

109TH CONGRESS  
1ST SESSION

# H. R. 182

To provide dollars to the classroom.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

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

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## A BILL

To provide dollars to the classroom.

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 “Dollars to the Class-  
5       room Act”.

6       **SEC. 2. GRANTS TO STATES.**

7       The Secretary may award grants in accordance with  
8       this Act to States for use by States and local educational  
9       agencies to improve classroom services and activities for  
10      students.

1 **SEC. 3. GRANT AWARD.**

2 (a) RESERVATION OF FUNDS.—From the amount ap-  
3 propriated to carry out this Act for any fiscal year, the  
4 Secretary shall reserve—

5 (1)  $\frac{1}{2}$  of 1 percent for the outlying areas, to be  
6 distributed among the outlying areas on the basis of  
7 their relative need, as determined by the Secretary  
8 in accordance with the purposes of this section; and

9 (2)  $\frac{1}{2}$  of 1 percent for the Secretary of the In-  
10 terior for programs under this Act in schools oper-  
11 ated or funded by the Bureau of Indian Affairs.

12 (b) STATE ALLOCATIONS.—Funds appropriated to  
13 carry out this Act for any fiscal year, which are not re-  
14 served under subsection (a), shall be allocated among the  
15 States as follows:

16 (1) HOLD HARMLESS.—Subject to paragraph  
17 (2), no State shall receive an award under this sec-  
18 tion for any fiscal year that is less than the aggre-  
19 gate amount such State received to carry out pro-  
20 grams or activities for fiscal year 2005 under the  
21 following provisions (as in effect on the day pre-  
22 ceding the date of the enactment of this Act):

23 (A) Part F of title I of the Elementary and  
24 Secondary Education Act of 1965.

25 (B) Part A of title II of the Elementary  
26 and Secondary Education Act of 1965.

1 (C) Subpart 1 of part D of title II of the  
2 Elementary and Secondary Education Act of  
3 1965.

4 (D) Part A of title V of the Elementary  
5 and Secondary Education Act of 1965.

6 (E) Subtitle B of title VII of the McKin-  
7 ney-Vento Homeless Assistance Act.

8 (2) INSUFFICIENT FUNDS.—If the amount of  
9 appropriations to carry out this Act for any fiscal  
10 year is insufficient to pay the full amounts that all  
11 States are eligible to receive under paragraph (1) for  
12 such year, the Secretary shall ratably reduce such  
13 amounts for such year.

14 (3) REMAINING FUNDS.—If funds remain after  
15 meeting the requirements of paragraph (1), such re-  
16 maining funds shall be allocated among the States  
17 in the following manner:

18 (A) 50 percent of such remaining funds  
19 shall be allocated to the States in proportion to  
20 their grants under part A of title I of the Ele-  
21 mentary and Secondary Education Act of 1965  
22 for the preceding fiscal year; and

23 (B) 50 percent of such remaining funds  
24 shall be allocated to the States in proportion to  
25 the number of children ages 5 through 17 who

1           reside in the States, according to the most re-  
2           cent available data that are satisfactory to the  
3           Secretary.

4           (c) DEFINITION OF STATE.—For purposes of this  
5           section, the term “State” includes the 50 States, the Dis-  
6           trict of Columbia, and the Commonwealth of Puerto Rico.

7           (d) DEFINITION OF OUTLYING AREA.—For purposes  
8           of this section, the term “outlying area” includes Amer-  
9           ican Samoa, Guam, the United States Virgin Islands, and  
10          the Commonwealth of the Northern Mariana Islands.

11          (e) PAYMENTS.—Funds awarded to a State under  
12          this Act shall be paid to the individual or entity in the  
13          State that is responsible for the State administration of  
14          Federal education funds pursuant to State law.

