

Center for Public Education



Research Brief

How States Seek Waivers of the
Assessment and Accountability
in the 2020-21 School Year

AN **nsba** PUBLICATION

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Introduction

COVID-19 has been a challenging issue for America's public schools and students. The pandemic highlights many issues that already impacted education but have now become far more transparent as the forced school building shutdowns and transition to online learning have spread across the nation. For the 2020-21 school year, the concern is not only operating schools efficiently and safely but also mitigating the learning loss caused by the pandemic.

Research shows that the achievement gap between disadvantaged students and their peers without disadvantages grows larger rather than narrower. Some state leaders have asked the U.S. Department of Education to waive the annual federal testing and accountability requirements for 2021. This call follows the mass request and granting of waivers of the federal annual standardized test requirements in the spring of 2020, when schools physically closed, and tests could not be administered. The National School Boards Association (NSBA), in its [NSBA Transition Recommendations \(December 7, 2020\)](#), proposed to the incoming Biden/Harris administration team that "The U.S. Department of Education should grant temporary waivers from the accountability requirements in the Every Student Succeeds Act in 2021 due to the difficulties that have arisen from COVID-19."

To inform school leaders of waivers of assessment and accountability in 2020, the NSBA's Center for Public Education (CPE) gathered data from the [U.S. Department of Education](#) (ED) and compiled this brief. The following report is a summary of the data (as of December 2020) about ED responses to State requests for waivers from requirements under Title I, II, III, and IV-B of the Elementary and Secondary Education Act (ESEA) during the COVID-19 pandemic for both the 2019-20 and 2020-21 school year.

Waiver of Assessment, Accountability, and Certain Reporting Requirements for 2019-20

In March 2020, the District of Columbia, Puerto Rico, and all 50 states requested a waiver of the statewide assessment, accountability, and reporting requirements in the ESEA for the 2019-2020 school year due to widespread school closures related to COVID-19. The approved waivers include:

- Statewide standardized tests for the school year 2019-2020 ([section 1111\(b\)\(2\)](#)).
- School gradings that are based on data from the 2019-2020 school year ([sections 1111\(c\)\(4\) and 1111\(d\)\(2\)\(C\)-\(D\)](#)).
- Report card provisions related to assessments and accountability based on data from the 2019-2020 school year ([section 1111\(h\)](#)).

Accountability-Related Fiscal Waivers for 2019-20 Due to Widespread COVID-19 School Closures

The District of Columbia, Puerto Rico, and all 50 states requested [certain fiscal and other waivers due to widespread COVID-19 school closures](#). In April 2020, their requests were approved. As the assessment requirements for the 2019-2020 school year were waived, the ESEA-defined professional development was also waived for the 2019-2020 school year ([section 8101\(42\)](#)).

The accountability-related fiscal waivers included—

- Carryover limitation for Federal fiscal year (FY) 2019 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2020).

- Period of availability of funds for the following programs:
 - Improving Basic Programs Operated by LEAs (Title I, Part A of the ESEA).
 - State Assessment Formula Grants (Title I, Part B of the ESEA).
 - Education of Migratory Children (Title I, Part C of the ESEA).
 - Supporting Effective Instruction (Title II, Part A of the ESEA).
 - English Language Acquisition, Language Enhancement, and Academic Achievement (Title III, Part A of the ESEA).
 - Student Support and Academic Enrichment (Title IV, Part A of the ESEA).
 - Homeless Children and Youth Program.

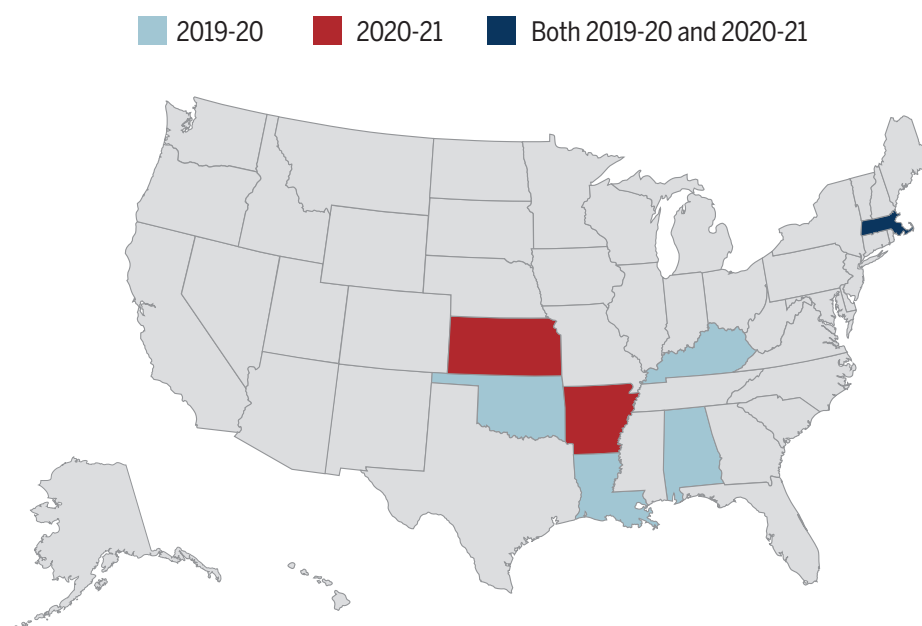
An Extension of a Waiver of the 1% Cap on Participation in the Alternate Assessment

