

Forum on Educational Accountability

Proposed ESEA/NCLB Amendments

March 30, 2007

Introductory note:

The following specifications for changes to ESEA/NCLB are submitted by the Forum on Educational Accountability (FEA). FEA is a working group of some of the 116 national education, civil rights, religious, disability and civic organizations that have endorsed the "Joint Organizational Statement on No Child Left Behind (NCLB) Act."

The following specifications for changes to ESEA/NCLB are based on the Joint Statement and FEA reports. The Statement calls for major changes in the structure of NCLB in order to advance its fundamental goals of strengthening student learning, closing achievement gaps, and improving schools and school systems. The FEA has prepared the following legislative language and specifications in order to incorporate the principles of the Joint Statement in the reauthorization of ESEA/NCLB. (The Statement, FEA reports, and other materials are available at www.edaccountability.org.)

Summary: The specifications below call for major changes in three areas. First, accountability must rest on a balanced consideration of: inputs; educational processes, which we define as "systemic improvements," to include professional development, family involvement and support; and outcomes. Second, the law must shift from its current emphasis on sanctions for not making adequate yearly progress (AYP) to supports and interventions aimed to strengthen systemic improvements at the school, district and state levels. Third, the assessment provisions in NCLB must reduce the number of mandated state-level assessments while providing support and pressure for developing assessment systems that include local assessments, ensure the assessment of higher-order learning, utilize growth measures, and incorporate other valued outcomes such as graduation and grade promotion rates.

To accomplish these ends, we propose changes to the following sections, captioned as follows:

- Section 1001, Statement of Purpose and Findings
- Section 1111, State Plans, with parallel changes to Sec. 1112, Local Plans.
- Section 1116, Accountability and Improvement.
- Section 1118, Parental Involvement and Support
- Section 1119, inserting 1119A, Professional Development
- Definitions
- Other sections may need to be altered to account for these changes.

Below, we focus on major changes. While most recommendations propose specific legislative language changes, sometimes we provide notes describing the nature of the changes. For clarification, the notes are in brackets. There are many smaller changes that would have to be made to bring the new law into alignment with the major changes stated below (we identify some places where such smaller changes would be made).

Amendments to Section 1001

Sec. 1001 – Replace this section so that it reads, in its entirety, as follows:

SEC. 1001. STATEMENT OF PURPOSE AND FINDINGS

(a) PURPOSE

The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging academic standards and academic assessments. This includes: (1) ensuring that public schools are able to meet the instructional needs of all children, especially the needs of low-achieving children in our Nation's highest-poverty schools, limited English proficient children, migratory children, children with disabilities, American Indian children, neglected or delinquent children, and young children in need of reading assistance; and (2) closing the achievement gap between high- and low-performing children, especially the gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers.

(b) FINDINGS – Congress makes the following findings:

- (1) The No Child Left Behind Act (NCLB) contains important, positive components: its goals of strong academic achievement for all children and closing the achievement gap, periodic assessment of student learning, and public reporting of achievement results (including reporting by specified groups).
- (2) The federal government has a critical role to play in attaining these goals, including promoting an effective accountability system that helps ensure that all schools prepare all their children to be successful, participating members of our democracy.
- (3) NCLB's current accountability scheme, based on sanctioning schools for failing to reach arbitrary Adequate Yearly Progress (AYP) testing targets, is punitive and has negative effects. These include: narrowing curriculum and instruction to focus on test preparation rather than richer academic learning; over-emphasizing standardized tests; over-identifying schools in need of improvement; and using sanctions that do not help improve schools. Additional negative consequences have included inappropriately excluding low-scoring children from educational opportunities, retaining students in grade, or pushing them out of school, in order to boost test results.
- (4) This punitive approach needs to be changed in order to eliminate negative effects and ensure focus on the positive goals of the law.
- (5) The law's emphasis needs to shift from applying sanctions for failing to raise test scores to holding states and localities accountable for making the systemic changes that improve student achievement. This would

- enable schools, districts and states to focus on implementing the key changes needed throughout the educational system to improve teaching and learning rather than focusing, as now, on avoiding sanctions.
- (6) The key changes required are those that will build the capacity of schools to effectively educate all children and the capacity of families to support their children's academic learning. Specifically, these include enabling schools to: design and conduct high-quality professional development programs; provide for ongoing collaboration among educators so that instructional staff can more effectively address students' needs; provide mentoring, peer collaboration and other forms of individualized support for teachers and administrators; strengthen family involvement with the schools; arrange for adult literacy and parenting skills programs for parents; and arrange for adult mentoring or similar programs for children who need such supports.
- (7) In addition to greatly enhancing professional development, family involvement and support, to maximize the possibility of achieving NCLB's goals, it is necessary:
- (A) for colleges of education to strengthen teacher and administrator preparation, especially many colleges' clinical programs, under the Higher Education Act;
 - (B) for schools to provide all students a coherent and intellectually challenging curriculum that includes critical thinking, problem-solving and high-level communications skills, and that ensures deep understanding of content;
 - (C) for schools and districts to reallocate how they use their own time and money to implement the professional development and family priorities; and
 - (D) for Congress to fund a substantial portion of the cost of implementing those priorities, matched by the states, while also funding Title I at a level that provides strong support for all eligible children.
- (8) If the specified systemic changes are made in inputs and processes – to improve what happens in the classroom and at home – then the outputs (student learning) will improve.
- (9) The assessment of student learning, the measurement of outcomes and the use of assessment and outcome information in accountability systems must be redesigned to use multiple measures and growth indicators in order to provide high-quality diagnosis and feedback to students, professional development and school and district improvement.

Amendments to Section 1111.

Add at the end of (b)(1) - Standards may be locally developed rather than state developed, provided that they are approved by the state as equivalent in academic breadth, depth and challenge.

Changes to (b)(2)

[*Summary of key changes:* Changes here focus on replacement of the current, unworkable AYP structure with a system focused on steady improvements in outcomes or growth measures, utilizing multiple measures.]

