

November 16, 1999

The Public Education Reinvestment, Reinvention, and Responsibility Act

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A working summary

OVERVIEW

This plan aims to refocus our national education policy on helping states and local school districts raise academic achievement for all children, putting the priority for federal programs on performance instead of process, on delivering results instead of developing rules, and on actively encouraging bold reforms instead of passively tolerating failure.

In broad terms, it calls on states and local districts to enter into a new compact with the Federal Government to work together to raise standards and improve educational opportunities, particularly for America's poorest children. It would provide states and local educators with significantly more federal funding and significantly more flexibility in targeting that aid to meet their specific needs. In exchange, it would demand real accountability, and for the first time impose consequences on schools that continually fail to show progress.

In doing so, it would:

- **REINVEST** in our public education system, by increasing Federal funding by at least **\$25 billion** over the next five years, and driving most of those additional dollars to the poorest schools;
- **REINVENT** our Federal education system, by consolidating the many different programs and funding streams into five goal-oriented titles with few strings attached, and pegging these new pools of money to specific performance standards;
- **Reconnect** our public schools to the common core values that have long sustained them by making clear our first **RESPONSIBILITY** is to educating children and not perpetuating a system.

In general each title would call on states to set goals -- for raising academic achievement, for closing the gap between high- and low-performing students, for helping immigrant children to learn English, and for improving the quality of their teachers -- and to demonstrate annual progress toward meeting those goals. These new performance-oriented programs would be tied to a new "accountability" title, which would reward states that exceed their standards, and penalize those that continually fail to show improvement.

What follows is a detailed summary of how each of these titles would work.

CLOSING THE ACHIEVEMENT GAP

This title would reform and strengthen the existing Title I program for disadvantaged students, by providing the biggest one-time funding increase in the program's history and better targeting that aid to those schools with the highest concentrations of poor children.

Specifically, it would:

- Increase overall annual funding by more than 50 percent, from \$7.6 billion to \$12

billion, to help states meet their new performance goals;

- Drive most of this additional aid down to the poorest schools, by requiring 75 percent of the new funding be distributed through a new, more targeted formula, with the remaining 25 percent distributed through the existing Title I formula;
- Call on each state to develop and implement plans to raise the performance level of all students to ensure all children reach proficiency in math and reading within 10 years, and hold local districts accountable for showing annual progress toward meeting those goals;
- Require states to set aside 2.5 percent of their allocation for helping local districts turn around underachieving schools and, if necessary, taking corrective actions, such as replacing curriculums, redesigning or reconstituting schools, or in extreme cases closing schools down and allowing their students to transfer to a higher-performing public school;
- Require states to set state-wide performance goals for increasing overall academic achievement at least in math and reading, as well as for closing the gap between high- and low-income students, minority and non-minority students, and LEP and non-LEP students.

RAISING TEACHER QUALITY

This title would consolidate several professional development and teacher training initiatives (Eisenhower Professional Development Program, Goals 2000, etc.) into a single formula grant program for improving the quality of public school teachers, principals and administrators.

Specifically, it would:

- Increase overall annual funding by \$900 million, from \$2.1 billion to \$3 billion, to help states meet their new performance goals;
- Distribute funding to states through a formula based 50 percent on poverty and 50 percent on student population;
- Requires states to distribute 60 percent of the funding to the local school districts based on the number of children in poverty and 40 percent of the funding based on the number of school-aged children;
- Require states to have all teachers fully-qualified by the year 2005, with fully-qualified defined as being state certified, having a bachelor's degree in the area they teach, and passing rigorous, state-developed content tests;
- Require local educational agencies to provide high-quality professional development for teachers, principals and administrators so that they are better prepared to raise students' academic achievement and meet state performance standards;
- Encourage innovative training and mentoring partnerships between local school districts and universities, non-profit groups, and corporations and business organizations, by setting aside 10 percent of each state's funding to underwrite these cooperative initiatives;
- Preserve the federal class-size reduction program for the early grades.

FOSTERING ENGLISH PROFICIENCY

This title would streamline the existing bilingual education programs and clarify their purpose. It would create a single pool of funding, provide the biggest one-time funding increase for immigrant education, and require those dollars to be used explicitly for helping language minority students to become proficient in English.

Specifically, it would:

- Increase overall annual aid for English acquisition by more than 250 percent, from \$380 million to \$1 billion;
- Create a new funding formula to target aid to the states with the highest concentrations of students with limited English proficiency;
- Require states to A) develop standards for English language development and implement assessments for measuring English proficiency in speaking, listening, writing and reading; B) set specific annual performance goals for increasing the proficiency of each student from the previous year; and C) develop a system for holding local school districts accountable for meeting those goals;
- Provides states and local school districts with broad flexibility in choosing their methods of instruction, provided that they are grounded in strong scientific research, in return for a commitment to improving individual student proficiency in reading, writing and speaking English.

PROMOTING PUBLIC SCHOOL CHOICE

This title would strengthen the Federal commitment to expanding the range of educational opportunities and options available to all students within the public school framework. It would provide additional dollars to the existing charter school and magnet programs, and pair them with a new initiative to encourage broader choice programs at the local level.

Specifically, it would:

- Provide \$100 million in funding for a competitive grant program to help local school boards develop district-wide public school choice initiatives;
- Call on states to publish and widely disseminate annual report cards, providing parents with information about school districts and individual schools in the areas of student achievement and teacher qualifications;
- Double funding for the charter school program, which helps defray the cost of starting new schools from scratch, from the FY99 level of \$100 million to \$200 million;
- Require states to hold any charter or non-traditional school receiving funds under this title accountable to the same content and student performance standards as any other public school.

STIMULATING INNOVATIVE STRATEGIES

This title consolidates the remainder of all other existing programs into a new funding stream that will enable states and local school districts to target additional resources on locally-identified needs, and also encourage them to test bold new ideas and approaches to raising student achievement.

Specifically, it would:

- Provide \$2.7 billion in funding, which would be distributed to states and local districts based on the existing Title I formula;
- Require each state to establish an innovative partnership -- comprised of the Governor, the chief state school officer, a representative of at least one local educational agency, a representative of a education public or private nonprofit or community group, a principal, a teacher and a parent -- that will be charged with approving local district plans;
- Give local districts broad flexibility in determining local objectives, but require them to devote resources in pursuit of the following national priorities;

1) Expanding enrichment opportunities, such as through before-school, after-school, and summer academic programs; technology programs; school-wide reforms; college preparation courses; civics and arts education; and reading and early childhood literacy initiatives;

2) Maintaining a safe and constructive learning environment, such as through anti-violence and anti-drug programs; extended day programs; character education initiatives; and improving access to mental health counseling;

3) Pursuing systemic academic and curricular reforms, through such as additional professional development programs; classroom management training; and advanced technology programs;

- Require states to develop a plan with annual performance goals, describing: A) how the state and its local districts plan to use the funding; B) annual performance objectives both for the state and the local districts; C) how the state will measure those objectives; and D) how the state will hold the local districts accountable for meeting performance objectives;
- Requires states to set aside 10 percent of overall funding for competitive grants to local districts to support and stimulate innovative practices, including those that may require a relatively large, one-time infusion of funding, such as: experiments with longer school days and longer school years; unconventional teacher-mentoring programs, outreach efforts for hiring minority teachers, teacher portability initiatives (e.g. pensions, certification and years of experience) and charter school districts.

DEMANDING ACCOUNTABILITY

This title is the linchpin of the Three R's plan, creating a new accountability system that for the first time would directly link federal funding to the performance of schools in meeting specific standards – raising overall academic achievement, closing the gap between high- and low-performing groups, helping language minority students achieve proficiency in English, and improving the supply of fully qualified teachers.

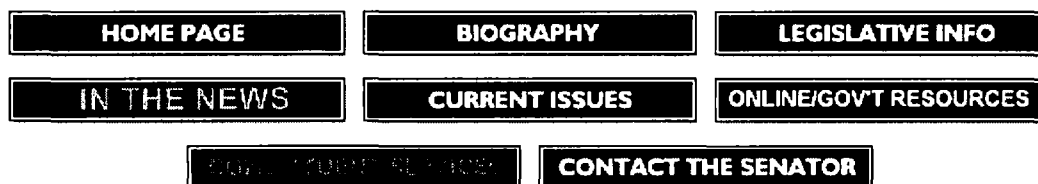
Specifically, it would:

- Establish a transition period of three years to allow states to implement their accountability systems, provide technical assistance to local districts and take necessary corrective actions to ensure that performance objectives in each title are being met;
- Require states to impose sanctions on local school districts that fail to meet their annual performance targets;
- Penalize a state that fails to meet its performance objectives in more than one title

after three years by cutting its administrative funding by 50 percent, and after four years by also cutting its Innovative Strategies funding by 30 percent;

- Create a new fund to reward high-performing states for: A) exceeding their overall performance goals for at least three consecutive years; B) exceeding their goals for closing the gap between poor and better-off students; and C) meeting the standard of having all teachers fully-qualified teachers within four years;
- Require states to pass along 75 percent of their bonus funding to high-performing districts that meet the same criteria;
- Call on states and local districts to develop a system for recognizing and rewarding individual high-performing schools that are successful in raising overall student achievement, closing the gap between groups, improving teacher quality, and improving English proficiency;
- Supplement the reward funding pool by distributing funds that are withheld from low-performing states to high-achieving states.
- Authorize \$300 million for the Secretary of Education to help states and localities to turn around low-performing schools, disseminate information on model programs, provide technical assistance for carrying out new requirements of this act, highlight exemplary instructional materials, and develop model native language tests for limited English proficient students that States and localities may use to assess student achievement.

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106TH CONGRESS
2ND SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. LIEBERMAN (for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Public Education Rein-
5 vestment, Reinvention, and Responsibility Act (Three
6 R's)".

7 **SEC. 2. REFERENCES.**

8 Except as otherwise expressly provided, whenever in
9 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
2 sion, the reference shall be considered to be made to a
3 section or other provision of the Elementary and Sec-
4 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

5 **SEC. 3. DECLARATION OF PRIORITIES.**

6 Congress declares that our national educational prior-
7 ities are to—

8 (1) introduce real accountability by making
9 public elementary school and secondary school edu-
10 cation funding performance-based rather than a
11 guaranteed source of revenue for States and local
12 educational agencies;

13 (2) require State educational agencies and local
14 educational agencies to establish high student per-
15 formance objectives, and to provide the State edu-
16 cational agencies and local educational agencies with
17 flexibility in using Federal resources to ensure that
18 the performance objectives are met;

19 (3) concentrate Federal funding around a small
20 number of central education goals, including com-
21 pensatory education for disadvantaged children and
22 youth, teacher quality and professional development,
23 programs for limited English proficient students,
24 public school choice programs, ~~and~~ innovative edu-
25 cational programs; ^{student safety and educational technology}

1 (4) concentrate Federal education funding on
2 impoverished areas where elementary schools and
3 secondary schools are most likely to be in distress;

4 (5) sanction State educational agencies and
5 local educational agencies that consistently fail to
6 meet established benchmarks; and

7 (6) reward State educational agencies, local
8 educational agencies, and elementary schools and
9 secondary schools that demonstrate high perform-
10 ance.

