

111TH CONGRESS
1ST SESSION

H. R. 3010

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

JUNE 23, 2009

Mr. WU introduced the following bill; which was referred to the Committee on Education and Labor

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 V of the Elementary and Secondary Education
5 Act of 1965 (20 U.S.C. 7201 et seq.) is amended by add-
6 ing at the end the following:

7 **“PART E—CLASS SIZE REDUCTION**

8 **“SEC. 5701. GRANT PROGRAM.**

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

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

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

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

11 “(b) ALLOTMENT TO STATES.—

12 “(1) RESERVATION.—From the amount made
13 available to carry out this part for a fiscal year, the
14 Secretary shall reserve not more than 1 percent for
15 the Secretary of the Interior (on behalf of the Bu-
16 reau of Indian Affairs) and the outlying areas for
17 activities carried out in accordance with this section.

18 “(2) STATE ALLOTMENTS.—

19 “(A) HOLD HARMLESS.—

20 “(i) IN GENERAL.—Subject to sub-
21 paragraph (B) and clause (ii), from the
22 amount made available to carry out this
23 part for a fiscal year and not reserved
24 under paragraph (1), the Secretary shall
25 allot to each State an amount equal to the

1 amount that such State received for the
2 preceding fiscal year under this section.

3 “(ii) RATABLE REDUCTION.—If the
4 amount made available to carry out this
5 part for a fiscal year and not reserved
6 under paragraph (1) is insufficient to pay
7 the full amounts that all States are eligible
8 to receive under clause (i) for such fiscal
9 year, the Secretary shall ratably reduce
10 such amounts for such fiscal year.

11 “(B) ALLOTMENT OF ADDITIONAL
12 FUNDS.—

13 “(i) IN GENERAL.—Subject to clause
14 (ii), for any fiscal year for which the
15 amount made available to carry out this
16 part and not reserved under paragraph (1)
17 exceeds the amount made available to the
18 States for the preceding year under the au-
19 thorities described in subparagraph (A)(i),
20 the Secretary shall allot to each of those
21 States the percentage of the excess amount
22 that is the greater of—

23 “(I) the percentage the State re-
24 ceived for the preceding fiscal year of

1 the total amount made available to
2 the States under section 1122; or

3 “(II) the percentage so received
4 of the total amount made available to
5 the States under section 2111(b).

6 “(ii) RATABLE REDUCTIONS.—If the
7 excess amount for a fiscal year is insuffi-
8 cient to pay the full amounts that all
9 States are eligible to receive under clause
10 (i) for such fiscal year, the Secretary shall
11 ratably reduce such amounts for such fis-
12 cal year.

13 “(c) ALLOCATION TO LOCAL EDUCATIONAL AGEN-
14 CIES.—

15 “(1) ALLOCATION.—Each State that receives
16 funds under this section shall allocate 100 percent
17 of those funds to local educational agencies, of
18 which—

19 “(A) 80 percent shall be allocated to those
20 local educational agencies in proportion to the
21 number of children, age 5 through 17, from
22 families with incomes below the poverty line (as
23 defined by the Office of Management and
24 Budget and revised annually in accordance with
25 section 673(2) of the Community Services

1 Block Grant Act (42 U.S.C. 9902(2))) applica-
2 ble to a family of the size involved, who reside
3 in the school district served by that local edu-
4 cational agency for the most recent fiscal year
5 for which satisfactory data are available, com-
6 pared to the number of those children who re-
7 side in the school districts served by all the
8 local educational agencies in the State for that
9 fiscal year; and

10 “(B) 20 percent shall be allocated to those
11 local educational agencies in accordance with
12 the relative enrollments of children, age 5
13 through 17, in public and private nonprofit ele-
14 mentary schools and secondary schools within
15 the areas served by those agencies.

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

22 “(A) help pay the salary of a full- or part-
23 time fully qualified teacher hired to reduce class
24 size, which may be done in combination with

1 the expenditure of other Federal, State, or local
2 funds; or

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

6 “(d) USE OF FUNDS.—

7 “(1) MANDATORY USES.—Each local edu-
8 cational agency that receives funds under this sec-
9 tion shall use those funds to carry out effective ap-
10 proaches to reducing class size through use of fully
11 qualified teachers to improve educational achieve-
12 ment for both regular and special needs children,
13 with particular consideration given to reducing class
14 size in the early elementary grades for which some
15 research has shown class size reduction is most ef-
16 fective.

17 “(2) PERMISSIBLE USES.—

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

21 “(i) recruiting (including through the
22 use of signing bonuses, and other financial
23 incentives), hiring, and training fully quali-
24 fied regular and special education teachers
25 (which may include hiring special edu-

1 cation teachers to team-teach with regular
2 teachers in classrooms that contain both
3 children with disabilities and non-disabled
4 children) and teachers of special needs
5 children;

6 “(ii) testing new teachers for aca-
7 demic content knowledge, and to meet
8 State certification or licensing require-
9 ments that are consistent with title II of
10 the Higher Education Act of 1965; and

11 “(iii) providing professional develop-
12 ment (which may include such activities as
13 promoting retention and mentoring) for
14 teachers, including special education teach-
15 ers and teachers of special needs children,
16 in order to meet the goal of ensuring that
17 all teachers have the general knowledge,
18 teaching skills, and subject matter knowl-
19 edge necessary to teach effectively in the
20 content areas in which the teachers teach,
21 consistent with title II of the Higher Edu-
22 cation Act of 1965.

