

**Reauthorization of the Federal Elementary and Secondary Education Act (ESEA)  
No Child Left Behind Act (2002) and Every Student Succeeds Act (2015)  
Comparison of Selected Provisions**

<b>Subject</b>	<b>No Child Left Behind Act (NCLB)</b>	<b>Every Student Succeeds Act (ESSA)</b>
<b>ESEA Reauthorization Period</b>	Five years (2003-2007)	Four years (FFY 2017- FFY 2020)
<b>Effective Dates</b>		<ul style="list-style-type: none"> <li>• July 1, 2016 for non-competitive (formula) programs</li> <li>• October 1, 2016 for competitive programs</li> <li>• SY 2017-2018 for requirements on state accountability system and school improvement.</li> </ul> <p>ESEA flexibility waivers granted by the Secretary of Education before enactment of this act are terminated on August 1, 2016.</p>
<b>Transition</b>		The Secretary must take necessary steps for the orderly transition to this act from programs authorized under the ESEA as in effect before enactment of this act.
<b>State Plan Provisions</b>	The Secretary must approve a Title I state plan within 30 days of submission unless the Secretary determines it does not meet the statutory requirements. States must be provided an opportunity to revise and resubmit their plans.	<p>The Secretary must establish a peer review process meeting certain requirements to assist in the review of Title 1 state plans. The Secretary and appointees may not participate in or attempt to influence the peer review.</p> <p>The Secretary must approve a state plan within 30 days of submission unless the Secretary determines the plan fails to meet specific requirements set forth in the law. States must be offered an opportunity to revise and resubmit their plans.</p>

<b>Subject</b>	<b>No Child Left Behind Act (NCLB)</b>	<b>Every Student Succeeds Act (ESSA)</b>
<b>Standards</b>	All states must have academic and achievement standards in math, reading or English language arts (ELA) that include four levels of performance: advanced, proficient, basic, and below basic.	<p>Each state must provide assurance that it has adopted challenging academic content standards and aligned academic achievement standards. The achievement standards must include at least three levels of achievement.</p> <p>The state must provide an assurance that the challenging academic standards are aligned with entrance requirements for credit-bearing coursework in the state’s public higher education system and the state’s career and technical education standards.</p> <p>The state is not required to submit its standards to the U.S. Secretary of Education for review.</p>
<b>Standards – Limitations on Secretary’s Authority</b>	USED is barred from any action that might mandate or control a state’s, LEA’s, or school’s instruction and standards.	The Secretary may not mandate, coerce, or exercise any supervision over any challenging state academic standards adopted or implemented by a state.
<b>Assessments</b>	<p>Each state must implement a set of high-quality, annual academic assessments that include, at a minimum, assessments in math, reading or ELA, and science. Math and reading/ELA are assessed annually in grades 3-8 and once in grades 10-12. Science is assessed once in each of three grades spans: 3-5, 6-9, and 10-12.</p> <p>Schools must assess at least 95% of each subgroup.</p>	<p>Same annual, academic assessment requirements as in NCLB, in same subjects, grades and grade spans. Assessments must be aligned with the challenging academic standards.</p> <p>Must require 95% participation in total and by subgroup.</p> <p>Must include multiple measures of student academic achievement. May include measures of academic growth.</p> <p>Must enable achievement results to be disaggregated within each state, LEA and school by subgroup, except where a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information for individual students.</p>

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		<p>May be administered through a single summative assessment or multiple interim assessments that result in a single summative score providing valid information on achievement or growth.</p> <p>A state may set a target limit on the aggregate time devoted to administration of assessments for each grade.</p> <p>A local educational agency (LEA) may administer a nationally recognized high school academic assessment in lieu of the state-designed academic assessment if the state educational agency (SEA) approves such assessment through certain procedures and criteria.</p> <p>A state may develop computer adaptive assessments as the assessments implemented under this section, so long as they meet specified requirements for students with the most significant cognitive disabilities and English learners.</p>
<b>Opting Out of Assessments</b>	No provision on opt out. Requires 95% participation rate in assessments.	Requires LEAs to provide parents with information on state or local policy, procedures and parental rights on student participation in mandated assessments. Does not preempt any state or local law with regard to a parental decision on participation in assessments.
<b>State Assessment System Audit</b>	No provision	The Secretary may make grants to states for audits of state and local assessments to improve and streamline assessment systems and eliminate unnecessary assessments.
<b>Innovative Assessment Pilot</b>	No provision	The Secretary may grant up to seven states initial authority to implement innovative assessments, such as competency- or performance-based assessments that validate when students can demonstrate mastery and allow for differentiated support based on individual student needs.

