

1           **PART B—STATE ASSESSMENT GRANTS**

2   **SEC. 1201. STATE ASSESSMENT GRANTS.**

3           Part B of title I (20 U.S.C. 6361 et seq.) is amended  
4 to read as follows:

5           **“PART B—STATE ASSESSMENT GRANTS**

6   **“SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RE-**  
7           **LATED ACTIVITIES.**

8           “(a) GRANTS AUTHORIZED.—From amounts made  
9 available in accordance with section 1203, the Secretary  
10 shall make grants to State educational agencies to enable  
11 the States to carry out 1 or more of the following:

12           “(1) To pay the costs of the development of the  
13 State assessments and standards adopted under sec-  
14 tion 1111(b), which may include the costs of work-  
15 ing in voluntary partnerships with other States, at  
16 the sole discretion of each such State.

17           “(2) If a State has developed the assessments  
18 adopted under section 1111(b), to administer those  
19 assessments or to carry out other assessment activi-  
20 ties described in this part, such as the following:

21           “(A) Ensuring the provision of appropriate  
22 accommodations available to English learners  
23 and children with disabilities to improve the  
24 rates of inclusion in regular assessments of

1 such children, including professional develop-  
2 ment activities to improve the implementation  
3 of such accommodations in instructional prac-  
4 tice.

5 “(B) Developing challenging State aca-  
6 demic standards and aligned assessments in  
7 academic subjects for which standards and as-  
8 sessments are not required under section  
9 1111(b).

10 “(C) Developing or improving assessments  
11 for English learners, including assessments of  
12 English language proficiency as required under  
13 section 1111(b)(2)(G) and academic assess-  
14 ments in languages other than English to meet  
15 the State’s obligations under section  
16 1111(b)(2)(F).

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

19 “(E) Refining State assessments to ensure  
20 their continued alignment with the challenging  
21 State academic standards and to improve the  
22 alignment of curricula and instructional mate-  
23 rials.

24 “(F) Developing or improving balanced as-  
25 sessment systems that include summative, in-

1           terim, and formative assessments, including  
2           supporting local educational agencies in devel-  
3           oping or improving such assessments.

4           “(G) At the discretion of the State, refin-  
5           ing science assessments required under section  
6           1111(b)(2) in order to integrate engineering de-  
7           sign skills and practices into such assessments.

8           “(H) Developing or improving models to  
9           measure and assess student progress or student  
10          growth on State assessments under section  
11          1111(b)(2) and other assessments not required  
12          under section 1111(b)(2).

13          “(I) Developing or improving assessments  
14          for children with disabilities, including alternate  
15          assessments aligned to alternate academic  
16          achievement standards for students with the  
17          most significant cognitive disabilities described  
18          in section 1111(b)(2)(D), and using the prin-  
19          ciples of universal design for learning.

20          “(J) Allowing for collaboration with insti-  
21          tutions of higher education, other research in-  
22          stitutions, or other organizations to improve the  
23          quality, validity, and reliability of State aca-  
24          demic assessments beyond the requirements for

1 such assessments described in section  
2 1111(b)(2).

3 “(K) Measuring student academic achieve-  
4 ment using multiple measures of student aca-  
5 demic achievement from multiple sources.

6 “(L) Evaluating student academic achieve-  
7 ment through the development of comprehensive  
8 academic assessment instruments (such as per-  
9 formance and technology-based academic as-  
10 sessments, computer adaptive assessments,  
11 projects, or extended performance task assess-  
12 ments) that emphasize the mastery of stand-  
13 ards and aligned competencies in a competency-  
14 based education model.

15 “(M) Designing the report cards and re-  
16 ports under section 1111(h) in an easily acces-  
17 sible, user friendly-manner that cross-tabulates  
18 student information by any category the State  
19 determines appropriate, as long as such cross-  
20 tabulation—

21 “(i) does not reveal personally identi-  
22 fiable information about an individual stu-  
23 dent; and

24 “(ii) is derived from existing State  
25 and local reporting requirements.

1       “(b) RULE OF CONSTRUCTION.—Nothing in sub-  
2 section (a)(2)(M) shall be construed as authorizing, re-  
3 quiring, or allowing any additional reporting requirements,  
4 data elements, or information to be reported to the Sec-  
5 retary unless such reporting, data, or information is ex-  
6 plicitly authorized under this Act.

7       “(c) ANNUAL REPORT.—Each State educational  
8 agency receiving a grant under this section shall submit  
9 an annual report to the Secretary describing the State’s  
10 activities under the grant and the result of such activities.

