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ESEA Reauthorization Proposals: Comparison of Major Features of the House and Senate Versions of H.R. 1

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Summary

The authorizations of appropriations for most programs of federal aid to elementary and secondary (grades K-12) education, under the Elementary and Secondary Education Act (ESEA), expired at the end of FY2000. While the 106th Congress extensively considered several bills which would have reauthorized and amended most of these programs, only legislation extending the Impact Aid (ESEA Title VIII) and Even Start Family Literacy (ESEA Title I, Part B) programs was enacted. Selected other programs, such as the Class Size Reduction program, have been initiated and continued solely through annual appropriations legislation.

The 107th Congress is considering proposals to amend and extend the ESEA. On June 14, 2001, the Senate passed its version of H.R. 1, the "Better Education for Students and Teachers (BEST) Act," while the House passed its version of H.R. 1, the "No Child Left Behind Act of 2001," on May 23. Conference committee consideration of the differing versions of H.R. 1 is expected to begin shortly.

These two versions of H.R. 1 have several common characteristics. Both of them would: expand upon the existing pupil outcome accountability requirements of the ESEA Title I program for the education of disadvantaged pupils; require participating states to assess pupil performance in each of grades 3-8 (contingent on appropriation of minimum amounts for state assessment grants under the Senate bill), and to participate in the National Assessment of Educational Progress (or in the case of the House bill, an alternative assessment); provide for public school choice and supplemental services options for pupils attending unsuccessful schools; authorize expanded programs intended to enhance teacher quality; require the publication of "report cards" on the performance of schools, local educational agencies (LEAs), and states; and authorize bonuses for especially successful schools, LEAs, and/or states, as well as sanctions for states which fail to meet their performance objectives. In contrast, only the House passed version of H.R. 1 would require states to develop plans providing that all public school teachers will be "fully qualified" by December 2005; significantly increase required qualifications for teacher aides hired with Title I funds; authorize all states and LEAs to transfer funds among selected programs, and authorize a broader program consolidation authority for up to 100 LEAs. Only the Senate-passed version of H.R. 1 would require states to have a plan to ensure that all core subject teachers in schools in which 50% or more of the students are low-income be highly qualified; require states to adopt assessments in science and standards in history; authorize up to seven states and 25 LEAs to eliminate a wide range of program requirements in return for increased accountability in terms of pupil outcomes; and both authorize and appropriate increasing amounts for the non-ESEA Individuals with Disabilities Education Act, reaching an estimated "full funding" level by FY2011.

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Introduction

The authorizations of appropriations for most programs of federal aid to elementary and secondary (grades K-12) education, under the Elementary and Secondary Education Act (ESEA), expired at the end of FY2000. While the 106th Congress extensively considered several bills which would have reauthorized and amended most of these programs, only legislation extending the Impact Aid (ESEA Title VIII) and Even Start Family Literacy (ESEA Title I, Part B) programs was enacted. Selected other programs, such as the Class Size Reduction program, have been initiated and continued solely through annual appropriations legislation in recent years.

The 107th Congress is considering proposals to amend and extend the ESEA. On June 14, 2001, the Senate passed its version of H.R. 1, the “Better Education for Students and Teachers (BEST) Act,” while the House passed its version of H.R. 1, the “No Child Left Behind Act of 2001,” on May 23. Conference committee consideration of the differing versions of H.R. 1 is expected to begin shortly.

Only the most basic provisions of these four proposals are briefly described herein. Other CRS Reports and Issue Briefs have been or will be revised, and regularly updated, with more specific analyses of major provisions of these ESEA reauthorization proposals as they move through the legislative process.¹

These two versions of H.R. 1 have several common characteristics. Both of them would: expand upon the existing pupil outcome accountability requirements of the ESEA Title I program for the education of disadvantaged pupils; require participating states to assess pupil performance in each of grades 3-8 (contingent on appropriation of minimum amounts for state assessment grants under the Senate bill), and to participate in the National Assessment of Educational Progress (or in the case of the House bill, an alternative assessment); provide for public school choice and supplemental services options for pupils attending unsuccessful schools; authorize expanded programs intended to enhance teacher quality; require the publication of “report cards” on the performance of schools, local educational agencies (LEAs), and states; and authorize bonuses for especially successful schools, LEAs, and/or states,

¹For a current listing of these reports and issue briefs, see the “For Additional Reading” section of CRS Issue Brief IB10066, *Elementary and Secondary Education: Reconsideration of the Federal Role by the 107th Congress*, by Wayne Riddle.

as well as sanctions for states which fail to meet their performance objectives. In contrast, only the House-passed version of H.R. 1 would require states to develop plans providing that all public school teachers will be “fully qualified” by December 2005; significantly increase required qualifications for teacher aides hired with Title I funds; authorize all states and LEAs to transfer funds among selected programs, and authorize a broader program consolidation authority for up to 100 LEAs. Only the Senate-passed version of H.R. 1 would require states to have a plan to ensure that all core subject teachers in schools in which 50% or more of the students are low-income be highly qualified; require states to adopt assessments in science and standards in history; authorize up to seven states and 25 LEAs to eliminate a wide range of program requirements in return for increased accountability in terms of pupil outcomes; and both authorize and appropriate increasing amounts for the non-ESEA Individuals with Disabilities Education Act, reaching an estimated “full funding” level by FY2011.

