

105TH CONGRESS  
2D SESSION

# H. R. 3876

To reduce class size.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1998

Mr. CLAY (for himself, Mr. MARTINEZ, Mr. STRICKLAND, Mr. GEPHARDT, Mr. BONIOR, Mr. MCGOVERN, Mr. WISE, Mr. SAWYER, Ms. PELOSI, Mr. FORD, Mr. KILDEE, Mr. PAYNE, Ms. KILPATRICK, Mrs. LOWEY, Mrs. KENNELLY of Connecticut, Mr. PASTOR, Ms. CARSON, Mr. CONYERS, Ms. SLAUGHTER, Mr. ENGEL, Mr. DOYLE, Mr. GEJDENSON, Mrs. MINK of Hawaii, Mr. WYNN, Ms. VELÁZQUEZ, Mr. ANDREWS, Mr. KIND, Mr. STARK, Mr. ALLEN, Mr. DAVIS of Florida, Ms. LOFGREN, Mr. SCOTT, Mr. PRICE of North Carolina, Mr. NEAL of Massachusetts, Mr. HINOJOSA, Mr. OBEY, Mr. JEFFERSON, Mr. OWENS, Ms. WOOLSEY, Ms. NORTON, Mr. FARR of California, Mr. KUCINICH, Mr. TORRES, Mr. BLAGOJEVICH, Mr. MCINTYRE, Mr. POMEROY, and Mr. HOYER) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To reduce class size.

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

3 **SECTION 1. SHORT TITLE AND FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Class-Size Reduction and Teacher Quality Act of 1998”.

6 (b) FINDINGS.—The Congress finds the following:

1           (1) Rigorous research has shown that students  
2 attending small classes in the early grades make  
3 more rapid educational progress than students in  
4 larger classes, and that these achievement gains per-  
5 sist through at least the elementary grades.

6           (2) The benefits of smaller classes are greatest  
7 for lower-achieving, minority, poor, and inner-city  
8 children. One study found that urban fourth-graders  
9 in smaller-than-average classes were three-quarters  
10 of a school year ahead of their counterparts in larg-  
11 er-than-average classes.

12           (3) Teachers in small classes can provide stu-  
13 dents with more individualized attention, spend more  
14 time on instruction and less on other tasks, and  
15 cover more material effectively, and are better able  
16 to work with parents to further their children's edu-  
17 cation.

18           (4) Smaller classes allow teachers to identify  
19 and work more effectively with students who have  
20 learning disabilities and, potentially, can reduce  
21 those students' need for special education services in  
22 the later grades.

23           (5) Students in smaller classes are able to be-  
24 come more actively engaged in learning than their  
25 peers in large classes.

1           (6) Efforts to improve educational achievement  
2           by reducing class sizes in the early grades are likely  
3           to be more successful if well-prepared teachers are  
4           hired and appropriately assigned to fill additional  
5           classroom positions and if teachers receive intensive,  
6           continuing training in working effectively in smaller  
7           classroom settings.

8           (7) Several States have begun a serious effort  
9           to reduce class sizes in the early elementary grades,  
10          but these actions may be impeded by financial limi-  
11          tations or difficulties in hiring well-prepared teach-  
12          ers.

13          (8) The Federal Government can assist in this  
14          effort by providing funding for class-size reductions  
15          in grades one through three, and by helping to en-  
16          sure that the new teachers brought into the class-  
17          room are well prepared.

18 **SEC. 2. PURPOSE.**

19          The purpose of this Act is to help States and local  
20          educational agencies recruit, train, and hire 100,000 addi-  
21          tional teachers over a seven-year period in order to—

22                (1) reduce class sizes nationally, in grades 1  
23                through 3, to an average of 18 students per class-  
24                room; and

1           (2) improve teaching in the early grades so that  
2           all students can learn to read independently and well  
3           by the end of the third grade.

