| UTAH                 | 10,533,233                                     |
| VERMONT              | 2,388,429                                      |
| VIRGINIA             | 25,279,257                                     |
| WASHINGTON           | 22,571,846                                     |
| WEST VIRGINIA        | 6,768,302                                      |
| WISCONSIN            | 21,607,317                                     |
| WYOMING              | 2,190,592                                      |

\* Note: funds for Outlying Areas and evaluation are not included in "US Total."

**Class Size Simulations: State Allocations Based On Title I Share**

|                      | Allocation Based<br><u>On Title I Share</u> |
|----------------------|---|
| US TOTAL*            | 1,087,000,000                               |
| ALABAMA              | 18,763,888                                  |
| ALASKA               | 2,578,340                                   |
| ARIZONA              | 16,922,427                                  |
| ARKANSAS             | 11,235,133                                  |
| CALIFORNIA           | 123,620,795                                 |
| COLORADO             | 10,471,009                                  |
| CONNECTICUT          | 10,205,728                                  |
| DELAWARE             | 2,717,500                                   |
| DISTRICT OF COLUMBIA | 3,247,973                                   |
| FLORIDA              | 49,800,618                                  |
| GEORGIA              | 28,908,852                                  |
| HAWAII               | 2,996,771                                   |
| IDAHO                | 3,258,102                                   |
| ILLINOIS             | 48,460,512                                  |
| INDIANA              | 17,004,712                                  |
| IOWA                 | 7,736,549                                   |
| KANSAS               | 8,169,090                                   |
| KENTUCKY             | 18,984,573                                  |
| LOUISIANA            | 28,485,196                                  |
| MAINE                | 4,306,167                                   |
| MARYLAND             | 14,756,603                                  |
| MASSACHUSETTS        | 21,696,755                                  |
| MICHIGAN             | 48,593,849                                  |
| MINNESOTA            | 12,899,998                                  |
| MISSISSIPPI          | 18,566,269                                  |
| MISSOURI             | 18,754,158                                  |
| MONTANA              | 3,793,832                                   |
| NEBRASKA             | 4,725,793                                   |
| NEVADA               | 3,294,978                                   |
| NEW HAMPSHIRE        | 2,612,363                                   |
| NEW JERSEY           | 24,007,085                                  |
| NEW MEXICO           | 9,297,992                                   |
| NEW YORK             | 101,021,293                                 |
| NORTH CAROLINA       | 20,750,421                                  |
| NORTH DAKOTA         | 2,651,155                                   |
| OHIO                 | 44,596,091                                  |
| OKLAHOMA             | 12,924,744                                  |
| OREGON               | 10,151,835                                  |
| PENNSYLVANIA         | 49,277,121                                  |
| PUERTO RICO          | 39,087,680                                  |
| RHODE ISLAND         | 3,646,868                                   |
| SOUTH CAROLINA       | 14,010,236                                  |
| SOUTH DAKOTA         | 2,889,497                                   |
| TENNESSEE            | 19,112,051                                  |
| TEXAS                | 93,954,823                                  |
| UTAH                 | 4,920,584                                   |
| VERMONT              | 2,595,397                                   |
| VIRGINIA             | 16,410,825                                  |
| WASHINGTON           | 16,134,792                                  |
| WEST VIRGINIA        | 10,923,003                                  |
| WISCONSIN            | 18,646,054                                  |
| WYOMING              | 2,421,921                                   |

\* Note: funds for Outlying Areas and evaluation are not included in "US Total."

**Class Size Simulations: State Allocations Based On Title I Share vs. Allocations Based On Title VI Share (Population Share)**

