

112TH CONGRESS  
2D SESSION

# H. R. 5654

To remove the testing provisions in the Elementary and Secondary Education  
Act of 1965.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2012

Mr. BACA introduced the following bill; which was referred to the Committee  
on Education and the Workforce

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## A BILL

To remove the testing provisions in the Elementary and  
Secondary Education Act of 1965.

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 “S.O.S. (Save Our  
5 Schools) Act of 2012”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The culture of high-stakes testing created  
9 by the No Child Left Behind Act of 2001 has failed

1       our children, and has been especially harmful to  
2       America’s underserved communities.

3           (2) The punitive sanctions that schools face  
4       when testing scores do not improve have created a  
5       culture of “teaching to the test” which leaves Amer-  
6       ica students lacking in many of the skills necessary  
7       to find success in life.

8           (3) The pressure for schools to achieve positive  
9       test results has directly resulted in thousands of  
10      cheating scandals on standardized tests in which  
11      teachers, administrators, and others have actively  
12      changed test results or encouraged students to cheat  
13      on tests.

14          (4) An investigative series published in the  
15      USA Today in March of 2011 documented 1,610  
16      cases of standardized test-score manipulation in 6  
17      States and the District of Columbia, between 2009  
18      and 2010.

19          (5) When America’s laws incentivize bad behav-  
20      ior, it sends a clear signal that Congress must act  
21      to change misguided public policy.

22   **SEC. 3. AMENDMENTS TO THE ELEMENTARY AND SEC-**  
23                           **ONDARY EDUCATION ACT OF 1965.**

24      Except as otherwise expressly provided, whenever in  
25   this Act an amendment or repeal is expressed in terms

1 of an amendment to, or a repeal of, a provision, the  
2 amendment or repeal shall be considered to be made to  
3 a provision of the Elementary and Secondary Education  
4 Act of 1965 (20 U.S.C. 6301 et seq.).

5 **SEC. 4. ELIMINATION OF SCHOOL IMPROVEMENT PROVI-**  
6 **SIONS.**

7 Section 1003 (20 U.S.C. 6303) is repealed.

8 **SEC. 5. ELIMINATION OF TESTING PROVISIONS FROM**  
9 **STATE PLANS.**

10 Section 1111(b) (20 U.S.C. 6311(b)) is amended—

11 (1) in paragraph (1)—

12 (A) by striking subparagraphs (A), (B),  
13 and (D)(i)(II);

14 (B) in subparagraph (D)(i)—

15 (i) by redesignating subclause (III) as  
16 subclause (II); and

17 (ii) by inserting “and” at the end of  
18 subclause (I);

19 (C) in subparagraph (E) by striking “sub-  
20 paragraphs (A), (B), and (C)” and inserting  
21 “subparagraph (A)”; and

22 (D) by redesignating subparagraphs (C),  
23 (D), (E), and (F) as subparagraphs (A), (B),  
24 (C), and (D), respectively;

1 (2) by striking paragraphs (2), (3), (4), and  
 2 (10);

3 (3) in paragraph (8)—

4 (A) in subparagraph (A) by striking “sec-  
 5 tions 1112(c)(1)(D), 1114(b), and 1115(c)”  
 6 and inserting “sections 1114(b) and 1115(c)”;  
 7 and

8 (B) in subparagraph (C) by striking “sec-  
 9 tions 1114(b)(1)(C) and 1115(c)(3)” and in-  
 10 serting “sections 1114(b)(1)(A) and  
 11 1115(c)(1)(D)”;

12 (4) in paragraph (9) by striking “that are iden-  
 13 tified under section 1116 and”; and

14 (5) by redesignating paragraphs (5), (6), (7),  
 15 (8), and (9) as paragraphs (2), (3), (4), (5), and  
 16 (6), respectively.

