

NLWJC - Kagan

DPC - Box 019 - Folder 002

Education - ESEA Accountability

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accountabilityDRAFT
04/13/99 10:17 AM**OPTIONS FOR MOVING FORWARD WITH THE ADMINISTRATION'S POLICY TO
END SOCIAL PROMOTION****Option A: Focus Promotion Requirement on Reading in the Early Grades**

- **Require states and school districts to ensure that students are proficient in reading before being promoted to 4th grade.**
 - As in our original policy, this option would require States to put in place promotion policies aligned to State standards, use multiple measures to determine promotion, and require school districts to put supports in place such as early intervention, smaller class-sizes, qualified teachers, and extended learning time. Districts would be required to establish a policy to end social promotion in elementary school and fully implement the support strategies and policy within four years.
 - This proposal would allow States and districts more time to put in place educational interventions and opportunities in the early grades to help children meet the elementary transition point. This policy would hold students accountable only after holding the system accountable for putting in place the supports students need in order to learn to read by the end of the third grade.
- The pros for this option are: timeline that is more realistic for States and districts to meet while continuing to send a strong message that we will not sit idle while students are promoted without learning the material; potential support from the Civil Rights groups as a compromise position; builds on the President's longstanding call to ensure that every 8-year old can read independently and well; and, reflects and builds on the investments we have been making to strengthen learning opportunities in the early grades, including class size reduction, teacher training and tutoring for early reading, expanded investments in Head Start, and after-school programs.

Include the following components to strengthen Option A:**PUBLIC ACCOUNTABILITY**

- **Bring Promotion and Retention Policies into the Public Eye by Requiring Schools to Report on Number of Students Meeting Promotion Standards and Number of Students Being Retained**
 - States and districts would be required to hold schools accountable for reporting on data regarding students that meet standards on time, students that are promoted yet haven't met standards, students retained in grade (State assessment would be used as measure). Schools with high retention rates and/or high social promotion rates would be subject to State intervention.
 - States, districts, and schools would also be required to disseminate widely their promotion policies in a manner that parents find easy to understand.

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REWARDS

- **Offer Rewards to States and Districts that implement High-Quality promotion strategies in a timely manner**
 - Develop a reward system for States and districts that successfully ended social promotion with high-quality innovative strategies, including implementing quality educational opportunities for early intervention, quality teachers, etc. The Secretary could offer distinguished recognition, as well as rewards ranging from greater flexibility to monetary awards (as suggested in the Educational Accountability Act rewards section).

Option B: Require States and Districts to Have Teacher and School Accountability Provisions Fully Implemented Before Holding Students Accountable

- States and districts would first be held accountable for meeting the accountability requirements intended to improve the educational system. Specifically, States would be required to put in place quality teachers and a system to turn around low-performing schools before holding students accountable for meeting promotion standards.
- States would have up to four years to ensure that the following quality indicators were in place:
 - 95% of teachers certified and 95% of secondary school teachers teaching in a field in which they were trained or have demonstrated competence.
 - States and districts identifying schools in need of improvement; providing support to turn them around, such as quality professional development for teachers and extended learning time for students; and, when a school continues to fail, implementing corrective actions such as reconstitution.
- Once a State has certified teachers teaching in-field and supports to turn around low-performing schools, the State would need to put in place a policy to end social promotion. The policy would need to be implemented within four years.

Note: Both Options A and B retain the current timeline for implementing promotion requirements within four years of the enactment of ESEA. If necessary, the timeline in each of these options could be extended, for example, by requiring that a promotion policy be adopted within four years, and permitting the implementation to be phased in over additional time.

Option C: Use the Bullypulpit to Send Message that all of ESEA is about Ending Social Promotion, Ask States and Districts to Adopt Goals to End Social Promotion, and Fund a Demonstration Authority to Help Neediest Districts End Social Promotion the Right Way

- **Bullypulpit:** Strengthen message that ESEA is about helping all students meet high academic standards. To help all students meet high standards, we are promoting early intervention and

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identification of reading difficulties; reducing class-sizes; providing teachers with high-quality professional development; and, giving districts and schools critical assistance to turn around low-performing schools. All of these strategies and interventions will help students meet challenging standards and will naturally lead to a reduction in the need to socially promote or retain students.

