

H.R. ____, to reauthorize the Elementary and Secondary Education Act of 1965

SUMMARY OF DISCUSSION DRAFT FOR TITLES II through X

Title II – Teacher Excellence for All Children

Title II, Part A – Improving Teacher and Principal Quality

Title II, Part A, creates a new part that consists of a series of new competitive grant programs to provide performance pay to teachers and principals, compensation to teachers who assume additional responsibilities in a school, and more targeted training for new teachers and principals. These new programs are based on provisions included in H.R. 2204, *the Teacher Excellence for All Children Act of 2007*, and would be funded through reservations out of existing Title II funds.

Premium Pay – This proposed bill creates a new program that would authorize competitive grants to local educational agencies (LEAs) to provide bonus pay to teachers and principals who meet certain eligibility requirements and are rated as “exemplary, highly qualified” through an evaluation process that would include consideration of growth in student achievement. Teachers would be eligible for bonuses of up to \$10,000 for teaching in a high-need school or up to \$12,500 for teaching a high-need subject in a low-income school. Principals would be eligible for bonuses of up to \$15,000 for serving in a high-need school. To be eligible for a grant, a local educational agency would be required to commit to reforming its timeline for hiring teachers for the next school year.

Career Ladders for Teachers – The proposed legislation would create a new program that would authorize competitive grants to LEAs to provide bonus pay to teachers who assume additional responsibilities within a school. Master teachers, defined as teachers with a Master’s degree, at least five years of experience, and who serve as mentors to new teachers, would be eligible for up to \$10,000. Mentor teachers, defined as those with at least three years of experience and who serve as mentors to new teachers, would be eligible for up to \$5,000. All teachers would be eligible for up to \$4,000. Under the proposal, each teacher would be required to demonstrate growth in student achievement as a part of an evaluation process. Principals would be eligible for up to \$4,000 under this proposal if they demonstrate growth in student achievement.

Teacher Residency Programs – The proposed bill would create a new program that would authorize competitive grants to high-need LEAs to establish joint teacher residency programs with institutions of higher education. These programs would be designed for mid-career professionals or recent college graduates who did not receive degrees from a teacher preparation program. The residencies would provide teacher candidates with structured and intensive training and instruction, along with full state certification.

Portable Performance-Based Teacher Assessment – The proposed bill would require the Secretary of Education to conduct a study of teacher certification assessments that could be used across multiple states to encourage teacher certification reciprocity. The Secretary would also be required to make one grant to an independent professional organization and the Council of Chief State School Officers that would form a partnership to develop a model assessment based on the study.

Improving Professional Development Opportunities – The proposed bill would create this new program, which would authorize competitive grants to LEAs to establish or support existing teacher

centers that would coordinate and provide high-quality professional development for teachers in the school district.

Title II, Part B – Teacher and Principal Quality State Grants

Title II, Part B, maintains the state grant program, currently authorized under Title II, Part A, that provides formula grants to states, LEAs, state agencies for higher education, and eligible partnerships to support professional development activities in the state. The program is intended to: (1) increase student academic achievement through such strategies as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and (2) hold school districts and schools accountable for improvements in student academic achievement. Under the program, states must distribute 95 percent of the funds in formula grants to school districts, 2.5 percent in competitive grants to eligible partnerships, and reserve 2.5 percent for state activities.

Assurance of Progress Toward Equitable Distribution of Teacher Quality – The proposed bill includes a new section that would require the Secretary to withhold funds from the state unless the state submits regular reports demonstrating progress in ensuring an equitable distribution of quality teachers between high-income and low-income school districts.

State and Local Needs Assessments – The proposed bill would require each state and school district to conduct needs assessments to identify areas for improvement in teacher quality. Each state would also be required to develop a plan to address the weaknesses identified in the needs assessment.

State Activities – The proposed bill would mandate certain activities for the state such as evaluating the professional development provided in the state and providing technical assistance to school districts to assist those districts in implementing effective professional development. In addition, the state would still be allowed to spend its funds on additional activities similar to current law, such as reforming teacher and principal certification (including recertification) or licensure requirements; carrying out programs that establish, expand, or improve alternative routes for state certification of teachers and principals; reforming tenure systems; implementing teacher testing for teachers for subject matter knowledge; and implementing teacher testing for teachers for state certification or licensing.

