

106TH CONGRESS
1ST SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 1999

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

A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. TEACHER EMPOWERMENT.**

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

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

10 **“TITLE II—TEACHER QUALITY”;**

11 (2) by repealing sections 2001 through 2003;
12 and

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

14 **“PART A—TEACHER EMPOWERMENT**

15 **“SEC. 2001. PURPOSE.**

16 “The purpose of this part is to provide grants to
17 States and localities in order to assist their efforts to in-
18 crease student academic achievement through such strate-
19 gies as improving teacher quality.

20 **“Subpart 1—Grants to States**

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

22 “(a) IN GENERAL.—In the case of each State that
23 in accordance with section 2013 submits to the Secretary
24 an application for a fiscal year, the Secretary shall make
25 a grant for the year to the State for the uses specified

1 in section 2012. The grant shall consist of the allotment
2 determined for the State under subsection (b).

3 “(b) DETERMINATION OF AMOUNT OF ALLOT-
4 MENT.—

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

8 “(A) $\frac{1}{2}$ of 1 percent for allotments for the
9 Virgin Islands, Guam, American Samoa, and
10 the Commonwealth of the Northern Mariana Is-
11 lands, to be distributed among these outlying
12 areas on the basis of their relative need, as de-
13 termined by the Secretary in accordance with
14 the purpose of this part; and

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

20 “(2) STATE ALLOTMENTS.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), from the total amount made avail-
23 able to carry out this subpart for any fiscal
24 year and not reserved under paragraph (2), the
25 Secretary shall allot to each of the 50 States,

1 the District of Columbia, and the Common-
2 wealth of Puerto Rico an amount as follows:

3 “(i) 50 percent of such total amount
4 shall be allocated among such States on
5 the basis of their relative populations of in-
6 dividuals aged 5 through 17, as determined
7 by the Secretary on the basis of the most
8 recent satisfactory data.

9 “(ii) 50 percent of such total amount
10 shall be allocated among such States in
11 proportion to the number of children, aged
12 5 to 17, who reside within the State from
13 families with incomes below the poverty
14 line (as defined by the Office of Manage-
15 ment and Budget and revised annually in
16 accordance with section 673(2) of the
17 Community Services Block Grant Act (42
18 U.S.C. 9902(2))) applicable to a family of
19 the size involved for the most recent fiscal
20 year for which satisfactory data are avail-
21 able, compared to the number of such indi-
22 viduals who reside in all such States for
23 that fiscal year.

24 “(B) EXCEPTION.—No State receiving an
25 allotment under subparagraph (A) may receive

1 less than $\frac{1}{2}$ of 1 percent of the total amount
2 made available to carry out this subpart for any
3 fiscal year and not reserved under paragraph
4 (1).

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

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

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

15 “(b) REQUIRED AND AUTHORIZED EXPENDI-
16 TURES.—

17 “(1) REQUIRED EXPENDITURES.—The Sec-
18 retary may make a grant to a State under this sub-
19 part only if the State agrees to expend at least—

20 “(A) 95 percent of the amount of the
21 funds provided under the grant for the purpose
22 of making subgrants to local educational agen-
23 cies under subpart 3; and

24 “(B) 2.5 percent of the amount of the
25 funds provided under the grant for the purpose

1 of making subgrants to eligible partnerships
2 under subpart 2 (of which percent, up to 5 per-
3 cent may be used for planning and administra-
4 tion related to carrying out such purpose).

5 “(2) AUTHORIZED EXPENDITURES.—A State
6 that receives a grant under this subpart may expend
7 not more than 2.5 percent of the amount of the
8 funds provided under the grant for one or more of
9 the authorized State activities described in sub-
10 section (d) (of which percent, the State may use up
11 to 5 percent for planning and administration related
12 to carrying out such activities and making subgrants
13 to local educational agencies under subpart 3).

14 “(c) DISTRIBUTION OF SUBGRANTS TO LOCAL EDU-
15 CATIONAL AGENCIES.—

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

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

22 “(i) 50 percent is allocated to local
23 educational agencies in accordance with
24 the relative enrollment in public and pri-
25 vate nonprofit elementary and secondary

1 schools within the boundaries of such
2 agencies; and

3 “(ii) 50 percent is allocated to local
4 educational agencies in proportion to the
5 number of children, aged 5 to 17, who re-
6 side within the geographic area served by
7 such agency from families with incomes
8 below the poverty line (as defined by the
9 Office of Management and Budget and re-
10 vised annually in accordance with section
11 673(2) of the Community Services Block
12 Grant Act (42 U.S.C. 9902(2))) applicable
13 to a family of the size involved for the
14 most recent fiscal year for which satisfac-
15 tory data are available, compared to the
16 number of such individuals who reside in
17 the geographic areas served by all the local
18 educational agencies in the State for that
19 fiscal year.

