

111TH CONGRESS  
1ST SESSION

# H. R. 1569

To improve the calculation of, the reporting of, and the accountability for,  
secondary school graduation rates.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2009

Mr. SCOTT of Virginia (for himself, Mr. HINOJOSA, Mr. GRIJALVA, Mr. FATTAH, Mr. PAYNE, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. POLIS of Colorado, Mr. DAVIS of Illinois, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. HONDA, Ms. CLARKE, Mr. ORTIZ, Ms. FUDGE, Ms. LEE of California, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To improve the calculation of, the reporting of, and the  
accountability for, secondary school graduation rates.

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 “Every Student Counts  
5       Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) To retain the competitive edge of the  
2       United States in the world economy, it is essential  
3       that America's youth be prepared for the jobs of  
4       today and for the jobs of the future. Such jobs in-  
5       creasingly require a postsecondary education, and al-  
6       most 90 percent of the fastest growing and best pay-  
7       ing jobs require some postsecondary education ac-  
8       cording to a 2008 Department of Labor report.

9           (2) Individuals without a secondary school di-  
10      ploma experience higher rates of unemployment, in-  
11      carceration, living in poverty, and receiving public  
12      assistance than individuals with at least a secondary  
13      school diploma.

14          (3) According to the 2009 Center for Public  
15      Education report "Better late than never? Exam-  
16      ining late high school graduates", on-time gradua-  
17      tion with a regular secondary school diploma leads  
18      to the best outcomes for students, and students who  
19      graduate late with a regular secondary school di-  
20      ploma are more likely to earn an associate's or a  
21      bachelor's degree, to be employed full-time, and to  
22      obtain a job with retirement benefits and health in-  
23      surance than either secondary school dropouts or  
24      GED recipients.

1           (4) About 1,230,000 secondary school students,  
2           which is approximately one-third of all secondary  
3           school students, fail to graduate with their peers  
4           every year. According to the Department of Edu-  
5           cation, the United States secondary school gradua-  
6           tion rate is the lowest the rate has been since 2002.

7           (5) The graduation rates for historically dis-  
8           advantaged minority groups are far lower than that  
9           of their White peers. Little more than half of all Af-  
10          rican-American and Hispanic students will finish  
11          secondary school on time with a regular secondary  
12          school diploma compared to over three-quarters of  
13          White students.

14          (6) Nearly 2,000 secondary schools (about 10  
15          percent of all secondary schools in the United  
16          States) produce about half of the Nation's secondary  
17          school dropouts. In these schools, the number of sen-  
18          iors is routinely 60 percent or less than the number  
19          of freshmen 3 years earlier. While almost half of the  
20          Nation's African-American students and nearly 40  
21          percent of Latino students attend these dropout fac-  
22          tories, only 11 percent of White students do.

23          (7) The graduation rate calculations used by  
24          most States for reporting and accountability are in-  
25          consistent and misleading. Not only does this ob-

1        secure the graduation rate crisis, particularly for poor  
2        and minority students, but it also makes it impos-  
3        sible to compare graduation rates across schools,  
4        school districts, and States.

5            (8) The average gap between State-reported  
6        and independently reported graduation rates is ap-  
7        proximately 12 percent.

8            (9) In 2005, all 50 of the Nation's Governors  
9        signed the National Governors Association's Gradua-  
10       tion Rate Compact, pledging to use a common, accu-  
11       rate graduation rate.

12           (10) In 2008, the Secretary of Education re-  
13       leased final regulations that also require States to  
14       report a common graduation rate calculation. How-  
15       ever, since the Department of Education did not  
16       specify in the regulations what graduation rate goals  
17       and growth targets are appropriate and how States  
18       should include 4-year rates and extended year rates  
19       in calculating adequate yearly progress, it is nec-  
20       essary to clarify these goals, targets and rates in  
21       order to create a meaningful Federal accountability  
22       system for secondary schools.

23           (11) The most accurate graduation rate calcula-  
24       tions are reliant on high-quality longitudinal data  
25       systems that track individual student data from the

1 time a student enters the kindergarten through  
2 grade 12 educational system until the student leaves  
3 the kindergarten through grade 12 educational sys-  
4 tem. In 2008, 42 States had the 4 elements of a  
5 statewide longitudinal data system that are nec-  
6 essary to calculate the National Governor’s Associa-  
7 tion Compact rate at the school level.

