



SUMMARY OF THE EVERY STUDENT SUCCEEDS ACT, LEGISLATION REAUTHORIZING THE ELEMENTARY AND SECONDARY EDUCATION ACT

Legislative History

A conference committee met on November 18 and 19 to resolve the differences between H.R. 5, the Student Success Act, and S. 1177, the Every Child Achieves Act, which passed their respective chambers in July, and voted to adopt the conference framework by a vote of 38-1. Legislative language was completed over Thanksgiving. The conference report then passed the House on December 2 by a vote of 359-64, and the Senate on December 9 by a vote 85-12. The bill's title is the "Every Student Succeeds Act," abbreviated in the summary as ESSA. It reauthorizes programs in the Elementary and Secondary Education Act for four years.

Major Provisions

Transition/Effective Dates

For noncompetitive programs the effective date is July 1, 2016, and most competitive programs are in effect October 1, 2016. The U.S. Secretary of Education ("Secretary") will take steps to provide an "orderly transition to and implementation of" programs authorized by the Act. Certain waivers are terminated as of August 1, 2016, specifically those under Section 9401 of No Child Left Behind, as first introduced in a letter to chief state school officers on September 23, 2011. The transition to new state plans will begin in the 2016-2017 school year, with full implementation occurring in the 2017-2018 school year.

Title I

Part A

Grants to LEAs are authorized in the amounts below:

- FY 2017... \$15,012,317,605
- FY 2018... \$15,457,459,042
- FY 2019...\$15,897,371,442
- FY 2020...\$16,182,344,591

Other grants authorized in Title 1:

- *State assessments \$378,000,000 for FYs 2017 through FY 2020*
- *Education of Migratory Children \$374,751,000 for FYs 2017 through 2020*
- *Neglected, Delinquent, or At-Risk Children and Youth. \$47,614,000 for FYs 2017 through 2020*

School Improvement Grants

School Improvement Grants in their current form are ended. Instead, to carry out statewide system of technical assistance and support for local educational agencies, each state shall reserve either seven percent of Title I Part A or the amount the state had reserved for school improvement in 2016 and the amount it received, whichever is greater.

Not less than 95 percent of the amount would go in grants to LEAs on formula or competitive basis for schools implementing comprehensive support and improvement activities or targeted support and improvement activities or the SEA may directly provide those activities. These would be four year grants.

State plans

The State Education Agency (SEA) must submit a Title I plan to the U.S. Department of Education that is developed with timely and meaningful consultation with Governors, members of the state legislature, and state board of education (if the state has such a board). The list also includes other entities including local education agencies, Indian tribes, teachers and principals and parents, among others.

This represents a real corrective from the original ESEA which focused solely on the state education agency. The language was a top priority in NCSL lobbying on reauthorization. Plans must ensure coordination between programs in the following laws: IDEA, the Rehabilitation Act, Perkins Career and Technical Education Act, WIOA, CCDBG, Education Sciences Reform Act, Education Technical Assistance Act, NAEP, McKinney-Vento, Adult Education and Family Literacy Act.

Standards

Each state's plan shall provide an assurance that the state has adopted challenging academic content standards and aligned academic achievement standards ("challenging state academic standards") that include not less than three levels of achievement. Standards must apply to all public schools and public school students in a state. States are required to have academic standards for math, reading or language arts, and science and may have them for any other subject determined by the state. Standards must be aligned with entrance requirements for credit-bearing coursework at state higher education institutions and with relevant state career and technical education standards.

States are allowed to adopt alternate academic achievement standards for students with the most significant disabilities, provided those standards align with state academic standards and promote access to the general education curriculum consistent with IDEA, and are aligned to ensure that a student who meets the alternative standards is on track to pursue postsecondary education.

States must also show in their plan that they have adopted English language proficiency standards. English language proficiency standards must be derived from four domains (speaking, listening, reading and writing), address the different proficiency levels of English learners, and be aligned with the challenging state academic standards.

Academic Assessments

States are required to implement a set of high-quality student academic assessments in math, reading/language arts, and science, and may implement assessments in other subjects. These assessments (with exceptions regarding alternative assessments for certain students) must be administered to all elementary and secondary students and must measure the achievement of all students. Assessments must be aligned with challenging state academic standards.

The bill keeps the current schedule of federally required statewide assessments. Math and reading/language arts have to be assessed yearly in grades three through eight, and once in grades nine through 12. Science must be assessed at least once in grades three through five, grades six through nine, and once in grades 10 through 12. States may assess other subjects.

