

H.R. \_\_\_\_, to reauthorize the Elementary and Secondary Education Act of  
1965

## SUMMARY OF DISCUSSION DRAFT

### **Title I – Improving the Academic Achievement of the Disadvantaged**

#### **Title I, Part A – Disadvantaged Children Meet High Academic Standards**

Title I, Part A is the largest program in the Elementary and Secondary Education Act and authorizes federal aid to State and local educational agencies for helping educationally disadvantaged children achieve to the same high State academic achievement standards as other students.

**Graduation Promise Fund** - Establishes new resources for high schools with the lowest graduation rates to support school-wide improvement activities, including data-driven decision making, improved curriculum and instruction, personalization of the school environment, staff collaboration and professional development, and individualized student supports. Establishes, identifies and provides services to middle school students who are most at risk of dropping out. Provides counseling services to students at risk of dropping out.

**College and Work-Ready Standards and Assessments** - Establishes college and work-ready standards and assessments by incentivizing states that have not already done so to review their standards in light of national and international benchmarks and collaborate with the business and higher education community in the state to develop standards that are aligned to the skills and knowledge necessary for success in college and the workforce. States that choose to revise their standards would, as part of this process, fully align their state assessments to the new standards, ensure that assessments measure critical skills such as problem-solving and application of knowledge and meet high technical quality standards.

**Multiple Indicators/Assessments** - Allows states to use more than a single test for accountability purposes. States can use multiple, state-developed assessments taken at different points in time to measure AYP and may consider more than reading and math assessments in the final AYP determination. Such additional indicators of school progress include graduation rates, dropout rates, college enrollment rates, percentages of students successfully completing end of course exams for college preparatory courses, assessments in history, science, civics and government, and writing, and improvements in the performance of the lowest and highest performing students in the school. Substantial improvement on such indicators may provide credit of up to a total of 15% of elementary schools' Annual Measurable Objectives and 25% of high schools' Annual Measurable Objectives. Requires states to make itemized score analyses understandable and useful to schools.

**Growth Models** - Allows states to integrate measurement of student academic growth into the state's definition of adequate yearly progress. Rather than mandating use of one specific growth model the bill lays out principles for growth models, thus allowing for flexibility and innovation as new models are developed. Growth model principles include:

- Continuing the expectation that all students in each subgroup will be proficient by 2013-2014 or be on a trajectory for proficiency within 3 years;
- Establishing annual measurable objectives that are based upon the state's proficient levels and not upon individual student background characteristics;
- Establishing separate, measurable growth targets for mathematics and reading/language arts;
- Ensuring all students who take the state's assessment are included in the state's accountability system;
- Including comparable results from grade-to-grade and year-to-year within the definition of AYP; and
- Including rates of student participation in assessments and academic achievement as separate indicators in determining AYP.

In order to use a growth model, states need to have in place longitudinal data systems that compare the same group of students each year. These data systems will include certain elements, including:

- An ability to match individual student scores on state academic assessments from year to year;
- A unique student identifier so test scores can be monitored while individual privacy is protected and a unique teacher identifier that matches student records to the appropriate teacher;
- Enrollment, attendance, demographic and program participation information including individual student membership in subgroups at the school, grade and classroom level;
- Student-level data on the entrance and exit of the education system for each student including first-time grade enrollment, grade level retention, transfer status, and drop out rates.

**Performance Index** - Allows states to get partial credit towards their AMOs for increasing the numbers of students who move from below basic to basic and proficient to advanced.

### **N size and Confidence Intervals**

- Under NCLB, states are required to set a minimum subgroup size, or "n size," for both reporting and accountability purposes. Since passage of NCLB, a number of reports have surfaced that show large "n sizes" as approved by the Department of Education mean that nearly two million students, mainly disadvantaged students, are not being counted when schools report AYP by student groups. The discussion draft closes this loophole by setting a maximum "n size" of 30, which will yield

statistically reliable information without producing personally-identifiable information about individual students.

- Sets a maximum confidence interval of 95% and 75% on Safe Harbor. Improves accountability by prohibiting confidence intervals around multiple indicators and growth models.

