

105TH CONGRESS
2D SESSION

S. 2209

To reduce class size in the early grades and to provide for teacher quality improvement.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 1998

Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. DODD, Mr. DASCHLE, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mr. LEVIN, Mr. ROBB, Mr. LIEBERMAN, Mr. REED, Mr. LAUTENBERG, Ms. LANDRIEU, Mr. TORRICELLI, Mr. BRYAN, Mr. KERRY, Mr. AKAKA, Mr. GLENN, Mr. BINGAMAN, and Ms. MIKULSKI, introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To reduce class size in the early grades and to provide for teacher quality improvement.

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. SHORT TITLE.**

4 This Act may be cited as the “Class-Size Reduction
5 and Teacher Quality Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) Rigorous research has shown that students
2 attending small classes in the early grades make
3 more rapid educational progress than students in
4 larger classes, and that these achievement gains per-
5 sist through at least the elementary grades.

6 (2) The benefits of smaller classes are greatest
7 for lower achieving, minority, poor, and inner-city
8 children. One study found that urban fourth-graders
9 in smaller-than-average classes were $\frac{3}{4}$ of a school
10 year ahead of their counterparts in larger-than-aver-
11 age classes.

12 (3) Teachers in small classes can provide stu-
13 dents with more individualized attention, spend more
14 time on instruction and less on other tasks, cover
15 more material effectively, and are better able to
16 work with parents to further their children's edu-
17 cation.

18 (4) Smaller classes allow teachers to identify
19 and work more effectively with students who have
20 learning disabilities and, potentially, can reduce
21 those students' need for special education services in
22 the later grades.

23 (5) Students in smaller classes are able to be-
24 come more actively engaged in learning than their
25 peers in large classes.

1 (6) Efforts to improve educational achievement
2 by reducing class sizes in the early grades are likely
3 to be more successful if—

4 (A) well-prepared teachers are hired and
5 appropriately assigned to fill additional class-
6 room positions; and

7 (B) teachers receive intensive, continuing
8 training in working effectively in smaller class-
9 room settings.

10 (7) Several States have begun a serious effort
11 to reduce class sizes in the early elementary grades,
12 but these actions may be impeded by financial limi-
13 tations or difficulties in hiring well-prepared teach-
14 ers.

15 (8) The Federal Government can assist in this
16 effort by providing funding for class-size reductions
17 in grades 1 through 3, and by helping to ensure that
18 the new teachers brought into the classroom are well
19 prepared.

20 **SEC. 3. PURPOSE.**

21 The purpose of this Act is to help States and local
22 educational agencies recruit, train, and hire 100,000 addi-
23 tional teachers over a 7-year period in order to—

1 (1) reduce class sizes nationally, in grades 1
2 through 3, to an average of 18 students per class-
3 room; and

4 (2) improve teaching in the early grades so that
5 all students can learn to read independently and well
6 by the end of the third grade.

7 **SEC. 4. PROGRAM FUNDING.**

8 For the purpose of carrying out this Act, there are
9 authorized to be appropriated, and are appropriated out
10 of any funds in the Treasury not otherwise appropriated,
11 \$1,100,000,000 for fiscal year 1999, \$1,300,000,000 for
12 fiscal year 2000, \$1,500,000,000 for fiscal year 2001,
13 \$1,700,000,000 for fiscal year 2002, \$1,735,000,000 for
14 fiscal year 2003, \$2,300,000,000 for fiscal year 2004, and
15 \$2,800,000,000 for each of the fiscal years 2005 through
16 2008.

17 **SEC. 5. ALLOTMENT TO STATES.**

18 (a) RESERVATION FOR EVALUATION.—From the
19 amount appropriated by section 4 for each fiscal year, the
20 Secretary may reserve not more than \$2,000,000 to carry
21 out the evaluation described in section 14.