These assessments must involve multiple measures of student achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student growth and may be partially delivered in the form of portfolios, projects or extended performance tasks. They must provide appropriate accommodations for children with disabilities. The assessments can be administered through a single summative assessment or through multiple assessments during the course of the academic year. Results must be disaggregated with each state, local education agency, and school by:

- Racial and ethnic group;
- Economically disadvantaged students compared to students who are not economically disadvantaged;
- Children with disabilities as compared to children without disabilities;
- English proficiency status;
- Gender; and
- Migrant status

Alternate assessments are to be aligned with alternative academic standards and achievement goals. Only one percent of the total number of all students in the state can be assessed using these alternate assessments.

LEAs may administer a nationally-recognized high school academic assessment approved by the state in place of a required statewide assessment. *NOTE: other provisions regarding assessments are contained in Part B of Title I of the bill, including new flexibility to develop innovative assessments, and are described below.*

ESSA contains a parental rights statement that ESSA does not preempt a state or local law regarding the decision of a parent to not have their child participate in the assessments. However, that child is still counted against the 95% participation rate requirement.

Subject to federal or state requirements related to assessments, evaluations, and accommodations, states may set a target limit on the number on the aggregate amount of time devoted to assessments in each grade, expressed as a percentage of instructional hours.

Statewide Accountability System

Each state must have a statewide accountability system that is based on the challenging state academic standards for reading/language arts and math to improve student academic achievement and school success. States shall:

- Establish ambitious state-designed long-term goals for all students and each subgroup of students in the state for improved:
 - Academic achievement as measured by proficiency on the annual assessments
 - High school graduation rates including the four-year adjusted cohort graduation rate and at the state's discretion the extended-year adjusted cohort graduation rate
 - Percent of English learners making progress in achieving English language proficiency
- The indicators of the system, for all students and separately for each subgroup
 - Academic achievement as measured by proficiency on annual assessments
 - Another indicator of academic achievement
 - For high schools, a measure of the graduation rate.
 - Progress of English learners in achieving English language proficiency
 - An indicator of school quality and student success such as student engagement, educator engagement, student access to advanced coursework, postsecondary readiness, school climate and safety, or other measure.

States must also incorporate test participation in some way in their accountability system. States must count academic factors more heavily. A state must use this system to meaningfully differentiate all public schools in the state based on all indicators for all students and subgroups of students and puts substantial weight on each indicator. The system must differentiate any school in which any subgroup of students is consistently underperforming. Those subgroups are:

- Economically disadvantaged students
- Students from major racial and ethnic groups
- Children with disabilities
- English learners

Identification of schools

States must establish a methodology to identify (beginning in 2017-2018 school year and then at least every three years subsequently) those schools in need of comprehensive support and improvement, which will include the lowest performing five percent of all schools receiving Title I funds and any high school failing to graduate 1/3 or more of their students. There must be an annual measure of achievement that includes 95 percent of all students and 95 percent of all students in each subgroup. States will also notify LEAs of any school in its district in which a subgroup of students is consistently underperforming, and this will result in a school-level targeted support and improvement program.

School Support and Improvement Activities

SEAs will notify each local educational agency of any school in that LEA's jurisdiction that is identified for comprehensive support and improvement. The LEA, in partnership with stakeholders (including principals and other school leaders, teachers, and parents) will locally develop and implement a plan to improve student outcomes that is informed by all the indicators, including student performance against state-determined long-term goals; includes evidence-based interventions; is based on a school-level

needs assessment; identifies resource inequities; and is approved by the school, the LEA, and the SEA. An LEA may provide all students enrolled in a school identified by the state for improvement with the option to transfer to another public school if state law permits. Special consideration can be given to any high school that predominately serve students returning to education, or who are off-track to meet graduation requirements. If it serves less than 100 students, the LEA can forgo implementing improvement strategies.

To ensure continued support for school and LEA improvement, the SEA must: establish statewide exit criteria for schools identified for comprehensive support and improvement that if not satisfied within four years, shall result in more rigorous state-determined action and for schools where subgroups of students are not succeeding; review resource allocations to support school improvement in schools identified for support; and provide technical assistance. States may initiate additional improvement in LEAs with large numbers of schools needing improvement; and consistent with state law, establish alternative evidence-based strategies that can be used by the LEAs to assist schools.

