

From: <JAScott@AkinGump.com>
To: "Sandy Kress (CN=Sandy Kress/OU=OPD/O=EOP [OPD])"
Subject: : FW: Title VII
Date: Tuesday, April 24, 2001 12:47 PM

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Scott, Jo Ann" <JAScott@AkinGump.com> ("Scott, Jo Ann" <JAScott@AkinGump.com> [UNKNOWN])
CREATION DATE/TIME:24-APR-2001 11:47:15.00
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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; Dobrozsi, Jeff; Forte, Denise; Haas, Kara; Herrle, Cindy; McDow, Maggie; Mesecar, Doug; Milburn, Stephanie; Miller, Maria; Nock, Alex; O'Neil, Brendan; Pearce, Krisann; Peltier, Ben; Schnittger, 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

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<<T7A_001.PDF>>

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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**

1 **TITLE VII—ACCOUNTABILITY**

2 **SEC. 701. FLEXIBILITY AND ACCOUNTABILITY.**

3 Title VII is amended to read as follows:

4 **“TITLE VII—FLEXIBILITY AND**
5 **ACCOUNTABILITY**

6 **“PART A—STATE ACCOUNTABILITY FOR**
7 **IMPROVING ACADEMIC ACHIEVEMENT**

8 **“SEC. 7101. STATE FINANCIAL AWARDS.**

9 “(a) IN GENERAL.—Beginning in the 2002–2003
10 school year, the Secretary shall make in accordance with
11 this section financial awards, to be known as ‘Achievement
12 in Education Awards’, to States that have made signifi-
13 cant progress in improving educational achievement.

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

18 “(1) The progress of the State’s students from
19 economically disadvantaged families and students
20 from racial and ethnic minority groups—

21 “(A) on the assessments administered by
22 the State under section 1111; and

23 “(B) beginning in the 2003–2004 school
24 year, on assessments of 4th and 8th grade
25 reading and mathematics under—



1 “(i) the State assessments carried out
2 as part of the National Assessment of
3 Educational Progress under section 411 of
4 the National Education Statistics Act of
5 1994 (20 U.S.C. 9010); or

6 “(ii) an assessment selected by the
7 State that—

8 “(I) is administered annually;

9 “(II) yields high quality data
10 that are valid and reliable;

11 “(III) meets widely recognized
12 professional and technical standards;

13 “(IV) is developed by an entity
14 independent from each State and local
15 government agency in the State;

16 “(V) is not identical to the as-
17 sessment used to meet the State as-
18 sessment requirements under section
19 1111;

20 “(VI) provides results in such a
21 form that they may be expressed in
22 terms of achievement levels that are
23 consistent with the achievement levels
24 (basic, proficient, and advanced) set
25 forth in section 1111;



1 “(VII) provides results in such a
2 form that they may be disaggregated,
3 at a minimum, according to income
4 level and major racial and ethnic
5 group; and

6 “(VIII) is administered to all stu-
7 dents or to a representative sample of
8 students in the 4th and 8th grades
9 statewide, with a sample size that is
10 sufficiently large to produce statis-
11 tically significant estimates of state-
12 wide student achievement.

13 “(2) The overall improvement in the achieve-
14 ment of all of the State’s students, as measured
15 by—

16 “(A) the assessments administered by the
17 State under section 1111; and

18 “(B) beginning in the 2003–2004 school
19 year, the assessments described in paragraph
20 (1)(B).

21 “(3) The progress of the State in improving the
22 English proficiency of students who enter school
23 with limited English proficiency.



1 “(c) OTHER CONSIDERATIONS.—In judging a State’s
2 progress under subsection (a), the Secretary may also
3 consider—

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

7 “(2) the progress of the State in increasing the
8 percentage of students who take advanced
9 coursework (such as Advanced Placement or Inter-
10 national Baccalaureate courses) and who pass the
11 exams associated with such coursework.

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

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

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

18 “(3) whether the State has entered into a per-
19 formance agreement with the Secretary under part
20 B.

21 “(e) USE OF FUNDS.—

22 “(1) IN GENERAL.—A State receiving a finan-
23 cial award under this section shall use the proceeds
24 of such award only to make financial awards to pub-
25 lic elementary and secondary schools in the State



1 that have made the most significant progress with
2 respect to the criteria described in subsection (b).

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

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

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

16 “(g) COSTS OF INDEPENDENT ASSESSMENTS.—

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

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

24 “(A) may be awarded only to offset the
25 costs of a single administration of an assess-



1 ment described in such paragraph in the State
2 for that year; and

3 “(B) may not exceed the costs of admin-
4 istering in the State for that year the State as-
5 sessments that would be carried out under the
6 National Assessment of Educational Progress
7 described in subsection (b)(1)(B).

