

Forum on Educational Accountability

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FEA PROPOSED REVISIONS TO ESEA

January 15, 2014

The following are proposed revisions to ESEA/NCLB PL 107-110, Secs. 1111(b) (2) and (3) and 1116, with some definitions. The text does not cover all points relevant to assessment, accountability and school improvement that Congress may choose to address in reauthorization. We believe that other changes should be consistent with the language offered here.

FEA Proposed Assessment Revisions to ESEA Sec 1111.

SEC. 1111. STATE PLANS.

(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY.—

(1) STANDARDS [Not addressed in this document]

(2) ACADEMIC ASSESSMENTS.— *[Note: this is (3) in ESEA/NCLB but (2) in this proposed language.]*

(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high quality, student academic assessments that include, at a minimum, in accordance with (C)(V), academic assessments in mathematics, reading or language arts, and science, that will be included in determining the performance of the State and of each local educational agency and school in the State in enabling all children to meet the State's student academic standards.

(B) USE OF ASSESSMENTS.—Each State educational agency may incorporate the data from the assessments under this paragraph into a State-developed longitudinal data system that links student test scores, length of enrollment, graduation records over time, and such other data as the State may require.

(C) REQUIREMENTS.—Such assessments shall—

(i) be the same academic assessments used to measure the achievement of all children

(I) except that this clause shall not be interpreted to require that all students taking the assessment be administered the same assessment items, provided that the assessments provide comparable information about academic achievement for each student, and

(II) States may use the assessments developed under Sec. (E)(iii)(V) to meet this requirement;

(ii) be aligned with the State’s academic standards, and provide coherent information about student attainment of such standards;

(iii) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards;

(iv) be used only if the State educational agency provides to the Secretary evidence from the test publisher or other relevant sources that the assessments used are of adequate technical quality for each purpose required under this Act and are consistent with the requirements of this section, and such evidence is made public by the Secretary upon request;

(v) measure the proficiency of students in, at a minimum, mathematics, science, and reading or language arts, and be administered annually, not less than once in each grade span —

(I) grades 3 through 5;

(II) grades 6 through 9; and

(III) grades 10 through 12;

(vi) involve multiple up-to-date measures of student academic achievement, including measures that—

(I) assess the full range of State academic standards under section (1111.b.1) that students are expected to master;

(II) measure students' mastery of content knowledge and their ability to use knowledge to think critically and solve problems, and to communicate effectively; and

(III) may be partially delivered in the form of portfolios, projects, or extended performance tasks;

(vii) provide for—

(I) the participation in such assessments of all students, except that States may allow parents or guardians to exempt their children from such assessments;

(II) the reasonable adaptations and accommodations for students with disabilities (as defined under section 602(3) of the Individuals with Disabilities Education Act) necessary to measure the academic achievement of such students relative to State academic standards [*further details on assessment of students with disabilities are not included in these recommendations but should be consistent with them*]; and

(III) the inclusion of limited English proficient students, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency [*assessment requirements for LEP students are not included in these recommendations but should be consistent with them*];

(viii) produce individual student interpretive, descriptive, and diagnostic reports consistent with clause (iii) that assist parents, teachers, and principals to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments aligned with State academic standards, and that are provided to parents, teachers, and principals, as soon as is practicably possible after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

(ix) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged, except that, in the case of a local educational agency or a school, such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

(x) be consistent with widely accepted professional testing standards, objectively measure academic achievement, knowledge, and skills, where the term 'objectively' allows use of extended performance tasks, projects and portfolios that are scored by human raters, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information; and

(xi) enable itemized score analyses to be produced and reported, consistent with clause (iii), to local educational agencies and schools, to assist parents, teachers, principals, and administrators to interpret and address the specific academic needs of students as indicated by the students' achievement on assessment items.

(D) DEFERRAL.—A State may suspend the administration of the assessments described in this paragraph for 1 year for each year for which the amount appropriated for grants for this section under section [6113(a)(2) in 107-110] is less than \$250,000.000.

(E) GRANTS FOR IMPROVED STATE AND LOCAL ASSESSMENTS --

[Currently, related topics are in Title VI, Secs. 6112 & 6113.]

(i) Definitions --

(I) Formative Assessment -- The term Formative Assessment, also termed Assessment for Learning, means assessment that is integrated with everyday teacher practice and student work; uses both informal and formal processes and instruments; and seeks, reflects upon and responds to information from dialogue, demonstration, observation and student work products in ways that enhance student learning and teacher practice.