- **Goal to End Social Promotion:** States and districts should have explicit plans in place to implement supports and strategies that will lead to more students meeting challenging standards. And, States and districts should work toward a goal of ending social promotion and retention. This goal would also include public accountability – requiring States and districts to report on retention and promotion rates – and rewards for States and districts that end social promotion, and sanctions for States that increase social promotion and/or retention rates.
- **Demonstration authority:** Authorize a demonstration authority to fund high-need urban and rural districts to help these districts put in place strategies and supports for students to meet challenging standards. This demo authority should be linked to a serious evaluation/ applied research study to better understand “what works” in ending social promotion the right way. Research demonstrates that neither retention or social promotion works, but we have not carefully studied innovative models of reform (such as Boston’s reform to work with students over 18 months to get them up to grade-level). Best practices and innovative models could be disseminated widely. This authority would send a clear message that it takes dollars and hard work to put the supports in place that a district needs to help kids meet challenging standards on time.

Option D: Submit Bill to End Social Promotion Separately from ESEA

- Shift the social promotion policy debate away from ESEA by offering up a separate bill to end social promotion. The bill could include changes suggested by the civil rights community, such as strengthening the supports for students who fail to meet promotion standards and clarifying the use of multiple measures by focusing less on the use of at least one valid assessment.

SPIN MESSAGE ON THE POSITIVE

The civil rights community sees the message of “ending social promotion” as pointing fingers at students. Others have suggested a more positive message about helping students to succeed, including:

- Hugh Price calls for an “Academic Bill of Rights”
- Gov. George W. Bush calls his social promotion policy the “Student Success Initiative”
- Senator Diane Feinstein’s Social Promotion bill is called the “Student Achievement Act of 1999”

We need to be out front with a message that our social promotion policy is about helping students succeed. If we focus on fourth grade, we can send a message that our policy is about “early intervention to end social promotion and retention.”



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FAX TRANSMITTAL

TO Bureau Lead
White House - Domestic Policy

PHONE 456-6515 FAX ~~456-2878~~
456-5542

FROM Mike Cohen

PHONE 401-1311 FAX 401-0596

PAGE (S) TO FOLLOW 3 DATE 4/13/99

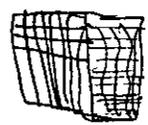
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FAX TO MIKE:

401-0596

+cc to EK + Barbara
+ return

MEMORANDUM

TO: Interested Parties
FROM: National Council of La Raza¹
DATE: February 18, 1999
SUBJ: Senate Bill 1: Social Promotions Bill

Background

Governor George Bush's "Student Success Initiative," as embodied in Senate Bill 1, seeks to end the practice of "social promotion" and increase student achievement by (1) requiring that students in the third, fifth, and eighth grades pass certain sections of the TAAS by 2003, 2005, and 2008, respectively; (2) requiring early intervention and accelerated instruction to students at-riskⁱⁱ of failing the required TAAS sections; (3) providing additional state funding for accelerated instruction; (4) increasing state support for voluntary teacher training; and (5) integrating the test results into the state's school accountability system.ⁱⁱⁱ

The proposal exempts English Language Learners (ELLs) from the tests for an unspecified period of time. In addition, according to the Governor's office, the Texas Education Agency is in the process of "developing and implementing both [diagnostic] English proficiency exams and a Spanish version of the TAAS," and that these tests "will be reliable enough" to be used by the time the program is fully implemented.^{iv}

Analysis

The proposed system has much to recommend it. Unlike some other accountability and assessment schemes proposed at the national level and in other states, the initiative both requires early intervention and provides state resources to support such intervention. Moreover, it requires that these supports be in place prior to the imposition of "high stakes" tests on children, albeit for only a limited period of time. In addition, the threat of negative exposure for and sanctions against poorly-performing schools should help to promote increased accountability for the school, as well as the child, for improving performance.

