

106TH CONGRESS
1ST SESSION

H. R. 1734

To amend the Elementary and Secondary Education Act of 1965 to improve the quality of education and raise student achievement by strengthening accountability, raising standards for teachers, rewarding success, and providing better information to parents.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1999

Mr. GEORGE MILLER 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 improve the quality of education and raise student achievement by strengthening accountability, raising standards for teachers, rewarding success, and providing better information to parents.

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 “School Quality Counts
5 Act”.

1 **TITLE I—STATE PLANS FOR IM-**
2 **PROVING BASIC PROGRAMS**
3 **OPERATED BY STATE AND**
4 **LOCAL EDUCATIONAL AGEN-**
5 **CIES.**

6 **SEC. 101. ACCOUNTABILITY.**

7 (a) IN GENERAL.—Section 1111(b)(2) of the Ele-
8 mentary and Secondary Education Act of 1965 (20 U.S.C.
9 6311(b)(2)) is amended—

10 (1) in subparagraph (A)—

11 (A) by striking “and” at the end of clause

12 (i);

13 (B) by striking the period at the end of
14 clause (ii) and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(iii) the State toward enabling all
17 children in schools receiving assistance
18 under this part to meet the State’s student
19 performance standards.”;

20 (2) in subparagraph (B), by striking clauses (i)
21 and (ii) and inserting the following:

22 “(i) that establishes a single high
23 standard of performance for all students;

24 “(ii) that takes into account the
25 progress of all students of each local edu-

1 cational agency and school served under
2 section 1114 or 1115;

3 “(iii) that compares the proportions of
4 students who are ‘not proficient’, ‘partially
5 proficient’, ‘proficient’, and ‘advanced’ at
6 the grade levels at which assessments are
7 conducted with the proportions of students
8 in each of the four categories at the same
9 grade level in the previous school year;

10 “(iv) that considers separately, within
11 each State, local educational agency, and
12 school, the performance and progress of
13 students by gender, by each major ethnic
14 and racial group, by English proficiency
15 status, by migrant status, by students with
16 disabilities as compared to nondisabled
17 students, and by economically disadvan-
18 taged students as compared to students
19 who are not economically disadvantaged
20 (except that such disaggregation shall not
21 be required in a case where the number of
22 students in a category is insufficient to
23 yield statistically reliable information or
24 the results would reveal individually identi-

1 fiable information about an individual stu-
2 dent); and

3 “(v) that includes annual numerical
4 goals for improving the performance of all
5 groups specified in clause (iv) and nar-
6 rowing gaps in performance between these
7 groups.”; and

8 (3) by adding at the end the following:

9 “(C) The Secretary shall collect and review
10 the information from States on the adequate
11 yearly progress of schools and local educational
12 agencies required under subparagraphs (A) and
13 (B) for the purpose of determining State and
14 local compliance with section 1116.”.

15 (b) REGULATIONS.—The Secretary shall promulgate
16 regulations and amendments to regulations to carry out
17 the amendments made by subsection (a) not later than
18 6 months after the date of the enactment of this Act and
19 shall review State plans submitted under section 1111 of
20 the Elementary and Secondary Education Act of 1965 be-
21 fore such date to determine their compliance with the reg-
22 ulations. The Secretary shall require States to revise their
23 plans if necessary to satisfy the requirements of the regu-
24 lations. Such revised plans shall be submitted to the Sec-

1 retary for approval not later than 1 year after the date
2 of enactment of this Act.

3 **SEC. 102. SCHOOL REPORT CARDS.**

4 Section 1111(b) of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6311(b)) is amended—

6 (1) by amending the subsection heading to read
7 as follows: “(b) STANDARDS, ASSESSMENTS, AND
8 ACCOUNTABILITY.—”

9 (2) by redesignating paragraphs (4) through
10 (8) as paragraphs (6) through (10), respectively;
11 and

12 (3) by inserting after paragraph (3) the fol-
13 lowing:

14 “(4) DISSEMINATION OF RESULTS TO PAR-
15 ENTS.—Each State plan shall contain assurances
16 that, beginning in the 2001–2002 school year, and
17 annually thereafter, all schools served under this
18 part shall—

