

Frequently Asked Questions:
The Every Student Succeeds Act (ESSA)

ASSESSMENTS

Q: Does my state still have to test 95 percent of its students?

A: In short, yes. ESSA requires that a state's accountability system must measure the performance of 95 percent of students by looking at a variety of indicators. One of the indicators is "academic achievement as measured by proficiency on the annual assessments." For this reason, in order to measure the overall achievement of 95 percent of students, 95 percent must take the annual assessments.

Q: How do the students (up to 1 percent) who receive the alternate assessment count in terms of the state's 95 percent requirement?

A: As long as they meet the other requirements around alternate assessments (e.g. alignment with the state's standards), states may count students who are assessed based on alternate academic achievement standards for purposes of meeting the 95 percent participation rate.

STANDARDS

Q: What are the related mandates or prohibitions related to Common Core?

A: While states must maintain "challenging academic standards" (floor set as: at least three achievement levels in math, English/language arts, and science), there is a strong prohibition on the federal government using any of its authority to mandate or incentivize the use of particular standards. This prohibition not only applies to standards, but also assessments, curriculum, etc. The bill does note, however, that nothing in the law prohibits states from voluntarily entering into partnerships on standards.

Q: What kind of alignment is required between elementary and secondary standards and higher education?

A: ESSA requires that states demonstrate that their challenging academic standards are aligned with entrance requirements for public institutions of higher education (IHEs) within that state. However, the legislation was also clear that this does permit the state's IHEs to set or determine the state's standards.

Q: Are states required to submit their standards for approval by the U.S. Department of Education?

A: No. There is clear language in the bill that no state shall be required to submit its standards to the federal government for review or approval. (Standards underlie the accountability system, which is part of the state Title I plan submitted to the Department.) Again, states must maintain challenging academic standards, but the law is very clear that states are not required to seek federal approval of their standards and can make changes to them without federal approval.

GENERAL

Q: What constitutes “timely and meaningful consultation” that must occur with state legislators on the state’s Title I plan?

A: That remains to be seen. The legislation left it intentionally open-ended so that states could decide what process works best for them. In some states, legislatures could be satisfied by procedures already in place in which the state department of education communicates with them regarding the Title I plan. In others, they may want to set up a new process consistent with state law.