

or employment, consistent with the purposes of Public Law 93-112, as in effect on July 22, 2014.

“(ii) PROHIBITION ON ANY OTHER ALTERNATE OR MODIFIED ACADEMIC ACHIEVEMENT STANDARDS.—A State shall not develop, or implement for use under this part, any alternate academic achievement standards for children with disabilities that are not alternate academic achievement standards that meet the requirements of clause (i).

“(F) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall demonstrate that the State has adopted English language proficiency standards that—

“(i) are derived from the 4 recognized domains of speaking, listening, reading, and writing;

“(ii) address the different proficiency levels of English learners; and

“(iii) are aligned with the challenging State academic standards.

“(G) PROHIBITIONS.—

“(i) STANDARDS REVIEW OR APPROVAL.—A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval.

“(ii) FEDERAL CONTROL.—The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.

“(H) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standards adopted under this part before or after the date of enactment of the Every Student Succeeds Act.

“(2) ACADEMIC ASSESSMENTS.—

“(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science. The State retains the right to implement such assessments in any other subject chosen by the State.

“(B) REQUIREMENTS.—The assessments under subparagraph (A) shall—

“(i) except as provided in subparagraph (D), be—

“(I) the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and

“(II) administered to all public elementary school and secondary school students in the State;

“(ii) be aligned with the challenging State academic standards, and provide coherent and timely information about student attainment of such standards and whether the student is performing at the student's grade level;

“(iii) be used for purposes for which such assessments are valid and reliable, consistent with relevant, nationally recognized professional and technical testing

standards, objectively measure academic achievement, knowledge, and skills, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information;

“(iv) be of adequate technical quality for each purpose required under this Act and consistent with the requirements of this section, the evidence of which shall be made public, including on the website of the State educational agency;

“(v)(I) in the case of mathematics and reading or language arts, be administered—

“(aa) in each of grades 3 through 8; and

“(bb) at least once in grades 9 through 12;

“(II) in the case of science, be administered not less than one time during—

“(aa) grades 3 through 5;

“(bb) grades 6 through 9; and

“(cc) grades 10 through 12; and

“(III) in the case of any other subject chosen by the State, be administered at the discretion of the State;

“(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks;

“(vii) provide for—

“(I) the participation in such assessments of all students;

“(II) the appropriate accommodations, such as interoperability with, and ability to use, assistive technology, for children with disabilities (as defined in section 602(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(3))), including students with the most significant cognitive disabilities, and students with a disability who are provided accommodations under an Act other than the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), necessary to measure the academic achievement of such children relative to the challenging State academic standards or alternate academic achievement standards described in paragraph (1)(E); and

“(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided appropriate accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as determined under subparagraph (G);

“(viii) at the State’s discretion—

“(I) be administered through a single summative assessment; or

“(II) be administered through multiple statewide interim assessments during the course of the academic year that result in a single summative score that provides valid, reliable, and transparent information on student achievement or growth;

“(ix) notwithstanding clause (vii)(III), provide for assessments (using tests in English) of reading or language arts of any student who has attended school in the United States (not including the Commonwealth of Puerto Rico) for 3 or more consecutive school years, except that if the local educational agency determines, on a case-by-case individual basis, that academic assessments in another language or form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may make a determination to assess such student in the appropriate language other than English for a period that does not exceed 2 additional consecutive years, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (written in English) of reading or language arts;

“(x) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (iii), regarding achievement on such assessments that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

“(xi) enable results to be disaggregated within each State, local educational agency, and school by—

“(I) each major racial and ethnic group;

“(II) economically disadvantaged students as compared to students who are not economically disadvantaged;

“(III) children with disabilities as compared to children without disabilities;

“(IV) English proficiency status;

“(V) gender; and

“(VI) migrant status,

except that such disaggregation shall not be required in the case of a State, local educational agency, or a school in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

“(xii) enable itemized score analyses to be produced and reported, consistent with clause (iii), to local educational agencies and schools, so that parents, teachers, principals, other school leaders, and administrators can interpret and address the specific academic needs of

students as indicated by the students' achievement on assessment items; and

"(xiii) be developed, to the extent practicable, using the principles of universal design for learning.