19 “(A) report the results of all assessments
20 described in paragraph (3) used to measure the
21 performance of a student attending the school
22 to each parent or legal guardian of the student;

23 “(B) report the results in a uniform and
24 understandable format;

1 “(C) ensure that the reports are based on
2 the same assessments described in paragraph
3 (3);

4 “(D) include in the reports a description of
5 whether the student has demonstrated ‘ad-
6 vanced’, ‘proficient’, ‘partially proficient’, or
7 ‘not proficient’ levels of performance in each
8 subject area;

9 “(E) include in the reports—

10 “(i) a comparison of the proportions
11 of students enrolled in that school, in the
12 local educational agency, and in the State
13 who are ‘not proficient’, ‘partially pro-
14 ficient’, ‘proficient’, and ‘advanced’ in each
15 subject area, for each grade level at which
16 assessments are conducted, with propor-
17 tions in each of the same 4 categories at
18 the same grade levels in the previous
19 school year;

20 “(ii) the percentage of students in the
21 school on which the results in clause (i)
22 are based; and

23 “(iii) information, in the aggregate,
24 on the qualifications of classroom teachers
25 in the student’s school, including—

1 “(I) the percentage of classroom
2 teachers in the school who meet all
3 State and local requirements to teach
4 at all grade levels and in all subject
5 areas in which they provide instruc-
6 tion;

7 “(II) in middle and secondary
8 schools, the percentage of classes
9 taught by teachers who do not have a
10 college major, or who have not passed
11 a rigorous subject area test, in the
12 subject being taught; and

13 “(III) the percentage of class-
14 room teachers in the school teaching
15 under ‘emergency’ or other provisional
16 credentials.

17 “(5) DISSEMINATION OF RESULTS TO THE PUB-
18 LIC.—Each State plan shall contain assurances that,
19 beginning in the 2001–2002 school year, and annu-
20 ally thereafter, each State shall—

21 “(A) ensure that overall student perform-
22 ance data on all assessments described in para-
23 graph (3) are compiled, published, and dissemi-
24 nated widely to the general public;

1 “(B) ensure that the data includes a com-
2 parison of the proportions of students who are
3 ‘not proficient’, ‘partially proficient’, ‘pro-
4 ficient’, and ‘advanced’ at the grade levels at
5 which assessments are conducted with propor-
6 tions in each of the same 4 categories at the
7 same grade levels in the previous school year;

8 “(C) ensure that the data is disaggregated
9 within the State, local educational agency, and
10 school by gender, by each major racial and eth-
11 nic group, by English proficiency status, by mi-
12 grant status, by students with disabilities as
13 compared to nondisabled students, and by eco-
14 nomically disadvantaged students as compared
15 to students who are not economically disadvan-
16 taged (except that such disaggregation shall not
17 be required in a case where the number of stu-
18 dents in any category is insufficient to yield
19 statistically reliable information or the results
20 would reveal individually identifiable informa-
21 tion about an individual student);

22 “(D) ensure that the reports are—

23 “(i) distributed to local print and
24 broadcast media; and

1 “(ii) posted on a web site on the
2 Internet.”.

3 **SEC. 103. TEACHER QUALITY.**

4 Section 1111 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 6311) is amended—

6 (1) by redesignating subsections (c) through (g)
7 as subsections (e) through (i), respectively; and

8 (2) by inserting after subsection (b) the fol-
9 lowing:

10 “(c) TEACHER QUALITY.—

11 “(1) DISSEMINATION TO PARENTS.—Each
12 State plan shall contain assurances that all schools
13 served under this part make available to each par-
14 ent, in a uniform and understandable format, infor-
15 mation on the qualifications of their child’s class-
16 room teachers with regard to the subject areas and
17 grade levels in which the teacher provides instruc-
18 tion. Such information shall include—

19 “(A) whether the teacher has met all State
20 qualification and licensing criteria for the grade
21 levels and subject areas in which the teacher
22 provides instruction;

23 “(B) whether the teacher is teaching under
24 ‘emergency’ or other provisional status;

1 “(C) the college major of the teacher and
2 any other graduate certification or degree held
3 by the teacher, and the field or discipline of
4 each certification or degree.