However, the system also poses serious dangers for disadvantaged and language minority children; specifically:

- Research demonstrates that the establishment of high stakes testing systems has disproportionately negative effects on low-income and minority children, who start school with significant disadvantages that subsequently are magnified by disparities in funding, the quality of facilities and teaching, and low expectations.^v
- Furthermore, children who are held back under the proposed system are unlikely to be able to recover; research shows that children who are retained in grade are much more likely to drop out.^{vi}
- Despite its many strengths, there are several key unanswered questions about the proposed system, including:
 - Effectiveness of teacher training: The proposed system provides for voluntary training, with a modest stipend to encourage attendance. It is not yet clear how extensive – or effective – this system will be in assuring more effective instruction for the children who need it most.
 - Effectiveness of early intervention: While the system requires early intervention, it does not prescribe either the form(s) of intervention or criteria to be used to select the most appropriate types of instruction, leaving this to a committee composed of the parent, the principal, and the subject area teacher. There appears to be some danger that the very administrator and teacher responsible for failing to prepare the child for the test in the first place will be in charge of determining the type of intervention required.
 - Effectiveness of accountability system: Although the state’s existing system would appear to impose strict accountability on school systems and already has resulted in substantial test score improvements of disadvantaged and minority children, it is also true that significant disparities remain between these students and others.^{vii} In addition, the efficacy of the system in producing meaningful and lasting reductions in the performance gap between at-risk students and others – as opposed to overall increases in performance – have yet to be fully demonstrated.
 - Treatment of English Language Learners: The promised diagnostic and achievement tests for ELLs have yet to be produced, much less tested and proven over time.^{viii} Moreover, how school systems will treat such students in the context of the new system is uncertain. On the one hand, if such students are routinely exempted from testing requirements, the accountability system will not create incentives for schools to improve this group’s performance. On the other hand, if the tests prove invalid, or if they are used inappropriately, ELLs are likely to experience disproportionate increases in grade retention, and their chances of dropping out will increase significantly.

NCLR Position

The National Council of La Raza does not support “social promotion,” and is convinced that all students can achieve high standards. Moreover, notwithstanding the very serious dangers

associated with the use of “high stakes” tests of any kind, NCLR is encouraged by the many progressive and innovative elements of S.B. 1.

However, given the above analysis, **NCLR cannot support the bill as currently drafted without the inclusion of several improvements.** NCLR recommends that:

- **Full implementation of the bill be conditioned on the demonstration that the full range of support and accountability systems are in place, including:**
 - Completion of requisite teacher training by some reasonable percentage of teachers in schools with large numbers of at-risk students;
 - An independent assessment that the early intervention and school accountability systems are working effectively;
 - Demonstration of the validity and reliability of both diagnostic English tests and Spanish versions of the TAAS, accompanied by regulations or guidance from TEA prescribing appropriate testing protocols for ELLs.

- **Both more information and stricter criteria be required to determine the appropriate form(s) of accelerated instruction for at-risk students, including:**
 - A district-by-district assessment of the efficacy of various accelerated instruction programs, to be carried out by TEA prior to the third year of the new system (2001-2002 school year).
 - A requirement that information, including performance data disaggregated by race, gender, and ethnicity, of various options within the school and district in question, including alternative and charter schools, be made available to parents to inform the choice of accelerated instruction.
 - A series of pilot programs to test community-based, alternative and charter school programs with respect to their effectiveness as options for accelerated instruction.

For more information, please contact NCLR Texas Office Director Clarissa Martinez De Castro at (210) 212-4454.

End Notes

ⁱ The National Council of La Raza (NCLR) is the nation's largest Hispanic organization, representing more than 225 affiliates – local, community-based organizations who together provide education, employment, housing, and social services to more than three million Latinos each year. NCLR provides capacity-building technical assistance to its affiliates and other community-based groups, and conducts research, policy analysis, and advocacy on behalf of all Hispanics in the U.S. NCLR has more than 30 affiliates in the State of Texas, and in 1999 established a full-time policy analysis and advocacy capacity to monitor and shape state policy issues of importance to Hispanic Texans.

ⁱⁱ The bill requires that all students receive at least three opportunities to pass the TAAS. For the purposes of this analysis, the term “at risk” includes low-income and minority students, as well as students who do not pass one or more of the diagnostic or TAAS tests on their first or second tries.

