

107TH CONGRESS
1ST SESSION

H. R. 1036

To amend the Elementary and Secondary Education Act of 1965 to reduce class size through the use of fully qualified teachers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2001

Mr. WU (for himself, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. ANDREWS, Mr. SCOTT, Ms. WOOLSEY, Ms. RIVERS, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KIND, Mr. FORD, Mr. KUCINICH, Ms. SOLIS, Mr. HOLT, Mr. HINOJOSA, Ms. MCCOLLUM, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Elementary and Secondary Education Act of 1965 to reduce class size through the use of fully qualified teachers, 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,*

3 **SECTION 1. CLASS SIZE REDUCTION.**

4 Title VI of the Elementary and Secondary Education
5 Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

1 (1) by striking “this title” each place such term
2 appears and inserting “this title (excluding part
3 E)”; and

4 (2) by adding at the end the following:

5 **“PART E—CLASS SIZE REDUCTION**

6 **“SEC. 6501. GRANT PROGRAM.**

7 “(a) PURPOSE.—The purposes of this section are—

8 “(1) to reduce class size through the use of
9 fully qualified teachers;

10 “(2) to assist States and local educational agen-
11 cies in recruiting, hiring, and training 100,000
12 teachers in order to reduce class sizes nationally, in
13 grades 1 through 3, to an average of 18 students
14 per regular classroom; and

15 “(3) to improve teaching in those grades so
16 that all students can learn to read independently
17 and well by the end of the 3d grade.

18 “(b) ALLOTMENT TO STATES.—

19 “(1) RESERVATION.—From the amount made
20 available to carry out this part for a fiscal year, the
21 Secretary shall reserve not more than 1 percent for
22 the Secretary of the Interior (on behalf of the Bu-
23 reau of Indian Affairs) and the outlying areas for
24 activities carried out in accordance with this section.

25 “(2) STATE ALLOTMENTS.—

1 “(A) HOLD HARMLESS.—

2 “(i) IN GENERAL.—Subject to sub-
3 paragraph (B) and clause (ii), from the
4 amount made available to carry out this
5 part for a fiscal year and not reserved
6 under paragraph (1), the Secretary shall
7 allot to each State an amount equal to the
8 amount that such State received for the
9 preceding fiscal year under this section or
10 section 306 of the Department of Edu-
11 cation Appropriations Act, 2001, as the
12 case may be.

13 “(ii) RATABLE REDUCTION.—If the
14 amount made available to carry out this
15 part for a fiscal year and not reserved
16 under paragraph (1) is insufficient to pay
17 the full amounts that all States are eligible
18 to receive under clause (i) for such fiscal
19 year, the Secretary shall ratably reduce
20 such amounts for such fiscal year.

21 “(B) ALLOTMENT OF ADDITIONAL
22 FUNDS.—

23 “(i) IN GENERAL.—Subject to clause
24 (ii), for any fiscal year for which the
25 amount made available to carry out this

1 part and not reserved under paragraph (1)
 2 exceeds the amount made available to the
 3 States for the preceding year under the au-
 4 thorities described in subparagraph (A)(i),
 5 the Secretary shall allot to each of those
 6 States the percentage of the excess amount
 7 that is the greater of—

8 “(I) the percentage the State re-
 9 ceived for the preceding fiscal year of
 10 the total amount made available to
 11 the States under section 1122; or

12 “(II) the percentage so received
 13 of the total amount made available to
 14 the States under section 2202(b).

15 “(ii) RATABLE REDUCTIONS.—If the
 16 excess amount for a fiscal year is insuffi-
 17 cient to pay the full amounts that all
 18 States are eligible to receive under clause
 19 (i) for such fiscal year, the Secretary shall
 20 ratably reduce such amounts for such fis-
 21 cal year.

