

Myths and Facts on the Every Student Succeeds Act (ESSA)

General

Myth: ESSA removes the role of the federal government from state education policy and activities.¹

Fact: ESSA provides states the ability to implement new education systems and policy but it does not remove the federal requirement for states to annually assess students, create challenging state academic standards, and implement an accountability system that includes state intervention in the lowest-performing schools or districts. The ESSA requires every state to administer annual statewide assessments in each of grades 3-8 and once in high school for reading and math (and for science once in grades 3-5, 6-9, and 10-12). The law maintains a clear role for the U.S. Department of Education to enforce the provisions of the law and ensure that the nation's educational interests are protected and implemented.

Myth: Now that ESSA has been signed into law, all details are clear about what the law requires.

Fact: The U.S. Department of Education announced that it would initiate the rulemaking and regulations process for ESSA through 2016. Until the regulations go into effect, states are advised not to take legislative action until the regulations have been issued.

Standards

Myth: States can adopt any type of academic standards they wish.

Fact: ESSA requires states to adopt (or continue using) consistent, challenging academic standards aligned with the demands of postsecondary education and work for all children. States must demonstrate that their standards are aligned with entrance requirements for credit-bearing coursework in the public higher education system and with relevant career and technical education standards.

Assessments

Myth: ESSA eliminates annual student assessments.

Fact: ESSA maintains the requirement for statewide annual assessments in each of grades 3-8 for reading and math, and once in each of the following grades for science: 3-5, 6-9, 10-12. Those assessments must provide valid, reliable, clear and objective data on how all students perform. Results must be reported by student group (at a minimum by race, gender, income, English Language Learner status, and special education status).

Myth: ESSA allows states to use any type of standards and assessments to meet the annual testing requirement.

Fact: ESSA requires states to adopt "challenging State academic standards" by the 2017-2018 school year. States that move to adopt new assessments will need to pass a federal peer review process by which the U.S. Department of Education will ensure that the proposed test is in compliance with ESSA. ESSA includes an innovative assessment pilot that enables up to seven states and a 4-state consortium to pilot the use of different types of assessments. Participating states must prove that the proposed assessments are aligned to challenging state academic standards and generate results that are valid, reliable, and comparable for all students and for each subgroup of students. Assessments must identify which students are not making progress toward the state standards and must also generate an annual, summative determination for accountability purposes.

¹ Information from this document can be found in the Every Student Succeeds Act. See Every Student Succeeds Act, Pub.L. 114-95 (2015), <https://www.gpo.gov/fdsys/pkg/BILLS-114s1177enr/html/BILLS-114s1177enr.htm>.

Myth: The Every Student Succeeds Act lets parents opt their children out of standardized tests.

Fact: While ESSA leaves it to states to determine whether students may opt out of assessments, it maintains the requirement that states test 95% of students and that states incorporate that requirement into their school and district accountability systems. ESSA also requires each school district to notify parents that they may request, and must be provided with, information about any state or local policy regarding opting out of assessments, which must include details on how parents may opt their child out.

Accountability

Myth: ESSA removes requirements to intervene in the state's lowest-performing schools.

Fact: Through their accountability system, states must identify, at minimum, comprehensive support and improvement schools, including schools that are in the lowest performing 5% of Title I schools in the state, and all high schools that fail to graduate one-third or more of their students. Any school that is consistently underperforming for one or more student groups must be identified. Any school whose results for any student subgroup meet the criteria for the lowest-performing 5% of Title I schools in the state for students overall must also be identified. ESSA still requires this identification and mandates that there be consequences for those schools. States, however, will be able to determine those consequences.

Myth: States will not have to identify student achievement progress goals or ratings under ESSA and there are no longer federally identified consequences for low performing schools.

Fact: The law requires that statewide accountability systems must include gap-closing goals for student outcomes, ratings based on the progress of all students and each group of students (at a minimum by race, gender, income, English Language Learner (ELL) status, and special education status.), and the expectation of action when any group of students is consistently underperforming.

Teachers and Leaders

Myth: ESSA permits states to implement teacher evaluations without student achievement as part of the system.

Fact: ESSA requires that states using Title II funds for teacher evaluation systems must include student achievement as one measure of that system, in addition to multiple indicators of teaching.

Public Reporting and Data Privacy

Myth: ESSA no longer requires states to report student achievement by student groups such as race, income status, special education or English Language Learner status.

Fact: ESSA requires states to provide publicly available and accessible information on student performance disaggregated at minimum by race, gender, income, English Language Learner (ELL) status, and special education status. ESSA also requires extensive public reporting on outcomes and opportunities to learn for all student groups, including school-level and per-pupil expenditures, access to rigorous coursework, and non-academic indicators.

Myth: ESSA does not protect the privacy of the data that schools collect about students.

Fact: There are multiple provisions protecting the privacy of student-level data, including compliance with state and federal laws on the collection and reporting of student-level data, including the Family Educational Rights and Privacy Act of 1974 (FERPA), in accordance with state student privacy laws and local educational agency student privacy and technology use policies. The Connecticut State Department of Education's [FAQ on student data privacy](#) outlines its procedures to protect student data privacy.