ⁱⁱⁱ Senate Bill 1, An Act relating to the promotion of public school students. See also Governor's Office publications, “Governor's Student Success Initiative,” and “Social Promotions Bill, Questions and Answers,” undated, but released in 1999.

^{iv} See “Social Promotions Bill,” *op. cit.*

^v See, for example, Fisher, et. al., *Latino Education: Status and Prospects*, State of Hispanic America, 1998, Washington, D.C.: National Council of La Raza, October 1998.

^{vi} *Latino Education: Status and Prospects*, *Ibid.* See also, “Social Promotion is Bad; Repeating a Grade May be Worse,” *New York Times*, January 22, 1999.

^{vii} Although test score gaps between minority students and the general population are narrowing faster in Texas than in any other state, other data suggest that attrition rate gaps have not been significantly reduced. See, for example, Intercultural Research Development Associates, “Attrition Rates in Texas Public Schools by Race-Ethnicity,” IDRA Research Results, 1998.

^{viii} In this connection, the Governor's Office prediction that these tests will be proven reliable by the time the system is *fully implemented* is unproven. The system provides for a four-year phase-in, with the “protection” of at least two years (for fifth-graders) of early intervention (accelerated instruction) for students whose diagnostic tests demonstrate risk of failure (three years for third-graders; three years for 8th graders). Any time spent perfecting tests for ELLs will reduce proportionately the time available for, and presumably the effectiveness of, accelerated instruction for this group.



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MEMORANDUM

TO: Maria Echaveste
FROM: Kaydee J. Kirk, Research Assistant
DATE: February 18, 1999
SUBJECT: Latino Educational Improvements in Texas

Cecilia Muñoz and Charles Kamasaki asked me to collect some additional information regarding the progress that Latino students in Texas have made in their educational achievement. As you may recall, you discussed this education request about a month ago and it has subsequently taken some time to compile the relevant statistics. In particular, we include data on Ysleta, the poor, predominantly Latino school district that has reduced the Hispanic dropout rate significantly compared to the rest of the state and the nation, and that has registered major overall improvements in educational attainment.

Overview of Texas Educational Achievement

Two sets of education data give us a sense of the achievement of Latino students in Texas.

First, the state of Texas has implemented a widely-cited accountability system based on the Texas Assessment of Academic Skills (TAAS), a series of yearly statewide tests in reading, writing, and math given to students in grades three through eight and grade 10. In 1994, barely half of all Texas students passed the TAAS math exam. By 1997, the proportion had climbed to 80 percent. **Moreover, the share of Black and Hispanic children who passed the test doubled during that time to 64 percent and 72 percent, respectively.**

Second, among the 39 states that participated in the 1996 National Assessment of Educational Progress (NAEP) in fourth-grade math, Texas finished in the top 10, alongside states such as Maine, North Dakota, and Wisconsin, which have far fewer low-income and minority students. The state's African-American fourth-graders and Title I fourth-graders scored higher in math, on average, than their counterparts in every other state, and its Hispanic children finished sixth among Hispanic children nationwide.

Like every other state, Texas still has a broad racial achievement gap: in fourth-grade math, 53 percent of Blacks and 45 percent of Hispanics scored below the "basic" level, compared with 15 percent of Whites. But the gap is narrowing faster in Texas than in any other state. For example,



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nationwide in fourth-grade math, 68 percent of Blacks and 60 percent of Hispanics scored below the "basic" level, compared with 26 percent of Whites. Thus, Texas Blacks and Hispanics have a 13 and 15 percentage point advantage over their counterparts nationwide.

Perhaps just as importantly, these improvements in test scores do not appear to have been accompanied by increases in the dropout rate or by other anomalies. Previous experience with certain reform models based on "high stakes" tests suggested that some school systems might exempt certain populations from testing—by reducing dropout prevention efforts, limiting testing of language-minority children, failing to test charter school and alternative school children, etc.—in order to artificially boost test score averages. Contrary to this expectation, the data suggest that the percentage of children in Texas exempted from the TAAS for limited English proficiency has not increased since 1993. There is a dual emphasis on raising standards and including the maximum number of students. In fact, scores for Hispanic students who take the TAAS in Spanish are reported, and those scores will soon influence the rankings. Moreover, Texas's rising NAEP scores confirm that the gains are genuine.