8 (12) Forty-nine States should have secondary  
9 school data that will allow the States to use the Na-  
10 tional Governor’s Association Compact rate formula  
11 not later than school year 2011–2012.

12 (13) An accountability system with meaningful  
13 graduation rate goals—

14 (A) holds schools, school districts, and  
15 States responsible for both student achievement  
16 and outcomes; and

17 (B) ensures that low-performing students  
18 are not unnecessarily held back or pushed out  
19 (encouraged to leave school without a diploma).

20 (14) Prior to the 2008 regulations, the amend-  
21 ments to the Elementary and Secondary Education  
22 Act of 1965 (20 U.S.C. 6301 et seq.) made by the  
23 No Child Left Behind Act of 2001 (Public Law  
24 107–110) did not require consistent calculations,  
25 meaningful goals, or disaggregation of graduation

1 rates. Without clear guidance from the Department  
2 of Education, most secondary schools can continue  
3 to make adequate yearly progress by making as little  
4 as 0.1 percent improvement or less in secondary  
5 school graduation rates each year and can do so  
6 with a consistent, or even growing, secondary school  
7 graduation gap.

8 **SEC. 3. PURPOSES.**

9 The purposes of this Act are—

10 (1) to require consistent calculations and re-  
11 porting of secondary school graduation rates across  
12 schools, school districts, and States;

13 (2) to provide educators with critical informa-  
14 tion about students' progress toward secondary  
15 school graduation; and

16 (3) to ensure meaningful accountability for the  
17 improvement of secondary school graduation rates  
18 for all students, particularly those rates for poor and  
19 minority students.

20 **SEC. 4. SECONDARY SCHOOL GRADUATION RATES.**

21 Subpart 1 of part A of title I of the Elementary and  
22 Secondary Education Act of 1965 (20 U.S.C. 6311 et  
23 seq.) is amended by inserting after section 1111 (20  
24 U.S.C. 6311) the following:

1 **“SEC. 1111A. SECONDARY SCHOOL GRADUATION RATES.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ADJUSTED COHORT; TRANSFERRED IN;  
4 TRANSFERRED OUT.—

5 “(A) IN GENERAL.—Subject to subpara-  
6 graphs (C)(ii) through (F), the term ‘adjusted  
7 cohort’ means the difference of—

8 “(i) the sum of—

9 “(I) the number of first-time  
10 ninth graders; plus

11 “(II) any students that trans-  
12 ferred in to the cohort in any of  
13 grades 9 through 12; minus

14 “(ii) any students removed from the  
15 cohort.

16 “(B) TRANSFERRED IN.—The term ‘trans-  
17 ferred in’ when used with respect to a sec-  
18 ondary school student, means a student who en-  
19 rolls after the beginning of the entering cohort’s  
20 first year in secondary school, up to and includ-  
21 ing enrolling in grade 12.

22 “(C) TRANSFERRED OUT.—

23 “(i) IN GENERAL.—The term ‘trans-  
24 ferred out’ when used with respect to a  
25 secondary school student, means a student  
26 who the secondary school or local edu-

1 cational agency confirms has transferred to  
2 another school or another educational pro-  
3 gram for which the student is expected to  
4 receive a regular secondary school diploma.

5 “(ii) CONFIRMATION REQUIRE-  
6 MENTS.—

7 “(I) DOCUMENTATION RE-  
8 QUIRED.—The confirmation of a stu-  
9 dent’s transfer to another school or  
10 educational program described in  
11 clause (i) requires documentation  
12 from the receiving school or program  
13 that the student enrolled in the receiv-  
14 ing school or program.

15 “(II) LACK OF CONFIRMATION.—  
16 A student who was enrolled, but for  
17 whom there is no confirmation of  
18 transfer or completion, shall not be  
19 considered a transfer or an error, but  
20 shall remain in the cohort as a non-  
21 graduate for reporting and account-  
22 ability purposes under this section.