Local Educational Agency Activities – The proposed bill would add structured teacher induction programs for new teachers and coordinated, intensive professional development for teachers and principals to the list of allowable activities that school districts can fund with their grant. Other allowable uses of funds would be similar to current law, such as developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers (who will be assigned teaching positions within their field), principals, and pupil services personnel; implementing tenure reform, merit pay, and testing of elementary and secondary school teachers in the subject areas taught by such teachers; providing professional development activities that improve the knowledge of teachers and principals, and, where appropriate paraprofessionals; and initiatives to promote retention of highly qualified teachers and principals, particularly within elementary and secondary schools with a high percentage of low-achieving students, including programs that provide mentoring to teachers and support for novice teachers and principals.

Class Size Reduction – Under current law, school districts are permitted to use funds to hire teachers to reduce class sizes. According to data from the U.S. Department of Education, approximately half of

all funds under the Title II program are currently used for this purpose. The proposed bill would cap the percentage of funds that could be used for class size reduction and place restrictions on when funds could be used for this purpose.

High-Need School Principals – The proposed bill would require the Secretary to reserve one-half of one percent of Title II, Part B, funds to provide a competitive grant to a non-profit educational entity to train new principals for high-need schools. This program is modeled after the efforts of New Leaders for New Schools, a national non-profit organization that selects and trains individuals to become urban public school principals.

National Activities – The proposed bill makes changes to the list of programs funded under the National Activities, including creating a new Innovative Teacher Retention program to provide competitive grants to school districts and state educational agencies to create innovative teacher retention programs. The proposed bill would also replace the existing School Leadership program with the Partnership Grants for Principals as School Leaders program, which would provide competitive grants to state educational agencies in partnership with school districts and non-profit organizations to reform principal recruitment, training, and certification. The proposed bill would also repeal two current programs that do not receive funding.

Title II, Part C – Partnerships for Mathematics and Science Teacher Quality Improvement

Title II, Part C, would maintain the existing Math and Science Partnerships program, currently authorized under Title II, Part B, which aims to improve the performance of students in the areas of mathematics and science by encouraging states, institutions of higher education, LEAs, elementary schools, and secondary schools to participate in programs that: (1) improve and upgrade the status and stature of mathematics and science teaching by encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education; (2) focus on education of mathematics and science teachers as a career-long process; (3) bring mathematics and science teachers together with scientists, mathematicians, and engineers to improve their teaching skills; and (4) develop more rigorous mathematics and science curricula that are aligned with state and local academic achievement standards expected for postsecondary study in engineering, mathematics, and science.

Under this program, the Secretary provides formula grants to states, who distribute the funds in competitive grants to partnerships between science, technology, engineering, and math (STEM) and teacher training departments at institutions of higher education and high-need school districts. Funds under the program are to be used for professional development and teacher training for math and science teachers. The proposed bill would rename the program, encourage greater collaboration between the Department of Education and the National Science Foundation, and direct the Secretary of Education to use funds to provide technical assistance and conduct evaluations.

Title II, Part D – Math Success for All

Title II, Part D, would create a new program to provide competitive grants to states, which would then provide competitive subgrants to high-need LEAs, to implement math programs in schools to improve math achievement. This program is a combination of the Math Skills and Math Now programs that were included in the *America COMPETES Act* that was passed prior to the August recess.

Title II, Part E – Innovation for Teacher Quality

Title II, Part E, continues the Troops to Teachers, Transition to Teaching, and National Writing Project programs with minor modifications, which are currently authorized under Title II, Part C.

The Troops to Teachers program assists eligible members and former members of the Armed Forces to obtain certification or licensure as highly qualified public elementary or secondary school teachers, including vocational or technical teachers, and facilitates the employment of such members in elementary or secondary schools, including as vocational or technical teachers. The proposed bill provides additional flexibility for participants that want to teach in areas that are not high-need. This provision is similar to H.R. 711, *the Troops to Teachers Improvement Act of 2007*, which was introduced by Representative Tom Petri.

The Transition to Teaching program provides assistance to recruit and retain highly qualified mid-career professionals (including highly qualified paraprofessionals) and recent graduates from an institution of higher education as teachers in high need schools. It also provides support to encourage the development and expansion of alternative routes to certification under state-approved programs that enable individuals to be eligible for teacher certification within a reduced period of time. The National Writing Project supports and promotes the expansion of the National Writing Project network of sites so that teachers in every region of the U.S. will have access to a National Writing Project program. It also ensures the consistent high quality of the sites through ongoing review, evaluation, and technical assistance and supports and promotes the establishment of programs to disseminate effective practices and research findings about the teaching of writing.

The proposed bill moves the Civic Education and Teaching of Traditional American History programs to Title V, and the Teacher Liability Protection provisions to Title IX.