5 “(2) SPECIAL PARENTAL NOTIFICATION.—Each
6 State plan shall contain assurances that—

7 “(A) the State shall ensure that all schools
8 served under this part notify in writing the par-
9 ents or guardians of any student who is receiv-
10 ing academic instruction from a teacher who
11 has not fully met all State requirements to pro-
12 vide instruction at the grade level at which, and
13 in the subject areas in which, the teacher is
14 providing instruction to the student;

15 “(B) the notification required under sub-
16 paragraph (A) shall be made—

17 “(i) to parents or guardians of any
18 student who is receiving instruction from a
19 teacher who has been exempted from State
20 qualification and licensing criteria or for
21 whom State qualification or licensing cri-
22 teria have been waived under ‘emergency’,
23 ‘provisional’, or other similar procedures;

1 “(ii) not more than 15 days after the
2 student has been assigned to a teacher de-
3 scribed in the subparagraph; and

4 “(C) before being allowed to accept a
5 teaching assignment in the State, a teacher who
6 has not fully met all State requirements to pro-
7 vide instruction at a grade level or in a subject
8 area in which the teacher is to provide instruc-
9 tion is informed of the notification requirement
10 under this paragraph.

11 “(3) PUBLIC REPORTING.—Each State plan
12 shall contain assurances that the State shall compile,
13 aggregate, publish, distribute to major print and
14 broadcast media outlets throughout the State and
15 post on a web site on the Internet the information
16 described in paragraph (1) for each school, local
17 educational agency, and the State.

18 “(4) QUALIFICATIONS OF CERTAIN INSTRU-
19 CTIONAL STAFF.—

20 “(A) Each State plan shall contain assur-
21 ances that, not later than 2 years after the date
22 of the enactment of the School Quality Counts
23 Act—

24 “(i) all instructional staff who provide
25 services to students under section 1114 or

1 1115 have demonstrated the subject mat-
2 ter knowledge, teaching knowledge, and
3 teaching skill necessary to teach effectively
4 in the content area or areas in which they
5 provide instruction, according to the cri-
6 teria described in this paragraph;

7 “(ii) except as provided in subpara-
8 graph (F), funds under this part may not
9 be used to support instructional staff who
10 provide services to students under section
11 1114 or 1115 for whom State qualification
12 or licensing requirements have been waived
13 or who are teaching under an ‘emergency’
14 or other provisional credential.

15 “(B) For purposes of subparagraph (A),
16 instructional staff who teach elementary school
17 students are required, at a minimum, to hold a
18 bachelors’s degree and demonstrate general
19 knowledge, teaching skill, and subject matter
20 knowledge required to teach effectively in read-
21 ing, writing, mathematics, social studies,
22 science, and other elements of a liberal arts
23 education.

24 “(C) For purposes of subparagraph (A),
25 instructional staff who teach in middle schools

1 and secondary schools are required, at a min-
2 imum, to hold a bachelor's degree or higher and
3 demonstrate a high level of competence in all
4 subject areas in which they teach through—

5 “(i) a high level of performance on
6 rigorous academic subject area tests; or

7 “(ii) completion of an academic major
8 in each of the subject areas in which they
9 provide instruction and at least a B aver-
10 age.

11 “(D) For purposes of subparagraph (A)
12 funds under this part may be used to employ
13 teacher aides or other paraprofessionals who do
14 not meet the requirements under subparagraphs
15 (B) and (C) only if such aides or
16 paraprofessionals—

17 “(i) provide instruction only when
18 under the direct and immediate super-
19 vision, and in the immediate presence, of
20 instructional staff who meet the criteria of
21 this paragraph; and

22 “(ii) possess particular skills nec-
23 essary to assist instructional staff in pro-
24 viding services to students served under
25 this Act.

1 “(E) Each State plan shall contain assur-
2 ances that beginning on the date of the enact-
3 ment of the School Quality Counts Act, no
4 school served under this part may use funds re-
5 ceived under this Act to hire instructional staff
6 who do not fully meet all the criteria for in-
7 structional staff described in this paragraph.

