

# ESSA'bout Time !

## The Every Student Succeeds Act and An Overview of Major Changes from NCLB

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# Every Student Succeeds Act (ESSA)

Signed by President Obama on December 10<sup>th</sup>, 2015





# Where Do We Go From Here?





# ESSA Regulations

## Accountability Regulations

- Published in the Federal Register May 31, 2016 (comments closed)

## Assessment Regulations

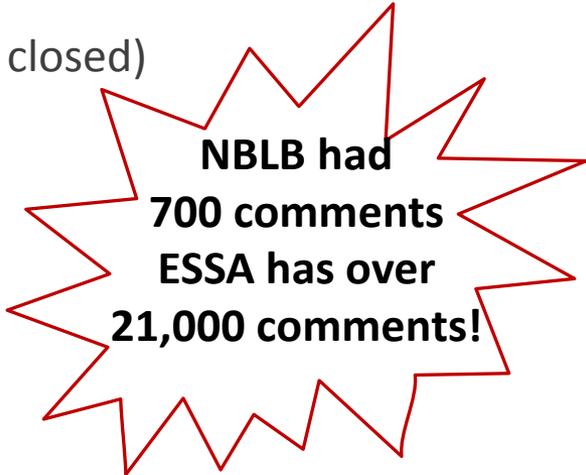
- Published in Federal Register on July 11, 2016  
comments closed
- Assessments and Innovative Assessment Pilot

## SNS Regulations

- Published in Federal Register on September 6, 2016 (comments closed)

April 2016: ED stated no other regulations in 2016!

Available at: <http://www.ed.gov/essa>



**NBLB had  
700 comments  
ESSA has over  
21,000 comments!**



# ED Transition Guidance

12/18/15 Dear Colleague Letter on Transition

12/22/15 Letter on Assessment Participation

1/28/16 Dear Colleague on Transition

6/29/16 FAQs Document (*Updated!*)

Available at: <http://www.ed.gov/essa>



Negotiated Rulemaking Documents

Available at:

<http://www2.ed.gov/policy/elsec/leg/essa/session.html>

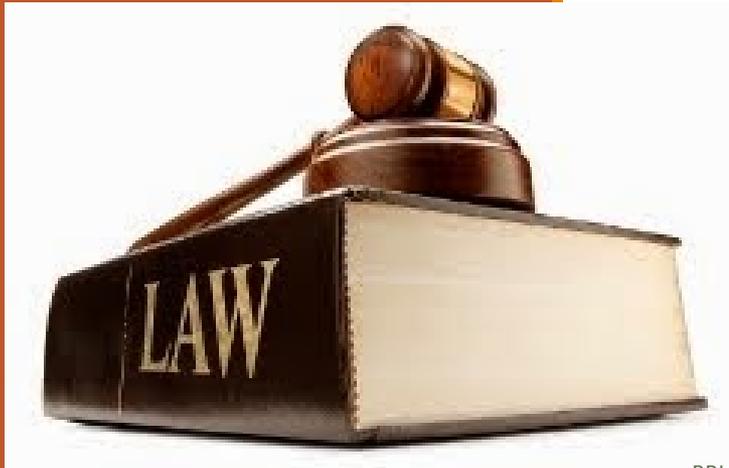


# ESSA Guidance

- Foster Care Guidance (published)
- Homeless and Youth Programs (published)
- Title III, A English Learners (published)
- Using Evidence to Strengthen Education Investments (published)
- Title II, A Teachers and School Leaders (published)
- Schoolwide Programs and Funding (published)
- Title IV, A Student Support and Academic Enrichment (published)
- ***Fiscal Changes (including Equitable Services and SNS (TBD))***
- Other topics under consideration where requested
  - ED email address: [essa.questions@ed.gov](mailto:essa.questions@ed.gov)



# Definition Changes that Affect Implementation of ESSA





# Definition Changes Sec. 8101 (52)

**(NEW)** “core academic subjects” → “well-rounded education”

- English, reading or language arts, writing
- **science, technology, engineering, mathematics,**
- **computer science,**
- foreign languages,
- civics and government,
- economics,
- arts, music
- history, geography,
- **career and technical education,**
- health, physical education, and
- others as designated by State/LEA

**(NEW)** Removed the definition of Highly Qualified Teachers (HQT)



# Definition Changes (cont.)

## Sec. 8101 (24)



**(NEW)** SBR → Evidenced Based

Means an activity, strategy, or intervention that:

- Demonstrates a statistically significant effect on improving student outcomes
  - Strong evidence from at least 1 a well-implemented experiment;
  - Moderate evidence from at least 1 quasi experience; or
  - Promising evidence from a correlational study with statistical controls for selection bias; or
- Demonstrates high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and
- Includes ongoing efforts to examine the effects of the activity.



# Teacher and Paraprofessional Qualifications Sec. 1111(g)(2)(j)

## **(NEW)** State Assurances

The SEA will ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.