23 “(iii) PROGRAMS NOT PROVIDING  
24 CREDIT.—A student enrolled in a GED or  
25 other alternative educational program that

1 does not issue or provide credit toward the  
2 issuance of a regular secondary school di-  
3 ploma shall not be considered transferred  
4 out.

5 “(D) COHORT REMOVAL.—To remove a  
6 student from a cohort, a school or local edu-  
7 cational agency shall confirm that the student  
8 has transferred out, emigrated, or is deceased.

9 “(E) TREATMENT OF OTHER LEAVERS  
10 AND WITHDRAWALS.—A student who was re-  
11 tained in a grade, enrolled in a GED program,  
12 aged-out of a secondary school or secondary  
13 school program, or left secondary school for any  
14 other reason, including expulsion, shall not be  
15 considered transferred out, and shall remain in  
16 the adjusted cohort.

17 “(F) SPECIAL RULE.—For those secondary  
18 schools that start after grade 9, the cohort shall  
19 be calculated based on the earliest secondary  
20 school grade at the secondary school.

21 “(2) ALTERNATIVE EDUCATIONAL SETTING.—  
22 The term ‘alternative educational setting’ means—

23 “(A) a secondary school or secondary  
24 school educational program that—

1 “(i) is designed for students who are  
2 under-credited or have dropped out of sec-  
3 ondary school; and

4 “(ii) awards a regular secondary  
5 school diploma; or

6 “(B) a secondary school or secondary  
7 school educational program designed to issue a  
8 regular secondary school diploma concurrently  
9 with a postsecondary degree or not more than  
10 2 years of college credit.

11 “(3) CUMULATIVE GRADUATION RATE.—The  
12 term ‘cumulative graduation rate’ means, for each  
13 school year, the percent obtained by calculating the  
14 product of—

15 “(A) the result of—

16 “(i) the sum of—

17 “(I) the number of students  
18 who—

19 “(aa) formed the adjusted  
20 cohort 4 years earlier; and

21 “(bb) graduate in 4 years or  
22 less with a regular secondary  
23 school diploma (which shall not  
24 include a GED or other certifi-  
25 cate of completion or alternative

1 to a diploma except as provided  
2 in paragraph (6)(B)); plus

3 “(II) the number of additional  
4 students from previous cohorts who  
5 graduate in more than 4 years with a  
6 regular secondary school diploma  
7 (which shall not include a GED or  
8 other certificate of completion or al-  
9 ternative to a diploma except as pro-  
10 vided in paragraph (6)(B)); divided by  
11 “(ii) the sum of—

12 “(I) the number of students who  
13 formed the adjusted cohort for that  
14 graduating class 4 years earlier; plus

15 “(II) the number of additional  
16 student graduates described in clause  
17 (i)(II); multiplied by

18 “(B) 100.

19 “(4) 4-YEAR ADJUSTED COHORT GRADUATION  
20 RATE.—The term ‘4-year adjusted cohort graduation  
21 rate’ means the percent obtained by calculating the  
22 product of—

23 “(A) the result of—

24 “(i) the number of students who—

1 “(I) formed the adjusted cohort 4  
2 years earlier; and

3 “(II) graduate in 4 years or less  
4 with a regular secondary school di-  
5 ploma (which shall not include a GED  
6 or other certificate of completion or  
7 alternative to a diploma except as pro-  
8 vided in paragraph (6)(B)); divided by

9 “(ii) the number of students who  
10 formed the adjusted cohort for that grad-  
11 uating class 4 years earlier; multiplied by  
12 “(B) 100.

13 “(5) ON-TRACK STUDENT.—The term ‘on-track  
14 student’ means a student who—

15 “(A) has accumulated the number of cred-  
16 its necessary to promote to the next grade, in  
17 accordance with State and local educational  
18 agency policies; and

19 “(B) has failed not more than 1 semester  
20 in English or language arts, mathematics,  
21 science, or social studies.

22 “(6) REGULAR SECONDARY SCHOOL DI-  
23 PLOMA.—

24 “(A) IN GENERAL.—The term ‘regular sec-  
25 ondary school diploma’ means the standard sec-

1           ondary school diploma awarded to the prepon-  
2           derance of students in the State that is fully  
3           aligned with State standards, or a higher di-  
4           ploma. Such term shall not include GEDs, cer-  
5           tificates of attendance, or any lesser diploma  
6           award.

