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Subject: : FW: Summary of House Reported Bill - from the House Committee  
Date: Monday, June 11, 2001 4:24 PM

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Riddle, Paul" <Paul.Riddle@ed.gov> ( "Riddle, Paul" <Paul.Riddle@ed.gov> [ UNKNOWN ] )

CREATION DATE/TIME:11-JUN-2001 15:24:08.00

SUBJECT:: FW: Summary of House Reported Bill - from the House Committee

TO:"Winnick, Steve" <Steve.Winnick@ed.gov> ( "Winnick, Steve" <Steve.Winnick@ed.gov> [ UNKNOWN ] )

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TO:Sandy Kress ( CN=Sandy Kress/OU=OPD/O=EOP [ OPD ] )

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TO:Mary I. Cassell ( CN=Mary I. Cassell/OU=OMB/O=EOP [ OMB ] )

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FYI - Here's a 33-page summary of HR 1, prepared by House Committee staff.

> -----Original Message-----

> From: Cook, Sandra

> Sent: Monday, June 11, 2001 2:00 PM

> To: Jones, Lonna; Corwin, Thomas; Riddle, Paul

> Subject: FW: Summary of House Reported Bill

>

> FYI

>

> -----Original Message-----

> From: Wolfe, Christine

> Sent: Monday, June 11, 2001 1:56 PM

> To: Cook, Sandra; Boothby, Clayton; Sheridan, Michael

> Subject: Summary of House Reported Bill

>

> <<HR 1- House Reported Summary.doc>>

>

> From the Committee--

> FYI.

- att1.htm - HR 1- House Reported Summary.doc

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_TX0C2004\_OPD.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00

File attachment <P\_TX0C2004\_OPD.TXT\_2>

**The following document is attachment  
P\_TX0C2004\_OPD.TXT\_1**

FYI - Here's a 33-page summary of HR 1, prepared by House Committee staff.

-----Original Message-----

**From:** Cook, Sandra

**Sent:** Monday, June 11, 2001 2:00 PM

**To:** Jones, Lonna; Corwin, Thomas; Riddle, Paul

**Subject:** &n bsp; FW: Summary of House Reported Bill

FYI

-----Original Message-----

**From:** Wolfe, Christine

**Sent:** Monday, June 11, 2001 1:56 PM

**To:** Cook, Sandra; Boothby, Clayton; Sheridan, Michael

**Subject:** &n bsp; Summary of House Reported Bill

<<HR 1- House Reported Summ ary.doc>>

From the Committee--

FYI.

**The following document is attachment  
P\_TX0C2004\_OPD.TXT\_2**

# **H.R. 1, the No Child Left Behind Act of 2001**

## **SUMMARY – HOUSE PASSED**

Education is priority one for the President, priority one for our Committee, and priority one for the American people. Consequently, H.R. 1 has been drafted to reflect the President's priorities, as well as the priorities of this Committee and the American people.

H.R. 1 contains the President's education proposals for elementary and secondary education, as well as a comprehensive reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA). It significantly consolidates the scores of programs currently in ESEA and creates new flexibility options for states and school districts to transfer funds between programs. It expands public school choice and strengthens accountability for improving achievement with annual assessments, rewards and sanctions. In short, it transforms the federal role in education to put the needs of students first.

### **Title I, Part A – Improving Academic Performance of the Disadvantaged**

Title I, Part A is the largest program of ESEA and is funded at \$8.6 billion for FY 2001. The program authorizes federal aid to state and local educational agencies for helping educationally disadvantaged children achieve to the same high state academic performance standards as all other students.

- Annual Assessments for Every Child in Grades 3-8 – Annual reading and math assessments will provide parents with the information they need to know how well their child is doing in school, and how well the school is educating their child. States may select and design assessments of their choosing; however, the only requirement would be that the results in student achievement must be comparable from year to year. States will have three years to develop and implement these assessments. Federal funds authorized for this purpose will cover the cost of developing these assessments. Assessments must be of objective knowledge and based on measurable, verifiable and widely accepted professional testing and assessment standards.
- Adequate Yearly Progress for Disadvantaged Students – Under current law, districts must determine whether each Title I school is making adequate yearly progress based on whether its students are meeting state academic content and academic achievement standards. The status quo does not ensure, however, that disadvantaged students within each school make progress. Under H.R. 1, a state's definition of adequate yearly progress must apply specifically to disadvantaged students, as well as the overall student population. This expectation will serve to hold schools and districts accountable for improving the performance of disadvantaged students and to help educators, parents, and others discern whether achievement gaps are closing. States must define adequate yearly progress in such a way that it expects all students to improve, and that in 12 years all students will be score at the "proficient" level on state reading and math assessments.

- Resources for Turning Around Low Performing Schools – H.R. 1 increases the current 0.5 percent set-aside of a state’s total Title I allocation for school improvement activities to 1 percent for FY2002-2003, increasing to 3 percent for FY 2004-2006. In addition, the bill retains the separate authority for school improvement activities and authorizes it at \$500 million in FY2002 and such sums as may be necessary in FY2003 through FY2006. These funds will augment state and local efforts to provide capacity building and technical assistance to schools identified as needing improvement. State technical assistance provided with these funds must be based on scientifically based research.
- School Improvement, Corrective Action and Restructuring for Low-Performing Schools and Districts – Schools that have not made adequate yearly progress for one academic year will be identified by the district or state as needing improvement.
  - School improvement: Immediately after identification, these schools will receive technical assistance to improve performance and to develop a two-year plan to turn around the school. These schools would also be eligible to receive federal funds for school improvement. School districts are required to offer public school choice (unless prohibited by state law) to all students in the failing school not later than the first day of the school year following identification. The school district may take additional corrective actions, such as revising the curriculum or restructuring staff.
  - Corrective Action: If the identified school still has not made adequate yearly progress after two years, the district must implement certain corrective actions to improve the school, such as replacing certain staff, as well as offer public school choice (unless prohibited by state law) to all students in the failing school. LEAs must provide transportation, and may use up to 15 of their Title I funds for transportation costs.
  - Restructuring: A school that fails to make adequate yearly progress for three consecutive years would be subject to significant penalties such as reconstitution, state takeover, the hiring of a private management contractor, converting to a charter school, or significant staff restructuring. Public school choice (unless prohibited by state law) is again required to be offered to all students as well as transportation. In addition, disadvantaged students within the school may receive supplemental educational services from a provider of choice. School districts may use up to 40 percent of the failing school’s Title I, Part A funds to purchase supplemental educational services. School districts may also use funds from the Title IV, Part A, Subpart 1 Innovative Programs block grant to cover the cost of supplemental educational services. Also, up to 15 percent of a school district’s overall Title I, Part A funds may be used to pay for transportation expenses associated with supplemental educational services.
  - Annually, state educational agencies are required to notify the Secretary of the names of schools identified in each state for school improvement.
  - Students may continue to attend a public or charter school of choice for the duration of the time they would have attended the failing school. Choice options must continue to be

offered until two years after the school is no longer identified as being in need of improvement.

- Rewards – Up to 30 percent of any increase in Title I funding may be set aside by states to provide rewards to schools (and teachers in such schools) that substantially close the achievement gap between the lowest and highest performing students and that have made outstanding yearly progress for two consecutive years.
- State Report Cards – In order to hold schools accountable for improving the performance of all students, by the 2003-2004 school year state assessment results would be reported to the public disaggregated by major subgroups of students. The information on the report card would be for public schools in the aggregate for the following categories: student achievement on state assessments, by subgroup; comparison of students at basic, proficient, and advanced levels of performance on state assessments; graduation rates; completion of Advanced Placement courses and passing AP tests; professional qualifications of teachers; and percentages of students not tested. State report cards will also contain an explanation of the state's accountability system as well as include a comparison of the actual achievement levels for all groups of students compared to the annual objectives for such groups.
- School District Report Cards – By the 2003-2004 school year school districts would prepare annual reports for parents and the public on the academic performance of schools in the aggregate in the school district and by school. The school district report cards would include information on: the numbers and percentages of schools identified within the school district as in "school improvement" (low performing) under Title I; in the case of an individual school, whether it has been identified for school improvement and how its students performed on the state assessment compared to the school district and state as a whole; comparisons of students at basic, proficient, and advanced levels of performance on state assessments; graduation rates; completion of Advanced Placement courses and passing AP tests; professional qualifications of teachers; and percentages of students not tested. School district report cards will also contain an explanation of the state's accountability system as well as include a comparison of the actual achievement levels for all groups of students compared to the annual objectives for such groups.
- Testing of Students in English – Students who have attended school in the United States for at least three consecutive years would be tested in reading and language arts in the English language.
- Parental Consent for Bilingual Education – Local educational agencies would be required to obtain parental consent prior to placing children in an instructional program that is not taught primarily in English.
- Paraprofessionals (Teachers' Aides) – Under current law, teachers' aides funded under Title I must, at a minimum, obtain a high school diploma or GED within two years of employment as an aide. The bill would require, not later than three years after enactment, all teachers' aides to have: (1) completed at least two years of study at an institution of higher education; (2) obtained an associate's or higher degree; or (3) met a rigorous standard of quality



established at the local level, which includes an assessment of math, reading and writing. Also, H.R. 1 would freeze the number of paraprofessionals at their current levels, with limited exceptions.

