

106TH CONGRESS
1ST SESSION

S. 1479

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 SENATE OF THE UNITED STATES

AUGUST 3, 1999

Mr. GREGG (for himself, Mr. LOTT, Ms. COLLINS, Mr. BROWNBACK, Mr. HAGEL, Mr. COVERDELL, Mr. GORTON, Mr. VOINOVICH, Mr. MACK, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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”.

1 **SEC. 2. TEACHER EMPOWERMENT.**

2 (a) IN GENERAL.—Title II of the Elementary and
3 Secondary Education Act of 1965 (20 U.S.C. 6601 et
4 seq.) is amended—

5 (1) by striking the heading for title II and in-
6 serting the following:

7 **“TITLE II—TEACHER QUALITY”;**

8 (2) by repealing sections 2001 through 2003;
9 and

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

11 **“PART A—TEACHER EMPOWERMENT**

12 **“SEC. 2001. PURPOSE.**

13 “The purpose of this part is to provide grants to
14 States and local educational agencies, in order to assist
15 their efforts to increase student academic achievement
16 through such strategies as improving teacher quality.

17 **“Subpart 1—Grants to States**

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

19 “(a) IN GENERAL.—In the case of each State that,
20 in accordance with section 2014, submits to the Secretary
21 and obtains approval of an application for a fiscal year,
22 the Secretary shall make a grant for the year to the State
23 for the uses specified in section 2012. The grant shall con-
24 sist of the allotment determined for the State under sub-
25 section (b).

1 “(b) DETERMINATION OF AMOUNT OF ALLOT-
2 MENT.—

3 “(1) RESERVATION OF FUNDS.—

4 “(A) IN GENERAL.—From the total
5 amount made available to carry out this sub-
6 part for any fiscal year, the Secretary shall
7 reserve—

8 “(i) $\frac{1}{2}$ of 1 percent for allotments for
9 the United States Virgin Islands, Guam,
10 American Samoa, and the Commonwealth
11 of the Northern Mariana Islands, to be dis-
12 tributed among those outlying areas on the
13 basis of their relative need, as determined
14 by the Secretary in accordance with the
15 purpose of this part; and

16 “(ii) $\frac{1}{2}$ of 1 percent for the Secretary
17 of the Interior for programs under this
18 part for professional development activities
19 for teachers, other staff, and administra-
20 tors in schools operated or funded by the
21 Bureau of Indian Affairs.

22 “(B) LIMITATION.—In reserving an
23 amount for the purposes described in clauses (i)
24 and (ii) of subparagraph (A) for a fiscal year,
25 the Secretary shall not reserve more than the

1 total amount the outlying areas and the schools
2 operated or funded by the Bureau of Indian Af-
3 fairs received under the authorities described in
4 paragraph (2)(A)(i) for fiscal year 1999.

5 “(2) STATE ALLOTMENTS.—

6 “(A) HOLD HARMLESS.—

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

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

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

1 “(III) section 304(b) of the Goals
2 2000: Educate America Act (20
3 U.S.C. 5884(b)).

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

12 “(B) ALLOTMENT OF ADDITIONAL
13 FUNDS.—

14 “(i) IN GENERAL.—Subject to clause
15 (ii), for any fiscal year for which the total
16 amount made available to carry out this
17 subpart and not reserved under paragraph
18 (1) exceeds the total amount made avail-
19 able to the 50 States, the District of Co-
20 lumbia, and the Commonwealth of Puerto
21 Rico for fiscal year 1999 under the au-
22 thorities described in subparagraph (A)(i),
23 the Secretary shall allot to each of those
24 States the sum of—

1 “(I) an amount that bears the
2 same relationship to 50 percent of the
3 excess amount as the number of indi-
4 viduals age 5 through 17 in the State,
5 as determined by the Secretary on the
6 basis of the most recent satisfactory
7 data, bears to the number of those in-
8 dividuals in all such States, as so de-
9 termined; and

10 “(II) an amount that bears the
11 same relationship to 50 percent of the
12 excess amount as the number of indi-
13 viduals age 5 through 17 from fami-
14 lies with incomes below the poverty
15 line in the State, as determined by the
16 Secretary on the basis of the most re-
17 cent satisfactory data, bears to the
18 number of those individuals in all
19 such States, as so determined.

20 “(ii) EXCEPTION.—No State receiving
21 an allotment under clause (i) may receive
22 less than $\frac{1}{2}$ of 1 percent of the total ex-
23 cess amount allotted under clause (i) for a
24 fiscal year.

1 “(3) REALLOTMENT.—If any State does not
 2 apply for an allotment under this subsection for any
 3 fiscal year, the Secretary shall reallocate such amount
 4 to the remaining States in accordance with this sub-
 5 section.

6 **“SEC. 2012. ALLOCATIONS WITHIN STATES.**

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

11 “(b) REQUIRED AND AUTHORIZED EXPENDI-
 12 TURES.—

13 “(1) REQUIRED EXPENDITURES.—The Sec-
 14 retary may make a grant to a State under this sub-
 15 part only if the State agrees to expend not less than
 16 90 percent of the amount of the funds provided
 17 under the grant for the purpose of making sub-
 18 grants to local educational agencies and eligible
 19 partnerships (as defined in section 2021(d)), in ac-
 20 cordance with subsection (c).