20 “(B) ALTERNATIVE FORMULA.—A State
21 may increase the percentage described in sub-
22 paragraph (A)(ii) (and commensurately de-
23 crease the percentage described in subpara-
24 graph (A)(i)).

1 “(2) DISTRIBUTION OF 20 PERCENT OF
2 FUNDS.—A State receiving a grant under this sub-
3 part shall distribute 20 percent of the amount de-
4 scribed in subsection (b)(1)(A) through a competi-
5 tive process.

6 “(d) AUTHORIZED STATE ACTIVITIES.—The author-
7 ized State activities referred to in subsection (b)(2) are
8 the following:

9 “(1) Reforming teacher certification, recertifi-
10 cation, or licensure requirements to ensure that—

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

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

17 “(C) teachers, principals, and administra-
18 tors have the knowledge and skills necessary to
19 help students meet challenging State student
20 performance standards.

21 “(2) Carrying out programs that—

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

24 “(B) establish, expand, or improve alter-
25 native routes to State certification of teachers

1 for highly qualified individuals with a bacca-
2 laureate degree, including mid-career profes-
3 sionals from other occupations, paraprofes-
4 sionals, former military personnel, and recent
5 college graduates with records of academic dis-
6 tinction.

7 “(3) Developing and implementing effective
8 mechanisms to assist local educational agencies and
9 schools in effectively recruiting highly qualified
10 teachers.

11 “(4) Reforming tenure systems and imple-
12 menting teacher testing and procedures to expedi-
13 tiously remove incompetent or unqualified teachers.

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

17 “(6) Providing technical assistance to local edu-
18 cational agencies consistent with this part.

19 “(7) Funding projects to promote reciprocity of
20 teacher certification or licensure between or among
21 States.

22 “(8) Developing or assisting local educational
23 agencies or eligible partnerships (as defined in sec-
24 tion 2021(d)) in the development and utilization of
25 proven, innovative strategies to deliver intensive pro-

1 fessional development programs that are both cost-
2 effective and easily accessible, such as through the
3 use of technology and distance learning.

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

8 “(f) PUBLIC ACCOUNTABILITY.—

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

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

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

17 “(ii) the average statewide class size;
18 or

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

23 “(2) PUBLIC AVAILABILITY.—Such information
24 shall be made widely available to the public, includ-

1 ing parents and students, through major print and
2 broadcast media outlets throughout the State.

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

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

9 “(b) CONTENTS.—Each application under this sec-
10 tion shall include the following:

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

18 “(2) A description of the specific performance
19 indicators the State will use (including an identifica-
20 tion of how such performance indicators will be
21 measured and reported) for each local educational
22 agency to measure the annual progress of activities
23 funded under subpart 3 in increasing—

24 “(A) student academic achievement; and

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

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

11 “(4) A description of how the State will coordi-
12 nate professional development activities authorized
13 under this part with professional development activi-
14 ties provided under other Federal, State, and local
15 programs, including those authorized under title I,
16 title III, title IV, part A of title VII, and (where ap-
17 plicable) the Individuals with Disabilities Education
18 Act and the Carl D. Perkins Vocational and Tech-
19 nical Education Act. The description shall include
20 information on the use of technology to improve
21 teaching and learning.

22 “(5) A description of how the State will encour-
23 age the development of proven, innovative strategies
24 to deliver intensive professional development pro-
25 grams that are both cost-effective and easily acces-

1 sible, such as through the use of technology and dis-
2 tance learning.

3 “(c) APPLICATION SUBMISSION.—A State application
4 submitted to the Secretary under this section shall be ap-
5 proved by the Secretary unless the Secretary makes a
6 written determination, within 90 days after receiving the
7 application, that the application is in violation of the provi-
8 sions of this Act.

