

COUNCIL OF THE GREAT CITY SCHOOLS

SUMMARY OF ESEA REAUTHORIZATION PROPOSALS

Goals: To accelerate the educational achievement of children with specific disadvantages or special needs; to build the capacity of the neediest school systems to accelerate achievement through increased flexibility; and to refocus school reform from the state to the local school district and classroom levels.

A. TO ACCELERATE THE EDUCATIONAL ACHIEVEMENT OF CHILDREN WITH SPECIFIC DISADVANTAGES OR SPECIAL NEEDS

(1) **Maintain Categorical Services for Children with Special Needs In ESEA.** (see graph on page 5)

- Retain a strictly categorical approach in ESEA for serving children with special educational needs (i.e., disadvantaged, early childhood and literacy, migrant, neglected and delinquent, minority isolated, immigrant, English language learners, women's equity, Indian and Native education).

(2) **Maintain and Strengthen the Standards-Based Approach to Educational Achievement in ESEA.**

- Shift emphasis from state standards development to standards implementation at the local level.
- Encourage and support the implementation of local standards when they are more rigorous than minimum state standards.
- Ensure that children with specialized needs are making adequate progress in attaining content standards through fair and appropriate assessments.

B. TO BUILD THE CAPACITY OF THE NEEDIEST SCHOOL SYSTEMS AND TO INCREASE FLEXIBILITY

(1) **Consolidate Twenty-Nine Existing ESEA Programs into Nine Flexible Problem-Solving and Capacity Building Programs.** (see graph on page 6)

- Establish two new titles in ESEA that would provide assistance to schools for (a) increasing the capacity of state and local school systems to accelerate achievement—Title II (i.e., strengthening local and state capacity for standards-based reform and innovation, providing high-quality professional development, and enhancing local technical assistance) and for (b) solving high-priority national education challenges—Title III (i.e., reducing class-size, reforming secondary schools, expanding after-school services, ensuring safe and drug-free schools, and improving technology).

- Retain separate line-item appropriations at the federal level for each of the nine capacity-building and problem-solving programs under the new Titles II and III.
- Improve flexibility to meet local needs in national priority areas by allowing for the partial local transferability (50%) of funds across the capacity building (Title II) and the problem-solving (Title III) titles.
- Improve flexibility to meet additional local needs in high priority areas by allowing for the complete local transferability (100%) of funds within the new capacity building (Title II) or the problem-solving (Title III) title.
- Include in the new Title II a program to support the local costs of securing technical assistance for school reform and improvement by consolidating comprehensive school reform, OERI labs and centers, regional technical assistance centers, and selected department contract funds.
- Establish a new secondary school reform demonstration program in Title III to address the lack of information on middle and high school best practices, and the continuing problems of achievement gaps, minority dropout rates, limited postsecondary access, and disruptive behavior in secondary schools.

(2) Establish a State Capacity Building Program and a new State Role in ESEA.

- Reestablish a state capacity building program, similar to the old Title V –Strengthening State Educational Agencies of the 1970s.
- Consolidate the categorical state leadership funds found in each ESEA formula grant title into a one state capacity building program under the new Title II.
- Maintain the current state monitoring and compliance role in the direct local ESEA formula grants by consolidating the funding of these current compliance functions under this new state capacity building program.
- Allow the states the flexibility to build their educational capacity based on their own priorities with limited federal requirements, such as state standards and assessment activities, Title I annual-yearly-progress criteria, and state accountability systems.

(3) Maintain Seven Current ESEA Categorical Programs in new Titles IV through VII.

(see graph on page 7)

- Maintain an Impact Aid title.
- Reauthorize the school infrastructure grant program, the rural education program, and revise the urban education program.

- Reauthorize the Fund for Improvement in Education, the National Diffusion Network, and revise accountability in the Charter Schools Demonstrations.
- Place the National Education Goals, the goals panel, the school finance equity authorization, and the Title XI Coordinated Services Program into the General Education Provisions Act or into the ESEA general provisions.
- Eliminate nineteen small categorical programs.

C. TO REFOCUS SCHOOL REFORM FROM THE STATE TO THE LOCAL SCHOOL DISTRICT AND CLASSROOM LEVELS

(1) Improve the Efficiency and Effectiveness of the Federal Aid System to Assist in Local School Reform.

- Provide direct federal-to-LEA formula grants in every possible ESEA program.
- Eliminate state plans and the accompanying state re-regulation and costs, and require that LEA plans address only the federal statutory/regulatory requirements.
- Implement simplification in the application and administration process, and place greater emphasis on compliance and accountability for results.
- Maintain the traditional provisions of federal law which protect the integrity of federal aid (maintenance of effort, supplement not supplant, and prohibition of consideration of federal aid amounts in the determination of state aid to education).
- Utilize competitive grant mechanisms only when program appropriations are too small to use a targeted LEA formula (i.e., 100 poorest cities as direct grantees), and then only for national competitions, not state competitions.
- Reduce unnecessary statutory verbiage, subprograms and set-asides.

(2) Restructure and Strengthen Accountability for Educational Results in ESEA.

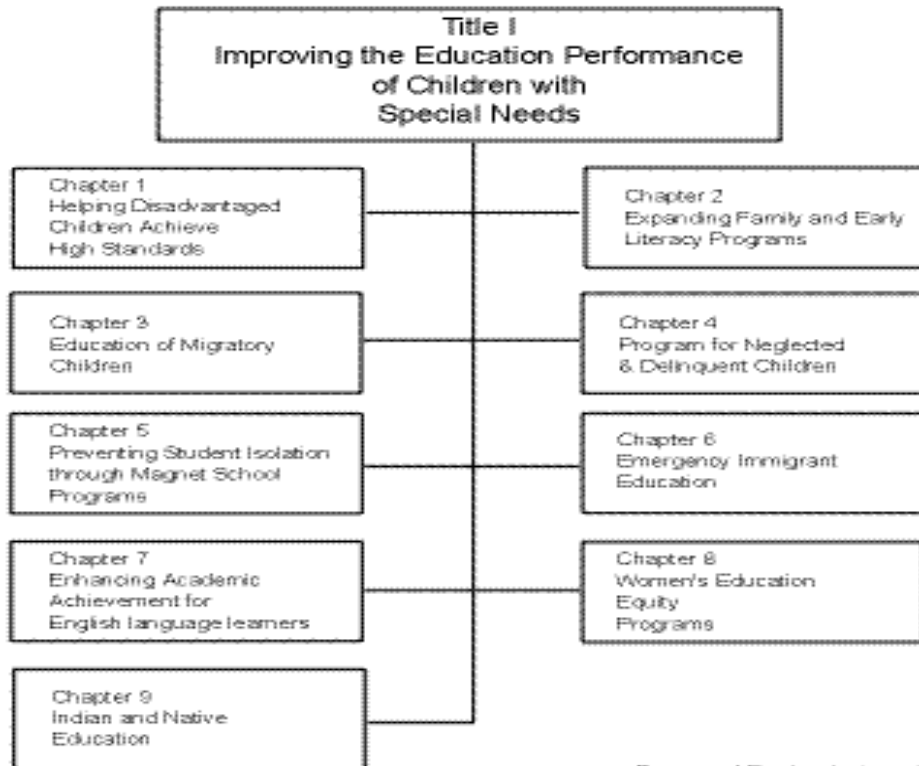
- Strengthen the “mastery” provision in Title I to periodically identify children not mastering content during the school year and to intervene with additional services.
- Require the disaggregation of performance data and accompanying modification of program activities to ensure that no subgroup of the nation’s children are left behind in achievement gains under any ESEA program.
- Require public disclosure of ESEA program results by each participating LEA, and public access through posting on the Internet.

- Harmonize, rather than duplicate state and local accountability systems with ESEA accountability systems.
- Utilize LEA accountability systems where the criteria and timetable for progress are more rigorous than either ESEA's (i.e. annual yearly progress) or the state's accountability system.
- Establish meaningful local corrective action for inadequately performing Title I schools as a Title I compliance requirement, which ultimately could trigger withholding of funds.
- Require an LEA Title I Monitor, reporting directly to the Superintendent of schools, as part of the local Title I accountability system to oversee and intervene in the progress of Title I schools that are performing inadequately.
- Remove the current ESEA statutory limitations on local corrective interventions in inadequately performing Title I schools.

