

**NO CHILD LEFT BEHIND ACT OF 2001 - BACKGROUND MEMORANDUM**

Senate Bill No. 2418 (attached as an appendix) directs the Legislative Council to create a select committee for the purpose of studying the adoption of the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.], its rationale, the promulgation of any federal regulations implementing the Act, the direct and indirect impact of the Act and its regulations on the school districts of this state, and the financial impact of the Act and its regulations on the budget of this state and on the taxpayers of this state.

**INTRODUCTION**

The No Child Left Behind Act of 2001 is described in a publication entitled *No Child Left Behind: A Desktop Reference*, (United States Department of Education, Office of Elementary and Secondary Education, Washington, D.C., 2002) as "a landmark in education reform." The report states that its drafters sought to improve student achievement and change the culture of America's schools.

The Act, which passed with overwhelming bipartisan support, embodies four key principles:

1. Stronger accountability for results;
2. Greater flexibility for states, school districts, and schools in the use of federal funds;
3. More choices for parents of children from disadvantaged backgrounds; and
4. An emphasis on teaching methods that have been demonstrated to work. [*Id.* at 9]

The No Child Left Behind Act of 2001 is a combination of new provisions and amendments of provisions of the Elementary and Secondary Education Act. It consists of the following titles:

Title I	Improving the Academic Achievement of the Disadvantaged
Title II	Preparing, Training, and Recruiting High Quality Teachers and Principals
Title III	Language Instruction for Limited English Proficient and Immigrant Students
Title IV	21st Century Schools
Title V	Promoting Informed Parental Choice and Innovative Programs
Title VI	Flexibility and Accountability
Title VII	Indian, Native Hawaiian, and Alaska Native Education
Title VIII	Impact Aid Program
Title IX	General Provisions
Title X	Repeals, Redesignations, and Amendments to Other Statutes

**TITLE I - IMPROVING THE ACADEMIC  
ACHIEVEMENT OF THE DISADVANTAGED  
20 U.S.C. 6301, ET SEQ.  
PART A - IMPROVING BASIC  
PROGRAMS OPERATED BY LOCAL  
EDUCATIONAL AGENCIES  
20 U.S.C. 6311, ET SEQ.**

According to the United States Secretary of Education, in 2002 only 29 percent of fourth grade students performed at or above the proficient level on the national assessment of educational progress in reading. Among low-income and Hispanic students, a proficient level was attained by only 13 percent. African-American students were at 10 percent, students with disabilities were at 8 percent, and students having limited English proficiency were at 3 percent. [*Id.* at 13]

Title I is intended to give all students a "fair, equal, and significant opportunity to obtain a high-quality education and reach proficiency on challenging state academic standards and assessments." (20 U.S.C. 6301) In order to accomplish this, states wishing to receive grants must submit plans to the United States Secretary of Education. The plans must demonstrate that the state has adopted challenging academic content standards and challenging student academic achievement standards that will be used by the state, its school districts, and its schools. (20 U.S.C. 6311)

A state's academic standards must specify what the students are expected to know and be able to do, contain coherent and rigorous content, and encourage the teaching of advanced skills. The student academic achievement standards must be aligned to the state's academic content standards, describe two levels of high achievement (proficient and advanced) which determine how well children are mastering the material in the state academic content standards, and describe a third level of achievement (basic) to provide complete information about the progress of the lower-achieving students toward mastering the proficient and advanced levels of achievement. (20 U.S.C. 6311(b)(1))

In addition, each state must demonstrate that it has developed and is implementing a single statewide accountability system, which will be effective in ensuring that all school districts and public schools make adequate yearly progress. (20 U.S.C. 6311(b)(2)) What constitutes adequate yearly progress is to be defined by each state in a manner that applies the same high standards of academic achievement to all public schools in the state, that is statistically valid and reliable, that results in continuous and substantial academic improvement for all students, that measures the progress of schools, school districts, and the state based primarily on academic assessments, that includes separate, measurable annual objectives for continuous and

substantial improvement, and that includes graduation rates. The definition may also include other academic indicators such as achievement on additional state-administered or locally administered assessments, decreases in grade-to-grade retention rates, attendance rates, and changes in the percentages of students completing gifted and talented courses, advanced placement courses, and college preparatory courses. (20 U.S.C. 6311(b)(2)(C))

Each state is required to establish a starting point for the measurement which uses data from the 2001-02 school year, and each state is required to establish timelines for determining adequate yearly progress. (20 U.S.C. 6311(b)(2)(E)) A state's timeline must ensure that no later than 12 years from the end of the 2001-02 school year, all students must meet or exceed the state's proficient level of academic achievement on the state's assessments. (20 U.S.C. 6311 (b)(2)(F))

Local school districts that wish to receive subgrants must file plans with the state education agency detailing how they will help low-achieving students meet the challenging standards. (20 U.S.C. 6312) Grants received by school districts must in turn be allocated to individual schools in the districts, based on the number of low-income students enrolled. The schools may use the grants for either schoolwide programs (20 U.S.C. 6314) or targeted assistance programs. (20 U.S.C. 6315)

Most commonly, the grants are applied to the provision of instruction in reading and mathematics. Often this instruction occurs within the confines of extended day programs, i.e., before-and-after school programs, extended year programs, and summer programs. Title I grants are not restricted with respect to grade levels. They can be used to assist students from preschool through high school. For the most part, however, school districts and schools tend to use the grants to fund programs aimed at assisting students from preschool through grade 6 (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 15)

### **Academic Assessment and Local Educational Agency (School District) and School Improvement**

In order to receive Title I grants, school districts and schools are expected to meet certain established criteria. The first criteria govern the area of academic assessments.

By the 2005-06 school year, states must develop and implement annual assessments in reading and mathematics in grades 3 through 8 and at least once in grades 10 through 12. By the 2007-08 school year, states must also administer annual science assessments at least once in grades 3 through 5, grades 6 through 9, and grades 10 through 12. (20 U.S.C. 6311(b)(3)) These assessments must be aligned with state academic content and achievement standards and involve multiple measures, including measures of higher-order thinking and understanding. (20 U.S.C. 6311(b)(3))

The assessments must provide for the participation of all students, including students with disabilities and with limited English proficiency. Students who have been in schools in the United States for three consecutive years must be assessed in English in the area of reading. Reasonable accommodations are permitted.

The results must be desegregated by gender, major racial and ethnic groups, English proficiency, migrant status, disability, and status as economically disadvantaged. The assessment system must produce individual student interpretive, descriptive, and diagnostic reports and itemized score analyses must be reported to school districts and schools. (20 U.S.C. 6311(b)(3)(C))

Determinations regarding yearly progress are to be publicized. (20 U.S.C. 6316(a)(1)(C)) Schools that fail to make adequate yearly progress for two consecutive years must be identified as being in need of improvement. (20 U.S.C. 6316(b)(1)(A)) A student attending such a school must be given the opportunity to transfer to another public school that has not been identified as needing improvement. (20 U.S.C. 6316(b)(1)(E))

Schools identified as needing improvement are also required to spend at least 10 percent of the grants they receive under Title I, Part A, on professional development for their teachers and principals. The professional development activities are to directly address the academic achievement problem that caused the school to be identified for improvement. (20 U.S.C. 6316)

If a school fails to make adequate yearly progress for a third year, students from low-income families in the school must be allowed to obtain supplemental educational services. These services may be provided by a public or private-sector entity, including faith-based organizations. The providers must, however, be approved by the state. Up to 20 percent of a school's Title I funds may be used to pay for these services and the transportation of students to and from the service providers. (20 U.S.C. 6316)

If a school fails to make adequate yearly progress for a fourth year, the school district is required to take corrective actions. These actions must include at least one of the following: replacing school staff, implementing a new curriculum (with appropriate professional development), decreasing management authority at the school level, appointing an outside expert to advise the school, extending the schoolday or year, or reorganizing the school internally. While this is happening, the state is charged with taking corrective action, too. At the state level, this must include deferring program funds or reducing administrative funds; implementing a new curriculum (with professional development); replacing personnel; establishing alternative governance arrangements; appointing a receiver or trustee to administer the district in place of the superintendent and school board; or abolishing or restructuring the school district. In addition, the state may authorize students to transfer to higher-performing public schools in other school districts. (20 U.S.C. 6316)

If a school fails to make adequate yearly progress for a fifth year, there is a requirement that the school district fundamentally restructure the school. This could include

reopening the school as a charter school, replacing all or most of the school staff who are relevant to the failure to make adequate progress, or turning over school operations either to the state or to a private company with a demonstrated record of effectiveness. (20 U.S.C. 6316)

If a school is identified as needing school improvement, or corrective action or restructuring, both the state and the school district in which the school is located must provide technical assistance. At the state level, this assistance must include establishing school support teams, designating and using distinguished teachers and principals who are chosen from schools that have been successful in improving academic achievement, and establishing alternate approaches to providing assistance. Such approaches might include the use of colleges and universities, educational service agencies, local consortia, and private providers. (20 U.S.C. 6316)

### **Teachers and Paraprofessionals - Qualifications 20 U.S.C. 6319**

The No Child Left Behind Act of 2001 requires that beginning with the first day of the first school year after the date of enactment, each school district receiving assistance under the Act ensure that all teachers hired and teaching in a program supported with funds under the Act are highly qualified. (20 U.S.C. 6319(a)) Each state education agency is directed to develop a plan to ensure that all individuals teaching in core academic subjects within the state are highly qualified not later than the end of the 2005-06 school year. The plan is to establish annual measurable objectives for each school district and school which at a minimum include an annual increase in the percentage of highly qualified teachers at each school district and school and which include an increase in the percentage of teachers who are receiving high-quality professional development to ensure that they become highly qualified. The plans may include any other measures that the state agency determines to be appropriate. (20 U.S.C. 6319(a)) Each school district receiving assistance is also directed to develop a plan to ensure that all teachers within the district are highly qualified by the end of the 2005-06 school year. (20 U.S.C. 6319(a)(3))

The United States Secretary of Education defines "core academic subjects" as including English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, the arts, history, and geography and further states that the plans must have annual measurable objectives that include certification, a baccalaureate degree, and demonstrated competency in a subject area. In order to help teachers become highly qualified, school districts must use at least 5 percent of their Title I funds for professional development. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 15)

Increased requirements are also put in place for paraprofessionals, who will now have to have at least two years of postsecondary education or be able to

demonstrate the necessary skills by means of a formal state or local academic assessment. (20 U.S.C. 6319(c)(1))

## **TITLE I, PART B STUDENT READING SKILLS IMPROVEMENT GRANTS SUBPART 1 - READING FIRST 20 U.S.C. 6361**

The No Child Left Behind Act of 2001 recognized that the ability to read is the key ingredient necessary for a student to be successful in school. The national assessment of educational progress results, however, point to the existence of serious deficiencies in students' ability to read. In high-poverty schools, the 2000 national assessment of educational progress results showed that approximately 66 percent of fourth graders failed to reach the basic level of proficiency. Even in wealthier schools, 20 percent of fourth graders still failed to reach that basic level of proficiency. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 23)

In order to address this concern, the No Child Left Behind Act of 2001 included provisions for a program known as "Reading First." This program provides formula grants so that state education agencies and school districts can establish reading programs for students in kindergarten through grade 3, that they can prepare teachers, including special education teachers, through professional development to identify specific reading barriers and effectively help the students learn to read, to select and administer screening, diagnostic, and classroom-based instructional reading assessments, to detect and develop effective instructional materials, and to strengthen and coordinate early literacy programs and family literacy programs. (20 U.S.C. 6361) The grants are based on the number of children between ages 5 and 17 who come from families below the poverty line. (20 U.S.C. 6362(b)(3))

In order to be considered for a grant, a state education agency must file an application with the United States Secretary of Education. The grants are awarded on the basis of a recommendation made by a panel of experts selected by the United States Department of Education, the National Institute for Literacy, the National Institute for Child Health and Human Development, and the National Research Council of the National Academy of Sciences. Upon receiving federal grant funds, a state education agency must then make competitive grants to school districts. Any grants awarded by a state education agency to school districts must be in an amount sufficient to enable improvements in reading instruction. (20 U.S.C. 6362(c)(5))

In addition to developing the grant program, state education agencies are also charged with assisting districts in the use of scientifically based reading research, assisting districts in the identification of instructional assessments, programs, and materials,

developing strategies to improve instructional practices for reading, coordinating reading first with existing state literacy programs, and developing strategies for evaluating the reading first program. (20 U.S.C. 6362(d)(4))

The goal of the reading first program is to ensure that all children can read at or above grade level by the end of the third grade. In order to determine if progress is being made toward this goal, a state education agency is required to report annually on the progress of school districts and identify those that are increasing the number of children who can meet this goal. A state's annual report is reviewed by the panel that initially reviewed the application for funds. Any state that is not making significant progress is subject to losing some or all of its reading first grant funds. (20 U.S.C. 6362(e))

**TITLE I, PART B**  
**SUBPART 2 - EARLY READING FIRST**  
**20 U.S.C. 6371**

The early reading first program is another component of the No Child Left Behind Act of 2001. It is designed to enhance early language literacy and prereading development of preschool children, particularly of preschool children from low-income families, through reading strategies and professional development strategies that are scientifically based. It is also designed to provide preschool age children with cognitive learning opportunities in high-quality language and literature-rich environments, and to demonstrate language and literacy activities that support the age appropriate development of letter recognition, knowledge of letter sounds, understanding of written language, and speaking abilities. (20 U.S.C. 6371(a))

The early reading first program is based on the premise that early care and education programs have done much to address the social, emotional, and health needs of children and families. However, such programs have tended to neglect growth in language and cognition.