The State has professional standards for paraprofessionals working in a program supported with funds under this part, including qualifications that were in place on the day before the date of enactment of the Every Student Succeeds Act.

- Does this mean NCLB standards apply to paraprofessionals? **YES!**



# Timeline for Implementation

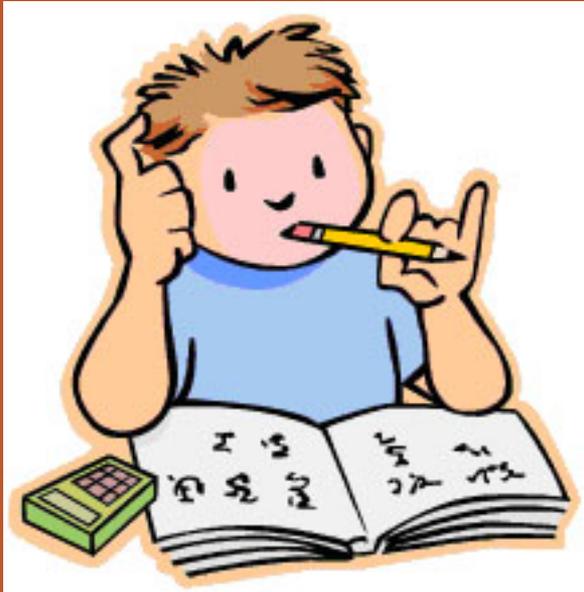
- Formula grants (at federal level) effective July 1, 2016
- Competitive grants (at federal level) effective October 1, 2016
- ESEA Flex Waivers terminate August 1, 2016

## **BUT:**

Omnibus appropriations bill passed December 18<sup>th</sup>:

Funds provided for non-competitive formula grant programs authorized by the ESEA for use during academic year 2016–2017 shall be administered in accordance with the ESEA as in effect on the day before the date of enactment of the ESSA.

So....NCLB in effect for another year!



# Title I, Part A



# Funding

- Title I funding formula remains the same
- Keeps 1% cap on State administrative funds
- **(NEW)** Mandatory School Improvement Funds Sec. 1003
  - SEA reserves 7% for School Improvement
  - 95% for subgrants to LEAs - Formula or Competitive Basis
  - Subgrants are for no more than 4 years (may include planning year)
  - To implement comprehensive and targeted support and improvement activities.
  - Services may be provided directly by SEA with approval of the LEA



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# Resources to Support Continued Improvement 200.24

## Sec. 1003 Improvement funding

- Schools identified for comprehensive intervention would receive a minimum of \$500,000
- Schools identified for targeted intervention would receive a minimum of \$50,000

## If funds are insufficient to award:

- Must award funds to LEAs serving comprehensive schools before targeted schools; and
- Must give priority to LEAs with the greatest need and the LEA that demonstrates the strongest commitment to improve student outcomes.



# School Improvement Funds (cont.)

## Sec. 1003(b)-(c)

Remaining Funds are used by the SEA to:

- Ensure allocations represent the geographic diversity of the State
- Ensure that allotments are of sufficient size to enable a LEA to effectively implement selected strategies;
- Monitor and evaluate the use of funds by LEAs; and
- Reduce barriers and provide operational flexibility for schools in the implementation of improvement activities.



# Direct Student Services Sec. 1003A

## **(NEW) Optional 3% set-aside for Direct Student Services**

- 1% of that 3% for State Administration (1003A(a)(2))
- Remainder subgranted to LEAs, with priority to LEAs with high percentage of schools identified for comprehensive or targeted support
- To provide funds to schools identified under ESSA
- Consultation with LEAs



# LEA Use of Funds for Direct Student Services 1003A

1% Outreach and communications to parents

2% Administration

Allowable expenditures may include:

- Academic/CTE coursework aligned to academic / industry standards
- Credit recovery;
- Post-secondary instruction and examination costs, including Advance Placement and International Baccalaureate test fees;
- Transportation of LEAs implementing school choice if not reserved for comprehensive support; and
- High Quality Academic Tutoring.

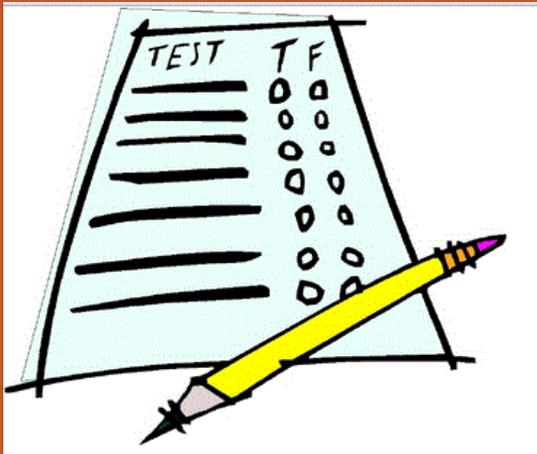


# Direct Student Services (cont.)

## Sec. 1003A

**(NEW)** If the SEA takes the set-aside, the State must:

- Compile and maintain and updated list of State-approved high-quality academic tutoring providers that:
  - Developed using fair negotiation, rigorous selection; offers a range of tutoring models (online, etc.); and includes demonstrated record of success, etc.
- Ensure LEAs provides an adequate number of high-quality academic tutoring options to provide meaningful choice to parents (if elected by LEA)
- Develop procedures for monitoring the quality of services provided; and
- Establish and implement clear criteria for removal if the provider is unsuccessful (including removal).