"(C) EXCEPTION FOR ADVANCED MATHEMATICS IN MIDDLE SCHOOL.—A State may exempt any 8th grade student from the assessment in mathematics described in subparagraph (B)(v)(I)(aa) if—

"(i) such student takes the end-of-course assessment the State typically administers to meet the requirements of subparagraph (B)(v)(I)(bb) in mathematics;

"(ii) such student's achievement on such end-of-course assessment is used for purposes of subsection (c)(4)(B)(i), in lieu of such student's achievement on the mathematics assessment required under subparagraph (B)(v)(I)(aa), and such student is counted as participating in the assessment for purposes of subsection (c)(4)(B)(vi); and

"(iii) in high school, such student takes a mathematics assessment pursuant to subparagraph (B)(v)(I)(bb) that—

"(I) is any end-of-course assessment or other assessment that is more advanced than the assessment taken by such student under clause (i) of this subparagraph; and

"(II) shall be used to measure such student's academic achievement for purposes of subsection (c)(4)(B)(i).

"(D) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

"(i) ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—A State may provide for alternate assessments aligned with the challenging State academic standards and alternate academic achievement standards described in paragraph (1)(E) for students with the most significant cognitive disabilities, if the State—

"(I) consistent with clause (ii), ensures that, for each subject, the total number of students assessed in such subject using the alternate assessments does not exceed 1 percent of the total number of all students in the State who are assessed in such subject;

"(II) ensures that the parents of such students are clearly informed, as part of the process for developing the individualized education program (as defined in section 614(d)(1)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)))—

"(aa) that their child's academic achievement will be measured based on such alternate standards; and

"(bb) how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma;

“(III) promotes, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the involvement and progress of students with the most significant cognitive disabilities in the general education curriculum;

“(IV) describes in the State plan the steps the State has taken to incorporate universal design for learning, to the extent feasible, in alternate assessments;

“(V) describes in the State plan that general and special education teachers, and other appropriate staff—

“(aa) know how to administer the alternate assessments; and

“(bb) make appropriate use of accommodations for students with disabilities on all assessments required under this paragraph;

“(VI) develops, disseminates information on, and promotes the use of appropriate accommodations to increase the number of students with significant cognitive disabilities—

“(aa) participating in academic instruction and assessments for the grade level in which the student is enrolled; and

“(bb) who are tested based on challenging State academic standards for the grade level in which the student is enrolled; and

“(VII) does not preclude a student with the most significant cognitive disabilities who takes an alternate assessment based on alternate academic achievement standards from attempting to complete the requirements for a regular high school diploma.

“(ii) SPECIAL RULES.—

“(I) RESPONSIBILITY UNDER IDEA.—Subject to the authority and requirements for the individualized education program team for a child with a disability under section 614(d)(1)(A)(i)(VI)(bb) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VI)(bb)), such team, consistent with the guidelines established by the State and required under section 612(a)(16)(C) of such Act (20 U.S.C. 1412(c)(16)(C)) and clause (i)(II) of this subparagraph, shall determine when a child with a significant cognitive disability shall participate in an alternate assessment aligned with the alternate academic achievement standards.

“(II) PROHIBITION ON LOCAL CAP.—Nothing in this subparagraph shall be construed to permit the Secretary or a State educational agency to impose on any local educational agency a cap on the percentage of students administered an alternate assessment under this subparagraph, except that a local educational agency exceeding the cap applied to the State under clause (i)(I) shall submit information to the State educational agency justifying the need to exceed such cap.

“(III) STATE SUPPORT.—A State shall provide appropriate oversight, as determined by the State, of any local educational agency that is required to submit information to the State under subclause (II).

“(IV) WAIVER AUTHORITY.—This subparagraph shall be subject to the waiver authority under section 8401.

“(E) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt challenging State academic standards, and academic assessments aligned with such standards, which will be applicable to all students enrolled in the State’s public elementary schools and secondary schools, then the State educational agency may meet the requirements of this subsection by—

“(i) adopting academic standards and academic assessments that meet the requirements of this subsection, on a statewide basis, and limiting their applicability to students served under this part; or

“(ii) adopting and implementing policies that ensure that each local educational agency in the State that receives grants under this part will adopt academic content and student academic achievement standards, and academic assessments aligned with such standards, which—

“(I) meet all of the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish; and

“(II) are applicable to all students served by each such local educational agency.

