

# *The* **No Child** **Left** **Behind** *Act*



**A**  
**Special**  
**Report**



State and Federal Relations Office  
Suite 900  
1800 K Street, NW  
Washington, DC 20006  
[www.ets.org](http://www.ets.org)

For further information or assistance in interpreting language in this document or in the law, please feel free to contact: Patty McAllister, Penelope Engel, or Ebo Otuya at 202-659-0616.

Copyright © 2002 by Educational Testing Service. All rights reserved. Educational Testing Service is an Affirmative Action/Equal Opportunity Employer. The modernized ETS logo is a trademark of Educational Testing Service.

March 2002 (Revised June 2002)

# Table of Contents

Introduction and Overview	1
Find-It-Chart	3
Title I Improving the Academic Achievement of the Disadvantaged	4
Title II Preparing, Training, and Recruiting High Quality Teachers and Principals	17
Title III Language Instruction for Limited English Proficient and Immigrant Students	26
Title IV 21st Century Schools	31
Title V Promoting Informed Parental Choice and Innovative Programs	32
Title VI Flexibility and Accountability	36
Title IX General Provisions	38
Title X Repeals, Redesignations, and Amendments to Other Statutes	44



# The No Child Left Behind Act



## Introduction & Overview:

This document, prepared by the State & Federal Relations Office, is a detailed report of provisions of the new *No Child Left Behind Act of 2001* (NCLBA, or the Act) that are of particular interest to ETS. It is intended to help you find exactly what you want as quickly as possible at a sufficiently meaningful level of detail. S&FRO staff have identified 11 major topics addressed by the law that are of keen interest to ETS and have summarized provisions relevant to those topics within the various titles of the law where they occur. Not all titles are covered, as not all titles address ETS's key interests.

This document will also lead you to the full text of the law and to a comprehensive summary on the U.S. Department of Education Web site.

This new law significantly strengthens the federal government's role in elementary and secondary education. The signal feature of the new act is its focus on accountability and results aimed at raising academic achievement for all students and improving the performance of poorly performing schools. There are many elements of the new law that are of special interest to ETS, as follows:

## New K-12 Testing Requirements:

The foundation for the strengthened accountability in federal elementary and secondary education programs are the new requirements for all states to implement reading and math assessments in grades 3-8 and once during grades 10-12 beginning in the 2005-2006 school year. By school year 2007-2008, all students must be assessed in science at least once in the elementary, middle and high school years. These new assessments must be aligned with state academic standards, must produce results that are comparable from year to year, must show

whether students are meeting the state standards and the results must be reported widely. Currently about nine states are meeting these requirements. Beginning in the 2002-03 school year, each state must provide an annual assessment of English-language proficiency. All students who have attended school in the U.S. for at least three consecutive years must be tested. A total of \$387 million has been appropriated for federal fiscal year 2002 for these state assessments and the President has proposed level funding for FY '03.

**NAEP:**

The Act significantly expands the role of NAEP by requiring all states to participate in reading and math NAEP in grades 4 and 8 on a biennial basis. The results will be used

as an independent audit of state assessment results. A total of \$107.5 million was appropriated for NAEP in FY '02, nearly triple the FY '01 level.

**Educator Certification, Induction, Mentoring & Professional Development:**

States and/or local education agencies will receive funding to reform teacher and principal certification; provide professional development, including mentoring and induction; create alternative routes for entry into the profession; and to recruit and retain highly qualified educators. Funds appropriated for professional development activities, which are authorized in a variety of sections of the

bill, have increased for FY '02 by about one-third over FY '01. A series of national activities to strengthen the profession is also authorized to include support for advanced certification or credentialing programs, a national teacher recruitment campaign, a national principal recruitment program and a program to improve the skills of early childhood educators.

**Paraprofessionals:**

Local education agencies receiving Title I funding must ensure the qualifications and skills of paraprofessionals. Among the options for doing so is demonstrating, through a formal state or local academic assessment,

their knowledge and ability to assist in teaching reading, writing and mathematics, or as the case may be, in *readiness* for these three core subject areas.

**Reading Readiness:**

Two new reading programs, *Reading First* and *Early Reading First*, are authorized in the new law. The *Reading First* program funded at \$900 million in FY '02 is intended to assist local school districts in implementing programs to improve reading instruction. Funds may be used for selecting and administering screening, diagnostic and classroom-based instructional reading assessments. The

*Early Reading First* program funded at \$75 million, provides competitive grants to school districts and non-profit organizations to support activities designed to enhance pre-reading skills. Funds may be used for screening reading assessments or other appropriate measures based on scientifically based reading research.

**Research Studies & Evaluations:**

An evaluation of Title I is authorized at \$10 million and must examine how well state assessments meet the rigorous requirements of the new law. A separate Assessment Evaluation is authorized at up to \$1.5 million to conduct an independent assessment of tests used for state accountability purposes and for making high-stakes decisions.

External evaluations of *Reading First* and *Early Reading First* are required.

Up to \$3 million is specified for the *Early Reading First* evaluation. An independent, long-term study of education technology effectiveness is authorized at up to \$15 million. The purpose of the study is to examine the conditions and practices under which educational technology is effective in increasing student academic achievement and teachers' ability to use technology to increase student achievement, including technology literacy.

## Technical Assistance:

The provision of technical assistance (TA) is authorized in numerous sections of the law, to be either provided or received by state education agencies (SEAs) and/or local education agencies (LEAs). In some cases the TA may be provided by a contractor. Examples

of purposes of TA authorizations include: improving failing schools, implementing state English-language assessments, selecting reading programs, integrating technology into instruction, and implementing gender-equity policies.

## FIND-IT CHART

The Find-It Chart below lists the 11 topics and the eight titles of NCLBA that reference them. Within each cell of the chart are the page numbers of this document where those summaries are found.

Key Topics of Interest to ETS	Title I Improving Academic Achievement	Title II Teachers & Principals	Title III English Language Learning	Title IV 21st Century Schools	Title V Choice & Innovative Programs	Title VI Flexibility & Accountability	Title IX General Provisions	Title X Amendments to other laws
State reading & math assessments	p. 5, 16				p. 32	p. 36	p. 42	
NAEP	p. 6, 16					p. 37		
English-language assessments	p. 6		p. 26, 30					p. 46
<i>Reading First &amp; Early Reading First</i>	p. 8-10							
Math & Science		p. 21						
Teacher certification, induction, mentoring, professional development	p. 7-11	p. 17-25	p. 27-29		p. 32-34	p. 36	p. 38-42	p. 44
Paraprofessionals	p. 7	p. 18, 22	p. 27				p. 40	
Research, studies & evaluations	p. 9-14	p. 25	p. 28		p. 33		p. 41-43	
Technical assistance	p. 4, 7, 9, 10, 14	p. 18, 24	p. 26, 28		p. 32, 34, 35	p. 36		
Student privacy								p. 42, 45
Advanced Placement	p. 6 p. 15							

For the full text of the new law, see: <http://www.ed.gov/offices/OESE/esea/index.html> and click on “Law – P.L. 107-110 (HR 1).” A *Summary and Overview* is also available at that site.

# Title I – Improving the Academic Achievement of the Disadvantaged

## Part A – Improving Basic Programs Operated by Local Education Agencies

Title I Part A is the largest program in the Elementary and Secondary Education Act (ESEA) and authorizes federal aid to state and local agencies for helping educationally

disadvantaged children achieve to the same high state academic achievement standards as all other students. Major provisions of this section include:

### State Plans:

In order to receive Title I funds, states must submit to the Secretary of Education a plan which demonstrates that the state has adopted challenging academic content standards and challenging student academic achievement standards that will be used by the state and its local educational agencies. State plans must also demonstrate that the

state has developed and is implementing a single, statewide accountability system that will ensure that all local educational agencies and public elementary and secondary schools are making academic improvement. States must provide evidence to the Secretary that assessments used are of adequate technical quality for each purpose used under the Act.

### Academic Improvement:

Each state is responsible for defining academic improvement known as Adequate Yearly Progress (AYP) that must be achieved within 12 years beginning in the 2001-02 school year. Each state must set annual measurable objectives for all students. States are to raise the level of proficiency over time in equal annual increments leading to 100 percent proficiency. A minimum threshold of performance must be set based on the lowest-achieving demographic subgroup or the lowest-achieving schools in the state, whichever is higher. Reading and math assessments will be used as the academic indicators to measure annual progress. For high schools, higher graduation rates will be

used. Schools that fail to make adequate progress for two consecutive years will receive technical assistance from the district and must provide public school choice. Schools will be required to offer supplemental educational services including private tutoring chosen by the students' parents after a third year of failure to make adequate progress. After four consecutive years of not making adequate progress, a district is required to implement corrective action at the school including adopting a new curriculum or replacing staff members. After five consecutive years of inadequate progress, a school would be identified for reconstitution or an alternative governance structure.



