

106TH CONGRESS  
2D SESSION

# H. R. 3867

To give control of education back to local communities.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2000

Mr. SMITH of Washington introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To give control of education back to local communities.

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 “Local Education Em-  
5       powerment Act”.

6       **SEC. 2. PURPOSE.**

7       The purposes of this Act are the following:

8               (1) To give local communities control over how  
9       education funds are spent.

10              (2) To maintain the primary Federal role in  
11       education as helping to provide high-quality edu-  
12       cation for disadvantaged students.

1           (3) To support the secondary Federal role in  
 2           education as supporting innovative practices in our  
 3           schools.

4   **TITLE I—HELPING DISADVANTAGED CHILDREN MEET**  
 5           **HIGH STANDARDS**

7   **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

8           Section 1002(a) of the Elementary and Secondary  
 9   Education Act of 1965 (20 U.S.C. 6301) is amended by  
 10   striking “\$7,400,000,000 for 1995” and inserting  
 11   “\$12,000,000,000 for fiscal year 2001”.

12   **SEC. 102. SCHOOLWIDE PROGRAMS.**

13           Section 1114(a)(1)(B) of the Elementary and Sec-  
 14   ondary Education Act of 1965 (20 U.S.C. 6314(a)(1)(B))  
 15   is amended by striking “50 percent” each place it appears  
 16   and inserting “35 percent”.

17           **TITLE II—PROFESSIONAL**  
 18                   **DEVELOPMENT**

19   **SEC. 201. PROFESSIONAL DEVELOPMENT.**

20           Title II of the Elementary and Secondary Education  
 21   Act of 1965 (20 U.S.C. 6601 et seq.) is amended to read  
 22   as follows:

23   **“SEC. 2101. PURPOSE.**

24           “The purpose of this title is to increase student aca-  
 25   demic achievement by implementing such strategies as hir-

1 ing new teachers, improving teacher quality, providing  
2 professional development, increasing teacher compensa-  
3 tion, and lowering class size.

4 **“SEC. 2102. PROGRAM AUTHORIZED.**

5 “(a) IN GENERAL.—The Secretary is authorized to  
6 provide grants to eligible local educational agencies to pro-  
7 vide services described in section 2104.

8 “(b) ELIGIBILITY.—To be eligible to receive a grant  
9 under this title, a local educational agency shall submit  
10 an application to the Secretary at such time and in such  
11 manner as the Secretary may reasonably require. Each  
12 such application shall include a 5-year plan to improve  
13 student achievement by providing high-quality professional  
14 development for teachers, hiring new teachers, and reduc-  
15 ing class size.

16 **“SEC. 2103. DISTRIBUTION OF FUNDS.**

17 “From the amount made available to carry out this  
18 title—

19 “(1) 50 percent shall be allocated among such  
20 States on the basis of their relative populations of  
21 students in kindergarten through 12th grade, as de-  
22 termined by the Secretary on the basis of the most  
23 recent satisfactory data; and

1           “(2) 50 percent shall be distributed according  
2           to each local educational agency’s share of alloca-  
3           tions under part A of title I.

4   **“SEC. 2104. USES OF FUNDS.**

5           “A local educational agency that receives funds under  
6   this title may use such funds for the following:

7           “(1) To provide professional development activi-  
8           ties in core academic subjects to ensure that teach-  
9           ers have content knowledge in subjects they teach.

10          “(2) To provide professional development to en-  
11       sure teachers are able to use State content and per-  
12       formance standards and assessments to improve stu-  
13       dent achievement.

14          “(3) To provide intensive programs designed to  
15       prepare teachers to return to their schools to provide  
16       such instruction to other teachers within such  
17       schools.

18          “(4) To support initial teaching experiences by  
19       providing programs such as mentoring programs.

20          “(5) To establish or improve routes to alter-  
21       native certification for highly qualified individuals  
22       with baccalaureate degrees, including mid-career  
23       professionals from other occupations, paraprofes-  
24       sionals, former military personnel, recent college  
25       graduates with records of academic distinction.

1           “(6) To provide initiatives to assist in the re-  
2           cruitment of fully qualified teachers, including sign-  
3           ing bonuses and differential pay.

4           “(7) To develop initiatives that promote the re-  
5           tention of highly qualified teachers and principals,  
6           including programs that provide mentoring to newly  
7           hired teachers, such as from master teachers, and  
8           programs providing incentives, including financial in-  
9           centives, to retain teachers who have a record of suc-  
10          cess in helping low-achieving students improve their  
11          academic success.

