

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(1) CHALLENGING STATE ACADEMIC STANDARDS.—</p>	
<p>“(A) IN GENERAL.—Each State, in the plan it files under subsection (a), shall provide an assurance that the State has adopted challenging academic content standards and aligned academic achievement standards (referred to in this Act as ‘challenging State academic standards’), which achievement standards shall include not less than 3 levels of achievement, that will be used by the State, its local educational agencies, and its schools to carry out this part. A State shall not be required to submit such challenging State academic standards to the Secretary.</p>	<p><i>Academic achievement standards are Levels 1, 2, 3, 4, and 5.</i></p>
<p>“(B) SAME STANDARDS.—Except as provided in subparagraph (E), the standards required by subparagraph (A) shall—</p>	<p><i>All students must be assessed and receive an academic achievement standard (Level 1,2,3,4 or 5)</i></p>
<p>“(i) apply to all public schools and public school students in the State; and</p>	
<p>“(ii) with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.</p>	
<p>“(C) SUBJECTS.—The State shall have such academic standards for mathematics, reading or language arts, and science, and may have such standards for any other subject determined by the State.</p>	
<p>“(D) ALIGNMENT.—</p>	
<p>“(i) IN GENERAL.—Each State shall demonstrate that the challenging State academic standards are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.</p>	<p><i>This language affirms college ad career readiness expectations.</i></p> <p><i>Raises question of level 3 vs. level 4 as the standard for accountability.</i></p>
<p>“(ii) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to authorize public institutions of higher education to determine the specific challenging State academic standards required under this paragraph.</p>	
<p>“(E) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—</p>	<p><i>NCDPI is reviewing section (E) to determine all impacts and meanings for the students with the most significant cognitive disabilities.</i></p>

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(i) IN GENERAL.—The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided those standards—</p>	<p><i>North Carolina currently has the Extended Content Standards that can be found at http://ec.ncpublicschools.gov/disability-resources/significant-cognitive-disabilities/nc-extended-content-standards, for which the NCEXTEND1 is the assessment used for accountability purposes.</i></p>
<p>“(I) are aligned with the challenging State academic content standards under subparagraph (A);</p>	
<p>“(II) promote access to the general education curriculum, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);</p>	
<p>“(III) reflect professional judgment as to the highest possible standards achievable by such students;</p>	
<p>“(IV) are designated in the individualized education program developed under section 614(d)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(3)) for each such student as the academic achievement standards that will be used for the student; and</p>	
<p>“(V) are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or employment, consistent with the purposes of Public Law 93–112, as in effect on July 22, 2014.</p>	
<p>“(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).</p>	<p><i>Prohibits modified academic achievement standards and assessments such as NCEXTEND2 (discontinued in 2013-14) from being used for federal accountability.</i></p> <p><i>If ACT were used for federal accountability, the CCRAA would not be allowed. However, the alternate assessment for ACT would be allowed.</i></p>

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(F) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall demonstrate that the State has adopted English language proficiency standards that—</p>	<p><i>WIDA assessments for English learners Standards can be found at http://www.ncpublicschools.org/curriculum/esl/scos/</i></p>
<p>“(i) are derived from the 4 recognized domains of speaking, listening, reading, and writing;</p>	
<p>“(ii) address the different proficiency levels of English learners; and</p>	
<p>“(iii) are aligned with the challenging State academic standards.</p>	
<p>“(G) PROHIBITIONS.—</p>	
<p>“(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.</p>	<p><i>States cannot be required to submit academic achievement standards to USED.</i></p>
<p>“(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.</p>	
<p>“(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.</p>	<p><i>State authority to adopt content standards</i></p>
<p>“(2) ACADEMIC ASSESSMENTS.—</p>	
<p>“(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.</p>	
<p>“(B) REQUIREMENTS.—The assessments under subparagraph (A) shall—</p>	
<p>“(i) except as provided in subparagraph (D), be—</p>	
<p>“(I) the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and</p>	
<p>“(II) administered to all public elementary school and secondary school students in the State;</p>	<p><i>Requires all students to be assessed</i></p>

