

SEC. XXX5. Title XI of the Elementary and Secondary Education Act, as redesignated by section XXX1(1), is further amended by adding a new part B to read as follows:

"PART B—IMPROVING EDUCATION THROUGH ACCOUNTABILITY

"SHORT TITLE

"SEC. 11201. This part may be cited as the "Education Accountability Act of 1999."

"PURPOSE

"SEC. 11202. It is the purpose of this part to improve academic achievement for all children, assist in meeting America's Education Goals under section [], promote the incorporation of challenging State content and performance standards into classroom practice, enhance accountability, and improve the effectiveness of programs under this Act and the educational opportunities of the students that they serve, by requiring State and local educational agencies to—
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"(1) Hold local education agencies and schools accountable for the results, including identifying and turning around low performing schools and assuring the educational progress of students;

"(2) adopt policies or guidance, including policies concerning promotion, that will assure that students progress through school on a timely basis having mastered the challenging material needed for them to reach high standards;

"(3) Ensure that classroom teachers everywhere are certified and qualified in the subject area they teach;

"(4) Adopt and implement sound discipline policies, and

"(5) Broadly disseminate information annually on the status of education

and educational progress in the State, its local educational agencies, and its schools.

~~STATE AND LOCAL ACCOUNTABILITY~~

Sec. 11203

~~STATE AND LOCAL ACCOUNTABILITY~~

~~11203 ACCOUNTABILITY.~~ (A) If a State has developed, and is implementing, a statewide system for holding local educational agencies accountable for student performance (and for those agencies to hold participating schools accountable for that performance) that meets the following criteria, it shall describe that system in its State plan under this section and demonstrate that its system meets those criteria:

"(i) It is based on the State content and student performance standards described in paragraph (1) and on the assessments described in paragraph (2), and includes multiple indicators, such as attendance and dropout rates.

"(ii) It includes all students in the grades assessed under paragraph (2), in accordance with that paragraph.

"(iii) It holds local educational agencies and schools accountable for student achievement in at least reading or language arts and mathematics.

"(iv) It holds local educational agencies and schools accountable for continuous gains in achievement for the lowest performing students.

"(v) It uses rigorous criteria to identify local educational agencies and schools in need of improvement.

(B) Any State that is not implementing a system described in subparagraph (A) shall include in its State plan a description of the State's system for holding local educational agencies accountable for student performance under this part, and for those agencies to hold participating schools accountable for that progress, including information about how the system—

"(i) is based on the State content and student performance standards described in paragraph (1) and on the assessments described in paragraph (2), and includes multiple indicators, such as attendance and dropout rates;

"(ii) includes all students in the grades assessed under paragraph (2), in accordance with that paragraph;

"(iii) holds local educational agencies and schools accountable for student achievement in at least reading or language arts and mathematics;

"(iv) includes rigorous criteria for identifying local educational agencies (and for those agencies to identify schools) in need of improvement that—

"(i) are based on those agencies' or schools' failure to make continuous and substantial gains in overall student performance and in the performance of the lowest performing students; and

"(ii) reflect an expectation that all students will reach State standards within a reasonable timeframe.

"(C) Each State plan shall also describe how—

"(i) the State will recognize and reward local educational agencies that have met or exceeded the State's standard for progress over a three-year period under section 1116(c)(2) and how it will recognize distinguished schools under section 1117(c)(2); and

"(ii) the State will carry out its responsibilities, under sections 1116(c) and 1117, with respect to local educational agencies and schools in need of improvement and, in particular, how it will take corrective actions, in accordance with those sections, to improve those schools and agencies.

Section 1111
and under
Section 11207

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accountability
reference Title I
instead of
accountability

As described in section 1116 and 1117, such corrective action shall include substantial changes in the governance and operations of the school or local education agency coupled with policies allowing children to transfer out of failing schools.

~~"PROMOTION AND GRADUATION POLICY"~~

~~"(B) PROMOTION AND GRADUATION POLICY"~~
~~"SEC. 1111(b) IN GENERAL. A State that receives assistance under this Act~~

shall, at the time it submits its accountability plan under section 11207, have ^{a adopted} ~~in effect~~ a promotion policy or ^{to ensure} ~~provided guidance~~ designed to assure that students progress through school on a timely basis having mastered the challenging material needed for them to reach high standards.