Title II, Part F – Achievement Through Technology and Innovation

Title II, Part F, rewrites the Enhancing Education Through Technology program, which is currently authorized under Title II, Part D, based on H.R. 2449, *the Achievement Through Technology and Innovation Act of 2007*. The proposal refocuses the program on providing technology to support student achievement and encourages states to ensure that all students are technologically literate. Under the proposed formula, grants are provided to states, which reserve five percent for state activities, 60 percent of the remainder for formula grants to school districts, and 40 percent of the remainder for competitive grants to school districts. Competitive grants must be used to implement technology-related efforts to promote systemic school reform. Formula grants must be used to provide professional development to teachers and acquire and implement various technology tools to support instruction.

The proposed bill also continues the Ready-to-Learn Television program and retains the Internet Safety provisions.

Title II, Part G – John Glenn Academies

Title II, Part G, creates a new program with two separate authorizations to provide competitive grants to establish 15 John Glenn Academies to facilitate summer workshops for STEM teachers, and to provide intensive, year-long fellowships for 3,000 mid-career professionals to prepare them to meet state certification requirements for STEM education in grades 7 through 12. Participants in the

fellowship program would receive a \$30,000 stipend during their participation, and school districts that hire graduates of the program would receive \$10,000 per teacher to support that teacher's employment.

Title III – Language Instruction for Limited English Proficient and Immigrant Students

Title III, Part A provides formula grants to states, who distribute the funds in formula subgrants to school districts in the state, to provide English language instruction to immigrants and students learning English. Part B consists of a series of competitive grant programs that are only in effect if appropriations for Title III fall below \$650 million. The proposed bill would increase this threshold to \$750 million. The proposed bill would also require the Secretary of Education to develop a methodology for counting the number of limited English proficient children that each state would be required to use. Finally, the proposed bill would allow county offices that support school districts to be included as an eligible entity and would require the U.S. Government Accountability Office to update two reports regarding the Department of Education's implementation of this title.

Title IV – 21st Century Schools

Title IV, Part A – Safe and Drug-Free Schools and Communities

Title IV, Part A, authorizes the Safe and Drug-Free Schools program, which provides formula grants to states and LEAs to support drug and violence prevention efforts. Under the program, funds are distributed from the federal to the state level through a formula of 50 percent based on school age population and 50 percent based on Title I concentration grants. At the state level, governors have the authority to reserve up to 20 percent of the funds for competitive grants to LEAs, community-based organizations, and other public entities and private organizations, with priority for serving those not normally served and a special consideration for those programs incorporating school based mental health services programs. The state then distributes at least 93 percent of the remaining funds to LEAs by a formula based 60 percent on Title I and 40 percent on student enrollment.

Under the statute, local use of funds under the program can be used for a variety of activities, including: parent and community-wide involvement in drug and violence prevention; law enforcement and security activities; mental health services; conflict resolution and peer mediation; alternative education for violent or drug abusing students; programs and services regarding truancy, suspensions and expulsions; emergency intervention services following traumatic events; programs for testing students for illegal drug use and locker searches; character education programs; and programs responding to the needs of youth faced with domestic violence or child abuse.

Bullying, Harassment, and Gang Prevention – The proposed bill clarifies that state and local activities funded to prevent violence under the bill may include “bullying, harassment, and gang activities.”

Uniform Management Information and Reporting System – The proposed bill maintains the existing requirement that states establish a uniform management information and reporting system, which collects information on truancy rates; the types of curricula, programs, and services provided by the state and LEAs; and the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspension and expulsions in elementary and secondary schools. Under the modifications, states would also collect data on violence and drug-related offenses that take place on a school bus or at a school function or school-related activity and suspensions of one day or more, including in-school suspensions and expulsions in elementary and secondary schools. It also requires that all offenses be

defined according to the state's criminal code and consistent with the school-related crime data reported in the Uniform Crime Reporting System or National Incident Based Reporting System.

Challenge Schools (formerly "Persistently Dangerous Schools") – The proposed bill renames and makes modifications to the "Persistently Dangerous Schools" provision that requires states to establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary and secondary school or who becomes a victim of a violent criminal offense be allowed to attend a safe public elementary or secondary school within the LEA, including a public charter school. Under the proposal, students who become a victim of a violent criminal offense on a school bus or at a school function would also be allowed to transfer to a safe elementary and secondary school within the school district. Governors would also be required to set-aside 20 percent of their 20 percent reservation to make grants to Challenge Schools so that such schools can achieve a safe climate for learning. A Challenge School must develop and implement an intervention plan that is based on an analysis of the school safety data that led to the school's designation. States must complete their determinations of Challenge Schools at least 45 days before the school year so that LEAs have enough time to notify parents of each student who will attend the school that the student may attend another school.