A [one-year waiver](#) means that “the State may assess with an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) more than 1% of the total number of students in the State who are assessed in reading/language arts, mathematics, and science.”

- In January and February 2020, five states (Alabama, Kentucky, Louisiana, Massachusetts, and Oklahoma) requested an extension of the waiver of the 1% cap on participation in the alternate assessment for 2019-20.
- In August and September 2020, three states (Arkansas, Kansas, and Massachusetts) requested the 1% waiver extension for 2020-21.

All the requests were approved (Figure 1).

Figure 1. An Extension of a Waiver of the 1% Cap on Participation in the Alternate Assessment



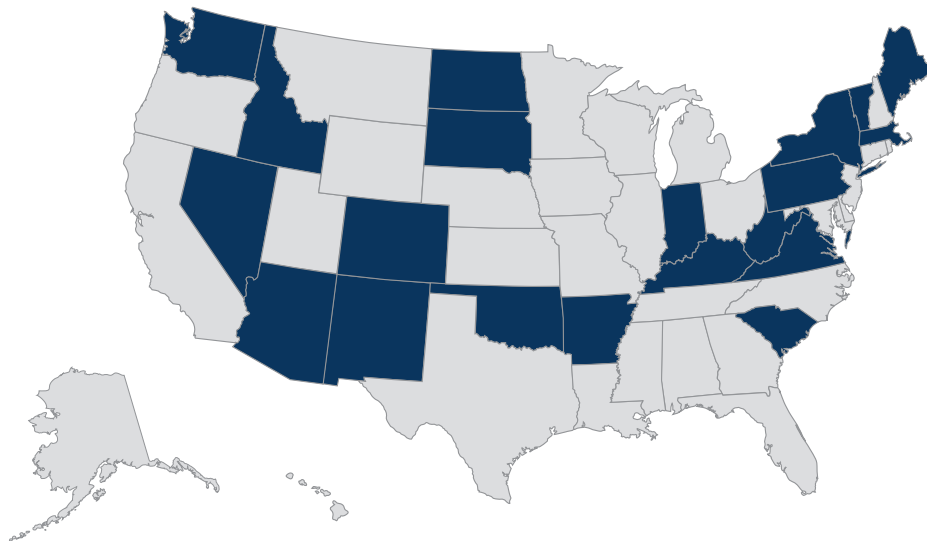
Source: <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-state-plans-assessment-waivers/>

Waiver for 2020-21 to Permit a 21st CCLC Subgrantee to Operate During the School Day When In-Person Instruction is Not Occurring

This waiver provides flexibility for subgrantees in each state to address challenges in the 2020-21 school year due to the impact of the COVID-19 pandemic. The flexibility includes offering supplemental activities [“when school is in session but students are not receiving in-person instruction, such as by permitting a teacher to give additional academic supports during remote learning.”](#)

- In October and November 2020, the waiver was approved in 21 states—Arizona, Arkansas, Colorado, Idaho, Indiana, Kentucky, Massachusetts, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, Virginia, New Mexico, Nevada, Rhode Island, South Dakota, Vermont, Washington, West Virginia, and Maine (Figure 2).

Figure 2. Waiver for 2020-21 to Permit a 21st CCLC Subgrantee to Operate During the School Day When In-Person Instruction Is Not Occurring



Source: <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-state-plans-assessment-waivers/>

Waiver of Assessment Requirements for Science in 2020-21

In July 2020, Alaska and Arizona requested a waiver of the statewide assessment requirements for science in 2020-21. In September 2020, Idaho requested an extension of the waiver to permit the State to field-test the Idaho Standards Achievement Test in Science in grades 5, 8, and 11 in school year 2020-21. All the requested waivers were granted by the U.S. Department of Education.

