

112TH CONGRESS
1ST SESSION

S. 1654

To establish an alternative accountability model.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2011

Mr. UDALL of Colorado (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish an alternative accountability model.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Growth to Excellence
5 Act of 2011”.

6 **SEC. 2. ACCOUNTABILITY MODEL.**

7 Section 1111(b) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6311(b)) is amended—

9 (1) in paragraph (3), by adding at the end the
10 following:

1 “(E) ASSESSMENTS ABOVE AND BELOW
2 GRADE LEVEL.—

3 “(i) IN GENERAL.—Notwithstanding
4 any other requirement of this paragraph, a
5 State may carry out this paragraph
6 through the use of adaptive assessments
7 that—

8 “(I) are administered through a
9 computerized means;

10 “(II) are aligned with grade-level
11 academic content standards; and

12 “(III) measure academic growth
13 above and below grade level.

14 “(ii) REQUIREMENTS FOR ADAPTIVE
15 ASSESSMENTS.—For the results of any
16 adaptive assessment to be included in the
17 accountability model described under para-
18 graph (12), such results must provide the
19 information necessary to determine ade-
20 quate student growth in accordance with
21 paragraph (12)(C)(i).”; and

22 (2) by adding at the end the following:

23 “(11) CRITERIA AND IMPLEMENTATION OF AC-
24 COUNTABILITY MODEL.—

25 “(A) IN GENERAL.—

1 “(i) TRANSITIONAL PARTICIPATION.—
2 Prior to a State’s adoption of college and
3 career ready academic content standards
4 and college and career ready assessments,
5 as defined in subparagraphs (B) and (C)
6 of paragraph (13), a State may apply to
7 the Secretary to replace the State plan re-
8 quirements under paragraph (2) with the
9 accountability requirements under para-
10 graph (12).

11 “(ii) REQUIRED PARTICIPATION.—
12 After the adoption of college and career
13 ready academic content standards and col-
14 lege and career ready assessments, as de-
15 fined in subparagraphs (B) and (C) of
16 paragraph (13) and required under this
17 subsection—

18 “(I) a State shall comply with
19 this paragraph and paragraph (12) in
20 lieu of paragraph (2); and

21 “(II) references in this Act to
22 section 1111(b)(2) shall be deemed to
23 be references to this paragraph and
24 paragraph (12).

1 “(B) CRITERIA.—A State that participates
2 in the accountability model described in para-
3 graph (12) shall carry out the following activi-
4 ties:

5 “(i) Implement challenging college
6 and career ready academic content stand-
7 ards, as defined in paragraph (13)(B).

8 “(ii) Implement college and career
9 ready assessments, as defined in paragraph
10 13(C).

11 “(iii) For a secondary school, measure
12 graduation rates as defined in section
13 200.19(b)(1) of title 34, Code of Federal
14 Regulations.

15 “(iv) Assess not less than 2 additional
16 indicators of whether students are college
17 and career ready, such as—

18 “(I) student scores on the ACT;

19 “(II) student scores on the SAT;

20 “(III) the percentage of students
21 who attend an institution of higher
22 education;

23 “(IV) college remediation rates;

1 “(V) results from Advance Place-
2 ment or International Baccalaureate
3 exams;

4 “(VI) student grade point aver-
5 ages at an institution of higher edu-
6 cation; or

7 “(VII) rates of completion of the
8 first year at an institution of higher
9 education.

10 “(v) Provide a comprehensive State
11 system of accountability for schools that do
12 not meet the standard for adequate stu-
13 dent growth, as described in paragraph
14 (12), which aims to ensure that each stu-
15 dent is college and career ready before
16 such student graduates from secondary
17 school and which shall include, at a min-
18 imum—

19 “(I) the evaluation of each school
20 and each group of students described
21 in paragraph (2)(C)(v)(II) against an-
22 nual progress targets described in
23 subclauses (V) and (VI) of paragraph
24 (12)(B)(i) that are aligned with the
25 goal of ensuring that each student is

1 college and career ready before such
2 student graduates from secondary
3 school;

4 “(II) a system of categorization
5 that will group schools based on—

6 “(aa) how the overall per-
7 formance of students, and the
8 performance of each subgroup of
9 students described in paragraph
10 (2)(C)(v)(II), at such school com-
11 pares to each annual progress
12 target described in subclauses
13 (V) and (VI) of paragraph
14 (12)(B)(i); and

15 “(bb) if the school is a sec-
16 ondary school, how students at
17 such school perform when meas-
18 ured against key indicators of
19 college and career readiness, as
20 described in clauses (iii) and (iv);

21 “(III) supports and consequences
22 for each school in the State, as appro-
23 priate for each school based on the
24 categorization described in subclause
25 (II); and

1 “(IV) incentives for schools that
 2 consistently exceed the annual
 3 progress targets described in sub-
 4 clauses (V) and (VI) of paragraph
 5 (12)(B)(i).