11 **TITLE I—STUDENT** 12 **PERFORMANCE**

13 **SEC. 101. HEADING.**

14 The heading for title I (20 U.S.C. 6301 et seq.) is
15 amended to read as follows:

16 **“TITLE I—STUDENT** 17 **PERFORMANCE”.**

18 **SEC. 102. FINDINGS, POLICY, AND PURPOSE.**

19 Section 1001 (20 U.S.C. 6301) is amended to read
20 as follows:

21 **“SEC. 1001. FINDINGS, POLICY AND PURPOSE.**

22 **“(a) FINDINGS.—**Congress makes the following find-
23 ings:

1 “(1) Despite more than 3 decades of Federal
2 assistance, a sizable achievement gap remains be-
3 tween low-income and middle-class students.

4 “(2) The 1994 reauthorization of the Elemen-
5 tary and Secondary Education Act of 1965 was an
6 important step in focusing our Nation’s priorities on
7 closing the achievement gap between poor and afflu-
8 ent students in the United States. The Federal Gov-
9 ernment must continue to build on these improve-
10 ments made in 1994 by holding States and local
11 educational agencies accountable for student achieve-
12 ment.

13 “(3) States can help close this achievement gap
14 by developing challenging curriculum content and
15 student performance standards so that all elemen-
16 tary school and secondary school students perform
17 at an advanced level. States should implement vig-
18 orous and comprehensive student performance as-
19 sessments, such as the National Assessment of Edu-
20 cational Progress (NAEP) so as to measure fully the
21 progress of our Nation’s students.

22 “(4) In order to ensure that no child is left be-
23 hind in the new economy, the Federal Government
24 must better target Federal resources on those chil-

1 dren who are most at-risk for falling behind aca-
2 demically.

3 “(5)(A) Title I funds have been targeted on
4 high-poverty areas, but not to the degree they should
5 be as demonstrated by the following:

6 “(B) Although 95 percent of schools with pov-
7 erty levels of 75 percent to 100 percent receive title
8 I funding, 20 percent of schools with poverty levels
9 of 50 to 74 percent do not receive any title I fund-
10 ing.

11 “(C) Only 64 percent of schools with poverty
12 levels in the 35 percent to 49 percent range receive
13 title I funding.

14 “(6) Title I funding should be significantly in-
15 creased and more effectively targeted to ensure that
16 all low-income students have an opportunity to excel
17 academically.

18 “(7) The Federal Government should provide
19 greater decisionmaking authority and flexibility to
20 schools and teachers in exchange for greater respon-
21 sibility for student performance. Federal, State, and
22 local efforts should be focused on raising the aca-
23 demic achievement of all students. Our Nation’s
24 children deserve nothing less than holding account-

1 able those responsible for shaping our childrens' fu-
2 ture and our country's future.

3 “(b) POLICY.—Congress declares that it is the policy
4 of the United States to ensure that all students receive
5 a high-quality education by holding States, local edu-
6 cational agencies, and elementary schools and secondary
7 schools accountable for increased student academic per-
8 formance results, and by facilitating improved classroom
9 instruction.

10 “(c) PURPOSES.—The purposes of this title are as
11 follows:

12 “(1) To eliminate the existing 2-tiered edu-
13 cational system, which set lower academic expecta-
14 tions for impoverished students than for affluent
15 students.

16 “(2) To require all States to have challenging
17 content and student performance standards and as-
18 sessment measures in place.

19 “(3) To require all States to ensure adequate
20 yearly progress for all students by establishing an-
21 nual, numerical performance objectives.

22 “(4) To ensure that all title I students receive
23 educational instruction from a fully qualified teach-
24 er.

1 “(5) To support State and local educational
2 agencies in identifying, assisting, and correcting low-
3 performing schools.

4 “(6) To increase Federal funding for part A
5 programs for disadvantaged students in return for
6 increased academic performance of all students.

7 “(7) To target Federal funding to local edu-
8 cational agencies serving the highest percentages of
9 low-income students.”.

10 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 1002 (20 U.S.C. 6302) is amended to read
12 as follows:

13 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
15 the purpose of carrying out part A, other than section
16 1120(e), there are authorized to be appropriated
17 \$12,000,000,000 for fiscal year 2001 and such sums as
18 may be necessary for each of the 4 succeeding fiscal years.

19 “(b) EVEN START.—For the purpose of carrying out
20 part B, there are authorized to be appropriated such sums
21 as may be necessary for fiscal year 2001 and each of the
22 4 succeeding fiscal years.

23 “(c) EDUCATION OF MIGRATORY CHILDREN.—For
24 the purpose of carrying out part C, there are authorized

1 to be appropriated such sums as may be necessary for fis-
2 cal year 2001 and each of the 4 succeeding fiscal years.

3 “(d) PREVENTION AND INTERVENTION PROGRAMS
4 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT
5 RISK OF DROPPING OUT.—For the purpose of carrying
6 out part D, there are authorized to be appropriated such
7 sums as may be necessary for fiscal year 2001 and each
8 of the 4 succeeding fiscal years.

9 “(e) CAPITAL EXPENSES.—For the purpose of car-
10 rying out section 1120(e), there are authorized to be ap-
11 propriated \$15,000,000 for fiscal year 2000, \$15,000,000
12 for fiscal year 2001, and \$5,000,000 for fiscal year 2002.

13 “(f) FEDERAL ACTIVITIES.—For the purpose of car-
14 rying out sections 1501 and 1502, there are authorized
15 to be appropriated such sums as may be necessary for fis-
16 cal year 2001 and each of the 4 succeeding fiscal years.”.

17 **SEC. 104. RESERVATION FOR SCHOOL IMPROVEMENT.**

18 Section 1003 (20 U.S.C. 6303) is amended to read
19 as follows:

20 **“SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.**

21 **“(a) STATE RESERVATIONS.—**

22 **“(1) IN GENERAL.—**Each State educational
23 agency shall reserve 2.5 percent of the amount the
24 State educational agency receives under part A for
25 fiscal years 2001 and 2002, and 3.5 percent of that

1 amount for fiscal years 2003 through 2005, to carry
2 out paragraph (2) and to carry out the State edu-
3 cational agency's responsibilities under sections 1116
4 and 1117, including the State educational agency's
5 statewide system of technical assistance and support
6 for local educational agencies.

7 “(2) USES.—Of the amount reserved under
8 paragraph (1) for any fiscal year, the State edu-
9 cational agency shall make available at least 80 per-
10 cent of such amount directly to local educational
11 agencies.

12 **PART A—IMPROVING BASIC PROGRAMS**
13 **OPERATED BY LOCAL EDUCATIONAL AGENCIES**
14 **SEC. 105. STATE PLANS.**

15 Section 1111 (20 U.S.C. 6311) is amended to read
16 as follows:

17 **“SEC. 1111. STATE PLANS.**

18 “(a) PLANS REQUIRED.—

19 “(1) IN GENERAL.—Any State educational
20 agency desiring a grant under this part shall submit
21 to the Secretary a plan, developed in consultation
22 with local educational agencies, teachers, pupil serv-
23 ices personnel, administrators (including administra-
24 tors of programs described in other parts of this
25 title), local school boards, other staff, and parents,

1 that satisfies the requirements of this section and
2 that is coordinated with other programs under this
3 Act, the Individuals with Disabilities Education Act,
4 the Carl D. Perkins Vocational and Technical Edu-
5 cation Act of 1998, and the Head Start Act.

6 “(2) CONSOLIDATED PLAN.—A State plan sub-
7 mitted under paragraph (1) may be submitted as
8 part of a consolidated plan under section 8302.

9 “(b) STANDARDS, ASSESSMENTS, AND ACCOUNT-
10 ABILITY.—

11 “(1) CHALLENGING STANDARDS.—

12 “(A) IN GENERAL.—Each State plan shall
13 demonstrate that the State has adopted chal-
14 lenging content standards and challenging stu-
15 dent performance standards that will be used
16 by the State, and the local educational agencies,
17 and elementary schools and secondary schools,
18 within the State to carry out this part.

19 “(B) UNIFORMITY.—The standards re-
20 quired by subparagraph (A) shall be the same
21 standards that the State applies to all elemen-
22 tary schools and secondary schools within the
23 State and all children attending such schools.

24 “(C) SUBJECTS.—The State shall have
25 such standards for elementary school and sec-

ondary school children served under this part in subjects determined by the State, but including at least mathematics, science, and English language arts, and which shall include the same knowledge, skills, and levels of performance expected of all children.

7 “(D) STANDARDS.—Standards under this
8 paragraph shall include—

9 “(i) challenging content standards in
10 academic subjects that—

11 “(I) specify what children are ex-
12 pected to know and be able to do;

13 “(II) contain coherent and rig-
14 orous content; and

15 “(III) encourage the teaching of
16 advanced skills; and

17 “(ii) challenging student performance
18 standards that—

19 “(I) are aligned with the State’s
20 content standards;

21 “(II) describe 2 levels of high
22 performance, proficient and advanced
23 levels of performance, that determine
24 how well children are mastering the

1 material in the State content stand-
2 ards; and

3 “(III) describe a third level of
4 performance, a basic level of perform-
5 ance, to provide complete information
6 about the progress of the lower per-
7 forming children toward achieving to
8 the proficient and advanced levels of
9 performance.

10 “(E) ADDITIONAL SUBJECTS.—For the
11 subjects in which students will be served under
12 this part, but for which a State is not required
13 under subparagraphs (A), (B), and (C) to de-
14 velop, and has not otherwise developed, chal-
15 lenging content and student performance stand-
16 ards, the State plan shall describe a strategy
17 for ensuring that such students are taught the
18 same knowledge and skills and held to the same
19 expectations as are all children.

20 “(F) SPECIAL RULE.—In the case of a
21 State that allows local educational agencies to
22 adopt more rigorous standards than those set
23 by the State, local educational agencies shall be
24 allowed to implement such standards.

25 “(2) ADEQUATE YEARLY PROGRESS.—

1 “(A) IN GENERAL.—Each State plan shall
2 demonstrate, based on assessments described
3 under paragraph (4), what constitutes adequate
4 yearly progress of—

5 “(i) any school served under this part
6 toward enabling all children to meet the
7 State’s challenging student performance
8 standards;

9 “(ii) any local educational agency that
10 receives funds under this part toward ena-
11 bling all children in schools served by the
12 local educational agency and receiving as-
13 sistance under this part to meet the
14 State’s challenging student performance
15 standards; and

16 “(iii) the State in enabling all children
17 in schools receiving assistance under this
18 part to meet the State’s challenging stu-
19 dent performance standards.

