

113TH CONGRESS
1ST SESSION

S. 943

To establish an alternative accountability model.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2013

Mr. UDALL of Colorado (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish an alternative accountability model.

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 “Growth to Excellence
5 Act of 2013”.

6 **SEC. 2. ACCOUNTABILITY MODEL.**

7 Section 1111(b) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6311(b)) is amended—

9 (1) in paragraph (3), by adding at the end the
10 following:

1 “(E) ASSESSMENTS ABOVE AND BELOW
2 GRADE LEVEL.—

3 “(i) IN GENERAL.—Notwithstanding
4 any other requirement of this paragraph, a
5 State may carry out this paragraph
6 through the use of adaptive assessments
7 that—

8 “(I) are administered through a
9 computerized means;

10 “(II) are aligned with grade-level
11 academic content standards; and

12 “(III) measure academic growth
13 above and below grade level.

14 “(ii) REQUIREMENTS FOR ADAPTIVE
15 ASSESSMENTS.—For the results of any
16 adaptive assessment to be included in the
17 accountability model described under para-
18 graph (12), such results must provide the
19 information necessary to determine ade-
20 quate student growth in accordance with
21 paragraph (12)(C)(i).”; and

22 (2) by adding at the end the following:

23 “(11) CRITERIA AND IMPLEMENTATION OF AC-
24 COUNTABILITY MODEL.—

25 “(A) IN GENERAL.—

1 “(i) TRANSITIONAL PARTICIPATION.—

2 Prior to a State’s adoption of college and
 3 career ready academic content standards
 4 and college and career ready assessments,
 5 as defined in subparagraphs (B) and (C)
 6 of paragraph (13), a State may apply to
 7 the Secretary to replace the State plan re-
 8 quirements under paragraph (2) with the
 9 accountability requirements under para-
 10 graph (12).

11 “(ii) REQUIRED PARTICIPATION.—

12 After the adoption of college and career
 13 ready academic content standards and col-
 14 lege and career ready assessments, as de-
 15 fined in subparagraphs (B) and (C) of
 16 paragraph (13) and required under this
 17 subsection—

18 “(I) a State shall comply with
 19 this paragraph and paragraph (12) in
 20 lieu of paragraph (2); and

21 “(II) references in this Act to
 22 section 1111(b)(2) shall be deemed to
 23 be references to this paragraph and
 24 paragraph (12).

1 “(B) CRITERIA.—A State that participates
2 in the accountability model described in para-
3 graph (12) shall carry out the following activi-
4 ties:

5 “(i) Implement challenging college
6 and career ready academic content stand-
7 ards, as defined in paragraph (13)(B).

8 “(ii) Implement college and career
9 ready assessments, as defined in paragraph
10 13(C).

11 “(iii) For a secondary school, measure
12 graduation rates as defined in section
13 200.19(b)(1) of title 34, Code of Federal
14 Regulations.

15 “(iv) Assess not less than 2 additional
16 indicators of whether students are college
17 and career ready, such as—

18 “(I) student scores on the ACT;

19 “(II) student scores on the SAT;

20 “(III) the percentage of students
21 who attend an institution of higher
22 education;

23 “(IV) college remediation rates;

1 “(V) results from Advanced
2 Placement or International Baccalaureate exams;

4 “(VI) student grade point averages at an institution of higher education; or

7 “(VII) rates of completion of the first year at an institution of higher education.

10 “(v) Provide a comprehensive State
11 system of accountability for schools that do
12 not meet the annual progress targets described under subclauses (V) and (VI) of
13 paragraph (12)(B)(i), which aims to ensure that each student is college and career
14 ready before such student graduates from a secondary school that awards regular
15 high school diplomas, and which shall include, at a minimum—

20 “(I) the evaluation of each school
21 and each group of students described in paragraph (2)(C)(v)(II) against annual
22 progress targets described in subclauses (V) and (VI) of paragraph
23 (12)(B)(i) that are aligned with the

1 goal of ensuring that each student is
2 college and career ready before such
3 student graduates from a secondary
4 school that awards regular high school
5 diplomas;

6 “(II) a system of categorization
7 that will group schools based on—

8 “(aa) how the overall per-
9 formance of students, and the
10 performance of each subgroup of
11 students described in paragraph
12 (2)(C)(v)(II), at such school com-
13 pares to each annual progress
14 target described in subclauses
15 (V) and (VI) of paragraph
16 (12)(B)(i); and

17 “(bb) if the school is a sec-
18 ondary school that awards reg-
19 ular high school diplomas, how
20 students at such school perform
21 when measured against key indi-
22 cators of college and career read-
23 iness, as described in clauses (iii)
24 and (iv);

1 “(III) supports and consequences
 2 for each school in the State, as appro-
 3 priate for each school based on the
 4 categorization described in subclause
 5 (II); and

6 “(IV) incentives for schools that
 7 consistently exceed the annual
 8 progress targets described in sub-
 9 clauses (V) and (VI) of paragraph
 10 (12)(B)(i).

