

Baldwin / Title 1 / Amendment #1

Jerry Balducci

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend part B of title I regarding assessments to include grants for enhanced assessment instruments and audits of assessment systems.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. _____

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Ms. BALDWIN (for herself, Mr. CASSIDY, Mr. CASEY, Mr. WHITEHOUSE, and Mr. FRANKEN)

Viz:

- 1 On page 170, between lines 5 and 6, insert the fol-
- 2 lowing:
- 3 **"SEC. 1202. GRANTS FOR ENHANCED ASSESSMENT INSTRU-**
- 4 **MENTS.**
- 5 **"(a) GRANT PROGRAM AUTHORIZED.—**From funds
- 6 made available to carry out this subpart, the Secretary
- 7 shall award, on a competitive basis, grants to State edu-
- 8 cational agencies that have submitted applications at such
- 9 time, in such manner, and containing such information as
- 10 the Secretary may reasonably require, which demonstrate

1 to the satisfaction of the Secretary, that the requirements
2 of this section will be met, for one of more of the following:

3 “(1) Allowing for collaboration with institutions
4 of higher education, other research institutions, or
5 other organizations to improve the quality, validity,
6 and reliability of State academic assessments beyond
7 the requirements for such assessments described in
8 section 1111(b)(2).

9 “(2) Developing or improving assessments for
10 students who are children with disabilities, including
11 using the principles of universal design for learning,
12 which may include developing assessments aligned to
13 alternate academic achievement standards for stu-
14 dents with the most significant cognitive disabilities
15 described in section 1111(b)(2)(D).

16 “(3) Measuring student progress or academic
17 growth over time, including by using multiple meas-
18 ures.

19 “(4) To evaluate student academic achievement
20 through the development of comprehensive academic
21 assessment instruments, such as performance and
22 technology-based academic assessments that empha-
23 size the mastery of standards and aligned com-
24 petencies in a competency-based education model,
25 technology-based academic assessments, computer

1 adaptive assessments, and portfolios, projects, or ex-
2 tended performance task assessments.

3 “(b) ANNUAL REPORT.—Each State educational
4 agency receiving a grant under this section shall submit
5 an annual report to the Secretary describing its activities
6 under the grant and the result of such activities.

7 “(c) PROHIBITION.—No funds provided under this
8 section to the Secretary shall be used to mandate, direct,
9 control, incentivize, or make financial awards conditioned
10 upon States (or a consortia of States) developing any as-
11 sessment common to a number of States, including testing
12 activities prohibited under section 9529.

13 **“SEC. 1203. AUDITS OF ASSESSMENT SYSTEMS.**

14 “(a) IN GENERAL.—From the amount reserved
15 under section 1204(b)(1)(C) for a fiscal year, the Sec-
16 retary shall make grants, from allotments under sub-
17 section (b), to States to enable the States to—

18 “(1) in the case of a grant awarded under this
19 section to a State for the first time—

20 “(A) carry out audits of State assessment
21 systems and ensure that local educational agen-
22 cies carry out audits of local assessments under
23 subsection (e)(1);

24 “(B) prepare and carry out the State plan
25 under subsection (e)(6); and

1 “(C) award subgrants under subsection (f);

2 and

3 “(2) in the case of a grant awarded under this
4 section to a State that has previously received a
5 grant under this section—

6 “(A) carry out the State plan under sub-
7 section (e)(6); and

8 “(B) award subgrants under subsection
9 (f).

10 “(b) MINIMUM AMOUNT.—Each State with an ap-
11 proved application shall receive a grant amount of not less
12 than \$1,500,000 per fiscal year.

13 “(c) REALLOCATION.—If a State chooses not to apply
14 to receive a grant under this subsection, or if such State’s
15 application under subsection (d) is disapproved by the Sec-
16 retary, the Secretary shall reallocate such grant amount
17 to other States with approved applications.

18 “(d) APPLICATION.—A State desiring to receive a
19 grant under this section shall submit an application to the
20 Secretary at such time, in such manner, and containing
21 such information as the Secretary may require.

