

Union Calendar No. 133

106TH CONGRESS
1ST Session

H. R. 1995

[Report No. 106-232, Part I]

A BILL

To amend the Elementary and Secondary Education Act of 1965 to empower teachers, improve student achievement through high-quality professional development for teachers, reauthorize the Reading Excellence Act, and for other purposes.

JULY 14, 1999

Reported from the Committee on Education and the
Workforce with an amendment

JULY 14, 1999

Referral to the Committee on Armed Services extended
for a period ending not later than July 14, 1999

JULY 14, 1999

Committee on Armed Services discharged; committed to
the Committee of the Whole House on the State of the
Union and ordered to be printed

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To amend the Elementary and Secondary Education Act of 1965 to empower teachers, improve student achievement through high-quality professional development for teachers, reauthorize the Reading Excellence Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 1999

Mr. MCKEON (for himself, Mr. HASTERT, Mr. ARMEY, Mr. WATTS of Oklahoma, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. GOODLING, Mr. CASTLE, Mr. HOEKSTRA, Mr. BARRETT of Nebraska, Mr. SAM JOHNSON of Texas, Mr. GRAHAM, Mr. MCINTOSH, Mr. NORWOOD, Mr. HILLEARY, Mr. FLETCHER, Mr. ISAKSON, Mrs. NORTHUP, Mr. CUNNINGHAM, and Mr. HILL of Montana) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 14, 1999

Reported from the Committee on Education and the Workforce with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

JULY 14, 1999

Referral to the Committee on Armed Services extended for a period ending not later than July 14, 1999

JULY 14, 1999

Additional sponsors: Mr. DREIER, Mr. GARY MILLER of California, Mr. TALENT, Mr. DEAL of Georgia, Mr. DEMINT, Mr. BAKER, Mr. HORN, Mr. DICKEY, Mr. GREEN of Wisconsin, Mr. FOSSELLA, Mr. BOEHNER, Mr. CALVERT, Mr. HOSTETTLER, Mr. SHIMKUS, Mr. PETERSON of Pennsylvania, Mr. BALLENGER, Mr. ROYCE, Mrs. MYRICK, Mr. SOUDER, Mr.

PETRI, Mr. UPTON, Mr. EHLERS, Mr. HALL of Texas, Mr. GREENWOOD,
Mrs. ROUKEMA, Mr. RADANOVICH, Mr. HERGER, and Mr. COX

JULY 14, 1999

Committee on Armed Services discharged; committed to the Committee of the
Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 27, 1999]

A BILL

To amend the Elementary and Secondary Education Act of 1965 to empower teachers, improve student achievement through high-quality professional development for teachers, reauthorize the Reading Excellence Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Teacher Empowerment*
5 *Act”.*

6 **SEC. 2. TEACHER EMPOWERMENT.**

7 *(a) IN GENERAL.—Title II of the Elementary and Sec-*
8 *ondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is*
9 *amended—*

10 *(1) by striking the heading for title II and in-*
11 *serting the following:*

12 **“TITLE II—TEACHER QUALITY”;**

13 *(2) by repealing sections 2001 through 2003; and*

14 *(3) by amending part A to read as follows:*

1 **“PART A—TEACHER EMPOWERMENT**

2 **“SEC. 2001. PURPOSE.**

3 *“The purpose of this part is to provide grants to States*
4 *and local educational agencies in order to assist their efforts*
5 *to increase student academic achievement through such*
6 *strategies as improving teacher quality.*

7 **“Subpart 1—Grants to States**

8 **“SEC. 2011. FORMULA GRANTS TO STATES.**

9 *“(a) IN GENERAL.—In the case of each State that in*
10 *accordance with section 2013 submits to the Secretary an*
11 *application for a fiscal year, the Secretary shall make a*
12 *grant for the year to the State for the uses specified in sec-*
13 *tion 2012. The grant shall consist of the allotment deter-*
14 *mined for the State under subsection (b).*

15 *“(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—*

16 *“(1) RESERVATION OF FUNDS.—From the*
17 *amount made available to carry out this subpart for*
18 *any fiscal year, the Secretary shall reserve—*

19 *“(A) $\frac{1}{2}$ of 1 percent for allotments for the*
20 *Virgin Islands, Guam, American Samoa, and*
21 *the Commonwealth of the Northern Mariana Is-*
22 *lands, to be distributed among these outlying*
23 *areas on the basis of their relative need, as deter-*
24 *mined by the Secretary in accordance with the*
25 *purpose of this part; and*

1 “(B) $\frac{1}{2}$ of 1 percent for the Secretary of the
2 Interior for programs under this part for profes-
3 sional development activities for teachers, other
4 staff, and administrators in schools operated or
5 funded by the Bureau of Indian Affairs.

6 “(2) STATE ALLOTMENTS.—

7 “(A) HOLD HARMLESS.—

8 “(i) IN GENERAL.—Subject to subpara-
9 graph (B), from the total amount made
10 available to carry out this subpart for any
11 fiscal year and not reserved under para-
12 graph (1), the Secretary shall allot to each
13 of the 50 States, the District of Columbia,
14 and the Commonwealth of Puerto Rico an
15 amount equal to the total amount that such
16 State received for fiscal year 1999 under—

17 “(I) section 2202(b) of this Act
18 (as in effect on the day before the date
19 of the enactment of the Teacher Em-
20 powerment Act);

21 “(II) section 307 of the Depart-
22 ment of Education Appropriations Act,
23 1999; and

24 “(III) section 304(b) of the Goals
25 2000: Educate America Act.

1 “(i) *RATABLE REDUCTION.*—If the
2 total amount made available to carry out
3 this subpart for any fiscal year and not re-
4 served under paragraph (1) is insufficient
5 to pay the full amounts that all States are
6 eligible to receive under clause (i) for any
7 fiscal year, the Secretary shall ratably re-
8 duce such amounts for such fiscal year.

