

109TH CONGRESS  
1ST SESSION

# H. R. 1821

To provide States that meet certain requirements with waivers of the adequate yearly progress provisions of the Elementary and Secondary Education Act of 1965.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2005

Mr. GOODLATTE (for himself, Mr. GOODE, Mr. MORAN of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. BOUCHIER, and Mrs. DRAKE) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To provide States that meet certain requirements with waivers of the adequate yearly progress provisions of 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 “Flexibility for Cham-  
5 pion Schools Act”.

1 **SEC. 2. STATE WAIVERS.**

2 Section 1111(b)(2) of the Elementary and Secondary  
3 Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended  
4 by adding at the end the following:

5 “(L) WAIVERS.—

6 “(i) IN GENERAL.—The Secretary  
7 shall grant each State that meets the re-  
8 quirements of clause (ii) a waiver of all  
9 provisions of this Act related to adequate  
10 yearly progress.

11 “(ii) REQUIREMENTS.—The require-  
12 ments referred to in clause (i) are as fol-  
13 lows:

14 “(I) The State establishes aca-  
15 demic content standards in reading,  
16 writing, and mathematics, and tests in  
17 such subjects—

18 “(aa) in reading and mathe-  
19 matics, in grades 3 through 8  
20 and at least once in secondary  
21 school; and

22 “(bb) in writing, at least  
23 once in elementary school, middle  
24 school, and secondary school.

25 “(II) The State establishes aca-  
26 demic content standards in the cat-

1 categories of science, and United States  
2 history and civics, and tests at least  
3 once in each such category in elemen-  
4 tary school, middle school, and sec-  
5 ondary school.

6 “(III) The State makes available  
7 to the public the results of all such  
8 testing, in the aggregate and  
9 disaggregated by groups of students,  
10 as determined under section  
11 1111(b)(2)(C)(v)(II) of the Elemen-  
12 tary and Secondary Education Act of  
13 1965 (except in a case in which the  
14 number of students in a group is in-  
15 sufficient to yield statistically reliable  
16 information or the results would re-  
17 veal personally identifiable informa-  
18 tion about an individual student),  
19 for—

20 “(aa) each local educational  
21 agency located within the State;  
22 and

23 “(bb) each elementary  
24 school, middle school, and sec-

1           ondary school served by such  
2           local educational agency.

3           “(IV) The State sets pass-rate  
4           goals on such tests that each school  
5           and local educational agency shall  
6           meet. These goals shall be determined  
7           by the State educational agency and  
8           shall not be subject to change or  
9           modification by the Department as  
10          part of the process of granting a waiv-  
11          er under this subparagraph.

12          “(V) The State shall determine  
13          the conditions under which students  
14          with disabilities and students who are  
15          limited English proficient take State  
16          tests or alternative assessments. Such  
17          determinations by the State shall com-  
18          ply with the Individuals with Disabil-  
19          ities Education Act (20 U.S.C. 1400  
20          et seq.).

21          “(VI) The State holds schools  
22          and local educational agencies ac-  
23          countable for meeting its pass-rate  
24          goals. The State shall take actions to  
25          address achievement gaps on State

1 tests affecting groups of students, as  
2 determined under section  
3 1111(b)(2)(C)(v)(II) of the Elemen-  
4 tary and Secondary Education Act of  
5 1965. The State shall determine the  
6 consequences for schools and local  
7 educational agencies that fail to meet  
8 the pass-rate goals set by the State,  
9 and the State's determination of con-  
10 sequences shall not be subject to  
11 change or modification by the Depart-  
12 ment as part of the process of grant-  
13 ing a waiver under this subparagraph.

14 “(VII) The State shall determine  
15 goals for secondary school graduation  
16 rates and a State's determination of  
17 the State's goals and the types of di-  
18 plomas the State issues shall not be  
19 reviewable by the Department.”.

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