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(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;</p>	<p><i>As defined by (b)(1)(D)(i): IN GENERAL.—Each State shall demonstrate that the challenging State academic standards are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.</i></p> <p><i>Requires assessing grade level standards</i></p>
<p>“(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;</p>	
<p>“(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;</p>	
<p>“(v)(I) in the case of mathematics and reading or language arts, be administered—</p>	<p><i>Required assessments</i></p>
<p>“(aa) in each of grades 3 through 8; and</p>	
<p>“(bb) at least once in grades 9 through 12;</p>	
<p>“(II) in the case of science, be administered not less than one time during—</p>	
<p>“(aa) grades 3 through 5;</p>	
<p>“(bb) grades 6 through 9; and</p>	
<p>“(cc) grades 10 through 12; and</p>	
<p>“(III) in the case of any other subject chosen by the State, be administered at the discretion of the State;</p>	

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(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;</p>	
<p>“(vii) provide for—</p>	
<p>“(I) the participation in such assessments of all students;</p>	<p><i>Participation of all students</i></p>
<p>“(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</p>	<p><i>Availability of appropriate accommodations for students with disabilities</i></p>
<p>“(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);</p>	<p><i>English learners (ELs)</i></p> <p><i>Awaiting guidance from USED.</i></p>
<p>“(viii) at the State’s discretion—</p>	
<p>“(I) be administered through a single summative assessment; or</p>	

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(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;</p>	<p><i>Allows through-grade assessments that yield a single summative score at the end of the year</i></p>
<p>“(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;</p>	<p><i>Option to administer translated assessments</i></p> <p><i>Note: NC General Statute 115C-81 requires all instruction, unless the school is bilingual, to occur in English.</i></p>
<p>“(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;</p>	<p><i>Individual Student Reports</i></p>
<p>“(xi) enable results to be disaggregated within each State, local educational agency, and school by—</p>	<p><i>Disaggregation of data</i></p>
<p>“(I) each major racial and ethnic group;</p>	
<p>“(II) economically disadvantaged students as compared to students who are not economically disadvantaged;</p>	
<p>“(III) children with disabilities as compared to children without disabilities;</p>	

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
“(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;	<i>Data may be masked if the small number of students do not yield valid information or if the identity of a student may be revealed.</i>
“(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>Addresses double testing in grade 8</i> <i>Question: May this rule be applied to grade 7?</i>
“(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	<i>Students taking Math I in grade 8 would not be required to take the grade 8 Math EOG; however, such students have to take a higher math assessment in high school for the federal reporting.</i> <i>Question: What would be the higher high school math assessment?</i>
“(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	

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(II) shall be used to measure such student’s academic achievement for purposes of subsection (c)(4)(B)(i).</p>	
<p>“(D) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—</p>	
<p>“(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—</p>	
<p>“(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;</p>	<p><i>Sets a one percent cap of participation on the alternate assessment (NCEXTEND1) at the state level</i></p>
<p>“(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)))—</p>	
<p>“(aa) that their child’s academic achievement will be measured based on such alternate standards; and</p>	
<p>“(bb) how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma;</p>	
<p>“(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;</p>	
<p>“(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;</p>	

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(V) describes in the State plan that general and special education teachers, and other appropriate staff—</p>	
<p>“(aa) know how to administer the alternate assessments; and</p>	
<p>“(bb) who are tested based on challenging State academic standards for the grade level in which the student is enrolled; and</p>	
<p>“(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.</p>	<p><i>Students being assessed on NCEXTEND1 may not be precluded from attempting to complete requirements for a regular high school diploma.</i></p>
<p>“(ii) SPECIAL RULES.—</p>	
<p>“(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.</p>	
<p>“(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.</p>	<p><i>The State may not prevent an LEA/charter school from administering NCETXEND1 to students; however the State shall require the LEA/charter school to provide information to justify the assessment of students if the number exceeds the state cap of 1%.</i></p>

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(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).</p>	
<p>“(IV) WAIVER AUTHORITY.—This subparagraph shall be subject to the waiver authority under section 8401.</p>	
<p>“(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—</p>	
<p>“(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</p>	
<p>“(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—</p>	
<p>“(I) meet all of the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish; and</p>	
<p>“(II) are applicable to all students served by each such local educational agency.</p>	
<p>“(F) LANGUAGE ASSESSMENTS.—</p>	
<p>“(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.</p>	<p><i>Top five languages other than English based on percent of total student population</i> <i>Spanish—12.8%</i> <i>Arabic—0.33%</i> <i>Vietnamese—0.25%</i> <i>Chinese—0.22%</i> <i>Hmong—0.17%</i></p>