12          “(8) To provide incentives to improve the qual-  
13          ity of the teaching force such as innovative profes-  
14          sional development programs, which may be estab-  
15          lished through partnerships with institutions of high-  
16          er education, including programs to train teachers to  
17          use technology to improve teaching and learning.

18          “(9) To improve the quality of the teaching  
19          force through tenure reform, merit pay, or testing  
20          teachers in the subject areas taught by such teach-  
21          ers.

22          “(10) To provide professional development re-  
23          garding how to teach children with different learning  
24          styles, how best to discipline children, and how to  
25          teach character education.

1 **“SEC. 2105. REPORTING AND ACCOUNTABILITY.**

2 “Each local educational agency that receives a grant  
3 under this title shall report annually to the State edu-  
4 cational agency and to the public.

5 **“SEC. 2106. AUTHORIZATION.**

6 “There are authorized to be appropriated to carry out  
7 this title \$1,600,000,000 for fiscal year 2001 and such  
8 sums as may be necessary for each of the 4 succeeding  
9 fiscal years.”.

10 **TITLE III—EDUCATION**  
11 **REFORMS**

12 **SEC. 301. EDUCATION REFORMS.**

13 Title III of the Elementary and Secondary Education  
14 Act of 1965 is amended to read as follows:

15 **“SEC. 3101. PROGRAM AUTHORIZED.**

16 (a) IN GENERAL.—The Secretary may provide grants  
17 to local educational agencies to provide services described  
18 in section 3103.

19 “(b) ELIGIBILITY.—To be eligible to receive a grant  
20 under this title, a local educational agency shall submit  
21 an application to the Secretary at such time and in such  
22 manner as the Secretary may reasonably require. Each  
23 such application shall include a 5-year plan to improve  
24 student achievement through the use of education reforms.

1 **“SEC. 3102. DISTRIBUTION OF FUNDS.**

2 “From the amount made available to carry out this  
3 title—

4 “(1) 25 percent shall be allocated among such  
5 States on the basis of their relative populations of  
6 students in kindergarten through 12th grade, as de-  
7 termined by the Secretary on the basis of the most  
8 recent satisfactory data; and

9 “(2) 75 percent shall be distributed according  
10 to each local educational agency’s share of alloca-  
11 tions under part A of title I.

12 **“SEC. 3103. USES OF FUNDS.**

13 “A local educational agency that receives funds under  
14 this title may use such funds for the following:

15 “(1) To implement State standards and assess-  
16 ments.

17 “(2) To establish efforts to increase student  
18 progress toward meeting State standards and assess-  
19 ments.

20 “(3) To develop programs to reduce drugs and  
21 violence in schools.

22 “(4) To provide after school programs.

23 “(5) To increase access to and understanding of  
24 technology in the classroom for learning.

25 “(6) To support gifted and talented education.

26 “(7) To provide arts education.

1           “(8) To establish efforts to reduce dropout  
2 rates.

3           “(9) To provide school-to-work activities and  
4 opportunities.

5           “(10) To provide education to homeless stu-  
6 dents.

7           “(11) To promote greater gender and racial eq-  
8 uity in education.

9           “(12) To support class size reduction.

10           “(13) To support school construction and facil-  
11 ity improvement.

12           “(14) To provide programs and assistance for  
13 neglected and delinquent students.

14           “(15) To support Even Start and preschool  
15 programs.

16           “(16) To support reading and literacy pro-  
17 grams.

18           “(17) To provide civic education programs.

19           “(18) To support math and science education.

20 **“SEC. 3104. REPORTING AND ACCOUNTABILITY.**

21           “Each local educational agency that receives a grant  
22 under this title shall report annually to the State edu-  
23 cational agency and to the public regarding the expendi-  
24 ture and use of funds provided under this title for edu-  
25 cation reforms.



1 **“SEC. 3105. AUTHORIZATION.**

2 “There are authorized to be appropriated to carry out  
3 this title \$2,700,000,000 for fiscal year 2001 and such  
4 sums as may be necessary for each of the 4 succeeding  
5 fiscal years.”.

6 **TITLE IV—ADMINISTRATIVE**  
7 **EXPENSES**

8 **SEC. 401. STATE ADMINISTRATIVE EXPENSES.**

9 Title IV of the Elementary and Secondary Education  
10 Act of 1965 is amended to read as follows:

11 **“SEC. 4001. PROGRAM AUTHORIZED.**

12 “The Secretary is authorized to provide grants to  
13 State educational agencies to maintain State standards  
14 and assessments and to monitor the progress of local edu-  
15 cation agencies toward meeting State goals.

16 **“SEC. 4002. DISTRIBUTION OF FUNDS.**

17 “The Secretary shall determine the amount each  
18 State is eligible to receive based on the number of students  
19 ages 5 to 17, in the State.