# Standards and Assessments Sec. 1111



# State Adoption Sec. 1111

States must provide an assurance that they have adopted challenging academic content standards and aligned academic achievement standards

- Must:
  - Be the same for all public schools in the State
  - Expect the same level of achievement from all schools
  - Be aligned with entrance into credit-bearing coursework at State institutions of higher education, and relevant CTE standards
- State standards are NOT subject to review by U.S. Department of Education



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# State Plan Regulations

## Overview of State Plan Requirements (299.13)

- State plans due by March 6, 2017 or July 5, 2017
  - In comments to regulations (page 90)
- Required assurances due no later than March 6, 2017
- State plan must be conducted in consultation with stakeholders
  - Very specific requirements
- State Plan must be revised as necessary, at least once every 4 years.



# State Adoption (cont.)

## Sec. 1111

States must implement assessments aligned with standards in math, reading, and science

- Math, reading assessments must be given in each of grades 3-8 and once in high school
- Science assessment must be given at least once in each grade-span of 3-5, 6-9, and 10-12

**(NEW)** ESSA does not prohibit ED from requiring peer review of assessments

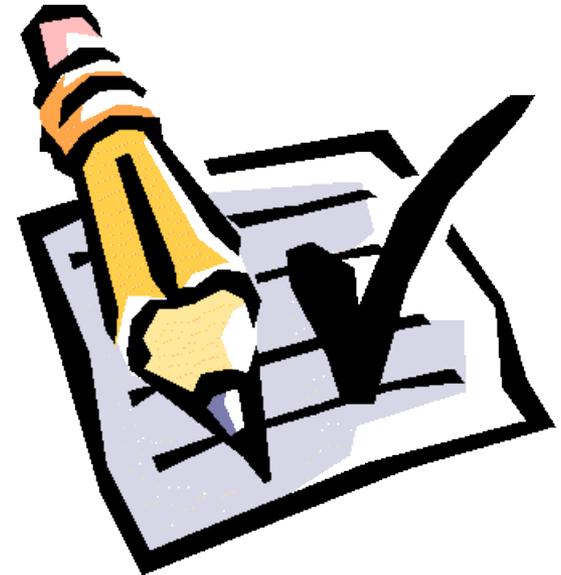
- In subsequent guidance, ED has made clear it will continue peer review process for foreseeable future



# English Language Assessments

**(NEW)** State must also adopt assessments of English language proficiency

- Conduct annual assessment of all ELs in English proficiency
- Must be aligned to State EL proficiency standards
- Identify languages present to a significant extent and note where native-language assessments are not available but are needed





# Alternate Assessments

## Sec. 1111(b)

### **(NEW)** 1% limitation on use of alternate assessments

- Limit is at the State level
  - Neither ED nor SEA can impose LEA-level cap
  - LEAs are encouraged to stay below 1% threshold
  - LEAs must provide notice and justification to SEA if they exceed 1%
- Enforcement authority/obligation is at State level

### **(NEW)** Subject to waiver authority under Sec. 8401

**(NEW)** All other alternate or modified assessments are prohibited (*previously prohibited by regulation*).



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# Alternate Assessments 200.6(b)(3)

A State must ensure that the use of appropriate accommodations does not deny a student with a disability—

- The opportunity to participate in the assessment; and
- Any of the benefits from participation in the assessment that are afforded to students without disabilities.



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# Alternate Assessments (cont.)

## 200.6(c)

A State must—

- I. Not prohibit an LEA from assessing more than 1.0 percent of its assessed students in a given subject;
- II. Require that an LEA submit information justifying the need of an LEA to assess more than 1.0 percent of its assessed students;
- III. Provide appropriate oversight, as determined by the State, of an LEA that is required to submit information to the State; and
- IV. Make the information submitted by an LEA publicly available, provided that such information does not reveal PII



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# Alternate Assessments (cont.)