An examination of attrition rates reveals that both the overall and Hispanic dropout rates appear to have been essentially static during the 1996-98 period. The statewide attrition rate for White, Black, and Hispanic students went from 31 percent, 51 percent, and 53 percent, respectively, in 1995-96 to 31 percent, 49 percent, and 53 percent, respectively, in 1997-98.

Ysleta Independent School District

In particular, the Ysleta Independent School District (YSD) in El Paso, Texas has been a noteworthy model for successful school reform in the U.S. Ysleta's student body is 86 percent Hispanic, 11 percent White, and three percent African-American. Approximately 40 percent of the enrollment is predominantly Spanish-speaking, and 75 percent of the student population is below the poverty level.

Despite the fact that YSD has a majority of students who are economically disadvantaged and that nearly 90 percent of its students are Hispanic, it outscored all the urban school districts in Texas on the TAAS in 1997. Specifically:

- ◆ **All Ysleta students score high on all sections of the TAAS.** Of all YSD students, at least 85 percent passed the Reading exam, 81 percent passed the Mathematics exam, and 86 percent passed the Writing exam of the TAAS in 1997.
- ◆ **The percentage of Ysleta students who pass the TAAS has risen considerably in the past five years.** From 1993 to 1998, the percentage of YSD students who passed the state reading tests rose from 63 to 89 percent. In math, the proportion jumped from 41 percent to 86 percent.

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- ◆ **Among the state's eight largest school districts, Ysleta students pass the TAAS at far higher rates than their peers.** According to state data, fewer than two-thirds (62 percent) of all Hispanic students in the state recently passed all three TAAS tests (compared to over four-fifths or 85 percent of Whites). Ysleta, with a nearly 90 percent Hispanic student body, is far exceeding the state average, since the proportion of Ysleta students passing all three tests matches the level of White students who pass statewide.
- ◆ **Ysleta is the highest-achieving urban school system in the state of Texas.** More than 80 percent of YSD students pass all three TAAS tests. By comparison, Austin Independent School District, a center of Texas technology and a city populated with educated professionals, has a smaller percentage of students passing the TAAS — 74 percent passed the Reading exam, 64 percent passed the Mathematics exam, and 77 percent passed the Writing exam. Furthermore, YSD has a *dropout rate* of 2.1 percent, compared to Austin's 4.6 percent. If a test like TAAS were implemented nationally, experts argue that Ysleta would outscore all urban school systems in the nation.

These significant improvements in levels of achievement have reached all students, including Limited English Proficient (LEP), low-income, and minority students. YSD has a large immigrant population (at any one time, 22 percent of its students have limited English skills, versus 13 percent statewide), yet Ysleta does not use this as an excuse for poor performance. At least 80 percent of Ysleta students overall and 80 percent or more of the students *in each* of the five subgroups — Hispanic, Black, White, Asian, economically disadvantaged — passed the TAAS. Moreover, the achievement gap between White and Hispanic students in Ysleta has been slashed by two-thirds.

Conclusion

These data demonstrate that school districts such as Ysleta, with predominantly poor and minority student populations, are indeed able to meet and surpass high standards and produce high-achieving students. We believe that YSD can serve as a model for other similar school districts across the U.S., and that its approach should be used to improve the educational attainment and achievement levels of Latino students.

Having said that, extreme caution is warranted in drawing broad lessons from these data. The Texas accountability system is far more comprehensive, with greater protections for disadvantaged students, than those implemented by most other states. Moreover, even within Texas there are numerous examples of low-income and minority students and schools where achievement has not risen rapidly; in these cases, the state's high school exit exam has

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disproportionately harmed such students by preventing them from obtaining a high school diploma. Furthermore, the extent to which conditions in places like Ysleta are replicable or sustainable through public policy initiatives is not clear; some argue persuasively that they are the exception and not the rule.

