


ESSA 'BOUT TIME !



**The Every Student Succeeds Act
How It Works, What You Need to Know!**

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Topics


- ✓ Background on ESSA
- ✓ Title I, Part A
 - ✓ *Standards and Assessment*
 - ✓ *Parent and Family Engagement*
 - ✓ *Comprehensive Support and Targeted Improvement*
 - ✓ *Reservation of Funds*
 - ✓ *Participation of Children Enrolled in Private Schools*
 - ✓ *Title I Fiscal Rules*
- ✓ Title II, Part A
- ✓ Title III, Part A
- ✓ Title IV, Part A
- ✓ Titles V-IX
- ✓ What's Next?

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**Every Student Succeeds Act
(ESSA)**

Signed by President Obama on December 10th, 2015



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BACKGROUND ON ESSA



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ESSA's Basic Structure

It's a State Regulated No Child Left Behind

- States choose standards and assessments, work towards goals
- Student achievement is reported out by subgroup
- States hold schools and districts accountable for subgroup performance
- Funding flows from ED to States to districts to schools
- Maintains major formula grant funding streams (and many competitive programs too)

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Key ESSA Changes

- (NEW) States are now in the driver's seat
 - Much more authority to make decisions, choose standards and assessments, goals, and means of accountability
 - States also responsible for enforcing many requirements
 - (though subject to ED regulation)
- (NEW) The "big acronyms" have been eliminated
 - No more AYP, HQT, or SES
- (NEW) Limitations on Secretarial authority
 - Especially around State plans and waivers (very specific and repeated throughout the law)
- (NEW) Consolidates/eliminates a number of smaller grant programs

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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.*
- *Mentioned approx. 70 times in ESSA!*

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; and
 - *Does this mean NCLB standards apply to paraprofessionals? Maybe.*

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 18th:

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!

Timeline for Implementation (cont.)

All other changes effective upon enactment (December 10, 2015)

- Program transition standards:
 - Programs not substantively similar to something else in this bill will continue to receive funds until September 30, 2016
 - Programs no longer authorized but substantively similar to programs in the bill may finish out multi-year grants in accordance with grant terms
 - Programs still authorized as in previous law may use funds awarded prior to enactment under those terms, then transition to new requirements

Dear Colleague Letter January 28, 2016

January 28, 2016 Dear Colleague Letter:

- 2016 formula allocations and programs remain under NCLB
- EL accountability frozen
- HQT and related requirements where State/LEA is not 100% HQT are suspended
- Distribution equity requirements remain
- **Flex Waiver States:** Secretary waives various requirements (outlined on next slides)
- **Non-waiver States:** SES and choice are voluntary but if utilized a one-year transition plan is required.

Transitioning to the Every Student Succeeds Act (ESSA) Frequently Asked Questions

(February 26, 2016)

- ESSA will not be implemented until the 2017-18 school year.
- States need not submit a consolidated application in July to receive FY 2016 formula funds.
- Reiterates that ED is waiving:
 - *The requirement to meet new AYP targets under Title I, and new Annual Measurable Achievement Objectives (AMAOs) under Title III.*
 - *Reporting requirements – including reporting on AMAOs, AYP, SES, and HQT requirements*
- Offers additional detail on what States must do to continue supporting priority and focus schools.

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Transition Guidance (cont.)

(February 2016 FAQs, cont.)

For waiver states, no need to comply with...

1. Section 1003(a)
 - *Requires a State to distribute at least 95% to LEAs for use in Title I schools in improvement, corrective action, or restructuring;*
2. Section 1114(a)(1)
 - *Requires 40% poverty rate to be eligible for SW program;*
3. Section 6123(b)
 - *Limits the amount of funds an LEA may transfer between programs;*

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Transition Guidance (cont.)

4. Sections 6213(b) and 6224(e)
 - *Requires a State to permit an LEA that fails to make AYP to continue to participate in the Small, Rural School Achievement program and to receive a grant under the Rural and Low-Income School program only if the LEA uses funds to carry out section 1116; and*
5. Sections 1113(a)(3)-(4) and (c)(1)
 - *Requires LEA to rank and serve eligible schools according to poverty*

... if the State can show that it would impede or impair their ability to continue serving priority and focus schools

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Reporting Transition

- Reporting continues for SY 2016-17
 - State and LEAs must continue to collect and publish performance according to NCLB requirements, e.g.:
 - Performance against participation targets
 - Performance against academic indicators (not AYP)
 - Assessment results for each grade level, group, and subject
 - Participation rates for each grade level, subgroup, and subject
 - Graduation rates for each subgroup
 - LEAs in waiver States must report list of priority and focus schools for SY 2016-17