Delete (b)(2)(A) through (K) inclusive, and replace with the following:

(A) IN GENERAL- Each State plan shall demonstrate that the State has developed and is implementing a State accountability system that will be effective in ensuring that all local educational agencies, public elementary schools, and public secondary schools implement required systemic reforms (as established in Section 1116) and establish a positive trend in learning outcomes. The accountability system shall:

- (i) be based on the state's academic standards, and
- (ii) take into account the achievement of all public elementary school and secondary school students;
- (iii) except that public elementary schools, secondary schools, and local educational agencies not participating under this part [not receiving Title I funds] are not subject to the requirements of section 1116.

(B) Each state shall establish a required rate of increase in the proportion of students who reach the proficient level, defined as a "positive trend in learning outcomes," to be used in evaluating school and LEA improvement (see Sec. 1116).

- (i) That rate shall be based on rates of improvement on state assessments over the previous three years among schools receiving Title I funding.
- (ii) Each school will be ranked from greatest to least rate of improvement.
- (iii) A school at a significantly high rate of increase shall be identified to establish the required rate of increase for all schools and specified groups within the school to meet in the coming five years, provided that,

(I) it is not lower than the rate of improvement achieved by the school at the 50th percentile nor higher than the rate of improvement achieved by the school at the 75th percentile, and provided that

(II) the state may adjust the rate based on three-year rolling averages in the required rate of improvement if new three year rolling averages diverge significantly from the initially established rate, and

(III) the Department shall establish regulations to enable states to establish procedures for fairly including students who have only briefly attended a given school or district.

[NOTE: FEA would consider allowing a range of similar options from which states could select provided that the options are based on rates of improvement obtained by a significant number of Title I schools. The options could include a combined status and improvement model or a system

based on individual student growth as students progress through the grades. If states are allowed to retain a cohort status model (the current law), they should be required to include an indexing system in which students who make substantial growth but do not reach proficiency would be allotted partial credit toward reaching proficiency. This could include moving from below basic to basic as well as significant improvement within a category (below basic or basic). In all such possible systems, other assessment criteria stated in (b)(3) and (4) shall be met.]

(C) The rates of improvement shall be set separately for reading/language arts and for math, as well as for any other subject area the state chooses. Schools may summarize data across grades in a school to establish their rate of improvement.

(D) States will report status and improvement or growth.

(i) The state will annually report the trends in learning outcomes (rates of improvement) for each school and district and for each identified group [named in (b)(2)(C)(v)(II) in current law] within the school and district.

(ii) The state will annually report the percentage of students at each level – basic, proficient and advanced – and changes in those percentages over the previous three years, for each assessed grade level.

(iii) States may report improvement by students aggregated individual growth as they progress through the grades.

(E) Students shall be allowed accommodations and alternative or out-of-level assessments needed to accurately determine student achievement.

(i) Multiple forms of evidence in the assessment of all groups are required, particularly for English Language Learners (ELLs) and Students with Disabilities (SWDs). These shall include, to the extent practicable, results of classroom based assessments, assessments in formats in which a student is best able to evidence his/her level of learning, and assessment of ELLs in the language or formats in which a student is best able to evidence his/her level of learning.

(ii) States shall provide research-based recommendations for selecting and using relevant accommodations for ELLs and students with disabilities to ensure that these students have access to valid assessments of their content knowledge.

(iii) A student with disabilities whose instructional levels in the core academic subjects is at least three years below the grade level in which the student is enrolled, may be assessed using the state exam or assessment that measures the academic content and achievement standards for the grade level that is at his or her instructional level.

(iv) The Department shall engage in research and subsequently issue guidelines on the allowable numbers of students, and criteria for their identification, for students who may participate in other alternative assessments, and guidelines on the criteria to use for measuring improvement of students participating in out-of-level and alternative assessments.

(v) ELLs must be assessed with English language proficiency tests aligned to state academic content standards. Data from those tests are to contribute to a body of evidence that indicates when ELLs are sufficiently proficient in English to be validly assessed with tests of academic achievement (English language arts/reading, math, & science) in English.

(vi) A student identified as ELL/LEP shall be included in that group for accountability purposes as long as that student remains in the same school or district in which

s/he was identified; if s/he remains identified as ELL/LEP when moving to a new school or district, the inclusion pertains to the new school or district.

(vi) Department of Education guidelines shall be written to provide specific guidance for selection of assessments and/or accommodations for students with dual classifications (e.g., English language learners with reading disabilities).

(viii) Assessment exams used with ELLs or SWDs shall be validated for use with those students for the purposes for which the results shall be used.

Changes to (b)(3) ACADEMIC ASSESSMENTS-

[*Summary of key changes:* limit mandated state assessments to three grade levels in reading, math and science; strengthen the requirement that assessments shall be standards-based, use multiple measures, and ensure assessment of higher-order thinking and learning.]

(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, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science that will be used as the primary means of in determining the yearly performance of the State and of each local educational agency and school in the State. {Delete remainder of paragraph and add at the end:} The state may use other indicators, including but not limited to assessment results from other core subjects, graduation rate, rates of grade promotion, attendance and other direct and indirect measures of student learning, consistent with the requirements established in this section.

(B) {Add the following} State assessment data may include information taken from local assessments, so that local assessments may comprise the entirety of the state assessment or one part of the state assessment, as described in (b)(4).

(C) [various amendments, additions, deletions to existing law:]

(ii) {Amend to read:} Exams administered by the state shall: be comprehensively aligned with the state's challenging academic content and student academic achievement standards, including higher-level cognitive requirements; be comprised of individual test items that are selected using appropriate technology so that students may successfully respond to the items if they receive appropriate instruction; and provide coherent information about student attainment of such standards. Said exams shall be constructed using principles of universal design, while selection of exams, assessments or accommodations for use with specific populations will be made on the basis of the specific needs of the students being tested.

(v)(I) {Delete:} except as otherwise provided for grades 3 through 8 under clause vii,

(vi) {Replace current language with:} involve multiple up-to-date assessments of student academic achievement, including assessments that assess higher-order thinking skills and understanding, including analysis, synthesis, evaluation, application, problem-solving and creativity, in and across subject areas.

(I) Multiple assessments involve different sources and kinds of evidence of student learning in a subject or across subject areas.

(II) They may include state-level assessments; classroom, school and district tests; extended writing samples administered on demand or as part of classroom work;

tasks, projects, performances, and exhibitions; and collected samples of student classroom work, portfolios or learning records.