|                      | Allocation Based | Allocation Based  | Difference  |            | Average     |
|----------------------|------------------|-------------------|-------------|------------|-------------|
|                      | On Title I Share | On Title VI Share | Dollars     | Percentage | Class Size* |
| US TOTAL             | 1,087,000,000    | 1,087,000,000     |             |            |             |
| PUERTO RICO          | 39,087,680       | 18,305,129        | -20,782,551 | -53.17%    | 20.00       |
| DISTRICT OF COLUMBIA | 3,247,973        | 1,817,608         | -1,830,487  | -50.20%    | 21.40       |
| WEST VIRGINIA        | 10,823,003       | 8,768,302         | -4,164,701  | -38.04%    | 19.70       |
| MISSISSIPPI          | 18,566,269       | 11,854,778        | -6,711,491  | -36.16%    | 22.00       |
| LOUISIANA            | 28,485,198       | 19,450,657        | -9,034,539  | -31.72%    | 20.10       |
| NEW YORK             | 101,021,283      | 68,127,347        | -31,893,947 | -31.57%    | 22.00       |
| KENTUCKY             | 18,884,673       | 16,248,487        | -3,736,076  | -19.88%    | 22.80       |
| MICHIGAN             | 48,593,849       | 40,061,983        | -8,531,885  | -17.56%    | 25.50       |
| NEW MEXICO           | 8,287,992        | 7,847,288         | -1,450,684  | -15.60%    | 19.40       |
| TEXAS                | 83,954,823       | 83,097,444        | -10,857,379 | -11.56%    | 19.00       |
| ALABAMA              | 18,783,888       | 16,758,869        | -2,007,220  | -10.70%    | 20.90       |
| WYOMING              | 2,421,921        | 2,190,592         | -231,329    | -9.55%     | 18.30       |
| VERMONT              | 2,686,387        | 2,388,429         | -208,889    | -7.87%     | 18.70       |
| ARKANSAS             | 11,236,133       | 10,404,206        | -830,928    | -7.40%     | 20.20       |
| PENNSYLVANIA         | 49,277,121       | 45,818,770        | -3,460,351  | -7.02%     | 21.80       |
| ILLINOIS             | 48,460,512       | 48,134,908        | -325,604    | -0.67%     | 22.00       |
| DELAWARE             | 2,717,600        | 2,712,868         | -4,834      | -0.17%     | 23.70       |
| MONTANA              | 3,793,832        | 3,803,201         | 9,369       | 0.25%      | 19.00       |
| OHIO                 | 44,598,081       | 44,856,150        | 260,059     | 0.58%      | 22.50       |
| RHODE ISLAND         | 3,648,888        | 3,895,843         | 48,975      | 1.34%      | 19.90       |
| MASSACHUSETTS        | 21,888,755       | 22,145,312        | 448,557     | 2.07%      | 21.40       |
| ARIZONA              | 16,822,427       | 17,332,804        | 410,378     | 2.43%      | 23.80       |
| NORTH DAKOTA         | 2,651,155        | 2,731,464         | 80,309      | 3.03%      | 18.40       |
| GEORGIA              | 28,908,852       | 30,078,127        | 1,169,275   | 4.04%      | 21.00       |
| SOUTH CAROLINA       | 14,010,236       | 14,889,005        | 878,769     | 4.84%      | 19.60       |
| FLORIDA              | 49,800,818       | 52,984,848        | 3,184,230   | 6.39%      | 24.00       |
| CALIFORNIA           | 123,620,795      | 131,683,804       | 8,043,009   | 6.51%      | 27.70       |
| TENNESSEE            | 18,112,051       | 20,576,857        | 1,484,808   | 7.68%      | 22.20       |
| OKLAHOMA             | 12,924,744       | 14,028,761        | 1,102,006   | 8.53%      | 19.40       |
| ALASKA               | 2,570,340        | 2,893,715         | 315,376     | 12.23%     | 20.20       |
| SOUTH DAKOTA         | 2,889,487        | 3,282,752         | 393,256     | 13.61%     | 19.30       |
| MAINE                | 4,306,167        | 4,903,716         | 597,549     | 13.88%     | 18.80       |
| WISCONSIN            | 18,646,054       | 21,607,317        | 2,961,263   | 15.88%     | 21.90       |
| MISSOURI             | 18,764,168       | 22,088,108        | 3,311,860   | 17.68%     | 21.60       |
| CONNECTICUT          | 10,205,728       | 12,346,213        | 2,140,485   | 20.97%     | 20.10       |
| OREGON               | 10,151,835       | 12,814,711        | 2,662,877   | 26.23%     | 22.50       |
| NEW JERSEY           | 24,007,086       | 30,388,240        | 6,381,166   | 26.58%     | 21.50       |
| KANSAS               | 8,169,090        | 10,885,997        | 2,716,908   | 33.28%     | 20.10       |
| MARYLAND             | 14,766,603       | 18,899,398        | 5,142,794   | 34.86%     | 23.80       |
| NORTH CAROLINA       | 20,750,421       | 28,388,080        | 7,617,839   | 36.71%     | 24.20       |
| INDIANA              | 17,004,712       | 23,384,948        | 6,380,236   | 37.52%     | 20.80       |
| WASHINGTON           | 16,134,792       | 22,671,846        | 6,437,064   | 39.80%     | 23.10       |
| IOWA                 | 7,738,548        | 11,639,480        | 3,802,941   | 48.16%     | 20.80       |
| COLORADO             | 10,471,009       | 16,827,119        | 6,166,110   | 49.24%     | 23.70       |
| NEBRASKA             | 4,726,783        | 7,059,538         | 2,333,745   | 49.38%     | 18.20       |
| VIRGINIA             | 18,410,826       | 26,279,257        | 8,868,432   | 54.04%     | 20.30       |
| HAWAII               | 2,998,771        | 4,822,898         | 1,826,124   | 54.28%     | 21.80       |
| MINNESOTA            | 12,889,888       | 19,984,099        | 7,084,101   | 54.92%     | 22.90       |
| IDAHO                | 3,258,102        | 5,547,222         | 2,289,120   | 70.28%     | 22.00       |
| NEW HAMPSHIRE        | 2,812,383        | 4,732,187         | 2,119,824   | 81.15%     | 20.10       |
| NEVADA               | 3,294,978        | 6,294,382         | 2,999,414   | 91.03%     | 20.80       |
| UTAH                 | 4,920,584        | 10,533,233        | 5,612,649   | 114.08%    | 24.80       |

93-94

BELOW  
LINE  
BETTER  
TITLE VI

1 SEC. \_\_\_\_.

2 (a) IN GENERAL.—Part C of the General Education  
3 Provisions Act (20 U.S.C. 1231 et seq.) is amended by  
4 adding at the end the following:

5 "SEC. 447. PROHIBITION ON FEDERALLY SPONSORED TEST-  
6 ING.

7 "(a) GENERAL PROHIBITION.—Notwithstanding any  
8 other provision of Federal law and except as provided in  
9 subsection (b), no funds provided to the Department of  
10 Education or to an applicable program, may be used to  
11 pilot test, field test, implement, administer or distribute  
12 in any way any federally sponsored national test in read-  
13 ing, mathematics, or any other subject <sup>✓</sup> ~~that is not specifi-~~ *Insert A - attached*  
14 ~~cally and explicitly provided for in authorizing legislation~~  
15 ~~enacted into law.~~

16 (b) EXCEPTIONS.—Subsection (a) shall not apply to  
17 the Third International Mathematics and Science Study  
18 or other international comparative assessments developed  
19 under the authority of section 404(a)(6) of the National  
20 Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)  
21 et seq.) and administered to only a representative sample  
22 of pupils in the United States and in foreign nations."

23 (b) AUTHORITY OF NATIONAL ASSESSMENT GOV-  
24 ERNING BOARD.—Subject to section 447 of the General  
25 Education Provisions Act, the exclusive authority over the  
26 direction and all policies and guidelines for developing vol-

1 untary national tests pursuant to contract RJ97153001  
 2 previously entered into between the United States Depart-  
 3 ment of Education and the American Institutes for Re-  
 4 search and executed on August 15, 1997, and subse-  
 5 quently modified by the National Assessment Governing  
 6 Board on February 11, 1998, shall continue to be vested  
 7 in the National Assessment Governing Board established  
 8 under section 412 of the National Education Statistics Act  
 9 of 1994 (20 U.S.C. 9011).

10 (c) STUDIES.—

11 (1) PURPOSE ~~AND~~ DEFINITION.—The National  
 12 Assessment Governing Board shall determine and  
 13 clearly articulate in a report the purpose, ~~design for-~~  
 14 ~~mat,~~ <sup>and</sup> intended use(s) of any proposed federally  
 15 sponsored test. Such report shall also include—

16 (A) a definition of the meaning of the term  
 17 “voluntary” in regards to the ~~development or~~  
 18 ~~administration of any~~ <sup>the administration of any</sup> national test; and

19 (B) a description of the achievement levels  
 20 and reporting methods to be used in grading  
 21 any national test, ~~and the relationship between~~  
 22 ~~test questions and such achievement levels.~~

23 The report shall be submitted to the White House,  
 24 the Committees on Education and the Workforce of  
 25 the House of Representatives, the Committee on

1 Labor and Human Resources of the Senate, and the  
2 Committees on Appropriations of the House of Rep-  
3 resentatives and the Senate not later than Septem-  
4 ber 30, 1999.

5 (2) RESPONSE TO ~~REPORT CARD~~.—The Na-  
6 tional Assessment Governing Board shall develop  
7 and submit to the entities identified in paragraph  
8 (1) a report, not later than September 30, 1999,  
9 that addresses and responds to the findings reported  
10 by the National Academy of Sciences in the report  
11 entitled "Grading the Nation's Report Card: Evalu-  
12 ating NAEP and Transforming the Assessment of  
13 Educational Progress" that assert that the achieve-  
14 ment levels ~~proposed by~~ the National Assessment of  
15 Educational Progress (NAEP) are fundamentally  
16 flawed.