Major features of these ESEA reauthorization bills, as well as current law, are compared in the following table.

Table 1. Major Provisions of the House and Senate Versions of H.R. 1

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
<i>Major</i> forms of program consolidation applicable to all states and local educational agencies (LEAs)	The ESEA currently authorizes 57 funded (in FY2001) and 24 unfunded programs in 13 programmatic titles.	<p>Authorizes 47 ESEA programs for FY2002 in six programmatic titles: improving the academic performance of the disadvantaged; preparing, training, and recruiting quality teachers; education of limited English proficient children/Indian and Alaska Native education; promoting informed parental choice and innovative programs; 21st century schools; and Impact Aid.</p> <p>Repeals (without elsewhere reauthorizing) most programs currently authorized under ESEA Titles IX-B (Native Hawaiians), X (Fund for the Improvement of Education and other Programs of National Significance — except Charter Schools), XI (Coordinated Services), and XII (School Facilities Infrastructure).</p>	<p>Authorizes 89 ESEA programs for FY2002 in nine programmatic titles: better results for disadvantaged children; teachers; moving limited English proficient students to English fluency; safe and drug-free schools and communities; public school choice and flexibility; parental involvement and accountability; Indian, Native Hawaiian, and Alaska Native education; Impact Aid; and education programs of national significance.</p> <p>Repeals (without elsewhere reauthorizing) most programs currently authorized under ESEA Titles XI (Coordinated Services), XII (School Facilities Infrastructure), and XIII (Technical Assistance).</p>
Authorization and funding levels	FY2001 appropriations for ESEA programs are a total of \$18,411,464,000.	Authorizes a total of \$22,866,500,000 for ESEA programs for FY2002.	Authorizes a total of \$31,680,200,000 for ESEA programs for FY2002.
Other major flexibility provisions	Ed-Flex (P.L. 106-25) authorizes participating states to waive a wide range of requirements for ESEA and certain other state-administered programs; ESEA Title I schoolwide programs allow many requirements under most federal programs to be waived in schools where 50% or more of pupils are from low-income families; and ESEA Title XIV authorizes the Secretary of Education to waive many ESEA requirements on a case-by-case basis.	In addition to current flexibility authorities, reduces Title I schoolwide program eligibility threshold to 40%. Also contains an authority for states and LEAs to transfer funds among several ESEA state-administered formula grant programs, except that funds could only be transferred into, and not away from, ESEA Title I. States may transfer up to 50% of the program funds over which they have authority, except for administrative funds. Most LEAs may transfer up to 50% of funds they receive under the affected programs; LEAs identified as needing	In addition to current flexibility authorities, reduces Title I schoolwide program eligibility threshold to 40%. Also contains a performance agreement authority under which up to seven states, and up to 25 LEAs in other states, could eliminate a wide range of program requirements under almost all of the ESEA's state-administered, formula grant programs in return for increased accountability in terms of pupil outcomes. Participating states and LEAs must exceed AYP standards by a statistically significant degree. States could reallocate funds among LEAs to a limited degree, with particular

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
		<p>improvement could transfer only up to 30% of their grants under the affected programs, and only if used for school/LEA improvement. Also would authorize a local flexibility demonstration under which 100 districts (two districts per state during the first 3 years) would be permitted to consolidate funds from a small group of programs (teacher quality, technology, innovative programs, and safe schools) and use these funds for any educational purpose authorized under the ESEA.</p>	<p>constraints regarding Title I grants. Funds could be used for any purpose authorized under the combined programs.</p>
<p>School choice</p>	<p>Under the ESEA, provision of choice to attend other <i>public</i> schools is included among actions which states and LEAs <i>may</i> take on behalf of pupils attending schools which fail to meet ESEA Title I adequate yearly progress (AYP) standards. FY2001 appropriations legislation (P.L. 106-554) generally <i>requires</i> LEAs to offer to pupils attending public schools in need of improvement the option to enroll in different public schools within the same LEA. In addition, Title I funds may be used for choice programs limited to other Title I schools (although no Title I funds may be used for transportation). The ESEA also authorizes grants to magnet and charter schools.</p>	<p><i>Public</i> school choice options, within the same LEA, must be offered to pupils of all schools identified for corrective action under Title I, unless prohibited by state law. The opportunity to use a share of Title I funds to obtain supplemental educational services from a provider of choice must be offered to pupils <i>from low-income families</i> if a school fails to meet AYP requirements after 2 years in corrective action (1 year if no measurable progress is made). Transportation must be provided, and up to 15% of Title I funds may be used for this purpose. Expands the existing authority to use Title I funds for public school choice programs. Extends aid to magnet and charter schools. Requires participating states to adopt policies under which pupils who are victims of violent crimes, or who attend “persistently dangerous” public schools, must be given the option to attend a safe public school.</p>	<p><i>Public</i> school choice options, within the same LEA, must be offered to pupils attending public schools which fail to meet AYP standards for 2 consecutive years, unless prohibited by state or local law or policy, or by capacity constraints. If a school fails to meet AYP requirements for 3 consecutive years after identification, public school choice options must be offered with none of the constraints noted above, and <i>all pupils eligible to be served under Title I</i> must also be offered the choice of obtaining supplemental instructional services from a provider other than their school. Transportation must be provided, and up to 15% of Title I funds may be used for this purpose. Some of these requirements may be waived for certain rural LEAs and/or if supplemental services providers are not “reasonably available geographically.” Authorizes a new program of aid for public school choice activities, and expands aid for charter school facilities. Pupils from low-income families attending a Title I school, or all pupils who attend Title I schoolwide program sites, and who are victims of</p>