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

10 **“SEC. 2021. PARTNERSHIP GRANTS.**

11 “(a) IN GENERAL.—From the amount described in
12 section 2012(b)(1)(B), the State agency for higher edu-
13 cation, working in conjunction with the State educational
14 agency (if such agencies are separate), shall award grants
15 on a competitive basis to eligible partnerships to enable
16 such partnerships to carry out activities described in sub-
17 section (b).

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

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

23 “(2) developing and providing assistance to
24 local educational agencies and the teachers, prin-
25 cipals, and administrators, of each such agency, for

1 sustained, high-quality professional development ac-
2 tivities.

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

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

9 “(1) shall include—

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

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

12 “(C) an institution that prepares teachers;

13 and

14 “(2) may include other local educational agen-
15 cies, a public charter school, a public or private ele-
16 mentary or secondary school, an educational service
17 agency, a public or private nonprofit educational or-
18 ganization, or a business.

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

1 professional development in academic subjects
2 other than mathematics and science.

3 “(ii) STANDARD FOR GRANTING.—A
4 State may not approve such a waiver un-
5 less the local educational agency is able to
6 demonstrate that—

7 “(I) the professional development
8 needs of mathematics and science
9 teachers, including elementary teach-
10 ers responsible for teaching mathe-
11 matics and science, have been ade-
12 quately met;

13 “(II) State assessments in math-
14 ematics or science demonstrate that
15 each school within the local edu-
16 cational agency has made progress to-
17 ward meeting the challenging State or
18 local content standards and student
19 performance standards in these areas;
20 and

21 “(III) State assessments in other
22 academic subjects demonstrate a need
23 to focus on subjects other than mathe-
24 matics and science.

1 “(iii) GRANDFATHER OF OLD WAIV-
2 ERS.—A waiver provided to a local edu-
3 cational agency under part D of title XIV
4 prior to the date of the enactment of the
5 Teacher Empowerment Act shall be
6 deemed effective until such time as it oth-
7 erwise would have ceased to be effective.

8 “(3) PROFESSIONAL DEVELOPMENT ACTIVI-
9 TIES.—Each local educational agency that receives a
10 subgrant under this subpart shall use a portion of
11 such funds for professional development activities
12 that give teachers, principals, and administrators the
13 knowledge and skills to provide students with the op-
14 portunity to meet challenging State or local content
15 standards and student performance standards. Such
16 activities shall be consistent with sections 2033 and
17 2034.

18 “(4) HIRING TEACHERS.—

19 “(A) IN GENERAL.—Each local educational
20 agency that receives a subgrant under this sub-
21 part shall use a portion of such funds for re-
22 cruiting, hiring, and training certified teachers,
23 including teachers certified through State and
24 local alternative routes, in order to reduce class
25 size.

1 “(B) SPECIAL RULE FOR SPECIAL EDU-
2 CATION TEACHERS.—Notwithstanding subpara-
3 graph (A), a local educational agency may use
4 some or all of the funds described in such sub-
5 paragraph to hire special education teachers re-
6 gardless of whether such action reduces class
7 size.

8 “(C) WAIVER.—

9 “(i) APPLICATION.—A local edu-
10 cational agency may seek a waiver of the
11 requirement in subparagraph (A) from a
12 State in order to allow the local edu-
13 cational agency to use such funds for pur-
14 poses other than hiring teachers in order
15 to reduce class size.

16 “(ii) STANDARD FOR GRANTING.—A
17 State may not approve such a waiver un-
18 less the local educational agency is able to
19 demonstrate that—

20 “(I) such funds will be used to
21 ensure that all instructional staff have
22 the subject matter knowledge, teach-
23 ing knowledge, and teaching skills
24 necessary to teach effectively in the

1 content area or areas in which they
2 provide instruction; or

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

11 “(b) ALLOWABLE ACTIVITIES.—Each local edu-
12 cational agency that receives a subgrant under this sub-
13 part may use the subgrant to carry out the following ac-
14 tivities:

15 “(1) Initiatives to assist recruitment of highly
16 qualified teachers, including—

17 “(A) providing signing bonuses or other fi-
18 nancial incentives for teachers to teach in aca-
19 demic subject areas in which there exists a
20 shortage of such teachers within the school or
21 local educational agency;

22 “(B) establishing programs that—

23 “(i) recruit professionals from other
24 fields and provide such professionals with

1 alternative routes to teacher certification;
2 and

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

7 “(C) implementing hiring policies that en-
8 sure comprehensive recruitment efforts as a
9 way to expand the applicant pool, such as
10 through identifying teachers certified through
11 alternative routes, coupled with a system of in-
12 tensive screening designed to hire the most
13 qualified applicant.

