

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1995
OFFERED BY MR. GOODLING**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Teacher Empowerment
3 Act”.

4 **SEC. 2. TEACHER EMPOWERMENT.**

5 (a) IN GENERAL.—Title II of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C. 6601 et
7 seq.) is amended—

8 (1) by striking the heading for title II and in-
9 sserting the following:

10 **“TITLE II—TEACHER QUALITY”;**

11 (2) by repealing sections 2001 through 2003;
12 and

13 (3) by amending part A to read as follows:

14 **“PART A—TEACHER EMPOWERMENT**

15 **“SEC. 2001. PURPOSE.**

16 “The purpose of this part is to provide grants to
17 States and localities in order to assist their efforts to in-
18 crease student academic achievement through such strate-
19 gies as improving teacher quality.

1 **“Subpart 1—Grants to States**

2 **“SEC. 2011. FORMULA GRANTS TO STATES.**

3 “(a) IN GENERAL.—In the case of each State that
4 in accordance with section 2013 submits to the Secretary
5 an application for a fiscal year, the Secretary shall make
6 a grant for the year to the State for the uses specified
7 in section 2012. The grant shall consist of the allotment
8 determined for the State under subsection (b).

9 “(b) DETERMINATION OF AMOUNT OF ALLOT-
10 MENT.—

11 “(1) RESERVATION OF FUNDS.—From the
12 amount made available to carry out this subpart for
13 any fiscal year, the Secretary shall reserve—

14 “(A) ½ of 1 percent for allotments for the
15 Virgin Islands, Guam, American Samoa, and
16 the Commonwealth of the Northern Mariana Is-
17 lands, to be distributed among these outlying
18 areas on the basis of their relative need, as de-
19 termined by the Secretary in accordance with
20 the purpose of this part; and

21 “(B) ½ of 1 percent for the Secretary of
22 the Interior for programs under this part for
23 professional development activities for teachers,
24 other staff, and administrators in schools oper-
25 ated or funded by the Bureau of Indian Affairs.

26 “(2) STATE ALLOTMENTS.—

1 “(A) HOLD HARMLESS.—

2 “(i) IN GENERAL.—Subject to sub-
3 paragraph (B), from the total amount
4 made available to carry out this subpart
5 for any fiscal year and not reserved under
6 paragraph (1), the Secretary shall allot to
7 each of the 50 States, the District of Co-
8 lumbia, and the Commonwealth of Puerto
9 Rico an amount equal to the total amount
10 that each such State received for fiscal
11 year 1999 under—

12 “(I) section 2202(b) of this Act
13 (as in effect on the day before the
14 date of the enactment of the Teacher
15 Empowerment Act);

16 “(II) section 307 of the Depart-
17 ment of Education Appropriations
18 Act, 1999; and

19 “(III) section 304(b) of the Goals
20 2000: Educate America Act.

21 “(ii) RATABLE REDUCTION.—If the
22 total amount made available to carry out
23 this subpart for any fiscal year and not re-
24 served under paragraph (1) is insufficient
25 to pay the full amounts that all States are

1 eligible to receive under clause (i) for any
2 fiscal year, the Secretary shall ratably re-
3 duce such amounts for such fiscal year.

4 “(B) ALLOTMENT OF ADDITIONAL
5 FUNDS.—

6 “(i) IN GENERAL.—Subject to clause
7 (ii), for any fiscal year for which the total
8 amount made available to carry out this
9 subpart for any fiscal year and not re-
10 served under paragraph (1) exceeds the
11 total amount made available to the 50
12 States, the District of Columbia, and the
13 Commonwealth of Puerto Rico for fiscal
14 year 1999 under the authorities described
15 in subparagraph (A)(i), the Secretary shall
16 allot such excess amount as follows:

17 “(I) 50 percent of such excess
18 amount shall be allocated among such
19 States on the basis of their relative
20 populations of individuals aged 5
21 through 17, as determined by the Sec-
22 retary on the basis of the most recent
23 satisfactory data.

24 “(II) 50 percent of such excess
25 amount shall be allocated among such

1 States in proportion to the number of
2 children, aged 5 to 17, who reside
3 within the State from families with in-
4 comes below the poverty line (as de-
5 fined by the Office of Management
6 and Budget and revised annually in
7 accordance with section 673(2) of the
8 Community Services Block Grant Act
9 (42 U.S.C. 9902(2))) applicable to a
10 family of the size involved for the
11 most recent fiscal year for which sat-
12 isfactory data are available, compared
13 to the number of such individuals who
14 reside in all such States for that fiscal
15 year.

16 “(ii) EXCEPTION.—No State receiving
17 an allotment under clause (i) may receive
18 less than $\frac{1}{2}$ of 1 percent of the total ex-
19 cess amount allotted under clause (i).

20 “(3) REALLOTMENT.—If any State does not
21 apply for an allotment under this subsection for any
22 fiscal year, the Secretary shall reallocate such amount
23 to the remaining States in accordance with this sub-
24 section.

1 **“SEC. 2012. WITHIN-STATE ALLOCATIONS.**

2 “(a) USE OF FUNDS.—Each State receiving a grant
3 under this subpart shall use the funds provided under the
4 grant in accordance with this section to carry out activities
5 for the improvement of teaching and learning.