## **Annual assessments in grades 3-8:**

States must begin administering annual, statewide assessments in reading and mathematics in grades 3-8 and at least once during grades 10-12 by the 2005-06 school year. The tests must be aligned with state academic standards, allow student achievement to be comparable from year to year, be of objective knowledge, be based on measurable, verifiable and widely accepted professional assessment standards and not evaluate or assess personal family beliefs and attitudes. States may design and select their own assessments.

The conference report with the bill clarifies *“that the above provision does not prohibit the use of essay, extended response, or short answer test items, nor does it prohibit the use of test items which require a student to analyze a passage of text or to express opinions, provided that such test items are developed consistent with widely accepted professional testing standards.”* By FY '08, states must administer science assessments once during the elementary, middle and high school levels.

## **Funds:**

The final bill authorizes \$490 million for states to develop and administer these assessments; \$387 million was appropriated for FY '02. If a state has already developed those assessments and standards, these funds may be used to administer the assessments. Alternatively, they may be used to carry out other activities related to ensuring accountability for results in the state's schools and LEAS, or improving the quality of the assessments.

From the \$387 million made available for FY '02, each state will automatically receive \$3,000,000. The remaining funds will be allocated among the states based on the number of public school students in grades 3-8. However, funds above the Title I “testing trigger” (see paragraph below) could first be allocated to states that apply for grants to improve the quality and rigor of their state assessments, after which any remaining funds

would be allocated among the states based on their student population in grades 3-8.

An appropriations trigger is included to ensure sufficient funds are available to states to enable them to comply with the 3-8 assessment requirement. A state may defer the commencement or suspend the administration of the annual assessments for one year for each year that the appropriated funds do not reach the set amount. However, states must continue to develop 3-8 assessments even if the appropriation is below the set amount and the state must continue complying with current law by administering reading and math assessments at one grade each during elementary, middle and high school. Testing-trigger amounts are:

- FY 2002 – \$370 million
- FY 2003 – \$380 million
- FY 2004 – \$390 million
- FY 2005 – 2007 – \$400 million

## **Reporting:**

Assessment results must produce individual student interpretive, descriptive, and diagnostic reports that allow parents, teachers and principals to understand and address the specific academic needs of students. Test results must be reported by each major racial and ethnic group; English-proficiency status; migrant status; students with disabilities compared with non-disabled students; and by economic status. Itemized score analyses must be produced and reported for use in interpreting and addressing the specific

academic needs of students. The conference report clarifies: *“Conferees wish to make clear that States may incorporate the data from state assessments into a state-developed longitudinal data system that links students' test scores, length of enrollment, and graduation records over time. Such systems may enable policymakers, educators, and parents to better evaluate the success of schools by reporting on the achievement of students enrolled in the same school for at least three years.”*

**Language Assessments:**

Each state plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student academic assessments are not available and are

needed. The state shall make every effort to develop such assessments and may request assistance from the Secretary of Education if linguistically accessible academic assessment measures are needed.

**Academic Assessment of English-Language Proficiency:**

Beginning in the 2002-03 school year, each state must provide for an annual assessment of English language proficiency (measuring speaking, listening, reading and writing skills) for all students with limited English proficiency in their schools. Students who have attended school in the U.S. for at least three consecutive years must be tested. The conference report clarifies “that additional

*scientifically based research efforts must be made to develop better assessments to measure the progress of limited English proficient children in developing their English language proficiency including speaking, listening, reading and writing skills. The conferees encourage the Secretary to provide technical assistance to states, if requested, on the development and implementation of such assessments.”*

**NAEP:**

Beginning in the 2002-03 school year, states will be required to participate in 4th and 8th grade NAEP reading and mathematics assessments conducted on a biennial basis. Both subjects will be tested in the same year, with one year off between assessments. All states and school districts must agree to participate in the 4th and 8th grade reading and math assessments to receive funds under the Act.

The federal government will pay the full cost of administering state NAEP, and \$72 million has been authorized in FY '02 for this purpose. An overall total of \$107.5 million was appropriated for NAEP, nearly triple the 2001 level. The new law will permit a federal contractor to coordinate and administer state NAEP, relieving states of this responsibility.

**State Report Cards:**

Effective in the 2002-03 school year, each state shall prepare and disseminate an annual state report card that must include:

- Aggregate information on student achievement at each proficiency level on the statewide assessment with information disaggregated by race, ethnicity, etc.
- Information that provides a comparison of the actual achievement level of each group of students in comparison to the state's objectives for each group of students

- The most recent 2-year trend on NAEP reading and math assessments in grades 4 and 8
- The professional qualifications of teachers in the state
- Optional information that may be included in state report cards would provide the percentage of students completing advanced placement courses and the rate of passage for advanced placement tests

**School District Report Cards:**

By the 2002-03 school year, school districts must prepare annual reports for parents and the public on the academic achievement of schools both districtwide and by school. The school district report cards would include the same information as the state report card as applied to the school district and its schools.

In the case of an individual school, the report card would include whether it has been identified for school improvement and how its students performed on the state assessment compared with the school district and with the state as a whole.

**Voluntary Partnerships:**

The new law permits a state to enter into a voluntary partnership with another state to

develop and implement the new academic assessments and standards.

**Schoolwide Programs:**

A local education agency may combine federal, state and local funds to upgrade an entire educational program of a school that serves a high need area. Funds may be used for “high-quality and ongoing professional development

for teachers, principals, and paraprofessionals and other staff to enable all children in the school to meet the state’s student academic achievement standards.”

**Technical Assistance for Schools that Fail to Show Improvement Over a Two-year Period:**

A local education agency may identify for improvement any elementary or secondary school that fails for two consecutive years to make adequate yearly progress. Such technical assistance shall include “assistance in

analyzing data from the assessments and other student work to identify and address problems in instruction and assistance in identifying and implementing professional development.”

**School Support and Recognition:**

Up to 5 percent of any increase in Title I funding may be set aside by states to provide rewards to schools (and teachers in those schools) that substantially close the achievement gap between the lowest- and the highest-performing students and that have made

outstanding yearly progress for two consecutive years. In addition, a separate set aside of 5 percent of any Title I funding increase may be used to reward successful teachers in schools that have been identified for improvement.

**Qualifications for Teachers and Paraprofessionals:**

State plans must ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the 2005-06 school year. (See definition of “highly qualified” in Title IX, Part A.) State plans shall establish annual measurable objectives

for each local education agency that include an annual increase in the percentage of highly qualified teachers who are receiving high quality professional development to enable such teachers to become highly qualified and successful classroom teachers.

**Paraprofessionals:**

The law establishes new requirements for paraprofessionals in classrooms. In addition to having earned a high school diploma, paraprofessionals must meet one of three options: (i) have completed two years of collegiate study, (ii) obtained an associate or higher degree, or (iii) demonstrated *through a formal state or academic assessment* their

knowledge of and ability to assist in teaching reading, writing, and mathematics (or to assist in teaching reading, writing, and mathematics *readiness*, as appropriate). These requirements are effective immediately for newly hired paraprofessionals and in January 2006 for existing paraprofessionals.

## Part B – Student Reading Skills Improvement Grants

### **Reading First:**

Two new reading programs, *Reading First*, and *Early Reading First*, are authorized under this part. These programs replace those of the Reading Excellence Act (REA). Current REA grants will continue until they expire, although efforts are to be made to reorient them to *Reading First* concepts. In addition, the former *Even Start Family Literacy Program* is renewed and a new *Literacy through School Libraries Program* is created.

*Reading First* provides six-year reading grants to states on a poverty-based formula. Nine hundred million dollars was authorized and \$900 million has been appropriated for FY '02. Eighty-percent of the funds must go to districts on a competitive basis for specified purposes:

- selecting and administering *screening, diagnostic, and classroom-based instructional reading assessments*
- implementing reading instruction based on *scientifically based reading research* that includes the *essential components of reading instruction*, for K-3 students, including those with disabilities
- instructional materials, including educational technology (software and digital curricula) based on scientifically based reading research
- teacher professional development
- collecting data to document program effectiveness and to accelerate improvement by *identifying the schools that produce significant gains in reading achievement*
- reporting data for all Title I subgroups
- promoting library reading programs

### **Terms Defined:**

The italicized terms in the list above, which appear frequently throughout the Reading First provisions, are very specifically and intentionally defined in the law as follows:

**Screening reading assessment:** an assessment that is – (i) valid, reliable, and based on scientifically based reading research; and (ii) a brief procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and who are in need of further diagnosis of their need for special services or additional reading instruction.

**Diagnostic reading assessment:** an assessment that is – (i) valid, reliable, and based on scientifically based reading research; and (ii) used for the purpose of – (a) identifying a child's specific areas of strengths and weaknesses so that the child has learned to read by the end of grade 3; (b) determining any difficulties that a child may have in learning to read and the potential cause of such difficulties; and (c) helping to determine possible reading intervention strategies and related special needs.