17 (3) TECHNICAL FEASIBILITY.—The National  
18 Academy of Sciences shall conduct a study regarding  
19 the technical feasibility of including items from the  
20 National Assessment of Educational Progress  
21 (NAEP) or other tests in State and district assess-  
22 ments to provide a measure of individual student  
23 performance against the standards established by  
24 the National Assessment of Educational Progress  
25 (NAEP) for 4th grade reading and 8th grade math-

*National Academy of Sciences*  
*Report*

1 ematics and the quality of the information regarding  
2 a student's performance that is to be provided to  
3 parents and teachers. The National Academy of  
4 Sciences shall ~~report the results of the study to the~~  
5 ~~entities identified in paragraph (1) not later than~~  
6 ~~September 30, 1999.~~

*provide an informal interim progress  
report to the entities identified in  
paragraph (1) not later than June 30, 1999,  
and a final report not later than September  
30, 1999.*

### **Insert A**

Provided, that NAGB may conduct studies to determine the technical quality of test items for the purpose of incorporating those items in state or local tests in order to measure student progress against National Assessment of Education Progress benchmarks.

### **Report Language**

In addition to the report language you have suggested, we propose the following:

The Committee bill provides that the National Assessment Governing Board retains exclusive authority over the policies, direction and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to pilot test, field test, implement, administer or distribute in any way any federally sponsored national tests. For the purposes of this section, pilot testing is any testing activity that provides test scores for individual students, school districts, or states.

The Committee recognizes that many states and local communities have already developed tests aligned with state and local academic standards, and may wish to have an efficient way of also determining how well students perform relative to the National Assessment of Education Progress achievement levels. Therefore, the bill also provides that the National Academy of Sciences conduct a study to determine the feasibility of incorporating items from NAEP or other tests into state or local tests for these purposes. Further, the Committee bill permits NAGB to conduct studies to determine the technical quality of any test items for the purpose of incorporating them into state or local tests. These studies may address such issues as: how well students understand and interpret the questions; how different ethnic, racial or gender groups respond to the questions; whether the questions measure the content area they are supposed to measure, whether the questions are too easy or too difficult for the target population; whether the questions assess the range of skills and abilities of all the students, and whether the questions are appropriate for the grade level.

10/12/98

"Statement of the Managers" language on  
Class Size Reduction and Teacher Quality Initiative

The conference agreement provides \$1,100,000,000, within the School Improvement Programs account, for the first year of an initiative on class-size reduction and quality teaching. The conferees agree that the purpose of this initiative is to reduce class sizes in the early elementary grades, employing well prepared teachers, in order to improve student achievement in reading and other basic skills. The conferees' goal is that the 1999 appropriation will finance the first step in reducing class sizes in grades 1 through 3 to an average of 18 by 2005.

The conferees direct that the State educational agency (SEA) of each State desiring to participate in the program will file an application with the Secretary. The Secretary, through regulations, will establish requirements for the application.

The conferees direct that, at the local level, LEAs use their subgrants to pay the salaries and benefits of the additional teachers needed to reduce class sizes in grades 1 through 3 ~~to the level set by the State as the State goal~~. Teachers hired for new positions shall be required to meet the State's requirements for full certification, or must be making satisfactory progress toward full certification within 3 years. All new teachers hired with program funds to teach grades 1 through 3 must pass a teacher competency test selected by the State. In addition, each LEA shall use at least 10 percent of its subgrant for activities to ensure that teachers who will teach in smaller classes are well prepared to teach reading and other subjects effectively in a small class setting.

Further, an LEA that has already reached the State goal for class-size reduction in grades 1-3 may use subgrant funds to make further class-size reductions in those grades, to reduce class sizes in other grades, or to undertake additional quality improvement activities.

The conferees direct the Secretary of Education to establish, through regulation, graduated matching requirements beginning with a 5 percent match for LEAs with a 30-40 percent poverty rate up to a 45 percent matching requirement for districts with less than 10 percent child poverty.

In order to permit LEAs to implement this initiative in an orderly fashion, the conferees direct that any funds received under the program by an SEA or LEA shall remain available for obligation and expenditure by the SEA or LEA for one fiscal year beyond the period ordinarily provided by the General Education Provisions Act.

Finally, the conferees direct that each school benefitting from the program produce an annual report to parents and the general public on its student achievement in reading (using the data it would prepare under Title I, and disaggregated as required by the Title I statute), average class size in its regular classrooms, and teacher certification and related qualifications. This information will enable the public to judge the effectiveness of the program. The conferees further direct each LEA receiving funding to provide to the SEA, each year, a report

must be changed

use new applic language

change Ref. to reflect stat lang.

change  
a) goal = 18  
b) 10%

at up to 10%  
70% lev.

where's  
NCE

cut  
Mi. of  
back

summarizing the information reported by its schools. Within 3 years of receiving program funding, each LEA's reports shall provide evidence of the reading achievement of students, in grades 3, 4, or 5, in schools served under the program; such evidence shall be based on the assessments required under Title I, or comparably rigorous State or local assessments, and shall be disaggregated as required under Title I. An LEA with schools that fail to show improved student achievement in reading within 3 years shall, with the approval of the SEA, develop and implement a program improvement plan. If a participating school fails to show improvement after an additional 2 years, the SEA shall reduce the subgrant to the LEA by an amount equal to the share of the LEA's subgrant attributable to that school.

Pioneer & Assurances

No lapsing

Marketing

**Class Size language 10/14 11:30 am classlan7**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, including special education teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.*

**CONCEPTUAL AGREEMENTS** [Suggested language here and under Open Issues could be statutory or report language.]

Teacher Quality and Hiring. Local educational agencies shall use funds to reduce class size by hiring additional teachers and improving the quality of teachers. Suggested language in addition to the above:

*who have passed*

“Hiring, recruiting, and preparing new high quality certified teachers that possess strong teaching skills, including teachers of special education and teachers certified through state and local alternative routes;

“Providing for ~~testing~~ *and requiring* of new teachers using State competency examinations based on subject areas to be taught, or content deemed appropriate by the State for elementary school teachers;

“Providing professional development to teachers to teach special needs children, and providing professional development to teachers consistent with Title II of the Higher Education Act Amendments of 1998, except that the total spent on these forms of professional development from funds under this provision may not exceed ten percent of these funds.”

No new application

Agree on principle of no new application.

Unresolved as to whether the class size description is part of the Title I or Title VI

application. Administration position, reflected in the language below, is that the description should be an addendum to the Title I application.

Suggested language:

“There will be no new application required. Instead, the local education agency will submit to the State, an addendum to its application for funds under Title I which includes a description of how it will meet the requirements of this provision. The State will be responsible for ensuring compliance by the local education agencies.”

