



ED to provide waivers from ESEA assessment, reporting provisions for SY 2019-20

Education Secretary Betsy DeVos announced on March 20 the availability of waivers from assessment and reporting provisions of the Elementary and Secondary Education Act as amended by the [Every Student Succeeds Act](#), Pub. L No. 114-95, for states with schools that have been closed by the COVID-19 pandemic. The waivers will provide a one-year pause on statewide accountability exams and some federally mandated reporting requirements under the ESEA.

States unable to assess students because of COVID-19 must formally request the waiver from the U.S. Education Department. "Upon a proper request," the department said, it will approve the waiver.

"Our actions today provide turnkey flexibilities for state and local leaders to focus on the immediate needs of their students and educators without worrying about federal repercussions," DeVos said in a statement. "I've spoken with many local education leaders in the past days, and I'm inspired by their efforts to help their students continue to learn and grow. We're going to continue to provide every flexibility possible to help make that as simple as possible."

The department is allowing states to request waivers of some or all of the following provisions of the ESEA:

- The requirement to administer all required assessments in SY 2019-20. ESEA [Section 1111\(b\)\(2\)](#).
- The requirement that a state annually meaningfully differentiate all public schools and the requirements to identify schools for comprehensive and targeted support and improvement and additional targeted support and improvement based on data from SY 2019-20. ESEA [Section 1111\(c\)\(4\)](#) and [Section 1111\(d\)\(2\)\(C\)](#) through [Section 1111\(d\)\(2\)\(D\)](#).
- The requirement that states must include the following information for SY 2019-20 in report cards described in ESEA [Section 1111\(h\)](#):
 - o Accountability system description. ESEA [Section 1111\(h\)\(1\)\(C\)\(i\)](#).
 - o Assessment results. ESEA [Section 1111\(h\)\(1\)\(C\)\(ii\)](#).
 - o Other academic indicator results. ESEA [Section 1111\(h\)\(1\)\(C\)\(iii\)\(I\)](#).
 - o English language proficiency assessment results. ESEA [Section 1111\(h\)\(1\)\(C\)\(iv\)](#).
 - o School quality or student success indicator results. ESEA [Section 1111\(h\)\(1\)\(C\)\(v\)](#).
 - o Progress toward meeting long-term goals and measurements of interim progress. ESEA [Section 1111\(h\)\(1\)\(C\)\(vi\)](#).
 - o Percentage of students assessed and not assessed. ESEA [Section 1111\(h\)\(1\)\(C\)\(vii\)](#).
 - o Number and percentage of students with the most significant cognitive disabilities taking an alternate assessment. ESEA [Section 1111\(h\)\(1\)\(C\)\(xi\)](#).

o Information showing how students in local educational agencies and each school performed on academic assessments compared with the students in the state and LEA. ESEA [Section 1111\(h\)\(2\)\(C\)](#).

States applying for the waiver must make the following assurances to ED:

- Schools identified for comprehensive or targeted support and improvement or additional targeted support and improvement in SY 2019-20 will remain in that identification status in SY 2020-21 and continue to receive supports and interventions consistent with the school's support and improvement plan in SY 2020-21.
- The state educational agency will provide notice and the opportunity to comment on the waiver request to the public and all LEAs in the state.

For more stories and guidance on this topic, access the [COVID-19 Roundup](#).

[Charles Hendrix](#) covers education funding and other Title I issues for LRP Publications.

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