(II) Multiple Measures -- The term multiple measures means multiple types of evidence of student learning (such as tests and quizzes, projects and reports, and teacher observations), gathered over time.

(ii) Grant Program Authorized- From funds made available to carry out Section 1111(b)(2))E), the Secretary shall award, on a competitive basis, grants to State educational agencies that have

submitted an application at such time, in such manner, and containing such information as the Secretary may require, which demonstrate to the satisfaction of the Secretary, that the requirements of this section will be met.

(iii) Requirements –

(I) Assessments under section 1111(b)(2)(E) shall be developed by States or consortia of States, or by LEAs or consortia of LEAs, or by consortia of schools within a State, any of which may choose to collaborate with institutions of higher education or other organizations.

(II) Teachers, principals and other educators shall be extensively included in the development and use of the assessments described under (2)(E), and these assessments may be entirely developed by them.

(III) These assessments will primarily be performance-based academic tools for documenting and evaluating higher-order thinking skills in core academic subjects. These assessments --

(aa) shall include extended performance tasks, projects, portfolios, or technology-based versions of such assessments,

bb) may allow for student choice and design of specific tasks or projects within a framework designed in accord with the requirements in (I), and

(IV) In creating these assessments, States or other development agencies shall ensure that the assessment needs of students with disabilities, students with limited English proficiency, and other diverse students, are properly included in assessment design, such as by the use of concepts from universal design for learning.

(V) Assessments developed under Sec. 1111(b)(2)(E) may be used for formative purposes as determined by teachers, schools or LEAs, or summative purposes as determined by teachers, schools, LEAs or SEAs.

(VI) Funds allocated under this section shall not be used to develop or administer the statewide assessments required under Sec. 1111(b)(2)(C)(v) except that—

(aa) a State may use assessments developed under this paragraph (2)(E), including diverse local assessments, in lieu of statewide assessments required under Sec. 1111(b)(2)(C)(v), provided that,

(bb) the assessments are based on the state's academic standards, are reliable and valid for their intended purposes, include multiple measures, allow disaggregation, and

(cc) produce data that provide comparable information across the state about achievement for each student. To ensure comparability for use under Sec. 1111.b.2, a State may use funds provided under this section to develop common scoring guides and provide for re-scoring of sufficient samples from each classroom to ensure consistency, including adequate inter-rater reliability;

(VI) Funds allocated under this paragraph (2)(E) may be used for professional development to enable educators to develop and use these assessments. Such professional development may be integrated with other professional development funds made available under this Act. It shall include educators working collaboratively to develop assessments, review student work, and evaluate students, with a focus on ensuring students gain deep subject knowledge and higher-order thinking skills.

(iii) Application-- Each State wishing to apply for funds under Sec. 1111(b)(2)(E) shall include in its State plan such information as the Secretary may require. Such information will include how the State will ensure substantial participation by local educational agencies, schools and local educators in the development, review, compilation and use of the assessments developed under this subsection, and how the State educational agency will meet the other requirements of this subsection. A state may amend its application to request a grant under this section.

(iv) Annual Report -- Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities, and the result of those activities, under the grant.

(v) Grant Duration -- Grants shall be for a minimum of 3 years and a maximum of 5 years, and may be renewed.

(vi) Grants For Enhanced Assessment Instruments-- For the purpose of carrying out this paragraph, (2)E there are authorized to be appropriated \$200,000,000 for fiscal year 2115 and each of the 5 succeeding fiscal years. The Secretary shall award grants based on state applications, provided that consortia of local educational agencies or schools within a State may apply if the State does not.

(II) Funds not allocated in one year may be rolled over to subsequent years for expanded funding to States initially awarded grants or to award grants to additional states.

(III) The Secretary shall allow a reasonable portion of the grants to be used for inter-state collaboration, administration, review of assessments, and similar activities.