- Flexibility to address needs of elementary schools – School districts would continue to rank and serve schools in school districts according to poverty (from highest to lowest) but school districts would have the flexibility to give priority to elementary schools.
- Schoolwide poverty threshold lowered – In order to grant additional flexibility at the local level and allow more Title I schools to consolidate federal program dollars, the 50 percent poverty threshold requirement for eligibility to have a schoolwide program (where the schools are free to consolidate all federal funds, including IDEA, to improve the quality of the entire school) is lowered from 50 percent to 40 percent poverty.
- Schoolwide programs are relieved of separate fiscal accounting provisions – The bill makes clear that schoolwide programs are not required to maintain separate fiscal accounting records when they combine federal education funds with state and local funds.
- Science Standards – States must develop science standards by 2005. Science assessments are not required.
- Emphasizes academics. References to “content standards” and “achievement standards” are clarified and changed to “academic content standards” and “academic achievement standards.”
- Formulas – No changes are made to the formulas. The education finance incentive grant, which has never been funded, is repealed.
- Consultation with private schools strengthened – The provisions requiring school districts to have timely and meaningful consultations with private school officials in determining the scope of Title I services to be provided to private school children are significantly strengthened.
- Bypass for private schools – In determining whether to grant a bypass of the local educational agency, the Secretary may consider one or more factors, including the quality, size, scope and location of the Title I program and the opportunity of eligible children to participate.
- One percent set-aside for state administration – The current one percent set-aside for state administration would continue to apply to appropriations that at least equal the FY 2001 level (\$8.6 billion). The set aside would not apply to any increases above that level. A separate line item authorization would be included for additional administrative expenses, and subject to appropriations.
- Authorization Levels – The FY 2002 authorization level is \$11.5 billion, FY2003 - \$13 billion, FY2004 - \$14.5 billion, FY2005 - \$16 billion, and FY2006 - \$17.2 billion.

## **Title I, Part B – Early Reading First / Reading First**

President Bush has made the improvement of reading instruction a top priority. Too many of our most needy students are being left behind because they cannot read. Nearly 70 percent of inner city fourth graders are unable to read a simple children's book. The President's Reading First and Early Reading First initiatives give states both the funds and the tools they need to eliminate the reading deficit. If children are taught at an early age to read with comprehension they are less likely to be in remedial "pull out" programs simply because they haven't been taught to read. The President's Reading First and Early Reading First initiatives cannot only lead to tremendous savings in human capital, but they can save billions of dollars that can be applied to other pressing educational issues within states and local school districts.

### **Subpart 1 – Early Reading First/Reading First**

**Early Reading First** is a new competitive grant initiative that will enhance reading readiness for children in high poverty areas, and where there are high numbers of students who are not reading at grade level. Early Reading First is targeted towards children ages three through five, and would support the development of verbal skills, phonemic awareness, pre-reading development and assistance for professional development for teachers in evidence-based strategies of instruction. This initiative is designed to provide the critical early identification and early reading interventions necessary to prevent reading failure among our nation's children and to ensure that all children are skilled readers by the end of third grade. The FY 2002 authorization level is \$75 million and such sums in each year through FY 2006.

**Reading First** is a new program that would authorize the expenditure of \$5 billion over five years to provide assistance to states and local educational agencies in establishing scientific research-based reading programs for all children in kindergarten through grade three. It would provide the necessary professional development and other supports to ensure that teachers can identify children at-risk for reading failure and provide the most effective early instruction to overcome specific barriers to reading proficiency.

- **State Allocations** – 80 percent of the funds would go to states under a poverty-based formula. The remaining 20 percent would be made available for two-year discretionary grants for FY 2001 and 2002. Thereafter these two year grants would be performance based grants to states having the greatest success in implementing Reading First.
- **State Use of Funds** – States may use up to 15 percent of the funds to develop and implement a program of professional development for teachers of grades K-3 if they choose to do so. If a state does not provide professional development to assist LEAs, 95 percent of federal Reading First funds shall be distributed to LEAs for the implementation of Reading First. Not more than three percent of the total state grant may be used for providing local educational agencies with assistance in designing and implementing their local Reading First program and for providing opportunities to students in K-3 to receive reading assistance from an alternative provider selected by the student's parents. In addition, states may use up to two percent of their grant for planning, administration, and reporting. The remaining

amounts are to be distributed to LEAs as described below. Each state receiving funds must also provide an annual report providing evidence that the state is effectively carrying out the Reading First program.

- Within-State Allocations – States must distribute at least 80 percent of their funds to local educational agencies through a competitive process (or 95 percent if the state does not fund statewide professional development programs). In doing so, states must give a priority to high poverty areas in which there are a high percentage of students in grades K-3 reading below grade level. In addition, LEAs are required to target funds within the district to schools with high percentages of students from families below the poverty line, or that have a high percentage of K-3 students reading below grade level, and are also identified for school improvement under Title I.
- Discretionary Grants – States receiving discretionary or performance grants must distribute 100 percent of such funds through a competitive process to LEAs. These are two-year grants and will be awarded based upon criteria the state considers appropriate and consistent with the purposes of the Reading First program. The objective is to reduce the number of children who can't read and will be based on the success of the local educational agency in implementing a Reading First program.
- Local Uses of Funds – Funds under Reading First are to be used toward several key activities. In general, this includes programs designed to identify students having difficulty reading and providing such students scientifically based reading instruction. Such activities also include professional development for teachers in grades K-3 to prepare them to teach all the essential components of reading instruction and using rigorous diagnostic reading assessments to determine what students may be at risk of reading failure. In addition, Reading First programs promote expanded access to engaging reading material, provide reading instruction based upon scientifically based research, and use the essential components of reading instruction.
- National Activities – Funds are provided to the Secretary to order an external evaluation of the Reading First program, provide technical assistance to states and local educational agencies requesting such assistance in carrying out their Reading First program, and to disseminate information regarding Reading First projects that have been proven effective.
- Authorization Levels – The FY 2002 authorization level is \$900 million and such sums in each year through FY 2006.

#### Subpart 2 – William F. Goodling Even Start Family Literacy Programs

H.R. 1 extends and reauthorizes the Even Start Family Literacy Program, which is designed to improve the quality of Even Start programs that provide literacy services to parents and their children in order to break cycles of illiteracy. This was accomplished by requiring Even Start projects to use instructional programs based on scientifically based research on reading, establishing qualifications for program instructors, tying local program objectives to state indicators of program quality, strengthening evaluation of local programs and their use in

program improvement, and authorizing research to find the most effective way of improving literacy among adults with reading difficulties. It becomes Subpart 2 of Part B of Title I. It is authorized through 2006. The FY 2002 authorization level is \$275 million and such sums in each year through FY 2006.

### Subpart 3 – Inexpensive Book Distribution Program (RIF)

H.R. 1 extends and reauthorizes the Inexpensive Book Distribution Program, which is operated under a single, noncompetitive award to Reading is Fundamental, Inc. (RIF). It supports, through subcontracts, local private nonprofit groups and organizations, or public agencies that distribute inexpensive books to children with the objective of motivating children to read. Federal funds pay for up to 75 percent of the cost of books, except that the federal share for programs serving the children of migrant and seasonal farm workers is 100 percent. Contractors are to give priority to programs that serve a substantial number or percent of children with special needs, such as children with disabilities, low-income children, and children at risk of school failure.

Authorization Levels – This program is authorized at such sums in each year through FY 2006.