**Classroom-based instructional reading assessment:** an assessment that – (i) evaluates children's learning based on systematic observations by teachers of children performing

academic tasks that are part of their daily classroom experience; and (ii) is used to improve instruction in reading, including classroom instruction.

**Scientifically based reading research:** research that – (i) applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties and (ii) includes research that – (a) employs systematic, empirical methods that draw on observation or experiment; (b) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; (c) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and (d) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

**Essential components of reading instruction:** explicit and systematic instruction in – (i) phonemic awareness; (ii) phonics; (iii) vocabulary development; (iv) reading fluency, including oral reading skills; and (v) reading comprehension strategies.

## State Uses of Funds:

States may use 20 percent of their grant funds for several stated purposes:

**Inservice and Preservice:** (1) to develop a professional development program for K-3 teachers, provided by eligible providers; (2) to review the preservice courses for K-3 teachers offered at all the state's public higher education institutions to assure the content is consistent with scientifically based reading research and the essential components of reading instruction; (3) to make recommendations to ensure such institutions offer courses meeting the highest standards; (4) to prepare a report to the state reading and literacy partnership, and make it available to the public on the Internet; and (5) to make recommendations on improving state licensure standards in the area of reading.

**Technical Assistance to LEAs:** (1) assisting LEAs in program design and implementation, including selecting reading programs based on scientifically based reading research, selecting screening, diagnostic, and classroom-based instructional reading assessments; identifying professional development providers; and providing reading assistance from alternative providers. To the extent practicable, SEAs are to hire a contractor that conducts scientifically based reading research to assist the SEA in producing the required reports noted below.

**Planning, Administration, and Reporting:** States must report to the Secretary annually on the following: (1) evidence the SEA is fulfilling its obligations; (2) identifying those

schools and LEAs that report the *largest gains in reading achievement*; (3) the progress the SEA and LEAs are making in *reducing the number of students in grades 1, 2, and 3 who are reading below grade level, as demonstrated by such information as teacher reports and school evaluations of mastery of the essential components of reading instruction*; (4) evidence on whether the SEAs and LEAs *have significantly increased the number of students reading at grade level or above, including those in the Title I subgroups*.

**Peer Review of Applications:** A special peer review panel will be convened to consider state *Reading First* applications and *Early Reading First* proposals and to recommend for or against their funding. The panel will have a minimum of 12 members, including three selected by each the Secretary, the National Institute for Literacy, the National Research Council, and the National Institute of Child Health and Human Development. Members must include experts who are competent to evaluate applications; who provide professional development to reading teachers based on scientifically based reading research; who provide professional development to other instructional staff based on scientifically based reading research; and *an individual who has expertise in screening, diagnostic, and classroom-based instructional reading assessments*. At least three experts in early reading development and early childhood development will be included in the panel reviewing *Early Reading First* proposals.

## Evaluation of Reading First:

An outside independent contractor is to conduct a five-year, rigorous, scientifically valid, quantitative evaluation of *Reading First*. The evaluation must identify the effects of specific activities carried out by SEAs and LEAs to improve reading instruction, taking into account factors influencing student performance that are not controlled by teachers or education administrators. The analysis must include the following: (1) the relation-

ship between each of the essential components of reading instruction and overall reading proficiency; (2) whether assessment tools used by SEAs and LEAs measure the essential components; (3) how state reading standards correlate with the essential components of reading instruction; (4) whether targeted assistance grants increase the number of children reading proficiently; (5) the extent to which specific reading materials improve

reading proficiency; (6) the extent to which specific screening, diagnostic, and classroom-based instructional reading assessments assist teachers in identifying specific reading deficiencies; (7) the extent to which professional development programs of SEAs improve reading instruction; (8) how well students preparing to enter the teaching profession are prepared to teach the essential components of

reading instruction; and (9) changes in students' interest in reading and time spent reading outside of schools. Up to \$25 million is authorized for the combined activities of this external evaluation, national technical assistance, and an impact evaluation of children's use of special education services of the Individuals with Disabilities Education Act (IDEA).

### **Early Reading First:**

*Early Reading First*, for which \$75 million was appropriated for FY '02, offers grants on a competitive basis, for not more than six years, to LEAs and/or public or private agencies serving preschool children, or a combination thereof. Authorized activities include: (1) providing high-quality oral language and language-rich environments for language acquisition and for learning prereading skills; (2) providing professional development based on scientifically based reading research knowl-

edge of early language and reading development to assist in developing preschoolers' prereading skills; (3) activities and instructional materials based on scientifically based reading research; (4) screening reading assessments or other appropriate measure based on scientifically based reading research to determine whether preschool age children are developing prereading skills; and (5) integrating such materials, activities, tools, and measures into the programs offered.

### **Evaluation of Early Reading First:**

Up to \$3,000,000 is authorized for an independent evaluation of the effectiveness of *Early Reading First*. In addition, the Secretary must submit an interim report, due to Congress by Oct. 1, 2004, and a final report, due by Sept. 30, 2006, on: how the grantees are improving the prereading skills of preschool children, the effectiveness of the professional development program, (3) how early childhood teachers are being prepared with scientif-

ically based reading research on early reading development, (4) what activities and instructional practices are most effective, (5) how prereading instructional materials and literacy activities based on scientifically based reading research are being integrated into preschools, child care agencies, and Head Start and family literacy programs, and (6) recommendations for strengthening the program.

### **William F. Goodling Even Start Family Literacy Programs:**

*William F. Goodling Even Start Family Literacy Programs* are designed to provide literacy services to parents and their children from birth through age seven and to break cycles of illiteracy, are extended. Two-hundred-sixty million dollars is authorized and \$250 million is appropriated for FY '02 for the program. Ten projects are now required to use instruction based on scientifically based reading research and to increase the number of staff with asso-

ciate's, bachelor's, or graduate degrees in fields related to early, elementary, secondary, or adult education.

**Technical Assistance:** States may use funds, including through contracting with an experienced entity, to provide training and technical assistance to improve programs and to help effective programs leverage funds and expand services.



**Even Start  
Evaluation &  
Research:**

Each program is to provide for an independent evaluation of itself, and the Secretary must also provide for an evaluation of all programs. The latter evaluation is to determine program performance and effectiveness and to identify effective programs for duplication. The Secretary must contract for research into the components of successful family literacy services in order to

improve program quality and to develop models for new programs. Up to \$2 million is authorized for the National Institute for Literacy to carry out scientifically based reading research to determine the most effective ways of improving the literacy skills of adults and how family literacy services can help parents support their children's literacy development.

**Improving Literacy  
Through School  
Libraries:**

*Improving Literacy Through School Libraries* is a new program to improve student literacy skills and academic achievement. It would do so by providing increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists. The authorization for this pro-

gram is \$250 million and \$12.5 million has been appropriated for FY '02. Funds may be used for professional development of media specialists. Up to \$2.5 million is authorized for annual national independent evaluations of the program's impact on student literacy. The evaluations must be conducted no later than January 2005 and biennially thereafter.

## Part E – National Assessment of Title I

### Evaluations of Title I:

#### National Assessment of Title I

The new law authorizes \$10 million for FY '02 and such sums in each year through FY '07 for the Secretary of Education to conduct an evaluation of Title I programs and activities and a longitudinal study of Title I schools. The Secretary is required to provide an interim report of the evaluation findings to the President, Congress, and appropriate committees in three years and a final report in five years. The evaluations will include:

- the implementation of Title I programs and their impact on student academic achievement
- the type of programs and services that have helped students to achieve the most
- the implementation of state academic standards, assessments and accountability systems including time and costs of developing assessments for students in grades 3-8
- how well state assessments meet the rigorous requirements of the law
- state definitions of Adequate Yearly Progress (AYP)
- the number of schools not meeting this definition
- the extent to which states are taking authorized actions to improve failing schools
- the implementation and impact of professional development activities under this title and Title II on instruction, student academic achievement and teacher qualifications
- the extent to which authorized funds are targeted to students and schools that are most in need.

**National Longitudinal Study:** The Secretary is required to conduct a national longitudinal study of Title I schools to determine their effectiveness in helping disadvantaged students achieve academically.

**Independent Review Panel:** The new law strengthens the requirements for the Secretary to appoint an independent review panel to ensure that the panel is more independent and representative of varying expertise and stakeholders. It also contains language that improves the Secretary's ability to make grants to state and local education agencies, nonprofit organizations, public-private partnerships, or consortia to carry out demonstrations of innovative projects that show the most promise of helping children achieve academically.

**Demonstrations of Innovative Practices:** The Secretary is authorized to award grants to eligible entities, including nonprofit organizations, to carry out demonstration projects that show the most promise of enabling disadvantaged children to meet challenging academic achievement standards. The Secretary must evaluate these projects using rigorous methods to produce reliable evidence of effectiveness and may also award grants to eligible entities to disseminate and use the highest quality research and knowledge about effective practices to improve the practice of teaching and learning in Title I schools. The law authorizes such sums as may be necessary for FY '02 and each of the five succeeding years.



