



A Union of Professionals

Every Student Succeeds Act

A New Day in Public Education

Secretarial Prohibitions—Limits on Federal Authority

The Every Student Succeeds Act includes a number of prohibitions on the authority of the secretary of education and the U.S. Department of Education. These include:

- Prohibiting the secretary from promulgating rules on the accountability system that are inconsistent with or outside the scope of the statutory requirements, or from adding new criteria through regulations that are inconsistent with or outside the scope of the statutory requirements.
- Prohibiting the secretary from conditioning state plan approval, revisions to a plan, or the approval of a waiver request by adding requirements that are inconsistent with or outside the scope of the statutory requirements.
- Prohibiting the secretary from prescribing:
 - Specific academic assessments or assessment items, including the Common Core.
 - Specific long-term goals, indicators, weights of indicators, methodology, school support and improvement strategies, and exit criteria in the accountability system.
 - Any aspect or parameter of a teacher, principal or other school leader evaluation system, or indicators or specific measure of teacher, principal or other school leader effectiveness.

Additionally, the secretary is not permitted to issue guidance that provides a strictly limited or exhaustive list to illustrate successful implementation or purports to be legally binding.

Lastly, the secretary is not permitted to define terms in the agreement through regulations that are inconsistent with or outside the scope of the statutory requirements or to collect any data except from existing federal, state and local reporting requirements.

The **American Federation of Teachers** is a union of 1.6 million professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

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