

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

Issue Paper #6

Issue: Updating existing regulations to reflect statutory changes

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

Regulatory Cite(s): Proposed draft updates to 34 C.F.R. §§ 200.2, 200.5, and 200.6

Background:

The ESSA maintains most of the requirements regarding annual statewide assessments from the No Child Left Behind Act of 2001, with a few key exceptions. The purpose of convening this committee is to update existing regulations to incorporate new statutory requirements and to resolve questions raised by these new requirements.

Issue(s):

Previous regulations restated numerous statutory provisions to provide a clear and comprehensive explanation of assessment requirements for States and school districts. The ESSA updated a number of these provisions, and ED is proposing to make necessary conforming edits to the relevant regulatory sections (34 C.F.R. §§ 200.2, 200.5, and 200.6) to reflect those statutory updates. The draft language attached shows changes proposed by ED for the purpose of ensuring that the regulations reflect the new statutory language. For example, the proposed language would remove obsolete timelines, revise terms such as “limited English proficient students” to “English learners,” and add new language taken directly from the statute. ED believes that this combination of technical updates and statutorily required changes provides an appropriate baseline regulation as the committee conducts its negotiations over further changes.

Is the committee comfortable with this baseline document? Are there other conforming edits that should be included?