9 “(B) *ALLOTMENT OF ADDITIONAL FUNDS.*—

10 “(i) *IN GENERAL.*—Subject to clause
11 (ii), for any fiscal year for which the total
12 amount made available to carry out this
13 subpart and not reserved under paragraph
14 (1) exceeds the total amount made available
15 to the 50 States, the District of Columbia,
16 and the Commonwealth of Puerto Rico for
17 fiscal year 1999 under the authorities de-
18 scribed in subparagraph (A)(i), the Sec-
19 retary shall allot such excess amount as fol-
20 lows:

21 “(I) 50 percent of such excess
22 amount shall be allotted among such
23 States on the basis of their relative
24 populations of individuals aged 5
25 through 17, as determined by the Sec-

1 *retary on the basis of the most recent*
2 *satisfactory data.*

3 “(II) 50 percent of such excess
4 amount shall be allotted among such
5 States in proportion to the number of
6 children, aged 5 to 17, who reside
7 within the State from families with in-
8 comes below the poverty line (as de-
9 fined by the Office of Management and
10 Budget and revised annually in ac-
11 cordance with section 673(2) of the
12 Community Services Block Grant Act
13 (42 U.S.C. 9902(2)) applicable to a
14 family of the size involved for the most
15 recent fiscal year for which satisfactory
16 data are available, compared to the
17 number of such individuals who reside
18 in all such States for that fiscal year.

19 “(ii) EXCEPTION.—No State receiving
20 an allotment under clause (i) may receive
21 less than $\frac{1}{2}$ of 1 percent of the total excess
22 amount allotted under clause (i).

23 “(3) REALLOTMENT.—If any State does not
24 apply for an allotment under this subsection for any
25 fiscal year, the Secretary shall realLOT such amount to

1 *the remaining States in accordance with this sub-*
2 *section.*

3 **“SEC. 2012. WITHIN-STATE ALLOCATIONS.**

4 “(a) *USE OF FUNDS.—Each State receiving a grant*
5 *under this subpart shall use the funds provided under the*
6 *grant in accordance with this section to carry out activities*
7 *for the improvement of teaching and learning.*

8 “(b) *REQUIRED AND AUTHORIZED EXPENDITURES.—*

9 “(1) *REQUIRED EXPENDITURES.—The Secretary*
10 *may make a grant to a State under this subpart only*
11 *if the State agrees to expend at least—*

12 “(A) *95 percent of the amount of the funds*
13 *provided under the grant for the purpose of mak-*
14 *ing subgrants to local educational agencies under*
15 *subpart 3; and*

16 “(B) *2 percent of the amount of the funds*
17 *provided under the grant for the purpose of mak-*
18 *ing subgrants to eligible partnerships under sub-*
19 *part 2 (of which percent, up to 5 percent may*
20 *be used for planning and administration related*
21 *to carrying out such purpose).*

22 “(2) *AUTHORIZED EXPENDITURES.—A State*
23 *that receives a grant under this subpart may expend*
24 *not more than 3 percent of the amount of the funds*
25 *provided under the grant for one or more of the au-*

1 *thorized State activities described in subsection (d) (of*
2 *which percent, the State may use up to 5 percent for*
3 *planning and administration related to carrying out*
4 *such activities and making subgrants to local edu-*
5 *cational agencies under subpart 3).*

6 “(c) *DISTRIBUTION OF SUBGRANTS TO LOCAL EDU-*
7 *CATIONAL AGENCIES.—*

8 “(1) *FORMULA FOR 80 PERCENT OF FUNDS.—*

9 “(A) *IN GENERAL.—Except as provided in*
10 *subparagraph (B), a State receiving a grant*
11 *under this subpart shall distribute 80 percent of*
12 *the amount described in subsection (b)(1)(A)*
13 *through a formula under which—*

14 “(i) *50 percent is allocated to local*
15 *educational agencies in accordance with the*
16 *relative enrollment in public and private*
17 *nonprofit elementary and secondary schools*
18 *within the boundaries of such agencies; and*

19 “(ii) *50 percent is allocated to local*
20 *educational agencies in proportion to the*
21 *number of children, aged 5 to 17, who reside*
22 *within the geographic area served by such*
23 *agency from families with incomes below*
24 *the poverty line (as defined by the Office of*
25 *Management and Budget and revised annu-*

1 ally in accordance with section 673(2) of
2 the Community Services Block Grant Act
3 (42 U.S.C. 9902(2))) applicable to a family
4 of the size involved for the most recent fiscal
5 year for which satisfactory data are avail-
6 able, compared to the number of such indi-
7 viduals who reside in the geographic areas
8 served by all the local educational agencies
9 in the State for that fiscal year.

10 “(B) *ALTERNATIVE FORMULA.*—A State
11 may increase the percentage described in sub-
12 paragraph (A)(ii) (and commensurately decrease
13 the percentage described in subparagraph (A)(i)).

14 “(2) *DISTRIBUTION OF 20 PERCENT OF FUNDS.*—

15 “(A) *COMPETITIVE PROCESS.*—A State re-
16 ceiving a grant under this subpart shall dis-
17 tribute 20 percent of the amount described in
18 subsection (b)(1)(A) through a competitive proc-
19 ess that results in an equitable distribution by
20 geographic area within the State.

21 “(B) *PARTICIPANTS.*—The competitive proc-
22 ess under subparagraph (A) shall be open to
23 local educational agencies and eligible partner-
24 ships (as defined in section 2021(d)), except that
25 a State shall give priority to high-need local edu-

1 *cational agencies that focus on math, science, or*
2 *reading professional development programs.*

3 “(d) *AUTHORIZED STATE ACTIVITIES.—The author-*
4 *ized State activities referred to in subsection (b)(2) are the*
5 *following:*

6 “(1) *Reforming teacher certification, recertifi-*
7 *cation, or licensure requirements to ensure that—*

8 “(A) *teachers have the necessary teaching*
9 *skills and academic content knowledge in the*
10 *subject areas in which they are assigned to teach;*

11 “(B) *they are aligned with the State’s chal-*
12 *lenging State content standards; and*

13 “(C) *teachers have the knowledge and skills*
14 *necessary to help students meet challenging State*
15 *student performance standards.*

16 “(2) *Carrying out programs that—*

17 “(A) *include support during the initial*
18 *teaching experience; and*

19 “(B) *establish, expand, or improve alter-*
20 *native routes to State certification of teachers for*
21 *highly qualified individuals with a baccalaureate*
22 *degree, including mid-career professionals from*
23 *other occupations, paraprofessionals, former*
24 *military personnel, and recent college or univer-*
25 *sity graduates with records of academic distinc-*