20 “(B) DEFINITION.—Adequate yearly
21 progress shall be defined by the State in a man-
22 ner that—

23 “(i) applies the same high standards
24 of academic performance to all students in
25 the State;

1 “(ii) takes into account the progress
2 of all students in the State and in each
3 local educational agency and school served
4 under section 1114 or 1115;

5 “(iii) uses the State challenging con-
6 tent and challenging student performance
7 standards and assessments described in
8 paragraphs (1) and (4);

9 “(iv) compares separately, within each
10 State, local educational agency, and school,
11 the performance and progress of students,
12 by each major ethnic and racial group, ^{gender} by
13 English proficiency status, and by eco-
14 nomically disadvantaged students as com-
15 pared to students who are not economically
16 disadvantaged (except that such
17 disaggregation shall not be required in a
18 case in which the number of students in a
19 category is insufficient to yield statistically
20 reliable information or the results would
21 reveal individually identifiable information
22 about an individual student);

23 “(v) compares the proportions of stu-
24 dents at the ~~below basic~~ basic, proficient,
25 and advanced levels of performance with

1 the proportions of students at each of the
2 4 performance levels in the same grade in
3 the previous school year;

4 “(vi) endeavors to include other aca-
5 demic measures such as promotion, attend-
6 ance, drop-out rates, completion of college
7 preparatory courses, college admission
8 tests taken, and secondary school comple-
9 tion, except that failure to meet another
10 academic measure, other than student per-
11 formance on State assessments aligned
12 with State standards, shall not provide the
13 sole basis for designating a district or
14 school as in need of improvement;

15 “(vii) includes annual numerical ob-
16 jectives for improving the performance of
17 all groups described in clause (iv) and nar-
18 rowing gaps in performance between these
19 groups in, at least, the areas of mathe-
20 matics and English language arts; and

21 “(viii) includes a timeline for ensuring
22 that each group of students described in
23 clause (iv) meets or exceeds the State’s
24 proficient level of performance on each
25 State assessment used for the purposes of

1 this section and section 1116 not later
2 than 10 years after the date of enactment
3 of the Public Education Reinvestment, Re-
4 invention, and Responsibility Act.

5 “(C) ACCOUNTABILITY.—Each State plan
6 shall demonstrate that the State has developed
7 and is implementing a statewide accountability
8 system that has been or will be effective in en-
9 suring that all local educational agencies, ele-
10 mentary schools, and secondary schools are
11 making adequate yearly progress as defined in
12 section 1111(b)(2)(B). Each State account-
13 ability system shall—

14 “(i) be based on the standards and as-
15 sessments adopted under paragraphs (1)
16 and (4) and take into account the perform-
17 ance of all students required by law to be
18 included in such assessments;

19 “(ii) be the same accountability sys-
20 tem the State uses for all schools or all
21 local educational agencies, if the State has
22 an accountability system for all schools or
23 all local educational agencies;

24 “(iii) provide for the identification of
25 schools or local educational agencies receiv-

1 ing funds under this part that for 2 con-
2 secutive years have exceeded such schools'
3 or agencies' adequate yearly progress goals
4 so that information about the practices
5 and strategies of such schools or agencies
6 can be disseminated to other schools in the
7 local educational agency and in the State
8 and such schools can be considered for re-
9 wards provided under title VII of this Act;

10 “(iv) provide for the identification of
11 schools and local educational agencies in
12 need of improvement, as required by sec-
13 tion 1116, and for the provision of tech-
14 nical assistance, professional development,
15 and other capacity-building as needed, in-
16 cluding those measures specified in sec-
17 tions 1116(d)(9) and 1117, to ensure that
18 schools and local educational agencies so
19 identified have the resources, skills, and
20 knowledge needed to carry out their obliga-
21 tions under sections 1114 and 1115 and to
22 meet the requirements for annual improve-
23 ment described in paragraph (2); and

24 “(v) provide for the identification of
25 schools and local educational agencies for

1 corrective action or actions as required by
2 section 1116, and for the implementation
3 of corrective actions against school and
4 school districts when such actions are re-
5 quired under such section.

6 “(D) ANNUAL IMPROVEMENT FOR
7 STATES.—For a State to make adequate yearly
8 progress under subparagraph (A)(iii), not less
9 than 90 percent of the local educational agen-
10 cies within the State shall meet the State’s cri-
11 teria for adequate yearly progress.

12 “(E) ANNUAL IMPROVEMENT FOR LOCAL
13 EDUCATIONAL AGENCIES.—For a local edu-
14 cational agency to make adequate yearly
15 progress under subparagraph (A)(ii), ^{not less than 90 percent} ~~all~~ of the
16 schools served by the local educational agency
17 shall meet the State’s criteria for adequate
18 yearly progress.

19 “(F) ANNUAL IMPROVEMENT FOR
20 SCHOOLS.—For an elementary school or a sec-
21 ondary school to make adequate yearly progress
22 under subparagraph (A)(i), not less than 90
23 percent of each group of students described in
24 subparagraph (B)(iv) who are enrolled in such
25 school shall take the assessments described in

1 paragraph (4)(D) and in section 612(a)(17)(A)
2 of the Individuals with Disabilities Education
3 Act.

4 “(G) PUBLIC NOTICE AND COMMENT.—

5 “(i) IN GENERAL.—Each State shall
6 submit information in the State plan dem-
7 onstrating that in developing such plan—

8 “(I) the State diligently sought
9 public comment from a range of insti-
10 tutions and individuals in the State
11 with an interest in improved student
12 achievement; and

13 “(II) the State made and will
14 continue to make a substantial effort
15 to ensure that information regarding
16 content standards, performance stand-
17 ards, assessments, and the State ac-
18 countability system is widely known
19 and understood by the public, parents,
20 teachers, and school administrators
21 throughout the State.

22 “(ii) EFFORTS.—The efforts described
23 in clause (i), at a minimum, shall include
24 annual publication of such information and
25 explanatory text to the public through such

means as the Internet, the media, and public agencies. Non-English language shall be used to communicate with parents where appropriate.

“(H) REVIEW.—The Secretary shall review information from each State on the adequate yearly progress of schools and local educational agencies within the State required under subparagraphs (A) and (B) for the purpose of determining State and local compliance with section 1116.

“(3) STATE AUTHORITY.—If a State educational agency provides evidence that is satisfactory to the Secretary that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority under State law to adopt curriculum content and student performance standards, and assessments aligned with such standards, that will be applicable to all students enrolled in the State’s public schools, then the State educational agency may meet the requirements of this subsection by—

“(A) adopting curriculum content and student performance standards and assessments that meet the requirements of this subsection,

1 on a statewide basis, and limiting the applica-
2 bility of such standards and assessments to stu-
3 dents served under this part; or

4 “(B) adopting and implementing policies
5 that ensure that each local educational agency
6 within a State receiving a grant under this part
7 will adopt curriculum content and student per-
8 formance standards and assessments—

9 “(i) that are aligned with the stand-
10 ards described in subparagraph (A); and

11 “(ii) that meet the criteria in this sub-
12 section and any regulations regarding such
13 standards and assessments that the Sec-
14 retary may publish and that are applicable
15 to all students served by each such local
16 educational agency.

17 “(4) ASSESSMENTS.—Each State plan shall
18 demonstrate that the State has implemented a set of
19 high quality, yearly student assessments that in-
20 clude, at a minimum, assessments in mathematics,
21 science, and English language arts, that will be
22 used, starting not later than the 2000–2001 school
23 year as the primary means of determining the yearly
24 performance of each local educational agency and
25 school served by the State under this title in ena-

1 bling all children to meet the State's challenging
2 content and student performance standards. Such
3 assessments shall—

4 “(A) be the same assessments used to
5 measure the performance of all children, if the
6 State measures the performance of all children;

7 “(B) be aligned with the State's chal-
8 lenging content and student performance stand-
9 ards, and provide coherent information about
10 student attainment of such standards;

11 “(C) be used only for purposes for which
12 such assessments are valid and reliable, and be
13 consistent with relevant, nationally recognized
14 professional and technical standards for such
15 assessments;

16 “(D) measure the performance of students
17 against the challenging State content and stu-
18 dent performance standards, and be adminis-
19 tered not less than once during—

20 “(i) grades 3 through 5;

21 “(ii) grades 6 through 9; and

22 “(iii) grades 10 through 12;

23 “(E) include multiple, up-to-date measures
24 of student performance, including measures

1 that assess higher order thinking skills and un-
2 derstanding;

3 “(F) provide for—

4 “(i) the participation in such assess-
5 ments of all students;

6 “(ii) the reasonable adaptations and
7 accommodations for students with disabil-
8 ities as defined in 602(3) of the Individ-
9 uals with Disabilities Education Act nec-
10 essary to measure the achievement of such
11 students relative to State content and stu-
12 dent performance standards;

13 “(iii) in the case of a student with
14 limited English proficiency, the assessment
15 of such student in the student’s native lan-
16 guage if such a native language assessment
17 is more likely than an English language
18 assessment to yield accurate and reliable
19 information on what that student knows
20 and is able to do; and

21 “(iv) notwithstanding clause (iii), the
22 assessment (using tests written in English)
23 of English language arts of any student
24 who has attended school in the United
25 States (not including the Commonwealth of

1 Puerto Rico) for 3 or more consecutive
2 school years, except if the local educational
3 agency determines, on a case-by-case indi-
4 vidual basis, that assessments in another
5 language and form would likely yield more
6 accurate and reliable information on what
7 such students know and can do, the local
8 educational agency may assess such stu-
9 dents in the appropriate language other
10 than English for 1 additional consecutive
11 year beyond the third consecutive year;
12 and

13 “(G) include students who have attended
14 schools in a local educational agency for a full
15 academic year but have not attended a single
16 school for a full academic year, except that the
17 performance of students who have attended
18 more than 1 school in the local educational
19 agency in any academic year shall be used only
20 in determining the progress of the local edu-
21 cational agency;

22 “(H) provide individual student reports to
23 be submitted to parents, including assessment
24 scores or other information on the attainment
25 of student performance standards; and

1 “(I) enable results to be disaggregated
2 within each State, local educational agency, and
3 school by gender, by each major racial and eth-
4 nic group, by English proficiency status, by mi-
5 grant status, by students with disabilities as
6 compared to nondisabled students, and by eco-
7 nomically disadvantaged students as compared
8 to students who are not economically disadvan-
9 taged.

10 “(5) RIGOROUS CRITERIA.—States are encour-
11 aged to use rigorous criteria assessment measures.

12 “(6) FIRST GRADE LITERACY ASSESSMENT.—In
13 addition to those assessments described in para-
14 graph (4), each State receiving funds under this
15 part shall describe in its State plan what reasonable
16 steps it is taking to assist and encourage local edu-
17 cational agencies—

18 “(A) to measure literacy skills of first
19 graders in schools receiving funds under this
20 part by providing assessments of first graders
21 that are—

22 “(i) developmentally appropriate;

23 “(ii) aligned with State content and
24 student performance standards; and

25 “(iii) scientifically research-based; and

1 “(B) to assist and encourage local edu-
2 cational agencies receiving funds under this
3 part in identifying and taking developmentally
4 appropriate and effective interventions in any
5 school served under this part in which a sub-
6 stantial number of first graders have not dem-
7 onstrated grade-level literacy proficiency by the
8 end of the school year.