6 “(vi) Adopt intervention mechanisms
 7 for schools, as described in section 1116.

8 “(vii) Ensure that adequate student
 9 growth reports are delivered, in a timely
 10 manner, to parents and teachers (as appro-
 11 priate) to enable parents and teachers to
 12 examine student progress toward becoming
 13 college and career ready.

14 “(C) ASSESSMENTS ABOVE AND BELOW
 15 GRADE LEVEL.—

16 “(i) IN GENERAL.—In carrying out
 17 the assessment requirements described in
 18 subparagraph (B)(ii), a State may use
 19 adaptive assessments described in para-
 20 graph (3)(E).

21 “(ii) REQUIREMENTS FOR ADAPTIVE
 22 ASSESSMENTS.—For the results of any
 23 adaptive assessment to be included in the
 24 accountability model described under para-
 25 graph (12), such results must provide the

1 information necessary to determine ade-
2 quate student growth in accordance with
3 paragraph (12)(C)(i).

4 “(12) ACCOUNTABILITY MODEL.—

5 “(A) IN GENERAL.—Each State that will
6 use an accountability model under this para-
7 graph shall submit a plan to the Secretary,
8 which shall demonstrate that the State has de-
9 veloped and will implement a single, statewide
10 State accountability system that will be effective
11 in ensuring that all local educational agencies,
12 public elementary schools, and public secondary
13 schools meet the standard of adequate student
14 growth as defined under this paragraph.

15 “(B) COMPONENTS OF THE ACCOUNT-
16 ABILITY MODEL.—

17 “(i) IN GENERAL.—Each State ac-
18 countability model shall—

19 “(I) be based on the academic
20 standards and academic assessments
21 adopted under paragraphs (1), (3),
22 and (11), and other academic indica-
23 tors consistent with subparagraph
24 (C)(ii);

1 “(II) take into account the
2 achievement of all public elementary
3 school and secondary school students;

4 “(III) be the same accountability
5 model that the State uses for all pub-
6 lic elementary schools and secondary
7 schools or all local educational agen-
8 cies in the State;

9 “(IV) include components that
10 recognize successful schools and that
11 require intervention measures in
12 struggling schools, which the State
13 will use to hold local educational agen-
14 cies and public elementary schools and
15 secondary schools accountable for stu-
16 dent achievement and for ensuring
17 that such agencies and schools meet
18 the standard of adequate student
19 growth as described in subparagraph
20 (C), in accordance with this para-
21 graph;

22 “(V) establish annual progress
23 targets for each school that aim to re-
24 duce by half, in less than 6 years—

1 “(aa) the difference between
2 the percentage of students at the
3 top performing schools in the
4 State who meet the college and
5 career ready academic content
6 standards described in paragraph
7 (13)(B) or make adequate stu-
8 dent growth, as described in sub-
9 paragraph (C), and the percent-
10 age of such students at each
11 school that is not a top per-
12 forming school; and

13 “(bb) for each category of
14 students described in paragraph
15 (2)(C)(v)(II), the difference be-
16 tween the percentage of students
17 who meet the college and career
18 ready academic content stand-
19 ards described in paragraph
20 (13)(B) or make adequate stu-
21 dent growth, as described in sub-
22 paragraph (C), at the top per-
23 forming schools in the State, and
24 the percentage of such students

1 at each school that is not a top
2 performing school; and

3 “(VI) establish annual progress
4 targets for each secondary school that
5 aim to reduce by half, in less than 6
6 years, the difference between the per-
7 centage of students who graduate
8 from such secondary school and 90
9 percent.

10 “(ii) DEFINITION OF TOP PER-
11 FORMING SCHOOL.—In this paragraph, the
12 term ‘top performing school’ means a
13 school that is ranked at the 90th percentile
14 when all schools in a State are ranked
15 (with separate rankings for elementary
16 schools and for secondary schools) from
17 lowest to highest, based on the percentage
18 of students at each school who meet chal-
19 lenging college and career ready academic
20 content standards.