4 **SEC. 3. PROGRAM FUNDING.**

5           For the purpose of carrying out this Act, there are  
6 appropriated out of any funds in the Treasury not other-  
7 wise appropriated \$1,100,000,000 for fiscal year 1999,  
8 \$1,300,000,000 for fiscal year 2000, \$1,500,000,000 for  
9 fiscal year 2001, \$1,700,000,000 for fiscal year 2002,  
10 \$1,735,000,000 for fiscal year 2003, \$2,300,000,000 for  
11 fiscal year 2004, and \$2,800,000,000 for each of the fiscal  
12 years 2005 through 2008.

13 **SEC. 4. ALLOCATIONS TO STATES.**

14           (a) RESERVATION FOR EVALUATION.—From the  
15 amount appropriated by section 3 for each fiscal year, the  
16 Secretary may reserve up to \$2 million to carry out the  
17 evaluation described in section 13.

18           (b) RESERVATION FOR THE OUTLYING AREAS AND  
19 THE BUREAU OF INDIAN AFFAIRS.—Of the amount ap-  
20 propriated by section 3 for each fiscal year and remaining  
21 after any reservation under subsection (a), the Secretary  
22 shall reserve a total of not more than 1 percent to make  
23 payments, on the basis of their respective needs, to—

24           (1) American Samoa, Guam, the Virgin Islands,  
25           and the Commonwealth of the Northern Mariana Is-

1 lands for activities, approved by the Secretary, con-  
2 sistent with this Act; and

3 (2) the Secretary of the Interior for activities,  
4 approved by the Secretary, consistent with this Act  
5 in schools operated or supported by the Bureau of  
6 Indian Affairs.

7 (c) ALLOCATIONS TO STATES.—(1) After reserving  
8 funds under subsections (a) and (b), the Secretary shall  
9 allocate to each State an amount that bears the same rela-  
10 tionship to the remaining amount as the amount of fund-  
11 ing the State received under section 1122 of the Elemen-  
12 tary and Secondary Education Act of 1965 for the pre-  
13 vious fiscal year bore to the total amount available for allo-  
14 cation under that section.

15 (2) If any State chooses not to participate in the pro-  
16 gram under this Act, or fails to submit an approvable ap-  
17 plication, the Secretary shall reallocate its allocation to the  
18 remaining States, in accordance with paragraph (1).

19 **SEC. 5. APPLICATIONS.**

20 (a) APPLICATION REQUIRED.—The State educational  
21 agency of each State desiring to receive a grant under this  
22 Act shall submit an application to the Secretary at such  
23 time, in such form, and containing such information as  
24 the Secretary may require.

25 (b) CONTENTS.—Each application shall include—

1           (1) the State’s goals for using funds under this  
2 Act to reduce average class sizes in regular class-  
3 rooms in grades 1 through 3, including—

4           (A) a description of current regular class-  
5 room class sizes in the local educational agen-  
6 cies of the State;

7           (B) a description of the State’s plan for  
8 using funds under this Act to reduce the aver-  
9 age class size in regular classrooms in those  
10 grades; and

11           (C) the regular classroom class-size goals  
12 the State intends to reach and a justification  
13 for those goals;

14           (2) a description of the State educational agen-  
15 cy’s plan for allocating program funds within the  
16 State, including—

17           (A) an estimate of the impact of those allo-  
18 cations on class sizes in the individual local  
19 educational agencies of the State;

20           (B) an assurance that the State edu-  
21 cational agency will make this plan public with-  
22 in the State; and

23           (C) a description of the current and pro-  
24 jected capacity of the State’s school facilities to  
25 accommodate reduced class sizes;

1           (3) a description of the State educational agen-  
2           cy’s strategy for improving teacher quality in grades  
3           1 through 3 within the State (which may be part of  
4           a broader strategy to improve teacher quality gen-  
5           erally), including—

6                   (A) the actions it will take to ensure the  
7                   availability, within the State, of a pool of well-  
8                   prepared, certified teachers to fill the positions  
9                   created with funds under this Act; and

10                   (B) a description of how the State edu-  
11                   cational agency and the local educational agen-  
12                   cies in the State will ensure that—

