

## **Frequently Asked Questions**

### **Impact of COVID-19 on Accountability Systems Required under the Elementary and Secondary Education Act of 1965 (ESEA)**



**January 19, 2021**

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## INTRODUCTION

To address the extraordinary circumstances of extended and widespread closures of schools upon in-person instruction due to the Coronavirus Disease 2019 (COVID-19), on March 20, 2020, the U.S. Department of Education (Department) invited, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), each State educational agency (SEA) to request a waiver, for the 2019-2020 school year, of the assessment requirements in section 1111(b)(2) of the ESEA, the accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in section 1111(h).<sup>1</sup> The Department approved waivers for 53 SEAs (including the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the Bureau of Indian Education) (“COVID-19 waivers”).

The information in this document is intended to provide responses to questions SEAs, local educational agencies (LEAs), and schools may have regarding implementation of the COVID-19 waivers and the impact of COVID-19 on accountability systems for the 2020-2021 school year. For more information and resources in response to COVID-19, please visit <https://www.ed.gov/coronavirus>.

The Department has determined that this document is significant guidance under [section 2\(c\)](#) of Executive Order 13891, issued on Oct. 9, 2019 (84 FR 55235). Significant guidance is non-binding and does not create or impose new legal requirements, nor does it create or confer any rights for or on any person.

Other than the statutory and regulatory requirements included in the document, the contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

For further information about the Department’s guidance processes, please visit <https://www2.ed.gov/policy/gen/guid/types-of-guidance-documents.html>.

The Department provided a 30-day opportunity for the public to comment on a draft of this document and received six comments. We have taken those comments into consideration in revising the draft document. If you are interested in commenting further on this document, please email us your comments at [OESE.feedback@ed.gov](mailto:OESE.feedback@ed.gov) with the subject: “Frequently Asked Questions: Impact of COVID-19 on Accountability Systems Required under the Elementary and Secondary Education Act of 1965 (ESEA).”

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<sup>1</sup> For the complete list of requirements that were waived, see <https://oese.ed.gov/files/2020/07/assessmentwaiver-19-20.pdf>.

## A. GENERAL

### A-1. What assessment and accountability requirements apply for the 2020-2021 school year and the resulting fall 2021 accountability determinations?

Assessment, accountability, school identification, and reporting requirements under Title I are not waived for the 2020-2021 school year (i.e., an SEA must administer statewide assessments in the 2020-2021 school year and meet requirements for accountability, school identification, and report cards based on data from the 2020-2021 school year).

### A-2. If an SEA is not able to implement parts of its accountability system as outlined in its ESEA consolidated State plan in the 2020-2021 school year (i.e., for accountability determinations in fall 2021 based on data from the 2020-2021 school year) as a result of COVID-19, is the SEA required to submit a request to amend its ESEA consolidated State plan, and what process should it use?

Yes. As noted below, an SEA that may be unable to implement parts of its ESEA consolidated State plan for accountability determinations in fall 2021 based on data from the 2020-2021 school year as a result of COVID-19 must submit a request to amend its plan.

To amend its ESEA consolidated State plan for the 2020-2021 school year *only* (i.e., amendments that will impact only accountability determinations based on data from the 2020-2021 school year and school identifications in fall 2021), an SEA may use the “Template for Addendum to the ESEA Consolidated State Plan due to the COVID-19 National Emergency” (COVID-19 State Plan Addendum) [available at <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-consolidated-state-plans/>].

The only amendments in addition to those limited to accountability determinations based on data from the 2020-2021 school year that an SEA may request through the COVID-19 State Plan Addendum process are requests to shift timelines forward by one year for (1) identifying schools or (2) meeting measurements of interim progress (MIPs) and long-term goals. If an SEA requests to shift the timeline for school identification or MIPs and long-term goals or both, following approval of the SEA’s COVID-19 State Plan Addendum, the SEA must submit an updated ESEA consolidated State plan that incorporates those changes related to the shifted timelines. Note that all other amendments submitted through the addendum template and process (i.e., amendments that are limited to the 2020-2021 school year) do not require submission of an updated ESEA consolidated State plan.

If an SEA submits an amendment to its ESEA consolidated State plan using the streamlined COVID-19 State Plan Addendum template and process, it must submit the following:

1. The COVID-19 State Plan Addendum that reflects all proposed amendments due to COVID-19;
2. The signature of the chief State school officer or authorized representative; and
3. A description of how the SEA provided the public a reasonable opportunity to comment on the requested amendments to the ESEA consolidated State plan.

Prior to submitting an amendment to the Department, including an amendment submitted through the COVID-19 State Plan Addendum template and process, an SEA must consult with the Governor, afford a reasonable opportunity for public comment, and consider such comments consistent with the consolidated assurances the State submitted in June 2017 under ESEA section 8304.