**English Language Learners (ELLs)** – Under current law, states and local school districts are required to assess English Language Learners (ELL) in both reading/language arts and math, as well as in English language acquisition, in order to ensure they are learning English. The discussion draft would:

- Consistent with state law, require states with more than 10 percent of ELLs who share the same language within the state will develop valid and reliable native language assessments designed specifically for that language group.
- Provide funding to develop appropriate assessments for ELLs (Title VI).
- Require the Secretary to withhold 25 percent of administration funds from states that do not have in place a valid and reliable system (i.e. native language assessments, portfolio assessments, research based and simplified English assessments) of measuring ELLs within two years from the date of enactment.
- To ensure that ELLs remain in the accountability system while giving states time to develop appropriate assessments and accommodations, allow state to use the English Language Proficiency test for the purpose of determining AYP in reading/language arts for the students with the lowest levels of English proficiency for no more than two years from enactment.
- Authorize states to use portfolios and other alternate valid and reliable assessment measures to assess English Language Proficiency of ELL students.
- Allows states and school districts the flexibility to test ELL students using alternate, valid and reliable assessments, such as native language assessments for up to five years (up from three years in current law), with the option of providing a local educational agency-approved waiver for an additional two years on a case-by-case basis.
- Allow states to exclude the assessment results of recently arrived ELLs (those who have been in the country for less than one year) when determining AYP.
- Allow ELL students to remain in that group for accountability purposes for three years after they exit the program.
- Require states to identify accommodations used in assessing ELLs and students and for state plans to demonstrate how the state will prepare teachers to use accommodations appropriately.

**Students with Disabilities** -- Under current law and consistent with the Individuals with Disabilities Education Act (IDEA), all students with disabilities are required to participate in state accountability and assessment systems. To this end, states are required to include the scores of students with disabilities when determining whether schools and local educational agencies have met their AYP goals for the school year. The discussion draft would maintain these important provisions, but:

- Provides funding to develop appropriate assessments for students with disabilities. States will have 2 years to come into compliance with this requirement or face a loss of up to 25% of state administrative funds.
- Allows special education students to remain in that group for accountability purposes for three years after they exit those programs.
- Maintains the policy that allows the proficient scores of 10% of students with disabilities (1% percent of all students) with the most severe cognitive disabilities who take alternate assessments based on alternate standards to count as proficient when determining AYP.
- For three years, continues the regulation that allows the proficient scores of 20% of students with disabilities (2% of all students) who takes modified assessments based on modified achievement standards to count as proficient when determining AYP. Requires the Secretary to review key studies and re-regulate the issue based on the results of such studies after 3 years
- Allows certain districts with high numbers of students with disabilities to get a waiver to waive the 2% percent cap up to 3% without such students counting against the state's overall cap.
- Ensures more students with disabilities have access to state assessments by requiring that state assessments minimize the effect of construct irrelevant barriers factors such as bias and disability and maximize the number of allowable accommodations.

**Peer Review** - Creates a more transparent peer review process. Allows states the fair opportunity to amend their plans before the Secretary can decline to approve any plan.

**Report Cards** - Includes opportunities for parent and community involvement and rates of suspension and expulsion disaggregated by subgroup on the local report card. Requires disaggregated reporting of key school resource indicators for the highest and lowest achieving deciles of public schools in the state.

**Other Elements of the State Plan** - Requires states to collect data and report on non-academic barriers to learning and to learning and to collaborate with public and private organizations to help reduce such barriers to student achievement. Ensures that states disseminate information on including community-based organizations in parental involvement activities. Ensure accessible curricula for ELLs and special education students.

**Comparing State Standards** - Directs the National Academy of Sciences (NAS) to study how best to compare standards across states and directs the Secretary to develop a common scale using the results of the NAS study.

**Local Educational Agency Plans** - Substantive changes include developing a plan to identify and assist students at risk of dropping out, reporting on community involvement, ensuring accessible curricula for ELLs and special education students and providing access to current instructional materials aligned with state standards.

**School Improvement and Assistance and School Redesign** – Under current law, schools that have not made state-defined AYP for two consecutive school years are identified by the school district as “in need of improvement” before the beginning of the next school year. These schools receive technical assistance to improve performance, develop a plan to turn around the school, and are eligible to receive Federal funds for school improvement. Under current law, school districts are also required to offer public school choice and Supplemental Educational Services (SES) to students in low-performing schools, and schools are required to implement various corrective action and restructuring interventions to improve the school.

