

TEACHER EMPOWERMENT ACT

JULY 14, 1999.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. GOODLING, from the Committee on Education and the
Workforce, submitted the following

REPORT

together with

MINORITY AND DISSENTING VIEWS

[To accompany H.R. 1995]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 1995) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. TEACHER EMPOWERMENT.

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

(1) by striking the heading for title II and inserting the following:

“TITLE II—TEACHER QUALITY”;

(2) by repealing sections 2001 through 2003; and
(3) by amending part A to read as follows:

“PART A—TEACHER EMPOWERMENT

“SEC. 2001. PURPOSE.

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

“Subpart 1—Grants to States

“SEC. 2011. FORMULA GRANTS TO STATES.

“(a) IN GENERAL.—In the case of each State that in accordance with section 2013 submits to the Secretary an application for a fiscal year, the Secretary shall make a grant for the year to the State for the uses specified in section 2012. The grant shall consist of the allotment determined for the State under subsection (b).

“(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—

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

“(A) $\frac{1}{2}$ of 1 percent for allotments for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among these outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purpose of this part; and

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

“(2) STATE ALLOTMENTS.—

“(A) HOLD HARMLESS.—

“(i) IN GENERAL.—Subject to subparagraph (B), from the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 1999 under—

“(I) section 2202(b) of this Act (as in effect on the day before the date of the enactment of the Teacher Empowerment Act);

“(II) section 307 of the Department of Education Appropriations Act, 1999; and

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

“(ii) RATABLY REDUCTION.—If the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

“(B) ALLOTMENT OF ADDITIONAL FUNDS.—

“(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the total amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year 1999 under the authorities described in subparagraph (A)(i), the Secretary shall allot such excess amount as follows:

“(I) 50 percent of such excess amount shall be allotted among such States on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

“(II) 50 percent of such excess amount shall be allotted among such States in proportion to the number of children, aged 5 to 17, who reside within the State from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

“(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under clause (i).

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

“SEC. 2012. WITHIN-STATE ALLOCATIONS.

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

“(b) REQUIRED AND AUTHORIZED EXPENDITURES.—

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

“(A) 95 percent of the amount of the funds provided under the grant for the purpose of making subgrants to local educational agencies under subpart 3; and

“(B) 2 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible partnerships under subpart 2 (of which percent, up to 5 percent may be used for planning and administration related to carrying out such purpose).

“(2) AUTHORIZED EXPENDITURES.—A State that receives a grant under this subpart may expend not more than 3 percent of the amount of the funds provided under the grant for one or more of the authorized State activities described in subsection (d) (of which percent, the State may use up to 5 percent for planning and administration related to carrying out such activities and making subgrants to local educational agencies under subpart 3).

“(c) DISTRIBUTION OF SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

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

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

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

“(ii) 50 percent is allocated to local educational agencies in proportion to the number of children, aged 5 to 17, who reside within the geographic area served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in the geographic areas served by all the local educational agencies in the State for that fiscal year.

“(B) ALTERNATIVE FORMULA.—A State may increase the percentage described in subparagraph (A)(ii) (and commensurately decrease the percentage described in subparagraph (A)(i)).

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

“(A) COMPETITIVE PROCESS.—A State receiving a grant under this subpart shall distribute 20 percent of the amount described in subsection (b)(1)(A) through a competitive process that results in an equitable distribution by geographic area within the State.

“(B) PARTICIPANTS.—The competitive process under subparagraph (A) shall be open to local educational agencies and eligible partnerships (as defined in section 2021(d)), except that a State shall give priority to high-need local educational agencies that focus on math, science, or reading professional development programs.

“(d) AUTHORIZED STATE ACTIVITIES.—The authorized State activities referred to in subsection (b)(2) are the following:

“(1) Reforming teacher certification, recertification, or licensure requirements to ensure that—

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

“(B) they are aligned with the State’s challenging State content standards; and

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

“(2) Carrying out programs that—

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

“(B) establish, expand, or improve alternative routes to State certification of teachers for highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers.

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

“(4) Reforming tenure systems and implementing teacher testing and other procedures to expeditiously remove incompetent and ineffective teachers from the classroom.

“(5) Developing enhanced performance systems to measure the effectiveness of specific professional development programs and strategies.

“(6) Providing technical assistance to local educational agencies consistent with this part.

“(7) Funding projects to promote reciprocity of teacher certification or licensure between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

“(8) Developing or assisting local educational agencies or eligible partnerships (as defined in section 2021(d)) in the development and utilization of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

“(e) COORDINATION.—States receiving grants under section 202 of the Higher Education Act of 1965 shall coordinate the use of such funds with activities carried out under this section.

“(f) PUBLIC ACCOUNTABILITY.—

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

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

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

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

“(iii) the average statewide class size; or

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

“(2) PUBLIC AVAILABILITY.—Such information shall be made widely available to the public, including parents and students, through major print and broadcast media outlets throughout the State.

“SEC. 2013. APPLICATIONS BY STATES.

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

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

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

“(2) A description of the specific performance indicators the State will use (including an identification of how such performance indicators will be measured and reported) for each local educational agency to measure the annual progress of activities funded under subpart 3 in increasing—

“(A) student academic achievement; and

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

“(3) A description of the bonus incentives, if any, that will be provided to local educational agencies that exceed a level of improvement established by the State based on such performance indicators, and actions the State will take in

the event a local educational agency fails to meet or make progress toward such level of improvement.

“(4) A description of how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including those authorized under title I, title III, title IV, part A of title VII, and (where applicable) the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act. The application shall also describe the comprehensive strategy that the State will take as part of such coordination effort, to ensure that teachers are trained in the utilization of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in all curriculum and content areas, as appropriate.

“(5) A description of how the State will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

“(c) APPLICATION SUBMISSION.—A State application submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the application, that the application is in violation of the provisions of this Act.

“Subpart 2—Subgrants to Eligible Partnerships

“SEC. 2021. PARTNERSHIP GRANTS.

“(a) IN GENERAL.—From the amount described in section 2012(b)(1)(B), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award grants on a competitive basis to eligible partnerships to enable such partnerships to carry out activities described in subsection (b). Such grants shall be equitably distributed by geographic area within the State.

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

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

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

“(A) ensure they are able to use State content standards, performance standards, and assessments to improve instructional practices and improve student achievement; and

“(B) may include intensive programs designed to prepare teachers who will return to their school to provide such instruction to other teachers within such school.

“(c) SPECIAL RULE.—No single participant in an eligible partnership may retain more than 50 percent of the funds made available to the partnership under this section.

“(d) ELIGIBLE PARTNERSHIPS.—As used in this section, the term ‘eligible partnerships’ means an entity that—

“(1) shall include—

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

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

“(C) an institution that prepares teachers; and

“(2) may include other local educational agencies, a public charter school, a public or private elementary or secondary school, an educational service agency, a public or private nonprofit educational organization, or a business.

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

“Subpart 3—Subgrants to Local Educational Agencies

“SEC. 2031. LOCAL USE OF FUNDS.

“(a) REQUIRED ACTIVITIES.—

“(1) IN GENERAL.—Each local educational agency that receives a subgrant under this subpart shall use the subgrant to carry out the activities described in this subsection.

“(2) MATHEMATICS AND SCIENCE.—

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

“(B) WAIVER.—

“(i) APPLICATION.—A local educational agency, in consultation with teachers and principals, may seek a waiver of the requirement in subparagraph (A) from a State in order to allow the local educational agency to use such funds for professional development in academic subjects other than mathematics and science.

“(ii) STANDARD FOR GRANTING.—A State may not approve such a waiver unless the local educational agency is able to demonstrate that—

“(I) the professional development needs of mathematics and science teachers, including elementary teachers responsible for teaching mathematics and science, have been adequately served and will continue to be adequately served if the waiver is approved;

“(II) State assessments in mathematics and science demonstrate that each school within the local educational agency has made and will continue to make progress toward meeting the challenging State or local content standards and student performance standards in these areas; and

“(III) State assessments in other academic subjects demonstrate a need to focus on subjects other than mathematics and science.

“(iii) GRANDFATHER OF OLD WAIVERS.—A waiver provided to a local educational agency under part D of title XIV prior to the date of the enactment of the Teacher Empowerment Act shall be deemed effective until such time as it otherwise would have ceased to be effective.

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

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

“(A) IN GENERAL.—Each local educational agency that receives a subgrant under this subpart shall use a portion of such funds for recruiting, hiring, and training certified teachers, including teachers certified through State and local alternative routes, in order to reduce class size.

“(B) SPECIAL RULE FOR SPECIAL EDUCATION TEACHERS.—Notwithstanding subparagraph (A), a local educational agency may use some or all of the funds described in such subparagraph to hire special education teachers regardless of whether such action reduces class size.

“(C) WAIVER.—

“(i) APPLICATION.—A local educational agency may seek a waiver of the requirement in subparagraph (A) from a State in order to allow the local educational agency to use such funds for purposes other than hiring teachers in order to reduce class size.

“(ii) STANDARD FOR GRANTING.—A State may not approve such a waiver unless the local educational agency is able to demonstrate that—

“(I) such funds will be used to ensure that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which they provide instruction; or

“(II) an initiative to reduce class size would result in having to rely on underqualified teachers, inadequate classroom space, or would have any other negative consequence affecting the efforts of the local educational agency to improve student academic achievement.

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

“(1) Initiatives to assist recruitment of highly qualified teachers who will be assigned teaching positions within their field, including—

“(A) providing signing bonuses or other financial incentives, such as differential pay, for teachers to teach in academic subject areas in which there exists a shortage of such teachers within a school or the local educational agency;

“(B) establishing programs that—

“(i) recruit professionals from other fields and provide such professionals with alternative routes to teacher certification; and

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

“(C) implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, coupled with a system of intensive screening designed to hire the most qualified applicant.

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

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

“(B) programs that provide other incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic success.

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

“(A) innovative professional development programs (which may be through partnerships including institutions of higher education), including programs that train teachers to utilize technology to improve teaching and learning, that are consistent with the requirements of section 2033;

“(B) development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning;

“(C) tenure reform;

“(D) merit pay;

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

“(F) professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including those who are gifted and talented); and

“(G) professional development programs that provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subparagraph (F) learn.

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

“SEC. 2032. LOCAL APPLICATIONS.

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

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

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

“(b) LOCAL APPLICATION CONTENTS.—The local application described in subsection (a), shall include, at a minimum, the following:

“(1) A description of how the local educational agency intends to use funds provided under this subpart, including an assurance that the local educational agency will meet the requirements for the use of funds for mathematics and science programs, professional development, and hiring teachers to reduce class size, under section 2031.

“(2) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that—

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

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

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

“(3) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional

development activities provided through other Federal, State, and local programs, including those authorized under title I, title III, title IV, part A of title VII, and (where applicable) the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act.

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

“(c) PARENTS’ RIGHT-TO-KNOW.—A local educational agency that receives funds under this subpart shall provide, upon request and in an understandable and uniform format, to any parent of a student attending any school receiving funds under this subpart, information regarding the professional qualifications of the student’s classroom teachers, including, at a minimum, the following:

“(1) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

“(2) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

“(3) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field or discipline of the certification or degree.

“SEC. 2033. PROFESSIONAL DEVELOPMENT FOR TEACHERS.

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

“(1) IN GENERAL.—Except as provided in paragraph (2), professional development funds under this subpart may not be provided for a teacher and an activity if the activity is not—

“(A) directly related to the curriculum and content areas in which the teacher provides instruction; or

“(B) designed to enhance the ability of the teacher to understand and use the State’s standards for the subject area in which the teacher provides instruction.

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

“(b) OTHER REQUIREMENTS.—Professional development activities funded under this subpart—

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

“(2) shall be tied to challenging State or local content standards and student performance standards;

“(3) shall be tied to scientifically based research demonstrating the effectiveness of such program in increasing student achievement or substantially increasing the knowledge and teaching skills of such teachers;

“(4) shall be of sufficient intensity and duration (such as not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher’s performance in the classroom, except that this paragraph shall not apply to an activity if such activity is one component of a long-term comprehensive professional development plan established by the teacher and the teacher’s supervisor based upon an assessment of their needs, their students’ needs, and the needs of the local educational agency; and

“(5) shall be developed with extensive participation of teachers, principals, and administrators of schools to be served under this part.

“(c) ACCOUNTABILITY.—

“(1) IN GENERAL.—A State shall notify a local educational agency that the agency is on notice of the possibility that the agency may be subject to the requirement in paragraph (3) if, after any fiscal year, the State determines that the programs or activities funded by the agency fail to meet the requirements of subsections (a) and (b).

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

“(3) REQUIREMENT TO PROVIDE TEACHER OPPORTUNITY PAYMENTS.—A local educational agency that has been put on notice by the State pursuant to paragraph (1) during any 2 consecutive fiscal years shall expend under section 2034 for the succeeding fiscal year a proportion of the amount made available to the agency under this subpart equal to the proportion of such amount expended by the agency on professional development for the second fiscal year in which it was put on notice.

“SEC. 2034. TEACHER OPPORTUNITY PAYMENTS.

“(a) **IN GENERAL.**—A local educational agency receiving funds under this subpart may (or, in the case of a local educational agency described in section 2033(c)(3), shall) provide funds directly to a teacher or a group of teachers seeking opportunities to participate in a professional development activity of their choice.

“(b) **NOTICE TO TEACHERS.**—Local educational agencies distributing funds under this section shall establish and implement a timely process through which proper notice of availability of funds will be given to all teachers within schools identified by the agency and shall develop a process whereby teachers will be specifically recommended by principals to participate in such program by virtue of—

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

“(2) their need for additional assistance to ensure that their students make progress toward meeting challenging State content standards and student performance standards.

“(c) **SELECTION OF TEACHERS.**—In the event adequate funding is not available to provide payments under this section to all teachers seeking such assistance, or identified as needing such assistance pursuant to subsection (b), a local educational agency shall establish procedures for selecting teachers which provide a priority for those teachers described in paragraph (1) or (2) of subsection (b).

“(d) **ELIGIBLE PROGRAM.**—Teachers receiving a payment under this section shall have the choice of attending any professional development program that meets the criteria set forth in subsection (a) or (b) of section 2033.

“Subpart 4—National Activities**“SEC. 2041. ALTERNATIVE ROUTES TO TEACHING.**

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

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

“(2) **USE OF FUNDS.**—

“(A) **IN GENERAL.**—An eligible consortium receiving funds under this subsection shall use the funds to pay the costs associated with the establishment or expansion of a teacher academy in an elementary or secondary school facility that carries out the activities promoting alternative routes to State teacher certification specified in subparagraph (B), the model professional development activities specified in subparagraph (C), or all such activities.

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

“(i) provide opportunities to highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction;

“(ii) provide stipends, for not more than 2 years, to permit individuals described in clause (i) to participate as student teachers able to fill teaching needs in academic subjects in which there is a demonstrated shortage of teachers;

“(iii) provide for the recruitment and hiring of master teachers to mentor and train student teachers within such academies; and

“(iv) include a reasonable service requirement for individuals completing the alternative certification program established by the consortium.

“(C) **MODEL PROFESSIONAL DEVELOPMENT.**—The model professional development activities specified in this subparagraph are activities providing ongoing professional development opportunities for teachers, such as—

“(i) innovative programs and model curricula in the area of professional development which may serve as models to be disseminated to other schools and local educational agencies; and

“(ii) developing innovative techniques for evaluating the effectiveness of professional development programs.

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

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

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

“(4) SPECIAL RULE.—No single participant in an eligible consortium may retain more than 50 percent of the funds made available to the consortium under this subsection.

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

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

“(A) shall include—

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

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

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

“(iv) an institution that prepares teachers; and

“(B) may include local educational agencies, public charter schools, public or private elementary or secondary schools, educational service agencies, public or private nonprofit educational organizations, museums, or businesses.

“(b) CONTINUATION OF TROOPS-TO-TEACHERS PROGRAM.—

“(1) PURPOSE.—It is the purpose of this subsection to authorize the continuation after September 30, 1999, of the teachers and teachers’ aide placement program known as the ‘troops-to-teachers program’, which was established by the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, under section 1151 of title 10, United States Code.

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

“(3) DEFENSE AND COAST GUARD CONTRIBUTION.—The Secretary of Education may not make a transfer of funds under paragraph (2) unless the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, agree to cover not less than 25 percent of the costs associated with the activities conducted under the troops-to-teachers program. The contributions may be in the form of in-kind contributions or cash expenditures, which may include the use of private contributions made for purposes of the program.

“(4) ELIGIBLE MEMBERS.—After September 30, 1999, the troops-to-teachers program shall have a primary focus of recruiting members of the Armed Forces who are retiring after not less than 20 years of active duty.

“(5) PLACEMENT PRIORITY.—The Defense Activity for Non-Traditional Education Support shall cooperate with the Department of Education in efforts to notify high-need local educational agencies of the services available to them under the troops-to-teachers program.

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

“The Secretary may award a grant or contract, in consultation with the Director of the National Science Foundation, to continue the Eisenhower National Clearinghouse for Mathematics and Science Education.

“Subpart 5—Funding

“SEC. 2051. AUTHORIZATION OF APPROPRIATIONS.

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

“(b) OTHER FISCAL YEARS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal years 2001 through 2004.

“Subpart 6—General Provisions

“SEC. 2061. DEFINITIONS.

“For purposes of this part—

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

“(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

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

“(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ means a local educational agency that serves an elementary school or secondary school located in an area in which there is—

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

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

“(C) a high teacher turnover rate.

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

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

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

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

“(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to professional development of teachers; and

“(B) shall include research that—

“(i) employs systematic, empirical methods that draw on observation or experiment;

“(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

“(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

“(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.”.

(b) CONFORMING AMENDMENTS.—

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

(2) REFERENCE TO NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.—Section 13302(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8672(1)) is amended by striking “2102(b)” and inserting “2042”.

SEC. 3. AMENDMENTS RELATING TO READING EXCELLENCE ACT.

(a) REPEAL OF PART B.—Part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6641–6651) is repealed.

(b) READING EXCELLENCE ACT.—

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

“PART B—READING EXCELLENCE ACT”.

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

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

SEC. 4. GENERAL PROVISIONS.

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

- (1) by repealing part D;
- (2) by redesignating part E as part C; and
- (3) by striking sections 2401 and 2402 and inserting the following:

“SEC. 2401. PROHIBITION ON MANDATORY NATIONAL CERTIFICATION OF TEACHERS.

“(a) PROHIBITION ON MANDATORY TESTING OR CERTIFICATION.—Notwithstanding any other provision of law, the Secretary is prohibited from using Federal funds to plan, develop, implement, or administer any mandatory national teacher test or certification.

“(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding funds from any State or local educational agency if such State or local educational agency fails to adopt a specific method of teacher certification.

“SEC. 2402. PROVISIONS RELATED TO PRIVATE SCHOOLS.

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

“SEC. 2403. HOME SCHOOLS.

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

(b) CONFORMING AMENDMENTS.—

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

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

PURPOSE

The purpose of this Act is to amend the Elementary and Secondary Education Act of 1965 to improve student achievement through high-quality professional development for teachers, empower teachers by providing choice in professional development programs, and reauthorize the Reading Excellence Act.

COMMITTEE ACTION

The Committee on Education and the Workforce held five hearings relating to this bill.

The April 29, 1999 hearing was held by the Subcommittee on Postsecondary Education, Training and Life-Long Learning in Washington, DC. The Subcommittee received testimony from Sandra Horn, University of Tennessee, Value Added Research and Assessment Center, Knoxville, Tennessee; Caroline Hoxby, Morris Kahn Associate Professor of Economics, Department of Economics, Harvard University, Cambridge, Massachusetts; Linda Koutoufas, Teacher, Woodstock Elementary School, Virginia Beach, Virginia; Denise Rockwell, Teacher, Palms Middle School, Los Angeles, California; Pat Forgione, Jr., Commissioner, National Center of Education Statistics, Department of Education, Washington, DC; and Helen Pate-Bain, Chairperson, Health and Education Research Operative Services, Inc., Lebanon, Tennessee.

The May 5, 1999 hearing was held by the Subcommittee on Postsecondary Education, Training and Life-Long Learning in Washington, DC. The Subcommittee received testimony from Marnie Shaul, Associate Director, Education and Employment Issues, General Accounting Office, Washington, DC; Beatrice Birman, Director, National Evaluation of the Eisenhower Professional Development Program, American Institute for Research, Washington, DC; David Bauman, Director, Capital Area Math/Science Alliance, Summerdale, Pennsylvania; Colleen Seremet, Assistant Superintendent for Instruction, The Board of Education of Dorchester County, Cambridge, Maryland; and Louisa Moats, Project Director, NICHD, University of Texas at Houston Early Interventions Project, Washington, DC.

The May 10, 1999 hearing was held by the Subcommittee on Postsecondary Education, Training and Life-Long Learning in Granada Hills, California. The Subcommittee received testimony from Michael Acosta, Administrator, Certificate Employment Opportunities Branch, Los Angeles Unified School District, Los Angeles, California; Susan Tahsuda, Teacher on Special Assignment, Lancaster School District, Lancaster, California; Crystal Gips, Associate Director of Teacher Preparation and K-18 Programs, Office of the Chancellor, California State University, Northridge, California; Stephen Gocke, Superintendent, Lancaster School District, Lancaster, California; and Judy Johnson, Associate Director, Los Angeles Educational Partnership, Los Angeles, California.