However, at a minimum the Texas experience in general and Ysleta in particular demonstrate that significant, net improvements in overall test scores and reductions in ethnic disparities in test scores are achievable without concomitant increases in dropout rates.

cc: Christopher Edley, Jr.
Raul González
Charles Kamasaki
Cecilia Muñoz
Raúl Yzaguirre

DRAFT 4/2/99

SEC. XXX5. Title XI of the Elementary and Secondary Education Act, as redesignated by section XXX1(1), is further amended by adding a new part B to read as follows:

“PART B—IMPROVING EDUCATION THROUGH ACCOUNTABILITY

“SHORT TITLE

“SEC. 11201. This part may be cited as the “Education Accountability Act of 1999.”

“PURPOSE

“SEC. 11202. It is the purpose of this part to improve academic achievement for all children, assist in meeting America’s 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 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 on the status of education and educational progress in the State, its local educational agencies, and its schools.

“PROMOTION AND GRADUATION POLICY

“SEC. 11203(a) IN GENERAL. A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11207, have in effect a promotion policy that is designed to end social promotion and traditional retention practices in its local educational agencies and schools and that meets the requirements of subsection (b). For the purposes of this section, the term ‘traditional retention practices’ means practices that do not provide for specific instructional interventions to assist all students in meeting the promotion standards.

“(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) or(C) of this Act, as the case may be, 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);

“(2) in accordance with subsection (d), require the use of multiple measures to determine whether a student has met applicable standards for promotion, including—

“(A) the use of at least one assessment that is valid and reliable for the purpose of promotion, including that it fairly and accurately measures what the student has been taught; and

"(B) other indicators as determined by the State, such as teacher evaluations, that are appropriate for that purpose;

"(3) provide to all students educational opportunities with qualified teachers who—

"(A) are supported by high-quality professional development; and

"(B) use proven instructional practices that cover the material on which children will be assessed under paragraph (2) and that are aligned with the State's challenging standards;

"(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—

"(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, in the case of students with disabilities, goals and objectives or benchmarks 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 its local educational agencies to offer multiple opportunities for students to meet the promotion standards;

“(6) require its local educational agencies and 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.

“(c) PLAN CONTENT. A State shall include in its accountability plan under section 11207—

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

“(2) the strategies and steps (including timelines 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.

“(d) TITLE I ASSESSMENT OF LIMITED ENGLISH PROFICIENT STUDENTS. If an assessment in reading or language arts under section 1111(b)(2)(F)(v) of this Act is used for promotion purposes for limited English proficient students who have attended school in the United States (not including Puerto Rico) for three or more consecutive years, that assessment must be determined to be valid for such purposes and must be used in conjunction with another assessment, which must be in the student's native language, and other appropriate indicators, as determined by the State, such as teacher evaluations.

“ENSURING TEACHER QUALITY

“SEC. 11204 (a) IN GENERAL. A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 1120, 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) 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 percent of the teachers in public schools in the State are certified or—

“(A) have a baccalaureate degree and 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 where they are teaching;

“(2) not less than 95 percent 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.

“(c) PLAN CONTENT. (1) A State shall include in its accountability plan under section 11207 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 its accountability plan under section 11207, a State shall assure that, in carrying out this policy, it will not decrease the rigor or quality of its teacher certification standards.

“SOUND DISCIPLINE POLICY

“SEC. 11205 (a) IN GENERAL. A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11207, have in effect a policy that requires its local educational agencies and schools to have in place and implement sound discipline policies, in order to ensure a safe, orderly, and drug-free learning environment in every school.

“(b) POLICY. A State discipline policy under this section shall require local educational agencies 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 this 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 case of students who are suspended or expelled from school, include a plan for helping such students continue to meet the State's challenging standards, which may include such approaches as in-school suspensions, make-up classes after school or on weekends, or educational services in alternative settings.

“(c) PLAN CONTENT. A State shall include in its accountability plan under section 11207 an assurance that it has in effect a policy that meets the requirements of this section.

“EDUCATION REPORT CARDS

“SEC. 11206. (a) IN GENERAL. (1) A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11207, 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 local educational agencies and schools that meet the requirements of this section.