21 “(iii) TOP PERFORMING SCHOOLS.—A
22 top performing school shall be considered a
23 school that is meeting annual progress tar-
24 gets under subclauses (V) and (VI) of

1 clause (i), for such time as the school re-
2 mains a top performing school.

3 “(C) ADEQUATE STUDENT GROWTH.—

4 “(i) IN GENERAL.—The term ‘ade-
5 quate student growth’ shall be defined by
6 a State—

7 “(I) to mean—

8 “(aa) for each student at a
9 school who is not on track to
10 being college and career ready in
11 a subject, a rate of growth indi-
12 cating that the student will be on
13 track to being college and career
14 ready within 3 years, or by the
15 last year of student testing,
16 whichever is earlier; and

17 “(bb) for a student who is
18 on track to being college and ca-
19 reer ready in a subject, but is not
20 yet college and career ready, a
21 rate of growth equal to not less
22 than 1 year of academic growth;

23 “(II) in a manner that—

24 “(aa) applies the same high
25 standards of academic achieve-

1 ment to all public elementary
2 school and secondary school stu-
3 dents in the State;

4 “(bb) is statistically rig-
5 orous, valid, and reliable;

6 “(cc) results in continuous
7 and substantial academic im-
8 provement for all students; and

9 “(dd) measures the progress
10 of public elementary schools, sec-
11 ondary schools, local educational
12 agencies, and the State based on
13 the academic assessments de-
14 scribed in paragraphs (3) and
15 (11).

16 “(ii) MEASURES OF ADEQUATE
17 SCHOOL PERFORMANCE.—

18 “(I) IN GENERAL.—A State may
19 develop a composite measure of a
20 school’s adequate student growth, as
21 described under this paragraph, to be
22 used for public reporting, that may in-
23 corporate 1 or more of the following
24 indicators:

1 “(aa) Overall student cohort
2 proficiency or growth to pro-
3 ficiency on the assessments
4 adopted under paragraphs (3)
5 and (11) over a period of 2 or
6 more years.

7 “(bb) The percentage of stu-
8 dents who are making sufficient
9 growth to meet the college and
10 career ready academic content
11 standards, as described in para-
12 graph (13)(B), before the last
13 year that the student is in the
14 student’s current school, or in
15 less than 3 years, whichever oc-
16 curs earlier.

17 “(cc) Progress in closing
18 achievement gaps between each
19 group of students listed in para-
20 graph (2)(C)(v)(II) and the over-
21 all student population of the
22 school over a period of 2 or more
23 years.

24 “(dd) For secondary schools,
25 a continuous and substantial in-

1 crease in the graduation rate (as
2 defined in section 200.19(b)(1) of
3 title 34, Code of Federal Regula-
4 tions).

5 “(ee) Year-to-year growth
6 and growth to proficiency on the
7 assessments adopted under para-
8 graphs (3) and (11).

9 “(ff) Attendance for all pub-
10 lic elementary school students.

11 “(gg) The percentage of stu-
12 dents who earn sufficient credits
13 to be promoted to the next grade.

14 “(hh) The percentage of sec-
15 ondary school graduates who at-
16 tend an institution of higher edu-
17 cation.

18 “(ii) The percentage of sec-
19 ondary school graduates who do
20 not require remediation at an in-
21 stitution of higher education.

22 “(II) VALIDITY AND RELI-
23 ABILITY.—The State shall ensure that
24 each indicator described in this clause
25 is rigorous, valid for the indicator’s

1 assigned use, reliable, and consistent
2 with any relevant nationally recog-
3 nized professional and technical
4 standards.

5 “(III) REPORTING OF INDICA-
6 TORS.—A State shall publicly report
7 each of the indicators that are in-
8 cluded within the composite measure
9 of adequate school performance, as
10 described in this clause, in the aggre-
11 gate and disaggregated by each group
12 of students described in paragraph
13 (2)(C)(v)(II).

14 “(D) ANNUAL IMPROVEMENT FOR
15 SCHOOLS.—Each year, for a school to meet the
16 standard for adequate student growth under
17 this paragraph, not less than 95 percent of each
18 group of students described in paragraph
19 (2)(C)(v)(II) who are enrolled in the school are
20 required to take the assessments, consistent
21 with paragraph (3), including subparagraph
22 (C)(xi) of such paragraph, and with—

23 “(i) accommodations provided in the
24 same manner as those provided under sec-

1 tion 504 of the Rehabilitation Act of 1973
2 (29 U.S.C. 794); and

3 “(ii) accommodations and alternative
4 assessments provided in the same manner
5 as those provided under section
6 612(a)(16)(A) of the Individuals with Dis-
7 abilities Education Act.

