

106TH CONGRESS
1ST SESSION

S. 1676

To improve accountability for schools and local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 1999

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To improve accountability for schools and local educational agencies under part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School Improvement
5 Accountability Act”.

1 **SEC. 2. IMPROVED ACCOUNTABILITY.**

2 (a) STATE PLANS.—Section 1111(b) of the Elemen-
3 tary and Secondary Education Act of 1965 (20 U.S.C.
4 6311(b)) is amended—

5 (1) in the subsection heading, by striking “AND
6 ASSESSMENTS” and inserting “, ASSESSMENTS, AND
7 ACCOUNTABILITY”;

8 (2) by amending paragraph (2) to read as fol-
9 lows:

10 “(2) YEARLY PROGRESS.

11 “(A) IN GENERAL.—Each State plan shall
12 specify what constitutes adequate yearly
13 progress in student achievement and other out-
14 comes the State will require, under the State’s
15 accountability system described in paragraph
16 (3), for the State and for each school and each
17 local educational agency receiving funds under
18 this part. The yearly progress specified in the
19 State plan—

20 “(i) shall be based primarily on the
21 standards described in paragraph (1) and
22 the assessments described in paragraph
23 (3), and shall include specific numerical
24 yearly progress requirements in each sub-
25 ject and grade included in the State as-
26 sements;

1 “(ii) shall include separate improve-
2 ment requirements for economically dis-
3 advantaged students, disabled students,
4 and limited English proficient students by
5 school and by subject area, to ensure that
6 all such students meet the State’s pro-
7 ficient or advanced levels of performance
8 on all assessments required under this sec-
9 tion within 10 years of the date of enact-
10 ment of the Elementary and Secondary
11 Education Amendments of 1999; and

12 “(iii) at the State’s discretion, may
13 also include other academic outcome meas-
14 ures such as promotion, completion of col-
15 lege preparatory courses, and secondary
16 school completion, if the inclusion of the
17 discretionary outcome measures does not
18 reduce the number of schools or local edu-
19 cational agencies that would be subject to
20 improvement or corrective action if the
21 measures were not considered.

22 “(B) ANNUAL IMPROVEMENT.—Each State
23 plan shall require yearly progress so that—

24 “(i) in the case of a State, not less
25 than 90 percent of the local educational

1 agencies within the State meet the State’s
2 criteria for adequate yearly progress; and

3 “(ii) in the case of a local educational
4 agency, not less than 90 percent of the
5 schools served by the local educational
6 agency meet the State’s criteria for ade-
7 quate yearly progress.

8 “(C) LONG-TERM IMPROVEMENT.—Each
9 State plan shall require yearly progress that is
10 continuous and substantial to result in all stu-
11 dents meeting the State’s proficient or ad-
12 vanced levels of performance within 10 years of
13 the date of enactment of the Elementary and
14 Secondary Education Amendments of 1999.”;

15 (3) in paragraph (3)—

16 (A) in subparagraph (A)—

17 (i) by striking “developed or adopted”
18 and inserting “in place”; and

19 (ii) by inserting “, not later than the
20 school year 2000–2001,” after “will be
21 used”;

22 (B) in subparagraph (F)—

23 (i) in clause (ii), by striking “and”
24 after the semicolon;

1 (ii) in clause (iii), by inserting “and”
2 after the semicolon; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(iv) the use of assessments written in
6 Spanish for the assessment of Spanish-
7 speaking students with limited English
8 proficiency, if Spanish-language assess-
9 ments are more likely than English lan-
10 guage assessments to yield accurate and
11 reliable information regarding what those
12 students know and can do in content areas
13 other than English;”

14 (C) by redesignating subparagraphs (G),
15 (H), and (I), as subparagraphs (H), (I), and
16 (J); and

17 (D) by inserting after subclause (F) the
18 following:

19 “(G) require the participation of—

20 “(i) not less than 90 percent of the
21 economically disadvantaged students in the
22 grade level in which the assessment is
23 given;

1 “(ii) not less than 90 percent of the
2 migrant students in the grade level in
3 which the assessment is given; and

