

**SUBSTITUTE OFFERED BY MR. MILLER FOR THE  
AMENDMENT IN THE NATURE OF A SUB-  
STITUTE OFFERED BY MR. KLINE**

**HR 3989**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Student Success Act”.

**3 SEC. 2. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

**5 SEC. 3. REFERENCES.**

6 Except as otherwise expressly provided, whenever in  
7 this Act an amendment or repeal is expressed in terms  
8 of an amendment to, or repeal of, a section or other provi-  
9 sion, the reference shall be considered to be made to a  
10 section or other provision of the Elementary and Sec-  
11 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

**12 SEC. 4. STATEMENT OF PURPOSE.**

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

**15 “SEC. 1001. STATEMENT OF PURPOSE.**

16 “The purpose of this title is to ensure that all chil-  
17 dren have a fair, equal, and significant opportunity to ob-

1 tain a high-quality education and to graduate ready to  
2 succeed in college and the workforce by—

3           “(1) meeting the educational needs of low-  
4 achieving children in our Nation’s highest-poverty  
5 schools, English learners, migrant children, children  
6 with disabilities, Indian children, and neglected or  
7 delinquent children;

8           “(2) ensuring high-quality college and career  
9 ready standards, academic assessments, account-  
10 ability systems, teacher preparation and training,  
11 curriculum, and instructional materials are devel-  
12 oped and implemented to prepare students to com-  
13 pete in the global economy;

14           “(3) closing the achievement gap between high-  
15 and low-performing children, especially between mi-  
16 nority and nonminority students and between dis-  
17 advantaged children and their more advantaged  
18 peers;

19           “(4) holding schools, local educational agencies,  
20 and States accountable for improving the academic  
21 achievement for all students and ensuring all stu-  
22 dents graduate ready to succeed in college and the  
23 workforce;

1           “(5) distributing and targeting resources to  
2           support local educational agencies and schools with  
3           the greatest need;

4           “(6) improving and maintaining accountability  
5           for student achievement and graduation rates, and  
6           increasing local flexibility and authority to improve  
7           schools; and

8           “(7) ensuring parents have substantial and  
9           meaningful opportunities to participate in the edu-  
10          cation of their children.”.

11 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

12          Section 1002 (20 U.S.C. 6302) is amended—

13           (1) by amending subsection (a) to read as fol-  
14          lows:

15          “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For  
16          the purpose of carrying out part A, there are authorized  
17          to be appropriated \$30,000,000,000 for fiscal year 2013  
18          and such sums as may be necessary for each of the 5 suc-  
19          ceeding fiscal years.”;

20           (2) in subsection (c)—

21           (A) by striking “\$410,000,000” and in-  
22           serting “\$500,000,000”; and

23           (B) by striking “2002” and inserting  
24           “2013”; and

25           (3) in subsection (d)—

1 (A) by striking “\$50,000,000” and insert-  
2 ing “\$55,000,000”; and

3 (B) by striking “2002” and inserting  
4 “2013”.

5 **SEC. 6. STATE PLANS.**

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

8 **“SEC. 1111. STATE PLAN.**

9 “(a) PLANS REQUIRED.—

10 “(1) IN GENERAL.—For any State desiring to  
11 receive a grant under this part, the State edu-  
12 cational agency shall submit to the Secretary a plan,  
13 developed by the State educational agency, in con-  
14 sultation with local educational agencies, teachers,  
15 principals, specialized instructional support per-  
16 sonnel, administrators (including administrators of  
17 programs described in other parts of this title),  
18 other staff, and parents, that satisfies the require-  
19 ments of this section, and that is coordinated with  
20 other programs of this Act, the Individuals with Dis-  
21 abilities Education Act, the Carl D. Perkins Career  
22 and Technical Education Act of 2006, the Head  
23 Start Act, the Adult Education and Family Literacy  
24 Act, and the McKinney-Vento Homeless Assistance  
25 Act.

1           “(2) CONSOLIDATED PLAN.—A State plan sub-  
2           mitted under paragraph (1) may be submitted as a  
3           part of a consolidated plan under section 9302.

4           “(b) COLLEGE AND CAREER READY CONTENT  
5 STANDARDS, ASSESSMENTS, AND ACHIEVEMENT STAND-  
6 ARDS.—

7           “(1) GENERAL REQUIREMENTS.—Each State  
8           plan shall include evidence that the State’s college  
9           and career ready content standards, assessments,  
10          and achievement standards under this subsection  
11          are—

12                   “(A) vertically aligned from kindergarten  
13                   through grade 12; and

14                   “(B) developed and implemented to ensure  
15                   that proficiency in the content standards will  
16                   signify that a student is on-track to graduate  
17                   prepared for—

18                           “(i) according to written affirmation  
19                           from the State’s public institutions of high-  
20                           er education, placement in credit-bearing,  
21                           nonremedial courses at the 2-and 4-year  
22                           public institutions of higher education in  
23                           the State; and

24                           “(ii) relevant State career and tech-  
25                           nical education standards.

1           “(2) COLLEGE AND CAREER READY CONTENT  
2           STANDARDS.—

3           “(A) IN GENERAL.—Each State plan shall  
4           demonstrate that, not later than the 2013-2014  
5           school year the State educational agency will  
6           adopt and implement high-quality, college and  
7           career ready content standards that comply  
8           with this paragraph.

9           “(B) SUBJECTS.—The State educational  
10          agency shall have such high-quality, academic  
11          content standards for students in kindergarten  
12          through grade 12 for, at a minimum, English  
13          language arts, math, and science.

14          “(C) ELEMENTS.—College and career  
15          ready content standards under this paragraph  
16          shall—

17                  “(i) be developed through participa-  
18                  tion in a State-led process that engages—

19                          “(I) kindergarten through-grade-  
20                          12 education experts (including teach-  
21                          ers and educational leaders); and

22                          “(II) representatives of institu-  
23                          tions of higher education, the business  
24                          community, and the early learning  
25                          community;

1                   “(ii) be rigorous, internationally  
2 benchmarked, and evidence-based;

3                   “(iii) be validated, including through  
4 written affirmation from the State’s public  
5 institutions of higher education, to ensure  
6 that proficiency in the content standards  
7 will signify that a student is on-track to  
8 graduate prepared for—

9                   “(I) placement in credit-bearing,  
10 nonremedial courses at the 2-and 4-  
11 year public institutions of higher edu-  
12 cation in the State; and

13                   “(II) relevant State career and  
14 technical education standards; and

15                   “(iv) for standards from kindergarten  
16 through grade 3, reflect progression in how  
17 children develop and learn the requisite  
18 skills and content from earlier grades (in-  
19 cluding preschool) to later grades; and

20                   “(v) apply to all schools and students  
21 in the State.

22                   “(D) ENGLISH LANGUAGE PROFICIENCY  
23 STANDARDS.—Each State educational agency  
24 shall develop and implement statewide, high-

1 quality English language proficiency standards  
2 that—

3 “(i) are aligned with the State’s aca-  
4 demic content standards;

5 “(ii) reflect the academic language  
6 that is required for success on the State  
7 educational agency’s academic content as-  
8 sessments;

9 “(iii) predict success on the applicable  
10 grade level English language arts content  
11 assessment;

12 “(iv) ensure proficiency in each of the  
13 domains of speaking, listening, reading,  
14 and writing in the appropriate amount of  
15 time; and

16 “(v) address the different proficiency  
17 levels of English learners.

18 “(E) EARLY LEARNING STANDARDS.—The  
19 State educational agency shall, in collaboration  
20 with the State agencies responsible for over-  
21 seeing early care and education programs and  
22 the State early care and education advisory  
23 council, develop and implement early learning  
24 standards across all major domains of develop-



1           ment for infants, toddlers, and preschoolers  
2           that—

3                   “(i) demonstrate alignment with the  
4                   State academic content standards; and

5                   “(ii) are implemented through dis-  
6                   semination, training, and other means to  
7                   applicable early care and education pro-  
8                   grams.

9                   “(F) ASSURANCE.—Each State plan shall  
10                  include an assurance that the State has imple-  
11                  mented the same content standards for all stu-  
12                  dents in the same grade and does not have a  
13                  policy of using different content standards for  
14                  any student subgroup.

15                  “(3) HIGH-QUALITY ASSESSMENTS.—

16                   “(A) IN GENERAL.—Each State plan shall  
17                   demonstrate that the State educational agency  
18                   will adopt and implement high-quality assess-  
19                   ments in English language arts, math, and  
20                   science not later than the 2015-2016 school  
21                   year that comply with this paragraph.

22                   “(B) ELEMENTS.—Such assessments  
23                   shall—

24                           “(i) be valid, reliable, appropriate, and  
25                           of adequate technical quality for each pur-

1           pose required under this Act, and be con-  
2           sistent with relevant, nationally recognized  
3           professional and technical standards;

4           “ (ii) measure the knowledge and skills  
5           necessary to demonstrate proficiency in the  
6           academic content standards under para-  
7           graph (2) for the grade in which the stu-  
8           dent is enrolled;

9           “ (iii) be developed as part of a system  
10          of assessments providing data (including  
11          individual student achievement data and  
12          individual student growth data), that shall  
13          be used to—

14                 “(I) improve teaching, learning,  
15                 and program outcomes; and

16                 “(II) make determinations of in-  
17                 dividual principal and teacher effec-  
18                 tiveness for the purposes of evaluation  
19                 and professional development under  
20                 title II;

21                 “(iv) be used in determining the per-  
22                 formance of each local educational agency  
23                 and school in the State in accordance with  
24                 the State’s accountability system under  
25                 subsection (c);

1 “(v) provide an accurate measure of—

2 “(I) student achievement at all  
3 levels of student performance; and

4 “(II) student academic growth;

5 “(vi) allow for complex demonstra-  
6 tions or applications of knowledge and  
7 skills;

8 “(vii) be accessible for students with  
9 disabilities and English learners by incor-  
10 porating principles of universal design for  
11 learning;

12 “(viii) provide for accommodations for  
13 students with disabilities and English  
14 learners to provide a valid and reliable  
15 measure of such students’ achievement;  
16 and

17 “(ix) produce individual student inter-  
18 pretive, descriptive, and diagnostic reports  
19 that allow parents, teachers, and school  
20 leaders to understand and address the spe-  
21 cific academic needs of students, and in-  
22 clude information regarding achievement  
23 on academic assessments, and that are  
24 provided to parents, teachers, and school  
25 leaders, as soon as is practicable after the

1 assessment is given, in an understandable  
2 and uniform format, and to the extent  
3 practicable, in a language that parents can  
4 understand.

5 “(C) ADMINISTRATION.—Such assessments  
6 shall—

7 “(i) be administered to all students,  
8 including all subgroups described in sub-  
9 section (c)(3)(A), in the same grade level  
10 for each content area assessed, except as  
11 provided under subparagraph (E),  
12 through—

13 “(I) a single summative assess-  
14 ment each school year; or

15 “(II) multiple statewide assess-  
16 ments over the course of the school  
17 year that result in a single summative  
18 score that provides valid, reliable, and  
19 transparent information on student  
20 achievement for each tested content  
21 area in each grade level.

22 “(ii) for English language arts and  
23 math—

1                   “(I) be administered annually, at  
2                   a minimum, for students in grade 3  
3                   through grade 8; and

4                   “(II) be administered at least  
5                   once, but not earlier than 11th grade  
6                   for students in grades 9 through  
7                   grade 12; and

8                   “(iii) for science, be administered at  
9                   least once during grades 3 through 5,  
10                  grades 6 through 8, and grades 9 through  
11                  12.

12                  “(D) NATIVE LANGUAGE ASSESSMENTS.—  
13                  Each State educational agency with at least  
14                  10,000 English learners, at least 25 percent of  
15                  which speak the same language that is not  
16                  English, shall adopt and implement native lan-  
17                  guage assessments consistent with State law.  
18                  Such assessments shall be for students—

19                         “(i) for whom the academic assess-  
20                         ment in the student’s native language  
21                         would likely yield more accurate and reli-  
22                         able information about such student’s con-  
23                         tent knowledge;

1           “(ii) who are literate in the native lan-  
2           guage and have received formal education  
3           in such language; or

4           “(iii) who are enrolled in a bilingual  
5           or dual language program and the native  
6           language assessment is consistent with  
7           such program’s language of instruction.