## 200.6(c)

- If a State anticipates that it will exceed the cap the State may request that the Secretary waive the cap for the relevant subject(s).
- Such request must—
  - Be submitted at least 90 days prior to the start of the State’s first testing window;
  - Provide State-level data, from the current or previous school year, including:
    - % students assessed with alternate assessments;
    - That the state has 95% assessment participation; and



# Alternate Assessments (cont.) 200.6(c)

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- For each LEA that will assess more than 1%, the State must include that the LEA:
  - Has followed state guidelines including assessment criteria;
  - Will not significantly increase # of alternate assessments from the prior year, unless the # of students with the most cognitive disabilities has increased; and
  - Will address any disproportionality.

The State must also include a timeline by which:

- The State will improve implementation of its alternative assessment guidelines
- The State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1% cap



# Assessment Participation (cont.)

## Protecting opt-outs?

- “Nothing in this paragraph shall be construed as preempting a State or local law regarding the decision of a parent to not have the parent’s child participate in the academic assessments...”
- December 22, 2015, Letter to Chief State School Officers

However, ED has said that it will continue to enforce 95% requirement through SY 2015-16.





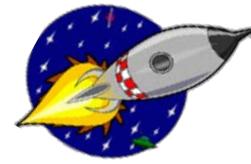
# Measuring Achievement

Assessment systems must enable disaggregation by:

- Each major racial and ethnic group
- Economically disadvantaged students
- Students with disabilities
- English proficiency status
- Migrant status
- Gender

NOTE: additional disaggregation required for Title III and for State/local report cards

NOTE: accountability not based on achievement by migrant status or gender



# State Plans

## Sec. 1111

Consultation with key stakeholders;

- Governor, State legislator, State Board, LEAs, Indian Tribes, School personnel, Charter leaders, Parents

State plans must be peer-reviewed

- List must be public; same reviewers cannot review all plans;
- Emphasis on practical experience of reviewers; and
- Respect to State and local judgements.



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# State Plan Regulations

## Requirements for the Consolidate State Plan (299.14)

- Five components:
  - Consultation and coordination (299.15)
  - Challenging academic standards and academic assessments (299.16)
  - Accountability, support, and improvement for schools (299.17)
  - Supporting excellent educators (299.18)
  - Supporting all students (299.19)



# State Plans (cont.)

## Sec. 1111

State plans must be approved within 120 days unless Secretary presents research which demonstrates it does not meet req.

- Must notify State of rejection, provide opportunity to revise and resubmit, public hearing
- Changes to State plans subject to approval/disapproval within 90 days (no peer review)

States must provide an assurance that they have adopted:

- Challenging academic content standards and aligned academic achievement standards (referred to in this Act as ‘challenging State academic standards’)

**(NEW)** How the State will comply with assessment requirements:

- Steps to support early education programs
- How low-income and minority students are not served at disproportionate rates by underqualified teachers (and plans for addressing this)



# LEA Plans Sec. 1112

LEAs must have a State approved plan.

- Is developed with timely and meaningful consultation with stakeholders;
  - Includes teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, administrators, and parents;
- Monitor student's progress in meeting challenging State academic standards
  - Includes implementing a “well-rounded program of instruction”
- Address disparities in teacher distribution
- Meet its responsibilities re: comprehensive support and improvement
- Provide effective parent and family engagement
- Coordinate and integrate services with preschool programs

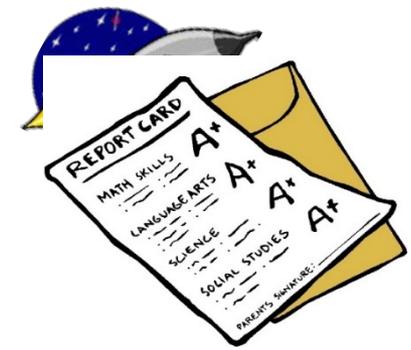


# LEA Plans (cont.)

## Sec. 1112

Describes how the LEA will:

- **(NEW)** Coordinate academic and CTE content through instructional strategies which may include experiential learning or work-based learning opportunities, etc.
- **(NEW)** Support efforts to reduce the overuse of discipline practices that remove students from the classroom
- Facilitate transition Middle to HS and HS to postsecondary
  - Coordination with IHEs, Dual or concurrent enrollment
- Where LEA uses funds for preschool, ensure services comply with Head Start Act
- For LEAs with Title I or III language program:
  - Information for parents on reasons for child's selection
  - Details of the program, including right to opt out
  - Effective means of communication with EL parents including regular meetings



# SEA/LEA Report Cards Sec. 1111(h)

Expanded list includes:

- Academic achievement by subgroup
  - Including homeless, foster, **(NEW)** children with parents on active military duty
- Percentage of students assessed/not assessed
- Descriptions of States' accountability system
- Graduation rates
- Information on indicators of school quality
- Professional qualifications of teachers: including distribution in high – low poverty schools
- NAEP results (State only)
- **(NEW)** Per-pupil expenditures for federal, State, and local funds



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# SEA/LEA Report Card Regulations

## Per-pupil Expenditures (200.35)

- Must report for each LEA and for each school served by the LEA:
  - Current expenditures per pupil from Federal, State and local funds for the preceding fiscal year:
    - In the aggregate (in total, federal, state and local funds)
    - Disaggregated by source of funds
      - Federal
      - State and local combined (including impact aid) not including private funds
- Uniform set of statewide procedures to calculate LEA-level and school-level current expenditures per pupil



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# SEA/LEA Report Card Regulations (cont.)