Reporting transition



- A few reporting requirements waived in ED guidance:
 - Reporting regarding HQTs for SY 2016-17
 - Reporting of performance against AMOs/AYP for SY 2014-15, 2015-16, and 2016-17
 - AMAO data for Title III for SY 2014-15, 2015-16, and 2016-17
 - Data on SES and school choice for SY 2016-17

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*

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)

- May adopt alternate standards and assessments for students with the most significant cognitive disabilities
 - Codifies existing ED guidance
 - Must be designated in the student's IEP
 - Must be aligned to State standards, promote access to general curriculum consistent with IDEA, ensure student is on track for postsecondary education or employment
 - Use professional judgment as to the highest possible standards that will be used for the student

Alternate Assessments (cont.) Sec. 1111(b)

- (NEW) 1% limitation on use of alternate assessments
 - Limit is at the State level
 - No limit at LEA level
 - Neither ED nor SEA can impose LEA-level cap
 - But LEAs are encouraged to stay below 1% threshold and must provide notice and justification to SEA if they exceed it
 - Enforcement authority/obligation is at State level
- Subject to waiver authority under Sec. 8401
 - Proposed regulations identify what is required for waiver.
- (NEW) All other alternate or modified assessments are prohibited (previously prohibited by regulation).



Assessment Participation

- Maintains requirement that 95% of students in each subgroup be assessed, but worded slightly differently:
 - Requires that achievement of 95% be measured (old ESEA says "all students")
 - For purposes of calculating accountability, may use as denominator:
 - 95% of students in subgroup; OR
 - Actual participation, whichever is higher
- State must factor assessment participation into Statewide accountability system
 - But failure to meet 95% no longer triggers identification

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.



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Special Assessment Options


- May use multiple or summative assessments
- Eighth graders may be exempted from assessments in 8th grade math if the student:
 - *Takes an advanced mathematics course; and*
 - *Takes the corresponding end-of-course assessment for the advanced course; and*
 - The end-of-course assessment is counted for purposes of 8th grade accountability; and
 - *Takes another more advanced math assessment in HS.*
 - The assessment must also be counted for purposes of HS accountability.



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Special Assessment Options (cont.)

- (NEW) May use computer adaptive assessments 
- (NEW) May set a target limit on amount of time used for assessments
 - *Federal grants for conducting State and local assessment audits*

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Special Assessment Options (cont.)

- (NEW) May administer a nationally-recognized, locally-selected high school assessment so long as:
 - Aligned to State Standards equivalent to State Assessment, may be more difficult;
 - Provides comparable, valid and reliable data;
 - Provides unbiased, rational, and consistent differentiation between schools within the State; and
 - Meet the requirements for assessments.
- Must be approved by the State.
- If the LEA chooses to use, must use in all high schools.



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.

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*

LEA Plans (cont.) Sec. 1112

Describes how the LEA will:

- 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
- (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
 - *May include disaggregation (this is a best practice because of increased scrutiny)*

Increased Scrutiny - Government and Private Reports on Disparities in Discipline

- ED DOJ joint Dear Colleague on Disparities in Discipline
 - <http://www2.ed.gov/about/offices/list/ocr/letters/college-201401-title-vi.pdf>
- Disproportionate Impact of K-12 School Suspension and Expulsion on Black Students in Southern States
 - http://www.gse.upenn.edu/equity/sites/gse.upenn.edu/equity/files/publications/SOUTHADVANCEDDRAFT24AU_G15.pdf
 - *Published by the University of Pennsylvania's Center for the Study of Race and Equity in Education (2015)*

LEA Plans (cont.) Sec. 1112

Describes how the LEA will:

- 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 EL SWD how program will meet IEP
- 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)

- Must be prepared and disseminated every year at State and local levels
- Expanded list includes:
 - *Academic achievement by subgroup*
 - Including homeless, foster, (NEW) children with parents on active duty in the military
 - (NEW) disaggregation groups differ in different sections
 - *Percentage of students assessed/not assessed*
 - *Descriptions of States' accountability system*
 - *Graduation rates*
 - *Information on indicators of school quality*

SEA/LEA Report Cards Sec. 1111(h)




- *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*
 - Must be actual expenditures
 - Disaggregated by source of funds
 - For each local educational agency and each school for the preceding fiscal year

**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.

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**ELIGIBLE SCHOOL
ATTENDANCE AREAS
SEC. 1113**



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**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
 - Enrollment historically used by districtwide schools, magnets, charters, etc.