School Report Card suggested language:

“At the end of each school year in which a school receives funds under this program, the local educational agency shall issue a “Class Size Reduction and Teacher Quality Accountability Report” for that school to parents and the general public, which shall provide clear and easily understandable information on

“(1) class size reduction goals in grades one through three and other grade levels determined by the local educational agency.

“(2) actual class sizes that year.

“(3) teacher certification, licensure and related academic qualifications of that year’s teachers.

“(4) student achievement levels in reading in grades one through three and in other grade levels and subject areas determined by the local educational agency.

“Based on such accountability report, the State may require a local educational agency to take appropriate corrective actions as a condition for continued receipt of funds.”

## **PRESUMED AGREEMENT**

Extending Availability of Funds. Suggested language:

“Funds received under this provision shall remain available for obligation and expenditure by the LEA for one fiscal year beyond the period ordinarily provided by the General Education Provisions Act.”

## **OPEN ISSUES**

Maintenance of Effort. Suggested language:

“A local educational agency may receive grant funds under Part D only if it has on file with the SEA an assurance that the LEA will spend at least as much, from non-Federal resources, as the LEA spent in the previous year for the combination of:

“a) teachers in regular classrooms in grades 1 through 3 in schools receiving

assistance under Part D;

“b) teachers in each other grade and subject area for which funds under Part D are expended; and

“c) the other quality improvement activities eligible for support under Part D.

“The Secretary may waive or modify this requirement if he determines that doing so would be equitable due to exceptional or uncontrollable circumstances.”

Matching Requirements. Suggested language:

“The Secretary shall have authority to establish, through regulations, graduated matching requirements beginning with a five percent match for LEAs with a 30 to 40 percent child poverty rate, up to a 45 percent matching requirement for LEAs with less than a ten percent child poverty rate.”

*Kennedy*

**Following is suggested language on teachers that pulls from the list that was agreed on, and collapses some of them:**

Hiring new high quality certified teachers that possess strong teaching skills, including teachers of special education and teachers certified through state and local alternative routes;

[state use of funds]:

Providing for testing of new teachers using State competency examinations based on subject areas of the teacher, or content deemed appropriate by the State for elementary school teachers;

[10% activities]:

Providing professional development to teachers to teach special needs children;

Providing professional development to teachers consistent with Title II of the Higher Education Act Amendments of 1998;

**ISSUE:** Is there an agreement to make professional development only 10% of the funds? If so, language needs to be drafted that way.

*recruiting, and preparing*

**Class Size language**

"*Provided further*, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: *Provided further*, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: *Provided further*, That no funds for the class size reduction initiative under this heading may be used for Federal administration.

including special education teachers,

Conceptual Agreement

- ① School Report Card
- ② Teacher Quality <sup>and Hiring</sup> ~~Improvements~~
- ③ No new application

Local ed agencies should use funds ~~made available~~ under this section to reduce class size <sup>by</sup> activities ~~related to~~ <sup>hiring and improving</sup> teachers and improving the quality of teachers

Open issues

- ① NOE

**Class Size language 10/14 11:30 am classlan7**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, including special education teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.*

**CONCEPTUAL AGREEMENTS** [Suggested language here and under Open Issues could be statutory or report language.]

Teacher Quality and Hiring. Local educational agencies shall use funds to reduce class size by hiring additional teachers and improving the quality of teachers. Suggested language in addition to the above:

“Hiring, recruiting, and preparing new high quality certified teachers that possess strong teaching skills, including teachers of special education and teachers certified through state and local alternative routes;

“Providing for testing of new teachers using State competency examinations based on subject areas to be taught, or content deemed appropriate by the State for elementary school teachers;

“Providing professional development to teachers to teach special needs children, and providing professional development to teachers consistent with Title II of the Higher Education Act Amendments of 1998, except that the total spent on these forms of professional development from funds under this provision may not exceed ten percent of these funds.”

→ even quality by state test + full certification

No new application

Agree on principle of no new application.

Unresolved as to whether the class size description is part of the Title I or Title VI

application. Administration position, reflected in the language below, is that the description should be an addendum to the Title I application.

Suggested language:

“There will be no new application required. Instead, the local education agency will submit to the State, an addendum to its application for funds under Title I which includes a description of how it will meet the requirements of this provision. The State will be responsible for ensuring compliance by the local education agencies.”

School Report Card suggested language:

“At the end of each school year in which a school receives funds under this program, the local educational agency shall issue a “Class Size Reduction and Teacher Quality Accountability Report” for that school to parents and the general public, which shall provide clear and easily understandable information on

“(1) class size reduction goals in grades one through three and other grade levels determined by the local educational agency.

“(2) actual class sizes that year.

“(3) teacher certification, licensure and related academic qualifications of that year’s teachers.

“(4) student achievement levels in reading in grades one through three and in other grade levels and subject areas determined by the local educational agency.

“Based on such accountability report, the State may require a local educational agency to take appropriate corrective actions as a condition for continued receipt of funds.”

## **PRESUMED AGREEMENT**

Extending Availability of Funds. Suggested language:

“Funds received under this provision shall remain available for obligation and expenditure by the LEA for one fiscal year beyond the period ordinarily provided by the General Education Provisions Act.”

## **OPEN ISSUES**

Maintenance of Effort. Suggested language:

“A local educational agency may receive grant funds under Part D only if it has on file with the SEA an assurance that the LEA will spend at least as much, from non-Federal resources, as the LEA spent in the previous year for the combination of:

“a) teachers in regular classrooms in grades 1 through 3 in schools receiving

assistance under Part D;

“b) teachers in each other grade and subject area for which funds under Part D are expended; and

“c) the other quality improvement activities eligible for support under Part D.

“The Secretary may waive or modify this requirement if he determines that doing so would be equitable due to exceptional or uncontrollable circumstances.”

Matching Requirements. Suggested language:

“The Secretary shall have authority to establish through regulations, graduated matching requirements beginning with a five percent match for LEAs with a 30 to 40 percent child poverty rate, up to a 45 percent matching requirement for LEAs with less than a ten percent child poverty rate.”

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MAJORITY —(202) 225-4527  
(TTY)—(202) 225-3372  
MINORITY —(202) 225-3725  
(TTY)—(202) 225-3110

To: Mr. Bruce Reed, Assistant to the President for Domestic Policy  
Ms. Elaina Kagen, Deputy Assistant to the President for Domestic Policy  
Mr. Mike Cohen, Special Assistant to the President for Education  
BY FACSIMILE 202/456-5581

From: Kevin Talley, Staff Director *KT*

CC: Jack Howard, Assistant to the Speaker of the House  
Dave Hoppe, Chief of Staff, Senate Majority Leader  
Hon. Trent Lott  
Hon. Bill Goodling  
Hon. Slade Gorton  
Hon. John Ashcroft

Date: October 13, 1998

Re: National Testing

---

As we discussed this morning, please find attached a response to your recent alternative to the continuation of current law regarding federal testing.

