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To: "Sandy Kress ( CN=Sandy Kress/OU=OPD/O=EOP [ OPD ] )"
Subject: : FW: Title VII
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-----Original Message-----
From: Duncan, Kirsten [mailto:Kirsten.Duncan@mail.house.gov]
Sent: Tuesday, April 24, 2001 10:19 AM
To: Barone, Charles; Bos, Lisa; Conant, George; Davidson, Pamela; Dobrozi, Jeff; Forte, Denise; Haas, Kara; Herrle, Cindy; McDow, Maggie; Mesecar, Doug; Milburn, Stephanie; Miller, Maria; Nock, Alex; O'Neil, Brendan; Pearce, Krisann; Peltier, Ben; Schnitger, Dave; Smith, Glee; Stombres, Rich; Swab, Kenneth; Sweet, Bob; Talbert, Kent; Wayne Riddle; Weiss, Karen; Wolfe, Christine
Cc: Nina Rees (E-mail); Sandy Kress (E-mail); Sarah Youssef (E-mail);
Sandra Cook (E-mail)
Subject: Title VII

this is the latest version of Title VII

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ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_UQHN1004_OPD.TXT_1>
The following document is attachment P_UQHN1004_OPD.TXT_1
TITLE VII—ACCOUNTABILITY

SEC. 701. FLEXIBILITY AND ACCOUNTABILITY.

Title VII is amended to read as follows:

"TITLE VII—FLEXIBILITY AND ACCOUNTABILITY

"PART A—STATE ACCOUNTABILITY FOR IMPROVING ACADEMIC ACHIEVEMENT

"SEC. 7101. STATE FINANCIAL AWARDS.

"(a) IN GENERAL.—Beginning in the 2002–2003 school year, the Secretary shall make in accordance with this section financial awards, to be known as 'Achievement in Education Awards', to States that have made significant progress in improving educational achievement.

"(b) CRITERIA OF PROGRESS.—For the purposes of subsection (a), the Secretary shall judge progress using each of the following criteria, giving the greatest weight to the criterion described in paragraph (1):

"(1) The progress of the State's students from economically disadvantaged families and students from racial and ethnic minority groups—

"(A) on the assessments administered by the State under section 1111; and

"(B) beginning in the 2003–2004 school year, on assessments of 4th and 8th grade reading and mathematics under—
"(i) the State assessments carried out as part of the National Assessment of Educational Progress under section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010); or

"(ii) an assessment selected by the State that—

"(I) is administered annually;

"(II) yields high quality data that are valid and reliable;

"(III) meets widely recognized professional and technical standards;

"(IV) is developed by an entity independent from each State and local government agency in the State;

"(V) is not identical to the assessment used to meet the State assessment requirements under section 1111;

"(VI) provides results in such a form that they may be expressed in terms of achievement levels that are consistent with the achievement levels (basic, proficient, and advanced) set forth in section 1111;
"(VII) provides results in such a form that they may be disaggregated, at a minimum, according to income level and major racial and ethnic group; and

"(VIII) is administered to all students or to a representative sample of students in the 4th and 8th grades statewide, with a sample size that is sufficiently large to produce statistically significant estimates of statewide student achievement.

"(2) The overall improvement in the achievement of all of the State's students, as measured by—

"(A) the assessments administered by the State under section 1111; and

"(B) beginning in the 2003-2004 school year, the assessments described in paragraph (1)(B).

"(3) The progress of the State in improving the English proficiency of students who enter school with limited English proficiency.
"(c) OTHER CONSIDERATIONS.—In judging a State’s progress under subsection (a), the Secretary may also consider—

“(1) the progress of the State in increasing the percentage of students who graduate from secondary schools; and

“(2) the progress of the State in increasing the percentage of students who take advanced coursework (such as Advanced Placement or International Baccalaureate courses) and who pass the exams associated with such coursework.

“(d) AMOUNT.—The Secretary shall determine the amount of an award under subsection (a) based on—

“(1) the school-age population of the State;

“(2) the degree of progress shown by a State with respect to the criteria set forth in subsections (b) and (c); and

“(3) whether the State has entered into a performance agreement with the Secretary under part B.

“(e) USE OF FUNDS.—

“(1) IN GENERAL.—A State receiving a financial award under this section shall use the proceeds of such award only to make financial awards to public elementary and secondary schools in the State
that have made the most significant progress with
respect to the criteria described in subsection (b).

“(2) USE BY SCHOOLS.—In consultation with
the school’s teachers, the principal of each elemen-
tary or secondary school that receives a financial
award from a State under this section shall use the
proceeds of such award at the school for any edu-
cational purpose permitted under State law.

