

(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

resources, such as guidelines and protocols, to assist in conducting and reporting audit results.

(3) State assessment system description

Each State assessment system audit conducted under paragraph (1)(A) shall include—

(A) the schedule for the administration of all State assessments;

(B) for each State assessment—

(i) the purpose for which the assessment was designed and the purpose for which the assessment is used; and

(ii) the legal authority for the administration of the assessment;

(C) feedback on such system from stakeholders, which shall include information such as—

(i) how teachers, principals, other school leaders, and administrators use assessment data to improve and differentiate instruction;

(ii) the timing of release of assessment data;

(iii) the extent to which assessment data is presented in an accessible and understandable format for all stakeholders;

(iv) the opportunities, resources, and training teachers, principals, other school leaders, and administrators are given to review assessment results and make effective use of assessment data;

(v) the distribution of technological resources and personnel necessary to administer assessments;

(vi) the amount of time teachers spend on assessment preparation and administration;

(vii) the assessments that administrators, teachers, principals, other school leaders, parents, and students, if appropriate, do and do not find useful; and

(viii) other information as appropriate; and

(D) a plan, based on the information gathered as a result of the activities described in subparagraphs (A), (B), and (C), to improve and streamline the State assessment system, including activities such as—

(i) eliminating any unnecessary assessments, which may include paying the cost associated with terminating procurement contracts;

(ii) supporting the dissemination of best practices from local educational agencies or other States that have successfully improved assessment quality and efficiency to improve teaching and learning; and

(iii) supporting local educational agencies or consortia of local educational agencies to carry out efforts to streamline local assessment systems and implement a regular process of review and evaluation of assessment use in local educational agencies.

(4) Local assessment description

An audit of local assessments conducted in accordance with paragraph (1)(B)(i) shall include the same information described in paragraph (3) that is required of a State audit, ex-

cept that such information shall be included as applicable to the local educational agency and the local assessments.

(f) Subgrants to local educational agencies

(1) In general

Each State shall reserve not less than 20 percent of the grant funds awarded to the State under this section to make subgrants to local educational agencies in the State or consortia of such local educational agencies, based on demonstrated need in the agency's or consortium's application, to enable such agencies or consortia to improve assessment quality and use, and alignment, including, if applicable, alignment to the challenging State academic standards.

(2) Local educational agency application

Each local educational agency, or consortium of local educational agencies, seeking a subgrant under this subsection shall submit an application to the State at such time, in such manner, and containing such other information as determined necessary by the State. The application shall include a description of the agency's or consortium's needs relating to the improvement of assessment quality, use, and alignment.

(3) Use of funds

A subgrant awarded under this subsection to a local educational agency or consortium of such agencies may be used to—

(A) conduct an audit of local assessments under subsection (e)(1)(B)(i);

(B) carry out the plan described in subsection (e)(3)(D) as it pertains to such agency or consortium;

(C) improve assessment delivery systems and schedules, including by increasing access to technology and assessment proctors, where appropriate;

(D) hire instructional coaches, or promote teachers who may receive increased compensation to serve as instructional coaches, to support teachers in the development of classroom-based assessments, interpreting assessment data, and designing instruction;

(E) provide for appropriate accommodations to maximize inclusion of children with disabilities and English learners participating in assessments; and

(F) improve the capacity of teachers, principals, and other school leaders to disseminate assessment data in an accessible and understandable format for parents and families, including for children with disabilities and English learners.

(g) Definitions

In this section:

(1) Local assessment

The term "local assessment" means an academic assessment selected and carried out by a local educational agency that is separate from an assessment required under section 6311(b)(2) of this title.

(2) State

The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 89-10, title I, §1202, as added Pub. L. 114-95, title I, §1201, Dec. 10, 2015, 129 Stat. 1881.)

PRIOR PROVISIONS

A prior section 6362, Pub. L. 89-10, title I, §1202, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1535; amended Pub. L. 108-7, div. G, title III, §305, Feb. 20, 2003, 117 Stat. 333, authorized formula grants to State educational agencies, prior to the general amendment of this part by Pub. L. 114-95.

