

that need additional funds in accordance with criteria established by the State educational agency.

(Pub. L. 89-10, title I, §1126, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1534.)

PRIOR PROVISIONS

A prior section 6338, Pub. L. 89-10, title I, §1127, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3577, related to carryover and waiver, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 1126 of Pub. L. 89-10 was classified to section 6337 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 6339. Carryover and waiver

(a) Limitation on carryover

Notwithstanding section 1225(b) of this title or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

(b) Waiver

A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) if—

(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

(2) supplemental appropriations for this subpart become available.

(c) Exclusion

The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than \$50,000 under this subpart for any fiscal year.

(Pub. L. 89-10, title I, §1127, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1534.)

PRIOR PROVISIONS

A prior section 1127 of Pub. L. 89-10 was classified to section 6338 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

PART B—STATE ASSESSMENT GRANTS

CODIFICATION

Part B of title I of the Elementary and Secondary Education Act of 1965, comprising this part, was originally enacted in the general amendment of title I of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, by Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1535, and amended by Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 11; Pub. L. 110-154, Dec. 21, 2007, 121 Stat. 1826; Pub. L. 113-128, July 22, 2014, 128 Stat. 1425. Part B is shown herein, however, as having been added by Pub. L. 114-95, title I, §1201, Dec. 10, 2015, 129 Stat. 1879, without reference to those intervening amendments because of the extensive revision of part B by Pub. L. 114-95. See Codification note preceding section 6301 of this title.

§ 6361. Grants for State assessments and related activities

(a) Grants authorized

From amounts made available in accordance with section 6363 of this title, the Secretary shall make grants to State educational agencies

to enable the States to carry out 1 or more of the following:

(1) To pay the costs of the development of the State assessments and standards adopted under section 6311(b) of this title, which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State.

(2) If a State has developed the assessments adopted under section 6311(b) of this title, to administer those assessments or to carry out other assessment activities described in this part, such as the following:

(A) Ensuring the provision of appropriate accommodations available to English learners and children with disabilities to improve the rates of inclusion in regular assessments of such children, including professional development activities to improve the implementation of such accommodations in instructional practice.

(B) Developing challenging State academic standards and aligned assessments in academic subjects for which standards and assessments are not required under section 6311(b) of this title.

(C) Developing or improving assessments for English learners, including assessments of English language proficiency as required under section 6311(b)(2)(G) of this title and academic assessments in languages other than English to meet the State's obligations under section 6311(b)(2)(F) of this title.

(D) Ensuring the continued validity and reliability of State assessments.

(E) Refining State assessments to ensure their continued alignment with the challenging State academic standards and to improve the alignment of curricula and instructional materials.

(F) Developing or improving balanced assessment systems that include summative, interim, and formative assessments, including supporting local educational agencies in developing or improving such assessments.

(G) At the discretion of the State, refining science assessments required under section 6311(b)(2) of this title in order to integrate engineering design skills and practices into such assessments.

(H) Developing or improving models to measure and assess student progress or student growth on State assessments under section 6311(b)(2) of this title and other assessments not required under section 6311(b)(2) of this title.

(I) Developing or improving assessments for children with disabilities, including alternate assessments aligned to alternate academic achievement standards for students with the most significant cognitive disabilities described in section 6311(b)(2)(D) of this title, and using the principles of universal design for learning.

(J) Allowing for collaboration with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 6311(b)(2) of this title.

(K) Measuring student academic achievement using multiple measures of student academic achievement from multiple sources.

(L) Evaluating student academic achievement through the development of comprehensive academic assessment instruments (such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments) that emphasize the mastery of standards and aligned competencies in a competency-based education model.

(M) Designing the report cards and reports under section 6311(h) of this title in an easily accessible, user friendly-manner that cross-tabulates student information by any category the State determines appropriate, as long as such cross-tabulation—

- (i) does not reveal personally identifiable information about an individual student; and
- (ii) is derived from existing State and local reporting requirements.

(b) Rule of construction

Nothing in subsection (a)(2)(M) shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary unless such reporting, data, or information is explicitly authorized under this chapter.

(c) Annual report

Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing the State's activities under the grant and the result of such activities.

(Pub. L. 89-10, title I, §1201, as added Pub. L. 114-95, title I, § 1201, Dec. 10, 2015, 129 Stat. 1879.)

PRIOR PROVISIONS

A prior section 6361, Pub. L. 89-10, title I, §1201, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1535, stated purpose of former subpart 1 of this part, prior to the general amendment of this part by Pub. L. 114-95.

Another prior section 6361, Pub. L. 89-10, title I, §1201, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3578; amended Pub. L. 106-554, §1(a)(4) [div. B, title XVI, §1604(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-328, stated purpose of Even Start family literacy program, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 1201 of Pub. L. 89-10 was classified to section 2781 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6362. State option to conduct assessment system audit

(a) In general

From the amount reserved under section 6363(a)(3) of this title for a fiscal year, the Secretary shall make grants to States to enable the States to—

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

- (A) audit State assessment systems and ensure that local educational agencies audit local assessments under subsection (e)(1);
- (B) execute the State plan under subsection (e)(3)(D); and
- (C) award subgrants under subsection (f); and

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

- (A) execute the State plan under subsection (e)(3)(D); and
- (B) award subgrants under subsection (f).

(b) Minimum amount

Each State that receives a grant under this section shall receive an annual grant amount of not less than \$1,500,000.

(c) Reallocation

If a State chooses not to apply for a grant under this section, the Secretary shall reallocate such grant amount to other States in accordance with the formula described in section 6363(a)(4)(B) of this title.

(d) Application

A State desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall require. The application shall include a description of—

- (1) in the case of a State that is receiving a grant under this section for the first time—
 - (A) the audit the State will carry out under subsection (e)(1); and
 - (B) the stakeholder feedback the State will seek in designing such audit;

(2) in the case of a State that is not receiving a grant under this section for the first time, the plan described in subsection (e)(3)(D); and

(3) how the State will award subgrants to local educational agencies under subsection (f).

(e) Audits of State assessment systems and local assessments

(1) Audit requirements

Not later than 1 year after the date a State receives an initial grant under this section, the State shall—

- (A) conduct a State assessment system audit as described in paragraph (3);
- (B) ensure that each local educational agency receiving funds under this section—
 - (i) conducts an audit of local assessments administered by the local educational agency as described in paragraph (4); and
 - (ii) submits the results of such audit to the State; and

(C) report the results of each State and local educational agency audit conducted under subparagraphs (A) and (B), in a format that is widely accessible and publicly available.

(2) Resources for local educational agencies

In carrying out paragraph (1)(B), each State shall provide local educational agencies with