

## Instructional Guide

### **The Every Student Succeeds Act (ESSA) and the No Child Left Behind Act (NCLB)**

*Education and the Law (4<sup>th</sup> ed. 2016)*

<p><i>Instructors may wish to distribute the ESSA Update, set forth on the previous pages, to their students.</i></p>
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I. In general, both NCLB and ESSA focus heavily on test-based accountability measures, but – in a major change – ESSA repeals the federally mandated accountability system. It instead requires states to set forth their own accountability plans, pursuant to certain key provisions including the basic NCLB testing structure.

#### II. Chapters 1-7

- A. Page 4, Lines 8-18: Instructors should note that NCLB has been replaced by ESSA.
- B. Page 93, note 4, and Pages 93-98 (Carroll Article): Instructors should note that while NCLB has been replaced by ESSA, the issues raised by Maureen Carroll remain unresolved, although some of the negative incentives she discusses may be mitigated by ESSA's changes to the federal accountability mandates.
- C. Problem 28, Page 304: Instructors should feel free to delete the reference to NCLB, although it has no bearing on an analysis of the problem.
- D. Page 404, Note 3: Add ESSA as another example of a race-conscious provision, given the continued requirement of disaggregation.
- E. Page 449, in the final paragraph of Section 2, note that the teacher equity provisions and concerns are maintained in ESSA. These are the "equity plans" mentioned in the main notes above.
- F. Page 515, Lines 1-2: After the word "reforms", add the sentence, "The new ESSA law continues with these approaches, albeit with fewer specified federal mandates."
- G. Page 544, Note 6, Line 2 et seq: Change NCLB references to past tense and note that ESSA maintains the comparability requirement.
- H. Problem 38, Page 564: Change the date to April 2018.

### III. Chapter 8

- A. This chapter focuses explicitly on NCLB and its aftermath. As such, it includes important history and background that will help enable students to better understand ESSA's goals, purposes, and controversies.
- B. In this regard, the following pages are essential reading (and should be read along with the ESSA Update provided above):
  - 1. Introduction and Overview – Pages 583-592
  - 2. The Persistence of the Standardized Testing Controversy – Pages 612-621
  - 3. ESEA Reauthorization Bills (2015) – Pages 628-631
  - 4. Perspectives on the Impact of NCLB and the Future of School Accountability – Pages 631-634
- C. The following portions of Chapter 8 provide additional reference material (useful, in particular, for discussion in seminars and/or for students writing papers in this area):
  - 1. Key Statutory Provisions, NCLB – Pages 593-606
  - 2. *Renee v. Duncan* and Notes 1-6 – Pages 607-612
  - 3. Race to the Top and ESEA Flexibility – Pages 621-628
- D. Problem 39, Page 604, may be deleted, although instructors may find that by modifying the facts (e.g. having the District acting pursuant to the state's accountability system rather than pursuant to NCLB), the problem may still be useful.

### IV. Chapters 9-14

- A. Pages 642-643, Note 6 – This note has historical value for those examining the history and development of charter schools under NCLB and Race to the Top.
- B. Problem 45, Pages 711-712 – Instructors may wish to either delete the NCLB question at the end of the problem, or replace NCLB with ESSA.
- C. Problem 54, Page 928 – Change NCLB to ESSA.
- D. Page 969, Line 14 – Change “provides” to “provided”.