8           “(E) ALTERNATE ASSESSMENTS.—In the  
9           case of a State educational agency that adopts  
10          alternate achievement standards for students  
11          with the most significant cognitive disabilities  
12          described in paragraph (4)(D), the State shall  
13          adopt and implement high-quality statewide al-  
14          ternate assessments aligned to such alternate  
15          achievement standards that meet the require-  
16          ments of subparagraphs (B) and (C).

17          “(F) ENGLISH LANGUAGE PROFICIENCY  
18          ASSESSMENTS.—Each State educational agency  
19          shall adopt and implement statewide English  
20          language proficiency assessments that—

21                 “(i) are administered annually and  
22                 aligned with the State’s English language  
23                 proficiency standards and academic con-  
24                 tent standards;

25                 “(ii) are accessible, valid, and reliable;

1                   “(iii) measure proficiency in reading,  
2                   listening, speaking, and writing in English  
3                   both individually and collectively;

4                   “(iv) assess progress and growth on  
5                   language and content acquisition; and

6                   “(v) allow for the local educational  
7                   agency to retest a student in the individual  
8                   domain areas that the student did not  
9                   pass, unless the student is newly entering  
10                  a school in the State, or is in the third,  
11                  fifth, or eighth grades.

12                  “(G) SPECIAL RULE WITH RESPECT TO  
13                  BUREAU FUNDED SCHOOLS.—In determining  
14                  the assessments to be used by each school oper-  
15                  ated or funded by the Department of the Inte-  
16                  rior’s Bureau of Indian Education receiving  
17                  funds under this part, the following shall apply:

18                  “(i) Each such school that is accred-  
19                  ited by the State in which it is operating  
20                  shall use the assessments the State has de-  
21                  veloped and implemented to meet the re-  
22                  quirements of this section, or such other  
23                  appropriate assessment as approved by the  
24                  Secretary of the Interior.

1           “(ii) Each such school that is accred-  
2           ited by a regional accrediting organization  
3           shall adopt an appropriate assessment, in  
4           consultation with and with the approval of,  
5           the Secretary of the Interior and consistent  
6           with assessments adopted by other schools  
7           in the same State or region, that meets the  
8           requirements of this section.

9           “(iii) Each such school that is accred-  
10          ited by a tribal accrediting agency or tribal  
11          division of education shall use an assess-  
12          ment developed by such agency or division,  
13          except that the Secretary of the Interior  
14          shall ensure that such assessment meets  
15          the requirements of this section.

16          “(H) ASSURANCE.—Each State plan shall  
17          include an assurance that the State educational  
18          agency will conduct an inventory of statewide  
19          and local educational agency-wide student as-  
20          sessments, including an analysis of assessment  
21          purposes, practices, and use, and a description  
22          of the actions the State will take to reduce du-  
23          plicative assessments.

24          “(I) ACCOMMODATIONS.—Each State plan  
25          shall describe the accommodations for English



1 learners and students with disabilities on the  
2 assessments used by the State and include evi-  
3 dence of their effectiveness in maintaining valid  
4 results for the appropriate population.

5 “(4) COLLEGE AND CAREER READY ACHIEVE-  
6 MENT AND GROWTH STANDARDS.—

7 “(A) IN GENERAL.—Each State plan shall  
8 demonstrate that the State will adopt and im-  
9 plement college and career ready achievement  
10 standards in English language arts, math, and  
11 science by the 2013-2014 school year that com-  
12 ply with this paragraph.

13 “(B) ELEMENTS.—Such academic achieve-  
14 ment standards shall establish at a minimum, 3  
15 levels of student achievement that describe how  
16 well a student is demonstrating proficiency in  
17 the State’s academic content standards that dif-  
18 ferentiate levels of performance to—

19 “(i) describe 2 levels of high achieve-  
20 ment (on-target and advanced) that indi-  
21 cate, at a minimum, that a student is pro-  
22 ficient in the academic content standards  
23 under paragraph (2) as measured by the  
24 performance on assessments under para-  
25 graph (3); and

1           “(ii) describe a third level of achieve-  
2           ment (catch-up) that provides information  
3           about the progress of a student toward be-  
4           coming proficient in the academic content  
5           standards under paragraph (2) as meas-  
6           ured by the performance on assessments  
7           under paragraph (3).

8           “(C)     VERTICAL     ALIGNMENT.—Such  
9           achievement standards are vertically aligned to  
10          ensure a student who achieves at the on-target  
11          or advanced levels under subparagraph (B)(i)  
12          signifies that student is on-track to graduate  
13          prepared for—

14                 “(i) placement in credit-bearing, non-  
15                 remedial courses at the 2- and 4-year pub-  
16                 lic institutions of higher education in the  
17                 State; and

18                 “(ii) relevant State career and tech-  
19                 nical education standards.

20           “(D)   ALTERNATE   ACHIEVEMENT   STAND-  
21          ARDS.—If a State educational agency adopts al-  
22          ternate achievement standards for students with  
23          the most significant cognitive disabilities, such  
24          academic achievement standards shall establish,  
25          at a minimum, 3 levels of student achievement

1 that describe how well a student is dem-  
2 onstrating proficiency in the State’s academic  
3 content standards that—

4 “(i) are aligned to the State’s college  
5 and career ready content standards under  
6 paragraph (2);

7 “(ii) are vertically aligned to ensure  
8 that a student who achieves at the on-tar-  
9 get or advanced level under clause (v)(I)  
10 signifies that the student is on-track to ac-  
11 cess a postsecondary education or career;

12 “(ii) reflect concepts and skills that  
13 students should know and understand for  
14 each grade;

15 “(iv) are supported by evidence-based  
16 learning progressions to age and grade-  
17 level performance; and

18 “(v) establish, at a minimum—

19 “(I) 2 levels of high achievement  
20 (on-target and advanced) that indi-  
21 cate, at a minimum, that a student  
22 with the most significant cognitive  
23 disabilities is proficient in the aca-  
24 demic content standards under para-  
25 graph (2) as measured by the per-

1 performance on assessments under para-  
2 graph (3)(E); and

3 “(II) a third level of achievement  
4 (catch-up) that provides information  
5 about the progress of a student with  
6 the most significant cognitive disabil-  
7 ities toward becoming proficient in the  
8 academic content standards under  
9 paragraph (2) as measured by the  
10 performance on assessments under  
11 paragraph (3)(E).

12 “(E) STUDENT GROWTH STANDARDS.—  
13 Each State plan shall demonstrate that the  
14 State will adopt and implement student growth  
15 standards for students in the assessed grades  
16 that comply with this subparagraph, as follows:

17 “(i) ON-TARGET AND ADVANCED LEV-  
18 ELS.—For a student who is achieving at  
19 the on-target or advanced level of achieve-  
20 ment, the student growth standard is not  
21 less than the rate of academic growth nec-  
22 essary for the student to remain at that  
23 level of student achievement for not less  
24 than 3 years.

1                   “(ii) CATCH-UP LEVEL.—For a stu-  
2                   dent who is achieving at the catch-up level  
3                   of achievement, the student growth stand-  
4                   ards is not less than the rate of academic  
5                   growth necessary for the student to achieve  
6                   an on-target level of achievement by the  
7                   end of the student’s current grade span or  
8                   within 3 years, whichever occurs first.

9                   “(F) MODIFIED ACHIEVEMENT STAND-  
10                  ARDS.—If a State educational agency has modi-  
11                  fied achievement standards in accordance with  
12                  section 200.1(e) of title 34, Code of Federal  
13                  Regulations, prior to the date of the enactment  
14                  the Student Success Act, the State educational  
15                  agency may continue to use such modified  
16                  achievement standards for the purposes estab-  
17                  lished as of the day before the date of enact-  
18                  ment of such Act through not later than the  
19                  implementation of the assessments under para-  
20                  graph (3).

21                  “(5) RULE OF CONSTRUCTION.—Nothing in  
22                  paragraph (3) shall be construed to prescribe the  
23                  use of the academic assessments established pursu-  
24                  ant to such paragraph for student promotion or  
25                  graduation purposes.

1           “(c) ACCOUNTABILITY AND SCHOOL IMPROVEMENT  
2 SYSTEM.—The State plan shall demonstrate that not later  
3 than the 2013-2014 school year, the State educational  
4 agency, in consultation with representatives of local edu-  
5 cational agencies, teachers, school leaders, parents, and,  
6 as appropriate, Indian tribes, has developed a single state-  
7 wide accountability and school improvement system (in  
8 this subsection known as the ‘accountability system’) that  
9 ensures all students have the knowledge and skills to suc-  
10 cessfully enter the workforce or postsecondary education  
11 without the need for remediation by complying with this  
12 subsection as follows:

13           “(1) ELEMENTS.—Each State accountability  
14 system shall, at a minimum—

15           “(A) annually measure academic achieve-  
16 ment for of all students, including each sub-  
17 group described in paragraph (3)(A), in each  
18 public school, including each charter school, in  
19 the State, including—

20           “(i) student academic achievement in  
21 accordance with the academic achievement  
22 standards described in subsection (b)(4);

23           “(ii) student growth in accordance  
24 with the student growth standards de-  
25 scribed in subsection (b)(4)(E); and

1                   “(iii) graduation rates in diploma  
2                   granting schools;

3                   “(B) set clear performance and growth  
4                   targets in accordance with paragraph (2) to im-  
5                   prove the academic achievement of all students  
6                   as measured under subparagraph (A) of this  
7                   paragraph and to close achievement gaps so  
8                   that all students graduate ready for postsec-  
9                   ondary education and the workforce;

10                   “(C) annually differentiate performance of  
11                   schools based on the achievement measured  
12                   under subparagraph (A) and whether the  
13                   schools meet the performance and growth tar-  
14                   gets set under paragraph (2), and identify for  
15                   the purposes under section 1116, at a min-  
16                   imum—

17                   “(i) persistently low-achieving schools  
18                   that—

19                   “(I) have the lowest performance  
20                   in the local educational agency and  
21                   the State using current and prior year  
22                   academic achievement, growth, and  
23                   graduation rate data;

24                   “(II) have a graduation rate at  
25                   or below 60 percent; or

1                   “(III) as of the date of enact-  
2                   ment of the Student Success Act,  
3                   have been identified under section  
4                   1003(g);

5                   “(ii) schools in need of improvement  
6                   that have not met one or more of the per-  
7                   formance targets set under paragraph (2);  
8                   and

9                   “(iii) reward schools that have—  
10                   “(I) the highest performance in  
11                   the State; or

12                   “(II) made the most progress  
13                   over at least the most recent 2-year  
14                   period in the State in increasing stu-  
15                   dent academic achievement and grad-  
16                   uation rates; and

17                   “(D) establish improvement indicators to  
18                   diagnose school challenges and measure school  
19                   progress within the improvement system, in-  
20                   cluding factors to measure—

21                   “(i) student engagement, such as stu-  
22                   dent attendance rates, suspension and ex-  
23                   pulsion rates, and surveys of student en-  
24                   gagement;



1           “(ii) student advancement, such as  
2           student on-time promotion rates, on-time  
3           credit accumulation rates, course failure  
4           rates, postsecondary entry rates, and work-  
5           force entry rates;

6           “(iii) educator quality, such as teacher  
7           attendance, vacancies, turnover, and rates  
8           of qualified or effective teachers; and

9           “(iv) academic learning, such as the  
10          percentage of students taking a college-  
11          preparatory curriculum, and student suc-  
12          cess on State or local educational agency  
13          end-of-course examinations.

14          “(2) GOALS AND TARGETS.—

15          “(A) IN GENERAL.—Each State edu-  
16          cational agency shall establish goals and targets  
17          for the State accountability and school improve-  
18          ment system that comply with this paragraph.  
19          Such targets shall be established separately for  
20          all elementary school and secondary school stu-  
21          dents, economically disadvantaged students,  
22          students from major racial and ethnic groups,  
23          students with disabilities, and English learners.