8 “(F) Each State plan shall contain assur-
9 ances that not later than 6 months after the
10 date of the enactment of the School Quality
11 Counts Act, and annually thereafter, the prin-
12 cipal of each school served under this part shall,
13 in writing, attest to the fact that all members
14 of their instructional staff meet the require-
15 ments of this paragraph. In a case in which
16 there are instructional staff who have yet to
17 meet all requirements to provide instruction in
18 each of the subject areas and at each of the
19 grade levels to which they are assigned to teach,
20 the principal shall submit, in writing, a plan for
21 ensuring that not later than 2 years after the
22 date of the enactment of the School Quality
23 Counts Act all instructional staff will either
24 meet all requirements under this paragraph or

1 will no longer provide instruction to students
2 served under this part.

3 “(G) For purposes of this paragraph, the
4 term ‘instructional staff’ includes any individual
5 who has responsibility for providing any student
6 or group of students with instruction in any of
7 the core academic subject areas, including read-
8 ing, writing, language arts, mathematics,
9 science, and social studies.

10 “(d) Each State plan shall describe how the State
11 educational agency will help each local educational agency
12 and school develop the capacity to comply with the require-
13 ments of this section.”.

14 **SEC. 104. QUALIFIED TEACHER IN EVERY CLASSROOM.**

15 (a) IN GENERAL.—Title I of the Elementary and
16 Secondary Education Act of 1965 is amended by inserting
17 after section 1119 the following new section:

18 **“SEC. 1119A. A QUALIFIED TEACHER IN EVERY CLASSROOM.**

19 “(a) USES OF FUNDS.—In order to meet the goal
20 under section 1111(c)(4) of ensuring that all instructional
21 staff have the subject matter knowledge, teaching knowl-
22 edge, and teaching skill necessary to teach effectively in
23 the content area or areas in which they provide instruc-
24 tion, local educational agencies may, notwithstanding any
25 other provision of law, use funds received under title II,

1 title VI, and section 307 of the Department of Education
2 Appropriations Act, 1999, the Higher Education Act of
3 1965, or the Goals 2000: Educate America Act—

4 “(1) to recruit fully qualified teachers, includ-
5 ing through the use of signing bonuses or other fi-
6 nancial incentives;

7 “(2) to collaborate with programs that recruit,
8 place, and train qualified teachers; or

9 “(3) to provide the necessary education and
10 training, including paying the costs of college tuition
11 and other student fees (for programs that meet the
12 criteria under section 203(2)(A)(i) of the Higher
13 Education Amendments of 1998), to help current
14 teachers or other school personnel who do not meet
15 these criteria attain the necessary qualifications and
16 licensing requirements, except that in order to qual-
17 ify for college tuition payments under this clause, an
18 individual must be within 2 years of completing an
19 undergraduate degree and must agree to teach for
20 at least 2 subsequent years after receiving such de-
21 gree in a school that—

22 “(A) is located in a local educational agen-
23 cy that is eligible in that academic year for as-
24 sistance under this title; and

1 “(B) for that academic year, has been de-
 2 termined by the Secretary to be a school in
 3 which the enrollment of children counted under
 4 section 1124(c) exceeds 50 percent of the total
 5 enrollment of that school.

6 “(b) CORRECTIVE ACTION.—The State educational
 7 agency shall take corrective action consistent with section
 8 1116(c)(5)(B)(i), with the goal of meeting the require-
 9 ments under this paragraph, against any local educational
 10 agency that does not make sufficient effort to comply with
 11 section 103 within the time specified. Such corrective ac-
 12 tion shall be taken regardless of the conditions set forth
 13 in section 1116(c)(5)(B)(ii). In a case in which the State
 14 fails to take corrective action, the Secretary shall withhold
 15 funds from such State up to an amount equal to that re-
 16 served under sections 1003(a) and 1603(c).”.

17 (b) INSTRUCTIONAL AIDES.—Section 1119 of Ele-
 18 mentary and Secondary Education Act of 1965 is amend-
 19 ed by striking subsection (i).