Report cards

Annual state report card is required and must be disseminated widely. The report card must be accessible on-line, and provide a clear and concise description of the state's accountability system, including the long-term goals and measurements of interim progress for all students and subgroups of students, the state's system for meaningfully differentiating all public schools, the number and name of all public schools identified for improvement, and the exit criteria for no longer being identified for improvement. The report card will identify all the indicators, and other factors including the professional qualifications of teachers, per-pupil expenditures, National Assessment of Educational Progress scores, and also, where available and beginning with the 2017 report card, information about post-secondary attainment. LEAs will also prepare report cards containing information on student performance on academic assessments.

Schoolwide Title I programs

LEAs can consolidate and use Title I and other federal, state and local funds for schoolwide Title I programs in schools serving a school attendance area where not less than 40 percent of the children are from low-income families, or where 40 percent of the children enrolled are from such families.

Note: funds can be used for preschool programs or dual/concurrent enrollment programs.

Parent and family engagement (formerly parental engagement) efforts receive an allotment of one percent of Title I grants. LEAs shall use parent and family engagement funds to do not less than one of the following: support schools and nonprofit organizations providing professional development in this area; support programs to reach parents and family members at home; disseminate best practices information on parent and family engagement; and collaborate with entities with a record of success in improving and increasing parent and family engagement.

Maintenance of Effort (MOE) Requirement

The current requirement maintaining effort at 90 percent of prior funding is continued, and federal funding is reduced if a state also fails to meet the MOE requirement for one or more of the five immediate preceding years. However, the Secretary can waive the MOE requirement in the case of exceptional or uncontrollable circumstances like a natural disaster or change in the organizational structure of the state, or precipitous decline in the financial resources of the state.

Part B State Assessment Grants

The Secretary will award grants to state educational agencies to enable the states to carry out one or more of the following activities:

- Paying the costs of developing state assessments and standards
- Administering the assessments
 - Ensuring appropriate accommodations for English learners
 - Developing challenging assessments in other subjects in which the state wants to assess students
 - Ensuring the continued validity and reliability of state assessments
 - Refining assessments so that they are continually aligned with challenging state academic standards
 - Developing balanced assessment systems that include summative, interim or formative assessments
 - Refining required science assessments to incorporate engineering design skills
 - Developing or improving assessments for children with disabilities
 - Allowing for collaboration for research to improve the quantity, validity, and reliability of state academic assessments
 - Measuring student academic achievement using multiple measures of student academic achievement
 - Evaluating students through competency-based models
 - Designing the report cards and reports required under ESSA in a user-friendly model that allows cross-tabulation of student information that the state deems appropriate.

State Option to Conduct Assessment System Audits

Grants are authorized to states to enable states to audit state assessment systems and ensure that LEAs audit local assessments. A first grant allows states to come up with a plan for this audit; a subsequent grant can be used to carry out the plan.

Innovative Assessment and Accountability Demonstration Authority

Innovative assessments include competency-based, interim, and cumulative year-round assessments, or performance-based assessments that combine into an annual summative determination, and may be administered through computer adaptive assessments.

SEAs or a consortium of not more than four SEAs can apply to exercise demonstration authority for a period that shall not exceed five years. Initially, the Secretary shall provide not more than seven participating state agencies (including those in a consortium) with said authority. States may use this authority to allow LEAs to innovate assessments with the intent that the assessments would be scaled up to eventually be statewide.

Part C Education of Migratory Children

Federal funds for programs to assist migrant students are allocated by the following basic formula: the sum of the average number of identified eligible migratory children aged 3-12 residing in the state based on data for the three preceding years and the number of eligible migrant children aged three through 21

who received services under this part in summer or intersession programs multiplied by 40 percent of the average per-pupil expenditure in the state (which will not be less than 32 percent or more than 48 percent of the average per-pupil expenditure in the U.S.)

Part D Prevention and Intervention Programs for Children and Youth who are neglected, delinquent or at-risk

Included in this section is a requirement that states must establish provisions for, or timely re-enrollment of, youth placed in the juvenile justice system, including opportunities to participate in credit-bearing coursework.

Part E Flexibility for Equitable Per-Pupil Funding

Allows LEAs to consolidate eligible federal funds and state and local education funding in order to create a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students. Demonstration agreements for this local flexibility provision would be for not more than three years. 50 LEAs can receive approval from the Secretary for these demonstration programs; the program may expand beginning with the 2019 and 2020 school year.

