

110TH CONGRESS
1ST SESSION

H. R. 3292

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2007

Mr. KIRK (for himself and Mr. CARNEY) introduced the following bill; which was referred to the Committee on Education and Labor

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 RE-
8 QUIREMENTS RELATING TO HIGHLY QUALIFIED TEACH-
9 ERS.—Section 1119(a) of the Elementary and Secondary
10 Education 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—

15 “(A) shall ensure that such teacher—

16 “(i) not later than the end of the
17 2007–2008 school year, has satisfied not
18 less than 80 percent of the requirements to
19 be highly qualified; and

20 “(ii) not later than the end of the
21 2008–2009 school year, is highly qualified;

22 and

23 “(B) if the agency is not in compliance
24 with subparagraph (A) for a year, the agency
25 may not use funds received under title II of this

1 Act for that year except for the purpose of at-
 2 taining compliance with subparagraph (A).”.

3 (b) HIGH OBJECTIVE UNIFORM STATE STANDARD
 4 OF EVALUATION (HOUSSE).—Section
 5 9101(23)(C)(ii)(IV) of the Elementary and Secondary
 6 Education Act of 1965 (20 U.S.C. 7801(23)(C)(ii)(IV))
 7 is amended by inserting “, except as provided in para-
 8 graph (4) of section 1119(a),” after “is”.

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

10 (a) MEASUREMENT OVER MORE THAN ONE YEAR.—
 11 Section 1111(b)(2)(I)(i) of the Elementary and Secondary
 12 Education Act of 1965 (20 U.S.C. 6311(b)(2)(I)(i)) is
 13 amended by striking “if the percentage of students in that
 14 group” and all that follows through “; and” and inserting
 15 “if—

16 “(I) the percentage of students in
 17 that group who did not meet or ex-
 18 ceed the proficient level of academic
 19 achievement on the State assessments
 20 under paragraph (3) for that year de-
 21 creased by 10 percent of that percent-
 22 age from the preceding school year
 23 and that group made progress on one
 24 or more of the academic indicators de-

1 scribed in subparagraph (C)(vi) or
2 (vii); or

3 “(II) that group meets or exceeds
4 the proficient level of academic
5 achievement on the State assessments
6 under paragraph (3) in the imme-
7 diately preceding year; and”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 subsection (a) shall take effect and apply beginning with
10 the first academic year that begins after the date of the
11 enactment of this Act.

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

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

5 “(L) STUDENTS WITH DISABILITIES.—In
6 the case of a student with a disability, a stu-
7 dent may be tested at the student’s instruc-
8 tional level (as determined by the student’s in-
9 dividualized education program), rather than
10 grade level, provided that the assessments from
11 year to year test the student’s knowledge of an
12 increasing breadth and level of difficulty to the
13 State’s content standards. Academic assessment
14 shall be determined in accordance with the stu-
15 dent’s individualized education program, and,
16 with parental approval, that assessment shall be
17 applied in determining adequate yearly progress
18 for the school and the district concerned. A stu-
19 dent’s individualized education program may
20 not allow testing at the same instructional level
21 year after year.”.

22 (e) SINGLE COUNT OF STUDENTS.—Section
23 1111(b)(2) of the Elementary and Secondary Education
24 Act of 1965 is further amended by adding at the end the
25 following new subparagraph:

1 “(M) SINGLE COUNT OF STUDENTS.—In
2 meeting the definition of adequate yearly
3 progress under subparagraph (C), a State may
4 allow students counted in two or more groups
5 described in subparagraph (C)(v)(II) to be
6 counted as an equal fraction of one for each
7 such group.”.

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

12 “(N) NUANCED SANCTIONS.—When a
13 school is not making adequate yearly progress
14 by reason of a very small group of students (4
15 or fewer), the sanctions under subparagraph
16 (A)(iii) shall provide, as a first step, not that
17 the school is designated ‘needs improvement’
18 but that the school redirect a portion of its
19 funds under this Act to address the particular
20 needs of that group, and must ensure that the
21 group is taught by a highly qualified teacher.”.

22 (g) USE OF GROWTH MODELS.—

23 (1) IN GENERAL.—During the 2007–2008
24 school year, the Secretary of Education shall con-
25 tinue to study growth models and to allow more

1 States, as well as local educational agencies, to use
2 growth models to achieve adequate yearly progress.

3 (2) SENSE OF CONGRESS.—It is the sense of
4 Congress that the growth models referred to in para-
5 graph (1)—

6 (A) should enable schools to provide evi-
7 dence that students have demonstrated accept-
8 able achievement for purposes of State pro-
9 ficiency requirements; and

10 (B) should encourage innovative ideas for
11 high schools to demonstrate students are
12 achieving academic proficiency and attaining
13 graduation.

○