A study by the National Center for Education Statistics found that 56 percent of beginning kindergartners who were deemed at risk of school failure because of factors such as low family income or low parent education could not identify more than two or three letters of the alphabet by name. Sixty-one percent could not identify the beginning sound of a word and 83 percent could not identify the ending sound of a word. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 27)

In order to improve these skills, the Act makes available discretionary grants. Funds are awarded by the United States Secretary of Education to local school districts and public or private organizations within the school districts. (20 U.S.C. 6371(b)(1))

As a condition of receiving a grant, a recipient must agree to provide preschool-age children with high-quality oral language and literature-rich environments; provide to staff professional development that is based on scientific research in order to assist in the development of

language and cognitive skills; identify and provide activities and instructional materials that are grounded in scientifically based reading research; acquire, provide training for, and implement screening reading assessments or other appropriate measures to determine whether preschool-age children are developing the early language and cognitive skills they need for later reading success; and integrate these instructional materials, activities, tools, and measures into the grantee's preschool programs. (20 U.S.C. 6371(d)) Recipients must also agree to evaluate the success of their programs and report their findings to the United States Secretary of Education. (20 U.S.C. 6375)

**TITLE I, PART B**  
**SUBPART 3 - WILLIAM F. GOODLING**  
**EVEN START FAMILY LITERACY**  
**PROGRAM**  
**20 U.S.C. 6381**

The even start family literacy program is designed to break the cycle of poverty and illiteracy by improving the educational opportunities of low-income families through the integration of literacy services. These services are available to parents and their children under age 8. (20 U.S.C. 6381) According to Census Bureau data from 1997, 4.3 million families are eligible for the program. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 31)

Even start is a competitive state-administered discretionary grant program. Funds are allocated by the United States Secretary of Education to states according to a formula, and the states in turn must award subgrants to partnerships of local school districts and other organizations.

States that receive funding must establish review panels to approve applications. Recipients must be able to demonstrate:

1. Potential success in implementing the program's purpose and its elements;
2. That there are a large number of families in need of family literacy services;
3. The ability to provide services for at least a three-year age range of children;
4. The existence of a coordinated effort between service providers;
5. The existence of cost-effective budgets that include the potential to obtain locally matched funds;
6. That the program would address needs in both urban and rural areas of the state; and
7. The ability to develop models that could later be used by others. (20 U.S.C. 6381(g))

The program must include early childhood, adult education, parenting education, and parent-child activities that are taught or conducted by qualified staff and must have available year-round support services. The program must be center-based but also must be able to provide some educational services to families in their

homes. The program must be based on scientifically supportable reading research and must build on educational and support services that are already available in the communities. The program must also allow for the identification and recruitment of those families who would most benefit from the services.

States receiving funds under this section are required to use quality indicators that monitor, evaluate, and improve the local projects available within the state. The quality indicators applicable to adult participants must include achievement in the areas of reading, writing, English language acquisition, problem-solving, and numeracy, receipt of a high school diploma or a general equivalency diploma, entry into a postsecondary school or job-training program, and employment, career advancement, or enlistment in the armed forces. (20 U.S.C. 6381(i)(1))

The quality indicators applicable to child participants must include improvement in the ability to read at grade level or improvement in reading readiness, school attendance, and grade retention and promotion. (20 U.S.C. 6381(i)(2))

An independent evaluation conducted by the National Institute for Literacy will document the effectiveness of even start projects. (20 U.S.C. 6381(j))

**TITLE I, PART B**  
**SUBPART 4 - IMPROVING LITERACY**  
**THROUGH SCHOOL LIBRARIES**  
**20 U.S.C. 6383**

Improving literacy through school libraries is a program designed to provide students with access to up-to-date school library materials, technologically advanced school library media centers, and professionally certified school library media specialists. (20 U.S.C. 6383) The program recognizes that school libraries are critical to meeting instructional goals and objectives. In a recent *Schools and Staffing Survey*, it was determined that over one-half of all schools with library media centers did not have a full-time state-certified librarian and that 20 percent of schools with library media centers did not have a librarian at all. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 35)

The improving literacy through school libraries program is a competitive one-year grant program for school districts in which at least 20 percent of the students come from families with incomes below the poverty line. If the program appropriations exceed \$100 million a year, the program operates as a state formula program and school districts are eligible if only 15 percent of their students are from families with incomes below the poverty line or if the percentage of such students is greater than the statewide percentage. (20 U.S.C. 6383(c))

Program funds may be used to purchase up-to-date school library media resources, including books and advanced technology, to provide professional development for school library media specialists, and to provide

students with access to school libraries during nonschool hours, weekends, and vacations. (20 U.S.C. 6383(g))

Participating school districts are required to file annual reports that describe program activities, the extent to which the districts' school library media resources were made more available, and the extent to which the resources were used. (20 U.S.C. 6383(h)) If the program is state-administered, the school district reports are to be compiled by the state education agency and then submitted to the United States Secretary of Education. A national evaluation regarding the program's effectiveness is to be conducted within three years after passage of the No Child Left Behind Act and every two years thereafter. (20 U.S.C. 6383(j))

**TITLE I, PART C**  
**EDUCATION OF MIGRATORY**  
**CHILDREN**  
**20 U.S.C. 6391**

The purpose of the education of migratory children program is to support high-quality and comprehensive educational programs for migrant children, thereby helping to reduce educational disruptions and other problems that stem from repeated moves. In addition, the program attempts to ensure that migrant children who move among the states are not penalized or otherwise disadvantaged because of disparities in curriculum, graduation requirements, and state academic content and student academic achievement standards. (20 U.S.C. 6391)

The program recognizes that migrant students share many risk factors with other disadvantaged students, including poverty, poor health, and learning disabilities. Migrant students, however, also face unique challenges stemming from the disruption of their education, poor recordkeeping between schools, cultural and language difficulties, and social isolation. Because migrant students generally constitute only a small percentage of the total student population, many schools and school districts do not dedicate to the education of these students the level of resources that are needed. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 37)

The migrant education program is funded through a state formula grant that is based on each state's per student expenditure and the number of migrant children between ages 3 and 21 who resided in the state during the previous year. (20 U.S.C. 6391(a)(2)(B)) In applying for a grant, a state must describe how it will ensure that the special educational needs of migratory children are identified and addressed, how it will provide migratory students with the opportunity to meet the same challenging state academic content standards and achievement standards as all other children, how it will use the funds to promote interstate and intrastate coordination of services for migrant children, including the timely transfer of school records, and how it will offer and promote family literary services. (20 U.S.C. 6394(b))

Schools are required to hold annual meetings, at a convenient time, in order to provide migrant parents with information about the program, a description and explanation of the curriculum in use at each school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet. Also, each school must develop a compact that outlines how the migrant parents, the school staff, and the students will share the responsibility for improved student academic achievement and the means by which the school and parents will develop a partnership to help the students achieve the state's high standards. To the extent practicable, materials must be in a format and language understandable to the parents. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 38)

Schools are also required to provide advocacy and outreach for migratory children and their families on such topics as education, health, nutrition, and social services. They must also provide professional development opportunities for teachers and other program personnel, provide family literacy programs, integrate information technology, and facilitate the transition of migrant high school students to postsecondary education or employment.

The effectiveness of the migrant education program is assessed through the determination of adequate yearly progress, and the results are published in the required state and school district report cards. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 39)

**TITLE I, PART D**  
**PREVENTION AND INTERVENTION**  
**PROGRAMS FOR CHILDREN**  
**AND YOUTH WHO ARE NEGLECTED,**  
**DELINQUENT, OR AT-RISK**  
**20 U.S.C. 6421**

In order to improve the educational services available for neglected or delinquent children who have been placed in local and state institutions, financial assistance has been provided through a series of programs known as the prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk. The financial assistance is available to the institutions, to community day programs, and to school districts that collaborate with locally operated correctional facilities. (20 U.S.C. 6421)

Funds are provided to states based on the number of children in state-operated institutions and the state's educational expenditure per student. The states in turn make proportional subgrants to the various state agencies and entities. (20 U.S.C. 6431-6432)

Fund recipients are required to meet the educational needs of the children in their charge, assist in the transition of these children from correctional facilities to locally operated programs, and ensure that these children are

given the same opportunities to achieve as if they were in local school districts. (20 U.S.C. 6434)

Once every three years, fund recipients must participate in an evaluation program that disaggregates the participation data by gender, race, ethnicity, and age. The evaluation must also focus on the student's ability to maintain and improve educational achievement, acquire high school graduation credits, transition to a regular education program in a school setting, complete high school and become gainfully employed, or participate in postsecondary education and job-training programs. (20 U.S.C. 6455)

**TITLE I, PART E**  
**NATIONAL ASSESSMENT OF TITLE I**  
**20 U.S.C. 6491**

The No Child Left Behind Act directs the United States Secretary of Education to conduct a national assessment of the programs funded under the legislation and their impact on states, on state education agencies, and on school districts. (20 U.S.C. 6491) The assessment is to include the impact that the programs will have had on increasing student academic achievement relative to the goal of all students reaching proficiency on state academic assessments. The assessment is also to focus on the types of programs and services that have demonstrated the greatest potential for helping students reach the required achievement levels. More specifically, the United States Secretary of Education is directed to examine:

1. The implementation of programs assisted under this title and the impact of such implementation on increasing student academic achievement (particularly in schools with high concentrations of children living in poverty), relative to the goal of all students reaching the proficient level of achievement based on state academic assessments, challenging state academic content standards, and challenging state student academic achievement standards under Section 1111.
2. The types of programs and services that have demonstrated the greatest likelihood of helping students reach the proficient and advanced levels of achievement based on state student academic achievement standards and state academic content standards.
3. The implementation of state academic standards, assessments, and accountability systems developed under this title, including:
  - a. The time and cost required for the development of academic assessments for students in grades 3 through 8;
  - b. How well such state assessments meet the requirements for assessments described in this title; and
  - c. The impact of such standards, assessments, and accountability systems on educational programs and instruction at the local level.