## Per-pupil Expenditures (200.35)

- Uniform set of statewide procedures to calculate LEA-level and school-level current expenditures per pupil
- Numerator must include actual personnel costs (including actual staff salaries) and actual nonpersonnel expenditures of Federal, State and local funds, used for public education, including:
  - Administration, instruction, instructional support, student support services, pupil transportation, operation and maintenance of plant, fixed charges, preschool, and net expenditures to cover deficits for food services and student body activities
  - But, not including: community services, capital outlay and debt service.
- Denominator consists of the aggregate number of students in elementary and secondary schools whom the SEA / LEA provides a free public education on October 1



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# SEA/LEA Report Card Regulations (cont.)

## Annual State Report Card (200.30) and LEA Report Card (200.31)

- Must consult with parents in designing report cards
- Make report cards available no later than December 31<sup>st</sup> each year
- State or LEA may request a one-time, 1 year extension for specific data, if unable to include initially
- Must include performance of students in charter schools and under each chartering authority

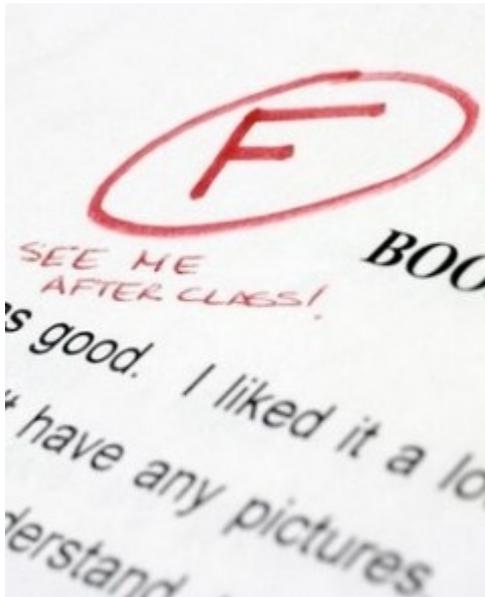
## Postsecondary Enrollment (200.36)

- Report cards must include postsecondary enrollment data



# SEA/LEA Report Cards (cont.)

## Sec. 1111(h)



Must be:

- Concise;
- Understandable including, to the extent practicable, in a language the parents can understand; and
- Widely disseminated.



# Eligible School Attendance Areas Sec. 1113





# Eligible School Attendance Areas Sec. 1113

- Percentage of children from low-income families who reside in area . . .

AT LEAST AS HIGH AS . . .

- Percentage of children from low-income families in LEA
  - 35% Rule – can always lower to 35%
  - Use residency or enrollment
- No distinction between targeted assistance (Sec. 1115) and schoolwide schools (Sec. 1114).



# Ranking and Serving Sec. 1113(a)(3)

## Must Rank First and Serve

- Exceeding 75% poverty
- Strictly by poverty
- Without regard to grade span
- **(NEW)** May include high schools 50% or above poverty.

## Then Rank and Serve

- At or below 75% poverty
- May rank by grade span



*Serve strictly in order of rank!*



# Ranking Options (Strict Percentage)

## NCLB RANKING BY STRICT PERCENTAGE

## ESSA RANKING BY STRICT PERCENTAGE (W/50% HIGH SCHOOL)

School	Poverty Rate	# Poverty Students
Albemarle ES	92%	82
Lincoln MS	87%	90
Roosevelt ES	79%	40
Scott ES	74%	56
Washington HS	70%	160
Toshiba Charter ES	59%	119
Key MS	58%	47
Brennan HS	52%	92
Smith HS	49%	15

School	Poverty Rate	# Poverty Students
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# Comprehensive Support and Improvement Sec. 1111



# State Level Requirements

## Sec. 1111(c)

States must develop and institute a single, statewide accountability system which:

- Includes a minimum number of students for disaggregation by subgroup (“n-size”) that is:
  - Common across subgroups
  - Statistically sound
  - Adopted in collaboration with stakeholders
  - Sufficient to not reveal any personal identifiable information
- Must be based on “challenging State academic standards”