21 “(2) AUTHORIZED EXPENDITURES.—A State
 22 that receives a grant under this subpart may expend
 23 a portion equal to not more than 10 percent of the
 24 amount of the funds provided under the grant for 1
 25 or more of the authorized State activities described

1 in section 2013 or to make grants to eligible part-
2 nerships to enable the partnerships to carry out sub-
3 part 2 (but not more than 5 percent of such portion
4 may be used for planning and administration related
5 to carrying out such purpose).

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

8 “(1) ALLOCATIONS TO LOCAL EDUCATIONAL
9 AGENCIES.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), a State receiving a grant under this
12 subpart shall distribute a portion equal to 80
13 percent of the amount described in subsection
14 (b)(1) by allocating to each eligible local edu-
15 cational agency the sum of—

16 “(i) an amount that bears the same
17 relationship to 50 percent of the portion as
18 the number of individuals enrolled in pub-
19 lic and private nonprofit elementary
20 schools and secondary schools in the geo-
21 graphic area served by the agency bears to
22 the number of those individuals in the geo-
23 graphic areas served by all the local edu-
24 cational agencies in the State; and

1 “(ii) an amount that bears the same
2 relationship to 50 percent of the portion as
3 the number of individuals age 5 through
4 17 from families with incomes below the
5 poverty line, in the geographic area served
6 by the agency, as determined by the Sec-
7 retary on the basis of the most recent sat-
8 isfactory data, bears to the number of
9 those individuals in the geographic areas
10 served by all the local educational agencies
11 in the State, as so determined.

12 “(B) ALTERNATIVE FORMULA.—A State
13 may increase the percentage described in sub-
14 paragraph (A)(ii) (and commensurately de-
15 crease the percentage described in subpara-
16 graph (A)(i)).

17 “(C) USE OF FUNDS.—The State shall
18 make subgrants to local educational agencies
19 from allocations made under this paragraph to
20 enable the agencies to carry out subpart 3.

21 “(2) COMPETITIVE SUBGRANTS TO LOCAL EDU-
22 CATIONAL AGENCIES AND ELIGIBLE PARTNER-
23 SHIPS.—

24 “(A) COMPETITIVE PROCESS.—A State re-
25 ceiving a grant under this subpart shall dis-

1 tribute a portion equal to 20 percent of the
2 amount described in subsection (b)(1) through
3 a competitive process.

4 “(B) PARTICIPANTS.—The competitive
5 process carried out under subparagraph (A)
6 shall be open to local educational agencies and
7 eligible partnerships (as defined in section
8 2021(d)). In carrying out the process, the State
9 shall give priority to high-need local educational
10 agencies that focus on math, science, or reading
11 professional development programs.

12 “(C) SUBGRANTS TO ELIGIBLE PARTNER-
13 SHIPS.—A State receiving a grant under this
14 subpart shall distribute at least 3 percent of the
15 portion described in subparagraph (A) to the el-
16 igible partnerships through the competitive
17 process.

18 “(D) USE OF FUNDS.—In distributing
19 funds under this paragraph, the State shall
20 make subgrants—

21 “(i) to local educational agencies to
22 enable the agencies to carry out subpart 3;
23 and

24 “(ii) to the eligible partnerships to en-
25 able the partnerships to carry out subpart

1 2 (but not more than 5 percent of the
2 3 funds made available to the eligible part-
3 4 nerships through the subgrants may be
4 5 used for planning and administration re-
5 6 lated to carrying out such purpose).

6 **“SEC. 2013. STATE USE OF FUNDS.**

7 “(a) AUTHORIZED STATE ACTIVITIES.—The author-
8 ized State activities referred to in section 2012(b)(2) are
9 the following:

10 “(1) Reforming teacher certification (including
11 recertification) or licensure requirements to ensure
12 that—

13 “(A) teachers have the necessary teaching
14 skills and academic content knowledge in the
15 academic subjects in which the teachers are as-
16 signed to teach;

17 “(B) the requirements are aligned with the
18 State’s challenging State content standards;
19 and

20 “(C) teachers have the knowledge and
21 skills necessary to help students meet chal-
22 lenging State student performance standards.

23 “(2) Carrying out programs that—

1 “(A) include support during the initial
2 teaching experience, such as mentoring pro-
3 grams; and

4 “(B) establish, expand, or improve alter-
5 native routes to State certification of teachers
6 for highly qualified individuals with a bacca-
7 laureate degree, including mid-career profes-
8 sionals from other occupations, paraprofes-
9 sionals, former military personnel, and recent
10 college or university graduates with records of
11 academic distinction who demonstrate the po-
12 tential to become highly effective teachers.

13 “(3) Developing and implementing effective
14 mechanisms to assist local educational agencies and
15 schools in effectively recruiting and retaining highly
16 qualified and effective teachers and principals.

17 “(4) Reforming tenure systems and imple-
18 menting teacher testing and other procedures to re-
19 move expeditiously incompetent and ineffective
20 teachers from the classroom.

