

# **The Public Education Reinvestment, Reinvention, and Rededication Act**

## **Title I—Student Performance**

### **Part A—Improving Basic Programs Operated by Local Educational Agencies**

#### **Purpose**

- eliminate the existing 2-tiered educational system, which set lower academic expectations for impoverished students than for affluent students;
- require all states to have challenging content and student performance standards and assessment measures in place;
- require all states to ensure adequate yearly progress for all students by establishing annual, numerical performance objectives;
- ensure that all title I students receive educational instruction from a fully qualified teacher;
- support state and local educational agencies in identifying, assisting, and correcting low performing schools;
- increase federal funding for part A programs for disadvantaged students in return for increased academic performance of all students; and
- target federal funding to local educational agencies serving the highest percentages of low-income students.

#### **State Plans**

State educational agencies (SEAs) must develop a state plan, in consultation with local educational agencies (LEAs), teachers, principals, administrators, and parents.

#### **Standards**

Each State plan must demonstrate that the State has adopted challenging content and student performance standards (developed by the state) in at least reading and math for *all* students. Standards shall 1) include the same knowledge, skills, and level of performance expected of all children; 2) will be used by the State, LEAs and schools; (developed by the state) and 3) describe a below basic, basic, proficient and advanced level of performance that determine how well children are mastering the material in the State content standards. The Secretary shall withhold administrative funds if a State fails to adopt standards.

#### **Adequate Yearly Progress (AYP)**

Each State plan shall demonstrate, based on assessments, what constitutes adequate yearly

progress of schools, LEAs and the State in enabling all children in schools receiving title I assistance to meet the State's content and performance standards. AYP shall be defined by the State.

AYP shall compare separately, within each State, LEA and school, the performance and progress of students by gender, ethnicity, race, English proficiency status, migrant status, students with disability as compared to non-disabled students, and by economically disadvantaged students as compared to non-economically disadvantaged students. It shall also compare the proportions of students at the below basic, basic, proficient, and advanced levels of performance with the proportions of students at each of the four performance levels in the same grade in the previous school year. AYP must also include **annual numerical objectives for improving the performance** of students and narrowing performance gaps. States must ensure that all students are at the proficient level within 10 years.

For a State to make adequate yearly progress, not less than 90% of the LEAs, 90% of the schools, and 90% of the students in those schools shall meet the State's criteria for AYP.

### Public Notice and Comment

In developing the State plan, the State must seek public comment from institutions and individuals in the State with an interest in improved student achievement. In addition, the State must make a substantial effort to ensure that information on title I, Part A efforts are widely known and understood by parents, teachers and school administrators.

### Assessments

The State plan must demonstrate that the State has implemented a set of high quality, yearly student assessments that include, at a minimum, assessments in math and reading that will be used by the 2000-2001 school year. Assessments will be the primary means of determining yearly performance of schools and LEAs in enabling all children to meet the State's content and performance standards.

Assessments must be 1) aligned with the State's content and student performance standards; 2) be administered at least 1 or more times during grades 3-5, 6-9, and 10-12; and 3) include measures that assess higher order thinking skills and understanding.

Limited English proficient students shall be assessed, to the extent practicable, in the language most likely to yield accurate and reliable information.

### Social Promotion

In its State plan, a State must describe how it is working to end the promotion to the next grade of students who have not mastered age-appropriate standards; the retention of low-performing students in the same grade for another year; and how such low-performing students are being provided additional academic instruction, such as before- and after-school programs, and summer academic programs.

How does this compare to current? to Bush? Can we do?

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### **Low-Performing Schools**

Requires States to set aside 2.5% of title I, Part A funds for the purposes of turning around low-performing schools. In its State plan, a State must describe how it will hold each LEA accountable for improved student performance, including a procedure for identifying LEAs and schools in need of improvement, assisting such LEAs and schools, and implementing corrective action if assistance is not effective.

### **Regulations**

States shall provide the least restrictive and burdensome regulations for LEAs and schools, and inform the Secretary of how federal laws hinder the ability of States to hold LEAs and schools accountable for student academic performance.

### **Secretary Review and Approval**

The Secretary shall review and approve State plans unless the plan does not meet the requirements of Title I, but cannot disapprove a plan because of the standards or assessments developed. The Secretary shall provide technical assistance to any State with a plan that is not approved.

### **Waiver**

A State may only request a one-time, one-year waiver in meeting the requirements of title I, Part A.

### **Local Educational Agency Plans**

Each LEA must develop a plan, in consultation with teachers, principals, administrators, local school board and parents.

### **Literacy of First Graders**

The LEA shall describe how it will determine the literacy levels of first graders and the first graders' needs for interventions.

### **Low-Performing Schools**

LEAs shall describe the actions it will take to assist low-performing schools identified for improvement.

### **Before, After and Summer School**

The LEA shall describe how it will promote the use of extended learning time, such as an extended school year, before- and after-school academic programs, and summer academic programs.

### **Performance Objectives**

The LEA shall describe how it will set and hold schools accountable for meeting annual numerical goals for improving the performance of all groups of students (as disaggregated under the definition of AYP) based on the performance standards set by the state.

### **State Approval**

The SEA shall approve a LEA's plan only if the SEA determines that the LEA's plan will enable schools to substantially help students meet the standards set by the State.

### **Parental Notification and Consent**

A LEA using title I funds for English language instruction shall notify the parent for the reasons for inclusion of the limited English proficient (LEP) student in such program and obtain parental consent before placement of the child in the language instruction program.

### **Schoolwide Programs**

No changes to current law. If 50%, or more, of a school's population is from a family in poverty, then the school may use its title I, Part A funds to activities that apply to the entire student body.

### **School Choice**

*Is this a requirement?*  
A LEA may use title I, Part A funds, in combination with State, local and private funds, to develop and implement public school choice programs for children eligible for assistance under title I, Part A that permit parents to select the public school that their child will attend and are consistent with State and local law, policy and practice related to public school choice and local pupil transfer.

Under such a public school choice plan, the LEA must assure that all eligible students will have equal access; that the schools included do not racially discriminate; that the plan will be developed in consultation with the parents, and those who will carry out the plan, including administrators, teachers, and principals; that parents of eligible students will be given notice of the choice program and an explanation of how the program will operate; and that transportation services or costs may be provided by the LEA. Schools under the public choice program cannot be in corrective action or identified as in need of improvement.

### **School Improvement**

LEAs are required to identify for school improvement any school served under this title that for 2 consecutive years failed to make adequate yearly progress.

### **Opportunity to Review and Present Evidence**

Before identifying a school for school improvement, the LEA will provide the school with an opportunity to review the school data on which the proposed identification is based. If the principal of the school believes that the identification is in error, the principal may provide supporting evidence to the LEA. The LEA shall consider such data and make a final determination within 30 days.

### **Parent Notification**

The LEA shall notify the parents of students in a school that has been identified for school improvement. Such notification shall be in writing and, to the extent practicable, be in language the parent can understand. It shall also include 1) an explanation of what the identification means, and how the school compares in terms of academic performance to other schools in the district and State; 2) the reasons for such identification; 3) an explanation of what the school identified for improvement is doing to address the problem of low achievement; and an explanation of the right of parents to transfer their child to a higher performing public school, including a charter or magnet school, that is not in school improvement. Once a school is no longer identified for school improvement, the LEA shall continue to provide public school choice as an option to students in such school for at least 2 years.

### **Transportation**

A LEA that has a school that has been identified for improvement may use funds to provide transportation services or costs for children of parents who choose to transfer their children to a different school.

### **School Plan**

Three months after being identified for school improvement, each school shall develop or revise a school plan, in consultation with parents, school staff, the LEA, the local school board, and other experts. The LEA shall approve such plans. The plan must 1) incorporate scientifically-based research strategies that strengthen the core academic programs in the school; 2) adopt policies that have the greatest likelihood of improving the performance of participating children in meeting the state standards; 3) address the professional development needs of teachers and principals; and 4) establish specific goals and objectives the school will undertake for making adequate yearly progress, including performance objectives for each of the groups of students for which disaggregated performance data is required under AYP.

The LEA shall promptly review the plan or, if necessary, work with the school to make the necessary changes so that the plan meet the requirements.

### **Technical Assistance**

The LEA shall provide technical assistance to each school identified for improvement as the school develops and implements its school plan. Assistance may be provided directly by the LEA, or by an institution of higher education, a private nonprofit organization, an educational service agency, or another entity that is the recipient of a grant or cooperative agreement by the Secretary for the purposes of assisting States, LEA and schools. Assistance must be based upon scientifically based research.

