

ESEA Conference Report

On December 18, the Senate approved the conference report for H.R. 1, the Elementary and Secondary Education Act reauthorization bill. The final vote was 87-10. The House passed the ESEA conference report December 13 on a 381-41 vote. The President signed the Act on January 9, 2002.

Major Provisions: ESEA Conference Report (H.R. 1)

Accountability and Results

- Empower parents, voters and taxpayers with data, including annual report cards on school performance and statewide results. Would provide parents with information about the quality of their children's schools, the qualifications of the teachers teaching their children, and their children's progress in key subjects.
- Would require states using federal education dollars to demonstrate results through annual reading and math assessments for students in grades 3 through 8. The conference report would authorize \$400 million to help states design and administer tests.
- States would be required to disaggregate data by race, gender, and other criteria to demonstrate to parents and taxpayers not just that overall student achievement is improving, but also that achievement gaps are closing between disadvantaged students and other groups of students.

State and Local Flexibility

- Would provide flexibility for all 50 states and every local school district in America in the use of federal education funds.
- Every local school district in America would immediately receive the freedom to transfer up to 50 percent of the federal dollars they receive among an assortment of programs. Local school districts would not need to obtain permission before transferring funds.
- Would allow up to 150 local flexibility demonstration projects to be established across the nation. Local school districts choosing to participate would receive a virtual waiver from federal education rules in exchange for signing an "accountability contract" with the Education Secretary, in which the school district would agree to improve student achievement.
- All 50 states would immediately receive the freedom to transfer up to 50 percent of the non-Title I state activity funds they receive from the federal government among an assortment of ESEA programs. States would not need to obtain permission before transferring funds.
- Would allow seven states across the nation to have new flexibility in the use of 100 percent of non-Title I federal funds in a variety of categories, granting them a waiver from federal education requirements relating to a variety of ESEA programs. A state would not need to meet any new accountability requirements in order to participate, nor would the state be

required to enter into a more rigorous “performance agreement” with the U.S. Secretary of Education.

- Would allow states and local school districts participating in state and local flexibility demonstration projects to coordinate their efforts through state-local “flexibility partnerships” to ensure that federal education funds are used most effectively to meet the unique needs of students.

Streamlining Bureaucracy

- Would consolidate and streamline programs and target resources to existing programs that serve poor students.
- Would reduce the overall number of Elementary and Secondary Education Act (ESEA) programs from 55 to 45.

Expanded Parental Choice

- Would lay the groundwork for private school choice with breakthroughs on several key elements that enhance options for parents with children in chronically-failing schools. These options would be made available immediately (for the 2002-03 school year) for students in thousands of schools already identified as failing under current law.
- Public/Charter School Choice: Parents with children in failing schools would be allowed to transfer their child to a better-performing public or charter school immediately after a school is identified as failing.
- Supplemental Services: Would allow federal Title I funds (approximately \$500 to \$1,000 per child) to be used to provide supplemental educational services - including tutoring, after school services, and summer school programs - for children in failing schools. Faith-based providers would be among those eligible to be selected by parents to assist students, establishing an important precedent on the road to equal educational opportunity.
- Charter Schools. Would create a major new expansion of the charter school initiative, expanding opportunities for parents, educators and interested community leaders to create schools outside the bureaucratic structure of the education establishment.

Prohibiting National Testing

- Would prohibit federally sponsored national testing, federally controlled curriculum, as well as any mandatory national teacher test or certification.

Reading First Initiative

- Focuses on effective, proven methods of reading instruction backed by scientific research.
- Would triple federal reading funding from the present \$300 million to \$900 million in 2002.
- Would lay the groundwork for important reforms in special education and the Individuals with Disabilities Education Act (IDEA), the next major education reform project.

Teacher Quality and Smaller Classrooms

- Would ask states to have a highly-qualified teacher in every public classroom by 2005, emphasizing state and local methods.
- Would explicitly ban federal teacher testing and national teacher certification.
- In addition to funds specifically earmarked for teacher quality, would give local schools new freedom to make spending decisions with up to 50 percent of the non-Title I federal funds they receive. With this new freedom, a local school district could decide to use additional funds for hiring new teachers, increasing teacher pay, improving teacher training and development or other uses.
- Would make it easier for local schools to recruit and retain excellent teachers.
- Would consolidate current programs into a new Teacher Quality Program that would allow greater flexibility for local school districts.
- Would include Teacher Opportunity Payments, which would provide funds for teachers to choose professional development activities.

Dollars to the Classroom

- Would apply “Dollars to the Classroom” principles to federal formula grant programs, meaning that 95 percent of funds would be spent at the local level.