Emergency Response and Crisis Plans – The proposed bill allows the Secretary of Education to provide assistance to states and LEAs to strengthen and improve their emergency response and crisis plans by addressing all five phases of crisis planning: prevention and mitigation, preparedness, response, and recovery; training school safety teams and students; conducting building and facilities audits; communicating emergency policies to parents and guardians; and implementing an Incident Command System, purchasing school safety equipment, conducting drills, and preparing and distributing crisis plans.

Gun Free Schools Act – The proposed bill maintains current law that requires a state to have a state law requiring LEAs to expel for a year any student who brings a gun to school. Current law also includes a specific provision that exempts lawfully held weapons that are stored in a locked vehicle on a school campus and requires states to have a provision in law that allows the chief administering officer of a local education agency to modify the expulsion requirement on a case-by-case basis.

Mentoring Programs – The proposed bill maintains current law that provides grants to LEAs and community-based organizations to establish and support mentoring programs. Under the program, funds may be used to hire mentoring coordinators and support staff, provide for the professional development of mentoring coordinators and support staff, recruit, screen and train mentors, disseminate outreach materials, and reimburse schools for the use of school materials or supplies in carrying out the mentoring program.

Title IV, Part B – 21st Century Community Learning Centers

Title IV, Part B, provides formula grants to states to award competitive grants to school districts, community-based organizations, or other public or private entities to operate community learning centers that provide a variety of before- and after-school activities to support student academic achievement. Under the program, activities that advance student academic achievement include: remedial education and academic enrichment activities; math, science, arts, music, entrepreneurial, and technology education activities; tutoring and mentoring services; recreational activities; and programs that promote parental involvement. The proposed bill permits the Secretary of Education to

enter into a contract with the National Academy of Sciences to conduct a study on what constitutes student success and identify strategies for helping students acquire those skills.

Title V – Promoting Informed Parental Choice and Innovative Programs

Title V, Part A – Innovative Programs

Title VI, Part A, authorizes Innovative Education Program Strategies, which is the most flexible program contained within the Elementary and Secondary Education Act. 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 current law, funds are allocated to states 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 states to provide technical assistance; direct grants to school districts; and to carry out statewide education reform activities including support for charter schools. The proposed bill makes two small technical changes to the program surrounding specialized instructional services personnel and the participation of children enrolled in private schools.

Title V, Part B – Public Charter Schools

Title V, Part B, authorizes the Public Charter Schools program, which provides financial assistance for the planning, program design, and initial implementation of charter schools, and the dissemination of information on charter schools. Grants are available, on a competitive basis, to states and charter school authorizers in states that have charter school laws; and states in turn make subgrants to developers of charter schools who have applied for a charter. If an eligible state elects not to participate or if its application for funding is not approved, the Department of Education can make grants directly to charter school developers.

Updates to the existing program – The proposed bill updates the existing program and allows the Secretary of Education to make grants available for national dissemination efforts.

Credit Enhancement Initiatives – The proposed bill incorporates the Credit Enhancement Initiatives To Assist Charter School Facility Acquisition, Construction, and Renovation program, which provides grants to eligible entities to leverage funds through credit enhancement initiatives in order to assist charter schools in using private sector capital to acquire, construct, renovate, or lease academic facilities, into the underlying Public Charter School program. This change is consistent with the actions recently taken by the House Appropriations Committee to simplify the structure of the program.

Voluntary Public School Choice Programs –The proposed bill maintains funding for the Voluntary Public School Choice Program, which supports efforts to establish or expand intradistrict, interdistrict, and open enrollment public school choice programs to provide parents, particularly parents whose children attend low-performing public schools, with expanded educational options. Grant funds support: planning and implementation costs associated with new programs; tuition transfer payments to public schools that students choose to attend; and efforts to strengthen the capacity and quality of schools to meet the demand for choice and provide equitable access to such programs.

Title V, Part C – Magnet Schools Assistance

Title V, Part C, provides grants that assist in the desegregation of public schools by supporting the elimination, reduction, and prevention of minority group isolation in elementary and secondary schools with substantial numbers of minority group students. In order to meet the statutory purposes of the program, projects must support the development and implementation of magnet schools that assist in the achievement of systemic reforms and provide all students with the opportunity to meet challenging academic content and student academic achievement standards. The proposed bill includes minor changes to the program to ensure greater participation of minority students and young women in mathematics and sciences and greater participation of all students in critical foreign languages.