**Assessment  
Evaluation:**

The Secretary is authorized to reserve up to 15 percent of authorized funds but not exceeding \$1.5 million to conduct an independent study of assessments used for state accountability purposes and for making high-stakes decisions. The five-year study is required to address the following issues:

- the effect of assessment and accountability systems on students, teachers, parents, families, schools, school districts, and states
- student academic achievement, progress towards the state-defined level of proficiency, and progress towards closing achievement gaps based on independent measures
- changes in course offerings, teaching practices, course content, and instructional material

- changes in graduation and dropout rates of students; and the turnover rate of teachers and school officials
- the effects of academic assessments on students of low-, middle- and high socioeconomic status; LEP students and students with disabilities; and other factors determined by the Secretary

An interim report of the assessment evaluation is due to the President, Congress, appropriate Committees and states three years after the contract is awarded. A final report is due as soon as completed and must be widely disseminated.

## Part F – Comprehensive School Reform

The new law authorizes such sums as may be necessary for FY '02 and each of the six succeeding years for comprehensive school reform. The FY '02 appropriation is \$235 million. The Comprehensive School Reform program was first funded in FY '98 as part of the Departments of Labor, Health and Human Services, and Education Appropriations Act. It is designed to assist schools in improving the quality of the entire school based upon reliable research and effective practices. The new law incorporates the policy from that legislation, with modifications, into a

categorical grant program. The Secretary is required to reserve not more than 1 percent of funds appropriated for a national evaluation of results achieved after three years of implementing comprehensive school reforms. It also authorizes the Secretary to reserve 3 percent of funds for schools to implement “research-based” comprehensive reforms. It requires states to ensure that schools are selecting comprehensive school providers that are financially stable and have the capacity to provide high quality technical assistance over the reform period.

## Part G – Advanced Placement

The existing Advanced Placement Incentive program (currently authorized by the Higher Education Amendments of 1998) is moved to Part G of Title I of the ESEA. Its purpose is to increase the number of low-income students participating in advanced placement classes and taking advanced placement tests (including AP as well as IB). States apply for grants to pay test fees of low-income students. Previously, states in which no low-income student paid more than a nominal fee to take the tests could also use funds for other relevant activities. NCLBA replaces that formulation with two separate programs: (1) The Advanced Placement Test Fee Program, which authorizes grants to States to pay test fees for low-income students if they are enrolled in an advanced placement course; and (2) The Advanced Placement Incentive Program Grants, whereby three-year grants are authorized for activities such as teacher training and pre-

advanced placement course development designed to expand access for low-income individuals to advanced placement classes. These grants are no longer limited to states in which no low-income student pays more than a nominal fee to take advanced placement tests.

The criteria for an “eligible entity” for Advanced Placement Incentive Program Grants is expanded to include local education agencies and national nonprofit educational entities with expertise in advanced placement services. Grants under the Incentive program are competitive. Allocations to states under the Test Fee program are based on the number of low-income students in the state in relation to the number of such students in all states.

Part G is authorized at “such sums” as may be necessary for FY ’02 and the succeeding five fiscal years. The FY ’02 appropriation remains at \$22 million.

## Part I – General Provisions

This section establishes a process for negotiated rule-making, whereby the advice and recommendations of various stakeholders are sought by federal officials before proposed rules are published in the Federal Register. *The report language specifically states that test publishers be included. The process includes circulation of a draft of the proposed policy options not less than 15 days before the first meeting. The topics of standards and assessments are singled out as the only ones for which a negotiated rule-making process must be established. Further, it is required that the*

*rules for Sec. 1111 and 1116, which cover the requirements of state and local plans (including participation in NAEP), 3-8th grade testing, and adequate yearly progress, be issued by the Secretary within six months of enactment of HR 1 – i.e., by July 8th, 2002.*

This section also contains a prohibition against federal mandates, direction, or control over a state, LEA, or school’s “specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.”

## Title II – Preparing, Training, and Recruiting High Quality Teachers and Principals

### Part A – Teacher and Principal Training and Recruiting Fund

The purpose of this part is to provide grants to SEAs, LEAs, state higher education agencies, and partnerships in order to:

- (1) improve student achievement by increasing the number of highly qualified teachers, principals, and assistant principals, and
- (2) to hold educational agencies and schools accountable for improving student achieve-

ment. This new legislation consolidates and streamlines the Eisenhower Professional Development program and the Class Size Reduction program to allow greater flexibility for LEAs. For FY '02, \$3.175 billion is authorized and \$2.85 billion is appropriated for the activities described in subparts 1 – 4 below.

#### **Subpart 1 - Grants to States:**

Funds are allocated to states by formula, with 65 percent based on poverty and 35 percent based on student population. States must distribute 95 percent of their funds in the form of subgrants to LEAs. The remaining five percent must be distributed as described in this subpart and in Subpart 3 below.

**State Use of Funds:** The new law emphasizes that a high quality education workforce requires teachers and school leaders with

demonstrated knowledge and skills in core academic subject areas, who are well versed in the use of state standards and assessments.

States must use 2.5 percent of their funds to reform or develop and implement more rigorous programs for educator certification, including alternative certification; induction; mentoring; and professional development. These programs may be carried out through a grant or contract with a for-profit or non-profit entity.

#### **Subpart 2 - Subgrants to Local Education Agencies:**

**Local Use of Funds:** Funds to LEAs are allocated by their states according to a formula based 80 percent on poverty and 20 percent on student population. In order to receive funds, LEAs must conduct an assessment of local needs for professional development and hiring, on which their funding application to the state is based. LEAs may use funds to support educator recruitment

and retention as well as induction and professional development. The new law also encourages efforts to improve teacher quality through the use of technology-based innovations, tenure reform, and performance-based pay systems. LEA programs may be carried out through a grant or through contract with a for-profit or nonprofit entity.

### **Subpart 3 - Subgrants to Eligible Partnerships (With Higher Education Institutions):**

**Partnerships:** State higher education agencies must use 2.5 percent of their state's 5 percent allocation for state activities for competitive, grants that are equitably distributed geographically, to partnerships that must consist of: (1) a higher education institution (public or private) and its teacher-preparation division; (2) a school of arts and sciences; and (3) a high-need LEA. These partnerships may include another LEA, charter school, elementary or secondary school; an educational service agency; a non-profit educational or cultural organization; another institution of higher education, its school of arts and sciences or its teacher preparation division; an entity carrying out a prekindergarten program; a teacher or principal organization; or a business. No single partnership partner may use more than half the funds. *Report language states that the*

*conferees intend that the partnerships include education councils and professional development schools, including those funded under the HEA, that contain one or more LEAs and one or more institutions of higher education, including community colleges.*

**Uses of Partnership Funds:** Partnerships must use these funds for:

- professional development activities in core academic subjects for teachers, highly qualified paraprofessionals, and, if appropriate, for principals
- sustained high-quality professional development assistance to LEAs, teachers, paraprofessionals, and principals to ensure their ability to use state academic content and achievement standards and state assessments to improve instruction and student achievement

### **Subpart 4 - Technical Assistance and Accountability:**

SEAs must offer technical assistance to LEAs (and schools within them, if applicable) that have failed after two years to make the required progress toward the required objective (per Title I, Part A) of having all teachers highly qualified by the 2005-06 school year. SEAs must help the LEAs prepare an improvement plan addressing issues

that prevented them from meeting such objectives. After three years of failure to meet the objectives and failure to make adequate yearly progress, the SEA must enter into an agreement with such LEA, including the required use of professional development strategies and activities the LEA will use to meet the objectives.

## Subpart 5 - National Activities:

This subpart authorizes the six programs described below at such sums as may be necessary for FY '02. Funds for FY '02 were appropriated for three of them: \$10 million for the National Board for Professional Teaching Standards, \$10 million for principal recruitment, and \$15 million for the Early Childhood Educator Professional Development grants program.

### **National Teacher Recruitment**

**Campaign:** The Secretary may establish a national teacher recruitment campaign, which may include the National Teacher Recruitment Clearinghouse, to assist high-need LEAs in recruiting and training teachers and to conduct a national public service campaign concerning the resources for, and the routes to, entering the field of teaching. A specific appropriation was not made.

**School Leadership:** The Secretary may establish a national principal recruitment program to assist high-need LEAs in recruiting and training principals, including assistant principals, through such activities as providing financial incentives to aspiring principals, stipends to principals who mentor new principals, professional development in instructional leadership and management, and incentives for teacher or people from other fields who want to become school principals. The Secretary may make competitive grants to high-need LEAs, consortia thereof, and partnerships of high-need LEAs, nonprofit organizations, and institutions of higher education. For FY '02, \$10 million was appropriated for this program.