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
			<p>violent crimes, must be given the option of transferring to other public schools, unless prohibited by state or local law or policy. Public school choice options <i>may</i> be offered to pupils attending Title I schools deemed unsafe. Extends aid to magnet and charter schools.</p>
Teacher programs	<p>Provides aid through the Eisenhower Professional Development (ESEA Title II) and Class Size Reduction (CSR) programs.</p>	<p>Consolidates the Eisenhower and CSR programs into a new state formula grant program. Authorized activities are substantively expanded beyond professional development and class size reduction. Adds new teacher quality accountability requirements. Includes provisions to shield school employees (including teachers, administrators, and school board members) from legal liability for actions taken in official capacity to maintain school discipline. Authorizes funding for math and science partnerships to support summer professional development workshops for teachers and recruitment, among other activities.</p>	<p>Consolidates the Eisenhower and CSR programs into a new state formula grant program. Authorized activities are substantively expanded beyond professional development and class size reduction. Adds new teacher quality accountability requirements. Includes provisions to shield school employees (including teachers, administrators, and school board members) from legal liability for actions taken in official capacity to maintain school discipline. Authorizes funding for math and science partnerships to support summer professional development workshops for teachers and recruitment, among other activities.</p>
Teacher quality requirements	<p>Teacher aides hired with ESEA Title I funds must generally have a high school diploma or equivalency within 2 years of being hired. There are no limits on the use of Title I funds to hire aides.</p>	<p>Requires states receiving funds from the Title I to ensure that all teachers are “fully qualified” by December 31, 2005. Teacher aides hired with Title I funds 1 year or more after enactment, and all aides by 3 years after enactment, must have a 2-year (or higher) postsecondary degree or meet a “rigorous standard of quality” (except those involved in translation or parent involvement activities). Allowable duties of aides are specified. A “freeze” would be placed on the hiring of additional aides with Title I funds. Information on teacher qualifications would be included in school report cards</p>	<p>Defines “highly qualified” teachers; requires states to have a plan to ensure that all core subject teachers in schools in which 50% or more of the students are low-income be highly qualified by the end of the fourth year of funding. Does not have provisions changing the required qualifications for teacher aides hired with Title I funds. Information on teacher qualifications may be included in school report cards (see separate entry) and parents would have a right of access to this information concerning their child’s teachers.</p>

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
		(see separate entry) and parents would have a right of access to this information concerning their child’s teachers.	
Testing and assessments	Assessments under ESEA Title I (due to be implemented in 2000-2001) must be adopted in at least the subjects of mathematics and reading/language arts; be aligned with state content and pupil performance standards; be administered annually to students in at least one of grades 3-5, 6-9, and 10-12; include all pupils in the grades being assessed who have attended schools in the LEA for at least 1 year; involve multiple approaches; assess higher order thinking skills; and produce results disaggregated by gender, racial and ethnic groups, English proficiency status, migrant status, disability status, and economic disadvantage.	Expands current ESEA Title I assessment requirements by requiring states to develop standards (but not assessments) in science, and to assess all pupils in reading and mathematics each year in grades 3-8. Authorizes annual administration of National Assessment of Educational Progress (NAEP) 4 th and 8 th grade reading and mathematics tests in every state, and requires states to participate in these assessments <i>or</i> other independent assessments meeting certain criteria (with costs paid by the federal government). Requires pupils who have been in U.S. schools for at least 3 years to be tested (for reading) in English, and requires states to annually assess the English language proficiency of their limited English proficient (LEP) pupils. Authorizes grants to states for assessment development and administration. Authorizes a study of the effects of testing on students.	Expands current ESEA Title I assessment requirements by requiring participating states to implement annual assessments in reading and mathematics for each pupil in grades 3-8, based on state content and pupil performance standards; to adopt standards and assessments at 3 grade levels in science; to adopt standards, but not assessments, in history; and to participate in annual administration of NAEP tests in 4 th and 8 th grade reading and mathematics (by 2005-2006), except that the smallest (in population) states would be required to participate in NAEP tests only once every 2 years. The expanded testing requirements would apply only if the federal government appropriates specified amounts for state test development grants. It would require assessments to be of “adequate technical quality,” and authorize awards to states which have developed high quality assessments. The General Accounting Office would be directed to conduct a study of the costs to states of complying with the Title I assessment requirements. Requires pupils who have been in U.S. schools for 3 years to be tested (for reading) in English, and requires states to annually assess the English language proficiency of their LEP pupils. Authorizes a National Academy of Sciences evaluation of the impact of high stakes pupil tests. Also authorizes grants to states and LEAs for development of enhanced assessment instruments.