### Title I, Part C – Education of Migrant Students

The federal migrant education program assists migrant children to help them overcome the problems associated with multiple moves, which prevent them from performing well in school. H.R. 1 makes the following changes:

- State Allocations – Revises the formula to implement an actual student count (currently funded based on full time equivalents (FTEs)). A hold harmless is included for the 2002 school year. Only new funds will go out based on the new formula.
- Needs Assessment/Authorized Activities – Eliminates the comprehensive plan section and replaces with a streamlined section on authorized activities that provides state educational agencies (SEAs) with the flexibility to determine the activities to be provided with funds under this part.
- Coordination – Requires the administration to assist states in developing effective methods for the transfer of student records within and among states. It requires the administration, working with the states, to determine a common set of data elements that must be collected and maintained. The Secretary is to assist states to implement a system of linking their student record transfer systems for the purpose of electronic records maintenance and transfer.
- Authorization Levels – The FY 2002 authorization level is \$420 million and such sums in each year through FY 2006.

### Title I, Part D – Prevention and Intervention Programs for Children and Youth Who are Neglected and Delinquent

This program provides formula grants to states for neglected and delinquent children being educated in state agency programs for children and youth in institutions or community day programs for neglected or delinquent children and in adult correctional facilities. There is also a program for local educational agencies (LEAs), funded with allocations diverted from the Title I, Part A program for districts with high numbers or percentages of children in locally operated correctional facilities.

- Subpart 1 (State Program) – H.R. 1 increases from 10 to 15 percent the amount of funds states are to reserve to provide transition services for children returning from state-operated institutions to local educational agencies.
- Subpart 2 (Local Program) – The bill restructures this section to insure the school component focuses on children returning from facilities for delinquent youth. The bill still permits such programs to serve other at-risk populations, but not to the detriment of delinquent youth in need of assistance.
- Workforce Investment Act: H.R. 1 eliminates the references in current law to the Workforce Investment Act.
- Authorization Levels – The FY 2002 authorization level is \$50 million and such sums in each year through FY 2006.

### **Title I, Part E – Evaluations**

Part E of Title I authorizes the evaluation of Title I. H.R. 1 strengthens requirements for the independent review panel of Title I to ensure that it is more independent and balanced with researchers and practitioners. It also ensures that the next evaluation examines the effects of school choice on the academic achievement of disadvantaged students. The FY 2002 authorization level is \$9 million and such sums in each year through FY 2006.

H.R. 1 reauthorizes and continues the Ellender Fellowship program in current law, which provides scholarships to disadvantaged students to participate in the Close Up Program. H.R. 1 changes the name of the Ellender Fellowship program to the Ellender-Close Up Fellowship program. This program, administered by the private, non-profit Close Up Foundation, provides financial aid to enable low-income students, their teachers, older Americans, recent immigrants, and children of migrant parents to come to Washington, DC to study the operations of the three branches of government. Activities include attending seminars on government and current events, and meeting with government leaders. This program is authorized at such sums in each year through FY 2006.

### **Title I, Part F – Comprehensive School Reform**

Comprehensive school reform grants, currently provided through the appropriations process would be authorized through a statutory grant program as a part of Title I. Schools, through their school districts, would compete to receive such grants from the state. Such grants

involve reform of the whole school and must employ innovative strategies and proven methods for student learning, teaching and school management that are based on scientifically based research. The FY 2002 authorization level is \$260 million and such sums in each year through FY 2006.

### **Title I, Part G – Rural Education Flexibility and Assistance**

H.R. 1 provides rural school districts with increased flexibility and funding to enhance academic achievement and addresses the unique needs of rural school districts that cannot compete for federal education grants because of inadequate resources. Specifically, H.R. 1 will address the different needs of (1) small, rural school districts and (2) low-income, rural school districts.

#### **Subpart 1 – Small and Rural School Program**

Under this subpart, an LEA would be able to combine funding under various formula grant programs to support local or statewide education reform efforts intended to improve the academic achievement of elementary and secondary school students and the quality of instruction provided for these students. Specifically, an LEA would be eligible for funding under this subpart if:

- The total number of students in average daily attendance at all of the schools served by the LEA is less than 600; and
- All of the schools served by the LEA are designated with a School Locale Code of 7, or 8, as determined by the Secretary of Education (the School Locale Code is used to determine whether a school is located in a rural area).

Grants under this provision would be awarded to eligible LEAs based on the number of students in average daily attendance less the amount they received from formula grant programs. Minimum grants for LEAs would not be less than \$20,000. The maximum an LEA could receive would be \$60,000.

LEAs participating in this initiative would have to meet high accountability standards by demonstrating their ability to meet academic achievement standards under Title I, such as the state's definition of adequate yearly progress. Schools failing to meet these requirements would not be eligible for continued flexibility.

#### **Subpart 2 – Low-Income and Rural School Program**

If an LEA did not qualify for funding under Subpart 1, it would be eligible to use the applicable funding under Subpart 2 if the LEA serves:

- A school-age population, 20 percent or more of whom are from families with incomes below the poverty line; and

- All of the schools served by the LEA are designated with a School Locale Code of 6, 7, or 8, as determined by the Secretary of Education (the School Locale Code is used to determine whether a school is located in a rural area).

Funds are allocated among states by formula based on enrollment in eligible districts within those states. States, in turn, allocate funds to eligible districts by a competitive grant process or according to a state-determined formula based on the number of students each eligible LEA serves. Funds awarded to LEAs or made available to schools under this subpart can be used for:

- teacher recruitment and retention, including the use of signing bonuses and other financial incentives;
- teacher professional development, including programs that train teachers to utilize technology to improve teaching and to train special needs teachers;
- educational technology, including software and hardware as described in part B of title V;
- parental involvement activities; or
- programs to improve student academic achievement.

Authorization Levels – The FY 2002 authorization level is \$300 million and such sums as may be necessary for each of fiscal years 2003 through 2006 to be equally distributed between Subparts 1 and 2.

### **Title I, Part H – General Provisions of Title I**

This part largely continues current law relating to state rulemaking, the state committee of practitioners and local educational agency cost limitations. Negotiated rulemaking would be provided, at a minimum, on three issues – accountability, implementation of assessments, and use of paraprofessionals.

This part also clarifies that home schools are not subject to the requirements of Title I nor are students who attend home schools required to take any assessments referenced in Title I. Private schools that do not receive funds or services under Title I are not subject to the requirements of Title I, nor are students at such schools required to take any assessments referenced in Title I.

### **Title II, Part A – Teacher Quality Training and Recruiting Fund**

The purpose of this part is to provide grants to states, LEAs, and eligible partnerships in order to assist their efforts to increase student academic achievement through such strategies as improving teacher quality and increasing the number of highly qualified teachers in the classroom. H.R. 1 consolidates and streamlines the Eisenhower Professional Development program and the Class Size Reduction program to provide states and local schools additional flexibility in the use of these funds, in exchange for increased accountability, as demonstrated by increased student achievement.

State Funding – Funds are sent to states by formula (50 percent based on poverty and 50 percent based on population). State allotments would have to be equal to funding received under the Eisenhower Professional Development program and the Class Size Reduction program. States are authorized to retain 5 percent of funds for state activities which, among other things, include:

- Reforming teacher certification, re-certification, or licensure requirements;
- Expanding, establishing, or improving alternative routes to state certification for teachers;
- Carrying out programs that include support during the initial teaching and leadership experience, such as mentoring programs;
- Assisting local educational agencies and schools in effectively recruiting and retaining highly qualified and effective teachers and principals;
- Reforming tenure systems;
- Developing professional development programs for principals; and
- Developing teacher advancement initiatives that emphasize multiple career paths and pay differentiation.

State Formula Distribution of Local Funds – States send funding to the local level by formula and by competitive grant. Local educational agency allotments would have to be equal to funding received under the Eisenhower Professional Development program and the Class Size Reduction program. 80 to 85 percent of the funds (at the discretion of the state) are sent to local educational agencies by formula (80 percent based on poverty and 20 percent based on population) for local uses of funds. Among other things, local uses of funds include:

- Initiatives to assist recruitment of principals and fully qualified teachers;
- Initiatives to promote retention of highly qualified teachers and principals;
- Programs and activities that are designed to improve the quality of the teacher force;
- Teacher opportunity payments (If localities are unable to provide training of the highest quality and which is based on scientifically based research, teachers would be empowered with the choice of selecting their own high-quality programs through the use of teacher opportunity payments);
- Professional development activities designed to improve the quality of principals;
- Teacher advancement initiatives that emphasize multiple career paths and pay differentiation; and
- Hiring fully qualified teachers in order to reduce class size.