The May 13, 1999 hearing was held by the Subcommittee on Postsecondary Education, Training and Life-Long Learning in Washington, DC. The Subcommittee received testimony from Emily Feistritz, Executive Director, Center for Educational Information, Washington, DC; Katrina Robertson Reed, Associate Superintendent for Administrative Services, District of Columbia Public Schools, Washington, DC; Robert Strauss, Professor of Economics and Public Policy, The H. John Heinz III School of Public Policy and Management, Carnegie-Mellon University, Pittsburgh, Pennsylvania; Beverly Young, Associate Director for Teacher Education and K-12 Programs, California State University, Long Beach, California; and Marci Kanstoroom, Research Director, Thomas B. Fordham Foundation and Research Fellow, Manhattan Institute, Washington, DC.

The June 10, 1999 hearing was held jointly by the Subcommittee on Postsecondary Education, Training and Life-Long Learning and the Committee on Science in Washington, DC. The Committees received testimony from Howard Voss, Chairman, Physics Department, Arizona State University, Tempe, Arizona; John Staver, President, Association for Education of Teachers of Science and Director, Center for Science Education, Kansas State University, Manhattan, Kansas; Jane Kahle, Condit Professor of Science Education, Miami University, Oxford, Ohio; and Pamela Tackett, Executive Director, Texas State Board for Educator Certification, Austin, Texas.

LEGISLATIVE ACTION

On May 27, 1999, Representative Howard P. "Buck" McKeon (R-CA) introduced H.R. 1995, the Teacher Empowerment Act.

On June 30, 1999, the Committee on Education and the Workforce assembled to consider H.R. 1995, the Teacher Empowerment Act. An amendment in the nature of a substitute, offered by Chairman Goodling, was adopted by voice vote, and the bill, as amended, was favorably reported by the Committee on Education and the Workforce by a vote of 27 yeas to 19 nays.

SUMMARY

The Teacher Empowerment Act extends the authorization for, and makes improvements to Title II of the Elementary and Secondary Education Act of 1965.

The bill consolidates and streamlines the Eisenhower Professional Development Program, Goals 2000, and the "100,000 New Teachers" program to provide states and local schools additional flexibility in the use of these funds, in exchange for increased accountability to parents and taxpayers, by demonstrating that student achievement is increasing. Additionally, it affords teachers more choice in selecting high-quality professional development programs.

In the process of applying for Title II funds, a state is required to focus on how it intends to use the funds to improve teacher quality and student achievement, as well as provide an identification of performance indicators and goals it will use to hold local districts and schools accountable for their use of those funds.

While a minimum of 95% of funds must be distributed to local districts, states are allowed to reserve up to 5% of funds for a combination of state activities and grants to higher education institutions and local school partnerships. It is required that a portion of these funds be used to provide oversight of local programs and to offer assistance to programs in schools failing to raise student achievement. Within these allowed uses of funds, states are encouraged to fund innovative programs to promote tenure reform, teacher testing, merit-based teacher performance systems, alternative routes to teacher certification, differential and bonus pay for teachers in high need subject areas, mentoring, and in-service teacher academies. Of the funds distributed by the state to localities, 20% must be through a competitive process that gives a priority for high-need areas that focus on math and science, and ensures an equitable geographical distribution of funds among urban and rural areas.

Similar to the state application, local districts and schools are required to set performance standards and goals related to the state goals that are designed to increase student achievement and increase content knowledge of teachers. In addition, they must provide information to parents, upon request, regarding the professional qualifications of a child's teacher.

The bill maintains a focus on math and science by requiring the current level of funding for professional development in these areas. However, local districts could obtain a waiver to allow the use of these funds for other core academic subject areas upon verifying that their math and science needs are already being met. Another required use of funds would be the hiring of teachers to reduce class size or allowing local educational agencies to hire special education teachers to meet this requirement. This requirement

could also be waived by the state if a district or school is able to demonstrate the need to fund other priorities in order to reduce the number of teachers in out-of-field subject areas, increase student achievement, or if reducing class size would result in having to rely on under-qualified teachers or inadequate classrooms.

Local educational agencies would be afforded further flexibility through the option of implementing signing bonuses, expanding alternative routes to certification, establishing mentoring support, providing incentives for high-quality teachers, and setting up other innovative programs such as tenure reform, merit-pay, teacher testing, and professional development programs aimed at discipline and improving the use of technology in teaching.

Another important aspect of this legislation is that it will ensure that teachers will be provided with training of the highest quality and which is founded on scientifically-based research. If localities are unable to provide such training, teachers will be empowered with the choice of selecting their own high-quality programs through the use of Teacher Opportunity Payments (TOPs).

Additionally, the legislation prohibits mandatory national certification or teacher testing, extends authorization for the National Writing Project, and includes language to ensure that there is no impact on private, religious, or home schools.

Part A of the bill extends Title II of the Elementary and Secondary Education Act of 1965 at \$2.01 billion for fiscal year 2000, and authorizes such sums as may be necessary for fiscal years 2001 through 2004.

COMMITTEE VIEWS

Committee report

The Teacher Empowerment Act (TEA) is based upon three principles: teacher excellence, smaller classes, and local choices. It will provide a major boost to schools in their efforts to establish and support a high quality teaching force. TEA combines the funding of several current Federal education programs, including Goals 2000, the "100,000 New Teachers" Class Size Reduction program and the Eisenhower Professional Development program, into a single \$2 billion grant to State and localities. Using these funds, they will have the support and flexibility necessary to improve academic achievement through such initiatives as providing high quality training for teachers and reducing class size.

The Committee notes that efforts to improve academic achievement takes many forms. There is no single solution or program to accomplish this. Indeed, for every school there are different approaches that are appropriate to their particular circumstances. The TEA legislation reflects this reality and provides the flexibility to local school districts in how these funds may be directed. However, TEA steers schools to focus upon efforts, such as improving teacher quality, that have been proven to lead to academic success, while not imposing any one-size-fits-all approach dictated from Washington upon schools on how to carry out such efforts.

Teacher quality

The importance of teacher quality was consistently highlighted by the many witnesses testifying before this Committee. It was made clear that teacher quality, above all other factors within schools, is the most important determinate of student academic achievement.

Dr. Sandra Horn, University of Tennessee, Value Added Research and Assessment Center Knoxville, Tennessee, provided one such example. In her remarks, she stated:

In the past few years, the team at the University of Tennessee Value-Added Research and Assessment Center (UT-VARAC) has examined the effects of class size, class heterogeneity, past achievement level of students, building change, and several other factors on the academic growth of students. Although several of the factors studied affect student gains to some degree, in every case, the effect of the teacher has been found to be far and away the most important determinant of student academic growth. Effects of ineffective teachers are cumulative and very large and can be seen years after a student moves on to other teachers. There is no evidence that effective teachers can ever rectify the retardation of academic growth that occurred under a previous poor teacher. And there is evidence that teacher assignment patterns may indeed be perpetuating and sustaining the achievement gap between white students and minority students.

The impact of quality teachers is also highlighted in a recent report by The Education Trust, entitled, “Good Teaching Matters—How Well-Qualified Teachers Can Close the Gap.” Among the findings highlighted in the report were those from a large-scale study in Texas conducted by Ronald Ferguson of Harvard University. His study “found that teacher quality—as measured by education, experience, and test scores on initial teacher licensing exams—has more impact on student achievement (explained some 43% of the variance) than any other single factor, including family income and parent education.”

Based on the same work outlined by Dr. Horn, the Education Trust report also notes that Dr. William Sanders of the University of Tennessee found that “students who scored at roughly the same level on mathematics tests in third grade were separated by differences of as much as 50 percentage points on sixth grade tests depending on the quality of the teachers to whom they were assigned. Scoring differences of this magnitude can represent the difference between placement in the “remedial” and “accelerated” tracks.”

Additionally, the report noted that “In North Carolina, Robert Strauss and Elizabeth Sawyer found that a 1% increase in teacher scores on the state’s initial teacher licensing exam would bring about a 5% decrease in the number of North Carolina students failing the state’s academic competency tests.”

Given the clear importance of teacher quality, it is important that initiatives at the Federal, State and local levels help produce high quality teachers.

In the 105th Congress, this Committee pushed into law the Higher Education Act Amendments of 1998. An important part of this law was the focus on holding higher education institutions that prepare teachers more accountable for ensuring their graduates are prepared for the classroom—not just on how to teach, but what to teach.

Many States are already engaged in this process. Texas, Florida, and New York are just some States that have been leading the nation in the reform of teacher preparation programs. However, these efforts are just the first step toward the goal of improving the quality and preparedness of the teachers in this nation.

Many other factors need to be examined in an effort to impact teacher quality. After all, a large percentage of the 3.2 million teachers currently in the classroom will be there for many years to come. Therefore, we can not ignore the need to ensure that the existing teacher force have the skills and knowledge necessary to provide opportunities for every child to succeed academically.

This legislation recognizes this fact and promotes activities at the Federal, State and local levels to address quality, ranging from the hiring and recruiting of new teachers to efforts to help teachers once they enter the classroom.

State role

Under TEA, States are given a share of the funds in order to carry out innovative activities. This share is approximately the same as the total level of funds currently available to States under the programs consolidated under TEA. The bill's increase in the amount of funds that go directly to the local level reflects the Committee's belief that the decisions on how these funds should be spent are best made by superintendents, principals and teachers. However, States must play an important role in providing incentives for quality local programs and initiatives and to hold schools accountable for the effective use of these funds.

As under the Eisenhower Professional Development program, a portion of the State share is directed through the State Agency for Higher Education in order to award grants to "eligible partnerships."

State activities

The Committee urges States to use their portion of funds to establish and embrace innovative reforms aimed at improving teacher quality. This is an area where States play a key role. TEA allows States to use funds for activities such as reforming teacher certification, recertification, or licensure requirements to ensure that teachers have the necessary teaching skills and academic content knowledge in the subject areas in which they are assigned to teach. TEA also encourages States to implement other initiatives such as alternative routes to state certification, innovative projects related to effective recruitment strategies, reforming tenure systems, teacher testing and other procedures to expeditiously remove ineffective teachers, and developing reciprocity agreements with other States to increase the mobility of teachers.

States like Texas have already made great progress in implementing reforms related to teacher preparation programs and cer-

tification. Dr. Pamela Tackett, Executive Director of the Texas State Board for Educator Certification, testified before this Committee and provided an overview of their efforts.

Recognizing that Texas faced over 43,000 vacant teacher positions, and an attrition rate among teachers of approximately 32 percent after three years, Texas is pursuing an effort to support new teachers with mentors and on-going training. These efforts are based on model induction programs in several Texas schools which resulted in a 95% retention rate among beginning teachers after three years.

However, despite the need for Texas to find more teachers, they are not lowering their standards in order to increase the number of teachers. In fact, Texas is one of the few States that has implemented tough standards for teacher preparation programs. In order to be certified, these institutions are held accountable for the performance of their teacher candidates in taking the State's certification examinations. These examinations are also being strengthened to ensure teacher candidates are able to demonstrate specific knowledge and skills in the subjects in which they plan to teach.

Partnerships

Although TEA consolidates funds from the Eisenhower Professional Development program into a larger grant to States and localities, it maintains some of the best aspects of this program. One example is the emphasis TEA places on activities funded through partnerships which include Institutions of Higher Education (IHE) and local educational agencies.

The National Evaluation of the Eisenhower Professional Development Program, conducted by the American Institutes of Research, found professional development sponsored through IHE's to be more effective than district-sponsored activities. The study noted that these programs "are more likely to focus on content, to provide more opportunities for active learning, to be more connected to teachers' other experiences, and to involve a greater number of hours, and to occur over a longer time span."

Under TEA, at least two percent of the funds held at the State level must be directed through the State Agency for Higher Education, working in conjunction with the State educational agency (if such agencies are separate) for awarding grants to eligible partnerships for developing and providing, high quality professional development. These partnerships, at a minimum, must include a high need local educational agency, a school of arts and sciences, and an institution that prepares teachers. The Committee also encourages these Partnerships to include other entities with a stake in teacher quality and which are able to bring added strength to the success of the partnership.

In addition to the funds set aside specifically for the partnerships at the State level, TEA makes these partnerships eligible to compete for the 20 percent of funds distributed by the State through a competitive process.

The emphasis upon the inclusion of schools of arts and sciences in these partnerships reflects a growing awareness by educators for there to be more coordination and cooperation between these programs, and the programs that prepare teachers. These arts and

sciences programs bring to the table the content knowledge necessary for teachers to be successful in today's classrooms. The connection with local educational agencies is also highlighted. Too often, programs that prepare teachers are out of touch with the realities faced by its graduates when they reach the classroom.

During its hearings, the Committee had the opportunity to hear from witnesses regarding some specific initiatives being undertaken by partnerships. For example, Dr. Crystal Gips, Associate Director of Teacher Education and K–18 Programs at the California State University (CSU), highlighted their active partnerships with K–12 schools. She began by noting that California presently has 30,000 classroom teachers without credentials appropriate to their assignments. While at the same time the State is experiencing an extraordinary demand for new teachers as a result of class-size reduction, an increase in student population, and an increase in teacher retirements. Reacting to the need to both upgrade the skills of current teachers, as well as increase the number of new teachers, CSU has undertaken a variety of initiatives, including those related to the recruitment and pre-service preparation of teachers, induction programs to increase the retention of new teachers, and professional development programs focusing on high standards for all students.

Local activities

Recognizing that the most important decisions in education must occur at the local level, TEA provides the majority of its funds directly to local educational agencies, and allows considerable flexibility in how these funds are used. However, while maintaining this flexibility, TEA requires that funds be used to support local initiatives that focus on professional development, provide for the unique needs of math and science teachers, and hire teachers in order to reduce class size.

Professional Development

Given the clear evidence of teacher quality upon student academic success, the question becomes what makes a quality teacher? Certainly, it begins with how the individuals are initially prepared to teach, but research shows that high quality professional development can also increase the quality of teachers.

Impact of high quality professional development and student achievement

The relationship between high quality professional development and student achievement has been the focus of extensive research. At a joint hearing with the Committee on Science, this Committee heard from Dr. Jane Butler Kahle, Condit Professor of Science Education at Miami University in Oxford Ohio, who provided an overview of the leading research in this area. She noted results from a systemic initiative in Ohio, which found that teachers participating in sustained professional development, when compared to those who had not, had students with higher test scores. For example, she noted, "African-American girls in classes of teachers with sustained professional development scored 9 percent higher on the

science achievement test than did their peers in classrooms of teachers who had not participated.”

What is “high quality” professional development?

While some professional development can lead to higher student achievement, it is clear that not all professional development leads to such results. Dr. Kahle also noted the work of Dr. D.H. Monk, which concluded that “additional coursework in specific areas (e.g., number and kinds of science and mathematics courses) has a positive effect on student learning, while additional coursework by teachers in unrelated subjects has no, or a negative, effect on student learning.” Dr. Kahle concluded that “short-term, finite programs (described in the vernacular as “make and take” or “spray and pray” workshops) usually do not result in improved content knowledge for teachers, or changes teaching practice, or enhanced student learning.”

TEA builds upon research that has been proven to have the common characteristics of effective professional development.

Specifically, professional development must be: (1) directly related to the curriculum and content areas in which the teacher provides instruction and be designed to enhance the ability of the teacher to understand and use the State’s standards for the subject area in which they teach; (2) measured in terms of progress in increasing student achievement and improving content knowledge of teachers as demonstrated through reductions in out-of-field teaching and emergency certified teachers; (3) tied to challenging State or local content standards and student performance standards; (4) tied to scientifically based research demonstrating the effectiveness of such program in increasing student achievement or substantially increasing the knowledge and teaching skills of such teachers; (5) developed with extensive participation of teachers, principals, and administrators of schools to be served under this part; and (6) be of sufficient intensity and duration not to include 1-day, or short-term workshops and conferences) to have a positive and lasting impact on the teacher’s performance in the classroom.

However, with respect to this last required condition of professional development, exceptions are provided if such single activity is a component of a long-term comprehensive professional development plan established by the teacher and the teachers’ supervisor based upon an assessment of their needs, their students’ needs, and the needs of the local educational agency. This provision is based upon the National Eisenhower evaluation which found that traditional types of professional development (such as conferences), are less likely to be associated with positive teacher outcomes, unless they occur over a long time span and involve a significant number of hours.

The 1994 reauthorization of the Eisenhower Professional Development Program provided an important push toward increasing the accountability of professional development. Specifically, it outlined the characteristics of high quality professional development and stressed the need for local schools to fund only those activities with such characteristics. A recent preliminary report of the National Evaluation of the Eisenhower Program found reasons to be opti-

mistic, while at the same time highlighted the realities of how much more needs to be done in this area.

Testifying before our Committee, one of the authors of the National Evaluation, Dr. Beatrice F. Birman, from the American Institutes for Research (AIR), made the following conclusion regarding the overall quality of professional development under the Eisenhower program:

“While on average, districts may have improved some features of their professional development activities since the last reauthorization, the national evaluation’s survey of district Eisenhower coordinators indicates that the features of Eisenhower-funded professional development activities vary substantially across districts.” She went on to discuss how short-term, one-day workshops are still the norm in some districts, and that just over half of teachers in district level programs “reported that participation enhanced their knowledge and skills in curriculum content.”

This evaluation has assisted in raising the awareness of the need to increase the quality of programs assisted with these Federal funds. TEA helps promote the improvement of these programs by setting clear guidelines on what professional development should include.

Math and science

Consistent with the Eisenhower Professional Development program, the TEA legislation maintains a strong focus on math and science programs. This continued focus reflects the unique needs of math and science teachers. Foremost, is evidence suggesting, that these teachers (especially in mathematics) are most likely not to have the content background necessary to teach to high standards. A 1999 survey by Education Week found that nationally, 28 percent of public math teachers in grades 9–12, hold neither a math major nor a minor. Similarly, 18.2 percent of science teachers are out-of-field. Such findings may offer reasons for the latest scores from the Third International Mathematics and Science Study (TIMSS) which showed that America’s children ages 13–17 are, on average, lagging the world in mathematics and science achievement.

Following the recent TIMSS report, the National Science Board released “Preparing Our Children: Math and Science Education in the National Interest,” which highlighted the need to focus on the areas of math and science. For example, the report noted the following:

All high-performing countries show student gains between grades 3 and 4, and again between grades 7 and 8. The U.S. does not. Even in 4th grade, where U.S. students do well relative to those in other countries, their performance in physical science areas is weak, foreshadowing their average performance at 8th grade and their unacceptably poor showing at 12th grade. When we compare our K–12 schools and curricula in light of the TIMSS results, we find many teachers lacking good content preparation and, in the aggregate, a muddled and superficial curriculum. Even excellent pedagogy cannot inspire learning what the world’s best-performing children are expected to know in

these circumstances. Amidst the diversity of students and systems—large and small, wealthy and disadvantaged, urban and suburban and rural—there is an overarching reality: in too many American schools there is too little quality science and mathematics being taught and learned.

Under TEA, localities must continue to expend the same amount of funds they would have otherwise expended on math and science programs had the Eisenhower program not been consolidated.

However, unlike under current law, a local educational agency may seek a waiver from the State allowing them to use these funds for other core academic areas if they can demonstrate they are meeting their math and science needs. Specifically, prior to a waiver being approved, the local educational agency must be able to demonstrate that (1) the professional development needs of mathematics and science teachers, including elementary teachers responsible for the teaching of mathematics and science, have been adequately served and will continue to be adequately served if the waiver is approved; (2) State assessments in mathematics and science demonstrate that each school within their local educational agency has made and will continue to make progress toward meeting the challenging State or local content standards and student performance standards in these areas; and (3) State assessments in other academic subjects demonstrate a need to focus on subjects other than mathematics and science.

The Committee notes that the professional development activities undertaken with the funds for math and science shall meet the same criteria required for all professional development activities under this title.

Hiring teachers to reduce class size

Under TEA, local educational agencies must use a portion of the funds provided under this Title for recruiting, hiring, and training certified teachers. The Committee notes that the specific amount of funds to be used for hiring teachers shall be determined exclusively by the local educational agency. In requiring funds to be used for this purpose, the Committee believes that in certain circumstances, there are justifications for schools to reduce class size. However, such reduction should not be at the expense of lowering the overall quality of the current teaching force within a school or the quality of newly hired teachers. It is for this reason that under TEA, local educational agencies may seek a State waiver of this requirement if: (1) they can demonstrate they need to ensure their current teachers have the subject matter knowledge in the areas they teach, (2) reducing class size would result in having to hire unqualified teachers or; (3) reducing class size would have other negative consequences on student academic achievement.

Furthermore, it will allow schools to hire special education teachers in order to meet this requirement. The Committee was quite concerned that the Administration's Guidelines on the Class Size Reduction Program only allowed special education teachers to be hired as part of a class size reduction effort. The Committee strongly disagrees with the Department of Education's interpretation of when special education teachers can be hired under the class size reduction program and believes that hiring of special education

teachers can be done with these funds regardless of whether the actual number of students is reduced in a particular classroom.

The Committee believes that special education teachers can contribute to smaller class sizes by having a team teaching approach in the classroom. The special education teacher can give extra teaching support to the general education teacher by focusing his or her time on the children who need additional support and on those children with disabilities that are mainstreamed into the classroom. While the actual number of students may not be reduced, the pupil/teacher ratio will be reduced because there are two teachers in the classroom and the special education teacher is contributing to the teaching and learning needs of children in the classroom.

The Committee also recognizes that there is a shortage of special education teachers and encourages local school districts to use these funds to hire highly qualified special education teachers. The Committee believes that special education teachers bring knowledge to the classroom of how to teach children with diverse learning needs and that general education teachers can benefit from their knowledge.

Innovative activities

Given the flexibility provided under TEA, local educational agencies and schools will have the opportunity to use these funds for reforms and innovative projects aimed at increasing teacher quality and student academic achievement.