**School Improvement and Assistance** -- The discussion draft would replace the current system because of the concern that, under the law, all schools regardless of their circumstances are treated the same and subject to the same interventions despite differences in performance. The discussion draft would:

- Create two separate and distinct school improvement and assistance systems: (1) one for “Priority Schools” that would include those schools that miss AYP in one or two student groups and need only minor interventions; and (2) another for “High Priority Schools” which would include those schools that miss AYP in most, if not all, of their student groups and need more substantial assistance. Schools that are close to reaching AYP will not be subject to the same level of intensity of interventions as schools that are chronically struggling.
- Remove the requirement that all schools that miss AYP provide students with supplemental educational services and choice and, instead, would limit this requirement to High Priority Schools.
- Require all schools that miss AYP to:
  - Provide their teachers with high-quality professional development, including state-of-the-art mentoring for all new teachers. Professional development must be aligned to the state’s standards and the curriculum they are teaching, directly addresses the student’s academic achievement needs, and incorporate the results of formative assessments;
  - Ensure that students who need the most help are assigned to the teachers best equipped to help them by ensuring that no student in the school is taught for two consecutive years by novice or out-of-field teachers (or, if school capacity does not allow this, publicly reporting on the inequities to parents, the school district, and the local community.)
- Provides a range of proven intervention options for schools: High Priority elementary schools will adopt at least the first three proven interventions listed below, High Priority secondary schools will adopt at least the first four interventions and Priority Schools will choose at least any two of the following proven interventions, targeting them to the subgroup(s) that are struggling:
  - **Proven Instructional Programs**—schools can revise their instructional programs in order to better align them with the state’s standards. In the case of high schools, this can include improving rigor by ensuring that a

full college and work-ready curriculum is available consistent with the Academic Competitiveness Initiative, including increases in AP and similar courses, dual enrollment or early college secondary school opportunities; creating contextual learning opportunities aligned with work-readiness such as high-quality career and technical education; or implementing integrated curriculum.

- **Formative Assessments and Data-Based Decision-Making**—schools can adopt use of formative assessments that provide teachers with real-time diagnostic information on their students’ progress and can inform their instruction;
  - **Parental Options**—schools can adopt use of free after-school tutoring for low-income students and public school choice as consistent with state law;
  - **Personalized Learning Environments**—schools can provide activities that increase student engagement and attendance, including dropout recovery and credit completion programs, smaller schools, and 9<sup>th</sup> grade transition programs;
  - **Extended Learning Time**—schools can increase students’ access to after school, summer school and other learning opportunities that go beyond the current typical school day, which may include extra instruction in reading and math;
  - **Supervised Intervention Models**—schools can use supervised intervention models for low-performing schools (such as Response to Intervention approaches, tiered instructional interventions); and,
  - **Specialized Support and Parent and Community Involvement**—schools can offer extra help for students with diverse learning needs, such as English Language Learners and students with disabilities – and additional counselors, social workers, and other supports including activities that link families with support services that help meet students’ non-academic needs. In the case of high schools, this can career academies and other student engagement activities.
- **Redesign** – The bill would create two separate and distinct redesign systems: (1) one for “Priority Schools” and another for “High Priority Schools”.
  - Requires “Priority Redesign Schools” to institute significant revisions in their instructional and leadership programs and support services provided to the groups of students that did not meet proficiency targets and review the performance of the school leadership and all staff serving that group of students.
  - Requires “High Priority Redesign Schools” to close the school, which could be reopened only after a comprehensive redesign of its instructional program and the staffing of the school; close the school and reopen it as a charter school; or reconstitute the school’s leadership and staff and significantly revise the instructional program in the subject areas for which the school was identified as not making AYP.
  - Requires school districts to limit the number of “High Priority Redesign Schools” to 10 percent or 50 schools, whichever is less. Schools that exceed the 10 percent cap will implement the measures specified for “Priority Redesign Schools” and other interventions to improve the academic achievement of its non-proficient students.

**School Support, Recognition of Success, and Bringing Success to Scale** – Establishes an academic achievement awards program to identify and reward schools districts that have made the greatest gains in closing the achievement gap so that they may serve as models and provide support for other school districts. Facilitates innovative partnerships between school districts and the philanthropic and business communities that will help sustain successful school reform and bring it to scale. Requires states to establish a statewide system of intensive, sustained support and improvement for the schools and districts in greatest need of support and assistance.