22 “(c) ALLOCATION TO LOCAL EDUCATIONAL AGEN-
 23 CIES.—

24 “(1) ALLOCATION.—Each State that receives
 25 funds under this section shall allocate 100 percent

1 of those funds to local educational agencies, of
2 which—

3 “(A) 80 percent shall be allocated to those
4 local educational agencies in proportion to the
5 number of children, age 5 through 17, from
6 families with incomes below the poverty line (as
7 defined by the Office of Management and
8 Budget and revised annually in accordance with
9 section 673(2) of the Community Services
10 Block Grant Act (42 U.S.C. 9902(2))) applica-
11 ble to a family of the size involved, who reside
12 in the school district served by that local edu-
13 cational agency for the most recent fiscal year
14 for which satisfactory data are available, com-
15 pared to the number of those children who re-
16 side in the school districts served by all the
17 local educational agencies in the State for that
18 fiscal year; and

19 “(B) 20 percent shall be allocated to those
20 local educational agencies in accordance with
21 the relative enrollments of children, age 5
22 through 17, in public and private nonprofit ele-
23 mentary schools and secondary schools within
24 the areas served by those agencies.

1 “(2) EXCEPTION.—Notwithstanding paragraph
2 (1) and subsection (d)(2)(B), if the award to a local
3 educational agency under this section is less than
4 the starting salary for a new fully qualified teacher
5 for a school served by that agency, that agency may
6 use funds made available under this section to—

7 “(A) help pay the salary of a full- or part-
8 time fully qualified teacher hired to reduce class
9 size, which may be done in combination with
10 the expenditure of other Federal, State, or local
11 funds; or

12 “(B) pay for activities described in sub-
13 section (d)(2)(A)(iii) that may be related to
14 teaching in smaller classes.

15 “(d) USE OF FUNDS.—

16 “(1) MANDATORY USES.—Each local edu-
17 cational agency that receives funds under this sec-
18 tion shall use those funds to carry out effective ap-
19 proaches to reducing class size through use of fully
20 qualified teachers to improve educational achieve-
21 ment for both regular and special needs children,
22 with particular consideration given to reducing class
23 size in the early elementary grades for which some
24 research has shown class size reduction is most ef-
25 fective.

1 “(2) PERMISSIBLE USES.—

2 “(A) IN GENERAL.—Each such local edu-
3 cational agency may use funds made available
4 under this section for—

5 “(i) recruiting (including through the
6 use of signing bonuses, and other financial
7 incentives), hiring, and training fully quali-
8 fied regular and special education teachers
9 (which may include hiring special edu-
10 cation teachers to team-teach with regular
11 teachers in classrooms that contain both
12 children with disabilities and non-disabled
13 children) and teachers of special needs
14 children;

15 “(ii) testing new teachers for aca-
16 demic content knowledge, and to meet
17 State certification or licensing require-
18 ments that are consistent with title II of
19 the Higher Education Act of 1965; and

20 “(iii) providing professional develop-
21 ment (which may include such activities as
22 promoting retention and mentoring) for
23 teachers, including special education teach-
24 ers and teachers of special needs children,
25 in order to meet the goal of ensuring that

1 all teachers have the general knowledge,
2 teaching skills, and subject matter knowl-
3 edge necessary to teach effectively in the
4 content areas in which the teachers teach,
5 consistent with title II of the Higher Edu-
6 cation Act of 1965.

7 “(B) LIMITATION ON TESTING AND PRO-
8 FESSIONAL DEVELOPMENT.—

9 “(i) IN GENERAL.—Except as pro-
10 vided in clause (ii), a local educational
11 agency may use not more than a total of
12 25 percent of the funds received by the
13 agency under this section for activities de-
14 scribed in clauses (ii) and (iii) of subpara-
15 graph (A).

16 “(ii) SPECIAL RULE.—A local edu-
17 cational agency may use more than 25 per-
18 cent of the funds the agency receives under
19 this section for activities described in sub-
20 paragraph (A)(iii) for the purpose of help-
21 ing teachers who are not yet fully qualified
22 in attaining full qualification if 10 percent
23 or more of the elementary school classes in
24 a school are taught by individuals who are
25 not fully qualified teachers or the State

1 educational agency has waived State cer-
2 tification or licensing requirements for 10
3 percent or more of such teachers.

4 “(C) USE OF FUNDS BY AGENCIES THAT
5 HAVE REDUCED CLASS SIZE.—Notwithstanding
6 subparagraph (B), a local educational agency
7 that has already reduced class size in the early
8 elementary grades to 18 or fewer children (or
9 has already reduced class size to a State or
10 local class size reduction goal that was in effect
11 on November 28, 1999 if that goal is 20 or
12 fewer children) may use funds received under
13 this section—

14 “(i) to make further class size reduc-
15 tions in kindergarten through third grade;

16 “(ii) to reduce class size in other
17 grades; or

18 “(iii) to carry out activities to improve
19 teacher quality, including professional de-
20 velopment.