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<b>Assessments – Limitations on Secretary’s Authority</b>	No provision.	<p>The Secretary may not prescribe specific assessments or items to be used in assessments.</p> <p>No funds provided to the Secretary or the recipient of any award may be used to develop, incentivize, test, administer or distribute any federally sponsored national test in reading, math or other subject unless specifically authorized by law, including testing materials aligned to the Common Core State Standards.</p>
<b>Accountability: Annual Yearly Progress/State Accountability System</b>	<p>Each state must establish a definition of Annual Yearly Progress (AYP) that sets Annual Measurable Objectives (AMO’s) for subgroups in all schools to meet 100% proficiency on state assessments by the 2013-14 school year.</p> <p>For secondary schools, the definition of AYP must also include graduation rates, and for elementary schools, an indicator in addition to the results on state assessments.</p>	<p>Eliminates AYP and replaces it with a state-defined, index-based system with certain required components.</p> <p><b>Goals</b> – Each state must establish “ambitious, state-designed, long-term goals,” with measurements of interim progress for all students and subgroups for, at a minimum, improved:</p> <ul style="list-style-type: none"> <li>• Academic achievement, as measured by proficiency on the required annual assessments</li> <li>• Graduation rates (four-year adjusted cohort, with option for extended-year adjusted cohort).</li> <li>• For English learners (EL), progress in achieving English language proficiency.</li> </ul> <p><b>State Index</b> -- The state-defined index must include the following indicators, which must be measured for all students and subgroups, except for a separate EL indicator:</p> <ol style="list-style-type: none"> <li>1. Academic achievement, based on the long-term goals, as measured by proficiency on annual assessments. May, at the state’s discretion, include student growth.</li> <li>2. For non-high schools, a measure of student growth or “other valid and reliable statewide academic indicator.”</li> <li>3. For high schools, the four-year adjusted cohort graduate rate, with discretion to use the extended-year adjusted cohort rate.</li> <li>4. For EL, progress in achieving English language proficiency, as defined by the state and measured by assessments.</li> </ol>

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		<p>5. For all schools, at least one indicator of school quality or student success that allows for meaningful differentiation in school performance and is valid, reliable, comparable and statewide. These may include measures of student engagement, educator engagement, student access to and completion of advanced coursework, postsecondary readiness, school climate and safety, and any other indicator meeting the criteria above.</p> <p><b>Annual Meaningful Differentiation (AMD)</b> – Each state must “meaningfully differentiate” schools annually based on the performance of schools and subgroups in schools on the indicators above. “Substantial weight” must be given to each of the first four indicators. In the aggregate, “much greater weight” must be given to these four academic indicators than to the fifth, school quality or school success indicator.</p> <p>States must annually measure the achievement of 95% of all students and all students in each subgroup. States must provide a clear explanation of how they will factor this requirement into the statewide accountability system.</p> <p>For purposes of the accountability system, states may include a student in the EL subgroup for up to four years after the student is proficient in English.</p>
<p><b>School Improvement: Identification and Notification for Support and Improvement</b></p>	<p>Each LEA must identify schools that do not make AYP for certain numbers of years for School improvement, Corrective Action and Restructuring. Schools are identified for School Improvement after missing AYP for two years, for Corrective Action after missing AYP for four years, and for Restructuring after missing AYP for five years.</p>	<p>NCLB’s identification of schools for School Improvement, Corrective Action and Restructuring is replaced with two categories of school support and improvement activity:</p> <ol style="list-style-type: none"> <li>1. <i>Comprehensive Support and Improvement</i>, for any schools identified under the state accountability system described above.</li> <li>2. <i>Targeted Support and Improvement</i>, for any schools in which any subgroup of students is consistently underperforming, as</li> </ol>