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
<p>ESEA Title I outcome accountability requirements</p>	<p>States select AYP standards and apply these to participating LEAs and schools. Schools and LEAs may limit focus to specific pupils served by Title I. States are to identify LEAs, and LEAs are to identify schools, which fail to meet AYP standards for 2 consecutive years. Such schools and LEAs are to receive technical assistance. After the third year following identification corrective actions — which <i>may</i> include loss of funds, reconstitution of school staff, etc., — must be taken. Most corrective actions cannot be taken until standards and assessments are fully implemented. States may reserve up to 0.5% of grants for program improvement.</p>	<p>Increases the share of Title I funds which may be reserved by states for program improvement from 0.5% to 2% (FY2002-2003) and 3% (FY2004-2006). AYP standards must apply specifically to economically disadvantaged pupils, LEP pupils, pupils with disabilities, pupils in major racial and ethnic groups, as well as all pupils, in each public school, LEA, and state. AYP standards must provide for each pupil in the state to reach at least the proficient level of achievement by a target date of no more than 12 years after enactment. For a school to meet AYP standards, 95%+ of relevant pupils must be assessed.</p> <p>LEAs are to identify schools which fail to meet AYP standards for 1 year. Such schools and LEAs are to receive technical assistance. States and LEAs must adopt one or more of a limited number of corrective actions if schools fail to improve 1 year after being identified for program improvement. <i>Public</i> school choice options must be offered to pupils of all schools identified for corrective action, unless prohibited by state law. If a school fails to meet AYP requirements after 2 years in corrective action (1 year if no measurable progress is made), the school must undergo “restructuring” — one of a limited number</p>	<p>Increases the share of Title I funds which may be reserved by states for program improvement from 0.5% to 3.5% (FY2002-2003) and 5.0% (FY2004-2008). Also separately authorizes additional funds for school improvement activities (in Title V-A-3). AYP standards must be established for each school, LEA, and the state overall, and must apply specifically to economically disadvantaged pupils, LEP pupils, pupils with disabilities, migrant pupils, pupils in major racial and ethnic groups, and pupils by gender, as well as all pupils, in each public school, LEA, and state, although states may combine results for these groups into a single formula, and an alternative form of AYP standard may be selected by states. AYP standards must provide for each pupil in the state to reach at least the proficient level of achievement within 10 years. For a school to meet AYP standards, 95%+ of relevant pupils must be assessed.</p> <p>LEAs are to identify for school improvement all schools which fail to meet AYP standards for 1 year. Such schools are to receive technical assistance. If an identified school fails to meet the state’s AYP standards for a second consecutive year, pupils in the school are to be offered the choice to attend other public schools not so identified, unless such options are prohibited by state or local law, or there are capacity constraints. Public school choice options are also to be offered to Title I-eligible pupils who are victims of violent crime or attend schools which are unsafe. States and LEAs must adopt corrective actions if</p>

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
		<p>of actions must be taken, and pupils from <i>low-income families</i> in the school must be given an opportunity to obtain supplemental educational services from a provider of choice. Costs for supplemental services are limited to 40% of the school's Title I grant per low-income pupil. Comparable provisions apply to LEAs which fail to meet AYP standards. States must establish a single accountability system for Title I and general purposes.</p>	<p>schools fail to improve 2 years after being identified for program improvement. One of a limited number of actions (implementation of alternative governance mechanisms such as reopening as a charter school, replacement of relevant school staff, or application of a new curriculum) must be taken with respect to schools identified for corrective action. If such a school fails to meet AYP requirements for 3 consecutive years after identification, public school choice options must be offered with none of the constraints noted above, and <i>all pupils eligible to be served under Title I</i> pupils must also be offered the choice of obtaining supplemental instructional services from a provider other than their school. Costs for supplemental services are limited to the school's Title I grant per low-income pupil, and no school may lose more than 15% of its total Title I grant. If, during the year following identification for corrective action, a school still fails to meet AYP standards overall, and specifically fails to make AYP for economically disadvantaged students in the same subject for each of the three years preceding the school year for which the school was identified, it would be "reconstituted," defined as replacement of all school staff, reopening as a charter school, or implementation of alternative governance arrangements. Some of these requirements may be waived for certain rural LEAs and/or if supplemental services providers are not "reasonably available geographically." Comparable provisions apply to LEAs which fail to meet AYP standards. States must establish a single</p>

