

109TH CONGRESS  
1ST SESSION

# S. 724

To improve the No Child Left Behind Act of 2001, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 6, 2005

Mr. DODD (for himself, Mr. DURBIN, and Mr. SALAZAR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To improve the No Child Left Behind Act of 2001, 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. SHORT TITLE.**

4 This Act may be cited as the “No Child Left Behind  
5 Reform Act”.

6 **SEC. 2. ADEQUATE YEARLY PROGRESS.**

7 (a) DEFINITION OF ADEQUATE YEARLY  
8 PROGRESS.—Section 1111(b)(2) of the Elementary and  
9 Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2))  
10 is amended—

1 (1) in subparagraph (C)(vii)—

2 (A) by striking “such as”;

3 (B) by inserting “such as measures of indi-  
4 vidual or cohort growth over time based on the  
5 academic assessments implemented in accord-  
6 ance with paragraph (3),” after “described in  
7 clause (v),”; and

8 (C) by striking “attendance rates,”; and

9 (2) in subparagraph (D)—

10 (A) by striking clause (ii);

11 (B) by striking “the State” and all that  
12 follows through “ensure” and inserting “the  
13 State shall ensure”; and

14 (C) by striking “; and” and inserting a pe-  
15 riod.

16 (b) ACADEMIC ASSESSMENT AND LOCAL EDU-  
17 CATIONAL AGENCY AND SCHOOL IMPROVEMENT.—Sec-  
18 tion 1116(a)(1)(B) of the Elementary and Secondary  
19 Education Act of 1965 (20 U.S.C. 6316(a)(1)(B)) is  
20 amended by striking “, except that” and all that follows  
21 through “action or restructuring”.

1 **SEC. 3. GRANTS FOR INCREASING DATA CAPACITY FOR**  
 2 **PURPOSES OF AYP.**

3 Subpart 1 of part A of title I of the Elementary and  
 4 Secondary Education Act of 1965 (20 U.S.C. 6311 et  
 5 seq.) is amended by adding at the end the following:

6 **“SEC. 1120C. GRANTS FOR INCREASING DATA CAPACITY**  
 7 **FOR PURPOSES OF AYP.**

8 “(a) GRANT AUTHORITY.—The Secretary may award  
 9 grants, on a competitive basis, to State educational agen-  
 10 cies to enable the State educational agencies—

11 “(1) to develop or increase the capacity of data  
 12 systems for accountability purposes; and

13 “(2) to award subgrants to increase the capac-  
 14 ity of local educational agencies to upgrade, create,  
 15 or manage information databases for the purpose of  
 16 measuring adequate yearly progress.

17 “(b) PRIORITY.—In awarding grants under this sec-  
 18 tion the Secretary shall give priority to State educational  
 19 agencies that have created, or are in the process of cre-  
 20 ating, a growth model or proficiency index as part of their  
 21 adequate yearly progress determination.

22 “(c) STATE USE OF FUNDS.—Each State that re-  
 23 ceives a grant under this section shall use—

24 “(1) not more than 20 percent of the grant  
 25 funds for the purpose of increasing the capacity of,

1 or creating, State databases to collect information  
2 related to adequate yearly progress; and

3 “(2) not less than 80 percent of the grant  
4 funds to award subgrants to local educational agen-  
5 cies within the State to enable the local educational  
6 agencies to carry out the authorized activities de-  
7 scribed in subsection (d).

8 “(d) AUTHORIZED ACTIVITIES.—Each local edu-  
9 cational agency that receives a subgrant under this section  
10 shall use the subgrant funds to increase the capacity of  
11 the local educational agency to upgrade databases or cre-  
12 ate unique student identifiers for the purpose of meas-  
13 uring adequate yearly progress, by—

14 “(1) purchasing database software or hardware;

15 “(2) hiring additional staff for the purpose of  
16 managing such data;

17 “(3) providing professional development or ad-  
18 ditional training for such staff; and

19 “(4) providing professional development or  
20 training for principals and teachers on how to effec-  
21 tively use such data to implement instructional strat-  
22 egies to improve student achievement.

23 “(e) STATE APPLICATION.—Each State educational  
24 agency desiring a grant under this section shall submit  
25 an application to the Secretary at such time, in such man-

1 ner, and containing such information as the Secretary may  
2 require.