1 *tion who demonstrate the potential to become*
2 *highly effective teachers.*

3 *“(3) Developing and implementing effective*
4 *mechanisms to assist local educational agencies and*
5 *schools in effectively recruiting and retaining highly*
6 *qualified and effective teachers and principals.*

7 *“(4) Reforming tenure systems and imple-*
8 *menting teacher testing and other procedures to expe-*
9 *ditiously remove incompetent and ineffective teachers*
10 *from the classroom.*

11 *“(5) Developing enhanced performance systems*
12 *to measure the effectiveness of specific professional de-*
13 *velopment programs and strategies.*

14 *“(6) Providing technical assistance to local edu-*
15 *cational agencies consistent with this part.*

16 *“(7) Funding projects to promote reciprocity of*
17 *teacher certification or licensure between or among*
18 *States, except that no reciprocity agreement developed*
19 *under this paragraph or developed using funds pro-*
20 *vided under this part may lead to the weakening of*
21 *any State teaching certification or licensing require-*
22 *ment.*

23 *“(8) Developing or assisting local educational*
24 *agencies or eligible partnerships (as defined in section*
25 *2021(d)) in the development and utilization of prov-*

1 *en, innovative strategies to deliver intensive profes-*
2 *sional development programs that are both cost-effec-*
3 *tive and easily accessible, such as through the use of*
4 *technology and distance learning.*

5 *“(e) COORDINATION.—States receiving grants under*
6 *section 202 of the Higher Education Act of 1965 shall co-*
7 *ordinate the use of such funds with activities carried out*
8 *under this section.*

9 *“(f) PUBLIC ACCOUNTABILITY.—*

10 *“(1) IN GENERAL.—A State that receives a grant*
11 *under this subpart—*

12 *“(A) in the event the State provides public*
13 *State report cards on education, shall include in*
14 *such report cards—*

15 *“(i) the percentage of classes in core*
16 *academic subject areas that are taught by*
17 *out-of-field teachers;*

18 *“(ii) the percentage of classes in core*
19 *academic subject areas that are taught by*
20 *teachers teaching under emergency or other*
21 *provisional status through which State*
22 *qualifications or licensing criteria have been*
23 *waived; and*

24 *“(iii) the average statewide class size;*
25 *or*

1 “(B) *in the event the State provides no such*
2 *report card, shall disseminate to the public the*
3 *information described in clauses (i) and (ii) of*
4 *subparagraph (A) through other means.*

5 “(2) *PUBLIC AVAILABILITY.—Such information*
6 *shall be made widely available to the public, includ-*
7 *ing parents and students, through major print and*
8 *broadcast media outlets throughout the State.*

9 “**SEC. 2013. APPLICATIONS BY STATES.**

10 “(a) *IN GENERAL.—To be eligible to receive a grant*
11 *under this subpart, a State shall submit an application to*
12 *the Secretary at such time, in such manner, and containing*
13 *such information as the Secretary may reasonably require.*

14 “(b) *CONTENTS.—Each application under this section*
15 *shall include the following:*

16 “(1) *A description of how the State will ensure*
17 *that a local educational agency receiving a subgrant*
18 *under subpart 3 will comply with the requirements of*
19 *such subpart, including the required use of funds for*
20 *mathematics and science programs, professional devel-*
21 *opment, and hiring teachers to reduce class size.*

22 “(2) *A description of the specific performance in-*
23 *dicators the State will use (including an identifica-*
24 *tion of how such performance indicators will be meas-*
25 *ured and reported) for each local educational agency*

1 to measure the annual progress of activities funded
2 under subpart 3 in increasing—

3 “(A) student academic achievement; and

4 “(B) teacher quality, as demonstrated
5 through a reduction in the number of out-of-field
6 teachers in the classroom.

7 “(3) A description of the bonus incentives, if
8 any, that will be provided to local educational agen-
9 cies that exceed a level of improvement established by
10 the State based on such performance indicators, and
11 actions the State will take in the event a local edu-
12 cational agency fails to meet or make progress toward
13 such level of improvement.

14 “(4) A description of how the State will coordi-
15 nate professional development activities authorized
16 under this part with professional development activi-
17 ties provided under other Federal, State, and local
18 programs, including those authorized under title I,
19 title III, title IV, part A of title VII, and (where ap-
20 plicable) the Individuals with Disabilities Education
21 Act and the Carl D. Perkins Vocational and Tech-
22 nical Education Act. The application shall also de-
23 scribe the comprehensive strategy that the State will
24 take as part of such coordination effort, to ensure that
25 teachers are trained in the utilization of technology so

1 *that technology and its applications are effectively*
2 *used in the classroom to improve teaching and learn-*
3 *ing in all curriculum and content areas, as appro-*
4 *priate.*

5 *“(5) A description of how the State will encour-*
6 *age the development of proven, innovative strategies to*
7 *deliver intensive professional development programs*
8 *that are both cost-effective and easily accessible, such*
9 *as through the use of technology and distance learn-*
10 *ing.*

11 *“(c) APPLICATION SUBMISSION.—A State application*
12 *submitted to the Secretary under this section shall be ap-*
13 *proved by the Secretary unless the Secretary makes a writ-*
14 *ten determination, within 90 days after receiving the appli-*
15 *cation, that the application is in violation of the provisions*
16 *of this Act.*

17 **“Subpart 2—Subgrants to Eligible Partnerships**

18 **“SEC. 2021. PARTNERSHIP GRANTS.**

19 *“(a) IN GENERAL.—From the amount described in sec-*
20 *tion 2012(b)(1)(B), the State agency for higher education,*
21 *working in conjunction with the State educational agency*
22 *(if such agencies are separate), shall award grants on a*
23 *competitive basis to eligible partnerships to enable such*
24 *partnerships to carry out activities described in subsection*

1 *(b). Such grants shall be equitably distributed by geo-*
2 *graphic area within the State.*

3 “(b) *USE OF FUNDS.—A recipient of funds under this*
4 *section shall use the funds for—*