6 “(b) REQUIRED AND AUTHORIZED EXPENDI-
7 TURES.—

8 “(1) REQUIRED EXPENDITURES.—The Sec-
9 retary may make a grant to a State under this sub-
10 part only if the State agrees to expend at least—

11 “(A) 95 percent of the amount of the
12 funds provided under the grant for the purpose
13 of making subgrants to local educational agen-
14 cies under subpart 3; and

15 “(B) 2 percent of the amount of the funds
16 provided under the grant for the purpose of
17 making subgrants to eligible partnerships under
18 subpart 2 (of which percent, up to 5 percent
19 may be used for planning and administration
20 related to carrying out such purpose).

21 “(2) AUTHORIZED EXPENDITURES.—A State
22 that receives a grant under this subpart may expend
23 not more than 3 percent of the amount of the funds
24 provided under the grant for one or more of the au-
25 thorized State activities described in subsection (d)
26 (of which percent, the State may use up to 5 percent

1 for planning and administration related to carrying
2 out such activities and making subgrants to local
3 educational agencies under subpart 3).

4 “(c) DISTRIBUTION OF SUBGRANTS TO LOCAL EDU-
5 CATIONAL AGENCIES.—

6 “(1) FORMULA FOR 80 PERCENT OF FUNDS.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), a State receiving a grant
9 under this subpart shall distribute 80 percent
10 of the amount described in subsection (b)(1)(A)
11 through a formula under which—

12 “(i) 50 percent is allocated to local
13 educational agencies in accordance with
14 the relative enrollment in public and pri-
15 vate nonprofit elementary and secondary
16 schools within the boundaries of such
17 agencies; and

18 “(ii) 50 percent is allocated to local
19 educational agencies in proportion to the
20 number of children, aged 5 to 17, who re-
21 side within the geographic area served by
22 such agency from families with incomes
23 below the poverty line (as defined by the
24 Office of Management and Budget and re-
25 vised annually in accordance with section

1 673(2) of the Community Services Block
2 Grant Act (42 U.S.C. 9902(2))) applicable
3 to a family of the size involved for the
4 most recent fiscal year for which satisfac-
5 tory data are available, compared to the
6 number of such individuals who reside in
7 the geographic areas served by all the local
8 educational agencies in the State for that
9 fiscal year.

10 “(B) ALTERNATIVE FORMULA.—A State
11 may increase the percentage described in sub-
12 paragraph (A)(ii) (and commensurately de-
13 crease the percentage described in subpara-
14 graph (A)(i)).

15 “(2) DISTRIBUTION OF 20 PERCENT OF
16 FUNDS.—

17 “(A) COMPETITIVE PROCESS.—A State re-
18 ceiving a grant under this subpart shall distrib-
19 ute 20 percent of the amount described in sub-
20 section (b)(1)(A) through a competitive process
21 that results in an equitable distribution by geo-
22 graphic area within the State.

23 “(B) PARTICIPANTS.—The competitive
24 process under subparagraph (A) shall be open
25 to local educational agencies and eligible part-

1 nerships (as defined in section 2021(e)), except
2 that a State shall give priority to high-need
3 local educational agencies that focus on math,
4 science, or reading professional development
5 programs.

6 “(d) AUTHORIZED STATE ACTIVITIES.—The author-
7 ized State activities referred to in subsection (b)(2) are
8 the following:

9 “(1) Reforming teacher certification, recertifi-
10 cation, or licensure requirements to ensure that—

11 “(A) teachers have the necessary teaching
12 skills and academic content knowledge in the
13 subject areas in which they are assigned to
14 teach;

15 “(B) they are aligned with the State’s
16 challenging State content standards; and

17 “(C) teachers have the knowledge and
18 skills necessary to help students meet challeng-
19 ing State student performance standards.

20 “(2) Carrying out programs that—

21 “(A) include support during the initial
22 teaching experience; and

23 “(B) establish, expand, or improve alter-
24 native routes to State certification of teachers
25 for highly qualified individuals with a bacca-

1 laureate degree, including mid-career profes-
2 sionals from other occupations, paraprofes-
3 sionals, former military personnel, and recent
4 college graduates with records of academic dis-
5 tinction who demonstrate the potential to be-
6 come highly effective teachers.

7 “(3) Developing and implementing effective
8 mechanisms to assist local educational agencies and
9 schools in effectively recruiting and retaining highly
10 qualified and effective teachers and principals.

11 “(4) Reforming tenure systems and implement-
12 ing teacher testing and other procedures to expedi-
13 tiously remove incompetent and ineffective teachers
14 from the classroom.

15 “(5) Developing enhanced performance systems
16 to measure the effectiveness of specific professional
17 development programs and strategies.

18 “(6) Providing technical assistance to local edu-
19 cational agencies consistent with this part.

20 “(7) Funding projects to promote reciprocity of
21 teacher certification or licensure between or among
22 States to the extent that no reciprocity agreement
23 developed under this clause or developed using funds
24 provided under this part shall lead to the weakening

1 of any State teaching certification or licensing re-
2 quirement.

3 “(8) Developing or assisting local educational
4 agencies or eligible partnerships (as defined in sec-
5 tion 2021(d)) in the development and utilization of
6 proven, innovative strategies to deliver intensive pro-
7 fessional development programs that are both cost-
8 effective and easily accessible, such as through the
9 use of technology and distance learning.