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		<p>determined by the state through its system of Annual Meaningful Differentiation.</p> <p><b>Identification for Comprehensive Support and Improvement --</b>  Each state must establish a methodology to identify, beginning with school year 2017-18 and at least once every three years thereafter, one statewide category of schools for support and improvement. The methodology shall be based on the state’s system of Annual Meaningful Differentiation of school and subgroup performance. Schools meeting the following criteria must be identified for Comprehensive Support and Improvement:</p> <ul style="list-style-type: none"> <li>• The 5% lowest performing in the state, as determined by the State Index and AMD.</li> <li>• High schools that graduate less than two-thirds of their students.</li> <li>• Schools in which a subgroup is consistently underperforming as determined by the state.</li> </ul> <p>Each state educational agency must notify each LEA of any school served by the LEA that the SEA has identified for Comprehensive Support and Improvement. On notification, each LEA shall, for each school identified, develop and implement a comprehensive support and improvement plan for the school. The LEA plan must:</p> <ul style="list-style-type: none"> <li>• Be informed by all indicators in the State Index, including performance against state-determined long-term goals;</li> <li>• Include evidence-based interventions;</li> <li>• Be based on a school-level assessment;</li> <li>• Identify resource inequities;</li> <li>• Be approved by the school, the LEA, and the state educational agency.</li> </ul> <p>After approval and implementation, the SEA must monitor and periodically review the LEA plan.</p>

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		<p>SEAs may allow differentiated improvement activities that predominantly serve students in dropout recovery or credit retrieval. The state may also allow an LEA to forego implementation of improvement activities in the case of an identified school.</p> <p>An LEA may give students in a school identified for comprehensive support and improvement the option to transfer to another public school served by the LEA. Priority for the option must be given to the lowest-achieving children from low-income families.</p> <p><b>Notification for Targeted Support and Improvement</b> – Each SEA, using its system of meaningful differentiation of schools, must notify each LEA of any school served by it in which a subgroup is consistently underperforming, and ensure that the LEA provides notification to the school.</p> <p>Each school receiving such a notification must develop and implement a school-level targeted support and improvement plan to improve student outcomes, based on the indicators in the state accountability system, for each subgroup that was the subject of the notification. The school-level plan must:</p> <ul style="list-style-type: none"> <li>• Be informed by all the state indicators, including student performance against long-term goals;</li> <li>• Include evidence-based interventions;</li> <li>• Be approved by the LEA prior to implementation;</li> <li>• Be monitored by the LEA;</li> <li>• Result in additional action following unsuccessful implementation of the plan after a number of years determined by the LEA.</li> </ul>

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		<p>A targeted support and improvement plan developed under these provisions must also identify resource inequities to be addressed through plan implementation, which may include a review of district and school-level budgeting.</p> <p><b>Exit criteria</b> – The SEA shall establish statewide exit criteria for schools identified for comprehensive support and improvement and for schools identified for additional targeted support.</p> <p><b>State Action</b> -- Failure by the school to satisfy the exit criteria within a state-determined number of years, not to exceed four years, “shall result in more rigorous state-determined action, such as the implementation of interventions. . . .”</p> <p>The SEA shall also:</p> <ul style="list-style-type: none"> <li>• Periodically review resource allocation to support school improvement in each LEA serving “a significant number” of schools identified for comprehensive support and improvement or implementing targeted support and improvement plans.</li> <li>• Provide technical assistance to each LEA serving “a significant number” of schools identified for comprehensive support and improvement or implementing targeted support and improvement.</li> </ul> <p>The SEA may:</p> <ul style="list-style-type: none"> <li>• Initiate additional improvement in any LEA with a significant number of schools consistently identified for comprehensive support and improvement and not meeting exit criteria.</li> <li>• Establish alternative evidence-based, state-determined strategies that can be used by LEAs to assist a school identified for comprehensive support and improvement.</li> </ul>



