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**Education - ESEA Legislative
Language Draft**

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ACCOUNTABILITY

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

"PART B—IMPROVING EDUCATION THROUGH ACCOUNTABILITY

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

"SEC. 11202.— GENERAL PURPOSE —It is the purpose of this part, *consistent with the civil rights laws*, to improve academic achievement for all children, assist in meeting the American Education Goals under section [], promote the incorporation of challenging State content and performance standards into classroom practice, [*enhance accountability*,] and improve the effectiveness of programs under this Act and the educational opportunities of the students that they serve, by requiring State and local educational agencies to—

"(1) adopt and implement sound policies regarding the promotion of students;

"(2) provide effective educational interventions for children who are at risk of failure to achieve to challenging State standards;

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

"(4) adopt and implement sound discipline policies; and

"(5) broadly disseminate information annually regarding the status of education and educational progress in the State, its school districts, and its schools.

"SEC. 11203. PROMOTION AND GRADUATION POLICY

"(a) IN GENERAL.— A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11211, have in effect a promotion policy that is designed to end social promotion and traditional retention practices in its school districts and schools and that meets the requirements of subsection (b). 7

"(b) POLICY.— A State promotion policy under this section shall--

"(1) require all students to meet challenging academic performance standards under section 1111(b)(1)(A) and (C) of the Act before being promoted at three key transition points (*one of which shall be graduation from secondary school*), as determined by the State, consistent with section 1111(b)(2)(D) of the Act;

"(2) use multiple indicators, to determine whether a student has met applicable standards for promotion, including at least one valid assessment and other appropriate indicators, as determined by the State, such as teacher evaluations;

"(3) provide to all students educational opportunities in classrooms with clear standards and qualified teachers who use proven instructional practices that are aligned to the State's challenging standards and who are supported by high-quality professional development.

"(4) require its local educational agencies to use effective, research-based prevention and early intervention strategies to identify and support students who need additional help to meet those promotion standards, including the following:

"(A) employing specific interventions, with appropriate instructional strategies, to help students, including students with limited English speaking proficiency and students with disabilities, meet promotion standards or goals and objectives under an individualized education plan, as appropriate;

"(B) providing extended learning time, such as after school and summer programs; and

"(C) providing intensive intervention with appropriate instructional strategies for students who fail to meet promotion standards;

"(5) require all school districts and all schools to disseminate widely their promotion policies [*in a format that is concise and that parents can understand*]; and

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

“© PLAN CONTENT. A State shall include in its accountability plan under section 11211 —

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

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

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

“SEC. 11203. ENSURING TEACHER QUALITY.

“(a) A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11211, have in effect a policy that—

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

“(2) meets the requirements of this section.

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

- (1) not less than 95% of the teachers in public schools in the State are certified;*
- (2) not less than 95 % of the teachers in public secondary schools in the State have academic training or demonstrated competence in the subject area in which they teach;*
- (3) there is no disproportionate concentration in particular school districts of teachers who are not described in paragraphs (1) or (2); and*
- (4) its certification process for new teachers includes an assessment of content knowledge and teaching skills.*

“© PLAN CONTENT. (1) A State shall include in its accountability plan under section 11211 the benchmarks by which it will annually measure progress in--

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

“(B) increasing the percentage of secondary school classes in core academic subject areas taught by teachers who (i) have a postsecondary-level academic major or minor in the subject area they teach [or a related field] or (ii) otherwise demonstrate a high level of competence through rigorous tests in their academic subject.

“(2) In measuring compliance with this policy, a State shall not be required to include teachers who:

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

“(B) have full certification in another State and are establishing certification in the State in which they are teaching.

“(3) In its accountability plan under section 11120, a State shall assure that, in carrying out this policy, it will not decrease the rigor or quality of its teacher certification standards.

“SEC. 11204. SOUND DISCIPLINE POLICY.

“(a) POLICY.—A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11211, have in effect a policy that requires its school districts and schools to have in place and implement sound discipline policies.

“(b) CONTENT OF POLICY.—A State discipline policy under this section shall require school districts and schools to have in place and implement disciplinary policies that—

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

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

“(3) are clear and understandable;

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

"(5) are broadly disseminated;

"(6) ensure that due process is provided;

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

"(8) in cases of a student's suspension or expulsion from school for more than 10 days, in the aggregate, provide for placement of that student in an alternative educational setting that will enable the student to continue to participate in the general curriculum and make progress toward achieving to high standards.