### **Corrective Action**

The LEA must implement a system of corrective action after providing technical assistance. The LEA may take corrective action at any time against a school identified for improvement, but must take corrective action if the school fails to make adequate yearly progress two years after being identified as in need of improvement.

Corrective action must 1) address the consistent academic failure of the school that caused the local educational agency to take such action, or any staffing, curricula, or other problem in the school; and 2) be designed to substantially increase the likelihood that the students enrolled in the school will perform at the proficient and advanced performance levels.

LEAs must take at least one of the following corrective actions: 1) change the governance of the school, including reopening the school as a charter school; 2) reconstitute the school by requiring all staff and teachers to reapply for employment; 3) allow students to transfer to another higher performing public school in the district, including charter and magnet schools, and provide such students transportation services or costs; 4) institute a new curriculum.

Parents of student in schools under corrective action, must be notified, in writing and in a language the parent can understand, of the corrective action.

### **Opportunity to Review and Present Evidence**

Before taking corrective action, the LEA shall give the school an opportunity to review the data on which the proposed determination is made. If the school principal believes that the determination is in error, the principal may provide supporting evidence to the LEA. The LEA shall consider the evidence and make a final determination within three months.

### **State Responsibilities**

If the State determines that the LEA failed to carry out its responsibilities under the school improvement process, or determines that after one year of implementation of the corrective action, such action has not resulted in sufficient progress in increased student performance, the SEA shall take whatever action it finds necessary to improve the affected schools. SEA action may include designating a course of corrective action as described above.

### **Duration**

Schools will be removed from school improvement if they make adequate yearly progress toward meeting the State's proficient and advanced levels of performance for at least 2 of the 3 years following school improvement identification.

## **State Review and Local Educational Agency Improvement**

The State shall annually review the progress of each LEA to determine whether schools receiving title I funds are making adequate yearly progress toward meeting the State's student performance standards. In addition, the State shall identify for improvement any LEA that fails to make AYP for 2 consecutive years.

### **Opportunity to Review and Present Evidence**

Before identifying a LEA for improvement, the State will give the LEA an opportunity to review the data on which the proposed identification is based. If the LEA believes the identification is in error, it may provide evidence to the SEA. The SEA shall review the evidence and make a final determination within 45 days.

**Notification to Parents**

The SEA shall notify parents of each student enrolled in a school in a LEA identified for improvement, and explain the reasons for such identification and how the parents can participate in upgrading the quality of the LEA.

**LEA Improvement Plan**

The LEA must develop, no later than 3 months after being identified for improvement, develop or revise a LEA plan in consultation with the local school board, parents, teachers, school staff and others, for approval by the SEA.

The plan must 1) incorporate scientifically based research strategies that strengthen the core academic program in the LEA; 2) identify specific goals and objectives the LEA will undertake to make AYP and that have the greatest likelihood of improving the performance of students in meeting the State's student performance standards; 3) address the professional development needs of teachers and principals; and 4) include specific numerical performance goals and targets for disaggregated groups of students.

The LEA must implement the plan not later than the beginning of the next school year.

**State Assistance**

The State shall approve LEA plans if they meet the requirements of the LEA improvement process, or provide assistance to LEAs in the development or revision of such plans so that they meet the requirements. In addition, the State shall provide technical assistance, if requested, to the LEA.

**Corrective Action**

After providing technical assistance, SEA may take corrective action at any time with respect to a LEA that has been identified for improvement, but must take corrective action against a LEA that fails to make AYP two years after its identification for improvement.

Corrective actions must substantially address the consistent academic failure of schools served by the LEA that cause the State to take action, or address staffing, curricula or other problem in the schools in the LEA. The state must take at least one of the following corrective actions 1) withhold funds from the LEA; 2) reconstitute the LEA personnel; 3) remove particular schools from the area served by the LEA, and establish a new governance and supervision of the schools; 4) appoint a receiver or trustee to administer the affairs of the LEA in place of the local superintendent and school board; 5) abolish or restructure the LEA; and 6) allow students to transfer from a school operated by the LEA to a higher performing school operated by another LEA, or to a charter school, and provide such students transportation services or costs.

**Opportunity to Review and Present Evidence**

Before implementing any corrective action, the SEA shall provide the LEA with the data on

which the determination was made. If the LEA believes the determination was made in error, it may present evidence to the State. The State must review the evidence and make a final determination within 45 days.

### **Parental Notification**

The SEA shall publish and disseminate to parents and the public information regarding any corrective action the SEA takes.

### **State Assistance For School Support and Improvement**

Each SEA shall establish a statewide system of intensive and sustained support and improvement for LEAs and schools receiving title I funds, in order to increase the opportunity for all students to meet the State content and student performance standards.

Assistance shall be provided 1) first, to LEAs subject to corrective action and schools for which the LEA failed to carry out its responsibilities for improvement and corrective action, 2) second, to LEAs in need of improvement; and 3) to other LEAs and schools that need support in order to achieve the purposes of title I, Part A.

Assistance may be provided through approaches such as school support teams; distinguished educators, who are chosen from schools served under title I that have been especially successful in improving academic achievement; through institutions of higher education, educational service agencies, or other local consortia.

### **Parental Involvement**

Current law is amended to incorporate changes to improve and increase activities to enhance parental involvement.

To improve parental involvement changes require the LEA to 1) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools under title I; 2) involve parents in the activities of schools under title I; and 3) promote consumer friendly environments within the LEA and schools under title I. LEAs also may establish a district wide parent advisory council to advise on all matters related to parental involvement in programs under title I, Part A.

Requires LEAs to expand the use of electronic communications among teachers, students, and parents, such as through the use of websites and e-mail communications.

Requires that 90% of the funds for parental involvement shall be distributed to title I schools.

### **Qualifications for Teachers and Paraprofessionals**

#### **Teachers**

Each LEA receiving title I funds must ensure that all teachers hired on or after the enactment of this Act are fully qualified by December 31, 2005.

### **State Plan**

Each State receiving title I funds must develop and submit to the Secretary a plan to ensure that all teachers teaching within the state are fully qualified by December 31, 2005. The plan shall include an assurance that the State will require each LEA and school receiving title I funds to report the annual progress of LEA's and school's performance in increasing the percentage of classes in core academic areas taught by fully qualified teachers.

### **Charter Schools**

Title I teacher qualification requirements shall not supercede State laws governing teacher qualifications in charter schools.

### **New Paraprofessionals**

Each LEA receiving title I funds shall ensure that 1) each paraprofessional, hired more than one year after enactment of this Act, has completed at least 60 hours of credit bearing courses of study at an institution of higher education; 2) has obtained an associate's (or higher) degree; or 3) has met a rigorous standard of quality that demonstrates, through a formal assessment, knowledge of, and the ability to assist in, instructing, reading, writing and mathematics (a high school diploma does not satisfy this requirements).

### **Existing Paraprofessionals**

Each LEA receiving assistance under title I shall ensure that existing paraprofessionals meet the above requirements within three years after enactment of this Act.

### **Exceptions**

Paraprofessional requirements shall not apply to a paraprofessional 1) who is proficient in English and another language, and who provides translator services; and 2) whose only duties are parental involvement activities.

### **Duties of Paraprofessionals**

Paraprofessionals may be assigned to 1) provide 1-on-1 tutoring for eligible students if the tutoring is scheduled at a time when the student would not otherwise receive instruction from a teacher; 2) to assist with classroom management, such as organizing instructional and other materials; 3) provide assistance in computer laboratory; 4) conduct parental involvement activities; 5) provide library or media center support; and 6) act as a translator.

A paraprofessional may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a fully qualified teacher; and may not provide reading instruction unless the paraprofessional has demonstrated, through a State or local assessment, the ability to effectively carry out reading instruction.

### **Uses of Funds**

Title I funds may be used for professional development for teachers and paraprofessionals.

### **Professional Development - Required Activities**

Each LEA receiving title I funds shall 1) provide professional development to teachers, principals, and administrators to ensure they have the knowledge and skills to provide students with the opportunity to meet State or local content and student performance standards; 2) support the recruiting, hiring, and training of fully qualified teachers, including through alternative routes of certification; 3) advance teacher understanding of effective instructional strategies, based on scientific based research, for improving student achievement, in at least math and reading; 4) be related to the curricula and content areas in which the teacher provides instruction; 5) be designed to enhance the ability of a teacher to understand and use the State's standards in the subject area that the teacher provides instruction; 5) be tied to scientifically based research; 6) be of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance; 7) to the extent practicable, provide training in the use of technology to improve teaching and learning; 8) be regularly evaluated for impact on increased teacher effectiveness and improved student achievement.