11 “(vi) Adopt intervention mechanisms
 12 for schools, as described in section 1116.

13 “(vii) Ensure that adequate student
 14 growth reports are delivered, in a timely
 15 manner, to parents and teachers (as appro-
 16 priate) to enable parents and teachers to
 17 examine student progress toward becoming
 18 college and career ready.

19 “(C) ASSESSMENTS ABOVE AND BELOW
 20 GRADE LEVEL.—

21 “(i) IN GENERAL.—In carrying out
 22 the assessment requirements described in
 23 subparagraph (B)(ii), a State may use
 24 adaptive assessments described in para-
 25 graph (3)(E).

1 “(ii) REQUIREMENTS FOR ADAPTIVE
 2 ASSESSMENTS.—For the results of any
 3 adaptive assessment to be included in the
 4 accountability model described under para-
 5 graph (12), such results must provide the
 6 information necessary to determine ade-
 7 quate student growth in accordance with
 8 paragraph (12)(C)(i).

9 “(12) ACCOUNTABILITY MODEL.—

10 “(A) IN GENERAL.—Each State that will
 11 use an accountability model under this para-
 12 graph shall submit a plan to the Secretary,
 13 which shall demonstrate that the State has de-
 14 veloped and will implement a single, statewide
 15 State accountability system that will be effective
 16 in ensuring that all local educational agencies,
 17 public elementary schools, and public secondary
 18 schools meet the standard of adequate student
 19 growth as defined under this paragraph.

20 “(B) COMPONENTS OF THE ACCOUNT-
 21 ABILITY MODEL.—

22 “(i) IN GENERAL.—Each State ac-
 23 countability model shall—

24 “(I) be based on the academic
 25 standards and academic assessments

1 adopted under paragraphs (1), (3),
2 and (11), and other academic indica-
3 tors consistent with subparagraph
4 (C)(ii);

5 “(II) take into account the
6 achievement of all public elementary
7 school and secondary school students;

8 “(III) be the same accountability
9 model that the State uses for all pub-
10 lic elementary schools and secondary
11 schools or all local educational agen-
12 cies in the State;

13 “(IV) include components that
14 recognize successful schools and that
15 require intervention measures in
16 struggling schools, which the State
17 will use to hold local educational agen-
18 cies and public elementary schools and
19 secondary schools accountable for stu-
20 dent achievement and for ensuring
21 that such agencies and schools meet
22 the standard of adequate student
23 growth as described in subparagraph
24 (C), in accordance with this para-
25 graph;

1 “(V) establish annual progress
2 targets for each school that aim to re-
3 duce by half, in less than 6 years—

4 “(aa) the difference between
5 the percentage of students at the
6 top performing schools in the
7 State who meet the college and
8 career ready academic content
9 standards described in paragraph
10 (13)(B) or make adequate stu-
11 dent growth, as described in sub-
12 paragraph (C), and the percent-
13 age of such students at each
14 school that is not a top per-
15 forming school; and

16 “(bb) for each category of
17 students described in paragraph
18 (2)(C)(v)(II), the difference be-
19 tween the percentage of students
20 who meet the college and career
21 ready academic content stand-
22 ards described in paragraph
23 (13)(B) or make adequate stu-
24 dent growth, as described in sub-
25 paragraph (C), at the top per-

1 forming schools in the State, and
2 the percentage of such students
3 at each school that is not a top
4 performing school;

5 “(VI) establish annual progress
6 targets for each secondary school that
7 is subject to section 200.19(b)(1) of
8 title 34, Code of Federal Regulations,
9 that aim to reduce by half, in less
10 than 6 years, the difference between
11 the percentage of students who grad-
12 uate from such secondary school and
13 90 percent; and

14 “(VII) include another method
15 that is educationally sound, rigorous,
16 and will result in ambitious, but
17 achievable, targets for all students
18 and the subgroups of students de-
19 scribed in paragraph (2)(C)(v)(II).

20 “(ii) DEFINITION OF TOP PER-
21 FORMING SCHOOL.—In this paragraph, the
22 term ‘top performing school’ means a
23 school that is ranked at the 90th percentile
24 when all schools in a State are ranked
25 (with separate rankings for elementary

1 schools and for secondary schools) from
 2 lowest to highest, based on the percentage
 3 of students at each school who meet chal-
 4 lenging college and career ready academic
 5 content standards.