11 **“SEC. 1202. STATE OPTION TO CONDUCT ASSESSMENT SYS-**  
12 **TEM AUDIT.**

13       “(a) IN GENERAL.—From the amount reserved  
14 under section 1203(a)(3) for a fiscal year, the Secretary  
15 shall make grants to States to enable the States to—

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

18                       “(A) audit State assessment systems and  
19 ensure that local educational agencies audit  
20 local assessments under subsection (e)(1);

21                       “(B) execute the State plan under sub-  
22 section (e)(3)(D); and

23                       “(C) award subgrants under subsection (f);  
24 and

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

4                   “(A) execute the State plan under sub-  
5 section (e)(3)(D); and

6                   “(B) award subgrants under subsection  
7 (f).

8           “(b) MINIMUM AMOUNT.—Each State that receives  
9 a grant under this section shall receive an annual grant  
10 amount of not less than \$1,500,000.

11           “(c) REALLOCATION.—If a State chooses not to apply  
12 for a grant under this section, the Secretary shall reallo-  
13 cate such grant amount to other States in accordance with  
14 the formula described in section 1203(a)(4)(B).

15           “(d) APPLICATION.—A State desiring to receive a  
16 grant under this section shall submit an application to the  
17 Secretary at such time and in such manner as the Sec-  
18 retary shall require. The application shall include a de-  
19 scription of—

20                   “(1) in the case of a State that is receiving a  
21 grant under this section for the first time—

22                           “(A) the audit the State will carry out  
23 under subsection (e)(1); and

24                           “(B) the stakeholder feedback the State  
25 will seek in designing such audit;

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

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

6           “(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND  
7 LOCAL ASSESSMENTS.—

8           “(1) AUDIT REQUIREMENTS.—Not later than 1  
9           year after the date a State receives an initial grant  
10          under this section, the State shall—

11                  “(A) conduct a State assessment system  
12                  audit as described in paragraph (3);

13                  “(B) ensure that each local educational  
14                  agency receiving funds under this section—

15                          “(i) conducts an audit of local assess-  
16                          ments administered by the local edu-  
17                          cational agency as described in paragraph  
18                          (4); and

19                          “(ii) submits the results of such audit  
20                          to the State; and

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

1           “(2) RESOURCES FOR LOCAL EDUCATIONAL  
2 AGENCIES.—In carrying out paragraph (1)(B), each  
3 State shall provide local educational agencies with  
4 resources, such as guidelines and protocols, to assist  
5 in conducting and reporting audit results.

6           “(3) STATE ASSESSMENT SYSTEM DESCRIP-  
7 TION.—Each State assessment system audit con-  
8 ducted under paragraph (1)(A) shall include—

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

11                   “(B) for each State assessment—

12                           “(i) the purpose for which the assess-  
13 ment was designed and the purpose for  
14 which the assessment is used; and

15                           “(ii) the legal authority for the admin-  
16 istration of the assessment;

17                   “(C) feedback on such system from stake-  
18 holders, which shall include information such  
19 as—

20                           “(i) how teachers, principals, other  
21 school leaders, and administrators use as-  
22 sessment data to improve and differentiate  
23 instruction;

24                           “(ii) the timing of release of assess-  
25 ment data;



1                   “(iii) the extent to which assessment  
2                   data is presented in an accessible and un-  
3                   derstandable format for all stakeholders;

4                   “(iv) the opportunities, resources, and  
5                   training teachers, principals, other school  
6                   leaders, and administrators are given to re-  
7                   view assessment results and make effective  
8                   use of assessment data;

9                   “(v) the distribution of technological  
10                  resources and personnel necessary to ad-  
11                  minister assessments;

12                  “(vi) the amount of time teachers  
13                  spend on assessment preparation and ad-  
14                  ministration;

15                  “(vii) the assessments that adminis-  
16                  trators, teachers, principals, other school  
17                  leaders, parents, and students, if appro-  
18                  priate, do and do not find useful; and

19                  “(viii) other information as appro-  
20                  priate; and

21                  “(D) a plan, based on the information  
22                  gathered as a result of the activities described  
23                  in subparagraphs (A), (B), and (C), to improve  
24                  and streamline the State assessment system, in-  
25                  cluding activities such as—

1                   “(i) eliminating any unnecessary as-  
2                   sessments, which may include paying the  
3                   cost associated with terminating procure-  
4                   ment contracts;

5                   “(ii) supporting the dissemination of  
6                   best practices from local educational agen-  
7                   cies or other States that have successfully  
8                   improved assessment quality and efficiency  
9                   to improve teaching and learning; and

10                   “(iii) supporting local educational  
11                   agencies or consortia of local educational  
12                   agencies to carry out efforts to streamline  
13                   local assessment systems and implement a  
14                   regular process of review and evaluation of  
15                   assessment use in local educational agen-  
16                   cies.

17                   “(4) LOCAL ASSESSMENT DESCRIPTION.—An  
18                   audit of local assessments conducted in accordance  
19                   with paragraph (1)(B)(i) shall include the same in-  
20                   formation described in paragraph (3) that is re-  
21                   quired of a State audit, except that such information  
22                   shall be included as applicable to the local edu-  
23                   cational agency and the local assessments.