22 (b) RESERVATION FOR THE OUTLYING AREAS AND
23 THE BUREAU OF INDIAN AFFAIRS.—From the amount
24 appropriated by section 4 and remaining after reserving
25 funds under subsection (a) for each fiscal year, the Sec-

1 retary shall reserve a total of not more than 1 percent
2 to make payments, on the basis of their respective needs
3 for assistance under this Act, to—

4 (1) American Samoa, Guam, the United States
5 Virgin Islands, and the Commonwealth of the North-
6 ern Mariana Islands for activities that are approved
7 by the Secretary and consistent with the purposes of
8 this Act; and

9 (2) the Secretary of the Interior for activities
10 that are approved by the Secretary and consistent
11 with the purposes of this Act, in schools operated or
12 supported by the Bureau of Indian Affairs.

13 (c) ALLOTMENT TO STATES.—

14 (1) IN GENERAL.—From the amount appro-
15 priated by section 4 and remaining after reserving
16 funds under subsections (a) and (b) for each fiscal
17 year, the Secretary shall allot to each State an
18 amount that bears the same relationship to the re-
19 maining amount as the amount of funding the State
20 received under section 1122 of the Elementary and
21 Secondary Education Act of 1965 for the previous
22 fiscal year bears to the total amount available for al-
23 location under that section for the previous fiscal
24 year.

1 (2) REALLOTMENT.—If any State chooses not
2 to participate in the program under this Act, or fails
3 to submit an approvable application, the Secretary
4 shall reallocate the State’s allotment to the remaining
5 States, in accordance with paragraph (1).

6 **SEC. 6. APPLICATIONS.**

7 (a) APPLICATION REQUIRED.—The State educational
8 agency of each State desiring to receive an allotment
9 under this Act shall submit an application to the Secretary
10 at such time, in such form, and containing such informa-
11 tion as the Secretary may require.

12 (b) CONTENTS.—Each application shall include—

13 (1) the State’s goals for using funds under this
14 Act to reduce average class sizes in regular class-
15 rooms in grades 1 through 3, including—

16 (A) a description of current class sizes in
17 regular classrooms in the local educational
18 agencies of the State;

19 (B) a description of the State’s plan for
20 using funds under this Act to reduce the aver-
21 age class size in regular classrooms in those
22 grades; and

23 (C) the class-size goals in regular class-
24 rooms the State intends to reach and a jus-
25 tification for those goals;

1 (2) a description of the State educational agen-
2 cy's plan for allocating program funds within the
3 State, including—

4 (A) an estimate of the impact of those allo-
5 cations on class sizes in the individual local
6 educational agencies of the State;

7 (B) an assurance that the State edu-
8 cational agency will make the plan public within
9 the State; and

10 (C) a description of the current and pro-
11 jected capacity of the State's school facilities to
12 accommodate reduced class sizes;

13 (3) a description of the State educational agen-
14 cy's strategy for improving teacher quality in grades
15 1 through 3 within the State (which may be part of
16 a broader strategy to improve teacher quality gen-
17 erally), including—

18 (A) the actions the State educational agen-
19 cy will take to ensure the availability, within the
20 State, of a pool of well-prepared teachers to fill
21 the positions created with funds under this Act;
22 and

23 (B) a description of how the State edu-
24 cational agency and the local educational agen-
25 cies in the State will ensure that—

1 (i) individuals hired for positions cre-
2 ated with funds provided under this Act
3 (which may include individuals who have
4 pursued alternative routes to certification
5 or licensure) will meet all of the State's re-
6 quirements for full certification or licen-
7 sure, or will be making satisfactory
8 progress toward achieving full certification
9 or licensure within 3 years of such hiring;

10 (ii) teachers in first through third
11 grade will be prepared to teach reading ef-
12 fectively to all children, including those
13 with special needs, and will take part in
14 continuing professional development in ef-
15 fective reading instruction and in teaching
16 effectively in small classes; and

17 (iii) individuals hired as beginning
18 teachers in first through third grade will
19 be required to pass a teacher competency
20 test selected by the State;

21 (4) a description of how the State will use other
22 funds, including other Federal funds, to improve
23 teacher quality and reading achievement within the
24 State;

1 (5) a description of how the State will hold local
2 educational agencies that use a significant portion of
3 the grant funds made available under section
4 9(a)(2)(B) accountable for that use of funds;

5 (6) an assurance that the local educational
6 agency and the schools served by the local edu-
7 cational agency will comply with the requirements of
8 subsections (a) and (b) of section 12; and

9 (7) an assurance that the State educational
10 agency will submit such reports and information as
11 the Secretary may reasonably require.