**Advanced Certification or Advanced Credentialing:** The Secretary is authorized to support the encouragement of teachers seeking advanced certification/credentialing through high-quality professional teacher enhancement programs designed to improve teaching and learning. The Secretary is required to make grants to eligible entities to: (1) develop teacher standards that include measures tied to increased student achievement, and (2) promote outreach, teacher recruitment, teacher subsidy, or teacher

support programs, related to teacher certification or credentialing by the NBPTS, the National Council on Teacher Quality (NCTQ), or "other nationally recognized certification or credentialing organizations." The term "eligible entities" includes: an SEA, an LEA, or either the NBPTS, the NCTQ or another recognized entity, including another recognized certification or credentialing organization in partnership with a high-need LEA or a SEA.

*Report language states that for a grant involving the NBPTS, the NCTQ, or other recognized certification organizations, the conferees intend that such entities may apply for and receive a grant from the Secretary. In doing so, such entities shall describe in their application how the entity will partner with a high-need LEA or SEA. In addition, in recognition of the importance of content knowledge, the conferees urge the Secretary to give priority to applicants that weigh the content knowledge portion of the advanced certification at least 60 percent, and assure they will work with the Secretary and the states to conduct outreach activities for teachers serving in high poverty areas to seek advanced certification or credentialing and provide them with incentives to obtain such certification or credentialing.*

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

The Secretary is authorized to award a grant to the University of Northern Colorado to provide assistance in training special education teachers to other institutions of higher education.

**Early Childhood Educator Professional Development:** The purpose of this program is to enhance school readiness of young disadvantaged children by improving the skills of early childhood educators. The Secretary may award four-year competitive grants to partnerships consisting of (1) higher education institutions or other entities that provide professional development for early childhood educators, (2) public agencies or private organizations (e.g., LEAs, SEAs, state human services agencies, Head Start agencies), and, to the extent feasible (3) entities

experienced in training regarding behavior problems and child abuse. Partnerships must contribute at least 50 percent of the total cost of the project for the grant period, and at least 20 percent of its cost annually.

For this program, \$15 million was appropriated for FY '02. Funds may be used for professional development on: the application of recent research on child, language, and literacy development and on early pedagogy; working with parents on developmentally appropriate school-readiness services; working with students with LEP, special needs, behavior problems, and who are child abuse victims; induction support for educators' first three years; the use of distance learning; the selection and use of screening and diagnostic assessments; and data collection for required reporting. The Secretary must announce achievement indicators to measure

the quality, accessibility, and impact of the professional development provided.

**National Panel on Teacher Mobility:**

The Secretary may appoint a 12-member National Panel on Teacher Mobility from among practitioners and experts with experience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of teacher preparation institutions, and state policymakers. The panel, within one year, shall study and report on strategies for increasing mobility and employment opportunities for high-quality teachers, especially for states with teacher shortages and states with districts or schools that are difficult to staff. It shall analyze data on teacher supply and demand, recruitment and hiring strategies that support teachers, and reciprocity of certification and licensing across states.



## Part B – Mathematics and Science Partnerships

This program is aimed at improving the academic achievement of students in math and science by encouraging state education agencies, institutions of higher education, local education agencies, and elementary and secondary schools to participate in programs that improve and upgrade the status of math and science teaching by:

- Encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education
- Bringing math and science teachers together with scientists, mathematicians

and engineers to improve their teaching skills

- Developing more rigorous math and science curricula that are aligned with state and local academic standards expected for postsecondary study in engineering, math and science

In any fiscal year in which the appropriations for this part are less than \$100 million, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships. Although the bill provided a \$450 million authorization, it will only receive \$12.5 million for FY '02.

## Part C – Innovation for Teacher Quality

The programs under this section are designed to mitigate the shortage of highly qualified teachers in subjects, and areas of great need. The FY '02 authorization levels for the Troops-to-Teachers and Transition-to-Teaching are such sums as may be necessary for each of the five succeeding fiscal years. The Troops-to-Teachers program is funded at \$18 million, and Transition-to-Teaching at \$35 million for FY '02.

**Troops-to-Teachers:** The Troops-to-Teachers program is designed to assist eligible members and former members of the Armed Forces to obtain certification or licensure as highly qualified public elementary or secondary school teachers, including vocational or technical teachers; and facilitate the employment of such individuals in elementary or secondary schools.

**Support of Innovative Pre-retirement Teacher Certification Programs:** This section authorizes the Secretary to award grants to eligible entities to develop and implement teacher certification programs for members of the Armed Forces nearing retirement. It authorizes not more than \$10 million for any fiscal year under this law.

**Transition-to-Teaching:** The new law establishes the Transition-to-Teaching program to:

- recruit and retain highly qualified mid-career professionals (including highly qualified paraprofessionals) and recent graduates from higher education institutions as teachers in high-need schools
- encourage 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
- provide competitive grants to eligible entities to develop state and local teacher corps or other programs to establish, expand or enhance teacher recruitment

efforts. Funds may be used for pre- or post-placement induction or support activities that are effective in the recruitment and retention of teachers, including financial incentives, teacher mentoring, internships, and high-quality pre- and in-service professional development

### **Evaluation and Accountability for**

**Recruiting and Retaining Teachers:** Each grantee must conduct an evaluation of its programs and participants and provide the Secretary with an interim report at the end of the third year. A final report must be done at the end of the fifth year describing the effectiveness of the teacher recruitment and retention programs. Under this program, an eligible participant is an individual with substantial demonstrable career experiences, including a highly qualified paraprofessional or an individual who is a graduate of an institution of higher education and who has graduated not later than 3 years before applying to an agency or consortium to teach under this program.

**National Writing Project:** The new law makes \$15 million and such sums as may be necessary for each of the five succeeding fiscal years available to:

- support and promote the expansion of the National Writing Project network of sites so that teachers in every region of the U.S. will have access to a National Writing Project program
  - ensure the consistent high quality of the sites through ongoing review, evaluation, and technical assistance
  - support and promote the establishment of programs to disseminate effective practices and research findings about the teaching of writing
  - coordinate activities under this section with other activities under this law
- The appropriation level for FY '02 is \$14 million.

**Civic Education:** This program supports the Center for Civic Education and its education program that encourages instruction on the principles of the nation's constitutional democracy; the history of the Constitution and the Bill of Rights; congressional-hearing simulations; and annual competitions of simulated congressional hearings for secondary school students. The law authorizes the National Council on Economic Education and other organizations to conduct Cooperative Education Exchange programs that provide curricula and teacher training programs in civics education and economic education, developed in the U.S. for educators in eligible countries overseas. Countries in Central and Eastern Europe, the Commonwealth of Independent States, and the former Soviet Union are eligible. The FY '02 authorization level is \$30 million and such sums as may be necessary for each of the five succeeding fiscal years. However, \$15 million was appropriated for FY '02.

**Teaching of Traditional American History:** The law authorizes the Secretary to establish and implement a program known as the Teaching American History Grant Program. The purpose is to award competitive grants to local education agencies to:

- carry out activities to promote the teaching of traditional American history in schools as a separate subject
- develop, implement and strengthen programs to teach American history as a separate subject within the school curricula, including the implementation of activities to improve the quality of instruction and to provide professional development and teacher education activities with respect to American history

The FY '02 authorization level is such sums as may be necessary for each of the five succeeding fiscal years, and \$100 million was appropriated for FY '02.

**Teacher Liability Protection:** The new law protects teachers, principals, and other school professionals from liability when they undertake reasonable actions to maintain order and discipline in the classroom. The law sets forth the parameters under which the teacher's actions conform to local, state, and federal laws, rules, and regulations in furtherance of efforts to control, discipline, expel or suspend a student or maintain order or control in the classroom or school. Outside those parameters, the teacher may be liable to penalties.

## Part D – Enhancing Education Through Technology

The major goal of this part is to improve student achievement through the use of technology in elementary and secondary schools. Additional goals are to close the digital divide by ensuring that every student is technologically literate by the end of 8th grade, and to encourage the integration of technology into teacher training and curriculum development. One billion dollars is authorized for the state and local grants and for the national activities described below, with 98 percent for the former and 2 percent for the latter.

In addition to these programs, the existing Preparing Tomorrow's Teachers to Use

Technology (PT3) program and Ready to Learn TV are maintained as separate programs, although the PT3 program is transferred to Title II of the Higher Education Act. Community Technology Centers, Star Schools, and Ready to Teach are allowable uses of funds under the Fund for the Improvement of Education in Title V, Part D. In spite of the considerable effort to consolidate the various smaller technology grant programs, ultimately only the Technology Innovations Challenge Grant (federal-to-local awards program) was eliminated.