24          “(B) ACHIEVEMENT GOALS.—Each State  
25          educational agency shall set goals that are con-

1           sistent with the academic and growth achieve-  
2           ment standards under subsection (b)(4) to en-  
3           sure that all students graduate prepared to  
4           enter the workforce or postsecondary education  
5           without the need for remediation.

6           “(C) PERFORMANCE TARGETS.—Each  
7           State educational agency shall set ambitious,  
8           but achievable performance targets separately  
9           for each subgroup of students described in  
10          paragraph (3)(A), for each grade level and in  
11          English language arts and math, to assist the  
12          State educational agency in achieving its aca-  
13          demic achievement goals established under sub-  
14          paragraph (B) that either—

15                 “(i) within 6 years of setting such  
16                 performance targets, reduce by half the  
17                 percentage of all students, including stu-  
18                 dents in each subgroup described in para-  
19                 graph (3)(A), who are not, according to  
20                 student performance as of the year such  
21                 targets are set, at the on-target or ad-  
22                 vanced level of achievement; or

23                 “(ii) result in ambitious, but achiev-  
24                 able annual targets for local educational

1 agencies and schools for each subgroup of  
2 students described in paragraph (3)(A).

3 “(D) GROWTH TARGETS.—Each State edu-  
4 cational agency shall set ambitious but achiev-  
5 able growth targets that—

6 “(i) assist the State in achieving the  
7 academic achievement goals described in  
8 subparagraph (B); and

9 “(ii) include targets that ensure all  
10 students, including the subgroups of stu-  
11 dents described in paragraph (3)(A), meet  
12 the growth standards described in sub-  
13 section (b)(4)(E).

14 “(E) GRADUATION RATE GOALS AND TAR-  
15 GETS.—

16 “(i) GRADUATION GOALS.—Each  
17 State educational agency shall set a grad-  
18 uation goal of not less than 90 percent.

19 “(ii) GRADUATION RATE TARGETS.—  
20 Each State educational agency shall main-  
21 tain the graduation rate targets established  
22 under section 200.19 of title 34, Code of  
23 Federal Regulations (or a successor regula-  
24 tion).

1           “(3) FAIR ACCOUNTABILITY.—Each State edu-  
2           cational agency shall establish fair and appropriate  
3           policies and practices, as a component of the ac-  
4           countability system established under this sub-  
5           section, to measure school, local educational agency,  
6           and State performance under the accountability sys-  
7           tem that, at a minimum, comply with this paragraph  
8           as follows:

9                   “(A) DISAGGREGATE.—Each State edu-  
10           cational agency shall disaggregate student  
11           achievement data in a manner that complies  
12           with the State’s group size requirements under  
13           subparagraph (B) for the school’s, local edu-  
14           cational agency’s, and the State’s performance  
15           on its goals and performance targets established  
16           under paragraph (2), by each content area and  
17           each grade level for which such goals and tar-  
18           gets are established, and, if applicable, by im-  
19           provement indicators described in paragraph  
20           (1)(D) for each of the following groups:

21                   “(i) All public elementary and sec-  
22           ondary school students.

23                   “(ii) Economically disadvantaged stu-  
24           dents.

1                   “(iii) Students from major racial and  
2 ethnic groups.

3                   “(iv) Students with disabilities.

4                   “(v) English learners.

5                   “(B) SUBGROUP SIZE.—Each State edu-  
6 cational agency shall establish group size re-  
7 quirements for performance measurement and  
8 reporting under the accountability system  
9 that—

10                   “(i) is the same for all subgroups de-  
11 scribed in subparagraph (A);

12                   “(ii) does not exceed 25 students;

13                   “(iii) yields statistically reliable infor-  
14 mation; and

15                   “(iv) does not reveal personally identi-  
16 fiable information about an individual stu-  
17 dent.

18                   “(C) PARTICIPATION.—Each State edu-  
19 cational agency shall ensure that—

20                   “(i) not less than 95 percent of the  
21 students in each subgroup described sub-  
22 paragraph (A) take the State’s assess-  
23 ments under subsection (b)(2); and

24                   “(ii) any school or local educational  
25 agency that does not comply with the re-

1           requirement described in clause (i) of this  
2           subparagraph may not be considered to  
3           have met its goals or performance targets  
4           under paragraph (2).

5           “(D) AVERAGING.—Each State educational  
6           agency may average achievement data with the  
7           year immediately preceding that school year for  
8           the purpose of determining whether schools,  
9           local educational agencies, and the State have  
10          met their performance targets under paragraph  
11          (2).

12          “(E) STUDENTS WITH THE MOST SIGNIFI-  
13          CANT DISABILITIES.—

14                 “(i) IN GENERAL.—In calculating the  
15                 percentage of students scoring at the on-  
16                 target levels of achievement and the grad-  
17                 uation rate for the purpose of determining  
18                 whether schools, local educational agencies,  
19                 and the State have met their performance  
20                 targets under paragraph (2), a State shall  
21                 include all students with disabilities, even  
22                 those students with the most significant  
23                 cognitive disabilities, and—

24                         “(I) may include the on-target  
25                         and advanced scores of students with

1 the most significant cognitive disabil-  
2 ities taking alternate assessments  
3 under subsection (b)(3)(E) provided  
4 that the number and percentage of  
5 such students who score at the on-tar-  
6 get or advanced level on such alter-  
7 nate assessments at the local edu-  
8 cational agency and the State levels,  
9 respectively, does not exceed the cap  
10 established by the Secretary under  
11 clause (iii) in the grades assessed and  
12 subjects used under the accountability  
13 system established under this sub-  
14 section; and

15 “(II) may include students with  
16 the most significant cognitive disabil-  
17 ities, who are assessed using alternate  
18 assessments described in subsection  
19 (b)(3)(E) and who receive a State-de-  
20 fined standards-based alternate di-  
21 ploma aligned with completion of the  
22 student’s right to a free and appro-  
23 priate public education under the In-  
24 dividuals with Disabilities Education  
25 Act, as graduating with a regular sec-

1                   ondary school diploma, provided that  
2                   the number and percentage of those  
3                   students who receive a State-defined  
4                   standards-based alternate diploma at  
5                   the local educational agency and the  
6                   State levels, respectively, does not ex-  
7                   ceed the cap established by the Sec-  
8                   retary under clause (iii).

9                   “(ii) STATE REQUIREMENTS.—If the  
10                  number and percentage of students taking  
11                  alternate assessments or receiving a State-  
12                  defined standards-based alternate diploma  
13                  exceeds the cap under clause (iii) at the  
14                  local educational agency or State level, the  
15                  State educational agency, in determining  
16                  whether the local educational agency or  
17                  State, respectively, has met its perform-  
18                  ance targets under paragraph (2), shall—

19                         “(I) include all students with the  
20                         most significant cognitive disabilities;

21                         “(II) count at the catch-up level  
22                         of achievement or as not graduating  
23                         such students who exceed the cap;

24                         “(III) include such students at  
25                         the catch-up level of achievement or



1 as not graduating in each applicable  
2 subgroup at the school, local edu-  
3 cational agency, and State level; and

4 “(IV) ensure that parents are in-  
5 formed of the actual academic  
6 achievement levels and graduation sta-  
7 tus of their children with the most  
8 significant cognitive disabilities.

9 “(iii) SECRETARIAL DUTIES.—The  
10 Secretary shall establish a cap for the pur-  
11 poses of this subparagraph which—

12 “(I) shall be based on the most  
13 recently available data on—

14 “(aa) the incidence of stu-  
15 dents with the most significant  
16 cognitive disabilities;

17 “(bb) the participation  
18 rates, including by disability cat-  
19 egory, on alternate assessments  
20 assessed using alternate achieve-  
21 ment standards pursuant to sub-  
22 section (b)(3)(E);

23 “(cc) the percentage of stu-  
24 dents, including by disability cat-  
25 egory, scoring at each achieve-

1                   ment level on such alternate as-  
2                   essments; and

3                               “(dd) other factors the Sec-  
4                               retary deems necessary; and

5                               “(II) may not exceed 1 percent of  
6                   all students in the combined grades  
7                   assessed.

8           “(d) OTHER PROVISIONS TO SUPPORT TEACHING  
9 AND LEARNING.—Each State plan shall contain the fol-  
10 lowing:

11                   “(1) DESCRIPTIONS.—A description of—

12                               “(A) how the State educational agency will  
13                               carry out the responsibilities of the State under  
14                               section 1116;

15                               “(B) a plan to identify and reduce inequi-  
16                               ties in the allocation of State and local re-  
17                               sources, including personnel and nonpersonnel  
18                               resources, between schools that are receiving  
19                               funds under this title and schools that are not  
20                               receiving such funds and local educational agen-  
21                               cies;

22                               “(C) how the State educational agency will  
23                               ensure that the results of the State assessments  
24                               described in subsection (b)(3) and the school  
25                               evaluations described in subsection (c)(1), re-

1           spectively, will be provided to local educational  
2           agencies, schools, teachers, and parents prompt-  
3           ly, but not later than before the beginning of  
4           the school year following the school year in  
5           which such assessments, other indicators, or  
6           evaluations are taken or completed, and in a  
7           manner that is clear and easy to understand;

8           “(D) how the State educational agency will  
9           meet the diverse learning needs of students  
10          by—

11                   “(i) identifying and addressing State-  
12                   level barriers to implementation of uni-  
13                   versal design for learning and multi-tier  
14                   system of supports; and

15                   “(ii) developing and making available  
16                   to local educational agencies technical as-  
17                   sistance for implementing universal design  
18                   for learning and multi-tier system of sup-  
19                   ports;

20          “(E) for a State educational agency that  
21          adopts alternate achievement standards for stu-  
22          dents with the most significant cognitive dis-  
23          abilities under subsection (b)(4)(D)—

24                   “(i) the clear and appropriate guide-  
25                   lines for individualized education program

1 teams to apply in determining when a stu-  
2 dent's significant cognitive disability justi-  
3 fies alternate assessment based on alter-  
4 nate achievement standards, which shall  
5 include guidelines to ensure—

6 “(I) students with the most sig-  
7 nificant cognitive disabilities have ac-  
8 cess to the general education cur-  
9 riculum for the grade in which the  
10 student is enrolled;

11 “(II) participation in an alternate  
12 assessment does not influence a stu-  
13 dent's placement in the least restric-  
14 tive environment;

15 “(III) determinations are made  
16 separately for each subject and are re-  
17 determined each year during the an-  
18 nual individualized education program  
19 team meeting;

20 “(IV) the student's mode of com-  
21 munication has been identified and  
22 accommodated to the extent possible;  
23 and

24 “(V) parents of such students are  
25 informed that their child's achieve-

1                   ment will be based on alternate  
2                   achievement standards and whether  
3                   participation in such assessments pre-  
4                   cludes the student from completing  
5                   the requirements for a regular high  
6                   school diploma; and

7                   “(ii) the procedures the State edu-  
8                   cational agency will use to ensure and  
9                   monitor that individualized education pro-  
10                  gram teams implement the requirements of  
11                  clause (i); and

12                  “(iii) the plan to disseminate informa-  
13                  tion on and promote use of appropriate ac-  
14                  commodations to increase the number of  
15                  students with the most significant cog-  
16                  nitive disabilities who are assessed using  
17                  achievement standards described in sub-  
18                  paragraphs (B) and (C) of subsection  
19                  (b)(4);

20                  “(F) how the State educational agency will  
21                  meet the needs of English learners, including—

22                          “(i) the method for identifying an  
23                          English learner that shall be used by all  
24                          local educational agencies in the State;

1                   “(ii) the entrance and exit require-  
2                   ments for students enrolled in limited  
3                   English proficient classes, which shall—

4                                 “(I) be based on rigorous English  
5                                 language standards; and

6                                 “(II) prepare such students to  
7                                 successfully complete the State’s as-  
8                                 sessments; and

9                                 “(iii) timelines and targets for moving  
10                                students from the lowest levels of English  
11                                language proficiency to the State-defined  
12                                English proficient level, including an assur-  
13                                ance that—

14                                “(I) such targets will be based on  
15                                student’s initial language proficiency  
16                                level when first identified as limited  
17                                English proficient and grade; and

18                                “(II) such timelines will ensure  
19                                students achieve English proficiency  
20                                by 18 years of age, unless the State  
21                                has obtained prior approval by the  
22                                Secretary; and

23                                “(G) how the State educational agency will  
24                                develop and improve the capacity to use tech-  
25                                nology to improve instruction.