The components of state policy or guidance under this subsection shall be as follows:
~~"(b) POLICY. A State promotion policy under this section shall~~
a determination of ~~"(1) require all students to meet challenging academic performance~~

standards under section 1111(b)(1)(A) or (C) of this Act, as the case may be, before being promoted at three key transition points (one of which shall be graduation from secondary school), as determined by the State, consistent with section 1111(b)(2)(D);

~~"(2) in accordance with subsection (d), require the use of multiple measures to determine whether a student has met applicable standards for promotion, including—~~

~~"(A) the use of at least one assessment that is valid and reliable for the purpose of promotion, including that it fairly and accurately measures what the student has been taught; and~~

adequate that students meet

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- shall provide that
- ensure

before being promoted

(2) A determination of whether local educational agencies and schools are meeting the requirement for continuous educational progress set forth in Section 1111(b)(2) by using, among other indicators, a measure of whether students are being promoted without having mastered the challenging material needed for them to reach high standards (i.e. "socially promoted") or whether students are being required to repeat whole grades because they have not mastered such material (i.e. "retained in grade")

School/LEA's

(3) Where States determine that students are not progressing through school on a timely basis having mastered challenging material, the state promotion policy shall provide:

(A) for intensive interventions, including, but not limited to, extended learning time such as after school and summer programs that are designed to enable students to continue or to resume as rapidly as possible their progress through school on a timely basis;

research-based

(B) other specific interventions with appropriate instructional strategies to enable students with limited English proficiency and students

with disabilities to continue as rapidly as possible their progress through school on a timely basis;

(C) for the identification, with precision, of the subject matter areas in which students have not attained proficiency to permit concentration on those areas for remediation purposes;

(D) for the development by schools of plans to give students who have not attained proficiency individualized attention including provisions to assure that such students are placed in age-appropriate settings and move forward as soon as they attain proficiency without awaiting a new semester;

(E) for full communication by the school with parents of students who have not attained proficiency, including a description and analysis of the students' performance, how it will be improved and how parents will be involved in the process;

(F) in cases where significant numbers of children have failed to reach proficiency, a state review of whether corrective action pursuant to section 1117 with respect to the school or LEA is required.

(4) Any assessments used by a state, local educational agency or school for purposes of implementing a promotion or graduation policy shall:

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Title I

(A) be separate from the assessments used for holding local educational agencies and schools accountable under section 1111(b)(3);

(B) be aligned with the state's challenging content and performance standards and provide coherent information about student attainment of such standards;

(C) consist of multiple measures including teacher evaluations and offer multiple opportunities for students to meet standards;

(D) be valid and reliable for the purposes for which they are used including that they fairly and accurately measure what students have been taught;

(E) provide reasonable adaptations and accommodations for students with diverse learning needs; *special ed*

(F) provide that students with limited English proficiency be assessed to the extent practicable in the language and form most likely to yield accurate and reliable information on what such students know and can do;

Valid

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~~"(6) require its local educational agencies and schools to disseminate widely their promotion policies in a format that is concise and that parents can understand; and~~

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~~"(7) include goals for continual improvement in helping all students meet the promotion standards.~~

"(c) PLAN CONTENT. A State shall include in its accountability plan under section 11207—

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"(1) a detailed description of its policy under subsection (b);

"(2) the strategies and steps (including timelines and benchmarks) that the State will take to ensure that its policy is fully implemented no later than four years from the date of the approval of its accountability plan; and

"(3) the steps that the State will take to ensure that the policy is disseminated to all local educational agencies and schools in the State and to the general public.

"(d) TITLE I ASSESSMENT OF LIMITED ENGLISH PROFICIENT STUDENTS. If an assessment in reading or language arts under section 1114(b)(2)(F)(v) of this Act is used for promotion purposes for limited English proficient students who have attended school in the United States (not including Puerto Rico) for three or more consecutive years, that assessment must be determined to be valid for such purposes and must be used in conjunction with another assessment, which must be in the student's native language, and other appropriate indicators, as determined by the State, such as teacher evaluations.

"ENSURING TEACHER QUALITY

"SEC. 11204 (a) IN GENERAL. A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 1120, have in effect a policy that—

"(1) is designed to ensure that there are qualified teachers in every classroom in the State; and

"(2) meets the requirements of this section.