4 “(iii) not less than 90 percent of the
5 students with disabilities in the grade level
6 in which the assessment is given.”;

7 (4) by striking paragraph (7);

8 (5) by redesignating paragraphs (4), (5), (6)
9 and (8) as paragraphs (8), (9), (10) and (11), re-
10 spectively;

11 (6) by inserting after paragraph (3) the fol-
12 lowing:

13 “(4) ACCOUNTABILITY.—Each State plan shall
14 demonstrate that the State has developed and is im-
15 plementing a statewide accountability system that is
16 or will be effective in substantially increasing the
17 numbers and percentages of all students, including
18 economically disadvantaged students, disabled stu-
19 dents, and students with limited proficiency in
20 English, who meet the State’s proficient and ad-
21 vanced levels of performance within 10 years of the
22 date of enactment of the Elementary and Secondary
23 Education Amendments of 1999. Each State ac-
24 countability system shall—

1 “(A) be based on the standards and as-
2 sessments developed or adopted under para-
3 graphs (1) and (3), respectively, and take into
4 account the performance of all students eligible
5 for assistance under this part;

6 “(B) be the same accountability system the
7 State uses for all schools or all local educational
8 agencies in the State, if the State has an ac-
9 countability system for all schools or all local
10 educational agencies in the State;

11 “(C) require substantial and continuous
12 yearly progress in the achievement of all stu-
13 dents, including economically disadvantaged
14 students, disabled students, and students with
15 limited English proficiency, as described in
16 paragraph (2), in all schools and local edu-
17 cational agencies receiving funds under this
18 part;

19 “(D) provide for the identification of dis-
20 tinguished schools and local educational agen-
21 cies receiving funds under this part, and pro-
22 vide for the dissemination of practices and
23 strategies that enabled the schools and local
24 educational agencies to make outstanding
25 progress;

1 “(E) provide for the identification of
2 schools and local educational agencies in need
3 of improvement, as required by section 1116,
4 and provide for the provision of technical assist-
5 ance, professional development, and other ca-
6 pacity-building as needed, including those meas-
7 ures specified in sections 1116(c)(5) and 1117,
8 to ensure that schools and local educational
9 agencies so identified have the resources, skills,
10 and knowledge needed to carry out their obliga-
11 tions under sections 1114 and 1115 and to
12 meet the requirements for adequate yearly
13 progress described in paragraph (2);

14 “(F) specify the corrective action or ac-
15 tions the State will take, as required by section
16 1116(d)(6), with respect to each school and
17 local educational agency that is identified as in
18 need of improvement for 2 or more years; and

19 “(G) provide for prompt reporting to par-
20 ents of students enrolled in schools that are
21 identified for school improvement or are subject
22 to corrective action.

23 “(5) PUBLIC NOTICE AND COMMENT.—Each
24 State plan shall contain assurances that—

1 “(A) in developing the State plan for an-
2 nual yearly progress, the State diligently sought
3 public comment from a range of institutions
4 and individuals in the State with an interest in
5 improved student achievement; and

6 “(B) the State will continue to make a
7 substantial effort to ensure that information re-
8 garding this part is widely known and under-
9 stood by citizens, parents, teachers, and school
10 administrators throughout the State, including,
11 at a minimum, publication of the information
12 and explanatory text in each major newspaper
13 in the State and on the State educational agen-
14 cy’s web site.

15 “(6) ANNUAL REVIEW.—The Secretary
16 shall review the information submitted by each
17 State under paragraph (2) relating to the ade-
18 quate yearly progress of States, schools, and
19 local educational agencies for purposes of deter-
20 mining State and local compliance with section
21 1116.

22 “(7) PENALTIES.—

23 “(A) INELIGIBILITY FOR RESERVATIONS.—
24 If a State fails to meet the deadlines described
25 in paragraphs (1)(C) and (6) for demonstrating

1 that the State has in place high-quality State
2 content and student performance standards,
3 aligned assessments, and a system for meas-
4 uring and monitoring adequate yearly progress
5 for a fiscal year, then the State shall be ineli-
6 gible to reserve any funds under section
7 1003(a)(1) for the succeeding fiscal year that
8 exceed the amount so reserved for such pur-
9 poses by the State for the fiscal year preceding
10 the fiscal year for which the determination is
11 made.