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
			accountability system for Title I and general purposes.
Report cards	Each school and LEA participating in ESEA Title I is to be reviewed annually. <i>When</i> standards and assessment systems are fully implemented, “individual performance profiles” are to be prepared and disseminated by LEAs for each participating school. “Statistically sound” achievement data, disaggregated by pupil gender, race or ethnicity, as well as LEP, migrant, disability, and low-income status, are to be reported for each school, LEA, and the state overall.	Establishes new or expanded requirements for reporting to parents and the public on state, LEA, and school performance and teacher quality in schools.	Establishes new or expanded requirements for reporting to parents and the public on state, LEA, and school performance and teacher quality in schools.
Targeting of Title I grants on high poverty areas and schools	In the allocation of funds to LEAs, the ESEA statute provides that all funds above the FY1995 level are to be allocated under the Targeted Grant formula — however, appropriations acts have prevented any funds from being used for this purpose. Within LEAs, funds are allocated to schools primarily on their number of pupils from low-income families. In general, all schools where 75% or more of pupils are from low-income families must be served. Within schools, services are focused on the lowest-achieving pupils (targeted assistance schools) or entire school if eligible for a schoolwide program.	Current provisions are updated but generally unchanged. A hold harmless is added for Concentration Grants, and the minimum expenditure factor is increased for Puerto Rico.	Current provisions are updated but generally unchanged. A hold harmless provision based on the greater of 100% of previous year grants, or grants calculated without a hold harmless, is authorized. The state minimum for Targeted Grants and Education Finance Incentive Grants is increased from approximately 0.25% to 0.5%.
Education for limited English proficient (LEP) pupils	Provides competitive grants for the education of LEP pupils under the Bilingual Education Act (BEA) and formula grants for the education of recent immigrant pupils under the Emergency Immigrant Education Program (EIEP); limits use of BEA funds for non-bilingual instructional approaches to	Consolidates programs into a single formula grant to states based on LEP enrollment. Requires pupils who have been in U.S. schools for at least 3 years to be tested (for reading) in English. Eliminates current requirement that funds be used to support specific instructional techniques. Adds	Consolidates BEA instructional services programs (four discretionary grants) into two types of discretionary grants. Eliminates current requirement that funds be used to support specific instructional techniques. Maintains current BEA professional development grants. Also extends the FLAP

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
	25% of grants. Additional assistance is available through Foreign Language Assistance Program (FLAP) grants for two-way language programs that provide language instruction to native English speakers and LEP pupils.	accountability requirements related to the extent to which pupils become proficient in English within 3 years. Does not include FLAP.	and EIEP. If appropriation is above \$700 million, a consolidated formula grant program to states based on LEP (67%) and immigrant (33%) enrollment replaces the EIEP and BEA. FLAP would be unaffected by the consolidation.
21 st Century Community Learning Centers (21 st CCLC)/After-school programs	Provides competitive grants to LEAs for academic and other after-school programs.	Reauthorizes 21 st CCLC and Safe and Drug-Free Schools within a new Title, with separate funding streams. Authorizes states to carry out programs through grants and contracts with community-based organizations, other public entities or private organizations, as well as LEAs.	Retains the 21 st CCLC as a separate program (ESEA Title I-F). Expands eligibility to include general purpose units of local government, community-based organizations, and other public or private entities experienced in providing after-school services. Gives priority to programs which include academic enrichment activities.
School construction and renovation	Authorizes grants to high-need LEAs for school construction and renovation assistance under ESEA Title XII — however, this program has never been funded. FY2001 appropriations legislation provides \$1.2 billion for emergency school renovation of high-need schools, competitive grants for poverty level and rural schools; schools composed of 50% or more Native American students; competitive grants for use under IDEA or school technology; charter school demonstration, and for other purposes under ESEA Title VI. The ESEA also authorizes aid for construction of schools for pupils in military families (under ESEA Title VII, Impact Aid).	Repeals current ESEA Title XII authority. Amends provisions for construction of schools for Native American students in Bureau of Indian Affairs (BIA) schools, and expands authority for construction of schools to serve certain military families (see “Impact Aid” entry below).	Repeals current ESEA Title XII authority. Authorizes aid for acquisition of facilities by charter schools. Authorizes use of Innovative Education Program Strategies funds for construction or renovation of schools with relatively small enrollments and small class sizes. Expands authority for construction of schools to serve certain military families (see “Impact Aid” entry below).
Educational technology	ESEA Title III authorizes a state formula grant plus several competitive/discretionary grant programs to expand access to, and effective use of, educational technology. The E-Rate program (outside the ESEA) uses telecommunications taxes to subsidize	Consolidates most of the ESEA Title III programs for telecommunications and technology access into a single formula grant program and authorizes national technology activities. Reauthorizes Ready to Learn and Teacherline (formerly	Consolidates several ESEA Title III programs for telecommunications and technology into a single formula grant program. Authorizes Preparing Tomorrow’s Teachers to Use Technology and Community Technology Centers