Title V, Part D – Fund for the Improvement of Education

Title V, Part D, authorizes the Secretary of Education to support nationally significant programs and projects to improve the quality of elementary and secondary education at the state and local levels. The Secretary is authorized to carry out various programs and projects such as activities to promote systemic education reform at the state and local levels or scientifically based studies and evaluations of education reform strategies and innovations directly, or through grants to, or contracts with, states or LEAs, institutions of higher education, and other public and private agencies, organizations, and institutions.

In addition, under current law, the Secretary may choose to fund the following programs authorized under this part: grants for Elementary and Secondary School Counseling Programs; Partnerships in Character Education; grants for Smaller Learning Communities; the Inexpensive Book Distribution program (or Reading is Fundamental); grants for Gifted and Talented Education; grants for Star Schools programs; grants for Ready to Teach; grants for the Foreign Language Assistance program; grants for Physical Education for Progress; grants for Community Technology Centers; grants for Educational, Cultural, Apprenticeship and Exchange Programs for Alaska Natives and Native Hawaiians; grants for Excellence in Economic Education; grants for Schools and Mental Health Systems; grants for Arts in Education; grants for Parental Assistance and Family Information Centers; grants for Domestic Violence Prevention programs; grants for Healthy High Performance Schools; and grants for Capital Expenses.

Foreign Language Assistance Program – Under current law, this program provides competitive grants to states and school districts to operate foreign language programs in elementary and secondary schools. The proposed bill replaces the Elementary School Foreign Language Incentive Program with the Foreign Language Education Partnership Program, which would provide competitive grants to partnerships between institutions of higher education and school districts to create and operate articulated programs of study in foreign languages that would enable students to progress in the language from elementary school through secondary school. This program is similar to a program recently enacted in *the America COMPETES Act* and a program that was included in H.R. 3242, *the Strengthening America's Innovation and Competitiveness Act*, that was introduced by Representative Cathy McMorris-Rodgers.

Increasing the Effectiveness of Substitute Teaching – The proposed bill creates a new program to provide competitive grants to school districts to strengthen training and coordination of substitute teachers.

Environmental Education – The proposed bill creates a new program to provide competitive grants to states, LEAs, and nonprofit organizations to develop and implement challenging state academic content standards, student academic achievement standards, and state curriculum frameworks in environmental education; replicating or disseminating information about proven and tested model environmental education programs; and creating opportunities for enhanced and ongoing environmental education professional development of teachers that improves their environmental knowledge.

Innovative, Integrated Curricula Program – The proposed bill creates a new program to provide competitive grants to LEAs to support the development of innovative, integrated, and interdisciplinary curricula in core academic subjects.

Repeals – The proposed legislation repeals the Healthy and High Performance School Program, the Grants for Capital Expenses of Providing Equitable Services for Private School Students Program, and the Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition Program, which have not been funded since passage of NCLB.

Title V, Part E – Civic Education

Title V, Part E, supports the Center for Civic Education and its program that encourages instruction on the principles of our constitutional democracy; the history of the Constitution and the Bill of Rights; congressional hearing simulations; and annual competitions of simulated congressional hearings for secondary school students. It also authorizes the National Council on Economic Education and other organizations 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. The proposed bill authorizes the Center to provide civic education materials and services to address the needs of Native Americans and to implement a comprehensive program to improve public knowledge, understanding, and support of American democratic institutions.

Title V, Part F – Teaching of Traditional American History

Title V, Part F, authorizes the Secretary of Education to establish and implement a program to be known as the “Teaching American History Grant Program” under which the Secretary awards grants on a competitive basis to LEAs: (1) to carry out activities to promote the teaching of traditional American history in schools as a separate subject; and (2) for the development, implementation, and strengthening of programs to teach American history as a separate subject (not as a component of social studies) within the school curricula, including the implementation of activities to improve the quality of instruction and to provide professional development and teacher education activities with respect to American history. The proposed bill creates a new program to provide funding to National History Day, a nonprofit educational program that provides teacher training and a variety of educational programs for students.

Title VI – Flexibility and Accountability

Title VI, Part A – Flexibility and Accountability

Transferability for States and School Districts

Title IV, Part A, provides 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, states and LEAs may transfer up to 50 percent of their grants among the four programs and into, but not from, the Title I program. The four programs include:

- Part A of Title II (Teachers)
- Part D of Title II (Technology)
- Part A of Title IV (Safe and Drug Free Schools)
- Part A of Title V (Innovative Programs Block Grant)

LEAs which have been identified as failing to meet AYP requirements are allowed to transfer only 30 percent of their grants under these programs.