21 “(5) Developing or improving systems of per-
22 formance measures to evaluate the effectiveness of
23 professional development programs and activities in
24 improving teacher quality, skills, and content knowl-
25 edge, and increasing student achievement.

1 “(6) Developing or improving systems to evalu-
2 ate the impact of teachers on student achievement.

3 “(7) Providing technical assistance to local edu-
4 cational agencies consistent with this part.

5 “(8) Funding projects to promote reciprocity of
6 teacher certification or licensure between or among
7 States, except that no reciprocity agreement devel-
8 oped under this paragraph or developed using funds
9 provided under this part may lead to the weakening
10 of any State teaching certification or licensing re-
11 quirement.

12 “(9) Developing or assisting local educational
13 agencies or eligible partnerships (as defined in sec-
14 tion 2021(d)) in the development and utilization of
15 proven, innovative strategies to deliver intensive pro-
16 fessional development programs and activities that
17 are both cost-effective and easily accessible, such as
18 through the use of technology and distance learning.

19 “(b) COORDINATION.—A State that receives a grant
20 to carry out this subpart and a grant under section 202
21 of the Higher Education Act of 1965 (20 U.S.C. 1022)
22 shall coordinate the activities carried out under this sec-
23 tion and the activities carried out under that section 202.

24 “(c) PUBLIC ACCOUNTABILITY.—

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

3 “(A) in the event the State provides public
4 State report cards on education, shall include in
5 such report cards information on the State’s
6 progress with respect to—

7 “(i) subject to paragraph (2), improv-
8 ing student academic achievement, as de-
9 fined by the State;

10 “(ii) closing academic achievement
11 gaps, as defined by the State, between
12 groups described in paragraph (2)(A)(i);
13 and

14 “(iii) increasing the percentage of
15 classes in core academic subjects that are
16 taught by highly qualified teachers; or

17 “(B) in the event the State provides no
18 such report card, shall publicly report the infor-
19 mation described in subparagraph (A) through
20 other means.

21 “(2) DISAGGREGATED DATA.—The information
22 described in clauses (i) and (ii) of paragraph (1)(A)
23 and clauses (i) and (ii) of section 2014(b)(2)(A)
24 shall be—

25 “(A) disaggregated—

1 “(i) by minority and non-minority
2 group and by low-income and non-low-in-
3 come group; and

4 “(ii) using assessments under section
5 1111(b)(3); and

6 “(B) publicly reported in the form of
7 disaggregated data only when such data are
8 statistically sound.

9 “(3) PUBLIC AVAILABILITY.—Such information
10 shall be made widely available to the public, includ-
11 ing parents and students, through major print and
12 broadcast media outlets throughout the State.

13 **“SEC. 2014. APPLICATIONS BY STATES.**

14 “(a) IN GENERAL.—To be eligible to receive a grant
15 under this subpart, a State shall submit an application
16 to the Secretary at such time, in such manner, and con-
17 taining such information as the Secretary may reasonably
18 require.

19 “(b) CONTENTS.—Each application submitted under
20 this section shall include the following:

21 “(1) A description of how the State will ensure
22 that a local educational agency receiving a subgrant
23 to carry out subpart 3 will comply with the require-
24 ments of such subpart.

1 “(2)(A) A description of the performance indi-
2 cators that the State will use to measure the annual
3 progress of the local educational agencies and
4 schools in the State with respect to—

5 “(i) subject to section 2013(c)(2), improv-
6 ing student academic achievement, as defined
7 by the State;

8 “(ii) closing academic achievement gaps, as
9 defined by the State, between groups described
10 in section 2013(c)(2)(A)(i); and

11 “(iii) increasing the percentage of classes
12 in core academic subjects that are taught by
13 highly qualified teachers.

14 “(B) An assurance that the State will require
15 each local educational agency and school in the State
16 receiving funds under this part to publicly report in-
17 formation on the agency’s or school’s annual
18 progress, as measured by the performance indica-
19 tors.

20 “(3) A description of how the State will hold
21 the local educational agencies and schools account-
22 able for making annual gains toward meeting the
23 performance indicators described in paragraph (2).

24 “(4)(A) A description of how the State will co-
25 ordinate professional development activities author-

1 ized under this part with professional development
2 activities provided under other Federal, State, and
3 local programs, including those authorized under
4 title I, title III, title IV, part A of title VII, and
5 (where applicable) the Individuals with Disabilities
6 Education Act (20 U.S.C. 1400 et seq.) and the
7 Carl D. Perkins Vocational and Technical Education
8 Act of 1998 (20 U.S.C. 2301 et seq.).

9 “(B) A description of the comprehensive strat-
10 egy that the State will use as part of the effort to
11 carry out the coordination, to ensure that teachers
12 are trained in the utilization of technology so that
13 technology and technology applications are effec-
14 tively used in the classroom to improve teaching and
15 learning in all curriculum areas and academic sub-
16 jects, as appropriate.

17 “(5) A description of how the State will encour-
18 age the development of proven, innovative strategies
19 to deliver intensive professional development pro-
20 grams that are both cost-effective and easily acces-
21 sible, such as through the use of technology and dis-
22 tance learning.