9 “(7) LANGUAGE ASSESSMENTS.—Each State
10 plan shall identify the languages other than English
11 and Spanish that are present in the participating
12 student populations in the State, and indicate the
13 languages for which yearly student assessments are
14 not available and are needed. The State may request
15 assistance from the Secretary if linguistically acces-
16 sible assessment measures are needed. Upon request,
17 the Secretary shall assist with the identification of
18 appropriate assessment measures in the needed lan-
19 guages, but shall not mandate a specific assessment
20 or mode of instruction.

21 “(8) ASSESSMENT DEVELOPMENT.—A State
22 shall develop and implement the State assessments,
23 including, at a minimum, mathematics and English
24 language arts, by the 2000–2001 school year.

1 “(9) REQUIREMENT.—Each State plan shall
2 describe—

3 “(A) how the State educational agency will
4 assist each local educational agency and school
5 affected by the State plan to develop the capac-
6 ity to comply with each of the requirements of
7 sections 1114(b), 1115(c), and 1116 that are
8 applicable to such agency or school;

9 “(B) how the State educational agency
10 will—

11 “(i) hold each local educational agency
12 affected by the State plan accountable for
13 improved student performance, including a
14 procedure for—

15 “(I) identifying local educational
16 agencies and schools in need of im-
17 provement; and

18 “(II) assisting local educational
19 agencies and schools identified under
20 subclause (I) to address achievement
21 problems, including ^{thorough} ~~through~~ descrip-
22 tions of the amounts and types of pro-
23 fessional development to be provided
24 instructional staff, the amount of any
25 financial assistance to be provided by

1 the State under section 1003, and the
2 amount of any funds to be provided
3 by other sources and the activities to
4 be provided by those sources; and

5 “(ii) implementing corrective action if
6 assistance is not effective;

7 “(C) how the State educational agency is
8 providing low-performing students additional
9 academic instruction, such as before- and after-
10 school programs and summer academic pro-
11 grams;

12 “(D) such other factors the State considers
13 appropriate to provide students an opportunity
14 to achieve the knowledge and skills described in
15 the State’s challenging content standards;

16 “(E) the specific steps the State edu-
17 cational agency will take or the specific strate-
18 gies the State educational agency will use to en-
19 sure that—

20 “(i) all teachers in both schoolwide
21 programs and targeted assistance pro-
22 grams are fully qualified not later than
23 December 31, 2005; and

24 “(ii) low-income students and minor-
25 ity students are not taught at higher rates

1 than other students by unexperienced,
2 uncertified, or out-of-field teachers; and

3 “(F) the measures the State educational
4 agency will use to evaluate and publicly report
5 the State’s progress in improving the quality of
6 instruction in the schools served by the State
7 educational agency and local educational agen-
8 cies receiving funding under this Act.

9 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
10 AND LEARNING.—Each State plan shall contain assur-
11 ances that—

12 “(1) the State educational agency will work
13 with other agencies, including educational service
14 agencies or other local consortia and institutions to
15 provide technical assistance to local educational
16 agencies and elementary schools and secondary
17 schools to carry out the State educational agency’s
18 responsibilities under this part, including technical
19 assistance in providing professional development
20 under section 1119(A) and technical assistance
21 under section 1117; and

22 “(2)(A) where educational service agencies
23 exist, the State educational agency will consider pro-
24 viding professional development and technical assist-
25 ance through such agencies; and

1 “(B) where educational service agencies do not
2 exist, the State educational agency will consider pro-
3 viding professional development and technical assist-
4 ance through other cooperative agreements, such as
5 through a consortium of local educational agencies;

6 “(3) the State educational agency will use the
7 disaggregated results of the student assessments re-
8 quired under subsection (b)(4), and other measures
9 or indicators available to the State, to review annu-
10 ally the progress of each local educational agency
11 and school served under this part to determine
12 whether each such agency and school is making the
13 annual progress necessary to ensure that all stu-
14 dents will meet the proficient level of performance
15 on the assessments described in subsection (b)(4)
16 within 10 years of the date of enactment of the Pub-
17 lic Education Reinvestment, Reinvention, and Re-
18 sponsibility Act;

19 “(4) the State educational agency will provide
20 the least restrictive and burdensome regulations for
21 local educational agencies and individual elementary
22 schools and secondary schools participating in a pro-
23 gram assisted under this part;

24 “(5) the State educational agency will regularly
25 inform the Secretary and the public in the State of

1 how Federal laws, if any, hinder the ability of States
2 to hold local educational agencies and schools ac-
3 countable for student academic performance;

4 “(6) the State educational agency will encour-
5 age elementary schools and secondary schools to
6 consolidate funds from other Federal, State, and
7 local sources for schoolwide reform in schoolwide
8 programs under section 1114;

9 “(7) the State educational agency will modify or
10 eliminate State fiscal and accounting barriers so
11 that elementary schools and secondary schools can
12 easily consolidate funds from other Federal, State,
13 and local sources for schoolwide programs under sec-
14 tion 1114;

15 “(8) the State educational agency has involved
16 the committee of practitioners established under sec-
17 tion 1703(b) (as redesignated by section 161(2)) in
18 developing and monitoring the implementation of the
19 State plan; and

20 “(9) the State educational agency will inform
21 local educational agencies of the local educational
22 agency’s authority to obtain waivers under title VIII
23 and, if the State is an Ed-Flex Partnership State,
24 waivers under the Education Flexibility Partnership
25 Act of 1999.

1 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

2 The Secretary shall—

3 “(1) establish a peer review process to assist in
4 the review of State plans;

5 “(2) only approve a State plan meeting each of
6 the requirements of this section;

7 “(3) if the Secretary determines that the State
8 plan does not meet each of the requirements of sub-
9 section (a), (b), or (c), immediately notify the State
10 of such determination and the reasons for such de-
11 termination;

12 “(4) not disapprove a State plan before—

13 “(A) notifying the State educational agen-
14 cy in writing of the specific deficiencies of the
15 State plan;

16 “(B) offering the State an opportunity to
17 revise the State plan;

18 “(C) providing technical assistance in
19 order to assist the State to meet the require-
20 ments under subsections (a), (b), and (c); and

21 “(D) providing a hearing;

22 “(5) have the authority to disapprove a State
23 plan for not meeting the requirements of this sec-
24 tion, but shall not have the authority to require a
25 State, as a condition of approval of the State plan,

1 to include in, or delete from, such plan 1 or more
2 specific elements of the challenging State content
3 standards or to use specific assessment instruments
4 or items; and

5 “(6) require a State to submit a revised State
6 plan that meets the requirements of this section to
7 the Secretary for approval not later than 1 year
8 after the date of enactment of the Public Education
9 Reinvestment, Reinvention, and Responsibility Act.

10 “(e) DURATION OF THE PLAN.—

11 “(1) IN GENERAL.—Each State plan shall—

12 “(A) remain in effect for the duration of
13 the State’s participation under this part; and

14 “(B) be periodically reviewed and revised
15 by the State, as necessary, to reflect changes in
16 the State’s strategies and programs under this
17 part.

18 “(2) ADDITIONAL INFORMATION.—If the State
19 makes significant changes in its State plan, such as
20 the adoption of new challenging State content stand-
21 ards and State student performance standards, new
22 assessments, or a new definition of adequate yearly
23 progress, the State shall submit such information to
24 the Secretary.

1 “(f) LIMITATION ON CONDITIONS.—Nothing in this
2 part shall be construed to authorize an officer or employee
3 of the Federal Government to mandate, direct, or control
4 a State’s, local educational agency’s, or elementary
5 school’s or secondary school’s specific challenging content
6 or student performance standards, assessments, curricula,
7 or program of instruction, as a condition of eligibility to
8 receive funds under this part.

9 “(g) PENALTIES.—

10 “(1) IN GENERAL.—If a State fails to meet the
11 statutory deadlines for demonstrating that the State
12 has in place challenging content standards and stu-
13 dent performance standards, assessments, a system
14 for measuring and monitoring adequate yearly
15 progress, and a statewide system for holding schools
16 and local educational agencies accountable for mak-
17 ing adequate yearly progress with each group of stu-
18 dents specified in subsection (b)(2)(B)(iv), the State
19 shall be ineligible to receive any administrative funds
20 under section 1703(c) that exceed the amount re-
21 ceived by the State for such purposes in the previous
22 year.

23 “(2) ADDITIONAL FUNDS.—Based on the extent
24 to which challenging content standards and student
25 performance standards, assessments, systems for

1 measuring and monitoring adequate yearly progress,
 2 and a statewide system for holding schools and local
 3 educational agencies accountable for making ade-
 4 quate yearly progress with each group of students
 5 specified in subsection (b)(2)(B)(iv), are not in
 6 place, the Secretary shall withhold additional admin-
 7 istrative funds in such amount as the Secretary de-
 8 termines appropriate, except that for each additional
 9 year that the State fails to comply with such re-
 10 quirements, the Secretary shall withhold not less
 11 than $\frac{1}{5}$ of the amount the State receives for admin-
 12 istrative expenses under section 1703(c).

13 “(3) WAIVER.—Notwithstanding part D of title
 14 VIII, the Education Flexibility Partnership Act of
 15 1999, or any other provision of law, a waiver of this
 16 section shall not be granted, except that a State may
 17 request a 1-time, 1-year waiver to meet the require-
 18 ments of this section.” *not including subsection (h)* ✓

19 **SEC. 106. LOCAL EDUCATIONAL AGENCY PLANS.**

20 (a) SUBGRANTS.—Section 1112(a)(1) (20 U.S.C.
 21 6312(a)(1)) is amended by striking “the Goals 2000: Edu-
 22 cate America Act” and all that follows and inserting “the
 23 Individuals with Disabilities Education Act, the Carl D.
 24 Perkins Vocational and Technical Education Act of 1998,
 25 the Head Start Act, and other Acts, as appropriate.”

*“(h) SPECIAL
 RULE ON SCIENCE
 STANDARDS AND
 ASSESSMENTS.—*

*Notwithstanding
 subsection (b) and
 Part D of Title IV,
 no State shall be
 required to meet
 the requirements*

*under this title relating to science standards or assessments
 until the beginning of the 2005-2006 school year.*

1 (b) PLAN PROVISIONS.—Section 1112(b) (20 U.S.C.
2 6312(b)) is amended—

3 (1) by striking “Each” and inserting “In order
4 to help low-achieving children achieve high stand-
5 ards, each”;

6 (2) in paragraph (1)—

7 (A) by striking “part” each place it ap-
8 pears and inserting “title”; and

9 (B) in subparagraph (B), by inserting
10 “low-achieving” before “children”;

11 (3) in paragraph (4)—

12 (A) in subparagraph (A)—

13 (i) by striking “program,” and insert-
14 ing “programs and”; and

15 (ii) by striking “, and school-to-work
16 transition programs”; and

17 (B) in subparagraph (B), by striking
18 “under part C” and all that follows through
19 “dropping out” and inserting “under part C,
20 neglected or delinquent youth.”;

21 (4) in paragraph (7), by striking “eligible”;

22 (5) in paragraph (9), by striking the period and
23 inserting a semicolon; and

24 (6) by adding at the end the following new
25 paragraphs:

1 “(10) a description of the actions the local edu-
2 cational agency will take to assist the low-per-
3 forming schools served by the local educational agen-
4 cy, including schools identified under section 1116
5 as in need of improvement; and

6 “(11) a description of how the local educational
7 agency will promote the use of alternative instruc-
8 tional methods, and extended learning time, such as
9 an extended school year, before- and after-school
10 programs, and summer programs.”.