"(b) POLICY. A policy to ensure teacher quality under this section shall include the strategies that the State will carry out to ensure that, within four years from the date of the approval of its accountability plan—

"(1) not less than 95 percent of the teachers in public schools in the State are certified or—

"(A) have a baccalaureate degree and are enrolled in a program, including an alternative certification program, leading to full certification in their field within two years; or

"(B) have full certification in another State and are establishing certification where they are teaching;

"(2) not less than 95 percent of the teachers in public secondary schools in the State have academic training or demonstrated competence in the subject area in which they teach;

"(3) there is no disproportionate concentration in particular school districts of teachers who are not described in paragraphs (1) or (2); and

"(4) its certification process for new teachers includes an assessment of

content knowledge and teaching skills.

"(c) PLAN CONTENT. (1) A State shall include in its accountability plan under section 11207 the benchmarks by which it will annually measure progress in—

"(A) decreasing the percentage of teachers in the State teaching without full licenses or credentials; and

"(B) increasing the percentage of secondary school classes in core academic subject areas taught by teachers who—

"(i) have a postsecondary-level academic major or minor in the subject area they teach or a related field; or

"(ii) otherwise demonstrate a high level of competence through rigorous tests in their academic subject.

"(2) In its accountability plan under section 11207, a State shall assure that, in carrying out this policy, it will not decrease the rigor or quality of its teacher certification standards.

"SOUND DISCIPLINE POLICY

"SEC. 11207 (a) IN GENERAL. A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11207, have in effect a policy that requires its local educational agencies and schools to have in place and implement sound ^{and equitable} discipline policies, in order to ensure a safe, orderly, and drug-free learning environment in every school.

classroom receive assistance and encouragement... not skilled in maintaining discipline
“(b) **POLICY.** A State discipline policy under this section shall require local

educational agencies and schools to have in place and implement disciplinary policies that—

“(1) focus on prevention and are coordinated with prevention strategies and programs under title IV of this Act;

“(2) apply to all students and are enforced consistently and equitably;

“(3) are clear and understandable;

“(4) are developed with the participation of school staff, students, and parents;

“(5) are broadly disseminated;

“(6) ensure that due process is provided;

“(7) are consistent with applicable Federal, State and local laws, including the Individuals the Disabilities Education Act; and

“(8) in case of students who are suspended or expelled from school, include a plan for helping such students continue to meet the State's challenging standards, which may include such approaches as in-school suspensions, make-up classes after school or on weekends, or educational services in alternative settings.

“(c) **PLAN CONTENT.** A State shall include in its accountability plan under section 11207 an assurance that it has in effect a policy that meets the requirements of this section.

“EDUCATION REPORT CARDS

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"SEC. 11206. (a) IN GENERAL. (1) A State that receives assistance under this

Act shall, at the time it submits its accountability plan under section 11207, have in effect a policy that requires the development and dissemination of annual report cards regarding the status of education and educational progress in the State and in its local educational agencies and schools that meet the requirements of this section.

"(2) Report cards under this section shall—

"(A) be concise;

"(B) be disseminated in a format and manner that parents can understand; and

"(C) focus on educational results.

"(b) CONTENT OF STATE-LEVEL REPORT CARD. (1) The State shall, at a minimum, include in the annual State-level report card information regarding—

"(A) student performance on statewide assessments, set forth on an aggregated basis, in both reading (or language arts) and mathematics, as well as any other subject area for which the State requires assessments;

"(B) attendance and graduation rates in the public schools of the State;

"(C) average class size in each of the school districts in the State;

"(D) school safety, including the incidence of school violence and drug and alcohol abuse; and

"(E) the professional qualifications of teachers in the State, including the number of teachers teaching with emergency credentials and the number of teachers teaching out of their field of expertise.

"(2) Student achievement data in the report card shall contain statistically sound, disaggregated results for the following categories:

"(A) gender;

"(B) racial and ethnic group;

"(C) migrant status;

"(D) students with disabilities, as compared to students who are not disabled;

"(E) economically disadvantaged students, as compared to students who are not economically disadvantaged; and

"(F) students with limited English proficiency, as compared to students who are proficient in English.

"(3) A State may include in such report cards any other information it determines appropriate to reflect school quality and student achievement, such as information on—

"(A) longitudinal achievement scores from the National Assessment of Educational Progress or State assessments;

"(B) parent involvement, as determined by such measures as the extent of parental participation in school parental involvement policies;

"(C) participation in extended learning time, such as after school and summer programs; and

"(D) the performance of students in meeting physical education goals.