24                   “(f) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
25                   CIES.—

1           “(1) IN GENERAL.—Each State shall reserve  
2           not less than 20 percent of the grant funds awarded  
3           to the State under this section to make subgrants to  
4           local educational agencies in the State or consortia  
5           of such local educational agencies, based on dem-  
6           onstrated need in the agency’s or consortium’s appli-  
7           cation, to enable such agencies or consortia to im-  
8           prove assessment quality and use, and alignment, in-  
9           cluding, if applicable, alignment to the challenging  
10          State academic standards.

11           “(2) LOCAL EDUCATIONAL AGENCY APPLICA-  
12          TION.—Each local educational agency, or consortium  
13          of local educational agencies, seeking a subgrant  
14          under this subsection shall submit an application to  
15          the State at such time, in such manner, and con-  
16          taining such other information as determined nec-  
17          essary by the State. The application shall include a  
18          description of the agency’s or consortium’s needs re-  
19          lating to the improvement of assessment quality,  
20          use, and alignment.

21           “(3) USE OF FUNDS.—A subgrant awarded  
22          under this subsection to a local educational agency  
23          or consortium of such agencies may be used to—

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

1           “(B) carry out the plan described in sub-  
2 section (e)(3)(D) as it pertains to such agency  
3 or consortium;

4           “(C) improve assessment delivery systems  
5 and schedules, including by increasing access to  
6 technology and assessment proctors, where ap-  
7 propriate;

8           “(D) hire instructional coaches, or promote  
9 teachers who may receive increased compensa-  
10 tion to serve as instructional coaches, to sup-  
11 port teachers in the development of classroom-  
12 based assessments, interpreting assessment  
13 data, and designing instruction;

14           “(E) provide for appropriate accommoda-  
15 tions to maximize inclusion of children with dis-  
16 abilities and English learners participating in  
17 assessments; and

18           “(F) improve the capacity of teachers,  
19 principals, and other school leaders to dissemi-  
20 nate assessment data in an accessible and un-  
21 derstandable format for parents and families,  
22 including for children with disabilities and  
23 English learners.

24           “(g) DEFINITIONS.—In this section:

1           “(1) LOCAL ASSESSMENT.—The term ‘local as-  
2           sessment’ means an academic assessment selected  
3           and carried out by a local educational agency that  
4           is separate from an assessment required under sec-  
5           tion 1111(b)(2).

6           “(2) STATE.—The term ‘State’ means each of  
7           the 50 States, the District of Columbia, and the  
8           Commonwealth of Puerto Rico.

9           **“SEC. 1203. ALLOTMENT OF APPROPRIATED FUNDS.**

10          “(a) AMOUNTS EQUAL TO OR LESS THAN TRIGGER  
11          AMOUNT.—From amounts made available for each fiscal  
12          year under subsection 1002(b) that are equal to or less  
13          than the amount described in section 1111(b)(2)(I), the  
14          Secretary shall—

15               “(1) reserve one-half of 1 percent for the Bu-  
16               reau of Indian Education;

17               “(2) reserve one-half of 1 percent for the out-  
18               lying areas;

19               “(3) reserve not more than 20 percent to carry  
20               out section 1202; and

21               “(4) from the remainder, carry out section  
22               1201 by allocating to each State an amount equal  
23               to—

24                       “(A) \$3,000,000, except for a fiscal year  
25                       for which the amounts available are insufficient

1 to allocate such amount to each State, the Sec-  
2 retary shall ratably reduce such amount for  
3 each State; and

4 “(B) with respect to any amounts remain-  
5 ing after the allocation under subparagraph  
6 (A), an amount that bears the same relation-  
7 ship to such total remaining amounts as the  
8 number of students aged 5 through 17 in the  
9 State (as determined by the Secretary on the  
10 basis of the most recent satisfactory data) bears  
11 to the total number of such students in all  
12 States.

13 “(b) AMOUNTS ABOVE TRIGGER AMOUNT.—For any  
14 fiscal year for which the amount made available for a fis-  
15 cal year under subsection 1002(b) exceeds the amount de-  
16 scribed in section 1111(b)(2)(I), the Secretary shall make  
17 such excess amount available as follows:

18 “(1) COMPETITIVE GRANTS.—

19 “(A) IN GENERAL.—The Secretary shall  
20 first use such funds to award grants, on a com-  
21 petitive basis, to State educational agencies or  
22 consortia of State educational agencies that  
23 have submitted applications described in sub-  
24 paragraph (B) to enable such States to carry  
25 out the activities described in subparagraphs

1 (C), (H), (I), (J), (K), and (L) of section  
2 1201(a)(2).

