

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5717

To amend the Elementary and Secondary Education Act of 1965 to clarify Federal requirements under that Act.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2006

Mr. KIRK (for himself and Mr. ROTHMAN) 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 clarify Federal requirements under that Act.

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 “Education Assessment  
5 Technical Corrections Act”.

6 **SEC. 2. HIGHLY QUALIFIED TEACHERS.**

7 (a) EXTENSION OF DEADLINE TO SATISFY REQUIRE-  
8 MENTS RELATING TO HIGHLY QUALIFIED TEACHERS.—  
9 Section 1119(a) of the Elementary and Secondary Edu-  
10 cation Act of 1965 (20 U.S.C. 6319(a)) is amended—

1 (1) in paragraph (2), in the matter preceding  
 2 subparagraph (A), by striking “As part” and insert-  
 3 ing “Except as provided in paragraph (4), as part”;

4 (2) in paragraph (3), by striking “As part” and  
 5 inserting “Except as provided in paragraph (4), as  
 6 part”; and

7 (3) by adding at the end the following new  
 8 paragraph:

9 “(4) EXCEPTION FOR HARD TO STAFF  
 10 AREAS.—In the case of a teacher who is teaching in  
 11 a geographic area that the State educational agency  
 12 or local educational agency, as appropriate, has de-  
 13 termined to be a hard to staff area, such State edu-  
 14 cational agency or local educational agency shall en-  
 15 sure that such teacher has—

16 “(A) not later than the end of the 2006–  
 17 2007 school year, satisfied not less than 80 per-  
 18 cent of the requirements to be highly qualified;  
 19 and

20 “(B) not later than the end of the 2007–  
 21 2008 school year, is highly qualified.”.

22 (b) HIGH OBJECTIVE UNIFORM STATE STANDARD  
 23 OF EVALUATION (HOUSSE).—Section  
 24 9101(23)(C)(ii)(IV) of the Elementary and Secondary  
 25 Education Act of 1965 (20 U.S.C. 7801(23)(C)(ii)(IV))

1 is amended by inserting “, except as provided in para-  
2 graph (4) of section 1119(a),” after “is”.

3 **SEC. 3. ADEQUATE YEARLY PROGRESS.**

4 (a) MEASUREMENT OVER MORE THAN ONE YEAR.—

5 Section 1111(b)(2)(I)(i) of the Elementary and Secondary  
6 Education Act of 1965 (20 U.S.C. 6311(b)(2)(I)(i)) is  
7 amended by striking “if the percentage of students in that  
8 group” and all that follows through “; and” and inserting  
9 “if—

10 “(I) the percentage of students in  
11 that group who did not meet or ex-  
12 ceed the proficient level of academic  
13 achievement on the State assessments  
14 under paragraph (3) for that year de-  
15 creased by 10 percent of that percent-  
16 age from the preceding school year  
17 and that group made progress on one  
18 or more of the academic indicators de-  
19 scribed in subparagraph (C)(vi) or  
20 (vii); or

21 “(II) that group meets or exceeds  
22 the proficient level of academic  
23 achievement on the State assessments  
24 under paragraph (3) in the imme-  
25 diately preceding year; and”.

1           (b) **EFFECTIVE DATE.**—The amendments made by  
2 subsection (a) shall take effect and apply beginning with  
3 the first academic year that begins after the date of the  
4 enactment of this Act.

5           (c) **LIMITED ENGLISH PROFICIENT STUDENTS AND**  
6 **CHILDREN WITH DISABILITIES.**—Not later than 180 days  
7 after the date of the enactment of this Act, the Secretary  
8 of Education shall submit to Congress a report containing  
9 recommendations for increasing the percentage of limited  
10 English proficient students (as defined in section  
11 9101(25) of the Elementary and Secondary Education Act  
12 of 1965 (20 U.S.C. 7801(25)) and children with disabili-  
13 ties (as defined in section 602(3) of the Individuals with  
14 Disabilities Education Act (20 U.S.C. 1401(3)) who meet  
15 or exceed the State’s proficient level of academic achieve-  
16 ment on the State assessments under paragraph (3) of  
17 section 1111(b) of the Elementary and Secondary Edu-  
18 cation Act of 1965 (20 U.S.C. 6311(b)).

19           (d) **INDIVIDUALIZED EDUCATION PROGRAM.**—Sec-  
20 tion 1111(b)(2) of the Elementary and Secondary Edu-  
21 cation Act of 1965 is amended by adding at the end the  
22 following new subparagraph:

23                           “(L) **STUDENTS WITH DISABILITIES.**—In  
24                           the case of a student with a disability, a stu-  
25                           dent may be tested at the student’s instruc-

1           tional level, rather than grade level, provided  
2           that the assessments from year to year test the  
3           student’s knowledge of an increasing breadth  
4           and level of difficulty to the State’s content  
5           standards. Academic assessment shall be deter-  
6           mined in accordance with the student’s individ-  
7           ualized education program, and, with parental  
8           permission, that assessment shall be applied in  
9           determining adequate yearly progress for the  
10          school and the district concerned. A student’s  
11          individualized education program may not allow  
12          testing at the same instructional level year after  
13          year.”.

14          (e) SINGLE COUNT OF STUDENTS.—Section  
15 1111(b)(2) of the Elementary and Secondary Education  
16 Act of 1965 is further amended by adding at the end the  
17 following new subparagraph:

18                 “(M) SINGLE COUNT OF STUDENTS.—In  
19                 meeting the definition of adequate yearly  
20                 progress under subparagraph (C), a State may  
21                 allow students counted in two or more groups  
22                 described in subparagraph (C)(v)(II) to be  
23                 counted as an equal fraction of one for each  
24                 such group.”.

1 (f) NUANCED SANCTIONS.—Section 1111(b)(2) of  
2 the Elementary and Secondary Education Act of 1965 is  
3 further amended by adding at the end the following new  
4 subparagraph:

5 “(N) NUANCED SANCTIONS.—When a  
6 school is not making adequate yearly progress  
7 by reason of a very small group of students (4  
8 or fewer), the sanctions under subparagraph  
9 (A)(iii) shall provide, as a first step, not that  
10 the school is designated ‘needs improvement’  
11 but that the school redirect a portion of its  
12 funds under this Act to address the particular  
13 needs of that group.”.

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