The proposed bill significantly expands state and local flexibility to shift federal dollars from one program to another by allowing states and all LEAs, regardless of their ability to meet AYP standards, to transfer 100 percent of their Innovative Programs Block Grant, 90 percent of their State and Local Technology Grants, 75 percent of their Safe and Drug Free Schools and Communities Grants, and 50 percent of their Teacher and Principal Training and Recruiting Grants, among the four programs or into, but not from, the Title I program.

Local Flexibility Demonstration

Title IV, Part A also allows 80 school districts to enter into performance agreements with the Secretary to consolidate non-Title I formula grant programs and be relieved of the statutory requirements of these programs. School districts agree to maintain protections in current law with respect to civil rights, fiscal integrity, and private school participation. Under the existing demonstration authority, funds could be used for any educational activity authorized under the Act, to meet the general purposes of the programs included in the waiver, in order to improve academic achievement and close achievement gaps. The four non-Title I formula grant programs that qualify include:

- Part A of Title II (Teachers)
- Part D of Title II (Technology)
- Part A of Title IV (Safe and Drug Free Schools)
- Part A of Title V (Innovative Programs Block Grant)

LEAs continue to be subject to the state accountability requirements and the requirements of Title I. The proposed legislation maintains this important authority.

State Flexibility Demonstration

Title V, Part A, also allows 7 states additional flexibility in the use of federal funds for state administration and state activity funds. Under the existing demonstration authority, funds could be

used for any educational activity authorized under the Act, to meet the general purposes of the programs included in the waiver, in order to improve academic achievement and close achievement gaps. The seven formula grant programs that qualify include:

- Part A of Title I – State administration only (Education for the Disadvantaged)
- Part B of Title I (Reading First and Even Start)
- Section 2113(a)(3) of Part A of Title II (Teachers)
- Section 2412(a)(1) of Part D of Title II (Technology)
- Sections 4112(a)(1) (with the agreement of the Governor), 4112(c)(1), and 4112(b)(2) of Part A of Title IV (Safe and Drug Free Schools)
- Section 4202(c)(2) and (3) of Part B of Title IV (21st Century Community Learning Centers)
- Sections 5112(a) and 5112(b) of Part A of Title V – State administration, state activity and local activity funds (Innovative Programs Block Grant)

States continue to be subject to the accountability and assessment requirements of Title I. The proposed bill maintains this important authority.

National Assessment of Educational Progress (NAEP)

Title I, Part A, also includes a requirement that states participate in 4th and 8th grade NAEP assessments in reading and mathematics conducted on a biennial basis. The proposed bill continues this requirement.

Grants for States Assessments and Related Activities

Title V, Part A, also authorizes the Grants for States Assessments and Related Activities Program, which provides grants to states to develop the annual grades 3 – 8 state assessments required under the law, or if a state has developed those assessments and standards, to administer the assessments, or to carry out other activities related to ensuring accountability for results in the state's schools and LEAs, or improving the quality of state assessments. In addition, states may enter into partnerships with other states; however, such partnerships are not required. Partnerships can be a means of saving costs and developing higher quality assessments.

The proposed bill modifies the program to provide grants to states to collaborate with educators, business leaders, and universities to develop college and work-ready standards and assessments; to develop, field test, and use formative assessments and technology-based assessments aligned to state standards to provide teachers and administrators with timely and accurate student- and classroom-level information; to provide professional development to teachers and principals on the effective use of formative, technology-based, and performance-based assessments; improve the rates of inclusion of students with disabilities and English language learners by developing universally designed assessments and expanding the range of valid accommodations available to students with disabilities and English language learners.

Title VI, Part B – Rural Education

Title VI, Part B, addresses the unique needs of rural school districts that frequently lack the personnel and resources needed to compete effectively for federal competitive grants and who receive formula

grant allocations in amounts too small to be effective in meeting their intended purposes. The law contains two programs to accomplish this goal. The Small, Rural School Achievement Program awards grants to eligible LEAs based on the number of students in average daily attendance less the amount they received from formula grant programs. A local educational agency that receives funding under the program also is able to combine funds under various formula grant programs to carry out local activities intended to improve the academic achievement of elementary and secondary school students and the quality of instruction provided to these students. The Rural and Low-Income School Program provides funds to states according to a formula based on the number of students in average daily attendance served by the eligible LEAs or schools in the state.

Minimum grants – The proposed bill raises the maximum grant for the Small, Rural School Achievement Program to \$80,000 (up from \$60,000 in current law) once the appropriation for the part reaches \$100 million.