15          (f) USE OF STATE AWARDS.—

16               (1) IN GENERAL.—From the amount made  
17               available to a State under subsection (b) for a fiscal  
18               year, the State—

19                       (A) shall use not more than 5 percent of  
20                       the amount to support programs or activities,  
21                       for children ages 5 through 17, that the State  
22                       determines appropriate, of which the State shall  
23                       distribute 20 percent of the 5 percent to local  
24                       educational agencies in the State to pay the ad-  
25                       ministrative expenses of the local educational

1 agencies that are associated with the activities  
2 and services assisted under this section; and

3 (B) shall distribute, pursuant to section  
4 4(a), not less than 95 percent of the amount to  
5 local educational agencies in the State for the  
6 fiscal year to enable the local educational agen-  
7 cies to pay the costs of activities or services  
8 provided in the classroom, for children ages 5  
9 through 17, that the local educational agencies  
10 determine appropriate subject to the require-  
11 ments of section 4(b).

12 (2) ADMINISTRATIVE EXPENSES.—For the pur-  
13 pose of paragraph (1)(B), the costs of activities and  
14 services provided in the classroom exclude the ad-  
15 ministrative expenses associated with the activities  
16 and services.

17 (g) SUPPLEMENT NOT SUPPLANT.—A State or local  
18 educational agency shall use funds received under this Act  
19 only to supplement the amount of funds that would, in  
20 the absence of such Federal funds, be made available from  
21 non-Federal sources for the education of pupils partici-  
22 pating in programs assisted under this Act, and not to  
23 supplant such funds.

24 (h) ANNUAL REPORTS.—

1           (1) IN GENERAL.—Each State receiving assist-  
2           ance under this part shall issue a report on an an-  
3           nual basis, not later than April 1 of each year begin-  
4           ning the year after the date of the enactment of this  
5           Act, to the Secretary, the Committee on Education  
6           and the Workforce of the House of Representatives,  
7           the Committee on Health, Education, Labor and  
8           Pensions of the Senate, and the Committees on Ap-  
9           propriations of the House of Representatives and the  
10          Senate that describes how funds under this Act have  
11          been used to improve student performance in that  
12          State.

13          (2) CERTIFICATION.—Each report submitted  
14          under this subsection shall include a certification by  
15          the State that 95 percent of funding provided under  
16          this Act during the preceding fiscal year has been  
17          expended by local educational agencies within that  
18          State for classroom activities and services pursuant  
19          to subsection (f)(1)(B).

20          (3) MEASURES OF PERFORMANCE.—In deter-  
21          mining student academic performance within the  
22          State, the State shall use such measures of student  
23          academic performance as it deems appropriate. The  
24          State may disaggregate data by poverty, subject

1 area, race, gender, geographic location, or other cri-  
2 teria as the State deems appropriate.

3 (4) AVAILABILITY OF REPORT.—Each State  
4 shall make the report described in this subsection  
5 available to parents and members of the public  
6 throughout that State.

7 **SEC. 4. LOCAL AWARDS.**

8 (a) DETERMINATION OF AMOUNT OF FUNDS.—

9 (1) IN GENERAL.—The individual or entity in  
10 the State that is responsible for the State adminis-  
11 tration of Federal education funds pursuant to State  
12 law of each State receiving assistance under this  
13 Act, in consultation with the Governor of such State,  
14 the chief State school officer of such State, rep-  
15 resentatives from the State legislature, and rep-  
16 resentatives from local educational agencies within  
17 such State, shall develop a formula for the allocation  
18 of funds described in section 3, to local educational  
19 agencies, taking into consideration—

20 (A) poverty rates within each local edu-  
21 cational agency;

22 (B) children living in sparsely populated  
23 areas;

24 (C) an equitable distribution of funds  
25 among urban, rural, and suburban areas;

1 (D) children whose education imposes a  
2 higher than average cost per child; and

3 (E) such other factors as considered appro-  
4 priate.

5 (2) HOLD HARMLESS.—Subject to paragraph  
6 (3), no local educational agency shall receive an  
7 award under this subsection for any fiscal year in an  
8 amount that is less than the sum of the following:

9 (A) The aggregate amount the local edu-  
10 cational agency received to carry out programs  
11 or activities for fiscal year 2005 under the fol-  
12 lowing provisions (as in effect on the day pre-  
13 ceding the date of the enactment of this Act):

14 (i) Part F of title I of the Elementary  
15 and Secondary Education Act of 1965.

16 (ii) Part A of title II of the Elemen-  
17 tary and Secondary Education Act of  
18 1965.

19 (iii) Subpart 1 of part D of title II of  
20 the Elementary and Secondary Education  
21 Act of 1965.