One such area is with respect to alternative certification programs. These programs provide opportunities for experienced professionals from other fields to enter teaching without having to go through the traditional schools of education. Dr. C. Emily Feistritzer, President, National Center for Education Information, testified before the Committee on the benefits of these programs and key characteristics of the best programs.

Specifically, she noted the successful efforts in New Jersey, Texas and California, where alternative route programs have had a significant impact on the recruitment and retention of highly qualified individuals for teaching. She noted that "all three of these states report that teachers certified through their alternative routes perform as well, and, in some cases, better, on certification examinations as their counterparts who completed traditional teacher education programs."

Dr. Feistritzer also provided the specific characteristics of highly effective alternative teacher certification programs. Specifically, she noted they have "a strong academic coursework component; they are field-based programs, meaning that individuals get into classrooms early in their training; teacher candidates work with a qualified mentor teacher; candidates usually go through their program in cohorts, not as isolated individuals; most of these programs are collaborative efforts among state departments of education whose responsibility it is to license teachers, colleges and universities that historically have had the responsibility for educating and training teachers, and school districts who actually hire teachers."

The Committee urges States and localities to promote these characteristics in any alternative certification program supported with funds from under this Title.

The flexibility under TEA also allows local educational agencies to use these funds to help recruit, reward and retain the most qualified teachers.

The area of recruitment is becoming especially important as more and more of the nation's top graduates from education institutions never end up in the classroom. Instead, they are pursuing other careers, which may offer more competitive salaries. Under TEA, these funds may be used to set up incentive programs to enable schools to attract these types of new teachers. The ability to implement differential pay programs with funds from TEA, is especially important if schools are to find and retain teachers in areas such as math and science, where competition from the private sector has made it especially difficult for schools to hire these individuals.

Ensuring the best teachers stay in the classroom is also important. Increasing retention through mentoring and induction programs are just some examples of the types of activities schools will have the flexibility to implement under TEA. However, if the best teachers are to be justly rewarded, schools need to establish systems which effectively recognize those teachers having the greatest impact on student academic achievement, including those having a firm grasp of the subject areas in which they teach. To this end, TEA encourages schools to consider approaches such as testing teachers and merit-based systems focused on rewarding teachers whose students excel.

Accountability

One of the most discouraging findings from the National Evaluation of the Eisenhower program was in the area of accountability. Despite the requirement that districts set performance indicators for improving teaching and learning through professional development, the evaluation found few examples of this occurring. In her testimony, Dr. Beatrice Birman noted,

Despite these requirements, less than one-third of teachers are in districts with Title II projects that have developed performance indicators. In addition, only about 19 percent of teachers work in districts that are collecting data for Eisenhower performance indicators. It appears that many districts are unaware of the requirement that they do so. Furthermore, case data indicate that for many of those districts that have them, indicators seem to be a perfunctory response to federal and state requirements, not a commitment to data-based decision-making.

Despite the fact that these performance requirements were all but ignored under the Eisenhower program, TEA does not back away from accountability. Instead, under TEA, States must establish and implement a performance system which holds local educational agencies accountable for improving student academic achievement and for improving teacher quality as demonstrated through a reduction in the number of out-of-field teachers in the

classroom and the number of emergency certified teachers in the classroom. States must take action if locals fail to make progress in these areas, and may reward those that do. In addition to any action the State may take against districts that fail to implement and meet the performance standards set by the State, such districts will also be required to redirect their resources directly to teachers, via Teacher Opportunity Payments, described in more detail below.

The Committee notes that the requirement for districts improving student academic achievement also covers activities related to hiring teachers to reduce class size. The Committee expects that when schools use these funds for such purpose, teachers be given the support and professional development necessary to take full advantage of smaller class size. Without such additional assistance, any impact upon student achievement is greatly diminished.

In addition to the accountability related directly to the use of funds under this program, TEA also increases public access to information related to the quality of teachers and classrooms. Specifically, States must report to parents and taxpayers on the percentage of classes being taught by out-of-field teachers in core academic subjects and by emergency certified teachers, and the average statewide class size.

Such public accountability is also carried down to the local level, where local educational agencies must provide to parents upon request, information on the quality of their child's teacher, including whether they are certified by the State in the area they are teaching; if they are emergency certified; and the college major of the teacher. This information is intended to curb the extent to which teachers are inappropriately assigned to subjects in which they have little or no background.

Teacher opportunity payments

Under TEA, teachers will be empowered to play a role in the decision made regarding professional development activities provided by local educational agencies. Such involvement has been required under the Eisenhower program, although there is little evidence that it has been widely adhered. However, TEA takes teacher involvement further by requiring LEAs that have failed to provide quality professional development to instead direct these funds through Teacher Opportunity Payments (TOPs) directly to the teachers themselves. Although not required, LEAs may choose to put all of their professional development funds through the TOPS program.

Teacher Opportunity Payments allow a teacher, or a group of teachers (within the school or the district), to have the ability to have direct access to these funds in order to use toward a professional development program of his or her choice. For example, a group of teachers may decide to put their funds toward a program at an institution of higher education that has proved to provide exceptional training for teachers learning to effectively teach State math standards. However, such program would have to demonstrate the ability to meet the quality standards set forth in the legislation.

Under the TOPs program, local educational agencies must provide notice, regarding the availability of funds, to all teachers within the schools identified by the agency. The Committee highlights the provision which will ensure that the principals of these schools actively recruit for TOPs, those teachers who are either not fully certified in their subject areas or who are otherwise in need of assistance to ensure the academic success of their students. In the event the local educational agency does not have adequate funding to meet the demands of all teachers seeking this assistance, the TOPs program provides a priority to assist those teachers described above.

The TOPs program is based upon the belief that teachers are often in the best position to determine their particular professional development needs. The Committee has learned that too often, professional development is selected without the participation of teachers and as a result leads to programs that fail to provide the maximum benefit to these teachers. The time available to teachers and the resources needed for professional development are too limited resulting in widespread mediocrity in the quality of programs provided to teachers. The TOPs program give more authority to teachers and drive quality into the professional development programs funded. The Committee also notes the increased accountability given to teachers across the country in improving the academic achievement of their students. If this is the case, it simply makes sense to also provide them with the ability and opportunity to attend professional development program which they know will best help them meet this new level of accountability.

Technology

Members of the Committee understand the critical value of education technology as an important tool to enhance teaching and learning across all curriculum and content areas. Recent studies have found that education technology can have a very positive impact on student achievement, but only when used by well-trained teachers. For this reason, the Teacher Empowerment Act strongly encourages States and local school districts to develop and implement professional development programs that train teachers in the effective utilization of technology and its applications in the classroom to improve teaching and learning in all curriculum and content areas. The bill also encourages the use of technology as a means of delivering professional development. As a result, the Teacher Empowerment Act encourages States and local school districts to provide cost-effective and easily accessible professional development services to teachers, principals, and others under this Act through the use of technology and distance learning.

It should be noted however, that while the Committee intends that funding under the TEA be made available for training teachers on the use of technology in the classroom, the bill requires that all professional development activities must be directly related to the curriculum and content areas in which teachers provide instruction, or be designed to enhance the teaching in such areas. This is important to ensure that teachers are fully prepared in the subjects they teach. This means that while the Committee strongly encourages training in the use of technology, such training should

be used to enhance the ability of teachers to provide instruction in the subject matters they teach. One example of such training, is professional development in the area of Internet-based research, an increasingly important teaching skill that can be used to enhance the ability of teachers to provide instruction in their specific curriculum and content areas.

In order to provide adequate resources for comprehensive professional development programs that include a strong focus on technology, the Teacher Empowerment Act strongly encourages States and local school districts to coordinate activities and integrate the funding of programs under TEA with education technology programs authorized under title III of ESEA (Education Technology programs), as well as other appropriate programs and funding sources.

National activities

TEA provides the Secretary the ability to fund several programs at the national level. Specifically, funds are provided to continue the Troops-to-Teachers Program; the National Math and Science Clearinghouse and to award grants for Teacher Academies.

Troops-to-teachers

The Secretary may use a portion of these funds to continue the Troops-to-Teachers program which was originally established under the Department of Defense in January 1994 as part of the Defense Authorization Act for Fiscal Year 1993. Under this program, certain military personnel affected by the military draw-down have had the opportunity to pursue a new career in public education. Troops to Teachers is managed by the Defense Activity for Non-Traditional Education Support (DANTES) in Pensacola, Florida.

The program is for the most part, viewed as a success, with recent evaluations pointing to the quality of teachers provided through the program, the satisfaction of schools hiring these teachers, and the above-average retention rates of these new teachers.

Teacher academies

The Secretary may also fund Teacher Academies, which are schools that partner with universities and the State Educational Agency, in order to carry out programs providing alternative routes to teacher certification as well as model professional development. This grant program has emerged from the success of similar academies being established across the country.

Eisenhower National Clearinghouse for Mathematics and Science Education

The Secretary may also continue funding for the Eisenhower National Clearinghouse for Mathematics and Science Education (ENC), which was established in 1992 to serve as a central source of information on mathematics and science curriculum materials.

National Writing Project

The Secretary is also provided a separate authorization to continue funding for the National Writing Project which encompasses a network of 161 sites at universities in 47 States. The Project fol-

lows a model which provides intensive training to teachers in the area of writing. These teachers then return to their schools, where they pass along their knowledge to other teachers. The Committee has been impressed by the results of the Project and the fact that it provides a cost-effective mechanism by which to disseminate good teacher practices. In fact, the Project has been found to raise \$7 dollars for every federal dollar of support. Further, it has been found to serve over 100,000 teachers every year at a cost of just 80 cents per participant hour.

Prohibition on national mandatory testing and certification

The Committee highlights language added to TEA to prohibit the Secretary of Education from using Federal funds to plan, develop, implement, or administer any mandatory national teacher test or certification. Nor may the Secretary withhold funds from any State or locality for failing to adopt a specific method of teacher certification.

This language builds upon language enacted into law under the Higher Education Amendments of 1998, which states: “Nothing in this title shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.”

The Committee strongly believes that the training and certification of classroom teachers is the job of state governments, local school districts, educators, and parents.

Conclusion

The Teacher Empowerment Act is based upon three principles: teacher excellence, smaller classes, and local choices. In this bill, these initiatives are given a national priority—while maintaining local flexibility by allowing locals to find the right balance between the need to hire more teachers and to focus upon teacher quality. This is in contrast to the current Federal effort to reduce class size, which focuses too much on what schools should do, and how it should be done with no accountability for increases in student achievement.

Reading Excellence Act

The TEA, extends the authorization of the Reading Excellence Act (REA) for five years. REA was established under the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 to provide children with the readiness skills and support they need in early childhood to learn to read once they enter school; teach every child to read by the end of the third grade; and improve the instructional practices of teachers and other instructional staff in elementary schools. To accomplish these goals, the Act supports professional development; tutoring; (3) family literacy; and (4) transition programs.

In extending REA, the Committee notes the continued need for activities funded under this Act to meet the high quality standards associated with scientifically-based research. This aspect of REA has been successful in highlighting the availability of reading programs which have been found to make a significant impact in teaching all children to read. The Committee also notes the impor-

tance of family literacy under REA, and expects this aspect of REA to continue to be carried out.

SECTION-BY-SECTION ANALYSIS

Section 1 sets forth the short title of the Act as the “Teacher Empowerment Act”.

Section 2 amends Title II of the Elementary and Secondary Education Act of 1965 by striking the heading for title II and inserting the following: “Title II—Teacher Quality”, by repealing sections 2001 and 2003, and by amending part A as follows:

“PART A—TEACHER EMPOWERMENT

“Section 2001 sets forth the purpose of Part A of the Title.

“Section 2011(a) requires that each State must submit an application to the Secretary to receive funds.

“Section 2011(b) determines the allotment of funds.

“Section 2012 determines the use of funds for both required and permissible expenditures and provides the formula for within-state distributions.

“Section 2013(a) determines general eligibility of States.

“Section 2013(b) specifies the contents of a State’s application.

“Section 2021(a) generally determines the State role in awarding subgrants to eligible partnerships.

“Section 2021(b) specifies the use of partnership grant funds.

“Section 2021(c) determines that no single participant within an eligible partnership may retain more than 50 percent of the funds.

“Section 2021(d) defines ‘eligible partnerships.’

“Section 2021(e) determines coordination between partnerships receiving grants under section 203 of the Higher Education Act of 1965 and carrying out related activities with funds under this section.

“Section 2031(a) determines required activities of each local educational agency receiving funds.

“Section 2031(b) determines the allowable activities of each local educational agency receiving funds.

“Section 2032(a) requires that each local educational agency must submit an application to the State to receive funds.

“Section 2032(b) determines the content of the local application.

“Section 2032(c) requires any local educational agency receiving funds under subpart 3 to provide parents information regarding the professional qualifications of students’ classroom teachers and defines what that entails.

“Section 2033(a) defines the general use of professional development funds under subpart 3.

“Section 2033(b) determines other requirements for professional development activities funded under subpart 3.

“Section 2033(c) defines the accountability applied to a local educational agency.

“Section 2034(a) generally determines the rights to provide ‘Teacher Opportunity Payments.’

“Section 2034(b) requires providing notice to teachers regarding the availability of funds.

“Section 2034(c) defines the process of selecting teachers in the event of inadequate funds.

“Section 2034(d) defines an eligible program.

“Section 2041(a) defines the role of Teacher Excellence Academies as an alternative route to teaching.

“Section 2041(b) allows the Secretary to continue the Troops-to-Teachers Program.

“Section 2042 allows the Secretary to make a grant or contract to continue the Eisenhower National Clearinghouse for Mathematics and Science Education.

“Section 2051(a) authorizes appropriation for fiscal year 2000.

“Section 2051(b) authorizes appropriation for fiscal years 2001 through 2004.

“Section 2061 provides definitions and it describes conforming amendments, including the extended authorization of the National Writing Project at such sums through 2004.”

Section 3 describes amendments relating to the Reading Excellence Act. Section 3(a) repeals Part B of title II of the Elementary and Secondary Education Act of 1965.

Section 3(b) redesignates Part C of title II of such Act as “PART B—READING EXCELLENCE ACT” and extends the authorization of such program at \$260 million for fiscal year 2001 and such sums as may be necessary for fiscal years 2002 through 2004.

Section 4(a) describes general amendments to Title II as follows:

“Section 2401(a) is a prohibition on mandatory national testing or certification.

“Section 2401(b) prohibits the Secretary from withholding funds from any State or local educational agency which fails to adopt a specific method of teacher certification.

“Section 2402 establishes provisions related to private schools.

“Section 2403 establishes the rights of private, religious, and home schools relating to this title.”

Section 4(b) contains conforming amendments.

EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. This bill amends the Elementary and Secondary Education Act of 1965 to empower teachers, improve student achievement through high-quality professional development for teachers, and reauthorize the Reading Excellence Act. The bill does not prevent legislative branch employees from receiving the benefits of this legislation.

UNFUNDED MANDATES STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. This bill consolidates and streamlines multiple federal teacher preparation

programs; and this bill provides States and local schools additional flexibility in how to use these funds in exchange for increased accountability to parents and taxpayers that student achievement is increasing. As such, the bill does not contain any unfunded mandates.

ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 1 BILL H.R. 1995 DATE June 30, 1999
 AMENDMENT NUMBER 2 DEFEATED 21 - 23
 SPONSOR/AMENDMENT Mr. Martinez / Amendment in the Nature of a Substitute

MEMBER	AYE	NO	PRESENT	NOT VOTING
Mr. GOODLING, Chairman		X		
Mr. PETRI, Vice Chairman		X		
Mrs. ROUKEMA		X		
Mr. BALLENGER		X		
Mr. BARRETT		X		
Mr. BOEHNER		X		
Mr. HOEKSTRA		X		
Mr. McKEON		X		
Mr. CASTLE		X		
Mr. JOHNSON		X		
Mr. TALENT		X		
Mr. GREENWOOD				X
Mr. GRAHAM				X
Mr. SOUDER		X		
Mr. McINTOSH				X
Mr. NORWOOD		X		
Mr. PAUL				X
Mr. SCHAFFER		X		
Mr. UPTON		X		
Mr. DEAL		X		
Mr. HILLEARY		X		
Mr. EHLERS		X		
Mr. SALMON		X		
Mr. TANCREDO		X		
Mr. FLETCHER		X		
Mr. DEMINT		X		
Mr. ISAKSON		X		
Mr. CLAY	X			
Mr. MILLER	X			
Mr. KILDEE	X			
Mr. MARTINEZ	X			
Mr. OWENS	X			
Mr. PAYNE	X			
Mrs. MINK	X			
Mr. ANDREWS	X			
Mr. ROEMER	X			
Mr. SCOTT	X			
Ms. WOOLSEY	X			
Mr. ROMERO-BARCELO	X			
Mr. FATTAH	X			
Mr. HINOJOSA	X			
Mrs. McARTHUR				X
Mr. TIERNEY	X			
Mr. KIND	X			
Ms. SANCHEZ	X			
Mr. FORD	X			
Mr. KUCINICH	X			
Mr. WU	X			
Mr. HOLT	X			
TOTALS	21	23		5

COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 2 BILL H.R. 1995 DATE June 30, 1999

PASSED 27 - 19

SPONSOR/AMENDMENT Mr. Petri / report the bill to the House with an amendment and with the recommendation that the amendment be agreed to and that the bill as amended do pass

MEMBER	AYE	NO	PRESENT	NOT VOTING
Mr. GOODLING, Chairman	X			
Mr. PETRI, Vice Chairman	X			
Mrs. ROUKEMA	X			
Mr. BALLENGER	X			
Mr. BARRETT	X			
Mr. BOEHNER	X			
Mr. HOEKSTRA	X			
Mr. McKEON	X			
Mr. CASTLE	X			
Mr. JOHNSON	X			
Mr. TALENT	X			
Mr. GREENWOOD				X
Mr. GRAHAM	X			
Mr. SOUDER	X			
Mr. McINTOSH	X			
Mr. NORWOOD	X			
Mr. PAUL				X
Mr. SCHAFFER	X			
Mr. UPTON	X			
Mr. DEAL	X			
Mr. HILLEARY	X			
Mr. EHLERS	X			
Mr. SALMON	X			
Mr. TANCREDO	X			
Mr. FLETCHER	X			
Mr. DEMINT	X			
Mr. ISAKSON	X			
Mr. CLAY		X		
Mr. MILLER		X		
Mr. KILDEE		X		
Mr. MARTINEZ		X		
Mr. OWENS		X		
Mr. PAYNE		X		
Mrs. MINK		X		
Mr. ANDREWS		X		
Mr. ROEMER	X			
Mr. SCOTT		X		
Ms. WOOLSEY		X		
Mr. ROMERO-BARCELO				X
Mr. FATTAH		X		
Mr. HINOJOSA		X		
Mrs. McCARTHY		X		
Mr. TIERNEY		X		
Mr. KIND		X		
Ms. SANCHEZ		X		
Mr. FORD		X		
Mr. KUCINICH		X		
Mr. WU		X		
Mr. HOLT	X			
TOTALS	27	19		3

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1995 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 2, 1999.

Hon. WILLIAM F. GOODLING,
*Chairman, Committee on Education and the Workforce, Wash-
ington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1995, the Teacher Empowerment Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Paul Cullinan.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1995—Teacher Empowerment Act

Summary: H.R. 1995 would extend the authorization for the Reading Excellence Act through 2004 and would authorize a new block grant that would consolidate the funding for several education programs. The consolidated programs, which focus on the hiring and development of elementary and secondary school teachers, include Goals 2000, Eisenhower Professional Development, and the "100,000 new teachers" provisions included in the 1999 Department of Education Appropriations Act.

CBO estimates that the bill would provide increased authorizations of \$1.7 billion in 2000 and \$10.5 billion over the 2000–2004 period, assuming that funding is maintained at the initial authorization levels throughout the five-year period. If these amounts are appropriated, H.R. 1995 would result in \$7.3 billion in additional outlays over five years. If funding is assumed to grow each year to keep pace with inflation, the authorizations would total \$11.0 billion and the outlays \$7.5 billion from 2000 through 2004.

H.R. 1995 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs to state or local governments resulting from enactment

of this bill would be incurred voluntarily. The budgets of tribal governments budgets would be unaffected by the provisions of this bill.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1995 is shown in the following table.

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 1995

	By fiscal years, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
AUTHORIZATIONS UNDER CURRENT LAW						
Eisenhower Professional Development Program:						
Budget Authority/Authorization Level ¹	335	335	0	0	0	0
Estimated Outlays	226	334	318	101	17	0
Eisenhower Professional Development Federal Activities:						
Budget Authority/Authorization Level ¹	23	23	0	0	0	0
Estimated Outlays	21	23	17	5	(²)	0
Goals 2000:						
Budget Authority/Authorization Level ¹	461	0	0	0	0	0
Estimated Outlays	462	440	139	23	0	0
Class Size Reduction:						
Budget Authority/Authorization Level ¹	1,200	0	0	0	0	0
Estimated Outlays	60	420	420	240	60	0
Reading Excellence:						
Budget Authority/Authorization Level ¹	260	260	260	0	0	0
Estimated Outlays	13	104	221	273	104	52
Total Authorizations Under Current Law:						
Budget Authority/Authorization Level ¹	2,279	618	260	0	0	0
Estimated Outlays	782	1,321	1,115	642	181	42
PROPOSED CHANGES (WITHOUT ADJUSTMENTS FOR INFLATION)						
Repeals						
Eisenhower Professional Development Program:						
Authorization Level	0	-335	0	0	0	0
Estimated Outlays	0	-17	-218	-84	-17	0
Eisenhower Professional Development Federal Activities:						
Authorization Level	0	-23	0	0	0	0
Estimated Outlays	0	-6	-12	-4	-(²)	0
New Program						
Teacher Empowerment:						
Authorization Level ³	0	2,019	2,019	2,019	2,019	2,019
Estimated Outlays	0	106	1,056	1,799	2,139	2,139
Program Extension						
Reading Excellence:						
Authorization Level ³	0	0	0	260	260	260
Estimated Outlays	0	0	0	13	182	234
Total Changes:						
Authorization Level ³	0	1,661	2,019	2,279	2,279	2,279
Estimated Outlays	0	83	825	1,724	2,304	2,373
AUTHORIZATIONS UNDER H.R. 1995						
Teacher Development/Empowerment:						
Authorization Level ³	2,019	2,019	2,019	2,019	2,019	2,019
Estimated Outlays	769	1,300	1,719	2,260	2,379	2,199
Reading Excellence:						
Authorization Level ³	260	260	260	260	260	260
Estimated Outlays	13	104	221	286	286	286
Total:						
Budget Authority:						
Authorization Level ^{1,3}	2,279	2,279	2,279	2,279	2,279	2,279
Estimated Outlays	782	1,404	1,940	2,366	2,485	2,425

¹ The 1999 level is the amount appropriated for that year.