(III) Multiple measures must allow multiple opportunities to demonstrate achievement, be accessible to students at varying levels of proficiency, and utilize different methods for demonstrating achievement.

(IV) Assessments used shall meet appropriate technical standards to ensure the validity of the inferences likely to be drawn from the assessment results.

(V) While any one assessment may incorporate different methods (e.g., an exam with multiple-choice and extended response questions), multiple measures does not mean one assessment with several different components, nor only multiple opportunities to take the same assessment, nor two or more measures that are largely similar such as a state exam using mostly multiple-choice items and a state-mandated use of a norm-referenced test using using similar item types or a district final or "benchmark" exam also using similar item types.

(VI) If a state does not use local assessments (per (4) below) as a means of providing multiple measures and gathering evidence pertaining to higher order thinking skills, then it must ensure that its state assessment does assess all such significant skills identified in its state standards, using multiple forms of assessment.

(vii) {Delete entirety of vii, [requiring assessments in grades 3-8 inclusive], renumber viii-xiv. }

[(ix) and (x) alter as per changes made above and below, pertaining to students with disabilities and English language learners. In general, changes to the assessment of ELLs and students with disabilities shall be consistent with the approaches established in these recommendations.]

[Note that detailed changes will have to be made to bring various sections and clauses in (b) into accord with other changes proposed in the FEA memo.]

[Note also: If a state does not assess in more than the 3 required grades, it should be encouraged and supported to provide support and monitoring to LEAs to ensure that local assessment information (which may include classroom-based evidence) is gathered in all grades to ensure students are making reasonable progress each year. Development of such a system is described below as a new (b)(4). However, no penalties shall be levied on states that do not assess more frequently than the minimum required.]

[Delete existing (b)(4) and replace with new (b)(4):]

(b) (4) Local Assessments and Other Measures Used in State Assessment Systems.

(A) A state may include local assessment information in its state assessment system.

(i) Local assessments may include common assessments, which are assessments developed for use at the school or district level, and classroom-based evidence obtained from ongoing schoolwork by students. Such assessments may be used in state assessment systems when they:

(I) assess student learning in light of content standards (state or state-approved local standards), including higher order thinking and skills;

(II) meet technical requirements necessary for use with the sorts of accountability measures established in Title I (see Sec 1116);

(III) are fair and unbiased

(IV) include multiple measures, as described in (b)(3)(C)(vi)

(V) can be used to demonstrate student progress toward and attainment of proficiency.

(ii) States shall establish criteria that local assessments must meet to be included within the state assessment system used under Title I. A state may choose to use only local measures for assessments required for public reporting and demonstrating progress under Title I. [Note: Nebraska's federally-approved system uses only state-approved approved local assessment systems that meet state specified criteria.]

(iii) States shall determine how much weight to give each component. Weights may be given to a statewide assessment and local assessments in core subject areas, and other data including graduation rates, grade promotion rates, attendance and similar data on student outcomes.

(I) The other data on outcomes in addition to state and local assessments shall be given at least 10 percent and not more than 25 percent of total weight.

(II) Non-academic measures shown to be indicative and supportive of improved academic achievement, such as improved learning climate as measured by surveys constructed so as to allow demonstration of improvement in the measure over time, also may be included, provided that they are not allotted more than 10 percent of the composite weight, which portion shall be included in the 25 percent weight allowed to non-assessment measures, so that a minimum of 75 percent of the weight must be given to assessment results.

(iv) A state that creates a weighted system shall establish, through a public process involving educators, school administrators, parents, and other community members, a formula for the allocation of weights to different components.

(v) In devising a weighting system, a compensatory rather than a conjunctive process shall generally be used, so that strength indicated by one measure can overcome weakness in that area indicated by another measure.

(B) PILOT PROGRAM TO DEVELOP HIGH QUALITY LOCAL ASSESSMENTS.

The federal government shall provide adequate funding to enable 10 states in the first year and any interested additional states in subsequent years to develop local assessments that meet the requirements of (B)(i) below and will be used, when ready, as part of state assessment systems. [Note that the funding amounts suggested below are an initial, unresearched suggestion.]

(i) The funds may also be used to support local formative assessments the uses of which are under control of classroom teachers or their schools and the primary purposes of which are to provide detailed feedback to students to enable them to improve their learning. These assessments include but are not limited to content specified in state or state-approved local content standards.

(ii) States will establish criteria by which LEAs or schools may apply for funding to develop a local system. Priority will be given to districts or schools with highest percentages of students in poverty or whose first language is not English. Districts may collaborate with one another.

(iii) States may retain up to 10 percent of the funds allocated under this provision to provide assistance to LEAs and schools in developing the program, or to collaborate with other states in sharing knowledge on assessment development and use, or to evaluate the local assessments.

(iv) Professional development for local educators to help develop and learn to use the local assessments and other assessments to strengthen teaching and learning is a permissible use of the funds.

(v) \$200 million shall be authorized to be expended in the first year of the pilot program to support 10 states. \$750 million shall be authorized for subsequent years, with actual funds allocated depending on the number of participating states. A minimum of \$10 million per year will be allocated to any state receiving Title I support to develop such a system, with additional sums provided for states with more students.

(vi) The funds shall not be expended to purchase new standardized exams at the state or district levels or to modify existing standardized exams, including "benchmark" or "interim" tests whose primary purpose is to predict performance on a state or district exam. [Note that we are not proposing to eliminate funding in the current law that can be used to improve state assessments – per (b)(3)(D) and 6113(a)(2) in the current law.]

(vii) Any state which has already begun to develop a local assessment system is eligible for this support in order to strengthen or expand its local assessments.

(viii) Any state participating in this project must evaluate its state assessment system, including approved local assessments and other indicators, to determine the technical quality of the system and the consequences of its use on curriculum, instruction, student learning for all students and for specified groups of students, and school climate. The evaluations would include ongoing studies of the validity of the descriptions and interpretations of student and school performance, including that of specified groups, to ensure the quality of core data analysis and reporting.