“(2) Report cards under this section 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 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;

“(C) 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 of 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; and

“(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 information on—

“(A) longitudinal achievement scores from the National Assessment of Educational Progress or State assessments;

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

“(C) participation in extended learning time, such as after school and summer programs; and

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

“(c) CONTENT OF LOCAL EDUCATIONAL AGENCY AND SCHOOL

REPORT CARDS. (1) The State shall ensure that each local educational agency and each school in the State includes in its annual report card, at a minimum—

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

and

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

“(I) the number of schools identified as low-performing schools, such as schools identified under section 1116(c)(1) of this Act; and

“(II) information that shows how students in its schools performed on the statewide assessment compared to students in the rest of the State; or

“(ii) in the case of a school—

“(I) whether it has been identified as a low-performing school; and

“(II) information that shows how its students performed on the statewide assessment compared to students in the rest of the local educational agency and the State.

“(2) A local educational agency and a school may include in its annual report card the information described in subsection (b)(3) and any other appropriate information.

“(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 local educational agencies in the State, and made broadly available to the public.

“(2) Local educational agency 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, through such means as posting on the Internet.

“(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, through such means as posting on the Internet.

“(e) PLAN CONTENT. A State shall include in its accountability plan under section 11207 an assurance that it has in effect a policy that meets the requirements of this section.

“EDUCATION ACCOUNTABILITY PLANS

“SEC. 11207 (a) IN 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 11203(c), 11204(c), 11205(c), and 11206(e);

“(2) an indication that the Governor and the State educational agency concur with the plan; and

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

"(c) REPORTS. (1) 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, and shall include such report in its consolidated State performance report under section 11308.

"(2) In reporting on its progress in implementing its social promotion policy under section 11203, a State shall assess the effect of its policy, and its implementation, in improving academic achievement for all children and otherwise carrying out the purposes specified in section 11202.

"(d) RELATIONSHIP TO CONSOLIDATED PLAN. (1) If a State submits a consolidated State plan under section 11302, 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.

"(e) 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 accountability plans under this part, the Secretary shall employ the peer review procedures under section 11302(e).

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

“AUTHORITY OF SECRETARY TO ENSURE ACCOUNTABILITY

“SEC. 11208 (a) REMEDIES FOR SUBSTANTIAL FAILURE. If the Secretary determines that a State has failed substantially to carry out a requirement of this part or a provision in its approved accountability plan under section 11207, or that its performance has failed substantially to meet an indicator in such plan, the Secretary shall take one or both of the following steps 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; or

“(2) requiring a plan for corrective action.

“(b) REMEDIES FOR PERSISTENT FAILURE. If the Secretary determines that a State has persistently failed to carry out substantially a requirement of this part or a provision in its approved accountability plan under section 11207, or that its performance has persistently failed to meet substantially an indicator in such plan, the Secretary shall, in light of all the circumstances, including the degree to which the State 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) Suspending or terminating authority to receive waivers under

applicable ED-Flex authority.

“(2) Suspending or terminating eligibility to participate in competitive programs under this Act.

“(3) Withholding, in whole or in part, State administrative funds available under this Act.

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

“(5) Imposing one or more conditions upon the Secretary’s approval of a State plan or application under this Act.

“(6) Taking other action authorized under part D of the General Education Provisions Act, such as a cease-and-desist order or compliance agreement.

“(7) Taking any other appropriate accountability step that is consistent with this Act.

“RECOGNITION AND REWARDS

“SEC. 11209 (a) IN GENERAL. If the Secretary determines that a State has demonstrated significant, statewide achievement gains 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) REWARDS. 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) AUTHORIZATION. There are authorized to be appropriated for fiscal year 2001 and each of the four succeeding fiscal years, such sums as may be necessary to carry out subsection (b)(3).

“BEST PRACTICES AND MODELS

“SEC. 11210. In implementing this part, the Secretary shall, after consulting with State and local educational agencies and other agencies, institutions and organizations with experience or information relevant to the purposes of this part, and disseminate information about best practices, models, and other forms of technical assistance.

“CONSTRUCTION

“SEC. 11211. Nothing in this part shall be construed as affecting home schooling or the application of the civil rights laws or the Individuals with Disabilities Education Act.”.