Waiver to Permit Middle School Students Who Take Advanced Courses to Take the Aligned High School Assessment

In July 2020, Texas requested a waiver to permit middle school students who take advanced courses to take the aligned high school assessments. In October 2020, Ohio requested an extension of a waiver to permit a middle school student who takes an advanced course to take the aligned high school assessment. Both requests were granted.

Denied Assessment Waivers for 2020-21

In September 2020, Georgia, Michigan, and Washington sought a waiver of the assessment and accountability requirements for the 2020-21 school year. Their requests were declined. ED explained the denial as follows:

“While the Department acknowledges the uncertainty facing all States, districts, and schools during the 2020-2021 school year due to COVID-19, it is our expectation that States will, in the interest of students, administer assessments consistent with the requirements of the law. Assessment, accountability, and reporting elements are central to the purpose of the ESEA in general and of Title I of the ESEA in particular. A continued lack of actionable information produced by the assessment, accountability, and reporting requirements of Title I of the ESEA would impede achieving its purpose.

The ESEA’s assessment, accountability, and reporting requirements provide essential data for parents, teachers, school leaders, and the public about how public schools are performing. This information also allows States to provide the necessary supports and allocate resources to support those students and schools that are most in need.”

Conclusions

The ED data show that all states received waivers of the statewide assessment, accountability, and reporting requirements in the ESEA for the 2019-2020 school year due to widespread school closures related to the COVID-19. In June 2020, some state education departments and lawmakers geared up to [“suspend another round of federal and state standardized tests, saying instruction should take priority for the 2020-21 school year.”](#) By September 2020, three states—Georgia, Michigan, and Washington—had asked for the same waiver for the 2020-21 school year, but their requests were declined.

Some school leaders and state policymakers believe that [continuing with high-stakes testing for the 2020-21 school year would be counterproductive](#). “In anticipation of a return to in-person instruction this fall, we believe schools’ focus should be on remediation, growth, and the safety of students,” the Georgia state government stated. “Every dollar spent on high-stakes testing would be a dollar taken away from the classroom.”

- In South Carolina, the state Senate approved a bill in June that would seek a waiver from all federal accountability reporting, as well as test suspension, “to help recoup extensive instruction time lost when our public schools closed” in spring 2020.
- In Texas, earlier in June, state Rep. Dan Flynn announced a resolution seeking a waiver of the state accountability ratings from Gov. Greg Abbott. Many school leaders and policymakers believe that extended closures have historically negatively impacted students’ math and reading achievement.
- In Oklahoma, Democratic state lawmakers sent a letter to the state’s superintendent in June, emphasizing that the 2020-21 school year should “focus on the culture of our schools, not testing outcomes.”

- In Michigan, local superintendents and legislators expressed the need for a waiver of testing and accountability for the 2020-21 academic year.

By contrast, the [Center for American Progress](#) expressed an opposite view, namely that the annual assessment requirement should not be waived. According to its [report](#) published in September 2020, “the spring cancellations were a reasonable response to the burgeoning coronavirus pandemic and the unprecedented circumstances requiring the immediate closure of schools without notice or planning.” But for the 2020-21 school year, “States have sufficient time to plan how to administer not just the state academic assessment next year, but also to establish protocols through which schools can gather additionally critical information about students.” In the report, states are recommended to “adapt and be responsive to the nation’s new reality and create a plan to scale back the assessments.”

There are divergent views on whether the annual assessments associated with federal funding should be waived in the 2020-21 school year. However, the focus always should be clear—how to best serve each student not only during the pandemic but also in the long run. Should statewide standardized tests be the only measure for students’ academic achievement? It may be time for school leaders and policymakers to ask themselves this question.



The National School Boards Association (NSBA) is the leading advocate for public education. For 80 years, we have been leading the effort to support and enhance public education. We are succeeding in creating the best possible environment in which students can realize their dreams.

NSBA is a federation of 49 state associations and the U.S. territory of the Virgin Islands, representing their more than 90,000 school board officials. These local officials govern more than 13,600 local school districts serving more than 50 million public school students. Working with and through our state associations, and serving as their Washington, D.C., office, NSBA advocates for equity and excellence in public education through school board governance.

We believe public education is America's most vital institution. It is a civil right necessary to the dignity and freedom of the American people, and all children deserve equal access to an education that allows them to reach their potential.

In pursuit of these beliefs, NSBA and our members will continue to lead the national conversation about public education, advocate for public policies that ensure all students everywhere have access to a great public education where they live, create a better understanding of the importance of school boards and the benefits of local governance, and enhance the effectiveness of school boards.