20 **“SEC. 4003. USE OF FUNDS.**

21 “(a) IN GENERAL.—A State educational agency shall  
22 use funds received under this title—

23 “(1) to assist local educational agencies to de-  
24 sign a 5-year plan for titles II, III, and VII to mon-  
25 itor local educational agencies use of Federal funds

1 and to determine adequate student achievement lev-  
2 els;

3 “(2) to maintain State standards and assess-  
4 ments and monitor the progress of local educational  
5 agencies toward meeting State goals and meeting  
6 the local education agency’s objectives set out in the  
7 5-year plans submitted for a grant under titles II,  
8 III, and VII;

9 “(3) for administration, evaluations, research,  
10 professional development; and

11 “(4) to provide technical assistance to local edu-  
12 cational agencies and schools, continue development  
13 of State curriculum content and student perform-  
14 ance standards, and develop and align State assess-  
15 ment systems with these standards.

16 “(b) CORRECTIVE ACTION.—If a State determines  
17 that a local educational agency is not meeting the goals  
18 established by the State, the State, in consultation with  
19 the Secretary shall work with the agency to take correction  
20 actions to assure that such goals are met. If after 3 years  
21 the State determines, after consultation with the Sec-  
22 retary, that the local educational agency is not taking  
23 proper corrective actions, the State may take over (or ‘re-  
24 constitute’) administration of the local educational agency,  
25 or certain schools, as the State considers appropriate.

1 **“SEC. 4004. REPORTING AND ACCOUNTABILITY.**

2       “(a) PLAN.—Each State shall submit a 5-year plan  
3 to the Secretary regarding how the State educational  
4 agency plans to use the Federal funds to help local edu-  
5 cational agencies formulate plans for the use of Federal  
6 grants, monitor State progress toward reaching goals, as-  
7 sure Federal funds are being used to help students reach  
8 high levels of achievement. The plan shall also indicate  
9 statewide student achievement goals.

10       “(b) ANNUAL REPORT.—The State educational agen-  
11 cy shall report yearly to the Secretary regarding the use  
12 of funds and progress toward reaching student achieve-  
13 ment goals.

14 **“SEC. 4005. AUTHORIZATION.**

15       “There are authorized to be appropriated to carry out  
16 this title, \$260,000,000 for fiscal year 2000 and such  
17 sums as may be necessary for each of the 4 succeeding  
18 fiscal years.”.

19                   **TITLE V—INCREASED**  
20                   **AUTHORIZATION LEVELS**

21 **SEC. 501. INCREASED AUTHORIZATION LEVELS.**

22       (a) MAGNET SCHOOLS.—Section 5113 of the Ele-  
23 mentary and Secondary Education Act of 1965 (20 U.S.C.  
24 7213) is amended by striking “\$120,000,000 for fiscal  
25 year 1995” and inserting “\$130,000,000 for fiscal year  
26 2001”.

1 (b) CHARTER SCHOOLS.—Section 10311 of the Ele-  
 2 mentary and Secondary Education Act of 1965 (20 U.S.C.  
 3 8067) is amended by striking “\$100,000,000 for fiscal  
 4 year 1999 and such sums as may be necessary for each  
 5 of the four succeeding fiscal years” and inserting “such  
 6 sums as may be necessary for fiscal year 2000,  
 7 \$200,000,000 for fiscal year 2001, and such sums as may  
 8 be necessary for each of the four succeeding fiscal years”.

## 9 **TITLE VI—LIMITED ENGLISH** 10 **PROFICIENT STUDENTS**

### 11 **SEC. 601. LIMITED ENGLISH PROFICIENT STUDENTS.**

12 Title VII of the Elementary and Secondary Edu-  
 13 cation Act of 1965 (20 U.S.C. 7401 et seq.) is amended  
 14 to read as following:

#### 15 **“SEC. 7101. PROGRAM AUTHORIZED.**

16 “(a) IN GENERAL.—The Secretary is authorized to  
 17 provide grants to eligible local educational agencies to pro-  
 18 vide services described in section 7103 to limited English  
 19 proficient students to enable such students to meet the  
 20 same rigorous standards for academic performance as  
 21 other students in the State.

22 “(b) ELIGIBILITY.—To be eligible to receive a grant  
 23 under this title, a local educational agency shall submit  
 24 an application to the Secretary at such time and in such  
 25 manner as the Secretary may reasonably require. Each

1 such application shall include a 5-year plan to improve  
2 limited English proficiency education and address the  
3 needs of immigrant students. The plan shall also establish  
4 numerical performance objectives to determine student  
5 progress in learning English.