In order to ensure transparency, the Department will post each approved addendum along with the currently approved version of the ESEA consolidated State plan at <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-consolidated-state-plans/>.

An SEA may request amendments to its ESEA consolidated State plan that will continue beyond the 2020-2021 school year by using the regular State plan amendment process described in the Department's October 24, 2019 Dear Colleague Letter available at <https://oese.ed.gov/files/2020/02/csso-letter.pdf>.

**A-3. In order to implement amendments to an ESEA consolidated State plan for accountability determinations for fall 2021 (i.e., accountability determinations based on data from the 2020-2021 school year), when should an SEA submit an amendment to its ESEA consolidated State plan?**

While an amendment can be submitted at any time, the Department encourages States to submit amendment requests, either using the regular State plan amendment process or the COVID-19 State Plan Addendum process, by **February 1, 2021**, in order for the Department to determine whether the requested amendments comply with all applicable statutory and regulatory requirements in time for an SEA to implement amendments to its accountability system for determinations in fall 2021 based on data from the 2020-2021 school year (e.g., identification of schools for the 2021-2022 school year).

## **B. ACCOUNTABILITY SYSTEM**

**B-1. Is an SEA required to calculate its Academic Achievement indicator based on data from the 2020-2021 school year for fall 2021 accountability determinations?**

Yes. An SEA is required to calculate its Academic Achievement indicator for fall 2021 accountability determinations based on statewide assessments from the 2020-2021 school year. If an SEA cannot calculate the Academic Achievement indicator as described in its ESEA consolidated State plan, it must amend its plan using one of the processes described in question A-2. For example, an SEA that averages proficiency over multiple years may need to amend its plan for the 2020-2021 school year to use one year of data (2020-2021) or average data from the 2018-2019 and 2020-2021 school years. In addition, an SEA that includes a measure of student growth for high schools in its Academic Achievement indicator may decide to amend its plan to not include the measure of high school student growth from the 2019-2020 to 2020-2021 school years. These time-limited amendments are examples of amendments that may be submitted through the COVID-19 State Plan Addendum process.

**B-2. What options are available to an SEA for calculating its Other Academic indicator and School Quality or Student Success indicators for the 2020-2021 school year for fall 2021 accountability determinations?**

An SEA might need to change its Other Academic indicator or one or more of its School Quality or Student Success indicators for the 2020-2021 school year (e.g., due to missing data from the 2019-2020 school year to calculate student growth) because of COVID-19. For example, the SEA might need to:

- Use a different methodology to calculate the indicator, such as:
  - For a measure that uses student growth, using an earlier year of data instead of the missing data from the 2019-2020 school year (e.g., calculating student growth using data from the 2018-2019 and 2020-2021 school years rather than the 2019-2020 school year).
  - For chronic absenteeism, adjusting the calculation to account for the impact of COVID-19 on school attendance.
- Substitute a new indicator, consistent with statutory requirements, for an existing indicator for the 2020-2021 school year only (i.e., for accountability determinations in the fall of 2021 based on data from the 2020-2021 school year).
- Adjust the weighting of indicators in its system of annual meaningful differentiation to account for indicators that cannot be calculated due to missing data as a result of the waivers of assessments in the 2019-2020 school year. Note that a waiver is not necessary to omit an indicator that cannot be calculated due to missing assessment data from the 2019-2020 school year (see question B-5 for more information about the requirements for weighting).
- Submit a waiver request to omit the Other Academic or School Quality or Student Success indicator because, although data is available to calculate the indicator, those data are significantly impacted by COVID-19 and will not provide meaningful information about school performance in the 2020-2021 school year. Such a waiver request must meet the requirements in ESEA section 8401 and may not be submitted through the COVID-19 State Plan Addendum process.

Some SEAs use a cumulative indicator in their accountability system that looks at student achievement over a four-year period or more (e.g., college and career readiness metrics). For those indicators, missing data from the 2019-2020 school year may impact more than just the 2020-2021 school year. For changes the SEA proposes to indicators that will impact school years beyond accountability determinations based on data from the 2020-2021 school year (other than shifting timelines for school identification and MIPs and long-term goals as discussed above), the SEA must use the regular amendment process, rather than the COVID-19 State Plan Addendum process.