(C) An additional \$100 million is authorized to enable the US Department of Education and its designees to provide support to states and localities for development, implementation, evaluation and improvement of local assessments systems. This funding may be used to disseminate ideas developed in one state to other states. It may be used to develop tools states could use, such as various methods for weighting indicators used in the assessment and improvement system, or improved means of evaluating assessments systems and the consequences of their use.

(D) States shall use local and state assessment information and other indicators in a growth or improvement model, as described in Section 1111.(b)(2).

(i) Approved local assessment information indicating percentages of students attaining proficiency shall be incorporated into the trend in learning outcomes, specified in 1111(b)(2)(E).

(ii) High school graduation and other measures such as rates of grade promotion, attendance and other outcome indicators also shall be included in a growth or improvement model.

(E) States may use funds provided in this section to develop systems that employ local assessments in making major decisions about students, including graduation, grade promotion and placement.

[Retain (b)(5) and (8), (9) and (10), making any changes needed to bring into correspondence with other changes in these recommendations.]

(c) Other Provisions... thru (m)

[Generally speaking, provisions of subsections (c) through (m) would only be modified as needed to match changes in these recommendations or otherwise update the law (e.g., (g) refers to the 1994 law and could be removed). (h)(1)(C) will have to be rewritten so that reporting is based on implementation of systemic improvement, establishing a positive trend in learning outcomes, and other changes specified in these recommendations. (h)(2) will similarly need to be modified.]

A new (e) should be inserted and subsequent sections be re-lettered:

(e) Research on assessments

(i) In addition to research required in other paragraphs of this Section or in other Sections, there shall be a research program on assessment that shall include, but not be limited to, research on known problems in quality of assessments in the following areas:

- ◆ Identification, classification and placement of ELLs and SWDs;
- ◆ Psychometric properties of English language proficiency assessments;
- ◆ Psychometric properties of both native language and English language achievement assessment instruments as used with ELLs;
- ◆ Psychometric properties of assessments for the diverse types and severity levels of disabilities;
- ◆ Alternative assessments of academic achievement for ELLs, ELLs with disabilities, and non-ELLs with disabilities;
- ◆ Accommodations and modifications for specific groups, including assessment of students' English language proficiency levels;
- ◆ Correlation (alignment) of assessments with students' Individualized Education Plans under IDEA;
- ◆ Criteria used to exclude students from testing and the effects of arbitrary criteria applied to groups (e.g., percentage of students who can be exempted, limits on the number of times students can take native language achievement tests, specification of when students have to be tested in English)
- ◆ Integration of results of alternative, authentic, or performance-based measures, and assessments administered with accommodations and modifications, with results of traditional testing programs
- ◆ Formulation of comprehensive accountability systems inclusive and representative of all subgroups.

(ii) States shall be encouraged to collaborate on research and development on assessments, and may use funds allocated for the improvement of state assessments for this purpose.

Amendments to Section 1112

Changes to (b)

[In general, changes will be needed to (b) so that local plans incorporate the recommended changes to sections 1111, 1116, 1118, and 1119A.]

(b)(1)

INSERT NEW (B) then re-letter the remainder:

(b)(1)(B) a description of plans to implement local assessments, including common and classroom-based assessments, as part of the state assessment program described in 1111(b)(4).

(b)(1)(D) {Add at end:} 1119A

(b)(2) Delete in its entirety.

Changes to (c)

[*Summary:* changes are inserted to make section 1112 consistent with changes made to section 1111; other minor changes will need to be made to bring 1112 completely into alignment with other proposed changes to Title I.]

(c)(1)(C) {delete adequate yearly progress.... Standards, relace with:} demonstrate a positive trend in learning outcomes, as established in 1111(b)(2).

(c)(1)(D) {Delete:} including taking actions under paragraphs (7) and (8) of section 1116(b);

.....

M) {Delete:} "and other measures or indicators... 2001-2002 school year" {replace with:} any local assessments developed under section 1111(b)(4) and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are attaining a positive trend in learning outcomes.

N) {strike current N and replace with:} ensure that the results from any state academic exams used under section 1111(b)(3) or any common assessments developed and used under section 1111(b)(4) will be provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand;

[revise (d) and (e) to bring into accordance with recommendations in Section 1116.]

Amendments to Section 1116.

Sec. 1116 – Replace this section so that it reads, in its entirety, as follows:

Sec. 1116. ACCOUNTABILITY AND IMPROVEMENT

(a) GENERAL ACCOUNTABILITY REQUIREMENTS—Schools, districts and states receiving Title I funds are subject to the following general accountability requirements:

- (1) Through this reauthorization, federal law itself now specifies particular systemic changes that schools, districts and states must implement;
- (2) Schools, districts and states must annually report to the public all major actions they have taken to implement the systemic changes, including describing what obstacles they have encountered, the steps they took to overcome the obstacles, and the results of those steps;
- (3) They must regularly report to the public student assessment results from multiple sources of evidence, disaggregated for racial and ethnic minorities, low-income students, students with disabilities and students with limited English proficiency;
- (4) They must provide meaningful technical assistance and sufficient resources to implement the systemic changes;
- (5) They must allocate specific portions of Title I funding to implement those changes;
- (6) The federal government monitors and evaluates their use of Title I and other ESEA funds to ensure that the funds are used for the purposes for which they have been authorized and appropriated; and
- (7) As under current law, schools, districts and states are subject to the loss of Title I funds if they fail to implement the statutorily required changes.

(b) SPECIFIC ACCOUNTABILITY REQUIREMENTS –

- (1) OVERALL – The new accountability system for schools, districts and states involves a three stage process:
 - (A) Title-I funded schools and districts must gather information, conduct evaluations, prepare implementation plans in true collaboration with all stakeholders, and begin to implement the required systemic changes, using technical assistance as needed.
 - (B) Title-I funded schools are to complete implementation of the required changes, with technical assistance as needed. Districts are expected at all times to take whatever steps are necessary to develop the common vision, high expectations, leadership, collaboration, strong and coherent curriculum, and other conditions needed for high-performing public schools, whether or not these steps are explicitly mandated by the required systemic changes. For those schools that are having particular difficulty implementing the changes, districts must

- intervene to the extent necessary to enable them to carry out the changes, utilizing the guidelines required by Sections 1118 and 1119A.
- (C) For schools or districts that, notwithstanding prior interventions, have been unable to implement the changes, or having done so fail to develop a positive learning trend for five years after the start of implementation of their school plans under this reauthorization, the state must take ultimate responsibility to intervene.