12 “(B) WITHHOLDING ADMINISTRATIVE
13 FUNDS.—

14 “(i) IN GENERAL.—Except as de-
15 scribed in clause (ii), if a State fails to
16 meet the deadlines described in paragraphs
17 (1)(C) and (6) for a fiscal year, then the
18 Secretary may withhold funds made avail-
19 able under this part for administrative ex-
20 penses for the succeeding fiscal year in
21 such amount as the Secretary determines
22 appropriate.

23 “(ii) SPECIAL RULE.—For each suc-
24 ceeding fiscal year for which a State fails
25 to meet the deadlines described in para-

1 graphs (1) and (6) after the fiscal year de-
2 scribed in clause (i), the Secretary shall
3 withhold not less than $\frac{1}{5}$ of the funds
4 made available under this part for adminis-
5 trative expenses for the fiscal year.”; and

6 (7) by amending paragraph (10) (as redesign-
7 nated by paragraph (5)) to read as follows:

8 “(10) ASSESSMENT DEVELOPMENT.—A State
9 that has not developed challenging State assess-
10 ments that are aligned to challenging State content
11 standards, in at least mathematics and reading or
12 language arts by school year 2000–2001, may apply
13 to the Secretary for a one-time, 1-year extension to
14 complete development and alignment of the assess-
15 ments.”.

16 (b) ASSESSMENT AND IMPROVEMENT.—Section 1116
17 of the Elementary and Secondary Education Act of 1965
18 (20 U.S.C. 6317) is amended—

19 (1) by amending subsection (a) to read as fol-
20 lows:

21 “(a) STATE AND LOCAL REVIEW.—

22 “(1) IN GENERAL.—Each State and local edu-
23 cational agency receiving funds under this part shall
24 use the State assessments and other academic meas-
25 ures or indicators, if any, described in the State plan

1 to review annually the progress of each school served
2 under this part to determine whether the school is
3 meeting or making the adequate yearly progress
4 specified under section 1111(b)(2) toward enabling
5 all students to meet the State’s student performance
6 standards described in the State plan.

7 “(2) PUBLICATION AND DISSEMINATION; RE-
8 SULTS.—Each local educational agency receiving
9 funding under this part shall—

10 “(A) publicize and disseminate to teachers
11 and other staff, parents, students, and the com-
12 munity, the results of the annual review under
13 paragraph (1) of all schools served under this
14 part in individual school performance profiles
15 that include statistically sound results
16 disaggregated in the same manner as results
17 are disaggregated under section 1111(b)(3)(I);
18 and

19 “(B) provide the results of the local annual
20 review to schools so that the schools can contin-
21 ually refine the program of instruction to help
22 all children served under this part in those
23 schools meet the State’s student performance
24 standards.

1 “(3) SPECIAL RULE.—A local educational agen-
2 cy may use any additional local measures or indica-
3 tors described in the State plan to review annually
4 the yearly progress of each school served under this
5 part if the use of such additional measures does not
6 result in fewer schools being identified as needing
7 improvement than would otherwise be identified
8 without using such additional measures.”;

9 (2) in subsection (c)—

10 (A) in paragraph (2)—

11 (i) by redesignating subparagraphs
12 (B) and (C) as subparagraphs (C) and
13 (D), respectively;

14 (ii) in subparagraph (A)—

15 (I) by redesignating clause (ii) as
16 clause (iii); and

17 (II) by striking clause (i) and in-
18 serting the following:

19 “(i) in understandable language and
20 form, promptly notify the parents of each
21 student enrolled in the school that the
22 school was designated by the State or local
23 educational agency as needing improve-
24 ment and provide with the notification—

1 “(I) the reasons for such des-
2 ignation; and

3 “(II) information about opportu-
4 nities for parents to participate in the
5 school improvement process;

6 “(ii) with parents, the local edu-
7 cational agency, and the school support
8 team, develop or revise a school improve-
9 ment plan that meets the requirements of
10 subparagraph (B) and describe in the plan
11 the specific improvements that the school
12 will undertake that have the greatest likeli-
13 hood of improving the performance of par-
14 ticipating children in meeting the State’s
15 student performance standards; and”;