11 (c) ASSURANCES.—Section 1112(c) (20 U.S.C.
12 6312(c)) is amended to read as follows:

13 “(c) ASSURANCES.—

14 “(1) IN GENERAL.—Each local educational
15 agency plan shall provide assurances that the local
16 educational agency will—

17 “(A) specify the steps the local educational
18 agency will take to ensure that all teachers in
19 both schoolwide programs and targeted assist-
20 ance are fully qualified not later than December
21 31, 2005 and the strategies the local edu-
22 cational agency will use to ensure that low-in-
23 come students and minority students are not
24 taught at higher rates than other children by
25 inexperienced, uncertified, or out-of-field teach-

1 ers, and the measures the agency will use to
2 evaluate and publicly report progress in improv-
3 ing the quality of instruction in schools served
4 by the local educational agency and receiving
5 funding under this Act;

6 “(B) reserve not less than 10 percent of
7 the funds the agency receives under this part
8 for high quality professional development, as
9 defined in section 1119, for professional in-
10 struction staff;

11 “(C) provide eligible schools and parents
12 with information regarding schoolwide project
13 authority and the ability of such schools to con-
14 solidate funds from Federal, State, and local
15 sources;

16 “(D) provide technical assistance and sup-
17 port to schoolwide programs;

18 “(E) work in consultation with schools as
19 the schools develop a school plan pursuant to
20 section 1114(b)(2), and assist schools in imple-
21 menting such plans or undertaking activities
22 pursuant to section 1115(e), so that each school
23 can make adequate yearly progress toward
24 meeting the challenging State student perform-
25 ance standards;

1 “(F) use the disaggregated results of the
2 student assessments required under section
3 1111(b)(4), and other measures or indicators
4 available to the agency, to review annually the
5 progress of each school served by the agency
6 and receiving funds under this title to deter-
7 mine whether or not all schools are making the
8 annual progress necessary to ensure that all
9 students will meet the proficient level of per-
10 formance on the assessments described in sec-
11 tion 1111(b)(4) within 10 years of the date of
12 enactment of the Public Education Reinvest-
13 ment, Reinvention, and Responsibility Act;

14 “(G) set and hold schools served by the
15 local educational agency accountable for meet-
16 ing annual numerical goals for improving the
17 performance of all groups of students based on
18 the performance standards set by the State
19 under section 1111(b)(1)(D)(ii);

20 “(H) fulfill the local educational agency’s
21 school improvement responsibilities under sec-
22 tion 1116, including taking corrective actions
23 under section 1116(c)(9);

24 “(I) provide the State educational agency
25 with—

1 “(i) an annual, up-to-date, and accu-
2 rate list of all schools served by the local
3 educational agency that are eligible for
4 school improvement and corrective action;

5 “(ii) the reasons why each school de-
6 scribed in clause (i) was identified for
7 school improvement or corrective action;
8 and

9 “(iii) the specific plans for improving
10 student performance in each of the schools
11 described in clause (i), including the spe-
12 cific numerical achievement goals for the
13 succeeding 2 school years, for each group
14 of students specified in section
15 1111(b)(2)(B)(iv) enrolled in each such
16 school;

17 “(J) provide services to eligible children at-
18 tending private elementary schools and sec-
19 ondary schools in accordance with section 1120,
20 and provide timely and meaningful consultation
21 with private school officials regarding such serv-
22 ices;

23 “(K) take into account the experience of
24 model programs for the educationally disadvan-
25 taged and the findings of relevant scientifically

✓ 1 based research when developing technical assist-
2 ance plans for, and delivering technical assist-
3 ance to schools served by the local educational
4 agency that are receiving funds under this part
5 and are in school improvement or corrective ac-
6 tion;

7 “(L) in the case of a local educational
8 agency that chooses to use funds under this
9 part to provide early childhood development
10 services to low-income children below the age of
11 compulsory school attendance, ensure that such
12 services comply with the performance standards
13 established under section 641A(a) of the Head
14 Start Act;

15 “(M) comply with the requirements of sec-
16 tion 1119 regarding the qualifications of teach-
17 ers and paraprofessionals;

18 “(N) inform eligible schools served by the
19 local educational agency of the agency’s author-
20 ity to obtain waivers on such school’s behalf
21 under title VIII, and if the State is an Ed-Flex
22 Partnership State, under the Education Flexi-
23 bility Partnership Act of 1999; and

24 “(O) coordinate and collaborate, to the ex-
25 tent feasible and necessary as determined by

1 the local educational agency, with other agen-
2 cies providing services to children, youth, and
3 their families.

4 “(2) MODEL PROGRAMS; SCIENTIFICALLY
5 BASED RESEARCH.—In carrying out paragraph
6 (1)(K)—

7 “(A) the Secretary shall consult with the
8 Secretary of Health and Human Services on the
9 implementation of such subparagraph, and shall
10 establish procedures (taking into consideration
11 existing State and local laws and local teacher
12 contracts) to assist local educational agencies to
13 comply with such subparagraph;

14 “(B) the Secretary shall disseminate to
15 local educational agencies the Head Start per-
16 formance standards under section 641A(a) of
17 the Head Start Act upon such standard’s publi-
18 cation; and

19 “(C) local educational agencies affected by
20 such subparagraph shall plan for the implemen-
21 tation of such subparagraph (taking into con-
22 sideration existing State and local laws, and
23 local teacher contracts), including pursuing the
24 availability of other Federal, State, and local

1 funding sources to assist in compliance with
2 such subparagraph.

3 “(3) INAPPLICABILITY.—The provisions of this
4 subsection shall not apply to preschool programs
5 using the Even Start model or to Even Start pro-
6 grams.”.

7 (d) PLAN DEVELOPMENT AND DURATION.—Section
8 1112(d) (20 U.S.C. 6312(d)) is amended to read as fol-
9 lows:

10 “(d) PLAN DEVELOPMENT AND DURATION.—

11 “(1) CONSULTATION.—Each local educational
12 agency plan shall be developed in consultation with
13 teachers, principals, local school boards, administra-
14 tors (including administrators of programs described
15 in other parts of this title), other appropriate school
16 personnel, and parents of children in elementary
17 schools and secondary schools served under this
18 part.

19 “(2) DURATION.—Each plan described in para-
20 graph (1) shall remain in effect for the duration of
21 the local educational agency’s participation under
22 this part.

23 “(3) REVIEW.—Each local educational agency
24 shall periodically review, and as necessary, revise its
25 plan.”.

1 (e) STATE APPROVAL.—Section 1112(e) (20 U.S.C.
2 6312(e)) is amended to read as follows:

3 “(e) PEER REVIEW AND STATE APPROVAL.—

4 “(1) IN GENERAL.—Each local educational
5 agency plan shall be filed according to a schedule es-
6 tablished by the State educational agency.

7 “(2) APPROVAL.—The State educational agency
8 shall establish a peer review process to assist in the
9 review of local educational agency plans. The State
10 educational agency shall approve a local educational
11 agency plan only if the State educational agency de-
12 termines that the local educational agency plan—

13 “(A) will enable elementary schools and
14 secondary schools served by the local edu-
15 cational agency and under this part to help all
16 groups of students specified in section
17 1111(b)(1) meet or exceed the proficient level
18 of performance on the assessments required
19 under section 1111(b)(4) within 10 years of the
20 date of enactment of the Public Education Re-
21 investment, Reinvention, and Responsibility
22 Act; and

23 “(B) meets each of the requirements of
24 this section.

1 “(3) STATE REVIEW.—Each State educational
2 agency shall at least annually review each local agen-
3 cy plan approved under this subsection against the
4 results of the disaggregated assessments required
5 under section 1111(b)(4) for each local educational
6 agency to ensure that the progress of all students in
7 schools served by each local educational agency
8 under this part is adequate to ensure that all stu-
9 dents in the State will meet or exceed the proficient
10 standard level of performance on assessments within
11 10 years of the date of enactment of the Public Edu-
12 cation Reinvestment, Reinvention, and Responsibility
13 Act.

14 “(4) PUBLIC REVIEW.—Each State educational
15 agency will make publicly available each local edu-
16 cational agency plan.”.

17 (f) PARENTAL NOTIFICATION AND CONSENT FOR
18 ENGLISH LANGUAGE INSTRUCTION.—Section 1112 (20
19 U.S.C. 6312) is amended by adding at the end the fol-
20 lowing:

21 “(g) PARENTAL NOTIFICATION AND CONSENT FOR
22 ENGLISH LANGUAGE INSTRUCTION.—

23 “(1) NOTIFICATION.—If a local educational
24 agency uses funds under this part to provide English
25 language instruction to limited English proficient

1 students, the local educational agency shall inform a
2 parent or the parents of a child participating in an
3 English language assistance educational program as-
4 sisted under this part of—

5 “(A) the reasons for the identification of
6 the child as being in need of English language
7 instruction;

8 “(B) the child’s level of English pro-
9 ficiency, how such level was assessed, and the
10 status of the child’s academic achievement;

11 “(C) how the English language assistance
12 educational program will specifically help the
13 child learn English and meet age-appropriate
14 standards for grade promotion and graduation;

15 “(D) the specific exit requirements of the
16 English language assistance educational pro-
17 gram;

18 “(E) the expected rate of graduation from
19 the English language assistance educational
20 program into mainstream classes; and

21 “(F) the expected rate of graduation from
22 secondary school if funds under this part are
23 used for children in secondary schools.

24 “(2) CONSENT; PARENTAL RIGHTS.—

“(A) IN GENERAL.—A parent or the parents of a child participating in an English language assistance educational program under this part shall—

part shall—
 “(i) ^{have the option of} select^{ing} among methods of instruction, if more than one method is offered in the program; and

“(ii) have the right to have their child immediately removed from the program upon their request.

“(B) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language assistance educational program under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

“(i) timely information about English language assistance educational programs for limited English proficient children assisted under this part; and

“(ii) if a parent of a participating child so desires, notice of opportunities for regular meetings of parents of limited

1 English proficient children participating in
2 English language assistance educational
3 programs under this part for the purpose
4 of formulating and responding to rec-
5 ommendations from such parents.

6 “(3) BASIS FOR ADMISSION OR EXCLUSION.—

7 No student shall be admitted to or excluded from
8 any federally assisted education program solely on
9 the basis of a surname or language minority sta-
10 tus.”.

11 **SEC. 107. SCHOOLWIDE PROGRAMS.**

12 (a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

13 Section 1114(a) (20 U.S.C. 6314(a)) is amended—

14 (1) in paragraph (1), by striking “school de-
15 scribed in subparagraph (A)” and all that follows
16 through “such families.” the second place it appears
17 and inserting “school that serves an eligible school
18 attendance area in which—

19 “(A) not less than 40 percent of the chil-
20 dren are from low-income families; or

21 “(B) not less than 40 percent of the chil-
22 dren enrolled in the school are from such fami-
23 lies.”; and

24 (2) in paragraph (2)—

1 (A) in subparagraph (A), by striking “sub-
2 sections (c)(1) and (e) of”; and

3 (B) in subparagraph (B), by striking “sub-
4 sections (c)(1) and (e) of”.

