



Frequently Asked Questions: ESSA’s Locally-selected Assessment Option

1.) What is the locally-selected assessment option under ESSA?

The Every Student Succeeds Act (ESSA) requires every state to test students at least once in high school (grades 9 through 12) in the core academic subjects of English language arts, math, and science.¹ The law envisions that states administer the same assessment or system of assessments (i.e., a single, statewide high school assessment, or multiple assessments) to meet this requirement. Such a test or tests would be used in every school district in the state for this purpose and would need to meet several technical requirements, including demonstrated alignment to the state’s academic standards.²

However, ESSA also affords school districts the option to use a “nationally-recognized” high school assessment, such as the ACT or SAT, in lieu of the state’s existing high school test to meet these federal assessment requirements for high school.³ In order to exercise this flexibility, the State Education Agency (SEA) and the U.S. Department of Education (USDE) must separately approve the test’s use for this purpose and the same test must be administered in all schools in the given district.

2.) How can states and school districts exercise this option?

It is critically important to note that local school districts may only request this option—the SEA must ultimately approve such a request and submit it for subsequent approval by the USDE through the federal peer review process.⁴ The SEA may also choose to deny a district’s application if it determines that the proposed locally-selected assessment does not meet all the requirements laid out in ESSA, final USDE regulation, and / or any additional criteria established by the state. Alternatively, the SEA may unilaterally undertake this process and make available nationally-recognized assessments for this purpose without a formal request from an individual school district.⁵ In either scenario, once approved by USDE and the SEA, any school district in the state may elect to use this assessment without having to repeat the local-to-state and state-to-federal approval processes.⁶

Before a school district can request approval from the SEA, the district must notify all parents of high school students in their district that they intend to use this option, how parents and students can provide input into this request, any effects this change may have on the instructional program in the district, and provide the opportunity to consult with public charter schools that would be similarly impacted. If approved by the SEA, the school district must update their local ESSA plan, notify parents of the change, and provide an assurance that the change is consistent with the state’s charter school laws. The district must also annually notify both the SEA and district high school parents that the district intends to continue to use the nationally-recognized high school assessment for this purpose.⁷

¹ Sec. 1111(b)(2)(B)(v)(I)(bb) & Sec. 1111(b)(2)(B)(v)(II)(cc). Note that the science grade spans differ slightly from Math / ELA requirements—the law requires a science test to be administered at least once during grades 10-12.

² Sec. 1111(b)(2)(B).

³ Sec. 1111(b)(2)(H).

⁴ Sec. 1111(b)(2)(H)(iv) & § 200.3(c).

⁵ Sec. 1111(b)(2)(H)(iii) & § 200.3(b). Note that the SEA would still need to receive USDE approval under such a “Menu Option” state approach.

⁶ Sec. 1111(b)(2)(H)(iv)(II).

⁷ Sec. 1111(b)(2)(H)(vi) & § 200.3(c).

3.) What criteria must a nationally-recognized high school assessment meet in order to be eligible under this provision?

In order to be used for this purpose, a locally-selected nationally-recognized high school assessment must be aligned to, and assess the depth and breadth of, the state’s academic content standards; match the quality of, and equal or exceed the content coverage and difficulty of, the existing state assessment; provide data comparable to that provided by the state assessment; meet any other technical criteria established by the SEA; and meet all other existing technical criteria required of assessments under ESSA.⁸

Importantly, final USDE regulations require that districts offering locally-selected high school assessments ensure that students with disabilities and English language learners receive appropriate accommodations for and the same benefit from the assessment (e.g., a college-reportable score).⁹

4.) How should the term “State-designed” academic assessment be interpreted?

The term “State-designed” academic assessment is used within ESSA to describe the existing statewide high school assessment that would be replaced by a locally-selected test. While neither the law nor the final USDE regulations explicitly clarify the term “State-designed” academic assessment, it is most widely interpreted to mean any test that has been selected by the SEA for statewide use in meeting ESSA’s high school testing requirements.

This is an important point of clarification as the use of another nationally-recognized high school assessment, such as the SAT, would not preclude the use of the ACT for the purposes of local assessment selection merely because the existing statewide test was not “designed” by the state.

5.) How is “nationally-recognized” interpreted by USDE?

Final USDE regulations define the term “Nationally recognized high school academic assessment” as an assessment of high school students’ knowledge and skills that is administered in multiple States and is recognized by institutions of higher education in those or other States for the purposes of entrance or placement into courses in postsecondary education or training programs.¹⁰

6.) How is the locally-selected assessment option funded?

At this time, neither ESSA nor final USDE regulation clarify a funding source to support local school districts and / or states wishing to make use of this flexibility in federal law. The costs associated with test administration and compliance are therefore the responsibility of the district, the SEA, or a combination of the two.

Supplementary Resources

- **ESSA Text** (<https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf>)
- **Final ESSA Assessment Regulations** (<https://www.gpo.gov/fdsys/pkg/FR-2016-12-08/pdf/2016-29128.pdf>)

(Note—citations reference both)

⁸ Sec. 1111(b)(2)(H)(v) & § 200.3(b)(1)-(2).

⁹ § 200.3(b)(2).

¹⁰ § 200.3(d).