1           “(2) ASSURANCES.—Assurances that—

2                   “(A) the State educational agency will par-  
3           ticipate in biennial State academic assessments  
4           of 4th, 8th, and 12th grade reading, mathe-  
5           matics, and science under the National Assess-  
6           ment of Educational Progress carried out under  
7           section 303(b)(2) of the National Assessment of  
8           Educational Progress Authorization Act, if the  
9           Secretary pays the costs of administering such  
10          assessments;

11                   “(B) the State educational agency will—

12                           “(i) notify local educational agencies  
13                   and the public of the content and student  
14                   academic achievement standards and aca-  
15                   demic assessments developed under this  
16                   section, and of the authority to operate  
17                   schoolwide programs; and

18                           “(ii) fulfill the State educational agen-  
19                   cy’s responsibilities regarding local edu-  
20                   cational agency and school improvement  
21                   under section 1116;

22                   “(C) the State educational agency will en-  
23           courage local educational agencies to consoli-  
24           date funds from other Federal, State, and local  
25           sources for school improvement activities under

1           1116 and for schoolwide programs under sec-  
2           tion 1114;

3           “(D) the State educational agency has  
4           modified or eliminated State fiscal and account-  
5           ing barriers so that schools can easily consoli-  
6           date funds from other Federal, State, and local  
7           sources for schoolwide programs under section  
8           1114;

9           “(E) that State educational agency will co-  
10          ordinate data collection efforts to fulfill the re-  
11          quirements of this Act and reduce the duplica-  
12          tion of data collection to the extent practicable;

13          “(F) the State educational agency will pro-  
14          vide the least restrictive and burdensome regu-  
15          lations for local educational agencies and indi-  
16          vidual schools participating in a program as-  
17          sisted under this part;

18          “(G) the State educational agency will in-  
19          form local educational agencies in the State of  
20          the local educational agency’s authority—

21                  “(i) to transfer funds under title VI;

22                  “(ii) to obtain waivers under part D  
23                  of title IX; and

24                  “(iii) if the State is an Ed-Flex Part-  
25                  nership State, to obtain waivers under the



1 Education Flexibility Partnership Act of  
2 1999;

3 “(H) the State educational agency will  
4 work with other agencies, including educational  
5 service agencies or other local consortia, and in-  
6 stitutions to provide professional development  
7 and technical assistance to local educational  
8 agencies and schools;

9 “(I) the State educational agency will en-  
10 sure that local educational agencies in the State  
11 comply with the requirements of subtitle B of  
12 title VII of the McKinney-Vento Homeless As-  
13 sistance Act (42 U.S.C. 11417); and

14 “(J) the State educational agency has en-  
15 gaged in timely and meaningful consultation  
16 with representatives of Indian tribes located in  
17 the State in the development of the State plan  
18 to serve local educational agencies under its ju-  
19 risdiction in order to—

20 “(i) improve the coordination of ac-  
21 tivities under this Act;

22 “(ii) meet the purpose of this title;

23 and

1                   “(iii) meet the unique cultural, lan-  
2                   guage, and educational needs of Indian  
3                   students.

4           “(e) FAMILY ENGAGEMENT.—Each State plan shall  
5 include a plan for strengthening family engagement in  
6 education. Each such plan shall, at a minimum, include—

7                   “(1) a description of the State’s criteria and  
8                   schedule for review and approval of local educational  
9                   agency engagement policies and practices pursuant  
10                  to section 1112(e)(3);

11                  “(2) a description of the State’s system and  
12                  process for assessing local educational agency imple-  
13                  mentation of section 1118 responsibilities;

14                  “(3) a description of the State’s criteria for  
15                  identifying local educational agencies that would  
16                  benefit from training and support related to family  
17                  engagement in education;

18                  “(4) a description of the State’s statewide sys-  
19                  tem of technical assistance and support for local  
20                  educational agencies and schools on family engage-  
21                  ment in education;

22                  “(5) an assurance that the State will refer to  
23                  Statewide Family Engagement Centers those local  
24                  educational agencies that would benefit from train-

1 ing and support related to family engagement in  
2 education; and

3 “(6) a description of the relationship between  
4 the State educational agency and Statewide Family  
5 Engagement Centers, parent training and informa-  
6 tion centers, and community parent resource centers  
7 in the State established under sections 671 and 672  
8 of the Individuals with Disabilities Education Act.

9 “(f) PEER REVIEW AND SECRETARIAL APPROVAL.—

10 “(1) SECRETARIAL DUTIES.—The Secretary  
11 shall—

12 “(A) establish a peer-review process to as-  
13 sist in the review of State plans;

14 “(B) appoint individuals to the peer-review  
15 process who are representative of parents,  
16 teachers, State educational agencies, local edu-  
17 cational agencies, and experts and who are fa-  
18 miliar with educational standards, assessments,  
19 accountability, the needs of low-performing  
20 schools, and other educational needs of stu-  
21 dents;

22 “(C) approve a State plan within 120 days  
23 of its submission unless the Secretary deter-  
24 mines that the plan does not meet the require-  
25 ments of this section;

1           “(D) if the Secretary determines that the  
2           State plan does not meet the requirements of  
3           this section immediately notify the State of  
4           such determination and the reasons for such de-  
5           termination;

6           “(E) not decline to approve a State’s plan  
7           before—

8                   “(i) offering the State an opportunity  
9                   to revise its plan;

10                   “(ii) providing technical assistance in  
11                   order to assist the State to meet the re-  
12                   quirements of this section; and

13                   “(iii) providing a hearing; and

14           “(F) have the authority to disapprove a  
15           State plan for not meeting the requirements of  
16           this part, but shall not have the authority to re-  
17           quire a State, as a condition of approval of the  
18           State plan, to include in, or delete from, such  
19           plan one or more specific elements of the  
20           State’s academic content standards or to use  
21           specific academic assessment instruments or  
22           items.

23           “(2) STATE REVISIONS.—A State plan shall be  
24           revised by the State educational agency if the revi-

1 sion is necessary to satisfy the requirements of this  
2 section.

3 “(3) PUBLIC REVIEW.—Notifications under this  
4 subsection shall be made available to the public  
5 through the website of the Department, including—

6 “(A) State plans submitted or resubmitted  
7 by a State;

8 “(B) peer review comments;

9 “(C) State plan determinations by the Sec-  
10 retary, including approvals or disapprovals; and

11 “(D) hearings.

12 “(g) DURATION OF THE PLAN.—

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

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

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

20 “(2) ADDITIONAL INFORMATION.—If significant  
21 changes are made to a State’s plan, such as the  
22 adoption of new State academic content standards  
23 and State student achievement standards, new aca-  
24 demic assessments, or new performance goals or tar-  
25 get, growth goals or targets, or graduation goals or

1 targets, such information shall be submitted to the  
2 Secretary for approval.

3 “(h) FAILURE TO MEET REQUIREMENTS.—If a State  
4 fails to meet any of the requirements of this section, the  
5 Secretary may withhold funds for State administration  
6 under this part until the Secretary determines that the  
7 State has fulfilled those requirements.

8 “(i) REPORTS.—

9 “(1) ANNUAL STATE REPORT CARD.—

10 “(A) IN GENERAL.—A State that receives  
11 assistance under this part shall prepare and  
12 disseminate an annual State report card. Such  
13 dissemination shall include, at a minimum, pub-  
14 licly posting the report card on the home page  
15 of the State educational agency’s website.

16 “(B) IMPLEMENTATION.—The State report  
17 card shall be—

18 “(i) concise; and

19 “(ii) presented in an understandable  
20 and uniform format and, to the extent  
21 practicable, provided in a language that  
22 the parents can understand.

23 “(C) REQUIRED INFORMATION.—The  
24 State shall include in its annual State report  
25 card—

1           “(i) information, in the aggregate,  
2           and disaggregated and cross-tabulated by  
3           race, ethnicity, gender, disability status,  
4           migrant status, English proficiency, and  
5           status as economically disadvantaged, ex-  
6           cept that such disaggregation and cross-  
7           tabulation shall not be required in a case  
8           in which the number of students in a cat-  
9           egory is insufficient to yield statistically re-  
10          liable information or the results would re-  
11          veal personally identifiable information  
12          about an individual student on—

13                   “(I) student achievement at each  
14                   achievement level on the State aca-  
15                   demic assessments described in sub-  
16                   section (b)(3), including the most re-  
17                   cent 2-year trend;

18                   “(II) student growth on the State  
19                   academic assessments described in  
20                   subsection (b)(3), including the most-  
21                   recent 2-year trend;

22                   “(III) the four-year adjusted co-  
23                   hort rate, the cumulative rate, and the  
24                   graduation rate by type of diploma,

1 including the most recent 2-year  
2 trend;

3 “(IV) the State established im-  
4 provement indicators under subsection  
5 (c)(1)(D);

6 “(V) the percentage of students  
7 who did not take the State assess-  
8 ments;

9 “(VI) the most recent 2-year  
10 trend in student achievement and stu-  
11 dent growth in each subject area and  
12 for each grade level, for which assess-  
13 ments under this section are required;

14 “(ii) information that provides a com-  
15 parison between the actual achievement  
16 levels and growth of each group of stu-  
17 dents described in subsection (c)(3)(A) and  
18 the performance targets and growth tar-  
19 gets in subsection (c)(2) for each such  
20 group of students on each of the academic  
21 assessments required under this part;

22 “(iii) if a State adopts alternate  
23 achievement standards for students with  
24 the most significant cognitive disabilities,  
25 the number and percentage of students



1 taking the alternate assessments and infor-  
2 mation on student achievement at each  
3 achievement level and student growth, by  
4 grade and subject;

5 “(iv) the number of students who are  
6 English learners, and the performance of  
7 such students, on the State’s English lan-  
8 guage proficiency assessments, including  
9 the students’ attainment of, and progress  
10 toward, higher levels of English language  
11 proficiency;

12 “(v) information on the performance  
13 of local educational agencies in the State  
14 regarding school improvement, including  
15 the number and names of each school iden-  
16 tified for school improvement under section  
17 1116;

18 “(vi) the professional qualifications of  
19 teachers in the State, the percentage of  
20 such teachers teaching with emergency or  
21 provisional credentials, and the percentage  
22 of classes in the State not taught by quali-  
23 fied teachers, in the aggregate and  
24 disaggregated by high-poverty compared to  
25 low-poverty schools which, for the purpose

1 of this clause, means schools in the top  
2 quartile of poverty and the bottom quartile  
3 of poverty in the State;

4 “(vii) information on teacher effective-  
5 ness in the aggregate and disaggregated by  
6 high-poverty compared to low-poverty  
7 schools which, for the purpose of this  
8 clause, means schools in the top quartile of  
9 poverty and the bottom quartile of poverty  
10 in the State;

11 “(viii) a clear and concise description  
12 of the State’s accountability system, in-  
13 cluding a description of the criteria by  
14 which the State educational agency evalu-  
15 ates school performance, and the criteria  
16 that the State educational agency has es-  
17 tablished, consistent with subsection (c), to  
18 determine the status of schools with re-  
19 spect to school improvement; and

20 “(ix) per-pupil expenditures, including  
21 actual teacher salaries.

22 “(2) ANNUAL LOCAL EDUCATIONAL AGENCY  
23 REPORT CARDS.—

24 “(A) REPORT CARDS.—A local educational  
25 agency that receives assistance under this part

1 shall prepare and disseminate an annual local  
2 educational agency report card.