10 “(e) COORDINATION.—States receiving grants under
11 section 202 of the Higher Education Act of 1965 shall
12 coordinate the use of such funds with activities carried out
13 under this section.

14 “(f) PUBLIC ACCOUNTABILITY.—

15 “(1) IN GENERAL.—A State that receives a
16 grant under this part—

17 “(A) in the event the State provides public
18 State report cards on education, shall include in
19 such report cards—

20 “(i) the percentage of classes in core
21 academic subject areas that are taught by
22 out-of-field teachers;

23 “(ii) the percentage of classes in core
24 academic subject areas that are taught by
25 emergency certified teachers or other pro-

1 visional status through which State quali-
2 fication or licensing criteria have been
3 waived; and

4 “(iii) the average statewide class size;
5 or

6 “(B) in the event the State provides no
7 such report card, shall disseminate to the public
8 the information described in clauses (i) and (ii)
9 of subparagraph (A) through other means.

10 “(2) PUBLIC AVAILABILITY.—Such information
11 shall be made widely available to the public, includ-
12 ing parents and students, through major print and
13 broadcast media outlets throughout the State.

14 **“SEC. 2013. APPLICATIONS BY STATES.**

15 “(a) IN GENERAL.—To be eligible to receive a grant
16 under this subpart, a State shall submit an application
17 to the Secretary at such time, in such manner, and con-
18 taining such information as the Secretary may reasonably
19 require.

20 “(b) CONTENTS.—Each application under this sec-
21 tion shall include the following:

22 “(1) A description of how the State will ensure
23 that a local educational agency receiving a subgrant
24 under subpart 3 will comply with the requirements
25 of such subpart, including the required use of funds

1 for mathematics and science programs, professional
2 development, and hiring teachers to reduce class
3 size.

4 “(2) A description of the specific performance
5 indicators the State will use (including an identifica-
6 tion of how such performance indicators will be
7 measured and reported) for each local educational
8 agency to measure the annual progress of activities
9 funded under subpart 3 in increasing—

10 “(A) student academic achievement; and

11 “(B) teacher quality, as demonstrated
12 through a reduction in the number of out-of-
13 field teachers in the classroom.

14 “(3) A description of the bonus incentives, if
15 any, that will be provided to local educational agen-
16 cies that exceed a level of improvement established
17 by the State based on such performance indicators,
18 and actions the State will take in the event a local
19 educational agency fails to meet or make progress
20 toward such level of improvement.

21 “(4) A description of how the State will coordi-
22 nate professional development activities authorized
23 under this part with professional development activi-
24 ties provided under other Federal, State, and local
25 programs, including those authorized under title I,

1 title III, title IV, part A of title VII, and (where ap-
2 plicable) the Individuals with Disabilities Education
3 Act and the Carl D. Perkins Vocational and Tech-
4 nical Education Act. The application shall also de-
5 scribe the comprehensive strategy that the State will
6 take as part of such coordination effort, to ensure
7 that teachers are trained in the utilization of tech-
8 nology so that technology and its applications are ef-
9 fectively used in the classroom to improve teaching
10 and learning in all curriculum and content areas, as
11 appropriate.

12 “(5) A description of how the State will encour-
13 age the development of proven, innovative strategies
14 to deliver intensive professional development pro-
15 grams that are both cost-effective and easily acces-
16 sible, such as through the use of technology and dis-
17 tance learning.

18 “(c) APPLICATION SUBMISSION.—A State application
19 submitted to the Secretary under this section shall be ap-
20 proved by the Secretary unless the Secretary makes a
21 written determination, within 90 days after receiving the
22 application, that the application is in violation of the provi-
23 sions of this Act.

1 **“Subpart 2—Subgrants to Eligible Partnerships**

2 **“SEC. 2021. PARTNERSHIP GRANTS.**

3 “(a) IN GENERAL.—From the amount described in
4 section 2012(b)(1)(B), the State agency for higher edu-
5 cation, working in conjunction with the State educational
6 agency (if such agencies are separate), shall award grants
7 on a competitive basis to eligible partnerships to enable
8 such partnerships to carry out activities described in sub-
9 section (b). Such grants shall be equitably distributed by
10 geographic area within the State.

11 “(b) USE OF FUNDS.—A recipient of funds under
12 this section shall use the funds for—

13 “(1) professional development activities in core
14 academic subjects to ensure that teachers have con-
15 tent knowledge in the subjects they teach; and

16 “(2) developing and providing assistance to
17 local educational agencies and the teachers, prin-
18 cipals, and administrators, of public and private
19 schools in each such agency, for sustained, high-
20 quality professional development activities which—

21 “(A) ensure they are able to use State con-
22 tent standards, performance standards, and as-
23 sessments to improve instructional practices
24 and improve student achievement; and

25 “(B) may include intensive programs de-
26 signed to prepare teachers who will return to

1 their school to provide such instruction to other
2 teachers within such school.

3 “(c) SPECIAL RULE.—No single participant in an eli-
4 gible partnership may retain more than 50 percent of the
5 funds made available to the partnership under this section.