3 “(B) APPLICATIONS.—A State, or a con-  
4 sortium of States, that desires a competitive  
5 grant under subparagraph (A) shall submit an  
6 application to the Secretary at such time and in  
7 such manner as the Secretary may reasonably  
8 require. The application shall demonstrate that  
9 the requirements of this section will be met for  
10 the uses of funds described under subparagraph  
11 (A).

12 “(C) AMOUNT OF COMPETITIVE GRANTS.—  
13 In determining the amount of a grant under  
14 subparagraph (A), the Secretary shall ensure  
15 that a State or consortium’s grant, as the case  
16 may be, shall include an amount that bears the  
17 same relationship to the total funds available to  
18 carry out this subsection for the fiscal year as  
19 the number of students aged 5 through 17 in  
20 the State, or, in the case of a consortium, in  
21 each State that comprises the consortium, (as  
22 determined by the Secretary on the basis of the  
23 most recent satisfactory data) bears to the total  
24 number of such students in all States.

1           “(2) ALLOTMENTS.—Any amounts remaining  
2 after the Secretary awards funds under paragraph  
3 (1) shall be allotted to each State, or consortium of  
4 States, that did not receive a grant under such para-  
5 graph, in an amount that bears the same relation-  
6 ship to the remaining amounts as the number of stu-  
7 dents aged 5 through 17 in the State, or, in the case  
8 of a consortium, in the States of the consortium, (as  
9 determined by the Secretary on the basis of the most  
10 recent satisfactory data) bears to the total number  
11 of such students in all States.

12           “(c) STATE DEFINED.—In this part, the term ‘State’  
13 means each of the 50 States, the District of Columbia,  
14 and the Commonwealth of Puerto Rico.

15           “(d) PROHIBITION.—In making funds available to  
16 States under this part, the Secretary shall comply with  
17 the prohibitions described in section 8529.

18 **“SEC. 1204. INNOVATIVE ASSESSMENT AND ACCOUNT-**  
19 **ABILITY DEMONSTRATION AUTHORITY.**

20           “(a) INNOVATIVE ASSESSMENT SYSTEM DEFINED.—  
21 The term ‘innovative assessment system’ means a system  
22 of assessments that may include—

23           “(1) competency-based assessments,  
24 instructionally embedded assessments, interim as-  
25 sessments, cumulative year-end assessments, or per-



1 performance-based assessments that combine into an  
2 annual summative determination for a student,  
3 which may be administered through computer adapt-  
4 ive assessments; and

5 “(2) assessments that validate when students  
6 are ready to demonstrate mastery or proficiency and  
7 allow for differentiated student support based on in-  
8 dividual learning needs.

9 “(b) DEMONSTRATION AUTHORITY.—

10 “(1) IN GENERAL.—The Secretary may provide  
11 a State educational agency, or a consortium of State  
12 educational agencies, in accordance with paragraph  
13 (3), with the authority to establish an innovative as-  
14 sessment system (referred to in this section as ‘dem-  
15 onstration authority’).

16 “(2) DEMONSTRATION PERIOD.—In accordance  
17 with the requirements described in subsection (e),  
18 each State educational agency, or consortium of  
19 State educational agencies, that submits an applica-  
20 tion under this section shall propose in its applica-  
21 tion the period of time over which the State edu-  
22 cational agency or consortium desires to exercise the  
23 demonstration authority, except that such period  
24 shall not exceed 5 years.

1           “(3) INITIAL DEMONSTRATION AUTHORITY AND  
2           EXPANSION.—During the first 3 years that the Sec-  
3           retary provides State educational agencies and con-  
4           sortia with demonstration authority (referred to in  
5           this section as the ‘initial demonstration period’) the  
6           Secretary shall provide such demonstration authority  
7           to—

8                   “(A) a total number of not more than 7  
9                   participating State educational agencies, includ-  
10                  ing those participating in consortia, that have  
11                  applications approved under subsection (e); and

12                   “(B) consortia that include not more than  
13                  4 State educational agencies.

14           “(c) PROGRESS REPORT.—

15                   “(1) IN GENERAL.—Not later than 180 days  
16                  after the end of the initial demonstration period, and  
17                  prior to providing additional State educational agen-  
18                  cies with demonstration authority, the Director of  
19                  the Institute of Education Sciences, in consultation  
20                  with the Secretary, shall publish a report detailing  
21                  the initial progress of innovative assessment systems  
22                  carried out through demonstration authority under  
23                  this section.

