

109TH CONGRESS  
1ST SESSION

# H. R. 4085

To amend the Elementary and Secondary Education Act of 1965 to improve certain accountability and assessment provisions.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2005

Ms. HOOLEY introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to improve certain accountability and assessment provisions.

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 “Flexibility in Assess-  
5       ments for Individuals Reform Act of 2005”.

6       **SEC. 2. AMENDMENTS TO ELEMENTARY AND SECONDARY**  
7       **EDUCATION ACT OF 1965.**

8       (a) LONGITUDINAL ASSESSMENT OF AYP.—Sub-  
9       paragraph (C) of section 1111(b)(2) of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.  
2 6311(b)(2)) is amended—

3 (1) in clause (vi), by striking “and” at the end;

4 (2) in clause (vii), by striking the period at the  
5 end and inserting a semicolon; and

6 (3) by adding at the end the following:

7 “(viii) at the State’s discretion, meas-  
8 ures the progress of public elementary  
9 schools, secondary schools, and local edu-  
10 cational agencies by tracking the progress  
11 of individual students or cohorts of stu-  
12 dents on a longitudinal basis in lieu of, or  
13 in addition to, comparing the proficiency of  
14 a class of students with the proficiency of  
15 earlier classes of students; and”.

16 (b) PARTICIPATION IN ASSESSMENTS.—

17 (1) OPT-OUT FOR CERTAIN STUDENTS.—Sec-  
18 tion 1111(b) of the Elementary and Secondary Edu-  
19 cation Act of 1965 (20 U.S.C. 6311(b)) is amend-  
20 ed—

21 (A) in paragraph (2)(C)(iv), by inserting  
22 “subject to subparagraph (L),” before “meas-  
23 ures the progress”;

24 (B) in paragraph (2)(I)(ii), by inserting “,  
25 and the 95 percent requirement described in

1 this clause shall exclude any student who, pur-  
2 suant to subparagraph (L), opts out of the as-  
3 sessments)” after “about an individual stu-  
4 dent”; and

5 (C) at the end of paragraph (2), by adding  
6 the following:

7 “(L) OPT-OUT FOR CERTAIN STUDENTS.—

8 At the request of the parent of a student, a  
9 State may allow the student to opt out of the  
10 assessments described in paragraph (3) because  
11 the student is a child with a disability (as that  
12 term is defined in section 602 of the Individuals  
13 with Disabilities Education Act) or because of  
14 religious reasons.”.

15 (2) FLEXIBILITY IN SCHEDULING.—Paragraph  
16 (3) of section 1111(b) of the Elementary and Sec-  
17 ondary Education Act of 1965 (20 U.S.C. 6311(b))  
18 is amended by adding at the end the following:

19 “(E) FLEXIBILITY IN SCHEDULING.—The  
20 Secretary shall give States the flexibility to re-  
21 schedule the assessments described in this para-  
22 graph in the case of a student who cannot at-  
23 tend school at the time of the assessments be-  
24 cause of—

1 “(i) unusual weather or a natural dis-  
2 aster;  
3 “(ii) a cultural or religious event; or  
4 “(iii) a medical condition.”.

5 (c) GRADUATION RATES.—Clause (vi) of section  
6 1111(b)(2)(C) of the Elementary and Secondary Edu-  
7 cation Act of 1965 (20 U.S.C. 6311(b)(2)(C)) is amended  
8 by inserting “, except that, at the discretion of the State,  
9 such graduation rates may include any child with a dis-  
10 ability (as that term is defined in section 602 of the Indi-  
11 viduals with Disabilities Education Act) who satisfies such  
12 alternative challenging academic content and achievement  
13 standards as the State may establish, consistent with the  
14 child’s individualized education program (as that term is  
15 defined in section 602 of the Individuals with Disabilities  
16 Education Act), for the child to complete secondary school  
17 in a reasonable period of time” after “in the standard  
18 number of years”.

19 (d) STUDENTS WITH LIMITED ENGLISH PRO-  
20 FICIENCY.—Section 1111(b) of the Elementary and Sec-  
21 ondary Education Act of 1965 (20 U.S.C. 6311(b)) is  
22 amended—

23 (1) in subparagraph (C) of paragraph (2) (as  
24 amended by subsection (a) of this Act), by adding at  
25 the end the following:

1                   “(ix) continues to include students in  
2                   the subgroup described in clause  
3                   (v)(II)(dd) for three school years after  
4                   such students attain English proficiency.”;  
5                   and

6                   (2) in paragraph (3)(C)(x), by striking “for  
7                   three or more consecutive years” and inserting “for  
8                   more than five consecutive years”.

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