7           “(B) SPECIAL RULE.—For a student who  
8           has a significant cognitive disability and is as-  
9           sessed using an alternate assessment aligned to  
10          an alternate achievement standard, receipt of a  
11          regular secondary school diploma or a State-de-  
12          fined alternate diploma aligned with completion  
13          of the student’s right to a free and appropriate  
14          public education under the Individuals with  
15          Disabilities Education Act (20 U.S.C. 1400 et  
16          seq.) shall be counted as graduating with a reg-  
17          ular secondary school diploma for the purposes  
18          of this section, except that not more than 1 per-  
19          cent of students served by the State or local  
20          educational agency, as appropriate, shall be  
21          counted as graduates with a regular secondary  
22          school diploma under this subparagraph.

23          “(7) UNDER-CREDITED STUDENT.—The term  
24          ‘under-credited student’ means a secondary school  
25          student who is a year or more behind in the ex-

1       pected accumulation of credits or courses toward an  
 2       on-time graduation as determined by the relevant  
 3       local educational agency’s and State educational  
 4       agency’s secondary school graduation requirements  
 5       for an on-time graduation.

6       “(b) CALCULATING AND REPORTING ACCURATE  
 7       GRADUATION RATES.—

8               “(1) CALCULATING GRADUATION RATES.—Not  
 9       later than school year 2010–2011, and every school  
 10      year thereafter, each State educational agency and  
 11      local educational agency that is assisted under this  
 12      part shall calculate, using a statewide longitudinal  
 13      data system with individual student identifiers for  
 14      each school served by the State or local educational  
 15      agency, as the case may be—

16               “(A) the 4-year adjusted cohort graduation  
 17      rate; and

18               “(B) the cumulative graduation rate.

19       “(2) CALCULATION AT SCHOOL, LEA, AND  
 20      STATE LEVELS; DISAGGREGATION.—The 4-year ad-  
 21      justed cohort graduation rate and the cumulative  
 22      graduation rate shall be calculated at the school,  
 23      local educational agency, and State levels in the ag-  
 24      gregate and disaggregated by race, ethnicity, gender,  
 25      disability status, migrant status, English proficiency,

1 and status as economically disadvantaged, except  
2 that such disaggregation shall not be required in a  
3 case in which the number of students in a subgroup  
4 is insufficient to yield statistically reliable informa-  
5 tion or the results would reveal personally identifi-  
6 able information about an individual student.

7 “(3) REPORTING GRADUATION RATES.—Subject  
8 to paragraph (4), not later than school year 2010–  
9 2011, and every school year thereafter, each State  
10 educational agency, local educational agency and  
11 school that is assisted under this part shall report  
12 annually, as part of the State and local educational  
13 agency report cards required under section 1111(h),  
14 each of the following:

15 “(A) 4-YEAR ADJUSTED COHORT GRADUA-  
16 TION RATE.—The 4-year adjusted cohort grad-  
17 uation rate, in the aggregate and disaggregated  
18 by each of the subgroups described in para-  
19 graph (2).

20 “(B) CUMULATIVE GRADUATION RATE.—  
21 The cumulative graduation rate, in the aggre-  
22 gate and disaggregated by each of the sub-  
23 groups described in paragraph (2).

24 “(C) NUMBER AND PERCENTAGE OF STU-  
25 DENTS GRADUATING IN MORE THAN 4 YEARS.—

1           The number and percentage of secondary school  
2           students graduating in more than 4 years with  
3           a regular secondary school diploma as described  
4           in subsection (a)(3)(A)(i)(II), disaggregated by  
5           the number of years accounted for in the cumu-  
6           lative graduation rate and by each of the sub-  
7           groups described in paragraph (2).

8           “(D) NUMBER AND PERCENTAGE OF STU-  
9           DENTS REMOVED FROM COHORT.—The number  
10          and percentage of secondary school students  
11          who have been removed from the adjusted co-  
12          hort, in the aggregate and disaggregated by  
13          each of the subgroups described in paragraph  
14          (2).