Safer Schools

- A student who is a victim of a crime, or attends a public school designated by the state as unsafe, would be permitted to transfer to a safe public school. Such students would be given this option in federal law for the first time ever.
- Would help ensure that teachers, principals, and other school professionals can undertake reasonable actions to maintain order and discipline in the classroom without the fear of being dragged into court or subjected to frivolous lawsuits.

NAEP

- As recommended by Empower America’s Bill Bennett and other leading education reform advocates, would require a small sample of students in each state to participate in the fourth and eighth grade National Assessment of Educational Progress (NAEP) in reading and math every other year as a means of verifying the results of statewide assessments, which all students would take. To ensure that the NAEP remains an independent, high-quality, accurately-reported test, a host of safeguards would be authorized.

English Fluency

- Would consolidate the Bilingual and Immigrant Education Programs, streamlining the current bureaucracy into a single federal program with a new focus: helping limited English proficient (LEP) students learn English.
- Would require that LEP children be tested for reading and language arts in English after they have attended school in the United States for three consecutive years.
- Would require that parents be notified that their LEP child is in need of English language instruction.
- Would eliminate the current requirement that 75 percent of funding be used to support programs using a child's native language in instruction.

Home Schools

- Would exempt all home schools and home school students (as well as private schools and students not using federal funds) from all testing requirements.

Rural Schools

- Would give local school officials greater say in how federal funds are used.

School Prayer

- Would include a provision under which federal funds would be denied to any local school district that prevents or otherwise denies participation in constitutionally-protected school prayer.

Education Appropriations

The House on December 19 approved a \$396 billion Labor, Health and Human Services and Education Appropriations Conference Report by a vote of 393-30 that includes a \$6.6 billion boost for education - the biggest increase in the history of the U.S. Education Department. The Senate approved the Conference Report on December 20 by a 90-7 vote and sent it to the President for signature. Congress passed an eight continuing resolution on December 20 (H. J. RES. 79) that will keep the government funded through January 10, 2002. This will allow for the remaining legislation that Congress passed this week to be signed by the President. Key education provisions include:

Elementary and Secondary Education Act

- The bill provides \$3.4 billion increase for the President's elementary and secondary education initiatives authorized in H.R.1. Total funding for Elementary and Secondary Education programs is \$29.6 billion, \$4.6 billion over last year's levels.
- Reading First – A top priority of the President that will enable states to eliminate the reading deficit through scientific research-based reading

programs. Fully funds this new program at the requested level of \$975 million which will enable states to eliminate the reading deficit through scientific research-based reading programs.

- State Assessments – The bill includes \$387 million, \$67 million over the budget request, to cover the cost of developing annual state assessments of student's reading and math skills. States will be responsible for selecting and designing their own assessments.
- State grants for Improving Teacher Quality – The bills provides \$2.85 billion, \$250 million above the budget request, for a new program to consolidate and streamline existing professional development programs to provide states and school districts with tools to improve teacher quality and increase the number of highly qualified teachers in the classroom.
- Troops and Transition to Teaching – The bill provides \$88 million, \$58 million over the budget request, which includes \$18 million for Troops to Teachers and \$35 million for Transition to Teaching to assist eligible members of the armed forces and mid career professionals to obtain certification as elementary and secondary school teachers, or vocational teachers.
- Title I – Program is funded at \$10.35 billion, \$1.6 billion over the budget request, to provide aid to states and school districts to help educationally disadvantaged children achieve the same high state academic performance standards as all other students.
- Bilingual and Immigrant Education – This program has been reformed to focus on teaching English to limited English proficient children and expediting their transition into regular classrooms. The budget requested \$460 million for this purpose; however, this bill provides \$665 million in recognition of the growing number of limited English proficient children.

Priority Education Programs

- The Conference Report provides a total of \$48.932 billion for education programs, \$6.7 billion more than the last year levels and \$4.4 billion more than the President request.
- Special Education Grants are funded at \$7.5 billion, \$200 million over the President's request and \$1.2 billion more than last year.
- Maximum Pell Grants are increased \$150 over the President's request and \$250 over FY01, bringing the maximum award to \$4000, the highest maximum grant in the program's history.
- The bill terminates funding for the class size reduction program and school renovation.
- Impact Aid is funded at \$1.143 billion, \$150 million over last year's level and \$13 million above the request.
- After School Centers are funded at \$1 billion, \$154 million over the budget request and FY01.
- TRIO Program for minority and disadvantaged students is increased \$72 million over last year and \$22 million over the President's request bringing total FY02 funding to \$802 million.

- Head Start is increased \$338 million over last year's level and \$213 million over the budget request, bringing total FY02 funding to \$6.538 billion. This funding level will allow the program to expand Head Start and to maintain current service levels while ensuring that quality improvements and training elements are fully implemented.