6 “(d) ELIGIBLE PARTNERSHIPS.—As used in this sec-
7 tion, the term ‘eligible partnerships’ means an entity
8 that—

9 “(1) shall include—

10 “(A) a high-need local educational agency;

11 “(B) a school of arts and sciences; and

12 “(C) an institution that prepares teachers;

13 and

14 “(2) may include other local educational agen-
15 cies, a public charter school, a public or private ele-
16 mentary or secondary school, an educational service
17 agency, a public or private nonprofit educational or-
18 ganization, or a business.

19 “(e) COORDINATION.—Partnerships receiving grants
20 under section 203 of the Higher Education Act of 1965
21 shall coordinate the use of such funds with any related
22 activities carried out by such partnership with funds made
23 available under this section.

1 professional development in academic subjects
2 other than mathematics and science.

3 “(ii) STANDARD FOR GRANTING.—A
4 State may not approve such a waiver un-
5 less the local educational agency is able to
6 demonstrate that—

7 “(I) the professional development
8 needs of mathematics and science
9 teachers, including elementary teach-
10 ers responsible for teaching mathe-
11 matics and science, have been ade-
12 quately served and will continue to be
13 adequately served if the waiver is ap-
14 proved;

15 “(II) State assessments in math-
16 ematics and science demonstrate that
17 each school within the local edu-
18 cational agency has made and will
19 continue to make progress toward
20 meeting the challenging State or local
21 content standards and student per-
22 formance standards in these areas;
23 and

24 “(III) State assessments in other
25 academic subjects demonstrate a need

1 to focus on subjects other than mathe-
2 matics and science.

3 “(iii) GRANDFATHER OF OLD WAIV-
4 ERS.—A waiver provided to a local edu-
5 cational agency under part D of title XIV
6 prior to the date of the enactment of the
7 Teacher Empowerment Act shall be
8 deemed effective until such time as it oth-
9 erwise would have ceased to be effective.

10 “(3) PROFESSIONAL DEVELOPMENT ACTIVI-
11 TIES.—Each local educational agency that receives a
12 subgrant under this subpart shall use a portion of
13 such funds for professional development activities
14 that give teachers, principals, and administrators the
15 knowledge and skills to provide students with the op-
16 portunity to meet challenging State or local content
17 standards and student performance standards. Such
18 activities shall be consistent with sections 2033 and
19 2034.

20 “(4) HIRING AND RETAINING WELL-QUALIFIED
21 AND EFFECTIVE TEACHERS.—

22 “(A) IN GENERAL.—Each local educational
23 agency that receives a subgrant under this sub-
24 part shall use a portion of such funds for re-
25 cruiting, hiring, and training certified teachers,

1 including teachers certified through State and
2 local alternative routes, in order to reduce class
3 size.

4 “(B) SPECIAL RULE FOR SPECIAL EDU-
5 CATION TEACHERS.—Notwithstanding subpara-
6 graph (A), a local educational agency may use
7 some or all of the funds described in such sub-
8 paragraph to hire special education teachers re-
9 gardless of whether such action reduces class
10 size.

11 “(C) WAIVER.—

12 “(i) APPLICATION.—A local edu-
13 cational agency may seek a waiver of the
14 requirement in subparagraph (A) from a
15 State in order to allow the local edu-
16 cational agency to use such funds for pur-
17 poses other than hiring teachers in order
18 to reduce class size.

19 “(ii) STANDARD FOR GRANTING.—A
20 State may not approve such a waiver un-
21 less the local educational agency is able to
22 demonstrate that—

23 “(I) such funds will be used to
24 ensure that all instructional staff have
25 the subject matter knowledge, teach-

1 ing knowledge, and teaching skills
2 necessary to teach effectively in the
3 content area or areas in which they
4 provide instruction; or

5 “(II) an initiative to reduce class
6 size would result in having to rely on
7 underqualified teachers, inadequate
8 classroom space, or would have any
9 other negative consequence affecting
10 the efforts of the local educational
11 agency to improve student academic
12 achievement.

13 “(b) ALLOWABLE ACTIVITIES.—Each local edu-
14 cational agency that receives a subgrant under this sub-
15 part may use the subgrant to carry out the following ac-
16 tivities:

17 “(1) Initiatives to assist recruitment of highly
18 qualified teachers who will be assigned teaching posi-
19 tions within their field, including—

20 “(A) providing signing bonuses or other fi-
21 nancial incentives, such as differential pay, for
22 teachers to teach in academic subject areas in
23 which there exists a shortage of such teachers
24 within the school or local educational agency;

25 “(B) establishing programs that—

1 “(i) recruit professionals from other
2 fields and provide such professionals with
3 alternative routes to teacher certification;
4 and

5 “(ii) provide increased opportunities
6 for minorities, individuals with disabilities,
7 and other individuals underrepresented in
8 the teaching profession; and

9 “(C) implementing hiring policies that en-
10 sure comprehensive recruitment efforts as a
11 way to expand the applicant pool, such as
12 through identifying teachers certified through
13 alternative routes, coupled with a system of in-
14 tensive screening designed to hire the most
15 qualified applicant.

16 “(2) Initiatives to promote retention of highly
17 qualified teachers and principals including—

18 “(A) programs that provide mentoring to
19 newly hired teachers, such as from master
20 teachers and to newly hired principals; or

21 “(B) programs that provide other incen-
22 tives, including financial incentives, to retain
23 teachers who have a record of success in help-
24 ing low-achieving students improve their aca-
25 demic success.