² Less than \$500,000.

³ Assumes funding is maintained at the fiscal year 2000 level through 2004.

Notes.—Components may not sum to totals due to rounding.

The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

Basis of estimate: H.R. 1995 would amend Title II of the Elementary and Secondary Education Act of 1965 (ESEA) to create a grant program to replace the current Eisenhower Professional Development and Goals 2000 systemic improvement programs. (The latter is currently authorized under the Educate America Act.) In addition, the new program's authorization level reflects the \$1.2 billion in funding appropriated in 1999 for the hiring of additional teachers in order to reduce the size of classes. It would also extend the authorization for the Reading Excellence Program for the 2001–2004 period.

Teacher empowerment

Under current law, the authorizations for the programs subsumed in the new grant program expire in either 1999 or 2000. The Goals 2000 authorization expired in 1998 but was automatically extended into 1999 through the General Education Provisions Act (GEPA). The authorization for the Eisenhower Professional Development program ends in 2000, assuming the automatic GEPA extension. Because the authorization for hiring additional teachers was enacted in the 1999 appropriation act, the GEPA extension does not apply and there is no authorization under current law after 1999.

The grant program established by H.R. 1995 would fund activities permitted under the three programs described above, but would allow states and localities more flexibility with regard to how the funds might be used. Among the activities currently permitted under the Eisenhower Professional Development program are peer training and mentoring programs, support for training outside the school, training for parents to become more involved in local educational delivery, and programs to attract teachers from underrepresented populations. Goals 2000 programs are designed to enhance school quality and promote excellence in elementary and secondary schools through the establishment of achievement standards for students, licensing and accreditation standards for teachers, and parental participation in the schools. The funding for additional teachers can be used to hire regular and special education teachers in order to reduce class sizes in grades 1–3, train teachers or help teachers meet state certification requirements, or to provide for other professional development for teachers.

H.R. 1995 would fund these same activities through a block grant. For this purpose, it would authorize appropriations of \$2.019 billion for fiscal year 2000 and such sums as may be necessary for the following four years. The funds would be distributed among the states in a formula similar to those used in its predecessor programs. States would be required to devote at least 95 percent of the grant to localities. Eighty percent of these funds would have to be distributed as formula grants to local school systems, and 20 percent would be provided on a competitive basis, but those funds would have to be disbursed equitably by geographic region in the state.

The bill also would set aside \$15 million of the total block grant to be used to support programs to recruit teachers from nontradi-

tional sources. H.R. 1995 would extend the authorization for the troops-to-teachers program and would allow the Secretary of Education to match up to \$3 for every \$1 spent by the Secretary of Defense and the Secretary of Transportation (with regard to Coast Guard participants) on the program. In recent years, however, no funds have been appropriated to the latter two agencies for this purpose.

CBO estimates that outlays from the new block grant will occur at the same rate as that of the programs it replaces. The new authorization would therefore result in additional outlays of \$83 million in 2000 and \$6.9 billion over the five-year period, if funding is maintained at \$2.019 billion each year. If funding is increased to keep pace with inflation, appropriations would reach \$2.2 billion in 2004 and additional outlays over the five-year period would total \$7.1 billion.

Reading excellence

Under current law, the Reading Excellence program is authorized at \$260 million and it expires in 2001, assuming the GEPA extension. The reading and literacy grants funded under this program are intended to provide professional development for teachers, establish tutoring programs, and provide family literacy services. Each state can use up to 5 percent of its funding for administrative expenses.

H.R. 1995 would authorize appropriations of such sums as may be necessary for fiscal years 2002 through 2004. CBO estimates that the new authorization would increase outlays by \$13 million in 2002 and \$429 million over the 2002–2004 period, assuming appropriations of \$260 million a year. If funding grows at the rate of inflation, outlays over the three-year period would total \$443 million.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 1995 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would allow states to apply for grants to fund initiatives by local education agencies to hire and retain effective teachers and to develop high-quality professional development programs. Participation in this grant program would be voluntary, as would be any associated costs. The budgets of tribal governments would be unaffected by the provisions of this bill.

Estimate prepared by: Federal Costs: Paul Cullinan. Impact on State, Local, and Tribal Governments: Susan Sieg. Impact on the Private Sector: Nabeel Alsalam.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

STATEMENT OF OVERSIGHT FINDINGS OF THE COMMITTEE ON GOVERNMENT REFORM

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on the subject of H.R. 1995.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by H.R. 1995. The Committee believes that the amendments made by this bill to the Elementary and Secondary Education Act are within Congress' authority under Article I, section 8, clause 1 of the Constitution.

COMMITTEE ESTIMATE

Clauses 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 1995. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

**ELEMENTARY AND SECONDARY EDUCATION ACT OF
1965**

* * * * *

**[TITLE II—DWIGHT D. EISENHOWER
PROFESSIONAL DEVELOPMENT PRO-
GRAM]**

[SEC. 2001. FINDINGS.

[The Congress finds as follows:

[(1) Reaching the National Education Goals, particularly the third, fourth, and fifth National Education Goals, requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels.

[(2) A crucial component of the strategy for achieving such goals is ensuring, through sustained and intensive high-quality professional development, that all teachers will provide challenging learning experiences in the core academic subjects for their students.

[(3) Decisionmaking as to what activities a State or local educational agency should undertake to improve teaching and learning are best made by individuals in the schools closest to the classroom and most knowledgeable about the needs of schools and students.

[(4) The potential positive impact of high-quality professional development is underscored by recent research findings that—

[(A) professional development must be focused on teaching and learning in order to improve the opportunities of all students to achieve higher standards;

[(B) effective professional development focuses on discipline-based knowledge and effective subject-specific pedagogical skills, involves teams of teachers, and, where appropriate, administrators and pupil services personnel, in a school and, through professional networks of teachers, and, where appropriate, teacher educators, administrators, pupil services personnel, and parents, is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school;

[(C) professional development can dramatically improve classroom instruction and learning when teachers, and, where appropriate, administrators, pupil services personnel, and parents, are partners in the development and implementation of such professional development; and

[(D) new and innovative strategies for teaching to high standards will require time for teachers, outside of the time spent teaching, for instruction, practice, and collegial collaboration.

[(5) Special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement.

[(6) Professional development is often a victim of budget reductions in fiscally difficult times.

[(7) The Federal Government has a vital role in helping States and local educational agencies to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

[(8) Professional development activities must prepare teachers, pupil services personnel, paraprofessionals and other staff in the collaborative skills needed to appropriately teach children with disabilities, in the core academic subjects.

[(9) Parental involvement is an important aspect of school reform and improvement. There is a need for special attention to ensure the effective involvement of parents in the education of their children. Professional development should include methods and strategies to better prepare teachers and, where appropriate, administrators, to enable parents to participate fully and effectively in their children's education.

[SEC. 2002. PURPOSES.

[The purposes of this title are to provide assistance to State and local educational agencies and to institutions of higher education with teacher education programs so that such agencies and institu-

tions can determine how best to improve the teaching and learning of all students by—

[(1) helping to ensure that teachers, and, where appropriate, other staff and administrators, have access to sustained and intensive high-quality professional development that is aligned to challenging State content standards and challenging State student performance standards, and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects; and

[(2) helping to ensure that teachers, and, where appropriate, administrators, other staff, pupil services personnel, and parents, have access to professional development that—

[(A) is tied to challenging State content standards and challenging State student performance standards;

[(B) reflects recent research on teaching and learning;

[(C) includes strong academic content and pedagogical components;

[(D) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse student populations, including females, minorities, individuals with disabilities, limited-English-proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

[(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

[(F) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

[SEC. 2003. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN PARTS.

[(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title (other than part C), there are authorized to be appropriated \$800,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

[(b) ALLOCATION BETWEEN PARTS.—Of the amounts appropriated to carry out this title for any fiscal year, the Secretary shall make available—

[(1) 5 percent of such amounts to carry out subpart 1, of which 5 percent of such 5 percent shall be available to carry out section 2103;

[(2) 94 percent of such amounts to carry out part B; and

[(3) 1 percent of such amounts to carry out part D except that such 1 percent shall not exceed \$3,200,000 in any fiscal year.

[PART A—FEDERAL ACTIVITIES

[SEC. 2101. PROGRAM AUTHORIZED.

[(a) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State edu-

cational agencies, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to—

【(1) support activities of national significance that the Secretary determines will contribute to the development and implementation of high-quality professional development activities in the core academic subjects; and

【(2) evaluate activities carried out under this part and parts B and C, in accordance with section 14701.

【(b) REQUIREMENTS.—In carrying out the activities described in subsection (a), the Secretary shall coordinate professional development programs within the Department, particularly with those programs within the Office of Educational Research and Improvement and the Office of Special Education and Rehabilitative Services, and shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum and Library Services, and other appropriate Federal agencies and entities.

【SEC. 2102. AUTHORIZED ACTIVITIES.

【(a) ACTIVITIES.—The Secretary shall use funds available to carry out this part for—

【(1) providing seed money to the entities described in section 2101(a) to develop the capacity of such entities to offer sustained and intensive high-quality professional development;

【(2) awarding a grant or contract, in consultation with the Director of the National Science Foundation, to establish an Eisenhower National Clearinghouse for Mathematics and Science Education (hereafter in this section referred to as the “Clearinghouse”); and

【(3) evaluating programs assisted under this part and parts B and C, in accordance with section 14701.

【(b) CLEARINGHOUSE.—

【(1) APPLICATION AND AWARD BASIS.—Each entity desiring to establish and operate the Clearinghouse authorized by subsection (a)(2) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. The grant or contract awarded pursuant to subsection (a)(2) shall be made on a competitive, merit basis.

【(2) DURATION.—The grant or contract awarded under subsection (a)(2) shall be awarded for a period of five years and shall be reviewed by the Secretary not later than 30 months from the date the grant or contract is awarded.

【(3) USE OF FUNDS.—The grant or contract awarded under subsection (a)(2) shall be used to—

【(A) maintain a permanent repository of mathematics and science education instructional materials and programs for elementary and secondary schools, including middle schools (including, to the extent practicable, all materials and programs developed with Federal and non-Federal funds, such as instructional materials developed by the Department, materials developed by State and national mathematics and science programs assisted under this part, and other instructional materials) for use by the

regional consortia established under part C of title XIII and by the general public;

[(B) compile information on all mathematics and science education programs administered by each Federal agency or department;

[(C) disseminate information, programs, and instructional materials to the public, dissemination networks, and the regional consortia established under part C of title XIII;

[(D) coordinate with identifiable and existing data bases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal, and, where feasible, international, data bases;

[(E) participate in collaborative meetings of representatives of the Clearinghouse and the regional consortia established under part C of title XIII to discuss issues of common interest and concern, to foster effective collaboration and cooperation in acquiring and distributing curriculum materials and programs, and to coordinate computer network access to the Clearinghouse and the resources of the regional consortia, except that not more than 3 percent of the funds awarded under subsection (a)(2) shall be used to carry out this subparagraph; and

[(F) gather qualitative and evaluative data on submissions to the Clearinghouse.

[(4) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department which develops mathematics or science education instructional material or programs, including the National Science Foundation and the Department, shall submit to the Clearinghouse copies of such material or programs.

[(5) PEER REVIEW.—The Secretary shall establish a peer review process to select the recipient of the award under subsection (a)(2).

[(6) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

[(7) APPLICATION OF COPYRIGHT LAWS.—Nothing in this subsection shall be construed to allow the use or copying, in any media, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the permission of the owner of the copyright is obtained. The Clearinghouse, in carrying out the provisions of this subsection, shall ensure compliance with title 17, United States Code.

[(8) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information concerning the grant or contract awarded under this section to State and local educational agencies and institutions of higher education. Such dissemination of information shall include examples of exemplary national programs in mathematics and science instruction and necessary technical assistance for the establishment of similar programs.

[(c) USES OF FUNDS.—The Secretary may use funds available to carry out this part for—

【(1) the development and maintenance of national clearinghouses for core academic subjects as the Secretary determines are needed and which shall be administered as adjunct clearinghouses of the Educational Resources Information Center Clearinghouses system of clearinghouses supported by the Office of Educational Research and Improvement;

【(2) professional development institutes that provide teachers or teams of teachers, and, where appropriate, administrators, pupil services personnel and other staff, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components;

【(3) encouraging the development of local and national professional networks, such as the Teacher Research Dissemination Demonstration Program under section 941(j) of the Educational Research, Development, Dissemination, and Improvement Act of 1994, that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy;

【(4) efforts to train teachers in the innovative uses and applications of technology to enhance student learning;

【(5) the development and dissemination of model teaching standards in the core academic subjects;

【(6) disseminating standards in the core academic subjects, including information on voluntary national content standards and voluntary national student performance standards and related models of high-quality professional development;

【(7) the dissemination of information about voluntary national content standards, State content standards, voluntary national student performance standards and State student performance standards, and related models of high-quality professional development;

【(8) efforts to train teachers in innovative instructional methodologies designed to meet the diverse learning needs of individual students, including methodologies which integrate academic and vocational learning and applied learning, interactive, interdisciplinary team teaching, and other alternative teaching strategies, such as service learning, experiential learning, career-related education, and environmental education, that integrate real world applications into the core academic subjects;

【(9) disseminating models of high-quality professional development activities that train educators in strategies, techniques, methods, and practices for meeting the educational needs of historically underserved populations, including females, minorities, individuals with disabilities, limited-English-proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

【(10) promoting the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

【(11) supporting the National Board for Professional Teaching Standards;

[(12) developing activities to prepare teachers, and, where appropriate, paraprofessionals, pupil services personnel, and other staff in the collaborative skills needed to appropriately teach children with disabilities in the core academic subjects;

[(13) encouraging the development of innovative models for recruitment, induction, retention, and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups; and

[(14) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts.

[SEC. 2103. NATIONAL TEACHER TRAINING PROJECT.

[(a) SHORT TITLE; FINDINGS; DEFINITIONS.—

[(1) SHORT TITLE.—This section may be cited as the “National Teacher Training Project Act of 1994”.

[(2) FINDINGS.—The Congress finds that—

[(A) teachers must be major players in educational reform in the United States;

[(B) teachers are isolated from their peers and have virtually no time during the school day to consult with other teachers;

[(C) there is a shortage of sustained, year-round professional development programs for teachers;

[(D) successful teaching methods are not adequately shared among teachers;

[(E) teachers are the best teachers of other teachers because practicing classroom teachers have experience that no outside consultant can match;

[(F) it is important for universities and schools to collaborate on teacher development programs if teaching and learning are to be improved;

[(G) pertinent research is not shared among teachers in a professional setting;

[(H) exemplary teachers should be recognized for their abilities and contributions and encouraged to refine their teaching methods;

[(I) each State should support a nationally based teacher training program, that is modeled after the National Writing Project, for teachers of early childhood education, and for teachers of core academic subjects including teachers of mathematics, science, English, civics and government, foreign languages, and arts;

[(J) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

[(K) the National Writing Project is a collaborative university-school program which offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers regarding developments in the field of writing;

[(L) each year, over 125,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school year inservice programs through one of the 155 sites located within the United States, and in 18 sites located outside of the United States;

[(M) in the 20 years of its existence, over 1,100,000 teachers, administrators, and parents have participated in National Writing Project programs;

[(N) less than \$16 per teacher was the average cost in Federal dollars for all teacher training at writing projects in academic year 1991–1992;

[(O) for every dollar in Federal support, the National Writing Project provides over \$5 in matching funds from States, local universities and schools, and the private sector;

[(P) private foundation resources, although generous in the past concerning National Writing Project programs, are inadequate to fund all of the National Teacher Training Project sites needed, and the future of the program is in jeopardy without secure financial support;

[(Q) the National Writing Project has become a model for programs in other fields, such as science, mathematics, history, literature, foreign languages, and the performing arts, and the development of programs in other fields should continue with the support of Federal funds; and

[(R) each of the 50 States should participate in the National Teacher Training Project by establishing regional teacher training sites in early childhood development, mathematics, science, English, civics and government, foreign languages, and arts to serve all teachers within the State.

[(3) DEFINITIONS.—For the purpose of this section—

[(A) the term “contractor” means—

[(i) a local educational agency;

[(ii) an educational service agency; or

[(iii) an institution of higher education that awards a bachelor’s degree; and

[(B) the term “eligible recipient” means a nonprofit educational organization which has as its primary purpose the improvement of student learning in one of the core academic subjects described in subsection (b)(2).

[(b) GRANTS AUTHORIZED.—

[(1) GRANTS TO ELIGIBLE RECIPIENTS.—The Secretary is authorized to award a grant to an eligible recipient to enable such recipient—

[(A) to support and promote the establishment of teacher training programs in early childhood development and one of the nine core subject areas described in paragraph (2), including the dissemination of effective practices and research findings regarding teacher training, and administrative activities;

[(B) to support classroom research on effective teaching practices in such area; and

[(C) to pay the Federal share of the cost of such programs and research.

[(2) CORE SUBJECT AREAS.—To the extent feasible, the Secretary shall award a grant under paragraph (1) for the establishment of a National Teacher Training Project in early childhood development and each of the following core subject areas:

[(A) Mathematics.

[(B) Science.

[(C) English.

[(D) Civics and government.

[(E) Foreign languages.

[(F) Arts.

[(G) Geography.

[(H) History.

[(I) Economics.

[(3) NUMBER OF GRANTS AND ELIGIBLE RECIPIENTS.—The Secretary shall award not more than ten grants under paragraph (1) to ten different eligible recipients.

[(4) EQUITABLE DISTRIBUTION.—The Secretary shall award grants under paragraph (1) to eligible recipients from different geographic areas of the United States.

[(5) SPECIAL RULE.—Each grant under paragraph (1) shall be of sufficient size, scope, and quality to be effective.

[(6) ADMINISTRATIVE COSTS AND TECHNICAL ASSISTANCE.—Each eligible recipient receiving a grant under paragraph (1) may use not more than a total of 5 percent of the grant funds for administrative costs and the costs of providing technical assistance to a contractor.

[(c) GRANT REQUIREMENTS.—Each eligible recipient receiving a grant under subsection (b) shall—

[(1) enter into a contract with a contractor under which such contractor agrees—

[(A) to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of the core academic subjects for which such eligible recipient was awarded a grant, including approaches and processes to obtain parental involvement in a child's education; and

[(B) to use funds received from the eligible recipient to pay the Federal share of the cost of establishing and operating teacher training programs described in subparagraph (A);

[(2) to submit annual reports to the Secretary and be responsible for oversight of the funds expended at each teacher training program described in subparagraph (A); and

[(3) meet such other conditions and standards as the Secretary determines to be necessary to ensure compliance with this section and provide such technical assistance as may be necessary to carry out this section.

[(d) TEACHER TRAINING PROGRAMS.—The teacher training programs described in subsection (b) shall—

[(1) be conducted during the school year and during the summer months;

[(2) train teachers who teach grades kindergarten through college;

[(3) select teachers to become members of a National Teacher Training Project, which members shall conduct inservice workshops for other teachers in the area subject matter served by the National Teacher Training Project site;

[(4) use teacher training principles and receive technical assistance from the National Writing Project; and

[(5) encourage teachers from all disciplines to participate in such teacher training programs.

[(e) FEDERAL SHARE.—The term “Federal share” means, with respect to the costs of teacher training programs described in subsection (b), 50 percent of such costs to the contractor.

[(f) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(g) PARTICIPANTS AND SELECTION PROCESS.—The selection process for participation in a teacher training program described in subsection (b) shall—

[(1) reward exemplary teachers with varying levels of teaching experience who are nominated by other teachers and administrators;

[(2) involve an application process to select participants for a summer program;

[(3) ensure the selection of a geographically and ethnically diverse group of teachers by soliciting applications from teachers of both public and private institutions in rural, urban, and suburban settings in each State; and

[(4) automatically offer a place in a summer program to the “Teacher of the Year” chosen pursuant to a Federal or State teacher recognition program.

[(h) LIMITATION.—A contractor entering into a contract under subsection (c)(1) shall not spend more than 5 percent of funds received under the contract for administrative costs.

[PART B—STATE AND LOCAL ACTIVITIES

[SEC. 2201. PROGRAM AUTHORIZED.

[(The Secretary is authorized to make grants to State educational agencies for the improvement of teaching and learning through sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

[SEC. 2202. ALLOCATION OF FUNDS.

