

110TH CONGRESS
1ST SESSION

H. R. 1622

To provide a waiver from sanctions under the Elementary and Secondary Education Act of 1965 for certain States, local educational agencies, and schools.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2007

Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. GOODLATTE, Mr. BOUCHER, Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide a waiver from sanctions under the Elementary and Secondary Education Act of 1965 for certain States, local educational agencies, and schools.

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. WAIVER.**

4 A State, local educational agency, or school shall be
5 held harmless and not subject to the penalties provision
6 under section 1111(g) of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C. 6311(g)), the require-
8 ments of school or local educational agency improvement,

1 corrective action, restructuring, or other sanctions or pen-
2 alties under section 1116 of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C. 6313), or any
4 other sanctions or penalties relating to academic assess-
5 ments under the Elementary and Secondary Education
6 Act of 1965 (20 U.S.C. 6301 et seq.) for the 2006–2007
7 school year if the following criteria are met:

8 (1) The State (in the case of a local educational
9 agency or school, the State within which such local
10 educational agency or school exists) had 1 or more
11 approved academic assessment plans for the 2005–
12 2006 school year.

13 (2) The State (in the case of a local educational
14 agency or school, the State within which such local
15 educational agency or school exists) had 1 or more
16 of such plans subsequently held invalid by the De-
17 partment of Education for the 2006–2007 school
18 year.

19 (3) The Governor of the State (in the case of
20 a local educational agency or school, the State within
21 which such local educational agency or school exists)
22 certifies, in writing, to the Secretary of Education
23 that—

24 (A) the State cannot effectively train its
25 educators on a new or alternative assessment or

1 assessments in place of the assessment or as-
2 sessments for which the plan or plans were held
3 invalid by the Department of Education, prior
4 to the date the assessment or assessments are
5 to be administered; and

6 (B) the administration of any new or alter-
7 native assessment or assessments, in place of
8 the assessment or assessments for which the
9 plan or plans were held invalid by the Depart-
10 ment of Education, in the 2006–2007 school
11 year is not in the best interest of the public
12 school system and the children such system
13 serves.

14 (4) The Governor of the State (in the case of
15 a local educational agency or school, the State within
16 which such local educational agency or school exists)
17 certifies, in writing, to the Secretary of Education
18 that the local educational agency or school failed to
19 make adequate yearly progress (as described in sec-
20 tion 1111(b)(2) of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 6311(b)(2)))
22 based on academic assessments administered in the
23 2006–2007 school year or the State would be subject
24 to the penalties provision under section 1111(g) of
25 the Elementary and Secondary Education Act of

1 1965 (20 U.S.C. 6311(g)) or any other sanctions or
2 penalties relating to academic assessments under the
3 Elementary and Secondary Education Act of 1965
4 (20 U.S.C. 6301 et seq.) for the 2006–2007 school
5 year solely because the State, local educational agen-
6 cy, or school meets each of the criteria described in
7 paragraphs (1) through (3).

○