### **Funding**

Authorized \$12 billion for title I, Part A. The Secretary shall reserve 1% of the funds for the Bureau of Indian Affairs and Outlying Areas.

### **Allocations**

For any amount that exceeds the amount appropriated in FY 1999, 75% shall be distributed through a targeted formula based on a percentage of students from families in poverty, and 25% shall be distributed through the Basic and Concentration Grant formulas (85% of the 25% will be distributed through Basic formula, and 15% of the 25% will be distributed through Concentration formula)

Total grants shall be calculated on the basis of LEA population data and shall be aggregated for each State.

### **Hold Harmless**

Each State shall receive, at a minimum, the amount that it received in the previous year. Each LEA shall receive, at a minimum, 85% of the amount that it received in the previous year.

### **Weighted Child Count for Allocations to LEAs**

The Secretary shall use only the percentage of children calculations to determine the allocations to LEAs.

### **State Administration**

Current law is not changed regarding the set aside of funds for planning and administration.

### **Rural Education Development Initiative**

**Purpose**

To assist small and rural LEA that because of their size are at a disadvantage under formula programs and competitive grant programs.

**Funding**

Authorizes \$125 million for the program. The Secretary shall reserve  $\frac{1}{2}$  of 1% of the funds for payments to the Secretary of the Interior.

**Allotments**

The Secretary shall allot funds to states based on the number of students in eligible LEAs. If a SEA does not participate in the program, the Secretary shall allot a grant to a specially qualified agency.

**Matching Requirement**

Each LEA that receives a grant must contribute a match, in cash or in kind, in amount equal to the federal funds awarded under the program.

**State or Specially Qualified Agency Plans**

Each State or Specially Qualified Agency must submit an application to the Secretary that 1) specifies annual, measurable performance goals and objectives for increased student performance, and decreased gap in achievement between minority and non-minority students, and economically disadvantaged and non-economically disadvantaged students; 2) describe how the agency will hold LEAs or schools accountable for meeting performance objectives; 3) describe how the agency will provide technical assistance; and 4) describe how the agency will take action if a LEA or school fails, over 2 consecutive years, to meet the performance objectives.

**Within State Allocations**

The State shall award grants to eligible LEAs on a competitive basis; or according to a formula determined by the state.

**Eligibility**

An eligible LEA shall 1) have not less than 20% of its students, aged 5 - 17, are from families in poverty; and 2) be located in a rural locality; or 3) serve a school age population of 800 or fewer students.

**Uses of Funds**

Funds shall be used for 1) educational technology, including software and hardware; 2) professional development; 3) technical assistance; 4) teacher recruitment and retention; 5) parental involvement activities; or academic enrichment programs.

**Reports**

Each State educational agency or specially qualified agency shall provide an annual report to the Secretary that describes 1) the method the agency used to award grants to eligible LEAs and to

provide assistance to schools; 2) how the LEA and schools used the grant; 3) the degree to which progress has been made toward meeting the annual, measurable goals and objectives described in the State or specially qualified agency plan.

The Secretary shall prepare and submit to Congress an annual report relaying the information submitted to the Secretary by the States or specially qualified agencies.

## **Title II—Teacher Quality, Professional Development, and Class Size**

### **Purpose**

To ensure that all students are taught by a fully qualified teacher, to provide new teachers with mentoring, to provide all teachers, principals, and administrators with high-quality professional development, and to facilitate smaller class sizes.

### **Teacher Quality**

#### **Fully Qualified Teachers**

Requires all teachers be fully qualified by December 31, 2005. Fully Qualified means, for an elementary school teacher, the teacher will have 1) obtained State certification, or passed the State teacher licensing exam; 2) a bachelor's degree from an institution of higher education; 3) demonstrate knowledge and teaching skills in reading, writing, mathematics, science, and other areas of the elementary school curricula; and 4) passed a State-developed rigorous test for content for teachers.

For a secondary school teacher, fully qualified means that the teacher has 1) obtained State certification, or passed the State teacher licensing exam; 2) received a bachelor's degree from an institution of higher education, with a major in the academic subjects in which the teacher is assigned to teach; and 3) passed a State-developed rigorous test in the academic subjects in which the teacher is assigned to teach.

Requirements on teacher qualifications shall not supercede State laws governing teacher qualifications in *charter schools*.

#### **State Plan**

Each State shall submit a plan to the Secretary that describes how the State is taking reasonable steps to reform teacher certification, recertification, or licensure requirements to ensure that 1) teachers have the necessary teaching skills and academic content knowledge in the subject areas in which they are assigned to teach; 2) they are aligned with the State's content standards; and 3) teachers have the knowledge and skills necessary to help students meet the State's performance standards.

Do we  
have?

The plan shall also describe how the State is taking reasonable steps to 1) develop and implement rigorous testing procedures for all teachers to ensure that the teachers have teaching skills and academic content knowledge necessary to teach effectively the content called for by the State and local standards in all academic subjects in which the teachers provide instruction; 2) establish, expand, or improve alternative routes to State certification of teachers especially in the areas of math and science, for highly qualified individuals; 3) reduce emergency teacher certification; 4) develop and implement effective programs to assist LEAs and schools in effectively recruiting and retaining fully qualified teachers and principals, particularly in schools that have the lowest proportion of fully qualified teachers, or the highest proportion of low-performing students; 5) provide high-quality professional development programs; and 6) provide mentoring to new teachers in their first three years.

It shall also describe how 1) activities will improve all students' academic achievement and close the academic achievement gap between low-income and higher-income students, limited English proficient and English proficient students, and minority and non-minority students; 2) how the State will set annual, numerical performance objectives for improving the qualifications of teachers and the professional development of teachers, principals and administrators; and 3) the State will hold LEAs and schools accountable for meeting performance objectives and reporting requirements.

Each State shall develop its plan in consultation with LEAs, parents, teachers, principals, and others.

### **Performance Objectives**

States shall identify annual, numerical performance objectives with respect to improving the qualifications and professional development of teachers that achieve an incremental increase in 1) the percentage of teachers that are fully qualified; 2) the percentage of classes in core academic subjects that are being taught by teachers who have degrees from institutions of higher education, or who are fully licensed or certified by the State in the academic subject that the teacher is assigned to teach; 3) the percentage of new teachers receiving professional development support in the first three years of teaching; and 4) the percentage of teachers, principals, and administrators participating in high quality professional development programs in core academic subjects and to prepare all students to achieve State content and student performance standards.

### **State Optional Activities**

States may 1) develop and implement a system to evaluate the effectiveness of teachers; 2) ? - increase the portability of teacher pensions and reciprocity of teaching credentials among States; 3) pursue tenure reform and merit pay; 4) develop or assist LEAs in the development and utilization of proven, innovative strategies to deliver intensive professional development programs that are both cost effective and easily accessible, such as through the use of technology and distance learning; and 5) provide assistance to LEAs for the development and implementation of innovative professional development programs that train teachers to use technology to improve teaching and learning.

Do we have those?

### **Local Plans**

Each LEA receiving a grant shall develop a plan that 1) describes how it will use funds to meet the State's performance objectives; 2) describes how it will hold schools accountable for meeting requirements; 3) contains an assurance that the LEA will target funds to schools that have the lowest proportion of fully qualified teachers, or are identified for school improvement; and 4) describes how the LEA has consulted with teachers, principals, parents and administrators in the plan development.

### **Local Activities**

Each LEA shall use grant funds to support the professional development activities for teachers (in at least reading, math and science), principals, and administrators to provide such individuals with the knowledge and skills to provide students with the opportunity to meet State content and student performance standards.

LEAs shall also use funds to the extent practicable 1) provide professional development to teachers, principals, and administrators to enhance the use of technology to improve the delivery of curriculum instruction; 2) recruit fully qualified teachers and highly qualified principals, particularly for schools located in areas with high percentages of poverty, or high percentages of low performing students; 3) retain fully qualified teachers and principals to serve in schools with the highest proportion of low performing students, such as through mentoring and other incentives, including financial incentives to teachers that have a record of success in helping low-performing students improve, and principals who have a record of improving the performance of all students or significantly narrowing achievement gaps between groups of students; and 4) support activities to provide effective professional development for teachers of limited English proficient students.