The attached language describes additional activities that should be undertaken by NAGB with the continuation of the test development contract. These would be beyond those that are currently under way or NAGB concludes needs to be accomplished during FY1999. We have included in this proposal the NAS study on embedding NAEP that you suggested. In report language to accompany the legislation, additionally the Chairman would be willing to consider the finds of this study and the administration's position on national testing during NAGB reauthorization next year. We have changed the date for the NAS study completion because NAS has informed us today that it would be "extremely difficult" to meet a June 1, 1999 deadline.

Please review and let me know your reaction. I can be reached at 202/225-4527.

**Activities to be considered by NAGB during FY1999**

**1. Prohibition on national testing.** Prohibition on pilot testing, field testing, implementation, administration or distribution of national tests, unless specifically and explicitly authorized.

Sec \_\_\_\_\_. Part C of the General Education Provisions Act (20 USC 1231 et seq) is amended by adding at the end the following:

**“Sec 447. Prohibition on Federally Sponsored Testing.**

**(a) General Prohibition**---Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program, may be used to pilot test, field test, implement, administer or distribute in any way any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

**(b) Exceptions**---Subsection (a) shall not apply to the Third International Mathematics and Science Study or other international comparative assessments developed under the authority of section 404(a)(6) of the National Education Statistics Act of 1994 (20 USC 9003(a)(6) et seq.) and administered to only a representative sample of pupils in the United States and in foreign nations.”

**2. Continued limited test development.** NAGB's contractor may continue development and modification of test items (as allowed in FY1998).

**3. Voluntary nature of the tests.** NAGB will determine what “voluntary” means as to the proposed national tests and report to Congress on whether the tests are proposed to be voluntary as to the student, the school, the school district, or the state. Report shall be due no later than September 30, 1999.

**4. National Academy of Sciences Study.** National Academy of Sciences will conduct a study of the technical feasibility of imbedding test items from NAEP into state and district assessments.

The National Academy of Sciences shall conduct a study of the technical feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4<sup>th</sup> grade reading and 8<sup>th</sup> grade mathematics and the quality of the information about a student's performance that would be provided to parents and teachers. The National Academy of Sciences shall provide an informal interim progress report to Congress no later than June 30, 1999, and a final report no later than September 30, 1999.

**5. Purpose of the proposed national tests.** NAGB will determine and clearly articulate in a report to Congress the intended purpose of the tests. The report shall state whether the tests are being designed for and will be used for diagnostic purposes, accountability/high stakes purposes, and/or other purposes. Report shall be due no later than September 30, 1999.

**6. Response to National Academy of Sciences Study.** NAGB will develop and submit to Congress a report of how it intends to address the National Academy of Sciences findings in the study “**Grading the Nation's Report Card: Evaluating NAEP and Transforming the Assessment of Educational Progress**” which stated that the achievement levels of NAEP (basic, proficient, advanced) are fundamentally flawed. How NAGB addresses this issue will directly affect the achievement levels of the proposed national tests, which are to be based on the same achievement levels of NAEP. Report shall be due no later than September 30, 1999.

Additionally, the National Academy of Sciences Study “**Evaluation of the Voluntary National Tests: Phase I**”, in describing the achievement levels to be used on the national tests, stated that issues such as achievement level setting, reporting, relationship between test items and achievement level descriptions, etc. should be resolved early in the test development process, rather than following other test development activities.

Sec. \_\_\_\_\_. Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program may not be used to pilot test, field test, implement or administer any federally sponsored national test in reading, mathematics, or any other subject: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998.

---

Report Language

The Committee bill provides that the National Assessment Governing Board retains exclusive authority over the policies, direction, and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to pilot test, field test, implement, or administer any federally sponsored national tests. For purposes of this section, pilot testing is any testing activity that produces test scores for individual students, schools, school districts, or states.

Sec. \_\_\_\_ Notwithstanding any other provisions of Federal law, funds provided to the Department of Education or to an applicable program may not be used to pilot test, field test, implement or administer any federally sponsored national test in reading, mathematics or any other subject: Provided, That the National Assessment Governing Board (NAGB) shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998; and provided further, that NAGB may conduct studies to determine the technical quality of test items for the purpose of incorporating those items in state or local tests in order to measure student progress against National Assessment of Education Progress benchmarks. ]

AND

The National Academy of Sciences shall conduct a study of the technical feasibility of including items from the National Assessment of Educational Progress or other tests into state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics. The National Academy of Sciences shall report the results of the study to Congress by June 1, 1999.

-----  
Report Language

The Committee bill provides that the National Assessment Governing Board retains exclusive authority over the policies, direction and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill includes language prohibiting the use of funds to pilot test, field test, implement, or administer any federally sponsored national tests.

The Committee recognizes that many states and local communities have already developed tests aligned with state and local academic standards, and may wish to have an efficient way of also determining how well students perform relative to the National Assessment of Education Progress achievement levels. Therefore, the bill also provides that the National Academy of Sciences conduct a study to determine the feasibility of incorporating items from NAEP or other tests into state or local tests for these purposes. Further, the Committee bill permits NAGB to conduct studies to determine the technical quality of any test items for the purpose of incorporating them into state or local tests. These studies may address such issues as: how well students understand and interpret the questions; how different ethnic, racial or gender groups respond to the questions; whether the questions measure the content area they are supposed to measure; whether the questions are too easy or too difficult for the target population; whether the questions assess the range of skills and abilities of all the students; and whether the questions are appropriate for the grade level.

Sec. \_\_\_\_ Notwithstanding any other provisions of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law. The National Assessment Governing Board shall develop a plan for the continued development and implementation of national tests that measure individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics. The plan shall include policies for the administration and use of national tests. In developing this plan, NAGB shall consider the feasibility of including items from the National Assessment of Educational Progress or other tests in state and district assessments to provide a measure of individual student performance against National Assessment of Educational Progress standards in 4th grade reading and 8th grade mathematics. NAGB shall present a written plan to the Committee on Education and Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the President for their consideration by \_\_\_\_ (prior to reauthorization of the National Assessment of Education Progress).

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Report Language

The Committee bill provides that the National Assessment Governing Board retains exclusive authority over the policies, direction and guidelines for voluntary national tests for 4th grade reading and 8th grade math. The bill prohibits implementation or administration of the tests unless such implementation is explicitly authorized in law. The Committee expects that Congress will consider such authorization as part of the forthcoming reauthorization of the National Assessment of Education Progress. In order to help inform Congressional deliberations, the committee bill directs NAGB to develop and present to the authorizing committees and the President a plan for implementation and use of the national tests. In developing this plan, NAGB should consider the feasibility of including items from NAEP in state or local tests in order to measure students against NAEP achievement levels without requiring the administration of a separate national test.