22 “(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND
23 LOCAL ASSESSMENTS.—

1 “(1) AUDIT REQUIREMENTS.—Not later than 1
2 year after a State receives a grant under this section
3 for the first time, the State shall—

4 “(A) conduct an audit of the State assess-
5 ment system;

6 “(B) ensure that each local educational
7 agency under the State’s jurisdiction and re-
8 ceiving funds under this Act—

9 “(i) conduct an audit of each local as-
10 sessment administered by the local edu-
11 cational agency; and

12 “(ii) submits the results of such audit
13 to the State; and

14 “(C) report the results of each State and
15 local educational agency audit conducted under
16 subparagraphs (A) and (B), in a format that
17 is—

18 “(i) publicly available, such as a wide-
19 ly accessible online platform; and

20 “(ii) with appropriate accessibility
21 provisions for children with disabilities and
22 English learners.

23 “(2) RESOURCES FOR LOCAL EDUCATIONAL
24 AGENCIES.—In carrying out paragraph (1)(B), each
25 State shall develop and provide local educational

1 agencies with resources, such as guidelines and pro-
2 tocols, to assist the agencies in conducting and re-
3 porting the results of the audit required under such
4 paragraph.

5 “(3) STATE ASSESSMENT SYSTEM DESCRIP-
6 TION.—An audit of a State assessment system con-
7 ducted under paragraph (1) shall include a descrip-
8 tion of each State assessment carried out in the
9 State, including—

10 “(A) the grade and subject matter as-
11 sessed;

12 “(B) whether the assessment is required
13 under section 1111(b)(2) or allowed under sec-
14 tion 1111(b)(2)(D);

15 “(C) the annual cost to the State edu-
16 cational agency involved in developing, pur-
17 chasing, administering, and scoring the assess-
18 ment;

19 “(D) the purpose for which the assessment
20 was designed and the purpose for which the as-
21 sessment is used, including assessments de-
22 signed to contribute to systems of improvement
23 of teaching and learning;

24 “(E) the time for disseminating assess-
25 ment results;

1 “(F) a description of how the assessment
2 is aligned with the challenging State academic
3 standards under section 1111(b)(1);

4 “(G) a description of any State law or reg-
5 ulation that established the requirement for the
6 assessment;

7 “(H) the schedule and calendar for all
8 State assessments given; and

9 “(I) a description of the State’s policies for
10 inclusion of English learners and children with
11 disabilities participating in assessments, includ-
12 ing developing and promoting the use of appro-
13 priate accommodations.

14 “(4) LOCAL ASSESSMENT DESCRIPTION.—An
15 audit of a local assessment conducted under para-
16 graph (1) shall include a description of the local as-
17 sessment carried out by the local educational agency,
18 including—

19 “(A) the descriptions listed in subpara-
20 graphs (A), (D), and (E) of paragraph (3);

21 “(B) the annual cost to the local edu-
22 cational agency of developing, purchasing, ad-
23 ministering, and scoring the assessment;

1 “(C) the extent to which the assessment is
2 aligned to the challenging State academic
3 standards under section 1111(b)(1);

4 “(D) a description of any State or local
5 law or regulation that establishes the require-
6 ment for the assessment; and

7 “(E) in the case of a summative assess-
8 ment that is used for accountability purposes,
9 whether the assessment is valid and reliable and
10 consistent with nationally recognized profes-
11 sional and technical standards.