14 “(2) Initiatives to promote retention of highly
15 qualified teachers, including—

16 “(A) programs that provide mentoring to
17 newly hired teachers, such as from master
18 teachers; or

19 “(B) programs that provide other incen-
20 tives for highly qualified teachers to remain in
21 the classroom.

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

1 “(A) innovative professional development
2 programs (which may be through partnerships
3 including institutions of higher education), in-
4 cluding programs that train teachers to utilize
5 technology to improve teaching and learning,
6 that are consistent with the requirements of
7 section 2033;

8 “(B) development and utilization of prov-
9 en, cost-effective strategies for the delivery of
10 professional development activities, such as
11 through the utilization of technology and dis-
12 tance learning;

13 “(C) tenure reform;

14 “(D) merit pay;

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

18 “(F) professional development programs
19 that provide instruction in how to teach chil-
20 dren with different learning styles, particularly
21 children with disabilities and children with spe-
22 cial learning needs; and

23 “(G) professional development programs
24 that provide instruction in how best to dis-
25 cipline children in the classroom and identify

1 early and appropriate interventions to help such
2 children learn.

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

5 **“SEC. 2032. LOCAL APPLICATIONS.**

6 “(a) IN GENERAL.—A local educational agency seek-
7 ing to receive a subgrant from a State under this subpart
8 shall submit an application to the State—

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

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

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

16 “(1) A description of the how the local edu-
17 cational agency intends to use funds provided under
18 this subpart, including an assurance that the local
19 educational agency will meet the requirements for
20 the use of funds for mathematics and science pro-
21 grams, professional development, and hiring teachers
22 to reduce class size under section 2031.

23 “(2) An assurance that the local educational
24 agency will target funds to schools within the juris-
25 diction of the local educational agency that—

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

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

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

6 “(3) A description of how the local educational
7 agency will coordinate professional development ac-
8 tivities authorized under this subpart with profes-
9 sional development activities provided through other
10 Federal, State, and local programs, including those
11 authorized under title I, title III, title IV, part A of
12 title VII, and (where applicable) the Individuals with
13 Disabilities Education Act and the Carl D. Perkins
14 Vocational and Technical Education Act.

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

20 “(c) PARENTS’ RIGHT-TO-KNOW.—A local edu-
21 cational agency that receives funds under this subpart
22 shall provide, upon request and in an understandable and
23 uniform format, to any parent of a student attending any
24 school receiving funds under this subpart, information re-
25 garding the professional qualifications of the student’s

1 classroom teachers, including, at a minimum, the fol-
2 lowing:

3 “(1) Whether the teacher has met State quali-
4 fication and licensing criteria for the grade levels
5 and subject areas in which the teacher provides in-
6 struction.

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

11 “(3) The college major of the teacher and any
12 other graduate certification or degree held by the
13 teacher, and the field or discipline of the certifi-
14 cation or degree.

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

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

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

22 “(A) directly related to the curriculum and
23 content areas in which the teacher provides in-
24 struction; or

1 “(B) designed to enhance the teaching of
2 such areas.

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

6 “(b) OTHER REQUIREMENTS.—Professional develop-
7 ment activities funded under this subpart—

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

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

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

19 “(4) shall be of sufficient intensity and duration
20 (such as generally not to include 1-day or short-term
21 workshops and conferences) to have a positive and
22 lasting impact on the teacher’s performance in the
23 classroom; and

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

4 “(c) ACCOUNTABILITY.—

5 “(1) IN GENERAL.—A State shall notify a local
6 educational agency that the agency is on notice of
7 the possibility that the agency may be subject to the
8 requirement in paragraph (3) if, after any fiscal
9 year, the State determines that the programs or ac-
10 tivities funded by the agency fail to meet the re-
11 quirements of subsections (a) and (b).

12 “(2) TECHNICAL ASSISTANCE.—A local edu-
13 cational agency that has been put on notice pursu-
14 ant to paragraph (1) may request technical assist-
15 ance from the State in order to provide the oppor-
16 tunity for such local educational agency to comply
17 with the requirements of subsections (a) and (b).