Another prior section 6362, Pub. L. 89-10, title I, §1202, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3578; amended Pub. L. 105-220, title II, §251(b)(2)(A), Aug. 7, 1998, 112 Stat. 1079; Pub. L. 105-277, div. A, §101(f) [title VIII, §§201, 202], Oct. 21, 1998, 112 Stat. 2681-337, 2681-407, 2681-408; Pub. L. 106-554, §1(a)(4) [div. B, title XVI, §§1604(c)-(e), 1606(b)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A-329, 2763A-330, 2763A-334, authorized Even Start program, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 1202 of Pub. L. 89-10 was classified to section 2782 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.

§ 6363. Allotment of appropriated funds

(a) Amounts equal to or less than trigger amount

From amounts made available for each fiscal year under subsection¹ 6302(b) of this title that are equal to or less than the amount described in section 6311(b)(2)(I) of this title, the Secretary shall—

- (1) reserve one-half of 1 percent for the Bureau of Indian Education;
- (2) reserve one-half of 1 percent for the outlying areas;
- (3) reserve not more than 20 percent to carry out section 6362 of this title; and
- (4) from the remainder, carry out section 6361 of this title by allocating to each State an amount equal to—

(A) \$3,000,000, except for a fiscal year for which the amounts available are insufficient to allocate such amount to each State, the Secretary shall ratably reduce such amount for each State; and

(B) with respect to any amounts remaining after the allocation under subparagraph (A), an amount that bears the same relationship to such total remaining amounts as the number of students aged 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(b) Amounts above trigger amount

For any fiscal year for which the amount made available for a fiscal year under subsection¹ 6302(b) of this title exceeds the amount described in section 6311(b)(2)(I) of this title, the Secretary shall make such excess amount available as follows:

(1) Competitive grants

(A) In general

The Secretary shall first use such funds to award grants, on a competitive basis, to

State educational agencies or consortia of State educational agencies that have submitted applications described in subparagraph (B) to enable such States to carry out the activities described in subparagraphs (C), (H), (I), (J), (K), and (L) of section 6361(a)(2) of this title.

(B) Applications

A State, or a consortium of States, that desires a competitive grant under subparagraph (A) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall demonstrate that the requirements of this section will be met for the uses of funds described under subparagraph (A).

(C) Amount of competitive grants

In determining the amount of a grant under subparagraph (A), the Secretary shall ensure that a State or consortium's grant, as the case may be, shall include an amount that bears the same relationship to the total funds available to carry out this subsection for the fiscal year as the number of students aged 5 through 17 in the State, or, in the case of a consortium, in each State that comprises the consortium, (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(2) Allotments

Any amounts remaining after the Secretary awards funds under paragraph (1) shall be allotted to each State, or consortium of States, that did not receive a grant under such paragraph, in an amount that bears the same relationship to the remaining amounts as the number of students aged 5 through 17 in the State, or, in the case of a consortium, in the States of the consortium, (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(c) State defined

In this part, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) Prohibition

In making funds available to States under this part, the Secretary shall comply with the prohibitions described in section 7909 of this title.

(Pub. L. 89-10, title I, §1203, as added Pub. L. 114-95, title I, §1201, Dec. 10, 2015, 129 Stat. 1884.)

PRIOR PROVISIONS

A prior section 6363, Pub. L. 89-10, title I, §1203, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1543; amended Pub. L. 110-154, §1(c)(3), Dec. 21, 2007, 121 Stat. 1828; Pub. L. 113-128, title V, §512(i)(1), July 22, 2014, 128 Stat. 1708, related to applications for State formula grants, prior to the general amendment of this part by Pub. L. 114-95.

Another prior section 6363, Pub. L. 89-10, title I, §1203, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3579; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §204(b)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-409; Pub. L. 106-554, §1(a)(4) [div. B, title XVI, §1604(f), (g)], Dec. 21, 2000, 114 Stat. 2763, 2763A-330, related to State

¹ So in original. Probably should be "section".