

manner that makes clear the status of such levels.

(E) Updates

Such levels shall be updated as appropriate by the Assessment Board in consultation with the Commissioner for Education Statistics.

(3) Reporting

After determining that such levels are reasonable, valid, and informative to the public, as the result of an evaluation under subsection (f) of this section, the Commissioner for Education Statistics shall use such levels or other methods or indicators for reporting results of the National Assessment and State assessments.

(4) Review

The Assessment Board shall provide for a review of any trial student achievement levels under development by representatives of State educational agencies or the chief State school officer in a manner consistent with subsection (c) of this section, except the review described in paragraph (2)(C) of such subsection shall take place in consultation with the representatives described in this paragraph.

(f) Review of National and State assessments

(1) Review

(A) In general

The Secretary shall provide for continuing review of any assessment authorized under this section, and student achievement levels, by one or more professional assessment evaluation organizations.

(B) Issues addressed

Such continuing review shall address—

(i) whether any authorized assessment is properly administered, produces high quality data that are valid and reliable, is consistent with relevant widely accepted professional assessment standards, and produces data on student achievement that are not otherwise available to the State (other than data comparing participating States to each other and the Nation);

(ii) whether student achievement levels are reasonable, valid, reliable, and informative to the public;²

(iii) whether any authorized assessment is being administered as a random sample and is reporting the trends in academic achievement in a valid and reliable manner in the subject areas being assessed;

(iv) whether any of the test questions are biased, as described in section 9621(e)(4) of this title; and

(v) whether the appropriate authorized assessments are measuring, consistent with this section, reading ability and mathematical knowledge.

(2) Report

The Secretary shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on

Health, Education, Labor, and Pensions of the Senate, the President, and the Nation on the findings and recommendations of such reviews.

(3) Use of findings and recommendations

The Commissioner for Education Statistics and the Assessment Board shall consider the findings and recommendations of such reviews in designing the competition to select the organization, or organizations, through which the Commissioner for Education Statistics carries out the National Assessment.

(g) Coverage agreements

(1) Department of Defense schools

The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment elementary schools and secondary schools operated by the Department of Defense.

(2) Bureau of Indian Affairs schools

The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

(Pub. L. 107-279, title III, § 303, formerly Pub. L. 103-382, title IV, § 411, Oct. 20, 1994, 108 Stat. 4036; Pub. L. 107-110, title VI, § 602(a), Jan. 8, 2002, 115 Stat. 1898; renumbered Pub. L. 107-279, title III, § 303, and amended Pub. L. 107-279, title IV, § 401(d), Nov. 5, 2002, 116 Stat. 1984.)

CODIFICATION

Section was formerly classified to section 9010 of this title prior to renumbering by Pub. L. 107-279.

PRIOR PROVISIONS

A prior section 303 of Pub. L. 107-279 was renumbered section 305 and is classified to section 9624 of this title.

AMENDMENTS

2002—Pub. L. 107-110 amended section generally, restating and expanding provisions and inserting headings.

Subsec. (a). Pub. L. 107-279, § 401(d)(3), substituted “section 9621” for “section 9011” and struck out “and with the technical assistance of the Advisory Council established under section 9006 of this title,” before “carry out”.

Pub. L. 107-279, § 401(d)(2), substituted “Assessment Board” for “National Assessment Governing Board”.

Pub. L. 107-279, § 401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner”.

Subsec. (b)(1). Pub. L. 107-279, § 401(d)(4)(A), inserted “of” after “academic achievement and reporting”.

Subsec. (b)(2), (3)(A). Pub. L. 107-279, § 401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner” in introductory provisions.

Subsec. (b)(3)(A)(i). Pub. L. 107-279, § 401(d)(4)(B)(i), substituted “paragraphs (2)(B) and (2)(E)” for “paragraphs (1)(B) and (1)(E)”.

Subsec. (b)(3)(A)(ii). Pub. L. 107-279, § 401(d)(4)(B)(ii), substituted “paragraph (2)(C)” for “paragraph (1)(C)”.

Subsec. (b)(3)(A)(iii). Pub. L. 107-279, § 401(d)(4)(B)(iii), substituted “paragraph (2)(D)” for “paragraph (1)(D)”.

Subsec. (b)(3)(A)(iv). Pub. L. 107-279, § 401(d)(1), substituted “Commissioner for Education Statistics” for “Commissioner”.

Subsec. (b)(5). Pub. L. 107-279, § 401(d)(4)(C), substituted “subsection (c)(3)” for “subsection (c)(2)” in introductory provisions.

² So in original.