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5 Poverty Measures Sec. 1113(a)(5)

1. Census data
2. Free or reduced price lunch
3. TANF
4. Medicaid eligibility
5. Composite of above

Same measure for:
- *ID eligible areas, Ranking areas, Determining allocations for school*


Secondary Schools may use feeder pattern with majority of secondary schools approval.

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

- **Must Rank First and Serve**
 - *Exceeding 75% poverty - New Option 50% for HS*
 - 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!



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Ranking Options (Strict Percentage)

NCLB Ranking by Strict Percentage			ESSA Ranking by Strict Percentage (w/50% high school)		
School	Poverty Rate	# Poverty Students	School	Poverty Rate	# Poverty Students
Albemarle ES	92%	82	Albemarle ES	92%	82
Lincoln Middle School	87%	90	Lincoln Middle School	87%	90
Roosevelt ES	79%	40	Roosevelt ES	79%	40
Scott ES	74%	56	Washington High School	70%	160
Washington High School	70%	160	Brennan High School	52%	92
Toshiba Charter ES	59%	119	Scott ES	74%	56
Key Middle School	58%	47	Toshiba Charter ES	59%	119
Brennan High School	52%	92	Key Middle School	58%	47
Smith High School	49.5%	15	Smith High School	49.5%	15

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Exceptions (cont.) Sec. 1113(b)

"Skip" school, if:

1. *Comparability met*
2. *Receiving supplemental state/ local funds used in Title I-like program*
3. *Supp. state/ local funds meet or exceed amount would be received under Title I*

- Still count and serve nonpublic in area

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Exceptions (cont.) Sec. 1113(a)(6)

- Small District Exclusion

- *If a school district has less than 1000 students the district is not required to conduct formal rank and serve*
- *Must calculate poverty level and serve in an equitable manner.*

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TARGETED ASSISTANCE SCHOOLS SEC. 1115



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Targeted Assistance Schools Sec. 1115(a)-(b)



- For schools ineligible, choose not to operate schoolwide school or do not request a waiver by the State.
 - *Default rule*
- Must identify "Title I students"
 - *Students identified as failing or at risk of failing state standards*
 - NOT – based on poverty!
- (NEW) In the past services had to be supplemental; however, the Supplement not Supplant rule has changed. Now, services must benefit eligible students.
 - *Must ensure Title I funds are used to benefit identified students (allocability and allowability of Title I funds)*

SCHOOLWIDE SCHOOLS SEC. 1114



Schoolwide Requirements Sec. 1114(a)(1)-(2)

- Consolidate and use funds, together with other federal, state, and local funds to upgrade the entire educational program of a school
- Pre-requisite: 40% poverty
 - *(NEW) State may waive (previously waivable only by the Secretary, Secretary may still waive under Sec. 8401).*
- Not required to identify:
 - *Eligible students; or*
 - *Individual services as supplemental.*

Schoolwide Flexibility Sec. 1114(a)(3)

- School-level requirements waived
 - Exempted from most statutory and regulatory requirements applying at school level
 - Intent and purposes must be met
- Secretary may include other programs under his jurisdiction (must be through Federal Register)
 - Caution: only USDE programs unless other agencies agree.

Schoolwide Program Plan Sec. 1114(b)

Combines components and elements of prior requirements.

1. Developed during 1 year period (LEA can determine less time is needed);
2. Existing schoolwide may continue but must amend plan
3. Developed with involvement or parents and other members of the community (teachers, principals, school leaders, paraprofessionals, etc.);
4. Remains in effect but shall be regularly monitored and revised as necessary based on student needs;
5. Is available to the public in an understandable format and, to the extent practicable, in a language parents can understand;

Schoolwide Program Plan (cont.) Sec. 1114(b)

5. Is developed in coordination with other Federal, State and local services, resources and programs;
6. Is based on a comprehensive needs assessment; and
7. Includes strategies to address school needs, including
 - Provide a "well-rounded education";
 - Counseling, school based mental health;
 - Post-secondary and workforce preparation including career and technical education;
 - Includes any consolidation of funds; etc.
 - Schoolwide tiered model -behavior and EIS

Schoolwide Use of Funds Sec. 1114(c) and (e)

(NEW) SW funds may be used for:

- **Preschool Programs; and**
- **Dual or Concurrent Enrollment:**
 - *Training for teachers;*
 - *Professional Development;*
 - *Tuition and fees, books, required instructional materials, innovative delivery methods; and*
 - *Transportation.*
- **(NEW) Services may be delivered by non-profit or for profit third party servicers.**