"(c) CONTENT OF LOCAL EDUCATIONAL AGENCY AND SCHOOL

REPORT CARDS. (1) The State shall ensure that each local educational agency and each school in the State includes in its annual report card, at a minimum—

“(A) the information described in subsections (b)(1) and (b)(2);

and

“(B)(i) in the case of a local educational agency—

“(I) the number of schools identified as low-performing schools, such as schools identified under section 1116(c)(1) of this Act; and

“(II) information that shows how students in its schools performed on the statewide assessment compared to students in the rest of the State; or

“(ii) in the case of a school—

“(I) whether it has been identified as a low-performing school; and

“(II) information that shows how its students performed on the statewide assessment compared to students in the rest of the local educational agency and the State.

“(2) A local educational agency and a school may include in its annual report card the information described in subsection (b)(3) and any other appropriate information.

"(d) DISSEMINATION AND ACCESSIBILITY OF REPORT CARDS. (1)

State-level report cards under subsection (b) shall be posted on the Internet, disseminated

to all schools and local educational agencies in the State, and made broadly available to the public.

"(2) Local educational agency report cards under subsection (c) shall be disseminated to all schools in the school district and to all parents of students attending these schools, and made broadly available to the public, through such means as posting on the Internet.

"(3) School report cards under subsection (c) shall be disseminated to all parents of students attending that school and be made broadly available to the public, through such means as posting on the Internet.

"(e) PLAN CONTENT. A State shall include in its accountability plan under section 11207 an assurance that it has in effect a policy that meets the requirements of this section.

"EDUCATION ACCOUNTABILITY PLANS

"SEC. 11203 (a) IN GENERAL. Each State that receives assistance under this Act on or after July 1, 2000, shall have on file with the Secretary an approved accountability plan that meets the requirements of this section.

"(b) CONTENT. An accountability plan under subsection (a) shall include—

"(1) the information or assurances called for by sections 11203, 11204(c), 11205(c), and 11206(e), and ~~11206(f)~~

"(2) an indication that the Governor and the State educational agency concur with the plan; and

"(3) any other information that the Secretary may reasonably require to ensure the proper and effective administration of this part.

"(c) REPORTS. (1) A State shall report annually to the Secretary, in such form and containing such information as the Secretary may require, on its progress in carrying out the requirements of this part, and shall include such report in its consolidated State performance report under section 11308.

"(2) In reporting on its progress in implementing its social promotion policy under section 11203, a State shall assess the effect of its policy, and its implementation, in improving academic achievement for all children and otherwise carrying out the purposes specified in section 11202.

"(d) RELATIONSHIP TO CONSOLIDATED PLAN. (1) If a State submits a consolidated State plan under section 11302, it shall include in that plan its accountability plan under this section.

"(2) If a State does not submit a consolidated State plan, it shall submit a separate accountability plan under this section to receive assistance under the Act.

"(e) APPROVAL. (1)(A) The Secretary shall approve an accountability plan under this section if the Secretary determines that it complies substantially with the requirements of this part.

"(B) The Secretary may accompany the approval of a plan with conditions that are consistent with the purposes of this part.

"(2) In reviewing accountability plans under this part, the Secretary shall employ the peer review procedures under section 11302(c).

"(3) If a State does not submit a consolidated State plan under section 11302, the Secretary shall, in considering that State's separate accountability plan under this section, employ such procedures, comparable to those set forth in section 11302(e), as the Secretary may determine.

"AUTHORITY OF SECRETARY TO ENSURE ACCOUNTABILITY

"SEC. 11208 (a) REMEDIES FOR SUBSTANTIAL FAILURE. If the Secretary determines that a State has failed substantially to carry out a requirement of this part or a provision in its approved accountability plan under section 11207, or that its performance has failed substantially to meet an indicator in such plan, the Secretary shall take one or both of the following steps to ensure that the purposes of this part are carried out—

"(1) providing, or arranging for the provision of, technical assistance to the State educational agency in question; or

"(2) requiring a plan for corrective action.