12 (c) APPROVAL OF APPLICATIONS.—The Secretary
13 shall approve a State educational agency’s application if
14 the application meets the requirements of this section and
15 holds reasonable promise of achieving the purposes of this
16 Act.

17 **SEC. 7. WITHIN-STATE ALLOCATIONS.**

18 (a) STATE-LEVEL EXPENSES.—Each State may use
19 not more than a total of $\frac{1}{2}$ of 1 percent of the amount
20 the State receives under this Act, or \$50,000, whichever
21 is greater, for a fiscal year, for the administrative costs
22 of the State educational agency and for State-level activi-
23 ties described in section 8.

24 (b) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

1 (1) ALLOCATION.—Each State educational
2 agency shall use the amount allotted to the State
3 and not reserved under subsection (a) for a fiscal
4 year to make grants to local educational agencies,
5 for the purpose of reducing class size and improving
6 instruction in grades 1 through 3, on the basis of—

7 (A) current or projected class sizes in reg-
8 ular classrooms in grades 1 through 3 in the
9 local educational agencies; and

10 (B) the relative ability and effort of the
11 local educational agencies to finance class-size
12 reductions with funds provided by the local edu-
13 cational agencies.

14 (2) MANNER.—Each State shall award the
15 grants described in paragraph (1) in such a manner
16 as to enable local educational agencies to reduce
17 their average class sizes in regular classrooms, in
18 grades 1 through 3, to the average class size pro-
19 posed in the State application.

20 (3) SPECIAL RULE.—Notwithstanding para-
21 graph (1), each State shall ensure, in awarding
22 grant funds under this subsection for a fiscal year,
23 that each local educational agency in the State, in
24 which at least 30 percent of the children served by
25 the agency are from low-income families, or in which

1 there are at least 10,000 children from such fami-
2 lies, receives not less than the amount that bears the
3 same relation to the grant funds as the amount the
4 local educational agency received of the State's allo-
5 cation under section 1122 of the Elementary and
6 Secondary Education Act of 1965 for the preceding
7 fiscal year bears to the amount all local educational
8 agencies in the State received under such section for
9 such preceding year.

10 (c) MAINTENANCE OF EFFORT.—

11 (1) IN GENERAL.— A local educational agency
12 may receive grant funds under this section for any
13 fiscal year only if the local educational agency sub-
14 mits to, or has on file with, the State educational
15 agency an assurance that the local educational agen-
16 cy will spend at least as much funding from non-
17 Federal sources as the local educational agency
18 spent in the previous year for the combination of—

19 (A) teachers in regular classrooms in
20 grades 1 through 3 in schools receiving assist-
21 ance under this Act; and

22 (B) the quality-improvement activities de-
23 scribed in section 9(b).

24 (2) WAIVER OR MODIFICATION.—The Secretary
25 may waive or modify the requirement of paragraph

1 (1) for a local educational agency if the Secretary
2 determines that doing so would be equitable due to
3 exceptional or uncontrollable circumstances affecting
4 that agency.

5 **SEC. 8. STATE-LEVEL ACTIVITIES.**

6 Each State educational agency may use the funds the
7 State educational agency reserves for State-level activities
8 under section 7(a) to carry out activities described in the
9 agency's application, which may include activities such
10 as—

11 (1) strengthening State teacher certification or
12 licensure standards;

13 (2) developing or strengthening, and admin-
14 istering, teacher competency tests for beginning
15 teachers; and

16 (3) program monitoring and other administra-
17 tive costs associated with operating the program
18 under this Act.

19 **SEC. 9. LOCAL USES OF FUNDS.**

20 (a) IN GENERAL.—

21 (1) CLASS SIZE REDUCTIONS.—Except as pro-
22 vided in paragraph (2), each local educational agen-
23 cy shall use all the grant funds the agency receives
24 from the State under this Act that are not reserved
25 under subsection (b), to pay the Federal share of the

costs for the salaries of, and benefits for, the additional teachers needed to reduce class sizes in grades 1 through 3 to the level set by the State as the State's goal in the State application.

