

Topic: Challenging Academic Standards

Overview

Although the BIE is not a State as defined in the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), the Secretary of the Interior (Secretary) is required to use a negotiated rulemaking process to develop regulations for implementation of the Secretary of the Interior's responsibility to define the standards, assessments, and accountability system for BIE-funded schools consistent with the requirements of ESEA section 1111. All States currently utilize a system of standards, assessments, and accountability that apply to all public schools and public school students in the State.¹ The BIE, beginning under ESEA, as amended by No Child Left Behind (NCLB), has been utilizing a 23-part system; that is, BIE schools adhere to the requirements of the 23-States in which they reside. ESEA contemplates that States, , will use the same academic standards and academic assessments at all elementary and secondary schools run by the State and for all students, and have a statewide accountability system.

(A) Introduction

Each State shall adopt challenging academic content standards and aligned academic achievement standards referred to as "challenging State academic standards". The achievement standards shall include not less than 3 levels of achievement.

(B) Same Standards

The achievement standards shall apply to all public schools and public school students in the State. With respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

An exception is made to the requirement to apply the standards to all students in the states. The above achievement standards will not apply to students with the most significant cognitive disabilities. These students may utilize alternate academic standards, as described below.

(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.

(D) Alignment

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. However, this requirement does not authorize public institutions of higher education to determine the specific challenging State academic standards.

(E) Alternative Academic Achievement Standards for Students with the Most Significant Cognitive Disabilities

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:

- are aligned with the challenging State academic content standards under subparagraph (A);
- promote access to the general education curriculum, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 *et seq.*);
- reflect professional judgment as to the highest possible standards achievable by such students;

¹ See 20 USC 6311(b)(1)(B)(i)-(ii); (b)(2)(B)(i)(I)-(II); (c)(1).

- 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
- 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.

Prohibition on any Other Alternate of 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 do not meet these requirements.

(F) English Language Proficiency Standards

Each State shall demonstrate that the State has adopted English language proficiency standards that:

- are derived from the 4 recognized domains of speaking, listening, reading, and writing;
- address the different proficiency levels of English learners; and
- are aligned with the challenging State academic standards.

(G) Prohibitions

Standards Review or Approval. States are not required to submit their challenging State academic standards to the Secretary of Education for review or approval.

Federal Control. The Secretary of Education does not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over the adoption or implementation of any challenging State academic standards.

(H) Existing Standards

States may also revise any standards adopted before or after December 10, 2015, provided that they are consistent with the rules outlined above.