6 “(iii) TOP PERFORMING SCHOOLS.—A
 7 top performing school shall be considered a
 8 school that is meeting annual progress tar-
 9 gets under subclauses (V) and (VI) of
 10 clause (i), for such time as the school re-
 11 mains a top performing school.

12 “(C) ADEQUATE STUDENT GROWTH.—

13 “(i) IN GENERAL.—The term ‘ade-
 14 quate student growth’ shall be defined by
 15 a State—

16 “(I) to mean—

17 “(aa) for each student at a
 18 school who is not on track to
 19 being college and career ready in
 20 a subject, a rate of growth indi-
 21 cating that the student will be on
 22 track to being college and career
 23 ready within 3 years, or by the
 24 last year of student testing,
 25 whichever is earlier; and

1 “(bb) for a student who is
2 on track to being college and ca-
3 reer ready in a subject, but is not
4 yet college and career ready, a
5 rate of growth equal to not less
6 than 1 year of academic growth;
7 and

8 “(II) in a manner that—

9 “(aa) applies the same high
10 standards of academic achieve-
11 ment to all public elementary
12 school and secondary school stu-
13 dents in the State;

14 “(bb) is statistically rig-
15 orous, valid, and reliable;

16 “(cc) results in continuous
17 and substantial academic im-
18 provement for all students; and

19 “(dd) measures the progress
20 of public elementary schools, sec-
21 ondary schools, local educational
22 agencies, and the State based on
23 the academic assessments de-
24 scribed in paragraphs (3) and
25 (11).

1 “(ii) MEASURES OF ADEQUATE
2 SCHOOL PERFORMANCE.—

3 “(I) IN GENERAL.—A State may
4 develop a composite measure of a
5 school’s adequate student growth, as
6 described under this paragraph, to be
7 used for public reporting, that may in-
8 corporate 1 or more of the following
9 indicators:

10 “(aa) Overall student cohort
11 proficiency or growth to pro-
12 ficiency on the assessments
13 adopted under paragraphs (3)
14 and (11) over a period of 2 or
15 more years.

16 “(bb) The percentage of stu-
17 dents who are making sufficient
18 growth to meet the college and
19 career ready academic content
20 standards, as described in para-
21 graph (13)(B), before the last
22 year that the student is in the
23 student’s current school, or in
24 less than 3 years, whichever oc-
25 curs earlier.

1 “(cc) Progress in closing
2 achievement gaps between each
3 group of students listed in para-
4 graph (2)(C)(v)(II) and the over-
5 all student population of the
6 school over a period of 2 or more
7 years.

8 “(dd) For secondary schools,
9 a continuous and substantial in-
10 crease in the graduation rate (as
11 defined in section 200.19(b)(1) of
12 title 34, Code of Federal Regula-
13 tions).

14 “(ee) Year-to-year growth
15 and growth to proficiency on the
16 assessments adopted under para-
17 graphs (3) and (11).

18 “(ff) Attendance for all pub-
19 lic elementary school students.

20 “(gg) The percentage of stu-
21 dents who earn sufficient credits
22 to be promoted to the next grade.

23 “(hh) The percentage of sec-
24 ondary school graduates who re-
25 ceive a regular high school di-

1 ploma who attend an institution
2 of higher education.

3 “(ii) The percentage of sec-
4 ondary school graduates who re-
5 ceive a regular high school di-
6 ploma who do not require remedi-
7 ation at an institution of higher
8 education.

9 “(II) VALIDITY AND RELI-
10 ABILITY.—The State shall ensure that
11 each indicator described in this clause
12 is rigorous, valid for the indicator’s
13 assigned use, reliable, and consistent
14 with any relevant nationally recog-
15 nized professional and technical
16 standards.

17 “(III) REPORTING OF INDICA-
18 TORS.—A State shall publicly report
19 each of the indicators that are in-
20 cluded within the composite measure
21 of adequate school performance, as
22 described in this clause, in the aggre-
23 gate and disaggregated by each group
24 of students described in paragraph
25 (2)(C)(v)(II).

1 “(D) ANNUAL IMPROVEMENT FOR
 2 SCHOOLS.—Each year, for a school to meet the
 3 standard for adequate student growth under
 4 this paragraph, not less than 95 percent of each
 5 group of students described in paragraph
 6 (2)(C)(v)(II) who are enrolled in the school are
 7 required to take the assessments, consistent
 8 with paragraph (3), including subparagraph
 9 (C)(xi) of such paragraph, and with—

10 “(i) accommodations provided in the
 11 same manner as those provided under sec-
 12 tion 504 of the Rehabilitation Act of 1973
 13 (29 U.S.C. 794); and

14 “(ii) accommodations and alternative
 15 assessments provided in the same manner
 16 as those provided under section
 17 612(a)(16)(A) of the Individuals with Dis-
 18 abilities Education Act.