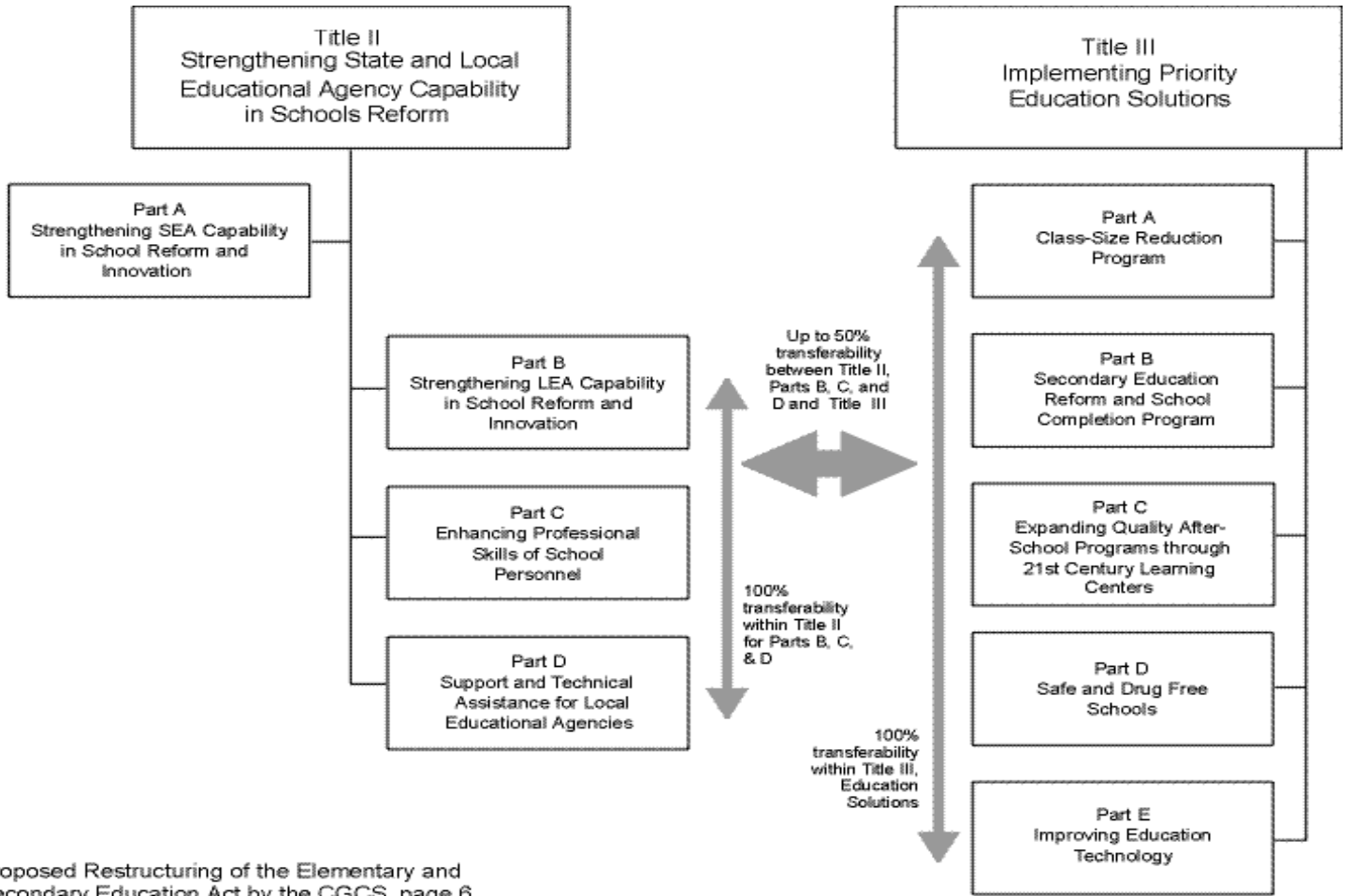
(3) Avoid Formula Fights and Target Competitive Grants.

- Reauthorize existing formulas without change.
- Utilize existing, understandable formulas in place of large current ESEA competitive programs like Goals 2000, Technology Grants, and 21st Century Grants.
- Target the few remaining national competitive grants to LEAs with the greatest need for assistance and the most promising project approaches.

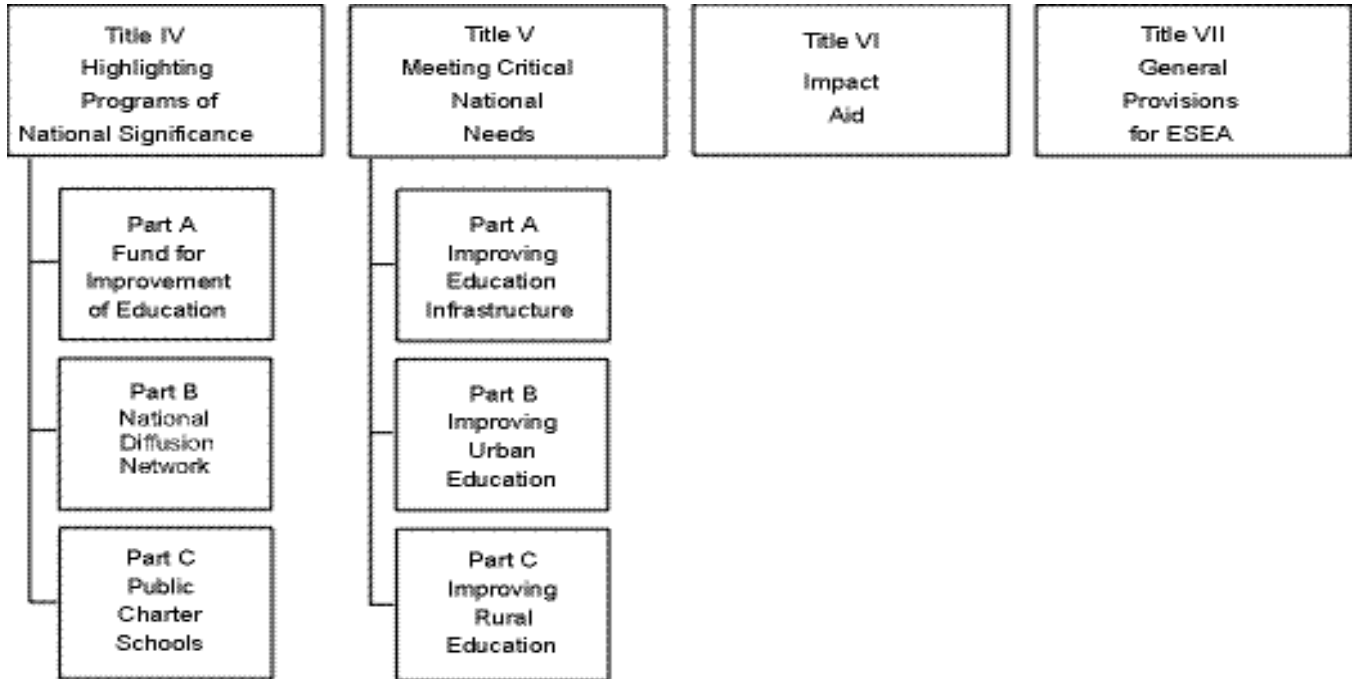
**Proposed Restructuring of the Elementary and Secondary Education Act
by the Council of the Great City Schools**



Proposed Restructuring of the Elementary and Secondary Education Act by the CGCS, page 5



Proposed Restructuring of the Elementary and Secondary Education Act by the CGCS, page 6.



Proposed Restructuring of the Elementary and Secondary Education Act by the CGCS, page 7.

HIGHLIGHTS OF PROPOSED MAJOR PROGRAM CHANGES

ESEA TITLE I

- Spur local accountability for results with Superintendent-directed school intervention and assistance for chronically low-performing Title I schools.
- Strengthen the “mastery” provision in Title I by periodically identifying children who are not learning the necessary instructional material during the school year and intervening with additional services.
- Fold the Comprehensive School Reform Program into the regular Title I Program by requiring the use of documented effective programs, strategies, and practices in all Title I schools.
- Maintain, as nonwaivable, the current eligible-child, eligible-school, and the 50% schoolwide program poverty threshold requirements with only technical modifications.
- Expand the current professional development plan into a broader school capacity building effort.