[(a) RESERVATION OF FUNDS.—From the amount available to carry out this part for any fiscal year, the Secretary shall reserve—

[(1) ½ of 1 percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this part; and

[(2) ½ of 1 percent for the Secretary of the Interior for programs under this part for professional development activities

for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

[(b) STATE ALLOCATIONS.—The Secretary shall allocate the amount available to carry out this part and not reserved under subsection (a) to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than $\frac{1}{2}$ of 1 percent of such amount:

[(1) Fifty percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

[(2) Fifty percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I for the preceding fiscal year, or for fiscal year 1995 only, such part's predecessor authority.

[(c) REALLOCATION.—If any jurisdiction does not apply for an allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with such subsection.

[SEC. 2203. WITHIN-STATE ALLOCATIONS.

[Of the amounts received by a State under this part for any fiscal year—

[(1) 84 percent shall be available for local allowable activities under section 2210(b), of which—

[(A) not more than 5 percent may be used for the administrative costs of the State educational agency and for State-level activities described in section 2207; and

[(B) of the remaining amount—

[(i) 50 percent shall be distributed to local educational agencies—

[(I) for use in accordance with section 2210; and

[(II) in accordance with the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

[(ii) 50 percent of such amount shall be distributed to local educational agencies—

[(I) for use in accordance with section 2210; and

[(II) in accordance with the relative amount such agencies received under part A of title I or for fiscal year 1995 for the preceding fiscal year, such part's predecessor authority; and

[(2) 16 percent shall be available to the State agency for higher education for activities under section 2211, of which not more than 5 percent may be used for the administrative costs of the State agency for higher education.

[SEC. 2204. CONSORTIUM REQUIREMENT.

[(a) IN GENERAL.—A local educational agency receiving a grant under this part of less than \$10,000 shall form a consortium with another local educational agency or an educational service agency serving another local educational agency to be eligible to participate in programs assisted under this part.

[(b) WAIVER.—The State educational agency may waive the application of paragraph (1) in the case of any local educational agency that demonstrates that the amount of its allocation under this part is sufficient to provide a program of sufficient size, scope, and quality to be effective. In granting waivers under the preceding sentence, the State educational agency shall—

[(1) give special consideration to local educational agencies serving rural areas if distances or traveling time between schools make formation of the consortium more costly or less effective; and

[(2) consider cash or in-kind contributions provided from State or local sources that may be combined with the local educational agency's allocation for the purpose of providing services under this part.

[(c) SPECIAL RULE.—Each consortium shall rely, as much as possible, on technology or other arrangements to provide staff development programs tailored to the needs of each school or school district participating in a consortium described in subsection (a).

[SEC. 2205. STATE APPLICATIONS.

[(a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive an allotment under this part for any fiscal year shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

[(b) STATE PLAN TO IMPROVE TEACHING AND LEARNING.—

[(1) IN GENERAL.—Each application under this section shall include a State plan that is coordinated with the State's plan under other programs assisted under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, consistent with the provisions of section 14306.

[(2) CONTENTS.—Each such State plan shall—

[(A) be developed in conjunction with the State agency for higher education, community-based and other nonprofit organizations of demonstrated effectiveness, institutions of higher education or schools of education, and with the extensive participation of local teachers, administrators and pupil services personnel and show the role of each such entity in implementation of the plan;

[(B) be designed to give teachers, and, where appropriate, administrators and pupil services personnel in the State, the knowledge and skills necessary to provide all students the opportunity to meet challenging State content standards and challenging State student performance standards;

[(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);

[(D) include a description of how the plan has assessed the needs of local educational agencies serving rural and urban areas, and what actions are planned to meet such needs;

[(E) include a description of how the activities assisted under this part will address the needs of teachers in schools receiving assistance under part A of title I;

[(F) a description of how programs in all core academic subjects, but especially in mathematics and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups, including females, minorities, individuals with limited English proficiency, the economically disadvantaged, and individuals with disabilities, by incorporating pedagogical strategies and techniques which meet such individuals' educational needs;

[(G) be consistent with the State's needs assessment under subparagraph (C), and describe how the State will work with teachers, including teachers in schools receiving assistance under part A of title I, administrators, parents, local educational agencies, schools, educational service agencies, institutions of higher education, and nonprofit organizations of demonstrated effectiveness, to ensure that such individuals develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subjects;

[(H) describe how the State requirements for licensure of teachers and administrators, including certification and recertification, support challenging State content standards and challenging State student performance standards and whether such requirements are aligned with such standards;

[(I) address the need for improving teaching and learning through teacher development beginning with recruitment, preservice, and induction, and continuing throughout the professional teaching career, taking into account the need, as determined by the State, for greater access to and participation in the teaching profession by individuals from historically underrepresented groups;

[(J) describe how the State will prepare all teachers to teach children with diverse learning needs, including children with disabilities;

[(K) describe how the State will prepare teachers, and, where appropriate, paraprofessionals, pupil services personnel, and other staff in the collaborative skills needed to appropriately teach children with disabilities, in the core academic subjects;

[(L) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers, and, where appropriate, administrators and pupil services personnel;

[(M) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing such teachers and administrators to provide instruction consistent with challenging State content standards and challenging State student performance standards;

[(N) set specific performance indicators for professional development; and

- [(O) describe how parents can be involved in professional development programs to enhance the participation of parents in the education of their children.
- [(3) DURATION OF THE PLAN.—Each such State plan shall—
- [(A) remain in effect for the duration of the State’s participation under this part; and
- [(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State’s strategies and programs under this part.
- [(c) ADDITIONAL MATERIAL.—Each State application shall include—
- [(1) a description of how the activities assisted under this part will be coordinated, as appropriate, with—
- [(A) other activities conducted with Federal funds, especially activities supported under part A of title I of this Act and the Individuals with Disabilities Education Act;
- [(B) programs supported by State and local funds;
- [(C) resources from business and industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience; and
- [(D) funds received from other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, the Institute of Museum and Library Services, and the National Endowment for the Humanities; and
- [(2) a description of the activities to be sponsored under the State-level activities under section 2207 and the higher education activities under section 2211.
- [(d) PEER REVIEW AND SECRETARIAL APPROVAL.—
- [(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section if such application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.
- [(2) REVIEW.—In reviewing applications under this section, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

[(SEC. 2206. PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE.

[(a) APPROPRIATION OF LESS THAN \$250,000,000.—In any fiscal year for which the amount appropriated for this title (other than part C) is less than \$250,000,000, each State shall ensure that all funds distributed in accordance with section 2203(1)(C) are used for professional development in mathematics and science.

[(b) APPROPRIATION EQUAL TO OR ABOVE \$250,000,000.—In any fiscal year for which the amount appropriated for this title (other than part C) is equal to or exceeds \$250,000,000, each State and local educational agency shall use for professional development activities in mathematics and science the amount of funds that would have been made available to each such agency in accordance with sections 2202 and 2203 if the amount appropriated was \$250,000,000, consistent with subsection (a), and are permitted and

encouraged to use the amount of funds in excess of \$250,000,000 that is made available in accordance with sections 2202 and 2203 for professional development activities in mathematics and science.

[SEC. 2207. STATE-LEVEL ACTIVITIES.

Each State may use funds made available under section 2203(1)(A) to carry out activities described in the plan under section 2205(b), such as—

[(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align such requirements with the State’s challenging State content standards and ensure that teachers and administrators have the knowledge and skills necessary to help students meet challenging State student performance standards;

[(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

[(3) providing technical assistance to schools and local educational agencies, especially schools and local educational agencies that receive assistance under part A of title I, to help such schools and agencies provide effective professional development in the core academic subjects;

[(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

[(5) supporting partnerships between schools, consortia of schools, or local educational agencies and institutions of higher education, including schools of education, which encourage—

[(A) teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education; and

[(B) students at institutions of higher education studying to become teachers to have direct, practical experience at the schools;

[(6) providing professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subjects, including efforts to train teachers in methods of achieving gender equity both in students’ access to computers and other educational technology and in teaching practices used in the application of educational technology;

[(7) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students;

[(8) providing professional development to enable teachers, and, where appropriate, pupil services personnel, and other school staff, to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and economically disadvantaged students have the full opportunity to achieve challenging State content standards and challenging State student performance standards in the core academic subjects by, for example, encouraging girls and young

women and minorities to pursue advanced courses in mathematics and science;

[(9) professional development and recruitment activities designed to increase the numbers of minorities, individuals with disabilities, and women teaching in the core academic subjects in which such individuals are underrepresented;

[(10) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement organizations;

[(11) providing professional development activities which prepare teachers, and where appropriate, pupil services personnel, paraprofessionals, and other staff in the collaborative skills needed to appropriately teach children with disabilities, in the core academic subjects;

[(12) identifying, developing, or supporting professional development strategies to better equip parents to assist their children in raising their children's achievement in the core academic subjects; and

[(13) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools.

[SEC. 2208. LOCAL PLAN AND APPLICATION FOR IMPROVING TEACHING AND LEARNING.

[(a) LOCAL APPLICATION.—

[(1) IN GENERAL.—Each local educational agency that wishes to receive a subgrant under this part shall submit an application (singly or as a consortium as described in section 2204) to the State educational agency at such time as the State educational agency shall require, but not less frequently than every three years, that is coordinated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with the provisions of section 14306.

[(2) INDICATORS.—A local educational agency shall set specific performance indicators for improving teaching and learning through professional development.

[(b) NEEDS ASSESSMENT.—

[(1) IN GENERAL.—A local educational agency that wishes to receive a subgrant under this part shall include in its application an assessment of local needs for professional development as identified by the local educational agency and school staff.

[(2) REQUIREMENTS.—Such needs assessment shall be carried out with the involvement of teachers, including teachers in schools receiving assistance under part A of title I, and shall take into account what activities need to be conducted in order to give teachers and, where appropriate, administrators, the means, including the knowledge and skills, to provide students with the opportunity to meet challenging State or local student performance standards.

[(c) APPLICATION CONTENTS.—Each application under this section shall include the local educational agency's plan for professional development that—

[(1) focuses on teaching and learning in the core academic subjects; and

[(2) has been developed with the extensive participation of administrators, staff, and pupil services personnel, which teachers shall also be representative of the grade spans within schools to be served and of schools which receive assistance under part A of title I.

[(d) PLAN CONTENTS.—

[(1) IN GENERAL.—Based on the needs assessment required under subsection (b), the local educational agency's plan shall—

[(A) include a description of how the plan contributes to the local educational agency's overall efforts for school reform and educational improvement;

[(B) include a description of how the activities funded under this section will address the needs of teachers in schools receiving assistance under part A of title I;

[(C) be aligned with the State's challenging State content standards and challenging State student performance standards;

[(D) describe a strategy, tied to challenging State content standards and challenging State student performance standards, consistent with the needs assessment under subsection (b);

[(E) be of sufficient intensity and duration to have a positive and lasting impact on the student's performance in the classroom;

[(F) describe how programs in all core academic subjects, but especially in mathematics and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups, including girls and women, minorities, individuals with limited English proficiency, the economically disadvantaged, and individuals with disabilities, by incorporating pedagogical strategies and techniques which meet such individuals' educational need;

[(G) contain an assurance that the activities conducted with funds received under this part will be assessed at least every three years using the performance indicators;

[(H) describe how the program funded under this part will be coordinated, as appropriate, with—

[(i) activities conducted under section 2131 and other services of institutions of higher education;

[(ii) similar State and local activities;

[(iii) resources provided under part A of title I and other provisions of this Act;

[(iv) resources from business, industry, public and private nonprofit organizations (including museums, libraries, educational television stations, community-based organizations, professional organizations and associations specializing in, or with a demonstrated expertise in the core academic subjects);

[(v) funds or programming from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the Institute of Museum and Library

Services, the National Endowment for the Humanities, and the National Endowment for the Arts;

[(vi) services of educational service agencies; and

[(vii) resources provided under the Individuals with Disabilities Education Act;

[(I) identify the sources of funding that will provide the local educational agency's contribution under section 2209; and

[(J) describe the professional development strategies to be employed to more fully and effectively involve parents in the education of their children.

[(2) DURATION OF THE PLAN.—Each local plan described in subsection (b)(1) shall—

[(A) remain in effect for the duration of the local educational agency's participation under this part; and

[(B) be periodically reviewed and revised by the local educational agency, as necessary, to reflect changes in the local educational agency's strategies and programs under this part.

[SEC. 2209. LOCAL COST-SHARING.

[(a) IN GENERAL.—Each local educational agency shall provide not less than 33 percent of the cost of the activities assisted under this part, excluding the cost of services provided to private school teachers.

[(b) AVAILABLE RESOURCES FOR COST-SHARING.—

[(1) IN GENERAL.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

[(A) Cash expenditures from non-Federal sources, including private contributions, directed toward professional development activities.

[(B) Release time for teachers participating in professional development assisted under this part.

[(C) Funds received under one or more of the following programs, so long as such funds are used for professional development activities consistent with this part and the statutes under which such funds were received, and are used to benefit students and teachers in schools that otherwise would have been served with such funds:

[(i) Helping disadvantaged children meet high standards under part A of title I.

[(ii) The Safe and Drug-Free Schools and Communities program under title IV.

[(iii) Bilingual Education Programs under part A of title VII.

[(iv) Programs under the Women's Educational Equity Act of 1994.

[(v) Programs under title III of the Goals 2000: Educate America Act.

[(vi) Programs that are related to the purposes of this Act that are administered by other Federal agencies, including the National Science Foundation, the National Endowment for the Humanities, the National

Endowment for the Arts, the Institute of Museum and Library Services, and the Department of Energy.

[(vii) Programs under the Individuals with Disabilities Education Act.

[(2) SPECIAL RULE.—A local educational agency may meet the requirement of subsection (a) through contributions described in paragraph (1) that are provided in cash or in kind, fairly evaluated.

[(c) WAIVER.—The State educational agency may approve an application which has not fully met the requirements of subsection (a) and waive the requirements of subsection (a) if a local educational agency can demonstrate that such agency is unable to meet the requirements of subsection (a) due to economic hardship and that compliance with such requirements would preclude such agency's participation in the program.

[(SEC. 2210. LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES.

[(a) LOCAL ALLOCATION OF FUNDS.—Each local educational agency that receives funds under this part for any fiscal year—

[(1) shall use not less than 80 percent of such funds for professional development of teachers, and, where appropriate, administrators, and, where appropriate, pupil services personnel, parents, and other staff of individual schools in a manner that—

[(A) is determined by such teachers and staff;

[(B) to the extent practicable, takes place at the individual school site; and

[(C) is consistent with the local educational agency's application under section 2208, any school plan under part A of title I, and any other plan for professional development carried out with Federal, State, or local funds that emphasizes sustained, ongoing activities; and

[(2) may use not more than 20 percent of such funds for school district-level professional development activities, including, where appropriate, the participation of administrators, policymakers, and parents, if such activities directly support instructional personnel.

[(b) AUTHORIZED ACTIVITIES.—

[(1) IN GENERAL.—Each local educational agency and school that receives funds under this part shall use such funds for activities that give teachers and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards.

[(2) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Professional development activities funded under this part shall—

[(A) be tied to challenging State content standards or challenging local content standards, and challenging State student performance standards or challenging local student performance standards;

[(B) take into account recent research on teaching and learning;

[(C) provide professional development which incorporates effective strategies, techniques, methods, and prac-

tices for meeting the educational needs of diverse groups of students, including girls and women, minorities, individuals with disabilities, limited English proficient individuals, and economically disadvantaged individuals;

[(D) include strong academic content and pedagogical components; and

[(E) be of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom.

[(3) ACTIVITIES.—Funds under this part may be used for professional development activities such as—

[(A) professional development for teams of teachers, and, where appropriate, administrators, pupil services personnel, or other staff from individual schools, to support teaching consistent with challenging State content standards and challenging State student performance standards;

[(B) support and time, which in the case of teachers may include release time with pay, for teachers, and, where appropriate, pupil services personnel and other school staff to enable such teachers, personnel, and staff to participate in professional development in the core academic subjects that are offered through professional associations, universities, community-based organizations, and other providers, such as educational partnership organizations, science centers, and museums;

[(C) activities that provide followup for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom;

[(D) support for partnerships between schools, consortia of schools, or local educational agencies, and institutions of higher education, including schools of education, which partnerships shall encourage—

[(i) teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education; and

[(ii) students at institutions of higher education studying to become teachers to have direct, practical experience at schools;

[(E) the establishment and maintenance of local professional networks that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

[(F) preparing teachers in the effective use of educational technology and assistive technology as instructional tools for increasing student understanding of the core academic subjects;

[(G) professional development to enable teachers, and, where appropriate, pupil services personnel and other school staff, to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve the challenging State content stand-

ards and challenging State student performance standards in the core academic subjects;

[(H) professional development and recruitment activities designed—

[(i) to increase the number of minorities, individuals with disabilities, and females teaching in the core academic subjects in which such individuals are underrepresented; and

[(ii) to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, through such programs as career ladder programs that assist educational paraprofessionals to obtain teaching credentials in the core academic subjects;

[(I) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement programs;

[(J) support and time for teachers, and, where appropriate, pupil services personnel, and other school staff to learn and implement effective collaboration for the instruction of children with disabilities in the core academic subject areas;

[(K) preparing teachers, and, where appropriate, pupil services personnel to work with parents and families on fostering student achievement in the core academic subjects;

[(L) professional development activities and other support for new teachers as such teachers move into the classroom to provide such teachers with practical support and to increase the retention of such teachers;

[(M) professional development for teachers, parents, early childhood educators, administrators, and other staff to support activities and services related to preschool transition programs to raise student performance in the core academic subjects;

[(N) professional development activities to train teachers in innovative instructional methodologies designed to meet the diverse learning needs of individual students, including methodologies which integrate academic and vocational learning and applied learning, interactive and interdisciplinary team teaching, and other alternative teaching strategies such as service learning, experiential learning, career-related education, and environmental education, that integrate real world applications into the core academic subjects;

[(O) developing professional development strategies and programs to more effectively involve parents in helping their children achieve in the core academic subjects;

[(P) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools; and

[(Q) release time with pay for teachers.

[SEC. 2211. HIGHER EDUCATION ACTIVITIES.

[(a) ACTIVITIES.—

[(1) IN GENERAL.—From amounts made available under section 2203(2), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall make grants to, or enter into contracts or cooperative agreements with, institutions of higher education and nonprofit organizations of demonstrated effectiveness, including museums and educational partnership organizations, which must work in conjunction with a local educational agency, consortium of local educational agencies, or schools, for—

[(A) professional development activities in the core academic subjects that contribute to the State plan for professional development;

[(B) developing and providing assistance to local educational agencies, and the teachers and staff of each such agency, for sustained, high-quality professional development activities; and

[(C) improving teacher education programs in order to promote further innovation in teacher education programs within an institution of higher education and to better meet the needs of the local educational agencies for well-prepared teachers.

[(2) COMPETITIVE BASIS.—Each grant, contract, or cooperative agreement described in paragraph (1) shall be awarded on a competitive basis.

[(3) SPECIAL RULE.—No institution of higher education may receive assistance under (a)(1) of this subsection unless the institution enters into an agreement with a local educational agency, or consortium of such agencies, to provide sustained, high-quality professional development for the elementary and secondary school teachers in the schools of each such agency.

[(4) JOINT EFFORTS.—Each activity assisted under this section, where applicable, shall involve the joint effort of the institution of higher education's school or department of education, if any, and the schools or departments in the specific disciplines in which such professional development will be provided.

[(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use such funds for—

[(1) sustained and intensive high-quality professional development for teams of teachers, or teachers, and, where appropriate, pupil services personnel and administrators from individual schools or school districts;

[(2) other sustained and intensive professional development activities related to achievement of the State plan for professional development; and

[(3) preservice training activities.

[(c) PARTNERSHIPS.—Each institution of higher education receiving a grant under this section may also enter into a partnership with a private industry, museum, library, educational television station, or public or private nonprofit organization of demonstrated experience to carry out professional development activities assisted under this section.]

TITLE II—TEACHER QUALITY

PART A—TEACHER EMPOWERMENT

SEC. 2001. PURPOSE.

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

Subpart 1—Grants to States

SEC. 2011. FORMULA GRANTS TO STATES.

(a) *IN GENERAL.*—*In the case of each State that in accordance with section 2013 submits to the Secretary an application for a fiscal year, the Secretary shall make a grant for the year to the State for the uses specified in section 2012. The grant shall consist of the allotment determined for the State under subsection (b).*

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

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

(A) *1/2 of 1 percent for allotments for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among these outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purpose of this part; and*

(B) *1/2 of 1 percent for the Secretary of the Interior for programs under this part for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.*

(2) *STATE ALLOTMENTS.*—

(A) *HOLD HARMLESS.*—

(i) *IN GENERAL.*—*Subject to subparagraph (B), from the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 1999 under—*

(I) *section 2202(b) of this Act (as in effect on the day before the date of the enactment of the Teacher Empowerment Act);*

(II) *section 307 of the Department of Education Appropriations Act, 1999; and*

(III) *section 304(b) of the Goals 2000: Educate America Act.*

(ii) *RATABLE REDUCTION.*—*If the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to re-*

ceive under clause (i) for any fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

(B) ALLOTMENT OF ADDITIONAL FUNDS.—

(i) **IN GENERAL.**—Subject to clause (ii), for any fiscal year for which the total amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year 1999 under the authorities described in subparagraph (A)(i), the Secretary shall allot such excess amount as follows:

(I) 50 percent of such excess amount shall be allotted among such States on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

(II) 50 percent of such excess amount shall be allotted among such States in proportion to the number of children, aged 5 to 17, who reside within the State from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

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

(3) **REALLOTMENT.**—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate such amount to the remaining States in accordance with this subsection.