Competitive Grants for Math and Science Partnerships – States, working in conjunction with State Agencies for Higher Education, must award at least 15 percent, but not more than 20 percent, of the funds (at the discretion of the state) on a competitive basis to eligible partnerships for math and science programs. Eligible partnerships must include at least: (1) a state educational agency; (2) a mathematics or science department of a private independent or state-supported public institution of higher education; and (3) a high need local educational agency. A recipient of funds may use funds for the following activities related to elementary or secondary schools:

- Establishing and operating mathematics and science summer professional development workshops or institutes for elementary and secondary teachers;



- Recruiting to the teaching profession students studying mathematics, engineering, and science; or mathematicians, engineers, and scientists currently working in the field; and
- Designing programs to bring teachers into contact with working scientists to expand teacher content knowledge of, and research in, science and mathematics.

Authorization Levels – The FY 2002 authorization level is \$3.6 billion and such sums in each year through FY 2006.

Troops to Teachers/Transition to Teachers – H.R. 1 continues and updates the Troops to Teachers program. This program is designed to assist eligible members of the armed forces to obtain certification or licensure as elementary and secondary school teachers, or vocational or technical teachers. In addition, H.R. 1 reauthorizes the Transition to Teaching program. The purpose of this program is to address the need of high-need local educational agencies for highly qualified teachers based on the model of the successful Troops to Teachers program.

Authorization Levels – The FY 2002 authorization level for these programs combined is \$50 million and such sums in each year through FY 2006.

### **Title II, Part B – National Writing Project**

H.R. 1 continues and updates the authorization for the National Writing Project. The purpose of this program is to support in-service teacher training programs, including the dissemination of effective practices and research findings, regarding the teaching of writing and related skills (in language arts subjects and across the curriculum) at all educational levels. The program supports professional development for teachers of writing and teachers of other subjects who are interested in writing, including teachers who serve students at the pre K-12, postsecondary, and adult education levels. The program is also authorized to award grants for classroom research projects conducted by elementary and secondary school teachers.

Authorization Levels – This program is authorized at such sums in each year through FY 2006.

### **Title II, Part C – Civic Education**

This program supports the Center for Civic Education and its education program that encourages instruction on the principles of our Constitutional democracy; the history of the Constitution and the Bill of Rights; congressional hearings simulations; and annual competitions of simulated congressional hearings for secondary school students. It also authorizes the National Council on Economic Education to conduct Cooperative Education Exchange programs that provide curricula and teacher training programs in civics education and economic education, developed in the U.S., for educators in eligible countries overseas. Countries in Central and Eastern Europe, the Commonwealth of Independent States, and the former Soviet Union are eligible.

Authorization Levels – This program is authorized at such sums in each year through FY 2006.

## **Title II, Part D – Teacher Liability Protections**

The purpose of this part is to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

H.R. 1 provides limited civil immunity to teachers, instructors, principals, administrators, and other education professionals (including local school boards and their board members, and LEAs and their employees) from federal and state causes of action. The immunity applies to actions taken to maintain discipline, order or control in the classroom or school. For immunity to apply the actions must occur within the scope of employment, and not be inconsistent with what is permitted under local, State, and federal laws.

The immunity protections do not extend to harm caused by willful or criminal misconduct, gross negligence, reckless misconduct, or conscious or flagrant indifference to the rights or safety of others. Immunity does not extend to misconduct that constitutes a crime of violence, sexual offense, civil rights law violation or where the educator was under the influence of intoxicating alcohol or drugs.

To the extent that any State laws are inconsistent with this part, they are preempted. However, if a State law provides additional protections from liability, to that extent the State law is not preempted. Furthermore, these provisions shall not apply to any civil action in a State court where the State affirmatively opts out of coverage through the enactment of a statute which declares that this part shall not apply to such civil action in the State.

## **Title III, Part A – English Language Proficiency and Academic Achievement Act** (Formerly the Bilingual Education Act)

H.R. 1 consolidates the Bilingual Education Act with the Emergency Immigrant Education Program. Reform of existing law will focus existing programs on teaching English to limited English proficient children (including immigrant children and youth) and expediting their transition into classrooms where instruction is not tailored for LEP children. The current Bilingual Education Act awards grants, on a competitive basis, to eligible entities to provide educational services to limited English proficient children. Not less than seventy-five percent of funds are to be used for programs that use a child's native language in instruction. As a result, many children spend needless years of instruction in their native language and never achieve English fluency. Key changes to the Bilingual Education Act are as follows:

- **Formula** – Funds are provided to states on a formula based on the number of limited English proficient children in the state as determined by the most recent satisfactory data available from the U.S. Census and the American Community Survey. If satisfactory data is not available or deemed outdated from these sources, then funds are provided based on the number of students taking the English proficiency assessments in the states.
- **Parental Rights** – Local educational agencies are required to make a reasonable and

substantial effort to obtain informed parental consent prior to the placement of a child in an instructional program that is not taught primarily in English. Parents would have the right to choose among instruction programs if more than one type of program is offered. Parents would also have the right to immediately remove their child from a program for LEP children. H.R. 1 further contains specific provisions for situations when parental consent cannot be obtained.

- Local Flexibility – Eligible entities would be able to choose the method of instruction they would use to teach limited English proficient children. The bill eliminates the current requirement that 75 percent of funding be used to support programs using a child’s native language instruction.
- Accountability – States would be required to monitor the progress of eligible entities in moving children into classrooms not tailored for limited English proficient children (classes taught in English) within three years. If LEP children are not meeting adequate yearly progress (AYP) requirements or are not proficient in English the state can lose up to 20 percent of their total ESEA administrative funds. Eligible entities receiving grant awards would also be required to complete an evaluation every year on the progress students are making toward learning English and achieving the same high levels of academic achievement as other students.
- Dollars to the Classroom – Ninety-five percent of funds must be used for grants to eligible entities to teach limited English proficient children.
- Testing – Reading and language arts assessments for children who have attended school in the United States for at least three consecutive years and who participate in a program funded under this act would be in English.
- Authorization Levels – The FY 2002 authorization level is \$750 million and such sums in each year through FY 2006.

### **Title III, Part B – Native Americans and Alaskan Education Programs**

#### Indian Education Programs within the Department of Education

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

- Maintains Funding – Maintains currently funded programs.
- Repeals Unfunded Programs – Repeals four unfunded competitive grant programs: Fellowships for Indian Students, Gifted and Talented programs, Grants to Tribes for

Administrative Planning and Development, and Special Programs Relating to Adult Education.

- Provides Flexibility – Adds a new flexibility provision to allow school districts receiving formula grants for Indian students to combine all federal funds they receive to serve Indian students into a single, more flexible and efficient program for improving Indian student achievement.
- Directs more Money to the Classroom – Limits the use of funds for administrative purposes to five percent.
- Authorization Level – The FY 2002 authorization level is \$125 million and such sums in each year through FY 2006.

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

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

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

#### Native Hawaiian Education Programs

Repeals the supplemental educational programs for Native Hawaiians under Title IX, Part B of the Elementary and Secondary Education Act. Schools serving Native Hawaiian students will receive funding for these purposes through other federal programs, including Title I, Even

Start, and Special Education. In addition, funding for Native Hawaiian education is available from the Bishop Trust, which exists solely for educating Native Hawaiian children.

### Alaska Native Educational Programs

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

- Consolidation – Consolidates all three competitive grant programs into a single, more flexible and efficient program, funded at the current level.
- Directs more Money to the Classroom – Reduces the limit on use of funds for administrative purposes from 10 percent to five percent.
- Authorization Levels – The FY 2002 authorization level is \$15 million and such sums in each year through FY 2006.

## **Title IV – Promoting Informed Parental Choice and Innovative Programs**

### **Title IV, Part A – Innovative Programs**

#### Subpart 1 – State and Local Innovative Programs

Innovative Education Program Strategies (Title VI under current law) is the most flexible program contained within ESEA. It is the only formula program that allows recipients to use funds to benefit any and all student populations, in any and all schools (most federal programs serve an absolute purpose in targeting limited resources toward specific student populations and areas where they are needed most). Under H.R. 1, the purposes of the program are to: (1) provide funding to enable states and local educational agencies to implement promising educational reform programs and school improvement initiatives based on scientifically based research, (2) provide a continuing source of innovation and educational improvement, including support for library services and instructional and media materials, and (3) meet the educational needs of all students, including at risk students.