5 “(1) *professional development activities in core*
6 *academic subjects to ensure that teachers have content*
7 *knowledge in the subjects they teach; and*

8 “(2) *developing and providing assistance to local*
9 *educational agencies and the teachers, principals, and*
10 *administrators, of public and private schools in each*
11 *such agency, for sustained, high-quality professional*
12 *development activities which—*

13 “(A) *ensure they are able to use State con-*
14 *tent standards, performance standards, and as-*
15 *essments to improve instructional practices and*
16 *improve student achievement; and*

17 “(B) *may include intensive programs de-*
18 *signed to prepare teachers who will return to*
19 *their school to provide such instruction to other*
20 *teachers within such school.*

21 “(c) *SPECIAL RULE.—No single participant in an eli-*
22 *gible partnership may retain more than 50 percent of the*
23 *funds made available to the partnership under this section.*

24 “(d) *ELIGIBLE PARTNERSHIPS.—As used in this sec-*
25 *tion, the term ‘eligible partnerships’ means an entity that—*

1 “(1) shall include—

2 “(A) a high-need local educational agency;

3 “(B) a school of arts and sciences; and

4 “(C) an institution that prepares teachers;

5 and

6 “(2) may include other local educational agen-
7 cies, a public charter school, a public or private ele-
8 mentary or secondary school, an educational service
9 agency, a public or private nonprofit educational or-
10 ganization, or a business.

11 “(e) COORDINATION.—Partnerships receiving grants
12 under section 203 of the Higher Education Act of 1965 shall
13 coordinate the use of such funds with any related activities
14 carried out by such partnership with funds made available
15 under this section.

16 **“Subpart 3—Subgrants to Local Educational**
17 **Agencies**

18 **“SEC. 2031. LOCAL USE OF FUNDS.**

19 “(a) REQUIRED ACTIVITIES.—

20 “(1) IN GENERAL.—Each local educational agen-
21 cy that receives a subgrant under this subpart shall
22 use the subgrant to carry out the activities described
23 in this subsection.

24 “(2) MATHEMATICS AND SCIENCE.—

1 “(A) *IN GENERAL.*—Of the amount made
2 available to each local educational agency under
3 this subpart for a fiscal year, the agency shall
4 use not less than the amount provided to the
5 agency under section 2206(b) of this Act (as in
6 effect on the day before the date of the enactment
7 of the Teacher Empowerment Act) for the fiscal
8 year preceding such enactment for professional
9 development activities in mathematics and
10 science in accordance with section 2033.

11 “(B) *WAIVER.*—

12 “(i) *APPLICATION.*—A local edu-
13 cational agency, in consultation with teach-
14 ers and principals, may seek a waiver of the
15 requirement in subparagraph (A) from a
16 State in order to allow the local educational
17 agency to use such funds for professional de-
18 velopment in academic subjects other than
19 mathematics and science.

20 “(ii) *STANDARD FOR GRANTING.*—A
21 State may not approve such a waiver unless
22 the local educational agency is able to dem-
23 onstrate that—

24 “(I) the professional development
25 needs of mathematics and science

1 *teachers, including elementary teachers*
2 *responsible for teaching mathematics*
3 *and science, have been adequately*
4 *served and will continue to be ade-*
5 *quately served if the waiver is ap-*
6 *proved;*

7 “(II) *State assessments in mathe-*
8 *matics and science demonstrate that*
9 *each school within the local edu-*
10 *cational agency has made and will*
11 *continue to make progress toward*
12 *meeting the challenging State or local*
13 *content standards and student per-*
14 *formance standards in these areas; and*

15 “(III) *State assessments in other*
16 *academic subjects demonstrate a need*
17 *to focus on subjects other than mathe-*
18 *matics and science.*

19 “(iii) *GRANDFATHER OF OLD WAIV-*
20 *ERS.—A waiver provided to a local edu-*
21 *cational agency under part D of title XIV*
22 *prior to the date of the enactment of the*
23 *Teacher Empowerment Act shall be deemed*
24 *effective until such time as it otherwise*
25 *would have ceased to be effective.*

1 “(3) *PROFESSIONAL DEVELOPMENT ACTIVITIES.—Each local educational agency that receives a*
2 *subgrant under this subpart shall use a portion of*
3 *such funds for professional development activities that*
4 *give teachers, principals, and administrators the*
5 *knowledge and skills to provide students with the op-*
6 *portunity to meet challenging State or local content*
7 *standards and student performance standards. Such*
8 *activities shall be consistent with sections 2033 and*
9 *2034.*

11 “(4) *HIRING AND RETAINING WELL-QUALIFIED*
12 *AND EFFECTIVE TEACHERS.—*

13 “(A) *IN GENERAL.—Each local educational*
14 *agency that receives a subgrant under this sub-*
15 *part shall use a portion of such funds for recruit-*
16 *ing, hiring, and training certified teachers, in-*
17 *cluding teachers certified through State and local*
18 *alternative routes, in order to reduce class size.*

19 “(B) *SPECIAL RULE FOR SPECIAL EDU-*
20 *CATION TEACHERS.—Notwithstanding subpara-*
21 *graph (A), a local educational agency may use*
22 *some or all of the funds described in such sub-*
23 *paragraph to hire special education teachers re-*
24 *gardless of whether such action reduces class size.*

25 “(C) *WAIVER.—*

1 “(i) *APPLICATION.*—A local edu-
2 cational agency may seek a waiver of the
3 requirement in subparagraph (A) from a
4 State in order to allow the local educational
5 agency to use such funds for purposes other
6 than hiring teachers in order to reduce class
7 size.

8 “(ii) *STANDARD FOR GRANTING.*—A
9 State may not approve such a waiver unless
10 the local educational agency is able to dem-
11 onstrate that—

12 “(I) such funds will be used to en-
13 sure that all instructional staff have
14 the subject matter knowledge, teaching
15 knowledge, and teaching skills nec-
16 essary to teach effectively in the con-
17 tent area or areas in which they pro-
18 vide instruction; or

19 “(II) an initiative to reduce class
20 size would result in having to rely on
21 underqualified teachers, inadequate
22 classroom space, or would have any
23 other negative consequence affecting the
24 efforts of the local educational agency

1 to improve student academic achieve-
2 ment.