“(F) LANGUAGE ASSESSMENTS.—

“(i) IN GENERAL.—Each State plan shall identify the languages other than English that are present to a significant extent in the participating student population of the State and indicate the languages for which annual student academic assessments are not available and are needed.

“(ii) SECRETARIAL ASSISTANCE.—The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

“(G) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

“(i) IN GENERAL.—Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency of all English learners in the schools served by the State educational agency.

“(ii) ALIGNMENT.—The assessments described in clause (i) shall be aligned with the State’s English language proficiency standards described in paragraph (1)(F).

“(H) LOCALLY-SELECTED ASSESSMENT.—

“(i) IN GENERAL.—Nothing in this paragraph shall be construed to prohibit a local educational agency from administering a locally-selected assessment in lieu of the State-designed academic assessment under subclause (I)(bb) and subclause (II)(cc) of subparagraph (B)(v), if the local educational agency selects a nationally-recognized high school academic assessment that has been approved for use by the State as described in clause (iii) or (iv) of this subparagraph.

“(ii) STATE TECHNICAL CRITERIA.—To allow for State approval of nationally-recognized high school academic assessments that are available for local selection under clause (i), a State educational agency shall establish technical criteria to determine if any such assessment meets the requirements of clause (v).

“(iii) STATE APPROVAL.—If a State educational agency chooses to make a nationally-recognized high school assessment available for selection by a local educational agency under clause (i), which has not already been approved under this clause, such State educational agency shall—

“(I) conduct a review of the assessment to determine if such assessment meets or exceeds the technical criteria established by the State educational agency under clause (ii);

“(II) submit evidence in accordance with subsection (a)(4) that demonstrates such assessment meets the requirements of clause (v); and

“(III) after fulfilling the requirements of subclauses (I) and (II), approve such assessment for selection and use by any local educational agency that requests to use such assessment under clause (i).

“(iv) LOCAL EDUCATIONAL AGENCY OPTION.—

“(I) LOCAL EDUCATIONAL AGENCY.—If a local educational agency chooses to submit a nationally-recognized high school academic assessment to the State educational agency, subject to the approval process described in subclause (I) and subclause (II) of clause (iii) to determine if such assessment fulfills the requirements of clause (v), the State educational agency may approve the use of such assessment consistent with clause (i).

“(II) STATE EDUCATIONAL AGENCY.—Upon such approval, the State educational agency shall approve the use of such assessment in any other local educational agency in the State that subsequently requests to use such assessment without repeating the process described in subclauses (I) and (II) of clause (iii).

“(v) REQUIREMENTS.—To receive approval from the State educational agency under clause (iii), a locally-selected assessment shall—

“(I) be aligned to the State’s academic content standards under paragraph (1), address the depth and breadth of such standards, and be equivalent in its content coverage, difficulty, and quality to the State-designed assessments under this paragraph (and may be more rigorous in its content coverage and difficulty than such State-designed assessments);

“(II) provide comparable, valid, and reliable data on academic achievement, as compared to the State-designed assessments, for all students and for each subgroup of students defined in subsection (c)(2), with results expressed in terms consistent with the State’s academic achievement standards under paragraph (1), among all local educational agencies within the State;

“(III) meet the requirements for the assessments under subparagraph (B) of this paragraph, including technical criteria, except the requirement under clause (i) of such subparagraph; and

“(IV) provide unbiased, rational, and consistent differentiation between schools within the State to meet the requirements of subsection (c).

“(vi) PARENTAL NOTIFICATION.—A local educational agency shall notify the parents of high school students served by the local educational agency—

“(I) of its request to the State educational agency for approval to administer a locally-selected assessment; and

“(II) upon approval, and at the beginning of each subsequent school year during which the locally selected assessment will be administered, that the local educational agency will be administering a different assessment than the State-designed assessments under subclause (I)(bb) and subclause (II)(cc) of subparagraph (B)(v).

“(I) DEFERRAL.—A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, for 1 year for each year for which the amount appropriated for grants under part B is less than \$369,100,000.