5 (b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

6 Section 1114(b) (20 U.S.C. 6314(b)) is amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (A), by striking “sec-
9 tion 1111(b)(1)” and inserting “section
10 1111(b)”;

11 (B) in subparagraph (B)—

12 (i) in clause (i), by striking “section
13 1111(b)(1)(D)” and inserting “1111(b)”;

14 (ii) in clause (iii)(II), by inserting
15 “and.” after the semicolon;

16 (iii) in clause (iv)(II), by striking “;
17 and” and inserting a period; and

18 (iv) by striking clause (vii); and

19 (C) in subparagraph (G), by striking “sec-
20 tion 1112(b)(1)” and inserting “section 1112”;
21 and .

22 (2) in paragraph (2)—

23 (A) in subparagraph (A)—

24 (i) by striking “Improving America’s
25 Schools Act of 1994” and inserting “Pub-

1 lic Education Reinvestment, Reinvention,
2 and Responsibility Act”;

3 (ii) by striking “subsections (c)(1)
4 and (e) of”; and

5 (iii) in clause (iv), by striking “section
6 1111(b)(3)” and inserting “section
7 1111(b)(4)”;

8 (B) in subparagraph (B), by striking
9 “paragraphs (1) and (3) of section 1111(b)”
10 and inserting “paragraphs (1) and (4) of sec-
11 tion 1111(b)”;

12 (C) in subparagraph (C)(i)—

13 (i) in subclause (I), by striking “sub-
14 sections (c) and (e) of”; and

15 (ii) in subclause (II), by striking “Im-
16 proving America’s Schools Act of 1994”
17 and inserting “Public Education Reinvest-
18 ment, Reinvention, and Responsibility
19 Act”.

20 **SEC. 108. SCHOOL CHOICE.**

21 Section 1115A (20 U.S.C. 6316) is amended to read
22 as follows:

23 **“SEC. 1115A. SCHOOL CHOICE.**

24 “(a) CHOICE PROGRAMS.—A local educational agen-
25 cy may use funds under this part, in combination with

1 State, local, and private funds, to develop and implement
2 public school choice programs, for children eligible for as-
3 sistance under this part, that permit parents to select the
4 public school that their child will attend and are consistent
5 with State and local law, policy, and practice related to
6 public school choice and local pupil transfer.

7 “(b) CHOICE PLAN.—A local educational agency that
8 chooses to implement a public school choice program
9 under this section shall first develop a plan that—

10 “(1) contains an assurance that all eligible stu-
11 dents across grade levels served under this part will
12 have equal access to the program;

13 “(2) contains an assurance that the program
14 does not include elementary schools or secondary
15 schools that follow a racially discriminatory policy;

16 “(3) describes how elementary schools or sec-
17 ondary schools will use resources under this part,
18 and from other sources, to implement the plan;

19 “(4) contains an assurance that the plan will be
20 developed with the involvement of parents and others
21 in the community to be served, and individuals who
22 will carry out the plan, including administrators,
23 teachers, principals, and other staff;

24 “(5) contains an assurance that parents of eli-
25 gible students served by the local educational agency

1 will be given prompt notice of the existence of the
2 public school choice program, the program's avail-
3 ability to such parents, and a clear explanation of
4 how the program will operate;

5 “(6) contains an assurance that the public
6 school choice program—

7 “(A) shall include charter schools and any
8 other public elementary school and secondary
9 school; and

10 “(B) shall not include as a ‘receiving
11 school’ an elementary school or a secondary
12 school that—

13 “(i) is or has been identified as a
14 school in, or eligible for, school improve-
15 ment; *or corrective action*

16 [^]“(ii) has been in school improvement
17 or corrective action within the last 2 con-
18 secutive academic years; or

19 “(iii) is at risk of being eligible for
20 school improvement within the next school
21 year;

22 “(7) contains an assurance that transportation
23 services or the costs of transportation to and from
24 the public school choice program—

1 “(A) may be provided by the local edu-
2 cational agency with funds under this part and
3 from other sources; and

4 “(B) shall not be provided from funds
5 made available under this part to the local edu-
6 cational agency that exceed 10 percent of such
7 funds; and

8 “(8) contains an assurance that such local edu-
9 cational agency will comply with the other require-
10 ments of this part.”.

11 **SEC. 109. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**
12 **AND SCHOOL IMPROVEMENT.**

13 (a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C.
14 6317(a)) is amended—

15 (1) in paragraph (2), by striking
16 “1111(b)(2)(A)(i)” and inserting “1111(b)(2)(B)”;
17 (2) in paragraph (3)—

18 (A) by striking “individual school perform-
19 ance profiles” and inserting “school report
20 cards”;

21 (B) by striking “1111(b)(3)(I)” and in-
22 serting “1111(b)(4)(I)”;

23 (C) by striking “and” after the semicolon;
24 (3) in paragraph (4), by striking the period and
25 inserting “; and”; and

1 (4) by adding at the end the following:

2 “(5) review the effectiveness of the actions and
3 activities the schools are carrying out under this
4 part with respect to parental involvement assisted
5 under this Act.”.

6 (b) SCHOOL IMPROVEMENT.—Section 1116(c) (20
7 U.S.C. 6317(c)) is amended to read as follows:

8 “(c) SCHOOL IMPROVEMENT.—

9 “(1) IN GENERAL.—A local educational agency
10 shall identify for school improvement any elementary
11 school or secondary school served under this part
12 that—

13 “(A) for 2 consecutive years failed to make
14 adequate yearly progress as defined in the
15 State’s plan under section 1111(b)(2); or

16 “(B) was in, or was eligible for, school im-
17 provement status under this section on the day
18 preceding the date of the enactment of the Pub-
19 lic Education Reinvestment, Reinvention, and
20 Responsibility Act.

21 “(2) TRANSITION.—The 2-year period described
22 in paragraph (1)(A) shall include any continuous pe-
23 riod of time immediately preceding the date of the
24 enactment of the Public Education Reinvestment,
25 Reinvention, and Responsibility Act during which an

1 elementary school or a secondary school did not
2 make adequate yearly progress as defined in the
3 State's plan, as such plan was in effect on the day
4 preceding the date of enactment of the Public Edu-
5 cation Reinvestment, Reinvention and Responsibility
6 Act.

7 “(3) TARGETED ASSISTANCE SCHOOLS.—To de-
8 termine if an elementary school or a secondary
9 school that is conducting a targeted assistance pro-
10 gram under section 1115 should be identified as in
11 need of improvement under this subsection, a local
12 educational agency may choose to review the
13 progress of only those students in such school who
14 are served, or are eligible for services, under this
15 part.

16 “(4) OPPORTUNITY TO REVIEW AND PRESENT
17 EVIDENCE.—(A) Before identifying an elementary
18 school or a secondary school for school improvement
19 under paragraph (1), the local educational agency
20 shall provide the school with an opportunity to re-
21 view the school level data, including assessment
22 data, on which the proposed identification is based.

23 “(B) If the principal of a school proposed for
24 identification as in need of school improvement be-
25 lieves that the proposed identification is in error for

1 statistical or other substantive reasons, the principal
2 may provide supporting evidence to the local edu-
3 cational agency, which the agency shall consider be-
4 fore making a final determination.

5 “(5) TIME LIMITS.—Not later than 30 days
6 after a local educational agency makes its initial de-
7 termination that a school served by the agency and
8 receiving assistance under this part is eligible for
9 school improvement, the local educational agency
10 shall make public a final determination on the status
11 of the school.

12 “(6) NOTIFICATION TO PARENTS.—A local edu-
13 cational agency shall, in an easily understandable
14 format, and in the 3 languages, other than English,
15 spoken by the greatest number of individuals in the
16 area served by the local educational agency, provide
17 in writing to parents of each student in an elemen-
18 tary school or a secondary school identified for
19 school improvement—

20 “(A) an explanation of what the school im-
21 provement identification means, and how the
22 school identified for improvement compares in
23 terms of academic performance to other elemen-
24 tary schools or secondary schools served by the

1 local educational agency and the State edu-
2 cational agency;

3 “(B) the reasons for such identification;

4 “(C) the data on which such identification
5 was based;

6 “(D) an explanation of what the school
7 identified for improvement is doing to address
8 the problem of low achievement;

9 “(E) an explanation of what the local edu-
10 cational agency or State educational agency is
11 doing to help the school address its achievement
12 problems, including the amounts and types of
13 professional development being provided to the
14 instructional staff in such school, the amount of
15 any financial assistance being provided by the
16 State educational agency under section 1003,
17 and the activities that are being provided with
18 such financial assistance;

19 “(F) an explanation of how parents de-
20 scribed in this paragraph can become involved
21 in addressing the academic issues that caused
22 the school to be identified as in need of im-
23 provement; and

24 “(G) an explanation of the right of par-
25 ents, pursuant to paragraph (7), to transfer

KEEP (G)
max

✓

1 their child to a higher performing public school,
2 including a ~~public~~ ^{higher performing} charter school or magnet
3 school, that is not in school improvement, and
4 how such transfer shall operate.

Insert
"(7)"
See attached

5 ⁸“(7) SCHOOL PLAN.—(A) Each school identified
6 under paragraph (1) for school improvement shall,
7 after being so identified, develop or revise a school
8 plan, in consultation with parents, school staff, the
9 local educational agency serving the school, the local
10 school board, and other outside experts, for approval
11 by such local educational agency. The school plan
12 shall—

13 “(i) incorporate scientifically based re-
14 search strategies that strengthen the core aca-
15 demic programs in the school and address the
16 specific academic issues that caused the school
17 to be identified for school improvement;

18 “(ii) adopt policies and practices in the
19 school’s core academic program that have the
20 greatest likelihood of ensuring that all groups
21 of students specified in section
22 1111(b)(2)(B)(iv) enrolled in the school will
23 meet or exceed the State’s proficient level of
24 performance on the assessment required in sec-
25 tion 1111(b)(4) within 10 years of the date of

1 enactment of the Public Education Reinvest-
2 ment, Reinvention, and Responsibility Act;

3 “(iii) assure that the school will reserve
4 not less than 10 percent of the funds made
5 available to it under this part for each fiscal
6 year that the school is in school improvement
7 for the purpose of providing the school’s teach-
8 ers and principal high quality professional de-
9 velopment that—

10 “(I) directly addresses the academic
11 achievement problem that caused the
12 school to be identified for school improve-
13 ment; and

14 “(II) meets the requirements for pro-
15 fessional development activities under sec-
16 tion 1119;

17 “(iv) specify how the funds described in
18 clause (iii) will be used to remove the school
19 from school improvement status;

20 “(v) establish specific annual, numerical
21 progress goals for each group of students speci-
22 fied in section 1111(b)(2)(B)(iv) enrolled in the
23 school that will ensure that all such groups of
24 students meet or exceed the State’s proficient
25 standard level of performance within 10 years

1 of the date of enactment of the Public Edu-
2 cation Reinvestment, Reinvention, and Respon-
3 sibility Act;

4 “(vi) identify how the school will provide
5 written notification to parents of each child en-
6 rolled in such school, in a format and, to the
7 extent practicable, in a language such parents
8 can understand; and

9 “(vii) specify the responsibilities of the
10 school, the local educational agency, and the
11 State educational agency serving such school
12 under the plan.