23 “(B) LIMITATION ON TESTING AND PRO-
24 FESSIONAL DEVELOPMENT.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), a local educational
3 agency may use not more than a total of
4 25 percent of the funds received by the
5 agency under this section for activities de-
6 scribed in clauses (ii) and (iii) of subpara-
7 graph (A).

8 “(ii) SPECIAL RULE.—A local edu-
9 cational agency may use more than 25 per-
10 cent of the funds the agency receives under
11 this section for activities described in sub-
12 paragraph (A)(iii) for the purpose of help-
13 ing teachers who are not yet fully qualified
14 in attaining full qualification if 10 percent
15 or more of the elementary school classes in
16 a school are taught by individuals who are
17 not fully qualified teachers or the State
18 educational agency has waived State cer-
19 tification or licensing requirements for 10
20 percent or more of such teachers.

21 “(C) USE OF FUNDS BY AGENCIES THAT
22 HAVE REDUCED CLASS SIZE.—Notwithstanding
23 subparagraph (B), a local educational agency
24 that has already reduced class size in the early
25 elementary grades to 18 or fewer children (or

1 has already reduced class size to a State or
2 local class size reduction goal that was in effect
3 on November 28, 1999, if that goal is 20 or
4 fewer children) may use funds received under
5 this section—

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

8 “(ii) to reduce class size in other
9 grades; or

10 “(iii) to carry out activities to improve
11 teacher quality, including professional de-
12 velopment.

13 “(3) SUPPLEMENT, NOT SUPPLANT.—Each
14 such agency shall use funds made available under
15 this section only to supplement, and not to supplant,
16 State and local funds that, in the absence of funds
17 made available under this section, would otherwise
18 be expended for activities described in this section.

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

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), no funds made available
23 under this section may be used to increase the
24 salaries of, or provide benefits (other than par-
25 ticipation in professional development and en-

1 richment programs) to, teachers who are not
2 hired under this section.

3 “(B) EXCEPTION.—Funds made available
4 under this section may be used to pay the sala-
5 ries of teachers hired under section 306 of the
6 Department of Education Appropriations Act,
7 2001.

8 “(e) REPORTS.—

9 “(1) STATE ACTIVITIES.—Each State receiving
10 funds under this section shall prepare and submit to
11 the Secretary a biennial report on activities carried
12 out in the State under this section that provides the
13 information described in section 5122(a)(2) with re-
14 spect to the activities.

15 “(2) PROGRESS CONCERNING CLASS SIZE AND
16 QUALIFIED TEACHERS.—Each State and local edu-
17 cational agency receiving funds under this section
18 shall annually report to parents and the public, in
19 numeric form as compared to the previous year,
20 on—

21 “(A) the agency’s progress in reducing
22 class size, and increasing the percentage of
23 classes in core academic areas taught by fully
24 qualified teachers; and

1 “(B) the impact that hiring additional fully
2 qualified teachers and reducing class size, has
3 had, if any, on increasing student academic
4 achievement.

5 “(3) NOTICE.—Each local educational agency
6 that receives funds under this section shall provide
7 to each individual parent of a child who attends a
8 school in such local educational agency timely, writ-
9 ten notice if the child has been assigned or has been
10 taught for 2 or more consecutive weeks by a sub-
11 stitute teacher, as defined by such local educational
12 agency, or a teacher who is not fully qualified.

13 “(f) PRIVATE SCHOOLS.—If a local educational agen-
14 cy uses funds made available under this section for profes-
15 sional development activities, the agency shall ensure the
16 equitable participation of private nonprofit elementary
17 schools and secondary schools in such activities in accord-
18 ance with section 5142. Section 5142 shall not apply to
19 other activities carried out under this section.

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

24 “(h) REQUEST FOR FUNDS.—Each local educational
25 agency that desires to receive funds under this section

1 shall include in the application required under section
2 6303 a description of the agency’s program to reduce class
3 size by hiring additional fully qualified teachers.

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

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

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

11 “(2) the term ‘fully qualified’—

12 “(A) when used with respect to an elemen-
13 tary or secondary school teacher, means that
14 the teacher has obtained certification or passed
15 the State licensing exam and holds a license;
16 and

17 “(B) when used with respect to—

18 “(i) an elementary school teacher,
19 means that the teacher holds a bachelor’s
20 degree and demonstrates general knowl-
21 edge, teaching skill, and subject matter
22 knowledge required to teach at the elemen-
23 tary school level in the core academic sub-
24 jects; or

1 “(ii) a middle or secondary school
2 teacher, means that the teacher holds a
3 bachelor’s degree and demonstrates a high
4 level of competency in all subject areas in
5 which he or she teaches through—

6 “(I) a high level of performance
7 on a rigorous academic subject area
8 test; or

9 “(II) completion of an academic
10 major in each of the subject areas in
11 which he or she provides instruction.

12 **“SEC. 5702. AUTHORIZATION OF APPROPRIATIONS.**

13 “‘There are authorized to be appropriated to carry out
14 this part \$2,000,000,000 for fiscal year 2010 and such
15 sums as may be necessary for fiscal years 2011 through
16 2014.’”.

○