23 “(c) APPLICATION SUBMISSION.—A State application
24 submitted to the Secretary under this section shall be ap-
25 proved by the Secretary unless the Secretary makes a

1 written determination, within 90 days after receiving the
2 application, that the application is in violation of the provi-
3 sions of this Act.

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

5 **“SEC. 2021. PARTNERSHIP GRANTS.**

6 “(a) IN GENERAL.—From the amount described in
7 section 2012(e)(2)(C), the State agency for higher edu-
8 cation, working in conjunction with the State educational
9 agency (if such agencies are separate), shall award sub-
10 grants on a competitive basis under section 2012(c) to eli-
11 gible partnerships to enable such partnerships to carry out
12 activities described in subsection (b). Such subgrants shall
13 be equitably distributed by geographic area within the
14 State.

15 “(b) USE OF FUNDS.—An eligible partnership that
16 receives funds under section 2012 shall use the funds
17 for—

18 “(1) professional development activities in core
19 academic subjects to ensure that teachers have con-
20 tent knowledge in the academic subjects that the
21 teachers teach; and

22 “(2) developing and providing assistance to
23 local educational agencies and the teachers, prin-
24 cipals, and administrators of public and private
25 schools served by each such agency, for sustained,

1 high-quality professional development activities
2 that—

3 “(A) ensure the agencies and individuals
4 are able to use State content standards, per-
5 formance standards, and assessments to im-
6 prove instructional practices and improve stu-
7 dent achievement; and

8 “(B) may include intensive programs de-
9 signed to prepare teachers who will return to a
10 school to provide such instruction to other
11 teachers within such school.

12 “(c) SPECIAL RULE.—No single participant in an eli-
13 gible partnership may use more than 50 percent of the
14 funds made available to the partnership under section
15 2012.

16 “(d) COORDINATION.—An eligible partnership that
17 receives a grant to carry out this subpart and a grant
18 under section 203 of the Higher Education Act of 1965
19 (20 U.S.C. 1023) shall coordinate the activities carried out
20 under this section and the activities carried out under that
21 section 203.

22 “(e) ELIGIBLE PARTNERSHIP.—In this section, the
23 term ‘eligible partnership’ means an entity that—

24 “(1) shall include—

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

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

2 “(C) an institution that prepares teachers;

3 and

4 “(2) may include other local educational agen-
5 cies, a public charter school, a public or private ele-
6 mentary school or secondary school, an educational
7 service agency, a public or private nonprofit edu-
8 cational organization, or a business.

9 **“Subpart 3—Subgrants to Local Educational**

10 **Agencies**

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

12 “(a) REQUIRED ACTIVITIES.—

13 “(1) IN GENERAL.—Each local educational
14 agency that receives a subgrant to carry out this
15 subpart shall use the subgrant to carry out the ac-
16 tivities described in this subsection.

17 “(2) REQUIRED PROFESSIONAL DEVELOPMENT
18 ACTIVITIES.—

19 “(A) MATHEMATICS AND SCIENCE.—

20 “(i) IN GENERAL.—Each local edu-
21 cational agency that receives a subgrant to
22 carry out this subpart shall use a portion
23 of the funds made available through the
24 subgrant for professional development ac-

1 activities in mathematics and science in ac-
2 cordance with section 2032.

3 “(ii) GRANDFATHER OF OLD WAIV-
4 ERS.—A waiver provided to a local edu-
5 cational agency under part D of title XIV
6 prior to the date of enactment of the
7 Teacher Empowerment Act shall be
8 deemed to be in effect until such time as
9 the waiver otherwise would have ceased to
10 be effective.

11 “(B) PROFESSIONAL DEVELOPMENT AC-
12 TIVITIES.—Each local educational agency that
13 receives a subgrant to carry out this subpart
14 shall use a portion of the funds made available
15 through the subgrant for professional develop-
16 ment activities that give teachers, principals,
17 and administrators the knowledge and skills to
18 provide students with the opportunity to meet
19 challenging State or local content standards
20 and student performance standards. Such ac-
21 tivities shall be consistent with section 2032.

22 “(b) ALLOWABLE ACTIVITIES.—Each local edu-
23 cational agency that receives a subgrant to carry out this
24 subpart may use the funds made available through the
25 subgrant to carry out the following activities:

1 “(1) Recruiting and hiring certified or licensed
2 teachers, including teachers certified through State
3 and local alternative routes, in order to reduce class
4 size, or hiring special education teachers.

5 “(2) Initiatives to assist in recruitment of high-
6 ly qualified teachers who will be assigned teaching
7 positions within their fields, including—

8 “(A) providing signing bonuses or other fi-
9 nancial incentives, such as differential pay, for
10 teachers to teach in academic subjects in which
11 there exists a shortage of such teachers within
12 a school or the area served by the local edu-
13 cational 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
25 way to expand the applicant pool of teachers,

1 such as identifying teachers certified through
2 alternative routes, and by implementing a sys-
3 tem of intensive screening designed to hire the
4 most qualified applicants.