24                   “(2) CRITERIA.—The progress report under  
25                  paragraph (1) shall be based on the annual informa-

1       tion submitted by participating States described in  
2       subsection (e)(2)(B)(ix) and examine the extent to  
3       which—

4               “(A) with respect to each innovative as-  
5       sessment system—

6               “(i) the State educational agency has  
7       solicited feedback from teachers, prin-  
8       cipals, other school leaders, and parents  
9       about their satisfaction with the innovative  
10      assessment system;

11              “(ii) teachers, principals, and other  
12      school leaders have demonstrated a com-  
13      mitment and capacity to implement or con-  
14      tinue to implement the innovative assess-  
15      ment system; and

16              “(iii) substantial evidence exists dem-  
17      onstrating that the innovative assessment  
18      system has been developed in accordance  
19      with the requirements of subsection (e);  
20      and

21              “(B) each State with demonstration au-  
22      thority has demonstrated that—

23              “(i) the same innovative assessment  
24      system was used to measure the achieve-

1           ment of all students that participated in  
2           the innovative assessment system; and

3                   “(ii) of the total number of all stu-  
4           dents, and the total number of each of the  
5           subgroups of students defined in section  
6           1111(c)(2), eligible to participate in the in-  
7           novative assessment system in a given  
8           year, the State assessed in that year an  
9           equal or greater percentage of such eligible  
10          students, as measured under section  
11          1111(c)(4)(E), as were assessed in the  
12          State in such year using the assessment  
13          system under section 1111(b)(2).

14                   “(3) USE OF REPORT.—Upon completion of the  
15          progress report, the Secretary shall provide a re-  
16          sponse to the findings of the progress report, includ-  
17          ing a description of how the findings of the report  
18          will be used—

19                           “(A) to support State educational agencies  
20          with demonstration authority through technical  
21          assistance; and

22                           “(B) to inform the peer-review process de-  
23          scribed in subsection (f) for advising the Sec-  
24          retary on the awarding of the demonstration

1 authority to the additional State educational  
2 agencies described in subsection (d).

3 “(4) PUBLICLY AVAILABLE.—The Secretary  
4 shall make the progress report under this subsection  
5 and the response described in paragraph (3) publicly  
6 available on the website of the Department.

7 “(5) PROHIBITION.—The Secretary shall not  
8 require States that have demonstration authority to  
9 submit any information for the purposes of the  
10 progress report that is in addition to the information  
11 the State is already required to provide under sub-  
12 section (e)(2)(B)(x).

13 “(d) EXPANSION OF THE DEMONSTRATION AUTHOR-  
14 ITY.—Upon completion and publication of the report de-  
15 scribed in subsection (c), the Secretary may grant dem-  
16 onstration authority to additional State educational agen-  
17 cies or consortia that submit an application under sub-  
18 section (e). Such State educational agencies or consortia  
19 of State educational agencies shall be subject to all of the  
20 same terms, conditions, and requirements of this section.

21 “(e) APPLICATION.—

22 “(1) IN GENERAL.—A State educational agen-  
23 cy, or consortium of State educational agencies, that  
24 desires to participate in the program of demonstra-  
25 tion authority under this section shall submit an ap-

1       plication to the Secretary at such time and in such  
2       manner as the Secretary may reasonably require.

3           “(2) CONTENTS.—Such application shall in-  
4       clude a description of the innovative assessment sys-  
5       tem, the experience the applicant has in imple-  
6       menting any components of the innovative assess-  
7       ment system, and the timeline over which the State  
8       or consortium proposes to exercise the demonstra-  
9       tion authority. In addition, the application shall in-  
10      clude each of the following:

11           “(A) A demonstration that the innovative  
12      assessment system will—

13           “(i) meet all the requirements of sec-  
14      tion 1111(b)(2)(B), except the require-  
15      ments of clauses (i) and (v) of such sec-  
16      tion;

17           “(ii) be aligned to the challenging  
18      State academic standards and address the  
19      depth and breadth of such standards;

20           “(iii) express student results or stu-  
21      dent competencies in terms consistent with  
22      the State’s aligned academic achievement  
23      standards under section 1111(b)(1);

24           “(iv) generate results that are valid  
25      and reliable, and comparable, for all stu-

1 dents and for each subgroup of students  
2 described in section 1111(b)(2)(B)(xi), as  
3 compared to the results for such students  
4 on the State assessments under section  
5 1111(b)(2);

6 “(v) be developed in collaboration  
7 with—

8 “(I) stakeholders representing  
9 the interests of children with disabil-  
10 ities, English learners, and other vul-  
11 nerable children;

12 “(II) teachers, principals, and  
13 other school leaders;

14 “(III) local educational agencies;

15 “(IV) parents; and

16 “(V) civil rights organizations in  
17 the State;

18 “(vi) be accessible to all students,  
19 such as by incorporating the principles of  
20 universal design for learning;

21 “(vii) provide teachers, principals,  
22 other school leaders, students, and parents  
23 with timely data, disaggregated by each  
24 subgroup of students described in section  
25 1111(b)(2)(B)(xi), to inform and improve

1 instructional practice and student sup-  
2 ports;

3 “(viii) identify which students are not  
4 making progress toward the challenging  
5 State academic standards so that teachers  
6 can provide instructional support and tar-  
7 geted interventions to all students;

