

## HR 3989

Student Success Act

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Education

**Introduced:** Feb 9, 2012

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### Sponsor

**Name:** Rep. Kline, John [R-MN-2]

**Party:** Republican • **State:** MN • **Chamber:** House

### Cosponsors (13 total)

Cosponsor	Party / State	Role	Date Joined
Rep. DesJarlais, Scott [R-TN-4]	R · TN		Feb 9, 2012
Rep. Heck, Joseph J. [R-NV-3]	R · NV		Feb 9, 2012
Rep. Hunter, Duncan D. [R-CA-52]	R · CA		Feb 9, 2012
Rep. Noem, Kristi L. [R-SD-At Large]	R · SD		Feb 9, 2012
Rep. Petri, Thomas E. [R-WI-6]	R · WI		Feb 9, 2012
Rep. Roby, Martha [R-AL-2]	R · AL		Feb 9, 2012
Rep. Roe, David P. [R-TN-1]	R · TN		Feb 9, 2012
Rep. Thompson, Glenn [R-PA-5]	R · PA		Feb 9, 2012
Rep. Wilson, Joe [R-SC-2]	R · SC		Feb 9, 2012
Rep. Kelly, Mike [R-PA-3]	R · PA		Feb 27, 2012
Rep. Scott, Austin [R-GA-8]	R · GA		Mar 16, 2012
Rep. Meehan, Patrick [R-PA-7]	R · PA		Apr 17, 2012
Rep. Barletta, Lou [R-PA-11]	R · PA		Apr 26, 2012

### Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Reported By	Apr 27, 2012

### Subjects & Policy Tags

**Policy Area:**

Education

### Related Bills

*No related bills are listed.*

Student Success Act - **Title I: Aid to Local Educational Agencies - Subtitle A: In General** - (Sec. 101) Replaces title I (Improving the Academic Achievement of the Disadvantaged) of the Elementary and Secondary Education Act of 1965 (ESEA) with a new title I (Aid to Local Educational Agencies) composed of parts A (Improving the Academic Achievement of the Disadvantaged), B (National Assessment), and C (General Provisions).

Authorizes appropriations for parts A and B of title I of the ESEA for FY2013, with increases in those amounts for FY2014-FY2018 that match the inflation rate.

(Sec. 103) Gives states and local educational agencies (LEAs) flexibility in transferring funds among the programs under part A of title I. (This Act consolidates programs under part A of title I that are currently located in different parts of title I and in titles III, VI, and VII of the ESEA.)

(Sec. 104) Increases, from 4% to 7%, the percentage of school improvement funds (now allocated to states under a new subpart 1 of part A of title I) that are to be set aside for reallocation to LEAs to carry out the state's system of school improvement.

(Sec. 105) Requires states to set aside 3% of their allocation of school improvement funds for a Direct Student Services program awarding grants to LEAs to cover high quality academic tutoring services or the transportation costs students incur in exercising public school choice.

**Subtitle B: Improving the Academic Achievement of the Disadvantaged** - (Sec. 111) Amends the education accountability requirements under part A of title I of the ESEA and places them in a new subpart 1 (Improving Basic Programs Operated by Local Educational Agencies) under part A (Improving the Academic Achievement of the Disadvantaged) of title I of the ESEA.

Maintains the requirement conditioning a state's receipt of school improvement funds on states developing and implementing academic content and achievement standards that are applicable to all public schools and public school students in the state.

Requires those academic content and achievement standards to cover mathematics and reading or language arts, and ensure that all public school students graduate from high school fully prepared for postsecondary education or the workforce.

Allows states to adopt standards in any other subject, but eliminates the requirement that states adopt standards in science.

Requires states to implement a set of high-quality assessments of student progress toward those standards that measure the overall performance of students in each public school and the performance of their poor, minority, disabled, and English learner subgroups. Eliminates the requirement that student performance be judged as basic, proficient, or advanced.

Requires the assessments in mathematics and reading to: (1) be administered in each of grades 3 through 8 and at least once in grades 9 through 12, (2) measure individual student academic proficiency and growth, (3) be administered through a single annual summative assessment or multiple assessments during an academic year, and (4) include measures that assess higher-order thinking skills and understanding.

Allows states to develop and administer computer adaptive assessments that measure student proficiency against, and growth toward, the standards for the student's grade level.

Allows states to adopt alternate academic achievement standards and assessments for students with the most significant cognitive disabilities.

Requires states to establish English language proficiency standards that are aligned with their academic content standards in reading or language arts. Requires the annual assessment of the English proficiency of all limited English proficient students (now referred to as English learners) to be aligned with the English language proficiency standards.

Eliminates the requirement that LEAs and schools make adequate yearly progress (AYP) toward state academic performance standards or be subject to specified improvements, corrective action, or restructuring.

Requires, instead, that each state accountability system: (1) use the state's academic achievement standards and assessments to evaluate the academic performance of each public school on an annual basis, and (2) require LEAs to implement interventions that address the weaknesses in each low-performing school.