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
	Internet access by schools, colleges, and public libraries.	Mathline).	discretionary grants and reauthorizes Ready to Learn, Ready to Teach (formerly Mathline) and Star Schools. Authorizes a new Rural Technology Education Academies program.
School safety	ESEA Title IV authorizes state formula grants and competitive grants for school safety and anti-drug abuse programs.	Extends the ESEA school safety program in somewhat modified form. Requires programs to be consistent with “principles of effectiveness.” Requires states to establish statewide policy providing public school choice to students attending “persistently dangerous” schools or who are victims of violent crimes on school grounds. Incorporates Gun Free Schools Act into this title. Requires districts to have a discipline policy concerning specific kinds of infractions (e.g., bringing a weapon to school) that would permit school personnel to treat disabled students in the same fashion as other students. Expands character education program.	Extends ESEA school safety program in somewhat modified form. Authorizes aid to reduce alcohol abuse in secondary schools; hire drug prevention and school safety program coordinators in schools; create new competitive grant programs for combating the effects on students who witness or experience domestic violence, and for suicide prevention programs. Establishes a National Center for School and Youth Safety jointly supported by ED and the Department of Justice for emergency responses and other school safety activities; and allows confidential reporting of persons suspected of imminent school violence. Requires participating schools to assess drug and violence problems, set measurable goals, use a research-based prevention framework for programs, and conduct evaluations. Expands the local uses of funds to include drug testing and locker searches, and nationwide background checks of employees. Incorporates statutory provisions into Title IV requiring states to have laws mandating expulsion from school for 1 year for any student bringing a weapon to school, and forbidding tobacco use within any indoor facility used for providing education or related services. Expelled or suspended students would be required to perform community service during their time away from school, and alternative programs would be created to educate and discipline

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
Performance bonuses (not specific to individual programs)	States are to identify especially successful “distinguished schools” and “distinguished educators.” States <i>may</i> use ESEA Title I funds reserved for program improvement (up to 0.5% of total grants) to support such schools and educators. LEAs may also provide nonfinancial rewards to them.	In addition to provisions specific to ESEA Titles I-III (see above), authorizes bonus payments to states which are especially successful in improving the academic achievement of economically disadvantaged pupils and pupils from racial and ethnic minority groups, as well as all pupils and LEP pupils. States would distribute these funds to schools on the basis of the same criteria. Also authorizes one-time bonus payments to states which adopt assessments in each of grades 3-8 more expeditiously than they are required to do so.	chronically violent and disruptive students. In addition to provisions specific to ESEA Titles I-III (see above), authorizes bonus payments to states which are especially successful in improving the academic achievement of economically disadvantaged pupils and pupils from racial and ethnic minority groups, as well as all pupils and LEP pupils. States would distribute these funds to schools on the basis of the same criteria. Authorizes separate series of bonus grants directly to schools which have made the greatest progress in the education of economically disadvantaged pupils, and awards for other activities other than the activities such as character education and the identification and recognition of exemplary schools and programs such as Blue Ribbon Schools. Also authorizes one-time bonus payments to states which adopt assessments on schedule which are of high quality.
Performance sanctions (not specific to individual programs)	The Secretary of Education is authorized to reduce administrative funds to states which fail to establish standards and assessments under ESEA Title I.	In addition to provisions specific to ESEA Titles I-III (see above), states in which economically disadvantaged pupils and pupils from racial and ethnic minority groups fail to meet the state AYP standards for 2 consecutive years <i>and</i> fail to make measurable progress on NAEP or alternative independent assessments would ultimately lose up to 75% of their ESEA program administrative funds. State administrative funds would be reduced by an additional 20% in states where LEP pupils fail to meet AYP requirements for 2 consecutive years.	In addition to provisions specific to ESEA Titles I-III (see above), states which fail to meet AYP standards for 2 consecutive years, <i>and</i> in which economically disadvantaged pupils and pupils from racial and ethnic minority groups fail to make measurable progress on NAEP assessments, would ultimately lose up to 75% of their ESEA program administrative funds.
Major new ESEA	Not applicable	Establishes new or expanded programs for	Establishes new or expanded programs for

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
programs		<p>reading and reading readiness instruction in preschool and early elementary grades, mentoring for students, assessment development and administration, aid and expanded flexibility for small and/or high poverty rural school districts, school construction for pupils in Native American and military families, mathematics and science education partnerships between K-12 schools and institutions of higher education, and character education. Explicitly authorizes the Comprehensive School Reform program within ESEA Title I.</p>	<p>reading and reading readiness instruction in preschool and early elementary grades, assessment development and administration, dropout prevention, Careers to Classrooms, online Advanced Placement courses, public school choice, charter school facilities, early childhood professional development, teacher and principal recruitment, school libraries, suicide prevention, domestic violence witness, traditional American history, summer enrichment, economic education, school and mental health system integration, school security, alcohol abuse reduction, Healthy and High Performance Schools, and mentoring for students. Explicitly authorizes the Comprehensive School Reform program within ESEA Title I.</p>
Impact Aid Competitive Facilities Modernization Grants (8007(b))	<p>Authorizes modernization grants from 60% of funds provided for section. Eligible LEAs must have little or no capacity to issue bonds or be defined as a ‘heavily impacted’ LEA under Section 8003(b)(2) and qualify as certain LEAs receiving funds under Section 8002 (related to payments for federal ownership of land) — those with below state average assessed property value per student or have children living on Indian land or children of military parents comprising <i>at least 50%</i> of their total enrollment, and have a school facility emergency.</p>	<p>Authorizes one funding stream for emergency and other modernization grants, with priority given to grants for LEAs with severe emergencies. LEAs are eligible for <i>emergency grants</i> if they (1) have a facility emergency threatening student or staff health or safety, (2) have children living on Indian land or children of military parents comprising <i>at least 50%</i> of their total enrollment, and (3) have minimal or no capacity to issue bonds or are classified as “heavily impacted” LEAs under Section 8003(b)(2). To be eligible for a <i>modernization grant</i>, an LEA must (1) have facility modernization needs resulting from federal activity (e.g., increased enrollment due to the influx of military families), (2) qualify as certain LEAs receiving funds under Section 8002, and (3) have minimal or no capacity to issue bonds or be classified as “heavily impacted” LEAs. Would provide</p>	<p>Reserves amounts as follows for three types of eligible LEAs requiring facilities modernization: 10% of funds provided for this subsection are reserved for certain LEAs receiving funds under Section 8002(a); 45% of such funds are reserved for LEAs having children living on Indian lands comprise <i>at least 25%</i> of total enrollment; and 45% of funds are served for LEAs having children of military parents comprise at least 25% of total enrollment. Regarding the latter two reserves, 10% of funds in each case are reserved for emergency grants. Would authorize ‘such sums’ through FY2006. Authorizes three funding streams based on eligible LEAs’s characteristics.</p>