(2) FOR SCHOOLS –

(A) INFORMATION GATHERING, PLANNING AND IMPLEMENTATION –

(i) Each school or district on its behalf that receives Title I funds shall gather and evaluate information on the school's needs and prepare, in collaboration with parents, teachers, and other school staff, a brief plan tailored to the needs of the specific school.

(ii) The plan shall describe the major steps to be taken to implement the systemic changes needed in that school to establish the positive trend in learning outcomes defined in Sec. 1111(b).

(iii) This plan shall be finalized within a reasonable time after enactment of this reauthorization (e.g., no more than one year after reauthorization, provided that this deadline may be extended for no more than an additional year after enactment if such additional time is needed for the U.S. Department of Education to issue regulations).

(iv) The plan shall be implemented promptly (e.g., within three months).

(v) Resources to support creation of school improvement plans may come from any increase in a district's receipt of first year professional development funds due to the expanded allocation of Title I and state funds to professional development required by Sec. 1119A(c)(2)(A) below.

(B) REPORTING –

(i) Each such school or district on its behalf shall annually prepare and make widely available, in a manner easily understandable to the community, parents, and school employees, a report describing the specific steps it has taken to implement the systemic changes.

(ii) Such report shall include:

(I) obstacles encountered,

(II) actions taken to overcome them,

(III) and the results of continuing to implement these changes, as well as

(IV) disaggregated student assessment results from multiple sources of evidence.

(3) FOR DISTRICTS – Each district that receives Title I funds shall:

(A) COMMITTEE REVIEW – Establish or utilize an existing committee to review all school plans and reports. The committee shall include representatives of teachers, other education employees, and parents.

(B) TECHNICAL ASSISTANCE AND SUPPORT – Satisfy all school requests for technical assistance and support that are necessary to enable a school to implement the systemic changes, either through its own staff or through other sources, such as the state department of education or the federally funded Regional Labs and Research Centers.

(C) DETERMINATION OF “POSITIVE TREND IN LEARNING OUTCOMES” – Evaluate the results from implementing these systemic changes. Determine whether a positive trend in learning outcomes, as defined in Sec. 1111(b), has been established.

(D) EVALUATION, ASSISTANCE, MONITORING AND INTERVENTION –

(i) Evaluate, assist, monitor, and intervene as necessary in any school that is having particular difficulty implementing the systemic changes or in establishing a positive trend in learning outcomes.

(ii) Design this process to support continuous improvement.

(iii) Consider, in its evaluations, the resources needed by the school, as well as in- and out-of-school issues that affect learning, including the need for better inter-agency collaboration.

(iv) Intervene through processes that may include

(I) assigning a skilled and experienced specialist to take responsibility for supporting current school leadership or, as appropriate,

(II) providing leadership for the school and making all necessary improvements, in collaboration with instructional staff and parents, or

(III) utilizing some other process that has elsewhere established evidence of success.

(v) Intervention shall be tailored to the individual needs of each school.

(E) REPORTING TO THE STATE – Report annually to the state on the extent of:

- (i) its schools' implementation of the systemic changes, including obstacles encountered, steps taken to overcome them, and the results, including disaggregated student assessments, for each school;
- (ii) the district's assistance to its schools and the overall situation regarding implementation of systemic change;
- (iii) the establishment of positive trends in learning outcomes at each school and for the district as a whole, including, as appropriate, data disaggregated by student group; and
- (iv) other data as required under this Act or by the state.

(4) **SUPPLEMENTAL SERVICES AND TRANSPORTATION** – Each district may, but is not required to, use up to 20 percent of its Title I allocation to provide supplemental learning services to its students or to provide transportation for students in a school that has not established a positive trend in learning outcomes to another school that has, provided that:

- (A) it shall continue to provide transportation for students previously authorized to receive such services under the No Child Left Behind Act of 2001;
- (B) priority for transportation or supplemental services shall be provided to students in those groups within a school that have not established a positive trend in learning outcomes;
- (C) a district shall not be mandated to use Title I funds for supplemental services or transportation except as provided in (4)(A);
- (D) district expenditures on transportation and supplemental services shall not be taken from the funds allocated in 1118 for family involvement and support and/or from the funds allocated for professional development in 1119A; and
- (E) districts shall have the authority and responsibility, together with the state, to monitor and evaluate supplemental services providers.

(5) **FOR STATES** – Each state receiving Title I funds shall:

- (A) **EVALUATION** – Utilize the existing Committee of Practitioners to review and evaluate all reports submitted by the districts.
- (B) **TECHNICAL ASSISTANCE** – Provide all necessary technical assistance requested by the districts. States may use their own staff, federally funded Regional Labs and Research Centers, or other sources.
- (C) **REVIEW OF LEARNING OUTCOMES** -- Review and approve the LEA's determination of a positive trend in learning outcomes; if the state determines modifications should be made, do so in consultation with the district.
- (D) **IMPROVING A SCHOOL** – Be responsible for improving the school if, notwithstanding the district's intervention required by Sec.

1116(c)(3)(C), above, a school still has not established a “positive trend in learning outcomes” within five years after the start of implementation of the school plan required by Sec. 1116(c)(2)(A), above.

- (E) IMPROVING A DISTRICT – Be responsible for improving the schools in that district, through an appointed specialist or otherwise, until all schools satisfy this standard, if within the same five-year period described in the preceding subsection, a significant portion of a district’s Title I-funded schools have not established a “positive trend in learning outcomes.”
- (F) Involve educators, parents and other stakeholders in crafting and implementing its efforts to improve schools or districts, and to the extent practicable, utilize processes described in (b)(2) and (3) and in Sections 11189 and 1119A, in order to improve learning outcomes and prepare for restoration of normal state and district authority.
- (G) In addition, a state may prepare formats to be used by district schools in developing plans and reporting.

