

**Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Negotiated Rulemaking Committee**

**Issue Paper #3**

**Issue:** Locally selected, nationally recognized high school assessments

**Statutory Cite:** 1111(b)(2)(H) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)

**Regulatory Cite:** n/a

**Background:**

Section 1111(b)(2)(B) (i) and (v) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), maintain the requirement that a State administer the same assessments in mathematics and reading/language arts to all students in each of grades 3 through 8 and at least once in high school, and in science once in each of three grade spans (elementary, middle, and high school). Section 1111(b)(2)(H), however, provides new flexibility for a State to approve a school district to administer, in lieu of the statewide high school assessment, a “locally selected,” “nationally recognized” high school academic assessment that has been approved for use by the State and peer reviewed through the U.S. Department of Education’s (ED) Title I assessment peer review. ESSA accompanying report language indicated, “It is the intent of the Conferees that existing assessments already widely recognized as validly measuring student performance, such as ACT or SAT exams, may, subject to approval described in this subparagraph, be selected and used.”

If a State chooses to allow a district to select a nationally recognized high school assessment, it must establish technical criteria to approve such an assessment. At a minimum, ESSA requires that the technical criteria must enable the State to determine that the locally selected, nationally recognized high school assessment the district wishes to administer in lieu of the statewide test: (1) is aligned to and addresses the breadth and depth of the State’s content standards; (2) is equivalent in its content coverage, difficulty, and quality to the statewide assessments; (3) provides comparable, valid, and reliable data on student achievement as compared to the statewide assessments for all students and for each subgroup of students, including by reporting results in terms consistent with the State’s academic achievement standards; (4) meets the criteria for technical quality that all statewide assessments must meet under Title I; and (5) provides unbiased, rational, and consistent differentiation among schools within the State’s accountability system. Once a locally selected, nationally recognized high school assessment has been approved through ED’s Title I assessment peer review process and the State has approved such an assessment consistent with its technical criteria, any other district in the State may use that assessment so long as the district notifies the State that it intends to do so.

In addition, ESSA requires that a district that chooses to exercise this option must notify the parents of all high school students that it is requesting approval from the State to administer a locally selected, nationally recognized high school assessment, and upon approval of the assessment and at the beginning of each subsequent school year during which it uses the assessment, the district must notify parents in writing that it will administer a high school assessment other than the statewide assessment.

### **Discussion Questions:**

While this new statutory provision has the potential to reduce burden for high school students who are often taking multiple assessments around the same time of their academic career in addition to the statewide high school assessment – for example, standardized college entrance exams, final exams tied to particular courses, and Advanced Placement or International Baccalaureate tests – it also raises several questions. For example:

- What does it mean for an assessment to be “nationally recognized”?
- What safeguards could regulations include to ensure that all students within the district will have equal access to, and receive equal educational benefit from, the district-selected assessment?
- How should the regulations ensure that the accommodations provided to students on locally selected, nationally recognized assessments reflect the needs of the student, as determined under the Individuals with Disabilities Education Act (IDEA) or section 504 of the Rehabilitation Act (section 504)?
- What safeguards can help ensure that all students, including students with disabilities who use accommodations, as prescribed on an individualized education program (IEP) required under the IDEA or plan under section 504, are able to use their test results for the same purposes as their non-disabled peers?
- How can a State ensure that locally selected, nationally recognized high school assessments are aligned to State content standards and provide comparable results against the State’s academic achievement standards, so that students in different districts are not being held to different standards and the State maintains the same high expectations of all students?
- How can regulations ensure that parents and educators have the same information about each student compared to other students within the district, and that district administrators have comparable data about students and schools to inform district decision-making?