(2) ADDITIONAL TEACHER LEVEL ACHIEVED.—

A local educational agency that has reached the level described in paragraph (1) may use the grant funds received from the State under this Act and not reserved under subsection (b) to pay the Federal share of the costs of—

(A) making further class-size reductions in grades 1 through 3;

(B) reducing class sizes in kindergarten or other grades; or

(C) undertaking quality-improvement activities under subsection (b).

(b) QUALITY IMPROVEMENT RESERVATION.—

(1) IN GENERAL.—Each local educational agency shall reserve not less than 10 percent of the grant funds the agency receives under this Act for each of the fiscal years 1999 through 2003 to pay the Federal share of the costs of carrying out activities to ensure teachers who will teach smaller classes are prepared to teach reading and other subjects effectively in a smaller class setting.

1 (2) ACTIVITIES.—The activities described in
2 paragraph (1) may include—

3 (A) training teachers in effective reading
4 instructional practices (including practices for
5 teaching students who experience initial dif-
6 ficulty in learning to read) and in effective in-
7 structional practices in small classes;

8 (B) paying the costs for uncertified or un-
9 licensed teachers hired to teach grades 1
10 through 3, to obtain full certification or licen-
11 sure within 3 years of such hiring;

12 (C) providing mentors or other support for
13 teachers in grades 1 through 3;

14 (D) improving recruitment of teachers for
15 schools that have a particularly difficult time
16 hiring certified or licensed teachers; and

17 (E) providing scholarships or other aid for
18 education and education-related expenses to
19 paraprofessionals or undergraduate students in
20 order to expand the pool of well-prepared, and
21 certified or licensed, teachers.

22 **SEC. 10. COST-SHARING REQUIREMENT.**

23 (a) FEDERAL SHARE.—The Federal share shall be
24 not more than—

1 (1) 100 percent for local educational agencies
2 with child poverty levels greater than or equal to 40
3 percent;

4 (2) 95 percent for local educational agencies
5 with child poverty rates greater than or equal to 30
6 percent but less than 40 percent;

7 (3) 85 percent for local educational agencies
8 with child poverty rates greater than or equal to 20
9 percent but less than 30 percent;

10 (4) 75 percent for local educational agencies
11 with child poverty rates greater than or equal to 10
12 percent but less than 20 percent; and

13 (5) 65 percent for local educational agencies
14 with child poverty rates less than 10 percent.

15 (b) LOCAL SHARE.—A local educational agency shall
16 provide the non-Federal share of activities assisted under
17 this Act through cash expenditures from non-Federal
18 sources, except that if an agency has allocated funds under
19 section 1113(c) of the Elementary and Secondary Edu-
20 cation Act of 1965 to 1 or more schoolwide programs
21 under section 1114 of that Act, the agency may use those
22 funds for the non-Federal share of activities under this
23 program that benefit those schoolwide programs, to the
24 extent consistent with section 1120A(c) of that Act and
25 notwithstanding section 1114(a)(3)(B) of that Act.

1 **SEC. 11. CARRYOVER OF FUNDS.**

2 Notwithstanding any other provision of law, any
3 funds received under this Act by a State or by a local edu-
4 cational agency shall remain available for obligation and
5 expenditure by the State or local educational agency for
6 1 fiscal year beyond the succeeding fiscal year described
7 in section 421(b) of the General Education Provisions Act.

8 **SEC. 12. ACCOUNTABILITY.**

9 (a) SCHOOL REPORT.—Each school benefiting from
10 the program under this Act, or the local educational agen-
11 cy serving that school, shall produce an annual report to
12 parents and the general public, regarding student achieve-
13 ment in reading for students served by the school or agen-
14 cy, respectively (using available evidence of reading
15 achievement of the students in grades 1 through 5 and
16 the assessments the State uses under part A of title I of
17 the Elementary and Secondary Education Act of 1965,
18 disaggregated as required under that part), average class
19 size in the regular classrooms of the school or schools
20 served by the agency, respectively, and teacher certifi-
21 cation or licensure and related academic qualifications for
22 teachers in grades 1 through 3 in the school or the schools
23 served by the agency, respectively.