8 “(3) ALLOCATION.—The Secretary may deter-
9 mine the appropriate methodology of allocating
10 grants to States under this subsection.

11 **“SEC. 7102. STATE SANCTIONS.**

12 “(a) FAILURE TO MAKE PROGRESS.—

13 “(1) LOSS OF ADMINISTRATIVE FUNDS.—The
14 Secretary shall reduce, by 30 percent, the amount of
15 funding that a State may reserve for State adminis-
16 tration under the State formula grant programs au-
17 thorized by this Act if the Secretary determines that,
18 for 2 consecutive years—

19 “(A) the State’s students from economi-
20 cally disadvantaged families and students from
21 racial and ethnic minority groups failed to
22 make adequate yearly progress on the assess-
23 ments administered by the State under section
24 1111; and



1 “(B) the State’s students from economi-
2 cally disadvantaged families and students from
3 racial and ethnic minority groups failed to
4 make measurable progress in reading and
5 mathematics, as measured by the 4th and 8th
6 grade assessments described in subsection
7 (b)(1)(B).

8 “(2) FURTHER REDUCTIONS.—In each of the first 2
9 years after the years described in paragraph (1), the Sec-
10 retary may increase the reduction described in such para-
11 graph by any amount up to a total of an additional 45
12 percent.

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

20 “(1) with respect to the achievement of children
21 with limited English proficiency under section
22 1111(b)(2)(C)(iii)(II)(dd); or

23 “(2) with respect to the acquisition of English
24 language proficiency by children with limited



1 English proficiency under section
2 1111(b)(2)(C)(iii)(III).

3 “(c) USE OF FUNDS FOR IMPROVEMENT.—

4 “(1) IN GENERAL.—The Secretary shall require
5 that any funds reduced under this section be allo-
6 cated by the State to local educational agencies in
7 the State for school improvement purposes described
8 in section 1116.

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

13 **“SEC. 7103. DEVELOPMENT OF STATE STANDARDS AND AS-**
14 **SESSMENTS.**

15 “(a) IN GENERAL.—The Secretary shall make finan-
16 cial awards to States to enable the States—

17 “(1) to pay the costs of the development of the
18 additional State assessments and standards required
19 by section 1111(b), including the costs of working in
20 voluntary partnerships with other States in devel-
21 oping such assessments and standards if a State
22 chooses to do so; and

23 “(2) if a State has developed the assessments
24 and standards referred to in paragraph (1), to ad-
25 minister such assessments or to carry out other ac-



1 activities described in this title and other activities re-
2 lated to ensuring accountability for results in the
3 State's schools and local educational agencies, such
4 as developing academic content and achievement
5 standards and aligned assessments in other subjects
6 not required by section 1111 or assessments of
7 English language proficiency necessary to comply
8 with section 1111(b)(7).

9 “(b) BONUSES.—The Secretary shall make a one-
10 time bonus payment to each State that completes the de-
11 velopment of the assessments described in subsection (a)
12 ahead of the deadline set forth in section 1111.

13 **“SEC. 7104. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) AWARDS AND BONUS PAYMENTS.—For the pur-
15 poses of making awards under section 7101 and bonus
16 payments under section 7103(b), there are authorized to
17 be appropriated \$40,000,000 for fiscal year 2002 and
18 such sums as may be necessary for each of fiscal years
19 2003 through 2006.

20 “(b) GRANTS FOR INDEPENDENT ASSESSMENTS; AD-
21 MINISTRATION OF STATE ASSESSMENTS UNDER
22 NAEP.—For the purposes of making grants to offset the
23 costs of independent assessments under section 7101(g)
24 and for the purposes of administering the State assess-
25 ments carried out under the National Assessment of Edu-



1 cational Progress referred to in section 7101(b)(1)(B)(i),
2 there are authorized to be appropriated to the Secretary
3 \$69,000,000 for fiscal year 2002 and such sums as may
4 be necessary for each of fiscal years 2003 through 2006.

5 “(c) DEVELOPMENT AND ADMINISTRATION OF
6 STATE STANDARDS AND ASSESSMENTS.—For the pur-
7 poses of carrying out subsection 7103(a), there are au-
8 thorized to be appropriated \$320,000,000 for fiscal year
9 2002 and such sums as may be necessary for each of the
10 fiscal years 2003 through 2005.

