

Concerns regarding ESSA: Proposed Regulations by the US Dept. of Education

ESSA Law passed 12/15	Proposed Regulations by USDE 5/16	Notes
[1111(c) (4) (A) (i) (I)] Statewide accountability systems should include long-term goals for academic achievement as measured by proficiency on annual assessments. 3-8 Math & Reading, science in three different grades (3-12), and one high school assessment	[200.13(a)(1)] the regs narrow this broad concept of “proficiency on the annual assessments” to “grade level proficiency on the annual assessments” as well as tests in math and reading.	Decouple standardized testing in 8 th grade; Math EOG and Math I
[1111(e) (1)(B)(iii)(I)(bb)] Places a prohibition section that states ED can’t prescribe numeric long-term goals or measures of interim progress, including “the progress expected from any subgroups of students in meeting such goals”. (Think NCLB AYP)	[200.13 (a) (2) (iv)] the regs violate this prohibition by requiring that lower-achiever subgroups show a greater rate of improvement than higher-achieving subgroups	Congress wants the gaps closed BUT the process should be left up to each state in setting goals
[1111 (c) (4)(B) (v)] states given discretion to choose school quality and student success indicators with two parameters: allow for meaningful differentiation in school performance, be valid, reliable and comparable statewide	Regs add requirement that research must show indicator will improve student achievement – which raises questions on ED examples.	See new Opportunity Dashboard fact sheet.
[1111 (c) (4)(B) (VIII)] provides examples of indicators and then adds the state may use “any other indicator the state chooses that meets requirements of [covering school quality and success]	Regs require for advance demonstration of differentiation – allows ED to control or stifle innovation	See new Opportunity Dashboard fact sheet.
States must measure 95 percent of students and that non-participation should be a factor in the calculation of average test scores. The states are to determine the weight of test non participation in the accountability system.	Regs disregards statute by not only requiring states to punish schools when parents choose not to have their child participate in testing, but suggest possible punishments: assign a lower grade to school, assign lowest performance level for the school, identify the school as a LPS targeted school, or other equally state-determined label.	
States are asked to set a minimum number (or N size) for subgroups and to state how it is statistically sound and how it was determined; including how stakeholders were involved!	REGS ED adds a requirement that the number MUST not exceed 30 students unless the state can provide justification.	Can one say arbitrary?
Allows flexibility for states to differentiate between schools and a provision prohibiting ED from prescribing the methodology of differentiation. Addresses the whole child and not just a test score!	ED conflicts with regulations by mandating a single summative rating from among the three distinct rating categories for each school with a system of three levels of school performance on each indicator.	Summative example A-F States need only to identify schools that need comprehensive supports and schools with students needing targeted supports based on ESSA.
Requires that the state plan describe how it will ensure equitable distribution of teachers [1111(g)(1)(B)]	REGS are calling for statewide definition of an ineffective teacher	With a statewide definition there is no local control. Do we want local control here of state control?

- ✓ Check out the new ESSA website at <http://getESSARight.org> and provide your feedback to the USDE by August 1st; on moving forward with ESSA as proposed and not staying with status quo with NCLB components.