- Require career ladder participation (or native language exception) as a prerequisite for a teaching assistant to work in a Title I instructional capacity.
- Retain the current services provisions for eligible children in nonpublic schools, while broadening the capital expenses authority.

MAGNET SCHOOLS

- Make minimal changes in the program.
- Incorporate “closing the achievement gap” into the findings and purposes of this voluntary desegregation program, and adding gender and English language learners to the current categories of diversity.
- Clarify that consortia of school districts, and interdistrict programs are eligible.
- Clarify that professional development is an allowable activity and not covered under the limitations on planning activities.
- Clarify that innovative programs maintain the overall purpose of magnet schools.

ENGLISH LANGUAGE LEARNERS

- Reorient the program toward attaining high academic standards for English language learners in all content areas, including English language arts, without a federally prescribed instructional approach (i.e. transitional bilingual education, ESOL, dual language, etc.).
- Use a standards-based approach and an overall purpose of comparable achievement (closing the gap) with non-limited English proficient peers in all content areas.
- Retain the emergency immigrant program.

AMENDMENTS TO ESEA

Title I -- Improving the Education Achievement of Children with Special Needs

CHAPTER 1 -- HELPING DISADVANTAGED CHILDREN ACHIEVE HIGH STANDARDS

Major Issues Addressed

Direct Federal to Local Grant -- Creates a direct federal to local formula grant.

Streamlines Application Process -- Requires each LEA Title I plan to be filed with the states for compliance and monitoring purposes only, and no longer requires a State plan.

Realigns State Role -- Transfers the State role in all monitoring and compliance activities for each SEA formula grant program to a new, cross-functional Title II A, State capacity building program.

Maintains Targeting of Services to Neediest Schools and Children.

- Maintains current child and school Title I eligibility provisions with minor technical modifications.
- Ensures that Title I funds continue to be targeted to concentrations of poor children within each school district and school by making school attendance area eligibility and the 50% schoolwide program eligibility non-waivable provisions.

Maintains Standard-Based Approach.

- Continues the standards and assessment based system while allowing, as in current law, for the use of comparably rigorous local standards and complete core curriculum accountability where locally desired.
- Establishes accountability for reading, language arts and mathematics performance of participating Title I children.
- Establishes four levels of performance rather than the current three levels, in order to better document the progress of the lower performing children.

Relies on Documented Effective Instructional Practices -- Requires the use of documented effective programs and practices including locally developed approaches, thereby incorporating the strongest features of the Comprehensive School Reform Demonstration Program into the regular Title I program.

Establishes an Effective Local Accountability and Early Intervention System.

- Places the program emphasis on local accountability and ensures more effective coordination between local, state, and Title I accountability systems, thereby eliminating the duplication in current law.
- Encourages the use of local accountability systems for Title I schools where such local systems use a standard/criteria of progress which exceeds the state annual yearly progress standard/criteria.
- Establishes an LEA Title I Monitor as part of the Title I accountability system, reporting directly to the Superintendent of schools, to oversee and intervene in the progress of Title I schools which are performing inadequately.
- Requires meaningful local corrective action for inadequately performing Title I schools and expressly establishes such corrective action as a compliance issue which ultimately could trigger withholding of funds.

Ensures that No Child is Left Behind.

- Ensures accountability for essential subgroups of Title I children by requiring the disaggregation of performance data.
- Strengthens the “mastery” provisions in Title I to periodically identify children not mastering content during the course of the school year and to intervene with additional services.

Publicizes Title I Results -- Requires public disclosure and posting of Title I program results school by school, and disaggregated by subgroups.

Coordinates with Existing Comprehensive School Level Planning -- Coordinates the Title I schoolwide program plan with the existing local school comprehensive plan, and strengthens the emphasis on the progress of the lowest quartile and other subgroups of children performing inadequately.

Enhances District, School, and Staff Capacity -- Expands the Title I professional development plan into a broader capacity building plan addressing staff instructional skills, technical assistance and collegial assistance, improvements in the quality of school level comprehensive planning for schoolwide programs, and coordination with school level comprehensive planning in targeted assistance schools.

Creates Teacher Aide Career Ladder -- Requires participation in a career ladder program for teacher assistants (aides) performing supervised instructional functions and allows exception for personnel with other language fluency.

Maintains Services for Nonpublic School Children -- Maintains current provisions for services to nonpublic children, including an expanded Capital Expenses Program for extraordinary administrative costs and the costs of alternative service delivery systems.

Does Not Authorize Vouchers -- Retains current public school choice language without modification and does not authorize vouchers.

Avoids Formula Fights -- Maintains current formulas.

Legislative Specifications

- revise and update policy statement, need statement, what has been learned since 1994 to reflect the legislative specifications that follow (sec. 1001).
- update the purpose provisions with continuing emphasis on "children served" -- i.e. disadvantaged children (sec. 1001(d)).
- separate authorizations of appropriations; retain LEA, Capital Expense (Alternative Arrangements and Costs), Federal Activities, School Improvement (sec. 1002).

- delete the 1/2% for school improvement and additional state allocation (sec. 1003).

Standards and Assessments

- replace state plan section with a section on coordination with state standards and assessments, thereby eliminating the unnecessary and unproductive paperwork and accompanying re-regulation of previously mandated state plans (sec. 1111).
- clarify that Title I is accountable for math, reading/language arts performance of children served (sec. 1111(b)).
- clarify current law that local standards of greater rigor than state standards are allowable and encouraged, and specify that local accountability may be broadened to additional subject areas at local discretion (sec. 1111(b)).
- facilitate the documentation of progress by establishing four performance levels (advanced, proficient, partially proficient and inadequate), rather than the current three levels, and allow for measurement of progress within each level (sec. 1111(b)(1)(D)).
- continue annual yearly progress (AYP) established by states under “Strengthening SEAs” (the new Title II-A); but clarify as in current law that other local measures and indicators may be used (cross-reference to Local Plans) (sec. 1111(b)(2)).
- maintain, as in current law, the use of either a statewide assessment system of all children, or specific Title I assessments (sec. 1111(b)(3)).
- reaffirm the requirement for disaggregation of data by major subgroups in statewide assessments, other local measures and indicators, and in transitional assessments (sec. 1111(b)(3)(I)).
- maintain and strengthen the current State language assessment provision (sec. 1111(b)(5)).
- continue 1994 amendments timetable on standards and assessments (sec. 1111(b)(6)).
- delete additional state plan provisions and the state plan review process, since state plans are no longer necessary (sec. 1111(c),(d)&(e)).
- include the public participation and committee of practitioners’ provisions in the new Title II (A) Strengthening SEA program (sec. 1111(c)).
- continue the prohibition on federal control, and add provision on local use discretion originating in the old Chapter 2 (sec. 1111(f), and title VI sec. 6303(c)).
- move current provisions requiring a minimum SEA expenditure of state administrative funds to the new Title II-A (sec. 1111(g)).

Local Plans

- continue consolidated application provision at the local level with emphasis on simplification (cross-reference to Title XIV provisions) (sec. 1112(a)(2)).
- maintain allowability of other local measures and indicators (sec. 1112(a)(2)).
- expand professional development into a broader capacity building function addressing staff instructional skills, technical assistance and collegial assistance, improvements in the quality of school level comprehensive planning for schoolwide programs, and coordination with school level comprehensive planning in targeted assistance schools (sec. 1112(a)(3)).
- delete Head Start language in 1994 Act (sec. 1112(c)(1)(H),(2)&(3)); add allowable use for the education costs of coordinating programs with Head Start, notwithstanding any other provisions of law.
- maintain four measures of poverty (sec. 1113).
- maintain “general description” language (expressly prohibit states from requiring filing of each individual school plan with the state) (sec. 1112(a)(7)).
- delete unnecessary and duplicative assurances; cross-reference with Title XIV; address model program and effective practices provision (G) and subsuming CSRP (sec.1112(c)).
- establish a true multi-year application process rather than the current annual submissions (sec. 1112(d)).
- revise state approval of local plan to emphasize certification of local plan compliance, as in the old Chapter 1(sec. 1112(e)).
- address use of teacher aides for instructional functions by requiring career ladder program participation; provide for foreign language fluency exception; make no change in the use of teacher aides for administrative functions (sec. 1112).