21 “(3) SUPPLEMENT, NOT SUPPLANT.—Each
22 such agency shall use funds made available under
23 this section only to supplement, and not to supplant,
24 State and local funds that, in the absence of funds

1 made available under this section, would otherwise
2 be expended for activities described in this section.

3 “(4) LIMITATION ON USE FOR SALARIES AND
4 BENEFITS.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), no funds made available
7 under this section may be used to increase the
8 salaries of, or provide benefits (other than par-
9 ticipation in professional development and en-
10 richment programs) to, teachers who are not
11 hired under this section.

12 “(B) EXCEPTION.—Funds made available
13 under this section may be used to pay the sala-
14 ries of teachers hired under section 306 of the
15 Department of Education Appropriations Act,
16 2001.

17 “(e) REPORTS.—

18 “(1) STATE ACTIVITIES.—Each State receiving
19 funds under this section shall prepare and submit to
20 the Secretary a biennial report on activities carried
21 out in the State under this section that provides the
22 information described in section 6202(a)(2) with re-
23 spect to the activities.

24 “(2) PROGRESS CONCERNING CLASS SIZE AND
25 QUALIFIED TEACHERS.—Each State and local edu-

1 cational agency receiving funds under this section
2 shall annually report to parents and the public, in
3 numeric form as compared to the previous year,
4 on—

5 “(A) the agency’s progress in reducing
6 class size, and increasing the percentage of
7 classes in core academic areas taught by fully
8 qualified teachers; and

9 “(B) the impact that hiring additional fully
10 qualified teachers and reducing class size, has
11 had, if any, on increasing student academic
12 achievement.

13 “(3) NOTICE.—Each local educational agency
14 that receives funds under this section shall provide
15 to each individual parent of a child who attends a
16 school in such local educational agency timely, writ-
17 ten notice if the child has been assigned or has been
18 taught for 2 or more consecutive weeks by a sub-
19 stitute teacher, as defined by such local educational
20 agency, or a teacher who is not fully qualified.

21 “(f) PRIVATE SCHOOLS.—If a local educational agen-
22 cy uses funds made available under this section for profes-
23 sional development activities, the agency shall ensure the
24 equitable participation of private nonprofit elementary
25 schools and secondary schools in such activities in accord-

1 ance with section 6402. Section 6402 shall not apply to
2 other activities carried out under this section.

3 “(g) ADMINISTRATIVE EXPENSES.—A local edu-
4 cational agency that receives funds under this section may
5 use not more than 3 percent of such funds for local admin-
6 istrative costs.

7 “(h) REQUEST FOR FUNDS.—Each local educational
8 agency that desires to receive funds under this section
9 shall include in the application required under section
10 6303 a description of the agency’s program to reduce class
11 size by hiring additional fully qualified teachers.

12 “(i) CERTIFICATION, LICENSING, AND COM-
13 PETENCY.—No funds made available under this section
14 may be used to pay the salary of any teacher unless such
15 teachers is fully qualified.

16 “(j) DEFINITIONS.—As used in this section—

17 “(1) the term ‘certified’ includes certification
18 through State or local alternative routes; and

19 “(2) the term ‘fully qualified’—

20 “(A) when used with respect to an elemen-
21 tary or secondary school teacher, means that
22 the teacher has obtained certification or passed
23 the State licensing exam and holds a license;
24 and

25 “(B) when used with respect to—

1 “(i) an elementary school teacher,
2 means that the teacher holds a bachelor’s
3 degree and demonstrates general knowl-
4 edge, teaching skill, and subject matter
5 knowledge required to teach at the elemen-
6 tary school level in the core academic sub-
7 jects; or

8 “(ii) a middle or secondary school
9 teacher, means that the teacher holds a
10 bachelor’s degree and demonstrates a high
11 level of competency in all subject areas in
12 which he or she teaches through—

13 “(I) a high level of performance
14 on a rigorous academic subject area
15 test; or

16 “(II) completion of an academic
17 major in each of the subject areas in
18 which he or she provides instruction.

19 **“SEC. 6502. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to carry out
21 this part \$2,000,000,000 for fiscal year 2002 and such
22 sums as may be necessary for fiscal years 2003 through
23 2006.”.

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