13                           (i) individuals hired for positions cre-  
14                           ated with program funds (which may in-  
15                           clude individuals who have pursued “alter-  
16                           native routes” to certification) will meet all  
17                           of the State’s current requirements for full  
18                           certification, or will be making satisfactory  
19                           progress toward achieving full certification  
20                           within three years;

21                           (ii) teachers in first through third  
22                           grade will be prepared to teach reading ef-  
23                           fectively to all children, including those  
24                           with special needs, and will take part in  
25                           continuing professional development in ef-

1           fective reading instruction and in teaching  
2           effectively in small classes; and

3                   (iii) individuals hired as beginning  
4           teachers in first through third grade will  
5           be required to pass a teacher competency  
6           test selected by the State;

7           (4) a description of how the State will use other  
8           funds, including other Federal funds, to improve  
9           teacher quality and reading achievement within the  
10          State;

11          (5) a description of how the State will hold local  
12          educational agencies that use a significant portion of  
13          their allocations under section 8(a)(2)(B) account-  
14          able for that use of funds;

15          (6) an assurance that the local educational  
16          agency and its schools will comply with the require-  
17          ments of subsections (a) and (b) of section 11; and

18          (7) an assurance that the State educational  
19          agency will submit such reports and information as  
20          the Secretary may reasonably require.

21          (c) APPROVAL OF APPLICATIONS.—The Secretary  
22          shall approve a State’s application if it meets the require-  
23          ments of this section and holds reasonable promise of  
24          achieving the purposes of this Act.

1 **SEC. 6. WITHIN-STATE ALLOCATIONS.**

2 (a) STATE-LEVEL EXPENSES.—Each State may use  
3 not more than a total of one-half of one percent of the  
4 amount it receives under this part for any fiscal year or  
5 \$50,000, whichever is greater, for the administration costs  
6 of the State educational agency and for State-level activi-  
7 ties described in section 7.

8 (b) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
9 CIES.—(1) Each State shall use the remainder of its allo-  
10 cation to make subgrants to local educational agencies, for  
11 the purpose of reducing class size and improving instruc-  
12 tion in grades 1 through 3, on the basis of—

13 (A) current or projected regular classroom class  
14 sizes in grades 1 through 3 in those agencies; and

15 (B) the relative ability and effort of those agen-  
16 cies to finance class-size reductions with their own  
17 funds.

18 (2) Each State shall make the allocations described  
19 in paragraph (1) in such manner as to enable local edu-  
20 cational agencies to reduce their average class sizes in reg-  
21 ular classrooms, in grades 1 through 3, to the average  
22 class size proposed in the State application.

23 (3) Notwithstanding paragraph (2), each State shall  
24 ensure, in allocating funds under this subsection, that  
25 each local educational agency in which at least 30 percent  
26 of the children are from low-income families, or in which

1 there are at least 10,000 children from such families, re-  
2 ceives at least the same share of those funds as it received  
3 of the State's allocation under section 1122 of the Elemen-  
4 tary and Secondary Education Act of 1965 for the preced-  
5 ing fiscal year.

6 (c) MAINTENANCE OF EFFORT.—(1) A local edu-  
7 cational agency may receive an allocation under this sec-  
8 tion for any fiscal year only if it submits to, or has on  
9 file with, the State educational agency an assurance that  
10 it will spend at least as much from non-Federal sources  
11 as it spent in the previous year for the combination of—

12 (A) teachers in regular classrooms in grades 1  
13 through 3 in schools receiving benefits under this  
14 Act; and

15 (B) the quality-improvement activities described  
16 in section 8(b).

17 (2) The Secretary may waive or modify the require-  
18 ment of paragraph (1) for a local educational agency if  
19 the Secretary determines that doing so would be equitable  
20 due to exceptional or uncontrollable circumstances affect-  
21 ing that agency.