Title II

The most important change in Title II is a change in the state allotment formula. The formula will shift from the current formula, of which 35 percent is based on total student population aged 5-17 in the state proportionally relative to this population in all states and 65 percent is based on student population aged 5-17 from families below the poverty line in the state proportionally relative to this population in all states to:

- 35/65 in FY 2017
- 30/70 in FY 2018
- 25/75 in FY 2019
- 20/80 in FY 2020 and succeeding years

ESSA maintains the requirement that 95% of state allotments be subgranted to LEAs, but a state may reserve up to three percent of the 95% for state activities for principals and other school leaders.

Subgrants to LEAs in a state will be made on the following formula: 20 percent based on total student population aged 5-17 in the area served by the LEA proportionally relative to all such areas in the state and 80 percent based on student population aged 5-17 from families below the poverty line in the area served by the LEA proportionally relative to all such areas in the state.

Funding for national activities (between about \$470 and 490 million for each year FY 2017-2020) is included for the following activities:

- Development of teacher/school leader incentive programs and grants
- Literacy education program and grants (including early reading and K-12 programs)
- American history and civics education programs
- School leader training and recruitment
- State-led STEM master teacher corps programs

Regarding teachers, it is important to note that ESSA ends the federal mandate for teacher evaluation, and eliminates the “highly qualified teacher” requirement of No Child Left Behind.

Title III (Language Instruction for English Language Learners and Immigrant Students)

The accountability measures for English language learners (ELLs) are moved out of Title III and into Title I as previously noted, to show that proficiency for ELL students is as important as proficiency for other students.

ELL programs have funding authorized that gradually increases from \$756 million in FY 2017 to \$885 million by FY 2020. States can use funds to make subgrants to eligible entities as long as 95 percent of state funding is used for purposes described in relevant Title III sections. States receive funding based 80 percent on population of ELLs in that state proportionally relative to that population in all states and 20 percent based on population of immigrant children and youth in that state proportionally relative to that population in all states. This title lays out eligible uses of funds, guidelines for the aforementioned subgrants to local entities, reporting guidelines (to be submitted every other year), and national professional development project guidelines. ESSA maintains the prohibition in existing law on federal prescription of curricular or pedagogical approach to educating ELLs.

Title IV (21st Century Schools)

This section of the bill is the place where some programs are eliminated or rolled into a single grant.

Part A Student Support and Academic Enrichment Grants

The purpose of these grants is to improve students’ academic achievement by increasing the capacity of states, LEAs, schools, and local communities to

- Provide all students with access to a well-rounded education;
- Improve school conditions for student learning; and
- Improve the use of technology in order to improve the academic achievement and digital literacy of all students.

Formula grants for states with a small state minimum:

- ½ of one percent for allotments for payments to the outlying areas;
- ½ of one percent for Bureau of Indian Education schools; and
- Two percent for technical assistance and capacity building.

States would submit a plan describing how the SEA will use funds for state level activities, award grants to LEAs ensure that the SEA will review existing resources and programs across the state to coordinate those resources and programs with existing resources and programs. States are directed to award 95 percent of the allotment to LEAs, reserve not more than 1 percent for administration, and use the rest for state activities.

LEAs would undertake a comprehensive needs assessment every three years to determine needs in the areas of:

- Access to, and opportunities for, a well-rounded education for all students;

- School conditions for student learning in order to create a healthy and safe school environment; and
- Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

Activities and programs covered under this grant to support access to a well-rounded education must be coordinated with other schools and with community-based services and programs, and can be partnerships with higher education institutions, business, nonprofits, community-based organizations, or other public or private entities. Activities can include:

- College and career guidance and counseling programs;
- Programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution;
- Programming and activities to improve instruction and student engagement in science; technology, engineering, and mathematics including computer science; and
- Efforts to raise student academic achievement through accelerated learning programs.