PARENT AND FAMILY ENGAGEMENT SEC. 1116



Parent and Family Engagement Set-aside Sec. 1116(a)(3)

- **The LEA shall reserve at least 1%**
 - *To assist schools carry out activities.*
 - *For smaller LEAs, set-aside not required if 1% is less than \$5,000 (i.e. allocation is less than \$500,000)*
 - *May reserve more*
- **(NEW) 90% must go to schools, with priority to high-need schools.**
 - *Previously 95%*

Parent and Family Engagement Sec. 1116(a)(3)(D)

Change in language to add "family" after "parent"

- Use of Funds: Must perform at least one:
 - Professional development re: parent and family engagement strategies;
 - Reaching parents and family at home, in the community and at school;
 - Disseminating info on best practices;
 - Collaborating (or providing subgrants to schools to collaborate) with others who have a record of success in improving and increasing involvement; and
 - Activities consistent with LEA plan.
- There must be annual evaluations of content and effectiveness of the policy involving parents and family members

Parent and Family Engagement (cont.) Sec. 1116(a),(b) and (f)

- Accessibility - to the extent practicable - and opportunities for parents and family members, including:
 - parents and family members who have limited English proficiency.
 - parents and family members with disabilities, and
 - parents and family members of migratory children.

Parent Notices Sec. 1112

- "Right to Know"
 - LEA must inform parents of Title I schools that they can request information regarding the professional qualifications of their child's classroom teachers.
- Not Qualified Teacher
 - Title I schools must provide parents information related to their child's academic achievement if the student has been assigned a teacher who does not meet applicable State certification or licensure requirements for more than 4 weeks.
- LEA must notify all parents of State or local policy regarding student participation in statewide assessments and post information on each assessment required.
 - This must include the right to opt-out, where applicable (i.e. per state/local laws).

Parent and Family Engagement Policy Sec. 1116(a) and (b)

LEA-level policy and school-level policy still required!

- Describes how the LEA or school will meet the requirements of this part.
- They are similar to prior Parent Involvement Policy only now much broader to include family.

School-Parent Compact still required.

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



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School Differentiation Sec. 1111(c)

- State system must annually differentiate all public schools, for each subgroup and for all students based on:
 - Academic achievement against long-term goals (may include growth)
 - This factor must have the greatest weight in accountability systems
 - For high schools, graduation rates
 - May be four-year graduation rate or adjusted cohort rate (at State's discretion)
 - For elementary and middle schools, growth
 - Progress in achieving English language proficiency (one subgroup only)

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School Differentiation (cont.) Sec. 1111(c)

- At least one indicator of school quality that is:
 - Valid
 - Reliable
 - Comparable, and
 - Statewide
 - And which may include:
 - Student and /or educator engagement
 - Access to and completion of advanced course work
 - Postsecondary readiness
 - School climate and safety
- Other factors as determined by the State
- Secretary is prohibited from requiring additional indicators

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Charter School Accountability Sec. 1111(b)(2)(K) and 1111(c)(5)

The accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.

It is unclear what accountability provisions will apply to charter schools, but seems to default to State discretion.

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

- (NEW) Two levels of improvement
 1. Targeted Support and Improvement
 2. Comprehensive Support and Improvement

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Identification of Schools Sec. 111(c)(4)(D)

- Evaluation of all public schools and subgroups must occur every year
- System must identify schools for comprehensive and targeted interventions and support at least once every three years

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**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
Plan
Sec. 111(d)(2)(B)**

- (NEW) Upon notice that a school has been identified, the school must (in partnership with stakeholders) develop and implement a targeted support and improvement plan for each identified school.
- The plan must:
 - Include information on student performance against all indicators;
 - Include evidence based interventions;
 - Be approved by the LEA prior to implementation; and
 - Identify resource inequities to be addressed through implementation if a subgroup, on its own, would lead to identification.
- The LEA must monitor and implement additional action if there is unsuccessful implementation

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**Targeted Support and Improvement
(cont.)
Sec. 1111(d)(2)**

- All schools are eligible to be identified for Targeted Support and Improvement.
 - **Any school in which any subgroup of students is consistently underperforming.**
- But only **Title I schools** (who would have been previously identified for targeted support) in which any subgroup, on its own, would be identified as lowest-performing 5% and has not improved in a number of years (as defined by the State) would then be identified for comprehensive support and improvement.