17 **SEC. 6. ELIMINATION OF TESTING PROVISIONS FROM**  
 18 **LOCAL EDUCATIONAL AGENCY PLANS.**

19 Section 1112 (20 U.S.C. 6312) is amended—

20 (1) by amending subsection (b) to read as fol-  
 21 lows:

22 “(b) PLAN PROVISIONS.—In order to help low-achiev-  
 23 ing children meet challenging achievement academic  
 24 standards, each local educational agency plan shall in-  
 25 clude—

1           “(1) a description of high-quality student aca-  
2       demic assessments, if any, that the local educational  
3       agency and schools served under this part will use  
4       to identify effectively students who may be at risk  
5       for reading failure or who are having difficulty read-  
6       ing, through the use of screening, diagnostic, and  
7       classroom-based instructional reading assessments,  
8       as defined under section 1208;

9           “(2) a description of the strategy the local edu-  
10      cational agency will use to coordinate programs  
11      under this part with programs under title II to pro-  
12      vide professional development for teachers and prin-  
13      cipals, and, if appropriate, pupil services personnel,  
14      administrators, parents and other staff, including  
15      local educational agency level staff in accordance  
16      with sections 1118 and 1119;

17          “(3) a description of how the local educational  
18      agency will coordinate and integrate services pro-  
19      vided under this part with other educational services  
20      at the local educational agency or individual school  
21      level, such as—

22           “(A) Even Start, Head Start, Reading  
23      First, Early Reading First, and other preschool  
24      programs, including plans for the transition of

1 participants in such programs to local elemen-  
2 tary school programs; and

3 “(B) services for children with limited  
4 English proficiency, children with disabilities,  
5 migratory children, neglected or delinquent  
6 youth, Indian children served under part A of  
7 title VII, homeless children, and immigrant  
8 children in order to increase program effective-  
9 ness, eliminate duplication, and reduce frag-  
10 mentation of the instructional program;

11 “(4) a description of the poverty criteria that  
12 will be used to select school attendance areas under  
13 section 1113;

14 “(5) a description of how teachers, in consulta-  
15 tion with parents, administrators, and pupil services  
16 personnel, in targeted assistance schools under sec-  
17 tion 1115, will identify the eligible children most in  
18 need of services under this part;

19 “(6) a general description of the nature of the  
20 programs to be conducted by such agency’s schools  
21 under sections 1114 and 1115 and, where appro-  
22 priate, educational services outside such schools for  
23 children living in local institutions for neglected or  
24 delinquent children, and for neglected and delin-  
25 quent children in community day school programs;

1           “(7) a description of how the local educational  
2           agency will ensure that migratory children and for-  
3           merly migratory children who are eligible to receive  
4           services under this part are selected to receive such  
5           services on the same basis as other children who are  
6           selected to receive services under this part;

7           “(8) if appropriate, a description of how the  
8           local educational agency will use funds under this  
9           part to support preschool programs for children,  
10          particularly children participating in Early Reading  
11          First, or in a Head Start or Even Start program,  
12          which services may be provided directly by the local  
13          educational agency or through a subcontract with  
14          the local Head Start agency designated by the Sec-  
15          retary of Health and Human Services under section  
16          641 of the Head Start Act, or an agency operating  
17          an Even Start program, an Early Reading First;

18          “(9) a description of how the local educational  
19          agency will meet the requirements of section 1119;

20          “(10) a description of the services the local edu-  
21          cational agency will provide homeless children, in-  
22          cluding services provided with funds reserved under  
23          section 1113(c)(3)(A);

1           “(11) a description of the strategy the local  
2           educational agency will use to implement effective  
3           parental involvement under section 1118; and

4           “(12) where appropriate, a description of how  
5           the local educational agency will use funds under  
6           this part to support after school (including before  
7           school and summer school) and school-year extension  
8           programs.”;

9           (2) in subsection (c)(1)—

10                 (A) by striking subparagraphs (C), (D),  
11                 (K), (M), (N), and (O); and

12                 (B) by redesignating subparagraphs (E),  
13                 (F), (G), (H), (I), (J), and (L) as subpara-  
14                 graphs (C), (D), (E), (F), (G), (H), and (I), re-  
15                 spectively;

16           (3) in subsection (e), by amending paragraph  
17           (2) to read as follows:

18                 “(2) APPROVAL.—The State educational agency  
19                 shall approve a local educational agency’s plan only  
20                 if the State educational agency determines that the  
21                 local educational agency’s plan meets the require-  
22                 ments of this section.”; and