16 (iii) by inserting before subparagraph
17 (C) (as redesignated by clause (i)) the fol-
18 lowing:

19 “(B) Any plan prepared pursuant to sub-
20 paragraph (A) shall—

21 “(i) describe the achievement prob-
22 lems to be solved;

23 “(ii) identify strategies or models to
24 be put into place to address the achieve-
25 ment problems;

1 “(iii) explain how such a strategy or
2 model works to produce gains in student
3 achievement;

4 “(iv) summarize evaluation-based evi-
5 dence of improvements in student achieve-
6 ment after implementation of such strate-
7 gies or models in other schools; and

8 “(v) describe how the local edu-
9 cational agency will hold the school ac-
10 countable for, and assist the school in,
11 meeting the school’s obligations to provide
12 enriched and accelerated curricula, effec-
13 tive instructional methods, highly qualified
14 professional development, and timely and
15 effective individual assistance, in partner-
16 ship with parents.”; and

17 (B) by amending paragraph (5) to read as
18 follows:

19 “(5) CORRECTIVE ACTION.—(A) A local edu-
20 cational agency shall take corrective action during
21 the third academic year after the academic year in
22 which a school is identified under paragraph (1) if
23 the school fails to make adequate yearly progress
24 under section 1111(b)(2).

1 “(B) The corrective action described in sub-
2 paragraph (A) may include—

3 “(i) deferring, reducing, or withholding
4 funds;

5 “(ii) revoking authority for a school to op-
6 erate a schoolwide program;

7 “(iii) decreasing decisionmaking authority
8 at the school level;

9 “(iv) restructuring the school, such as
10 by—

11 “(I) creating schools within schools or
12 other small learning environments; or

13 “(II) making alternative governance
14 arrangements (such as the creation of a
15 public charter school);

16 “(v) reconstituting the school staff;

17 “(vi) eliminating the use of
18 noncredentialed staff;

19 “(vii) authorizing students to transfer, in-
20 cluding providing transportation costs, to high-
21 er performing public schools that are not identi-
22 fied for school improvement and are served by
23 the local educational agency; and

24 “(viii) closing the school.

1 “(C) A local educational agency shall take cor-
2 rective action with respect to a school identified for
3 corrective action under subparagraph (A). The cor-
4 rective action shall—

5 “(i) change the school’s administration or
6 governance by the means specified in subpara-
7 graph (B) (iii), (v), or (vi); and

8 “(ii) provide all students enrolled in the
9 school with the option to transfer pursuant to
10 the requirements of subparagraph (B)(vii).

11 “(D) A school that is no longer operating a
12 schoolwide program due to a corrective action may
13 not resume operation of the schoolwide program
14 until the local educational agency determines that
15 the school has adequately reformed its schoolwide
16 program plan to enable the school to make adequate
17 progress toward meeting the State’s challenging stu-
18 dent performance standards.”; and

19 (3) in subsection (d)—

20 (A) in paragraph (4)—

21 (i) by redesignating subparagraph (B)
22 as subparagraph (C); and

23 (ii) by striking subparagraph (A) and
24 inserting the following:

1 “(A) Each local educational agency identi-
2 fied under paragraph (3) shall, in consultation
3 with schools, parents, and educational experts,
4 revise its local educational agency plan under
5 section 1112 in ways that meet the require-
6 ments of subparagraph (B) and describe in the
7 revised plan the specific improvements that the
8 local educational agency will undertake that
9 have the greatest likelihood of improving the
10 performance of participating children in meet-
11 ing the State’s student performance standards.