3 “(b) *ALLOWABLE ACTIVITIES.*—Each local educational
4 agency that receives a subgrant under this subpart may use
5 the subgrant to carry out the following activities:

6 “(1) *Initiatives to assist recruitment of highly*
7 *qualified teachers who will be assigned teaching posi-*
8 *tions within their field, including—*

9 “(A) *providing signing bonuses or other fi-*
10 *nancial incentives, such as differential pay, for*
11 *teachers to teach in academic subject areas in*
12 *which there exists a shortage of such teachers*
13 *within a school or the local educational agency;*

14 “(B) *establishing programs that—*

15 “(i) *recruit professionals from other*
16 *fields and provide such professionals with*
17 *alternative routes to teacher certification;*
18 *and*

19 “(ii) *provide increased opportunities*
20 *for minorities, individuals with disabilities,*
21 *and other individuals underrepresented in*
22 *the teaching profession; and*

23 “(C) *implementing hiring policies that en-*
24 *sure comprehensive recruitment efforts as a way*
25 *to expand the applicant pool, such as through*

1 *identifying teachers certified through alternative*
2 *routes, coupled with a system of intensive screen-*
3 *ing designed to hire the most qualified applicant.*

4 “(2) *Initiatives to promote retention of highly*
5 *qualified teachers and principals including—*

6 “(A) *programs that provide mentoring to*
7 *newly hired teachers, such as from master teach-*
8 *ers, and to newly hired principals; or*

9 “(B) *programs that provide other incen-*
10 *tives, including financial incentives, to retain*
11 *teachers who have a record of success in helping*
12 *low-achieving students improve their academic*
13 *success.*

14 “(3) *Programs and activities that are designed*
15 *to improve the quality of the teacher force, such as—*

16 “(A) *innovative professional development*
17 *programs (which may be through partnerships*
18 *including institutions of higher education), in-*
19 *cluding programs that train teachers to utilize*
20 *technology to improve teaching and learning,*
21 *that are consistent with the requirements of sec-*
22 *tion 2033;*

23 “(B) *development and utilization of proven,*
24 *cost-effective strategies for the implementation of*
25 *professional development activities, such as*

1 *through the utilization of technology and dis-*
2 *tance learning;*

3 “(C) *tenure reform;*

4 “(D) *merit pay;*

5 “(E) *testing of elementary and secondary*
6 *school teachers in the subject areas taught by*
7 *such teachers;*

8 “(F) *professional development programs*
9 *that provide instruction in how to teach children*
10 *with different learning styles, particularly chil-*
11 *dren with disabilities and children with special*
12 *learning needs (including those who are gifted*
13 *and talented); and*

14 “(G) *professional development programs*
15 *that provide instruction in how best to discipline*
16 *children in the classroom and identify early and*
17 *appropriate interventions to help children de-*
18 *scribed in subparagraph (F) learn.*

19 “(4) *Teacher opportunity payments, consistent*
20 *with section 2034.*

21 **“SEC. 2032. LOCAL APPLICATIONS.**

22 “(a) *IN GENERAL.*—*A local educational agency seeking*
23 *to receive a subgrant from a State under this subpart shall*
24 *submit an application to the State—*

25 “(1) *at such time as the State shall require; and*

1 “(2) *which is coordinated with other programs*
2 *under this Act, or other Acts, as appropriate.*

3 “(b) *LOCAL APPLICATION CONTENTS.—The local ap-*
4 *plication described in subsection (a), shall include, at a*
5 *minimum, the following:*

6 “(1) *A description of how the local educational*
7 *agency intends to use funds provided under this sub-*
8 *part, including an assurance that the local edu-*
9 *cational agency will meet the requirements for the use*
10 *of funds for mathematics and science programs, pro-*
11 *fessional development, and hiring teachers to reduce*
12 *class size, under section 2031.*

13 “(2) *An assurance that the local educational*
14 *agency will target funds to schools within the juris-*
15 *isdiction of the local educational agency that—*

16 “(A) *have the highest proportion of out-of-*
17 *field teachers;*

18 “(B) *have the largest average class size; or*

19 “(C) *are identified for school improvement*
20 *under section 1116(c).*

21 “(3) *A description of how the local educational*
22 *agency will coordinate professional development ac-*
23 *tivities authorized under this subpart with profes-*
24 *sional development activities provided through other*
25 *Federal, State, and local programs, including those*

1 *authorized under title I, title III, title IV, part A of*
2 *title VII, and (where applicable) the Individuals with*
3 *Disabilities Education Act and the Carl D. Perkins*
4 *Vocational and Technical Education Act.*

5 *“(4) A description of how the local educational*
6 *agency will integrate funds under this subpart with*
7 *funds received under title III that are used for profes-*
8 *sional development to train teachers in how to use*
9 *technology to improve learning and teaching.*

10 *“(c) PARENTS’ RIGHT-TO-KNOW.—A local educational*
11 *agency that receives funds under this subpart shall provide,*
12 *upon request and in an understandable and uniform for-*
13 *mat, to any parent of a student attending any school receiv-*
14 *ing funds under this subpart, information regarding the*
15 *professional qualifications of the student’s classroom teach-*
16 *ers, including, at a minimum, the following:*

17 *“(1) Whether the teacher has met State qualifica-*
18 *tion and licensing criteria for the grade levels and*
19 *subject areas in which the teacher provides instruc-*
20 *tion.*

21 *“(2) Whether the teacher is teaching under emer-*
22 *gency or other provisional status through which State*
23 *qualification or licensing criteria have been waived.*

24 *“(3) The baccalaureate degree major of the teach-*
25 *er and any other graduate certification or degree held*

1 *by the teacher, and the field or discipline of the cer-*
2 *tification or degree.*

3 **“SEC. 2033. PROFESSIONAL DEVELOPMENT FOR TEACHERS.**

4 **“(a) LIMITATION RELATING TO CURRICULUM AND**
5 **CONTENT AREAS.—**

6 **“(1) IN GENERAL.—***Except as provided in para-*
7 *graph (2), professional development funds under this*
8 *subpart may not be provided for a teacher and an ac-*
9 *tivity if the activity is not—*