23           (4) in subsection (g)—

24                 (A) by striking paragraph (4);



1 (B) by redesignating paragraph (5) as  
2 paragraph (4); and

3 (C) by amending paragraph (1) to read as  
4 follows:

5 “(1) NOTICE.—Each local educational agency  
6 using funds under this part to provide a language  
7 instruction educational program as determined in  
8 part C of title III shall, not later than 30 days after  
9 the beginning of the school year, inform a parent or  
10 parents of a limited English proficient child identi-  
11 fied for participation or participating in, such a pro-  
12 gram of—

13 “(A) the reasons for the identification of  
14 their child as limited English proficient and in  
15 need of placement in a language instruction  
16 educational program;

17 “(B) the child’s level of English pro-  
18 ficiency, how such level was assessed, and the  
19 status of the child’s academic achievement;

20 “(C) the methods of instruction used in  
21 the program in which their child is, or will be  
22 participating, and the methods of instruction  
23 used in other available programs, including how  
24 such programs differ in content, instructional

1 goals, and the use of English and a native lan-  
2 guage in instruction;

3 “(D) how the program in which their child  
4 is, or will be participating, will meet the edu-  
5 cational strengths and needs of their child;

6 “(E) how such program will specifically  
7 help their child learn English, and meet age-ap-  
8 propriate academic achievement standards for  
9 grade promotion and graduation;

10 “(F) the specific exit requirements for the  
11 program, including the expected rate of transi-  
12 tion from such program into classrooms that  
13 are not tailored for limited English proficient  
14 children, and the expected rate of graduation  
15 from secondary school for such program if  
16 funds under this part are used for children in  
17 secondary schools;

18 “(G) in the case of a child with a dis-  
19 ability, how such program meets the objectives  
20 of the individualized education program of the  
21 child; and

22 “(H) information pertaining to parental  
23 rights that includes written guidance—

24 “(i) detailing—

1 “(I) the right that parents have  
 2 to have their child immediately re-  
 3 moved from such program upon their  
 4 request; and

5 “(II) the options that parents  
 6 have to decline to enroll their child in  
 7 such program or to choose another  
 8 program or method of instruction, if  
 9 available; and

10 “(ii) assisting parents in selecting  
 11 among various programs and methods of  
 12 instruction, if more than one program or  
 13 method is offered by the eligible entity.”.

14 **SEC. 7. ELIMINATION OF TESTING PROVISIONS FROM**  
 15 **SCHOOLWIDE PROGRAMS.**

16 Section 1114(b) (20 U.S.C. 6314(b)) is amended—

17 (1) in paragraph (1)—

18 (A) by striking subparagraphs (A), (B),  
 19 (H), and (I); and

20 (B) by redesignating subparagraphs (C),  
 21 (D), (E), (F), (G), and (J) as subparagraphs  
 22 (A), (B), (C), (D), (E), and (F), respectively;

23 (2) in paragraph (2)(A)—

24 (A) by striking “or other technical assist-  
 25 ance provider under section 1117”;

1 (B) by striking clause (iv);

2 (C) by inserting “and” at the end of clause

3 (ii); and

4 (D) in clause (iii) by striking “; and” and  
5 inserting a period; and

6 (3) in paragraph (2)(B)(i)(I) by striking “,  
7 after considering the recommendation of the tech-  
8 nical assistance providers under section 1117,”.

9 **SEC. 8. ELIMINATION OF TESTING PROVISIONS FROM TAR-**  
10 **GETED ASSISTANCE SCHOOLS.**

11 Section 1115(c) (20 U.S.C. 6315(c)) is amended to  
12 read as follows:

13 “(c) COMPONENTS OF A TARGETED ASSISTANCE  
14 SCHOOL PROGRAM.—To assist targeted assistance schools  
15 and local educational agencies to meet their responsibility  
16 to provide for all their students served under this part the  
17 opportunity to meet the State’s challenging student aca-  
18 demic achievement standards in subjects as determined by  
19 the State, each targeted assistance program under this  
20 section shall—