“(3) RESPONSIBLE STATE AGENCY.—The State
educational agency for each State shall be the agen-
cy responsible for making awards under this sub-
section.

“(f) PEER REVIEW.—In selecting States for awards
under subsection (a), the Secretary shall use a peer-review
process.

“(g) COSTS OF INDEPENDENT ASSESSMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2),
the Secretary shall make grants to States to offset
the costs of administering assessments administered
by the States to meet the requirements of
(b)(1)(B)(ii).

“(2) LIMITATIONS.—Grants made by the Sec-
retary in any year to a State under paragraph (1)—

“(A) may be awarded only to offset the
costs of a single administration of an assess-
ment described in such paragraph in the State for that year; and

"(B) may not exceed the costs of administering in the State for that year the State assessments that would be carried out under the National Assessment of Educational Progress described in subsection (b)(1)(B).

"(3) ALLOCATION.—The Secretary may determine the appropriate methodology of allocating grants to States under this subsection.

"SEC. 7102. STATE SANCTIONS.

"(a) FAILURE TO MAKE PROGRESS.—

"(1) LOSS OF ADMINISTRATIVE FUNDS.—The Secretary shall reduce, by 30 percent, the amount of funding that a State may reserve for State administration under the State formula grant programs authorized by this Act if the Secretary determines that, for 2 consecutive years—

"(A) the State's students from economically disadvantaged families and students from racial and ethnic minority groups failed to make adequate yearly progress on the assessments administered by the State under section 1111; and
“(B) the State's students from economically disadvantaged families and students from racial and ethnic minority groups failed to make measurable progress in reading and mathematics, as measured by the 4th and 8th grade assessments described in subsection (b)(1)(B).

“(2) FURTHER REDUCTIONS.—In each of the first 2 years after the years described in paragraph (1), the Secretary may increase the reduction described in such paragraph by any amount up to a total of an additional 45 percent.

“(b) OTHER FAILURES.—In addition to any action taken under subsection (a)(1) or (a)(2), the Secretary shall reduce, by 20 percent, the amount of funding that a State may reserve for State administration under the State formula grant programs authorized by this Act if the Secretary determines that, for 2 consecutive years, the State failed to make adequate yearly progress—

“(1) with respect to the achievement of children with limited English proficiency under section 1111(b)(2)(C)(iii)(II)(dd); or

“(2) with respect to the acquisition of English language proficiency by children with limited
English proficiency under section 1111(b)(2)(C)(iii)(III).

"(c) USE OF FUNDS FOR IMPROVEMENT.—

"(1) IN GENERAL.—The Secretary shall require that any funds reduced under this section be allocated by the State to local educational agencies in the State for school improvement purposes described in section 1116.

"(2) TREATMENT OF FUNDS.—Funds described in paragraph (1) shall not count toward the amounts that are required to be reserved by a State for school improvement under section 1003.

"SEC. 7103. DEVELOPMENT OF STATE STANDARDS AND ASSESSMENTS.

"(a) IN GENERAL.—The Secretary shall make financial awards to States to enable the States—

"(1) to pay the costs of the development of the additional State assessments and standards required by section 1111(b), including the costs of working in voluntary partnerships with other States in developing such assessments and standards if a State chooses to do so; and

"(2) if a State has developed the assessments and standards referred to in paragraph (1), to administer such assessments or to carry out other ac-
Activities described in this title and other activities related to ensuring accountability for results in the State's schools and local educational agencies, such as developing academic content and achievement standards and aligned assessments in other subjects not required by section 1111 or assessments of English language proficiency necessary to comply with section 1111(b)(7).

"(b) Bonuses.—The Secretary shall make a one-time bonus payment to each State that completes the development of the assessments described in subsection (a) ahead of the deadline set forth in section 1111.

"SEC. 7104. AUTHORIZATION OF APPROPRIATIONS.

"(a) Awards and Bonus Payments.—For the purposes of making awards under section 7101 and bonus payments under section 7103(b), there are authorized to be appropriated $40,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

"(b) Grants for Independent Assessments; Administration of State Assessments Under NAEP.—For the purposes of making grants to offset the costs of independent assessments under section 7101(g) and for the purposes of administering the State assessments carried out under the National Assessment of Edu-
There are authorized to be appropriated to the Secretary $69,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.

"(e) Development and Administration of State Standards and Assessments.—For the purposes of carrying out subsection 7103(a), there are authorized to be appropriated $320,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2005.