12 “(B) Any revised plan prepared pursuant
13 to subparagraph (A) shall—

14 “(i) describe the achievement prob-
15 lems to be solved;

16 “(ii) identify strategies or models to
17 be put into place to address the achieve-
18 ment problems;

19 “(iii) explain how such a strategy or
20 model works to produce gains in student
21 achievement;

22 “(iv) summarize evaluation-based evi-
23 dence of improvements in student achieve-
24 ment after implementation of such strate-
25 gies or models in other schools; and

1 “(v) describe how the local edu-
2 cational agency will hold the schools ac-
3 countable for, and assist schools in, meet-
4 ing the schools’ obligations to provide en-
5 riched and accelerated curricula, effective
6 instructional methods, highly qualified pro-
7 fessional development, and timely and ef-
8 fective individual assistance, in partnership
9 with parents.”; and

10 (B) in paragraph (6)(B)—

11 (i) in clause (i)—

12 (I) by amending subclause (I) to
13 read as follows:

14 “(I) deferring, reducing or with-
15 holding funds;”;

16 (II) by amending subclause (VI)
17 to read as follows:

18 “(VI) authorizing students to
19 transfer, including providing transpor-
20 tation costs, to higher performing
21 public schools that are not identified
22 for school improvement;”;

23 (III) in subclause (VII), by strik-
24 ing the period and inserting ”; and”;
25 and

1 (IV) by adding at the end the fol-
2 lowing:

3 “(VIII) eliminating the use of
4 noncredentialed staff.”;

5 (ii) by amending clause (ii) to read as
6 follows:

7 “(ii) The State educational agency
8 shall take action with respect to a local
9 educational agency identified for correction
10 action under subparagraph (A). The cor-
11 rective action shall—

12 “(I) change the governance of the
13 local educational agency by the means
14 specified in clause (i) (II), (III), (IV)
15 or (V); and

16 “(II) provide all students enrolled
17 in the schools served by the local edu-
18 cational agency with the ability to
19 transfer pursuant to the requirements
20 of clause (i)(VI).”; and

21 (iii) by striking subparagraph (C).

22 (c) CONFORMING AMENDMENTS.—The Elementary
23 and Secondary Education Act of 1965 (20 U.S.C. 6301
24 et seq.) is amended—

1 (1) in section 1111(b)(1)(c) (20 U.S.C.
2 6311(b)(1)(c)), by striking “paragraph (6)” and in-
3 serting “paragraph (10)”.

4 (2) in section 1116 (20 U.S.C. 6317)—

5 (A) in subsection (c)(1)—

6 (i) in subparagraph (B)—

7 (I) in subparagraph (A), by in-
8 serting “or” after the semicolon;

9 (II) in the matter preceding
10 clause (i), by striking “as defined in
11 the State’s plan under section
12 1111(b)(2)(A)(i)” and inserting “as
13 specified in the State’s plan under
14 section 1111(b)(2)”;

15 (III) in clause (ii), by striking “;
16 or” and inserting a period; and

17 (ii) by striking subparagraph (C); and

18 (B) in subsection (d)—

19 (i) in paragraph (1)(A), by striking
20 “as defined in section 1111(b)(2)(A)(ii)”
21 and inserting “as specified in section
22 1111(b)(2)”;

23 (ii) in paragraph (2), by striking “def-
24 inition of adequate progress as defined in
25 section 1111(b)(2)(A)(ii)” and inserting

1 “determination of adequate progress as
2 specified in section 1111(b)(2)”; and

3 (iii) in paragraph (3)—

4 (I) by striking “agency that—”
5 and all that follows through “two con-
6 secutive” and inserting “agency that
7 for two consecutive”;

8 (II) by striking “; or” and insert-
9 ing a period; and

10 (III) by striking clause (ii).

11 (3) in section 1117(e)(2)(A), by striking “defi-
12 nition of adequate progress as defined in section
13 1111(b)(2)(A)(i)” and inserting “determination of
14 adequate progress specified in section 1111(b)(2)”;
15 and

16 (4) in section 1118(c)(4)(B), by striking
17 “1116(a)(3)” and inserting “1116(a)(2)(A)”.

18 (d) REGULATIONS.—The Secretary shall promulgate
19 regulations, not later than 6 months after the date of en-
20 actment of the Elementary and Secondary Education
21 Amendments of 1999, implementing the amendments
22 made by this section.

23 (e) EFFECTIVE DATE.—The amendments made by
24 this Act shall take effect for the school year 2000–2001.

○