21 “(1) ensure that planning for students served  
22 under this part is incorporated into existing school  
23 planning;

24 “(2) use effective methods and instructional  
25 strategies that are based on scientifically based re-

1 search that strengthens the core academic program  
2 of the school and that—

3 “(A) give primary consideration to pro-  
4 viding extended learning time, such as an ex-  
5 tended school year, before- and after-school,  
6 and summer programs and opportunities;

7 “(B) help provide an accelerated, high-  
8 quality curriculum, including applied learning;  
9 and

10 “(C) minimize removing children from the  
11 regular classroom during regular school hours  
12 for instruction provided under this part;

13 “(3) coordinate with and support the regular  
14 education program, which may include services to  
15 assist preschool children in the transition from early  
16 childhood programs such as Head Start, Even Start,  
17 Early Reading First or State-run preschool pro-  
18 grams to elementary school programs;

19 “(4) provide instruction by highly qualified  
20 teachers;

21 “(5) in accordance with subsection (e)(3) and  
22 section 1119, provide opportunities for professional  
23 development with resources provided under this part,  
24 and, to the extent practicable, from other sources,  
25 for teachers, principals, and paraprofessionals, in-

1 including, if appropriate, pupil services personnel, par-  
 2 ents, and other staff, who work with participating  
 3 children in programs under this section or in the  
 4 regular education program;

5 “(6) provide strategies to increase parental in-  
 6 volvement in accordance with section 1118, such as  
 7 family literacy services; and

8 “(7) coordinate and integrate Federal, State,  
 9 and local services and programs, including programs  
 10 supported under this Act, violence prevention pro-  
 11 grams, nutrition programs, housing programs, Head  
 12 Start, adult education, vocational and technical edu-  
 13 cation, and job training.”.

14 **SEC. 9. ELIMINATION OF ACADEMIC ASSESSMENT AND**  
 15 **LOCAL EDUCATIONAL AGENCY AND SCHOOL**  
 16 **IMPROVEMENT.**

17 Section 1116 (20 U.S.C. 6316) is repealed.

18 **SEC. 10. ELIMINATION OF SCHOOL SUPPORT AND REC-**  
 19 **OGNITION.**

20 Section 1117 (20 U.S.C. 6317) is repealed.

21 **SEC. 11. CONFORMING AMENDMENTS.**

22 (a) STATE PLANS.—Section 1111 (20 U.S.C. 6311)  
 23 is amended—

24 (1) in subsection (c)—

1 (A) in paragraph (3) by striking “the re-  
 2 sponsibilities of the State under sections 1116  
 3 and 1117, including carrying out”;

4 (B) in paragraph (4) by striking “, tech-  
 5 nical assistance under section 1117,”; and

6 (C) in paragraph (6) by striking “, and  
 7 will fulfill the State educational agency’s re-  
 8 sponsibilities regarding local educational agency  
 9 improvement and school improvement under  
 10 section 1116, including such corrective actions  
 11 as are necessary;”; and

12 (2) in subsection (h)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (C)—

15 (I) by striking clauses (i), (ii),  
 16 (iii), (iv), (vi), and (vii); and

17 (II) by redesignating clauses (v)  
 18 and (viii) as clauses (i) and (ii), re-  
 19 spectively; and

20 (ii) in subparagraph (D)(vii) by strik-  
 21 ing “, consistent with subsection (b)(2),”;

22 (B) in paragraph (2)(B) by amending  
 23 clause (i) to read as follows:

24 “(i) in the case of a local educational  
 25 agency information that shows how stu-

1                   dents served by the local educational agen-  
2                   cy achieved on the statewide academic as-  
3                   sessment compared to students in the  
4                   State as a whole; and”; and  
5                   (C) in paragraph (4)—

6                   (i) by striking subparagraphs (A),  
7                   (B), (C), and (E); and

8                   (ii) by redesignating subparagraphs  
9                   (D), (F), and (G) as subparagraphs (A),  
10                  (B), and (C), respectively.

11           (b) ELIGIBLE SCHOOL ATTENDANCE AREAS.—Sec-  
12   tion 1113(c) (20 U.S.C. 6313(c)) is amended by striking  
13   paragraph (4).

