Federal Regulation and Oversight of the Every Student Succeeds Act (P.L.114-95)

Legislative Request
Please support robust and meaningful federal regulation and oversight, when the proposed U.S. Department of Education (USDOE) regulations for the Every Student Succeeds Act (ESSA), which was reauthorized in 2015 by the 114th Congress, are sent to the House and Senate Education Committees for review and comment. If you are not a member of the Committee of jurisdiction that will complete the review, please express your support for robust and meaningful federal regulation and oversight to your colleagues.

Recommendations for ESSA Implementation
Under ESSA, the USDOE is required to send the proposed regulations to the Congressional education committees to provide review and comment before the proposed regulations are available for public comment. Many Members of the relevant Congressional committees have expressed belief that federal regulations and other Department oversight on state implementation of ESSA should be extremely limited. However, under ESSA, USDOE still has the authority and responsibility to issue regulations and guidance, and to provide technical assistance for the implementation of law.

Given the long history of state and local education decisions that have perpetuated low academic expectations and limited school accountability for the performance of students with disabilities, Congress should not ask the USDOE to back away from its regulatory and enforcement responsibilities. The USDOE must ensure that the implementation of ESSA serves the stated purpose of the law, which is “to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps.”

There are numerous provisions and terms in ESSA that impact student groups, including students with disabilities, which are not clear. Some of these provisions directly impact students who take state alternate assessments, including a large percentage of students with Down syndrome. For example, it is critically important for the federal regulations to clarify that every student must receive instruction and assessment on the state academic content standards for the grade in which the student is enrolled. For students who take an alternate assessment, the enrolled grade instruction is adapted; adjusting the depth, breadth, and complexity as needed. The alternate assessment uses an achievement standard that measures how well students learn this instructional content. The “enrolled grade” clarification is necessary to ensure that students who are proficient on an alternate assessment are on track to pursue postsecondary education or employment as provided in ESSA. We urge you to support robust and meaningful federal regulation and oversight.

NDSS is pleased to be collaborating with the National Down Syndrome Congress (NDSC) on the implementation of ESSA.

For more information, please contact Ricki Sabia, NDSC Senior Policy Advisor, at rickis@ndsccenter.org and Heather Sachs, NDSS Vice President of Advocacy & Public Policy at hsachs@ndss.org

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