



Every Student Succeeds Act (2015)  
COVID-19 Implications & EPP Recommendations

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NEA stresses that the abrupt transition to digital learning and/or interruptions to the school year as a result of COVID-19 related closures are not grounds for inhibiting the participation of educators and other critical stakeholders as provided under ESSA.<sup>1</sup> The input of educators, families, community organizations, and others is critically important to State and district ESSA plans, school improvement plans, and other plans and programs under the Act. As such, States and districts should make every effort to meaningfully collaborate with stakeholders in the implementation of ESSA as outlined in the Act and the requirements under ESSA to do so should not be waived.

NEA encourages the U.S. Department of Education (USED) temporarily to remove the amendment window and associated deadlines to allow state education agencies to submit interim plans with amendments to their academic assessments and accountability indicators on an as-needed basis.

For districts and schools that are currently considering or preparing to transition to full-time digital learning, NEA strongly recommends closing for at least a day in order to help educators prepare for the abrupt shift to digital learning and to troubleshoot potential accessibility and functionality issues.

In addition, all states can pre-apply for a waiver from the U.S. Department of Agriculture to enable sponsors to serve meals in non-congregate settings and at school sites during school closures.<sup>2</sup> NEA asks that USED encourage *ALL* states to apply for the waiver to avoid disruptions to students' access to meals.

*The following pages include a detailed list of ESSA-related issues identified by NEA policy analysts for consideration in temporarily amending/suspending provisions of the Act.*

### **Technology & the Importance of Face-to-Face Learning**

When schools and districts have to adopt online learning, it is critical that public school districts and postsecondary institutions work in close collaboration with educators and local

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<sup>1</sup> The term “educator” includes classroom teachers, education support professionals, higher education faculty and staff, retired educators, aspiring educators, substitute educators, administrators, and Specialized Instruction Support Personnel (SISP) such as school counselors, psychologists, social workers, occupational therapists, library media specialists, speech language pathologists and others.

<sup>2</sup> Food and Nutrition Service Program Guidance on Human Pandemic Response. Available at: <https://www.fns.usda.gov/disaster/pandemic>

associations to develop comprehensive and thorough learning plans that address all the elements of incorporating technology into the instructional program. These plans should be living documents, constantly reviewed, and adapted as changing circumstances require, but always keeping the focus on student learning.

In the cases where students cannot complete the requirements for courses that cannot be replicated online (fine arts, laboratory sciences, or career and technical education courses), students should not be penalized in ways that might delay promotion or graduation or prevent credit for state recognition and honors.

NEA strongly recommends USED advise that all districts transitioning to digital learning models take a day in advance of school closures to help educators prepare for the abrupt shift to digital learning formats and strategies; and to troubleshoot issues and test functionality of the online platform in order to identify and ameliorate any issues with online content delivery and publication of critical information to educators, students, and families. Safeguarding personal data of students and educators must be a top priority and data privacy must be of paramount concern.

### **Assessments**

USED should provide broad flexibility in allowing States to suspend statewide testing in places where students are currently not in school due to COVID-19. This includes those districts that have moved learning activities to an alternative format (e.g., online).

If schools are closed when the district reaches its previously published testing window, accountability-related tests should be canceled in those schools for the school year.

In other words, the school year should not be extended solely to test students. Additional calendar days extending the school year should be designated for face-to-face learning and not for test preparation and testing. Those districts that continue with statewide assessments but where students experienced significant learning disruptions due to COVID-19 might consider reporting these data for informational purposes only.

### **Accountability**

NEA recommends suspending school improvement identifications under state accountability systems outlined in ESSA plans effective immediately in instances where there is insufficient data to support proper identification of schools for improvement.

Schools and districts in need of improvement should not be denied funds because of a moratorium of accountability due to COVID-19. For example, a school identified for TSI should still be able to draw down federal funds, but it should not be susceptible to rollover to ATSI or CSI or subject to more rigorous or punitive interventions as a result of accountability designations.

### **Funding**

The inability to comply with federal reporting requirements under grants programs should not be grounds for penalizing schools and/or districts. Furthermore, the inability to comply with reporting shall in no way direct federal grants funds away from public schools.

Reporting requirements should be altered to allow for flexibility in timelines and reporting given the likelihood for data shortages.

### **Chronic Absenteeism**

States that include improvements in chronic absenteeism in their accountability systems and school improvement plans should not have to demonstrate improvements in absenteeism in order to meet exit criteria during COVID-19 school closure periods.

Students who are being asked to join classes online should not be considered “Absent” for accountability purposes in CSI/TSI calculations if they cannot reliably access the internet or do not have adequate technology to participate in online classes.

Students should not be precluded from meeting promotion or graduation requirements due to chronic absenteeism under COVID-19.

### **Protections for Educators**

Any educator absences related to the COVID-19 pandemic should not be considered grounds for discipline, remediation, or termination. COVID-19 educator absences should not be considered part of educator evaluations. Educators who are part of high-risk groups or whose family members are part of high-risk groups should be protected from retaliation if they choose to self-quarantine or need to assist other family members at home.

Savings clauses under ESSA must be adhered to. Provisions to define class loads, student contact hours, and contract hours for educators who are involved in digital learning should be clearly articulated, and all parties should adhere to these provisions.

Failure to be able to complete an entire “school year” according to the state-mandated number of calendar days of instruction should not prevent college students from fulfilling credit requirements under mentoring programs funded with Title II funds. These individuals need to be able to participate in online teaching or be able to complete altered requirements.

### **Students with Disabilities**

Districts should be able to use the IEP process without restriction to make any changes necessary due to COVID-19. However, meeting, consultation, and parental approval requirements must not be waived.

Students who require direct instruction and/or special services as stipulated in their IEP are entitled to the mandated number of hours of services they would have received had they been in school in order to comply with federal law (IDEA). If this means extending the school year for these students in order to ensure that they receive all of the services to which they are entitled, educators should be compensated for this additional time, and stipends and grants should be disbursed as needed.