Each LEA will use a portion of its funds to develop, implement, and evaluate comprehensive programs and activities coordinated with other schools and with community-based services and programs that foster safe, healthy, supportive and drug-free environments that support student academic achievement, include parental involvement, and may be conducted in partnership with an institution of higher education, community-based organization, or other public or private entity. These programs may include evidence-based drug and violence prevention programs; mental health services; programs or activities that integrate health and safety practices into school athletic programs; programs that support a healthy, active lifestyle, help prevent bullying and harassment, improve instructional practices for developing relationship-building skills (to prevent coercion, violence or abuse), provide mentoring and school counseling for children at risk of academic failure or dropping out of school or delinquency, establish or improve school dropout and re-entry programs; providing learning environment and teaching skills for school readiness and academic success. The grants can also provide high-quality training for school personnel to allow to respond to various issues and dollars for child sexual abuse awareness and prevention activities. Other uses: designing and implementing a locally-tailored plan to reduce exclusionary discipline practices, schoolwide positive behavioral interventions and supports; and site resource coordinators.

A portion of funds shall also be used for activities to support the effective use of technology which may include:

- Professional learning tools, devices, content and resources for educators, school leaders, and administrators
- Building technological capacity and infrastructure
- Developing or using strategies for delivery of specialized or rigorous academic courses and curricula through the use of technology
- Carrying out blended learning projects
- Professional development in the use of technology
- Providing students in rural, remote and underserved areas resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses

There is a limitation that no more than 15 percent of funds may be used for purchasing technology infrastructure.

This subpart is authorized at \$1,650,000,000 for FY 2016 and \$1,600,000,000 for each of FYs 2018-2020.

Part B 21st Century Community Learning Centers

This part provides opportunities for communities to establish or expand activities in community learning centers that provide opportunities for academic enrichment, offer students a broad array of additional services, programs and activities, and offers families of students served by community learning centers opportunities for active and meaningful engagement in their child's education, including opportunities for literacy and related educational development. Funding is made available for continuation of certain current grants; there are reservations for national activities, and for Bureau of Indian Education schools. There is a local competitive subgrant program. The program is authorized at \$1,000,000,000 for FY 2017 and \$1,100,000,000 for each of FYs 2018-2020.

Part C Charter School Grants

The Secretary is authorized to carry out a charter school program that supports charter schools that serve early childhood, elementary school or secondary school students by supporting the establishment of new charter schools and the replication and expansion of high quality charter schools; assists charter schools in assessing credit for acquiring and renovating facilities; carrying out national activities to support those goals, along with disseminating best practices, evaluating charter schools and strengthening charter school authorizing practices. There are reserves for charter school facility assistance (12.5%) and carrying out national activities (22.5%). The Secretary will award competitive grants to a state entity (the SEAs, state charter school board, Governor, or charter school support organization) to allow the entity to award subgrants:

- to applicants to open and prepare for operation new charter schools replicated high-quality charter schools or expand high-quality charter schools;
- to provide technical assistance to applicants; and
- to work with authorized public chartering agencies to improve authorizing quality

Grants are for a five year period. Priority for receiving a grant shall go to state entities in states that allow at least one entity that is not an LEA to be an authorized public chartering agency (or has an appeals process), that ensure equitable financing for charters, and provides one or more of the following: funding for facilities, assistance with facilities acquisition, access to public facilities, ability to share bonds or levies, right of first refusal of a public school building, and low- or no-cost leasing privileges. The state entity should also support charter schools in other ways.

The authorization for Part C is \$270,000,000 for FY 2017; \$270,000,000 for FY 2018; \$300,000,000 for FY 2019; and \$300,000,000 for FY 2020.

Part D Magnet School Assistance

Assistance for magnet schools is provided with an authorization of \$94,000,000 for FY 2017; \$96,820,000 for FY 2018; \$102,387,150 for FY 2019; \$108,530,379 for FY 2020.

Part E Family Engagement in Education Programs

The Secretary is authorized to award grants to statewide organizations to establish statewide family engagement centers to carry out parent and family engagement programs or provide comprehensive training and technical assistance. Minimum award is \$500,000 and a non-federal match requirement, in cash or in-kind. Authorization is \$10,000,000.

Part F National Activities

\$200,741,000 for FYs 2017 and \$220,741,000 for FYs 2019 and 2020. Under this heading are grants for education innovation and research; community support for school support (95 percent of the money would go to Promise Neighborhoods and full service community schools); national activities for school safety; and academic enrichment.

Title VI and Title VII

Title IV Provides for Indian, Native Hawaiian, and Alaska Native Education programs, and Title VII provides:

Impact Aid

A number of policy changes were made to the Impact Aid program. It makes permanent technical and formula changes to federal properties that have already reduced subjectivity in the program and increased the timeliness of payments. It eliminates the Federal Properties “lockout” provision that currently prevents eligible federally impacted school districts from accessing Impact Aid funding. It adjusts the Basic Support formula to ensure equal proration when appropriations are sufficient to fund the proration formula (Learning Opportunity Threshold). It includes a hold harmless provision to provide budget certainty to school districts facing a funding cliff or significant changes to their federally-connected student enrollment. The National Association of Federally Impacted Schools has noted that the authorization for Impact Aid is stagnant for the first three years of the four-year authorization.