20 (c) CLERICAL AMENDMENT.—The table of sections
 21 for the Elementary and Secondary Education Act of 1965
 22 is amended by inserting after the item relating to section
 23 1119 the following new item:

“Sec. 1119A. A qualified teacher in every classroom.”.

1 **SEC. 105. LIMITATION.**

2 Part E of title XIV of the Elementary and Secondary
3 Education Act of 1965 is amended by adding at the end
4 the following:

5 **“SEC. 14515. PROHIBITION REGARDING PROFESSIONAL DE-**
6 **VELOPMENT SERVICES.**

7 “None of the funds provided under this Act may be
8 used for any professional development services for a teach-
9 er that are not directly related to the curriculum and con-
10 tent areas in which the teacher provides instruction.”.

11 **TITLE II—ACADEMIC ACHIEVE-**
12 **MENT AWARDS PROGRAM**

13 **SEC. 201. ACADEMIC ACHIEVEMENT AWARDS.**

14 Subpart 1 of part A of title I of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C. 6311–6323)
16 is amended—

17 (1) by redesignating sections 1120, 1120A, and
18 1120B as sections 1120A, 1120B, and 1120C, re-
19 spectively; and

20 (2) by inserting after section 1119A, as added
21 by section 104 of this Act, the following:

22 **“SEC. 1120. ACADEMIC ACHIEVEMENT AWARDS.**

23 “(a) ESTABLISHMENT OF PROGRAMS.—Each State
24 receiving a grant under this title shall establish an Aca-
25 demic Achievement Awards Program to recognize and
26 reward—

1 “(1) local educational agencies and schools that
2 operate programs under section 1114 or 1115 and
3 that demonstrate outstanding yearly progress, con-
4 sistent with section 1111(b)(2)(A), for 2 or more
5 consecutive years; and

6 “(2) teachers who provide instruction in such
7 programs.

8 “(b) RESERVATION.—Each State receiving a grant
9 under this title shall reserve, from the amount (if any)
10 by which the funds received by the State under this title
11 for the fiscal year exceed the amount received by the State
12 in the preceding fiscal year, 25 percent of such additional
13 amount (plus any additional amount the State may find
14 necessary to address a demonstrated need for an academic
15 achievement award program), for awards to local edu-
16 cational agencies, schools, and teachers of classes that
17 demonstrate outstanding yearly progress (consistent with
18 section 1111(b)(2)(B)) for 2 or more consecutive years.

19 “(c) TYPES OF AWARDS.—Each State shall use funds
20 reserved under this section to present financial awards
21 to—

22 “(1) the schools and local educational agencies
23 that the State determines have demonstrated the
24 greatest progress in improving student achievement
25 (consistent with section 1111(b)(2)(B)); and

1 “(2) teachers who demonstrate the ability to
2 consistently help students make significant achieve-
3 ment gains, consistent with section 1111(b)(2)(B),
4 in the subject areas in which the teacher provides in-
5 struction.

6 “(d) CALCULATION OF AWARD AMOUNTS.—Award
7 amounts to local educational agencies and schools shall be
8 proportionate to the amount of aid such local educational
9 agency or school received under this part for the preceding
10 fiscal year. The amount awarded to a teacher that quali-
11 fies for an award under this section shall be uniform
12 throughout the State.

13 “(e) SPECIAL RULE.—Each State shall allocate not
14 less than 85 percent of funds reserved under subsection
15 (b) to schools that—

16 “(1) reside in a local educational agency that is
17 eligible in that academic year for assistance under
18 section 1124; and

19 “(2) for that academic year, have been deter-
20 mined by the Secretary to be a school in which the
21 enrollment of children counted under section 1124(c)
22 exceeds 50 percent of the total enrollment of that
23 school,
24 or to teachers providing instruction within such schools.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to carry out this section
 3 such additional sums as may be necessary to supplement
 4 the academic achievement awards program. Such funds
 5 shall be allocated to a State in an amount proportionate
 6 to the amount of aid such State received under this part
 7 for the preceding fiscal year.”.