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
		an initial authorization of \$150 million (more than 10 times current appropriations) for FY2002 and “such sums” for the next 4 fiscal years.	
Funding for Individuals with Disabilities Education Act (IDEA) Part B grants to states	Authorizes “such sums as may be necessary;” the FY2001 appropriation level is \$6.3 billion	No comparable provision	Authorizes <i>and</i> appropriates an additional \$2.5 billion for each year between FY2002 and FY2006. For FY2007-FY2011, authorizes <i>and</i> appropriates the lesser of the total maximum amount for states or \$21.1 billion, \$21.7 billion, \$22.4 billion, \$23.1 billion, and \$23.8 billion respectively. Thereafter authorizes “such sums as may be necessary.”
Discipline provisions for children with disabilities	Currently, under IDEA, a child with a disability is not immune from discipline but the procedures are not identical to those for a child without disabilities. If a child with a disability commits an action that would be subject to discipline, school personnel have the following options: 1) suspending the child for up to ten days with no educational services provided; 2) conducting a manifestation determination review to determine whether there is a link between the child’s disability and the misbehavior. If the child’s behavior is not a manifestation of a disability, long term disciplinary action such as expulsion may occur, except that educational services may not cease. If the child’s behavior is a manifestation of the child’s disability, the school may review the child’s placement and, if appropriate, initiate a change in placement; 3) placing the child in an interim alternative education setting for up to 45 days (which can be renewed) for situations involving weapons or drugs; and 4) asking a	Adds a Section 5155 to the ESEA providing that states receiving funds under the act shall require each LEA to have in effect a policy allowing school personnel to discipline a child with a disability in the same manner as a child without a disability is disciplined if the child with a disability (1) carries or possesses a weapon to or at a school, on school premises, or to or at a school function, (2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at school, on school premises or at a school function, or (3) commits an aggravated assault or battery at a school, on school premises, or at a school function. The disciplinary action may include expulsion or suspension and school personnel may modify the disciplinary action on a case by case basis. The child with a disability who is disciplined may also assert a defense that the carrying of a weapon or the use, sale or solicitation of an illegal drug was unintentional or innocent. If the child with a disability is	Adds a new subsection to IDEA that states that notwithstanding any other provision of IDEA, a SEA or LEA may establish and implement uniform policies regarding discipline and order applicable to all children in order to ensure the safety of such children and an appropriate educational atmosphere. This broad grant of authority is limited in situations where the behavior in question is a manifestation of the child’s disability. In that situation, the child with a disability who is removed from his or her regular education placement shall receive a free appropriate public education which may be provided in an alternative educational setting. The manifestation determination is to be made no later than 10 school days after the school personnel decide to remove the child with a disability from the child’s regular educational placement. If the behavior is determined not to be a manifestation of the child’s behavior, the same disciplinary procedures may apply to the child as are applied to children without

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
	<p>hearing officer to order that a child be placed in an interim alternative educational setting for up to 45 days (which can be renewed) if it is demonstrated that the child is substantially likely to injure himself or others in his current placement. School officials may also seek an injunction in court if they are unable to reach agreement with a student’s parents and they feel that the statutory provisions are not sufficient.</p>	<p>suspended or expelled, he or she is not entitled to receive educational services although the LEA may choose to provide educational or mental health services. If such services are provided they do not have to be at any particular level and their location is at the discretion of the LEA. The amendment also contains definitions of “controlled substance,” “illegal drug,” and “weapon.”</p>	<p>disabilities.</p> <p>The Senate amendment provides school personnel with the discretion to consider all germane factors in each individual case and modify disciplinary action on a case-by-case basis. The child with a disability may assert a defense that the alleged act was unintentional or innocent. If the parents or the LEA disagree with a manifestation determination, the parents or the agency may request a review of the determination through the current IDEA procedures for an impartial due process hearing. During the course of the review, the child with a disability shall receive a free appropriate public education which may be provided in an alternative educational placement.</p> <p>The last section of the Sessions’ amendment allows a LEA, at the written request of a parent, to transfer a child with a disability to any accredited school that is specifically designed to serve children with disabilities, is selected by the child’s parents, agrees to accept the child, and carries out a program that the SEA or LEA determine will benefit the child. Certain IDEA funds shall follow the child to this new placement.</p>
<p>Education for Indians, Alaska Natives, and Native Hawaiians</p>	<p>Title IX of ESEA authorizes grants for supplemental education programs to LEAs and Bureau of Indian Affairs (BIA)-funded schools, as well as to Native Hawaiian and Alaska Native educational organizations, and to a wider range of entities for educational improvement for Indian children and adults. The Education Amendments of 1978 (P.L. 95-561), Title XI, Part B,</p>	<p>Creates new program allowing recipient LEAs and BIA-funded schools to commingle all federal funds received for Indian education. Eliminates all Native Hawaiian programs and some Indian programs (student fellowships, gifted and talented, tribal education departments, and adult education). Amends P.L. 95-561 to allow accreditation for BIA-funded schools by</p>	<p>Creates new program allowing recipient LEAs and BIA-funded schools to commingle all federal funds received for Indian education. Reauthorizes all programs, including those eliminated by the House. Amends P.L. 95-561 to eliminate BIA school standards, require accreditation for BIA-funded schools by tribal, state, or regional entities, and set penalties if school</p>