24 (b) LOCAL EDUCATIONAL AGENCY REPORTS.—

25 (1) INTERIM REPORTS.—Each local educational
26 agency shall provide each year, to the State edu-

1 cational agency, a report summarizing the informa-
 2 tion reported by, or for, the schools served by the
 3 agency, under subsection (a).

4 (2) SUBSEQUENT REPORTS.—Within 3 years of
 5 receiving funding under this Act, and each year
 6 thereafter, each local educational agency shall pro-
 7 vide evidence, to the State educational agency, of the
 8 reading achievement of students, in grade 3, 4, or
 9 5 in schools served under this Act, which shall be—

10 (A) in a form determined by the State edu-
 11 cational agency;

12 (B) based on the assessments that the
 13 local educational agency is using under part A
 14 of title I of the Elementary and Secondary
 15 Education Act of 1965, or on comparably rigor-
 16 ous State or local assessments; and

17 (C) disaggregated to show the achievement
 18 of students in individual schools and of students
 19 separately by race and by gender, as well as for
 20 students with disabilities, students with limited
 21 English proficiency, migrant students, and stu-
 22 dents who are economically disadvantaged.

23 (c) PROGRAM IMPROVEMENT PLAN.—A local edu-
 24 cational agency with schools that fail to show improvement
 25 in reading achievement within 3 years of receiving funds

1 under this Act shall, with the approval of the State edu-
2 cational agency, develop and implement a program im-
3 provement plan, to improve student performance.

4 (d) REDUCED LOCAL ALLOCATIONS.—If a school
5 participating in the program under this Act fails to show
6 improvement in the reading achievement of students in the
7 school within 2 years after the fiscal year for which the
8 local educational agency develops a plan under subsection
9 (b), the State educational agency shall reduce the amount
10 made available under this Act, for each fiscal year suc-
11 ceeding the fiscal year for which the determination is
12 made, to that local educational agency by an amount equal
13 to the amount made available under this Act, for the fiscal
14 year for which the determination is made, to that school.
15 The State educational agency shall continue to so reduce
16 the amount made available under this Act to that school
17 until the school demonstrates improvement in the reading
18 achievement of students in the school in accordance with
19 the plan.

20 **SEC. 13. PARTICIPATION OF PRIVATE SCHOOL TEACHERS.**

21 Each local educational agency receiving funds under
22 this Act shall, after timely and meaningful consultation
23 with appropriate private school officials, provide for the
24 inclusion (in a manner proportionate to the number of
25 children residing in the area served by the agency's project

1 under this Act who attend private schools) of private
2 school teachers in the professional development activities
3 the agency and the schools served by the agency carry out
4 with the funds.

5 **SEC. 14. EVALUATION.**

6 Using funds reserved under section 5(a), the Sec-
7 retary shall carry out an evaluation of the program au-
8 thorized by this Act, including a measurement of the pro-
9 gram's effectiveness in accordance with the amendments
10 made by the Government Performance and Results Act
11 of 1993.

12 **SEC. 15. WAIVERS.**

13 The Secretary may, at the request of a State edu-
14 cational agency, waive or modify a requirement of this Act
15 if the Secretary determines that such requirement impedes
16 the ability of the State to carry out the purpose of this
17 Act and that providing such a waiver or modification will
18 better promote the purpose of this Act.

19 **SEC. 16. DEFINITIONS.**

20 In this Act:

21 (1) **LOCAL EDUCATIONAL AGENCY.**—The term
22 “local educational agency” has the meaning given
23 that term in subparagraphs (A) and (B) of section
24 14101(18) of the Elementary and Secondary Edu-
25 cation Act of 1965.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 (3) STATE.—The term “State” means each of
4 the several States of the United States, the District
5 of Columbia, and the Commonwealth of Puerto Rico.

○