### **Optional Local Activities**

LEAs may use funds to 1) provide signing bonuses or other financial incentives for teachers to teach in academic subject areas in which there exists a shortage of such fully qualified teachers within a school or the LEA; 2) establish programs that recruit professionals from other fields and provide such professionals with alternative routes to teacher certification; 3) programs that are designed to improve the quality of the teacher force; 4) implement tenure reform; 5) implement merit pay; 6) provide professional development programs on different teaching styles, particularly as relates to children with disabilities and with children with special learning needs (including those who are gifted and talented); 7) provide professional development programs that provide instruction on how best to discipline children in the classroom; 8) professional development programs that provide instruction in how to teach character education; and 9) implement activities designed to improve professional development for teachers, principals, and administrators, and recruit and retain fully qualified teachers and principals as approved by the State.

### **Funding**

Authorizes \$1.6 billion of which 50% will be allocated to States based on the number of students

enrolled in elementary and secondary schools, and 50% will be allocated to States based on the number of students from families in poverty. Within State allocations will be made to LEAs so that 60% of the funds are based on the number of students from families in poverty, and 40% of the funds are based on the number of students enrolled in elementary and secondary schools.

The Secretary shall reserve  $\frac{1}{2}$  of 1% of the funds, each, for the Bureau of Indian Affairs and Outlying Areas.

A hold harmless provision shall be applied so that each State receives 100% of what it received under title II and VI (as such titles were in effect prior to the enactment of this Act). Each LEA shall receive not less than 100% of what it received under titles II and VI (as such titles were in effect prior to the enactment of this Act) for fiscal year 2001, not less than 85% of what it received in the previous fiscal year for fiscal year 2002, and not less than 70% of what it received in the previous fiscal year for fiscal years 2003-2005.

Each State shall set aside 10% of the funds it receives to award educator partnerships.

A small state minimum shall be applied so that no State receives less than  $\frac{1}{2}$  of 1% of the funds authorized.

#### **Administration**

States may set aside up to 5% of the funds it receives for planning and administration. LEAs may set aside up to 1.5% of the funds received for planning and administration.

#### **Professional Development for Teachers**

Professional development activities or programs under this title must be 1) directly related to the curriculum and content areas in which the teacher provides instruction; or 2) be designed to enhance the ability of the teacher to understand and use the State's standards for the subject area in which the teacher provides instruction. These requirements shall not apply to funds for professional development activities that instruct in methods of disciplining children.

In addition, professional development activities shall 1) be measured, in terms of progress, using the specific performance objectives established by the State; 2) be tied to State or local content standards and student performance standards; 3) be tied to scientifically based research demonstrating the effectiveness of such program in increasing student achievement or substantially increasing the knowledge and teaching skills of such teachers; 4) shall be of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; 5) be developed with extensive participation of teachers, principals, parents, and administrators; and 6) be directly related to the content area in which the teacher provides instruction, and to the State content standards.

#### **Educator Partnership Grants**

Each State shall set aside 10% of the funds it receives under this title for the purposes of awarding educator partnership grants. Funds shall be allocated through a competitive process that results in an equitable distribution of funds by geographic area within the State.

### **Educator Partnerships**

Eligible partnerships shall include a cooperative arrangement between a school, or a LEA, and one or more of the following: 1) an institution of higher education; 2) an educational service agency; 3) a public or private nonprofit educational organization; and 4) an entity from outside the traditional education arena, including corporations and consulting firms.

### **Use of Funds**

Recipients shall use funds for 1) the development or enhancement of professional development activities for teachers in core academic subjects to ensure that teachers have content knowledge in the subjects they teach; 2) developing and providing assistance to LEAs and schools for sustained, high-quality professional development activities for teachers, principals, and administrators; 3) increasing the percentage of fully qualified teachers available to provide high-quality education to limited English proficient students; 4) the development and implementation of professional development activities for principals and administrators to enable them to be effective school leaders and improve student achievement on State standards; or 5) another activity that enhances professional development opportunities for teachers, principals, and administrators or will increase the number of fully qualified teachers that meets State approval.

### **Class Size Reduction**

Maintains the class size program under a separate funding stream and authorizes \$1.4 billion for the program.

Specific language on the program is pending final passage of the Labor, HHS, and Education Appropriations bill for FY 2000.

## **Title III—Language Minority Students and Native American Education**

### **Part A—Language Minority Students**

#### **Purpose**

The purpose of this part is to assist limited English proficient (LEP) students to learn English as quickly as possible so that those students may meet the same rigorous standards for academic performance expected of all students, and succeed in our society by 1) streamlining existing language assistance programs into one performance-based grant for State educational agencies and local educational agencies to help limited English proficient students become proficient in

English; 2) increasing the amount of federal assistance to LEAs serving such students; 3) requiring States and LEAs to demonstrate annual increases in the English proficiency of students from the previous year; and 4) providing SEAs and LEAs with the flexibility to implement instructional programs that are based on scientific research, and that the SEA and LEA believe to be the most effective for teaching English.

### **Funding**

Authorizes \$1 billion for this part. Requires the Secretary to reserve ½ of 1% of the funds, each, for the Secretary of the Interior and Outlying Areas. Puerto Rico shall be considered a State under this part.

Funds shall be allocated to States based on their number of LEP students. A hold harmless provision shall be applied so that each State receives not less than 85% of what it received under title VII (Bilingual Education) as such title was in effect before the enactment of this Act. Funds shall be allocated to LEAs based on their number of LEP students.

### **Administration**

States may reserve 5% of the funds received for planning, administration and carrying out activities under this part. LEAs may reserve 1% of the fund received for planning and administration.

### **State and Specially Qualified Agency Plan**

If a State does not apply for a grant, a specially qualified agency may apply directly to the Secretary for a grant. Each SEA and specially qualified agency must submit a plan to the Secretary that describes how agency will 1) establish *standards and benchmarks for English language development* that are aligned with the State's content and performance standards; 2) develop high quality, annual assessments to measure English language proficiency, including proficiency in the four recognized domains: speaking, listening, reading and writing; 3) develop annual performance objectives based on the English language development standards set to raise the proficiency of each limited English proficient student; 4) assure that the State or specially qualified agency consulted with LEAs, parents, teachers, administrators, English language instruction specialists, and other groups in the development of the agency plan; 5) describe how the agency will hold LEAs or schools accountable for meeting the performance objectives accountable for meeting the performance objectives; 6) describe how LEAs will be given the flexibility to teach English in the manner that each LEA determines to be the most effective (as long as the language instruction curriculum is scientifically research based); and 7) describe how the agency will provide technical assistance to LEAs and schools.

### **Secretary Assistance**

As required under title VII of this Act, the Secretary shall provide assistance to States and specially qualified agencies in the development of English language standards and English language proficiency assessments.

### **Local Plans**

Each LEA receiving a grant shall submit to the State a plan that 1) describes how the LEA will

use funds to meet the English proficiency performance objectives; 2) describes how the LEA will hold schools accountable for meeting the performance objectives; and 3) contains an assurance that the LEA consulted with schools, institutions of higher education, parents, language instruction teachers, English language instruction specialists, and others in the development of the plan.

### **Local Uses of Funds**

Each LEA receiving a grant may use funds to provide high-quality English language instruction programs, such as bilingual education, transitional education or English immersion education programs, to increase the student's proficiency in English. Instruction programs must be tied to scientifically based research demonstrating the effectiveness of such program in increasing English proficiency.

Funds also shall be used to provide high-quality professional development activities for teachers of limited English proficient students that are 1) designed to enhance the teachers's ability to understand and use curricula, assessment measures, and instructional strategies for LEP students; 2) tied to scientifically based research demonstrating the effectiveness of such program in increasing students English proficiency or substantially increasing the knowledge and teaching skills of such teachers; and 3) of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom.

LEAs shall also use funds to identify, acquire and upgrade curricula, instructional materials, educational software and assessment procedures for LEP students.

### **Federal Limitations**

The Secretary, or any other federal officer, shall not mandate, direct, or control a State's, local educational agency's, or elementary school's or secondary school's specific English language development standards or assessments, curricula, or program of instruction, as a condition of eligibility to receive funds under this part. In addition, the Secretary shall not mandate, nor preclude, a particular curricula or pedagogical approach to educating limited English proficient students.

### **English Fluency Requirement for Teachers**

Each LEA receiving a grant shall certify to the SEA that all teacher in any language instruction program for limited English proficient students funded under this part are fluent in English.