Sec. \_\_\_\_ Notwithstanding any other provisions of Federal law, funds provided to the Department of Education or to an applicable program may not be used to field test, implement or administer any federally sponsored national test in reading, mathematics or any other subject, nor shall any funds be used to pilot test any federally sponsored national test until Congress enacts legislation for the reauthorization of the National Assessment of Education Progress: Provided, That the National Assessment Governing Board shall retain exclusive authority over the development of voluntary national tests as described in Section 307 of the Department of Education Appropriations Act, 1998

### **Class Size language**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.*

### **Class Size language**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.*

### **Class Size language**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.*

### **Class Size language**

*Provided further*, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: *Provided further*, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: *Provided further*, That no funds for the class size reduction initiative under this heading may be used for Federal administration.

### **Class Size language**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: *Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: *Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.***

### **Class Size language**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: *Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: *Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.***

### **Class Size language**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.*

**Class Size language -- 10/13/98, 7pm**

*Provided further*, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to hiring quality teachers and reducing class sizes with quality teachers in order to improve educational achievement in the early elementary grades, which shall be expended (1) on activities such as: hiring new high quality teachers who have successfully completed an academic major in the subject area in which they plan to teach and possess strong teaching skills; hiring new high quality certified teachers, including through State and local alternative teacher certification procedures, in order to reduce class size in grades one through three; reducing class size by increasing the ratio of regular classroom teachers to students; providing professional development to teachers to teach special needs children; providing professional development to teachers consistent with Title II of the Higher Education Act Amendments of 1998; or providing for testing new teachers using State competency examinations based on the subject areas taught by the teacher, or content deemed appropriate by the State for elementary school teachers, and (2) in accordance with the statement of the managers on the conference report accompanying this Act, and (3) in accordance with such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement:

*Provided further*, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs:

*Provided further*, That if a Local Educational Agency has already reached an average class size of 18 in grades one through three, it may use funds under this provision to make additional class-size reductions in those grades, to reduce class sizes in other grades, or to undertake additional teacher quality improvement activities:

*Provided further*, That in order to be eligible for funds under this provision, no new application will be required and each Local Education Agency will submit to the State, in its application for Title I funding, a description of how it will meet the requirements of this provision, and the State shall be responsible for ensuring compliance with the requirements of this provision by the local education agencies:

*Provided further*, That no funds for the class size reduction and teacher quality initiative under this provision may be used for Federal administration.

**Class Size language**

*“Provided further, That, notwithstanding any other provision of law, \$1,100,000,000 shall be available under Title VI of the Elementary and Secondary Education Act of 1965, to be allocated such that each State and, within each State, each local educational agency, shall receive the same share of funds as it received under section 1122 of that Act for fiscal year 1998, to carry out effective approaches to reducing class sizes with quality teachers (including recruiting, hiring, and training teachers, and testing new teachers for State certification) in order to improve educational achievement in the early elementary grades, which shall be expended in accordance with the statement of the managers on the conference report accompanying this Act and such regulations as the Secretary of Education determines are necessary to implement such statement, including regulations to ensure that States and local educational agencies are appropriately held accountable for class size reduction and improved student achievement: *Provided further, That in expending funds made available under the previous proviso, no State educational agency may use more than one-half of one percent of its allocation or \$50,000, whichever is greater, for administrative costs and State-level activities and no local educational agency may use more than 5 percent of its suballocation for local administrative costs: *Provided further, That no funds for the class size reduction initiative under this heading may be used for Federal administration.***

*Provided further, That [assume 18]*

*on the following activities*

*also*

*Application - - no new.  
Part of Title I > same as them -  
except 1 rather than VI*

### Local Teacher Quality Grants

#### Purpose

Amends Title VI of the Elementary and Secondary Education Act to create a new Part D. The purpose of this new part is to provide funds to local educational agencies to allow such agencies to hire high quality teachers, including special education teachers, and reduce class size.

#### Use of Funds Part D

Local educational agencies shall use funds made available under this section for one or more of the following activities:

- Hiring new high quality teachers who have successfully completed an academic major in the subject area in which they plan to teach and possess strong teaching skills; ✓
- Hiring new high quality <sup>certified</sup> teachers through State and local alternative teacher certification procedures; ✓
- Reducing class size by increasing the ratio of classroom teachers to pupils;
- Providing professional development to teachers to teach special needs children (and to reduce the costs associated with teaching children identified as special education students); - This is IDEA ✓
- Providing professional development to teachers consistent with Title II of the Higher Education Act Amendments of 1998; ✓
- Providing for the acquisition and use of instructional and educational materials to assist classroom teachers to improve student achievement; or, X
- Providing for teacher competency exams based on the subject areas taught by the teacher.

Attn: hiring special ed. teachers

strike - we have killing priority -

#### Funding Limitation

- None of these funds shall be used to increase the salaries or provide additional benefits to currently employed teachers.

strike

#### Special Priorities

- In hiring new quality teachers under this section, local educational agencies may give priority to hiring new special education teachers.

strike

### **Funding Formula**

- Over and above the money currently allocated to Title VI activities, an additional \$1.1 billion will be dispersed pursuant to this part.
- For purposes of this part, the State-educational agency shall distribute 100 percent of these funds directly to local educational agencies based upon the formula under this section . (This is the current Title VI formula which is distributed based on student enrollment in public and private nonprofit schools within the local educational agency based on the following criteria:

Children living in areas with high concentrations of low income families;  
Children from low income families; and  
Children living in sparsely populated areas. )

### **Application Process**

There will be no new application required. Instead, Local Education Agencies will submit to the State, in its application for funds under Title VI, a description of how they will meet the requirements of this part. The State shall be responsible for ensuring compliance by the local education agencies.

### **Local Control**

If the local educational agency decides, by an affirmative approval of the local school board, that they do not need funds under this part for the purposes of hiring quality teachers and reducing class size, then the local educational agency can spend these funds on activities under section 6301.