15          “(E) NUMBER AND PERCENTAGE OF CON-  
16          TINUING STUDENTS.—The number and percent-  
17          age of students from each previous adjusted co-  
18          hort that began 4 years or more earlier who  
19          have not graduated from and are still enrolled  
20          in secondary school.

21          “(4) USE OF INTERIM GRADUATION RATE.—In  
22          the case of a State that does not have an individual  
23          student identifier longitudinal data system, with re-  
24          spect to each graduation rate calculation or report-  
25          ing requirement under this section, the State and

1 local educational agencies and secondary schools in  
2 the State shall temporarily carry out this section by  
3 using an interim graduation rate calculation that  
4 meets the following conditions:

5 “(A) NUMBER OF GRADUATES COMPARED  
6 TO NUMBER OF STUDENTS.—The calculation  
7 shall measure or estimate the number of sec-  
8 ondary school graduates compared to the num-  
9 ber of students in the secondary school’s enter-  
10 ing grade.

11 “(B) DROPOUT DATA.—The calculation  
12 shall not use dropout data.

13 “(C) REGULAR SECONDARY SCHOOL DI-  
14 PLOMA.—The calculation shall count as grad-  
15 uates only those students who receive a regular  
16 secondary school diploma.

17 “(D) DISAGGREGATION.—The calculation  
18 shall be disaggregated by each of the subgroups  
19 described in paragraph (2).

20 “(E) ANNUAL BASIS AND RATE OF  
21 GROWTH.—The calculation shall be used on an  
22 annual basis to determine a rate of growth, as  
23 described in subsection (c).

24 “(F) TIMEFRAME LIMITATION.—The in-  
25 terim graduation rate calculation may only be

1           used through the end of school year 2010–  
2           2011.

3           “(G) REPORTING USE OF INTERIM GRAD-  
4           UATION RATE.—Each State that receives assist-  
5           ance under this part shall describe in the  
6           State’s plan submitted under section 1111 the  
7           interim graduation rate used in accordance with  
8           this paragraph.

9           “(5) REPORTING ON ALTERNATIVE SET-  
10          TINGS.—Not later than school year 2010–2011, and  
11          every school year thereafter, each State educational  
12          agency and local educational agency that receives as-  
13          sistance under this part and contains an alternative  
14          education setting which establishes an alternative 4-  
15          year completion requirement as described in sub-  
16          section (c)(3)(C)(iii), shall report annually as part of  
17          the State and local educational agency report cards  
18          required under section 1111(h), the following:

19               “(A) The name of each alternative edu-  
20               cation setting that establishes an alternative 4-  
21               year completion requirement.

22               “(B) A description of the program pro-  
23               vided at each setting and the population served.

24               “(C) The enrollment of such settings in  
25               the aggregate and disaggregated by each of the

1 subgroups described in paragraph (2), including  
2 as a percent of overall enrollment.

3 “(D) Whether the setting is a new school  
4 or setting.

5 “(E) The alternative 4-year completion re-  
6 quirement as described in subsection  
7 (c)(3)(C)(iii).

8 “(6) REPORTING PERCENT OF ON-TRACK STU-  
9 DENTS.—Not later than school year 2010–2011, and  
10 every school year thereafter, every State educational  
11 agency, local educational agency, and school that re-  
12 ceives assistance under this part shall report annu-  
13 ally, as part of the State and local educational agen-  
14 cy report cards required under section 1111(h), the  
15 percent of on-track students for each secondary  
16 school grade served by the State educational agency,  
17 local educational agency, and school, respectively,  
18 other than the graduating grade for the secondary  
19 school, in the aggregate and disaggregated by each  
20 of the subgroups described in paragraph (2).

21 “(7) REPORTING ADDITIONAL INDICATORS.—

22 “(A) IN GENERAL.—A State may report  
23 additional complementary indicators of sec-  
24 ondary school completion, such as—

25 “(i) a college-ready graduation rate;

1 “(ii) a dropout rate;

2 “(iii) in-grade retention rates;

3 “(iv) percentages of students receiving  
4 GEDs, certificates of completion, or alter-  
5 natives to a diploma; and

6 “(v) in the case of a State with exit  
7 examinations, students who have completed  
8 course requirements but failed a State  
9 exam required for secondary school grad-  
10 uation.