Eligible Attendance Areas

- add one year grandfathering of areas/schools (1113(b)).
- allow grade span grouping of all areas/schools; still require serving 75% poverty areas/schools within grade span grouping (sec. 1113(a)(4)).
- simplify the overly complex within-district allocation rules by simply requiring higher poverty schools to be allocated more Title I funds per low-income child than lower poverty schools (sec. 1113(c)(2)(A)).
- allow follow-the-child in desegregation plans without a waiver requirement (sec. 1113(a)(7)).

- clarify the interrelation of state-funded compensatory education programs (sec. 1113 and 1120(A)).
- add early childhood education, professional development, and capacity building/school improvement to local reservation of funds (sec. 1113(c)(3)).

Schoolwide Programs

- revise overlapping local and Title I comprehensive school planning provisions; delete unnecessary provisions (sec. 1114(b)).
- strengthen the use of documented, effective practices and programs (sec. 1114(b)(1)(B)(iii)).
- maintain the 50% poverty eligibility threshold; clarify that eligibility is not waivable (sec. 1114(a)(1)).
- clarify and strengthen the disaggregated data requirement for all grant recipients and require accompanying school plan modifications for subgroups of children whose progress is inadequate (sec. 1114(b)(2)(A)(v)&(vii)).
- emphasize and strengthen the current mastery provision requiring modifications in school plans and the identification and provision of additional services for children not acquiring content mastery (sec. 1114(b)(1)(H)).
- conform language on non-identification of participating children to disaggregated data accountability requirement (sec. 1114(a)(3)).
- maintain other ESEA programs coordination provision adding Perkins/School-to-Work/current IDEA schoolwide program law cross-references; clarify that the eligibility for such use of funds requires maintaining the 50% poverty level of the school (sec. 1114(a)(4)).
- conform by eliminating the state assurances provision and adding local capacity building/local school support team involvement (sec. 1114(a)(2)).

Targeted Assistance Schools (TAS)

- maintain precise language on eligible children -- i.e. greatest need for assistance (sec. 1115(a)).
- strengthen effective strategies language and conform above, as well as extended learning provision for LEA to minimize pullouts (sec. 1115(c)(1)(D)).
- coordinate with regular education program and local school comprehensive plans; drop other verbiage (sec. 1115(c)(1)(E)).
- expand professional development into a broader capacity building function including technical assistance, coaching and mentoring, and comprehensive school level planning improvement (sec. 1115 (c)(1)(G)).

- maintain TAS accountability on eligible children served (sec. 1116 (c)(1)(B)(ii)).

Choice

- maintain current provisions without any modifications; avoid vouchers and other similar mechanisms (sec. 1115(A)).

School Improvement and Accountability

- revise section heading to School Improvement and Accountability (sec. 1116).
- maintain local review and distinguished schools (sec. 1116(a)&(b)).
- coordinate Title I accountability with state and/or local accountability systems and structure (sec. 1116).
- require states to establish a Title I standard/criteria for annual yearly progress of Title I schools and coordinate existing state comprehensive accountability systems under the new Title II-A, Strengthening SEAs (sec. 1111(b)(2)).
- place program emphasis on local accountability, thereby eliminating the duplication in current law and ensuring more effective coordination among local, state, and Title I accountability systems (sec. 1116(c)).
- encourage the use of local accountability systems for Title I schools, where such local systems use a standard/criteria of progress that exceeds the state annual yearly progress standard/criteria (sec. 1116(c)).
- ensure accountability for essential subgroups of Title I children by requiring the disaggregation of performance data (sec. 1116(c)).
- establish an LEA Title I Monitor as part of the Title I accountability system, reporting directly to the Superintendent of schools, to oversee and intervene in the progress of Title I schools which are performing inadequately (sec. 1116(c)).
- require meaningful local corrective action for inadequately performing Title I schools and expressly establish such corrective action as a compliance issue, which ultimately could trigger withholding of funds (sec. 1116(c)(5)).
- require public disclosure and posting of Title I program results school by school, and disaggregated by subgroups (sec. 1116(c)).
- in instances where no comprehensive state or local accountability system exists, use the 1994 school improvement accountability provisions with a disaggregated data requirement for schoolwide programs and children served in TAS (sec. 1116(c)).

- provide a short transition (i.e. one year) for schools currently in school improvement status (sec. 1116(c)(1)).
- generally maintain corrective action timetable (while deferring to state or local accountability system timeframes wherever practicable) and the local option to immediately trigger local intervention under the oversight of the Superintendent's Title I Monitor (sec. 1116(c)(5)).
- provide school support through arrangements such as locally designed school support teams including external expertise (sec. 1116(c)(5)).
- provide that interventions must be consistent with state law regarding the authorities of governmental units (sec. 1116(c)(5)(B)).
- allow additional resources from any source for Title I school intervention as exceptions to supplement not supplant provisions, etc. (sec. 1120A).
- delete "notwithstanding clause" which limits local interventions (sec. 1116(c)(5)(B)(ii)).
- maintain the extenuating circumstances provision and the student mobility provision (sec. 1115(c)(5)(C) and sec. 1111(b)(3)(G)).
- delete the requirement that professional development intervention in poorly performing schools are to be determined solely by that school's own staff (sec. 1116(c)(3)(C)).
- utilize the national appropriation under sec. 1002(f) to support innovative LEA applications for assistance to the poorest performing schools in which state and local accountability systems are struggling to produce improvement (sec. 1116(d)).
- restructure state school support system in favor of local capacity building system (sec. 1117).

Parent Involvement

- maintain 1% parent involvement minimum expenditure (sec. 1118(a)(3)).
- streamline the excessive 4 1/2 pages of parental involvement statutory language (sec. 1118).

Professional Development and Capacity Building

- infuse a broader concept of local capacity building at the district and school levels into the professional development language; establish support mechanisms such as local school support teams utilizing LEA staff, staff from schools in the LEA, and external expertise to assist in school level planning, implementation, technical assistance, and professional development (sec. 1119).

Serving Children in Private Schools

- maintain current legislative language with only absolutely necessary revisions; do not attempt to transfer regulatory provisions into statutory language (sec. 1120).
- maintain poverty basis for public and nonpublic allocation determinations (sec. 1120(a)(4)).
- clarify LEA count options for nonpublic schools without free and reduced price lunch programs; and allow the use of a multi-year count (2 years) (sec. 1120(a) or (b)).
- develop an optional structure for representative consultation with large numbers of nonpublic schools within a particular LEA jurisdictional area (sec. 1120(b)).
- revise capital expenses to “alternative arrangements and excess costs” to continue to reimburse off-the-top costs particularly for off-site service delivery systems (sec. 1120(d)).

Formula

- retain existing formulas (sec. 1121-1127).
- provide direct federal to LEA allocations; drop county allocation process (sec. 1121-1125A).

General Provisions for Chapters 1-4

- authorize demonstration grants only to LEAs; delete unfunded partnership grants but continue dissemination of best practices; delete transition projects grants (sec. 1502(b) and 1503).
- maintain Negotiated Rulemaking and Regional Meetings (sec. 1601).
- maintain limitation on requiring instructional models (sec. 1601(c)).
- continue Policy Manual and Inquiry Responses provisions (sec. 1602).
- maintain Committee of Practitioners at state level for state rulemaking review and comment and standards and assessment input; create a national Committee of Practitioners for similar national review and comment (sec. 1603(b)).
- delete state administration payment provision; move compliance and monitoring to new Strengthening SEA Title IIA, including administration of parts C and D (sec. 1603(c)).
- maintain the no federal control provision; delete equalized expenditure provision (sec. 1604).

CHAPTER 2 -- EXPANDING FAMILY AND EARLY LITERACY PROGRAMS

Major Issues Addressed

Links the Family Literacy Program with the Early Reading Literacy Program -- Realigns the early literacy programs of the Reading Excellence Act into a new Chapter 2 along with the current Even Start Family Literacy Program.