4. Each state's definition of adequate yearly progress, including:
    - a. The impact of applying this definition to schools, local educational agencies, and the state;
    - b. The number of schools and local educational agencies not meeting this definition; and
    - c. The changes in the identification of schools in need of improvement as a result of such definition.
  5. How schools, local education agencies, and states have:
    - a. Publicized and disseminated local education agency report cards to teachers, school staff, students, parents, and the community;
    - b. Used funds made available under this title to provide preschool and family literacy services and the impact of these services on students' school readiness;
    - c. Afforded parents meaningful opportunities to be involved in the education of their children;
    - d. Used federal, state, and local education agency funds and resources to support schools and provide technical assistance to improve the achievement of students in low-performing schools, including the impact of the technical assistance on such achievement; and
    - e. Used state education agency and local education agency funds and resources to help schools in which 50 percent or more of the students are from families with incomes below the poverty line meet the requirement of having all teachers highly qualified not later than the end of the 2005-06 school year.
  6. The implementation of schoolwide programs and targeted assistance programs under this title and the impact of such programs on improving student academic achievement, including the extent to which schools meet the requirements of such programs.
  7. The extent to which varying models of comprehensive school reform are funded and implemented under this title and the effect of the implementation of such models on improving achievement of disadvantaged students.
  8. The costs as compared to the benefits of the activities assisted under this title.
  9. The extent to which actions are implemented by state education agencies and local education agencies in order to improve the academic achievement of students in low-performing schools and the effectiveness of the implementation, including the following:
    - a. The number of schools identified for school improvement and how many years the schools remain in this status.
    - b. The types of support provided by the state education agencies and local education agencies to schools and local education agencies respectively identified as in need of improvement, and the impact of such support on student achievement.
    - c. The number of parents who take advantage of the public school choice provisions of this title, the costs (including transportation costs) associated with implementing these provisions, the implementation of the provisions, and the impact of the provisions (including the impact of attending another school) on student achievement.
    - d. The number of parents who choose to take advantage of the supplemental education services option, the criteria used by the states to determine the quality of providers, the kinds of services that are available and utilized, the costs associated with implementing this option, and the impact of receiving supplemental education services on student achievement.
    - e. The implementation and impact of actions that are taken with regard to schools and local education agencies identified for corrective action and restructuring.
  10. The extent to which state and local fiscal accounting requirements under this title affect the flexibility of schoolwide programs.
  11. The implementation and impact of the professional development activities assisted under this title and Title II on instruction, student academic achievement, and teacher qualifications.
  12. The extent to which the assistance made available under this title is targeted to disadvantaged students, schools, and local education agencies with the greatest need.
  13. The effectiveness of federal administration assistance made available under this title, including monitoring and technical assistance.
  14. The academic achievement of various groups of students.
  15. Such other issues as the Secretary of Education considers appropriate. (20 U.S.C. 6491(a)(2))
- An interim report is due in January 2005 and a final report is due in January 2007. (20 U.S.C. 6491(a)(6))

**TITLE I, PART E**  
**CLOSE UP FELLOWSHIP PROGRAM**  
**20 U.S.C. 6494**

The No Child Left Behind Act of 2001 also appropriates funds to the Close Up Foundation of Washington, D.C., so that the foundation can carry out programs designed to increase the civic responsibility of participants and increase their understanding of the federal government. The funds allow the foundation to provide fellowships for economically disadvantaged middle and

secondary school students, with special consideration given to students with disabilities, ethnic minority students, and students with migrant parents; professional development programs for middle and secondary schoolteachers and programs to increase civic responsibility and understanding among the teachers' students; and fellowships for the new Americans program, which serves economically disadvantaged students whose families have immigrated to the United States within the past five years. (20 U.S.C. 6494(a)-(c))

In return for the funds, the Close Up Foundation must provide an evaluation of the extent to which students actually achieve an increased understanding of the federal government and a heightened sense of civic responsibility and the extent to which teachers increase their ability to teach about civic responsibility, the federal government, and responsible citizenship. Targeting provisions were added to ensure that students from rural areas, small towns, urban areas, and students with migrant parents would have access to the program. (20 U.S.C. 6494(d))

### **TITLE I, PART F COMPREHENSIVE SCHOOL REFORM 20 U.S.C. 6511**

The purpose of the comprehensive school reform program is to make funds available so that schools can initiate reforms that are based on scientific research and that include an emphasis on basic academics and parental involvement. (20 U.S.C. 6511) In order to receive funds, a school must implement a reform program that:

1. Employs proven strategies and proven methods for student learning, teaching, and school management that are based on scientific research and effective practices and which have been replicated successfully in schools;
2. Integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive school reform plan for schoolwide change designed to enable all students to meet challenging state content and student academic achievement standards and addresses needs identified through a school needs assessment;
3. Provides high-quality and continuous teacher and staff professional development;
4. Includes measurable goals for student academic achievement and benchmarks for meeting such goals;
5. Is supported by teachers, principals, administrators, school personnel, and other professional staff;
6. Provides support for teachers, principals, administrators, and other school staff;

7. Provides for the meaningful involvement of parents and the local community in planning, implementing, and evaluating school improvement activities;
8. Uses high-quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;
9. Includes a plan for the annual evaluation of the implementation of school reforms and the student results achieved;
10. Identifies other resources, including federal, state, local, and private resources, that will be used to coordinate services to support and sustain the comprehensive school reform effort; and
11.
  - a. Has been found, through scientific research to significantly improve the academic achievement of students participating in such program as compared to students in schools who have not participated in such program; or
  - b. Has been found to have strong evidence that such program will significantly improve the academic achievement of participating children. (20 U.S.C. 6516)

The comprehensive school reform program is a state formula grant program that is based on each state's Title I allocation. State education agencies in turn make competitive grants available to school districts on behalf of specific schools. Priority must be given to schools that have been identified for Title I school improvement.

### **TITLE I, PART G ADVANCED PLACEMENT 20 U.S.C. 6531**

Title I, Part G, is designed to raise academic standards through advanced placement programs and to increase the number of students, particularly low-income students, who take advanced placement classes. Title I, Part G, includes two separate programs. Under the advanced placement test fee program, grants are awarded to states to pay test fees for low-income students enrolled in advanced placement courses. The funds are allocated based on the number of low-income students in the state in relation to the total number of low-income students in the nation. (20 U.S.C. 6534)

The second program is called the advanced placement incentive program. It consists of one-year to three-year competitive grants that are awarded to state education agencies, school districts, and national nonprofit educational entities with expertise in advanced placement services. (20 U.S.C. 6535)

In addition to expanding access and increasing participation, the grants can be used for teacher training, for developing "preadvanced placement" and advanced placement courses, for coordinating and articulating curricula between grade levels, for books and supplies, and for promoting on-line advanced placement

coursetaking for students who attend schools that are unable to offer advanced placement classroom courses. (20 U.S.C. 6535(d))

Grant recipients must file an annual report with the United States Secretary of Education governing the number of students who are participating in advanced placement courses by subject area and by student demographic characteristics. (20 U.S.C. 6535(f))

**TITLE I, PART H**  
**SCHOOL DROPOUT PREVENTION**  
**20 U.S.C. 6551**

The school dropout prevention program is designed to assist schools having dropout rates in excess of the schools' state average. The program provides grants to state education agencies and to local school districts so that they can implement effective, research-based school dropout prevention and reentry programs. The grants may be used for professional development, student-teacher ratio reductions, counseling and mentoring for at-risk students, and comprehensive school reform. (20 U.S.C. 6555)

Grant recipients must provide annual reports to the United States Secretary of Education regarding their programs and activities and must provide dropout rate information that is disaggregated by race and ethnicity. (20 U.S.C. 6561(i))

**TITLE I, PART I**  
**GENERAL PROVISIONS**  
**20 U.S.C. 6571**

The general provisions of Title I set forth regulatory and administrative requirements and include provisions regarding state and local flexibility and the development of regulations implementing the No Child Left Behind Act. The provisions authorize the United States Secretary of Education to issue regulations and further provide that before the Secretary may publish proposed regulations in the federal register, the Secretary must obtain the advice and recommendations of representatives of federal, state, and local administrators, parents, teachers, paraprofessionals, and members of local school boards and other organizations involved with the implementation and operation of programs under this title. Such advice and recommendations may be obtained through mechanisms such as regional meetings and electronic exchanges of information. (20 U.S.C. 6571(a)-(b))

In order to ensure the maximum level of state and local flexibility in specific areas, the provisions prohibit the federal government from mandating "specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction," and they state that nothing in Title I requires equalized spending for a state, school district, or school. They also require that state rules, regulations, and policies related to Title I be minimal, that they conform to the purposes of Title I, and that they be reviewed by a committee of practitioners created by the state to help it

carry out its responsibilities under Title I. (20 U.S.C. 6575-6576)

Each state that receives funds is also required to ensure that the state rules conform to the purposes of the title and to provide the proposed rules to a committee of practitioners for advice. The majority of the committee must be made up of representatives from school districts. The remainder of the committee must be made up of administrators, teachers, parents, school board members, representatives of private school students, and student services personnel. Before publication of any proposed rule under this title, the committee must conduct a review of that rule. (20 U.S.C. 6573(b))

**TITLE II**  
**PREPARING, TRAINING, AND**  
**RECRUITING HIGH QUALITY TEACHERS**  
**AND PRINCIPALS**  
**PART A - TEACHER AND PRINCIPAL**  
**TRAINING AND RECRUITING FUND**  
**20 U.S.C. 6601**

The improving teacher quality state grants program is designed to increase student achievement by improving the quality of teachers and principals and by increasing the number of highly qualified classroom teachers and the number of highly qualified principals and assistant principals. (20 U.S.C. 6601) The program requires the use of scientifically based professional development interventions and holds school districts and schools accountable for improvements in student academic performance. The program recognizes that different districts face different challenges regarding teacher quality and therefore maintains great flexibility with respect to how the funds are to be used. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 57)

Each state must submit an application for funds to the United States Secretary of Education. (20 U.S.C. 6612) The funds are allocated according to a formula that takes into account the number of schoolage children in the state and the number of children in poverty in each state. A state may set aside up to 1 percent of the allotted funds for administrative purposes and up to 2.5 percent of the allotted funds for state-directed teacher quality activities. A state must distribute 95 percent of the funds to school districts on the basis of a formula that takes into account the number of schoolage children and the number of children in poverty in each district. The remaining funds are set aside for competitive subgrants to partnerships of high-need districts, to schools of arts and sciences, and to teacher preparation colleges at institutions of higher education. (20 U.S.C. 6613)

School districts may use the funds to:

1. Develop and implement mechanisms to assist in effectively recruiting and retaining highly qualified teachers, including specialists in core

academic subjects, principals, and student services personnel;

2. Provide scholarships, signing bonuses, or other financial incentives, such as differential pay for teachers who teach academic subjects in which there exist shortages of highly qualified teachers within a school or school district;
3. Recruit and hire highly qualified teachers to reduce class size, particularly in the early grades;
4. Establish programs that train and hire regular and special education teachers, and which recruit professionals from other fields and provide them with alternate routes to teacher certification; and
5. Provide professional development activities. Tenure reform, merit pay programs, and testing of elementary and high school teachers are also specifically mentioned as acceptable uses for the grant funds. (20 U.S.C. 6623)

The goal for participating states is to use the funds to ensure that all teachers are "highly qualified" by the end of the 2005-06 school year. Each state must file an annual report regarding the performance measures that indicate the percentage of teachers who are highly qualified and the percentage of teachers who are participating in high-quality professional development in order to become highly qualified. The ultimate measurement for the success of this program is student achievement and, specifically, increases in the percentage of students who are proficient in reading by the end of the third grade and increases in the percentage of students who graduate from high school. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington D.C., 2002 at 58)

## **TITLE II, PART A**

### **SUBPART 5 - NATIONAL ACTIVITIES**

#### **20 U.S.C. 6651**

#### **National Teacher Recruitment Campaign**

20 U.S.C. 6651(a) authorizes the United States Secretary of Education to establish and carry out a national teacher recruitment campaign to assist high-need school districts in recruiting teachers. The Secretary is to conduct a national public service campaign concerning the resources for and the routes to entering the field of teaching. The Secretary is also directed to coordinate activities under this section with state and regional recruitment activities.