13 “(B) The local educational agency described in
14 subparagraph (A)(vi) may condition approval of a
15 school plan on inclusion of 1 or more of the correc-
16 tive actions specified in paragraph ¹⁰~~9~~(C).

17 “(C) A school shall implement the school plan
18 or revised plan expeditiously, but not later than the
19 beginning of the school year following the school
20 year in which the school was identified for improve-
21 ment.

22 “(D) The local educational agency described in
23 subparagraph (A)(vi) shall establish a peer review
24 process to assist with review of a school improve-
25 ment plan prepared by the school served by the local

1 educational agency, promptly review the school plan,
2 work with the school as necessary, and approve the
3 school plan if the school plan meets the require-
4 ments of this paragraph.

✓ 5 ⁹~~(8)~~ TECHNICAL ASSISTANCE.—(A) For each
6 school identified for school improvement under para-
7 graph (1), the local educational agency serving the
8 school shall provide technical assistance as the
9 school develops and implements its school plan.

10 “(B) Such technical assistance—

11 “(i) shall include assistance in analyzing
12 data from the assessments required under sec-
13 tion 1111(b)(4), and other samples of student
14 work, to identify and address instructional
15 problems and solutions;

16 “(ii) shall include assistance in identifying
17 and implementing scientifically based instruc-
18 tional strategies and methods that have proven
19 effective in addressing the specific instructional
20 issues that caused the school to be identified for
21 school improvement;

22 “(iii) shall include assistance in analyzing
23 and revising the school’s budget such that the
24 school resources are more effectively focused on
25 those activities most likely to increase student

1 achievement and to remove the school from
2 school improvement status;

3 “(iv) may be provided directly by the local
4 educational agency, through mechanisms au-
5 thorized under section 1117, or with the local
6 educational agency’s approval, by the State edu-
7 cational agency, an institution of higher edu-
8 cation in full compliance with all the reporting
9 provisions of title II of the Higher Education
10 Act of 1965, a private not-for-profit organiza-
11 tion or for-profit organization, an educational
12 service agency, the recipient of a Federal con-
13 tract or cooperative agreement as described
14 under section 7005, or other entity with experi-
15 ence in helping schools improve achievement.

16 “(C) Technical assistance provided under this
17 section by a local educational agency or an entity
18 authorized by such agency shall be based upon sci-
19 entifically based research.

20 “¹⁸~~(9)~~ CORRECTIVE ACTION.—In order to help
21 students served under this part meet challenging
22 State standards, each local educational agency shall
23 implement a system of corrective action in accord-
24 ance with the following:

✓ 1 “(A) After providing technical assistance
2 under paragraph ~~(8)~~⁹ and subject to subpara-
3 graph (F), the local educational agency—

4 “(i) may take corrective action at any
5 time with respect to a school served by the
6 local educational agency that has been
7 identified under paragraph (1);

8 “(ii) shall take corrective action with
9 respect to any school served by the local
10 educational agency that fails to make ade-
11 quate yearly progress, as defined by the
12 State under section 1111(b)(2)(B), after
13 the end of the second year following the
14 school year in which the school was identi-
15 fied under paragraph (1); and

16 “(iii) shall continue to provide tech-
17 nical assistance while instituting any cor-
18 rective action under clause (i) or (ii).

19 “(B) As used in this paragraph, the term
20 ‘corrective action’ means action, consistent with
21 State and local law, that—

22 “(i) substantially and directly re-
23 sponds to—

24 “(I) the consistent academic fail-
25 ure of a school that caused the local

1 educational agency to take such ac-
2 tion; and

3 “(II) any underlying staffing,
4 curricula, or other problem in the
5 school; and

6 “(ii) is designed to increase substan-
7 tially the likelihood that students enrolled
8 in the school subject to corrective action
9 will perform at the proficient and advanced
10 performance levels.

11 “(C) In the case of a school described in
12 subparagraph (A)(ii), the local educational
13 agency shall take not less than 1 of the fol-
14 lowing corrective actions:

15 “(i) Withhold funds from the school.

16 “(ii) Make alternative governance ar-
17 rangements, including reopening the school
18 as a public charter school.

19 “(iii) Reconstitute the school by re-
20 quiring each relevant person employed at
21 the school to reapply for future employ-
22 ment at the same school or for a position
23 in the local educational agency.

24 “(iv)(I) Authorize students to transfer
25 to other higher performing public schools

1 served by the local educational agency, in-
2 cluding public charter and magnet schools,
3 and ^(I) provide such students transportation
4 services, or the costs of transportation, to
5 such schools (except that such funds used
6 to provide transportation services or costs
7 shall not exceed 10 percent of the amount
8 authorized under section 1122(a)(2)).

9 ^(II) Take not less than 1 additional
10 action described under this subparagraph.

11 “(v) Institute and fully implement a
12 new curriculum, including appropriate pro-
13 fessional development for all relevant staff,
14 that is based upon scientifically based re-
15 search and offers substantial promise of
16 improving educational achievement for low-
17 performing students.

18 “(D) A local educational agency may delay,
19 for a period not to exceed 1 year, implementa-
20 tion of corrective action only if the failure to
21 make adequate yearly progress was justified
22 due to exceptional or uncontrollable cir-
23 cumstances, such as a natural disaster or a pre-
24 cipitous and unforeseen decline in the financial

1 resources of the local educational agency or
2 school.

3 “(E) The local educational agency shall
4 publish and disseminate to the public and to
5 the parents of each student enrolled in a school
6 subject to corrective action, in a format and, to
7 the extent practicable, in a language that the
8 parents can understand, information regarding
9 any corrective action the local educational agen-
10 cy takes under this paragraph through such
11 means as the Internet, the media, and public
12 agencies.

13 “(F)(i) Before taking corrective action
14 with respect to any school under this para-
15 graph, a local educational agency shall provide
16 the school an opportunity to review the school
17 level data, including assessment data, on which
18 the proposed determination is made.

19 “(ii) If the school believes that the pro-
20 posed determination is in error for statistical or
21 other substantive reasons, the school principal
22 may provide supporting evidence to the local
23 educational agency, which shall consider such
24 evidence before making a final determination.

1 “(G) TIME LIMITS.—Not later than 30
2 days after the local educational agency makes
3 its initial determination that a school served by
4 the local educational agency and receiving as-
5 sistance under this part is eligible for corrective
6 action, the local educational agency shall make
7 a final and public determination on the status
8 of the school.

✓
9 ¹¹~~“(10)~~ STATE EDUCATIONAL AGENCY RESPON-
10 SIBILITIES.—If a State educational agency deter-
11 mines that a local educational agency failed to carry
12 out its responsibilities under this section, or deter-
13 mines that, after 1 year of implementation of the
14 corrective action, such action has not resulted in suf-
15 ficient progress in increased student performance,
16 the State educational agency shall take such action
17 as the agency finds necessary, including designating
18 a course of corrective action described in paragraph
19 ✓
20 ¹⁰~~(9)~~(C), consistent with this section, to improve the
21 affected schools and to ensure that the local edu-
22 cational agency carries out the local educational
23 agency’s responsibilities under this section.

23 “(11) SPECIAL RULES.—Schools that, for at
24 least 2 of the 3 years following identification under
25 paragraph (1), make adequate yearly progress to-

1 ward meeting the State's proficient and advanced
2 levels of performance shall no longer be identified
3 for school improvement.".

4 (c) STATE REVIEW AND LOCAL EDUCATIONAL AGEN-
5 CY IMPROVEMENT.—Section 1116(d) (20 U.S.C. 6317(d))
6 is amended to read as follows:

7 “(d) STATE REVIEW AND LOCAL EDUCATIONAL
8 AGENCY IMPROVEMENT.—

9 “(1) IN GENERAL.—A State educational agency
10 shall annually review the progress of each local edu-
11 cational agency within the State receiving funds
12 under this part to determine whether schools served
13 by such agencies and receiving assistance under this
14 part are making adequate yearly progress, as de-
15 fined in section 1111(b)(2), toward meeting the
16 State's student performance standards and to deter-
17 mine whether each local educational agency is car-
18 rying out its responsibilities under sections 1116 and
19 1117.

20 “(2) IDENTIFICATION OF LOCAL EDUCATIONAL
21 AGENCY FOR IMPROVEMENT.—A State educational
22 agency shall identify for improvement any local edu-
23 cational agency that—

1 “(A) for 2 consecutive years fails to make
2 adequate yearly progress as defined in the
3 State’s plan under section 1111(b)(2); or

4 “(B) had been identified for, or was eligi-
5 ble for, improvement under this section as this
6 section was in effect on the day preceding the
7 date of enactment of the Public Education Re-
8 investment, Reinvention, and Responsibility
9 Act.

10 “(3) TRANSITION.—The 2-year period described
11 in paragraph (2)(A) shall include any continuous pe-
12 riod of time immediately preceding the date of the
13 enactment of the Public Education Reinvestment,
14 Reinvention, and Responsibility Act during which a
15 local educational agency did not make adequate
16 yearly progress as defined in the State’s plan, as
17 such plan was in effect on the day preceding the
18 date of the enactment of the Public Education Rein-
19 vestment, Reinvention, and Responsibility Act.

20 “(4) TARGETED ASSISTANCE SCHOOLS.—For
21 purposes of targeted assistance schools within a local
22 educational agency, a State educational agency may
23 choose to review the progress of only the students in
24 such schools who are served under this part.

1 “(5) OPPORTUNITY TO REVIEW AND PRESENT
2 EVIDENCE.—(A) Before identifying a local edu-
3 cational agency for improvement under paragraph
4 (2), a State educational agency shall provide the
5 local educational agency with an opportunity to re-
6 view the local educational agency data, including as-
7 sessment data, on which the proposed identification
8 is based.

9 “(B) If the local educational agency believes
10 that the proposed identification is in error for statis-
11 tical or other substantive reasons, the local edu-
12 cational agency may provide supporting evidence to
13 the State educational agency, which the State edu-
14 cational agency shall consider before making a final
15 determination.

16 “(6) TIME LIMITS.—Not later than 45 days
17 after the State educational agency makes its initial
18 determination that a local educational agency within
19 the State and receiving assistance under this part is
20 eligible for improvement, the State educational agen-
21 cy shall make public a final determination on the
22 status of the local educational agency.

23 “(7) NOTIFICATION TO PARENTS.—The State
24 educational agency shall promptly notify parents of
25 each student enrolled in a school served by a local

1 educational agency identified for improvement, in a
2 format, and to the extent practicable, in a language
3 the parents can understand, of the reasons for such
4 agency's identification and how parents can partici-
5 pate in upgrading the quality of the local edu-
6 cational agency.