“(J) ADAPTIVE ASSESSMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), a State retains the right to develop and administer computer adaptive assessments as the assessments described in this paragraph, provided the computer adaptive assessments meet the requirements of this paragraph, except that—

“(I) subparagraph (B)(i) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items; and

“(II) such assessment—

“(aa) shall measure, at a minimum, each student’s academic proficiency based on the challenging State academic standards for the student’s grade level and growth toward such standards; and

“(bb) may measure the student’s level of academic proficiency and growth using items above or below the student’s grade level, including for use as part of a State’s accountability system under subsection (c).

“(ii) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES AND ENGLISH LEARNERS.—In developing and administering computer adaptive assessments—

“(I) as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—

“(aa) meet the requirements of this paragraph, including subparagraph (D), except such assessments shall not be required to meet the requirements of clause (i)(II); and

“(bb) assess the student’s academic achievement to measure, in the subject being assessed, whether the student is performing at the student’s grade level; and

“(II) as the assessments required under subparagraph (G), a State shall ensure that such computer adaptive assessments—

“(aa) meet the requirements of this paragraph, including subparagraph (G), except such assessment shall not be required to meet the requirements of clause (i)(II); and

“(bb) assess the student’s language proficiency, which may include growth towards such proficiency, in order to measure the student’s acquisition of English.

“(K) RULE OF CONSTRUCTION ON PARENT RIGHTS.—Nothing in this paragraph shall be construed as preempting a State or local law regarding the decision of a parent to not have the parent’s child participate in the academic assessments under this paragraph.

“(L) LIMITATION ON ASSESSMENT TIME.—Subject to Federal or State requirements related to assessments, evaluations, and accommodations, each State may, at the sole discretion of such State, set a target limit on the aggregate amount of time devoted to the administration of assessments for each grade, expressed as a percentage of annual instructional hours.

“(3) EXCEPTION FOR RECENTLY ARRIVED ENGLISH LEARNERS.—

“(A) ASSESSMENTS.—With respect to recently arrived English learners who have been enrolled in a school in one of the 50 States in the United States or the District of Columbia for less than 12 months, a State may choose to—

“(i) exclude—

“(I) such an English learner from one administration of the reading or language arts assessment required under paragraph (2); and

“(II) such an English learner’s results on any of the assessments required under paragraph (2)(B)(v)(I) or (2)(G) for the first year of the English learner’s enrollment in such a school for the purposes of the State-determined accountability system under subsection (c); or

“(ii)(I) assess, and report the performance of, such an English learner on the reading or language arts and mathematics assessments required under paragraph (2)(B)(v)(I) in each year of the student’s enrollment in such a school; and

“(II) for the purposes of the State-determined accountability system—

“(aa) for the first year of the student’s enrollment in such a school, exclude the results on the assessments described in subclause (I);

“(bb) include a measure of student growth on the assessments described in subclause (I) in the second year of the student’s enrollment in such a school; and

“(cc) include proficiency on the assessments described in subclause (I) in the third year of the student’s enrollment in such a school, and each succeeding year of such enrollment.

“(B) ENGLISH LEARNER SUBGROUP.—With respect to a student previously identified as an English learner and for not more than 4 years after the student ceases to be identified as an English learner, a State may include the results of the student’s assessments under paragraph (2)(B)(v)(I) within the English learner subgroup of the subgroups of students (as defined in subsection (c)(2)(D)) for the purposes of the State-determined accountability system.

“(c) STATEWIDE ACCOUNTABILITY SYSTEM.—

“(1) IN GENERAL.—Each State plan shall describe a statewide accountability system that complies with the requirements of this subsection and subsection (d).

“(2) SUBGROUP OF STUDENTS.—In this subsection and subsection (d), the term ‘subgroup of students’ means—

“(A) economically disadvantaged students;

“(B) students from major racial and ethnic groups;

“(C) children with disabilities; and

“(D) English learners.

“(3) MINIMUM NUMBER OF STUDENTS.—Each State shall describe—

“(A) with respect to any provisions under this part that require disaggregation of information by each subgroup of students—

“(i) the minimum number of students that the State determines are necessary to be included to carry out such requirements and how that number is statistically sound, which shall be the same State-determined number for all students and for each subgroup of students in the State;