

## Democratic Amendment to H.R. 3989

### Summary

The Democratic substitute amends Title I, part A of ESEA, eliminating the inflexible and outdated provisions of NCLB and requiring states and LEA's to adopt strong but flexible and achievable standards, assessments, and accountability reforms that ensure all students graduate high school prepared for college and the workforce.

**Standards and Assessments:** The amendment would require States to establish college and career ready standards for English language arts, math, and science for kindergarten through grade 12 and high-quality assessments aligned to those standards. It also includes a program to support the development of high-quality assessments.

- This improves current law and the Republican bill by:
  - Requiring that standards be validated to ensure that proficiency in the standards signals that students are on-track to enter the workforce or postsecondary education without need for remediation;
  - Updating assessment language to align with the Race to the Top Assessment Competition to create the next generation of assessments; and
  - Ensuring that new high-quality assessments are accessible by incorporating universal design for learning and provide for accommodations for students with disabilities and English learners.
- This additionally improves the Republican bill by restoring the requirement that States have standards and assessments for science.

**Accountability:** The amendment requires States to establish accountability systems that set performance, growth, and graduation targets to achieve the goal of all students, including subgroups of students (low-income, racial and ethnic groups, English learners, and students with disabilities) graduate college and career ready.

- This amendment improves current law by:
  - Including student growth;

- Eliminating the restrictive AYP system while still ensuring States establish performance targets for all students and subgroups that are ambitious but achievable; and
- Establishing parameters to ensure fair accountability, including requiring States to have an ‘n-size’ that is 25 or less.
- This amendment improves the Republican bill by:
  - Restoring accountability with guardrails on schools to ensure all students, including subgroups of students, are prepared for college and careers; and
  - Restoring graduation rate accountability tied to the targets established by States under the graduation rate regulation.

**School Improvement:** The amendment requires States along with LEAs to use the performance and growth targets to identify schools in need of improvement that have missed performance targets and persistently low-achieving schools that have the lowest achievement in the State. If identified as a school in need of improvement, that school would use their data and develop a targeted plan to improve achievement. Persistently low-achieving schools would be required to develop an improvement plan addressing schoolwide factors, school organization, teacher and leader effectiveness, curriculum and instruction, student academic and social support services, family engagement, and governance policies.

- This amendment improves current law by:
  - Eliminating the one-size-fits-all approach to school improvement and the prescriptive timelines;
  - Including a flexible, targeted, and differentiated approach to improvement that is tied to the specific needs of the school; and
  - Using improvement indicators (including indicators of student engagement, student advancement, educator quality, and academic learning) rather than just test scores to measure the progress of schools in improvement.
- This amendment improves the Republican bill by:
  - Establishing guardrails to ensure that schools that are not reaching performance, growth, and graduation targets for students (including for subgroups), are expected to improve the achievement of their students; and

- Including guardrails to ensure that the lowest performing schools take significant steps to improve their achievement by addressing schoolwide factors, school organization, teacher and leader effectiveness, curriculum and instruction, student academic and social support services, family engagement, and governance policies.

**Students with Disabilities:** The amendment ensures students with disabilities are included in accountability systems. It permits states to establish alternate assessments aligned with alternate achievement standards for students with the most significant cognitive disabilities. When including these students in calculations for accountability, LEAs and States may include their scores for up to 1% of all students. The amendment also requires States establish guidelines for IEP teams in determining whether students should be assessed on alternate achievement standards. The amendment eliminates the 2% assessments when new high-quality assessments are implemented.

- This improves current law and the Republican bill by:
  - Requiring that alternate assessments meet the high-quality criteria of the regular assessments;
  - Requiring that the alternate achievement standards be vertically aligned to ensure students achieving proficiency can access college and careers; and
  - Improving the guidelines for IEP teams by ensuring students have access to the general education curriculum and that placement in alternate assessments do not influence placement in the least restrictive environment.
- Additionally, this improves the Republican bill by codifying the 1% cap for accountability to ensure all students with disabilities are included in accountability systems and that there is not an incentive to increase referrals to special education.

**English Learners:** This amendment requires States establish English language proficiency standards, assessments, and targets to ensure all students are achieving English language proficiency. It also requires States establish native language assessments when State have at least 10,000 students or 25% of students who speak the same native language.

- This improves current law and the Republican bill by:

- Moving English language proficiency targets into Title I; and
- Requiring and establishing parameters for native language assessments.
- This improves the Republican bill by restoring English language proficiency targets.

**Reporting:** This amendment requires States and LEAs have district report cards that present information in the aggregate, disaggregated, and cross-tabulated on student achievement, student growth, graduation rates, improvement indicators (including indicators of student engagement, student advancement, educator quality, and academic learning). The report cards also include information on alternate assessments, information on English language proficiency, teacher qualifications, teacher effectiveness, and per-pupil expenditures (that are determined using actual teacher salaries).

- This improves current law and the Republican bill by:
  - Including cross-tabulation, student growth, and information performance on alternate assessments;
  - Appropriately defining the 4-year adjusted cohort graduation rate and the cumulative rate; and
  - Using actual teacher salaries to determine per-pupil expenditures.
- Additionally, this improves the Republican bill by restoring reporting by gender and migrant status.

**Funding “Flexibility”:** The Democrats amendment restores separate dedicated funding streams for migrant students, neglected and delinquent students, English learners, rural students, and Indian students. It eliminates the Republican funding “flexibility” provisions that would allow funding from these programs to be spent in other areas rather than on services to the population of students for which it is intended.

**Other Provisions:** The Democrat amendment also improves the Republican bill by restoring fiscal responsibility and eliminating unnecessary burdens.

- The Democrat amendment restores the assessment funding stream to maintain a program dedicated to supporting the development of high-quality assessments.
- The Democrat amendment restores maintenance of effort provisions in Title I to ensure continued State and local funding for education.

- The Democrat amendment eliminates new burdensome provisions on equitable participation of private school students.
- The Democrat amendment increases funding for family engagement from 1% to 2%.