22 **SEC. 7. STATE-LEVEL ACTIVITIES.**

23 East State educational agency may use the funds it  
24 reserves for State-level activities under section 6(a) to

1 carry out activities described in its application, which may  
2 include such activities as—

3 (1) strengthening State teacher licensure and  
4 certification standards;

5 (2) developing or strengthening, and admin-  
6 istering, teacher competency tests for beginning  
7 teachers; and

8 (3) program monitoring and other administra-  
9 tive costs associated with operating the program.

10 **SEC. 8. USES OF FUNDS.**

11 (a) IN GENERAL.—(1) Each local educational agency  
12 shall use all funds it receives from the State under this  
13 Act, except for funds it reserves under subsection (b), to  
14 pay the salaries of, and benefits for, the additional teach-  
15 ers needed to reduce class sizes in grades 1 through 3 to  
16 the level set by the State as its goal in the State applica-  
17 tion.

18 (2) A local educational agency that has already  
19 reached this level may use those funds to—

20 (A) make further class-size reductions in grades  
21 1 through 3;

22 (B) reduce class sizes in kindergarten or other  
23 grades; or

24 (C) undertake quality-improvement activities  
25 under subsection (b).

1 (b) QUALITY IMPROVEMENT.—(1) Each local edu-  
2 cational agency shall use at least 10 percent of the funds  
3 it receives under this Act for each of the fiscal years 1999  
4 through 2003 for activities to ensure that teachers who  
5 will teach smaller classes are prepared to teach reading  
6 and other subjects effectively in a smaller class setting.

7 (2) The activities described in paragraph (1) may in-  
8 clude—

9 (A) training teachers in effective reading in-  
10 structional practices (including practices for teach-  
11 ing students who experience initial difficulty in  
12 learning to read) and in effective instructional prac-  
13 tices in small classes;

14 (B) paying the costs for uncertified teachers  
15 hired in grades 1 through 3 to obtain full certifi-  
16 cation within three years;

17 (C) providing mentors or other support for  
18 teachers in grades 1 through 3;

19 (D) improving recruitment of teachers for  
20 schools that have a particularly difficult time hiring  
21 certified instructors; and

22 (E) providing scholarships or other aid for edu-  
23 cation and education-related expenses to paraprofes-  
24 sionals or undergraduate students in order to ex-

1       pand the pool of well-prepared and certified teach-  
2       ers.

3 **SEC. 9. COST-SHARING REQUIREMENT.**

4       (a) FEDERAL SHARE.—The Federal share of the cost  
5 of activities carried out under this Act may be up to 100  
6 percent in local educational agencies with child-poverty  
7 levels greater than 40 percent, but shall be no more  
8 than—

9           (1) 95 percent in local educational agencies  
10       with child-poverty rates of more than 30 percent but  
11       not more than 40 percent;

12           (2) 85 percent in local educational agencies  
13       with child-poverty rates of more than 20 percent but  
14       not more than 30 percent;

15           (3) 75 percent in local educational agencies  
16       with child-poverty rates of more than 10 percent but  
17       not more than 20 percent; and

18           (4) 65 percent in local educational agencies  
19       with child-poverty rates of not more than 10 per-  
20       cent.

21       (b) LOCAL SHARE.—A local educational agency shall  
22 provide the non-Federal share of a project under this Act  
23 through cash expenditures from non-Federal sources, ex-  
24 cept that if an agency has allocated funds under section  
25 1113(c) of the Elementary and Secondary Education Act

1 of 1965 to one or more schoolwide programs under section  
2 1114 of that Act, it may use those funds for the non-Fed-  
3 eral share of activities under this program that benefit  
4 those schoolwide programs, to the extent consistent with  
5 section 1120A(c) of that Act and notwithstanding section  
6 1114(a)(3)(B) of that Act.

7 **SEC. 10. CARRYOVER OF FUNDS.**

8 Notwithstanding any other provision of law, any  
9 funds received under this Act by a State or by a local edu-  
10 cational agency shall remain available for obligation and  
11 expenditure by the State or local agency for one fiscal year  
12 beyond the fiscal year described in section 421(b) of the  
13 General Educational Provisions Act.

