



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 19, 2021

**Summary Response to Comments on *Frequently Asked Questions: Impact of COVID-19 on Accountability Systems Required under the Elementary and Secondary Education Act of 1965 (ESEA)***

On October 20, 2020, the U.S. Department of Education (Department) published for public comment a draft document, *Frequently Asked Questions: Impact of COVID-19 on Accountability Systems Required under the Elementary and Secondary Education Act of 1965 (ESEA)*, intended to provide responses to questions State educational agencies (SEAs), local educational agencies (LEAs), and schools may have regarding the impact of the assessment, accountability, school improvement, and reporting waivers for the 2019-2020 school year that the Department granted in response to the Coronavirus Disease 2019 (COVID-19) pandemic and of COVID-19 generally on accountability systems for the 2020-2021 school year. The Department received six comments, which the Department considered in finalizing the document. A summary of the comments and a description of changes that the Department made to the draft informational document follow:

Several commenters wrote in support of the draft document, noting their appreciation for the time-limited flexibility that the Department offered to SEAs. Commenters provided a few suggestions for improving the document. In response, the Department made two revisions. First, the Department clarified that although the Department recommends that states submit changes to accountability systems using the state plan addendum process by February 1, 2021, those changes can be submitted at any time.

The Department also received comments regarding the identification of schools for targeted support and improvement based on consistently underperforming subgroups based on data from the 2020-2021 school year. While an SEA has discretion regarding the frequency and timeline of identification for some categories of schools, the ESEA requires annual identification of schools for targeted support and improvement. Accordingly, an SEA does not have discretion to delay identification of those schools. It is important that states collect data regarding school and subgroup performance and provide information to parents, educators, and the public about how students are doing, particularly in light of the challenges schools have faced over the past nine months. However, given the ongoing challenges schools and educators continue to face as they support students, we agree that identification of schools for targeted support and improvement based on student performance this year may not be appropriate in all states. As a result, in the final document, the Department clarified that, 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 in ESEA section 1111(c)(4)(C)(iii) to identify targeted support and improvement 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. The waiver must be submitted separately from the state plan addendum process and must be submitted consistent with the requirements of ESEA section 8401.

Some commenters recommended that the Department provide technical assistance to SEAs regarding an ongoing effort to engage stakeholders across education communities and make improvements to existing data collection activities to capture key data related to COVID-19. In addition, some commenters remarked on the importance of addressing how states can leverage their existing school improvement plans to mitigate resource inequities and reduced student participation due to COVID-19. The Department appreciates these suggestions; we have been working individually with SEAs and our technical assistance partners to support SEAs as they consider what one-year changes they might make to their accountability systems.

The Department values the public's helpful and insightful comments on the draft informational document and thanks those who commented.