3 “(B) MINIMUM REQUIREMENTS.—The  
4 State educational agency shall ensure that each  
5 local educational agency collects appropriate  
6 data and includes in the local educational agen-  
7 cy’s annual report the information described in  
8 paragraph (1)(C) as applied to the local edu-  
9 cational agency and each school served by the  
10 local educational agency, and—

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

13 “(I) the number and percentage  
14 of schools identified for school im-  
15 provement under section 1116 and  
16 how long the schools have been so  
17 identified; and

18 “(II) information that shows how  
19 students served by the local edu-  
20 cational agency achieved on the state-  
21 wide academic assessment compared  
22 to students in the State as a whole;  
23 and

24 “(ii) in the case of a school—

1                   “(I) whether the school has been  
2                   identified for school improvement; and

3                   “(II) information that shows how  
4                   the school’s students achievement on  
5                   the statewide academic assessments  
6                   and other improvement indicators  
7                   compared to students in the local edu-  
8                   cational agency and the State as a  
9                   whole.

10                  “(C) OTHER INFORMATION.—A local edu-  
11                  cational agency may include in its annual local  
12                  educational agency report card any other appro-  
13                  priate information, whether or not such infor-  
14                  mation is included in the annual State report  
15                  card.

16                  “(D) DATA.—A local educational agency  
17                  or school shall only include in its annual local  
18                  educational agency report card data that are  
19                  sufficient to yield statistically reliable informa-  
20                  tion, as determined by the State, and that do  
21                  not reveal personally identifiable information  
22                  about an individual student.

23                  “(E) PUBLIC DISSEMINATION.—The local  
24                  educational agency shall publicly disseminate  
25                  the report cards described in this paragraph to

1 all schools in the school district served by the  
2 local educational agency and to all parents of  
3 students attending those schools in an under-  
4 standable and uniform format and, to the ex-  
5 tent practicable, provided in a language that  
6 the parents can understand, and make the in-  
7 formation widely available through public  
8 means, such as posting on the Internet, dis-  
9 tribution to the media, and distribution through  
10 public agencies.

11 “(3) PREEXISTING REPORT CARDS.—A State  
12 educational agency or local educational agency that  
13 was providing public report cards on the perform-  
14 ance of students, schools, local educational agencies,  
15 or the State prior to the date of enactment of the  
16 Student Success Act may use those report cards for  
17 the purpose of this subsection, so long as any such  
18 report card is modified, as may be needed, to con-  
19 tain the information required by this subsection.

20 “(4) COST REDUCTION.—Each State edu-  
21 cational agency and local educational agency receiv-  
22 ing assistance under this part shall, wherever pos-  
23 sible, take steps to reduce data collection costs and  
24 duplication of effort by obtaining the information re-

1       quired under this subsection through existing data  
2       collection efforts.

3           “(5) ANNUAL STATE REPORT TO THE SEC-  
4       RETARY.—Each State educational agency receiving  
5       assistance under this part shall report annually to  
6       the Secretary, and make widely available within the  
7       State—

8           “(A) information on the State’s progress in  
9       developing and implementing

10           “(i) the college and career ready  
11       standard described in subsection (b)(2);

12           “(ii) the academic assessments de-  
13       scribed in subsection (b)(3); and

14           “(iii) the accountability and school im-  
15       provement system described in subsection  
16       (c); and

17           “(B) the annual State report card under  
18       paragraph (1);

19       “(6) REPORT TO CONGRESS.—The Secretary  
20       shall transmit annually to the Committee on Edu-  
21       cation and the Workforce of the House of Rep-  
22       resentatives and the Committee on Health, Edu-  
23       cation, Labor, and Pensions of the Senate a report  
24       that provides national and State-level data on the in-  
25       formation collected under paragraph (4).

1 “(7) PARENTS RIGHT-TO-KNOW.—

2 “(A) ACHIEVEMENT INFORMATION.—At  
3 the beginning of each school year, a school that  
4 receives funds under this subpart shall provide  
5 to each individual parent—

6 “(i) information on the level of  
7 achievement and growth of the parent’s  
8 child on each of the State academic assess-  
9 ments and, as appropriate, other improve-  
10 ment indicators adopted in accordance with  
11 this subpart; and

12 “(ii) timely notice that the parent’s  
13 child has been assigned, or has been  
14 taught for four or more consecutive weeks  
15 by, a teacher who is not qualified or has  
16 been found to be ineffective consistent with  
17 the local educational agency evaluation.

18 “(B) QUALIFICATIONS.—At the beginning  
19 of each school year, a local educational agency  
20 that receives funds under this part shall notify  
21 the parents of each student attending any  
22 school receiving funds under this part that the  
23 parents may request, and the agency will pro-  
24 vide the parents on request (and in a timely  
25 manner), information regarding the professional

1 qualifications of the student’s classroom teach-  
2 ers, including, at a minimum, the following:

3 “(i) Whether the teacher has met  
4 State qualification and licensing criteria  
5 for the grade levels and subject areas in  
6 which the teacher provides instruction.

7 “(ii) Whether the teacher is teaching  
8 under emergency or other provisional sta-  
9 tus through which State qualification or li-  
10 censing criteria have been waived.

11 “(iii) The baccalaureate degree major  
12 of the teacher and any other graduate cer-  
13 tification or degree held by the teacher,  
14 and the field of discipline of the certifi-  
15 cation or degree.

16 “(iv) Whether the teacher is currently  
17 enrolled in an alternative certification pro-  
18 gram.

19 “(v) Whether the child is provided  
20 services by paraprofessionals and, if so,  
21 their qualifications.

22 “(C) FORMAT.—The notice and informa-  
23 tion provided to parents under this paragraph  
24 shall be in an understandable and uniform for-



1 mat and, to the extent practicable, provided in  
2 a language that the parents can understand.

3 “(j) PRIVACY.—Information collected under this sec-  
4 tion shall be collected and disseminated in a manner that  
5 protects the privacy of individuals.

6 “(k) TECHNICAL ASSISTANCE.—The Secretary shall  
7 provide a State educational agency, at the State edu-  
8 cational agency’s request, technical assistance in meeting  
9 the requirements of this section, including the provision  
10 of advice by experts in the development of college and ca-  
11 reer ready standards, high-quality academic assessments,  
12 and goals and targets that are valid and reliable, and other  
13 relevant areas.

14 “(l) VOLUNTARY PARTNERSHIPS.—A State may  
15 enter into a voluntary partnership with another State to  
16 develop and implement the academic assessments and  
17 standards required under this section.

18 “(m) DEFINITIONS.—In this section:

19 “(1) ADJUSTED COHORT; ENTERING COHORT;  
20 TRANSFERRED INTO; TRANSFERRED OUT.—

21 “(A) ADJUSTED COHORT.—Subject to sub-  
22 paragraph (D)(ii) through (G), the term ‘ad-  
23 justed cohort’ means the difference of—

24 “(i) the sum of—

25 “(I) the entering cohort; plus

1                   “(II) any students that trans-  
2                   ferred into the cohort in any of grades  
3                   9 through 12; minus

4                   “(ii) any students that are removed  
5                   from the cohort as described in subpara-  
6                   graph (E).

7                   “(B) ENTERING COHORT.—The term ‘en-  
8                   tering cohort’ means the number of first-time  
9                   9th graders enrolled in a secondary school 1  
10                  month after the start of the secondary school’s  
11                  academic year.

12                  “(C) TRANSFERRED INTO.—The term  
13                  ‘transferred into’ when used with respect to a  
14                  secondary school student, means a student  
15                  who—

16                  “(i) was a first-time 9th grader dur-  
17                  ing the same school year as the entering  
18                  cohort; and

19                  “(ii) enrolls after the entering cohort  
20                  is calculated as described in subparagraph  
21                  (B).

22                  “(D) TRANSFERRED OUT.—

23                  “(i) IN GENERAL.—The term ‘trans-  
24                  ferred out’ when used with respect to a  
25                  secondary school student, means a student

1           who the secondary school or local edu-  
2           cational agency has confirmed has trans-  
3           ferred to another—

4                   “(I) school from which the stu-  
5           dent is expected to receive a regular  
6           secondary school diploma; or

7                   “(II) educational program from  
8           which the student is expected to re-  
9           ceive a regular secondary school di-  
10          ploma.

11                   “(ii)    CONFIRMATION    REQUIRE-  
12          MENTS.—

13                   “(I)    DOCUMENTATION    RE-  
14          QUIRED.—The confirmation of a stu-  
15          dent’s transfer to another school or  
16          educational program described in  
17          clause (i) requires documentation  
18          from the receiving school or program  
19          that the student enrolled in the receiv-  
20          ing school or program.

21                   “(II) LACK OF CONFIRMATION.—  
22          A student who was enrolled, but for  
23          whom there is no confirmation of the  
24          student having transferred out, shall  
25          remain in the cohort as a non-grad-

1                   uate for reporting and accountability  
2                   purposes under this section.

3                   “(iii) PROGRAMS NOT PROVIDING  
4                   CREDIT.—A student enrolled in a GED or  
5                   other alternative educational program that  
6                   does not issue or provide credit toward the  
7                   issuance of a regular secondary school di-  
8                   ploma shall not be considered transferred  
9                   out.

10                  “(E) COHORT REMOVAL.—To remove a  
11                  student from a cohort, a school or local edu-  
12                  cational agency shall require documentation to  
13                  confirm that the student has transferred out,  
14                  emigrated to another country, or is deceased.

15                  “(F) TREATMENT OF OTHER LEAVERS  
16                  AND WITHDRAWALS.—A student who was re-  
17                  tained in a grade, enrolled in a GED program,  
18                  aged-out of a secondary school or secondary  
19                  school program, or left secondary school for any  
20                  other reason, including expulsion, shall not be  
21                  considered transferred out, and shall remain in  
22                  the adjusted cohort.

23                  “(G) SPECIAL RULE.—For those secondary  
24                  schools that start after grade 9, the entering  
25                  cohort shall be calculated 1 month after the

1 start of the secondary school's academic year in  
2 the earliest secondary school grade at the sec-  
3 ondary school.

4 “(2) CUMULATIVE GRADUATION RATE.—The  
5 term ‘cumulative graduation rate’ means, for each  
6 school year, the percent obtained by calculating the  
7 product of—

8 “(A) the result of—

9 “(i) the sum of—

10 “(I) the number of students  
11 who—

12 “(aa) form the adjusted co-  
13 hort; and

14 “(bb) graduate in 4 years or  
15 less with a regular secondary  
16 school diploma (which shall not  
17 include a GED or other certifi-  
18 cate of completion or alternative  
19 to a diploma, except as provided  
20 in subsection (c)(3)(E)); plus

21 “(II) the number of additional  
22 students from previous cohorts who  
23 graduate in more than 4 years with a  
24 regular secondary school diploma; di-  
25 vided by

1 “(ii) the sum of—  
2 “(I) the number of students who  
3 form the adjusted cohort for that  
4 year’s graduating class; plus  
5 “(II) the number of additional  
6 student graduates described in clause  
7 (i)(II); multiplied by  
8 “(B) 100.

9 “(3) 4-YEAR ADJUSTED COHORT GRADUATION  
10 RATE.—The term ‘4-year adjusted cohort graduation  
11 rate’ means the percent obtained by calculating the  
12 product of—

13 “(A) the result of—  
14 “(i) the number of students who—  
15 “(I) formed the adjusted cohort 4  
16 years earlier; and  
17 “(II) graduate in 4 years or less  
18 with a regular secondary school di-  
19 ploma; divided by  
20 “(ii) the number of students who  
21 formed the adjusted cohort for that year’s  
22 graduating class 4 years earlier; multiplied  
23 by  
24 “(B) 100.

1           “(4) MULTI-TIER SYSTEM OF SUPPORTS.—The  
2 term ‘multi-tier system of supports’ means a com-  
3 prehensive system of differentiated supports that in-  
4 cludes evidence-based instruction, universal screen-  
5 ing, progress monitoring, formative assessment, and  
6 research-based interventions matched to student  
7 needs, and educational decision-making using stu-  
8 dent outcome data.

9           “(5) GRADUATION RATE.—The term ‘gradua-  
10 tion rate’ means a 4-year adjusted cohort graduation  
11 rate and the cumulative graduation rate.

12           “(6) REGULAR SECONDARY SCHOOL DI-  
13 PLOMA.—The term ‘regular secondary school di-  
14 ploma’ means the standard secondary school diploma  
15 awarded to the preponderance of students in the  
16 State that is fully aligned with State standards, or  
17 a higher diploma. Such term shall not include  
18 GED’s, certificates of attendance, or any lesser di-  
19 ploma award.”.