8 **TITLE III—CONFORMING** 9 **AMENDMENTS; EFFECTIVE DATE**

10 **SEC. 301. CONFORMING AMENDMENTS.**

11 (a) SECTION 102 CONFORMING AMENDMENTS.—

12 (1) STANDARDS AND ASSESSMENTS.—Section
 13 1111(b) of the Elementary and Secondary Edu-
 14 cation Act of 1965 (20 U.S.C. 6311(b)) is
 15 amended—

16 (A) in paragraph (1)(C), by striking
 17 “paragraph (6)” and inserting “paragraph
 18 (8)”; and

19 (B) in paragraph (7)(A), by striking
 20 “paragraph (6)(B)” and inserting “paragraph
 21 (8)(B)”.

22 (2) SCHOOL IMPROVEMENT.—Section
 23 1116(e)(1)(C) of such Act (20 U.S.C.
 24 6317(e)(1)(C)) is amended by striking “section

1 1111(b)(7)(B)” and inserting “section
2 1111(b)(9)(B)”.

3 (3) STATE REVIEW AND LOCAL EDUCATIONAL
4 AGENCY IMPROVEMENT.—Section 1116(d)(3)(A)(ii)
5 of such Act (20 U.S.C. 6317(d)(3)(A)) is amended
6 by striking “section 1111(b)(7)(B)” and inserting
7 “section 1111(b)(9)(B)”.

8 (4) BUILDING CAPACITY FOR INVOLVEMENT.—
9 Section 1118(e)(1) of such Act (20 U.S.C.
10 6319(e)(1)) is amended by striking “section
11 1111(b)(8)” and inserting “section 1111(b)(10)”.

12 (b) SECTION 103 CONFORMING AMENDMENTS.—Sec-
13 tion 1111(d)(1) of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 6311(d)(1)) is amended—

15 (1) in subparagraphs (C) and (E)(ii), by strik-
16 ing “and (c)” and inserting “and (e)”; and

17 (2) in subparagraph (D), by striking “or (c)”
18 and inserting “or (d)”.

19 (c) SECTION 201 CONFORMING AMENDMENTS.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—
21 Section 1002 of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 6302) is amended—

23 (A) in subsection (a), by striking “section
24 1120(e)” and inserting “section 1120A(e)”; and

1 (B) in subsection (e), by striking “section
2 1120(e)” and inserting “section 1120A(e)”.

3 (2) ADDITIONAL STATE ALLOCATIONS FOR
4 SCHOOL IMPROVEMENT.—Section 1003(b) of such
5 Act (20 U.S.C. 6303(b)) is amended by striking
6 “section 1120(e)” both places it appears and insert-
7 ing “section 1120A(e)”.

8 (3) ASSURANCES.—Section 1112(c)(1)(F) of
9 such Act (20 U.S.C. 6312(c)(1)(F)) is amended by
10 striking “section 1120” and inserting “section
11 1120A”.

12 (4) LOCAL EDUCATIONAL AGENCY DISCRE-
13 TION.—Section 1113(b)(1)(C)(i) of such Act (20
14 U.S.C. 6313(b)(1)(C)(i)) is amended by striking
15 “section 1120A(c)” and inserting “section
16 1120B(c)”.

17 (5) ASSURANCES.—Section 1304(c)(2) of such
18 Act (20 U.S.C. 6394(c)(2)) is amended—

19 (A) by striking “section 1120” and insert-
20 ing “section 1120A”; and

21 (B) by striking “section 1120A” and in-
22 serting “section 1120B”.

23 (6) PROGRAMS AND PROJECTS.—Section
24 1415(a)(2)(C) of such Act (20 U.S.C.

1 6435(a)(2)(C)) is amended by striking “section
2 1120A” and inserting “section 1120B”.

3 (7) SUPPLEMENT, NOT SUPPLANT.—Section
4 1415(b) of such Act (20 U.S.C. 6435(b)) is amend-
5 ed by striking “section 1120A” and inserting “sec-
6 tion 1120B”.

7 **SEC. 302. EFFECTIVE DATE.**

8 Except as otherwise provided, the amendments made
9 by this Act shall take effect on the date of the enactment
10 of this Act.

○