14           (c) PARENTAL INVOLVEMENT.—Section  
15   1118(a)(2)(A) (20 U.S.C. 1118(a)(2)(A)) is amended by  
16   striking “, and the process of school review and improve-  
17   ment under section 1116”.

18           (d) QUALIFICATIONS FOR TEACHERS AND PARA-  
19   PROFESSIONALS.—Section 1119(k) (20 U.S.C. 6319(k))  
20   is amended by striking “, except that this paragraph shall  
21   not apply with respect to requirements under section  
22   1116(c)(3)”.

23           (e) FORMULA GRANTS TO STATE EDUCATIONAL  
24   AGENCIES.—Section 1202 (20 U.S.C. 6362) is amend-  
25   ed—



1 (1) in subsection (c)—

2 (A) by amending paragraph (6) to read as  
3 follows:

4 “(6) LIMITATION TO CERTAIN SCHOOLS.—In  
5 distributing subgrant funds under this subsection,  
6 an eligible local educational agency shall provide  
7 funds only to schools that both are among the  
8 schools served by that eligible local educational agen-  
9 cy with the highest percentages or numbers of stu-  
10 dents in kindergarten through grade 3 reading below  
11 grade level, based on the most currently available  
12 data and have the highest percentages or numbers  
13 of children counted under section 1124(c).”.

14 (B) in paragraph (7)(A)—

15 (i) by striking clause (vi); and

16 (ii) by redesignating clause (vii) as  
17 clause (vi);

18 (2) in subsection (d)(5)(C)(ii)(IV) by striking “,  
19 significantly increased the percentages of students  
20 described in section 1111(b)(2)(C)(v)(II) who are  
21 reading at grade level or above,”; and

22 (3) in subsection (e)(1)(B) by striking “, sig-  
23 nificantly increased the percentages of students de-  
24 scribed in section 1111(b)(2)(C)(v)(II) who are read-  
25 ing at grade level or above,”.

1       (f) TARGETED ASSISTANCE GRANTS.—Section  
2 1204(a) (20 U.S.C. 6364(a)) is amended to read as fol-  
3 lows:

4       “(a) ELIGIBILITY CRITERIA FOR AWARDING TAR-  
5 GETED ASSISTANCE GRANTS TO STATES.—Beginning  
6 with fiscal year 2004, from funds appropriated under sec-  
7 tion 1202(b)(1)(E), the Secretary shall make grants, on  
8 a competitive basis, to those State educational agencies  
9 that, for each of 2 consecutive years, demonstrate that  
10 schools receiving funds under section 1202 are improving  
11 the reading skills of students in grades 1, 2, and 3 based  
12 on screening, diagnostic, and classroom-based instruc-  
13 tional reading assessments.”.

14       (g) DEFINITIONS.—Section 1208(1)(B) (20 U.S.C.  
15 6368(1)(B)) is amended—

16               (1) by striking clause (ii);

17               (2) by inserting “or” at the end of clause (i);

18               and

19               (3) by redesignating clause (iii) as clause (ii).

20       (h) COORDINATION OF MIGRANT EDUCATION ACTIVI-  
21 TIES.—Section 1308(b)(2)(A)(ii) is amended by striking  
22 “, credit accrual, and results from State assessments re-  
23 quired under section 1111(b)” and inserting “, and credit  
24 accrual”.

1 (i) EVALUATIONS.—Section 1501 (20 U.S.C. 6491)  
2 is amended—

3 (1) in subsection (a)(2)—

4 (A) by striking subparagraphs (I) and (N);  
5 and

6 (B) by redesignating subparagraphs (J),  
7 (K), (L), (M), and (O) as subparagraphs (I),  
8 (J), (K), (L), and (M), respectively; and

9 (2) in subsection (c)(2)—

10 (A) by striking subparagraph (E); and

11 (B) by redesignating subparagraph (F) as  
12 subparagraph (E).