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
	<p>authorizes standards, distribution formulas, administrative grants, and other programs for BIA-funded schools. The Tribally Controlled Schools Act of 1988 (P.L. 100-297) authorizes tribes and tribal school boards operating BIA-funded schools to receive BIA grants, instead of contracts, for educational operations.</p>	<p>tribal, state, or regional entities. Increases local school board and tribal control over education funding and personnel. Reauthorizes Tribally Controlled Schools Act and allows grant schools to establish endowment programs.</p>	<p>fails to be accredited (but allows use of current BIA standards). Increases local school board and tribal control over education funding and personnel. Reauthorizes Tribally Controlled Schools Act, allows grant schools to establish endowment programs, and forbids states from taking BIA grants into account when awarding state funds to eligible BIA-funded schools.</p>
<p>Education for Homeless Children and Youth</p>	<p>The McKinney-Vento Homeless Assistance Act (P.L. 100-77) authorizes the Education for Homeless Children and Youth program under Title VII-B. Formula grants are made to states in proportion to ESEA Title I-A grants to LEAs. States must use funds according to a state plan to ensure that homeless children and youth have equal access to a free, appropriate education that is provided to other children and to remove existing barriers to enrollment and educational services for homeless children and youth. The statement of policy says that “... <i>homelessness alone should not be a sufficient reason</i> to separate students from the mainstream school environment ...” LEAs must use funds to provide services to homeless children and youth that are comparable to services provided to other children, and, “to the maximum extent possible,” through existing programs and mechanisms that integrate homeless and nonhomeless students. Each state must distribute at least 95% of its federal grant to LEAs, except that it can retain at the state level up to 100% of the amount it received under the program in FY1990.</p>	<p>Extends the authorization of the program through FY2006, continues most major provisions, and makes a few major modifications concerning separate schools and enrollment assurances. The revised statement of policy says that “... <i>homelessness alone is not a sufficient reason</i> to separate students from the mainstream school environment ...” With certain exceptions, states are prohibited from using funds for homeless children and youth for either a separate school or separate program within a school, based on homelessness alone; however, any separate homeless school in operation at the date of enactment may continue to receive support under this program. The House bill also strengthens provisions assuring that homeless children and youth, including unaccompanied youth, enroll and obtain services at the school of their choice, and obtain comparable services, including transportation. In distributing funds within states, at least 75% of each state grant must be allocated to LEAs, with an exception that at least 50% must be allocated to LEAs in states receiving minimum grant amounts.</p>	<p>Extends the authorization of the program through FY2008, and continues its major provisions with fewer modifications than the House proposes, but it does make <i>the same revision</i> to the statement of policy concerning separate schools and programs for homeless children and youth. The prohibition on the use of funds for separate schools and programs is also similar; however, the “grandfather” clause differs significantly in that it applies only to separate schools in operation during FY2000, and only those located in four specific counties — San Joaquin, Orange, and San Diego Counties in California, and Maricopa County in Arizona. For the most part, the Senate bill does not contain the revisions in the House bill for assuring school choice and comparable services for homeless children and youth, nor does it include proposed House provisions for unaccompanied youth. For the substate distribution of funds, the Senate bill maintains current requirements for the allocation of federal funds to LEAs.</p>

Provision	Current law	H.R. 1, as Passed by the House ^a	H.R. 1, as Passed by the Senate ^b
Other major non-ESEA provisions (not described above)	Not applicable	Prohibits the use of federal funds by any state or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities. Also authorizes or expands non-ESEA program of aid to Boys and Girls Clubs.	Prohibits the use of federal funds by any state or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities; and it would separately provide that no public school, LEA, or SEA may deny equal access to meet after school in a designated open forum to any youth group listed in Title 36 of the U.S. Code as a patriotic society, including the Boy Scouts of America, based on that group's favorable or unfavorable position concerning sexual orientation. Also authorizes or expands non-ESEA programs of aid to environmental education, school resource officers, school environment protection, Troops-to-Teachers, and Boys and Girls Clubs.

^aBased on the text of H.R. 1, as passed by the House.

^bBased on the text of H.R. 1, as passed by the Senate