



National Down Syndrome Congress Policy Brief

Top 5 Things To Know About The Every Student Succeeds Act For IEP Meetings

Authored by Ricki Sabia, J.D., NDSC Senior Education Policy Advisor

The Every Student Succeeds Act (ESSA), replaced the No Child Left Behind Act (NCLB), in 2015 as the federal law covering elementary and secondary education. As of 2024, it has not been reauthorized (rewritten by Congress). NDSC took the lead in successfully advocating for key improvements in the law that raise expectations and improve opportunities for students who take alternate assessments. These improvements to the law can help at IEP meetings even if a student does not take these assessments. The Individuals with Disabilities Education Act (IDEA) is still very important, but ESSA provides key details and accountability regarding the education and assessment of students with disabilities that help with IDEA implementation. It is a law covering ALL students in elementary and secondary education, with a focus on certain historically underserved subgroups—including students with disabilities. Below are 5 key points in ESSA and related IEPs Tips, for State alternate assessments. Also see [NDSC Policy Education Brief #1](#) for an NDSC brief describing State alternate assessments.

- 1 ESSA states that no more than 1% of all students (approximately 10% of students with disabilities) can participate in a State's alternate assessment instead of the general assessment. NCLB had no limit on alternate assessment participation. Unfortunately, States have been getting waivers of this 1% cap, but IEP teams must still follow the State's participation guidance.

IEP TIP

If you expect the alternate assessment to be suggested at the IEP meeting, you should request a copy of the State alternate assessment participation guidance (or eligibility tool), *BEFORE* the meeting, to help you plan for this discussion.

- 2 ESSA encourages States to develop, share information on, and promote the use of accommodations to increase the number of students who can take the general assessment instead of the alternate assessment.

IEP TIP

Prior to the IEP meeting, request a copy of the State's most recent accommodations policy to prepare for a discussion about whether the general assessment with accommodations is appropriate for your child.

- 3 ESSA provisions raise expectations by making it clear that ALL students, regardless of their disability or the type of State assessment they take, are expected to make progress in the general education curriculum, must be permitted to try to earn a regular high school diploma, and should be on track for postsecondary education or employment.

IEP TIP

Insist on IEP goals that are aligned to grade-level content. Use these ESSA provisions to advocate for inclusion and to focus on the goals, support and services needed for postschool success.

- 4 ESSA states that employment should be consistent with the Workforce Innovation and Opportunity Act (WIOA), which focuses on competitive integrated employment.

IEP TIP

Use this connection to WIOA to advocate for minimum wage (or higher) integrated job experiences during high school.

National Down Syndrome Congress Policy Brief

Top 5 Things To Know About The Every Student Succeeds Act For IEP Meetings

- 5 ESSA mentions Universal Design for Learning (UDL) numerous times, recognizing it as an accepted best practice.

IEP TIP

Ask your IEP team what they are doing to implement UDL and share the resources at <https://www.cast.org>. Some of the ways your child is engaged, processes information and demonstrates knowledge may be included in the IEP as accommodations or more informally shared with teachers.

For a more detailed document from NDSC on ESSA and IEP tips, see [Brief #3](#). Other important resources are the parent briefs on alternate assessments and inclusion developed by the TIES Center in collaboration with NDSC. NDSC has put all the links to the briefs in a one-page document you can access by [clicking here](#).

“

ALL students, regardless of their disability or the type of State assessment they take, are expected to make progress in the general education curriculum, must be permitted to try to earn a regular high school diploma, and should be on track for postsecondary education or employment.

”