8 “(E) EVALUATION.—

9 “(i) SECRETARIAL DUTIES.—The Sec-
10 retary shall—

11 “(I) establish a rigorous peer-re-
12 view process, which shall include a di-
13 verse board of experts and community
14 stakeholders, to assist in the review of
15 State accountability model plans,
16 based on the criteria described in sub-
17 paragraphs (B) and (C)(i);

18 “(II) appoint individuals to the
19 peer-review process who are represent-
20 ative of parents, teachers, State edu-
21 cational agencies, and local edu-
22 cational agencies, and who are famil-
23 iar with educational standards, assess-
24 ments, accountability, the needs of

1 low-performing schools, and other
2 educational needs of students;

3 “(III) if the Secretary determines
4 that the State plan does not meet the
5 requirements of this paragraph, im-
6 mediately notify the State of such de-
7 termination and the reasons for such
8 determination;

9 “(IV) not decline to approve a
10 State’s accountability model plan be-
11 fore—

12 “(aa) offering the State an
13 opportunity to revise its account-
14 ability model plan;

15 “(bb) providing technical as-
16 sistance in order to assist the
17 State to meet the requirements of
18 this paragraph;

19 “(cc) providing a hearing;
20 and

21 “(dd) allowing the State to
22 communicate with peer reviewers
23 in order to further explain or jus-
24 tify the merits of the State’s ac-
25 countability model plan; and

1 “(V) have the authority to dis-
2 approve a State accountability model
3 plan for not meeting the requirements
4 of this paragraph, but shall not have
5 the authority to require a State, as a
6 condition of approval of the State ac-
7 countability model plan, to include in,
8 or delete from, such plan 1 or more
9 specific elements of the State’s aca-
10 ademic content standards or to use
11 specific academic assessment instru-
12 ments or items.

13 “(ii) STATE REVISIONS.—A State ac-
14 countability model plan shall be revised by
15 the State educational agency if it is nec-
16 essary to satisfy the requirements of this
17 paragraph.

18 “(F) APPROVED SCHOOLS.—If, as of the
19 date of enactment of the Growth to Excellence
20 Act of 2011, a State has already received ap-
21 proval from the Secretary to use an account-
22 ability model, the Secretary may allow such
23 State a period of not more than 2 years from
24 the date of enactment of such Act to transition

1 to the use of the accountability model described
2 in this paragraph.

3 “(13) DEFINITIONS.—In this subsection:

4 “(A) COLLEGE AND CAREER READY.—The
5 term ‘college and career ready’ when used with
6 respect to a student means that the student
7 meets the requirements necessary to be admit-
8 ted into credit-bearing, nonremedial, entry level
9 coursework at a State public institution of high-
10 er education.

11 “(B) COLLEGE AND CAREER READY ACA-
12 DEMIC CONTENT STANDARDS.—The term ‘col-
13 lege and career ready academic content stand-
14 ards’ means challenging academic content
15 standards (as required under paragraph (1))
16 that are—

17 “(i) developed based on evidence that
18 mastery of such standards corresponds to
19 being college and career ready without the
20 need for remediation; and

21 “(ii)(I) common to a significant num-
22 ber of States; or

23 “(II) approved by a system of public
24 4-year institutions of higher education in
25 the State, such that mastery of such

1 standards leads to placement into credit-
2 bearing, nonremedial, first-year coursework
3 for a student admitted to an institution of
4 higher education that is part of such sys-
5 tem.

6 “(C) COLLEGE AND CAREER READY AS-
7 SESSMENTS.—The term ‘college and career
8 ready assessments’ means an assessment for
9 mathematics and an assessment for reading or
10 language arts that—

11 “(i) measures the annual academic
12 growth of individual students;

13 “(ii) is aligned with the college and
14 career ready academic content standards
15 described in this paragraph; and

16 “(iii) meets the requirements under
17 paragraph (3).

18 “(D) ON TRACK TO BEING COLLEGE AND
19 CAREER READY.—The term ‘on track to being
20 college and career ready’ in a subject means
21 that a student is performing at or above grade
22 level, such that the student will be college and
23 career ready in the subject before graduation

1 from secondary school, as measured by the
2 State assessment system.”.

○