10 **“(A) directly related to the curriculum and**
11 *content areas in which the teacher provides in-*
12 *struction; or*

13 **“(B) designed to enhance the ability of the**
14 *teacher to understand and use the State’s stand-*
15 *ards for the subject area in which the teacher*
16 *provides instruction.*

17 **“(2) EXCEPTION.—***Paragraph (1) does not apply*
18 *to funds for professional development activities that*
19 *instruct in methods of disciplining children.*

20 **“(b) OTHER REQUIREMENTS.—***Professional develop-*
21 *ment activities funded under this subpart—*

22 **“(1) shall be measured, in terms of progress,**
23 *using the specific performance indicators established*
24 *by the State in accordance with section 2013(b)(2);*

1 “(2) shall be tied to challenging State or local
2 content standards and student performance stand-
3 ards;

4 “(3) shall be tied to scientifically based research
5 demonstrating the effectiveness of such program in in-
6 creasing student achievement or substantially increas-
7 ing the knowledge and teaching skills of such teachers;

8 “(4) shall be of sufficient intensity and duration
9 (such as not to include 1-day or short-term workshops
10 and conferences) to have a positive and lasting im-
11 pact on the teacher’s performance in the classroom,
12 except that this paragraph shall not apply to an ac-
13 tivity if such activity is one component of a long-term
14 comprehensive professional development plan estab-
15 lished by the teacher and the teacher’s supervisor
16 based upon an assessment of their needs, their stu-
17 dents’ needs, and the needs of the local educational
18 agency; and

19 “(5) shall be developed with extensive participa-
20 tion of teachers, principals, and administrators of
21 schools to be served under this part.

22 “(c) ACCOUNTABILITY.—

23 “(1) IN GENERAL.—A State shall notify a local
24 educational agency that the agency is on notice of the
25 possibility that the agency may be subject to the re-

1 *quirement in paragraph (3) if, after any fiscal year,*
2 *the State determines that the programs or activities*
3 *funded by the agency fail to meet the requirements of*
4 *subsections (a) and (b).*

5 *“(2) TECHNICAL ASSISTANCE.—A local edu-*
6 *cational agency that has been put on notice pursuant*
7 *to paragraph (1) may request technical assistance*
8 *from the State in order to provide the opportunity*
9 *for such local educational agency to comply with the*
10 *requirements of subsections (a) and (b).*

11 *“(3) REQUIREMENT TO PROVIDE TEACHER OP-*
12 *PORTUNITY PAYMENTS.—A local educational agency*
13 *that has been put on notice by the State pursuant to*
14 *paragraph (1) during any 2 consecutive fiscal years*
15 *shall expend under section 2034 for the succeeding fis-*
16 *cal year a proportion of the amount made available*
17 *to the agency under this subpart equal to the propor-*
18 *tion of such amount expended by the agency on pro-*
19 *fessional development for the second fiscal year in*
20 *which it was put on notice.*

21 **“SEC. 2034. TEACHER OPPORTUNITY PAYMENTS.**

22 *“(a) IN GENERAL.—A local educational agency receiv-*
23 *ing funds under this subpart may (or, in the case of a local*
24 *educational agency described in section 2033(c)(3), shall)*
25 *provide funds directly to a teacher or a group of teachers*

1 *seeking opportunities to participate in a professional devel-*
2 *opment activity of their choice.*

3 “(b) *NOTICE TO TEACHERS.*—*Local educational agen-*
4 *cies distributing funds under this section shall establish and*
5 *implement a timely process through which proper notice of*
6 *availability of funds will be given to all teachers within*
7 *schools identified by the agency and shall develop a process*
8 *whereby teachers will be specifically recommended by prin-*
9 *cipals to participate in such program by virtue of—*

10 “(1) *their lack of full certification to teach in the*
11 *subject or subjects in which they teach; or*

12 “(2) *their need for additional assistance to en-*
13 *sure that their students make progress toward meeting*
14 *challenging State content standards and student per-*
15 *formance standards.*

16 “(c) *SELECTION OF TEACHERS.*—*In the event ade-*
17 *quate funding is not available to provide payments under*
18 *this section to all teachers seeking such assistance, or identi-*
19 *fied as needing such assistance pursuant to subsection (b),*
20 *a local educational agency shall establish procedures for se-*
21 *lecting teachers which provide a priority for those teachers*
22 *described in paragraph (1) or (2) of subsection (b).*

23 “(d) *ELIGIBLE PROGRAM.*—*Teachers receiving a pay-*
24 *ment under this section shall have the choice of attending*

1 *any professional development program that meets the cri-*
2 *teria set forth in subsection (a) or (b) of section 2033.*

3 **“Subpart 4—National Activities**

4 **“SEC. 2041. ALTERNATIVE ROUTES TO TEACHING.**

5 **“(a) TEACHER EXCELLENCE ACADEMIES.—**

6 **“(1) IN GENERAL.—***The Secretary may award*
7 *grants on a competitive basis to eligible consortia to*
8 *carry out activities described in this subsection.*

9 **“(2) USE OF FUNDS.—**

10 **“(A) IN GENERAL.—***An eligible consortium*
11 *receiving funds under this subsection shall use*
12 *the funds to pay the costs associated with the es-*
13 *tablishment or expansion of a teacher academy*
14 *in an elementary or secondary school facility*
15 *that carries out the activities promoting alter-*
16 *native routes to State teacher certification speci-*
17 *fied in subparagraph (B), the model professional*
18 *development activities specified in subparagraph*
19 *(C), or all such activities.*

20 **“(B) PROMOTING ALTERNATIVE ROUTES TO**
21 **TEACHER CERTIFICATION.—***The activities pro-*
22 *moting alternative routes to State teacher certifi-*
23 *cation specified in this subparagraph are the de-*
24 *sign and implementation of a course of study*

1 *and activities providing an alternative route to*
2 *State teacher certification that—*

3 “(i) *provide opportunities to highly*
4 *qualified individuals with a baccalaureate*
5 *degree, including mid-career professionals*
6 *from other occupations, paraprofessionals,*
7 *former military personnel, and recent col-*
8 *lege or university graduates with records of*
9 *academic distinction;*