Alternative Determination – The proposed bill allows LEAs to receive funding under the Rural and Low-Income School Program if 40 percent of their elementary and secondary students qualify to receive free or reduced priced lunches under the Richard B. Russell National School Lunch Act.

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

Title VII, Part A – Indian Education

Title VII, Part A, authorizes the Department of Education Indian Education program, which provides grants to school districts and Indian tribes to support programs that address the unique cultural needs of Native American students; reform and improve elementary and secondary school programs that serve Indian students; improve and enrich the quality of education for Indian students; and research and evaluate information on the effectiveness of Indian education programs. The proposed bill makes minor modifications and creates two new programs (but not new authorizations) to provide grants to school districts and Indian organizations to operate Native American language programs. The proposed bill also amends the Education Amendments of 1978 to require the Bureau of Indian Affairs to conduct an assessment of funding needs for Bureau-funded school as required by regulations.

Title VII, Part B – Native Hawaiian Education

Title VII, Part B, authorizes grants to Native Hawaiian organizations to develop supplemental educational programs to: (1) provide direction and guidance to appropriate federal, state, and local agencies to focus resources on Native Hawaiian education; (2) supplement and expand existing programs in the area of education for Native Hawaiians; and (3) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs. These activities are coordinated by the Native Hawaiian Education Council. The proposed bill modifies the composition of the Council, and increases from \$500,000 to \$750,000 the amount of money the Secretary reserves for the Council.

Title VII, Part C - Alaska Native Education

Title VII, Part C, authorizes grants to educational entities with experience in developing or operating Alaska Native programs or Alaska Native organizations to support programs to develop and implement plans, methods, and strategies to improve the education of Alaska Natives, develop curricula and educational programs that address the educational needs of Alaska Natives, and provide professional

development activities for educators, including programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students. The proposed bill maintains funding and authority for these programs.

Title VIII – Impact Aid

Title VIII authorizes a number of Impact Aid programs, which provide financial assistance to LEAs that (1) experience a substantial and continuing financial burden due to the large presence of federal property in the respective district, (2) educate children who reside on federal property and whose parents are employed on federal property, (3) education children of parents who are in the military and children who live in low-rent housing, and (4) educate heavy concentrations of children whose parents are civilian employees of the federal government and do not reside on federal property. The proposed bill updates the authorization years but otherwise makes no changes to the Impact Aid program. Amendments to Impact Aid will be made through a separate vehicle.

Title IX – General Provisions

Title IX contains general provisions that affect all programs under the Elementary and Secondary Education Act (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; and Uniform Provisions.

Definitions

Highly Qualified – The proposed bill amends the definition of “highly qualified teacher” to incorporate the flexibility provided by the Department of Education for rural and science teachers. The proposed bill also eliminates the HOUSSE as a method for certifying veteran teachers as highly qualified.

Other Definitions – The proposed bill 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

Increased Flexibility – The proposed bill maintains current law that gives states and school districts the freedom to combine administrative funds from all ESEA programs and such other programs as the Secretary of Education may designate. This authority also allows states to use the consolidated funds both for the administration of these programs as well as for various administrative activities designed to enhance the effective and coordinated use of funds under such programs.

Waivers

Expanded Flexibility – The proposed bill continues the authority of the Secretary of Education to waive burdensome regulations and program requirements.

Uniform Provisions

Prohibitions on the Department of Education – The proposed bill continues current law that (1) nothing in the Act shall be construed to authorize an officer or employee of the federal government to mandate, direct, or control a state’s, local educational agency’s, or school’s curriculum, program of instruction,

or allocation of state or local resources, or mandate a state or any subdivision thereof to spend any funds or incur any costs not paid for under the Act; (2) no funds provided to the Department of Education or to any applicable program may be used by the Department to endorse, approve, or sanction any curriculum designed to be used in an elementary or secondary school; and (3) no state shall be construed to have academic or student academic achievement standards approved or certified by the federal government, in order to receive assistance under the Act.

Prohibition on Mandatory National Teacher Test or Certification – The proposed bill continues current law that 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 – The proposed bill continues current law that prohibits 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.

National Database – The proposed bill continues the current 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.

Home Schools – The proposed legislation maintains current law that prohibits the federal government from exercising any control over home schools, and ensures that home schools are not subject to the law nor are students who are home schooled required to take any assessments referenced in the NCLB.

School Prayer – The proposed legislation denies funds to any local school district that prevents or otherwise denies participation in constitutionally protected school prayer. As a condition of receiving such federal funds, local schools cannot have any policy in place that prevents or denies participation in constitutionally protected prayer in public schools.