22 (iv) Part A of title V of the Elemen-  
23 tary and Secondary Education Act of  
24 1965.



1 (v) Subtitle B of title VII of the  
2 McKinney-Vento Homeless Assistance Act.

3 (B) For each of fiscal years 2006 through  
4 2010, the aggregate amount the local edu-  
5 cational agency is eligible to receive during the  
6 fiscal year pursuant to all multiyear awards  
7 made prior to the date of enactment of this Act  
8 under any program that is repealed by section  
9 8 and is not listed in subparagraph (A).

10 (3) INSUFFICIENT FUNDS.—If the amount allo-  
11 cated to a State to carry out this Act for any fiscal  
12 year is insufficient to pay the full amounts that all  
13 local educational agencies in such State are eligible  
14 to receive under paragraph (2) for such year, the  
15 State shall ratably reduce such amounts for such  
16 year.

17 (b) LOCAL USES OF FUNDS.—Funds made available  
18 under this section to a local educational agency shall be  
19 used for the following classroom services and activities:

20 (1) Programs for the acquisition and use of in-  
21 structional and educational materials, including li-  
22 brary services and materials (including media mate-  
23 rials), assessments, reference materials, and other  
24 curricular materials which are tied to high academic  
25 standards and which will be used to improve student

1 achievement and which are part of an overall edu-  
2 cation reform program.

3 (2) Professional development for instructional  
4 staff.

5 (3) Programs to improve the higher order  
6 thinking skills of disadvantaged elementary and sec-  
7 ondary school students and to prevent students from  
8 dropping out of school.

9 (4) Efforts to lengthen the school day or the  
10 school year.

11 (5) Programs to combat illiteracy in the student  
12 population.

13 (6) Programs to provide for the educational  
14 needs of gifted and talented children.

15 (7) Promising education reform projects that  
16 are tied to State student content and performance  
17 standards.

18 (8) Carrying out comprehensive school reform  
19 programs that are based on reliable research.

20 (9) Programs for homeless children and youth.

21 (10) Programs that are built upon partnerships  
22 between local educational agencies and institutions  
23 of higher education, educational service agencies, li-  
24 braries, businesses, regional educational laboratories,  
25 or other educational entities, for the purpose of pro-

1       viding educational services consistent with this sec-  
2       tion.

3           (11) The acquisition of books, materials and  
4       equipment, payment of compensation of instructional  
5       staff, and instructional activities that are necessary  
6       for the conduct of programs in magnet schools.

7           (12) Programs to promote academic achieve-  
8       ment among women and girls.

9           (13) Programs to provide for the educational  
10      needs of children with limited English proficiency or  
11      who are American Indian, Alaska Native, or Native  
12      Hawaiian.

13          (14) Activities to provide the academic support,  
14      enrichment, and motivation to enable all students to  
15      reach high State standards.

16          (15) Efforts to reduce the pupil-teacher ratio.

17          (16) Projects and programs which assure the  
18      participation in mainstream settings in arts and  
19      education programs of individuals with disabilities.

20          (17) Projects and programs to integrate arts  
21      education into the regular elementary and secondary  
22      school curriculum.

23          (18) Programs designed to educate students  
24      about the history and principles of the Constitution

1 of the United States, including the Bill of Rights,  
2 and to foster civic competence and responsibility.

3 (19) Mathematics and science education in-  
4 structional materials.

5 (20) Programs designed to improve the quality  
6 of student writing and learning and the teaching of  
7 writing as a learning process.

8 (21) Technology related to the implementation  
9 of school-based reform programs, including profes-  
10 sional development to assist teachers and other  
11 school officials regarding how to effectively use such  
12 equipment and software.

13 (22) Computer software and hardware for in-  
14 structional use.

15 (23) Developing, adapting, or expanding exist-  
16 ing and new applications of technology.

17 (24) Acquiring connectivity linkages, resources,  
18 and services, including the acquisition of hardware  
19 and software, for use by teachers, students, and  
20 school library media personnel in the classroom or in  
21 school library media centers, in order to improve  
22 student learning.

23 (25) After-school programs designed to engage  
24 children in a constructive manner and to promote  
25 their academic, developmental, and personal growth.