(vii) STATE DEFINED- In this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

FEA Proposed Accountability Revisions to ESEA Sec 1111

1111. STATE PLANS

SEC. 1111(b)(1) –ACADEMIC STANDARDS [FEA not address]

SEC. 1111(b)(2) –ACADEMIC ASSESSMENTS [Preceding section]

SEC. 1111(b)(3) – ACCOUNTABILITY.-

(A) IN GENERAL.- Each State plan shall provide an assurance that the State has developed and is implementing a single, statewide State accountability system that will [*Alexander-Isakson bill (2011), “Elementary and Secondary Education Amendments Act of 2011,” S. 1571, 112th Cong. 1st Sess. (“A”), p. 25*] hold the State and local educational agencies accountable for helping their public elementary and secondary schools improve by making the systemic changes that low-achieving schools use to turn themselves around, so as to provide all students a high-quality education that enables them, at a minimum, to satisfy the academic standards identified in section 1111(b)(1) and significantly closes the achievement gap between minority and non-minority children and between economically disadvantaged and non-disadvantaged children.

(B) REQUIREMENTS. – Each state plan shall –

(i) Establish a system of identifying and differentiating among all public elementary schools and secondary schools in the State -

(I) based on student academic achievement as described in section 1111(b)(2), attendance rates, rates of chronic absenteeism, teacher and principal turnover rates, and, for high schools, graduation rates, and any other factors determined appropriate by the State, which may include suspension and expulsion rates; (II) takes into account gaps on factors identified in (i)(I) between each of the following categories of students in each school –

(aa) each major racial and ethnic group;

(bb) economically disadvantaged students as compared to students who are not economically disadvantaged;

(cc) students with disabilities as compared to students without disabilities;

(dd) English proficiency status; and

(III) takes into account the overall achievement of all students and of each category of students described in subclauses (aa) through (dd) of paragraph (3)(B)(i)(II). [*See A., pp. 26-27*]

(ii) Establish as a goal for all schools in the State served under this part the rate of improvement of the top quartile of such schools. [*Cf. A. 32*]

- (iii) Identify, as described in paragraph 1116(a)(1), the lowest achieving 5 percent of public elementary and secondary schools participating under this part. *[See A. 27]*
- (iv) Identify, as described in paragraph 1116(b)(1), the next lowest achieving group of public elementary and secondary schools participating under this part.
- (v) Measure the achievement of at least 95 percent of each of the four categories of students described in paragraph (B)(1)(ii) above who are enrolled in the school and are required to take the assessments under subsection 1111(b)(2), *[See A. 27]* provided that students who are exempted from the testing as allowed in paragraph (b)(2)(C)(vii)(I) shall not be included in the calculation of 95 percent, but that all students so exempted shall be reported using the categories described in paragraph (B)(i)(II).
- (vi) Assist each local educational agency and school affected by the State plan to meet the requirements of this part, *[Alexander, p. 29]*, including showing how the State will provide technical assistance and financial assistance to its local education agencies to help them implement in their public schools participating under this part the elements of successful school improvement that low-achieving schools have commonly engaged in to turn themselves around. *[See A. 29]*
- (vii) Explain what measurable indicators the State will annually report to the Secretary, as to local education agencies and schools participating under this part, about the
 - (I) allocation of resources between such agencies and between schools within each such agency,
 - (II) extent of implementation of the common elements of successful school turnarounds in each such school,
 - (III) student learning, high school graduation, and other student outcomes of its school improvement initiative for each such local education agency and school,
 - (IV) comparison of school academic improvement of each such local agency and school, disaggregated for the groups defined in 1111(b)(3)(B)(ii), to the improvement of -
 - (aa) the top quartile of participating schools in the State,
 - (bb) all participating schools in the State whose students have similar demographics, and
 - (cc) all participating schools in the State, and
 - (V) other indicators of school quality the State determines are relevant, such as school climate, suspension and expulsion rates, and attendance, including chronic absenteeism.

(viii) Notify local educational agencies, schools, teachers, parents, and the public of the academic standards, assessment and school improvement and accountability systems developed under this part. *[See A., pp. 28-29]*

FEA Proposed Accountability Revisions to ESEA Sec 1116

SECTION 1116. SCHOOL IMPROVEMENT

(a) PRIORITY SCHOOLS. -

(1) IDENTIFICATION.- Beginning in the 2015-2016 school year, using the factors described in 1111(b)(3)(B)(i)(I), a State shall identify as a priority school, for the 3-year period following the school's identification –