12 “(5) STAKEHOLDER FEEDBACK.—Each audit of
13 a State assessment system or local assessment sys-
14 tem conducted under subparagraph (A) or (B) of
15 paragraph (1) shall include feedback on such system
16 from education stakeholders, which shall cover infor-
17 mation such as—

18 “(A) how educators, school leaders, and
19 administrators use assessment data to improve
20 and differentiate instruction;

21 “(B) the timing of release of assessment
22 data;

23 “(C) the extent to which assessment data
24 is presented in an accessible and understand-
25 able format for educators, school leaders, par-

1 ents, students (if appropriate), and the commu-
2 nity;

3 “(D) the opportunities, resources, and
4 training educators and administrators are given
5 to review assessment results and make effective
6 use of assessment data;

7 “(E) the distribution of technological re-
8 sources and personnel necessary to administer
9 assessments;

10 “(F) the amount of time educators spend
11 on assessment preparation;

12 “(G) the assessments that administrators,
13 educators, parents, and students, if appropriate,
14 do and do not find useful;

15 “(H) the amount of time students spend
16 taking the assessments; and

17 “(I) other information as appropriate.

18 “(6) STATE PLAN ON AUDIT FINDINGS.—

19 “(A) PREPARING THE STATE PLAN.—Not
20 later than 6 months after a State conducts an
21 audit under paragraph (1) and based on the re-
22 sults of such audit, the State shall, in coordina-
23 tion with the local educational agencies under
24 the jurisdiction of the State, prepare and sub-
25 mit to the Secretary, a plan to improve and

1 streamline State assessment systems and local
2 assessment systems, including through activities
3 such as—

4 “(i) eliminating any assessments that
5 are not required by section 1111(b)(2)
6 (such as by buying out the remainder of
7 procurement contracts with assessment de-
8 velopers) and that—

9 “(I) are low-quality;

10 “(II) are not aligned to the chal-
11 lenging State academic standards
12 under section 1111(b)(1));

13 “(III) in the case of summative
14 assessments used for accountability
15 purposes, are not valid or reliable and
16 are inconsistent with nationally recog-
17 nized professional and technical
18 standards;

19 “(IV) do not contribute to sys-
20 tems of improvement for teaching and
21 learning; or

22 “(V) are redundant;

23 “(ii) supporting the dissemination of
24 best practices from local educational agen-
25 cies or other States that have successfully

1 improved assessment quality and efficiency
2 to improve teaching and learning;

3 “(iii) supporting local educational
4 agencies or consortia of local educational
5 agencies to carry out efforts to streamline
6 local assessment systems and implementing
7 a regular process of review and evaluation
8 of assessment use in local educational
9 agencies;

10 “(iv) disseminating the assessment
11 data in an accessible and understandable
12 format for educators, parents, and fami-
13 lies; and

14 “(v) decreasing time between admin-
15 istering such State assessments and releas-
16 ing assessment data.

17 “(B) CARRY OUT THE STATE PLAN.—A
18 State shall carry out a State plan as soon as
19 practicable after the State prepares such State
20 plan under subparagraph (A) and during each
21 grant period of a grant described in subsection
22 (a)(2) that is awarded to the State.

23 “(f) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
24 CIES.—

1 “(1) IN GENERAL.—From the amount awarded
2 to a State under this section, the State shall reserve
3 not less than 20 percent of funds to make subgrants
4 to local educational agencies in the State, or con-
5 sortia of such local educational agencies, based on
6 demonstrated need in the agency’s or consortium’s
7 application to improve assessment quality, use, and
8 alignment with the State’s challenging academic
9 standards under section 1111(b)(1).

10 “(2) LOCAL EDUCATIONAL AGENCY APPLICA-
11 TION.—Each local educational agency, or consortium
12 of local educational agencies, seeking a subgrant
13 under this subsection shall submit an application to
14 the State at such time, in such manner, and con-
15 taining such other information as determined by the
16 State. The application shall include a description of
17 the agency’s or consortium’s needs to improve as-
18 sessment quality, use, and alignment (as described
19 in paragraph (1)).