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<b>School Improvement: Strategies</b>	<p>Under Restructuring, LEAs are required to adopt one of five alternative governance options for schools that have missed AYP for five years:</p> <ol style="list-style-type: none"> <li>1. Reopening the school as a charter school;</li> <li>2. Replacing all or most of the staff relevant to failure to make AYP;</li> <li>3. Placing operation under private management;</li> <li>4. State takeover of the school;</li> <li>5. Other major restructuring of governance.</li> </ol> <p>Under the School Improvement Grants (SIG) program, schools identified for assistance must implement one of four turnaround models:</p> <ol style="list-style-type: none"> <li>1. <i>Turnaround</i>, which would include replacing the principal and at least 50% of staff, adopting a new governance structure, and implementing a new instructional program;</li> <li>2. <i>Restart</i>, in which the LEA would reopen the school under the management of a charter school operator, a charter management organization, or an educational management organization.</li> <li>3. <i>Closure</i>, in which the LEA would close the school and enroll its students in other, high-achieving schools in the district.</li> <li>4. <i>Transformation</i>, addressing each of four areas critical to transforming the lowest achieving schools: <ol style="list-style-type: none"> <li>(1) Comprehensive teacher and school leader effectiveness;</li> <li>(2) Comprehensive instructional reform strategies;</li> <li>(3) Extended learning time and community-oriented schools;</li> <li>(4) Operating flexibility and sustained support.</li> </ol> </li> </ol>	<p>ESSA specifies no school improvement strategies. States are granted wide discretion to determine how to intervene in low-performing schools. The Secretary is specifically prohibited from prescribing school improvement strategies.</p> <p>The School Improvement Program (SIG) is eliminated.</p>

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<b>Accountability: Limitations on Secretary's Authority</b>	No applicable provisions.	<p>Contains a series of restrictions on the Secretary's authority with respect to state accountability and school improvement systems. The Secretary may not add requirements or criteria that are inconsistent with or outside the scope of this part of the law or in excess of the statutory authority granted to the Secretary.</p> <p>The Secretary may not, as a condition of approval of the state plan or any waiver, prescribe:</p> <ul style="list-style-type: none"> <li>• Specific elements of the challenging state academic standards;</li> <li>• Long-term goals or measurements of interim progress that states establish under their accountability systems;</li> <li>• Specific academic assessments or assessment items;</li> <li>• Indicators that states use in their accountability systems, including any requirement to measure student growth;</li> <li>• The weight assigned to any measure or indicator used to identify or meaningfully differentiate schools;</li> <li>• The methodology used to identify or meaningfully differentiate schools;</li> <li>• Any specific school support and improvement strategies;</li> <li>• Any exit criteria from identification for comprehensive support and improvement;</li> <li>• Minimum numbers of students (n-groups).</li> </ul> <p>The Secretary is also prohibited from issuing regulatory guidance that, in explaining requirements under this section, provides a strictly limited or exhaustive list to illustrate successful implementation, or that purports to be legally binding.</p>
<b>Other Plan Provisions</b>		<p>Each state plan must describe, for example:</p> <ul style="list-style-type: none"> <li>• How the SEA will support LEAs receiving Title I funds to improve conditions for student learning, including through reducing bullying, the overuse of discipline practices that remove</li> </ul>

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	<p>States must provide assurance that they will participate in 4<sup>th</sup> and 8<sup>th</sup> grade reading and math assessments under the National Assessment of Education Progress (NAEP) if the Secretary pays for the costs of the assessments.</p> <p>States must assure that the SEA has involved a committee of practitioners in developing the state plan and monitoring its implementation. Similar provision as ESSA on committee of practitioners.</p>	<p>students from the classroom, and the use of aversive behavioral interventions;</p> <ul style="list-style-type: none"> <li>• How the state will work with LEAs for effective transitions to middle school and high school to reduce the risk of dropout;</li> <li>• How the SEA will collaborate with the state agency responsible under other federal law for ensuring the educational children in foster care;</li> <li>• How the SEA will support LEAs in identification, enrollment, and school stability of homeless children and youth.</li> </ul> <p>The state plan must provide assurances that the state will, among other things, support the dissemination of effective parent engagement strategies and ensure that the collection and reporting of student-level data is consistent with the Family Education Rights and Privacy Act.</p> <p>Same state assurance required on NAEP participation.</p> <p>Same provision with slightly different membership on the committee of practitioners.</p>
<b>State and Local Report Cards</b>	<p>Each state and LEA must publish report cards that include information on student achievement, graduation rates and professional qualifications of teachers. Student achievement data must be disaggregated by subgroup.</p> <p>LEA's also must report the number of schools identified for school improvement and comparisons of schools' achievement to the LEA and state.</p>	<p>Adds to information that must be included on state and local report cards. State report cards must include, for example:</p> <ul style="list-style-type: none"> <li>• A description of the accountability system, including goals, indicators used to differentiate schools, and weights assigned to indicators.</li> <li>• For all students and accountability subgroups, plus homeless, foster youth, and students with a parent in the military,</li> </ul>