20 **SEC. 7. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL**  
21 **AGENCY AND SCHOOL IMPROVEMENT;**  
22 **SCHOOL SUPPORT AND RECOGNITION.**

23           Section 1116 (20 U.S.C. 6316) is amended to read  
24 as follows:

1 **“SEC. 1116. SCHOOL IMPROVEMENT.**

2 “(a) LOCAL REVIEW.—

3 “(1) IN GENERAL.—Each local educational  
4 agency receiving funds under this part shall—

5 “(A) use the State academic assessments,  
6 including measures of student growth, and  
7 graduation rates to review, annually, the  
8 progress of each school served under this part  
9 to determine whether the school is meeting the  
10 performance targets, growth targets, and grad-  
11 uation targets established under section  
12 1111(c)(2);

13 “(B) based on the review conducted under  
14 subparagraph (A), determine whether a school  
15 served under this part is—

16 “(i) in need of improvement as de-  
17 scribed under section 1111(c)(1)(C)(ii); or

18 “(ii) a persistently low-achieving  
19 school that meets the State parameters es-  
20 tablished under paragraph (2);

21 “(C) publicize and disseminate the results  
22 of the local annual review described in subpara-  
23 graph (A) to parents, teachers, principals,  
24 schools, and the community so that the teach-  
25 ers, principals, other staff, and schools can con-  
26 tinually refine, in an instructionally useful man-



1           ner, the program of instruction to help all chil-  
2           dren served under this part meet the college  
3           and career ready achievement standards estab-  
4           lished under section 1111(b); and

5           “(D) use the school improvement indica-  
6           tors established under section 1111(c)(1)(D) to  
7           diagnose school challenges and measure school  
8           progress in carrying out the school improve-  
9           ment activities under this section.

10          “(2)           PERSISTENTLY           LOW-ACHIEVING  
11          SCHOOLS.—The State educational agency shall es-  
12          tablish parameters, consistent with section  
13          1111(c)(1)(C)(i), to assist local educational agencies  
14          in identifying persistently low-achieving schools with-  
15          in the local educational agency that—

16               “(A) shall use student achievement on the  
17               assessments under section 1111(b)(3), including  
18               prior year data;

19               “(B) shall use student growth data on the  
20               assessments under section 1111(b)(3), including  
21               prior year data;

22               “(C) shall use graduation rate data, in-  
23               cluding prior year data;

1           “(D) shall include schools with graduation  
2 rates below 60 percent as persistently low-  
3 achieving schools; and

4           “(E) may use data on the improvement in-  
5 dicators established under section  
6 1111(c)(1)(D), except that the local educational  
7 agency may not use such indicators if the indi-  
8 cators reduce the number or change the schools  
9 identified based on the parameters established  
10 under subparagraphs (A) through (D).

11           “(3) OPPORTUNITY TO REVIEW AND PRESENT  
12 EVIDENCE; TIME LIMIT.—

13           “(A) IDENTIFICATION.—Before identifying  
14 an elementary school or a secondary school as  
15 a school in need of improvement or a persist-  
16 ently low-achieving school under paragraph (1),  
17 a local educational agency shall provide the  
18 school with an opportunity to review the school-  
19 level data, including academic assessment data,  
20 on which the proposed identification is based.

21           “(B) EVIDENCE.—If the principal of a  
22 school proposed as a school in need of improve-  
23 ment or a persistently low-achieving school be-  
24 lieves, or a majority of the parents of the stu-  
25 dents enrolled in such school believe, that the

1           proposed identification is in error for statistical  
2           or other substantive reasons, the principal may  
3           provide supporting evidence to the local edu-  
4           cational agency, which shall consider that evi-  
5           dence before making a final determination.

6           “(C) FINAL DETERMINATION.—Not later  
7           than 30 days after a local educational agency  
8           provides the school with the opportunity to re-  
9           view such school-level data, the local edu-  
10          cational agency shall make public a final deter-  
11          mination on the status of the school with re-  
12          spect to identification as a school in need of im-  
13          provement or a persistently low-achieving  
14          school.

15          “(b) SCHOOL IMPROVEMENT.—

16               “(1) IN GENERAL.—Each school served under  
17               this part determined to be a school in need of im-  
18               provement pursuant to section 1111(e)(1)(C)(ii) or a  
19               persistently low-achieving school pursuant to  
20               1111(e)(1)(C)(i), shall form a school improvement  
21               team described in paragraph (2) to develop and im-  
22               plement a school improvement plan described in  
23               paragraph (3) to improve educational outcomes for  
24               all students.

25               “(2) SCHOOL IMPROVEMENT TEAM.—

1           “(A) IN GENERAL.—Each school described  
2 in paragraph (1) shall form a school improve-  
3 ment team, which shall include school leaders,  
4 teachers, and specialized instructional support  
5 personnel.

6           “(B) SCHOOLS IN NEED OF IMPROVE-  
7 MENT.—Each school improvement team for a  
8 school in need of improvement may include an  
9 external partner and representatives of the local  
10 educational agency and the State educational  
11 agency.

12           “(C) PERSISTENTLY LOW-ACHIEVING  
13 SCHOOLS.—Each school improvement team for  
14 a persistently low-achieving school shall include  
15 an external partner and representatives of the  
16 local educational agency and the State edu-  
17 cational agency.

18           “(3) SCHOOL IMPROVEMENT PLAN.—

19           “(A) IN GENERAL.—A school improvement  
20 team shall develop, implement, and make pub-  
21 licly available a school improvement plan that  
22 uses information available under the account-  
23 ability and school improvement system estab-  
24 lished under section 1111(c), data available  
25 under the early warning indicator system estab-

1 lished under subsection (c)(5), and other rel-  
2 evant data to identify—

3 “(i) each area in which the school  
4 needs support for improvement;

5 “(ii) the type of support required;

6 “(iii) how the school plans to address  
7 such needs; and

8 “(iv) how the school will measure  
9 progress in addressing such needs using  
10 the goals and targets and improvement in-  
11 dicators established under paragraphs (2)  
12 and (1)(D) of section 1111(c), respectively,  
13 and identify which of the goals and targets  
14 are not currently being met by the school.

15 “(B) PLANNING PERIOD.—The school im-  
16 provement team may use a planning period,  
17 which shall not be longer than one school year  
18 to develop and prepare to implement the school  
19 improvement plan.

20 “(C) PLAN REQUIREMENTS.—Each school  
21 improvement plan shall describe the following:

22 “(i) PLANNING AND PREPARATION.—  
23 The activities during the planning period,  
24 including—

1                   “(I) the preparation activities  
2                   conducted to effectively implement the  
3                   budgeting, staffing, curriculum, and  
4                   instruction changes described in the  
5                   plan; and

6                   “(II) how the school improve-  
7                   ment team engaged parents, business  
8                   and community organizations, and  
9                   other entities, including institutions of  
10                  higher education and representatives  
11                  of Indian tribes with children, that at-  
12                  tend such school in the development  
13                  of the plan.

14                 “(ii) TARGETS.—The performance,  
15                 growth, and graduation targets that con-  
16                 tributed to the school’s status as a school  
17                 in need of improvement or persistently low-  
18                 achieving school, and the school challenges  
19                 identified by the school improvement indi-  
20                 cators under section 1111(c)(1)(D).

21                 “(iii) EVIDENCE-BASED, SCHOOL IM-  
22                 PROVEMENT STRATEGIES.—Evidence-  
23                 based, school improvement strategies to  
24                 address the factors and challenges de-  
25                 scribed in clause (ii), to improve instruc-

1                   tion to improve the achievement of all stu-  
2                   dents and address the needs of students  
3                   identified at the catch-up level of achieve-  
4                   ment.

5                   “(iv) NEEDS AND CAPACITY ANAL-  
6                   YSIS.—A description and analysis of the  
7                   school’s ability and the resources necessary  
8                   to implement the evidence-based, school  
9                   improvement strategies identified under  
10                  clause (iii), including an analysis of—

11                  “(I) staffing resources, such as  
12                  the number, experience, training level,  
13                  effectiveness, responsibilities, and sta-  
14                  bility of existing administrative, in-  
15                  structional, and non-instructional  
16                  staff;

17                  “(II) budget resources, including  
18                  how Federal, State, and local funds  
19                  are being spent for instruction and  
20                  operations to determine how existing  
21                  resources can be used to support im-  
22                  provement;

23                  “(III) the school curriculum;

1                   “(IV) the use of time, such as  
2                   the school’s schedule and use of addi-  
3                   tional learning time; and

4                   “(V) any additional resources  
5                   and staff necessary to effectively im-  
6                   plement the school improvement ac-  
7                   tivities identified in the school im-  
8                   provement plan.

9                   “(v) IDENTIFYING ROLES.—The roles  
10                  and responsibilities of the State edu-  
11                  cational agency, the local educational agen-  
12                  cy, the school and, if applicable, the exter-  
13                  nal partner in the school improvement ac-  
14                  tivities, including providing interventions,  
15                  support, and resources necessary to imple-  
16                  ment improvements.

17                  “(vi) PLAN FOR EVALUATION.—The  
18                  plan for continuous evaluation of the evi-  
19                  dence-based, school improvement strate-  
20                  gies, including implementation of and fidel-  
21                  ity to the school improvement plan, that  
22                  includes at least quarterly reviews of the  
23                  effectiveness of such activities.

24                  “(D) ADDITIONAL REQUIREMENTS FOR  
25                  PERSISTENTLY LOW-ACHIEVING SCHOOLS.—For



1 a persistently-low achieving school, the school  
2 improvement plan shall, in addition to the re-  
3 quirements described in subparagraph (B), de-  
4 scribe how the school will—

5 “(i) address school-wide factors to im-  
6 prove student achievement, including—

7 “(I) establishing high expecta-  
8 tions for all students, which at a min-  
9 imum, align with the achievement  
10 standards and growth standards  
11 under section 1111(b)(4);

12 “(II) improving school climate,  
13 including student attendance and be-  
14 havior;

15 “(III) ensuring that the staff  
16 charged with implementing the school  
17 improvement plan are committed to  
18 the plan and the school turnaround  
19 effort; and

20 “(IV) establishing clear—

21 “(aa) benchmarks for imple-  
22 mentation of the plan; and

23 “(bb) targets for improve-  
24 ment on the indicators under sec-  
25 tion 1111(c)(1)(D);

1                   “(ii) organize the school to improve  
2                   teaching and learning, including through—

3                   “(I) strategic use of time, such  
4                   as—

5                   “(aa) establishing common  
6                   planning time for teachers and  
7                   interdisciplinary teams who share  
8                   common groups of students;

9                   “(bb) redesigning the school  
10                  calendar year or day, such as  
11                  through block scheduling, to cre-  
12                  ate additional learning time; or

13                  “(cc) creating a flexible  
14                  school period to address specific  
15                  student academic needs and in-  
16                  terests such as credit recovery,  
17                  electives, enrichment activities, or  
18                  service learning; and

19                  “(II) alignment of resources to  
20                  improvement goals, such as through  
21                  ensuring that students in transition  
22                  grades are taught by teachers pre-  
23                  pared to meet their specific learning  
24                  needs;

1 “(iii) increase teacher and school lead-  
2 er effectiveness, including through—

3 “(I) replacing the principal, or  
4 demonstrating the principal has the  
5 skills, capacity, and record of success  
6 to significantly improve student  
7 achievement and lead a school turn-  
8 around;

9 “(II) screening all existing staff  
10 at the school, with the leadership  
11 team, through a process that ensures  
12 a rigorous and fair review of their ap-  
13 plications that shall include—

14 “(aa) the results of teacher  
15 and principal evaluations and de-  
16 terminations of effectiveness; and

17 “(bb) a review of individual  
18 staff member’s commitment to  
19 the school improvement for the  
20 school;

21 “(III) offering significant incen-  
22 tive bonuses to attract effective teach-  
23 ers and principals to work in the  
24 school;

1                   “(IV) professional development  
2                   activities that respond to student and  
3                   school-wide needs aligned with the  
4                   school improvement plan, such as—