Expands the Even Start Authorization of Appropriations -- Expands substantially the Even Start authorization of appropriation to \$500 million reflecting the national need for effective early childhood education.

Establishes a Federal to Local Formula Grant Mechanism -- Revises both the Even Start Program and the Early Reading Excellence Program into consistent needs-based formula grants, rather than infrequent competitive grants.

Legislative Specifications

Part A -- Even Start Program titled the William F. Goodling Even Start Program (sec. 1201)

- expand the authorization of appropriations to \$500 million for FY2000.
- trigger a federal to local formula grant program at a \$250 million appropriations level beginning with the poorest LEAs with highest numbers of poor children, and in rural areas for the highest percentages of poor children (using some phase-in and hold-harmless protections); establish a minimum grant \$50,000; allocations to be based Title I allocations; (sec. 1202(d) and 1203).
- limit funds for evaluation and technical assistance to 1%; (sec. 1202(b)).
- delete the state competition for coordinated services grants and the prisons grant (sec. 1202(a)(2) and (c)).
- revise eligible entity to LEA as applicant and fiscal agent; (sec. 1202(e)).
- delete the matching provisions; (sec. 1204(b)).

Part B -- Early Reading Literacy (Reading Excellence Act of 1998)

- trigger a local formula with phase-in and hold-harmless similar to above Even Start formula revision.

CHAPTER 3 -- EDUCATION OF MIGRATORY CHILDREN

Legislative Specifications

- maintain current program structure of grants to states (Title I, Part C).
- provide subgrants to LEAs not to intermediate units.

- make migrant record system more user friendly.

CHAPTER 4 -- NEGLECTED AND DELINQUENT

Legislative Specifications

- maintain current program structure of grants to states (Title I, Part D).

CHAPTER 5 – OVERCOMING STUDENT ISOLATION THROUGH MAGNET SCHOOL PROGRAMS

Major Issues Addressed

Underscores the Federal Interest -- Underscores the federal interest in this voluntary approach to desegregation through technical changes in findings and purposes such as “closing the achievement gap”, and adding gender and English language learners to the categories of diverse student backgrounds in current law.

Provides Clarifications and Elaboration for Certain Current Provisions.

- Clarifies that consortia of school districts, and interdistrict programs are eligible for grants.
- Clarifies that professional development is an allowable activity and not covered under the percentage limitations on the use of funds for planning.
- Clarifies that innovative programs must also maintain the overall purpose of desegregation.

Legislative Specifications

- update findings by strengthening federal interest statement and including current nationwide statistics (sec. 5101).
- include findings on the use of magnet programs in school improvement and school reform (sec. 5101).
- add findings from reports and research on the academic and desegregation benefits of magnet schools (sec. 5101).
- update purpose in meeting challenging state and local content standards and performance standards (sec. 5102(2)).
- revise vocational skills language of purpose provision to emphasize both marketable career skills and post-secondary preparation (sec. 5102(4)).

- add a new academic achievement purpose for all students including specifically closing the achievement gap among different subgroups of children (sec. 5102).
- maintain the current “program authorized” provision and expand the diverse student background language by adding gender, and English language learners (sec. 5103(2)).
- conform diverse student background provision in application section to modifications in the program-authorized section (sec. 5106(b)(1)(A)).
- update language by replacing the Goals 2000 references with local and state content and performance standards references (sec. 5106(b)(1)(D) and 5107(4)).
- add a separate authorized use of funds for professional development for the magnet school staff (sec. 5108(a)).
- conform the reference to improving vocational skills to enhancement of career skills (sec. 5108(b)).
- clarify that professional development shall not be considered as planning under this subsection (sec. 5110(b)).
- emphasize that innovative program grants must reflect the purposes of this chapter (sec. 5111(b)).
- reduce the Secretary reserve from two to one percent to carry out evaluations (sec. 5112(a)).

CHAPTER 6 -- EMERGENCY IMMIGRANT EDUCATION

Legislative Specifications

- maintain current program structure of grants to states (Title I, Part C).

CHAPTER 7 -- ENHANCING ACADEMIC ACHIEVEMENT FOR ENGLISH LANGUAGE LEARNERS

Major Issues Addressed

Focuses on the Academic Needs of English Language Learners -- Refocuses the program onto the academic needs of the target population, English language learners (ELL), rather than on any particular instructional approach, like bilingual education.

Addresses All Core Content Areas -- Addresses the overall academic needs of ELL children in all content areas, including English language arts.

Standards-based Approach -- Uses a standards-based approach with the overall purpose of attaining comparable achievement – closing the gap -- with non-limited English proficient peers in all content areas.

Maintains Configuration of Subprograms -- Maintains the current configuration of subprograms.

Legislative Specifications

- retitle the program “Academic Achievement for English Language Learners” to reflect the purpose of addressing the core content area needs of this target population and closing the achievement gap (sec. 7101).
- update and conform findings and purposes to the specifications which follow by deleting findings (2), (3), (10), and (14) and purposes (2),(3), and (6) (sec. 7102(a) and (c)).
- revise finding (9) to emphasize meeting high academic standards in core content areas including English language arts (sec. 7102(a)(9)).
- add a provision that clarifies the limited, but important role of Title VII funding — supplementary to programs supported by local and state funds (sec. 7102(a)).
- refrain from using arbitrary time limits on student attainment of content standards.
- replace references to bilingual education programs and special alternative instructional programs with exemplary standards-based academic programs designed for English language learners throughout the authorization.
- replace the term limited English proficient students with the term English language learners throughout the authorization.

Part A -- Bilingual Education Capacity and Demonstration Grants

- revise subheading to Local Education Agency Grants for Capacity-Building and Demonstration Programs.
- revise subheading to Financial Assistance for LEAs and subsections as follows:
 - (1) develop and enhance their capacity to provide high quality, standards-based instruction designed for English language learners, and
 - (2) help English language learners achieve academically at comparable levels to their English speaking peers (sec. 7111).

Program Development and Implementation Grants

- revise current law so that only LEAs are eligible for these grants (sec. 7112(c)(3) and sec. 7113(c)(3)).
- delete unnecessary due consideration provision (sec. 7112(d)).

Comprehensive School Grants and Systemwide Improvement Grants

- move the termination provision to section 7123 and strengthen the accountability requirements (sec. 7114(b)(B)(2) & sec. 7115(b)(B)(2))
- amend the special rule so that schools can train personnel and acquire or develop materials with the Title VII funds, while still requiring all planning and curriculum development to occur prior to the grant implementation (sec. 7114(b)(4)).

Systemwide Improvement Grants

- clarify that Systemwide Grants may also serve a specific regional subdivision with specialized needs within a large local educational agency (sec. 7115(a)).
- add a new authorized use for appropriate student assessment instruments and practices for English language learners (sec. 7115(b)(4)).

Applications

- eliminate the state role in the federal to local grant application process (sec. 7116).
- delete references to Goals 2000 legislation (sec. 7116(g)).
- Add a new clause on how the program ensures parental involvement in educational decisions affecting a child who is identified as an English language learner (sec. 7116(g)(2)(A)).
- eliminate the special priorities and considerations, including the current law set-asides for transitional bilingual and alternative programs (sec. 7116(i)).

Evaluation

- revise heading to Evaluation and Termination of Funding.
- move the termination provision to this section, to read “Evaluation and Termination of Funding.” (sec. 7114(b)(B)(2) & sec. 7115(b)(B)(2)).
- provide a new interim step before the “termination of funds” becomes effective, allowing the grantee to:
 - (1) be notified of substantial failure to meet their objectives,

- (2) have the opportunity to make necessary improvements to their program,
 - (3) have the U.S. Department of Education arrange for specialized technical assistance, and
 - (4) have the school or district utilize a portion of its Title VII funding to secure technical assistance (sec. 7123(d)).
- add a new requirement that the Department compile these evaluations into a report that is accessible to the program grantees and other schools that need assistance in improving their instructional programs for English language learners (sec. 7123(e)).