20 “(3) USE OF FUNDS.—A subgrant awarded
21 under this subsection to a local educational agency
22 or consortium of such agencies may be used to—

23 “(A) conduct an audit of local assessments
24 under subsection (e)(1)(B);

1 “(B) eliminate any assessments identified
2 for elimination by such audit, such as by buying
3 out the remainder of procurement contracts
4 with assessment developers;

5 “(C) disseminate the best practices de-
6 scribed in subsection (e)(6)(A)(ii);

7 “(D) improve the capacity of school leaders
8 and educators to disseminate assessment data
9 in an accessible and understandable format for
10 parents and families, including for children with
11 disabilities or English learners;

12 “(E) improve assessment delivery systems
13 and schedules, including by increasing access to
14 technology and exam proctors, where appro-
15 priate;

16 “(F) hire instructional coaches, or promote
17 educators who may receive increased compensa-
18 tion to serve as instructional coaches, to sup-
19 port educators to develop classroom-based as-
20 sessments, interpret assessment data, and de-
21 sign instruction; and

22 “(G) provide for appropriate accommoda-
23 tions to maximize inclusion of children with dis-
24 abilities and English learners participating in
25 assessments.

1 “(g) DEFINITIONS.—In this section:

2 “(1) LOCAL ASSESSMENT.—The term ‘local as-
3 sessment’ means an academic assessment carried out
4 by a local educational agency that is separate from
5 an assessment required by section 1111(b)(3).

6 “(2) STATE.—The term ‘State’ means each of
7 the 50 States, the District of Columbia, and the
8 Commonwealth of Puerto Rico.

9 Beginning on page 170, strike line 6 and all that fol-
10 lows through line 10 on page 171 and insert the following:

11 **“SEC. 1204. FUNDING.**

12 “(a) NATIONAL ASSESSMENT OF EDUCATIONAL
13 PROGRESS.—For the purpose of administering the State
14 assessments under the National Assessment of Edu-
15 cational Progress, there are authorized to be appropriated
16 such sums as may be necessary for fiscal years 2016
17 through 2021.

18 “(b) ALLOTMENT OF APPROPRIATED FUNDS.—

19 “(1) From amounts made available for each fis-
20 cal year under subsection 1002(b) that are equal to
21 or less than the amount described in section
22 1111(b)(2)(H), the Secretary shall—

23 “(A) reserve $\frac{1}{2}$ of 1 percent for the Bu-
24 reau of Indian Education;

1 “(B) reserve $\frac{1}{2}$ of 1 percent for the out-
2 lying areas;

3 “(C) reserve not more than 20 percent to
4 carry out section 1203; and

5 “(D) from the remainder, allocate to each
6 State for section 1201 an amount equal to—

7 “(i) \$3,000,000; and

8 “(ii) with respect to any amounts re-
9 maining after the allocation is made under
10 subparagraph (A), an amount that bears
11 the same relationship to such total remain-
12 ing amounts as the number of students
13 aged 5 through 17 in the State (as deter-
14 mined by the Secretary on the basis of the
15 most recent satisfactory data) bears to the
16 total number of such students in all States.

17 “(2) REMAINDER.—Any amounts remaining for
18 a fiscal year after the Secretary carries out para-
19 graph (1) shall be made available as follows:

20 “(A)(i) To award funds under section 1202
21 to States selected for such grants, according to
22 the quality, needs, and scope of the State appli-
23 cation under that section.

24 “(ii) In determining the grant amount
25 under clause (i), the Secretary shall ensure that

1 a State's grant shall include an amount that
2 bears the same relationship to the total funds
3 available under this paragraph for the fiscal
4 year as the number of students ages 5 through
5 17 in the State (as determined by the Secretary
6 on the basis of the most recent satisfactory
7 data) bears to the total number of such stu-
8 dents in all States.

9 “(B) Any amounts remaining after the
10 Secretary awards funds under subparagraph
11 (A) shall be allocated to each State that did not
12 receive a grant under such subparagraph, in an
13 amount that bears the same relationship to the
14 total funds available under this subparagraph
15 as the number of students ages 5 through 17
16 in the State (as determined by the Secretary on
17 the basis of the most recent satisfactory data)
18 bears to the total number of such students in
19 all States.

20 “(c) STATE DEFINED.—In this section, the term
21 ‘State’ means each of the 50 States, the District of Colum-
22 bia, and the Commonwealth of Puerto Rico.