5                   “(aa) training teachers,  
6                   leaders, and administrators to-  
7                   gether with staff from schools  
8                   making achievement goals and  
9                   performance targets under the  
10                  accountability system under sec-  
11                  tion 1111(c) that serve similar  
12                  populations and in such schools;

13                  “(bb) establishing peer  
14                  learning and coaching among  
15                  teachers; or

16                  “(cc) facilitating collabora-  
17                  tion, including through profes-  
18                  sional communities across subject  
19                  area and interdisciplinary groups  
20                  and similar schools;

21                  “(V) appropriately identifying  
22                  teachers for each grade and course;  
23                  and

24                  “(VI) the development of effec-  
25                  tive leadership structures, supports,

1 and clear decision making processes,  
2 such as through developing distribu-  
3 tive leadership and leadership teams;

4 “(iv) improve curriculum and instruc-  
5 tion, including through—

6 “(I) demonstrating the relevance  
7 of the curriculum and learning for all  
8 students, and may include the use of  
9 online course-work as long as such  
10 course-work meets standards of qual-  
11 ity and best practices for online edu-  
12 cation;

13 “(II) increasing access to rig-  
14 orous and advanced course-work, in-  
15 cluding adoption and implementation  
16 of a college- and career-ready cur-  
17 riculum, and evidence-based, engaging  
18 instructional materials aligned with  
19 such a curriculum, for all students;

20 “(III) increasing access to  
21 contextualized learning opportunities  
22 aligned with readiness for postsec-  
23 ondary education and the workforce,  
24 such as providing—

1                   “(aa) work-based, project-  
2                   based, and service-learning op-  
3                   portunities; or

4                   “(bb) a high-quality, college  
5                   preparatory curriculum in the  
6                   context of a rigorous career and  
7                   technical education core;

8                   “(IV) regularly collecting and  
9                   using data to inform instruction, such  
10                  as—

11                  “(aa) through use of forma-  
12                  tive assessments;

13                  “(bb) creating and using  
14                  common grading rubrics; or

15                  “(cc) identifying effective in-  
16                  structional approaches to meet  
17                  student needs; and

18                  “(V) emphasizing core skills in-  
19                  struction, such as literacy, across con-  
20                  tent areas;

21                  “(v) provide students with academic  
22                  and social support to address individual  
23                  student learning needs, including  
24                  through—

1                   “(I) supporting students at the  
2 catch-up level of achievement who  
3 need intensive intervention;

4                   “(II) increasing personalization  
5 of the school experience through  
6 learning structures that facilitate the  
7 development of student and staff rela-  
8 tionships such as—

9                   “(aa) implementing grade 9  
10 academies or thematic smaller  
11 learning communities;

12                   “(bb) establishing teams of  
13 teachers who work exclusively  
14 with small groups of students; or

15                   “(cc) creating advisor posi-  
16 tions to provide students with  
17 study, organizational, and social  
18 supports;

19                   “(III) offering extended-learning,  
20 credit recovery, mentoring, or tutoring  
21 options of sufficient scale to meet stu-  
22 dent needs;

23                   “(IV) providing evidence-based,  
24 accelerated learning for students with  
25 academic skill levels below grade level;

1                   “(V) coordinating and increasing  
2                   access to integrated services, such as  
3                   providing special instructional support  
4                   personnel;

5                   “(VI) providing transitional sup-  
6                   port between grade-spans, including  
7                   postsecondary planning; and

8                   “(VII) meeting the diverse learn-  
9                   ing needs of all students through  
10                  strategies such as multi-tier system of  
11                  supports and universal design for  
12                  learning;

13                  “(vi) engage families and community  
14                  partners, including community-based orga-  
15                  nizations, organizations assisting parent  
16                  involvement, institutions of higher edu-  
17                  cation, and businesses, in school improve-  
18                  ment activities through evidence-based  
19                  strategies; and

20                  “(vii) be provided control over govern-  
21                  ance policies, including flexibility regarding  
22                  staffing and compensation, budgeting, stu-  
23                  dent credit attainment, or use of school  
24                  time, that support the implementation of



1           effective school improvement activities and  
2           educational options.

3           “(E) SUBMISSION AND APPROVAL.—The  
4           school improvement team shall submit the  
5           school improvement plan to the local edu-  
6           cational agency or the State educational agency,  
7           as determined by the State educational agency  
8           based on the local educational agency’s ability  
9           to effectively monitor the school improvement  
10          activities. Upon receiving the plan, the local  
11          educational agency or the State educational  
12          agency, as appropriate, shall—

13                   “(i) establish a peer review process to  
14                   assist with review of the school improve-  
15                   ment plan; and

16                   “(ii) promptly review the plan, work  
17                   with the school improvement team as nec-  
18                   essary, and approve the plan if the plan  
19                   meets the requirements of this paragraph.

20          “(F) REVISION OF PLAN.—A school im-  
21          provement team may revise the school improve-  
22          ment plan as additional information and data is  
23          available.

24          “(G) IMPLEMENTATION.—A school with  
25          the support and assistance of the local edu-

1           cational agency shall implement the school im-  
2           provement plan expeditiously, but not later than  
3           the beginning of the next full school year after  
4           identification for improvement.

5           “(4) EVALUATION OF SCHOOL IMPROVE-  
6           MENT.—

7                   “(A) IN GENERAL.—

8                           “(i) REVIEW.—The State educational  
9                           agency or local educational agency, as de-  
10                           termined by the State in accordance with  
11                           paragraph (3)(D) shall, annually, review  
12                           data with respect to each school in need of  
13                           improvement and each persistently low-  
14                           achieving school to set clear benchmarks  
15                           for progress and evaluate whether the  
16                           school supports and interventions for the  
17                           school are effective and the school is meet-  
18                           ing the targets for improvement estab-  
19                           lished under its school improvement plan.

20                           “(ii) DATA.—In carrying out the an-  
21                           nual review under clause (i), the school,  
22                           the local educational agency, or State edu-  
23                           cational agency shall measure progress  
24                           on—

1                   “(I) student achievement, stu-  
2                   dent growth, and graduation rates  
3                   against the goals and targets estab-  
4                   lished under section 1111(c)(2); and

5                   “(II) improvement indicators as  
6                   established under section  
7                   1111(c)(1)(D).

8                   “(B) SCHOOLS IN NEED OF IMPROVE-  
9                   MENT.—If, after 3 years of implementing its  
10                  school improvement plan, a school in need of  
11                  improvement does not meet the goals and tar-  
12                  gets under section 1111(c)(2) that were identi-  
13                  fied under the school improvement plan as not  
14                  being met by the school and the improvement  
15                  indicators established under section  
16                  1111(c)(1)(D), then—

17                  “(i) the local educational agency shall  
18                  evaluate school performance and other  
19                  data, and provide intensive assistance to  
20                  that school in order to improve the effec-  
21                  tiveness of the interventions; and

22                  “(ii) the State educational agency or  
23                  the local educational agency, as determined  
24                  by the State, shall determine whether

1 school shall partner with an external part-  
2 ner—

3 “(I) to revise the school improve-  
4 ment plan; and

5 “(II) to improve, and as appro-  
6 priate, revise, school improvement  
7 strategies that meet the requirements  
8 of paragraph (3)(B)(iii).

9 “(C) PERSISTENTLY LOW-ACHIEVING  
10 SCHOOLS.—If, after 3 years of implementing its  
11 school improvement plan, a persistently low-  
12 achieving school does not demonstrate progress  
13 on the goals and targets under section  
14 1111(c)(2) that were identified under the school  
15 improvement plan as not being met by the  
16 school or the improvement indicators estab-  
17 lished under section 1111(c)(1)(D), then—

18 “(i) the local educational agency, in  
19 collaboration with the State educational  
20 agency, shall determine whether to imple-  
21 ment school closure, replacement, or State  
22 take-over of such school;

23 “(ii) the local educational agency, and  
24 as appropriate the State educational agen-  
25 cy, shall develop and implement a plan to

1 assist with the transition of the school  
2 under clause (i)—

3 “(I) is developed in consultation  
4 with parents and the community;

5 “(II) addresses the needs of the  
6 students at the school by considering  
7 strategies such as—

8 “(aa) opening a new school;

9 “(bb) graduating out cur-  
10 rent students and closing the  
11 school in stages; and

12 “(cc) enrolling the students  
13 who attended the school in other  
14 schools in the local educational  
15 agency that are higher achieving,  
16 provided the other schools are  
17 within reasonable proximity to  
18 the closed school and ensures re-  
19 ceiving schools have the capacity  
20 to enroll incoming students; and

21 “(III) provides information about  
22 high-quality educational options and  
23 transition and support services to stu-  
24 dents who attended that school and  
25 their parents, .

1           “(c) LOCAL EDUCATIONAL AGENCY RESPONSIBIL-  
2 ITIES.—A local educational agency served by this part, in  
3 supporting the schools identified as a school in need of  
4 improvement or a persistently low-achieving school served  
5 by the agency, shall—

6                   “(1) address local educational agency-wide fac-  
7 tors to improve student achievement by—

8                           “(A) supporting the use of data to improve  
9 teaching and learning through—

10                                   “(i) improving longitudinal data sys-  
11 tems;

12                                   “(ii) regularly analyzing and dissemi-  
13 nating usable data to educators, parents,  
14 and students;

15                                   “(iii) building the data and assess-  
16 ment literacy of teachers and principals;  
17 and

18                                   “(iv) evaluating at kindergarten entry  
19 the kindergarten readiness of children and  
20 addressing the educational and develop-  
21 ment needs determined by such evaluation;

22                           “(B) addressing school transition needs of  
23 the local educational agency by—

1                   “(i) using kindergarten readiness data  
2                   to consider improving access to high-quality  
3                   early education opportunities; and

4                   “(ii) providing targeted research-  
5                   based interventions to middle schools that  
6                   feed into high schools identified for school  
7                   improvement under this section;

8                   “(C) developing human capital systems  
9                   that ensure there is a sufficient pool of effective  
10                  teachers and school leaders to work in schools  
11                  served by the local educational agency;

12                  “(D) developing support for school im-  
13                  provement plans among key stakeholders such  
14                  as parents and families, community groups,  
15                  educators, and teachers;

16                  “(E) carrying out administrative duties  
17                  under this section, including evaluation for  
18                  school improvement and technical assistance for  
19                  schools; and

20                  “(F) coordinating activities under this sec-  
21                  tion with other relevant State and local agen-  
22                  cies, as appropriate;

23                  “(2) address time and resources factors to im-  
24                  prove student achievement by—

1           “(A) ensuring the local educational agency  
2 budget calendar is aligned with school staff and  
3 budgeting needs; and

4           “(B) targeting resources and support to  
5 those schools identified as persistently low-per-  
6 forming or as in need of improvement;

7           “(3) address teacher and school leader effective-  
8 ness by supporting professional development activi-  
9 ties aligned to school improvement activities;

10          “(4) address curriculum and instruction factors  
11 to improve student achievement by—

12           “(A) ensuring curriculum alignment with  
13 the State’s early learning standards and post-  
14 secondary education programs;

15           “(B) providing academically rigorous edu-  
16 cation options such as—

17           “(i) effective dropout prevention, cred-  
18 it and dropout recovery and recuperative  
19 education programs for students who are  
20 not making sufficient progress to graduate  
21 high school in the standard number of  
22 years or who have dropped out of high  
23 school;

24           “(ii) providing students with postsec-  
25 ondary learning opportunities, such as



1 through access to a relevant curriculum or  
2 course of study that enables a student to  
3 earn a secondary school diploma and—

4 “(I) an associate’s degree; or

5 “(II) not more than 2 years of  
6 transferable credit toward a postsec-  
7 ondary degree or credential;

8 “(iii) integrating rigorous academic  
9 education with career training, including  
10 training that leads to postsecondary cre-  
11 dentials for students;

12 “(iv) increasing access to Advanced  
13 Placement or International Baccalaureate  
14 courses and examinations; or

15 “(v) developing and utilizing innova-  
16 tive, high quality distance learning strate-  
17 gies to improve student academic achieve-  
18 ment; and

19 “(C) considering how technology can be  
20 used to support school improvement activities;

21 “(5) address student support factors to improve  
22 student achievement by—

23 “(A) establishing an early warning indi-  
24 cator system to identify students who are at  
25 risk of dropping out of high school and to guide

1 preventive and recuperative school improvement  
2 strategies, including—

3 “(i) identifying and analyzing the aca-  
4 demic risk factors that most reliably pre-  
5 dict dropouts by using longitudinal data of  
6 past cohorts of students;

7 “(ii) identifying specific indicators of  
8 student progress and performance, such as  
9 attendance, academic performance in core  
10 courses, and credit accumulation, to guide  
11 decision making;

12 “(iii) identifying or developing a  
13 mechanism for regularly collecting and  
14 analyzing data about the impact of inter-  
15 ventions on the indicators of student  
16 progress and performance; and

17 “(iv) analyzing academic indicators to  
18 determine whether students are on track to  
19 graduate secondary school in the standard  
20 numbers of years; and

21 “(B) identifying and implementing strate-  
22 gies for pairing academic support with inte-  
23 grated student services and case-managed inter-  
24 ventions for students requiring intensive sup-

1 ports which may include partnerships with  
2 other external partners;

3 “(6) promote family outreach and engagement  
4 in school improvement activities to improve student  
5 achievement; and

6 “(7) for each school identified for school im-  
7 provement, ensure the provision of technical assist-  
8 ance as the school develops and implements the  
9 school improvement plan throughout the plan’s du-  
10 ration.