**B-3. What options are available to an SEA for calculating its Progress in Achieving English Language Proficiency (ELP) indicator for the 2020-2021 school year for fall 2021 accountability determinations?**

If an SEA cannot calculate its Progress in Achieving ELP indicator for the 2020-2021 school year for fall 2021 accountability determinations because of missing data from the ELP

assessment for the 2019-2020 school year, then the SEA may amend its ESEA consolidated State plan to describe its Progress in Achieving ELP indicator using one of the following options:

- Use an earlier year of data instead of the missing data from the 2019-2020 school year to measure progress (e.g., measuring growth from the 2018-2019 to the 2020-2021 school years rather than the 2019-2020 school year).
- Submit a waiver request to measure attainment of ELP for the 2020-2021 school year (i.e., use percent proficient on the ELP assessment to calculate the indicator) rather than progress in achieving ELP. Such a waiver request must meet the requirements in ESEA section 8401 and may not be submitted through the COVID-19 State Plan Addendum process.
- Adjust the weighting of the remaining indicators in the statewide system of annual meaningful differentiation to reflect the fact that the SEA cannot calculate the Progress in Achieving ELP indicator due to missing data from the 2019-2020 school year as a result of the waivers of assessments in the 2019-2020 school year (e.g., distribute the weight attributed to the Progress in Achieving ELP indicator to the remaining indicators in the system that can be calculated for the 2020-2021 school year).

If an SEA can calculate its Progress in Achieving ELP indicator for the 2020-2021 school year for all or a portion of its schools because most or all of its schools were able to administer an ELP assessment for the 2019-2020 school year, then an SEA does not need to amend its ESEA consolidated State plan. An SEA in that case could consider a school that was not able to administer an ELP assessment as not meeting the minimum number of students (i.e., n-size) described in its ESEA consolidated State plan when calculating its Progress in Achieving ELP indicator for the 2020-2021 school year.

**B-4. What is required for an SEA that uses 2019-2020 school year data for its Graduation Rate indicator for fall 2021 accountability determinations?**

The Department did not waive the requirement that an SEA calculate and report adjusted cohort graduation rates for the 2019-2020 school year. For fall 2021 accountability determinations, each State is required to calculate its Graduation Rate indicator as described in its ESEA consolidated State plan regardless of whether the SEA lags graduation rates (i.e., uses adjusted cohort graduation rates from the 2019-2020 school year), averages graduation rates (e.g., averages adjusted cohort graduation rates from the 2019-2020 and 2020-2021 school years), or uses current year graduation rates.

If an SEA wants to modify its Graduation Rate indicator for fall 2021 accountability determinations consistent with the requirements in ESEA section 1111(c)(4)(B)(iii) (e.g., if a State that averages graduation rates wants to amend the indicator not to average for fall 2021 accountability determinations), the SEA may submit an amendment using the COVID-19 State Plan Addendum process.



**B-5. May an SEA amend its system of annual meaningful differentiation for the 2020-2021 school year (i.e., for fall 2021 accountability determinations)?**

Yes. If an SEA chooses to submit an amendment to revise the weighting of indicators or otherwise modify its system of annual meaningful differentiation for the 2020-2021 school year (i.e., for fall 2021 accountability determinations), it may do so using the COVID-19 State Plan Addendum process.

The SEA must still ensure that the academic indicators it is using for the 2020-2021 school year (i.e., the Academic Achievement, Other Academic, Graduation Rate, and Progress in Achieving ELP indicators) receive much greater weight, in the aggregate, than its School Quality or Student Success indicator(s), in the aggregate, consistent with the requirements in ESEA section 1111(c)(4)(C)(ii)(II).

**C. SCHOOL IDENTIFICATION AND SUPPORT AND IMPROVEMENT**

**C-1. Will a comprehensive support and improvement (CSI), targeted support and improvement (TSI), or additional targeted support and improvement (ATSI) school in the 2019-2020 school year retain that status in the 2020-2021 school year?**

Yes. In its request for the COVID-19 waivers, each SEA assured that any school that is identified for CSI, TSI, or ATSI in the 2019-2020 school year (i.e., any school that was in that status as of the 2019-2020 school year) will maintain that identification status in the 2020-2021 school year, implement its improvement plan, and receive appropriate supports and interventions. The Department notes one possible exception, which is described in question C-8.

**C-2. How do the COVID-19 waivers impact the timelines for implementing support and improvement plans (e.g., a CSI school has no more than four years to meet the statewide exit criteria before implementing more rigorous State-determined action; a Title I ATSI school has a number of years established in the ESEA consolidated State plan to meet statewide exit criteria before being identified for CSI)?**

An SEA has discretion to shift timelines for school identification designations and application of exit criteria in its ESEA consolidated State plan forward one year using the COVID-19 State Plan Addendum process. Essentially, if an identified school was in year two of identification status in the 2019-2020 school year, then, by choosing to shift school identification timelines forward by a year, the 2020-2021 school year would instead be considered year two of identification status and the following school year (the 2021-2022 school year) would be year three of identification status. Similarly, an SEA that had planned to apply CSI or ATSI exit criteria at the end of the 2019-2020 school year would apply its exit criteria at the end of the 2020-2021 school year instead if it shifts its timeline for exit forward by a year using the COVID-19 State Plan Addendum process. As a reminder, for an ATSI school that is also a Title I school, applying the exit criteria will determine whether it must be identified as a CSI school.