3 “(f) LEA APPLICATION.—Each local educational  
4 agency desiring a subgrant under this section shall submit  
5 an application to the State educational agency at such  
6 time, in such manner, and containing such information as  
7 the State educational agency may require. Each such ap-  
8 plication shall include, at a minimum, a demonstration of  
9 the local educational agency’s ability to put such a data-  
10 base in place.

11 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to carry out this part  
13 \$80,000,000 for each of fiscal years 2006, 2007, and  
14 2008.”

15 **SEC. 4. TARGETING TRANSFER OPTIONS AND SUPPLE-**  
16 **MENTAL SERVICES.**

17 (a) TARGETING TRANSFER OPTIONS AND SUPPLE-  
18 MENTAL SERVICES.—Section 1116 of the Elementary and  
19 Secondary Education Act of 1965 (20 U.S.C. 6316) is  
20 amended—

21 (1) in paragraphs (1)(E)(i), (5)(A), (7)(C)(i),  
22 and (8)(A)(i) of subsection (b), by striking the term  
23 “all students enrolled in the school” each place such  
24 term appears and inserting “all students enrolled in  
25 the school, who are members of a group described in

1 section 1111(b)(2)(C)(v) that fails to make adequate  
2 yearly progress as defined in the State’s plan under  
3 section 1111(b)(2),”;

4 (2) in subsection (b)(1), by adding at the end  
5 the following:

6 “(G) MAINTENANCE OF LEAST RESTRIC-  
7 TIVE ENVIRONMENT.—A student who is eligible  
8 to receive services under the Individuals with  
9 Disabilities Education Act and who uses the op-  
10 tion to transfer under subparagraph (E), para-  
11 graph (5)(A), (7)(C)(i), or (8)(A)(i), or sub-  
12 section (c)(10)(C)(vii), shall be placed and  
13 served in the least restrictive environment ap-  
14 propriate, in accordance with the Individuals  
15 with Disabilities Education Act.”;

16 (3) in clause (vii) of subsection (c)(10)(C), by  
17 inserting “, who are members of a group described  
18 in section 1111(b)(2)(C)(v) that fails to make ade-  
19 quate yearly progress as defined in the State’s plan  
20 under section 1111(b)(2),” after “Authorizing stu-  
21 dents”; and

22 (4) in subparagraph (A) of subsection (e)(12),  
23 by inserting “, who is a member of a group de-  
24 scribed in section 1111(b)(2)(C)(v) that fails to  
25 make adequate yearly progress as defined in the

1 State’s plan under section 1111(b)(2)” after “under  
2 section 1113(c)(1)”.

3 (b) STUDENT ALREADY TRANSFERRED.—A student  
4 who transfers to another public school pursuant to section  
5 1116(b) of the Elementary and Secondary Education Act  
6 of 1965 (20 U.S.C. 6316(b)) before the effective date of  
7 this section and the amendments made by this section,  
8 may continue enrollment in such public school after the  
9 effective date of this section and the amendments made  
10 by this section.

11 (c) EFFECTIVE DATE.—This section and the amend-  
12 ments made by this section shall be effective for each fiscal  
13 year for which the amount appropriated to carry out title  
14 I of the Elementary and Secondary Education Act of 1965  
15 for the fiscal year, is less than the amount authorized to  
16 be appropriated to carry out such title for the fiscal year.

17 **SEC. 5. DEFINITION OF HIGHLY QUALIFIED TEACHERS.**

18 Section 9101(23)(B)(ii) of the Elementary and Sec-  
19 ondary Act of 1965 (20 U.S.C. 7801(23)(B)(ii)) is amend-  
20 ed—

21 (1) in subclause (I), by striking “or” after the  
22 semicolon;

23 (2) in subclause (II), by striking “and” after  
24 the semicolon; and

25 (3) by adding at the end the following:

1                   “(III) in the case of a middle  
2 school teacher, passing a State ap-  
3 proved middle school generalist exam  
4 when the teacher receives the teach-  
5 er’s license to teach middle school in  
6 the State;

7                   “(IV) obtaining a State social  
8 studies certificate that qualifies the  
9 teacher to teach history, geography,  
10 economics, and civics in middle or sec-  
11 ondary schools, respectively, in the  
12 State; or

13                   “(V) obtaining a State science  
14 certificate that qualifies the teacher to  
15 teach earth science, biology, chem-  
16 istry, and physics in middle or sec-  
17 ondary schools, respectively, in the  
18 State; and”.

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