1           (26) Developing, constructing, acquiring, main-  
2           taining, operating, and obtaining technical assist-  
3           ance in the use of telecommunications audio and vis-  
4           ual facilities and equipment for use in the classroom.

5           (27) Developing, acquiring, and obtaining tech-  
6           nical assistance in the use of educational and in-  
7           structional video programming for use in the class-  
8           room.

9           (c) PARENT INVOLVEMENT.—Each local educational  
10          agency receiving assistance under this section shall involve  
11          parents and members of the public in planning for the use  
12          of funds provided under this section.

13       **SEC. 5. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**  
14       **VATE SCHOOLS.**

15          Each local educational agency that receives funds  
16          under this Act shall provide for the participation of chil-  
17          dren enrolled in private schools, and their teachers or  
18          other educational personnel, in the activities and services  
19          assisted under this Act in the same manner as private  
20          school children, and their teachers or other educational  
21          personnel, participate in activities and services under the  
22          Elementary and Secondary Education Act of 1965 (20  
23          U.S.C. 6301 et seq.) pursuant to sections 9501, 9502,  
24          9503, and 9504 of such Act (20 U.S.C. 7881, 7882, 7883,  
25          and 7884).

1 **SEC. 6. DEFINITIONS.**

2 In this Act—

3 (1) the term “local educational agency” has the  
4 meaning given the term in section 9101 of the Ele-  
5 mentary and Secondary Education Act of 1965 (20  
6 U.S.C. 7801);

7 (2) the term “educational service agency” has  
8 the meaning given the term in section 9101 of the  
9 Elementary and Secondary Education Act of 1965  
10 (20 U.S.C. 7801);

11 (3) the term “Secretary” means the Secretary  
12 of Education; and

13 (4) except as otherwise provided, the term  
14 “State” means each of the several States of the  
15 United States, the District of Columbia, the Com-  
16 monwealth of Puerto Rico, Guam, American Samoa,  
17 the Commonwealth of the Northern Mariana Is-  
18 lands, and the United States Virgin Islands.

19 **SEC. 7. GENERAL PROVISIONS.**

20 (a) **RULE OF CONSTRUCTION.**—Nothing in this Act  
21 shall be construed to authorize an officer or employee of  
22 the Federal Government to require, direct, or control a  
23 State, local educational agency, or school’s specific in-  
24 structional content of pupil performance standards and as-  
25 sessments, curriculum, or program of instruction as a con-  
26 dition of eligibility to receive funds under this Act.

1 (b) STATE AND LOCAL DETERMINATIONS.—

2 (1) IN GENERAL.—The Secretary shall not  
3 issue any regulation regarding the type of classroom  
4 activities or services that may be assisted under this  
5 Act.

6 (2) INSTRUCTIONAL METHOD AND SETTING.—

7 No local educational agency shall be required to pro-  
8 vide services under this Act through a particular in-  
9 structional method or in a particular instructional  
10 setting in order to receive funding under this Act.

11 **SEC. 8. REPEALS.**

12 The following provisions are repealed:

13 (1) Section 1503 of the Elementary and Sec-  
14 ondary Education Act of 1965.

15 (2) Part F of title I of the Elementary and Sec-  
16 ondary Education Act of 1965.

17 (3) Part A of title II of the Elementary and  
18 Secondary Education Act of 1965.

19 (4) Part B of title II of the Elementary and  
20 Secondary Education Act of 1965.

21 (5) Part C of title II of the Elementary and  
22 Secondary Education Act of 1965.

23 (6) Part D of title II of the Elementary and  
24 Secondary Education Act of 1965.

1           (7) Part D of title V of the Elementary and  
2       Secondary Education Act of 1965.

3           (8) Subtitle B of title VII of the McKinney-  
4       Vento Homeless Assistance Act.

5   **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

6       There are authorized to be appropriated to carry out  
7 this Act \$4,383,333,000 for fiscal year 2006,  
8 \$4,470,999,000 for fiscal year 2007, \$4,560,419,000 for  
9 fiscal year 2008, \$4,651,628,000 for fiscal year 2009, and  
10 \$4,744,660,000 for fiscal year 2010.

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