### **Federal Regulations**

In developing regulations, the Secretary shall consult with SEAs, LEAs, organizations representing limited English proficient individuals, teachers, and others involved in the education of LEP students.

### **Parental Notification**

Each LEA shall notify parents of a student participating in a language instruction program of the student's level of English proficiency, how such level was assessed, the status of the student's

achievement, what programs are available to meet the student's educational strengths and needs, how such programs differ in content and instructional goals from other language assistance programs, and the instructional goals of the language instruction program.

Parents shall have the option to decline the enrollment of their child in a language assistance program.

Parents of LEP students enrolled in a language assistance program shall receive timely information (in a manner and form understandable to the parent) about programs under this part and notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents of children assisted under this part.

### **Part B—Indian, Alaska Native and Hawaiian Native Education**

Title IX of current law is maintained and redesignated to Part B of Title III in this Act.

### **Title V—Public School Choice**

Maintains current law for magnet schools (title V, Part A) and charter schools (title X, Part C) and redesignates these programs to title IV of this Act. Authorizes \$200 million for charter schools and \$130 million for magnet schools.

#### **Purpose**

The purposes of this title are to 1) consolidate public choice programs into one title, 2) increase federal assistance for public magnet and charter schools, and charter districts, and 3) help parents make more informed choices by providing supporting the continuation of public choice programs and providing financial assistance to States and LEAs for the development of LEA and school report cards.

#### **Charter School Parallel Accountability**

Each State receiving a public charter school grant shall hold charter schools accountable for adequate yearly progress for improving student performance in the same manner as public schools within the State are held accountable for adequate yearly progress form improving student performance under title I, including the use of the same standards and assessments.

#### **Public School Choice Programs**

Authorizes \$100 million for the Secretary to award grants, on a competitive basis, to LEAs to enable such LEAs to develop local public school choice programs.

#### **Report Cards**

Do we?

→ Any reporting reqs/regs we can get rid of?

Shd we?

**Funding**

Authorizes \$50 million to be allocated to States based on the number of elementary and secondary school students in the State. Requires the Secretary to reserve 1/2 of 1% of the funds, each, for the Secretary of the Interior and Outlying Areas. States receiving a grant shall distribute subgrants to LEAs based on the number of students within each LEA.

**Administration**

States may reserve 10% of the funds received for carrying out activities under this part.

**Annual State Report**

By the beginning of the 2001-2002 school year, a State receiving assistance under this Act shall prepare and disseminate an annual report on all the schools that receive funds under title I, part A and title II, part A.

Report card shall be concise and presented in a format and manner that parents can understand including, to the extent practicable, in a language the parents can understand. In the event that the State provides no such report card, the State shall, no later than the beginning of the 2001-2002 school year, publicly report the required information under this part for all schools that receive funds under title I, part A and title II, part A through other public means.

**Content of Annual State Reports**

The State, at a minimum, shall include in the annual State report information on each LEA and school within the State receiving funds under title I, part A and title II, part A, including information regarding:

- student performance on statewide assessments for the year and the preceding year, in at least reading and mathematics, including 1) a comparison of the proportions of students who performed at the below basic, basic, proficient, and advanced level in each subject area, for each grade level at which assessments are required under title I, with proportions in each of the same 4 categories at the same grade levels in the previous school year; 2) a statement on the three year trend in the percentage of students performing at the 4 levels in each subject area, for each grade level at which assessments are required under title I;
- student retention rates in grades, the number of students completing advanced placement courses, and 4-year graduation rates;
- the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, the percentage of class sections not taught by fully qualified teachers, and the percentage of teachers who are fully qualified; and
- the professional qualifications of paraprofessionals, the number of paraprofessionals in the aggregate, and the ratio of paraprofessionals to teachers in the classroom.

**Student Data**

Student data in each report shall contain disaggregated results for the following categories: gender, racial and ethnic groups, economically disadvantaged students as compared to students who are not economically disadvantaged, and students with limited English proficiency as compared to students who are proficient in English.

**Optional Information**

States may include other information that it determines appropriate.

**Content of LEA and School Report Cards**

The State must ensure that each LEA and school that receives funds under title I, part A and title II, part A collects appropriate data and includes in its annual report, at a minimum:

- The same information as required for under the annual state report regarding student performance, teacher qualifications, student retention rates, and paraprofessional qualifications, as well as the same disaggregated student data
- **LEAs** shall also include information on the number and percentage of schools identified for improvement; information on the three-year trend in the number and percentage of schools identified for school improvement; information that shows how student in schools within the LEA perform on assessments as compared to students in the state as a whole;
- **Schools** shall also include information on whether the school has been identified for improvement, and information that shows how the school's students performed on the statewide assessment compared to students in schools served by the same LEA and to all students in the State.
- Other information – LEAs and schools may include other appropriate information.

**Dissemination and Accessibility**

**State reports** shall be disseminated to all schools and LEAs in the State and made broadly available to the public through means such as posting on the Internet and distribution to the media and through public agencies.

**Local reports** shall be disseminated to all schools served by the LEA and all parents, and made available to the public through means such as posting on the Internet and distribution to the media and through public agencies.

**School reports** shall be disseminated to all parents of students the school, and made available to the public, through means such as posting on the Internet and distribution to the media and through public agencies.

**Parents Right-to-Know**

LEAs shall provide, upon request, to any parent of a student in a school in the LEA, information

regarding the professional qualifications of the student's classroom teachers, and information on the level of performance of the individual student.

## **Title V—Impact Aid**

Maintains current law and redesignates title VIII as title V under this Act.

## **Title VI—Innovative Strategies for Performance**

### **Purpose**

It is the purpose of this title to 1) support LEAs' education reform efforts that are consistent with State content and student performance standards, or that create an enhanced learning environment to facilitate academic enrichment and innovation; 2) provide funding to enable SEAs and LEAs to implement promising educational reform programs; 3) provide a continuing source of innovation and education improvement; 4) meet the special educational needs of low-performing and at-risk students; 5) enable schools to address local educational priorities; and 6) require SEAs and LEAs to demonstrate results in return for increased flexibility and funding.

### **Funding**

Authorizes \$2.7 billion to be allocated to States and LEAs using the Basic and Concentration Grant formulas under title I. The Secretary shall reserve 1)  $\frac{1}{2}$  of 1% of the funds, each, for the Secretary of the Interior and Outlying Areas; and 2) such funds as necessary to continue to support any multiyear award made under titles III, IV, V, VI or X (as such titles were in effect before the enactment of this Act) until the termination of the multiyear award.

### **State Reservations**

States may reserve up to 5% of the funds for planning and administration, and 10% to award grants, on a competitive basis, to LEAs for one-time infusion of funds for innovative practices.

### **State Plans**

SEAs desiring a grant shall submit a plan, developed with significant input from the innovative partnership, to the Secretary.

### **Innovative Partnerships**

The Governor of each State desiring a grant, in consultation with the State educational agency, shall establish an education innovation partnership, which shall be an integral participant in the development of the State plan and performance objectives. At a minimum, the innovation partnership shall consist of the following participants:

- the Governor;

- the Chief State School Officer
- a representative, selected jointly by the Governor and the chief State school officer, of at least 1 LEA eligible to receive a subgrant;
- a representative, selected jointly by the Governor and the chief State school officer, of a community-based organization that focuses on the education of children, particularly low performing and economically disadvantaged students;
- a representative of a parent's organization;
- a principal of a school that has instituted an exemplary innovative education program that focuses on serving low performing students or enhancing the learning environment; and
- a teacher who has successfully raised the performance levels of low performing students.

### **Contents of State Plans**

Each State plan shall 1) describe the program goals and objectives that are aligned with State content and student performance standards, or that create an enhanced learning environment, that the State and LEAs seek to achieve; 2) specify annual performance objectives that will be used by the State and LEA to assess annually the effectiveness of the program; 3) specify the State will measure annual performance objectives; and 4) describe how the State will hold LEAs and schools accountable for meeting the performance objectives.

## **Local Plans and Requirements**

### **LEA Plans**

Each LEA shall submit a plan to the SEA for approval by the innovative partnership.

### **Contents of LEA Plan**

Each plan shall 1) describe the program(s) for which assistance is sought and the reasons for the selection of such programs; 2) describe the program goals and objectives that are aligned with State standards, or that create an enhanced learning environment, that the LEA seeks to achieve; 3) specify the annual performance objectives that will be used by the LEA to assess annually the effectiveness of the program; 4) specify how the LEA will measure the annual performance objectives; 5) describe how the LEA will hold schools accountable for meeting the performance objectives; and 6) contain an assurance that the LEA consulted with schools, education-related community groups and nonprofit organizations, parents, teachers, and school administrators in the development of the local plan and selection of programs described in it.