State programs – Funds are allocated to SEAs based on the population of children ages 5-17. Not less than 85 percent of funds received by the state must be distributed to LEAs for implementing innovative assistance programs. The remaining 15 percent of funds are reserved for state use. State reserved funds are used to provide technical assistance; direct grants to LEAs; to carry out statewide education reform activities including support for planning, designing, and initial implementation of charter schools; and support for arrangements that provide for independent analysis to measure and report on school district achievement.

Local innovative education programs – SEAs distribute funds to LEAs based on enrollment in public and participating private nonprofit schools. SEAs may adjust the formula to provide higher per pupil allocations for those LEAs with high concentrations of low-income families. Under current law, funds made available to LEAs are used for innovative assistance including:

- Technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to effectively use such equipment and software;
- Programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that are tied to high academic standards, will be used to improve student achievement, and are part of an overall education reform program;
- Promising education reform projects, including effective schools and magnet schools;
- Programs to improve the thinking skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school;
- Programs to combat illiteracy in the student and adult population, including parent illiteracy;
- Programs to provide for the educational needs of gifted and talented children;
- Planning, designing, and initial implementation of charter schools;
- School support and improvements under Title I, including supplemental educational services; and
- Public school choice.

Additional uses of funds – Title IV, part A of H.R. 1 includes language to add more uses of funds to the current list so LEAs can broaden the scope of the program. These new uses include:

- Professional development activities and the hiring of teachers;
- Activities to promote consumer, economic, and personal finance education;
- Expanding and improving school-based mental health services;
- Community service programs that use qualified school personnel to train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage;
- Activities to improve the quality of civics and government education;
- Alternative educational programs for those students who have been expelled or suspended from their regular educational setting;
- Programs to hire and support school nurses;
- Programs for cardiopulmonary resuscitation (CPR) training in schools; and
- Programs to establish smaller learning communities in high schools, through which students receive individual attention and support.

State retained funds – Under current law, up to 15 percent of Title VI funds are retained – and controlled – at the state level. H.R. 1 includes language to send 100 percent of any new funding for this program over the FY 2001 appropriation to the local level. This change to current law will result in more funds being sent to the school district and classroom levels.

Goals 2000 – H.R. 1 deletes all references to Goals 2000 and the Goals 2000: Educate America Act.

Authorization Levels – The FY 2002 authorization level is \$450 million and such sums in each year through FY 2006.

### Subpart 2 – Arts Education

H.R. 1 amends the Arts in Education programs found in Title X, Part D, of the Elementary and Secondary Education Act. In updating and improving these programs, the Committee has focused on increasing the involvement of local arts educators and state and local arts organizations, and on simplifying the program by targeting resources to the programs that are providing results. Specifically, the bill continues the Arts Education program at its current funding level; updates congressional findings and eliminates outdated references; eliminates a restrictive consultation provision that has prevented the participation of local organizations in the program; shifts the focus of collaborative efforts to arts educators and state and local arts agencies; requires the secretary to consult with arts educators and organizations representing the arts when awarding grants; continues participation in the program by the Kennedy Center and VSA arts (formerly Very Special Arts); and requires that federal arts education funds be used only to supplement and not supplant non-federal arts activities. The bill further simplifies and focuses the program by eliminating the unfunded Cultural Partnerships for At-Risk Children and Youth program as well as an outdated appropriations threshold.

Authorization Levels – This program is authorized at such sums in each year through FY 2006.

### Subpart 3 – Gifted and Talented Education

H.R. 1 continues the Jacob K. Javits Gifted and Talented Students Education Program, which awards grants to state and local educational agencies, institutions of higher education, and other public and private agencies and organizations to help build a nationwide capability to meet the needs of gifted and talented students in elementary and secondary schools. Projects under the program identify gifted and talented students; individualize instruction; involve parents in the education of their children; and expand educational opportunities by collaborating with business, industry, and other organizations.

Authorization Levels – This program is authorized at such sums in each year through FY 2006.

## **Title IV, Part B – Charter Schools**

Charter schools are public schools established under state law that are given varying degrees of autonomy from state and local rules and regulations. In exchange for their autonomy, charter schools are held accountable for meeting the terms of their charters. Under the Public Charter Schools program, federal charter school dollars are provided only to those states that have a state charter school statute. Since the 105<sup>th</sup> Congress passed H.R. 2616, “The Charter School Expansion Act of 1998,” which authorizes the public charter school program through FY 2004, only five noteworthy modifications are made in H.R. 1.

- Non-discriminatory manner – Clarifies that the definition of a charter school is, among other things, a public school that admits students on the basis of a lottery or in another non-discriminatory manner consistent with state law, if more students apply for admission than can be accommodated.
- Transfer of records – Clarifies that upon written parental consent, a charter school or traditional public school must transfer a student’s records to a private school if that student transfers from a charter school or a traditional public school to a private school.
- Eligible applicants – Clarifies that the eligible applicant is the charter school or school planning group. Applicants must notify their sponsor or prospective sponsor, but a potential sponsor’s approval is not needed for an application to be considered.
- Administrative fees – Prohibits local educational agencies from deducting funds for administrative fees or expenses for a subgrant awarded to an eligible applicant.
- Authorization Level – The FY 2002 authorization level is \$225 million and such sums in each year through FY 2006.

#### **Title IV, Part C – Magnet Schools Assistance; Women’s Educational Equity**

##### Subpart 1 – Magnet Schools Assistance

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

- Emphasizes Student Academic Achievement – H.R.1 emphasizes a commitment to student academic achievement by revising the Applications and Requirements section and by including professional development as a use of funds.
- Renews Focus on Magnet Schools – The bill renews the program’s focus on magnet schools by eliminating two outdated priorities and by repealing the Innovative Programs. (Any grant recipient that has an agreement in effect under the Innovative Programs will continue to receive funds through the end of the applicable grant cycle.)
- Authorization Levels – The FY 2002 authorization level is \$125 million and such sums in each year through FY 2006.

##### Subpart 2 – Women’s Educational Equity Act



H.R. 1 reauthorizes the Women’s Educational Equity Act. This program promotes gender equity in education and provides financial assistance to enable educational agencies and institutions to comply with Title IX of the Education Amendments of 1972 (which prohibits sex discrimination in educational programs and activities that receive federal financial assistance). The program promotes educational equity for women through competitive grants to public agencies, private non-profits, individuals, and through dissemination of materials by a national equity resource center. H.R. 1 authorizes the Secretary of Education to award two types of grants: (1) to develop and implement gender equity programs; and (2) to provide “support and technical assistance” in areas such as teacher training and evaluation of exemplary programs, as well as for research and development.

- Authorization Levels – The FY 2002 authorization level is \$3 million and such sums in each year through FY 2006.

### **Title V – 21st Century Schools**

#### **Title V, Part A – Supporting Violence and Drug Prevention and Academic Enrichment**

Currently, the Safe and Drug-Free Schools and Communities Act provides grants to states and to national programs to support substance abuse education and violence prevention activities. The 21st Century Community Learning Centers Act provides funds to LEAs to increase students’ and communities’ access to school building services and to before and after school activities. The Gun Free Schools Act hinges a state’s receipt of federal ESEA funds on whether the state has a law requiring LEAs to expel for a year a student who brings a gun to school. State law must allow the chief administering officer of each LEA to modify the one-year expulsion on a case-by-case basis.

- Reauthorizes Programs – Title V, Part A reauthorizes the Safe and Drug-Free Schools program, the 21st Century Community Learning Centers Act, and the Gun Free Schools Act as 3 separate Acts.
- Formula – The Safe and Drug-Free Schools and Communities Act and the 21<sup>st</sup> Century Community Learning Centers Act would both have funds be distributed to states based 50 percent on school age population and 50 percent on Title I. The governors would then have the authority to reserve up to 20 percent of the state’s Safe and Drug-Free funds for competitive grants to local educational agencies, community-based organizations, and other public entities and private organizations with special consideration given to applicants that incorporate school based mental health services programs. The state educational agencies would then distribute the remaining Safe and Drug-Free funds to LEAs by formula based 60 percent on Title I and 40 percent on enrollment. Ninety-five percent of 21<sup>st</sup> Century funds would be distributed by competitive grants from the state educational agency to local education agencies, community-based organizations, and other public entities and private organizations. In conducting their programs 21<sup>st</sup> Century grantees must primarily target students who attend low-performing schools.