7 “(8) LOCAL EDUCATIONAL AGENCY REVI-
8 SIONS.—

9 “(A) IN GENERAL.—Each local educational
10 agency identified under paragraph (2) shall,
11 after being so identified, develop or revise a
12 local educational agency plan, in consultation
13 with the local school board, parents, teachers,
14 school staff, and others, for approval by the
15 State educational agency. Such plan shall—

16 “(i) incorporate scientifically based re-
17 search strategies that strengthen the core
18 academic program in the local educational
19 agency;

20 “(ii) identify specific annual numerical
21 academic achievement objectives in at least
22 the areas of mathematics and English lan-
23 guage arts that the local educational agen-
24 cy will meet, with such objectives being cal-
25 culated in a manner such that their

1 achievement will ensure that each group of
2 students enrolled in each school served by
3 the local educational agency will meet or
4 exceed the proficient standard level of per-
5 formance in assessments required under
6 section 1111(b)(4) within 10 years of the
7 date of enactment of the Public Education
8 Reinvestment, Reinvention, and Responsi-
9 bility Act; and

10 “(iii) assure that the local educational
11 agency will—

12 “(I) reserve not less than 10 per-
13 cent of the funds made available to
14 the local educational agency under
15 this part for each fiscal year that the
16 agency is in improvement for the pur-
17 pose of providing high quality profes-
18 sional development to teachers and
19 principals at schools served by the
20 agency and receiving funds under this
21 part that directly address the aca-
22 demic achievement problem that
23 caused the local educational agency to
24 be identified for improvement and
25 shall be in keeping with the definition

1 of professional development provided
2 in section 1119; and

3 “(II) the improvement plan shall
4 specify how these funds will be used
5 to remove the local educational agency
6 from improvement status;

7 “(iv) identify how the local edu-
8 cational agency will provide written notifi-
9 cation to parents described in paragraph
10 (7) in a format, and to the extent prac-
11 ticable in a language, that the parents can
12 understand, pursuant to paragraph (7);

13 “(v) specify the responsibilities of the
14 State educational agency and the local edu-
15 cational agency under the plan; and

16 “(vi) include a review of the local edu-
17 cational agency budget to ensure that re-
18 sources are focused on those activities that
19 are most likely to improve student achieve-
20 ment and to remove the agency from im-
21 provement status.

22 “(B) PEER REVIEW.—The State edu-
23 cational agency shall establish a peer review
24 process to assist with the review of the local
25 educational agency improvement plan, promptly

1 review the plan, work with the local educational
2 agency as necessary, and approve the plan if
3 the plan meets the requirements of this para-
4 graph.

5 “(C) DEADLINE FOR IMPLEMENTATION.—
6 The local educational agency shall implement
7 the local educational agency plan or revised
8 plan expeditiously, but not later than the begin-
9 ning of the school year following the school year
10 in which the agency was identified for improve-
11 ment.

12 “(D) RESOURCES REALLOCATION.—If the
13 local educational agency budget fails to allocate
14 resources, consistent with, subparagraph
15 (A)(iv), the State educational agency may direct
16 the local educational agency to reallocate re-
17 sources to more effective activities.

18 “(9) STATE EDUCATIONAL AGENCY RESPONSIBI-
19 BILITY.—For each local educational agency identi-
20 fied under paragraph (2), the State educational
21 agency shall provide technical or other assistance, if
22 requested, as authorized under section 1117, to bet-
23 ter enable the local educational agency—

24 “(A) to develop and implement the local
25 educational agency plan or revised plan as ap-

1 proved by the State educational agency con-
2 sistent with the requirements of this section;
3 and

4 “(B) to work with schools served by the
5 local educational agency that are identified for
6 improvement.

7 “(10) TECHNICAL ASSISTANCE.—Technical as-
8 sistance provided by the State educational agency—

9 “(A) shall include assistance in analyzing
10 data from the assessments required under sec-
11 tion 1111(b)(4) to identify and address instruc-
12 tional problems and solutions;

13 “(B) shall include assistance in identifying
14 and implementing scientifically based instruc-
15 tional strategies and methods that have proven
16 effective in addressing the specific instructional
17 issues that caused the local educational agency
18 to be identified for improvement;

19 “(C) shall include assistance in analyzing
20 and revising the local educational agency’s
21 budget such that the agency’s resources are
22 more effectively focused on those activities most
23 likely to increase student achievement and to
24 remove the agency from improvement status;
25 and

1 “(D) may be provided by—

2 “(i) the State educational agency; or

3 “(ii) with the local educational agen-
4 cy’s approval, by an institution of higher
5 education (in full compliance with all the
6 reporting provisions of title II of the High-
7 er Education Act of 1965), a private not-
8 for-profit or for-profit organization, an
9 educational service agency, the recipient of
10 a Federal contract or cooperative agree-
11 ment as described under section 7005, or
12 any other entity with experience in helping
13 schools improve achievement.

14 “(11) RESOURCES REALLOCATION.—The State
15 educational agency may, as a condition of providing
16 the local educational agency with technical assist-
17 ance and financial support in developing and car-
18 rying out an improvement plan, require that the
19 local educational agency reallocate resources away
20 from ineffective or inefficient activities to activities
21 that, through scientific research, have proven to
22 have the greatest impact on increasing student
23 achievement and closing the achievement gap be-
24 tween groups of students.

1 “(12) CORRECTIVE ACTION.—In order to help
2 students served under this part meet challenging
3 State standards, each State educational agency shall
4 implement a system of corrective action in accord-
5 ance with the following:

6 “(A) After providing technical assistance
7 under paragraph (10), and subject to subpara-
8 graph (D), the State educational agency—

9 “(i) shall take corrective action with
10 respect to any local educational agency
11 that fails to make adequate yearly
12 progress, as defined by the State, after the
13 end of the second year following its identi-
14 fication under paragraph (2); and

15 “(ii) shall continue to provide tech-
16 nical assistance while instituting any cor-
17 rective action under clause (i) or (ii).

18 “(B) As used in this paragraph, the term
19 ‘corrective action’ means action, consistent with
20 State law, that—

21 “(i) substantially and directly re-
22 sponds to—

23 “(I) the consistent academic fail-
24 ure of schools served by a local edu-
25 cational agency that caused the State

1 educational agency to take such action
2 with respect to the local educational
3 agency; and

4 “(II) any underlying staffing,
5 curricular, or other problem in the
6 schools served by the local educational
7 agency; and

8 “(ii) is designed to meet the goal of
9 having all students served under this part
10 perform at the proficient and advanced
11 performance levels.

12 “(C) In the case of a local educational
13 agency described in subparagraph (A)(ii), the
14 State educational agency shall take not less
15 than 1 of the following corrective actions:

16 “(i) Withhold funds from the local
17 educational agency.

18 “(ii) Reconstitute the relevant local
19 educational agency personnel.

20 “(iii) Remove particular schools from
21 the area served by the local educational
22 agency, and establish alternative arrange-
23 ments for public governance and super-
24 vision of such schools.

1 “(iv) Appoint, through the State edu-
2 cational agency, a receiver or trustee to ad-
3 minister the affairs of the local educational
4 agency in place of the local educational
5 agency’s superintendent and school board.

6 “(v) Abolish or restructure the local
7 educational agency.

8 “(vi)(I) Authorize students to transfer
9 from a school operated by the local edu-
10 cational agency to a higher performing
11 public school operated by another local
12 educational agency, or to a public charter
13 school.

14 “(II) Provide students described in
15 subclause (I) transportation services, or
16 the costs of transportation, not to exceed
17 10 percent of the funds allocated to a local
18 educational agency under this part, to such
19 higher performing schools or public charter
20 schools.

21 “(D) Prior to implementing any corrective
22 action, the State educational agency shall pro-
23 vide notice and a opportunity for a hearing to
24 the affected local educational agency, if State
25 law provides for such notice and opportunity.

and
“(III) Taxe not less than 1 additional action
described
under this
paragraph.

1 “(E) Not later than 45 days after the
2 State educational agency makes its initial deter-
3 mination that a local educational agency in the
4 State and receiving assistance under this part is
5 eligible for improvement, the State educational
6 agency shall make public a final determination
7 on the status of the local educational agency.

8 “(F) The State educational agency shall
9 publish and disseminate to parents described in
10 paragraph (7) and the public information re-
11 garding any corrective action the State edu-
12 cational agency takes under this paragraph
13 through such means as the Internet, the media,
14 and public agencies.

15 “(G) The State educational agency may
16 delay, for a period not to exceed 1 year, imple-
17 mentation of corrective action if the local edu-
18 cational agency’s failure to make adequate year-
19 ly progress was justified due to exceptional or
20 uncontrollable circumstances, such as a natural
21 disaster or a precipitous and unforeseen decline
22 in the financial resources of the local edu-
23 cational agency or schools served by the local
24 educational agency.”.

1 **SEC. 110. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
2 **IMPROVEMENT.**

3 Section 1117 (20 U.S.C. 6318) is amended to read
4 as follows:

5 **"SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
6 **IMPROVEMENT.**

7 “(a) **SYSTEM FOR SUPPORT.**—Using funds allocated
8 under section 1003(a)(1), each State educational agency
9 shall establish a statewide system of intensive and sus-
10 tained support and improvement for local educational
11 agencies, elementary schools, and secondary schools re-
12 ceiving funds under this part, in order to ensure that all
13 groups of students specified in section 1111 and attending
14 such schools meet or exceed the proficient standard level
15 performance on the assessments required by section
16 1111(b)(4) within 10 years of the date of enactment of
17 the Public Education Reinvestment, Reinvention, and Re-
18 sponsibility Act.

19 “(b) **PRIORITIES.**—In carrying out this section, a
20 State educational agency shall—

21 “(1) first, provide support and assistance to
22 local educational agencies ^{and schools} identified as in need of
23 improvement under section 1116;

24 “(2) second, provide support and assistance to
25 local educational agencies subject to corrective action
26 under section 1116, and assist elementary schools

✓ 1 and secondary schools, in accordance with section
✓ 2 1116(c)(¹¹~~10~~), for which a local educational agency
3 has failed to carry out its responsibilities under sec-
4 tion 1116(c)(⁹~~8~~) and (¹⁰~~9~~); and

5 “(3) third, provide support and assistance to
6 local educational agencies and schools ~~identified as~~
7 ~~in need of improvement~~ or that are at risk of being
8 so identified within the next academic year, partici-
9 pating under this part.

10 “(c) APPROACHES.—In order to achieve the purpose
11 described in subsection (a), each statewide system shall
12 provide technical assistance and support through ap-
13 proaches such as—

14 “(1) school support teams, composed of individ-
15 uals who are knowledgeable about scientifically
16 based research, teaching and learning practices, and
17 particularly about strategies for improving edu-
18 cational results for low-achieving children; and

19 “(2) designating and using Distinguished Edu-
20 cators, who are chosen from schools served under
21 this part that have been especially successful in im-
22 proving academic achievement.

23 “(d) FUNDS.—Each State educational agency—