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		<p>disaggregation of achievement on academic assessments, and percentages of students assessed and not assessed.</p> <ul style="list-style-type: none"> <li>• Information on the high school graduation rates used as part of the accountability system, with disaggregation on homeless and foster youth.</li> <li>• Information on acquisition of English proficiency by English learners.</li> <li>• Names of all schools identified for comprehensive support and improvement or implementing targeted support and improvement, and criteria for exit from identification for support and improvement.</li> <li>• Information on measures of school quality.</li> <li>• Information collected through the biennial Civil Rights Data Collection survey.</li> <li>• Professional qualifications of teachers, principals, and other school leaders, disaggregated by high-poverty schools and low-poverty schools with regard to certain prescribed data.</li> <li>• Per-pupil expenditures, disaggregated by source of funds.</li> <li>• NAEP results in grades 4 and 8.</li> <li>• Beginning 2017, the rate at which high school students enroll in postsecondary education.</li> <li>• Any other information the state wishes to provide.</li> </ul> <p>Local report cards must include all the information on the state report card except NAEP results and comparisons of a school's performance to the performance of the LEA and the state.</p>
<b>Title I Funding: Set-Aside for School Improvement</b>	States must reserve 4% of their Title I, Part A (Improving Basic Programs Operated by State and Local Educational Agencies) grants, of which 95% must be allocated to LEAs to assist schools identified for improvement. The amount reserved must not decrease the amount received by each LEA in the prior year.	The set-aside is increased from 4% to 7% (with some formula qualification). The amount reserved must not decrease the amount received by each LEA in the prior year.

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<b>Highly Qualified Teachers/Access to Effective Teachers</b>	<p>All teachers in Title I programs must be highly qualified. Each state must define “highly qualified teacher” and establish a plan to ensure that teachers in core academic subjects are highly qualified.</p> <p>No comparable provision.</p>	<p>Eliminates Highly Qualified Teacher. In its place, requires that each state’s Title I plan contain an assurance that the SEA will ensure that all teachers and paraprofessionals supported by Title I funds meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.</p> <p>In addition, the state’s Title I plan must describe how low-income and minority children in Title I schools are not served at disproportionate rates by ineffective, out-of-field or inexperienced teachers, and the measures the SEA will use to evaluate and publicly report progress on this requirement;</p>
<b>Teacher and Principal Evaluations</b>	<p>No provision.</p>	<p>Funding to states under Title II may be used to develop or provide assistance to LEAs for the design and implementation of teacher, principal, or other school leader evaluation and support systems that are based in part on student achievement, which may include student growth, and include multiple measures of educator performance and provide timely and useful feedback to teachers, principals and other school leaders.</p> <p>Under Title I, the Secretary is prohibited from prescribing any indicators or measures of teacher, principal, or other school leader effectiveness or quality.</p> <p>The section on state application for Title II funds declares that nothing therein shall be construed to authorize Secretary or other federal employee to mandate or direct the development, improvement or implementation of any teacher, principal or other school leader evaluation system.</p>
<b>English Language</b>		<p>ESSA brings accountability provisions for Title III (Language Instruction for English Learners and Immigrant Students) into Title I.</p>