### **Matching Requirement**

A State shall not make a subgrant to a LEA unless the LEA agrees that, with respect to the costs to be incurred by the LEA in carrying out the activities for which the grant was awarded, the LEA will provide a 15 % cash, or in-kind, match.

### **Uses of Funds**

Each LEA receiving a subgrant may reserve up to 1% of the funds for planning and administration.

Each LEA shall use funds to establish and carry out programs that are designed to achieve, separately, or cumulatively, each of the following goals:

- **Academic Enrichment** – programs, or policies, that seek to raise the academic achievement level of all students based on State content and student performance standards, such as education technology programs; before- and after-school, and summer school programs; schoolwide reform programs; college preparation courses; academic equity programs; civics and arts education; reading and literacy programs to prepare young children for elementary school; foreign language programs; gifted and talented programs; or another program as approved by the State that improves the higher order thinking skills of all students;

- **Safe and Quality Environment** – programs, or policies, that help ensure all school children learn in a safe and quality environment, such as programs that reduce drugs and violence; extended day programs; summer school; programs that address student discipline problems; programs that reduce school drop out rates and chronic absenteeism; character education; programs that recruit or retain high quality mental health professionals to counsel students in public schools who are exhibiting symptoms of distress (such as substance abuse, or disruptive and suicidal behavior), or provide such professionals with professional development; or another activity approved by the State; and

- **Reform and Innovation** – programs, or policies, that lead to systemic education reforms or innovations that seek to increase all students' academic achievement based on State content and student performance standards, such as professional development for teachers, principals, and administrators; comprehensive academic instruction or education reform; education technology programs; or another activity approved by the State.

### **Innovative Practice Grants**

Each State receiving a grant under this title shall reserve 10% of the funds for innovative practice grants to be awarded, on a competitive basis to LEAs to stimulate and support innovative education practices, including programs that require a 1-time infusion of funding.

#### **LEA Plans**

Each LEA desiring a subgrant shall submit a plan to the State.

#### **Uses of Funds**

Each LEA receiving a subgrant shall use funds to support and stimulate the development and initial implementation of innovative education practices, including 1) promising education reforms projects, such as comprehensive school reform; 2) experiments with longer school days and longer school years; 3) outreach efforts for attracting fully qualified teachers and principals to schools with high percentages of low performing students, or low-qualified teachers; 4) teacher portability initiatives; 5) the creation of alternative or transitional settings for violent or

disruptive students; 6) the creation of charter school districts; and 7) another activity that seeks to increase the academic achievement of all students based on State content and student performance standards as approved by the State.

LEAs may reserve up to 3% of the funds for administrative purposes in carrying out activities under this program.

## **Title VII—Accountability**

### **Sanctions**

#### **Third Fiscal Year**

If more than 1 set of the performance objectives established under titles I part A, title II part A, title III part A, and title VI by a State receiving funds under such titles have not been met by the end of the third fiscal year, then the Secretary shall reduce the State's administrative funds under each title and part in which the performance objectives have not been met by 50%.

If the performance objectives not met by the end of the third fiscal year are in only 1 title and that title is title I or II, then the Secretary shall reduce administrative funds by 30%. If the performance objective not met by the end of the third fiscal year are in only 1 title and that title is title III or VI, then the Secretary shall reduce administrative funds by 20%.

#### **Fourth Fiscal Year**

If the performance objectives have not been met by the end of the fourth fiscal year, then the Secretary shall reduce the amount the State receives under title VI by 30%.

#### **Duration**

The Secretary shall withhold all funds from a State until the State demonstrates that it has met the performance objectives for each year in which the State is participating in such titles and parts.

#### **Technical Assistance**

The Secretary shall provide technical assistance, if sought, to a State that has been sanctioned.

#### **Local Sanctions**

Each State participating under title I, II, III or VI shall develop a system to hold LEAs accountable for meeting the performance objectives established under each title, including a system to sanction LEAs for low performance.

#### **Rewarding High Performance**

*→ Bonus for yearly progress?*

Authorizes \$200 million for the Secretary to award rewards to high performing States that have 1) for 3 consecutive years exceeded performance objectives established under any title under this

Act; 2) for 3 consecutive years significantly narrowed the achievement gap between minority and non-minority students, economically disadvantaged and non-economically disadvantaged students, and limited English proficient students and English proficient students; or 3) by not later than December 31, 2003, have all teachers in schools fully qualified.

## **State Uses of Funds**

### **Administration**

Each State receiving an award may reserve up to ½ of 1% of funds for planning and administrative purposes.

### **Demonstration Sites**

Each State receiving an award shall use a portion of funds (not distributed to LEAs) to establish demonstration sites with respect to high-performing schools in order to help low-performing schools.

### **Improving Student Performance**

States shall use funds received (not distributed to LEAs) for the purpose of improving the level of performance of all students based on State content and student performance standards.

### **LEA Awards**

Each State receiving an award shall distribute 74.5% of the award funds to high performing LEAs in the State that 1) for 3 consecutive years have exceeded performance objectives; 2) for 3 consecutive years have significantly narrowed the achievement gap in student performance between minority and non-minority students, limited English proficient and English proficient students, and economically disadvantaged and non-economically disadvantaged students; or 3) have all teachers fully qualified by December 31, 2003.

## **LEA Use of Funds**

### **Administration**

LEAs may reserve up to ½ of 1% of funds for administrative purposes.

A LEA may use funds for activities such as school-based performance awards.

A LEA receiving funds shall use funds to:

- reward individual schools that demonstrate high performance with respect to increasing the academic achievement of all students; narrowing the achievement gap between groups of students; improving teacher quality; increasing high-quality professional development for teachers, principals, and administrators; or improving the English proficiency of limited English proficient students;
- reward individual teachers that have significantly increased the annual performance of low-performing students; or significantly improve the English proficiency of limited English proficient students;

- reward principals that successfully raise the performance standards of a substantial number of low performing students to high academic levels; or
- develop or implement district wide programs, or policies, to increase the achievement level of all students based on State content and student performance standards.

### **Secretary Duties**

*research?*  
Authorizes \$300 million of Secretary duties The Secretary is authorized to:

- support activities of the National Board for Professional Teaching Standards;
- study and disseminate information regarding model programs assisted under this Act;
- provide technical assistance to States, LEAs, schools, Indian tribes, or other recipients of funds under this Act, including entering into contracts or cooperative agreements with public or private nonprofit entities or consortia of such entities, in order to provide comprehensive training and technical assistance related to administration and implementation of programs under this Act;
- support activities that will promote systemic education reform at the State and local levels;
- award grants or contracts to public or private nonprofit entities to enable the entities to 1) disseminate exemplary reading, math, science, computer and Internet educational instructional materials to States, LEAs, and schools; and 2) provide technical assistance for the implementation of teaching methods and assessment tools for use by schools, teachers, and administrators;
- award a grant or contract to a public or private nonprofit entity or consortia of such entities to establish a national center for gifted and talented activities; and
- assist States, if requested, in the development of English language standards and high-quality assessments; and
- develop native language tests for limited English proficient students that States may administer to such students to assess student achievement in at least reading, math and science consistent with such State's content and student performance standards.

### **Reservation of Funds**

The Secretary shall reserve \$10 million in funds for section 1202(c) of current law – statewide literacy programs under Even Start.

## **Title VIII—General Provisions**

### **Definitions**

No changes to current law.

### **Consolidation**

SEAs and LEAs shall be allowed to consolidate all plans for which grants are sought into one plan. In addition, SEAs and LEAs may consolidate administrative funds. Maintains provisions for an administrative funds study.

### **Maintenance of Effort**

Maintains current law regarding maintenance of effort by States.

### **Supplement and Not Supplant**

Adds a new provision and federal funds shall supplement and not supplant any State and local funds that would be spent on activities under the Act.

### **Waivers**

Maintains current law regarding waivers, except for new waiver provision in title I, part A.

### **Evaluations**

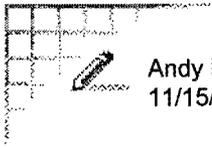
Maintains current law requiring the Secretary to conduct evaluations of the effectiveness of programs under the Act.