**PROPOSED MODIFICATIONS TO THE GORTON/GOODLING DRAFT PROPOSAL  
FOR LOCAL TEACHER QUALITY GRANTS -- 10/13 REVISED**

NEW LANGUAGE IN ITALICS; DELETIONS WITHIN BOLD BRACKETS

**Local Teacher Quality *and Class Size Reduction* Grants**

**Purpose**

Amends Title VI of the Elementary and Secondary Education Act to create a new Part D. The purpose of this new part is to provide funds to local educational agencies to allow such agencies to hire high quality teachers, including special education teachers, [and] reduce class size *in the early grades to a national goal of 18, and raise student achievement.*

**Use of Funds Part D**

Local educational agencies shall use funds made available under this section *to improve teacher quality, reduce the number of children in regular classes, and raise student achievement through* [for] one or more of the following activities:

- Hiring new high quality teachers who have successfully completed an academic major in the subject area in which they plan to teach and possess strong teaching skills;
- Hiring new high quality *certified* teachers, *including* through State and local alternative teacher certification procedures, *in order to reduce class size in the early grades*;
- Reducing class size by increasing the ratio of *regular* classroom teachers to students;
- Providing professional development to teachers to teach special needs children [and to reduce the costs associated with teaching children identified as special education students];
- [COMBINE THE TWO PROFESSIONAL DEVELOPMENT PROVISIONS AS FOLLOWS] Providing professional development to teachers consistent with Title II of the Higher Education Act Amendments of 1998; or, Providing for [teacher] *Testing new teachers using State* competency exams based on the subject areas taught by the teacher, *or content deemed appropriate by the State for elementary school teachers; except that the total spent on these forms of professional development may not exceed 10% of the funds provided under Part D.*
- [• Providing for the acquisition and use of instructional and educational materials to assist classroom teachers to improve students achievement;]

**Funding Limitation**

- None of these funds shall be used to increase the salaries or provide additional benefits to

currently employed teachers.

- *No local education agency may use more than 3 percent of its allocation for local administrative costs.*

### **Special Priorities**

- In hiring new quality teachers under this section, local educational agencies may give priority to hiring new special education teachers, *teachers of Limited-English proficient students, teachers in subject areas with a shortage of qualified teachers, and teachers in schools with large class sizes.*

### **Funding Formula**

- Over and above the money currently allocated to Title VI activities, an additional \$1.1 billion will be dispersed pursuant to this part *to States in accord with the Title I formula.*
- For purposes of this part, the State educational agency shall distribute 100 percent of these funds directly to local educational agencies based upon the formula *in the title I of the Elementary and Secondary Education Act adjusted for the hold-harmless provision.* [under this section (this is the current Title VI formula which is distributed based on student enrollment in public and private nonprofit schools within the local education agency based on the following criteria:

Children living in areas with high concentrations of low income families;  
Children from low income families; and  
Children living in sparsely populated areas.))

### **Application Process**

There will be no new application required. Instead, Local Education Agencies will submit to the State, in its application for funds under Title VI, a description of how they will meet the requirements of this part. The State shall be responsible for ensuring compliance by the local education agencies.

### **Annual Public Report Card**

- *At the end of each school year in which a school receives funds under this program, the local educational agency shall issue a report card on that school to parents and the general public. The report card shall provide clear, and easily understandable information on (1) class size reduction goals in grades 1-3 and other grade levels determined by the LEA, (2) actual class sizes that year (3) teacher certification, licensure and related academic qualifications for teachers, (4) student achievement levels in reading in grades 1-3, and in other grade levels and subject areas determined by the local education agency.*

- *Based on the public report card the state may require a local educational agency to take appropriate corrective actions as a condition for continued receipt of funds.*

### **[Local Control**

If the local education agency decides by an affirmative approval of the local school board, that they do not need funds under this part for the purposes of hiring quality teachers and reducing class size, then the local educational agency can spend these funds on activities under section 6301.]

### ***Maintenance of Effort***

*A local educational agency may receive grant funds under Part D only if it has on file with the SEA an assurance that the LEA will spend at least as much, from non-Federal resources, as the LEA spent in the previous year for the combination of:*

- a) teachers in regular classrooms in grades 1 through 3 in schools receiving assistance under Part D;*
- b) teachers in each other grade and subject area for which funds under Part D are expended; and*
- c) the other quality improvement activities eligible for support under Part D.*

*The Secretary may waive or modify this requirement if he determines that doing so would be equitable due to exceptional or uncontrollable circumstances.*

**Alternative Text: Funding Formula**

The additional \$1.1 billion will be disbursed to the States in accord with the Title VI formula. The State Educational Agency shall distribute 100% of these funds directly to local educational agencies, based upon the formula in Title I of the ESEA, adjusted for the hold-harmless provision.

**Alternative Text: Local Control**

If the local educational agency determines by an affirmative approval of the local school board that it has achieved an average class size of 18 in grades 1-3 in regular classrooms and therefore does not need funds under this part for the purposes of reducing class size, then the local educational agency can spend these funds on activities under section 6301.

October 13, 1998

**NOTE TO JACK LEW AND BRUCE REED**

FROM: Barbara Chow and Mike Cohen

SUBJECT: Class Size Proposal

Our proposal makes modifications to the Republican proposal that we received last night. We just learned that Obey's staff does not believe that we should be working in the framework of the Republican proposal, and believes instead that we should modify our own proposal to address some of their concerns. We will now start working on modifying our bill to address Republican concerns.

**Must-have items:**

- o a formula that is targeted, preferably using Title I (as was in the original Republican offer) but see fall-back position below. The formula will be very sensitive; we should vet our Fallback before offering it.
- o the report card and accountability provisions
- o the changes to the Purpose
- o maintenance of effort

**Non-Starter Items that must be deleted because they drain resources from class size funding:**

- o local control provision, but see fall-back position below.
- o in the 4th bullet under Uses of Funds, delete "costs associated with teaching children identified with special needs"
- o any use of funds for instructional materials

**Can Trade Away:**

- o in Special Priorities -- delete language we added on "teacher of limited-English proficient students, teachers in subject areas with a shortage of qualified teachers, and teachers in large class sizes."

**Fall-Back Positions:**

Funding formula -- If the Republicans reject using the Title I formula for State and within State distribution, propose using the Title VI formula for distribution to States, and Title I for sub-state distribution. This will focus funds within States on higher poverty areas. (Attached)

Local Control -- If you cannot delete "Local Control", then get it modified to base the determination on achievement of an average class size of 18. (Attached)

Maintenance of Effort -- If our language is not acceptable, we will do a new MOE.

## **Local Teacher Quality Grants**

### **Purpose**

Amends Title VI of the Elementary and Secondary Education Act to create a new Part D. The purpose of this new part is to provide funds to local educational agencies to allow such agencies to hire high quality teachers, including special education teachers, and reduce class size.

### **Use of Funds Part D**

Local educational agencies shall use funds made available under this section for one or more of the following activities:

- Hiring new high quality teachers who have successfully completed an academic major in the subject area in which they plan to teach and possess strong teaching skills;
- Hiring new high quality teachers through State and local alternative teacher certification procedures;
- Reducing class size by increasing the ratio of classroom teachers to pupils;
- Providing professional development to teachers to teach special needs children and to reduce the costs associated with teaching children identified as special education students;
- Providing professional development to teachers consistent with Title II of the Higher Education Act Amendments of 1998;
- Providing for the acquisition and use of instructional and educational materials to assist classroom teachers to improve student achievement; or,
- Providing for teacher competency exams based on the subject areas taught by the teacher.