**Parental Involvement** - Strengthens Parental Involvement policies by giving parents an opportunity to be involved in helping form school policies, goals, and reforms. Schools must show how they will receive and process parent feedback on the policy. To help engage parents in school educational goals, school-family compacts will be based on a school's current student achievement data and academic goals. To improve outreach to parents, schools will be encouraged to use multiple forms of communication to get parents the information they need about school and parent programs, meetings, and other activities by using web sites, e-mails, newsletters, telephone calls, home visits, cable TV shows, and district publications to reach out to parents.

**Qualifications for Teachers and Paraprofessionals** - Requires that all students be taught by teachers who meet at least a minimum standard of qualifications and for SEAs and LEAs to report on their progress of ensuring that all teachers are highly qualified.

**Participation of Children Enrolled in Private Schools** – Current law establishes criteria for the equitable participation of private school students and teachers in programs under Title I, Part A. The discussion draft clarifies which funds are subject to equitable participation requirements and how the proportion of such funds to be provided for services for private school students may be determined. Requires local educational agencies, under certain circumstances, to explain why consensus was not reached during the consultation process.

**Closes Comparability Loophole** - ESEA contains “comparability provisions” that are intended to ensure that Title I schools are not shortchanged by state and local funding formulas. The theory is that when Title I funds are applied to an equal funding base, then Title I funds can provide extra help for low-income students – an essential part of closing the achievement gap. Yet the current NCLB includes a large loophole that actually allows school districts to provide high-poverty schools with less state and local funding, which is measured largely through teacher salaries. Closing this loophole will ensure that Title I schools – and the students who attend them – get their fair share of state and local resources as measured through teacher salaries. Requires districts to attain equity in teacher distribution and to include this information on district report cards.

**Longitudinal Data Systems** – Since longitudinal data systems are necessary to implement growth models, each state will develop and implement a longitudinal data system within 4 years of the passage of this bill. Data collected by these systems include

student academic achievement results, graduation rates and other data elements related to academic achievement. Includes requirements for creating the longitudinal data system.

**Graduation Rates** – Makes improving graduation rates a priority by:

- **Graduation Rate definition:**  
Sets a single definition of graduation rate to be used across states. The rate includes the option for a 4 or 5 year rate.
- **Graduation Rates AYP:**  
Ensures real accountability for graduation rates by requiring disaggregation of data and by requiring a rigorous, but reasonable, rate of growth that all schools must meet to make AYP. States will either require schools to meet an average growth target of 2.5 percentage points per year to make AYP (3 percentage points if a 5 year rate is used) or may develop an alternate system that is equally rigorous and results in closing the achievement gap between subgroups by 2019-2020.
- **Credit for Meeting Full Graduation Rate Requirements:**  
If schools meet the full state growth target for specific groups of students, it can get credit of up to 15% of their AMO in determining AYP for that group. Creates a single measure for reporting and requires high schools to meet benchmarks for increasing graduation rates with an end goal of a 90% rate. Requires disaggregation of graduation rate data. Allows students who graduate in 5 years to count towards the school's definition of graduation rate.

### **Title I, Part B – Student Reading and Literacy Skills Improvement Grants**

Title I, Part B, includes the law's literacy programs, including Reading First, which provides assistance to States and local educational agencies in establishing scientific research-based reading programs for all children in kindergarten through grade three and Early Reading First, which enhances reading readiness for children in high poverty areas, and where there are high numbers of students who are not reading at grade level. The title also includes the Even Start Family Literacy Programs, which provides literacy services to parents and their children in order to break cycles of low literacy. The text of Title I, Part B, will be provided at a later date.

**Pilot Program to Include Locally Developed Measures** - Establishes a 15-state pilot project where, in addition to state-wide assessments, states can include a system of high quality, comparable local assessments that are rigorously aligned with state standards to augment the adequate yearly progress determination. The state shall establish a rigorous quality control system and in an ongoing way ensure that districts with high percentages of poor and minority students are held to the same high standards. States will have to conduct an independent evaluation to ensure the validity and reliability of their system and that assessments measure the same high standards across districts. Based on the results of the evaluation, states will have to suspend or amend their systems. If the pilot yields effective models, after three years, the Secretary can expand the pilot to more states.