Gives states two years after this Act's enactment to adopt and implement their academic standards, assessments, and accountability system.

Prohibits this Act from being construed as affecting state laws granting parents authority over schools that repeatedly failed to make AYP.

Maintains the requirement that states and LEAs prepare and disseminate an annual report card regarding the performance of their students and schools, but adapts it to this Act's accountability provisions. Requires states to report, in the aggregate and disaggregated by student subgroup, the four-year adjusted cohort graduation rate for each of its public high schools.

Prohibits the Secretary of Education from attempting to influence or coerce state participation in any voluntary partnership with another state to develop and implement the academic assessments and standards.

(Sec. 115) Amends Schoolwide programs, that allow LEAs to consolidate school improvement funds to upgrade the entire educational program of schools, to eliminate the requirement that such schools serve a high proportion of low-income families.

(Sec. 117) Eliminates the School Support and Recognition program.

(Sec. 119) Eliminates the requirement that teachers be highly qualified and the qualifications required of paraprofessionals.

(Sec. 120) Requires states to designate an ombudsman to ensure that private school children receive educational services and benefits that are equitable to those received by public school children under subpart 1.

Directs states, rather than LEAs, to provide or arrange for the provision of such services and benefits to private schools in certain circumstances.

(Sec. 124) Reserves 91% of the amounts authorized to be appropriated under part A of title I for subpart 1's Improving Basic Programs Operated by Local Educational Agencies program.

**Subtitle C: Additional Aid to States and School Districts -** (Sec. 131) Strikes parts B (Student Reading Skills Improvement Grants), F (Comprehensive School Reform), G (Advanced Placement Programs), and H (School Dropout Prevention) of title I of the ESEA.

Amends part C of the current title I and transfers it to a new subpart 2 (Education of Migratory Children) under part A of title I of the ESEA.

Alters the formula for allocating subpart 2 funds to states. Counts each state's: (1) average number of eligible full-time equivalent migratory children from the previous three years, and (2) number of migratory children who received services under summer or intercession programs the previous year.

Eliminates the program awarding competitive incentive grants to states that enter into a consortium with another state or entity that the Secretary determines will improve the delivery of services to migratory children whose education is interrupted.

Reserves 2.4% of the amounts authorized to be appropriated under part A of title I for subpart 2's Education of Migratory Children program.

Amends part D of the current title I and transfers it to a new subpart 3 (Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk) under part A of title I of the ESEA.

Requires states to place a priority on children in the program obtaining a regular high school diploma, if feasible.

Reserves 0.3% of the amounts authorized to be appropriated under part A of title I for subpart 3's Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk.

Amends part A of title III ( Language Instruction for Limited English Proficient and Immigrant Students) and transfers it to a new subpart 4 (English Language Acquisition, Language Enhancement, and Academic Achievement) under part A of title I of the ESEA. (The program provides grants to states and, through them, grants to LEAs to improve the education of English learners.)

Refers to limited English proficient students as English learners.

Directs the Secretary, for the purpose of determining each state's allotment, to determine the number of English learners in each state using: (1) data from the American Community Survey, conducted by the Department of Commerce; or (2) the number of students being assessed by the state for English language proficiency. Requires the number of immigrant youth in each state to be determined using data from that survey.

Removes English language proficiency standards requirements, which are now covered in subpart 1 of part A of title I. Requires the states to report to the Secretary and the Secretary to report to Congress annually, rather than biennially, on the effectiveness of the grant program in improving the education of English learners.

Includes public or private organizations with the experience and capacity to improve instruction for English learners as eligible grant recipients under the National Professional Development Project. Allows those grants to be used to disseminate effective practices in teaching English learners, and increase parent and community engagement in their education.

Eliminates the Improving Language Instruction Educational programs under part B of title III.

Transfers requirements for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs under part C of title III to subpart 4 under part A of title I of the ESEA.

Reserves 4.4% of the amounts authorized to be appropriated under part A of title I for subpart 4's English Language Acquisition, Language Enhancement, and Academic Achievement program.

Amends part B (Rural Education Initiative) of title VI (Flexibility and Accountability) and transfers it to a new subpart 5 (Rural Education Achievement Program) under part A of title I of the ESEA.

Directs the Secretary to reserve: (1) 0.55% of the amounts authorized to be appropriated under part A of title I to award grants to rural LEAs under the Small, Rural School Achievement (SRSA) program; and (2) 0.55% to award grants to states and, through them, rural LEAs under the Rural and Low-Income School (RLIS) program.

Requires grant funds under both programs to be used for activities authorized under Part A of title I, title II, and title III of the ESEA.

Updates the locale codes used in determining whether schools are in a rural area.

Prohibits LEAs that are eligible to participate in the SRSA and RLIS programs from receiving funds under both programs.

Amends part A (Indian Education) of title VII and transfers subparts 1, 2, 4, and 5 of that part to a new subpart 6 (Indian Education) under part A of title I of the ESEA.