#### **School Leadership**

20 U.S.C. 6651(b) authorizes the United States Secretary of Education to establish and carry out a national principal recruitment campaign to assist high-need local school districts in recruiting and training principals. The program allows for financial incentives to be provided to aspiring new principals, for stipends to be paid to principals willing to mentor new principals, for funds to carry out various professional development

programs, and for incentives that are appropriate for teachers or individuals from other fields who wish to become principals.

#### **Advanced Certification or Advanced Credentialing**

20 U.S.C. 6651(c) authorizes the United States Secretary of Education to implement a discretionary grant program that provides funds for teachers seeking advanced certification or credentialing. The funds are made available to state education agencies, school districts, the National Board for Professional Teaching Standards in partnership with a high-need district or a state education agency, the National Council on Teacher Quality in partnership with a high-need district or a state education agency, and to any other recognized certification or credentialing organization in partnership with a high-need district or a state education agency.

#### **Special Education Teacher Training**

20 U.S.C. 6651(d) authorizes the United States Secretary of Education to award a grant to the University of Northern Colorado to enable that institution to provide to other institutions of higher education assistance in training special education teachers.

#### **Early Childhood Educator Professional Development**

20 U.S.C. 6651(e) authorizes the United States Secretary of Education to provide a discretionary grant program that is designed to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent such children from encountering difficulties once they enter school, by improving the knowledge and skills of early childhood educators who work in communities having high concentrations of children living in poverty. The program makes two-year grants available to:

1. Institutions of higher education or other public or private entities that provide professional development for early childhood educators who work with children from low-income families in high-need communities;
2. State and local public agencies, Head Start agencies, or private organizations; and
3. Entities that have demonstrated experience in providing training to educators in early childhood education programs in identifying and preventing behavior problems in children or working with children who are victims or suspected to be victims of abuse.

Applicants must describe the needs of the community to be served, provide information regarding the quality of the early childhood educator professional development program currently being conducted, conduct and provide the results of a needs assessment, describe the types of professional development activities that will be carried out, and describe how the project will be coordinated with other early childhood education

professional development activities already existing in the community. (20 U.S.C. 6651(e)(3))

The funds must be used to carry out activities that will improve the knowledge and skills of early childhood educators who are working in programs based in high-need communities that serve concentrations of children from low-income families. Those activities may include professional development in: (1) the application of recent research on child, language and literacy development, and early childhood pedagogy; (2) working with parents; (3) working with children who have limited English proficiency, disabilities, and other special needs; and (4) identifying and preventing behavioral problems in children or working with children suspected to be victims of abuse. Other allowable activities include assisting and supporting educators during their first three years; using distance learning to support professional development; and selecting and using screening and diagnostic assessments to improve teaching and learning. The program also supports data collection, evaluation, and reporting on meeting the achievement indicators established by the Secretary. (20 U.S.C. 6651(e)(5))

**TITLE II, PART B  
MATHEMATICS AND SCIENCE  
PARTNERSHIPS  
20 U.S.C. 6661**

The purpose of the mathematics and science partnerships program is to provide competitive grants to partnerships for professional development, teacher recruitment, and curriculum redesign in the areas of mathematics and science. (20 U.S.C. 6661(a)) The program is a jointly funded initiative supported by the United States Secretary of Education and the National Science Foundation. The grants are targeted to partnerships that consist of high-need school districts and university science, mathematics, and engineering schools that share responsibility for training and educating teachers of mathematics and science.

If the program is funded at less than \$100 million annually, the United States Secretary of Education will award competitive grants directly to eligible partnerships. If the program receives more than \$100 million annually, the Secretary will allocate funds directly to states by formula so that they can award subgrants to eligible partnerships. The grants are awarded for a period of three years and are contingent upon the recipients instituting reforms that are aligned with academic standards in mathematics and science, engaging in activities that are based on scientific research, carrying out reforms, creating an accountability plan, and agreeing to continue the reforms after federal funding has ended. (20 U.S.C. 6662)

**TITLE II, PART C  
INNOVATION FOR TEACHER QUALITY  
20 U.S.C. 6671 ET SEQ.  
Troops-to-Teachers Program**

The troops-to-teachers program is designed to assist eligible members of the armed forces in becoming licensed to teach and to facilitate the employment of those individuals by school districts that are identified as having high concentrations of children from low-income families or that are experiencing a shortage of highly qualified teachers, particularly in the areas of mathematics, science, special education, or vocational and technical education.

The troops-to-teachers program is funded through the United States Department of Education, which transfers the funds to the United States Department of Defense. The program does not provide participants with preservice training to become licensed teachers, but provides guidance on how to obtain such licenses, maintains a nationwide teacher referral system, and maintains placement offices in 24 states. Eligible participants may receive up to \$5,000 to pay for licensing costs or may receive a bonus of \$10,000 if they teach full-time in a high-need school for at least three years. (20 U.S.C. 6671-6677)

**Transition to Teaching Program**

The transition to teaching program is a competitive grant program designed to recruit and retain highly qualified midcareer professionals, including paraprofessionals, and recent college graduates to teach in high-need schools. The program also encourages the development and expansion of alternative routes to certification under state-approved programs that enable individuals to be eligible for teacher certification within a reduced period of time.

This program provides competitive five-year grants to state education agencies, high-need school districts, and for-profit or nonprofit groups that have been effective at recruiting and retaining high-quality teachers in partnership with a state education agency or a high-need district, institutions of higher education in partnership with a state education agency or high-need district, a consortium of state education agencies, or a consortium of high-need districts.

The funds must be used for at least two of the following activities:

1. Scholarships, stipends, bonuses, and other financial incentives (for an amount limited to \$5,000 per person) that are linked to participation in activities that have proven effective in retaining teachers in high-need schools;
2. Placement activities;
3. Preplacement and postplacement induction and support services;
4. Payments to cover the costs of providing financial incentives to individuals or the costs of accepting teachers recruited;

5. Collaboration with institutions of higher education in developing and implementing teacher recruitment and retention programs;
6. Programs that have proven to be effective in recruitment and retention; and
7. Development of long-term recruitment and retention strategies. However, all projects must include activities that lead to the hiring of eligible participants as teachers in high-need schools and which provide these individuals the followup support they need to succeed in their new careers. (20 U.S.C. 6683(g))

Every project funded through the transition to teaching program must conduct an interim and a final evaluation. If a project has not made substantial progress in meeting the goals and objectives of its grant by the end of the third year, the project will not receive its funding for the fourth and fifth years. (20 U.S.C. 6684)

### **National Writing Project**

The National Writing Project is a nonprofit educational organization that has as its primary purposes the improvement of student writing and learning, the improvement of teaching to write, and the use of writing as part of the learning process. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 77) 20 U.S.C. 6702 authorizes the United States Secretary of Education to make a noncompetitive grant to the National Writing Project for the purpose of providing professional development activities to teachers and educating them in how to effectively teach writing to students. The professional development activities are open to teachers from all disciplines and are conducted during the school year and summer months.

### **Civic Education**

The civic education program is designed to improve the quality of civics and government education by educating students about the history and principles of the Constitution of the United States, fostering civic competence and responsibility, and improving the quality of civic education and economic education through cooperative programs with emerging democracies. (20 U.S.C. 6712) The program authorizes the United States Secretary of Education to provide a noncompetitive grant to the Center for Civic Education to carry out civic education activities, a noncompetitive grant to the National Council on Economic Education to carry out economic education activities, and grants or contracts to other organizations to carry out international civic education activities. (20 U.S.C. 6713)

### **Teaching of Traditional American History**

20 U.S.C. 6721 authorizes the United States Secretary of Education to establish and implement the teaching American history grant program. Under the program, the Secretary may provide direct competitive grants to school districts to support student achievement by improving teachers' knowledge, understanding, and

appreciation of American history and most importantly, to promote the teaching of American history as a separate academic subject and not as a component of social studies. (20 U.S.C. 6721)

## **TITLE II, PART C SUBPART 5 - TEACHER LIABILITY PROTECTION 20 U.S.C. 6731**

This section is designed to provide teachers, principals, and other school professionals with the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment. (20 U.S.C. 6732) It also protects educators from liability for harm they may cause while disciplining students and limits the awarding of punitive damages against them, as long as they are acting within the scope of their employment and in accordance with applicable federal, state, and local laws, including civil rights laws. (20 U.S.C. 6736)

## **TITLE II, PART D ENHANCING EDUCATION THROUGH TECHNOLOGY 20 U.S.C. 6752**

Technology can be used to enhance curricula and engage students in learning. In addition, the job market increasingly demands technology skills for new workers. Consequently, Congress created a new program with the following purposes:

1. To provide assistance to states and localities for the implementation and support of a comprehensive system that effectively uses technology in elementary schools and secondary schools to improve student academic achievement.
2. To encourage the establishment or expansion of initiatives, including initiatives involving public-private partnerships, designed to increase access to technology, particularly in schools served by high-need local education agencies.
3. To assist states and localities in the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure in a manner that expands access to technology for students (particularly for disadvantaged students) and teachers.
4. To promote initiatives that provide schoolteachers, principals, and administrators with the capacity to integrate technology effectively into curricula and instruction that are aligned with challenging state academic content and student academic achievement standards through such means as high-quality professional development programs.
5. To enhance the ongoing professional development of teachers, principals, and administrators by providing constant access to training and

updated research in teaching and learning through electronic means.

6. To support the development and utilization of electronic networks and other innovative methods, such as distance learning, of delivering specialized or rigorous academic courses and curricula for students in areas that would not otherwise have access to such courses and curricula, particularly in geographically isolated regions.
7. To support the rigorous evaluation of programs funded under this part, particularly regarding the impact of such programs on student academic achievement, and ensure that timely information on the results of such evaluations is widely accessible through electronic means.
8. To support local efforts using technology to promote parent and family involvement in education and to promote communication among students, parents, teachers, principals, and administrators. (20 U.S.C. 6752)

The educational technology state grants program provides formula grants to states. States may use up to 5 percent of the funds for state-level activities, and they must distribute one-half of the remaining funds by formula to school districts based on each district's share of funds under Part A of Title I and the other half to high-need districts or partnerships that include high-need districts on a competitive basis.

School districts are required to expend 25 percent of the funds they receive for professional development. A district may be exempted from this requirement if the state determines that the district already provides high-quality professional development in the integration of technology.

State education agencies are required to have state technology plans that include goals for the use of technology and strategies that the state will use to prepare teachers in the use of technology. States are also required to provide technical assistance and to evaluate the effectiveness of the grants. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 87)

## TITLE II, PART D READY-TO-LEARN TELEVISION 20 U.S.C. 6775

The United States Secretary of Education is authorized by this section to award grants to or enter into contracts with public telecommunications entities:

1. To develop, produce, and distribute educational and instructional video programming for preschool and elementary schoolchildren and their parents in order to facilitate student academic achievement;
2. To facilitate the development, directly or through contracts with producers of children's and family educational television programming, of educational programming for preschool and

elementary schoolchildren, and the accompanying support materials and services that promote the effective use of such programming;

3. To facilitate the development of programming and digital content containing ready-to-learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;
4. To contract with entities, such as public telecommunications entities, so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming and through the use of the most appropriate distribution technologies; and
5. To develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed:
  - a. To promote school readiness; and
  - b. To promote the effective use of materials among parents, teachers, Head Start providers, even start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary schoolteachers, public libraries, and afterschool program personnel caring for preschool and elementary schoolchildren.

(20 U.S.C. 6775)

In order to receive funds under this section, eligible telecommunications entities must apply to the United States Secretary of Education and must demonstrate that they have the:

1. Capacity to develop and nationally distribute educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary schoolchildren;
2. Capacity to contract with producers of children's television programming for the purpose of developing educational television programming of high quality;
3. Capacity to negotiate contracts so that an appropriate share of any ancillary income from sales of program-related products are returned to the entity; and
4. Capacity to localize programming and materials to meet specific state and local needs and to provide local educational outreach.