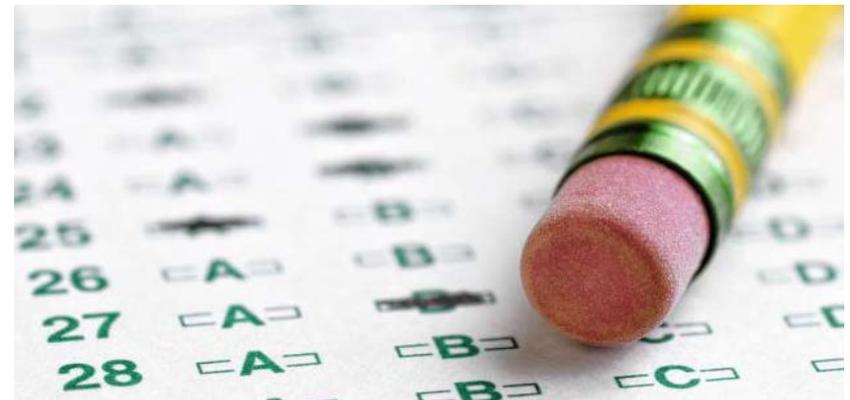


# State Level Requirements (cont.)

## Sec. 1111(c)

### State accountability systems (cont.)

- Must establish “ambitious long-term goals” which are:
  - Measured over the same length of time for all students and subgroups
  - Take into account progress necessary to close proficiency and graduation rate gaps
  - Based on academic achievement and graduation rates





# Accountability

## Sec. 1111(b)-(c)

**(NEW)** States must develop an accountability system of “Annual Meaningful Differentiation” that rates schools based on metrics including:

### **1. Academic Achievement**

- For all public schools - based on long term goals that measure proficiency on statewide assessments in reading, language arts, math
  - May also include student growth (for high schools)

### **2. Academic Progress**

- For K-8, growth or other indicator

### **3. Graduation Rates**

- For high schools - May include extended-year adjusted cohort graduation rate

### **4. Progress in Achieving English Language Proficiency**



# Accountability (cont.)

## Sec. 1111(b)-(c)

### 5. School Quality

- At least one “valid, reliable, comparable, and Statewide” indicator of school quality, which may include:
  - Student access to and completion of advanced coursework;
  - Postsecondary readiness;
  - School climate and safety;
  - Student engagement;
  - Educator engagement; etc.

### 6. Other factors as determined by the State



# Accountability (cont.)

## Sec. 1111(b)-(c)

### Indicators must:

- Be valid, reliable and comparable across all LEAs in the State
- Calculated the same for all schools within the state
  - Indicators of school quality or student success may vary by grade span
- Be used no more than once in the accountability system

Summative score must give more weight to academic indicators and greater weight together than the State's indicators or indicators of school quality



# Accountability (cont.)

## Sec. 1111(b)-(c)

Disaggregated by NCLB subgroups

- Low income students
- Major racial and ethnic group
- English learners
- Students with disabilities

(Note disaggregation requirements for reporting vary considerably )



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# Accountability Regulations

## Single Statewide Accountability Systems (200.12)

- Charter schools must be included in accountability systems.

## Accountability Indicators (200.14).

- School quality cannot be duplicative of other indicators.
- School quality and student success indicators must be supported by research.

## Annual Meaningful Differentiation of School Performance (200.18)

- Indicators of school quality must include at least 3 levels of performance, yielding a single summative rating from among at least 3 categories.
- Academic factors must be weighed most heavily



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# Accountability Regulations

## Data Procedures for Annual Meaningful Differentiation in Identification of Schools (200.20)

- States may average data across up to 3 years.
- States may combine data across grades in a school.

## High School Graduation Rate (200.34)

- States must use four-year adjusted cohort graduation rate to identify schools with less than 67% graduation rates.



# Identification of Schools Sec. 1111(c)(4)(D)

**(NEW)** Two levels of improvement

1. Targeted Support and Improvement
2. Comprehensive Support and Improvement



# Targeted Support and Improvement Sec. 1111(d)(2)

**(NEW)** Each SEA must:

- Notify each LEA of any school in which any subgroup of students is consistently underperforming; and
- Ensure the LEA provide notification to the school re: subgroup(s) identification.

Applies to all public schools, not only Title I schools



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# Targeted Support and Improvement Regulations 200.19

Two categories:

1. Schools with consistently underperforming subgroups (2018-2019)

State definition may include a subgroup of students:

- Not on track to meet State's long-term goals or interim progress;
- Performing at the lowest performance level on at least one indicator;
- Performing at or below a State-determined threshold compared to avg performance, etc.

2. Each school with at least one low-performing subgroup (2017-2018)

- A subgroup that is performing at or below the summative performance of all students in any of the lowest 5% of Title I schools
- If Title 1 School and no improvement after no more than 3 years) – move to comprehensive support!



# Comprehensive Support and Improvement 1111(c)(4)(D)

**(NEW)** States must establish a methodology for identifying schools for comprehensive support that must include **(2017-2018)**:

1. At least the **lowest performing 5% Title I schools**;
2. **All public high schools** in the State failing to graduate 1/3 or more of their students; and
  - At SEA discretion this may include an extended year adjusted graduation rate
3. **Title I schools** in which any subgroup, on its own, would be identified as lowest-performing 5% (previously identified for targeted support) and has not improved (as defined by the State), no more than 3 years (per draft regulations) **(2020-2021)**.