- Programs and Activities Funded under the Act – Current law under both acts is quite flexible in how funds can be spent. In the Safe and Drug-Free Schools program, local school districts can decide whether to fund drug abuse prevention activities or violence prevention activities. Current law, however, is not tightly focused on drug and violence prevention. In the 21st Century Community Learning Centers program, LEAs can fund a variety of activities in the school building that serve the community, including after school care. H.R. 1 would more tightly focus Safe and Drug-Free Schools programs on violence and drug abuse prevention programs. 21st Century programs are focused on academic enrichment activities that help children meet state academic content standards.
- Uses of funds – H.R. 1 would allow the following local uses of funds:

#### Safe and Drug-Free Schools and Communities

- developmentally appropriate drug and violence prevention;
- training of school personnel and parents in drug and violence prevention programs;
- community-wide strategies for reducing violence and illegal drug-use;
- law enforcement and security activities;
- testing students for illegal drug use and locker searches;
- expanding and improving mental health services;
- counseling, mentoring, and referral services;
- programs and services regarding truancy, suspensions and expulsions;
- peer mediation programs;
- development of programs that prevent school based crime;
- emergency intervention services following traumatic events;
- public school choice programs for students at “persistently dangerous schools;”
- character education programs; and
- school violence hotlines.

#### 21<sup>st</sup> Century Community Learning Centers

- Before and after school activities that advance student academic achievement including:
  - remedial education and academic enrichment activities;
  - math, science, arts, music, entrepreneurial, and technology education activities;
  - tutoring and mentoring services;
  - recreational activities;
  - expanded library service hours;
  - programs that promote parental involvement; and
  - programs for truant, suspended, or expelled students; and
- Establishing or enhancing programs or initiatives that improve academic achievement.
- Effective Programs and Activities – Current law in both acts does little to promote quality programming. H.R. 1 requires that any program or activity funded under this part meet the “Principles of Effectiveness,” which require that the program or activity:
  - Be based upon an assessment of objective data about community needs for the activities;
  - Be based upon performance measures established by the LEA;

- Be based upon “scientifically based research” that provides evidence that the program or activity will be effective (there is a waiver for innovative programs with a likelihood of success); and
  - Be periodically evaluated with the results used to improve the program or activity.
- School Choice – The proposal would require states to allow students enrolled in persistently dangerous public schools (as defined by the state in consultation with LEAs) or who are victims of violent crimes at school to transfer to another public school. The proposal would allow local educational agencies to use funds provided under this subpart for reasonable transportation and tuition costs.
  - Parental Consent – A local educational agency would be required to withdraw a student from a program or activity under this part if the parents of the student provide written notification to the LEA. The LEA must make reasonable efforts to inform the parents of the content of programs funded under this part, other than classroom instruction.
  - Project Drug Abuse Resistance Education (DARE) – While local educational agencies would still be allowed to fund DARE or DARE-type activities, references to DARE or DARE-type activities would be removed.
  - Hate Crimes – H.R. 1 repeals the Hate Crimes Prevention Program. Instead it seeks to promote positive behaviors in students specifically by allowing funds to be used for activities and programs regarding character education. Additionally, funds may be used to develop education programs that prevent school-based crime, including crimes motivated by hate. In order to reduce the possibility of a reoccurrence of past abuses, however, the Committee specifically prohibits any programs or publications that abridge or infringe upon the constitutionally protected rights of free speech, religion, and equal protection.
  - Community Involvement – H.R.1 encourages the involvement of community-based organizations and other public entities and private organizations in providing safety and drug abuse programs and before and after school activities through competitive grants.
  - Gun Free Schools Act – The proposal would retain the Gun Free Schools Act with minor changes. It would eliminate the section that requires the Secretary to disseminate policy guiding the implementation of the act and its connection to the Individuals with Disabilities Education Act (IDEA). It would incorporate the act into the Safe and Drug-Free Schools Act. Additionally, it would codify the current practice of exempting home schools from the requirements of the part, by stating, “The term “school” does not include a home school, regardless of whether a home school is treated as a private school under state law.”
  - Student Conduct Standards – H.R. 1 would require local educational agencies to establish standards for student conduct that clearly allow the classroom teacher to maintain control of the classroom in order for all students to learn.
  - Authorization Levels – The FY 2002 authorization level is \$535 million for Safe and Drug-Free Schools and Communities Act programs and \$900 million for 21<sup>st</sup> Century Community

Learning Centers programs. For FY 2003 – 2006, H.R. 1 authorizes such sums for both programs.

### **Title V, Part B – Enhancing Education Through Technology**

Title V, Part B – Enhancing Education Through Technology streamlines duplicative technology programs into a performance-based technology grant program that sends more money to schools. In doing so, it facilitates comprehensive and integrated education technology strategies that target the specific needs of individual schools. It also ensures that schools will not have to submit multiple grant applications and incur the associated administrative burdens to obtain education technology funding.

- Consolidation of Programs – H.R. 1 would consolidate all of the current Title III programs under the Elementary and Secondary Education Act (except for Ready To Learn Television and the Telecommunications Demonstration Project for Mathematics). These programs include the Technology Literacy Challenge Fund, the Local Innovation Challenge Grants, Regional Consortia, Technology Leadership Activities, Preservice Teacher Training in Technology, Community-Based Technology and Star Schools. The consolidated funds would be distributed as follows: five percent for the Secretary for evaluations, technical assistance, and programs of national significance and 95 percent for states and localities. States would hold on to five percent of their share for state activities such as providing technical assistance and funding innovative programs. Ninety-five percent of the state funds would be directed to local educational agencies.
- Formula for Federal to State – Funds would be allocated to the states based 50 percent on what the state received under Title I, Part A and 50 percent on the state’s relative population of individuals ages 5 through 17.
- Formula for State to Local – Of the total funds going locally, 60 percent would be distributed through a state developed formula based 100 percent on Title I, Part A, while the remaining 40 percent would be competitively distributed by the state. Overall, this represents a significant change from current law, under which the Secretary, through discretionary grants, distributes roughly 42 percent of all technology funds to local school districts and partnerships including schools, higher education institutions, and other education-related entities.
- Uses of Funds – The use of funds under this title are generally targeted for:
  - Increasing access to technology, especially for high-need schools;
  - Improving and expanding teacher professional development in technology; and
  - Promoting innovative state and local initiatives using technology to increase academic achievement.
- Ready To Learn, Ready To Teach – H.R. 1 would consolidate the Ready To Learn Television program and the Telecommunications Demonstration Project for Mathematics under a new subpart entitled Ready To Learn, Ready To Teach. Under this subpart, the

Secretary is required to fund the Ready To Learn Television program and may fund the development of digital content and a national telecommunications-based program to improve the teaching of core academic subjects (similar to that of the Telecommunications Demonstration Project for Mathematics).

- Internet Filtering – Continues language that became law last year. Requires recipients of Universal Service Discounts (E-rate) to have in place for the protection of minors, technology to filter or block obscenity, child pornography, and material that is harmful to minors, and in the case of adults, block or filter child pornography and obscenity. For schools or libraries that do not receive Universal Service Discounts (E-rate), if such schools or libraries purchase computers, Internet access or related services with either ESEA technology funds or Museum and Library Services Act funds, they must have in place, for the protection of minors, technology to filter or block obscenity, child pornography, and material that is harmful to minors, and in the case of adults, block or filter child pornography and obscenity. Local officials would have the latitude to disable filtering or blocking technology for bona fide research and other lawful purposes. Funds made available under the ESEA technology program, the innovative strategies block grant and under the Museum and Library Services Act may be used to purchase filtering or blocking software.
- Authorization Levels – The FY 2002 authorization level is \$1 billion for the state grant program and \$24.5 million for Ready To Learn, Ready To Teach, and such sums for both programs in each year through FY 2006.