13 (j) STATE USE OF FUNDS.—Section 1604(c) (20  
14 U.S.C. 6514(c)) is amended to read as follows:

15 “(c) PRIORITY.—A State educational agency, in  
16 awarding subgrants under this part, shall give priority to  
17 local educational agencies or consortia that demonstrate  
18 a commitment to assist schools with budget allocation,  
19 professional development, and other strategies necessary  
20 to ensure the comprehensive school reforms are properly  
21 implemented and are sustained in the future.”.

22 (k) LOCAL APPLICATIONS AND NEEDS ASSESS-  
23 MENT.—Section 2122(b)(3) (20 U.S.C. 6622(b)(3)) is  
24 amended—

25 (1) by striking subparagraph (C);

1           (2) by inserting “or” at the end of subpara-  
2 graph (A); and

3           (3) in subparagraph (B), by striking “; or” and  
4 inserting a period.

5       (l) DEFINITIONS.—Section 2131 (20 U.S.C. 6631) is  
6 amended to read as follows:

7 **“SEC. 2131. DEFINITION.**

8       “In this subpart, the term ‘eligible partnership’  
9 means an entity that—

10           “(1) shall include—

11                   “(A) a private or State institution of high-  
12 er education and the division of the institution  
13 that prepares teachers and principals;

14                   “(B) a school of arts and sciences; and

15                   “(C) a high-need local educational agency;

16           and

17           “(2) may include another local educational  
18 agency, a public charter school, an elementary school  
19 or secondary school, an educational service agency,  
20 a nonprofit educational organization, another insti-  
21 tution of higher education, a school of arts and  
22 sciences within such an institution, the division of  
23 such an institution that prepares teachers and prin-  
24 cipals, a nonprofit cultural organization, an entity  
25 carrying out a prekindergarten program, a teacher

1 organization, a principal organization, or a busi-  
2 ness.”.

3 (m) TECHNICAL ASSISTANCE AND ACCOUNT-  
4 ABILITY.—Section 2141(c) (20 U.S.C. 6641(c)) is amend-  
5 ed by striking “, and has failed to make adequate yearly  
6 progress as described under section 1111(b)(2)(B),”.

7 (n) DEFINITIONS.—Section 2403(3)(B) (20 U.S.C.  
8 6753(3)(B)) is amended to read as follows:

9 “(B) has a substantial need for assistance  
10 in acquiring and using technology.”.

11 (o) LOCAL APPLICATIONS.—Section 2414(b)(3)(A)  
12 (20 U.S.C. 6764(b)(3)(A)) is amended by striking “, or  
13 schools identified under section 1116,”.

14 (p) PURPOSES.—Section 3102(8) (20 U.S.C.  
15 6812(8)) is amended to read as follows:

16 “(8) to hold State educational agencies, local  
17 educational agencies, and schools accountable for in-  
18 creases in English proficiency and core academic  
19 content knowledge of limited English proficient chil-  
20 dren by requiring demonstrated improvements in the  
21 English proficiency of limited English proficient chil-  
22 dren each fiscal year; and”.

23 (q) FORMULA GRANTS TO STATES.—Section  
24 3111(c)(4)(B)(ii)(II) (20 U.S.C. 6821(c)(4)(B)(ii)(II)) is

1 amended by striking “section 1111(b)(7)” and inserting  
 2 “section 1111(b)(4)”.

3 (r) STATE AND SPECIALLY QUALIFIED AGENCY  
 4 PLANS.—Section 3113(b) (20 U.S.C. 6823(b)) is amend-  
 5 ed—

6 (1) in paragraphs (3)(C) and (3)(D) by striking  
 7 “section 1111(b)(7)” and inserting “section  
 8 1111(b)(4)”; and

9 (2) in paragraph (5)—

10 (A) by striking subparagraph (B);

11 (B) by inserting “and” at the end of sub-  
 12 paragraph (A); and

13 (C) by redesignating subparagraph (C) as  
 14 subparagraph (B).

15 (s) LOCAL PLANS.—Section 3116(b)(3) (20 U.S.C.  
 16 6826(b)(3)) is amended—

17 (1) by striking subparagraph (B);

18 (2) by inserting “and” at the end of subpara-  
 19 graph (A); and

20 (3) by redesignating subparagraph (C) as sub-  
 21 paragraph (B).