14 **SEC. 11. ACCOUNTABILITY.**

15 (a) SCHOOL REPORT.—Each school benefitting from  
16 the program under this Act, or the local educational agen-  
17 cy for that school, shall produce an annual report to par-  
18 ents and the general public on its student achievement in  
19 reading (using available evidence of reading achievement  
20 of its students in grades 1 through 5 and the assessments  
21 the State uses under part A of title I of the Elementary  
22 and Secondary Education Act of 1965, disaggregated as  
23 required under that part), average class size in its regular  
24 classrooms, and teacher certification and related academic  
25 qualifications in grades 1 through 3.

1 (b) LOCAL EDUCATIONAL AGENCY REPORTS.—(1)  
2 INTERM REPORTS.—Each local educational agency shall  
3 provide each year, to its State educational agency, a report  
4 summarizing the information reported by, or for, its  
5 schools under subsection (a).

6 (2) SUBSEQUENT REPORTS.—Within three years of  
7 receiving funding under this Act, and each year thereafter,  
8 each local educational agency shall provide evidence, to its  
9 State educational agency, of the reading achievement of  
10 its students, in grade 3, 4, or 5 in schools served under  
11 this Act, which shall be—

12 (A) in a form determined by the State edu-  
13 cational agency;

14 (B) based on the assessments that the local  
15 educational agency is using under title I of the Ele-  
16 mentary and Secondary Education Act of 1965, or  
17 on comparably rigorous State or local assessments;  
18 and

19 (C) disaggregated to show the achievement of  
20 students in individual schools and of students sepa-  
21 rately by race and by gender, as well as for students  
22 with disabilities, students with limited English pro-  
23 ficiency, migrant students, and students who are  
24 economically disadvantaged.

1           (c) PROGRAM-IMPROVEMENT PLAN.—A local edu-  
2 cational agency with schools that fail to show improvement  
3 in reading achievement within three years of receiving  
4 funds under this Act shall, with the approval of the State  
5 educational agency, develop and implement a program-im-  
6 provement plan to improve student performance.

7           (d) REDUCED LOCAL ALLOCATIONS.—If a school  
8 participating in the program under this Act fails to show  
9 improvement in reading achievement of its students within  
10 two years after the local educational agency develops a  
11 plan subsection (b), the State educational agency shall re-  
12 duce the allocation to that local agency by an amount  
13 equal to the share of the local agency’s allocation attrib-  
14 utable to that school.

15 **SEC. 12. PARTICIPATION OF PRIVATE SCHOOL TEACHERS.**

16           Each local educational agency receiving funds under  
17 this Act shall, after timely and meaningful consultation  
18 with appropriate private school officials, provide for the  
19 inclusion (in a manner proportionate to the number of  
20 children residing in the area served by the agency’s project  
21 under this Act who attend private schools) of private  
22 school teachers in the professional-development activities  
23 the agency and its schools carry out with those funds.

1 **SEC. 13. EVALUATION.**

2 With funds reserved under section 4(a), the Secretary  
3 shall carry out an evaluation of the program authorized  
4 by this Act, including a measurement of its effectiveness  
5 in accordance with the Government Performance and Re-  
6 sults Act of 1993.

7 **SEC. 14. WAIVERS.**

8 The Secretary may, at the request of a State edu-  
9 cational agency, waive or modify a requirement of this  
10 Act if the Secretary determines that such requirement im-  
11 pedes the ability of the State to carry out the purpose of  
12 this Act and that providing a waiver would better promote  
13 the purpose of this Act.

14 **SEC. 15. DEFINITIONS.**

15 As used in this Act, the following terms have the fol-  
16 lowing meanings:

17 (1) LOCAL EDUCATIONAL AGENCY.—The term  
18 “local educational agency” has the meaning given  
19 that term in section 14101(18) (A) and (B) of the  
20 Elementary and Secondary Education Act of 1965.

21 (2) SECRETARY.—The term “Secretary” means  
22 the Secretary of Education.

23 (3) STATE.—The term “State” means each of  
24 the 50 States, the District of Columbia, and Puerto  
25 Rico.

○