Part B -- Research, Evaluation, and Dissemination

Research

- conform research provision to Great City Schools's OERI reauthorization recommendations in order to place research under the cognizant assistant secretary or the equivalent official, and add coordination with the National Academy of Science (sec. 7132).
- insert a conforming purpose statement in the research provisions for ELL students to achieve academically in all content areas at comparable levels as their English-speaking peers (sec.7132(b)(1)).
- add new paragraph requiring research to address issues of program quality and accountability systems for English language learners (sec. 7132(b)).

Academic Excellence

- eliminate the coordination requirement with the Comprehensive Regional Assistance Centers (centers later recommended for consolidation) (sec. 7133(d)).
- expand scope to allow exemplary districts to provide peer assistance to other districts (sec. 7133(c)).

State Grant Program

- eliminate the set-aside grants to state departments of education and require SEAs to address the academic and assessment issues for English language learners under the Strengthening SEAs program of the new Title II – A.
- maintain national clearinghouse and add a new function to assist LEAs in identifying and accessing technical assistance expertise for English language learners (LEAs could use their technical assistance allocation under the new flexible ESEA Title II – Part C) (Section 7135(b)(4)).

Part C -- Professional Development and Preservice Training

- establish a subpart 1 of “Grants to LEAs for Professional Development”.
- realign the subpart 1 program to provide inservice professional development and establish a subpart 2 program to provide preservice training (sec. 7142-7143 and 7144-7145).
- delete preservice activities from the “Training All Teachers” program under a new subpart 1 (sec. 7142).
- establish LEAs as the only eligible entities for receiving subpart 1 professional development grants and require collaboration with an institution of higher education for career ladder activities (sec. 7142 and 7143).
- realign the Career Ladder program as section 7143 under subpart 1, and Personnel Preparation Grants as section 7144 under subpart 2.
- revise heading of renumbered section 7143 to Grants to LEAs for Career Ladder Programs.
- establish a priority in awarding grants under this subpart to applicants that target needs of districts with high concentration of ELLs (numbers, percentages) (sec. 7142 and 7143).
- establish new subheading for Subpart 2 of Grants to IHEs for Preservice Training (sec. 7144-7145).
- revise priority under subpart 1 and subpart 2 for programs which offer degree programs that prepare teachers with the specialized expertise necessary to provide high quality, standards-based academic instruction to English language learners (sec. 7143(b)).
- delete authorization for inservice activities in Personnel Preparation Grants (sec. 7143(c)(2)).
- add prohibition of use of funds in excess of 7% for indirect costs under this part (7145).

Evaluations

- add requirement to include the local school district’s evaluation of an IHE’s professional development activities in an overall program evaluation (Sec. 7149).

PART D -- Foreign Language Assistance Program.

- Maintain current language, except for deleting the state grant program (sec. 7203(a)(1)).

CHAPTER 8 -- WOMEN'S EDUCATION EQUITY

Legislative Specifications

- Maintain current language.

CHAPTER 9 -- INDIAN AND NATIVE EDUCATION

Legislative Specifications

- Maintain current language.

(Note: No recommended changes for the McKinney Act)

Title II -- Strengthening State and Local Educational Agency Capacity in School Reform, Support, and Innovation

Major Issues Addressed

Consolidates Numerous Small Categorical Programs -- Consolidates multiple smaller categorical programs into one program of SEA capacity building and three federal-to-local formula grant programs of LEA capacity building: innovative strategies and school reform; professional development; and support and technical assistance.

Allows Transferability of Funds Within Three Local Capacity Building Programs

- Provides a line item authorization of appropriations to prioritize each of these national issues, but also creates a more flexible system of addressing the highest priorities of each LEA through the transferability of funds from one LEA program authorization to another.
- Provides for complete transferability (100%) of funds by LEAs among the three local capacity building programs within this new Title II, and the partial transferability (50%) of the funds by LEAs between these Title II programs and the five local educational problem-solving programs of the new Title III.

Realigns the State Role in ESEA

- Modifies the State role across ESEA programs into a monitoring, compliance and reporting function as currently conducted by SEAs, while eliminating unnecessary state plans and driving virtually all ESEA formula funds to the local level.
- Maintains state administration of title I, parts C and D, as well as the emergency immigrant grants.
- Recreates a separate authorization of appropriation for state leadership activities from the earlier 1974 and 1978 ESEA Amendments, titled Strengthening State Departments of Education, thereby removing the necessity in current law of state set-asides in virtually all ESEA categorical programs.

Consolidates Goals 2000 into the ESEA Title VI, Innovative Strategies Authorization -- Maintains a distinct authorization of appropriation for the current Title VI Innovative Educational Strategies as Part B of this title, while consolidating the school reform functions of Goals 2000 into this flexible structure of federal to LEA formula grants.

Maintains the ESEA Title II Professional Development Authorization -- Facilitates the development of expanded LEA and school level capacity through an authorization of appropriation for federal-to-LEA formula grants for professional development.

Creates a Funding Source for LEAs to Purchase External Expertise -- Consolidates the functions of existing ESEA technical assistance centers, comprehensive school reform demonstrations, and technical assistance functions from the education labs and centers into a line item authorization that allows LEAs to purchase needed external expertise.

Infuses Efficiencies into ESEA -- Eliminates unnecessary statutory verbiage, constraints, set-asides, and at least sixteen categorical programs.

Legislative Specifications

Part A -- Strengthening State Educational Agency Capacity in School Reform and Innovation (new program similar to ESEA Title V of the 1970's).

- establish separate line item authorization of appropriation calculated at the consolidated amount of current state leadership funds within the various ESEA titles.
- allocate on a 50/50 formula to the SEAs.
- support and expand state capacity and leadership under Subpart 1 in:
 - (1) standards and assessment development, including assessments in other major languages,
 - (2) analysis and management of assessment data, including disaggregation of data by subgroups,
 - (3) reporting statewide assessment results in disaggregated form to U.S. Dept. and the public,
 - (4) dissemination of effective and promising educational practices, particularly regarding ESEA programs,
 - (5) facilitating teacher quality through certification, professional development, testing, etc.,
 - (6) promoting the effective use of instructional technology,
 - (7) provision of technical assistance particularly to small school systems,
 - (8) providing the flexibility to address state priorities in education leadership,

- conduct monitoring, compliance, and resolution of ESEA formula programs under Subpart 2 with a separate line item authorization,
- administer title I, parts C and D, and the emergency immigrant program under Subpart 3 with a separate line item authorization,
- require consultation with a Committee of Local Practitioners in state rulemaking and policy making, and in Title II activities,

Part B -- Strengthening Local Education Agency Capacity in School Reform and Innovation

- establish authorization of appropriation at the Title VI FY99 level (sec. 6002).
- allocate on a 50/50 formula to LEAs and delete Part B State Programs (Title VI, Parts A & B).
- establish “uses of funds” from Title VI Innovative Educational Strategies (sec. 6301).
- add school reform and improvement “uses of funds” from Goals 2000 (Goals 2000, Title III, sec. 309(a)(3)).
- add comprehensive school planning and reform “uses of funds” from the Comprehensive School Reform Demonstration Program, where not addressed in Goals 2000, sec. 309 (FY98 appropriations bill language).
- establish a capacity building function to develop the internal expertise within the district and at the school level to address the effective delivery of instructional services and provide assistance to inadequately performing schools.

Part C -- Enhancing the Professional Development of School Personnel

- establish authorization of appropriation at Title II FY99 level (sec. 2003(a)).
- allocate on the 50/50 formula to LEAs (sec. 2203(B)(i)-(ii)) and conform Part B by deleting the state program, application and activities (Title II, Part B).
- delete and realign the bulk of the Part A Federal Activities with the exception of evaluation (sec. 2101-2103).
- streamline the statutory language on the local plans and uses of funds (sec. 2208-2210).
- delete SEA and IHE programs and set-asides (sec. 2201,2202,2205,2207, and 2211).
- encourage utilization of best available internal and external expertise in the provision of inservice training, new teacher mentoring, coaching, standards implementation, use of

assessment results to guide instruction, as well as improvement of comprehensive school level planning (sec. 2210(b)).

- retain minimum grant, and the consortia alternative (sec. 2204).
- delete the math and science mandate (sec.2206).
- delete the local one-third matching funds requirement (sec. 2209).
- maintain 80% school level reservation of activities determined collaboratively rather than exclusively by school level staff (sec. 2210(a)).