### **Title I, Part C – Migrant Education**

Title I, Part C, authorizes a program for children of migrant workers to assist them in overcoming academic problems associated with multiple relocations. Strengthens the oversight and implementation of the program, updates definitions, and adds language to ensure data collection is valid and reliable. Modifies the formula by removing a calculation for the number of children who received services in summer or inter-semester programs provided by the State and reducing the hold harmless from 100 percent of the amount States received in 2002 to 90 percent of the amount. The new formula would apply in any fiscal year, whereas current law applied the formula only in fiscal years in which the amount appropriated for the program exceeded the amount appropriated in 2002. The discussion draft also requires States to submit documentation on the accuracy of the States' counts of eligible children to the Secretary of Education subject to an audit by the Secretary and includes a new national evaluation of the program's effectiveness.

### **Title I, Part D – Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk**

Title I, Part D, provides formula grants to States to serve neglected and delinquent youth in institutions, community day programs, and correctional facilities. The discussion draft ensure that neglected, delinquent, and at-risk children and youth have access to instruction in core academic areas.

### **Title I, Part E – National Assessment of Title I**

Title I, Part E, authorizes the Secretary of Education to conduct an evaluation of Title I programs and activities, including the implementation and impact of standards, assessments, accountability, public school choice, and supplemental services required under Title I, and report the evaluation findings to Congress. It also requires the Secretary to conduct a longitudinal study of schools receiving assistance under Title I. The discussion draft also requires the National Academies of Sciences to conduct a study to identify an appropriate instrument to accurately measure the closing of achievement gaps among various racial and ethnic groups.

Expands the assessment to include evaluation of how programs in Title I have impacted high school graduation rates and the types of programs that have shown the greatest likelihood of helping students graduate on time. Includes finding more accurate ways of measuring the achievement gap.

### **Title I, Part F – Comprehensive School Reform**

Title I, Part F, authorizes the Comprehensive School Reform program, which is designed to assist schools in improving the quality of the entire school based upon reliable research and effective practices. Includes the next generation of comprehensive school reform based on Chicago's school reform model.

### **Title I, Part G – Advanced Placement**

Title I, Part G, authorizes the Advanced Placement program, which supports efforts by States and local school districts to increase access to advanced placement tests, improve Advanced Placement programs, increase student academic achievement, increase the number of individuals who achieve a baccalaureate or advanced degree, and decrease the amount of time such individuals require to attain such degrees. This section was rewritten to be consistent with the AP-IB language in the COMPETES Act. It also maintains current law's requirement that some funds be spent to help students pay for exam fees.

### **Title I, Part H – School Dropout Prevention**

Title I, Part H, provides grants to States to strengthen and develop dropout prevention and school reentry programs and to raise academic achievement levels by providing grants that: (1) challenge all children to attain their highest academic potential; and (2) ensure that all students have substantial and ongoing opportunities to attain their highest academic potential through school-wide programs proven effective in dropout prevention and school reentry.

The discussion draft rewrites the existing program to provide incentives to states to raise their graduation rates. Under the proposal, states are required to conduct a policy gap and impact analysis to determine how to strengthen state policies in order to raise graduation rates while ensuring a rigorous secondary education. The analysis would examine policies of school funding, data capacity, accountability systems, interventions, new school development, and dissemination and implementation of effective local school improvement activities. The states would then implement the recommendations in an effort to increase its graduation rates, and develop a system to measure and adjust those policies in order to achieve policy targets and student outcomes defined throughout the grant process. Maintains current law's national dropout prevention programs. Includes state capacity component of Graduation Promise Act.

### **Title I, Part I, Core Curriculum Development**

Title I, Part I, includes a new program to provide funds to low-income districts to support high quality instruction in music and arts, foreign languages, civics and government, economics, history, geography and physical education and health. Funds would support expanding the amount of instructional time in such subjects, developing high quality curriculum, providing essential materials and textbooks and partnering with community-based organizations to increase student learning in these subjects.

### **Title I, Part J, Expanded Learning Time Demonstration Program**

Title I, Part J, includes a new program to provide funds to states and local educational agencies to expand learning time aimed at improving student achievement and engagement. Funds could be used to expand learning time at elementary and secondary

schools to spur innovation, redesign and improve educational programs, improve instruction and teacher collaboration, and improve the academic achievement of all students in participating schools. The Secretary of Education would carry out an evaluation of the program and offer technical assistance to those states and schools participating in the program.