### **Title V, Part C – Character Education**

H.R. 1 authorizes the Secretary of Education to award grants to state educational agencies, local educational agencies, or a consortia of such agencies for the design and implementation of character education programs that can be integrated in state academic content standards and can be carried out in conjunction with other educational reform efforts. Each agency or consortium may contract with outside sources, including institutions of higher education and private and nonprofit organizations (including religious organizations), for assistance with evaluation, developing secular curricula, and integrating secular character education into the curriculum and teaching methods.

H.R. 1 ensures that decisions about character education and curriculum are made at the local level and involves individuals who have daily contact with students. In developing local character education programs, each recipient of assistance must take into consideration the views of the parents of students when selecting elements of character that will be taught under the program. Elements of character selected under the program may include the following: trustworthiness, respect, responsibility, fairness, caring, citizenship, and giving.

- Authorization Levels – The FY 2002 authorization level is \$50 million and such sums in each year through FY 2006.

### **Title V, Part D – Elementary and Secondary School Counseling Programs**

Reauthorizes the Elementary and Secondary School Counseling program which provides grants to local educational agencies to support counseling and educational programs. Authorized activities include expanding counseling services through qualified counselors; providing innovative approaches to increase children's understanding of peer and family relationships, including in-service teachers and counselors training and parental involvement; and ensuring team approaches to school counseling.

- Authorization Levels – The FY 2002 authorization level is “such sums as may be necessary.”

### **Title V, Part E – Mentoring Programs**

Creates a new program to provide federal competitive grants to local educational agencies to promote mentoring programs for children with the greatest need. The program is designed to assist children in receiving support and guidance from a caring adult, to improve their academic performance and interpersonal relationships among their peers, teachers, other adults, and family members, to reduce dropout rates, and to reduce juvenile delinquency. Eligible entities include local educational agencies, community-based organizations or a partnership between the two.

- Authorization Levels – The FY 2002 authorization level is \$50 million and such sums in each year through FY 2006.

### **Title VI – Impact Aid**

During the 106<sup>th</sup> Congress, the Impact Aid Reauthorization Act of 2000, was enacted as part of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001. Several technical amendments to Impact Aid are included in this legislation. These amendments would:

- Modify the new “hold harmless” formula for distributing funds under Section 8002 (payments for federal acquisition of real property) to address an issue raised after enactment of the Impact Aid Reauthorization Act of 2000. New data received by the department of education indicates that the new formula would not provide the intended equitable distribution of funds. Therefore, the Committee has included a small modification to current law that will ensure that school districts of all sizes receive a fair share of funds under this section. Two additional clarifications regarding eligibility of LEAs for assistance are included.
- Make a minor modification to the section of the formula benefiting small school districts.
- Modify language in Section 8003 (relating to heavily impacted districts) to include school districts that have no tax base and whose boundaries are held in trust by the federal government to be deemed eligible for “heavily impacted” payments.

- Make technical corrections to the construction provisions of the Impact Aid law to clarify Congressional intent as to which LEAs are eligible due to a lack of bonding capacity.
- Modify language in Section 8009 (equalized states) to clarify that these funds provided to school districts based on their identification as “heavily impacted” (above those funds otherwise received under the basic program) would be exempt from state equalization.
- Extend the filing deadline for a school in Colorado.
- Extends the authorization for Impact Aid through 2006 at such sums each year and authorizes \$150 million for Impact Aid construction in FY 2002 and such sums each year through FY 2006.
- An amendment was adopted during House consideration to express a Sense of Congress that the Impact Aid program should be fully funded.

### **Title VII – Freedom and Accountability**

The new Title VII of the Elementary and Secondary Education Act will consist of Part A (Accountability) and Part B (Transferability for States and School Districts)

#### **Title VII, Part A–Accountability**

- Rewards – States that make significant progress in academic achievement for students as a whole, for students from low-income families, and for students from major racial and ethnic groups would be eligible to receive a reward. The primary indicators of state academic progress will be the state assessments. In order to confirm a state’s progress on its own assessments for purposes of receiving a reward, states would also have to demonstrate results on a second indicator consisting of either the state National Assessment of Educational Progress (NAEP) or another independent assessment selected by the state. A state would have to produce achievement gains on both tests in order to receive a reward. Other indicators the Secretary may take into consideration include increases in English proficiency, graduation rates, and the state’s progress in increasing the percentages of students who take advanced placement and international baccalaureate courses, as well as passage rates. The purpose of this fund is to reward individual state progress, and does not compare progress between states. The FY 2002 authorization level is \$40 million and such sums in each year through FY 2006.
- Sanctions – States that fail to make adequate yearly progress for two consecutive years for their disadvantaged students will be subject to a reduction in the percentage of their ESEA funds the SEA may retain for administrative activities. However, the funds would not leave the state. Instead being spent by the SEA, these funds would have to allocated to local educational agencies for school improvement. Sanctions will be based on a state’s failure to narrow the achievement gap in meeting adequate yearly progress requirements in math and reading in grades 3 through 8. Administrative funds may also be reduced if the state fails to make adequate yearly progress in the acquisition of English language proficiency by

children with limited English proficiency. States would not be sanctioned solely on the basis of their state test results in reading and math. They would only be sanctioned if states did not make adequate yearly progress on state assessments, and did not make progress on NAEP or an independent assessment selected by the state.

- Other Activities to Promote Achievement – States will receive funds to develop annual assessments, or if a state has developed those assessments and standards, to carry out other activities related to ensuring accountability for results in the state’s schools and local educational agencies or improving the quality of state assessments. States that have annual assessments for grades 3 through 8 in place prior to the 2004-2005 school year will be eligible to receive a one-time bonus award. The FY 2002 authorization level is \$400 million and such sums in each year through FY 2006.
- State Administration of NAEP or another independent assessment – The federal government will pay for the administration of NAEP or other independent assessment selected by the state. The FY 2002 authorization level is \$69 million and such sums in each year through FY 2006.

### **Title VII, Part B – Transferability for States and School Districts**

The purpose of this part is to provide states and local school districts with the flexibility to shift federal dollars to other federal education programs that more effectively address their needs and priorities. Under current law only school districts may transfer funds, and only up to five percent. This provision significantly expands state and local flexibility to shift federal dollars from one program to another.

- State transfer authority – States are permitted to transfer up to 50 percent of state activities funds between formula grant programs (i.e. formula grant to the state). State activity funds do not include funds that are to be allocated to local educational agencies, as required by each statute. These formula grant programs are:
  - Part A of Title II (Teachers)
  - Subpart 1 of Part A of Title IV (Innovative Programs Block Grant)
  - Title V, Part A (Safe and Drug Free Schools and 21<sup>st</sup> Century Community Learning Centers)
  - Title V, Part B (Technology)
- Local educational agency transfer authority – Under current law, a local educational agency may transfer up to five percent of unneeded program funds to another federal education program, provided the state gives approval to such transfer. Under the bill, local educational agencies (except local educational agencies subject to school improvement or corrective action) would be permitted to transfer up to 50 percent of funds without the approval of the state. Applicable programs are:
  - Part A of Title II (Teachers)
  - Subpart 1 of Part A of Title IV (Innovative Programs Block Grant)



- Title V, Part A (Safe and Drug Free Schools)
- Title V, Part B (Technology)
- Supplemental funds for Title I – State and local school districts may transfer funds from the above programs into any part of Title I, but no funds can be transferred out of Title I into another program.
- Local educational agencies identified for school improvement. – Local educational agencies identified for school improvement may transfer up to 30 percent of their funds from Part A of Title II (Teachers), Subpart 1 of Part A of Title IV (Innovative Programs Block Grant), Part A of Title V (Safe and Drug Free Schools) and Title V, Part B (Technology) into school improvement activities only.
- Local educational agencies in corrective action may not transfer any funds.

### **Title VII, Part C – Local Flexibility Demonstration**

The purpose of this part is to allow, in addition to the “Local A’s” flexibility option in part A, 100 school districts in 50 states to enter into performance agreements with the Secretary. Under these agreements, school districts could consolidate non-Title I formula grant programs and be relieved of the requirements of those programs. If a school district chooses to participate, it does not affect how much money they receive- the same federal formulas apply.