### **Funding Limitation**

- None of these funds shall be used to increase the salaries or provide additional benefits to currently employed teachers.

### **Special Priorities**

- In hiring new quality teachers under this section, local educational agencies may give priority to hiring new special education teachers.

### **Funding Formula**

- Over and above the money currently allocated to Title VI activities, an additional \$1.1 billion will be dispersed pursuant to this part.
- For purposes of this part, the State-educational agency shall distribute 100 percent of these funds directly to local educational agencies based upon the formula under this section . (This is the current Title VI formula which is distributed based on student enrollment in public and private nonprofit schools within the local educational agency based on the following criteria:

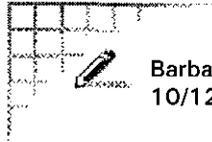
Children living in areas with high concentrations of low income families;  
Children from low income families; and  
Children living in sparsely populated areas. )

### **Application Process**

There will be no new application required. Instead, Local Education Agencies will submit to the State, in its application for funds under Title VI, a description of how they will meet the requirements of this part. The State shall be responsible for ensuring compliance by the local education agencies.

### **Local Control**

If the local educational agency decides, by an affirmative approval of the local school board, that they do not need funds under this part for the purposes of hiring quality teachers and reducing class size, then the local educational agency can spend these funds on activities under section 6301.



Barbara Chow  
10/12/98 03:39:08 PM

Record Type: Record

To: Michael Cohen/OPD/EOP, Janet Murguia/WHO/EOP, Maria Echaveste/WHO/EOP, Elena Kagan/OPD/EOP

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

Subject: Bilingual -- revised

This is Barry from Barbara's computer.



BILING2.W



BILING3.W



BILING4.W

Attached are revised versions of the two "report" options. Revisions reflect Delia Pompa's edits for technical accuracy and sensitivities. Also attached is language for demonstrations of various techniques for LEP children. This is a further fallback option if needed.

Delia has reviewed all these and is comfortable with them, should they have to be used.

Message Copied To:

Mindy E. Myers/WHO/EOP  
Marjorie Tarmey/WHO/EOP  
Laura Emmett/WHO/EOP  
Wayne Upshaw/OMB/EOP  
Sandra Yamin/OMB/EOP

•

## REPORT ON BILINGUAL EDUCATION PRACTICES

Sec. ----. Subpart 2 of Part A of title VII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof a new section 7137 to read as follows:

"Section 7137. SPECIAL REPORT. (a) The Secretary shall carry out a report on education practices for limited English proficient children. The report will (1) identify at least 10 highly successful projects, including Transitional Bilingual Education Programs, Two-Way Bilingual Education Programs, and English immersion programs, funded from any source, to help limited English proficient students in high poverty schools attain proficiency in English and high levels of academic achievement, and (2) at least 10 less successful such projects. The report shall identify the features of each project that made it successful or unsuccessful, and shall specify the characteristics of the schools and communities in which the programs were conducted, and of the children.

(b) The report in paragraph (a) shall be conducted with funds available to carry out section 7132.

(c) The report is to be carried out by a respected, non-partisan organization outside the Department of Education, such as the National Academy of Sciences.

(d) The report is to be submitted by the Secretary to the President and to the Congress not later than September 30, 1999, with such interim reports as may be necessary.

(e) The Secretary shall disseminate the findings of the report to State and local education agencies.

-----

The Managers note that there are a number of techniques in use to help Limited English Proficient children learn English and acquire academic skills rapidly and efficiently. Grantees under the Bilingual Education Act should have information on the features of program designs that work as well as programs that have not worked, in order to design the best programs to meet the needs of their children.

The Act includes language directing the Secretary to develop a report on practices that work and those that have not worked, through a non-partisan organization, for

use by grantees and to inform the Congress' deliberations on reauthorization of Title VII of the Elementary and Secondary Education Act in the next Congress..

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## REPORT ON SUCCESSFUL BILINGUAL EDUCATION PRACTICES

Sec. ----. Subpart 2 of Part A of title VII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof a new section 7137 to read as follows:

"Section 7137. SPECIAL REPORT. (a) The Secretary shall carry out a report on successful education practices for limited English proficient children. The report will identify at least 10 highly successful projects, including Transitional Bilingual Education Programs, Two-Way Bilingual Education Programs, and English immersion programs, funded from any source, to help limited English proficient students in high poverty schools attain proficiency in English and high levels of academic achievement. The report shall identify the features of each project that made it successful, and shall specify the characteristics of the schools and communities in which the programs were conducted, and of the children.

(b) The report in paragraph (a) shall be conducted with funds available to carry out section 7132.

(c) The report is to be carried out by a respected, non-partisan organization outside the Department of Education, such as the National Academy of Sciences.

(d) The report is to be submitted by the Secretary to the President and to the Congress not later than September 30, 1999, with such interim reports as may be necessary.

(e) The Secretary shall disseminate the findings of the report to State and local education agencies.

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The Managers note that there are a number of techniques in use to help Limited English Proficient children learn English and acquire academic skills rapidly and efficiently. Grantees under the Bilingual Education Act should have information on the features of program designs that work well, in order to design the best programs to meet the needs of their children.

The Act includes language directing the Secretary to develop a report on successful practices through a non-partisan organization, for use by grantees and to inform the Congress' deliberations on reauthorization of Title VII of the Elementary and Secondary Education Act in the next Congress..

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## **DEMONSTRATIONS OF TECHNIQUES FOR SERVING LIMITED ENGLISH PROFICIENT STUDENTS**

\_\_\_\_. Subpart 2 of Part A of Title VII of the Elementary and Secondary Education Act of 1965 is amended to add a new section at the end thereof, as follows:

"---- . DEMONSTRATIONS OF EFFECTIVE PRACTICES. (a) The Secretary is authorized to conduct up to ten demonstration projects to determine effective approaches to helping limited English proficient students in high poverty schools learn English and acquire academic skills. The demonstrations shall include examples of at least two types of programs from each of the following methods: Transitional Bilingual Education Programs, Two-Way Bilingual Education Programs, and English Immersion Programs. Each demonstration shall be accompanied by a rigorous evaluation to determine the elements of each demonstration that contributed to the results it achieved for the students in the program.

(b) The demonstrations authorized in paragraph (a) shall conclude by September 30, 2001, and the Secretary shall report to the Congress and the President on the results of the evaluations of the demonstrations by June 30, 2002. The Secretary shall provide such interim reports as may be necessary.

(c) To carry out the demonstrations and evaluations authorized by this paragraph, there are authorized to be appropriated \$10,000,000 for fiscal year 1999, to be available until expended.