### **Redesignations**

Redesignates title VIII of current law as title V under this Act; title IX of current law as part B of title III of this Act, part A of title V of current law as part A of title IV of this Act; and part C of title X of current law as part B of title IV.

### **Repeals**

Repeals titles V, X, XI, XII, and XIII of current law; and the Goals 2000: Educate America Act.



Andy Rotherham  
11/15/99 06:10:59 PM

~~State to Andy~~

Edvc -  
Lieberman bill

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP  
cc: Cathy R. Mays/OPD/EOP@EOP  
Subject: Lieberman bill

The Lieberman bill would convert ESEA into 8 Titles (it currently has 14 and our proposal has 11). It also targets new money much more heavily to poverty than current law and more than I think our proposal does although ED would have to run the numbers to be sure. As opposed to the PPI paper, this bill includes state level set-asides for each program rather than one big grant to states.

Overall, it includes our accountability provisions (except discipline) but goes further than us on teacher quality but over a longer timeline. It also preserves class size as a separate funding stream for class size reduction. It does not include vouchers.

While I don't think we should rush out and praise it, I think we should resist the pressure we will get to openly criticize it. I'm sure the department will go ape tomorrow after the press event but I don't think it is a good idea for us to criticize a bill that targets money better than us, includes our best pieces, increases local flexibility, increases accountability and essentially puts impoverished kids ahead of dubious programs. It also has six Democratic cosponsors most of whom are active DLC members so we have to watch ourselves there too. I think we should just keep quiet and see what happens.

Here is a quick summary of the highlights:

**Title I** is similar to our Title I proposal although it has more rigid accountability requirements by requiring actual numerical targets for improving the performance of students and requires that all students be at the proficient level within 10 years. It mirrors the house bill in terms of disaggregation. It also requires that states include in their State Plan a description of how the state is working to end social promotion and retention and how low performing students are being given extended learning time to meet the standards. In addition, it includes our 2.5 percent set-aside. It includes a public school choice piece like our proposal. It would also take the House language on teacher quality stating that all teachers hired after the enactment of the law would have to be fully qualified by 2005. Paraprofessionals would have to have 60 hours of college credit; or an associates degree or higher; or have met a rigorous standard of quality. The "rigorous standard of quality" option is favored by the AFT and is a huge loophole. Our proposal does not include it but instead requires 60 hours or an associates degree only. The authorization for part A of Title I is \$12 billion.

Can we do?

It also a rural provision almost identical to the House bill.

**Title II** Quality language similar to the House, requires all teachers to be certified by 12/31/2005 but it includes an exception for charter schools. Authorizes \$1.6 billion for professional development and requires states to identify numerical targets for improving teacher quality like increasing the percentage of teachers getting standards based professional development or decreasing out-of-field teaching each year. It also sets-aside 10 percent for grants to cooperatives.

Can we do?

Maintains class-size and although it is a placeholder right now, most likely with the language that was

worked out on approps.

**Title III** Authorizes \$1 billion for LEP kids distributed by formula. LEA's are free to use any research-based strategy to teach kids English but no preference is given to any (bilingual). States and districts must have specific goals for English-language acquisition. ?

Reauthorizes the Indian, Alaska Native, and Hawaiian programs.

**Title VI** Public school choice. Continues the charters school program, requires report cards and authorizes money to help states develop them. = ?

**Title V** Impact Aid, maintains current law.

**Title VI** Is the big performance-based grant, \$2.7 billion by formula. Each state has to show how this money will be used in a manner aligned with state content standards and indicate annual performance objectives. 10 percent of this money goes out in competitive grants from states to LEA's for innovative practices that require upfront infusions of cash.

**Title VII** If by the end third fiscal year after enactment a state has not met more than 1 set of performance objectives as required by the various titles they can lose anywhere from 30-50 percent of their administrative money for those titles. Likewise, this title authorizes a \$200 million reward fund. \*

It also authorizes a \$300 million fund for national activities including NBPTS, model practices, technical assistance, etc...

**Title VIII** General Provisions.

*Education -  
ESEA - Lieberman bill*

## Title I

- Now appears to phase out Capital Expenses by FY 2002 (same as HR2?)
- Keeps 2.5 accountability set-aside, but sends 80 percent to LEAs (instead of 70 percent), with no requirement for targeting to LEAs with schools in corrective action or school improvement.

### State Plans

- Deletes prohibition against requiring submission of standards to Secretary.
- Adds requirement for science standards (like HR2).
- Deletes fourth level of performance (like HR2 and as recommended by ED).
- Deletes Secretarial authority to withhold administrative funds for State failure to put in place challenging standards.
- Deletes gender, migrant, and disability categories from AYP requirements.
- All schools in LEA must meet AYP requirements, up from 90 percent.
- Provides for assessment in native language for LEP students
- Adds first-grade literacy assessments (previously in LEA plans) and requirement for State assistance to schools with a "substantial number" of first-graders not demonstrating grade-level literacy proficiency.
- Plans must describe professional development and any financial assistance provided to schools identified for improvement.
- Adds failure to set up statewide accountability systems as reason to withhold any increased administrative funds
- Both States and LEAs would be required to show how they would ensure that all teachers are fully qualified by 2005, and that poor and minority students are not taught by inexperienced or out-of-field teachers at higher rates than other students.
- Adds State peer review of LEA plans.
- States must annually compare performance on assessments with LEA plans to ensure that all students will meet or exceed the proficient level within 10 years.

- Removes requirement for parental consent prior to placement in English language assistance program.
- LEAs must use 10 percent of Part A funds for professional development.
- Lowers schoolwide threshold to 40 percent.
- Limits transportation costs associated with a Title I choice program to 10 percent of Part A allocations.
- Strikes public school option for students in schools identified for improvement.
- Requires schools identified for improvement to reserve 10 percent of funds for professional development that addresses the achievement problems that led to identification for improvement.
- Prescribes specific State review and technical assistance measures for LEAs identified for improvement or corrective action, including reallocation of LEA resources.
- Previously referenced "Attachment A" lists requirements for State Title I accountability systems, which must (1) be based on performance of all students on assessments linked to State standards; (2) be the same system used for all schools and LEAs if the State has a system for all LEAs and schools, (3) identify successful schools and LEAs as well as those identified for improvement and corrective action.
- Requires new paraprofessionals to complete courses toward a minor degree in elementary education or the subject area in which he or she is working.
- Adjusts Part A allocations to LEAs to reflect one percent administrative set-aside.
- Modifies Puerto Rico allocations (same as HR2, I think)

#### Title I - Comprehensive School Reform Demonstration

- Same as the 1998 report language and current program operation.
- Uses the term "scientifically-based research" which the Department doesn't like, preferred term is "research-based."
- The evaluation requirements for the Department are the ones in the appropriations language. It doesn't allow for the fact that the program will have been operating for 3 years and doesn't contain anything about evaluating the sustainability of the reforms.

## Title II - Teacher Quality

- New requirements in State Plan to ensure that: (1) changes in certification and licensure take into account the need for greater access and participation by individuals from historically under-represented groups, and (2) that teachers have technological skills to integrate technology in the classroom.
- New requirements in State Plan to ensure that: (1) programs in core academic subjects take into account the need for greater access and participation by individuals from historically under-represented groups by incorporating changes in pedagogical strategies and techniques to meet their needs.
- New Performance Objective to ensure that all teachers are fully qualified by 12/31/2005
- New optional activities for use of State Funds to ensure that females, minorities, Limited English proficient students, individuals with disabilities, and economically disadvantaged students have opportunity to achieve challenging State content standards.
- New optional activities for use of State Funds to increase the number of females, minorities, and individuals with disabilities as teachers and school administrators.
- New required use of funds for LEAs to provide professional development to meet the needs of a diverse group of students.
- New optional use of funds for LEAs to provide signing bonus or other financial incentives to principals in schools with high percentage of low-income or low-performing students.
- Eliminates optional use of funds for LEAs to provide merit pay for teachers and replaces it with "collaboratively designed performance pay systems for teachers and principals" that encourage them to work together to improve student achievement.
- Now requires each SEA under Title II to provide an annual plan to the Secretary, to include:
  - Progress in increasing percentage of fully qualified teachers, including percentage in Title I schools
  - Percentage increase in number of core classes being taught by fully-qualified teachers
  - Activities by SEA and LEAs to attract and retain fully-qualified teachers, especially in localities and content areas where there is a shortage of such teachers

- The approximate percentage of Federal, State, local, and other resources spent on attracting and retaining fully-qualified teachers
- GEO to report on progress of compliance under 2002 (1) (A) – this is probably a drafting error since it refers to the definition section of a fully qualified elementary teacher

## Title II - Class Size Reduction

- Same as the FY 2000 appropriation language.
- In section Amend 2035 in (B) the reference to (c)(2)(A)(iii) is incorrect, it should be (b)(2)(B) and (C).
- The version we have does not include a provision for allocating funds to State or to LEAs.