8 “(ix) annually measure the progress  
9 of not less than the same percentage of all  
10 students and students in each of the sub-  
11 groups of students, as defined in section  
12 1111(c)(2), who are enrolled in schools  
13 that are participating in the innovative as-  
14 sessment system and are required to take  
15 such assessments, as measured under sec-  
16 tion 1111(c)(4)(E), as were assessed by  
17 schools administering the assessment  
18 under section 1111(b)(2);

19 “(x) generate an annual, summative  
20 achievement determination, based on the  
21 aligned State academic achievement stand-  
22 ards under section 1111(b)(1) and based  
23 on annual data, for each individual stu-  
24 dent; and





1                   “(iv) inform parents of students in  
2 participating local educational agencies  
3 about the innovative assessment system at  
4 the beginning of each school year during  
5 which the innovative assessment system  
6 will be implemented;

7                   “(v) engage and support teachers in  
8 developing and scoring assessments that  
9 are part of the innovative assessment sys-  
10 tem, including through the use of high-  
11 quality professional development, standard-  
12 ized and calibrated scoring rubrics, and  
13 other strategies, consistent with relevant  
14 nationally recognized professional and  
15 technical standards, to ensure inter-rater  
16 reliability and comparability;

17                   “(vi) acclimate students to the innova-  
18 tive assessment system;

19                   “(vii) ensure that students with the  
20 most significant cognitive disabilities may  
21 be assessed with alternate assessments  
22 consistent with section 1111(b)(2)(D);

23                   “(viii) if the State is proposing to ad-  
24 minister the innovative assessment system  
25 initially in a subset of local educational

1 agencies, scale up the innovative assess-  
2 ment system to administer such system  
3 statewide, or with additional local edu-  
4 cational agencies, in the State’s proposed  
5 demonstration authority period;

6 “(ix) gather data, solicit regular feed-  
7 back from teachers, principals, other school  
8 leaders, and parents, and assess the results  
9 of each year of the program of demonstra-  
10 tion authority under this section, and re-  
11 spond by making needed changes to the in-  
12 novative assessment system; and

13 “(x) report data from the innovative  
14 assessment system annually to the Sec-  
15 retary, including—

16 “(I) demographics of partici-  
17 pating local educational agencies, if  
18 such system is not statewide, and ad-  
19 ditional local educational agencies if  
20 added to the system during the course  
21 of the State’s demonstration authority  
22 period or 2-year extension, except that  
23 such data shall not reveal any person-  
24 ally identifiable information, including  
25 a description of how the inclusion of

1 additional local educational agencies  
2 contributes to progress toward achiev-  
3 ing high-quality and consistent imple-  
4 mentation across demographically di-  
5 verse local educational agencies  
6 throughout the demonstration author-  
7 ity period;

8 “(II) the performance of all par-  
9 ticipating students, and for each sub-  
10 group of students defined in section  
11 1111(e)(2), on the innovative assess-  
12 ment, consistent with the require-  
13 ments in section 1111(h), except that  
14 such data shall not reveal any person-  
15 ally identifiable information;

16 “(III) feedback from teachers,  
17 principals, other school leaders, and  
18 parents about their satisfaction with  
19 the innovative assessment system; and

20 “(IV) if such system is not state-  
21 wide, a description of the State’s  
22 progress in scaling up the innovative  
23 assessment system to additional local  
24 educational agencies during the

1 State’s demonstration authority pe-  
2 riod, as described in clause (viii).

3 “(C) A description of the State educational  
4 agency’s plan to—

5 “(i) ensure that all students and each  
6 of the subgroups of students defined in  
7 section 1111(e)(2) participating in the in-  
8 novative assessment system receive the in-  
9 structional support needed to meet State  
10 aligned academic achievement standards;

11 “(ii) ensure that each local edu-  
12 cational agency has the technological infra-  
13 structure to implement the innovative as-  
14 sessment system; and

15 “(iii) hold all schools in the local edu-  
16 cational agencies participating in the pro-  
17 gram of demonstration authority account-  
18 able for meeting the State’s expectations  
19 for student achievement.

20 “(D) If the innovative assessment system  
21 will initially be administered in a subset of local  
22 educational agencies—

23 “(i) a description of the local edu-  
24 cational agencies within the State edu-  
25 cational agency that will participate, in-

1 including what criteria the State has for ap-  
2 proving any additional local educational  
3 agencies to participate during the dem-  
4 onstration authority period;

5 “(ii) assurances from such local edu-  
6 cational agencies that such agencies will  
7 comply with the requirements of this sub-  
8 section;

9 “(iii) a description of how the State  
10 will—

11 “(I) ensure that the inclusion of  
12 additional local educational agencies  
13 contributes to progress toward achiev-  
14 ing high-quality and consistent imple-  
15 mentation across demographically di-  
16 verse local educational agencies during  
17 the demonstration authority period;  
18 and