6 **“SEC. 7102. DISTRIBUTION OF FUNDS.**

7       “(a) DETERMINATION OF AMOUNTS.—To determine  
8 the amount each local educational agency may be eligible  
9 to receive, the Secretary shall use data published by the  
10 Bureau of the Census in compiling the most recent decen-  
11 nial census to identify the number of limited English pro-  
12 ficient students served by the local educational agency.

13       “(b) ALLOCATION.—From the amount made avail-  
14 able to carry out this title—

15               “(1) 50 percent shall be allocated among such  
16 States on the basis of their relative populations of  
17 students in kindergarten through 12th grade, as de-  
18 termined by the Secretary on the basis of the most  
19 recent satisfactory data; and

20               “(B) 50 percent shall be distributed according  
21 to each local educational agency’s share of alloca-  
22 tions under part A of title I.

23       “(c) HOLD HARMLESS.—Notwithstanding the provi-  
24 sions of subsection (b), a local educational agency shall  
25 not receive less than the total amount of funds that it re-

1 ceived in fiscal year 2000 under title VII of this Act as  
2 such title was in effect on the day preceding the date of  
3 the enactment of the Local Education Empowerment Act.

4 **“SEC. 7103. USES OF FUNDS.**

5 “A local educational agency that receives funds under  
6 this title may use such funds for the following:

7 “(1) To increase the proficiency of students  
8 learning English.

9 “(2) To assist students with limited English  
10 proficiency to meet the same challenging State con-  
11 tent and student performance standards expected of  
12 other students in the State.

13 “(3) To develop and implement new English  
14 language and academic content instructional pro-  
15 grams for children who are limited English pro-  
16 ficient, including programs of early childhood edu-  
17 cation and kindergarten through 12th grade edu-  
18 cation.

19 “(4) To carry out highly focused, innovative, lo-  
20 cally designed projects to expand or enhance existing  
21 English language and academic content instruction  
22 programs for limited English proficient students.

23 “(5) To implement schoolwide programs for re-  
24 structuring, reforming, and upgrading all relevant

1 programs and operations relating to English lan-  
2 guage and academic content standards.

3 “(6) To upgrade program objectives and effec-  
4 tive instructional strategies.

5 “(7) To improve instructional programs by  
6 identifying, acquiring, and upgrading curricula, in-  
7 structional materials, educational software, and as-  
8 sessment procedures.

9 “(8) To provide intensified instruction to lim-  
10 ited English proficient students.

11 “(9) To implement comprehensive preschool, el-  
12 ementary, or secondary school English programs  
13 that are coordinated with other relevant programs  
14 and services.

15 “(10) To provide professional development to  
16 classroom teachers, administrators, and other school  
17 and community-based organizational personnel to  
18 improve instruction and assessment.

19 “(11) To improve instruction by providing for  
20 the acquisition or development of education tech-  
21 nology or instructional materials, access to and par-  
22 ticipation in electronic networks for materials, train-  
23 ing and communications, and incorporation of such  
24 resources in curricula and programs.

25 “(12) To develop tutoring programs.

1           “(13) To support the identified needs of migra-  
2       tory children that result from their migratory life-  
3       style.

4           “(14) To provide family literacy services and  
5       parent outreach and training activities to limited  
6       English proficient children.

7       **“SEC. 7104. REPORTING AND ACCOUNTABILITY.**

8           “Each local educational agency that receives a grant  
9       under this title shall report annually the results of the nu-  
10      merical performance objectives included in the 5-year plan  
11      described in section 7101(b) to the State educational  
12      agency and to the public.

13      **“SEC. 7105. DEFINITIONS.**

14           “For purposes of this title, the term ‘limited English  
15      proficient student’ means a child age 5 through 17 who—

16           “(1) is enrolled in a public elementary or sec-  
17      ondary school;

18           “(2)(A) was not born in the United States;

19           “(B) has a native language other than English;  
20      or

21           “(C) is a Native American or Alaska Native  
22      and comes from an home in which a language other  
23      than English has a significant impact on such indi-  
24      vidual’s level of English language proficiency;



1           “(3) comes from an home in which a language  
2       other than English is used for most communication;  
3       and

4           “(4) has sufficient difficulty speaking, reading,  
5       writing, and understanding the English language  
6       and such difficulty may deny such individual an op-  
7       portunity to learn successfully in classrooms in  
8       which the language of instruction is English or to  
9       participate fully in our society.

10 **“SEC. 7106. AUTHORIZATION.**

11       “There are authorized to be appropriated to carry out  
12 this title \$1,000,000,000 for fiscal year 2001 and such  
13 sums as may be necessary for each of the 4 succeeding  
14 fiscal years.”.

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