

108TH CONGRESS  
1ST SESSION

# H. R. 3450

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2003

Mr. WU (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. McDERMOTT, Mr. GREEN of Texas, Mr. PASTOR, Mr. PASCRELL, Ms. MILLENDER-McDONALD, Mr. ETHERIDGE, Mr. WAXMAN, Mr. FALCONE, Mr. FROST, Mr. WEXLER, Ms. MCCOLLUM, Ms. NORTON, Mr. SERRANO, Mr. BROWN of Ohio, Mr. STARK, Mr. PAYNE, Mr. MEEKS of New York, Mr. OWENS, and Mr. KUCINICH) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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:

1                   **“PART E—CLASS SIZE REDUCTION**

2   **“SEC. 5701. GRANT PROGRAM.**

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

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

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

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

14          “(b) ALLOTMENT TO STATES.—

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

21                  “(2) STATE ALLOTMENTS.—

22                          “(A) HOLD HARMLESS.—

23                                  “(i) IN GENERAL.—Subject to sub-  
24                                  paragraph (B) and clause (ii), from the  
25                                  amount made available to carry out this  
26                                  part for a fiscal year and not reserved

1 under paragraph (1), the Secretary shall  
2 allot to each State an amount equal to the  
3 amount that such State received for the  
4 preceding fiscal year under this section.

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

13 “(B) ALLOTMENT OF ADDITIONAL  
14 FUNDS.—

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

1                   “(I) the percentage the State re-  
2                   ceived for the preceding fiscal year of  
3                   the total amount made available to  
4                   the States under section 1122; or

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

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

15                  “(c) Allocation to local educational agen-  
16                  cies.—

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

21                  “(A) 80 percent shall be allocated to those  
22                  local educational agencies in proportion to the  
23                  number of children, age 5 through 17, from  
24                  families with incomes below the poverty line (as  
25                  defined by the Office of Management and

1           Budget and revised annually in accordance with  
2           section 673(2) of the Community Services  
3           Block Grant Act (42 U.S.C. 9902(2))) applica-  
4           ble to a family of the size involved, who reside  
5           in the school district served by that local edu-  
6           cational agency for the most recent fiscal year  
7           for which satisfactory data are available, com-  
8           pared to the number of those children who re-  
9           side in the school districts served by all the  
10          local educational agencies in the State for that  
11          fiscal year; and

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

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

24                         “(A) help pay the salary of a full- or part-  
25          time fully qualified teacher hired to reduce class

1 size, which may be done in combination with  
2 the expenditure of other Federal, State, or local  
3 funds; or

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

7 “(d) USE OF FUNDS.—

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

18 “(2) PERMISSIBLE USES.—

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

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

(which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special needs children;

“(ii) testing new teachers for academic content knowledge, and to meet State certification or licensing requirements that are consistent with title II of the Higher Education Act of 1965; and

“(iii) providing professional development (which may include such activities as promoting retention and mentoring) for teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all teachers have the general knowledge, teaching skills, and subject matter knowledge necessary to teach effectively in the content areas in which the teachers teach, consistent with title II of the Higher Education Act of 1965.

“(B) LIMITATION ON TESTING AND PROFESSIONAL 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 2004 and such  
15   sums as may be necessary for fiscal years 2005 through  
16   2008.”.

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