(c) FEDERAL FUNDING –

The federal government shall contribute 50% of the cost of carrying out the required systemic changes in Title I schools nationwide beyond the costs covered by the 20% and 5% set-asides of Title I funding provided by Sec. 1119A(c)(2)(A) and Sec. 1118 (g), and the costs of local assessments described in Sec. 1111.

(d) PROTECTIONS –

Nothing in these provisions shall authorize private control over public schools or federal funding of private schools, nor require state departments of education to make interventions that are not authorized by state law. Section 1116(d) of the current law shall be retained, and any programs receiving ESEA funds are bound by applicable civil rights laws.

Amendments to Section 1118.

Sec. 1118. PARENTAL INVOLVEMENT

I. In the caption, after “INVOLVEMENT”, insert “AND SUPPORT”, so that the new caption reads: “Sec. 1118. PARENTAL INVOLVEMENT AND SUPPORT”.

II. Immediately after the new caption, insert a new subsection (a) as follows:

(a) FINDINGS – Congress makes the following findings:

- (1) A key means for dramatically improving student achievement is to enhance family support for student learning at home and at school. More than 35 years of research has proven the positive connection between parent involvement and student success. Schools with well-structured, high quality parent and family involvement programs see better student grades, higher test scores, and higher graduation rates, as well as a decrease in drug and alcohol use and fewer instances of violent behavior. And these family involvement programs are linked to higher teacher and administrator morale and increased job satisfaction.
- (2) Parent involvement is a cornerstone of this Act. In fact, parents are mentioned over 650 times in the law. It requires schools and districts to develop programs that build parent involvement and assist parents to partner more easily and readily with the school to support their children’s academic progress. These programs include written parent involvement policies, school-parent compacts, and opportunities for parents to participate at the school, give input into school programs, and gain knowledge and skills to support their children’s education. The law also encourages schools and districts to increase adult literacy efforts and to maximize family support resources by partnering with community agencies.
- (3) Yet, current provisions have not been implemented effectively. The shortage of parent involvement programs is disappointing. School professionals want more parent involvement, but have few tools to accomplish this. Most parents would like to be more involved, but they are largely unaware of their rights and opportunities under the law. In addition, the parent provisions of this Act, unlike many other provisions, lack the force to compel implementation by states, districts and schools. Congress needs to provide incentives for states, districts, and schools to include greater numbers of parents in ongoing, meaningful dialogue about improving schools and increasing parent involvement.
- (4) Moreover, adult literacy and parenting/family skills programs for parents of students in “high needs schools” are sorely lacking. These programs would equip parents with the skills to more effectively support their children’s learning at home. If parents are unable to provide such support, schools would make available adult mentoring or other programs to provide stability, assistance, and positive role models for academic learning.

- (5) To implement effective programs of parent involvement, parenting/family skills, and adult mentoring, the law must dramatically increase the funding allocated for parent involvement from 1 percent to 5 percent of Title I funds.

III. Immediately after the new “Sec. 1118(a). FINDINGS”, insert a new subsection 1118(b), captioned “PARENTAL INVOLVEMENT”, and include in this subsection all the text formerly contained in Sec. 1118. Renumber all the provisions of the former Sec. 1118 accordingly, to reflect that they are now part of subsection (b) of Sec. 1118.

IV. Amend selected provisions of the former Sec. 1118, as follows [numbers refer to 2001 law]:

1. Sec. 1118(a)(2) WRITTEN POLICY – At the end of the first sentence, immediately after “a written parent involvement policy” and before the “.”, insert: “, with parents having an equal role and involvement to school personnel in the planning process”.
2. Sec. 1118(a)(2)(A) – Immediately after the end of this provision, “and improvement under section 1116;”, insert the following two new provisions:
 - i. 1118(a)(2)(B) – “provide opportunities for meaningful parent involvement in the decisions that affect children and families, including school policies, practices, reform issues, and goals;”
 - ii. 1118(a)(2)(C) – “connect the policy to the school’s educational goals;”.
3. Sec. 1118(a)(2)(E) – Immediately after the end of this provision, “the parental involvement policies described in this section; and”, insert the following: “submit the evaluation to the district for approval, with resubmission to the state for purposes of research, analysis, and reporting;”
4. Sec. 1118(a)(2)(B)-(F) – Reletter provisions 1118(a)(2)(B)(C)(D)(E)(F) as 1118(a)(2)(D)(E)(F)(G)(H), respectively, in the former numbering format.
5. Sec. 1118(e)(5) – Strike the language after “parents of participating children” and insert, instead, the following: “using multiple communications tools, such as web sites, e-mail, newsletters, telephone calls, home visits, cable TV shows, district publications, and other public relations tools to reach out to parents and inform them about their rights and responsibilities under this Act, is easy to understand and, to the maximum extent possible, is provided in all the languages used by parents of students served by the school or district.”
6. Sec. 1118(f) ACCESSIBILITY – Immediately before this subsection, insert a new subsection (f) as follows: “Sec. 1118(f) INTERNET ACCESS – States, districts and schools shall provide opportunities to increase internet access and training for parents.”
7. Sec. 1118(f)(g)(h) – Reletter these subsections as 1118(g)(h)(i), respectively, in the former number format.

V. At the end of the former subsection “1118(h) REVIEW” [which is now the end of the new subsection 1118(b)] insert a new subsection as follows:

“Sec. 1118(c) PARENTAL SUPPORT -

- (1) All Title I-funded ‘high needs schools’ shall offer adult literacy and family skills programs to family members to help motivate and support their children with schoolwork and to encourage them to meet high academic standards.
- (2) All Title I-funded ‘high needs schools’ shall offer adult mentoring or other programs that provide individualized support and motivation for children whose parents are unable to provide stability, structure, and positive role models for pursuing academic achievement.