SEC. 2012. WITHIN-STATE ALLOCATIONS.

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

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

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

(A) 95 percent of the amount of the funds provided under the grant for the purpose of making subgrants to local educational agencies under subpart 3; and

(B) 2 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible partnerships under subpart 2 (of which percent, up to 5 percent may be used for planning and administration related to carrying out such purpose).

(2) **AUTHORIZED EXPENDITURES.**—A State that receives a grant under this subpart may expend not more than 3 percent

of the amount of the funds provided under the grant for one or more of the authorized State activities described in subsection (d) (of which percent, the State may use up to 5 percent for planning and administration related to carrying out such activities and making subgrants to local educational agencies under subpart 3).

(c) *DISTRIBUTION OF SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.*—

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

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

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

(ii) 50 percent is allocated to local educational agencies in proportion to the number of children, aged 5 to 17, who reside within the geographic area served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in the geographic areas served by all the local educational agencies in the State for that fiscal year.

(B) *ALTERNATIVE FORMULA.*—A State may increase the percentage described in subparagraph (A)(ii) (and commensurately decrease the percentage described in subparagraph (A)(i)).

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

(A) *COMPETITIVE PROCESS.*—A State receiving a grant under this subpart shall distribute 20 percent of the amount described in subsection (b)(1)(A) through a competitive process that results in an equitable distribution by geographic area within the State.

(B) *PARTICIPANTS.*—The competitive process under subparagraph (A) shall be open to local educational agencies and eligible partnerships (as defined in section 2021(d)), except that a State shall give priority to high-need local educational agencies that focus on math, science, or reading professional development programs.

(d) *AUTHORIZED STATE ACTIVITIES.*—The authorized State activities referred to in subsection (b)(2) are the following:

(1) *Reforming teacher certification, recertification, or licensure requirements to ensure that—*

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

(B) they are aligned with the State's challenging State content standards; and

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

(2) Carrying out programs that—

(A) include support during the initial teaching experience; and

(B) establish, expand, or improve alternative routes to State certification of teachers for highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers.

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

(4) Reforming tenure systems and implementing teacher testing and other procedures to expeditiously remove incompetent and ineffective teachers from the classroom.

(5) Developing enhanced performance systems to measure the effectiveness of specific professional development programs and strategies.

(6) Providing technical assistance to local educational agencies consistent with this part.

(7) Funding projects to promote reciprocity of teacher certification or licensure between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

(8) Developing or assisting local educational agencies or eligible partnerships (as defined in section 2021(d)) in the development and utilization of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

(e) COORDINATION.—States receiving grants under section 202 of the Higher Education Act of 1965 shall coordinate the use of such funds with activities carried out under this section.

(f) PUBLIC ACCOUNTABILITY.—

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

(A) in the event the State provides public State report cards on education, shall include in such report cards—

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

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

(iii) the average statewide class size; or
 (B) in the event the State provides no such report card, shall disseminate to the public the information described in clauses (i) and (ii) of subparagraph (A) through other means.

(2) **PUBLIC AVAILABILITY.**—Such information shall be made widely available to the public, including parents and students, through major print and broadcast media outlets throughout the State.

SEC. 2013. APPLICATIONS BY STATES.

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

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

(1) A description of how the State will ensure that a local educational agency receiving a subgrant under subpart 3 will comply with the requirements of such subpart, including the required use of funds for mathematics and science programs, professional development, and hiring teachers to reduce class size.

(2) A description of the specific performance indicators the State will use (including an identification of how such performance indicators will be measured and reported) for each local educational agency to measure the annual progress of activities funded under subpart 3 in increasing—

(A) student academic achievement; and

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

(3) A description of the bonus incentives, if any, that will be provided to local educational agencies that exceed a level of improvement established by the State based on such performance indicators, and actions the State will take in the event a local educational agency fails to meet or make progress toward such level of improvement.

(4) A description of how the State will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including those authorized under title I, title III, title IV, part A of title VII, and (where applicable) the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act. The application shall also describe the comprehensive strategy that the State will take as part of such coordination effort, to ensure that teachers are trained in the utilization of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in all curriculum and content areas, as appropriate.

(5) A description of how the State will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as through the use of technology and distance learning.

(c) *APPLICATION SUBMISSION.*—A State application submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the application, that the application is in violation of the provisions of this Act.

Subpart 2—Subgrants to Eligible Partnerships

SEC. 2021. PARTNERSHIP GRANTS.

(a) *IN GENERAL.*—From the amount described in section 2012(b)(1)(B), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award grants on a competitive basis to eligible partnerships to enable such partnerships to carry out activities described in subsection (b). Such grants shall be equitably distributed by geographic area within the State.

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

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

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

(A) ensure they are able to use State content standards, performance standards, and assessments to improve instructional practices and improve student achievement; and

(B) may include intensive programs designed to prepare teachers who will return to their school to provide such instruction to other teachers within such school.

(c) *SPECIAL RULE.*—No single participant in an eligible partnership may retain more than 50 percent of the funds made available to the partnership under this section.

(d) *ELIGIBLE PARTNERSHIPS.*—As used in this section, the term “eligible partnerships” means an entity that—

(1) shall include—

(A) a high-need local educational agency;

(B) a school of arts and sciences; and

(C) an institution that prepares teachers; and

(2) may include other local educational agencies, a public charter school, a public or private elementary or secondary school, an educational service agency, a public or private non-profit educational organization, or a business.

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

Subpart 3—Subgrants to Local Educational Agencies

SEC. 2031. LOCAL USE OF FUNDS.

(a) **REQUIRED ACTIVITIES.**—

(1) **IN GENERAL.**—*Each local educational agency that receives a subgrant under this subpart shall use the subgrant to carry out the activities described in this subsection.*

(2) **MATHEMATICS AND SCIENCE.**—

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

(B) **WAIVER.**—

(i) **APPLICATION.**—*A local educational agency, in consultation with teachers and principals, may seek a waiver of the requirement in subparagraph (A) from a State in order to allow the local educational agency to use such funds for professional development in academic subjects other than mathematics and science.*

(ii) **STANDARD FOR GRANTING.**—*A State may not approve such a waiver unless the local educational agency is able to demonstrate that—*

(I) *the professional development needs of mathematics and science teachers, including elementary teachers responsible for teaching mathematics and science, have been adequately served and will continue to be adequately served if the waiver is approved;*

(II) *State assessments in mathematics and science demonstrate that each school within the local educational agency has made and will continue to make progress toward meeting the challenging State or local content standards and student performance standards in these areas; and*

(III) *State assessments in other academic subjects demonstrate a need to focus on subjects other than mathematics and science.*

(iii) **GRANDFATHER OF OLD WAIVERS.**—*A waiver provided to a local educational agency under part D of title XIV prior to the date of the enactment of the Teacher Empowerment Act shall be deemed effective until such time as it otherwise would have ceased to be effective.*

(3) **PROFESSIONAL DEVELOPMENT ACTIVITIES.**—*Each local educational agency that receives a subgrant under this subpart shall use a portion of such funds for professional development activities that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and stu-*

dent performance standards. Such activities shall be consistent with sections 2033 and 2034.

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

(A) *IN GENERAL.*—Each local educational agency that receives a subgrant under this subpart shall use a portion of such funds for recruiting, hiring, and training certified teachers, including teachers certified through State and local alternative routes, in order to reduce class size.

(B) *SPECIAL RULE FOR SPECIAL EDUCATION TEACHERS.*—Notwithstanding subparagraph (A), a local educational agency may use some or all of the funds described in such subparagraph to hire special education teachers regardless of whether such action reduces class size.

(C) *WAIVER.*—

(i) *APPLICATION.*—A local educational agency may seek a waiver of the requirement in subparagraph (A) from a State in order to allow the local educational agency to use such funds for purposes other than hiring teachers in order to reduce class size.

(ii) *STANDARD FOR GRANTING.*—A State may not approve such a waiver unless the local educational agency is able to demonstrate that—

(I) such funds will be used to ensure that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which they provide instruction; or

(II) an initiative to reduce class size would result in having to rely on underqualified teachers, inadequate classroom space, or would have any negative consequence affecting the efforts of the local educational agency to improve student academic achievement.

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

(1) *Initiatives to assist recruitment of highly qualified teachers who will be assigned teaching positions within their field, including—*

(A) *providing signing bonuses or other financial incentives, such as differential pay, for teachers to teach in academic subject areas in which there exists a shortage of such teachers within a school or the local educational agency;*

(B) *establishing programs that—*

(i) *recruit professionals from other fields and provide such professionals with alternative routes to teacher certification; and*

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

(C) *implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through*

- alternative routes, coupled with a system of intensive screening designed to hire the most qualified applicant.*
- (2) *Initiatives to promote retention of highly qualified teachers and principals including—*
- (A) *programs that provide mentoring to newly hired teachers, such as from master teachers, and to newly hired principals; or*
- (B) *programs that provide other incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic success.*
- (3) *Programs and activities that are designed to improve the quality of the teacher force, such as—*
- (A) *innovative professional development programs (which may be through partnerships including institutions of higher education), including programs that train teachers to utilize technology to improve teaching and learning, that are consistent with the requirements of section 2033;*
- (B) *development and utilization of proven, cost-effective strategies for the implementation of professional development activities, such as through the utilization of technology and distance learning;*
- (C) *tenure reform;*
- (D) *merit pay;*
- (E) *testing of elementary and secondary school teachers in the subject areas taught by such teachers;*
- (F) *professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including those who are gifted and talented); and*
- (G) *professional development programs that provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subparagraph (F) learn.*
- (4) *Teacher opportunity payments, consistent with section 2034.*

SEC. 2032. LOCAL APPLICATIONS.

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

- (1) *at such time as the State shall require; and*
- (2) *which is coordinated with other programs under this Act, or other Acts, as appropriate.*

(b) *LOCAL APPLICATION CONTENTS.—The local application described in subsection (a), shall include, at a minimum, the following:*

- (1) *A description of how the local educational agency intends to use funds provided under this subpart, including an assurance that the local educational agency will meet the requirements for the use of funds for mathematics and science programs, professional development, and hiring teachers to reduce class size, under section 2031.*

(2) *An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that—*

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

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

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

(3) *A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs, including those authorized under title I, title III, title IV, part A of title VII, and (where applicable) the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act.*

(4) *A description of how the local educational agency will integrate funds under this subpart with funds received under title III that are used for professional development to train teachers in how to use technology to improve learning and teaching.*

(c) *PARENTS' RIGHT-TO-KNOW.—A local educational agency that receives funds under this subpart shall provide, upon request and in an understandable and uniform format, to any parent of a student attending any school receiving funds under this subpart, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:*

(1) *Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.*

(2) *Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.*

(3) *The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field or discipline of the certification or degree.*

SEC. 2033. PROFESSIONAL DEVELOPMENT FOR TEACHERS.

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

(1) **IN GENERAL.—***Except as provided in paragraph (2), professional development funds under this subpart may not be provided for a teacher and an activity if the activity is not—*

(A) *directly related to the curriculum and content areas in which the teacher provides instruction; or*

(B) *designed to enhance the ability of the teacher to understand and use the State's standards for the subject area in which the teacher provides instruction.*

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

(b) **OTHER REQUIREMENTS.—***Professional development activities funded under this subpart—*

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

(2) shall be tied to challenging State or local content standards and student performance standards;

(3) shall be tied to scientifically based research demonstrating the effectiveness of such program in increasing student achievement or substantially increasing the knowledge and teaching skills of such teachers;

(4) shall be of sufficient intensity and duration (such as not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this paragraph shall not apply to an activity if such activity is one component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of their needs, their students' needs, and the needs of the local educational agency; and

(5) shall be developed with extensive participation of teachers, principals, and administrators of schools to be served under this part.

(c) **ACCOUNTABILITY.**—

(1) **IN GENERAL.**—A State shall notify a local educational agency that the agency is on notice of the possibility that the agency may be subject to the requirement in paragraph (3) if, after any fiscal year, the State determines that the programs or activities funded by the agency fail to meet the requirements of subsections (a) and (b).

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

(3) **REQUIREMENT TO PROVIDE TEACHER OPPORTUNITY PAYMENTS.**—A local educational agency that has been put on notice by the State pursuant to paragraph (1) during any 2 consecutive fiscal years shall expend under section 2034 for the succeeding fiscal year a proportion of the amount made available to the agency under this subpart equal to the proportion of such amount expended by the agency on professional development for the second fiscal year in which it was put on notice.

SEC. 2034. TEACHER OPPORTUNITY PAYMENTS.

(a) **IN GENERAL.**—A local educational agency receiving funds under this subpart may (or, in the case of a local educational agency described in section 2033(c)(3), shall) provide funds directly to a teacher or a group of teachers seeking opportunities to participate in a professional development activity of their choice.

(b) **NOTICE TO TEACHERS.**—Local educational agencies distributing funds under this section shall establish and implement a timely process through which proper notice of availability of funds will be given to all teachers within schools identified by the agency and shall develop a process whereby teachers will be specifically recommended by principals to participate in such program by virtue of—

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

(2) *their need for additional assistance to ensure that their students make progress toward meeting challenging State content standards and student performance standards.*

(c) *SELECTION OF TEACHERS.—In the event adequate funding is not available to provide payments under this section to all teachers seeking such assistance, or identified as needing such assistance pursuant to subsection (b), a local educational agency shall establish procedures for selecting teachers which provide a priority for those teachers described in paragraph (1) or (2) of subsection (b).*

(d) *ELIGIBLE PROGRAM.—Teachers receiving a payment under this section shall have the choice of attending any professional development program that meets the criteria set forth in subsection (a) or (b) of section 2033.*

Subpart 4—National Activities

SEC. 2041. ALTERNATIVE ROUTES TO TEACHING.

(a) *TEACHER EXCELLENCE ACADEMIES.—*

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

(2) *USE OF FUNDS.—*

(A) *IN GENERAL.—An eligible consortium receiving funds under this subsection shall use the funds to pay the costs associated with the establishment or expansion of a teacher academy in an elementary or secondary school facility that carries out the activities promoting alternative routes to State teacher certification specified in subparagraph (B), the model professional development activities specified in subparagraph (C), or all such activities.*

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

(i) *provide opportunities to highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction;*

(ii) *provide stipends, for not more than 2 years, to permit individuals described in clause (i) to participate as student teachers able to fill teaching needs in academic subjects in which there is a demonstrated shortage of teachers;*

(iii) *provide for the recruitment and hiring of master teachers to mentor and train student teachers within such academies; and*

(iv) *include a reasonable service requirement for individuals completing the alternative certification program established by the consortium.*

(C) *MODEL PROFESSIONAL DEVELOPMENT.*—The model professional development activities specified in this subparagraph are activities providing ongoing professional development opportunities for teachers, such as—

(i) innovative programs and model curricula in the area of professional development which may serve as models to be disseminated to other schools and local educational agencies; and

(ii) developing innovative techniques for evaluating the effectiveness of professional development programs.

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

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

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

(4) *SPECIAL RULE.*—No single participant in an eligible consortium may retain more than 50 percent of the funds made available to the consortium under this subsection.

(5) *APPLICATION.*—To be eligible to receive a grant under this subsection, an eligible consortium shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(6) *ELIGIBLE CONSORTIUM.*—In this subsection, the term “eligible consortium” means a consortium for a State that—

(A) shall include—

(i) the State agency responsible for certifying teachers;

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

(iii) a school of arts and sciences; and

(iv) an institution that prepares teachers; and

(B) may include local educational agencies, public charter schools, public or private elementary or secondary schools, educational service agencies, public or private non-profit educational organizations, museums, or businesses.

(b) *CONTINUATION OF TROOPS-TO-TEACHERS PROGRAM.*—

(1) *PURPOSE.*—It is the purpose of this subsection to authorize the continuation after September 30, 1999, of the teachers and teachers’ aide placement program known as the “troops-to-teachers program”, which was established by the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, under section 1151 of title 10, United States Code.

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

(3) *DEFENSE AND COAST GUARD CONTRIBUTION.*—The Secretary of Education may not make a transfer of funds under paragraph (2) unless the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, agree to cover not less than 25 percent of the costs associated with the activities conducted under the troops-to-teachers program. The contributions may be in the form of in-kind contributions or cash expenditures, which may include the use of private contributions made for purposes of the program.

(4) *ELIGIBLE MEMBERS.*—After September 30, 1999, the troops-to-teachers program shall have a primary focus of recruiting members of the Armed Forces who are retiring after not less than 20 years of active duty.

(5) *PLACEMENT PRIORITY.*—The Defense Activity for Non-Traditional Education Support shall cooperate with the Department of Education in efforts to notify high-need local educational agencies of the services available to them under the troops-to-teachers program.

SEC. 2042. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

The Secretary may award a grant or contract, in consultation with the Director of the National Science Foundation, to continue the Eisenhower National Clearinghouse for Mathematics and Science Education.

Subpart 5—Funding

SEC. 2051. AUTHORIZATION OF APPROPRIATIONS.

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

(b) *OTHER FISCAL YEARS.*—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal years 2001 through 2004.

Subpart 6—General Provisions

SEC. 2061. DEFINITIONS.

For purposes of this part—

(1) *ARTS AND SCIENCES.*—The term “arts and sciences” means—

(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

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

(2) *HIGH-NEED LOCAL EDUCATIONAL AGENCY.*—The term “high-need local educational agency” means a local educational

agency that serves an elementary school or secondary school located in an area in which there is—

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

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

(C) a high teacher turnover rate.

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

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

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

(4) **SCIENTIFICALLY BASED RESEARCH.**—The term “scientifically based research”—

(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to professional development of teachers; and

(B) shall include research that—

(i) employs systematic, empirical methods that draw on observation or experiment;

(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

[PART C—READING AND LITERACY GRANTS]

PART B—READING EXCELLENCE ACT

* * * * *

SEC. 2260. AUTHORIZATIONS OF APPROPRIATIONS; RESERVATIONS FROM APPROPRIATIONS; SUNSET.

(a) **AUTHORIZATIONS.**—

(1) **FY 1999.**—There are authorized to be appropriated to carry out this part and section 1202(c) \$260,000,000 for fiscal year 1999.

(2) **FY 2000.**—There are authorized to be appropriated to carry out this part and section 1202(c) \$260,000,000 for fiscal year 2000.

(3) **FISCAL YEARS 2001 TO 2004.**—There are authorized to be appropriated to carry out this part \$260,000,000 for fiscal year

2001 and such sums as may be necessary for fiscal years 2002 through 2004.

* * * * *

[PART D—PROFESSIONAL DEVELOPMENT DEMONSTRATION PROJECT

[SEC. 2301. FINDINGS AND PURPOSE.

[(a) FINDINGS.—The Congress finds that—

[(1) underlying the standards-driven framework of the Goals 2000: Educate America Act and the high academic standards for eligible students under title I is a widespread need to prepare teachers to teach to higher standards;

[(2) prospective and current teachers need knowledge and skills beyond what such teachers currently possess;

[(3) while both the Goals 2000: Educate America Act and titles I and II of this Act have extensive references to professional development of teachers, there are no provisions to incorporate “on-the-ground” planning and implementation to serve as models for local educational agencies across the Nation; and

[(4) better prepared teachers can lead to improved student achievement, especially for students who are furthest from reaching high standards.

[(b) PURPOSE.—It is the purpose of this part—

[(1) to address the need for professional development with a primary focus on teachers;

[(2) to provide both prospective teachers and current teachers opportunities to learn both the content and the pedagogy needed to teach to high standards; and

[(3) to build models, in a few cities and States, that demonstrate new organizational arrangements and deep investments in teachers necessary to better prepare teachers for new standards and assessments.

[SEC. 2302. DEMONSTRATION PROGRAM AUTHORIZED.

[(a) GENERAL AUTHORITY.—

[(1) IN GENERAL.—The Secretary shall carry out a demonstration project under which the Secretary awards grants in accordance with this part to eligible partnerships to enable such partnerships to plan and implement professional development programs.

[(2) PROGRAM REQUIREMENTS.—The programs described in paragraph (1)—

[(A) shall focus on increasing teachers’ knowledge and understanding of content by providing teachers opportunities to improve their knowledge and to improve their classroom practice in order to help students meet high academic standards;

[(B) shall include teachers at all career stages, from student teachers or interns through senior team leaders or department chairs; and

[(C) may incorporate professional development for principals, pupil services personnel, aides, other school-based staff, and parents.

[(b) ELIGIBLE PARTNERSHIPS.—For the purpose of this part, the term “eligible partnership” means a partnership consisting of—

[(1) a local educational agency, a subunit of such agency, or a consortium of such agencies, in which not less than 50 percent of the schools served by such agency, subunit, or consortium are eligible to participate in schoolwide programs under section 1114; or

[(2) other partners that—

[(A) shall include, at a minimum, a teachers’ union (if appropriate), one or more institutions of higher education which may include faculty from schools of education and faculty from schools of arts and sciences, and a local parent or community council; and

[(B) may include a business partner or a nonprofit organization with a demonstrated record in staff development.

[SEC. 2303. GRANTS.

[(a) AUTHORITY.—

[(1) IN GENERAL.—The Secretary shall award grants for planning, and grants for the implementation of, professional development programs under this part.

[(2) DISTRIBUTION.—The Secretary shall award not less than 75 percent of the funds available for grants under this part to eligible partnerships serving the schools with the greatest number of poor students. To the extent possible, such grants shall be awarded to eligible partnerships serving both rural and urban school districts and in a manner that reflects geographic and racial diversity.