(20 U.S.C. 6775(a)(3))

The programs must be made widely available to young children, parents, child care workers, Head Start providers, even start providers, and providers of family literacy services. (20 U.S.C. 6775(a)(4))

**TITLE III  
LANGUAGE INSTRUCTION FOR  
LIMITED ENGLISH PROFICIENT AND IMMI-  
GRANT STUDENTS  
20 U.S.C. 6811**

The language instruction for limited English proficient and immigrant students program is designed to ensure that children who are limited English proficient, including immigrant children, attain English proficiency, develop high levels of academic attainment, and meet the same challenging state academic content and student achievement standards as all other students. It is also designed to develop high-quality language instruction programs, to assist state education agencies and school districts in their ability to provide quality programming, and to promote parental and community participation in language instruction programs. (20 U.S.C. 6812)

If the appropriation exceeds \$650 million, the United States Secretary of Education determines formula allocations based on a state's share of limited English proficient students and recent immigrant students. State education agencies must in turn expend at least 95 percent of their allotment in the form of formula subgrants to school districts. Up to 15 percent must be reserved for school districts that have experienced significant increases in the number or percentage of immigrant students. If a state does not apply for its grant, the Secretary of Education may provide competitive grants directly to school districts. (20 U.S.C. 6821)

If the appropriation is less than \$650 million, the legislation authorizes three discretionary grant programs for instructional services, four support services programs, a professional development program, and immigrant education formula grants.

In order to receive funds, state education agencies must submit a plan to the United States Secretary of Education that describes the process to be used for determining subgrants, the establishment of standards and objectives for raising the level of English proficiency, and accountability procedures regarding annual achievement objectives and adequate yearly progress for limited English proficient children. (20 U.S.C. 6823) School districts are required to use the funds to provide high-quality language instruction programs and professional development opportunities geared toward improving the instruction and assessment of limited English proficient students. (20 U.S.C. 6825)

**TITLE IV – 21ST CENTURY SCHOOLS  
TITLE IV, PART A  
SAFE AND DRUG-FREE SCHOOLS  
AND COMMUNITIES  
20 U.S.C. 7102**

The purpose of the Safe and Drug-Free Schools and Communities Act is to prevent violence in and around schools, prevent the illegal use of alcohol, tobacco, and drugs, and to foster a safe and drug-free learning

environment that supports student academic achievement. (20 U.S.C. 7101)

The program has two principal components--the state grant program and the national program. The state grant component provides funds to both the state education agency and the office of the Governor. State education agency funds are in turn provided to school districts and may be used for a wide variety of drug and violence prevention activities and strategies. Up to 5 percent of such funds may be set aside for state-level activities, including technical assistance and training, evaluation, and program improvement services. (20 U.S.C. 7112(c)) Funds forwarded to the office of the Governor may be awarded to school districts and community groups that provide services to students with special needs, such as those who have dropped out, those who have been suspended or expelled, and those who are homeless, pregnant, or parenting. (20 U.S.C. 7112)

In order to be deemed eligible for funds, states must develop a coordinated, comprehensive plan for how the funds will be used. A needs assessment must be conducted and assurances must be given that new activities will not duplicate already existing activities. (20 U.S.C. 7113)

Any funds received under this section must supplement, not supplant, other prevention funding.

The national program component provides funding for demonstration projects, special initiatives, technical assistance, evaluation, and other efforts designed to improve drug and violence prevention. It includes grants to school districts and community organizations to assist localities most directly affected by hate crimes in activities such as the development of education and training programs to prevent hate-motivated crimes and conflicts and the improvement of conflict-resolution skills on the part of both students and staff. (20 U.S.C. 7131)

Grants are also available to school districts for the hiring and training of drug-prevention and school-safety coordinators in schools having significant drug and safety problems. Formula grants are available to states for operating programs under which expelled or suspended students are required to perform community service. (20 U.S.C. 7131)

In addition, the national program authorizes the Departments of Education, Justice, and Energy to establish a resource center for the purpose of providing school districts with school security assessments, security technology development, implementation, and evaluation, and technical assistance relating to improvements in school security. (20 U.S.C. 7137)

The Departments of Education and Justice are also authorized to establish a national center for school and youth safety. The center is to coordinate services and activities related to school safety, including emergency responses, anonymous student hotlines, consultations, and the provision of information and outreach services. Special attention is to be given to providing outreach services in rural and impoverished communities. (20 U.S.C. 7138)

Competitive grants to school districts are authorized for the development and implementation of programs to reduce alcohol abuse at the high school level and for mentoring programs aimed at children who are at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities, or who lack strong positive role models. The programs must be designed to link these children living in rural areas, high-crime areas, or troubled home environments or those experiencing educational failure with trained mentors. Funds may be used for activities such as hiring and training coordinators and recruiting, screening, and training mentors but may not be used to compensate mentors. (20 U.S.C. 7139)

**TITLE IV, PART A**  
**SUBPART 3 - GUN POSSESSION -**  
**GUN-FREE REQUIREMENTS**  
**20 U.S.C. 7151**

The Gun-Free Schools Act requires each state that receives funds under the No Child Left Behind Act to have in effect a state law requiring school districts to expel from school for at least one year any student who brings a firearm to a school or who possesses a firearm at school. The law must also contain a provision that allows the school district superintendent to modify the expulsion on a case-by-case basis. (20 U.S.C. 7151)

**TITLE IV, PART B**  
**21ST CENTURY COMMUNITY**  
**LEARNING CENTERS**  
**20 U.S.C. 7171**

The 21st century community learning centers program provides for the establishment or expansion of community activities that provide afterschool opportunities for academic enrichment, such as tutorial services, and which offer students a broad array of additional services, programs, and activities such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs. The program is a state-administered discretionary grant program and funding is available to school districts, community-based and faith-based organizations, and government entities, as well as other public or private entities. (20 U.S.C. 7171(a))

Successful grantees must ensure that funded community learning centers will be sustained after conclusion of the grant period, that the transportation needs of participating students will be addressed, that children's needs will be met by involving a wide array of individuals and groups in the application process, including the chief state school officer, officials of other state agencies administering before and afterschool programs, and the heads of the state health and mental health agencies or their designees, and representatives of teachers, parents, students, the business community, and community-based organizations. (20 U.S.C. 7173-7175)

**TITLE IV, PART C**  
**ENVIRONMENTAL TOBACCO SMOKE**  
**20 U.S.C. 7181**

Under 20 U.S.C. 7181 et seq., smoking is prohibited in buildings used to provide children under 18 years of age with regular or routine health care, day care, education, or library services that are funded directly or through the United States Department of Education, the Department of Health and Human Services, or the Department of Agriculture special supplemental nutrition program for women, infants, and children. It applies to states, counties, school districts, state and local agencies, schools, and any individual, corporation, or partnership that owns, operates, controls, or provides children's services. It does not apply to private homes or parts of buildings used to provide inpatient treatment for drug and alcohol addiction. (20 U.S.C. 7181-7184)

**TITLE V**  
**PROMOTING INFORMED PARENTAL**  
**CHOICE AND INNOVATIVE PROGRAMS**  
**PART A - INNOVATIVE PROGRAMS**  
**20 U.S.C. 7201**

Part A of Title V provides grants to support local education reform efforts that:

1. Are consistent with and supportive of statewide education reform efforts;
2. Enable state education agencies and local school districts to implement educational reform programs and school improvement programs based on scientific research;
3. Provide a continuing source of innovation and educational improvement, including support programs to provide library services and instructional and media materials;
4. Meet the educational needs of all students, including at-risk youth; and
5. Develop and implement educational programs to improve school, student, and teacher performance, including professional development activities and class size reduction programs. (20 U.S.C. 7201)

Primary responsibility for the administration of funds made available under this part is given to each state education agency. However, the legislation states that "it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this part be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because local educational agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts." (20 U.S.C. 7201(b))

Program funds are allocated by formula, according to each state's share of the school-age population. Each state receives at least one-half of 1 percent of the total

funding. States must award subgrants totaling at least 85 percent of the funds received to school districts based on the relative enrollments in public and private schools. State education agencies may use their share of program funds to support school choice options, school renovations, or technology, or to implement other state reforms. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 107)

**TITLE V, PART B**  
**PUBLIC CHARTER SCHOOLS**  
**20 U.S.C. 7221**

Part B of Title V is designed to increase the national understanding of the charter schools model by:

1. Providing financial assistance for the planning, program design, and initial implementation of charter schools;
2. Evaluating the effects of such schools, including the effects on students, student academic achievement, staff, and parents;
3. Expanding the number of high-quality charter schools available to students across the nation; and
4. Encouraging states to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the states have typically provided for traditional public schools. (20 U.S.C. 7221)

Charter schools were developed in the early 1990s with the intent of increasing local control, allowing teachers greater flexibility for innovation, and providing students increased educational options within the public school system. As of 2002, 36 states, the District of Columbia, and Puerto Rico have charter school laws. Approximately 575,000 students receive their education in public charter schools.

The public charter school program provides competitive grants to states and to individual charter schools. Recipients must demonstrate that the grant will assist educationally disadvantaged students and other students in meeting the state's academic standards. Grants may be used for planning, program design, implementation, and dissemination. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 109)

**TITLE V, PART B**  
**CREDIT ENHANCEMENT INITIATIVES**  
**TO ASSIST CHARTER SCHOOL FACILITY**  
**ACQUISITION, CONSTRUCTION, AND**  
**RENOVATION**  
**20 U.S.C. 7223**

Grants are also made available to newly created charter schools to assist with the acquisition, construction, or renovation of facilities. The grants are competitive and are available to private, nonprofit

organizations, public entities, or consortia. (20 U.S.C. 7223)

A state education agency may apply as a public entity or may enter into a consortium with a nonprofit entity or another public entity. Grant recipients may reserve one-quarter of 1 percent of the grant for administrative costs. The remainder, however, must be deposited in a reserve account and used to guarantee or ensure debt incurred in the acquisition, construction, or renovation. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 11-112)

**TITLE V, PART B**  
**VOLUNTARY PUBLIC SCHOOL CHOICE**  
**PROGRAMS**  
**20 U.S.C. 7225**

The voluntary public school choice program helps states and local school districts implement public school choice policies by providing funds for student transportation, tuition transfer payments to the schools that students choose to attend, increasing the capacity of high-demand schools to serve greater numbers of students, and disseminating information about open enrollment options. (20 U.S.C. 7225a)

Competitive awards are made available to state education agencies, school districts, or partnerships that include a state education agency or a school district and another organization. The grants may be used to establish or expand programs that provide students and parents with greater public school choice. Grants are available for up to five years, one of which may be used for planning or program design.

In awarding grants, the United States Secretary of Education is directed to give priority to programs that provide the widest variety of choices to all students in participating schools, that have the greatest impact in allowing students in low-performing schools to attend higher-performing schools, and that seek to implement an interdistrict approach to school choice. (20 U.S.C. 7225(c))

**TITLE V, PART C**  
**MAGNET SCHOOLS ASSISTANCE**  
**20 U.S.C. 7231**

A magnet school is defined in 20 U.S.C. 7231(1) as "a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds."