1 “(3) Programs and activities that are designed
2 to improve the quality of the teacher force, such
3 as—

4 “(A) innovative professional development
5 programs (which may be through partnerships
6 including institutions of higher education), in-
7 cluding programs that train teachers to utilize
8 technology to improve teaching and learning,
9 that are consistent with the requirements of
10 section 2033;

11 “(B) development and utilization of prov-
12 en, cost-effective strategies for the delivery of
13 professional development activities, such as
14 through the utilization of technology and dis-
15 tance learning;

16 “(C) tenure reform;

17 “(D) merit pay;

18 “(E) testing of elementary and secondary
19 school teachers in the subject areas taught by
20 such teachers;

21 “(F) professional development programs
22 that provide instruction in how to teach chil-
23 dren with different learning styles, particularly
24 children with disabilities and children with spe-

1 cial learning needs (including those who are
2 gifted and talented); and

3 “(G) professional development programs
4 that provide instruction in how best to dis-
5 cipline children in the classroom and identify
6 early and appropriate interventions to help such
7 children learn.

8 “(4) Teacher opportunity payments, consistent
9 with section 2034.

10 **“SEC. 2032. LOCAL APPLICATIONS.**

11 “(a) IN GENERAL.—A local educational agency seek-
12 ing to receive a subgrant from a State under this subpart
13 shall submit an application to the State—

14 “(1) at such time as the State shall require;
15 and

16 “(2) which is coordinated with other programs
17 under this Act, or other Acts, as appropriate.

18 “(b) LOCAL APPLICATION CONTENTS.—The local ap-
19 plication described in subsection (a), shall include, at a
20 minimum, the following:

21 “(1) A description of the how the local edu-
22 cational agency intends to use funds provided under
23 this subpart, including an assurance that the local
24 educational agency will meet the requirements for
25 the use of funds for mathematics and science pro-

1 grams, professional development, and hiring teachers
2 to reduce class size under section 2031.

3 “(2) An assurance that the local educational
4 agency will target funds to schools within the juris-
5 diction of the local educational agency that—

6 “(A) have the highest proportion of out-of-
7 field teachers;

8 “(B) have the largest average class size; or

9 “(C) are identified for school improvement
10 under section 1116(c).

11 “(3) A description of how the local educational
12 agency will coordinate professional development ac-
13 tivities authorized under this subpart with profes-
14 sional development activities provided through other
15 Federal, State, and local programs, including those
16 authorized under title I, title III, title IV, part A of
17 title VII, and (where applicable) the Individuals with
18 Disabilities Education Act and the Carl D. Perkins
19 Vocational and Technical Education Act.

20 “(4) A description of how the local educational
21 agency will integrate funds under this subpart with
22 funds received under title III that are used for pro-
23 fessional development to train teachers in how to use
24 technology to improve learning and teaching.

1 “(c) PARENTS’ RIGHT-TO-KNOW.—A local edu-
2 cational agency that receives funds under this subpart
3 shall provide, upon request and in an understandable and
4 uniform format, to any parent of a student attending any
5 school receiving funds under this subpart, information re-
6 garding the professional qualifications of the student’s
7 classroom teachers, including, at a minimum, the follow-
8 ing:

9 “(1) Whether the teacher has met State quali-
10 fication and licensing criteria for the grade levels
11 and subject areas in which the teacher provides in-
12 struction.

13 “(2) Whether the teacher is teaching under
14 ‘emergency’ or other provisional status through
15 which State qualification or licensing criteria have
16 been waived.

17 “(3) The college major of the teacher and any
18 other graduate certification or degree held by the
19 teacher, and the field or discipline of the certifi-
20 cation or degree.

21 **“SEC. 2033. PROFESSIONAL DEVELOPMENT FOR TEACHERS.**

22 “(a) LIMITATION RELATING TO CURRICULUM AND
23 CONTENT AREAS.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2), professional development funds under this

1 subpart may not be provided for a teacher and an
2 activity if the activity is not—

3 “(A) directly related to the curriculum and
4 content areas in which the teacher provides in-
5 struction; or

6 “(B) designed to enhance the ability of the
7 teacher to understand and use the State’s
8 standards for the subject area in which the
9 teacher provides instruction.

10 “(2) EXCEPTION.—Paragraph (1) does not
11 apply to funds for professional development activities
12 that instruct in methods of disciplining children.

13 “(b) OTHER REQUIREMENTS.—Professional develop-
14 ment activities funded under this subpart—

15 “(1) shall be measured, in terms of progress,
16 using the specific performance indicators established
17 by the State in accordance with section 2013(b)(2);

18 “(2) shall be tied to challenging State or local
19 content standards and student performance stand-
20 ards;

21 “(3) shall be tied to scientifically based research
22 demonstrating the effectiveness of such program in
23 increasing student achievement or substantially in-
24 creasing the knowledge and teaching skills of such
25 teachers;

1 “(4) shall be of sufficient intensity and duration
2 (such as not to include 1-day or short-term work-
3 shops and conferences) to have a positive and lasting
4 impact on the teacher’s performance in the class-
5 room, except that this paragraph shall not apply to
6 an activity if such activity is one component of a
7 long-term comprehensive professional development
8 plan established by the teacher and the teacher’s su-
9 pervisor based upon an assessment of their needs,
10 their students’ needs, and the needs of the local edu-
11 cational agency; and

12 “(5) shall be developed with extensive participa-
13 tion of teachers, principals, and administrators of
14 schools to be served under this part.

