


MEMORANDUM

March 31, 2017

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Alberto M. Carvalho, Superintendent of Schools 

SUBJECT: FEDERAL LEGISLATIVE UPDATE – REGULATORY CHANGES UNDER THE EVERY STUDENT SUCCEEDS ACT (ESSA)

The Every Student Succeeds Act (ESSA) was passed and signed into law in December 2015 with large bipartisan majorities, but regulatory guidance developed by the Obama administration has been overturned by Congress in partisan votes.

The final regulations were reversed under the Congressional Review Act, which allows a new Congress sixty days to overturn regulations issued less than sixty days before the end of the prior Congress. The reversal of regulations does not change the ESSA legal framework, but it enables Secretary DeVos to guide the Department of Education in the development of new regulations that minimize federal requirements, such as those related to accountability.

When ESSA was passed, it shifted more authority to states and limited federal mandates included in the No Child Left Behind Act, while maintaining a shared framework for K-12 accountability. The Obama regulations were criticized for providing detail on certain provisions that affect educationally disadvantaged minorities, such as:

- Requiring a more detailed annual report card;
- Strengthening the 95 percent minimum testing requirement, in light of parent opt-out rights; and
- Requiring that test scores and graduation rates be weighed more heavily than other factors in determining underperforming schools.

The new regulations cannot be “substantially similar” to those developed by the Obama administration.

If you have any questions or need additional information, please contact Ms. Iraida R. Mendez-Cartaya, Associate Superintendent, Office of Intergovernmental Affairs, Grants Administration, and Community Engagement, at 305 995-1497.

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cc: School Board Attorney
Superintendent’s Cabinet