Establishes Chapters A (Formula Grants to Local Educational Agencies), B (Special Programs and Projects to Improve Educational Opportunities for Indian Children), C (Federal Administration), and D (Definitions) of the new subpart 6.

Directs the Secretary to reserve 0.6% of the amounts authorized to be appropriated under part A of title I for Chapter A's Formula Grants to Local Educational Agencies.

Allows LEAs to form a consortium with other LEAs or Indian tribes to obtain those grants, and use grant funds to engage parents and tribes in the education of their children.

Directs the Secretary to reserve 0.2% of the amounts authorized to be appropriated under part A of title I for Chapter B's Special Programs and Projects to Improve Educational Opportunities for Indian Children.

Amends the Chapter B program, providing grants for the professional development of Indian teachers and education professionals, to require grant applicants to show how they will recruit and train Indians to become teachers and school leaders. Allows those grants to be awarded for up to three years and be renewed for up to two additional years.

Eliminates the programs under subpart 3 (National Activities) of part A and parts B (Native Hawaiian Education) and C (Alaska Native Education) of title VII of the ESEA.

Removes maintenance of effort requirements that require states and LEAs to maintain their education funding at certain levels in order to be eligible for federal education funds.

**Subtitle D: National Assessment** - (Sec. 141) Amends part E (National Assessment) of title I and transfers it to a new part B of title I of the ESEA.

Repeals the Demonstrations of Innovative Practices grant program and the Close Up Fellowship program.

Requires the Secretary, acting through the Director of the Institute of Education Sciences (Director), to conduct a national assessment of the success of the title I programs in helping all students graduate from high school prepared for postsecondary education or the workforce.

Transfers to the Director responsibility for carrying out: (1) the longitudinal study of schools receiving school improvement funds under subpart 1 of part A, and (2) the independent study of the assessments used for state accountability purposes.

**Subtitle E: Title I General Provisions** - (Sec. 151) Amends part I (General Provisions) of title I and transfers it to a new part C of title I of the ESEA.

Sets forth the rulemaking procedure the Secretary is to follow if a negotiated rulemaking process under title I is unnecessary or the individuals chosen to participate in the process fail to reach unanimous agreement.

Requires each state to identify any duplicative or conflicting requirements between state and federal rules or regulations, eliminate those state rules or regulations that are duplicative, and resolve conflicts.

**Title II: General Provisions for the Act** - (Sec. 201) Replaces title V (Promoting Informed Parental Choice and Innovative Programs) of the ESEA with a new title V (General Provisions). Amends title IX (General Provisions) and transfers it to the new title V.

Requires the Secretary to establish a multi-disciplinary peer review team to review requests for waivers of statutory or regulatory requirements under the ESEA. Allows the Secretary to approve a waiver request without conducting a peer review, but requires such review before a request can be disapproved.

Requires peer reviewers to review waiver requests in their totality, in deference to state and local judgment, and with the goal of promoting state and local innovation.

Prohibits the Secretary from imposing new or additional requirements that are not specified in the ESEA on states, LEAs, or Indian tribes in exchange for the receipt of a waiver. Sets a three year limit on waivers, but authorizes the Secretary to extend those that are effective.

Requires states to determine, in a timely manner, the proportion of funds to be allocated to LEAs for private school children and notify the LEAs and private school officials of such allocation. Requires funds allocated to an LEA for private school students to be obligated in the fiscal year for which the LEA received the funds.

Gives private school officials a process to appeal for services directly from their state when their LEA fails to meet consultation or service requirements.

Gives states 45 days to resolve complaints regarding violations of private school participation requirements before an appeal may be made to the Secretary.

Prohibits the federal government from directly or indirectly mandating, directing, or controlling a state, LEA, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction.

Requires LEAs to notify each secondary school student's parent of the option to submit a written request to the LEA that the student's name, address, and telephone listing not be released to military recruiters or IHEs without the parent's prior written consent. Gives students this option when they reach age 18.

Establishes requirements regarding the peer review panels used under the ESEA to review program applications.  
Prohibits federal employees from participating in, or working to influence, the peer review process.

Gives the Secretary one year after this Act's enactment to eliminate those staff positions associated with programs eliminated or consolidated by this Act.

Places the gun-free school requirements in part A (Safe and Drug-Free Schools and Communities) of title IV of the ESEA in the new title V.

### **Actions Timeline**

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- **Apr 27, 2012:** Reported (Amended) by the Committee on Education and the Workforce. H. Rept. 112-458.
- **Apr 27, 2012:** Placed on the Union Calendar, Calendar No. 320.
- **Feb 28, 2012:** Committee Consideration and Mark-up Session Held.
- **Feb 28, 2012:** Ordered to be Reported (Amended).
- **Feb 9, 2012:** Introduced in House
- **Feb 9, 2012:** Referred to the House Committee on Education and the Workforce.