19 “(II) ensure that the partici-  
20 pating local educational agencies, as a  
21 group, will be demographically similar  
22 to the State as a whole by the end of  
23 the State’s demonstration authority  
24 period; and



1                   toward the goals described under section  
2                   1111(c)(4)(A)(i) for all students;

3                   “(2) ensure that the peer-review team consists  
4                   of practitioners and experts who are knowledgeable  
5                   about the innovative assessment system being pro-  
6                   posed for all participating students, including—

7                   “(A) individuals with past experience de-  
8                   veloping systems of assessment innovation that  
9                   support all students, including English learners,  
10                  children with disabilities, and disadvantaged  
11                  students; and

12                  “(B) individuals with experience imple-  
13                  menting innovative assessment and account-  
14                  ability systems;

15                  “(3) make publicly available the applications  
16                  submitted under subsection (c) and the peer-review  
17                  comments and recommendations regarding such ap-  
18                  plications;

19                  “(4) make a determination and inform the  
20                  State regarding approval or disapproval of the appli-  
21                  cation under subsection (c) not later than 90 days  
22                  after receipt of the complete application;

23                  “(5) if the Secretary disapproves an application  
24                  under paragraph (4), offer the State an opportunity  
25                  to—



1           “(A) revise and resubmit such application  
2           within 60 days of the disapproval determina-  
3           tion; and

4           “(B) submit additional evidence that the  
5           State’s application meets the requirements of  
6           subsection (c); and

7           “(6) make a determination regarding applica-  
8           tion approval or disapproval of a resubmitted appli-  
9           cation under paragraph (5) not later than 45 days  
10          after receipt of the resubmitted application.

11          “(g) EXTENSION.—The Secretary may extend an au-  
12          thorization of demonstration authority under this section  
13          for an additional 2 years if the State educational agency  
14          demonstrates with evidence that the State educational  
15          agency’s innovative assessment system is continuing to  
16          meet the requirements of subsection (c), including by dem-  
17          onstrating a plan for, and the capacity to, transition to  
18          statewide use of the innovative assessment system by the  
19          end of the 2-year extension period.

20          “(h) USE OF INNOVATIVE ASSESSMENT SYSTEM.—  
21          A State may, during the State’s approved demonstration  
22          authority period or 2-year extension, include results from  
23          the innovative assessment systems developed under this  
24          section in accountability determinations for each student  
25          in the participating local educational agencies instead of,

1 or in addition to, results from the assessment system  
2 under section 1111(b)(2) if the State demonstrates that  
3 the State has met the requirements under subsection (c).  
4 The State shall continue to meet all other requirements  
5 of section 1111(e).

6 “(i) WITHDRAWAL OF AUTHORITY.—The Secretary  
7 shall withdraw the authorization for demonstration au-  
8 thority provided to a State educational agency under this  
9 section and such State shall return to use of the statewide  
10 assessment system under section 1111(b)(2) for all local  
11 educational agencies in the State if, at any time during  
12 a State’s approved demonstration authority period or 2-  
13 year extension, the State educational agency cannot  
14 present to the Secretary evidence that the innovative as-  
15 sessment system developed under this section—

16 “(1) meets the requirements under subsection  
17 (c);

18 “(2) includes all students attending schools par-  
19 ticipating in the innovative assessment system in a  
20 State that has demonstration authority, including  
21 each of the subgroups of students, as defined under  
22 section 1111(c)(2);

23 “(3) provides an unbiased, rational, and con-  
24 sistent determination of progress toward the goals  
25 described under section 1111(c)(4)(A)(i) for all stu-

1       dents, which are comparable to measures of aca-  
2       demic achievement under section 1111(c)(4)(B)(i)  
3       across the State in which the local educational agen-  
4       cies are located;

5           “(4) presents a high-quality plan to transition  
6       to full statewide use of the innovative assessment  
7       system by the end of the State’s approved dem-  
8       onstration authority period or 2-year extension, if  
9       the innovative assessment system will initially be ad-  
10      ministered in a subset of local educational agencies;  
11      and

12           “(5) demonstrates comparability to the state-  
13      wide assessments under section 1111(b)(2) in con-  
14      tent coverage, difficulty, and quality.

15      “(j) TRANSITION.—

16           “(1) IN GENERAL.—

17           “(A) OPERATION OF INNOVATIVE ASSESS-  
18      MENT SYSTEM.—If, after a State’s approved  
19      demonstration authority period or 2-year exten-  
20      sion, the State educational agency has met all  
21      the requirements of this section, including hav-  
22      ing scaled the innovative assessment system up  
23      to statewide use, and demonstrated that such  
24      system is of high quality, as described in sub-  
25      paragraph (B), the State shall be permitted to

1 operate the innovative assessment system ap-  
2 proved under the program of demonstration au-  
3 thority under this section for the purposes of  
4 subsections (b)(2) and (c) of section 1111.