22 (t) EVALUATIONS.—Section 3121 (20 U.S.C. 6841)  
 23 is amended—

24 (1) in subsection (c)(1)—

25 (A) by striking subparagraph (D); and

1 (B) by inserting “and” at the end of sub-  
 2 paragraph (B); and  
 3 (2) in subsection (d)—

4 (A) by striking paragraph (2);

5 (B) by inserting “and” at the end of para-  
 6 graph (1); and

7 (C) by redesignating paragraph (3) as  
 8 paragraph (2).

9 (u) ACHIEVEMENT OBJECTIVES AND ACCOUNT-  
 10 ABILITY.—Section 3122(a)(3) (20 U.S.C. 6842(a)(3)) is  
 11 amended to read as follows:

12 “(3) CONTENTS.—Such annual measurable  
 13 achievement objectives shall include—

14 “(A) at a minimum, annual increases in  
 15 the number or percentage of children making  
 16 progress in learning English; and

17 “(B) at a minimum, annual increases in  
 18 the number or percentage of children attaining  
 19 English proficiency by the end of each school  
 20 year, as determined by a valid and reliable as-  
 21 sessment of English proficiency consistent with  
 22 section 1111(b)(4).”.

23 (v) LOCAL COMPETITIVE GRANT PROGRAM.—Section  
 24 4204(i)(1) (20 U.S.C. 7174(i)(1)) is amended to read as  
 25 follows:

1           “(1) PRIORITY.—In awarding grants under this  
 2           part, a State educational agency shall give priority  
 3           to applications submitted jointly by eligible entities  
 4           consisting of not less than 1—

5                   “(A) local educational agency receiving  
 6                   funds under part A of title I; and

7                   “(B) community-based organization or  
 8                   other public or private entity.”.

9           (w) LOCAL USES OF FUNDS.—Section 5131(a) (20  
 10 U.S.C. 7215(a)) is amended—

11                   (1) by striking paragraphs (9) and (27); and

12                   (2) by redesignating paragraphs (10), (11),  
 13                   (12), (13), (14), (15), (16), (17), (18), (19), (20),  
 14                   (21), (22), (23), (24), (25) and (26) as paragraphs  
 15                   (9), (10), (11), (12), (13), (14), (15), (16), (17),  
 16                   (18), (19), (20), (21), (22), (23), (24), and (25), re-  
 17                   spectively.

18           (x) LOCAL APPLICATIONS.—Section 5133(b)(9) (20  
 19 U.S.C. 7215b(b)(9)) is amended by striking “section  
 20 5131(a)(23)” and inserting “section 5131(a)(22)”.

21           (y) EVALUATIONS.—Section 5246(b)(3) (20 U.S.C.  
 22 7225e(b)(3)) is amended by striking “, particularly stu-  
 23 dents who move from schools identified under section 1116  
 24 to schools not so identified,”.



1       (z) GRANTS FOR STATE ASSESSMENTS AND RE-  
 2 LATED ACTIVITIES.—Section 6111(2)(B) (20 U.S.C.  
 3 7301(2)(B)) is amended by striking “section 1111(b)(7)”  
 4 and inserting “section 1111(b)(4)”.

5       (aa) GRANTS FOR ENHANCED ASSESSMENT INSTRU-  
 6 MENTS.—Section 6112(a)(1) (20 U.S.C. 7301a(a)(1)) is  
 7 amended by striking “beyond the requirements for such  
 8 assessments described in section 1111(b)(3)”.

9       (bb) FUNDING.—Section 6113(b)(1) (20 U.S.C.  
 10 7301b(b)(1)) is amended by striking “that are equal to  
 11 or less than the amount described in section  
 12 1111(b)(3)(D)”.

13       (cc) TRANSFERABILITY OF FUNDS.—Section  
 14 6123(b)(1) (20 U.S.C. 7305b(b)(1)) is amended—

15               (1) in subparagraph (A), by striking “(except a  
 16 local educational agency identified for improvement  
 17 under section 1116(c) or subject to corrective action  
 18 under section 1116(c)(9))”;

19               (2) by striking subparagraph (B); and

20               (3) by redesignating subparagraph (C) as sub-  
 21 paragraph (B).

