

113TH CONGRESS
2D SESSION

H. R. 5612

To amend the Elementary and Secondary Education Act of 1965 to reduce the testing requirements for part A of title I of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

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

A BILL

To amend the Elementary and Secondary Education Act of 1965 to reduce the testing requirements for part A of title I of such Act, 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 “Tackling Excessive
5 Standardized Testing Act of 2014” or the “TEST Act of
6 2014”.

7 **SEC. 2. ESEA AMENDMENTS.**

8 (a) ACADEMIC ASSESSMENTS.—Section
9 1111(b)(3)(C) of the Elementary and Secondary Edu-

1 cation Act of 1965 (20 U.S.C. 6311(b)(3)(C)) is amend-
2 ed—

3 (1) in clause (v)(I), by striking “clause vii” and
4 inserting “clause (vii) and as otherwise provided
5 under clause (xvi)”;

6 (2) in clause (vii), by inserting “except as oth-
7 erwise provided under clause (xvi),” before “begin-
8 ning”;

9 (3) by striking “and” at the end of clause (xiv);

10 (4) by striking the period at the end of clause
11 (xv); and

12 (5) by adding at the end the following new
13 clause:

14 “(xvi) beginning with the first full
15 school year after the date of enactment of
16 the TEST Act of 2014, in lieu of the re-
17 quirements of clause (vii)—

18 “(I) authorize any public elemen-
19 tary school or public secondary school
20 to administer the academic assess-
21 ments in mathematics required under
22 clause (vii) in each of grades 4, 6, and
23 8;

24 “(II) authorize any public ele-
25 mentary school or public secondary

1 school to administer the academic as-
2 sessments in reading or language arts
3 required under clause (vii) in each of
4 grades 3, 5, and 7;

5 “(III) authorize a public elemen-
6 tary schools or public secondary
7 school at the 15th percentile or above
8 for mathematics in the State (based
9 on the achievement of students for the
10 preceding school year in each of
11 grades 4, 6, and 8 on the academics
12 assessments in mathematics required
13 under clause (vii)), to, for the school
14 year following the administration of
15 such assessments, administer the aca-
16 demic assessments in mathematics re-
17 quired under clause (vii) in each of
18 grades 4 and 8;

19 “(IV) authorize a public elemen-
20 tary school or public secondary school
21 at the 15th percentile or above for
22 reading or language arts in the State
23 (based on the achievement of students
24 for the preceding school year in each
25 of grades 3, 5, and 7 on the aca-

1 demics assessments in reading or lan-
2 guage arts required under clause
3 (vii)), to, for the school year following
4 the administration of such assess-
5 ments, administer the academic as-
6 sessments in reading or language arts
7 required under clause (vii) in each of
8 grades 3 and 7;

9 “(V) authorize a public elemen-
10 tary school or public secondary school
11 whose students do not meet the aca-
12 demic achievement requirements of
13 subclause (III) of this clause, but
14 which has demonstrated such level of
15 progress with respect to the achieve-
16 ment of students on academic assess-
17 ments in mathematics required under
18 clause (vii), as determined appropriate
19 by the Secretary to be authorized to
20 administer assessments in mathe-
21 matics in accordance with subclause
22 (III) of this clause, to administer such
23 assessments in mathematics in ac-
24 cordance with such subclause (III);
25 and

1 “(VI) authorize a public elemen-
2 tary school or public secondary school
3 whose students do not meet the aca-
4 demic achievement requirements of
5 subclause (IV) of this clause, but
6 which has demonstrated such level of
7 progress with respect to the achieve-
8 ment of students on academic assess-
9 ments in reading or language arts re-
10 quired under clause (vii), as deter-
11 mined appropriate by the Secretary to
12 be authorized to administer assess-
13 ments in reading or language arts in
14 accordance with subclause (IV) of this
15 clause, to administer such assess-
16 ments in reading or language arts in
17 accordance with such subclause
18 (IV).”.

19 (b) LIMITED ENGLISH PROFICIENT STUDENTS.—
20 Section 1111(b)(2)(C)(v) of the Elementary and Sec-
21 ondary Education Act of 1965 (20 U.S.C.
22 6311(b)(2)(C)(v)) is amended in the matter following item
23 (dd), by inserting before the semicolon the following: “and
24 that the achievement of a student with limited English
25 proficiency shall not be considered for purposes of such

1 definition for the first 12 months that the student is en-
2 rolled in a public elementary school or public secondary
3 school”.

4 (c) APPLICATION TO WAIVERS.—Section 9401 of the
5 Elementary and Secondary Education Act of 1965 (20
6 U.S.C. 7861) is amended—

7 (1) in subsection (c)—

8 (A) by striking “or” at the end of para-
9 graph (9)(C);

10 (B) by striking the period at the end of
11 paragraph (10) and inserting “; or”; and

12 (C) by adding at the end the following:

13 “(11) the requirement under section
14 1111(b)(2)(C)(v) that a student with limited English
15 proficiency be excluded from the definition of ade-
16 quate yearly progress for the first 12 months that
17 the student is enrolled in a public elementary school
18 or public secondary school.”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(h) OPTIONS FOR CERTAIN ACADEMIC ASSESS-
22 MENTS.—A waiver awarded under this section shall not
23 prohibit a State educational agency from administering
24 academic assessments in accordance with clause (xvi) of

- 1 section 1111(b)(3)(C) in lieu of the requirements of clause
- 2 (vii) of section 1111(b)(3)(C).”.

○