

**SUBSTITUTE OFFERED BY MR. GEORGE MILLER
OF CALIFORNIA FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE 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:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

Sec. 4. Statement of Purpose.

Sec. 5. Authorization of appropriations.

Sec. 6. State plans.

Sec. 7. Academic assessment and local educational agency and school improvement; school support and recognition.

Sec. 8. Parental Involvement.

Sec. 9. Support for high-quality assessments.

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.).

1 **SEC. 4. STATEMENT OF PURPOSE.**

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

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

5 “The purpose of this title is to ensure that all chil-
6 dren have a fair, equal, and significant opportunity to ob-
7 tain a high-quality education and to graduate ready to
8 succeed in college and the workforce by—

9 “(1) meeting the educational needs of low-
10 achieving children in our Nation’s highest-poverty
11 schools, English learners, migrant children, children
12 with disabilities, Indian children, and neglected or
13 delinquent children;

14 “(2) ensuring high-quality college and career
15 ready standards, academic assessments, account-
16 ability systems, teacher preparation and training,
17 curriculum, and instructional materials are devel-
18 oped and implemented to prepare students to com-
19 pete in the global economy;

20 “(3) closing the achievement gap between high-
21 and low-performing children, especially between mi-
22 nority and nonminority students and between dis-
23 advantaged children and their more advantaged
24 peers;

25 “(4) holding schools, local educational agencies,
26 and States accountable for improving the academic

1 achievement for all students and ensuring all stu-
2 dents graduate ready to succeed in college and the
3 workforce;

4 “(5) distributing and targeting resources to
5 support local educational agencies and schools with
6 the greatest need;

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

11 “(7) ensuring parents have substantial and
12 meaningful opportunities to participate in the edu-
13 cation of their children.”.

14 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

16 (1) by amending subsection (a) to read as fol-
17 lows:

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

23 (2) in subsection (c)—

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

1 (B) by striking “2002” and inserting
2 “2013”; and

3 (3) in subsection (d)—

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

6 (B) by striking “2002” and inserting
7 “2013”.

8 **SEC. 6. STATE PLANS.**

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

11 **“SEC. 1111. STATE PLAN.**

12 “(a) PLANS REQUIRED.—

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

1 Start Act, the Adult Education and Family Literacy
2 Act, and the McKinney-Vento Homeless Assistance
3 Act.

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

7 “(b) COLLEGE AND CAREER READY CONTENT
8 STANDARDS, ASSESSMENTS, AND ACHIEVEMENT STAND-
9 ARDS.—

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

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

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

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

1 public institutions of higher education in
2 the State; and

3 “(ii) relevant State career and tech-
4 nical education standards.

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

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

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

18 “(C) ELEMENTS.—College and career
19 ready content standards under this paragraph
20 shall—

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

23 “(I) kindergarten through-grade-
24 12 education experts (including teach-
25 ers and educational leaders); and

1 “(II) representatives of institu-
2 tions of higher education, the business
3 community, and the early learning
4 community;

5 “(ii) be rigorous, internationally
6 benchmarked, and evidence-based;

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

13 “(I) placement in credit-bearing,
14 nonremedial courses at the 2-and 4-
15 year public institutions of higher edu-
16 cation in the State; and

17 “(II) relevant State career and
18 technical education standards; and

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

24 “(v) apply to all schools and students
25 in the State.

1 “(D) ENGLISH LANGUAGE PROFICIENCY
2 STANDARDS.—Each State educational agency
3 shall develop and implement statewide, high-
4 quality English language proficiency standards
5 that—

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

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

12 “(iii) predict success on the applicable
13 grade level English language arts content
14 assessment;

15 “(iv) ensure proficiency in each of the
16 domains of speaking, listening, reading,
17 and writing in the appropriate amount of
18 time; and

19 “(v) address the different proficiency
20 levels of English learners.

21 “(E) EARLY LEARNING STANDARDS.—The
22 State educational agency shall, in collaboration
23 with the State agencies responsible for over-
24 seeing early care and education programs and
25 the State early care and education advisory

1 council, develop and implement early learning
2 standards across all major domains of develop-
3 ment for infants, toddlers, and preschoolers
4 that—

5 “(i) demonstrate alignment with the
6 State academic content standards; and

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

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

17 “(3) HIGH-QUALITY ASSESSMENTS.—

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

24 “(B) ELEMENTS.—Such assessments
25 shall—

1 “(i) be valid, reliable, appropriate, and
2 of adequate technical quality for each pur-
3 pose required under this Act, and be con-
4 sistent with relevant, nationally recognized
5 professional and technical standards;

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

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

16 “(I) improve teaching, learning,
17 and program outcomes; and

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

23 “(iv) be used in determining the per-
24 formance of each local educational agency
25 and school in the State in accordance with

1 the State’s accountability system under
2 subsection (c);

3 “(v) provide an accurate measure of—

4 “(I) student achievement at all
5 levels of student performance; and

6 “(II) student academic growth;

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

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

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

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

1 provided to parents, teachers, and school
2 leaders, as soon as is practicable after the
3 assessment is given, in an understandable
4 and uniform format, and to the extent
5 practicable, in a language that parents can
6 understand.

7 “(C) ADMINISTRATION.—Such assessments
8 shall—

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

15 “(I) a single summative assess-
16 ment each school year; or

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

24 “(ii) for English language arts and
25 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. 1117); 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-qual-
3 ity 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 sessments; 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.