VI. Insert a new subsection (d) as follows:

“Sec. 1118(d) REPORTING –

- (1) All schools receiving Title I funds shall submit to their districts annual information on their implementation of parent involvement policies, plans, and practices, including obstacles encountered and steps taken to overcome them, successes, and the impact of carrying out such policies. Information may include parent survey results and the number of parents attending school improvement meetings and workshops, volunteering, observing in classrooms, and participating in adult literacy and family skills classes, as well as the number of students receiving adult mentoring or other individualized adult support.
- (2) Each district receiving Title I funds shall aggregate and summarize the school information required by Sec. 1118(d)(1) and report it annually to the state. These reports shall include evaluation of the extent to which each school has complied with the parent involvement requirements.
- (3) Each state receiving Title I funds shall aggregate and summarize the information required by Sec. 1118(d)(2) from the various districts and report it annually to the U.S. Department of Education. Each state shall include copies of the full report submitted to each district. These reports shall include evaluation of the extent to which each district has complied with the parent involvement requirements.
- (4) The Department shall aggregate, summarize, analyze, and evaluate the state information, including whether the states are adequately supporting schools and districts in implementing the Act’s parent involvement provisions, and report the results to Congress annually.
- (5) The Department shall promulgate regulations for this subsection within 180 days of passage of this Act.
- (6) All reports required by Sec. 1118(d)(1)(2)(3) and (4) shall be made publicly available at the same time that they are submitted to the designated recipient and, wherever possible, in electronic form on a publicly accessible web site.

VII. Insert a new subsection (e), as follows:

Sec. 1118(e) TECHNICAL ASSISTANCE –

(1) FEDERAL –

- (A) The U.S. Department of Education (“Department”) will establish and operate a Parent Involvement Assistance office to provide leadership

and technical assistance, including best practices, to states on issues related to parent involvement, especially focusing on how to effectively implement the parent involvement and support provisions of this Act. The Department will monitor the implementation of those provisions at the state level.

(B) The Department shall:

- (i) develop a document that outlines and details all of the Act's provisions and requirements which pertain to parent involvement and support;
- (ii) develop a parent involvement handbook for use by administrators, teachers, and parents, which shall include practical tools, ideas, and resources for effective implementation of the Act's parent involvement provisions;
- (iii) widely disseminate both the summary of legal requirements and the handbook described in Sec. 1118(e)(1)(B)(i)(ii) to all public, private, and religious K-12 schools in the country, including those that do not receive Title I funding, and to community-based, parent, and faith-based organizations;
- (iv) widely disseminate the findings from Department-funded research on effective parent involvement;
- (v) publish all information related to parent involvement in a style that is easy to understand; and
- (vi) make these publications available on its web site.

(2) STATE –

- (A) Every state receiving Title I funds will establish and operate a Parent Involvement Assistance office to provide leadership and technical assistance, including best practices, to districts, schools, parents, and other interested parties on issues related to parent involvement, especially focusing on how to implement the Act's parent involvement and support provisions.
- (B) States will monitor the implementation of those provisions at the district and school levels.
- (C) States shall utilize the data collected in Sec. 1118(d) to target technical assistance efforts to schools and districts most in need of assistance in implementing the provisions.
- (D) Each state shall also provide a means for concerned citizens to inform the state office of Parent Involvement Assistance of any disagreements with a district's report.

(3) STATE AND LOCAL –

In addition to building their own capacity, schools, districts, and states shall provide opportunities for independent, grassroots, or other community-based organizations to participate in parental involvement programs at the school and district level through a designated application process for service providers.

VIII. Insert a new subsection (f) as follows:

Sec. 1118(f) ENFORCEMENT –

(1) STATE –

(A) If a school or district is found to be out of compliance with the provisions of this section for two consecutive years, the state Parent Involvement Assistance office shall, in consultation with all the relevant parties, including parents in the affected school or district, determine the steps necessary to effect compliance.

(B) If the state determines that this can be done through technical assistance, the state shall be responsible for providing appropriate technical assistance to the school/district.

(C) If the state determines that technical assistance would not be sufficient to remedy the noncompliance, the state or its designee shall be responsible for the operation of the parent involvement program.

(2) FEDERAL –

The U.S. Department of Education shall issue regulations for addressing non-compliance by states with the provisions of this section.

IX. Insert a new subsection (g) as follows:

Sec. 1118(g) FUNDING –

(1) No less than 5 percent of the funds flowing to each district under Title I of this Act shall be used to carry out the Act's parental involvement requirements. Each district shall use: (A) no less than two-fifths of that amount to implement the programs in subsection 1118(b); (B) no less than two-fifths of that amount to implement the programs in subsection 1118(c); and (C) up to the remaining one-fifth to carry out subsections 1118(d)(e)(f).

(2) For the purpose of carrying out the Parent Information and Resource Centers provided for by Sec. 5561, *et seq.* of the current law, the only federally funded source that is intended solely to help schools and communities meet the Act's parent involvement requirements, the amount authorized to be appropriated is increased from about \$40,000,000 to \$150,000,000.

New Section 1119A.

Sec. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS

Strike subsections 1119(k) and 1119(l), in their entirety.

Create a new Sec. 1119A, to read as follows:

Sec. 1119A. PROFESSIONAL DEVELOPMENT

- (a) **FINDINGS** – Congress makes the following findings:
- (1) A principal means to dramatically improve student achievement is to greatly improve and expand professional development opportunities for school staff.
 - (2) Professional development is central to the broader effort to create school environments that foster effective school communities, cultural sensitivity, and continuous improvement efforts for all schools, especially those identified as “high needs schools,” as defined in Sec. 9101.
 - (3) For professional development to make a major contribution to accomplishing these objectives:
 - (A) It must significantly involve teachers, administrators and other key stakeholders in the design or selection, implementation, and evaluation of the professional development initiatives to ensure that the needs of the particular school or school district and its students, especially low-performing students, are being addressed.
 - (B) All levels of government, especially state departments of education, must greatly strengthen their capacities to assist Title I-funded schools to implement effective professional development and work together to facilitate the provision of such technical assistance.
 - (C) The amount of funding currently allocated to support professional development programs must be substantially increased.
 - (D) Professional development must be redirected from holding traditional 1-day or short-term workshops or conferences that do not address the specific needs of individual teachers and administrators to providing staff with educator-controlled opportunities for collaboration and individualized support.
 - (E) Title I-funded schools must concentrate on implementing key professional development practices that experience and research have shown contribute significantly to improving student learning.
- (b) **KEY PROFESSIONAL DEVELOPMENT PRACTICES** –
- (1) Design and conduct district-and/or school-wide professional development that addresses the student learning needs identified by school staffs, so that all teachers will have the subject matter knowledge and pedagogical skills to

effectively teach a challenging curriculum to diverse learners and foster a supportive learning climate.