22       (dd) STATE FLEXIBILITY.—Section 6141(c)(1)(A)  
 23 (20 U.S.C. 7315(c)(1)(A)) is amended to read as follows:

24               “(A) information demonstrating, to the  
 25 satisfaction of the Secretary, that the grant of

1 authority offers substantial promise of aligning  
 2 State and local reforms and assisting the local  
 3 educational agencies that enter into perform-  
 4 ance agreements with the State educational  
 5 agency under paragraph (2) in making such  
 6 adequate yearly progress;”.

7 (ee) ACCOUNTABILITY FOR ADEQUATE YEARLY  
 8 PROGRESS.—Section 6161 (20 U.S.C. 7325) is amended  
 9 to read as follows:

10 **“SEC. 6161. ACCOUNTABILITY FOR ADEQUATE YEARLY**  
 11 **PROGRESS.**

12 “In the case of a State educational agency that has  
 13 a plan approved under subpart 1 of part A of title I after  
 14 the date of enactment of the No Child Left Behind Act  
 15 of 2001, and has a plan approved under subpart 1 of part  
 16 A of title III of such Act after such date of enactment,  
 17 the Secretary shall annually, starting with the beginning  
 18 of the first school year following the first two school years  
 19 for which such plans were implemented, review whether  
 20 the State has met its annual measurable achievement ob-  
 21 jectives under section 3122(a).”.

22 (ff) PEER REVIEW.—Section 6162 (20 U.S.C.  
 23 7325a) is amended by striking “on data from the State  
 24 assessments administered under section 1111(b)(3) and”.

1 (gg) TECHNICAL ASSISTANCE.—Section 6163 (20  
2 U.S.C. 7325b) is amended to read as follows:

3 “(a) PROVISION OF ASSISTANCE.—Based on the re-  
4 views described in section 6161, the Secretary may provide  
5 technical assistance to a State that has failed to meet its  
6 annual measurable achievement objectives under section  
7 3122(a) for 2 consecutive years. The Secretary shall pro-  
8 vide such assistance not later than the beginning of the  
9 first school year that begins after such determination is  
10 made.

11 “(b) CHARACTERISTICS.—The technical assistance  
12 described in subsection (a) shall be valid, reliable and rig-  
13 orous and meet the annual measurable achievement objec-  
14 tives under section 3122(a).”.

15 (hh) REPORT TO CONGRESS.—Section 6164 (20  
16 U.S.C. 7325c) is amended—

17 (1) by striking paragraph (1);

18 (2) in paragraph (2), by striking “section  
19 6161(2)” and inserting “section 6161”; and

20 (3) by redesignating paragraphs (2), (3), and  
21 (4) as paragraphs (1), (2), and (3), respectively.

22 (ii) ACCOUNTABILITY.—Section 6213 (20 U.S.C.  
23 7345b) is repealed.

24 (jj) ACCOUNTABILITY.—Section 6224 (20 U.S.C.  
25 7351c) is amended by striking subsections (d) and (e).

1       (kk)   DEFINITIONS.—Section   9101(25)(D)   (20  
2 U.S.C. 7801(25)(D)) is amended—

3               (1) by striking clause (i); and

4               (2) by redesignating clauses (ii) and (iii) as  
5 clauses (i) and (ii), respectively.

6       (ll)   CIVIL   RIGHTS.—Section   9534(b)   (20   U.S.C.  
7 7914(b)) is amended by striking “section 1116 of title I  
8 and part B of title V, at the commencement of the entity’s  
9 participation in a grant under section 1116 of title I or”  
10 and inserting “part B of title V, at the commencement  
11 of the entity’s participation in a grant under”.

12 **SEC. 12. TABLE OF CONTENTS AMENDMENTS.**

13       The item relating to sections 1003, 1116, 1117, and  
14 6213 in the table of contents are repealed.

15 **SEC. 13. EFFECTIVE DATE.**

16       This Act, and the amendments made by this Act,  
17 shall take effect August 1, 2013.

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