### Title III – Language Minority Students

- No longer eliminates Emergency Immigrant Education Program
- Puerto Rico is considered a State and qualifies for funding on the basis of its limited English proficient student population. Since Spanish is the predominant language in Puerto Rico and most students are limited English proficient, Puerto Rico might eventually qualify for up to 20 percent of the appropriation. These funds would have to be used to develop full English language proficiency for all Puerto Rican students, a goal which is not necessarily in accord with Puerto Rican educational policy.

### Title IV -- Public School Choice

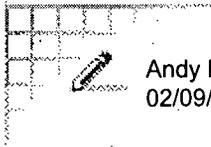
- Significant improvement over earlier version. Incorporates the Administration's OPTIONS: Opportunities to Improve Our Nation's Schools public school choice program.

### Title IV – School Report Cards

- No longer requires student data to be disaggregated by gender
- Allows States to seek a waiver from the Annual Report Card if the State can demonstrate that their existing report card meets the expressed goals and if the State is taking identifiable steps to meet the requirements of the Annual Report Card

### Title VII – Accountability

- Clarifies where the performance objectives are created in Title II Part A, Title III Part A, and the "adequate yearly progress requirements" under Title I Part A, Title II Part A, and Title VI.
- In order for a State or LEA to receive funds under the Rewarding High Performance section, adds a new requirement that States must meet their "adequate yearly progress" under Title I for 3 consecutive years, and raised all students to the standard proficient level prior to 10 years from the date of enactment of the Act.



Andy Rotherham  
02/09/2000 01:22:42 PM

A-S: Title I block grant  
8% get served

Educ-  
ESEA-Lieberman bill

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP

cc:

Subject: Lieberman bill programmatic

Bruce:

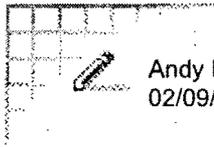
Here is the deal on programs in Lieberman. To understand what he's doing it is important to realize that he's not proposing a preauthorization of ESEA, but a new ESEA all together. When I developed the idea, instead of looking incrementally at programs and what should happen to them, I looked at ESEA as a \$14+ billion pot of money and through discussions with folks around the country tried to figure out what would be the best way to spend that money and the best way to hold folks accountable for doing the right thing with it. The conclusion I came to was broad grants around key areas and accountability based on results not compliance.

Here is what Joe's folks came up (as far as I know from paper, they still don't have final language) with after working with PPI and going through a similar process (I might have the title #'s here mixed up):

- Title I, a large compensatory program including our accountability provisions that would more than double Title I spending. Also has stronger targeting provisions for new money
- Title II, a large (\$3 billion) formula program for teacher quality that includes the Miller style teacher quality language.
- The President's Class Size Reduction Initiative is also included per the FY00 approps. agreement.
- Title III, a \$1 billion formula driven program that under a new formula gives money to school districts that serve LEP kids to use according to state and local law to teach kids English. Methodology is up to localities although the performance standards are based on kids gaining English proficiency. This would amount to about \$300 per kid nationwide which according to the field would help build tremendous capacity in impacted school districts. This would replace the existing Bilingual program.
- Title IV, public school choice title that includes charter schools, our OPTIONS proposal (with more money), and school report cards.
- Title V, a \$2.7 billion formula driven program for innovation that could be used for technology, after-school, safety, class size, whatever but is pegged to increases in student performance.
- An accountability title that lays out fiscal sanctions and rewards and requires states to intervene in low-performing school districts. Also includes a new \$300 million fund for the Secretary to help disseminate information, help states intervene in low-performing schools, essentially a real failing schools SWAT team.
- Impact Aid, few changes.

So, basically it all gets consolidated and what emerges is those Titles. Of the big ticket items, Safe and Drug Free Schools (to be honest a laughably ineffective program), technology, and after-school get rolled into the big grant.

As I mentioned, I suspect after the legislative process if this were to move, you'd see an FIE sort of holding company program for all the pet projects (the Writing Project, Close-UP, etc..) that have a patron or two.



Andy Rotherham  
02/09/2000 02:38:14 PM

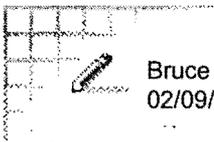
Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP  
cc:  
bcc:  
Subject: Re: Lieberman bill programmatic 

Here is a list of the items that would vanish and imperil the republic if we lived in a Liebermanized world:

- Fund for the Improvement of Education (which includes a whole host of things like the National Board for Professional Teaching Standards, Character Education, and about \$100 million in earmarked projects)
- Gifted and Talented Students
- International Education
- Inexpensive Book Distribution
- Civic Education
- High School Reform
- Elementary School Foreign Language Assistance
- National Writing Project
- Safe and Drug Free Schools
- 21st Century Community Learning Centers
- Technology for Education
- Transition to Teaching

Bruce N. Reed

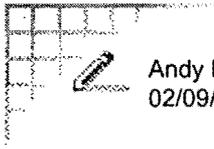


Bruce N. Reed  
02/09/2000 02:10:37 PM

Record Type: Record

To: Andy Rotherham/OPD/EOP@EOP  
cc:  
Subject: Re: Lieberman bill programmatic 

Yes, get me a list. Thanks.



Andy Rotherham  
02/09/2000 02:30:06 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP  
cc:  
bcc:  
Subject: Re: Lieberman bill programmatic

Here is how the accountability works, in addition to each title requiring a state plan and local plans with specific measurable objectives it includes the following provisions:

The bill would directly link federal funding to the performance of schools in meeting specific standards, raising overall academic achievement, closing the gap between high- and low-performing groups, helping language minority students achieve proficiency in English, and improving the supply of fully qualified teachers.

Specifically,

- it would Establish a transition period of three years to allow states to implement their accountability systems, provide technical assistance to local districts and take necessary corrective actions to ensure that performance objectives in each title are being met;
- Require states to impose sanctions on local school districts that fail to meet their annual performance targets;
- Penalize a state that fails to meet its performance objectives in more than one title after three years by cutting its administrative funding by 50 percent, and after four years by also cutting its Innovative Strategies funding by 30 percent;
- Create a new fund to reward high-performing states for: A) exceeding their overall the gap between poor and better-off students; and C) meeting the standard of having all teachers fully-qualified teachers within four years;
- Require states to pass along 75 percent of their bonus funding to high-performing districts that meet the same criteria;
- Call on states and local districts to develop a system for recognizing and rewarding individual high-performing schools that are successful in raising overall student achievement, closing the gap between groups, improving teacher quality, and improving English proficiency;
- Supplement the reward funding pool by distributing funds that are withheld from low-performing states to high-achieving states.
- Authorize \$300 million for the Secretary of Education to help states and localities to turn around low-performing schools, disseminate information on model programs, provide technical assistance for carrying out new requirements of this act, highlight exemplary instructional materials, and develop model native language tests for limited English proficient students that States and localities may use to assess student achievement. This is in addition to the 2.5 percent Title I set-aside.

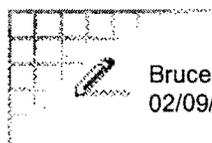
In addition, LEA's are required to withhold 25 percent of the large innovative strategies grant from schools that are in corrective action and redistribute them to higher-performing Title I schools and the LEA gets control of the remaining 75 percent and directs the school on how to spend it.

For LEA's in corrective action themselves, the state withholds 30 percent of the LEA's innovative strategies funding and redistributes it to higher performing, high poverty LEA's.

This will be controversial, but I like the idea of making funds more competitive to reward success and sanction failure. We've reached the point where everyone knows that pressure on the system is needed to leverage change. That lever is fiscal and if government isn't going to wield it then it will come from vouchers.

AR

Bruce N. Reed



Bruce N. Reed  
02/09/2000 01:37:19 PM

Record Type: Record

To: Andy Rotherham/OPD/EOP@EOP

cc:

Subject: Re: Lieberman bill programmatic 

The other thing I don't understand is how exactly the acctability under Lieberman works. What progress do you have to make? What money do you lose if you don't? Are both Title I \$ and Innovation \$ at risk?