15 “(c) ACCOUNTABILITY.—

16 “(1) IN GENERAL.—A State shall notify a local
17 educational agency that the agency is on notice of
18 the possibility that the agency may be subject to the
19 requirement in paragraph (3) if, after any fiscal
20 year, the State determines that the programs or ac-
21 tivities funded by the agency fail to meet the re-
22 quirements of subsections (a) and (b).

23 “(2) TECHNICAL ASSISTANCE.—A local edu-
24 cational agency that has been put on notice pursu-
25 ant to paragraph (1) may request technical assist-

1 ance from the State in order to provide the oppor-
2 tunity for such local educational agency to comply
3 with the requirements of subsections (a) and (b).

4 “(3) REQUIREMENT TO PROVIDE TEACHER OP-
5 PORTUNITY PAYMENTS.—A local educational agency
6 that has been put on notice by the State pursuant
7 to paragraph (1) during any 2 consecutive fiscal
8 years shall expend under section 2034 for the suc-
9 ceeding fiscal year a proportion of the amount made
10 available to the agency under this subpart equal to
11 the proportion of such amount expended by the
12 agency on professional development for the second
13 fiscal year in which it was put on notice.

14 **“SEC. 2034. TEACHER OPPORTUNITY PAYMENTS.**

15 “(a) IN GENERAL.—A local educational agency re-
16 ceiving funds under this subpart may (or, in the case of
17 a local educational agency described in section 2033(c)(3),
18 shall) provide funds directly to a teacher or a group of
19 teachers seeking opportunities to participate in a profes-
20 sional development activity of their choice.

21 “(b) NOTICE TO TEACHERS.—Local educational
22 agencies distributing funds under this section shall estab-
23 lish and implement a timely process through which proper
24 notice of availability of funds will be given to all teachers
25 within schools identified by the agency and shall develop

1 a process whereby teachers will be specifically rec-
2 ommended by principals to participate in such program
3 by virtue of—

4 “(1) their lack of full certification to teach in
5 the subject or subjects in which they teach; or

6 “(2) their need for additional assistance to en-
7 sure that their students make progress toward meet-
8 ing challenging State content standards and student
9 performance standards.

10 “(c) SELECTION OF TEACHERS.—In the event ade-
11 quate funding is not available to provide payments under
12 this section to all teachers seeking such assistance, or
13 identified as needing such assistance pursuant to sub-
14 section (b), a local educational agency shall establish pro-
15 cedures for selecting teachers which provide a priority for
16 those teachers described in paragraph (1) or (2) of sub-
17 section (b).

18 “(d) ELIGIBLE PROGRAM.—Teachers receiving a pay-
19 ment under this section shall have the choice of attending
20 any professional development program that meets the cri-
21 teria set forth in subsection (a) or (b) of section 2033.

22 **“Subpart 4—National Activities**

23 **“SEC. 2041. ALTERNATIVE ROUTES TO TEACHING.**

24 “(a) TEACHER EXCELLENCE ACADEMIES.—

1 “(1) IN GENERAL.—The Secretary may award
2 grants on a competitive basis to eligible consortia to
3 carry out activities described in this subsection.

4 “(2) USE OF FUNDS.—

5 “(A) IN GENERAL.—An eligible consortium
6 receiving funds under this subsection shall use
7 the funds to pay the costs associated with the
8 establishment or expansion of a teacher acad-
9 emy in an elementary or secondary school facil-
10 ity that carries out the activities promoting al-
11 ternative routes to State teacher certification
12 specified in subparagraph (B), the model pro-
13 fessional development activities specified in sub-
14 paragraph (C), or all such activities.

15 “(B) PROMOTING ALTERNATIVE ROUTES
16 TO TEACHER CERTIFICATION.—The activities
17 promoting alternative routes to State teacher
18 certification specified in this subparagraph are
19 the design and implementation of a course of
20 study and activities providing an alternative
21 route to State teacher certification that—

22 “(i) provide opportunities to highly
23 qualified individuals with a baccalaureate
24 degree, including mid-career professionals
25 from other occupations, paraprofessionals,

1 former military personnel, and recent col-
2 lege graduates with records of academic
3 distinction;

4 “(ii) provide stipends, for not more
5 than 2 years, to permit individuals de-
6 scribed in clause (i) to participate as stu-
7 dent teachers able to fill teaching needs in
8 academic subjects in which there is a dem-
9 onstrated shortage of teachers;

10 “(iii) provide for the recruitment and
11 hiring of master teachers to mentor and
12 train student teachers within such acad-
13 emies; and

14 “(iv) include a reasonable service re-
15 quirement for individuals completing the
16 alternative certification program estab-
17 lished by the consortium.