- (A) each school served under this part in the State that is in the lowest-achieving 5 percent of elementary schools;
- (B) each school served under this part in the State that is in the lowest-achieving 5 percent of secondary schools; and
- (C) each public high school in the State with a graduation rate of less than 60 percent. [*See Harkin bill (2013), "Strengthening America's Schools Act of 2013," S. 1094, 113th Cong. 1st Sess., ("H"), p. 157*]

(2) NEEDS ANALYSIS.-

Each local educational agency receiving assistance under this part shall conduct a needs analysis, which may be conducted by a State school quality review team, as defined in section 9101(47), for each school identified as a priority school. Such needs analysis shall include a diagnostic review of data related to students and staff, and address [*H., pp. 158-159*]-

(A) RESOURCES.-

(i) total number of students and of each of the following categories of staff, including the ratios of staff to students for each category–

- (I) teachers;
- (II) teachers with 3 or more years of experience;
- (III) principals; and
- (IV) specialized instructional support personnel;

(ii) the professional qualifications of teachers in the school, including the percentage of teachers who are fully licensed or have full state certification in the fields in which they *are teaching*, the percentage teaching with emergency or provisional certification; [*A., pp. 31-32*]

(iii) per pupil expenditures of Federal, State, and local funds for the preceding fiscal year; [*Alexander, pp. 34-35*]

(iv) average class size;

(v) age, size, quality and condition of school building(s) and facilities, including library and gym;

(vi) number, age, and quality of library books and computers available for students, as well as the availability of broadband Internet connections; and

(vii) other resources available at the school, local educational agency, and in the community to meet student needs and support improved student learning and other beneficial student outcomes. *[re "vii" only – See Harkin, p. 159]*

(B) COMMON ELEMENTS OF SUCCESS.-

The extent to which the school –

(i) has a skilled and committed leader who has developed a vision for a high-quality school, gotten staff, parent and community buy-in, assembled a team of leaders to help implement it and provides instructional leadership;

(ii) provides instructional improvement that is job-embedded and includes in-depth peer collaboration and mentoring, a system of effective teaching practices, and replacing teachers who, after being given appropriate support, still are persistently ineffective in engaging students' interest and promoting learning;

(iii) provides a curriculum that is broad, challenging/at or above grade level, culturally relevant to the students and aligned across grades, complemented by a teacher-led assessment system that assists each student to succeed in the curriculum, as described in 1111(b)(2)(E);

(iv) provides a school climate of high expectations, mutual respect, support and safety, including supportive, non-punitive disciplinary policies;

(v) makes available adult literacy, parenting skills and other programs to provide meaningful support for high-level student learning at home, and adult mentors for low-achieving students if adult family members are not available;

(vi) generates parent, family and community engagement with the school; and

(vii) supports overcoming non-academic obstacles to such learning through provision of school-based specialized instructional support services and wrap-around community services by collaborative partners in the community.

(C) STUDENT OUTCOMES.-

Aggregated for the school as a whole and disaggregated by each category of students described in section 1111(b)(3)(B)(i)(II) –

(i) results of assessments conducted pursuant to sect. 1111(b)(2), including the percentage of students tested by each category of students described in section 1111(b)(3)(B)(i)(II), [see Alexander, pp. 33, 31] and any other relevant assessments including any assessments developed under 1111(b)(2)(e);

(ii) attendance rates;

(iii) suspension and expulsion rates;

(iv) for high schools, rates of high school graduation within four, five and six years; and

(v) rates of college enrollment and rates of employment of high schools' graduates for five years after graduation.

(D) OTHER. –

Local educational agencies may include any other information they find helpful, including the results of having implemented a prior school improvement strategy. [See Harkin, p. 159]

(3) PRINCIPAL REVIEW.-

(A) For each school identified as a priority school under section (a), each local educational agency receiving assistance under this part shall review the principal's performance and determine whether the principal has the capability to lead the process of transforming the school into a high-quality school; and

(B) If the determination is negative, the agency shall replace the principal with a new principal or team of teachers who have this capability, if such replacement is available. If no such replacement is available, the agency shall provide maximum mentoring and support to the current leader.