The magnet schools assistance program provides grants to establish and operate magnet schools in school districts that are under a court-ordered or federally approved voluntary desegregation plan. Under the program, discretionary grants are awarded to school districts or to consortia of districts to support magnet schools that are part of an approved desegregation plan and that are designed to bring students from different

social, economic, ethnic, and racial backgrounds together. (20 U.S.C. 7231(b)) Funding priority is given to applicants that demonstrate the greatest need for assistance, that propose to carry out new or significantly revised magnet school programs, and that propose to select students to attend magnet school programs by methods such as a lottery, rather than through academic examination. (20 U.S.C. 7231(e))

Recipients must use the funds to reduce, eliminate, or prevent minority group isolation, increase student academic achievement, continue the magnet school program after assistance is no longer available, and implement services to improve the academic achievement of all students attending the magnet school program. Funds may be spent on supporting activities that are directly related to improving student academic achievement based on the state's challenging academic content standards and student achievement standards or activities that are directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music. Funds may also be spent on activities to improve vocational, technological, and professional skills. (20 U.S.C. 7231(f))

**TITLE V, PART D  
FUND FOR THE IMPROVEMENT  
OF EDUCATION  
20 U.S.C. 7243**

Part D of Title V authorizes the United States Secretary of Education to support nationally significant programs designed to improve the quality of elementary and secondary education at the state and local levels and to help all children meet challenging state academic content and student academic achievement standards. The Secretary may either carry out such programs directly, or by means of grants to, or contracts with state or local educational agencies, institutions of higher education, and other public and private agencies and entities. (20 U.S.C. 7243(a))

The funds may be used to:

1. Promote systemic education reform at the state and local levels, including scientific research, development, and evaluation designed to improve student academic achievement strategies for effective parent and community involvement;
2. Promote programs at the state and local levels that are designed to yield significant results, including programs to explore approaches to public school choice and school-based decisionmaking;
3. Recognize programs at the state and local levels that have made the greatest progress in improving the academic achievement of economically disadvantaged students and students from major racial and ethnic minority groups, and in closing the academic achievement gap for those groups of students farthest

away from the proficient level on the academic assessments administered by the state;

4. Evaluate education reform strategies and innovations, and the dissemination of information on the effectiveness of such strategies and innovations;
5. Identify and recognize exemplary schools and programs;
6. Support scholar-athlete games programs, including the World Scholar-Athlete Games and the United States Scholar-Athlete Games;
7. Promote programs designed to increase voter participation in American elections, such as the National Student/Parent Mock Elections and Kids Voting USA;
8. Conduct demonstrations regarding the planning and evaluation of programs under which local school districts contract with private management organizations to reform schools; and
9. Support other programs that meet the purposes of this Act. (20 U.S.C. 7243(b))

**TITLE V, PART D  
SUBPART 2 - ELEMENTARY  
AND SECONDARY SCHOOL  
COUNSELING PROGRAM  
20 U.S.C. 7245**

The elementary and secondary school counseling program provides discretionary grants to assist school districts in establishing or expanding counseling programs. (20 U.S.C. 7245(a))

If the appropriation is less than \$40 million any fiscal year, the program focuses on counseling in elementary schools and, if the appropriation for the program exceeds \$40 million in any fiscal year, the program may be expanded to counseling in high schools. (20 U.S.C. 7245(g))

Special consideration is given to applicants who demonstrate the greatest need for new or additional counseling services, propose the most promising and innovative approaches, and show the greatest potential for replication and dissemination. In addition, grants must be equitably distributed among geographic regions and among urban, suburban, and rural districts. The principal use of grant funds will be to support the hiring and training of qualified school counselors, school psychologists, child and adolescent psychiatrists, and social workers for schools.

School districts that receive the grants are required to work toward ratios of one school counselor for every 250 students, one school social worker for every 800 students, and one school psychologist for every 1,000 students. Districts also must provide inservice training, hire staff who meet specific qualifications, and evaluate the effectiveness of their services. (20 U.S.C. 7245(c)(2))

**TITLE V, PART D  
SUBPART 3 - PARTNERSHIPS IN  
CHARACTER EDUCATION  
20 U.S.C. 7247**

The United States Secretary of Education is authorized to award grants to eligible entities for the design and implementation of character education programs that are able to be integrated into classroom instruction, that are consistent with state academic content standards, and which are able to be carried out in conjunction with other educational reform efforts. (20 U.S.C. 7247(a)) The grants are part of the partnerships in character education program, which is designed to focus on "character" instruction, i.e., caring, citizenship, justice, respect, responsibility, trustworthiness, and giving. (20 U.S.C. 7247(c)) The Secretary may require grant recipients to provide sliding scale matching funds. (20 U.S.C. 7247(i)(2))

In addition to requiring that grant recipients base their programs on research, it is also required that grant recipients conduct comprehensive evaluations of their programs. The evaluations are to be submitted at the end of the second year of the grant and no later than one year after the conclusion of the grant period. In evaluating their programs, grant recipients may address discipline issues, student academic achievement, participation in extracurricular activities, parental and community involvement, faculty and administrative involvement, student and staff morale, and improvements in school climate. (20 U.S.C. 7247(h))

**TITLE V, PART D  
SUBPART 4 - SMALLER LEARNING  
COMMUNITIES  
20 U.S.C. 7249**

Local education agencies may apply to the United States Secretary of Education for grants to enable the creation of smaller learning environments. (20 U.S.C. 7249(a)) Funds received under this section may be used to study the feasibility of creating the smaller learning communities, to research, develop, and implement strategies for creating smaller learning environments, to provide professional development for school staff in innovative teaching methods that challenge and engage students and which will be used in the smaller learning communities, and to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities as facilitators of activities that enable teachers to participate in professional development activities and provide links between students and their community. (20 U.S.C. 7249(b)) Nothing in this section, however, defines a "smaller learning community."

**TITLE V, PART D  
SUBPART 5 - READING IS  
FUNDAMENTAL - INEXPENSIVE BOOK  
DISTRIBUTION PROGRAM  
20 U.S.C. 7251**

Subpart 5 of Part D of Title V establishes and implements a model partnership between a governmental entity and a private party. (20 U.S.C. 7251(a)) The purpose of the partnership is to help prepare young children for reading and to help motivate older children to read through the distribution of inexpensive books. (20 U.S.C. 7251(a)) Funds available under this section are to be used to provide books, train volunteers, host motivational activities, and provide other essential literacy resources. Priority is given to programs that will serve a substantial number of:

1. Low-income children, particularly in high-poverty areas;
2. Children at risk of school failure;
3. Children with disabilities;
4. Foster children;
5. Homeless children;
6. Migrant children;
7. Children without access to libraries;
8. Institutionalized or incarcerated children; and
9. Children whose parents are institutionalized or incarcerated. (20 U.S.C. 7251(c))

**TITLE V, SECTION D  
SUBPART 6 - GIFTED AND  
TALENTED STUDENTS  
20 U.S.C. 7253**

In order to support a coordinated program of scientific research, demonstration projects, innovative strategies, and similar activities to enhance the ability of elementary schools and high schools to meet the special educational needs of gifted and talented students, Congress reauthorized the Jacob K. Javits Gifted and Talented Students Education Act. (20 U.S.C. 7253(a))

The legislation creates a discretionary grant program and authorizes the United States Secretary of Education to contract with state education agencies, local school districts, institutions of higher education, other public agencies, and private entities for the design and implementation of programs that can meet the special educational needs of gifted and talented students and at the same time, benefit all students. (20 U.S.C. 7253(c))

Grant applicants must describe how their proposed services, materials, and methods can be adapted for use by all students and how the proposed programs can be evaluated. Highest priority is given to programs and projects designed to develop new information that helps schools develop programs that identify and serve gifted and talented students and which identify and serve gifted and talented students who are economically disadvantaged, have limited English proficiency, have disabilities, or who may otherwise not be identified through traditional assessment methods. (20 U.S.C. 7253(d))

**TITLE V, PART D**  
**SUBPART 7 - STAR SCHOOLS**  
**20 U.S.C. 7255**

The star schools program is based on the recognition that distance learning can enrich regular classroom instruction and provide high-quality instruction in remote or high-poverty locations where students otherwise do not have access to specialized courses such as advanced placement courses. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 127) Its purpose is to encourage improved instruction in mathematics, science, and foreign languages, as well as other subjects, and to serve student populations that would otherwise be underserved, including students who are disadvantaged, illiterate, limited English proficient, and disabled. The program provides grants to telecommunications partnerships to enable the construction, acquisition, maintenance, and operation of telecommunications audio and visual facilities and equipment; to enable the development and acquisition of educational and instructional programming; and to obtain technical assistance for the use of such facilities and instructional programming. (20 U.S.C. 7255(a))

Eligible partnerships include statewide or multistate entities, which may be public or private and which must include at least three of the following: a school district, a state education agency, an adult and family education program, an institution of higher education, a teacher-training center or academy, a public broadcasting entity, or a public or private elementary school or high school.

A grant application must include plans that provide instruction consistent with state academic content standards or that provide significant and specific assistance to states and districts undertaking systemic education reform. A five-year grant may not exceed \$10 million in any single fiscal year. At least 25 percent of the funds must be used for instructional programming and at least 50 percent must be used for facilities, equipment, teacher training or retraining, technical assistance, or programming. The federal share is capped at 75 percent for the first and second years, 60 percent for the third and fourth years, and 50 percent for the fifth year. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 127)

**TITLE V, PART D**  
**SUBPART 8 - READY TO TEACH**  
**20 U.S.C. 7257**

The ready-to-teach program authorizes the United States Secretary of Education to provide grants to nonprofit telecommunications entities and to partnerships of such entities for the purpose of carrying out a national telecommunications-based program designed to improve teaching in core curriculum areas. (20 U.S.C. 7257) The program offers Internet and telecommunications-based professional development

opportunities on an ongoing basis to teachers in a variety of locations for the purpose of assisting schools and teachers prepare students to meet state academic content and student academic achievement standards in core curriculum areas.

The grants are competitive and require at least a 100 percent match for three years. In addition, grant recipients must agree to submit to the United States Secretary of Education an annual report that describes the activities undertaken, the number of teachers using the program in each core curricular area, and the states in which teachers using the program are located. (20 U.S.C. 7257(c))

**TITLE V, PART D**  
**SUBPART 9 - FOREIGN LANGUAGE**  
**ASSISTANCE**  
**20 U.S.C. 7259**

The foreign language assistance program provides grants to state education agencies and school districts to assist with the cost of innovative model programs to establish, improve, or expand foreign language study for elementary and secondary school students. The program consists of both discretionary and incentive grants. (20 U.S.C. 7259(a))

The United States Secretary of Education is authorized to offer three-year discretionary grants to state education agencies and to school districts to assist with the cost of innovative model programs that are designed to establish, improve, or expand foreign language study. (20 U.S.C. 7259(a)(2))

Grants to state education agencies support systemic approaches to improving foreign language learning and grants to school districts support programs that show the promise of being continued beyond the grant period and which demonstrate approaches that can be disseminated and duplicated in other districts. (20 U.S.C. 7259(b))

The grants may include funds for teachers to enroll in intensive summer foreign language programs, funds to link nonnative English speakers in the community with the schools in order to promote two-way language learning, and funds to ensure the sequential study of a foreign language by students, beginning at the elementary level. The grants must also be used to make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning and to promote activities such as foreign language immersion, partial foreign language immersion, or content-based instruction. (20 U.S.C. 7259(b))

The United States Secretary of Education may also provide incentive grants to public elementary schools that have a foreign language program equal in duration to at least 45 minutes of instruction for four days a week throughout an academic year. The incentive grants are calculated based on the number of participating students. (20 U.S.C. 7259(c))

**TITLE V, PART D**  
**SUBPART 10 - PHYSICAL EDUCATION**  
**20 U.S.C. 7261**

The Carol M. White physical education program provides grants and contracts to initiate, expand, and improve physical education programs for all students from kindergarten through grade 12. The grants may be used to provide equipment and support for students so that they may participate in physical education activities. Funds also may be used to provide training for staff and teachers. (20 U.S.C. 7261(a)-(b))

Grant recipients must submit an annual report to the United States Secretary of Education describing the activities undertaken and the progress that is made toward meeting state physical education standards. (20 U.S.C. 7261(d))

**TITLE V, PART D**  
**SUBPART 11 - COMMUNITY**  
**TECHNOLOGY CENTERS**  
**20 U.S.C. 7263**

The community technology centers program is designed to assist eligible applicants in creating or expanding community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training and to provide technical assistance and support to the centers. (20 U.S.C. 7263(a)) Grants are awarded by the United States Secretary of Education on a competitive basis and for a duration of three years. (20 U.S.C. 7263(b))

Eligible applicants include nonprofit organizations, for-profit businesses, institutions of higher education, school districts, and consortia of these entities, provided they have the capacity to expand access to computers and related services for the individuals to be served.