18 “(C) MODEL PROFESSIONAL DEVELOP-
19 MENT.—The model professional development
20 activities specified in this subparagraph are ac-
21 tivities providing ongoing professional develop-
22 ment opportunities for teachers, such as—

23 “(i) innovative programs and model
24 curricula in the area of professional devel-
25 opment which may serve as models to be

1 disseminated to other schools and local
2 educational agencies; and

3 “(ii) developing innovative techniques
4 for evaluating the effectiveness of profes-
5 sional development programs.

6 “(3) PRIORITY.—The Secretary shall award not
7 less than 1 grant to a consortium that—

8 “(A) includes a high-need local educational
9 agency located in a rural area; and

10 “(B) proposes the extensive use of distance
11 learning in order to provide the applicable
12 course work to student teachers.

13 “(4) SPECIAL RULE.—No single participant in
14 an eligible consortium may retain more than 50 per-
15 cent of the funds made available to the consortium
16 under this subsection.

17 “(5) APPLICATION.—To be eligible to receive a
18 grant under this subsection, an eligible consortium
19 shall submit an application to the Secretary at such
20 time, in such manner, and containing such informa-
21 tion as the Secretary may reasonably require.

22 “(6) ELIGIBLE CONSORTIUM.—In this sub-
23 section, the term ‘eligible consortium’ means a con-
24 sortium for a State that—

25 “(A) shall include—

1 “(i) the State agency responsible for
2 certifying teachers;

3 “(ii) not less than 1 high-need local
4 educational agency;

5 “(iii) a school of arts and sciences;
6 and

7 “(iv) an institution that prepares
8 teachers; and

9 “(B) may include local educational agen-
10 cies, public charter schools, public or private el-
11 ementary or secondary schools, educational
12 service agencies, public or private nonprofit
13 educational organizations, museums, or busi-
14 nesses.

15 “(b) CONTINUATION OF TROOPS-TO-TEACHERS PRO-
16 GRAM.—

17 “(1) PURPOSE.—It is the purpose of this sub-
18 section to authorize the continuation after Septem-
19 ber 30, 1999, of the teachers and teachers’ aide
20 placement program known as the ‘troops-to-teachers
21 program’, which was established by the Secretary of
22 Defense, and the Secretary of Transportation with
23 respect to the Coast Guard, under section 1151 of
24 title 10, United States Code.

1 “(2) TRANSFER OF FUNDS TO CONTINUE PRO-
2 GRAM.—Subject to the requirements of this sub-
3 section, the Secretary of Education may provide a
4 transfer of funds to the Defense Activity for Non-
5 Traditional Education Support of the Department of
6 Defense to permit the Defense Activity to carry out
7 the troops-to-teachers program under section 1151
8 of title 10, United States Code, notwithstanding the
9 termination date specified in subsection (c)(1)(A) of
10 such section.

11 “(3) DEFENSE AND COAST GUARD CONTRIBU-
12 TION.—The Secretary of Education may not make a
13 transfer of funds under paragraph (2) unless the
14 Secretary of Defense, and the Secretary of Trans-
15 portation with respect to the Coast Guard, agree to
16 cover not less than 25 percent of the costs associ-
17 ated with the activities conducted under the troops-
18 to-teachers program. The contributions may be in
19 the form of in-kind contributions or cash expendi-
20 tures, which may include the use of private contribu-
21 tions made for purposes of the program.

22 “(4) ELIGIBLE MEMBERS.—After September
23 30, 1999, the troops-to-teachers program shall have
24 a primary focus of recruiting members of the Armed

1 Forces who are retiring after not less than 20 years
2 of active duty.

3 “(5) PLACEMENT PRIORITY.—The Defense Ac-
4 tivity for Non-Traditional Education Support shall
5 cooperate with the Department of Education in ef-
6 forts to notify high-need local educational agencies
7 of the services available to them under the troops-
8 to-teachers program.

9 **“SEC. 2042. EISENHOWER NATIONAL CLEARINGHOUSE FOR**
10 **MATHEMATICS AND SCIENCE EDUCATION.**

11 “The Secretary may award a grant or contract, in
12 consultation with the Director of the National Science
13 Foundation, to continue the Eisenhower National Clear-
14 ighthouse for Mathematics and Science Education.

15 **“Subpart 5—Funding**

16 **“SEC. 2051. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) FISCAL YEAR 2000.—For the purpose of carry-
18 ing out this part, there are authorized to be appropriated
19 \$2,019,000,000 for fiscal year 2000, of which
20 \$15,000,000 are authorized to be appropriated to carry
21 out subpart 4.

22 “(b) OTHER FISCAL YEARS.—For the purpose of
23 carrying out this part, there are authorized to be appro-
24 priated such sums as may be necessary for fiscal years
25 2001 through 2004.

1 **“Subpart 6—General Provisions**

2 **“SEC. 2061. DEFINITIONS.**

3 “For purposes of this part—

4 “(1) ARTS AND SCIENCES.—The term ‘arts and
5 sciences’ means—

6 “(A) when referring to an organizational
7 unit of an institution of higher education, any
8 academic unit that offers 1 or more academic
9 majors in disciplines or content areas cor-
10 responding to the academic subject matter
11 areas in which teachers provide instruction; and

12 “(B) when referring to a specific academic
13 subject matter area, the disciplines or content
14 areas in which academic majors are offered by
15 the arts and sciences organizational unit.