- (2) Provide regular time for staff discussion and collaboration during the school day about professional, instructional, curricular, and assessment-related issues.
- (3) Provide intensive induction and mentoring support for beginning teachers and provide mentoring for experienced teachers as well, to meet their individual professional development needs and promote their success.
- (4) Create and fill positions that require specialized skill sets, such as mentor teachers/coaches, professional development specialists, curriculum developers, subject matter coordinators, literacy coaches, school supervisors, and other such positions.
- (5) Provide intensive training for school staff on engaging and supporting families and communities so all can contribute to their children's behavioral development and academic achievement. Involve parents in designing and providing this training.
- (6) Provide training in instructional leadership skills for school administrators, teachers, and pupil services personnel so they can create supportive learning communities that will improve instruction, produce effective professional development activities, and engage families in their children's education.

(c) LOCAL ROLE

(1) SCHOOLS

- (A) All Title I-funded schools must implement, at a minimum, the professional development practices specified in Section 1119A(b)(1)(2). Such schools already implementing the practices required by Sec. 1119(b) (1) and (b)(2) shall work to implement the requirements of Sec. 1119A(b)(3)-(6).
- (B) All Title I-funded schools that are "high needs schools," as defined in Sec. 9101, must implement the practices required by Sec. 1119A(b)(3)-(6), as well as the requirements of (b)(1) and (b)(2).
- (C) Every Title I-funded school shall provide information annually to its district about its implementation of the professional development requirements to which it is subject, including the major actions it has taken, its unmet needs, obstacles it has encountered and steps taken to overcome them, and successes. School reports will discuss the impact of the implementation of the required professional development practices on student achievement.

(2) DISTRICTS

- (A) All districts receiving Title I funds shall use an amount equal to no less than 20 percent of Title I funds they receive each year, as per paragraph (e)(1), plus an additional 20 percent to be provided by the state match required in (d)(1), to implement the professional

development requirements of Sec. 1119A(b)(1)-(6). Districts may meet this obligation by using:

- (I) New or current federal or state funds they receive that are directed to professional development.
 - (II) Funds that NCLB had dedicated to ensuring that teachers were highly qualified under Sec. 1118, since the deadline for compliance with that provision will have expired.
 - (III) Funds that NCLB had mandated be used for transportation, supplemental services, or to assist schools “in need of improvement.”
 - (IV) Any other undesignated funds that they receive from Title I.
- (B) Each district shall allocate the professional development funds referred to in Sec. 1119A(c)(2)(A) to Title I-eligible schools in its district so that priority is given to supporting professional development opportunities for instructional staff and administrators in “high needs schools.”
- (C) Each Title I-funded district shall: prepare a brief plan that describes how it will implement the professional development requirements in Sec. 1119A(b)(1)-(6); promptly provide a copy of that plan to the state; and implement that plan.
- (D) The district shall establish and expand effective partnerships and collaborative relationships with colleges, universities, or state-supported centers, and/or otherwise directly provide high quality technical assistance itself to ensure that instructional staff and administrators have access to research-based professional development opportunities and support.
- (E) The district shall report each year to the public on its progress implementing programs to carry out the professional development requirements, including obstacles encountered and the steps taken to overcome them, and on the impact of such programs on student achievement. To the extent feasible, any additional reporting requirements should be incorporated into existing state reporting requirements.

(d) STATE ROLE

- (1) Notwithstanding Section 9527(a), to receive funding under this Act, states shall match at least the federal allocation for professional development – the 20 percent portion of Title I set aside in (e)(1) to be used for that purpose – so that the combined amount available for professional development will equal at least 40 percent of the state’s Title I allotment. States will allocate these funds to districts according to the general Title I funding formula.
- (2) States shall provide all technical assistance requested by their Title I-funded districts necessary to enable the districts and their schools to effectively implement their professional development responsibilities under this section.

State support for professional development may be provided through a variety of means such as:

- (A) using state education department staff;
- (B) establishing regional centers within states;
- (C) hiring turnaround specialists;
- (D) relying on the federally funded Regional Labs and Research Centers;
- (E) facilitating voluntary collaboration among districts or with higher education institutions or professional organizations;
- (F) assisting large-district efforts; and/or
- (G) contracting out.

(3) States shall assure the federal government that they will fully implement, monitor, and evaluate district implementation of the professional development requirements.

(4) States shall aggregate and summarize the information that they receive from the districts and report to the U.S. Department of Education on state and district implementation of the professional development requirements. States may establish appropriate reporting requirements for school districts in preparing data for the Department and the public. The information shall address the specific initiatives being undertaken to implement the professional development requirements and the impact of such initiatives on student achievement. To the extent feasible, any additional requirements should be incorporated into existing reporting requirements.

(e) FEDERAL ROLE

- (1) Twenty (20) percent of Title I funds shall be set aside for use in professional development as described in this Section.
- (2) The federal government shall allocate a significant portion of the 20 percent of Title I funds set aside for professional development to states to strengthen their capacity to provide technical assistance to enable districts to carry out the six professional development practices.
- (3) The Department will monitor, evaluate, and report annually to the Congress and the public on states' provision of assistance to districts for professional development. Monitoring and evaluation will focus on ensuring that the assistance goes first to districts with the largest share of Title I-eligible students, that the states implement the professional development requirements in Sec. 1119A(b)(1)-(6), and that the state assistance is effective.
- (4) For the purpose of enabling independent, ongoing research to assist schools and districts to overcome obstacles to successful implementation of the six professional development requirements in Sec. 1119A(b), there are authorized to be appropriated \$2,000,000 for each of the next five fiscal years.

Amendments to Section 9101.

SEC. 9101. DEFINITIONS

a. Insert a new definition as follows:

“(24) HIGH NEEDS SCHOOLS. – The term ‘high needs schools’ as used in this Act means those Title I-funded schools, including high schools, that have the highest poverty and lowest achievement, as determined by the district.

b. Strike Sec. 9101(34) “PROFESSIONAL DEVELOPMENT,” in its entirety.

c. Renumber accordingly the definitions from and after the current number (24).