5 “(3) Initiatives to promote retention of highly
6 qualified teachers and principals, including—

7 “(A) programs that provide mentoring to
8 newly hired teachers, such as mentoring from
9 master teachers, and to newly hired principals;
10 and

11 “(B) programs that provide other incen-
12 tives, including financial incentives, to retain
13 teachers who have a record of success in help-
14 ing low-achieving students improve their aca-
15 demic success.

16 “(4) Programs and activities that are designed
17 to improve the quality of the teacher force, such
18 as—

19 “(A) innovative professional development
20 programs (which may be through partnerships
21 including institutions of higher education), in-
22 cluding programs that train teachers to utilize
23 technology to improve teaching and learning,
24 that are consistent with the requirements of
25 section 2032;

1 “(B) development and utilization of prov-
2 en, cost-effective strategies for the implementa-
3 tion of professional development activities, such
4 as through the utilization of technology and dis-
5 tance learning;

6 “(C) professional development programs
7 that provide instruction in how to teach chil-
8 dren with different learning styles, particularly
9 children with disabilities and children with spe-
10 cial learning needs (including children who are
11 gifted and talented); and

12 “(D) professional development programs
13 that provide instruction in how best to dis-
14 cipline children in the classroom and identify
15 early and appropriate interventions to help chil-
16 dren described in subparagraph (C) to learn.

17 “(5) Programs and activities related to—

18 “(A) tenure reform;

19 “(B) provision of merit pay; and

20 “(C) testing of elementary school and sec-
21 ondary school teachers in the academic subjects
22 taught by such teachers.

23 “(6) Activities that provide teacher opportunity
24 payments, consistent with section 2033.

1 **“SEC. 2032. PROFESSIONAL DEVELOPMENT FOR TEACHERS.**

2 “(a) LIMITATION RELATING TO CURRICULUM AND
3 ACADEMIC SUBJECTS.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), funds made available to carry out this
6 subpart may not be provided for a teacher and a
7 professional development activity if the activity is
8 not—

9 “(A) directly related to the curriculum and
10 academic subjects in which the teacher provides
11 instruction; or

12 “(B) designed to enhance the ability of the
13 teacher to understand and use State standards
14 for the academic subjects in which the teacher
15 provides instruction.

16 “(2) EXCEPTION.—Paragraph (1) shall not be
17 construed to prohibit the use of the funds for profes-
18 sional development activities that provide instruction
19 described in subparagraphs (C) and (D) of section
20 2031(b)(4).

21 “(b) OTHER REQUIREMENTS.—Professional develop-
22 ment activities provided under this subpart—

23 “(1) shall be measured, in terms of progress,
24 using the specific performance indicators established
25 by the State involved in accordance with section
26 2014(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 the activities in
6 increasing student achievement or substantially in-
7 creasing the knowledge and teaching skills of the
8 teachers participating in the activities;

9 “(4) shall be of sufficient intensity and duration
10 to have a positive and lasting impact on the per-
11 formance of a teacher in the classroom (which shall
12 not include 1-day or short-term workshops and con-
13 ferences), except that this paragraph shall not apply
14 to an activity if such activity is 1 component de-
15 scribed in a long-term comprehensive professional
16 development plan established by the teacher and the
17 teacher’s supervisor based upon an assessment of
18 the needs of the teacher, the students of the teacher,
19 and the local educational agency involved; and

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

23 “(c) ACCOUNTABILITY AND REQUIRED PAYMENTS.—

24 “(1) IN GENERAL.—A State shall notify a local
25 educational agency that the agency may be subject

1 to the requirement of paragraph (3) if, after any fis-
2 cal year, the State determines that the professional
3 development activities funded by the agency under
4 this subpart fail to meet the requirements of sub-
5 sections (a) and (b).

6 “(2) TECHNICAL ASSISTANCE.—A local edu-
7 cational agency that has received notification pursu-
8 ant to paragraph (1) may request technical assist-
9 ance from the State in order to provide the oppor-
10 tunity for such local educational agency to comply
11 with the requirements of subsections (a) and (b).

12 “(3) REQUIREMENT TO PROVIDE TEACHER OP-
13 PORTUNITY PAYMENTS.—

14 “(A) IN GENERAL.—A local educational
15 agency that has received notification from the
16 State pursuant to paragraph (1) during any 2
17 consecutive fiscal years shall expend under sec-
18 tion 2033 for the succeeding fiscal year a pro-
19 portion of the funds made available to the agen-
20 cy to carry out this subpart equal to the pro-
21 portion of such funds expended by the agency
22 for professional development activities for the
23 second fiscal year in which the agency received
24 the notification.

1 “(B) REQUESTS.—On request by a group
2 of teachers in schools served by the local edu-
3 cational agency, the agency shall use a portion
4 of the funds provided to the agency to carry out
5 this subpart, to provide payments in accordance
6 with section 2033.

7 “(d) DEFINITION.—In this section, the term ‘profes-
8 sional development activity’ means an activity described
9 in subsection (a)(2) or (b)(4) of section 2031.