"(b) REMEDIES FOR PERSISTENT FAILURE. If the Secretary determines that a State ^{after having been afforded an opportunity to comply voluntarily,} has persistently failed to carry out substantially a requirement of this part or a provision in its approved accountability plan under section 11207, or that its performance has persistently failed to meet substantially an indicator in such plan, the Secretary shall,

~~in light of all the circumstances, including the degree to which the State failed to meet its~~
~~accountability indicators under this part,~~ take one or more of the following steps,

consistent with applicable due process procedures, to ensure that the purposes of this part are carried out ^{promptly}

"(1) Suspending or terminating authority to receive waivers under

applicable ED-Flex authority.

"(2) Suspending or terminating eligibility to participate in competitive programs under this Act.

"(3) Withholding, in whole or in part, State administrative funds available under this Act.

"(4) Withholding, in whole or in part, program funds available to such State under the Act.

"(5) Imposing one or more conditions upon the Secretary's approval of a State plan or application under this Act.

"(6) Taking other action authorized under part D of the General Education Provisions Act, such as a cease-and-desist order or compliance agreement,

"(7) Taking any other appropriate accountability step that is consistent with this Act.

(ulcsp) (c) Effective Remedies. If a remedial step undertaken ^{by the Secretary} under subsection (b) fails to produce compliance by a State, the Secretary shall take other steps authorized by the subsection.

"RECOGNITION AND REWARDS

"SEC. 11209 (a) IN GENERAL. If the Secretary determines that a State has demonstrated significant, statewide achievement gains in core subjects, as measured by the National Assessment of Education Progress for three consecutive years, is closing the achievement gap between low-and high-performing students, and has in place strategies for continuous improvement, the Secretary shall, in light of all the circumstances, including the size of those gains, recognize and reward the State, as described under subsection (b).

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“(b) **REWARDS.** The Secretary shall establish, through regulation, a system for recognizing and rewarding States described under subsection (a). Such rewards may include—

“(1) conferring priority in competitive programs under this Act;

“(2) increased flexibility in administering programs under this Act, consistent with maintaining accountability; and

“(3) supplementary grants or administrative funds to carry out the purposes of this Act.

“(c) **AUTHORIZATION.** There are authorized to be appropriated for fiscal year 2001 and each of the four succeeding fiscal years, such sums as may be necessary to carry out subsection (b)(3).

“BEST PRACTICES AND MODELS

“SEC. 11210. In implementing this part, the Secretary shall, after consulting with State and local educational agencies and other agencies, institutions and organizations with experience or information relevant to the purposes of this part, and disseminate information about best practices, models, and other forms of technical assistance.

“CONSTRUCTION

“SEC. 11211. Nothing in this part shall be construed as affecting home schooling or the application of the civil rights laws or the Individuals with Disabilities Education Act.”

Using the Draft provided by the Department:

Janella Byrd

Under the purpose section: delete subsection (1) and renumber subsections 2-5.

Delete under Section entitled "Promotion and Graduation Policy" the "IN GENERAL" section in its entirety and subsections (1), (2), (5) of the "POLICY" section.

Insert the following:

CONTINUOUS AND TIMELY ACHIEVEMENT POLICY

"Sec ____ (a). IN GENERAL. A State that receives assistance under this Act shall not engage in unsound educational practices of

A) "social promotion," defined as the failure to undertake early diagnostic assessment of academic achievement and to provide comprehensive and effective interventions for students who are not meeting challenging State academic standards at the point at which the State or local education agency determines that the student is at-risk of or, in fact, failing to meet such standards, or

B) "retention in grade, defined as requiring a student to repeat a grade, placing students in inappropriate age settings, and/or the failure to provide comprehensive and effective interventions which are not repetitive of instructional methods that have already proven unsuccessful in getting a student to meet challenging State academic standards.

(b) POLICY. A State continuous and timely achievement policy shall --

"(1) require all schools to assess and determine whether children are at-risk of or failing to meet challenging state academic standards at three key transition points as determined by the State,

(2) in accordance with subsection (d) require the use of multiple measures to determine whether a student is at-risk of or failing to meeting challenging State academic standards,

(3) [remains as drafted]

(4) [substitute "challenging State academic standards" for "promotion standards" throughout section]

(5) require its local education agencies to provide multiple and varied strategies for

students to meet challenging State academic standards;

(6) [substitute "challenging State academic standards" for "promotion standards" throughout section]

(7) [substitute "challenging State academic standards" for "promotion standards" throughout section]