# Comprehensive Support and Improvement (cont.) 1111(c)(4)(D)

- State may add additional state-wide categories
- **(NEW)** The State must use that methodology to conduct an annual evaluation on the performance of LEAs, schools and subgroups
  - Applies to all public schools



# Continued Support and Improvement Sec. 111(d)(3)

**(NEW)** The State must:

- Establish statewide exit criteria;
- For schools identified for comprehensive support:
  - If exit criteria is not satisfied after a number of years (not to exceed 4 years) the State must apply more rigorous interventions;
  - *such as the implementation of interventions (which may include addressing school-level operations);*



# Continued Support and Improvement Sec. 111(d)(3)

**(NEW)** The State must (cont.):

- Establish statewide exit criteria;
  - For schools identified for targeted support:
    - Title I schools: If the exit criteria is not satisfied after a number of years (determined by the State) shall result in the identification of the school for comprehensive support.
    - Non-Title I schools: ??
      - State discretion
- The State must also periodically review resource allocation and provide technical assistance to LEAs serving significant identified schools



# District Improvement? Sec. 1111(d)(3)(B)

Maybe.

**(NEW)** The State may take action to initiate improvement in any LEA with a significant number of schools:

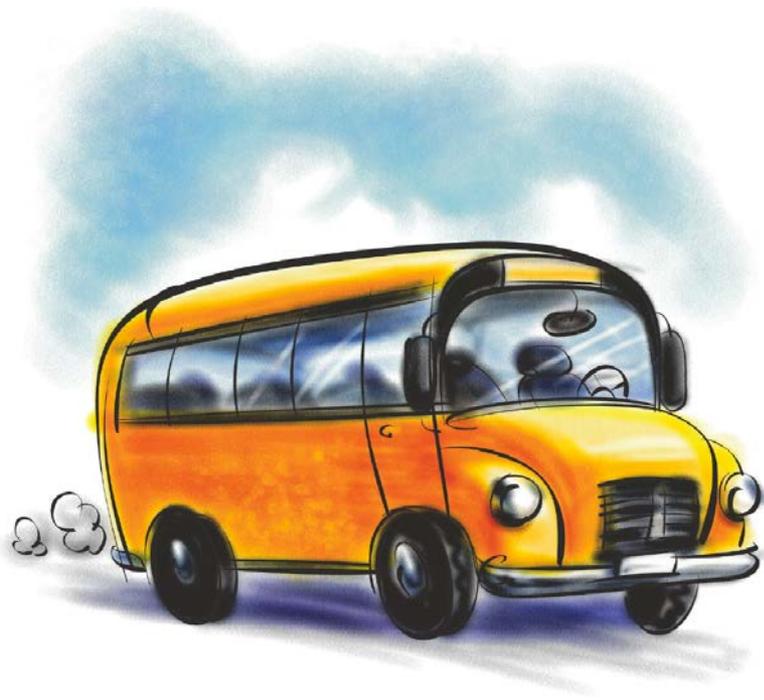
- that are consistently identified for comprehensive support that do not meet the exit criteria; or
- identified for targeted support and improvement.

What could this include?

- Up to the SEA!



# Public School Choice Sec. 1111(d)(1)(D)



**(NEW)** A LEA may provide all students enrolled in an identified school the option to transfer to another public school.

Priority given to lowest-achieving children from low income families.

- Remain in that school until he/she has completed the highest grade

LEA must provide sufficient number of options to provide a meaningful choice for parents.