10 **“SEC. 2033. TEACHER OPPORTUNITY PAYMENTS.**

11 “(a) IN GENERAL.—A local educational agency re-
12 ceiving funds to carry out this subpart may (or in the case
13 of section 2032(c)(3), shall) provide payments directly to
14 a teacher or a group of teachers seeking opportunities to
15 participate in a professional development activity of their
16 choice.

17 “(b) NOTICE TO TEACHERS.—Each local educational
18 agency distributing payments under this section—

19 “(1) shall establish and implement a timely
20 process through which proper notice of availability of
21 the payments will be given to all teachers in schools
22 served by the agency; and

23 “(2) shall develop a process through which
24 teachers will be specifically recommended by prin-

1 principals to participate in such opportunities by virtue
2 of—

3 “(A) the teachers’ lack of full certification
4 or licensing to teach the academic subjects in
5 which the teachers teach; or

6 “(B) the teachers’ need for additional as-
7 sistance to ensure that their students make
8 progress toward meeting challenging State con-
9 tent standards and student performance stand-
10 ards.

11 “(c) SELECTION OF TEACHERS.—In the event ade-
12 quate funding is not available to provide payments under
13 this section to all teachers seeking such payments, or rec-
14 ommended under subsection (b)(2), a local educational
15 agency shall establish procedures for selecting teachers for
16 the payments, which shall provide priority for those teach-
17 ers recommended under subsection (b)(2).

18 “(d) ELIGIBLE ACTIVITY.—A teacher receiving a
19 payment under this section shall have the choice of attend-
20 ing any professional development activity that meets the
21 criteria set forth in subsections (a) and (b) of section
22 2032.

1 **“SEC. 2034. LOCAL APPLICATIONS.**

2 “(a) IN GENERAL.—A local educational agency seek-
3 ing to receive a subgrant from a State to carry out this
4 subpart shall submit an application to the State—

5 “(1) at such time as the State shall require;
6 and

7 “(2) that is coordinated with other programs
8 carried out under this Act (other than programs car-
9 ried out under this subpart).

10 “(b) LOCAL APPLICATION CONTENTS.—The local ap-
11 plication described in subsection (a) shall include, at a
12 minimum, the following:

13 “(1) A description of how the local educational
14 agency intends to use funds provided to carry out
15 this subpart.

16 “(2) An assurance that the local educational
17 agency will target funds to schools served by the
18 local educational agency that—

19 “(A) have the lowest proportions of highly
20 qualified teachers; or

21 “(B) are identified for school improvement
22 under section 1116(c).

23 “(3) A description of how the local educational
24 agency will coordinate professional development ac-
25 tivities authorized under this subpart with profes-
26 sional development activities provided through other

1 Federal, State, and local programs, including those
2 authorized under title I, title III, title IV, part A of
3 title VII, and (where applicable) the Individuals with
4 Disabilities Education Act (20 U.S.C. 1400 et seq.)
5 and the Carl D. Perkins Vocational and Technical
6 Education Act of 1998 (20 U.S.C. 2301 et seq.).

7 “(4) A description of how the local educational
8 agency will integrate funds received to carry out this
9 subpart with funds received under title III that are
10 used for professional development to train teachers
11 in how to use technology to improve learning and
12 teaching.

13 “(5) A description of how the local educational
14 agency has collaborated with teachers, principals,
15 parents, and administrators in the preparation of
16 the application.

17 “(c) PARENTS’ RIGHT-TO-KNOW.—A local edu-
18 cational agency that receives funds to carry out this sub-
19 part shall provide, upon request and in an understandable
20 and uniform format, to any parent of a student attending
21 any school receiving funds under this subpart from the
22 agency, information regarding the professional qualifica-
23 tions of the student’s classroom teachers, including, at a
24 minimum, whether the teachers are highly qualified.

1 **“Subpart 4—National Activities**

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

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

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

7 “(2) **USE OF FUNDS.—**

8 “(A) **IN GENERAL.—**An eligible consortium
9 receiving funds under this subsection shall use
10 the funds to pay the costs associated with the
11 establishment or expansion of a teacher acad-
12 emy, in an elementary school or secondary
13 school facility, that carries out—

14 “(i) the activities promoting alter-
15 native routes to State teacher certification
16 specified in subparagraph (B); or

17 “(ii) the model professional develop-
18 ment activities specified in subparagraph
19 (C).

20 “(B) **PROMOTING ALTERNATIVE ROUTES**
21 **TO TEACHER CERTIFICATION.—**The activities
22 promoting alternative routes to State teacher
23 certification specified in this subparagraph are
24 the design and implementation of a course of
25 study and activities providing an alternative
26 route to State teacher certification that—

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

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

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

18 “(iv) include a reasonable service re-
19 quirement for individuals completing the
20 course of study and alternative certifi-
21 cation activities established by the eligible
22 consortium.

23 “(C) MODEL PROFESSIONAL DEVELOP-
24 MENT.—The model professional development
25 activities specified in this subparagraph are ac-

1 activities providing ongoing professional develop-
2 ment opportunities for teachers, such as—

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

8 “(ii) the development of innovative
9 techniques for evaluating the effectiveness
10 of professional development programs.