Part D -- Support and Technical Assistance for Local Educational Agencies (new consolidated technical assistance program)

- establish an authorization of appropriations comprised of the FY99 level of comprehensive regional centers, comprehensive school reform demonstrations, dissemination/technical assistance funds from OERI plus other department contracting funds consolidated to create this new program.
- fund consumer (LEA)-driven educational technical assistance allowing LEAs to select and purchase appropriate external educational expertise to supplement the LEA capacity to design and implement school improvement activities.
- allocate these external technical assistance funds on a local 50/50 formula to the largest/poorest school districts across the national and to regional consortia of smaller and rural LEAs with minimum grant requirement.
- encourage turnkey capacity building at the local level by teaming internal and external expertise to assist schools and school staff in need of particular instructional assistance.

Title III -- Implementing Priority Education Solutions

Major Issues Addressed

Consolidates Numerous Small Categorical Programs -- Consolidates multiple smaller categorical programs into five programs providing LEAs with direct federal to local grant assistance in the development of solutions addressing identified national educational problems and priorities: class size reduction, after school and extended time, secondary school reform and school completion, violence and drug prevention, and educational technology programs.

Allows Transferability of Funds Within Five Education Solutions Programs

- Provides a line item authorization of appropriations to prioritize each of these five national education problem-solving approaches, but also creates a more flexible system of addressing

the highest priorities of each LEA through the transferability of funds from one LEA program authorization to another.

- Provides for complete transferability (100%) of funds by LEAs among the five national education problem-solving approaches within this new Title III, and the partial transferability (50%) of the funds between these Title III programs and the three LEA capacity building programs of the new Title II.

Establishes a New Secondary Schools Demonstration Program

- Addresses the lack of a substantial body of knowledge on secondary school best practices and reform, the high dropout rate among minority youth, recent limitations on access to postsecondary education, engagement in positive learning activities, and redirecting disruptive behavior with a new secondary school reform and completion program.
- Funds the new secondary school reform and school completion program with an authorization of appropriation of \$500 million.

Maintains the Safe and Drug Free Schools Program – Maintains the main Title IV Safe and Drug Free Schools program, consolidating the smaller existing programs into one direct federal to LEA formula grant program.

Maintains the Education Technology Program -- Maintains the main Title III Education Technology program, consolidating the smaller existing programs into one direct federal to LEA formula grant program.

Infuses Efficiencies into ESEA -- Eliminates unnecessary statutory verbiage, constraints, and set-asides; and eliminates at least thirteen small categorical programs.

Legislative Specifications

Part A -- Class-Size Reduction Program

- extend current authorization and move it into ESEA.

Part B -- Secondary Education Reform and School Completion Demonstration Program (new categorical program)

Findings

- school reform has been studied and implemented primarily at the elementary grade levels.
- research and empirical studies on school reform at the secondary level are sparse.
- teacher preparation for secondary education needs vast improvement but has received little attention.

- statistics on academic achievement and academic engagement for secondary school students paint a picture that needs substantial improvement.
- our youth are not engaged nor challenged academically.
- the pattern and rate at which students take challenging academic courses shows a wide gap between minority and nonminority students.
- continuing gaps (rigorous course-taking and college attendance rates) between schools with high concentrations of poverty and those with significantly fewer poor students.
- the gap between minority and nonminority students is widening, with regard to college attendance/completion rate.
- school reform efforts in general require careful planning and structuring, additional capacity building, equipment, material and other resources, thus requiring additional financial support. (School reform at the secondary school level will likely require additional financial resources in the same way that operating secondary schools can be more expensive).
- school districts must attend to many competing demands for limited resources. The early years of education have received much public attention support and consequently more financial support than other levels of education. School districts need resource support to implement reforms for secondary students without having to divert funds away from reform efforts in elementary grades.

Purpose

- to assist in the development of successful education reform efforts and practices that focus on secondary schools by providing financial assistance to local educational agencies for—
 - (1) developing and implementing innovative educational methods and practices that improve the academic achievement of secondary school students,
 - (2) closing the gap between minority and nonminority students, regarding rigorous course taking patterns and rates, and school completion rates,
 - (3) implementing programs, including partnerships with outside organizations and institutions of higher education, to increase the college attendance rate for poor and minority students,
 - (4) providing professional development for teachers and other education staff specifically focusing on best practices to provide encouragement, support and positive challenges for secondary school students and to redirect disruptive behavior, and
 - (5) designing and implementing comprehensive accountability systems to allow local educational agencies to effectively monitor the progress of secondary school students and intervene in a timely and supportive manner.

Program Authorized

- the Secretary is authorized to make allotments to eligible local educational agencies, to carry out the purpose of this part for secondary school reform demonstration programs.
- each demonstration program must address: improving secondary school achievement; improving school completion rates particularly for minority students, improving college admissions rates particularly for minority students, decreasing disruptive behavior and providing alternatives to suspension.

Definitions

- LEA, SEA, IHE, college attendance rate, rigorous courses, etc. are cross-reference to general provisions.

Eligibility

- only LEAs would be eligible, but could establish collaborative programs with IHEs and CBOs.
- formula grant eligibility for LEAs with the greatest needs.
- all other LEAs would be eligible to apply for national discretionary grants.

Allotments

- the Secretary calculates and allocates allotments to the highest need LEAs (100 to 200 maximum) based on formula factors such as poverty, low college attendance rates, concentration of members of minority groups, disaggregated dropout rates, etc.
- national discretionary grants would be available on a competitive basis with the remaining funds.
- minimum grant of \$250,000.

Assurances and Use of Funds

- LEAs shall develop a plan that includes a description of—
 - (1) how assistance made available under this part will be used to improve academic achievement for secondary school students, including how rigorous course taking patterns will be improved, as well as the dropout rates and college attendance rates,
 - (2) how the LEA will measure success,

- (3) how the LEA is working with IHEs to ensure there is articulation of the academic program and overall reform effort for secondary school students, and
 - (4) local plan would remain on file at the LEA for monitoring and compliance purposes.
- Use of Funds
 - (1) designing educational programs, including curricula, for secondary school students,
 - (2) re-organizing class schedules (block classes),
 - (3) professional development for and recruiting of teachers, focusing on services for secondary school students,
 - (4) purchase of instructional materials or fees for access to instructional facilities, other than the public school (i.e. museums, university labs and library systems, etc.),
 - (5) collaborative with outside entities--IHEs, CBOs, Professional Associations—for the design and implementation of methods and practices,
 - (6) developing data collection and accountability systems for monitoring students' progress,
 - (7) improving course-taking patterns of secondary school students.
 - (8) developing instructional and support programs delivered outside the school day for secondary level students,
 - (9) release time and team teaching, and
 - (10) designing and implementing innovative parental involvement efforts and training, specifically relevant to secondary level students.

Evaluations

- every two years, grantees conduct a comprehensive qualitative and quantitative evaluation report with the appropriate disaggregation of data.
- evaluations shall be used to monitor the programs success and make improvements, as necessary.
- evaluations include descriptive student data that shows the outcomes of the program (course taking patterns, applications to 4 year institutions, acceptance rates, attendance rates and school completion rates).
- evaluations would be available to the public and the Department of Education.

Authorization of Appropriations

- \$500 million for each fiscal year.

Part C -- Expanding After School Programs Through 21st Century Learning Centers

- maintain current authorization for 21st Century Learning Centers (Title X, Part I),
- establish a phase-in federal-to-LEA formula triggered at a \$250 million appropriation level for the current statutorily eligible LEAs (sec. 10903).

Part D -- Safe and Drug Free Schools

- consolidate multiple smaller programs into a single line item authorization of appropriation at the FY99 Title IV level (sec. 4004).
- allocate on a federal-to-LEA formula using the current 70% population and 30% incidence data (now from national database) or on a typical 50/50 formula (sec. 4113(d)(2)).
- eliminate all federal, state, and higher education set-asides and activities (including DARE) (sec. 4011, 4112, 4113(a),(b),(c),(e),(f), 4114, 4118, 4121, 4122, 4123).
- require a local partnership program with a community-based organization(s) with at least 10% of each local grant (sec. 4116).
- allow for the provision of drug and violence prevention activities in the context of a coordinated services program under the former Title XI Coordinated Services Program (moving the current Title XI to General Provisions for ESEA) (sec. 4116).
- eliminate unnecessary statutory verbiage, constraints, set-asides, and eliminate at least four smaller categorical programs.

