

UTAH STATE BOARD OF EDUCATION

Subject:

Every Student Succeeds Act (ESSA) Waiver

Agenda item type:

Action Item

Recommended Action:**Purpose of Memo:****Background:**

Every Student Succeeds Act (ESSA)

Overview

The Every Student Succeeds Act (ESSA), passed by Congress and signed by the President in December 2015, is the most recent reauthorization of the Elementary and Secondary Education Act (ESEA), first signed into law in 1965 and reauthorized periodically since then. ESSA is the governing law of the nine title programs dealing with elementary and secondary education federal funding and student civil rights. Utah receives a little over \$300 million in federal funding for public schools, much of it tied into ESSA.

[Every Student Succeeds Act \(ESSA\)](#)

United States Department of Education

Utah's ESSA State Plan

The Utah State Board of Education (USBE) submitted an amendment to Utah's current ESSA state plan. The amendments pertained ONLY to ESSA Sections Title 1A and Title III. The state plan went through a number of revisions as state officials worked with federal reviewers to clarify how the state plans met with ESSA's statutory requirements. Utah's current state plan was approved by the United States Department of Education on **June 24, 2026**.

[Utah's Revised ESSA State Plan 2026](#)

Utah's Approved State Plan

History

The United States Department of Education requested clarification in December of 2017 and Utah resubmitted its plan in February 2018 in response to Department questions.

The Utah State Board of Education requested a waiver from the United States Department of Education provision ESSA 1111(c)(4)(E)(ii): Improving Basic Programs Operated by Local Educational Agencies, which requires states to count students who opt out of statewide proficiency testing as non-proficient for school accountability purposes.

The Utah State Legislature [Title 53G-6-803: Parental Right to Academic Accommodations](#) does not permit Utah State Board of Education to allow a negative impact upon school grades because of students opting out of statewide tests. Utah's waiver sought to only include students who take the tests for school accountability, but in May 2018 the department *denied the waiver* ruling that non-tested students must be counted as non-proficient students for school accountability.

Contact:

Name:

Title:

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Attachments:

None