(iii) Provide unbiased, rational, and consistent determinations of the annual progress of schools and LEAs within the State;

(3) Review and approve each local assessment to ensure that it meets or exceeds the State’s technical criteria in paragraph (c)(1) of this section and the requirements in paragraph (c)(2) of this section; and

(4) Be able to aggregate, with confidence, data from local assessments to determine whether the State has made adequate yearly progress.

(d) A State’s academic assessment system may rely exclusively on local assessments only if it meets the requirements of §200.4.

(Authority: 20 U.S.C. 6311(b)(3))

[67 FR 45040, July 5, 2002]

§ 200.4 State law exception.

(a) If a State provides satisfactory evidence to the Secretary that neither the State educational agency (SEA) nor any other State government official, agency, or entity has sufficient authority under State law to adopt academic content standards, student academic achievement standards, and academic assessments applicable to all students enrolled in the State’s public schools, the State may meet the requirements under §§200.1 and 200.2 by—

(1) Adopting academic standards and academic assessments that meet the requirements of §§200.1 and 200.2 on a Statewide basis and limiting their applicability to students served under subpart A of this part; or

(2) A State that qualifies under paragraph (a)(1) of this section must—

   (i) Meet the requirements in §§200.1 and 200.2; and
   (ii) Provide unbiased, rational, and consistent determinations of the annual progress of LEAs and schools within the State; and
   (iii) Be able to aggregate, with confidence, data from local assessments to determine whether the State has made adequate yearly progress.

   (Authority: 20 U.S.C. 6311(b)(3))

[67 FR 45041, July 5, 2002]

§ 200.5 Timeline for assessments.

(a) Reading/language arts and mathematics.

(1) Through the 2004–2005 school year, a State must administer the assessments required under §200.2 at least once during—

   (i) Grades 3 through 5;
   (ii) Grades 6 through 9; and
   (iii) Grades 10 through 12.

(2) Except as provided in paragraph (a)(3) of this section, beginning no later than the 2005-2006 school year, a State must administer both the reading/language arts and mathematics assessments required under §200.2—

   (i) In each of grades 3 through 8; and
   (ii) At least once in grades 10 through 12.

(3) The Secretary may extend, for one additional year, the timeline in paragraph (a)(2) of this section if a State demonstrates that—

   (i) Full implementation is not possible due to exceptional or uncontrollable circumstances such as—

   (A) A natural disaster; or
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(B) A precipitous and unforeseen de-
cline in the financial resources of the
State; and

(ii) The State can complete imple-
mentation within the additional one-
year period.

(b) Science. Beginning no later than
the 2007–2008 school year, the science
assessments required under § 200.2 must
be administered at least once during—

(1) Grades 3 through 5;

(2) Grades 6 through 9; and

(3) Grades 10 through 12.

(c) Timing of results. Beginning with
the 2002–2003 school year, a State must
promptly provide the results of its as-
sessments no later than before the be-
ginning of the next school year to
LEAs, schools, and teachers in a man-
ner that is clear and easy to under-
stand.

(Authority: 20 U.S.C. 6311(b)(3))

[67 FR 45041, July 5, 2002]

§ 200.6 Inclusion of all students.

A State’s academic assessment sys-
tem required under § 200.2 must provide
for the participation of all students in
the grades assessed in accordance with
this section.

(a) Students eligible under IDEA and
Section 504—(1) Appropriate accommoda-
tions. (i) A State’s academic assess-
ment system must provide—

(A) For each student with a dis-
ability, as defined under section 602(3)
of the IDEA, appropriate accommo-
dations that the student’s IEP team de-
termines are necessary to measure the
academic achievement of the student
relative to the State’s academic con-
tent and academic achievement stand-
ards for the grade in which the student
is enrolled, consistent with § 200.1(b)(2),
(b)(3), and (c); and

(B) For each student covered under
section 504 of the Rehabilitation Act of
1973, as amended (Section 504), appro-
priate accommodations that the stu-
dent’s placement team determines are
necessary to measure the academic
achievement of the student relative to
the State’s academic content and aca-
demic achievement standards for the
grade in which the student is enrolled,
consistent with § 200.1(b)(2), (b)(3), and
(c).

(ii) A State must—

(A) Develop, disseminate informa-
tion on, and promote the use of appro-
priate accommodations to increase the num-
ber of students with disabilities who
are tested against academic achieve-
ment standards for the grade in which
a student is enrolled; and

(B) Ensure that regular and special
education teachers and other appro-
priate staff know how to administer as-
sessments, including making appro-
priate use of accommodations, for stu-
dents with disabilities and students
covered under Section 504.

(2) Alternate assessments. (i) The
State’s academic assessment system
must provide for one or more alternate
assessments for a child with a dis-
ability as defined under section 602(3)
of the Individuals with Disabilities
Education Act (IDEA) whom the child’s
IEP team determines cannot partici-
pate in all or part of the State assess-
ments under paragraph (a)(1) of this
section, even with appropriate accom-
mmodations.

(ii)(A) Alternate assessments must
yield results for the grade in which
the student is enrolled in at least reading/
language arts, mathematics, and, be-
ginning in the 2007–2008 school year,
science, except as provided in the fol-
lowing paragraph.

(B) For students with the most sig-
ificant cognitive disabilities, alter-
nate assessments may yield results
that measure the achievement of those
students relative to the alternate aca-
demic achievement standards the State
has defined under § 200.1(d).

(iii) If a State permits the use of al-
terstate assessments that yield results
based on alternate academic achieve-
ment standards, the State must docu-
ment that students with the most sig-
nificant cognitive disabilities are, to
the extent possible, included in the
general curriculum.

(3) Alternate assessments that are based
on modified academic achievement stan-
dards. (i) To assess students with dis-
abilities based on modified academic
achievement standards, a State may
develop a new alternate assessment or
adapt an assessment based on grade-
level academic achievement standards.

(ii) An alternate assessment under
paragraph (a)(3)(i) of this section must—