

110TH CONGRESS
1ST SESSION

H. R. 2166

To amend the Elementary and Secondary Education Act of 1965 to improve the method of determining adequate yearly progress, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2007

Mr. MORAN of Kansas (for himself, Mr. STUPAK, and Mr. MOORE of Kansas) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Elementary and Secondary Education Act of 1965 to improve the method of determining adequate yearly progress, 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 “Practicality in Edu-
5 cation Act”.

1 **SEC. 2. RESULTS OF LIMITED ENGLISH PROFICIENT STU-**
2 **DENTS, WHEN TESTED NOT IN THEIR NATIVE**
3 **LANGUAGE, ARE NOT REQUIRED TO BE IN-**
4 **CLUDED IN MEASURING ACHIEVEMENT AND**
5 **ADEQUATE YEARLY PROGRESS.**

6 Section 1111(b)(3)(C) of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C))
8 is amended—

9 (1) in clause (ix), in subclause (III), by striking
10 “the inclusion of limited English proficient stu-
11 dents” and inserting “the inclusion, subject to clause
12 (xvi), of limited English proficient students”;

13 (2) in clause (xiv), by striking “and” at the
14 end;

15 (3) in clause (xv), by striking the period at the
16 end and inserting “; and”; and

17 (4) by adding at the end the following:

18 “(xvi) notwithstanding subclause (III)
19 of clause (ix), the results for limited
20 English proficient students are not re-
21 quired, for the first two school years in the
22 United States, to be included in measuring
23 achievement under the assessments or in
24 measuring adequate yearly progress, when
25 such students are assessed in reading or

1 mathematics in a language other than the
2 native language.”.

3 **SEC. 3. OPTIONAL EMPLOYMENT OF GROWTH MODEL TO**
4 **DETERMINE ADEQUATE YEARLY PROGRESS,**
5 **MEASURING THE ACHIEVEMENT OF THE**
6 **SAME STUDENTS AND SUBGROUPS FROM**
7 **YEAR TO YEAR.**

8 Section 1111(b)(2)(C) of such Act (20 U.S.C.
9 6311(b)(2)(C)) is amended—

10 (1) in clause (vi) by striking “and” at the end;

11 (2) in clause (vii) by striking the period at the
12 end and inserting “; and”; and

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

14 “(viii) may employ a growth model,
15 measuring the achievement of the same
16 students and subgroups from year to
17 year.”.

18 **SEC. 4. STUDENTS WITH DISABILITIES TO BE TESTED AT**
19 **THE GRADE LEVEL RECOMMENDED BY THEIR**
20 **INDIVIDUALIZED EDUCATION PROGRAM.**

21 Section 1111(b)(3)(C)(ix)(II) of such Act (20 U.S.C.
22 6311(b)(3)(C)(ix)(II)) is amended by inserting before the
23 semicolon the following: “, except that 4 percent of such
24 students who take modified assessments shall be counted
25 toward proficiency”.

1 **SEC. 5. SCHOOL IDENTIFIED AS FAILING HAS ONE YEAR TO**
2 **IMPROVE BEFORE STUDENTS MUST BE**
3 **GIVEN OPTION TO TRANSFER.**

4 Section 1116(b)(1)(E)(i) of such Act (20 U.S.C.
5 6311(b)(1)(E)(i)) is amended by striking “the first day
6 of the school year following such identification” and in-
7 serting “the first day of the second school year following
8 such identification (unless, before such day, the school is
9 no longer identified for school improvement)”.

10 **SEC. 6. STUDENTS WHO ARE IN MORE THAN ONE GROUP**
11 **COUNT ONLY ONCE.**

12 Section 1111(b)(2) of such Act (20 U.S.C. (b)(2)) is
13 further amended by adding at the end the following:

14 “(L) STUDENTS WHO ARE IN MORE THAN
15 ONE GROUP.—For the purpose of determining
16 adequate yearly progress, a student who belongs
17 to more than one of the groups described in
18 subparagraph (C)(v) shall be counted toward
19 one such group only.”.

20 **SEC. 7. ALTERNATIVE QUALIFICATION REQUIREMENTS**
21 **FOR SPECIAL EDUCATION TEACHERS AND**
22 **RURAL TEACHERS.**

23 Section 9101(23)(B)(ii)(I) of such Act (20 U.S.C.
24 7801(23)(B)(ii)(I)) is amended by inserting before the
25 semicolon the following: “(except that, at the discretion
26 of the State, a special education teacher or a teacher in

1 a rural school may satisfy the requirements of this sub-
2 clause by passing such a rigorous State academic subject
3 test in any 1 subject in which the teacher teaches if, with
4 respect to each other academic subject in which the teach-
5 er teaches, the teacher works in close consultation, either
6 in-person or through high-quality distance education or
7 consultation, with another teacher who is highly qualified
8 in such other academic subject)".

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