

114TH CONGRESS
1ST SESSION

S. 528

To amend the Elementary and Secondary Education Act of 1965 in order to improve the requirements regarding alternate standards and assessments for students with the most significant cognitive disabilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2015

Mr. CASEY (for himself and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Elementary and Secondary Education Act of 1965 in order to improve the requirements regarding alternate standards and assessments for students with the most significant cognitive disabilities, 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 “Empowering Parents
5 and Students Through Information Act”.

1 **SEC. 2. ALTERNATE STANDARDS AND ASSESSMENTS FOR**
2 **STUDENTS WITH THE MOST SIGNIFICANT**
3 **COGNITIVE DISABILITIES.**

4 Section 1111 of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 6311) is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (1), by adding at the end
8 the following:

9 “(G) STATE REQUIREMENTS FOR ALTER-
10 NATE ACHIEVEMENT STANDARDS.—Notwith-
11 standing subparagraph (B), in the case of any
12 State that elects to use alternate academic
13 achievement standards in any subject included
14 in the State’s accountability system under para-
15 graph (2) for students with the most significant
16 cognitive disabilities, in accordance with section
17 612(a)(16) of the Individuals with Disabilities
18 Education Act and sections 200.1(d) and
19 200.6(a)(2) of title 34, Code of Federal Regula-
20 tions, or any successor regulation, the State
21 shall—

22 “(i) establish and monitor implemen-
23 tation of clear and appropriate guidelines
24 for individualized education program teams
25 (as defined in section 614(d)(1)(B) of the
26 Individuals with Disabilities Education

1 Act) to apply in determining, on an annual
2 and subject-by-subject basis, when a child's
3 significant cognitive disability justifies as-
4 sessment based on alternate academic
5 achievement standards;

6 “(ii) ensure that parents of the stu-
7 dents whom the State plans to assess using
8 alternate assessments—

9 “(I) are involved in the decision
10 that their child's academic achieve-
11 ment will be measured against alter-
12 nate academic achievement standards,
13 consistent with section
14 614(d)(1)(A)(i)(VI)(bb) of the Indi-
15 viduals with Disabilities Education
16 Act;

17 “(II) provide informed consent
18 that their child's achievement will be
19 measured against alternate academic
20 achievement standards using such as-
21 sessment; and

22 “(III) are informed of any effect
23 that participation in such assessment
24 may have on their child's academic
25 preparation and eligibility for a reg-

1 ular secondary school diploma, as de-
2 termined by the State;

3 “(iii) provide evidence that students
4 with the most significant cognitive disabil-
5 ities are included in and making progress
6 in the general curriculum for the grade in
7 which the students are enrolled and in as-
8 sessments aligned with that curriculum, as
9 described in section 601(c)(5)(A) of the In-
10 dividuals with Disabilities Education Act;

11 “(iv) develop, disseminate information
12 about, make available, and promote the use
13 of reasonable accommodations to increase
14 the number of students with the most sig-
15 nificant cognitive disabilities participating
16 in grade-level academic instruction and as-
17 sessments aligned with grade-level aca-
18 demic standards, and promote the use of
19 reasonable accommodations to increase the
20 number of students with the most signifi-
21 cant cognitive disabilities who are tested
22 against grade-level academic achievement
23 standards;

24 “(v) take steps to ensure general and
25 special education teachers and other appro-

1 appropriate staff know how to administer assess-
2 ments, including how to make appropriate
3 use of accommodations, for students with
4 disabilities;

5 “(vi) require separate annual deter-
6 minations about whether a student should
7 be assessed using an alternate assessment
8 based on alternate academic achievement
9 standards for each subject assessed; and

10 “(vii) ensure that students who take
11 an alternate assessment based on alternate
12 academic achievement standards are not
13 precluded from attempting to complete the
14 requirements for a regular secondary
15 school diploma, as determined by the
16 State.”; and

17 (B) in paragraph (2), by adding at the end
18 the following:

19 “(L) NO INCLUSION OF IEPS.—A State
20 shall not use any student individualized edu-
21 cation program, as defined in section 602(14)
22 of the Individuals with Disabilities Education
23 Act, in the State accountability system.”; and

24 (2) in subsection (h)(1)(C)—

1 (A) in clause (i), by striking “disability
2 status” and inserting “disability category de-
3 scribed in section 602(3) of the Individuals with
4 Disabilities Education Act”;

5 (B) in clause (vii), by striking “and” after
6 the semicolon;

7 (C) in clause (viii), by striking the period
8 at the end and inserting “; and”; and

9 (D) by adding at the end the following:

10 “(ix) the number and percentage of
11 students with disabilities who take an al-
12 ternate assessment based on alternate
13 achievement standards, by grade and sub-
14 ject, and, for each grade and subject, by
15 disability category described in section
16 602(3) of the Individuals with Disabilities
17 Education Act, except that disaggregation
18 shall not be required in a case in which the
19 number of students in a category is insuffi-
20 cient to yield statistically reliable informa-
21 tion or the results would reveal personally
22 identifiable information about an individual
23 student.”.

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