(4) PLAN.-

(A) PLAN DEVELOPMENT.- For each school identified as a priority school under section (a), each local educational agency receiving assistance under this part shall develop, in active collaboration with the principal, teachers, administrators (including administrators of programs described in other parts of this title), [language in parenthesis is from A.,p. 76] other appropriate school personnel, parents of children in schools served under this part, and the local community [A. p. 76] and submit to the State for approval, a school improvement plan that provides for -

(i) creating, improving or maintaining the set of successful school improvement practices that low-achieving schools commonly use to turn themselves around described in (2)(B);

(ii) any other specific initiatives that the school’s principal, in consultation with the other planners referred to in this paragraph, believes are required to address particular needs of the school or of any group(s) of students identified in clause 1111(b)(3)(B)(i)(II); and for

(iii) completion of implementation within five years, *[A. p. 88 provides subgrants for turnarounds shall be for “not more than 5 years”]* to allow sufficient time to fully implement paragraphs (i) – (iii).

(B) PLAN IMPLEMENTATION. – After State approval, the priority school and local educational agency shall then implement the school plan as described in paragraph (4)(A), *[See A. 77]*, subject to changing the plan as needed *[See H., p. 161]* to meet unforeseen obstacles and other developments that may arise in implementing the changes in school and community expectations, beliefs and practices involved in turning around low-achieving schools.

(5) ALIGNMENT OF FUNDS. – align other Federal, State and local resources with the school turnaround strategy; *[Alexander, p. 90; Harkin, p. 160]*

(6) TECHNICAL ASSISTANCE AND OTHER SUPPORT. – provide the State a description of the technical assistance and other support that the local educational agency will convey to the school to ensure effective implementation of the school’s turnaround strategy *[Alexander, p. 91, See Harkin, pp. 161-162]*. If the school and local educational agency do not have sufficient expertise and funds to successfully implement the strategy, the agency shall so notify the State educational agency and request, in such manner as the State may provide, the additional technical assistance and funding that they need to be successful.

(7) NOTICE TO PARENTS. – A local educational agency shall promptly provide to a parent or parents of each student enrolled in a school identified under subsection (a) –

(A) an explanation of what the identification means;

(B) the reasons for the identification;

(C) a description of the school’s school improvement strategy and an explanation of what the local educational agency or State educational agency is doing to help the school implement it, including any local educational agency request to the State for additional assistance and the State’s response to such request; and

(D) an explanation of how the parents can become involved in helping the school to implement its improvement strategy. *[See Alexander, pp. 77-78]*

(8) STATE RESPONSIBILITIES. -

The State educational agency shall –

(A) FUNDS FOR SCHOOL TURNAROUND GRANTS AND SUBGRANTS. –

(i) USE OF GRANT FUNDS. - from grant funds awarded to the States by the Secretary under paragraph (a)(9), use not less than 95% to make subgrants to local educational agencies to enable priority schools to implement their school improvement strategies, except that a State educational agency may reserve from this amount such additional funds as are necessary to implement a school improvement strategy in a school that has been taken over by the State educational agency as long as such funds are similar to the amounts awarded to other local educational agencies; *[Alexander, p. 87]*

(ii) ACTIVITIES. - use any portion of its grant funds that it does not use under clause (i) to carry out activities to support school and local educational agency improvements, *[See Alexander, pp. 86-87]* and provide, to the maximum extent possible, any technical assistance requested by the local educational agency pursuant to paragraph (a)(6);

(iii) APPLICATION – require a local educational agency that serves a school identified as a priority school under paragraph (a)(1) to submit an application to the State educational agency at such time, in such form, and including such information as the State educational agency may require, *[Alexander, p. 89]* provided that each such application shall include –

(I) a description of the technical assistance and other support that the local educational agency will provide to ensure effective implementation of the school improvement strategy in the identified schools, and, provided further, that a State may use a school improvement plan submitted to it pursuant to paragraph (a)(4) as part of such application; and

(II) an assurance that each school the local educational agency proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under this paragraph. *[Alexander, p. 91]*

(iv) AMOUNT OF SUBGRANTS. – for each priority school for which a local educational agency has submitted a school improvement plan pursuant to paragraph (a)(1), allocate an amount of the subgrant under clause (a)(8)(A)(i) that bears the same relationship to the total amount of funds the State is allotted under (a)(9)(A)(ii) as the number of students in that school bears to the total number of students in all priority schools in the State;

(v) PAYMENTS. – pay the local educational agency the amount of the subgrant allocated pursuant to clause (iv) at the time that the State approves the agency's school improvement plan for that school pursuant to paragraph (4)(A). *[Note: clauses (iv) and (v) patterned, to some extent, on NCLB, Title VII, Part A, Subpart 1, "Formula Grants to Local Educational Agencies," sections 7112-7114, 7118, 20 U.S.C. sect. 7422 – 7424, 7428.]*