[(3) NUMBER OF GRANTS.—In the first year that the Secretary awards grants under this part, the Secretary shall award at least twice as many planning grants as implementation grants in order to receive well-developed plans for long-term funding under this part.

[(b) GRANT REQUIREMENTS.—

[(1) DURATION.—The Secretary shall award—

[(A) planning grants under this part for a period of not less than six months and not more than nine months; and

[(B) implementation grants under this part for a period of four fiscal years.

[(2) AMOUNT.—The Secretary shall award grants under this part in an amount determined on the basis of the size of the program and the level of investment the eligible partnership is making in teacher development in the area served by the eligible partnership, including local, State, and Federal funds and existing higher education resources, except that no grant under this part shall exceed \$500,000 in any one fiscal year.

[SEC. 2304. PLAN.

[(Each eligible partnership desiring assistance under this part shall develop a plan for the program to be assisted under this part. Such plan shall—

[(1) identify clearly how such plan will support an overall systemic reform strategy giving special attention to the role of teacher preparation for new standards and assessment;

[(2) describe the eligible partnership's instructional objectives and how the professional development activities will support such objectives;

[(3) specify the organizational arrangements and delivery strategies to be used, such as teacher centers, professional development schools, teacher networks, and academic alliances, as well as the curriculum for teachers;

[(4) specify the commitments the local educational agencies, teacher's union, institutions of higher education, or any other entity participating in such partnership are prepared to make, not only to support program activities such as release time, contractual flexibility, support for interns or student teachers if applicable, but also to sustain the central aspects of the plan after the expiration of the grant; and

[(5) describe how the activities described under this part will lead to districtwide policy and budget changes.

[SEC. 2305. TECHNICAL ASSISTANCE.

[The Secretary is authorized to enter into an arrangement with an intermediary organization to enable such organization to provide technical assistance to eligible partnerships receiving assistance under this part.

[SEC. 2306. MATCHING FUNDS.

[The Secretary shall give special priority to awarding grants under this part to eligible partnerships that demonstrate such partnership's ability to raise matching funds from private sources.]

PART [E] C—GENERAL PROVISIONS

[SEC. 2401. REPORTING AND ACCOUNTABILITY.

[(a) STATES.—Each State that receives funds under this title (other than part C) shall submit a report to the Secretary every three years, beginning with fiscal year 1997, on the State's progress toward the performance indicators identified in such State's plan, as well as on the effectiveness of State and local activities assisted under this title (other than part C).

[(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall submit a report to the State every three years, beginning with fiscal year 1997, regarding the progress of such agency toward performance indicators identified in such agency's local plan, as well as on the effectiveness of such agency's activities under this part.

[(c) FEDERAL EVALUATION.—The Secretary shall report to the President and the Congress on the effectiveness of programs and activities assisted under this part in accordance with section 14701.

[(d) PROHIBITION ON FUNDS BEING USED FOR CONSTRUCTION OR RENOVATION.—Funds received under this part shall not be used for construction or renovation of buildings, rooms, or any other facilities.

[SEC. 2402. DEFINITIONS.

[As used in this title (other than part C)—

【(1) the term core academic subjects” means those subjects listed in the State plan under title III of the Goals 2000: Educate America Act or under the third National Education Goal as set forth in section 102(3) of such Act;

【(2) the term performance indicators” means measures of specific outcomes that the State or local educational agency identifies as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills necessary to assist their students to meet challenging State content standards and challenging State student performance standards in the core academic subjects, such as—

【(A) the degree to which licensure requirements are tied to challenging State content standards and challenging State student performance standards;

【(B) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects;

【(C) incorporating effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging student performance standards;

【(D) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards or other nationally recognized professional teacher enhancement organizations; and

【(E) specific increases in the number of teachers licensed in each core academic subject;

【(3) the term “sustained and intensive high-quality professional development” means professional development activities that—

【(A) are tied to challenging State content standards, challenging State student performance standards, voluntary national content standards or voluntary national student performance standards;

【(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components appropriate for students with diverse learning needs;

【(C) incorporate effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging student performance standards;

【(D) are of sufficient intensity and duration to have a positive and lasting impact on the teacher’s performance in the classroom or the administrator’s performance on the job; and

[(E) recognize teachers as an important source of knowledge that should inform and help shape professional development; and
(4) the term “local”, when used with respect to standards, means challenging content and student performance standards in the core academic subjects (in addition to challenging State content and student performance standards approved by the State for title I).]

SEC. 2401. PROHIBITION ON MANDATORY NATIONAL CERTIFICATION OF TEACHERS.

(a) *PROHIBITION ON MANDATORY TESTING OR CERTIFICATION.—Notwithstanding any other provision of law, the Secretary is prohibited from using Federal funds to plan, develop, implement, or administer any mandatory national teacher test or certification.*

(b) *PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding funds from any State or local educational agency if such State or local educational agency fails to adopt a specific method of teacher certification.*

SEC. 2402. PROVISIONS RELATED TO PRIVATE SCHOOLS.

The provisions of sections 14503 through 14506 apply to programs under this title.

SEC. 2403. HOME SCHOOLS.

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

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TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

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PART K—NATIONAL WRITING PROJECT

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SEC. 10992. NATIONAL WRITING PROJECT.

(a) * * *

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(i) **AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated for the grant to the National Writing Project, **[\$4,000,000]** such sums as may be necessary for each of fiscal years 2000 through 2004 to carry out the provisions of this section.

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TITLE XIII—SUPPORT AND ASSISTANCE PROGRAMS TO IMPROVE EDUCATION

* * * * *

PART C—EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIA

* * * * *

SEC. 13302. USE OF FUNDS.

Funds provided under this part may be used by a regional consortium, under the direction of a regional board established under section 13304, to—

- (1) work cooperatively with the other regional consortia, the Eisenhower National Clearinghouse for Science and Mathematics Education established under section [2102(b)] 2042 and federally funded technical assistance providers to more effectively accomplish the activities described in this section;

* * * * *

TITLE XIV—GENERAL PROVISIONS

PART A—DEFINITIONS

SEC. 14101. DEFINITIONS.

Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

- (1) * * *

* * * * *

- (10) COVERED PROGRAM.—The term “covered program” means each of the programs authorized by—

- (A) part A of title I;
- (B) part C of title I;
- (C) title II [(other than section 2103 and part D)];

* * * * *

PART E—UNIFORM PROVISIONS

* * * * *

SEC. 14503. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

- (a) * * *

* * * * *

- (b) APPLICABILITY.—

- (1) IN GENERAL.—This section applies to programs under—

- (A) * * *

(B) title II [(other than section 2103 and part D of such title)];

* * * * *

DISSENTING VIEWS OF CONGRESSMAN RON PAUL

Although the Teacher Empowerment Act (H.R. 1995) does represent a marginal improvement over the current system and the Administration's proposal, it is still rooted in the unconstitutional philosophy that the federal government must set the education priorities for the nation. Therefore, Congress should reject it.

H.R. 1995 is not entirely without merit. The most important feature of the bill is the provision forbidding the use of federal funds for mandatory national teacher testing or teacher certification. National teacher testing or national teacher certification will inevitably lead to a national curriculum. National teacher certification will allow the federal government to determine what would-be teachers need to know in order to practice their chosen profession. Teacher education will revolve around preparing teachers to pass the national test or to receive a national certificate. New teachers will then base their lesson plans on what they needed to know in order to receive their Education Department-approved teaching certificate. Therefore, all those who oppose a national curriculum should oppose national teacher testing. I commend Chairman Goodling and Chairman McKeon for their continued commitment to fighting a national curriculum.

Furthermore, this bill provides increased ability for state and local governments to determine how best to use federal funds. However, no one should confuse this with true federalism or even a repudiation of the modern view of state and local governments as administrative agencies of the Federal Government. After all, the very existence of a federal program designed to "help" states train teachers limits a state's ability to set education priorities since every dollar taken in federal taxes to fund federal teacher training programs is a dollar a state cannot use to purchase new textbooks or computers for students. This bill also dictates how much money the states may keep versus how much must be sent to the local level and limits the state government's uses of the funds to activities approved by Congress.

In order to receive any funds under this act, states must apply to the Department of Education and describe how local school districts will use the funds in accordance with federal mandates; how they will measure student achievement and teacher quality; how they will coordinate professional development activities with other programs; and how they will encourage the development of "proven, innovative strategies" to improve professional development—I wonder how much funding a state would receive if their "innovative strategy" did not meet the approval of the Education Department! I have no doubt that state governments, local school districts, and individual citizens could design a less burdensome procedure to support teacher quality initiatives if the federal government would only abide by its constitutional limits.

Use of the funds by local school districts is also limited by the federal government. For example, local school districts must use a portion of each grant to reduce class size, unless it can demonstrate to the satisfaction of the state that it needs the money to fund other priorities. This provision illustrates how this bill offends not just constitutional procedure but also sound education practice. After all, the needs of a given school system are best determined by the parents, administrators, community leaders, and, yes, teachers, closest to the students—not by state or federal bureaucrats. Yet this bill continues to allow distant bureaucrats to oversee the decisions of local education officials.

Furthermore, this bill requires localities to use a certain percentage of their funds to meet the professional development needs of math and science teachers. As an OB-GYN, I certainly understand the need for quality math and science teachers, however, for Congress to require local education agencies to devote a disproportionate share of resources to one particular group of teachers is a form of central planning—directing resources into those areas valued by the central planners, regardless of the diverse needs of the people. Not every school district in the country has the same demand for math and science teachers. There may be some local school districts that want to devote more resources to English teachers or foreign language instructors. Some local school districts may even want to devote their resources to provide quality history and civics teachers so they will not produce another generation of constitutionally illiterate politicians!

In order to receive funding under this bill, states must provide certain guarantees that the state's use of the money will result in improvement in the quality of the state's education system. Requiring such guarantees assumes that the proper role for the Federal Government is to act as overseer of the states and localities to ensure they provide children with a quality education. There are several flaws in this assumption. First of all, the 10th Amendment to the United States Constitution prohibits the Federal Government from exercising any control over education. Thus, the Federal Government has no legitimate authority to take money from the American people and use that money in order to bribe states to adopt certain programs that Congress and the federal bureaucracy believes will improve education. The prohibition in the 10th amendment is absolute; it makes no exception for federal education programs that "allow the states flexibility!"

In addition to violating the Constitution, making states accountable in any way to the federal government for school performance is counter-productive. The quality of American education has declined as Federal control has increased, and for a very good reason. As mentioned above, decentralized education systems are much more effective than centralized education systems. Therefore, the best way to ensure a quality education system is through dismantling the Washington, DC-based bureaucracy and making schools accountable to parents and students.

In order to put the American people back in charge of education, I have introduced the Family Education Freedom Act (H.R. 935) which provides parents with a \$3,000 tax credit for K-12 education expenses and the Education -Improvement Tax Cut Act (H.R. 936),

which provides all citizens with a \$3,000 tax credit for contributions to K-12 scholarships and for cash or in-kind donations to schools. I have also introduced the Teacher Tax Cut Act, which encourages good people to enter and remain in the teaching profession by providing teachers with a \$1,000 tax credit. By returning control of the education dollar to parents and concerned citizens, my education package does more to improve education quality than any other proposal in Congress.

In conclusion, while the Teacher Empowerment Act does represent a marginal improvement over the current system and is certainly superior to the Clinton Administration's scheme to nationalize the teaching profession, it does continue the federal control of education in violation of the Constitution and sound education principals. I therefore urge my colleagues to reject the approach of this bill and instead join me in working to eliminate the federal education bureaucracy, cut taxes, and thus return control over education to America's parents, teachers, and students.

RON PAUL.

MINORITY VIEWS

We believe that teacher quality is a vitally important factor in student achievement. Furthermore, we believe that the federal government has an important role to play in providing leadership and resources to states and districts, particularly districts that serve large numbers of low-income and minority students, in their efforts to obtain and maintain a fully qualified teaching force. While the minority supports the intent behind the Teacher Empowerment Act, we believe that in the areas class size reduction, targeting, teacher quality, professional development, and accountability the bill does not go far enough and must be strengthened before floor consideration.

During the full Committee markup of H.R. 1995, Representative Martinez (D-CA) offered a Democratic alternative (H.R. 2390, the Smart Classrooms Act) which addressed the shortcomings of the Teacher Empowerment Act.

Class size reduction

While we agree that teacher quality is essential to student achievement, we believe that other factors, such as class size, are equally important. Qualified teachers can be far more effective in smaller classes than they can in larger ones.

One of the most serious defects of H.R. 1995 is that it undermines the federal effort to help local communities reduce class size in the early grades to an average of 18 students by failing to provide a separate, dedicated funding stream, targeted to high-poverty communities, consistent with the bipartisan agreement enacted as part of the fiscal year 1999 Omnibus Appropriations Act. It also fails to maintain a clear focus on reducing class size in the early grades despite the fact that research consistently demonstrates that smaller classes in these grades improve student achievement and provide lasting benefits through high school completion, especially for disadvantaged students.

The Democratic Substitute continues the commitment made to teachers, students, and parents last year to reduce class sizes in the early grades. The Democratic Substitute maintains a separate funding stream for class size reduction activities, but provides a degree of flexibility for states that are not in a position to reduce class sizes as rapidly as other states. Most importantly, the Democratic Substitute strengthens language in the current class size initiative to ensure that only certified and fully qualified teachers are hired. The Teacher Empowerment Act allows uncertified and emergency certified teachers to be placed and retained in the classroom indefinitely.

A number of major education organizations, such as the Council of Chief State School Officers, the National Parent-Teachers Association, Council of Great City Schools, the American Federation of

Teachers, and the National Education Association, and the Leadership Conference on Civil Rights oppose H.R. 1995 because it undermines the Class Size Reduction Program, and fails to adequately target resources to the neediest students.

Inadequate authorization levels

H.R. 1995 provides inadequate funding authorization to finish the job of hiring 100,000 new teachers and ensuring all teachers are highly qualified. By contrast, the Democratic Substitute increases authorizations to a total of \$4.8 billion in FY 2004 to meet future demand for professional development and new teachers.

Targeting

H.R. 1995 fails to target funds to the neediest schools and districts where they can have the greatest impact. Under H.R. 1995, 80 percent of the available funds are allocated to local districts through a formula based 50 percent on the number of poor children served by the district and 50 percent on district enrollment. The remaining 20 percent of the funds would be awarded competitively with no priority for high-need districts. Moreover, there is no hold-harmless for LEAs to protect high-need districts that currently receive funds under the highly targeted class size reduction formula from losing funds. Without a hold harmless provision, many affluent school districts like Beverly Hills, California will receive increases over last year funding at the expense of the highest-need districts such as Los Angeles, which would lose almost \$2 million compared to this year.

Under the Democratic Substitute, 80 percent of the money for professional development activities would have been allocated through a targeted formula—60 percent based on poverty and 40 percent based on population. The remaining 20 percent would have been allocated on a competitive basis through a process intended to direct funds to high-need districts.

In addition, 100 percent of the money for class size reduction activities would have been allocated through a highly targeted formula—80 based on poverty and 20 based on population.

Accountability

The accountability provisions in H.R. 1995 are vague and confusing and would be difficult to implement. The bill appears to require states to take action to improve or terminate local professional development programs that are not “research-based” or that fail to raise student achievement. However, it would be very difficult, if not impossible, to make those determinations with any degree of accuracy under the current language of the bill. Moreover, the bill would provide states with very few resources for carrying out their responsibilities relating to accountability.

Additionally, H.R. 1995 fails to provide adequate accountability to parents and the public. While states would be required to report on class size and out-of-field teachers, they would not be required to report to parents and the public on other topics of importance, such as student achievement and school safety.

The Democratic Substitute, on the other hand, has sensible accountability requirements that strengthen teacher quality in our

schools. In addition to class size and out-of-field teachers, states and districts would have been required to report on uncertified and emergency certified teachers by state, district, and school. Furthermore, states and districts would have been required to demonstrate that such teachers and larger class sizes are not more prevalent in areas with large numbers of low-income and minority students. And most importantly, the Democratic Substitute required that states and districts have fully certified and qualified teaching staffs within three years of enactment.

Professional development

For a bill that rolls three distinct and important federal education programs into a large block grant under the auspices of providing high quality professional development, the Teacher Empowerment, falls short of the mark. While H.R. 1995 may intend to promote intensive, ongoing, school-wide professional development, it does not ensure that school district actually provide it. As a matter of fact, the TOPs, program, which provides teachers with vouchers to pursue their own professional development activities, actually discourages collaborative, standards-based professional development.

The Democratic Substitute not only requires that districts provide teachers and other school personnel, including principals and paraeducators, with high quality professional development, but also ensures that such professional development opportunities were provided to those individuals who need it most.

Not only does the Teacher Empowerment Act fail to ensure that teachers in high-need, low-performing schools have access to high quality, collaborative professional development, but it diverts precious professional development dollars in order to influence policy decisions, regarding tenure and merit-based pay systems, that are best left to the states and teacher organizations.

The National Board for Professional Teaching Standards

An important component of high quality professional development is the National Board for Professional Teaching Standards. The Board establishes rigorous standards for what accomplished teachers should know and be able to do, and operates a national voluntary system to assess and certify teachers who meet those standards. The Board also identifies what accomplished teaching looks like. Federal funds support the development of certification standards and assessments, as well as activities designed to enable more teachers to undertake the assessments. The Board is an excellent example of how a limited amount of federal funding can support larger state efforts to promote and reward excellence in teaching. The Democratic Substitute continues federal support for the efforts of the Board. The minority is very concerned by language in the Teacher Empowerment Act that prohibits federal support for it.

Standards-based reform

While the Teacher Empowerment Act incorporates Goals 2000 into a block grant to the states, it fails to preserve and promote the intent behind Goals 2000 and standards-based reform. H.R. 1995

does not provide support for activities such as the development and refinement of state content and student performance standards, and curricula and assessments aligned with those standards. Continuing these types of activities is essential if teachers are to make high standards a reality in every classroom. Supporting the next generation of Goals 2000 is critical to the success of standards-based reform and increased student achievement.

The Democratic Substitute encourages states and districts to continue pursuing standards-based reform and provided them with the resources to do it.

Other important programs

The Democratic Substitute also reauthorizes and expands the Troops to Teachers program, the National Writing Project, and the Reading Excellence Act. It reauthorizes the Eisenhower Clearing House for Math and Science and authorizes the creation of a clearing house for professional development in other core academic subjects. It expands professional development opportunities for principals and administrators and created a sabbatical program for teachers from high-need districts. Finally, it increases the set-aside for professional development in the areas of math and science and authorized a program to encourage the use of technology by high-need, low-performing schools and districts.

WILLIAM L. CLAY.
DALE E. KILDEE.
MAJOR R. OWENS.
PATSY T. MINK.
LYNN WOOLSEY.
CHAKA FATTAH.
CAROLYN MCCARTHY.
RON KIND.
HAROLD FORD, Jr.
DAVID WU.
GEORGE MILLER.
MATTHEW G. MARTINEZ.
DONALD M. PAYNE.
ROBERT E. ANDREWS.
ROBERT C. SCOTT.
CARLOS ROMERO-BARCELÓ.
RUBÉN HINOJOSA.
JOHN F. TIERNEY.
LORETTA SANCHEZ.
DENNIS J. KUCINICH.

THE SECRETARY OF EDUCATION,
Washington, DC, June 30, 1999.

Hon. WILLIAM L. CLAY,
*Committee on Education and the Workforce,
House of Representatives, Washington, DC.*

DEAR MR. CLAY: I am writing to express my views on Chairman Goodling's pending substitute for H.R. 1995, the Teacher Empowerment Act, which I understand the committee will soon mark up, as you begin work on reauthorizing the Elementary and Secondary Education Act of 1965 (ESEA). I am pleased that the committee shares the Administration's belief in the importance of highly qualified teachers in helping all of our children reach high standards, and seeks to ensure that teachers are provided professional development to enhance their knowledge and skills. We know that teacher quality makes a critical difference in how well students of all backgrounds learn. That is why the President's ESEA proposal, the Educational Excellence for All Children Act of 1999, as well as H.R. 1960, a nearly identical proposal introduced in the House by you, place so much emphasis on teacher quality and on professional development for teachers.

Unfortunately, the pending substitute for H.R. 1995 is a flawed alternative to the President's proposal. If it were presented to him in its current form, I would recommend that he veto it. Problems in the bill that should be addressed include the following:

It retreats from the bipartisan commitment to reduce class size in the early grades. The most serious defect in H.R. 1995 is that it would undermine the Federal effort to help local communities reduce class size in the early grades to an average of 18, because it fails to provide a separate, dedicated funding stream, targeted to high-poverty communities, consistent with the bipartisan agreement enacted as part of the Fiscal Year 1999 appropriations act. The bill also fails to maintain a clear focus on reducing class size in the early grades, despite the research consistently demonstrating that smaller classes in these grades improve student achievement and provide lasting benefits through high school completion, especially for disadvantaged students.

It should retain, in Title II of the ESEA, explicit language relating to Federal support for the National Board for Professional Teaching Standards. The Board establishes rigorous standards for what accomplished teachers should know and be able to do, and operates a national voluntary system to assess and certify teachers who meet these standards. The Board also identifies, for teachers throughout the nation, what accomplished teaching looks like. The Board hopes to certify 105,000 teachers by the year 2006, the equivalent of more than one teacher for every school in the country. Federal funds support the development of certification standards and assessments, as well as activities designed to enable more teachers to undertake the assessments. This is an example of an activity where a limited amount of Federal funding is essential to support larger State efforts to promote and reward excellence in teaching. For example, both Governor Thompson of Wisconsin and Lt. Governor Brogan of Florida recently testified before the committee that their States offer incentives to teachers to become na-

tionally certified or bonuses to teachers who complete the certification process.