11 “(d) STATE EDUCATIONAL AGENCY RESPONSIBIL-  
12 ITIES.—A State educational agency served by this part,  
13 in supporting schools identified as a school in need of im-  
14 provement or a persistently low-achieving school and the  
15 local educational agencies serving such schools, shall—

16 “(1) assess and address local capacity con-  
17 straints to ensure that its local educational agencies  
18 can meet the requirements of this section;

19 “(2) provide support and technical assistance,  
20 including assistance to school leaders, teachers, and  
21 other staff, to assist local educational agencies and  
22 schools in using data to support school improvement;

23 “(3) target resources and support to those  
24 schools in the State that are identified as a school  
25 in need of improvement or a persistently low-achiev-

1       ing school and to local educational agencies serving  
2       such schools;

3           “(4) leverage resources from other funding  
4       sources, such as school improvement funds, tech-  
5       nology funds, and professional development funds to  
6       support school improvement activities;

7           “(5) provide a statewide system of support, in-  
8       cluding regional support services, to improve teach-  
9       ing, learning, and student outcomes;

10          “(6) assist local educational agencies in devel-  
11       oping early warning indicator systems;

12          “(7) with respect to schools that will work with  
13       external partners to improve student achievement—

14           “(A) develop and apply objective criteria to  
15       potential external partners that are based on a  
16       demonstrated record of effectiveness in school  
17       improvement;

18           “(B) maintain an updated list of approved  
19       external partners across the State;

20           “(C) develop, implement, and publicly re-  
21       port on standards and techniques for moni-  
22       toring the quality and effectiveness of the serv-  
23       ices offered by approved external partners, and  
24       for withdrawing approval from external part-

1           ners that fail to improve persistently low-achiev-  
2           ing schools; and

3                   “(D) may identify external partners as ap-  
4           proved, consistent with the requirements under  
5           paragraph (7), who agree to provide services on  
6           the basis of receiving payments only when stu-  
7           dent achievement has increased at an appro-  
8           priate level as determined by the State edu-  
9           cational agency and school improvement team  
10          under subsection (b)(2); and

11                   “(8) carry out administrative duties under this  
12          section, including providing monitoring and technical  
13          assistance to local educational agencies and schools.

14          “(e) RULES OF CONSTRUCTION.—Nothing in this  
15          section shall be construed—

16                   “(1) to alter or otherwise affect the rights, rem-  
17          edies, and procedures afforded school or local edu-  
18          cational agency employees under Federal, State, or  
19          local laws (including applicable regulations or court  
20          orders) or under the terms of collective bargaining  
21          agreements, memoranda of understanding, or other  
22          agreements between such employees and their em-  
23          ployers;

24                   “(2) to require a child to participate in an early  
25          learning program; or

1           “(3) to deny entry to kindergarten for any indi-  
2           vidual if the individual is legally eligible, as defined  
3           by State or local law.

4           “(f) DEFINITION.—In this section, the term ‘external  
5 partner’ means an entity—

6           “(1) that is an organization such as a nonprofit  
7           organization, community-based organization, local  
8           education fund, service organization, educational  
9           service agency, or institution of higher education;  
10          and

11          “(2) that has demonstrated expertise, effective-  
12          ness, and a record of success in providing targeted  
13          support such as data analysis, professional develop-  
14          ment, or provision of nonacademic support and inte-  
15          grated student services to local educational agencies,  
16          schools, or students that leads to improved teaching,  
17          learning, and outcomes for students.”.

18 **SEC. 8. PARENTAL INVOLVEMENT.**

19          Section 1118(a)(3)(A) (20 U.S.C. 6318(a)(3)(A)) is  
20          amended by striking “1 percent” and inserting “2 per-  
21 cent”.

22 **SEC. 9. SUPPORT FOR HIGH-QUALITY ASSESSMENTS.**

23          (a) AMENDMENT.—Part A of title I (20 U.S.C. 6311  
24          et seq.) is amended by adding at the end the following  
25          new subpart:

1           “SUBPART 3—SUPPORT FOR HIGH-QUALITY  
2   ASSESSMENTS

3   **“SEC. 1131. SUPPORTING COLLEGE AND CAREER READY AS-**  
4   **SESSMENTS.**

5           “From funds made available to carry out this sub-  
6 part, the Secretary shall make grants to States to enable  
7 a State—

8                   “(1) to pay the costs of the development of col-  
9 lege and career ready assessments and standards re-  
10 quired by section 1111(b), including—

11                           “(A) the costs of working in voluntary  
12 partnerships with other States;

13                           “(B) developing high-quality science as-  
14 sessments in accordance with section  
15 1111(b)(3);

16                           “(C) if a State uses alternate assessments  
17 aligned with alternate achievement standards  
18 for students with the most significant cognitive  
19 disabilities, improving the quality and rigor of  
20 such assessments to meet the requirements of  
21 section 1111(b)(3)(E);

22                           “(D) in accordance with section  
23 1111(b)(3)(D), developing native language as-  
24 sements; and

1           “(E) improving assessments of English  
2           language proficiency necessary to comply with  
3           section 1111(b)(3)(F); and

4           “(2) if a State has developed the assessments  
5           and standards required by section 1111(b), to ad-  
6           minister those assessments or to carry out other ac-  
7           tivities described in this subpart and other activities  
8           related to ensuring that the State’s schools and local  
9           educational agencies are held accountable for results,  
10          such as—

11           “(A) developing college and career ready  
12           academic content and student achievement  
13           standards and aligned assessments in academic  
14           subjects for which standards and assessments  
15           are not required by section 1111(b);

16           “(B) ensuring the continued validity and  
17           reliability of State assessments, including  
18           through evaluating and addressing the predict-  
19           ability of assessment components;

20           “(C) refining State assessments to ensure  
21           their continued alignment with the State’s col-  
22           lege and career ready content standards and to  
23           improve the alignment of curricula and instruc-  
24           tional materials;



1           “(D) developing formative assessments  
2 aligned to the college and career ready stand-  
3 ards to support teaching and learning;

4           “(E) strengthening the capacity of local  
5 educational agencies and schools to provide all  
6 students the opportunity to increase educational  
7 achievement, including carrying out professional  
8 development activities to support assessment lit-  
9 eracy and help teachers and school leaders ef-  
10 fectively use data to improve instruction;

11           “(F) supporting the accessibility of State  
12 assessment systems for all students, including  
13 students with disabilities and English learners,  
14 by incorporating principles of universal design  
15 for learning;

16           “(G) expanding the range of accommoda-  
17 tions available to English learners and students  
18 with disabilities, including professional develop-  
19 ment activities to increase effective use of ac-  
20 commodations; and

21           “(H) improving the dissemination of infor-  
22 mation on student achievement and school per-  
23 formance to parents and the community.

1 **“SEC. 1132. GRANTS FOR HIGH-QUALITY ASSESSMENTS.**

2 “(a) GRANT PROGRAM AUTHORIZED.—From funds  
3 made available to carry out this subpart, the Secretary  
4 shall award, on a competitive basis, grants to State edu-  
5 cational agencies that have submitted an application at  
6 such time, in such manner, and containing such informa-  
7 tion as the Secretary may require, which demonstrate to  
8 the satisfaction of the Secretary, that the requirements of  
9 this section will be met, for the following:

10 “(1) To enable States or consortia of States to  
11 collaborate with institutions of higher education,  
12 other research institutions, or other organizations to  
13 improve the quality, validity, and reliability of col-  
14 lege and career ready assessments described in sec-  
15 tion 1111(b)(3).

16 “(2) To measure student academic achievement  
17 using multiple measures of student academic  
18 achievement from multiple sources.

19 “(3) To measure student growth over time.

20 “(4) To evaluate student academic achievement  
21 through the development of comprehensive academic  
22 assessment instruments, such as performance and  
23 technology-based academic assessments.

24 “(b) APPLICATION.—Each State educational agency  
25 wishing to apply for funds under this section shall include

1 in its State plan under this part such information as the  
2 Secretary may require.

3 “(c) ANNUAL REPORT.—Each State educational  
4 agency receiving a grant under this section shall submit  
5 an annual report to the Secretary describing its activities,  
6 and the result of those activities, under the grant.

7 **“SEC. 1133. FUNDING.**

8 “(a) AUTHORIZATION OF APPROPRIATIONS.—For the  
9 purpose of carrying out this subpart, there are authorized  
10 to be appropriated \$500,000,000 for fiscal year 2013, and  
11 such sums as may be necessary for each of the 5 suc-  
12 ceeding fiscal years.

13 “(b) ALLOTMENT OF APPROPRIATED FUNDS.—

14 “(1) IN GENERAL.—From amounts made avail-  
15 able for each fiscal year under subsection (a), the  
16 Secretary shall—

17 “(A) reserve one-half of 1 percent for the  
18 Bureau of Indian Affairs;

19 “(B) reserve one-half of 1 percent for the  
20 outlying areas; and

21 “(C) from the remainder, allocate to each  
22 State an amount equal to—

23 “(i) \$3,000,000; and

24 “(ii) with respect to any amounts re-  
25 maining after the allocation is made under

1 clause (i), an amount that bears the same  
2 relationship to such total remaining  
3 amounts as the number of students ages 5  
4 through 17 in the State (as determined by  
5 the Secretary on the basis of the most re-  
6 cent satisfactory data) bears to the total  
7 number of such students in all States.

8 “(2) REMAINDER.—Any amounts remaining for  
9 a fiscal year after the Secretary carries out para-  
10 graph (1) shall be made available as follows:

11 “(A)(i) To award funds under section 1132  
12 to States according to the quality, needs, and  
13 scope of the State application under that sec-  
14 tion.

15 “(ii) In determining the grant amount  
16 under clause (i), the Secretary shall ensure that  
17 a State’s grant shall include an amount that  
18 bears the same relationship to the total funds  
19 available under this paragraph for the fiscal  
20 year as the number of students ages 5 through  
21 17 in the State (as determined by the Secretary  
22 on the basis of the most recent satisfactory  
23 data) bears to the total number of such stu-  
24 dents in all States.

1           “(B) Any amounts remaining after the  
2           Secretary awards funds under subparagraph  
3           (A) shall be allocated to each State that did not  
4           receive a grant under such subparagraph, in an  
5           amount that bears the same relationship to the  
6           total funds available under this subparagraph  
7           as the number of students ages 5 through 17  
8           in the State (as determined by the Secretary on  
9           the basis of the most recent satisfactory data)  
10          bears to the total number of such students in  
11          all States.

12 **“SEC. 1134. STATE DEFINED.**

13          “In this section, the term ‘State’ means each of the  
14 50 States, the District of Columbia, and the Common-  
15 wealth of Puerto Rico.”.

16          (b) CONFORMING AMENDMENT.—Subpart 1 of part  
17 A of title VI (20 U.S.C. 7301 et seq.) is repealed.