- Eligibility: Part C authorizes the Secretary to enter into 100 performance agreements. For the first three years, two school districts from each state may enter into performance agreements. After three years, if fewer than 100 school districts have applied, more than two school districts from a single state may participate, up to a total of 100 school districts. School districts may only apply if they are making adequate yearly progress.
- Agreement with the Secretary: LEA applies to the Secretary to be able to consolidate eligible programs. The agreement would free school districts from the statutory requirements of these programs. School districts would agree to maintain protections in current law with respect to civil rights, fiscal integrity, and private school participation.
- Use of funds: Similar to the schoolwide provision which allows consolidation of federal dollars at the school level, funds would be required to be used by LEAs to meet the general purposes of the program funds included in the waiver. Funds could be used for any educational activity authorized under H.R. 1.
- Eligible Programs: State administered formula grant programs. Title II (Teachers), Title IVA(Block Grant), Title VA (Safe and Drug Free Schools), Title VB (Technology). Title I and Title IIIA (Bilingual) would not be included.

- Approval: The Secretary may approve the application only if the Secretary determines that such application demonstrates substantial promise of carrying out the education reform goals of the state.
- Performance Review: The Secretary shall annually review the performance of the LEAs granted this authority and shall terminate the waiver if the Secretary determines that the LEA has not met the terms of waiver. If an LEA does not make AYP as determined by the state for three consecutive years, the Secretary may terminate the agreement.
- Reporting: LEAs annually report to Secretary and the SEA on how they are using these funds in accordance with their waiver. LEAs would submit this report to the SEA annually in lieu of their consolidated application to receive federal funds.
- Accountability: LEA would continue to be subject to the state accountability requirements and the requirements of Title I.

### **Title VIII – General Provisions**

The new Title VIII (Title XIV under current law) contains general provisions that affect all programs under the ESEA. The general provisions are divided into several parts: Definitions; Flexibility in the Use of Administrative and Other Funds; Coordination of Programs/Consolidated State and Local Plans and Applications; Waivers; Uniform Provisions; and Sense of Congress.

#### Definitions

- Definitions – Adds several new definitions, moves some definitions from within individual programs into the general provisions, and modifies other definitions.

#### Flexibility in the Use of Administrative and Other Funds

- Increase Flexibility – Expands current law to give states and school districts the freedom to combine administrative funds from all ESEA programs and such other programs as the Secretary may designate.

#### Coordination of Programs\Consolidated State and Local Plans and Applications

- Expands Authority for Single Consolidated Plans for States – Expands the authority for a State educational agency, in consultation with the Governor, to submit a single consolidated plan or application to include all ESEA programs and such other programs as the Secretary may designate. Under current law, this was limited to only a few programs.
- Expands Authority for Single Consolidated Plans for School Districts – Expands the authority of school districts to submit a single consolidated plan or application to include all ESEA programs.

- Removes Goals 2000 – Removes all Goals 2000 references.
- Streamlines reporting requirements – Streamlines reporting requirements by replacing individual program annual reports with a single consolidated report.

### Waivers

- Expands Flexibility – Continues authority of the Secretary to waive burdensome regulations and program requirements, and makes several changes consistent with the Education Flexibility Partnership Act. Extends maximum term of waivers from three to five years.

### Uniform Provisions

- Private Schools – Continues to allow students and staff at private schools to receive services through ESEA programs. In addition, the bill ensures that private schools which do not receive funds or services under the ESEA are not subject to any of the requirements of the ESEA.
- Consultation with Private Schools – Ensures that educational services must be provided by the school district to private schools in a timely manner and that consultations with private school officials must occur during the design and development stages of the education programs, as well as throughout the implementation phase.
- Prohibition on Federal Curriculum – Prohibits the federal government from controlling, mandating, or directing curriculum. Also prohibits funds from being used by the Department of Education to endorse, approve, or sanction any curriculum designed for use in elementary or secondary schools.
- Prohibition on Mandatory National Teacher Test or Certification – Prohibits funds from being used to plan, develop, implement, or administer any mandatory national teacher or paraprofessional test or certification.
- Prohibition on Federally Sponsored National Testing – Prohibits ESEA funds from being used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized in law.
- Prohibitions on Uses of ESEA Funds – Prohibits ESEA funds from: (1) being used to distribute obscene materials on school grounds; (2) funding courses or the development or distribution of materials that are designed to promote or encourage sexual activities; (3) being used to operate a program of contraceptive distribution at schools; and (4) funding sex education in schools unless such program is age appropriate and emphasizes abstinence.

- School Prayer – Ensures that voluntary prayer in public schools is protected. School districts must certify that no policy of the school district prevents or otherwise denies participation in constitutionally protected prayer in public schools.
- National Database – Includes a rule of construction which clarifies that nothing in the act is to be construed as allowing the development of a national database of personally identifiable information on individuals involved in studies or data collection under the act.
- Armed Services Recruiting – Any secondary school that receives Federal funds under this Act shall permit regular United States Armed Services recruitment activities on school grounds, in a manner reasonably accessible to all students of such school.
- Qualified Tuition Programs – Encourages the Secretary of Education to promote qualified tuition programs in States that have qualified State tuition programs.
- Home Schools – Prohibits the federal government from exercising any control over home schools, and ensures that home schools are not subject to the ESEA nor are students who are home schooled required to take any assessments referenced in the ESEA.

#### Sense of Congress on Memorials on Campus

Includes a Sense of Congress that memorial services and memorials on campus to honor any person slain on a school campus are not objectionable.

#### Sense of Congress on Paperwork Reduction

Includes a Sense of Congress that federal and state educational agencies should reduce the paperwork requirements placed on schools, teachers, principals, and other administrators.

#### Sense of Congress on Dollars to the Classroom

Includes a Sense of Congress that the Secretary of Education and states and local districts work together to ensure 95 percent of federal K-12 program funds are spent directly in classrooms to improve academic achievement.

### **Title IX, Part A, Subpart 1 – National Education Statistics Act**

Subpart 1 of Part A of Title IX amends the National Education Statistics Act to make changes to the National Assessment of Educational Progress (NAEP) to clarify that for purposes of Title VII accountability there is no cost-sharing requirement of the states. Subpart 1 also authorizes annual state NAEP assessments in reading and mathematics in the fourth and eighth grades.

### **Title IX, Part A, Subpart 2 – Homeless Education**

The McKinney-Vento Homeless Education Assistance Improvements Act of 2001 authorizes formula grants to states, based on state allocations for grants to local educational agencies under Title I, Part A of the Elementary and Secondary Education Act. Grants must be used for state and local programs to provide equal access to a free, public education for homeless children and youth, including a public preschool education, equivalent to that provided to other children and youth. Grants must also be used to establish an Office of Coordinator of Education of Homeless Children and Youth within each state educational agency; to implement professional development activities for school personnel; and to provide each child or youth the opportunity to meet the same state student academic achievement standards that others are expected to meet.

H.R. 1 makes several changes to current law to better meet the educational needs of homeless children and youth. Among other things, H.R. 1:

- Requires schools to immediately enroll homeless children and youth, thereby eliminating delays caused by lack of records and other enrollment requirements;
- Ensures that public notice of the educational rights of homeless children and youth are disseminated in school districts;
- Ensures that schools keep children in their school of origin whenever possible and appropriate;
- Prohibits a state receiving funds from segregating a homeless child, either in a separate school or in a separate program within a school, based on that student's status as homeless (this provision contains a grandfather clause that ensures established schools do not lose funding);
- Provides states with greater flexibility to use McKinney-Vento funds for statewide support and technical assistance activities;
- Increases the amount of McKinney-Vento funding available to small states; and
- Directs local educational agencies to continue homeless children's education in their school of origin, to the extent feasible, unless the parent or guardian wishes otherwise, for the duration of homelessness.

Authorization Levels – The FY 2002 authorization level is \$60 million and such sums in each year through FY 2006.

### **Title IX, Part A, Subpart 3 – Parental Freedom of Information**

Subpart 3 of Part A makes changes to the Pupil Protection Act which is a component part of the General Education Provisions Act. The changes will: (1) guarantee parents the right to inspect and review the curriculum that is used to teach their children; (2) require written consent of the parent prior to any student being required to undergo any non-emergency medical, psychological, or psychiatric examination, testing or treatment while at school; and (3) require written consent of the parent regarding any survey or evaluation given to a student which asks questions about political affiliations, religious beliefs, mental or psychological problems and other personal issues.

### **Title IX, Part B – Repeals**

Part B repeals several ESEA programs including the National Education Goals Panel, the Fund for the Improvement of Education, the Urban Education program, the Physical Education for Progress program, the Coordinated Services program, and the Education Infrastructure program.