### Subpart 1 – State and Local Technology Grants:

The former Technology Literacy Challenge Fund has been transformed into a new state-based technology grant program that will send more money to schools. Actual FY '02 appropriations increased 19 percent, from \$450 million to \$701 million. Funds are allocated according to the Title I formula to states, which may withhold 5 percent for specified state administrative activities. They must then distribute 50 percent of the remainder (95 percent) of the funds by Title I formula and 50 percent competitively to local districts. (The Fund required a 100 percent competitive state-to-local allocation, and thus there will be more grantees and more variation in grant amounts.) States must prepare an application containing a new or updated statewide long-range educational technology plan, and similarly LEAs must submit such to the state, in order to receive funding.

**State Uses of Funds:** States may use funds for providing technical assistance to LEAs, especially in the delivery of courses using technology; assisting grantees in providing sustained and intensive, high-quality professional development in integrating technology into instruction; increasing access to technology; developing performance measurement

systems to determine the effectiveness of funded education-technology programs.

**Local Uses of Funds:** The new law requires that “Not less than 25 percent of education technology funds allocated to LEAs must be used to provide on-going, sustained, and intensive, high-quality professional development.” The recipient shall provide professional development in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, such as professional development in the use of technology to:

- access data and resources to develop curricula and instructional materials;
- enable teachers to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators, and to retrieve Internet-based learning resources
- improve classroom instruction in the core academic subjects that prepare students to meet state standards, including increasing student technology literacy

Other optional activities may include: initiatives to increase access to technology; new technology applications to increase student achievement; innovative distance learning

strategies to deliver courses and curricula; acquiring proven and effective courses and curricula that include integrated technology; utilizing technology to connect schools and teachers with parents; acquiring hardware

and software to improve student academic achievement; and using technology to collect and analyze data to enhance school improvement.

### **Subpart 2 - National Technology Activities:**

National activities required include:

- A national education technology plan – to be based on the nation’s progress in, and an assessment of schools’ needs for, effectively using education technology – and published within one year.
- An independent, long-term study of education technology effectiveness, authorized at up to \$15 million, utilizing scientifically based research methods and control groups or control conditions with the help of an independent review panel to advise the Secretary on methodological and other issues on the conditions and practices –

- under which educational technology is effective in increasing student academic achievement
- that increase the ability of teachers to integrate technology effectively into curricula and instruction that enhance the learning environment and opportunities, and that increase student academic achievement, including technology literacy

The study’s final report is due April 1, 2006.

- Dissemination and technical assistance activities.

## Title III – Language Instruction for Limited English Proficient and Immigrant Students

### Part A – English-Language Acquisition, Language Enhancement, and Academic Achievement Act

The new law consolidates the Bilingual Education Act and several other grant programs serving English Language Proficient (LEP) students with an authorization of \$750

million. An increase of nearly 50 percent over 2001 levels, to \$665 million, was appropriated for FY '02.

#### **Subpart 1 – Formula Grants to States:**

Funds are provided to states according to a formula – 80 percent based on the number of LEP children in the state and 20 percent

on the number of immigrant children and youth in the state.

#### **Subpart 2 – Accountability and Administration:**

States are required to develop annual measurable achievement objectives to monitor the progress of LEP students in attaining English proficiency. The conference report requires that such objectives be derived from scientifically based research on teaching LEP students, including research from the READ Institute, National Academy of Sciences, and the Center for Applied Linguistics. It also requires that in developing such objectives, states should distinguish between learning the English language and attaining language proficiency. States are held accountable for meeting such objectives. Eligible entities are required to notify parents of a program's failure to meet such achievement objectives for two years. After four years of failing to meet the achievement objectives, a state will require the eligible entity to modify its curriculum, program, and method of instruction. The state will make a determination as to whether such entity will continue to receive funding and whether to require the

replacement of its language instruction or educational program personnel.

The law also requires eligible entities receiving grant awards to complete an evaluation every year on the progress students are making toward learning English and achieving the same high levels of academic achievement as other students. The conference language specifically states: *"This Act requires each state to provide for annual English language proficiency assessments (covering speaking, listening, reading and writing skills) by the beginning of the 2002-2003 school year. The conferees believe that additional scientifically-based research efforts must be made to develop better assessments to measure the progress of limited English proficient children in developing their English language proficiency, including speaking, listening, reading and writing skills. The Conferees encourage the Secretary to provide technical assistance to states, if requested, on the development and implementation of such assessments."*

### **Subpart 3 - National Activities:**

The new law requires the Secretary to award no more than five-year competitive grants to higher education institutions in consortia with state and local education agencies for professional development activities that would improve classroom instruction for LEP students. Grants can be used for:

- preservice professional development programs to upgrade the qualifications and skills of paraprofessionals
- development of curricula appropriate to the needs of consortia participants
- financial assistance in addition to other federal need-based aid to meet the certifi-

cation or licensing requirements of teachers who serve LEP students

To strengthen this provision, the conference language states, *“Although various educational staff, such as paraprofessionals, serve a critical need in language instruction educational programs, teachers of such programs are the primary provider of instruction to limited English proficient students. As such, it is the intent of Conferees to ensure that teachers in language instruction educational programs be well-qualified in the designated method or instructional approach used with limited English proficient students.”*

## Part B – Improving Language-Instruction Educational Programs

### **Subpart 1 – Program Development and Enhancement:**

Of particular interest to ETS are grants to LEAs, or to partnerships comprised of LEAs and higher education institutions or LEAs and community-based organizations (CBOs) for program-enhancement activities and for comprehensive school and systemwide improve-

ment. For both of these grants, professional development or training for school personnel and participating CBO personnel to improve the instruction and assessment of LEP children are required.

### **Subpart 2 – Research, Evaluation, and Dissemination:**

The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program-evaluation activities. Research and evaluation will be supported through competitive grants, contracts, and cooperative agreements to institutions of higher education, nonprofit organizations, SEAs, and LEAs. The data collection, dissemination, and program-evaluation activities will be conducted through the Office of English Language Acquisition, Language Enhancement and Academic Achievement for Limited English Proficient Students (OELA).

The research activities will be conducted by OERI in coordination and collaboration with the OELA and must have a practical application to practitioners. They must be administered by people with expertise in second-language acquisition, scientifically based research on teaching LEP children, and the needs of LEP children and their families. Research may be conducted on effective instructional strategies and practices or on a common definition of limited-English-profi-

cient child for purposes of national data collection.

Not less than 5 percent of the available research funds are to be reserved for field-initiated research conducted by recipients of grants under Subpart 1 and Subpart 2 within the previous five years. Such research may provide for longitudinal studies of LEP children or their teachers from entry into language-instruction educational programs through secondary school completion. Applicants may apply to the Secretary at the same time they submit another application under Subpart 1 or 2.

A state grant program is authorized whereby SEAs whose states effectively provide for the education of LEP children may apply for up to 5 percent of the amount awarded to LEAs under Subpart 1 (or at least \$100,000). Funds may be used for assisting LEAs in assessment of student academic achievement, program evaluation, and development of data collection and accountability systems for LEP children as well as for training SEA personnel in educational issues affecting LEP children.

### **Subpart 3 – Professional Development:**

Professional development grants for not more than four years may be awarded by the Secretary to SEAs, LEAs, institutions of higher education, or consortia of one or more LEAs, SEAs, IHEs, for-profit or nonprofit organizations. Among the authorized activities are: preservice and inservice professional development programs for teachers, administrators, and other personnel providing educational services to LEP children; mentoring assistance

to beginning teachers of LEP children; programs supporting effective teacher use of education technologies to improve instruction and assessment; and developing curricular materials and assessments for teachers appropriate to the needs of LEP children. Specific provision is made for entities carrying out professional development programs to use funds for professional release time for program participants.



**Subpart 4 -  
Emergency  
Immigrant  
Education Program:**

The purpose of this program is to assist LEAs that experience unexpectedly large increases in their student populations due to immigration. Funds must be used for enhanced instructional opportunities for immigrant children and youth, which may include support of personnel, including

teacher aides, who are being trained to provide services to immigrant children and youth. LEAs may make subgrants to, or enter into contracts with nonprofit organizations, with the approval of the Secretary, to carry out a program under this subpart.

## Part C – General Provisions

The term “language-instruction educational program” mentioned above refers to a course that may make use of both English and a student’s native language to help an LEP child develop proficiency in English.

Parental notification within 30 days after the beginning of the school year is required

of each grantee using funds to provide a language-instruction educational program. Parents of LEP children must be notified of, among other things, the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement.

## Title IV – 21st Century Schools

### Part B – 21st Century Community Learning Centers

This program supports before and after school activities. In addition to school districts, other community groups, including

faith-based groups, can now receive the funds. For FY '02, \$1.25 billion was authorized, and \$1 billion was appropriated.

## Title V – Promoting Informed Parental Choice and Innovative Programs

### Part A – Innovative Programs

This block grant for innovation and reform allocates funds to states based on their school-age population, of which 85 percent are sent to LEAs based on their per pupil costs. States may use their 15 percent for, among other things, technical assistance to LEAs, the design and implementation of high-quality yearly student assessments, implementing challenging state and local academic achievement standards, and for “arrangements that provide for independent analysis to measure and report on school district achievement.”