Part E -- Improving Education Technology

- consolidate multiple smaller programs into a single line item authorization of appropriation at the FY99 Title III level (sec. 3114).
- allocate on a federal to LEA 50/50 formula replacing the current competitive grant structure of this nearly \$500 million program (sec. 3131).
- eliminate state set-asides and activities (sec. 3131, 3132, 3133).
- limit national activity authorization and eliminate regional grant and challenge grant programs (sec. 3121, 3122, 3123).

- eliminate product development grants, ready tv grants, star schools grants and others (sec. 3151, and Parts B-F).
- clarify power retrofitting allowability (sec. 3134).
- require local program to be consistent with state educational technology law and regulation (sec. 3134).
- coordinate with E-Rate program of the Federal Communications Commission (sec. 3134).
- eliminate unnecessary statutory verbiage, constraints, set-asides, and eliminate at least four smaller categorical programs.

Title IV -- Highlighting Programs of National Significance

Major Issues Addressed

Establishes a Separate Title for Small Categorical Programs -- Allows for maintaining a set of programs of particular national significance.

Maintains the Fund for Improvement of Education.

- Provides a placeholder or shell for small innovative grant programs or projects favored by members of Congress, with such projects available by earmarking in the Fund for Improvement of Education.
- Establishes eligibility only for LEAs and provides only grants not contracts.

Maintains the National Diffusion Network -- Reauthorizes the National Diffusion Network for identification and dissemination of effective practices to LEAs.

Maintains Charter School Demonstrations with Local Accountability -- Reauthorizes charter schools demonstrations while increasing accountability to local taxpayers and elected officials by requiring federally funded charter schools to be under the authority of the LEA serving the jurisdictional area.

Infuses Efficiencies into ESEA -- Eliminates unnecessary statutory verbiage, constraints, and set-asides, and eliminates or consolidates at least nineteen small categorical programs.

Legislative Specifications

Part A -- Fund for the Improvement of Education

- extend general authorization (Title X, Part A, sec. 10101(a)-(b)(1)(V) &(c)-(d))
- create eligibility of only for LEAs and limited only to grants not contracts (sec. 10101)

- eliminate the authority to use program funds for the Department's administrative costs of peer review

Part B -- National Diffusion Network

- create eligibility of only for LEAs (sec. 419 of Goals 2000)

Part C -- Public Charter Schools

- extend general authorization (Title X, Part C)
- establish LEA eligibility only for charter schools accountable to local taxpayers and elected officials under the authority of the LEA serving the jurisdictional area (sec. 10302)

Title V -- Meeting Critical National Needs

Major Issues Addressed

Maintains School Infrastructure Improvement Grant Program -- Reauthorizes the current Title XII School Infrastructure Improvement grant program.

Maintains Urban Education and Rural Education Improvement Grant Programs -- Retains as in current law an Urban Education and a Rural Education grant program with modifications in the urban education grants drawn from the American Cities Education Act to be introduced in March.

Legislative Specifications

Part A – Improving Education Infrastructure

- maintain current Title XII school facilities grant program (Title XII).
- clarify that new construction is allowable (sec. 12012(1)).
- delete drafting errors from the 1994 Amendments (sec. 12008).

Part B -- Improving Urban Education

- revise with portions of the Council of Great City Schools “American Cities Education Act”.

Part C -- Improving Rural Education

- reauthorize the current ESEA Title X, Part J, and Subpart 2 - Rural Schools Demonstration Program.

Title VI -- Impact Aid

Legislative Specifications

- reauthorize with additional weighting for children in federally subsidized low rent housing (sec. 8003(a)(1)(E),(2)(D) and (b)).
- clarify eligibility for children living in section 8 low rent housing (sec. (sec. 8003(1)(E)).

Title VII -- General Provisions for ESEA

Major Issues Addressed

Infuses Additional Simplification and Efficiencies into ESEA.

- Conforms the general provisions to the changes in ESEA above such as the elimination of state plans for ESEA Titles I-III
- Facilitates coordination, simplification, and consistency across ESEA.
- Ensures responsiveness and protects the integrity of federal aid.

Extends the Waiver Authority with Specified Exclusions -- Extends the federal waiver authority and Ed Flex to all 50 states, but excludes certain essential provisions such as eligible children in all covered programs, eligible schools, 50% poverty schoolwide program criteria in Title I, accountability provisions in all covered programs, and statutory competitive criteria, priorities, and special considerations as non-waivable.

Prohibits Use of ESEA Funds for High Stakes Testing Programs with Limited Exceptions.

- bars the use of ESEA funds for the implementation of high stakes testing until such time as the state or local school system has opportunity to learn standards comparable to a model funded by the Secretary and developed independently by the National Academy of Science.
- require additional intervention services at the earliest practicable stage in the school year before implementation of “social promotion” prevention policies in order to prevent retention of identified children.

Legislative Specifications

- move Title XI Coordinated Services into ESEA General Provisions, and add flexibility for both comprehensive coordinated services and selective coordinated services (sec. 11002-11004).

- improve consolidated local application provisions, multi-year applications, universal assurances, and administrative consolidation (sec. 14203).
- conform and delete state provisions due to the elimination of state plans in titles I-III (sec. 14201& 14301).
- conform with the transferability of funds provision for ESEA Titles II and III (Title XIV).
- add simplification and paperwork reduction provisions.
- improve program and financial reporting and accountability simplification; explore the use of electronic reporting or data warehousing.
- establish the old Chapter 2 local discretion in selection of allowable uses of funds in the general provisions (Title VI, sec. 6303(c)).
- conform services to children in private schools (see Title I).
- maintain traditional protective provisions: 1) maintenance of effort; 2) supplement not supplant; 3) nonconsideration in state aid (Title XIV, Part E).
- maintain current national waiver provision; extend Ed Flex to all 50 states, but exclude certain essential provisions such as eligible children in all covered programs, eligible schools and 50% poverty schoolwide program in Title I, accountability provisions in all covered programs, and statutory competitive criteria, priorities, and special considerations as non-waivable; establish a local ed flex demonstration option in every ed flex state for at minimum the highest poverty districts (Title XIV and Goals 2000 waivers).
- bar the use of ESEA funds for the implementation of high stakes testing until such time as the state or local school system has opportunity to learn standards comparable to a model developed by the National Academy of Science.
- require the Secretary to fund an opportunity to learn standards model to be developed independently by the National Academy of Science.
- require additional intervention services at the earliest practicable stage in the school year before implementation of “social promotion” prevention policies in order to prevent retention of identified children.

Title VIII -- Amendments to Other Acts

Legislative Specifications

Goals 2000

- move Goals Titles I and II to GEPA; include revised school finance equity provision with revisions; (Goals 2000).

General Education Provisions Act

- return rulemaking to pre-1994 GEPA timetables and requirements rather than APA (GEPA sec. 437).
- clarify nonregulatory guidance as a safe harbor but not a requirement (sec. 437).
- add Department of Education inquiry response provision from Title I, across all federal programs (ESEA sec. 1602(c)).
- clarify that grant application specifications and competitive weights may not be utilized unless published for notice and comment in the Federal Register (sec. 437).
- clarify that there is no administrative authority to change eligible applicants or require nonstatutory partnerships; clarify that the applicant is the presumptive fiscal agent.

OERI REAUTHORIZATION

Major Issues Addressed

Completely Restructure the Federal Education Research and Improvement Functions of the Office of Education Research and Improvement (OERI).

General Legislative Specifications

- place all research, evaluation, dissemination, improvement, and technical assistance under the jurisdiction of the assistant secretary for each particular area of education, and eliminate OERI.
- maintain NCES.
- require direct applicability of federally funded research and similar initiatives to school-based practice.
- eliminate the educational labs and centers from dissemination and technical assistance activities.
- establish consumer-driven research agenda and open competition (phase-out labs and centers).