19 “(E) EVALUATION.—

20 “(i) SECRETARIAL DUTIES.—The Sec-
 21 retary shall—

22 “(I) establish a rigorous peer-re-
 23 view process, which shall include a di-
 24 verse board of experts and community
 25 stakeholders, to assist in the review of

1 State accountability model plans,
2 based on the criteria described in sub-
3 paragraphs (B) and (C)(i);

4 “(II) appoint individuals to the
5 peer-review process who are represent-
6 ative of parents, teachers, State edu-
7 cational agencies, and local edu-
8 cational agencies, and who are famil-
9 iar with educational standards, assess-
10 ments, accountability, the needs of
11 low-performing schools, and other
12 educational needs of students;

13 “(III) if the Secretary determines
14 that the State plan does not meet the
15 requirements of this paragraph, im-
16 mediately notify the State of such de-
17 termination and the reasons for such
18 determination;

19 “(IV) not decline to approve a
20 State’s accountability model plan be-
21 fore—

22 “(aa) offering the State an
23 opportunity to revise its account-
24 ability model plan;

1 “(bb) providing technical as-
2 sistance in order to assist the
3 State to meet the requirements of
4 this paragraph;

5 “(cc) providing a hearing;
6 and

7 “(dd) allowing the State to
8 communicate with peer reviewers
9 in order to further explain or jus-
10 tify the merits of the State’s ac-
11 countability model plan; and

12 “(V) have the authority to dis-
13 approve a State accountability model
14 plan for not meeting the requirements
15 of this paragraph, but shall not have
16 the authority to require a State, as a
17 condition of approval of the State ac-
18 countability model plan, to include in,
19 or delete from, such plan 1 or more
20 specific elements of the State’s aca-
21 demic content standards or to use
22 specific academic assessment instru-
23 ments or items.

24 “(ii) STATE REVISIONS.—A State ac-
25 countability model plan shall be revised by

1 the State educational agency if it is nec-
 2 essary to satisfy the requirements of this
 3 paragraph.

4 “(F) APPROVED SCHOOLS.—If, as of the
 5 date of enactment of the Growth to Excellence
 6 Act of 2013, a State has already received ap-
 7 proval from the Secretary to use an account-
 8 ability model, the Secretary may allow such
 9 State a period of not more than 2 years from
 10 the date of enactment of such Act to transition
 11 to the use of the accountability model described
 12 in this paragraph.

13 “(13) DEFINITIONS.—In this subsection:

14 “(A) COLLEGE AND CAREER READY.—The
 15 term ‘college and career ready’ when used with
 16 respect to a student means that the student
 17 meets the requirements necessary to be admit-
 18 ted into credit-bearing, nonremedial, entry level
 19 coursework at a State public institution of high-
 20 er education.

21 “(B) COLLEGE AND CAREER READY ACA-
 22 DEMIC CONTENT STANDARDS.—The term ‘col-
 23 lege and career ready academic content stand-
 24 ards’ means challenging academic content

1 standards (as required under paragraph (1))
2 that are—

3 “(i) developed based on evidence that
4 mastery of such standards corresponds to
5 being college and career ready without the
6 need for remediation; and

7 “(ii)(I) common to a significant num-
8 ber of States; or

9 “(II) approved by a system of public
10 4-year institutions of higher education in
11 the State, such that mastery of such
12 standards leads to placement into credit-
13 bearing, nonremedial, first-year coursework
14 for a student admitted to an institution of
15 higher education that is part of such sys-
16 tem.

17 “(C) COLLEGE AND CAREER READY AS-
18 SESSMENTS.—The term ‘college and career
19 ready assessments’ means an assessment for
20 mathematics and an assessment for reading or
21 language arts that—

22 “(i) measures the annual academic
23 growth of individual students;

1 “(ii) is aligned with the college and
2 career ready academic content standards
3 described in this paragraph; and

4 “(iii) meets the requirements under
5 paragraph (3).

6 “(D) ON TRACK TO BEING COLLEGE AND
7 CAREER READY.—The term ‘on track to being
8 college and career ready’ in a subject means
9 that a student is performing at or above grade
10 level, such that the student will be college and
11 career ready in the subject before graduation
12 from a secondary school that awards regular
13 high school diplomas, as measured by the State
14 assessment system.”.

○