(vi) DURATION. – award subgrants under this paragraph for a period of not more than 5 years; *[Alexander, p. 88]* and

(vii) SUFFICIENT FUNDING AND TECHNICAL ASSISTANCE.– ensure that subgrants awarded under this paragraph are of sufficient size to enable a local educational agency and its priority schools to effectively implement their improvement strategy. *[Alexander, p. 89]* If a local educational agency submits a request for additional technical assistance or funds pursuant to (a)(6), the State shall promptly review and decide upon the request. If the State educational agency determines that the requested funds and/or assistance are needed for the school and local educational agency to effectively implement all the provisions of (a)(4), the State shall provide, to the maximum extent possible, the necessary additional funds or technical assistance.

(B) SUCCESSFUL SCHOOL IMPROVEMENT PRACTICES AND INDICATORS.- by itself or in consortium with other States –

(i) identify a set of successful school improvement practices, defined in 9101(44), that research and the experience of accomplished educators show low-achieving schools commonly use to turn themselves around and identify appropriate successful school improvement indicators, defined in 9101(43), that measure the extent to which these practices have been implemented; and

(ii) describe how the State will use the indicators to monitor and assist the implementation of school improvements under paragraph (4)(B);

(C) TECHNICAL ASSISTANCE. – make technical assistance available to meet, to the maximum extent possible, the requests of local educational agencies for such assistance to improve schools identified under paragraph (a)(1); *[Alexander, p. 75]* and

(D) COMPLIANCE. - ensure that a local educational agency receiving assistance under this part carries out the requirements of paragraph (a)(2)-(7) for each school identified under subsection (a)(1) *[Harkin, p. 159]*, taking such actions, which may include taking over a school *[Harkin, p. 164]*, as the State educational agency determines to be appropriate and in compliance with State law *[Alexander, p. 75]*. If a local educational agency has requested additional technical assistance or funds pursuant to (a)(6) and the State has determined pursuant to (a)(8) that such funds or assistance are needed for the turnaround strategy to succeed, but the State is unable to provide all the needed funds or assistance, the State shall give substantial weight to those circumstances in deciding what, if any, compliance actions to take against the local agency.

(9) FEDERAL RESPONSIBILITIES –

(A) FUNDS FOR SCHOOL TURNAROUND GRANTS. –

(i) GRANTS AUTHORIZED. – For the purpose of carrying out this section, the Secretary shall award grants to States, the Bureau of Indian Education of the Department of the Interior, and outlying areas of not to exceed \$534,561,734 for each of fiscal years 2015 and 2016 from allotments made under paragraph (2). *[Alexander, p. 3]*

(ii) ALLOTMENTS. – From the total amount appropriated for carrying out this section, the Secretary shall allot to each State, the Bureau of Indian Education of the Department of the Interior, and each outlying area, an amount that bears the same relationship to such total amount as the amount such State, the Bureau of Indian Education, or such outlying area received under this part for the most recent preceding year for which the data are available bears to the amount received under this part by all such States, the Bureau of Indian Education, and all such outlying areas for such most recent preceding fiscal year. *[Alexander, pp. 86-87]*

(B) TECHNICAL ASSISTANCE.- The Secretary shall retain principals or other educators who have successfully led turnarounds of low-achieving public schools to offer assistance to State and local educational agencies, at their request, in implementing paragraphs (a)(4)(A)(B) and (a)(6)(7)(8)(A)(v).

(b) FOCUS SCHOOLS.-

(1) IDENTIFICATION.- Beginning in the 2015-2016 school year, a State shall identify as a focus school, for the 3-year period following the school’s identification period-

(A) each public school participating under this part in the State that –

(i) is not identified as a priority school under paragraph (a)(1); and

(ii) is in the 10 percent of such schools with the greatest achievement gaps among the subgroups described in 1111(b)(3)(B)(i)(II) as compared to the statewide average, as determined by the academic assessments under 1111(b)(2); and

(B) each public high school in the State that -

(i) is not identified as a priority school under subsection (a)(1); and

(ii) is in the 10 percent of such schools with the greatest graduation rate gaps among such subgroups as compared to the statewide averages. *[See Harkin, pp. 154-155]*

(2) NEEDS ANALYSIS.- Each local educational agency receiving assistance under this part shall conduct a needs analysis, which may be conducted by a State school quality review team as now defined in section 9101(47), for each school identified as a focus school under (b)(1). Such needs analysis shall include a diagnostic review of data related to students and staff, and address all the factors described in subparagraphs (a)(2)(A)-(C).