**TITLE V, PART D**  
**SUBPART 13 - EXCELLENCE IN**  
**ECONOMIC EDUCATION**  
**20 U.S.C. 7267**

The excellence in economic education program provides competitive grants to a national nonprofit educational organization that has as its primary purpose the improvement of students' understanding of personal finance and economics through the effective teaching of economics. (20 U.S.C. 7267(a)) At least 75 percent of the grant award must be made available to state educational agencies, local school districts, or to state or local economic, personal finance or entrepreneurial education organizations. The funds must be used to establish and conduct teacher training programs that use innovative and effective approaches to the teaching of economics, personal finance, and entrepreneurship, to evaluate the impact of economic and financial literacy education research, to create and conduct school-based student activities to provide consumer, economic, and personal finance education, and to encourage replication of the

best practices to promote economic and financial literacy. (20 U.S.C. 7267(a))

**TITLE V, PART D**  
**SUBPART 14 - GRANTS TO IMPROVE**  
**THE MENTAL HEALTH OF CHILDREN**  
**20 U.S.C. 7269**

The grants for the integration of schools and mental health systems program authorizes the United States Secretary of Education to award grants or enter into contracts with state education agencies, local school districts, or Indian tribes for the purpose of increasing student access to quality mental health care by developing innovative programs to link local school systems with the local mental health system. The period of the grant may not exceed five years. (20 U.S.C. 7269(a)-(b))

The United States Secretary of Education is directed to ensure that the grants or contracts awarded under this program are distributed equitably among the geographic regions of the country and among urban, suburban, and rural populations. (20 U.S.C. 7269(g))

**TITLE V, PART D**  
**SUBPART 15 - ARTS IN EDUCATION**  
**20 U.S.C. 7271**

The arts in education program provides assistance, by means of discretionary grants, cooperative agreements, and contracts to state education agencies, school districts, institutions of higher education, museums and other cultural institutions, and to other public or private organizations. (20 U.S.C. 7271(c)) The funds may be used for activities such as research in arts education, dissemination of best practice models, development of state arts education assessments based on a state's standards, and the development of curriculum frameworks. (20 U.S.C. 7271(d))

**TITLE V, PART D**  
**SUBPART 16 - PARENTAL**  
**ASSISTANCE AND LOCAL FAMILY**  
**INFORMATION CENTERS**  
**20 U.S.C. 7273**

The parental assistance and local family information centers program is designed to:

1. Provide leadership, technical assistance, and financial support to nonprofit organizations, including statewide nonprofit organizations, and local school districts to implement successful and effective parental involvement policies, programs, and activities that lead to improvements in student academic achievement;
2. Strengthen partnerships among parents, teachers, principals, administrators, and other school personnel in meeting the educational needs of children;
3. Develop and strengthen the relationship between parents and their children's school;

4. Further the developmental progress of children assisted under this subpart;
5. Coordinate activities funded under this subpart with other parental involvement initiatives; and
6. Provide a comprehensive approach to improving student learning through coordination and integration of federal, state, and local services and programs. (20 U.S.C. 7273)

The program authorizes the United States Secretary of Education to award competitive grants to nonprofit organizations and consortia of nonprofit organizations and school districts to establish school-linked or school-based parental information and resource centers. The Secretary must ensure that the grants are distributed to all geographic regions of the United States. (20 U.S.C. 7273(a))

Grant recipients must agree to report annually on the number of parents who receive information and training, the types of training, information, and support provided, the strategies used to reach and serve parents who are minority, limited English proficient, or have limited literacy skills, the parental involvement policies and practices used by the center, whether the policies and practices are effective, and the effectiveness of the parental involvement activities of school districts and schools on student achievement. (20 U.S.C. 7273(d))

**TITLE V, PART D**  
**SUBPART 17 - COMBATING**  
**DOMESTIC VIOLENCE**  
**20 U.S.C. 7275**

The combating domestic violence program authorizes the United States Secretary of Education to provide grants to local school districts to train school administrators, teachers, and other staff regarding issues concerning children who experience domestic violence, to provide support services for students and school personnel to develop and strengthen effective prevention and intervention strategies, and to develop and implement school system policies regarding appropriate and safe responses to, identification of, and referral procedures for, students who are experiencing or witnessing domestic violence. (20 U.S.C. 7275(b))

**TITLE V, PART D**  
**SUBPART 18 - HEALTHY**  
**HIGH-PERFORMANCE SCHOOLS**  
**20 U.S.C. 7277**

Subpart 18 of Part D of Title V authorizes the United States Secretary of Education, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, to award grants to state educational agencies, which in turn must provide subgrants to school districts for the purpose of planning and preparing for healthy, high-performance school building projects that:

1. Reduce energy use to at least 30 percent below that of a school constructed in compliance with standards prescribed in Chapter 8 of the 2000

- International Energy Conservation Code or a similar state code intended to achieve substantially equivalent results;
2. Meet federal and state health and safety codes; and
3. Support healthful, energy efficient, and environmentally sound practices. (20 U.S.C. 7277(b))

**TITLE V, PART D**  
**SUBPART 19 - GRANTS FOR CAPITAL**  
**EXPENSES OF PROVIDING EQUITABLE**  
**SERVICES FOR PRIVATE SCHOOL**  
**STUDENTS**  
**20 U.S.C. 7281**

The United States Secretary of Education is authorized to award grants to state education agencies, which in turn must provide subgrants to school districts, for the purpose of paying for capital expenses incurred as a result of providing equitable services to private school students. (20 U.S.C. 7279)

For purposes of this section, capital expenses include expenditures for:

1. Noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units, and the leasing of neutral sites or spaces;
2. Insurance and maintenance costs;
3. Transportation; and
4. Other comparable goods and services. (20 U.S.C. 7279(d))

**TITLE V, PART D**  
**SUBPART 21 - WOMEN'S**  
**EDUCATIONAL EQUITY**  
**20 U.S.C. 7283**

The Women's Educational Equity Act is designed to promote gender equity in education and to provide financial assistance to enable educational agencies and institutions to meet the requirements of Title IX of the Educational Amendments of 1972 and to promote equity in education for women and girls who suffer from multiple forms of discrimination based on sex, race, ethnic origin, limited English proficiency, disability, or age. (20 U.S.C. 7283(a))

The United States Secretary of Education is authorized to award competitive grants to public agencies, private nonprofit agencies, organizations, institutions, student groups, community groups, and individuals. At least two-thirds of any amount received must be used to develop model equity programs and for local implementation of gender-equity policies and practices at all educational levels. The grants must address all levels of education in all regions of the United States and in urban, rural, and suburban schools. (20 U.S.C. 7283(b))

The United States Secretary of Education is to submit to the President and Congress a report on the status of educational equity for girls and women in the

United States no later than January 1, 2006. (20 U.S.C. 7283(e))

**TITLE VI - FLEXIBILITY AND  
ACCOUNTABILITY  
PART A - IMPROVING ACADEMIC  
ACHIEVEMENT  
GRANTS FOR STATE ASSESSMENTS  
AND RELATED ACTIVITIES  
20 U.S.C. 7301**

The United States Secretary of Education is directed in 20 U.S.C. 7301 to make grants to states to:

1. Pay the costs for developing the additional state assessments and standards required by this Act; and
2. Administer those assessments and carry out other activities related to ensuring that the state's schools and school districts are held accountable for results.

For purposes of this section, "results" include:

1. Developing challenging state academic content and student academic achievement standards and aligned assessments in academic subjects for which standards and assessments are not required by this Act;
2. Developing or improving assessments of English language proficiency required by this Act;
3. Ensuring the continued validity and reliability of state assessments;
4. Refining state assessments to ensure their continued alignment with the state's academic content standards and improving the alignment of curricula and instructional materials;
5. Developing multiple measures to increase the reliability and validity of state assessment systems;
6. Strengthening the capacity of school districts and schools to provide all students the opportunity to increase educational achievement, including carrying out professional development activities aligned with state student academic achievement standards and assessments;
7. Expanding the range of accommodations available to students with limited English proficiency and students with disabilities to improve the rates of inclusion of such students, including professional development activities aligned with state academic achievement standards and assessments; and
8. Improving the dissemination of information on student achievement and school performance to parents and the community, including the development of information and reporting systems designed to identify best educational practices based on scientific research or to assist in linking records of student achievement, length of enrollment, and graduation over time. (20 U.S.C. 7301)

Each state is to receive \$3 million. Additional amounts are allocated based on each state's share of the population between ages 5 and 17. The program also provides competitive grant awards to states that are willing to collaborate with other organizations in order to improve the quality, validity, and reliability of state assessments beyond the requirements imposed under the No Child Left Behind Act of 2001. (20 U.S.C. 7301(b))

Grant recipients must provide to the United States Secretary of Education an annual report describing the activities carried out under the grant and the results of those activities. Ultimately, recipients are required to meet the Title I accountability requirements.

**TITLE VI  
SUBPART 2 - FUNDING  
TRANSFERABILITY FOR STATE AND  
LOCAL EDUCATIONAL AGENCIES  
20 U.S.C. 7305**

Subpart 2 of Part A of Title VI allows states and school districts to target federal funds to the federal programs that most effectively address their unique needs. (20 U.S.C. 7305(a)) A state may transfer up to 50 percent of the funds it receives for state-level, nonadministrative activities under the improving teacher quality state grants, educational technology state grants, state grants for innovative programs, safe and drug-free schools and communities state grants, and 21st century community learning centers programs to supplement its state reservation under these programs. In addition, a state may use the transferred funds to carry out state-level activities authorized under Part A of Title I. It is important to note that funds can only be transferred into Title I; no Title I funds may be transferred to other programs. (20 U.S.C. 7305(b))

This program also allows a school district that has not been identified as in need of improvement or subject to corrective action under this Act to transfer up to 50 percent of its formula allocation under the teacher quality state grants, educational technology state grants, innovative programs, or safe and drug-free schools programs to supplement its allocation under any of the programs listed above or to supplement its allocation under Part A of Title I. (20 U.S.C. 7305(b))

A school district identified as in need of improvement may transfer up to 30 percent of its allocation for the programs listed above only if it transfers the funds to supplement its school improvement allocation or carry out Title I district improvement activities. A district identified as in need of corrective action may not transfer any funds. States and school districts must use any transferred funds in such a way as to meet all the requirements of the programs to which they are transferred. (20 U.S.C. 7305(b))

Each state that makes a transfer of funds under this section must modify its state plan, submit a copy of the modified plan to the United States Secretary of Education, and notify the Secretary of the transfer. Each

school district that makes a transfer of funds must similarly account for the transfer. (20 U.S.C. 7305(d))

**TITLE VI, PART A**  
**SUBPART 3(A) - STATE FLEXIBILITY**  
**DEMONSTRATION**  
**20 U.S.C. 7311**

Subpart 3(A) of Part A of Title VI gives selected states increased flexibility so they can demonstrate how certain federal funds may be better used to improve student academic achievement, to improve teacher quality, to better empower parents and school personnel in addressing the needs of the students, to eliminate barriers in implementing effective state and local education reform, to narrow the achievement gaps between groups of students, and to hold state education agencies and school districts accountable for increasing the academic achievement of all students. (20 U.S.C. 7311(a)) The United States Secretary of Education may provide this flexibility for up to seven state education agencies for a five-year period. The recipient state education agencies are selected on a competitive basis using a peer review process. (20 U.S.C. 7315)

A recipient state education agency must also contract with between 4 and 10 school districts for the purpose of permitting those school districts to consolidate a portion of their federal funds. (20 U.S.C. 7315(b))

All states participating in this program are required to prepare an annual report that describes how the state and the districts with which the state has contracted used the consolidated funds to make adequate yearly progress and advance the education priorities of the state and its school districts. If a state does not make adequate yearly progress for two consecutive years, the United States Secretary of Education must terminate the agreement. (20 U.S.C. 7315(b))