For a CSI school, applying the exit criteria will determine whether there is a need to remain identified as a CSI school with more rigorous State-determined action.

**C-3. When will an SEA be required to next identify schools for CSI and ATSI?**

An SEA may either:

- Continue to follow its previously approved timeline for identification; or
- Submit an amendment to its ESEA consolidated State plan using the State Plan Addendum to shift its identification timeline for CSI and ATSI schools forward by one year, even if that would mean that the SEA would not have identified schools for CSI within three years.

**C-4. When will an SEA be required to next identify schools for TSI?**

The ESEA requires a State to identify schools annually for TSI (i.e., schools with one or more consistently underperforming subgroups). Therefore, each SEA that had previously identified a cohort of TSI schools is required to resume identifying TSI schools in fall 2021 using data from the 2020-2021 school year.

**C-5. May an SEA request a waiver for identification of TSI schools in fall 2021?**

Yes. It is vitally important to collect and report publicly on available data from the State's accountability system. However, due to the on-going challenges related to COVID-19 that persist in the 2020-2021 school year, an SEA may request a waiver of the requirement of ESEA section 1111(c)(4)(C)(iii) to identify TSI schools (i.e., schools with one or more consistently underperforming subgroups) in fall 2021 based on its system of annual meaningful differentiation in the 2020-2021 school year. Note that a waiver request must be consistent with the requirements of ESEA section 8401; while an SEA may reference in its COVID-19 State Plan Addendum that it is seeking a waiver, it must separately submit a waiver request.

**C-6. If an SEA chooses not to request a waiver of the requirement to identify TSI schools in the fall of 2021, may an SEA modify its definition of a consistently underperforming subgroup for the purposes of identifying TSI schools?**

Yes. The Department recognizes that most SEAs use multiple years of data to identify TSI schools based on consistently underperforming subgroups and may therefore require data from the 2019-2020 school year if the SEA chooses not to request a waiver of the requirement to identify TSI schools in fall 2021. If that is the case, the SEA must submit an amendment to the Department indicating how it will modify its methodology to identify TSI schools due to consistently underperforming subgroups in fall 2021 (e.g., by averaging fewer years of data or using data from an earlier school year). If the SEA plans to modify its definition for one year only (i.e., it will only apply the amended definition for identification of TSI schools in fall 2021), the SEA may use the COVID-19 State Plan Addendum process. If the SEA plans to revise its definition of a consistently underperforming subgroup for subsequent years, the SEA must use the regular State plan amendment process.

**C-7. May a school exit CSI or ATSI status based on data from the 2019-2020 school year?**

With the exception of a CSI school with a low graduation rate, as noted in question C-8, a school may not exit its improvement status following the 2019-2020 school year. As part of its approved COVID-19 waiver request, each SEA provided an assurance that all schools identified in the 2019-2020 school year would maintain that status in the 2020-2021 school year. The ESEA requires the SEA to establish exit criteria for CSI and ATSI schools that ensure continued progress to improve student academic achievement and school success in the State. Given the fact that all SEAs received a waiver of statewide assessment requirements and the resulting lack of data, schools cannot demonstrate improved academic achievement as required in statewide exit criteria and therefore may not exit after the 2019-2020 school year.

**C-8. May a school identified for CSI based on its graduation rate exit such status based on data from the 2019-2020 school year?**

Yes. Because the COVID-19 waivers did not waive the requirement to calculate and report adjusted cohort graduation rates for the 2019-2020 school year, the Department expects that an SEA has the necessary data to determine if a school identified for CSI based on its graduation rate has met the State's criteria required for such school to exit (i.e., an improved graduation rate). An SEA may therefore exit a school identified for CSI based on graduation rate if the school meets the SEA's exit criteria for such schools. Alternatively, an SEA may choose to have all identified schools maintain their identified status in the 2020-2021 school year regardless of available data.

**C-9. What schools may receive ESEA section 1003 funds in the 2020-2021 school year if no new schools are identified for support and improvement?**

Under ESEA section 1003(b)(1)(A), an LEA with one or more schools identified for CSI, TSI, or ATSI may receive funds the SEA reserves under ESEA section 1003, regardless of the year in which they were first identified. For example, an SEA may choose to provide funds to LEAs with eligible schools that did not receive funds in the prior year or provide additional funds to support eligible schools that received funds in the prior year.