18 “(3) REQUIREMENT TO PROVIDE TEACHER OP-
19 PORTUNITY PAYMENTS.—A local educational agency
20 that has been put on notice by the State pursuant
21 to paragraph (1) during any 2 consecutive fiscal
22 years shall expend under section 2034 for the suc-
23 ceeding fiscal year a proportion of the amount made
24 available to the agency under this subpart equal to
25 the proportion of such amount expended by the

1 agency on professional development for the second
2 fiscal year in which it was put on notice.

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

4 “(a) IN GENERAL.—A local educational agency re-
5 ceiving funds under this subpart may (or, in the case of
6 a local educational agency described in section 2033(c)(3),
7 shall) provide funds directly to a teacher or a group of
8 teachers seeking opportunities to participate in a profes-
9 sional development activity of their choice.

10 “(b) NOTICE TO TEACHERS.—Local educational
11 agencies distributing funds under this section shall estab-
12 lish and implement a timely process through which proper
13 notice of availability of funds will be given to all teachers
14 within schools identified by the agency and shall develop
15 a process whereby teachers will be specifically rec-
16 ommended by principals to participate in such program
17 by virtue of—

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

20 “(2) their need for additional assistance to en-
21 sure that their students make progress toward meet-
22 ing challenging State content standards and student
23 performance standards.

24 “(c) SELECTION OF TEACHERS.—In the event ade-
25 quate funding is not available to provide payments under

1 this section to all teachers seeking such assistance, or
 2 identified as needing such assistance pursuant to sub-
 3 section (b), a local educational agency shall establish pro-
 4 cedures for selecting teachers which provide a priority for
 5 those teachers described in paragraph (1) or (2) of sub-
 6 section (b).

7 “(d) ELIGIBLE PROGRAM.—Teachers receiving a pay-
 8 ment under this section shall have the choice of attending
 9 any professional development program that meets the cri-
 10 teria set forth in subsection (a) or (b) of section 2033.

11 **“Subpart 4—National Activities**

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

13 “(a) TEACHER EXCELLENCE ACADEMIES.—

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

17 “(2) USE OF FUNDS.—

18 “(A) IN GENERAL.—An eligible consortium
 19 receiving funds under this subsection shall use
 20 the funds to pay the costs associated with the
 21 establishment or expansion of a teacher acad-
 22 emy in an elementary or secondary school facil-
 23 ity that carries out the activities promoting al-
 24 ternative routes to State teacher certification
 25 specified in subparagraph (B), the model pro-

1 professional development activities specified in sub-
2 paragraph (C), or all such activities.

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

10 “(i) provide opportunities to highly
11 qualified individuals with a baccalaureate
12 degree, including mid-career professionals
13 from other occupations, paraprofessionals,
14 former military personnel, and recent col-
15 lege graduates with records of academic
16 distinction;

17 “(ii) provide stipends, for not more
18 than 2 years, to permit individuals de-
19 scribed in clause (i) to participate as stu-
20 dent teachers able to fill teaching needs in
21 academic subjects in which there is a dem-
22 onstrated shortage of teachers;

23 “(iii) provide for the recruitment and
24 hiring of master teachers to mentor and

1 train student teachers within such acad-
2 emies; and

3 “(iv) include a reasonable service re-
4 quirement for individuals completing the
5 alternative certification program estab-
6 lished by the consortium.

7 “(C) MODEL PROFESSIONAL DEVELOP-
8 MENT.—The model professional development
9 activities specified in this subparagraph are ac-
10 tivities providing ongoing professional develop-
11 ment opportunities for teachers, such as—

12 “(i) innovative programs and model
13 curricula in the area of professional devel-
14 opment which may serve as models to be
15 disseminated to other schools and local
16 educational agencies; and

17 “(ii) developing innovative techniques
18 for evaluating the effectiveness of profes-
19 sional development programs.

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

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

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

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

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

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

16 “(A) shall include—

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

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

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

22 and

23 “(iv) an institution that prepares
24 teachers; and

1 “(B) may include local educational agen-
2 cies, public charter schools, public or private el-
3 ementary or secondary schools, educational
4 service agencies, public or private nonprofit
5 educational organizations, museums, or busi-
6 nesses.