"(c) PLAN CONTENT. A State shall include in its accountability plan under section 11211 an assurance that it has in effect a policy that meets the requirements of this section.

"SEC. 11205. EDUCATION REPORT CARDS

"(a) POLICY.— (1) A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11211, have in effect a policy that requires the development and dissemination of annual report cards regarding the status of education and educational progress in the State and in its school districts and schools that meet the requirements of this section.

"(2) *Such report cards shall—*

"(A) be concise;

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

"(C) focus on educational results.

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

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

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

“ © average class size in each of the school districts in the State;

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

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

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

“(A) Gender.

“(B) Racial and ethnic group.

“(C) Migrant status.

“(D) Students with disabilities, as compared to students who are not disabled.

“(E) Economically disadvantaged students, as compared to students who are not economically disadvantaged.

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

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

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

“(B) *[participation] in extended learning time, such as after school and summer programs; and*

“(C) *the performance of students in meeting physical education goals.*

“(c) CONTENT OF SCHOOL DISTRICT AND SCHOOL REPORT CARDS.—

“(1) The State shall ensure that each school district and each school in the State includes in its annual report card, at a minimum—

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

“(B) *in the case of a school district, the number of low performing schools, such as a schools identified under section 1116(c)(1) of the Act; and*

“(C) in the case of a school, whether the school has been identified as a low-performing school.

“(2) A school district and a school may include in its annual report card the information described in subsection (b)(3).

“(d) DISSEMINATION AND ACCESSIBILITY OF REPORT CARDS— (1) State-level report cards under subsection (b) shall be posted on the Internet, disseminated to all schools and school districts in the State and made broadly available to the public.

“(2) School district report cards under subsection (c) shall be disseminated to all schools in the school district and to all parents of students attending these schools, and made broadly available to the public.

“(3) School report cards under subsection (c) shall be disseminated to all parents of students attending that school and be made broadly available to the public.

“(e) A State shall include in its accountability plan under 11211 an assurance that it has in effect a policy that meets the requirements of this section.

“SEC. 11211. EDUCATION ACCOUNTABILITY PLANS

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

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

“(1) the information or assurances called for by sections 11202 (c), 11203 (c), 11204 and 11205 (f); and

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

“(c) *REPORTS.* A State shall report annually to the Secretary, in such form and containing such information as the Secretary may require, on its progress in carrying out the requirements of this part, as measured by information under subsection (c), and shall include such report in its consolidated State performance report under section 11408.

“(e) *RELATIONSHIP TO CONSOLIDATED PLAN.* (1) If a State submits a consolidated State plan under section 11402, it shall include in that plan its accountability plan under this section.

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

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

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

“(2) In reviewing such plan, the Secretary shall employ the peer review procedures under section 11302(e) of this title.

“(3) If a State educational agency does not submit a consolidated State plan under this title, the Secretary shall, in considering such agency’s separate accountability plan pursuant to this section, employ such procedures, comparable to those set forth in section 11302, as the Secretary may specify.

‘SEC. 11212. *AUTHORITY OF SECRETARY TO ENSURE ACCOUNTABILITY.*

“ If the Secretary determines that a State has failed substantially to carry out a requirement of this part or a provision set forth in its approved accountability plan under section 11211, or that its performance has failed substantially to meet an indicator in such plan, the Secretary shall, in light of all the circumstances, including the degree to which the State has failed to meet its accountability indicators under this part, take one or more of the following steps, [*consistent with applicable due process procedures,*] to ensure that the purposes of this part are carried out:

“(1) Providing, or arranging for the provision of, technical assistance to the State educational agency in question.

"(2) Requiring a plan for corrective action;

"(3) Suspending or terminating authority to receive waivers under section 11401 or to grant waivers under the *Education Partnership Flexibility Act of 1999*;

"(4) suspending or terminating eligibility to participate in competitive programs under this Act;

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

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

"(7) Taking other action authorized under part D of the General Education Provisions Act, such as entering a compliance agreement; and

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

"SEC. 11213. RECOGNITION AND REWARDS.

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

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

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

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

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

“(c) There are authorized to be appropriated, for the fiscal years ending September 30, 2001, 2002, 2003, and 2004, such sums as may be necessary to carry out the purposes of this part.

“SEC. 11213. BEST PRACTICES AND MODELS. In implementing this part, the Secretary shall—

“(1) consult with State and local educational agencies and other agencies, institutions and organizations with experience or information relevant to the purposes of this part; and

“(2) disseminate information regarding best practices, models, and other forms of technical assistance.”