10 “(ii) *provide stipends, for not more*
11 *than 2 years, to permit individuals de-*
12 *scribed in clause (i) to participate as stu-*
13 *dent teachers able to fill teaching needs in*
14 *academic subjects in which there is a dem-*
15 *onstrated shortage of teachers;*

16 “(iii) *provide for the recruitment and*
17 *hiring of master teachers to mentor and*
18 *train student teachers within such acad-*
19 *emies; and*

20 “(iv) *include a reasonable service re-*
21 *quirement for individuals completing the al-*
22 *ternative certification program established*
23 *by the consortium.*

24 “(C) *MODEL PROFESSIONAL DEVELOP-*
25 *MENT.—The model professional development ac-*

1 *tivities specified in this subparagraph are activi-*
2 *ties providing ongoing professional development*
3 *opportunities for teachers, such as—*

4 *“(i) innovative programs and model*
5 *curricula in the area of professional devel-*
6 *opment which may serve as models to be*
7 *disseminated to other schools and local edu-*
8 *cational agencies; and*

9 *“(ii) developing innovative techniques*
10 *for evaluating the effectiveness of profes-*
11 *sional development programs.*

12 *“(3) PRIORITY.—The Secretary shall award not*
13 *less than 1 grant to a consortium that—*

14 *“(A) includes a high-need local educational*
15 *agency located in a rural area; and*

16 *“(B) proposes the extensive use of distance*
17 *learning in order to provide the applicable*
18 *course work to student teachers.*

19 *“(4) SPECIAL RULE.—No single participant in*
20 *an eligible consortium may retain more than 50 per-*
21 *cent of the funds made available to the consortium*
22 *under this subsection.*

23 *“(5) APPLICATION.—To be eligible to receive a*
24 *grant under this subsection, an eligible consortium*
25 *shall submit an application to the Secretary at such*

1 *time, in such manner, and containing such informa-*
2 *tion as the Secretary may reasonably require.*

3 “(6) *ELIGIBLE CONSORTIUM.*—*In this subsection,*
4 *the term ‘eligible consortium’ means a consortium for*
5 *a State that—*

6 “(A) *shall include—*

7 “(i) *the State agency responsible for*
8 *certifying teachers;*

9 “(ii) *not less than 1 high-need local*
10 *educational agency;*

11 “(iii) *a school of arts and sciences; and*

12 “(iv) *an institution that prepares*
13 *teachers; and*

14 “(B) *may include local educational agen-*
15 *cies, public charter schools, public or private ele-*
16 *mentary or secondary schools, educational service*
17 *agencies, public or private nonprofit educational*
18 *organizations, museums, or businesses.*

19 “(b) *CONTINUATION OF TROOPS-TO-TEACHERS PRO-*
20 *GRAM.*—

21 “(1) *PURPOSE.*—*It is the purpose of this sub-*
22 *section to authorize the continuation after September*
23 *30, 1999, of the teachers and teachers’ aide placement*
24 *program known as the ‘troops-to-teachers program’,*
25 *which was established by the Secretary of Defense,*

1 *and the Secretary of Transportation with respect to*
2 *the Coast Guard, under section 1151 of title 10,*
3 *United States Code.*

4 “(2) *TRANSFER OF FUNDS TO CONTINUE PRO-*
5 *GRAM.—Subject to the requirements of this subsection,*
6 *the Secretary of Education may provide a transfer of*
7 *funds to the Defense Activity for Non-Traditional*
8 *Education Support of the Department of Defense to*
9 *permit the Defense Activity to carry out the troops-*
10 *to-teachers program under section 1151 of title 10,*
11 *United States Code, notwithstanding the termination*
12 *date specified in subsection (c)(1)(A) of such section.*

13 “(3) *DEFENSE AND COAST GUARD CONTRIBU-*
14 *TION.—The Secretary of Education may not make a*
15 *transfer of funds under paragraph (2) unless the Sec-*
16 *retary of Defense, and the Secretary of Transpor-*
17 *tation with respect to the Coast Guard, agree to cover*
18 *not less than 25 percent of the costs associated with*
19 *the activities conducted under the troops-to-teachers*
20 *program. The contributions may be in the form of in-*
21 *kind contributions or cash expenditures, which may*
22 *include the use of private contributions made for pur-*
23 *poses of the program.*

24 “(4) *ELIGIBLE MEMBERS.—After September 30,*
25 *1999, the troops-to-teachers program shall have a pri-*

1 *mary focus of recruiting members of the Armed Forces*
 2 *who are retiring after not less than 20 years of active*
 3 *duty.*

4 *“(5) PLACEMENT PRIORITY.—The Defense Activ-*
 5 *ity for Non-Traditional Education Support shall co-*
 6 *operate with the Department of Education in efforts*
 7 *to notify high-need local educational agencies of the*
 8 *services available to them under the troops-to-teachers*
 9 *program.*

10 **“SEC. 2042. EISENHOWER NATIONAL CLEARINGHOUSE FOR**
 11 **MATHEMATICS AND SCIENCE EDUCATION.**

12 *“The Secretary may award a grant or contract, in*
 13 *consultation with the Director of the National Science*
 14 *Foundation, to continue the Eisenhower National Clearing-*
 15 *house for Mathematics and Science Education.*

16 **“Subpart 5—Funding**

17 **“SEC. 2051. AUTHORIZATION OF APPROPRIATIONS.**

18 *“(a) FISCAL YEAR 2000.—For the purpose of carrying*
 19 *out this part, there are authorized to be appropriated*
 20 *\$2,019,000,000 for fiscal year 2000, of which \$15,000,000*
 21 *are authorized to be appropriated to carry out subpart 4.*

22 *“(b) OTHER FISCAL YEARS.—For the purpose of car-*
 23 *rying out this part, there are authorized to be appropriated*
 24 *such sums as may be necessary for fiscal years 2001 through*
 25 *2004.*

1 **“Subpart 6—General Provisions**

2 **“SEC. 2061. DEFINITIONS.**

3 *“For purposes of this part—*

4 *“(1) ARTS AND SCIENCES.—The term ‘arts and*
5 *sciences’ means—*

6 *“(A) when referring to an organizational*
7 *unit of an institution of higher education, any*
8 *academic unit that offers 1 or more academic*
9 *majors in disciplines or content areas cor-*
10 *responding to the academic subject matter areas*
11 *in which teachers provide instruction; and*