LEAs may use their funds for a wide variety of purposes, including: to recruit, train, and hire highly qualified teachers; professional development activities for teachers, principals, and other school personnel; development or acquisition of instructional materials including academic assessments and computer software; and literacy programs for adults. The block grant has been funded for FY '02 at \$385 million, with an authorization of \$450 million that increases in \$25 million increments each year up to \$600 million for FY '07.

## Part D – Fund for the Improvement of Education

The FIE, which currently exists within OERI, is reauthorized under this subpart. Funds authorized rise in \$25 million increments each year from \$550 million for FY '02 to \$675 million for FY '07; however, Congress appropriated \$833 million for it in FY '02. FIE is commonly known as the Secretary's Discretionary Fund, as it has a

very broad statement of purpose and permits the Secretary to make awards based on competitions, unsolicited proposals, and on congressional earmarks. Twenty-one subparts are included in the legislation, authorizing various projects, some that are suggested and others that are mandatory.

### Subpart 1 – Fund for the Improvement of Education (FIE):

The Secretary is authorized to support nationally significant programs to improve the quality of elementary and secondary education at the state and local levels and help all children meet challenging state academic standards. The Secretary may carry out such programs directly or through grants or contracts with SEAs, IHEs, and other public and private organizations. Funds may be used for any of the following:

- activities to promote systemic education reform
- explorations of public school choice and school-based decision-making

- recognition of exemplary schools and programs
- scholar-athlete games programs
- voter participation promotions
- studies of effectiveness of private management contractors in reforming schools
- “other programs that meet the purposes of this Act”

Funds shall be used to conduct the following studies on topics of national significance: unhealthy public school buildings, exposure to violent entertainment, and sexual abuse in schools.

### Subpart 8 – Ready to Teach:

The Secretary is authorized to make grants to a nonprofit telecommunications entity or entities for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas. The program shall be designed to assist elementary and secondary school teachers in preparing all students for achieving challenging state academic content and student academic achievement standards in core curriculum areas. For FY '02, \$12 million was appropriated. PBS has been the primary recipient of this grant, with which it created “Mathline” and “Scienceline.”

The Secretary is also authorized to award grants to local public telecommunications entities to develop, produce and distribute innovative educational and instructional video programming that is designed for use

in grades K-12 and based on challenging state academic content and student academic achievement standards. Telecommunications entities must enter into multiyear content development collaborative arrangements with state educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations.

Plans for assisting teachers must use integrated video and data to train teachers in the use of materials and learning technologies for achieving challenging state academic content and student academic achievement standards. A significant portion of the benefits from funded projects must be available to LEAs with a high percentage of disadvantaged children. Digital education programming shall include “*student assessment tools*

*to give feedback on student performance and include built-in utilization and support components to ensure that teachers understand and can easily use the content of the program with group instruction or for individual student use.”*

### **Subpart 9 - Foreign-Language Assistance Program:**

The Secretary is authorized to make three-year grants to SEAs or LEAs to pay the federal share of costs of innovative model programs providing for establishment, improvement or expansion of foreign-language study for elementary school and secondary school students. Plans for foreign language study may include a professional development

Local public education entities desiring funds under this part must contribute non-federal matching funds in the amount of the federal grant.

component. Special consideration may be given to program proposals that make effective use of technology, such as computer-assisted instruction, language laboratories or distance learning to promote foreign-language study. For FY '02, \$14 million was appropriated.

### **Subpart 11 - Community Technology Centers:**

The Secretary is authorized to make grants, contracts, or cooperative agreement awards on a competitive basis for not more than three years to (1) create or expand community technology centers that provide IT access and training to disadvantaged residents of economically distressed communities; and (2) provide technical assistance and support to such centers. Those eligible to apply must (1) be an entity (such as a foundation, museum, library, nonprofit, or CBO), an IHE, SEA, LEA, or a consortium thereof; and (2) have the capacity to expand access to computers and related services. A 50 percent

non-federal share is required, which may be in cash or in kind, including services. For FY '02, \$32.5 million was appropriated.

Required uses of the funds include expanding access to IT and training and evaluating the effectiveness of the project. Permissible uses of funds include support for staff, equipment and infrastructure, services and activities for community residents that provide access to computers, IT, and the use of such technology in support of preschool preparation, academic achievement, and educational and workforce development.

### **Subpart 13 - Excellence in Economic Education:**

Within FIE, a new program to promote economic and financial literacy among students in K-12 is authorized. Funds may be used for teacher training, research, assessment, dissemination of best practices, and partnerships between private and public entities at the national, state and local levels through a grant to a single national entity. The Secretary is authorized to award a competitive grant to a national nonprofit educational organization that has as its primary purpose improvement of the quality of student understanding of personal finance and economics through effective teaching of economics in the classrooms. The grantee must

retain 25 percent of funds for national activities and must use the remaining 75 percent of funds to award subgrants to SEAs, LEAs, and State or local economic, personal finance or entrepreneurial organizations. Among other things, grantees may use funds to develop new assessment instruments, to support teacher training in K-12 and to conduct research on effective teaching practices. No funds were specifically appropriated for the program for FY '02, but "activities to promote consumer, economic, and personal finance education" were authorized under the Title V, Part A block grant.

### **Subpart 21 - Women's Educational Equity Act:**

The new law authorizes the Secretary to award grants to, or enters into contracts with public agencies, nonprofit organizations, institutions, student groups, community groups and individuals for a period not exceeding four years to:

- develop model equity programs
- implement equity programs in schools throughout the nation
- support technical assistance to implement effective gender-equity policies

Grants are also be used among other purposes to:

- train teachers, counselors, and other school personnel in gender equitable teaching and learning practices

- support leadership training for women and girls to develop professional and marketable skills
- develop nondiscriminatory tests of aptitude and achievement or alternative assessments that eliminate the use of biased assessment instruments
- promote research designed to advance gender equity nationwide

The new law requires the Secretary to submit a report to the President and Congress describing the status of educational equity for girls and women in the nation, no later than January 1, 2005. No funds were appropriated for FY '02, however \$3 million was requested for FY '03.

# Title VI – Flexibility and Accountability

## Part A – Improving Academic Achievement

### Subpart 1 – Accountability:

This section deals with funds for the required 3-8th grade reading and math tests, for enhanced assessment instruments, and for NAEP.

**Grants for State Assessments and Related Activities:** The Secretary is required to make grants to states to pay the costs of the development of the 3-8th grade reading and math tests and related standards required by this new legislation. Such costs may include those of working “in voluntary partnerships with other states.” If a state has already developed the required standards and assessments, it may use the funds to administer those assessments or carry out other activities, such as:

- developing standards and aligned assessments in additional academic subjects
- developing or improving assessments of English-language proficiency
- ensuring the validity, reliability and alignment of state assessments and improving the alignment of curricula and materials
- developing multiple measures

- strengthening the capacity of LEAs and schools, including professional development
- expanding the range of accommodations for LEP and disabled students, including professional development
- improving information dissemination on student achievement and school performance

#### **Grants for Enhanced Assessment**

**Instruments:** The Secretary is required to award, on a competitive basis, grants to applicant SEAs for:

- enabling states or consortia thereof to collaborate with IHEs, other research institutions, or other organizations to improve the quality, validity and reliability of state assessments
- measuring student academic achievement using multiple measures
- charting student progress over time
- developing comprehensive academic assessment instruments, such as performance and technology-based academic assessments

### Subpart 4 – State Accountability for Meeting Adequate Yearly Progress (AYP):

After a state has had its AYP plan approved under Title I and Title III and those plans have been implemented for two years, the Secretary of Education will review, using a peer review process, whether the state has met its AYP definition under Title I.

If the Secretary determines that a state has failed to make its definition of AYP for two consecutive years, the Secretary will provide technical assistance to the state. Such technical assistance must be valid, reliable, and designed to provide constructive feedback to help the state meet its definition of AYP. Conferees expect states that continually fail to meet their AYP standards would develop and implement strategies to enable them to succeed, and that these states would specifically address issues that prevented them from making such progress.

Beginning with the 2005-2006 school year, the Secretary is required to submit an annual report to Congress with a list of each state that has not met its definition of AYP for two consecutive years; a list of each state that has not met its annual measurable objectives under Title III; and any information reported by the state to the Secretary pertaining to accountability for high-quality teachers. The Conferees urge Congress and the Secretary to thoroughly examine the data collected from the state assessment systems and factor such information into future discussions on accountability measures for states, which should include consideration of the use of fiscal sanctions to hold those failing states accountable.



## Part C – General Provisions

### NAEP:

The new act provides for a significant expansion of NAEP and provides new responsibilities for the National Assessment Governing Board (NAGB). There is no provision for bonuses or reductions in federal aid to states, based on changes in scores on either the state test or NAEP. School districts receiving Title I federal aid that are selected for the NAEP samples must give an assurance that they will participate in the 4th and 8th grade reading and math tests. Participation in other NAEP assessments is voluntary for students, schools and districts.

