

109TH CONGRESS
1ST SESSION

H. R. 1722

To direct the Secretary of Education to revise regulations to increase the percentage of proficient and advanced level scores based on alternate assessments and alternate achievement standards for purposes of calculating adequate yearly progress, to amend the Elementary and Secondary Education Act of 1965 to decrease the percentage of students who meet or exceed the proficient level of academic achievement on State assessments required to calculate adequate yearly progress, to direct the Secretary of Education to expand to two years the exclusion for second year limited English proficiency students from adequate yearly progress calculations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2005

Mr. BRADLEY of New Hampshire introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To direct the Secretary of Education to revise regulations to increase the percentage of proficient and advanced level scores based on alternate assessments and alternate achievement standards for purposes of calculating adequate yearly progress, to amend the Elementary and Secondary Education Act of 1965 to decrease the percentage of students who meet or exceed the proficient level of academic achievement on State assessments required to calculate adequate yearly progress, to direct the Secretary of Education to expand to two years the exclusion for second year limited English proficiency stu-

dents from adequate yearly progress calculations, and for other purposes.

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. INCREASE IN PERCENTAGE OF PROFICIENT**
 4 **AND ADVANCED LEVEL SCORES BASED ON**
 5 **ALTERNATE ASSESSMENTS AND ALTERNATE**
 6 **ACHIEVEMENT STANDARDS FOR STUDENTS**
 7 **WITH THE MOST SIGNIFICANT COGNITIVE**
 8 **DISABILITIES THAT MAY BE COUNTED FOR**
 9 **PURPOSES OF CALCULATING ADEQUATE**
 10 **YEARLY PROGRESS FOR SCHOOLS, LOCAL**
 11 **EDUCATIONAL AGENCIES, AND STATES.**

12 Not later than 30 days after the date of the enact-
 13 ment of this Act, the Secretary of Education shall revise
 14 section 200.13(c) of title 34, Code of Federal Regulations,
 15 to raise to three percent from one percent the number of
 16 proficient and advanced level scores based on alternate as-
 17 sessments and alternate achievement standards for stu-
 18 dents with the most significant cognitive disabilities that
 19 may be counted for purposes of calculating adequate year-
 20 ly progress (as such term is defined in section
 21 1111(b)(2)(C) of the Elementary and Secondary Edu-
 22 cation Act of 1965 (20 U.S.C. 6311(b)(2)(C))) for schools,
 23 local educational agencies, and States.

1 **SEC. 2. DECREASE IN PERCENTAGE OF STUDENTS WHO**
2 **MEET OR EXCEED THE PROFICIENT LEVEL**
3 **OF ACADEMIC ACHIEVEMENT ON STATE AS-**
4 **SESSMENTS REQUIRED TO CALCULATE ADE-**
5 **QUATE YEARLY PROGRESS FOR SCHOOLS.**

6 Section 1111(b)(2)(I)(i) of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C.
8 6311(b)(2)(I)(i)) is amended by striking “decreased by 10
9 percent” and inserting “decreased by 7 percent”.

10 **SEC. 3. EXCLUSION FOR SECOND YEAR OF LIMITED**
11 **ENGLISH PROFICIENCY STUDENTS FROM**
12 **ADEQUATE YEARLY PROGRESS CALCULA-**
13 **TIONS.**

14 Not later than 30 days after the date of the enact-
15 ment of this Act, the Secretary of Education shall issue
16 policy guidance directing that the assessment results of
17 first-year and second-year limited English proficiency stu-
18 dents who are recently resettled refugees (as determined
19 by the Secretary in consultation with the Secretary of
20 Homeland Security) and who take the reading/language
21 arts assessment are not required to be included in ade-
22 quate yearly progress determinations, even if such stu-
23 dents have been enrolled in the school or district for one
24 or two full academic years as defined by the State.

1 **SEC. 4. EFFECTIVE DATE.**

2 The regulations promulgated pursuant to section 1,
3 the amendment made by section 2, and the policy guidance
4 issued pursuant to section 3 shall apply beginning with
5 the first academic year that begins after the date of the
6 enactment of this Act.

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