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(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.</p>	
<p>“(G) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—</p>	
<p>“(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.</p>	
<p>“(ii) ALIGNMENT.—The assessments described in clause (i) shall be aligned with the State’s English language proficiency standards described in paragraph (1)(F).</p>	
<p>“(H) LOCALLY-SELECTED ASSESSMENT.—</p>	
<p>“(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.</p>	<p><i>The State may approve the use of a nationally-recognized assessment (ex. ACT, SAT) by LEAs/charter schools.</i></p>
<p>“(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).</p>	<p><i>The State specifies the technical requirements for the nationally-recognized high school assessments.</i></p>
<p>“(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—</p>	

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(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);</p>	
<p>“(II) submit evidence in accordance with subsection (a)(4) that demonstrates such assessment meets the requirements of clause (v); and</p>	
<p>“(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).</p>	<p><i>If a nationally-recognized high school assessment is approved for one district or charter school, it may be used by any district/charter school.</i></p>
<p>“(iv) LOCAL EDUCATIONAL AGENCY OPTION.—</p>	
<p>“(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).</p>	
<p>“(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).</p>	
<p>“(v) REQUIREMENTS.—To receive approval from the State educational agency under clause (iii), a locally selected assessment shall—</p>	

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(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);</p>	
<p>“(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;</p>	<p><i>When local districts or charter schools use a nationally-recognized high school assessment, the results must be expressed using the same academic achievement standards used by the State, currently five academic achievement levels (1,2,3,4, and 5)</i></p>
<p>“(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</p>	
<p>“(IV) provide unbiased, rational, and consistent differentiation between schools within the State to meet the requirements of subsection (c).</p>	
<p>“(vi) PARENTAL NOTIFICATION.—A local educational agency shall notify the parents of high school students served by the local educational agency—</p>	<p><i>Parents must be notified if a district is going to use local assessments.</i></p>
<p>“(I) of its request to the State educational agency for approval to administer a locally-selected assessment; and</p>	
<p>“(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).</p>	

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(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.</p>	
<p>“(J) ADAPTIVE ASSESSMENTS.—</p>	
<p>“(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—</p>	<p><i>May administer computer adaptive assessments but such assessments must assess students on grade level.</i></p>
<p>“(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</p>	
<p>“(II) such assessment—</p>	
<p>“(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</p>	
<p>“(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).</p>	
<p>“(ii) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES AND ENGLISH LEARNERS.—In developing and administering computer adaptive assessments—</p>	
<p>“(I) as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—</p>	
<p>“(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</p>	

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(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</p>	
<p>“(II) as the assessments required under subparagraph (G), a State shall ensure that such computer adaptive assessments—</p>	
<p>“(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</p>	
<p>“(bb) assess the student’s language proficiency, which may include growth towards such proficiency, in order to measure the student’s acquisition of English.</p>	
<p>“(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.</p>	<p><i>North Carolina state statute and policy requires all students to participate in the assessments. State Board Policy GCS-C-021 (b) based on G.S. 115C-12(9)c4</i></p>
<p>“(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.</p>	
<p>“(3) EXCEPTION FOR RECENTLY ARRIVED ENGLISH LEARNERS.—</p>	
<p>“(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—</p>	
<p>“(i) exclude—</p>	
<p>“(I) such an English learner from one administration of the reading or language arts assessment required under paragraph (2); and</p>	

Sec. 1111 (b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS

Law	Notes/Comments
<p>“(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</p>	
<p>“(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</p>	<p><i>English learners’ inclusion in reports</i></p>
<p>“(II) for the purposes of the State-determined accountability system—</p>	
<p>“(aa) for the first year of the student’s enrollment in such a school, exclude the results on the assessments described in subclause (I);</p>	<p><i>Participation only</i></p>
<p>“(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</p>	<p><i>Participation and progress targets as an EL</i></p>
<p>“(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.</p>	<p><i>Participation, progress targets and proficiency</i></p>
<p>“(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.</p>	<p><i>An English learner (EL) may be included in the respective subgroup for up to four years after the student exits the EL program.</i></p> <p><i>Question: For how many years, if any, should English Learners be included in math and reading assessment results after exiting English learner status?</i></p>