Title VIII

Education for the Homeless reauthorized with a Coordinator for Education of Homeless Children and Youth and LEA liaisons for homeless children and youth established in each state as part of the program. One provision requires immediate enrollment of homeless children and youth pending documentation including relevant academic and health records. The authorization for this program is \$85,000,000 for FYs 2017-2020.

Title IX

This title includes the Preschool Development grants, which are intended to allow states to

- Develop, update, or implement a strategic plan that facilitates collaboration and coordination among existing early childhood care and education programs in a mixed delivery system across a state;
- Encourage partnerships among Head Start providers, state and local governments, Indian tribes and tribal organizations, private entities, and LEAs to improve coordination, program quality, and delivery of services; and
- Maximize parental choice among a mixed delivery system of providers.

Grants will be awarded on a competitive basis. The grant period is one year, and grants may be renewed. There is a 30 percent matching requirement from non-federal funds (cash or in-kind). States can use the funds to conduct a periodic statewide needs assessment of the availability and quality of existing programs, the number of children being served in existing programs, and the number of children awaiting services; develop a strategic plan; maximize parental choice and knowledge; share best practices; and improve the overall quality of early childhood education programs. Renewal grants may be available to enable states to implement activities to address improvement in early care and education programs, or to develop new programs. Funding is authorized at \$250,000,000 for each of FYs 2017 to 2020.

Prohibitions on Federal Influence Found in ESSA

A state shall not be required to submit any standards to the Secretary for review or approval. The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging academic standards adopted or implemented by the state.

The Secretary is not permitted to promulgate any rule or regulation on the development or implementation of the statewide accountability system that would add new requirements or criteria that are inconsistent with or outside the scope of the law's requirements, or as a condition of approval of the state plan or revisions or amendments to the state plan or approval of a waiver request, requires states to add or delete any elements to the accountability plan or standards or prescribe numeric long-term goals or measurements of interim progress for subgroups of students, or specific academic assessments or assessment items, or indicators, or weight of any indicators, specific methodology or specific school support and improvement strategies for school improvements, or any aspect or parameter of a teacher, principal or school leader evaluation system.

The Secretary cannot require additional assessment reporting requirements, data elements or information to be reported unless they are explicitly authorized under this act.

Title II contains a prohibition against federal mandates, direction or control over a state, LEA or school's instructional content or materials, curriculum, program of instruction, academic standards, or academic assessments; teacher, principal, or other school leader evaluation system; specific definition of teacher, principal, or other school leader effectiveness, or teacher, principal, or other school leader professional standards, certification or licensing.

The general provisions section (Title VIII) contains a prohibition against federal mandates, direction or control stating that no officer or employee of the federal government, shall through grants, contracts or other cooperative agreements, mandate, direct or control a state, LEA or schools' specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of the Every Student Succeeds Act (including any requirement, direction, or mandate to adopt the Common Core State Standards or any academic standards common to a significant number of states, or any assessment, instructional content or curriculum aligned to such standards. No officer or employee of the federal government shall condition or incentivize the receipt of any grant, contract, or cooperative agreement, or preference for such awards, or receipt of a waiver upon a state, local education agency, or school's adoption or implementation of specific instructional content, academic standards, and assessments, curricula, or program of instruction.

The federal government is also prohibited from:

- Mandating states or subdivisions to spend any funds or incur costs not covered in ESSA;
- Endorsing any curriculum
- Developing incentivizing, pilot testing, implementing, administering, or distributing any federally sponsored national test in reading, mathematics, or other subject if not specifically and explicitly authorized by law

Some of these prohibitions are restated in another Sense of Congress passage, and there is also a sense of Congress that a state retains the right to make decisions concerning its system of early learning and child care free from federal intrusion, and to decide whether or not to use funding under the ESSA to offer early childhood education programs.

Finally, there's a sense of Congress statement:

"It is the sense of Congress that state and local officials should be consulted and made aware of the requirements that accompany participation in activities authorized under this Act prior to a State or local agency's request to participate in such activities."