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<b>Learners -- Standards</b>		<p>Each state must demonstrate that it has adopted English language proficiency standards that:</p> <ul style="list-style-type: none"> <li>• Are derived from the four recognized domains of speaking, listening, reading and writing;</li> <li>• Address the different proficiency levels of English learners;</li> <li>• Are aligned with the challenging state academic standards.</li> </ul>
<b>English Language Learners -- Assessments</b>		<p>The state plan for student academic assessments must provide for the inclusion of English learners, who must be assessed in a valid and reliable manner and provided appropriate accommodations including, to the extent practicable, assessments in the language and form most likely to yield accurate data, until such students have achieved English language proficiency.</p> <p>Each state plan must identify the languages other than English that are present to a significant degree in the participating student population of the state and indicate the languages for which annual student academic assessments are not available and are needed.</p>
<b>Early Childhood Education</b>	No early childhood education program in NCLB.	<p>Authorizes a Preschool Development Grants program. Program funds are authorized through the U.S. Department of Health and Human Services (HHS), and the program is jointly administered by USED and HHS.</p> <p>The purposes of the program are to:</p> <ul style="list-style-type: none"> <li>• Assist in collaboration among existing early childhood programs to prepare low-income and disadvantaged children for kindergarten and improve transitions to elementary school;</li> <li>• Encourage partnerships among Head Start providers, state and local governments, and other public and private entities to improve program quality and delivery of services;</li> <li>• Maximize parental choice among a mixed delivery system of early childhood education providers.</li> </ul>

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		<p>States apply for one-year, renewable competitive grants, which must be matched at no less than 30% of the grant amount.</p> <p>A state receiving a grant may use the funds for the following activities:</p> <ol style="list-style-type: none"> <li>1. Conducting a periodic statewide needs assessment;</li> <li>2. Developing a strategic plan for collaboration, coordination and quality improvement among existing programs;</li> <li>3. Maximizing parental choice among programs and providers.</li> <li>4. Sharing best practices among providers.</li> <li>5. After completing the first two activities, improving the overall quality of early childhood education programs, including by improving professional development for providers.</li> </ol> <p>Funds provided through the program may not supplant other federal, state or local funds for the same activities.</p> <p>The Secretary of HHS and Secretary of Education are prohibited from engaging in regulatory actions for operation of funded programs, including, for example, for standards, assessment, curricula, teacher and staff qualifications, and class sizes.</p>
<b>Governor Consultation and Signature</b>	No provision.	Requires the SEA to consult with the governor in the development of state plans for Title I and Title II. The consultation must take place during the development of the plan and prior to submission to the plans to the Secretary. The governor has 30 days prior to the SEA submitting a plan to sign it. If the governor has not signed the plan within 30 days of delivery by the SEA to the governor, the SEA submits the plan to the Secretary without the governor's signature.
<b>ESEA Waivers</b>	States, LEAs or Indian tribes receiving funds under the act may request waivers of ESEA provisions. The waivers	The list of prohibited topics for waivers is maintained.

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	<p>must demonstrate how they will increase the academic achievement of students.</p> <p>Waivers are not permitted of provisions on a list of topics concerning, for example, maintenance of state and local expenditure effort; civil rights; parental participation and involvement; charter school requirements; private school participation; prohibitions on using ESEA funds for sex education, and prohibitions on state aid and religious instruction.</p>	<p>Outside of prohibited topics, an SEA or Indian tribe receiving funds under this act may submit a request to waive any statutory or regulatory requirement of the act. An LEA receiving funds under this act may submit a request, containing specified information, for waiver of any statutory or regulatory requirement to the SEA. The SEA may then submit the request to the Secretary if the SEA determines the waiver appropriate. A school desiring a waiver must submit a request, containing specified information, to the LEA serving the school, which then submit the request to the SEA if it determines the waiver appropriate. Opportunity must be provided for public comment on waiver requests.</p> <p>The Secretary has 120 days from submission to issue written approval or disapproval of the request, based on whether it meets requirements in this section. The Secretary may not disapprove a waiver request based on conditions outside the scope of the waiver request.</p>

**Sources**

Penn Hill Group. “Comparison of Select Elements of ESEA Proposals and Conference Report. Council of Chief State School Officers. December 1, 2015.

U.S. House of Representatives. Committee on Education and the Workforce. S.1177. Conference Report. November 29, 2015.  
[http://edworkforce.house.gov/uploadedfiles/every\\_student\\_succeeds\\_act\\_-\\_conference\\_report.pdf](http://edworkforce.house.gov/uploadedfiles/every_student_succeeds_act_-_conference_report.pdf)