11 “(B) DEFINITIONS FOR INDICATORS.—The  
12 Secretary shall promulgate and publish in the  
13 Federal Register regulations containing defini-  
14 tions for the indicators described in clauses (i),  
15 (ii), and (iii) of subparagraph (A) that are con-  
16 sistent with the definitions used by the National  
17 Center for Educational Statistics, in order to  
18 ensure that the indicators are comparable  
19 across schools and school districts within a  
20 State.

21 “(C) PROHIBITION.—For purposes of re-  
22 porting or accountability under this section, the  
23 additional indicators shall not replace the 4-  
24 year adjusted cohort graduation rate or the cu-  
25 mulative graduation rate.

1           “(D) RULE OF CONSTRUCTION.—Nothing  
2           in this Act shall be construed to prohibit a  
3           State from reporting indicators of secondary  
4           school completion that are not described in sub-  
5           paragraph (A).

6           “(8) DATA ANOMALIES.—

7           “(A) IN GENERAL.—When an individual  
8           student record indicates a student was enrolled  
9           in more than 1 secondary school or a student  
10          record shows enrollment in a secondary school  
11          but no subsequent information, such student  
12          record shall be assigned to 1 adjusted cohort  
13          for the purposes of calculating and reporting  
14          school, local educational agency, and State 4-  
15          year adjusted cohort graduation rates and cu-  
16          mulative graduation rates under this sub-  
17          section.

18          “(B) SPECIAL RULE.—A student who re-  
19          turns to secondary school after dropping out of  
20          secondary school, or receives a diploma from  
21          more than 1 school or educational program  
22          served by any 1 local educational agency, shall  
23          be counted—

1 “(i) only once for purposes of report-  
2 ing and accountability under this section;  
3 and

4 “(ii) as part of the student’s original  
5 adjusted cohort.

6 “(9) MONITORING OF DATA COLLECTION.—

7 Each State that receives assistance under this part  
8 shall conduct regular audits of data collection, re-  
9 porting, and calculations by local educational agen-  
10 cies in the State. The Secretary shall assist States  
11 in their efforts to develop and retain the capacity for  
12 collection, analysis, and public reporting of 4-year  
13 adjusted cohort graduation rate and cumulative  
14 graduation rate data.

15 “(c) SCHOOL, LOCAL EDUCATIONAL AGENCY, AND  
16 STATE ACCOUNTABILITY.—

17 “(1) GRADUATION RATE GOAL.—Each State  
18 that receives assistance under this part shall seek to  
19 have all students graduate from secondary school  
20 prepared for success in college and work.

21 “(2) GRADUATION RATE CALCULATION.—Each  
22 State that receives assistance under this part shall  
23 use aggregate and disaggregated cumulative gradua-  
24 tion rates as the additional indicator described in  
25 section 1111(b)(2)(C)(vi) for the purposes of deter-

1 mining each secondary school's and local educational  
2 agency's adequate yearly progress.

3 “(3) ANNUAL MEASURABLE OBJECTIVES.—The  
4 Secretary shall require a State, local educational  
5 agency, or school that receives assistance under this  
6 part and has a cumulative graduation rate below 90  
7 percent in the aggregate or for any subgroup de-  
8 scribed in subsection (b)(2), to increase the cumu-  
9 lative graduation rate, in the aggregate or for such  
10 subgroup, respectively, in order to make adequate  
11 yearly progress under section 1111(b)(2), as follows:

12 “(A) BASELINE FOR CUMULATIVE GRAD-  
13 UATION RATES.—Subject to subparagraph (B),  
14 the cumulative graduation rate calculated and  
15 reported in accordance with this section for the  
16 first school year that begins after the date of  
17 enactment of Every Student Counts Act shall  
18 serve as the baseline graduation rate. Each  
19 school year thereafter, cumulative graduation  
20 rates calculated at the school, local educational  
21 agency, and State levels in the aggregate and  
22 disaggregated by each subgroup described in  
23 subsection (b)(2) shall be evaluated for annual  
24 growth in accordance with subparagraph (C).