(3) PLAN. - For each school identified as a focus school, the local educational agency shall develop, and implement to the maximum extent that it determines it has funds available, a school improvement plan as described in paragraphs (a)(4)(A). Such plan shall include how the school and the agency will align Federal, State and local resources with implementing the school improvement strategy, what technical assistance and other support the local educational agency will provide, and the way the school will notify parents about the school improvement strategy and how they can become involved. Such plan shall be developed and implemented in active collaboration with the principal, teachers, staff, parents and community. *[See Harkin, p. 156]*

(c) OTHER LOW-ACHIEVING SCHOOLS.- All other public schools that have low student achievement or significant gaps in achievement among categories of students described in clause 1111(b)(3)(B)(1)(ii) *[See A. p.94]* and are not priority or focus schools, are encouraged to implement the factors described in (a)(2)(A)-(C) to the extent possible. From grant funds awarded to the States by the Secretary under paragraph (a)(9), each State may use up to 5% for administration of the program under (a)(8)(A) and to enhance State capacity to provide technical assistance and financial support, to the maximum extent possible, to improve the capacity of local educational agencies to improve their schools and student achievement, *[A. 87-88, 94-95; H. 182]* and shall share best practices learned from priority and focus schools with other low-achieving schools. *[See A. p. 94]*

d) REPORTS.-

(1) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.-

(A) REPORT CARDS.- A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card.

(B) MINIMUM REQUIREMENTS.- The local educational agency shall include in its report card -

(i) GENERAL.-

(I) information that shows how students in all schools served by the local educational agency achieved on the academic assessments and other factors pursuant to section 1111(b)(2), disaggregated for each school by each category of students described in clause 1111(b)(3)(B)(i)(II), and compared to students in the State as a whole;*[A. p. 31]*

(II) information on the achievement of each school on assessments under 1111(b)(2), including the number and names of each school identified under paragraph (a)(1) or (b)(1); *[A. p. 32, 34]*

(III) for each school identified under section (a)(1) or (b)(1), how long the school has been so identified; *[A. p. 34]*

(IV) information that shows how each of such school's students' achievement on the academic assessments compared to students in the local educational agency and the State as a whole, [Alexander, pp. 33-34] disaggregated by each category of students in 1111(b)(3)(B)(i)(II); and

(V) information on how the academic achievement of each participating local educational agency and participating school, disaggregated for the groups defined in 1111(b)(3)(B)(i), compared to –

(aa) the top quartile of participating schools in the State;

(bb) all participating schools in the State whose students have similar demographics; and

(cc) all participating schools in the State;

(ii) SCHOOL IMPROVEMENT INDICATORS.- For each school participating under this part, the status of its implementing a set of State-identified successful school improvement practices [as defined in 9101(44)], that low-achieving schools commonly use to turn themselves around, as measured by State-identified successful school improvement indicators [as defined in section 9101(43)];

(iii) RESOURCES.- For each such school, the information described in paragraph (a)(2)(A);

(iv) STUDENT OUTCOMES.- For each such school, the information described in paragraph (a)(2)(C);

(v) OTHER INFORMATION.- A local educational agency may include in its annual local educational agency report any other appropriate information, whether or not such information is included in the annual State report card; [A., p. 35]

(vi) PRESENTATION OF DATA.- A local education agency or school shall only include in its annual local educational agency report card data indicators that do not reveal personally identifiable information about an individual student; [A. p. 35]

(vii) PUBLIC DISSEMINATION.- A local educational agency shall –

(I) publicly disseminate the information described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending such schools in an understandable and uniform format; and

(II) make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies. [A. pp. 35-36]

(2) ANNUAL STATE REPORT CARD.-

(A) IN GENERAL.- A State that receives assistance under this part shall prepare and disseminate widely to the public an annual State report card.

(B) IMPLEMENTATION.- The State report card shall be –

(i) concise; and

(ii) presented in an understandable and uniform format.