7 “(b) CONTINUATION OF TROOPS-TO-TEACHERS PRO-
8 GRAM.—

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

17 “(2) TRANSFER OF FUNDS TO CONTINUE PRO-
18 GRAM.—Subject to the requirements of this sub-
19 section, the Secretary of Education may provide a
20 transfer of funds to the Defense Activity for Non-
21 Traditional Education Support of the Department of
22 Defense to permit the Defense Activity to carry out
23 the troops-to-teachers program under section 1151
24 of title 10, United States Code, notwithstanding the

1 termination date specified in subsection (e)(1)(A) of
2 such section.

3 “(3) DEFENSE AND COAST GUARD CONTRIBU-
4 TION.—The Secretary of Education may not make a
5 transfer of funds under paragraph (2) unless the
6 Secretary of Defense, and the Secretary of Trans-
7 portation with respect to the Coast Guard, agree to
8 cover not less than 25 percent of the costs associ-
9 ated with the activities conducted under the troops-
10 to-teachers program. The contributions may be in
11 the form of in-kind contributions or cash expendi-
12 tures, which may include the use of private contribu-
13 tions made for purposes of the program.

14 “(4) ELIGIBLE MEMBERS.—After September
15 30, 1999, the troops-to-teachers program shall have
16 a primary focus of recruiting members of the Armed
17 Forces who are retiring after not less than 20 years
18 of active duty.

19 “(5) PLACEMENT PRIORITY.—The Defense Ac-
20 tivity for Non-Traditional Education Support shall
21 cooperate with the Department of Education in ef-
22 forts to notify high-need local educational agencies
23 of the services available to them under the troops-
24 to-teachers program.

1 **“SEC. 2042. NATIONAL WRITING PROJECT.**

2 “The Secretary may make a grant to the National
3 Writing Project, a nonprofit educational organization
4 which has as its primary purpose the improvement of the
5 quality of student writing and learning and the teaching
6 of writing as a learning process in the Nation’s class-
7 rooms.

8 **“SEC. 2043. EISENHOWER NATIONAL CLEARINGHOUSE FOR**
9 **MATHEMATICS AND SCIENCE EDUCATION.**

10 “The Secretary may award a grant or contract, in
11 consultation with the Director of the National Science
12 Foundation, to continue the Eisenhower National Clear-
13 ingshouse for Mathematics and Science Education.

14 **“Subpart 5—Funding**

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

16 “(a) FISCAL YEAR 2000.—For the purpose of car-
17 rying out this part, there are authorized to be appro-
18 priated \$2,060,000,000 for fiscal year 2000, of which
19 \$20,000,000 are authorized to be appropriated to carry
20 out subpart 4.

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

1 **“Subpart 6—General Provisions**

2 **“SEC. 2061. DEFINITIONS.**

3 “For purposes of this part—

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

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

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

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

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

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

4 “(C) a high teacher turnover rate.

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

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

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

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

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

19 “(B) shall include research that—

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

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

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

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

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

12 (b) CONFORMING AMENDMENTS.—

13 (1) NATIONAL WRITING PROJECT.—Part K of
14 title X of the Elementary and Secondary Education
15 Act of 1965 (20 U.S.C. 8331 et seq.) is repealed.

16 (2) REFERENCE TO NATIONAL CLEARINGHOUSE
17 FOR MATHEMATICS AND SCIENCE EDUCATION.—Sec-
18 tion 13302(1) of the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 8672(1)) is
20 amended by striking “2102(b)” and inserting
21 “2043”.

1 **SEC. 3. AMENDMENTS RELATING TO READING EXCEL-**
2 **LENCE ACT.**

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

6 (b) READING EXCELLENCE ACT.—

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

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

11 (2) AUTHORIZATION OF APPROPRIATIONS.—
12 Section 2260 of such Act (20 U.S.C. 6661i) is
13 amended by adding at the end the following:

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

19 **SEC. 4. GENERAL PROVISIONS**

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

23 (1) by repealing part D;

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

25 (3) by striking sections 2401 and 2402 and in-
26 serting the following:

1 **“SEC. 2401. PROHIBITION ON NATIONAL CERTIFICATION OF**
2 **TEACHERS.**

3 “(a) PROHIBITION ON TESTING OR CERTIFI-
4 CATION.—Notwithstanding any other provision of law, the
5 Secretary is prohibited from using Federal funds to plan,
6 develop, implement, or administer any national teacher
7 test or certification.

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

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

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

16 **“SEC. 2403. HOME SCHOOLS.**

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

24 (b) CONFORMING AMENDMENTS.—

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

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

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

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