



NEWS RELEASE

Utah State Board of Education

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Utah asks for one-year reprieve from ESSA accountability provision

Federal and state laws differ on how to calculate scores of students who opt out of tests

SALT LAKE CITY— The Utah State Board of Education (USBE) has asked U.S. Secretary of Education Betsy DeVos to use the U.S. Department of Education’s transitional authority under the federal Every Student Succeeds Act (ESSA) to allow Utah one year to resolve a conflict between state law and ESSA.

In a letter signed by State Superintendent of Public Instruction Sydnee Dickson and USBE Chair Mark Huntsman sent June 13, 2018, USBE described how the conflict over how to calculate the scores of students who opt out of statewide tests would force Utah into maintaining two accountability systems and undermine the implementation of ESSA and integrity of assessment data.

ESSA requires a 95 percent test participation rate among specific student groups in each school. States are directed to count non-tested students as non-proficient (or zeros) in the calculation of the achievement indicator for a school when the assessment participation rate within a school falls below 95 percent.

However, Utah law allows parents and guardians to opt their children out of statewide testing. State law also requires USBE to prevent negative impact to schools and districts through the school accountability system due to parental opt-out. Using the achievement indicator calculation in ESSA will negatively impact (through lower proficiency rates and accountability ratings) any school with a test participation

rate of less than 95 percent. Many Utah schools reported participation rates of less than 95 percent in 2017.

USBE believes the approach taken by other states to maintain two accountability systems – one using state calculation methodology for state purposes and another using ESSA methodology for federal purposes – undermines the implementation of the accountability requirements in ESSA.

“The goal of this request is to provide Utah with one year to resolve the conflict between state and federal law,” said Superintendent of Public Instruction Sydnee Dickson. “We believe that statewide assessments provide valuable information about student academic growth and the condition of education in each school. A single, coherent accountability system will help move forward educational outcomes for each student.”

ESSA authorizes the U.S. Department of Education to ensure an orderly transition to the new law; the department has already used its transitional authority with at least one other state this year.

Utah is now one of four states still awaiting approval of its ESSA plan, which was submitted in late 2017. The conflict surrounding the achievement calculation provision has been the primary delay in Utah’s ESSA plan remaining unapproved. In late May, the U.S. Department of Education denied a request from USBE to issue a waiver from the ESSA provision.

The Department of Education is striving to approve each state plan by July 1, 2018. In 2018, Utah received approximately \$131 million to support programs for vulnerable student groups. ESSA authorizes the department to withhold a portion of those funds without state plan approval.

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