12 *“(B) when referring to a specific academic*
13 *subject matter area, the disciplines or content*
14 *areas in which academic majors are offered by*
15 *the arts and sciences organizational unit.*

16 *“(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-*
17 *CY.—The term ‘high-need local educational agency’*
18 *means a local educational agency that serves an ele-*
19 *mentary school or secondary school located in an area*
20 *in which there is—*

21 *“(A) a high percentage of individuals from*
22 *families with incomes below the poverty line (as*
23 *defined by the Office of Management and Budget*
24 *and revised annually in accordance with section*
25 *673(2) of the Community Services Block Grant*
26 *Act (42 U.S.C. 9902(2)));*

1 “(B) a high percentage of secondary school
2 teachers not teaching in the content area in
3 which the teachers were trained to teach; or

4 “(C) a high teacher turnover rate.

5 “(3) *OUT-OF-FIELD TEACHER*.—The term ‘out-of-
6 field teacher’ means a teacher—

7 “(A) teaching a subject for which he or she
8 is not fully qualified, as determined by the State;
9 or

10 “(B) who did not receive a degree from an
11 institution of higher education with a major or
12 minor in the field in which he or she teaches.

13 “(4) *SCIENTIFICALLY BASED RESEARCH*.—The
14 term ‘scientifically based research’—

15 “(A) means the application of rigorous, sys-
16 tematic, and objective procedures to obtain valid
17 knowledge relevant to professional development of
18 teachers; and

19 “(B) shall include research that—

20 “(i) employs systematic, empirical
21 methods that draw on observation or experi-
22 ment;

23 “(ii) involves rigorous data analyses
24 that are adequate to test the stated

1 *hypotheses and justify the general conclu-*
2 *sions drawn;*

3 *“(iii) relies on measurements or obser-*
4 *vational methods that provide valid data*
5 *across evaluators and observers and across*
6 *multiple measurements and observations;*
7 *and*

8 *“(iv) has been accepted by a peer-re-*
9 *viewed journal or approved by a panel of*
10 *independent experts through a comparably*
11 *rigorous, objective, and scientific review.”.*

12 *(b) CONFORMING AMENDMENTS.—*

13 *(1) NATIONAL WRITING PROJECT.—Section*
14 *10992(i) of the Elementary and Secondary Education*
15 *Act of 1965 (20 U.S.C. 8332(i)) is amended by strik-*
16 *ing “\$4,000,000” and inserting “such sums as may be*
17 *necessary”.*

18 *(2) REFERENCE TO NATIONAL CLEARINGHOUSE*
19 *FOR MATHEMATICS AND SCIENCE EDUCATION.—Sec-*
20 *tion 13302(1) of the Elementary and Secondary Edu-*
21 *cation Act of 1965 (20 U.S.C. 8672(1)) is amended by*
22 *striking “2102(b)” and inserting “2042”.*

1 **SEC. 3. AMENDMENTS RELATING TO READING EXCELLENCE**

2 **ACT.**

3 (a) *REPEAL OF PART B.*—Part B of title II of the Ele-
4 mentary and Secondary Education Act of 1965 (20 U.S.C.
5 6641–6651) is repealed.

6 (b) *READING EXCELLENCE ACT.*—

7 (1) *PART HEADING.*—Part C of title II of such
8 Act is redesignated as part B and the heading for
9 such part B is amended to read as follows:

10 **“PART B—READING EXCELLENCE ACT”.**

11 (2) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-
12 tion 2260(a) of the Elementary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C. 6661i) is amended by
14 adding at the end the following:

15 “(3) *FISCAL YEARS 2001 TO 2004.*—There are au-
16 thorized to be appropriated to carry out this part
17 \$260,000,000 for fiscal year 2001 and such sums as
18 may be necessary for fiscal years 2002 through
19 2004.”.

20 **SEC. 4. GENERAL PROVISIONS.**

21 (a) *IN GENERAL.*—Title II of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is
23 amended—

24 (1) by repealing part D;

25 (2) by redesignating part E as part C; and

1 (3) *by striking sections 2401 and 2402 and in-*
2 *serting the following:*

3 **“SEC. 2401. PROHIBITION ON MANDATORY NATIONAL CER-**
4 **TIFICATION OF TEACHERS.**

5 “(a) *PROHIBITION ON MANDATORY TESTING OR CER-*
6 *TIFICATION.—Notwithstanding any other provision of law,*
7 *the Secretary is prohibited from using Federal funds to*
8 *plan, develop, implement, or administer any mandatory*
9 *national teacher test or certification.*

10 “(b) *PROHIBITION ON WITHHOLDING FUNDS.—The*
11 *Secretary is prohibited from withholding funds from any*
12 *State or local educational agency if such State or local edu-*
13 *cational agency fails to adopt a specific method of teacher*
14 *certification.*

15 **“SEC. 2402. PROVISIONS RELATED TO PRIVATE SCHOOLS.**

16 *“The provisions of sections 14503 through 14506 apply*
17 *to programs under this title.*

18 **“SEC. 2403. HOME SCHOOLS.**

19 *“Nothing in this title shall be construed to permit,*
20 *allow, encourage, or authorize any Federal control over any*
21 *aspect of any private, religious, or home school, whether or*
22 *not a home school is treated as a private school or home*
23 *school under State law. This section shall not be construed*
24 *to bar private, religious, or home schools from participation*
25 *in programs or services under this title.”.*

1 **(b) CONFORMING AMENDMENTS.—**

2 **(1) DEFINITION OF COVERED PROGRAM.—***Section*
3 *14101(10)(C) of the Elementary and Secondary*
4 *Education Act of 1965 (20 U.S.C. 8801(10)(C)) is*
5 *amended by striking “(other than section 2103 and*
6 *part D)”.*

7 **(2) PRIVATE SCHOOL PARTICIPATION.—***Section*
8 *14503(b)(1)(B) (20 U.S.C. 8893(b)(1)(B)) of such Act*
9 *is amended by striking “(other than section 2103 and*
10 *part D of such title)”.*