16 “(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-
17 CY.—The term ‘high-need local educational agency’
18 means a local educational agency that serves an ele-
19 mentary school or secondary school located in an
20 area in which there is—

21 “(A) a high percentage of individuals from
22 families with incomes below the poverty line (as
23 defined by the Office of Management and
24 Budget and revised annually in accordance with
25 section 673(2) of the Community Services
26 Block Grant Act (42 U.S.C. 9902(2)));

1 “(B) a high percentage of secondary school
2 teachers not teaching in the content area in
3 which the teachers were trained to teach; or

4 “(C) a high teacher turnover rate.

5 “(3) OUT-OF-FIELD TEACHER.—The term ‘out-
6 of-field teacher’ means a teacher—

7 “(A) teaching a subject for which he or she
8 is not fully qualified, as determined by the
9 State; or

10 “(B) who did not receive a degree from an
11 institution of higher education with a major or
12 minor in the field in which he or she teaches.

13 “(4) SCIENTIFICALLY BASED RESEARCH.—The
14 term ‘scientifically based research’—

15 “(A) means the application of rigorous,
16 systematic, and objective procedures to obtain
17 valid knowledge relevant to professional devel-
18 opment of teachers; and

19 “(B) shall include research that—

20 “(i) employs systematic, empirical
21 methods that draw on observation or ex-
22 periment;

23 “(ii) involves rigorous data analyses
24 that are adequate to test the stated

1 hypotheses and justify the general conclu-
2 sions drawn;

3 “(iii) relies on measurements or obser-
4 vational methods that provide valid data
5 across evaluators and observers and across
6 multiple measurements and observations;
7 and

8 “(iv) has been accepted by a peer-re-
9 viewed journal or approved by a panel of
10 independent experts through a comparably
11 rigorous, objective, and scientific review.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) NATIONAL WRITING PROJECT.—Part K of
14 title X of the Elementary and Secondary Education
15 Act of 1965 (20 U.S.C. 8331 et seq.) is amended to
16 extend the authorization at such sums through
17 2004.

18 (2) REFERENCE TO NATIONAL CLEARINGHOUSE
19 FOR MATHEMATICS AND SCIENCE EDUCATION.—Sec-
20 tion 13302(1) of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 8672(1)) is
22 amended by striking “2102(b)” and inserting
23 “2043”.

1 **SEC. 3. AMENDMENTS RELATING TO READING EXCEL-**
2 **LENCE ACT.**

3 (a) REPEAL OF PART B.—Part B of title II of the
4 Elementary and Secondary Education Act of 1965 (20
5 U.S.C. 6641–6651) is repealed.

6 (b) READING EXCELLENCE ACT.—

7 (1) PART HEADING.—Part C of title II of such
8 Act is redesignated as part B and the heading for
9 such part B is amended to read as follows:

10 **“PART B—READING EXCELLENCE ACT”.**

11 (2) AUTHORIZATION OF APPROPRIATIONS.—

12 Section 2260 of such Act (20 U.S.C. 6661i) is
13 amended by adding at the end the following:

14 “(3) FISCAL YEARS 2001 TO 2004.—There are
15 authorized to be appropriated to carry out this part
16 \$260,000,000 for fiscal year 2001 and such sums as
17 may be necessary for fiscal years 2002 through
18 2004.”.

19 **SEC. 4. GENERAL PROVISIONS.**

20 (a) IN GENERAL.—Title II of the Elementary and
21 Secondary Education Act of 1965 (20 U.S.C. 6601 et
22 seq.) is amended—

23 (1) by repealing part D;

24 (2) by redesignating part E as part C; and

25 (3) by striking sections 2401 and 2402 and in-
26 serting the following:

1 **“SEC. 2401. PROHIBITION ON MANDATORY NATIONAL CER-**
2 **TIFICATION OF TEACHERS.**

3 “(a) PROHIBITION ON MANDATORY TESTING OR
4 CERTIFICATION.—Notwithstanding any other provision of
5 law, the Secretary is prohibited from using Federal funds
6 to plan, develop, implement, or administer any mandatory
7 national teacher test or certification.

8 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The
9 Secretary is prohibited from withholding funds from any
10 State or local educational agency if such State or local
11 educational agency fails to adopt a specific method of
12 teacher certification.

13 **“SEC. 2402. PROVISIONS RELATED TO PRIVATE SCHOOLS.**

14 “The provisions of sections 14503 through 14506
15 apply to programs under this title.

16 **“SEC. 2403. HOME SCHOOLS.**

17 “Nothing in this title shall be construed to permit,
18 allow, encourage, or authorize any Federal control over
19 any aspect of any private, religious, or home school,
20 whether or not a home school is treated as a private school
21 or home school under State law. This section shall not be
22 construed to bar private, religious, or home schools from
23 participation in programs or services under this title.”.

24 (b) CONFORMING AMENDMENTS.—

25 (1) DEFINITION OF COVERED PROGRAM.—Sec-
26 tion 14101(10)(C) of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 8801(10)(C)) is
2 amended by striking “(other than section 2103 and
3 part D)”.

4 (2) PRIVATE SCHOOL PARTICIPATION.—Section
5 14503(b)(1)(B) (20 U.S.C. 8893(b)(1)(B)) of such
6 Act is amended by striking “(other than section
7 2103 and part D of such title)”.