# Public School Choice Funding Sec. 1111(d) and 1003A(e)

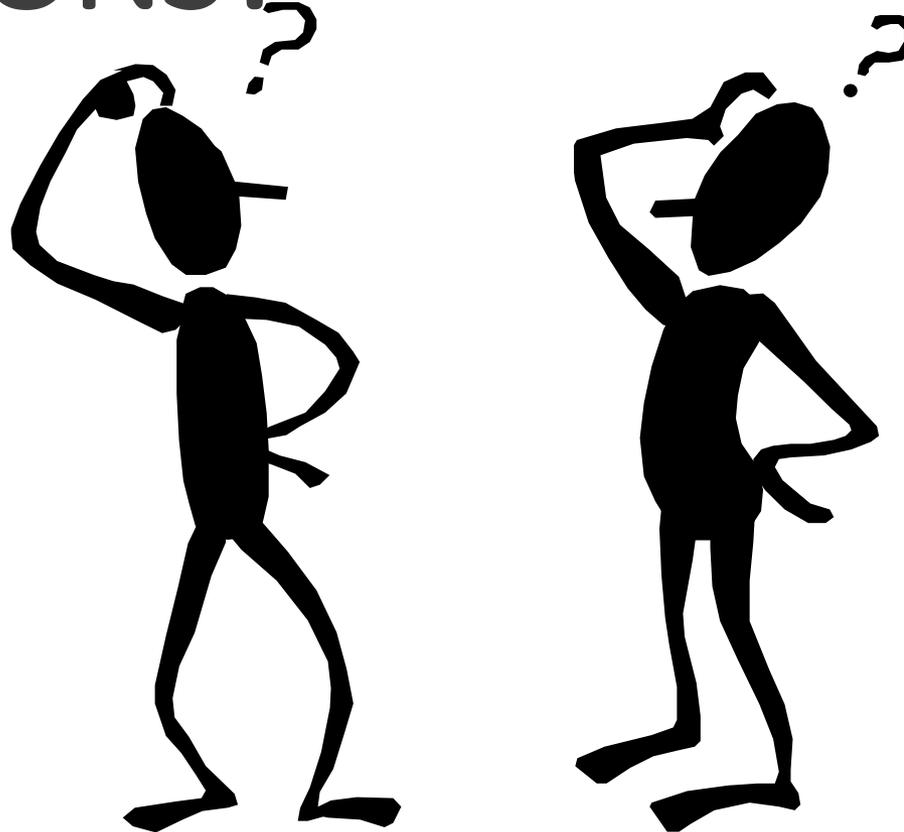
**(NEW)** 5% of Title I, A allocation for Public School Choice  
Transportation

OR

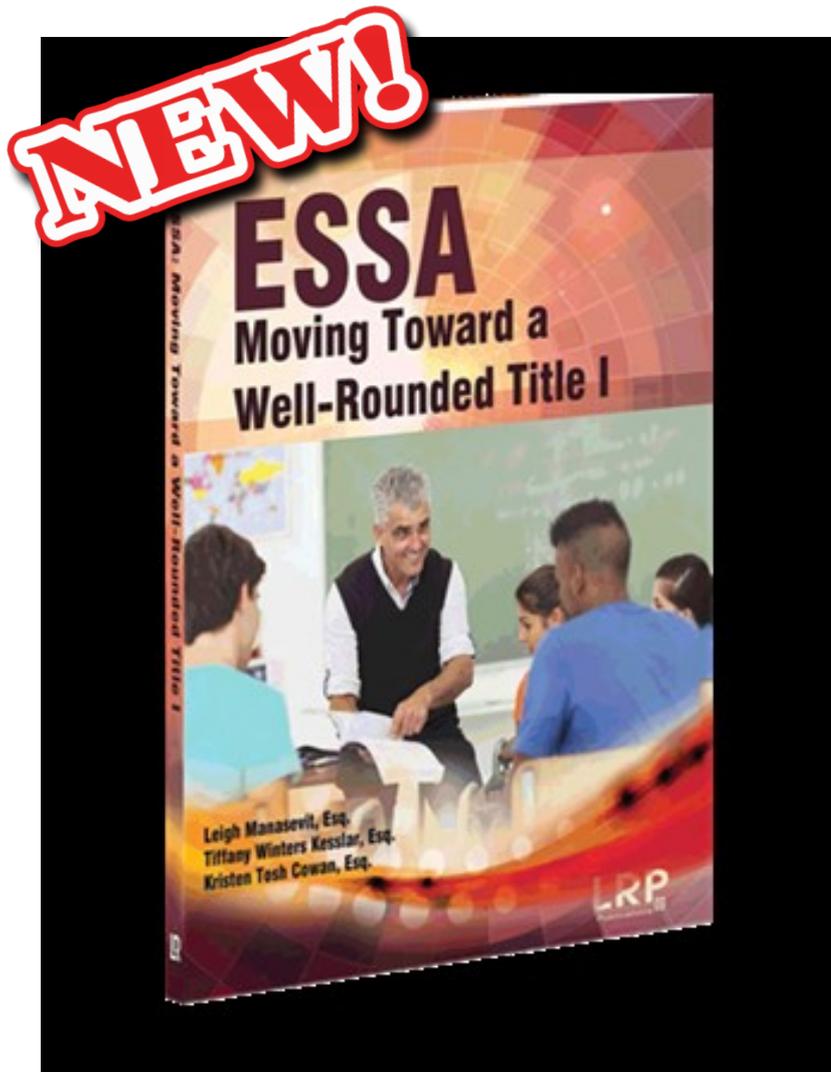
**(NEW)** 1003(A) funds may be used for school choice  
transportation only if the LEA does not reserve 5% for  
1111(d) transportation.



# QUESTIONS?



[http://www.shoplrp.com/product\\_p/300672.htm](http://www.shoplrp.com/product_p/300672.htm)



- This book is a straightforward explanation of the new ESSA Title I requirements.
- Chapters start with a bulleted list of key changes to the ESEA!

**Only \$81.95!!**



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