11 “(3) GRANT FOR SPECIAL CONSORTIUM.—In
12 making grants under this subsection, the Secretary
13 shall award not less than 1 grant to an eligible con-
14 sortium that—

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

17 “(B) proposes activities that involve the
18 extensive use of distance learning in order to
19 provide the applicable course work to student
20 teachers.

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

1 “(5) APPLICATION.—To be eligible to receive a
2 grant under this subsection, an eligible consortium
3 shall submit an application to the Secretary at such
4 time, in such manner, and containing such informa-
5 tion as the Secretary may reasonably require.

6 “(6) ELIGIBLE CONSORTIUM.—In this sub-
7 section, the term ‘eligible consortium’ means a con-
8 sortium for a State that—

9 “(A) shall include—

10 “(i) the State agency responsible for
11 certifying or licensing teachers;

12 “(ii) not less than 1 high-need local
13 educational agency;

14 “(iii) a school of arts and sciences;
15 and

16 “(iv) an institution that prepares
17 teachers; and

18 “(B) may include local educational agen-
19 cies, public charter schools, public or private el-
20 elementary schools or secondary schools, edu-
21 cational service agencies, public or private non-
22 profit educational organizations, museums, or
23 businesses.

24 “(b) TROOPS-TO-TEACHERS PROGRAM.—

1 “(1) PURPOSE.—The purpose of this subsection
2 is to authorize a mechanism for the funding and ad-
3 ministration after September 30, 2000, of the
4 Troops-to-Teachers Program established by the
5 Troops-to-Teachers Program Act of 1999 (subtitle I
6 of title V of the National Defense Authorization Act
7 for Fiscal Year 2000).

8 “(2) TRANSFER OF FUNDS FOR ADMINISTRA-
9 TION OF PROGRAM.—Subject to paragraph (3), to
10 the extent that funds are made available under this
11 Act for the Troops-to-Teachers Program, the Sec-
12 retary of Education shall transfer the funds to the
13 Defense Activity for Non-Traditional Education
14 Support of the Department of Defense. The Defense
15 Activity shall use the funds to perform the actual
16 administration of the Troops-to-Teachers Program,
17 including the selection of participants in the Pro-
18 gram under section 594 of the Troops-to-Teachers
19 Program Act of 1999. The Secretary of Education
20 may retain a portion of the funds to identify local
21 educational agencies with teacher shortages and
22 States with alternative certification requirements, as
23 required by section 592 of such Act.

24 “(3) DEFENSE AND COAST GUARD CONTRIBU-
25 TION.—The Secretary of Education may not trans-

1 fer funds under paragraph (2) unless the Secretary
2 of Defense, and the Secretary of Transportation
3 with respect to the Coast Guard, agree to pay for
4 not less than 25 percent of the costs associated with
5 the activities conducted under the Troops-to-Teach-
6 ers Program. The contributions may be in cash or
7 in kind, fairly evaluated, including plant, equipment,
8 and services, and may be from private contributions
9 made for purposes of the 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 an entity to continue the Eisenhower Na-
15 tional Clearinghouse for Mathematics and Science Edu-
16 cation.

17 **“Subpart 5—Funding**

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

19 “(a) FISCAL YEAR 2000.—There are authorized to
20 be appropriated to carry out this part \$2,060,000,000 for
21 fiscal year 2000, of which \$15,000,000 shall be available
22 to carry out subpart 4.

23 “(b) OTHER FISCAL YEARS.—There are authorized
24 to be appropriated to carry out this part such sums as
25 may be necessary for fiscal years 2001 through 2004.

1 **“Subpart 6—General Provisions**

2 **“SEC. 2061. DEFINITIONS.**

3 “In this part:

4 “(1) ARTS AND SCIENCES.—The term ‘arts and
5 sciences’ has the meaning given the term in section
6 201(b) of the Higher Education Act of 1965 (20
7 U.S.C. 1021(b)).

8 “(2) HIGHLY QUALIFIED.—The term ‘highly
9 qualified’ means—

10 “(A) with respect to an elementary school
11 teacher, a teacher—

12 “(i) with an academic major in the
13 arts and sciences; or

14 “(ii) who can demonstrate competence
15 through a high level of performance in core
16 academic subjects; and

17 “(B) with respect to a secondary school
18 teacher, a teacher—

19 “(i) with an academic major in the
20 academic subject in which the teacher
21 teaches or in a related field;

22 “(ii) who can demonstrate a high level
23 of competence through rigorous academic
24 subject tests; or

1 “(iii) who can demonstrate com-
2 petence through a high level of perform-
3 ance in relevant content areas.

4 “(3) HIGH-NEED LOCAL EDUCATIONAL AGEN-
5 CY.—The term ‘high-need local educational agency’
6 means a local educational agency that serves an ele-
7 mentary school or secondary school located in an
8 area in which there is—

9 “(A) a high percentage of individuals from
10 families with incomes below the poverty line;

11 “(B) a high percentage of secondary school
12 teachers not teaching in the academic subject in
13 which the teachers were trained to teach; or

14 “(C) a high teacher turnover rate.