5 “(B) HIGH QUALITY.—Such system shall  
6 be considered of high quality if the Secretary,  
7 through the peer-review process described in  
8 section 1111(a)(4), determines that—

9 “(i) the innovative assessment system  
10 meets all of the requirements of this sec-  
11 tion;

12 “(ii) the State has examined the ef-  
13 fects of the system on other measures of  
14 student success, including indicators in the  
15 accountability system under section  
16 1111(c)(4)(B);

17 “(iii) the innovative assessment sys-  
18 tem provides coherent and timely informa-  
19 tion about student achievement based on  
20 the challenging State academic standards,  
21 including objective measurement of aca-  
22 demic achievement, knowledge, and skills  
23 that are valid, reliable, and consistent with  
24 relevant, nationally-recognized professional  
25 and technical standards;

1                   “(iv) the State has solicited feedback  
2                   from teachers, principals, other school  
3                   leaders, and parents about their satisfac-  
4                   tion with the innovative assessment sys-  
5                   tem; and

6                   “(v) the State has demonstrated that  
7                   the same innovative assessment system was  
8                   used to measure—

9                   “(I) the achievement of all stu-  
10                  dents that participated in such inno-  
11                  vative assessment system; and

12                  “(II) not less than the percent-  
13                  age of such students overall and in  
14                  each of the subgroups of students, as  
15                  defined in section 1111(c)(2), as  
16                  measured under section  
17                  1111(c)(4)(E), as were assessed under  
18                  the assessment required by section  
19                  1111(b)(2).

20                  “(2) BASELINE.—For the purposes of the eval-  
21                  uation described in paragraph (1), the baseline year  
22                  shall be considered the first year that each local edu-  
23                  cational agency in the State used the innovative as-  
24                  sessment system.

1           “(3) WAIVER AUTHORITY.—A State may re-  
2           quest, and the Secretary shall review such request  
3           and may grant, a delay of the withdrawal of author-  
4           ity under subsection (i) for the purpose of providing  
5           the State with the time necessary to implement the  
6           innovative assessment system statewide, if, at the  
7           conclusion of the State’s approved demonstration au-  
8           thority period and 2-year extension—

9                   “(A) the State has met all of the require-  
10                  ments of this section, except transition to full  
11                  statewide use of the innovative assessment sys-  
12                  tem; and

13                   “(B) the State continues to comply with  
14                  the other requirements of this section, and dem-  
15                  onstrates a high-quality plan for transition to  
16                  statewide use of the innovative assessment sys-  
17                  tem in a reasonable period of time.

18           “(k) AVAILABLE FUNDS.—A State may use funds  
19           available under section 1201 to carry out this section.

20           “(l) CONSORTIUM.—A consortium of States may  
21           apply to participate in the program of demonstration au-  
22           thority under this section, and the Secretary may provide  
23           each State member of such consortium with such author-  
24           ity if each such State member meets all of the require-  
25           ments of this section. Such consortium shall be subject

1 to the limitation described in subsection (b)(3)(B) during  
2 the initial 3 years of the demonstration authority.

3 “(m) DISSEMINATION OF BEST PRACTICES.—

4 “(1) IN GENERAL.—Following the publication  
5 of the progress report described in subsection (c),  
6 the Director of the Institute of Education Sciences,  
7 in consultation with the Secretary, shall collect and  
8 disseminate the best practices on the development  
9 and implementation of innovative assessment sys-  
10 tems that meet the requirements of this section, in-  
11 cluding best practices regarding the development  
12 of—

13 “(A) summative assessments that—

14 “(i) meet the requirements of section  
15 1111(b)(2)(B);

16 “(ii) are comparable with statewide  
17 assessments under section 1111(b)(2); and

18 “(iii) include assessment tasks that  
19 determine proficiency or mastery of State-  
20 approved competencies aligned to chal-  
21 lenging State academic standards;

22 “(B) effective supports for local edu-  
23 cational agencies and school staff to implement  
24 innovative assessment systems;

1           “(C) effective engagement and support of  
2 teachers in developing and scoring assessments  
3 and the use of high-quality professional develop-  
4 ment;

5           “(D) effective supports for all students,  
6 particularly each of the subgroups of students,  
7 as defined in section 1111(c)(2), participating  
8 in the innovative assessment system; and

9           “(E) standardized and calibrated scoring  
10 rubrics, and other strategies, to ensure inter-  
11 rater reliability and comparability of determina-  
12 tions of mastery or proficiency across local edu-  
13 cational agencies and the State.

14           “(2) PUBLICATION.—The Secretary shall make  
15 the information described in paragraph (1) available  
16 on the website of the Department and shall publish  
17 an update to the information not less often than  
18 once every 3 years.”.