It does not advance the next generation of standards-based reforms. The bill would not provide support for activities such as the refinement and development of State content and student performance standards, and curricula and assessments aligned with those standards. Continuing these types of activities is essential if teachers are to make high standards a reality in every classroom. As the General Accounting Office found in a recent report, Federal support for systemic reforms has been instrumental in facilitating educational reforms in States and school districts. Supporting the next generation of Goals 2000—the continued development of State standards and the critical work of implementing those standards in schools and classrooms—must be part of a reauthorized ESEA.

It would not encourage the kinds of professional development that research and teachers identify as being most effective—activities that are ongoing, school-based, focused on academic content, and collaborative. Professional development that many teachers experience is inadequate to prepare them to help students meet high standards. Research has shown that activities such as teacher study groups, teacher networks, classroom observation, internships, and mentoring provide more relevant and useful professional development for teachers than do more traditional kinds of professional development. Professional development must also be a component of broader educational reforms under way in the school or district if it is to have a meaningful impact on teaching and learning. While the bill may intend to promote intensive, ongoing professional development, it would not ensure that school districts actually provide it.

It fails to hold States, districts, and schools accountable for improving student achievement. The accountability provisions in H.R. 1995 are vague and confusing and would be difficult to implement. The bill appears to require States to take action to improve or terminate local professional development programs that are not “research-based” or that fail to raise student achievement, but it would be very difficult, if not impossible, to make those determinations with any degree of accuracy under the current language of the bill. Moreover, the bill would provide States almost no resources for carrying out their responsibilities relating to accountability.

The bill does not provide for adequate accountability to the public. States would be required to report publicly on out-of-field teachers and on class sizes, but not on other topics of importance to parents, policymakers, and the general public, such as student achievement and school safety. The bill also fails to include provisions, such as those proposed by the President, to ensure that teachers are certified and teaching in field.

It does not target funds equitably or effectively. H.R. 1995 fails to target funds to the school districts where they are needed and can have the greatest impact. It would allocate 80 percent of the available funds to local districts through a formula based 50 percent on the number of poor children served by the district and 50 percent on district enrollment. The remaining 20 percent of the funds would be awarded competitively, but with no priority for

high-need districts. By contrast, the President's proposal would award 50 percent of the available funds to local districts through a formula based entirely on poverty. The remaining funds would be awarded competitively, primarily to school districts with the greatest need for services.

It fails to expand the Troops-to-Teachers program. While the bill addresses the President's proposal to continue the successful Troops-to-Teachers program for retired military personnel, it fails to include the President's proposal to create national efforts modeled on Troops-to-Teachers to help other non-military mid-career professionals become teachers. The bill would thus deny school districts a potentially larger pool of skilled candidates at a time when districts, particularly those with high concentrations of disadvantaged children, are having difficulty finding well-qualified applicants in many subjects.

It fails to adequately address other issues of national significance. The bill limits the Secretary of Education of administering two specific national activities—the Troops-to-Teachers program and Teacher Excellence Academies, thus significantly restricting the Secretary's ability to address important issues of broad concern. In contrast, the President's proposal provides authority for the Secretary to conduct a broad range of activities of national significance. These activities would include, among others, supporting a national teacher recruitment clearinghouse and job bank, professional development program for principals to strengthen their ability to improve teaching and learning in the schools they lead, programs to encourage pension and credential portability, and the development of performance-based systems for assessing teacher content knowledge and skills. A broad authority to carry out nationally significant activities, such as these, is essential.

It does not include direct support for professional development for early childhood educators focused on early language and literacy development. Research indicates that the quality of the language and literacy environment in early childhood programs predicts later language development, reading success, and other academic outcomes for children. Increasing the number of early childhood educators with the skills to help children develop literacy and language skills will enhance children's reading and overall school success. The bill should include the President's proposal for professional development for these educators.

It represents a piecemeal approach to the important task of reauthorizing the ESEA. Unlike the President's comprehensive proposal, H.R. 1995 addresses only one component of reauthorizing the ESEA, in isolation from the other portions of the Act. In order to ensure that the various portions of the Act work well together, it would be preferable for the committee to consider teacher quality as part of a single bill to reauthorize the entire ESEA.

I urge the committee to correct these deficiencies and to approve a bill that closely reflects the President's proposal to improve the quality of teaching in our nation's schools. As a first step in that direction, I urge the committee to adopt the substitute amendment that I understand will be offered by Representative Martinez. That amendment clearly provides for continuation of the commitment to class-size reduction that was begun with the fiscal year 1999 ap-

propriations act, and it retains current language relating to support for the National Board for Professional Teaching Standards. It also includes strong accountability measures and would foster high-quality professional development. The Martinez alternative is also preferable to the pending substitute insofar as it includes more targeted distribution of funds, provides specific resources for States to continue their work in the important areas of standards and assessments, and ensures that competitive grants will benefit districts with the greatest needs. Nevertheless, the Administration will advocate even stronger positions on these areas as the legislation moves forward.

The Office of Management and Budget advises that there is no objection to the submission of this report, and that enactment of Chairman Goodling's pending substitute for H.R. 1995 would not be in accord with the program of the President.

Yours sincerely,

RICHARD W. RILEY.

AMERICAN FEDERATION OF TEACHERS,
Washington, DC, June 29, 1999.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The American Federation of Teachers, and its more than one million members, is pleased to see Congress focus so strongly on issues like teachers quality and professional development. Improving the professional development of teachers and other school staff is one of the great challenges facing educators and others working to ensure that children in our nation's public schools can reach high academic standards. Although we believe the Teacher Empowerment Act (H.R. 1995) provides a good beginning for the debate over quality professional development, we are concerned about some of the bill's provisions. We, therefore, urge you to vote for the Democratic substitute. "The Smart Classrooms Act." This alternative preserves the class size program and better focuses resources on meaningful professional development programs.

The Smart Classrooms Act keeps the class size reduction program as a distinct federal activity. H.R. 1995, as proposed, would put school districts at a disadvantage because it would combine the class size reduction program, Goals 2000, and other professional development programs. Schools should not be forced to choose between reducing class size and providing high quality professional development: these critical objectives must go hand and hand. Research clearly shows that reducing size, particularly in the early grades, improves student achievement as teachers are better able to deal with individual students' needs. Since Congress enacted the class size reduction program more than 30,000 teachers have been hired across the country. This initiative should be continued—even expanded—not diluted.

The Democratic substitute would continue funding to school districts that need the money the most. H.R. 1995, as proposed, diverts program funds from high poverty districts. The current class

size program allocates 80% of in-state funding based on poverty, while H.R. 1995 would reduce the allocation to 50% of the total funding.

The AFT also supports funding for the National Board for Professional Teaching Standards, which is preserved in the Democratic substitute but ended in H.R. 1995. Master teachers are an invaluable resource in any school, and the National Board offers them the opportunity to demonstrate their knowledge. Federal funds are vital if the Board is going to continue to develop assessments and certify teachers who meet rigorous, research-based standards. It is the one way we have to provide an independent measure of what teachers should know and be able to do. Teachers who achieve National Board certification warrant special recognition and status. Using the National Board with its well-developed, public standards and validated assessments as a means to distinguish highly accomplished teachers makes a lot more sense than arbitrary, subjective merit pay plans.

AFT is concerned about H.R. 1995's focus on reforming tenure systems and implementing testing and merit pay proposals for veteran teachers. First, no one wants an incompetent teacher in the classroom, but teachers, like all employees, deserve reasonable due process rights when confronted with unfavorable evaluations. To address the more general issue of teacher competence, however, we should focus on peer review and assistance plans. Across the country these alternatives are emerging as promising ways to ensure that teachers who are not performing competently are identified in a fair manner and have the opportunity to improve their practice with intense help and review from expert peers. If a teacher is unable to meet the standards of competence after participating in a peer review and assistance plan, he or she is counseled out of the profession or otherwise terminated following fair, due-process hearings. In addition, peer review is a much better way to assess veteran teachers than testing.

Finally, the AFT believes that H.R. 1995 needs to contain more professional development opportunities for other school staff, including paraprofessionals. Paraprofessionals and other support staff must be included in professional development and training if they are expected to make an effective contribution to the school.

The AFT looks forward to working with you as the debate over professional development continues. Professional development for teachers, professionals and other school staff is vital if we are going to provide a high quality education for all our nation's children.

Sincerely,

CHARLOTTE J. FRAAS,
*Director of Federal Legislation,
Office of Government Relations.*

NATIONAL BOARD FOR
PROFESSIONAL TEACHING STANDARDS,
Arlington, VA, June 29, 1999.

Hon. MATTHEW G. MARTINEZ,
House Education and the Workforce Committee, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MARTINEZ: On behalf of the Board of Directors of the National Board for Professional Teaching Standards, I thank you for supporting the important work to fully implement the nation-wide system of National Board Certification. The Smart Classrooms Act, the bill you will offer in the House Education and the Workforce Committee tomorrow, will provide the authorization for federal funding needed to complete our system, so that all of America's teachers will have access to National Board Certification. It also will allow states and localities to use professional development funding to support and encourage teachers to work for this certification of highly accomplished teaching—a profound professional development experience in and of itself.

Since we started the first research and development work on National Board Certification in late 1991, we have advanced carefully and surely to ensure the highest quality of the standards, assessments, and delivery system development. In the 1993–94 school year, we offered our first two certification assessments in a small number of locations around the country. Each year since that time, we have increased the number of certificates offered and the number of locations in which they are available.

Since that first offering, the number of candidates for National Board Certification has more than doubled each year. This time last year there were a little over 900 National Board Certified Teachers (NBCTs). Right now, there are 1835 NBCTs and close to 6,500 candidates are pursuing the certification. There are some sort of incentives in place in 38 states and 120 school districts. Next school year, certificates will be offered that will provide access to over 80% of teachers in our schools in every state.

The NBC system is on its way to completion and for that we have you and your colleagues joining you to thank. For this reason, we hope that all members of the House Education and Workforce Committee will support the Smart Classrooms Act when it is offered tomorrow.

Sincerely,

JAMES A. KELLY, *President.*

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, June 29, 1999.

COMMITTEE ON EDUCATION AND THE WORKFORCE
House of Representatives,
Washington, DC.

DEAR COMMITTEE MEMBER: On behalf of the 2.4 million members of the National Education Association (NEA), we would like to express our opposition to H.R. 1995, the Teacher Empowerment Act. We believe that H.R. 1995 will undermine efforts to improve student achievement by eliminating the class size reduction program

and by failing to provide sufficient resources and program accountability to ensure a qualified teacher in every classroom. In lieu of H.R. 1995, we urge your support for the SMART Classrooms substitute—to be offered by Representative Martinez—which will provide a more comprehensive and meaningful approach to strengthening public education.

NEA strongly opposes provisions in H.R. 1995 to combine the class size reduction program with Goals 2000 and professional development programs. Studies have clearly demonstrated the positive impact of class size reduction on teaching and learning. As class size is reduced, students receive more individualized attention and instruction; teachers are better able to handle classroom discipline, and parents and teachers work more closely together to support students' education. Combining class size reduction with other programs will serve merely to undermine its effectiveness, by failing to achieve the goal of hiring 100,000 qualified teachers.

In addition, NEA is concerned that while H.R. 1995 reorganizes a number of programs, it does not provide any increase in authorization levels. While a reexamination and reorganization may serve to improve the effectiveness of some programs, significant advances in teacher quality and professional development cannot occur without a corresponding increase in resources. NEA is also concerned that H.R. 1995's in-state formula will shift resources away from higher poverty schools. NEA strongly supports a retention of targeting of resources toward those schools with the greatest need.

NEA is also concerned that H.R. 1995's a prohibition on federal funding for national certification of teachers may prevent further federal assistance to the National Board for Professional Teaching Standards. The independent, nonprofit, nonpartisan National Board was created to establish high standards for teacher knowledge, develop assessments to determine knowledge and skills, and certify teachers who meet these measurements. Federal funds are essential to develop the assessments and underwrite the rigorous assessment process.

NEA supports the substitute proposed by Representative Martinez. This alternative would maintain the class size reduction program as a separately authorized program, thereby helping improve student achievement by enabling the hiring of 100,000 new teachers over six years. In addition, the Martinez substitute would provide more than double the resources for professional development and teacher recruitment and would maintain federal funding for the National Board for Professional Teaching Standards. Such investments are essential to ensure a qualified teacher in every classroom.

NEA also strongly supports provisions in the Martinez alternative to allow greater integration of training for teachers and paraeducators. We believe it is critical to provide training for paraeducators themselves and for the teachers supervising them in the classroom. This training will serve to both improve the skills of teachers and paraeducators and help them work more effectively together.

Finally, NEA supports the strong accountability provisions in the Martinez substitute that will ensure fully qualified teachers in our nation's classrooms. No single factor will contribute more to im-

proved student achievement in the long-run than the guarantee of a qualified teacher in every classroom.

NEA believes that the ESEA reauthorization offers a critical opportunity to strengthen public education to meet the needs of students in the 21st century. Professional development for teachers, administrators, and paraeducators is a key component to this effort. We believe that H.R. 1995 will undermine these goals. We urge you to reject H.R. 1995 and support the Martinez substitute.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.

COUNCIL OF CHIEF
STATE SCHOOL OFFICERS,
Washington, DC, June 29, 1999.

Hon. MATTHEW MARTINEZ,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MARTINEZ: I write on behalf the nation's chief state school officers to support the provisions of your bill, the Smart Classrooms Act, which will be introduced as a substitute amendment at the June 30 mark up of the Teacher Empowerment Act (H.R. 1995) to reauthorize Title II of the Elementary and Secondary Education Act. Your bill includes provisions to assure accountability and effectiveness of federal support for professional development across states and localities, the refinement and implementation of challenging standards and aligned assessments connected to professional development of classroom teachers, and the build-out of the Reduced Class Size initiative to bring 100,000 new, qualified teachers into the classroom.

We particularly support the following provisions:

- Separate authorization of the Reduced Class Size initiative at levels increasing from \$1.4 billion to \$2.8 billion in FY2005. Reducing class size and providing quality professional development are both essential to raising student achievement. More funds are needed for each of the purposes. The total of funds for the combination of the programs is most likely to increase with separate authorizations.

- Authority for the stated education agency to plan and administer Title II, thereby enabling continued connection between federal activities and state and local reforms supporting standards and higher quality of instruction to the classroom. It is essential to respect state sovereignty for the governance of education by relying on the entity designated by each state as responsible for K-12 education to develop applications and administer federal elementary and secondary education programs such as Title II. The result is greater efficiency, more streamlined administration and, most importantly, better linkage and leverage between the federal funds and state and local initiatives to improve classroom instruction.

- More substantial funds for state leadership in professional development and expansion of standards-based reform to all classrooms. The provision of up to 6% of total funds for state education agencies to assist local districts through regional service centers,

direct technical assistance, and other services which take advantage of economies of scale is key to the effective implementation of this major nationwide professional development initiative.

- Earmarking of up to 20% of the within-state allocation for competitive grants to support the neediest and highest poverty districts in the development and implementation of standards-based professional development programs. The authority and capacity of state education agencies to promote quality and realize economies of scale through support of consortia arrangements, LEA-IHE partnerships, and other direct grants to localities is important for the success of the new Title II.

- Use of funds to continue the work of the states, local districts and schools in refining and upgrading standards and assessments and implementing them in each classroom. Continuation of activities formerly supported by states through use of Goals 2000 funds is essential to assure standards and assessments are in place at the schools level and that professional development and curricula are aligned to them.

There are many other constructive provisions in your proposal. We look forward to working with you, other Minority, and Majority Members of the Committee to assure the strongest possible Title II in the reauthorized Elementary and Secondary Education Act.

Respectfully Submitted,

GORDON M. AMBACH,
Executive Director.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN,
Washington, DC, June 29, 1999.

H.R. 1995 DOES NOT MEET THE EDUCATIONAL NEEDS OF ALL
STUDENTS

DEAR REPRESENTATIVE: On behalf of the 150,000 members of the American Association of University Women (AAUW), I urge you to vote against H.R. 1995, the Teacher Empowerment Act of 1999, unless it includes provisions that ensure that all students benefit from quality teachers to meet their particular needs. AAUW supports high quality teacher training and professional development and believes that the key to real academic improvement lies in upgrading teacher quality for all students.

AAUW believes that in order to ensure that all students have the opportunity to achieve challenging student performance standards, professional development programs must train teachers to meet the educational needs of diverse students, including girls, minorities, students with disabilities, students with limited English proficiency, and economically disadvantaged students. It is critical that advancing teacher skills through professional development takes into consideration the different needs and learning styles of diverse students. H.R. 1995 does not ensure that all students benefit from quality teachers to meet their particular needs.

Achieving quality in education requires going beyond equal access to education programs for both boys and girls, to eliminating subtler forms of inequity. One of the most effective means of eliminating inequitable practices in education is training for teachers,

administrators, and other school staff. These widespread and persistent practices are nearly always inadvertent; teachers are astonished to see how they treat boys and girls when they are shown videotapes of their classes. Training helps educators identify and change these inadvertent behaviors that create inequities. H.R. 1995 does not encourage or disseminate such equity training.

H.R. 1995 does not encourage professional development and recruitment activities to increase the number of women math and science teachers. The 1994 Elementary and Secondary Education Act (ESEA) reauthorization contained provision to encourage the recruitment and training of women math and science teachers and these programs are succeeding. Therefore, it is critical that any bill that reauthorizes professional development programs contains provisions to improve math and science teaching and to increase the number of women math and science teachers in order to ensure that the progress continues.

AAUW urges you to vote against H.R. 1995 unless it includes provisions that ensure the educational needs of all students are met. If you have any questions, please call Nancy Zirkin, Director of Government Relations, or Lisa Levine, Government Relations Manager.

Sincerely,

SANDY BERNARD, *President.*

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS
Washington, DC, June 29, 1999.

H.R. 1995 DOES NOT MEET THE NEEDS OF ALL STUDENTS

DEAR REPRESENTATIVE: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest and largest civil rights coalition representing people of color, women, children, labor, gays and lesbians, older Americans, people with disabilities, and civil liberties and human rights organizations, we write to express our opposition to the Teacher Empowerment Act of 1999 (H.R. 1995) unless it includes provisions that ensure that all students benefit from quality teachers to meet their particular needs. LCCR supports high quality teacher training and professional development and believes that the key to real academic improvement lies in upgrading teacher quality for all students.

LCCR believes that in order to ensure that all students have the opportunity to achieve challenging student performance standards, professional development programs must train teachers to meet the educational needs of diverse students, including girls, minorities, students with disabilities, students with limited English proficiency, and economically disadvantaged students. It is critical that advancing teacher skills through professional development takes into consideration the different needs and learning styles of diverse students. H.R. 1995 does not ensure that all students benefit from quality teachers to meet their particular needs.

The need for the improvements to be underwritten by this legislation are particularly acute in our nation's highest poverty schools. These schools are the lowest-achieving and often enroll large num-

bers of minority students and students with limited English proficiency. However, H.R. 1995 fails to adequately address these acute needs in several critical respects.

First, H.R. 1995 fails to direct sufficient resources to the schools that need the most help: the highest-poverty schools in each state and district. Children in these schools are failing to achieve academic performance standards (set by states under the Improving America's Schools Act) in alarming numbers and they are frequently shortchanged by unqualified teachers and inequitable school financing systems. Changes to the formula are required to ensure that a greater percentage of the funds Congress appropriates under this legislation is directed to professional development and to recruiting, hiring, and retaining highly qualified teachers in such schools.

Second, H.R. 1995 does not adequately address the needs for professional development for teachers in high poverty schools. The legislation should be amended to require states and school districts to give priority to developing and implementing effective programs of professional development in the highest-poverty schools in the state. Such programs should focus on how to improve the school's achievement of academic standards at both proficient and advanced levels in the core subject areas, as well as on techniques and strategies that have proven effective in improving the achievement of students in high poverty schools with diverse learning needs, e.g., students who are disabled or have limited English proficiency.

Third, H.R. 1995 does not do enough to address the acute shortage of qualified teachers in high-poverty schools. "Qualified teachers" include those who are fully certified by the state and teaching in their areas of certification. The legislation should focus on:

- closing the gap between high-poverty and low-poverty districts within states, as well as on closing the gaps between high-poverty and low-poverty schools within districts;

- establishing career ladder programs which assist qualified paraprofessionals (many of whom are women and minorities) to obtain the education and training they need to become fully certified teachers; and

- ensuring that alternative certification routes do not become vehicles through which states and districts may hire and assign less qualified teachers to the neediest schools.

Fourth, H.R. 1995's public reporting requirements do not go far enough. Parents have an absolute right to know basic facts about their child's school. The public reporting and parent right-to-know requirements in the bill need to be strengthened to require all states to produce and disseminate report cards on the state's and each district and schools' professional staff qualifications. The reports should, at minimum, identify schools by the percentages of students enrolled who are from low-income families, have limited English proficiency, and are members of minority groups. The requirement should also provide a copy of each report card, at minimum, to all parents of children enrolled at schools served by Title I, Part A, of the Improving America's Schools Act.

Once again, we urge you to vote against H.R. 1995 unless it includes provisions to ensure that the educational needs of all students are met. If you have any questions, please call Nancy Zirkin,

at the American Association of University Women, or Wade Henderson, at the Leadership Conference on Civil Rights.

Sincerely,

WADE HENDERSON,
*Leadership Conference on
Civil Rights.*

NANCY ZIRKIN,
*American Association of Uni-
versity Women.*

WILLIAM TAYLOR,
*Leadership Conference on
Civil Rights.*

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