1           “(B) BASELINE ADJUSTMENT.—In the  
2 case of a State that uses an interim graduation  
3 rate, after the State has implemented an indi-  
4 vidual student identifier longitudinal data sys-  
5 tem and can calculate the 4-year adjusted co-  
6 hort graduation rate and the cumulative grad-  
7 uation rate, but not later than the 2010–2011  
8 school year, the State shall use the cumulative  
9 graduation rate as the baseline graduation rate  
10 for reporting and accountability under this sec-  
11 tion.

12           “(C) ANNUAL GROWTH.—

13           “(i) IN GENERAL.—In order for a  
14 State, local educational agency, or school  
15 to make adequate yearly progress under  
16 section 1111(b)(2), the State, local edu-  
17 cational agency, or school, respectively,  
18 shall demonstrate increases in the cumu-  
19 lative graduation rate from the baseline  
20 graduation rate, in the aggregate and for  
21 each subgroup described in subsection  
22 (b)(2), by an average of 3 percent per  
23 school year, until the cumulative gradua-  
24 tion rate, in the aggregate and for each

1 such subgroup, equals or exceeds 90 per-  
2 cent.

3 “(ii) AYP NOT MADE.—A secondary  
4 school shall not be considered to have  
5 made adequate yearly progress under sec-  
6 tion 1111(b)(2) if—

7 “(I) the school’s 4-year adjusted  
8 cohort graduation rate, in the aggre-  
9 gate or for any subgroup described in  
10 subsection (b)(2), falls below the co-  
11 hort’s initial baseline graduation rate  
12 or shows no improvement over a 4-  
13 year period; or

14 “(II) fewer than 90 percent of  
15 the students included in the cumu-  
16 lative graduation rate, in the aggre-  
17 gate or for any subgroup described in  
18 subsection (b)(2), are students who  
19 graduate from secondary school in 4  
20 years.

21 “(iii) SPECIAL RULE.—A secondary  
22 school or secondary school educational pro-  
23 gram that is an alternative education set-  
24 ting may apply to the State to establish an  
25 alternative 4-year completion requirement

1                   for purposes of determinations under  
2                   clause (ii)(II) if—

3                   “(I) the secondary school or edu-  
4                   cational program submits to the  
5                   State—

6                   “(aa) a description of the  
7                   secondary school or educational  
8                   program; and

9                   “(bb) an alternative 4-year  
10                  completion requirement; and

11                  “(II) the State approves the use  
12                  of the alternative 4-year completion  
13                  requirement for such purposes.

14                  “(4) DELAYED APPLICABILITY TO SCHOOLS.—  
15                  Paragraphs (2) and (3)(C) shall not apply to a sec-  
16                  ondary school until the beginning of school year  
17                  2011–2012.

18                  “(d) REPORTING REQUIREMENT.—Not later than 90  
19                  days after the date of the enactment of the Every Student  
20                  Counts Act, and annually thereafter, each State edu-  
21                  cational agency that receives assistance under this part  
22                  shall submit to the Secretary, and make publicly available,  
23                  a report on the implementation of this section. Such report  
24                  shall include—

1           “(1) a description of each category, code, and  
 2           the corresponding definition that the State has au-  
 3           thorized for identifying, tracking, calculating, and  
 4           publicly reporting student status; and

5           “(2) if using an interim graduation rate pursu-  
 6           ant to subsection (b)(4), a description of the efforts  
 7           of the State to implement the cumulative graduation  
 8           rate and the expected date of implementation, which  
 9           date shall not be later than the beginning of school  
 10          year 2011–2012.”.

11 **SEC. 5. AYP CONFORMING AMENDMENTS.**

12          Section 1111(b)(2)(C) of the Elementary and Sec-  
 13          ondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C))  
 14          is amended—

15               (1) in clause (vi), by striking “and” after the  
 16               semicolon;

17               (2) in clause (vii), by striking the period and in-  
 18               serting “; and”; and

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

20                       “(viii) complies with the requirements  
 21                       of section 1111A.”.

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