15 “(4) OUT-OF-FIELD TEACHER.—The term ‘out-
16 of-field teacher’ means a teacher—

17 “(A) teaching an academic subject for
18 which the teacher is not highly qualified, as de-
19 termined by the State involved; or

20 “(B) who did not receive a degree from an
21 institution of higher education with a major or
22 minor in the field in which the teacher teaches.

23 “(5) POVERTY LINE.—The term ‘poverty line’
24 means the poverty line (as defined by the Office of
25 Management and Budget and revised annually in ac-

1 cordance with section 673(2) of the Community
2 Services Block Grant Act (42 U.S.C. 9902(2))) ap-
3 plicable to a family of the size involved.

4 “(6) SCIENTIFICALLY BASED RESEARCH.—The
5 term ‘scientifically based research’—

6 “(A) means the application of rigorous,
7 systematic, and objective procedures to obtain
8 valid knowledge relevant to professional devel-
9 opment of teachers; and

10 “(B) includes research that—

11 “(i) employs systematic, empirical
12 methods that draw on observation or ex-
13 periment;

14 “(ii) involves rigorous data analyses
15 that are adequate to test the stated
16 hypotheses and justify the general conclu-
17 sions drawn;

18 “(iii) relies on measurements or obser-
19 vational methods that provide valid data
20 across evaluators and observers and across
21 multiple measurements and observations;
22 and

23 “(iv) has been accepted by a peer-re-
24 viewed journal or approved by a panel of

1 independent experts through a comparably
2 rigorous, objective, and scientific review.”.

3 (b) CONFORMING AMENDMENT.—Section 13302(1)
4 of the Elementary and Secondary Education Act of 1965
5 (20 U.S.C. 8672(1)) is amended by striking “2102(b)”
6 and inserting “2042”.

7 **SEC. 3. AMENDMENTS RELATING TO READING EXCEL-**
8 **LENCE ACT.**

9 (a) REPEAL OF PART B.—Part B of title II of the
10 Elementary and Secondary Education Act of 1965 (20
11 U.S.C. 6641 et seq.) is repealed.

12 (b) READING EXCELLENCE ACT.—

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

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

17 (2) AUTHORIZATION OF APPROPRIATIONS.—
18 Section 2260(a) of the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 6661i(a)) is
20 amended by adding at the end the following:

21 “(3) FISCAL YEARS 2001 THROUGH 2004.—
22 There are authorized to be appropriated to carry out
23 this part \$260,000,000 for fiscal year 2001 and
24 such sums as may be necessary for fiscal years 2002
25 through 2004.”.

1 (3) SHORT TITLE.—Part B of title II of the El-
2 ementary and Secondary Education Act of 1965 (20
3 U.S.C. 6661) is amended by adding at the end the
4 following:

5 **“SEC. 2261. SHORT TITLE.**

6 “‘This part may be cited as the ‘Reading Excellence
7 Act’.”.

8 **SEC. 4. GENERAL PROVISIONS.**

9 (a) IN GENERAL.—Title II of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C. 6601 et
11 seq.) is amended—

12 (1) by repealing part D;

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

14 (3) by repealing sections 2401 and 2402 and
15 inserting the following:

16 **“SEC. 2401. PROHIBITION ON MANDATORY NATIONAL CER-**
17 **TIFICATION OR LICENSING OF TEACHERS.**

18 “(a) PROHIBITION ON MANDATORY TESTING, CER-
19 TIFICATION, OR LICENSING.—Notwithstanding any other
20 provision of law, the Secretary may not use Federal funds
21 to plan, develop, implement, or administer any mandatory
22 national teacher test or method of certification or licens-
23 ing.

24 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The
25 Secretary may not withhold funds from any State or local

1 educational agency if such State or local educational agen-
2 cy fails to adopt a specific method of teacher certification
3 or licensing.

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

5 “The provisions of sections 14503 through 14506
6 apply to programs carried out under this title.

7 **“SEC. 2403. HOME SCHOOLS.**

8 “Nothing in this title shall be construed to permit,
9 allow, encourage, or authorize any Federal control over
10 any aspect of any private, religious, or home school,
11 whether a home school is treated as a private school or
12 home school under the law of the State involved, except
13 that the Secretary may require that funds provided to a
14 school under this title be used for the purposes described
15 in this title. This section shall not be construed to bar
16 private, religious, or home schools from participating in
17 or receiving programs or services under this title.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) COORDINATION.—Section 1202(c)(2)(C) of
20 the Elementary and Secondary Education Act of
21 1965 (20 U.S.C. 6362(c)(2)(C)) is amended, in the
22 subparagraph heading, by striking “PART C” and in-
23 serting “PART B”.

24 (2) DEFINITION OF COVERED PROGRAM.—Sec-
25 tion 14101(10)(C) of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 8801(10)(C)) is
2 amended by striking “(other than section 2103 and
3 part D)”.

4 (3) PRIVATE SCHOOL PARTICIPATION.—Section
5 14503(b)(1)(B) (20 U.S.C. 8893(b)(1)(B)) of such
6 Act is amended by striking “(other than section
7 2103 and part D of such title)”.

○