(C) REQUIRED INFORMATION.- The State shall include in its annual State report card – [A. p. 30]

(i) ASSESSMENT.- information on student achievement in public schools statewide on the State academic assessments described in 1111(b)(2), for each local educational agency, and for each public school in the aggregate and also disaggregated by each category of students described in subparagraph 1111(b)(3)(B)(i)(II));[A. p. 31] All assessment data reported by the State shall be statistically reliable;

(ii) RESOURCES.- for each public school *and local educational agency* participating under this part, *and for the State as a whole*, the information described in paragraph (a)(2)(A);

(iii) SCHOOL IMPROVEMENT INDICATORS.- for each public school in the State participating under this part, the status of successful school improvement indicators, defined in section 9101(43), as identified by the State, reporting the extent to which the school has implemented a set of State identified successful school improvement practices that low-achieving schools commonly use to turn themselves around, as described in paragraph (a)(4)A); and

(iv) OTHER STUDENT OUTCOMES.- for each such public school, the information described in paragraph (a)(2)(C)(ii)-(v);

(D) PRESENTATION OF DATA.- A State education agency shall only include in its annual State educational agency report card data that do not reveal personally identifiable information about an individual student. [A. p. 35]

(E) PUBLIC DISSEMINATION.- A State educational agency shall –

(i) publicly disseminate the information described in this paragraph to all local educational agencies in the State agency in an understandable and uniform format; and

(ii) make the information widely available through public means, such as posting on the Internet and distribution to the media. *[A. pp. 35-36 re LEA reports only]*

(3) ANNUAL STATE REPORT TO THE SECRETARY.- Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State –

(A) information on the achievement of public school students on academic assessments required under 1111(b)(2), including the disaggregated results for each category of students described in 1111(b)(3)(B)(i)(II); *[A. p. 37]*

(B) information on the allocation of specific resources for each local educational agency and public school in the State as described in paragraph (a)(2)(A), including a comparison of the amount of each resource in public schools in the highest quartile of student poverty in the State with the schools in the lowest quartile of student poverty; *[Compare A. pp. 31-32]*

(C) the extent to which each public school in the State identified as a priority or focus school has implemented the common elements of successful turnarounds as reflected in the successful school improvement indicators identified by the State pursuant to paragraph (a) (8)(B)(i);

(D) information on other student outcomes, including attendance, suspension and expulsion, and high school graduation rates for all public schools in the State, disaggregated for each category of students described in 1111(b)(3)(B)(i)(II);

(E) information on the acquisition of English proficiency by children who are English language learners; *[A. p. 37]*

(F) information on the quality and effectiveness of teachers -

(i) disaggregated for each category of students described in 1111(b)(3)(B)(i)(II); and

(ii) the percentage of classes being taught by teachers who are fully licensed to teach the grade/content in which they are assigned as the teacher-of-record, for the State and for each local educational agency and public elementary and secondary school in the State, disaggregated for each category of students described in 1111(b)(3)(B)(i)(II). *[A. p. 37]*

(4) REPORT TO CONGRESS.- The Secretary shall transmit annually to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that provides national and State level data on the information collected under paragraph (d)(3). Such report shall be submitted through electronic means only. *[A. p. 38]*

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SECTION 9101(43) –NEW DEFINITION: “SUCCESSFUL SCHOOL IMPROVEMENT INDICATORS”

The term “successful school improvement indicators” means numerical or other ways to measure how much progress a school is making over time in implementing successful school improvement practices. Indicators would include measures such as the average time per week a school’s teachers spend collaborating, the average time per week teachers spend being individually mentored, and survey data from teachers on the effectiveness of their peer collaboration and mentoring as components of professional development.

SECTION 9101(44) – NEW DEFINITION: “SUCCESSFUL SCHOOL IMPROVEMENT PRACTICES”

The term ‘successful school improvement practices’ means practices, especially in the areas of school leadership, instructional improvement, including staff collaboration, professional development and mentoring, curriculum, climate and parent and community support and involvement, including those described in section 1116(a)(2)(B), which low-achieving schools commonly engage in to successfully turn around.

SECTION 9101(47) – NEW DEFINITION: “SCHOOL QUALITY REVIEWS”

The term “school quality review” means a periodic, state-level evaluation and report on a public school’s strengths and weaknesses by a specially trained team of accomplished educators and lay people to independently identify a school’s needs and recommend necessary improvements.