New requirements are established to provide parents and others with additional information about NAEP as follows:

- Parents of students selected for any NAEP sample must be informed beforehand that their child may be excused from participation for any reason, is not required to finish any assessment, and is not required to answer any test question.
- NAEP must not assess personal or family beliefs and attitudes and NAGB must ensure that all NAEP questions are secular, neutral and non-ideological.
- Upon written request, parents, members of the public and state and local officials must be given access to all NAEP questions under secure conditions.
- NAEP must develop a process for review of the assessment that includes teachers, curriculum specialists, local school administrators, parents and concerned members of the public.
- Parents and members of the public may submit written complaints to NAGB, which must review these complaints in consultation with NCES and determine if revisions to the assessment or procedures for the assessment are necessary.

Unauthorized release of the test questions is a felony and is prohibited.

NAEP must continue to assess reading and math on a nationally representative basis at grade 12 every four years.

Provided that funds are available, NAEP may conduct national and state assessments at grades 4, 8, and 12 in additional subject matter including writing, science, history, geography, civics, economics, foreign languages, and arts.

Whenever feasible, NAEP is to collect, cross tabulate, compare, and report information by disability and limited-English proficiency in addition to race or ethnicity, gender, and socioeconomic status.

NAGB has three new responsibilities under the new law:

- (1) final authority over NAEP background questions
- (2) reviewing public complaints about NAEP and determining whether to make changes in response to them
- (3) developing a process for review of NAEP that includes educators, parents, and concerned members of the public

Congress appropriated \$111.5 million for NAEP and NAGB for FY '02. This amount includes \$2.5 million for a trial urban assessment of NAEP in 2002.

## Title IX – General Provisions

### Part A – Definitions

The following definitions are of particular interest to ETS:

**Beginning teacher:** a teacher in a public school who has been teaching less than a total of three complete school years

**Core academic subjects:** English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography

**Exemplary teacher:** a teacher who –

- (A) is a highly qualified teacher such as a master teacher;
- (B) has been teaching for at least 5 years in a public or private school or institution of higher education;
- (C) is recommended as an exemplary teacher by administrators and other knowledgeable persons;
- (D) is currently teaching and based in a public school; and
- (E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs teacher mentoring, develops curricula, and offers other professional development.

**Highly qualified:** The term “highly qualified” –

- (A) regarding a public elementary or secondary school teacher teaching in a state, means that the teacher has –
  - (i) obtained full State certification (including through alternative routes) or passed the State teacher licensing examination, and holds a license to teach in the state, and
  - (ii) not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

(B) regarding –

- (i) an elementary school teacher 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 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, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and
- (C) regarding 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.

**Professional development:** The term “professional development” –

“(A) includes activities that –

- (i) improve and increase teachers’ knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;
- (ii) are an integral part of broad schoolwide and districtwide educational improvement plans;
- (iii) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;

- (iv) improve classroom management skills;
- (v) (I) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher’s performance in the classroom; and
- (II) are not 1-day or short-term workshops or conferences;
- (vi) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;
- (vii) advance teacher understanding of effective instructional strategies that are –
  - (I) based on scientifically based research (except that this subclause shall not apply to activities carried out under part D of title II); and
  - (II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and
- (viii) are aligned with and directly related to –
  - (I) State academic content standards, student academic achievement standards, and assessments; and

- (II) the curricula and programs tied to the standards described in subclause (I) except that this subclause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B);
  - (ix) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;
  - (x) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
  - (xi) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;
  - (xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;
  - (xiii) provide instruction in methods of teaching children with special needs;
  - (xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and
  - (xv) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and
- “(B) may include activities that –
- (i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;
  - (ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of Title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and
  - (iii) provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.”

**Scientifically based research:** The term “scientifically based research” –

“(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) includes research that –

- (i) employs systematic, empirical methods that draw on observation or experiment;
- (ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
- (iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
- (iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
- (v) ensures that experimental studies are presented in sufficient detail and clarity to

allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

- (vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.”

**Teacher mentoring:** The term “teacher mentoring” means activities that –

“(A) consist of structured guidance and regular and ongoing support for teachers, especially beginning teachers, that –

- (i) are designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and part of an ongoing developmental induction process –

- (I) involve the assistance of an exemplary teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and
- (II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

- (B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, a teacher organization, or another organization.”

## Part E – Uniform Provisions

### **Subpart 2 - Other Provisions:**

This part specifically prohibits the use of federal funds to develop, pilot test, field test, implement, administer or distribute any federally sponsored national test in reading, mathematics or any other subject unless specifically and explicitly authorized in this law. The prohibition does not apply to international comparative assessments developed under the authority of the National Center on Education Statistics and administered to only a representative sample of students in the U.S. and foreign countries.

A similar prohibition concerning national testing or certification for teachers is also included here. No funds available to the

Department of Education or other funds available in this law may be used for any purpose relating to a mandatory nationwide test or certification of teachers or education paraprofessionals, including any planning, development, implementation or administration of such tests.

A prohibition on a nationwide database is also included that specifically prohibits the Department of Education from developing a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this act.

## Part F – Evaluations

With the exception of Titles I, III and evaluation funds authorized elsewhere, the new law authorizes the Secretary to reserve no more than 0.5 percent of the amount appropriated to carry out each categorical and demonstration project authorized under the law to conduct:

- a comprehensive evaluation of the program or project
- studies of the effectiveness of the program or project and its administrative impact on schools and local education agencies
- evaluations of the short- and long-term effects and cost efficiencies across federal preschool, elementary and secondary education programs under any other federal law
- evaluations of grant recipients to ensure continuous progress of the program or project in terms of quality, timeliness, efficiency and use of information relating to performance of the program or project

## Title X – Repeals, Redesignations, and Amendments to Other Statutes

### Part E – Higher Education Act

The “Preparing Tomorrow’s Teachers to Use Technology” (the PT3) program becomes Part B of Title II of HEA. This program authorizes grants, contracts, and cooperative agreements to consortia for carrying out programs that prepare prospective teachers to use technology to improve student learning, and programs that improve the ability of institutions of higher education to carry out such programs.

The former language of the PT3 program, however, is modified in the following ways:

- Consortia requirements – Funds are now awarded only to consortia that include at least one IHE, one SEA or LEA, and one other entity. Former law had no requirements for consortia, but regulations required a minimum of two entities, including at least one non-profit.
- Application requirements – New language requires applicants to describe the project, demonstrate and describe the commitment and involvement of each participating entity, describe how the project will be continued after Federal funding, and provide a plan for the evaluation of the project.
- Use of funds – Imposes new requirements that consortia must: use funds to prepare teachers to use technology to prepare students to meet academic achievement standards, and use not more than ten percent of funds to purchase equipment.
- Matching requirement – Consortia are now required to provide fifty percent of the cost of the project, in cash or in kind, except that equipment purchases must be matched in cash.



## Part F – General Education Provisions Act

**Protection of Pupil Rights:** Section 445 of the General Education Provisions Act (Protection of Pupil Rights) is amended by adding new provisions relating to student privacy, parental access to information, and the administration of physical exams to students who are minors.

As amended, section 445 requires each LEA that receives funds under any program administered by the U.S. Department of Education to adopt policies on the following:

- Permitting parents to inspect any third-party surveys of students before they are administered, including policies to protect student privacy if the survey delves into certain sensitive subjects identified in the law
- Permitting parents to inspect any instructional material used in the curriculum
- Any physical examinations or screenings the school may administer
- The collection and use of personal information collected from students for the purpose of marketing that information (except for the purpose of developing educational products or services, which include postsecondary education recruitment and K-12 tests and aggregate test results)

In addition, each LEA must notify parents, at least annually at the beginning of the school year, about the content of these policies. The notice must also explain that parents have the right to “opt the student out of participation” in the following activities (and

identify when during the school year they are scheduled to occur):

- The collection or use of personal information gathered from students for the purpose of marketing that information (except for the development of educational products or services)
  - The administration of any survey that delves into the sensitive subjects identified in the law
  - The administration of any non-emergency, invasive physical examination or screening that is not otherwise permitted or required by state law, including those without parental notification
- The sensitive subjects identified in the law are:
- political affiliations or beliefs of students or parents
  - mental or psychological problems of the student or family
  - sexual behavior or attitudes
  - illegal, anti-social, self-incriminating, or demeaning behavior
  - critical appraisals of other individuals with whom there is a close family relationship
  - legally recognized privileged or analogous relationships, such as lawyer, physician, minister
  - religious practices, affiliations, or beliefs of student or parent
  - income (other than required to determine eligibility for program or financial assistance).

## Part G – Other

The Office of Bilingual and Minority Languages Affairs (OBEMLA) is renamed: Office of English Language Acquisition,

Language Enhancement, and Academic Achievement for Limited English Proficient Students.