**TITLE VI, PART A**  
**SUBPART 3(B) - LOCAL FLEXIBILITY**  
**DEMONSTRATION**  
**20 U.S.C. 7321**

Subpart 3(B) of Part A of Title VI allows the United States Secretary of Education to contract with up to 80 school districts in states that do not have state flexibility authority. (20 U.S.C. 7321) The flexibility contracts extend for a period of five years but may be lengthened or shortened according to a district's performance under the contract. The participating districts are selected on a competitive basis using a peer review process. (20 U.S.C. 7321(d)) Each participating district must submit a report to the United States Secretary of Education that describes how the district used the consolidated funds to improve student achievement and reduce achievement gaps. A district must also disseminate this report to parents and the general public. If a participating district does not make adequate yearly progress for two consecutive years during the term of the contract, the United States Secretary of Education shall terminate the contract. (20 U.S.C. 7321(c))

**TITLE VI, PART B**  
**RURAL EDUCATION INITIATIVE**  
**SUBPART 1 - SMALL, RURAL SCHOOL**  
**ACHIEVEMENT PROGRAM**  
**20 U.S.C. 7341**

Subpart 1 of Part B of Title VI is designed to address the unique needs of rural school districts, which often lack the personnel and resources needed to compete effectively for federal competitive grants, and which frequently receive federal grant allocations that are too small to be effective in meeting their intended purposes. (20 U.S.C. 7341(a)) It is a formula grant program and provides funds directly to eligible school districts based on the number of students in average daily attendance in the schools served by the district and the amount that the district received under certain federal programs in the previous fiscal year. To be eligible for this program, a district must have an average daily attendance below 600 students or have schools only in counties that have a population density below 10 persons per square mile and serve only schools located in an area defined by the United States Secretary of Education as being rural or rural but near an urban area. Participating school districts may combine their allocations under a variety of the programs included under the No Child Left Behind Act of 2001. (20 U.S.C. 7345)

School districts must make adequate yearly progress in order to continue their participation in the program. If a district fails to meet adequate yearly progress, it may continue to participate only if it uses its funds for Title I school improvement activities. (20 U.S.C. 7345(b))

**TITLE VI, PART B**  
**RURAL EDUCATION INITIATIVE**  
**SUBPART 2 - RURAL AND**  
**LOW-INCOME SCHOOLS**  
**20 U.S.C. 7351**

The rural education initiative program provides funds to rural school districts that serve concentrations of poor students. However, a school district may not participate in both the small, rural school achievement program and the rural and low-income schools program. (20 U.S.C. 7351)

The rural education initiative program is a formula grant program. Available funds are distributed according to a state's share of students in average daily attendance in eligible districts. Participating state education agencies may distribute the funds to eligible districts according to a district's percentage share of students in average daily attendance in the state by means of a competitive process or by means of an alternative formula that is approved by the United States Secretary of Education and which more effectively targets funds to high-poverty districts. (20 U.S.C. 7351)

Grant recipients must provide to the United States Secretary of Education an annual report detailing how school districts and schools have used the funds and the degree of progress they made toward the goals and

objectives included in the state's application for funds. (20 U.S.C. 7351(c))

**TITLE VI**  
**SUBPART C - GENERAL PROVISIONS**  
**NATIONAL ASSESSMENT OF**  
**EDUCATIONAL PROGRESS -**  
**AMENDMENT**  
**20 U.S.C. 7372**

The national assessment of educational progress has provided data on student achievement in reading, mathematics, science, and other subjects since 1969. The No Child Left Behind Act amended provisions of the national assessment of educational progress and added requirements regarding state and school district participation in the assessment. States are now required to participate in the reading and mathematics portions of the national assessment of educational progress at grades 4 and 8 as a condition of receiving Title I funds. Participation in other national assessment of educational progress assessments is voluntary for states and school districts and is voluntary for students. The No Child Left Behind Act, through amendments, also removed the previous prohibition on using federal funds to pay for the administration of the national assessment of educational progress. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 161-162)

**TITLE VII - INDIAN, NATIVE HAWAIIAN,**  
**AND ALASKA NATIVE EDUCATION**  
**PART A - INDIAN EDUCATION**  
**20 U.S.C. 7401**

The Indian education program is designed to support the efforts of school districts, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging state-student academic achievement standards as all other students. (20 U.S.C. 7402)

The program provides formula grants to school districts and to Bureau of Indian Affairs-operated or supported schools based on the number of Indian children and the state's per student expenditure for education. Eligible school districts must have at least 10 Indian children or the Indian children must make up at least 25 percent of the district's total enrollment. Each eligible school district receives at least \$3,000. (20 U.S.C. 7423)

Among the acceptable activities under the Act are the following:

1. Culturally related activities;
2. Early childhood and family programs that emphasize school readiness;
3. Enrichment programs that focus on problem-solving and cognitive skills development and

which directly support the attainment of challenging state academic content and student academic achievement standards;

4. Integrated educational services in combination with other programs that meet the needs of Indian children and their families;
5. Career preparation activities including tech-prep education, mentoring, and apprenticeship;
6. Activities to educate individuals concerning substance abuse and to prevent substance abuse;
7. The acquisition of equipment;
8. Activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the school district;
9. Activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with state standards, into the curriculum used by the school district;
10. Family literacy services; and
11. Activities that recognize and support the unique cultural and educational needs of Indian children and incorporate appropriately qualified tribal elders and seniors.

(20 U.S.C. 7425(b))

The United States Secretary of Education is also directed to provide grants to eligible entities in order to enable such entities to carry out:

1. Innovative programs related to the educational needs of educationally disadvantaged children;
2. Educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;
3. Bilingual and bicultural programs and projects;
4. Special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;
5. Special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school and to increase the rate of high school graduation for Indian children;
6. Comprehensive guidance, counseling, and testing services;
7. Early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;
8. Partnership projects between school districts and institutions of higher education that allow high school students to enroll in courses at the postsecondary level to aid such students in the transition from high school to postsecondary education;

9. Partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;
10. Programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;
11. Family literacy services;
12. Activities that recognize and support the unique cultural and educational needs of Indian children and incorporate appropriately qualified tribal elders and seniors; or
13. Other services that meet the purpose described in this section. (20 U.S.C. 7441(c))

The United States Secretary of Education is also authorized to use funds to conduct research related to effective approaches for educating Indian children and adults; to evaluate federally assisted education programs from which Indian children and adults may benefit; to collect and analyze data on the educational status and needs of Indians; and to carry out other activities that are consistent with the purposes of the program.

Each school district that receives funds under this program must prepare and submit reports to the United States Secretary of Education on the effectiveness of the funded activities in improving the educational achievement of Indian students. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 165)

### **TITLE VIII - IMPACT AID PROGRAM 20 U.S.C. 7702**

Impact aid provides financial assistance to school districts affected by federal activities. Because federal property is exempt from local property taxes, impact aid helps to replace the lost revenue that would otherwise be available to pay for educating children who live on federal property or whose parents work on federal property.

Impact aid provides formula and competitive grants directly to eligible school districts. Funds flow primarily through basic support payments on behalf of federally connected children (86 percent of all impact aid funds requested in the President's budget for FY 2003). Additional payments are made for federally connected children with disabilities, construction and renovation of school facilities, federal property removed from local tax rolls after 1938, and maintenance of school facilities owned by the United States Department of Education.

Basic support payments provide formula grants to about 1,400 school districts with federally connected children, i.e., children who live on federal property with a parent who is employed on federal property; children who live on federal property with a parent who is on active military duty or is a foreign military officer; children who live on certain Indian lands; children who do not live on federal property but who have a parent who is on active military duty or is a foreign military officer; children

who live in low-rent housing assisted under the United States Housing Act of 1937; children who live on federal property but do not fit any of the above categories; and children who do not live on federal property but have a parent who is employed on federal property.

Payments for children with disabilities provide supplemental assistance to school districts that have certain federally connected children who have disabilities.

Construction funds include both formula and competitive grants to support the construction or renovation of school facilities in eligible school districts, which include districts with large numbers of children living on Indian lands or children with a parent in the uniformed services.

Payments for federal property provide aid to districts with significant amounts of federally owned property acquired since 1938, generally based on an estimate of the local revenue that the school district would have received if the property had remained on the tax rolls.

Facilities maintenance funds support essential repairs to school facilities owned by the United States Department of Education. These schools serve large numbers of military dependents. The department is repairing these schools so that local school districts will accept the transfer of title for these buildings. (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 173)

### **TITLE IX GENERAL PROVISIONS 20 U.S.C. 7801**

Title IX defines terms used in the No Child Left Behind Act. Among the defined terms is that of a "highly qualified teacher." 20 U.S.C. 7801 provides the following:

- (23) HIGHLY QUALIFIED - The term "highly qualified"--
  - (A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that--
    - (i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the

- State's public charter school law; and
- (ii) the teacher has not had certification or licenser requirements waived on an emergency, temporary, or provisional basis;
- (B) when used with respect to--
- (i) an elementary school teacher who is new to the profession, means that the teacher--
    - (I) holds at least a bachelor's degree; and
    - (II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or
  - (ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by--
    - (I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or
    - (II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, courseware equivalent to an undergraduate academic major, or advanced certification or credentialing; and
- (C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and--
- (i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or
  - (ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that--
    - (I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;
    - (II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
  - (III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

- (IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;
- (V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;
- (VI) is made available to the public upon request; and
- (VII) may involve multiple, objective measures of teacher competency.

(20 U.S.C. 7801)

Also included are general provisions that address the consolidation of administrative funds (20 U.S.C. 7821-7823), coordination of programs and consolidated applications, plans, and reports (20 U.S.C. 7841-7846), and authorizations for the United States Secretary of Education to waive burdensome regulations. (20 U.S.C. 7861)

Title IX requires private school students to continue receiving services from No Child Left Behind Act programs, including reading first, even start, safe and drug-free schools, 21st century community learning centers, mathematics and science partnerships, migrant, professional development, technology and bilingual special services, and Title IX prohibits the United States Secretary of Education from requiring, recommending, or certifying curricula, programs, or standards. (20 U.S.C. 7886 and 7901-7907)

Title IX also provides that funds cannot be used to:

1. Develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
2. Distribute or aid in the distribution by any organization of legally obscene materials to minors on school grounds;
3. Provide sex education or HIV-prevention education in schools unless that instruction is age-appropriate and includes the health benefits of abstinence; or

4. Operate a program of contraceptive distribution in schools. (20 U.S.C. 7906)

Title IX prohibits the establishment of a national data base consisting of personally identifiable information (20 U.S.C. 7911) and prohibits federal control of home education. (20 U.S.C. 7886) It denies funds to any school district that has a policy which prevents, or otherwise denies participation in, constitutionally protected prayer in its public elementary and high schools (20 U.S.C. 7904) and it requires school districts that receive funds to provide armed forces recruiters with the same access to high school students as college and job recruiters. (20 U.S.C. 7908)

Title IX also requires each state receiving funds under the No Child Left Behind Act to establish and implement a statewide policy requiring that a student attending a persistently dangerous elementary or high school, or who becomes a victim of a violent criminal offense while in or on school grounds, be allowed to attend a safe school within the same school district.

Each state must define that which it believes to be a "persistently dangerous" school. (20 U.S.C. 7912)

#### **TITLE X - REPEALS, REDESIGNATIONS, AND AMENDMENTS TO OTHER STATUTES**

While Title X contains repeals and technical amendments, it also provides formula grants to all 50 states, the District of Columbia, Puerto Rico, as well as the outlying areas, and the Bureau of Indian Affairs. The state education agencies are in turn to provide competitive grants to school districts so that the districts can facilitate the enrollment, attendance, and success of homeless children. These funds may be used to address transportation issues, immunization requirements, residency requirements, lack of birth certificates and school records, and guardianship issues. The funds may also be used for coordination and collaboration with other local agencies regarding the provision of comprehensive services to homeless children and families, for expedited evaluations of homeless children's needs, for tutoring, supplemental instruction, and enriched educational services, for professional development designed to raise awareness of the needs of homeless children, for referrals to health services, and for developmentally appropriate preschool programs. (42 U.S.C. 11431-11435) (United States Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference*, Washington, D.C., 2002 at 179-180)

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