Civil Rights – The proposed bill continues current law that provides that nothing in this Act shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendment of 1972), national origin, or disability in any program funded under this Act. In addition, nothing in this Act shall be construed to require the disruption of services to an eligible child enrolled in or participating in a program offering supplemental services authorized under this Act or services provided under Title IV, Part B (21st Century Schools) by a state educational agency, local educational agency, community-based organization, or a public or private entity that applies for funds under this Act.

Teacher Liability Protection – The proposed bill moves the teacher liability protection provisions that are currently included in Title II to Title IX. The purpose of these provisions is to help ensure that teachers, principals, and other school professionals can undertake reasonable actions to maintain order and discipline in the classroom without the fear of being subjected to frivolous lawsuits. The provisions place limits on teachers' liability by ensuring that no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if: (1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services; (2) the actions of the teacher were carried out in conformity with local, state, and federal laws, rules, and regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school; (3) the teacher was properly licensed, certified, or authorized for the activities or practice in which the harm occurred; (4) the harm was not caused by

willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and (5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator to possess a license or maintain insurance. These limitations on a teacher's liability do not apply to any misconduct that: (1) constitutes a crime of violence; (2) involves a sexual offense; (3) involves misconduct for which the defendant has been found to have violated a federal or State civil rights law; or (4) where the defendant was under the influence of intoxicating alcohol or any drug at the time of the misconduct.

Title X – Amendments to Part B (Student Reading Skills Improvement Grants) of Title I

Title X of the proposed bill pulls the reading and literacy programs located in Title I, Part B, of NCLB, and places them in this new title for the purposes of the discussion draft. The programs, however, would continue to be located in Part B of Title I of the law.

Reading First – Reading First provides grants to states and school districts to implement reading programs based on scientifically based reading research in high-need schools in grades K-3. The program provides 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. The proposed bill would require instructional materials and assessments to be culturally and linguistically appropriate and incorporates language from H.R. 1939, *the Reading First Improvement Act*, introduced earlier this year by Representative Buck McKeon and Representative Mike Castle, to ensure an unbiased peer review process for funding applications. The proposed bill also incorporates language from H.R. 1939 to protect school districts from improper influence from the Department of Education in the selection of a reading curriculum.

Early Reading First – Early Reading First provides grants to school districts or organizations that operate early childhood education programs to provide literacy and language instruction to preschool children. The program supports the development of verbal skills, phonemic awareness, pre-reading development, and assistance for professional development for teachers in evidence-based strategies of instruction. The proposed bill broadens the purposes of the program to include screening for developmental delays that may or may not be directly related to reading skills and requires programs to include mentoring from early childhood literacy mentors.

William F. Goodling Even Start Family Literacy Programs – Even Start provides grants to school districts in partnership with community-based organizations and institutions of higher education to support family literacy activities for low-income families. The proposed bill would make several modifications. It would require grantees to annually report to the Secretary of Education on the success of the program and, then, require the Secretary to compile those reports and submit to Congress a comprehensive report on the success of the program. The proposed bill would also require the Secretary of Education to produce a longitudinal study to examine the outcomes of Even Start programs. Finally, the proposed bill would create a new Families Learning and Understanding English Together program to provide English literacy services to families with English language learners.

Striving Readers – The proposed bill authorizes the Striving Readers program, which has been funded through appropriations language since FY 2005. The program provides competitive grants to LEAs to implement adolescent literacy initiatives for students in grades six through twelve. The proposed bill would extend the program to grade 4 and establish a formula grant program for states when appropriations exceed a certain threshold.

Title XI – Amendments to the McKinney-Vento Homeless Assistance Act

Title XI reauthorizes subchapter VI of the McKinney-Vento Homeless Assistance Act, which ensures that homeless children and youth are taught to the same academic achievement standards as non-homeless children and youth and supports innovative practices that are proven to be effective in helping homeless children and youth enroll, attend, and succeed in school.

The proposed bill seeks to increase state and local educational agency responsibility for providing educational services to homeless children and youth by ensuring that they have access to charter and magnet schools and career and technical education programs, and by allowing the use of Title I, Part A funds for transportation. The legislation also further enhances the role of the district liaison by ensuring they have sufficient capacity to perform their duties; requires the state to establish or designate a Coordinator for the Education of Homeless Youth; and requires greater attention be provided to young homeless children, including ensuring that they are provided access to pre-school programs. It also enhances the dispute resolution procedures for determining the best educational interest of such children and youth.