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

- (NEW) States must establish a methodology for identifying schools for comprehensive support that must include:
 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
 - One or more additional years after 4;
 - Summer sessions; or
 - 1% receiving alternate diplomas.
 3. **Title I schools** in which any subgroup, on its own, would be identified as lowest-performing 5% and has not improved in a number of years (as defined by the State).

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**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*

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

- (NEW) Beginning 2017-2018, must identify schools for comprehensive support and improvement at least once every 3 years
 - States must use meaningful differentiation for this determination
- Does the omnibus delay the effective date?
????

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Comprehensive Support and Improvement Plan Sec. 1111(d)

- (NEW) Upon notice that a school has been identified, the LEA must (in partnership with stakeholders) develop and implement a comprehensive support and improvement plan for each identified school.
- The plan must:
 - Include information on student performance against all indicators;
 - Include evidence based interventions;
 - Be based on school-level needs assessment;
 - Identify resource inequities to be addressed through implementation; and
 - Be approved by the school, LEA and SEA.

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.

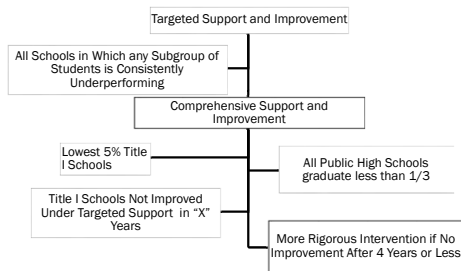
- (NEW) The State may take action to initiate improvement in any LEA with a significant number of schools:
 - that are consistently identified for comprehensive support that do not meet the exit criteria; or
 - identified for targeted support and improvement.

- What could this include?
 - Up to the SEA!

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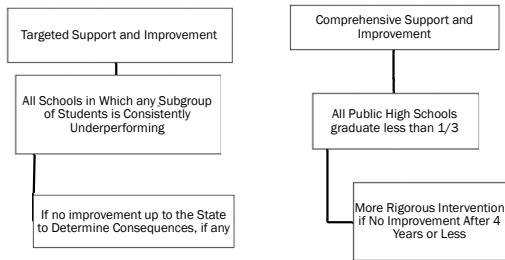
How Title I Schools are Identified For Improvement



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How Non-Title I Schools are Identified For Improvement



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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.

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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.

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High Quality Academic Tutoring Sec. 1003A(c)(3)

- LEA allowable expenditures may include high quality academic tutoring.
- The SEA must:
 - *Compile and maintain and updated list of State-approved high-quality academic tutoring providers;*
 - *Ensure that each LEA provides an adequate number of tutoring options to provide meaningful choice to parents;*
 - *Develop procedures for monitoring the quality of services; and*
 - *Establish and implement clear removal criteria if the provider is unsuccessful.*

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High Quality Academic Tutoring (cont.) Sec. 1003A(c)(3)

Other available activities include:

- Academic/CTE coursework aligned to academic / industry standards;
- Credit recovery; and
- Post-secondary instruction and examination costs, including Advance Placement and International Baccalaureate test fees

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What About Prior SIG Models?



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What About Prior SIG Activities?

- Replace the principal
- Measure the staff effectiveness
- Implement strategies to recruit, place, and retain staff
- Identify and reward school leaders, teachers, and other staff
- Provide ongoing, high-quality job-embedded professional development
- Use data to identify and implement an instructional program
- Establish schedules and implement strategies that provide increased learning time
- Provide appropriate social-emotional and community-oriented services and supports for students
- Adopt new governance structure
- Convert or close and reopen under a CMO or EMO

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RESERVATION OF FUNDS SEC. 1113



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LEA-level Set-Asides Sec. 1113(c)

- Necessary and Reasonable Amount (calculated before allowable expenditures and transfers)
 - *Homeless Children and Youths*
 - (NEW) Use to apply only to homeless students in non-participating Title I schools; however that language was removed.
 - Now, this set-aside may be used for all homeless students.
 - *Children in local institutions for neglected children*
 - *Children in local institutions for delinquent children and neglected or delinquent children in community day programs, if appropriate*
 - *Early childhood education programs*


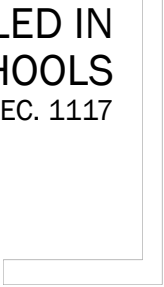
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LEA-level Set-asides (cont.)

- 1% Parent and Family Engagement Sec. 1116(a)(3)
 - (NEW) 90% of that amount must go to schools.
 - Previously 95%
 - Exception for LEA where 1% less than \$5,000
- (NEW) 5% of Title I, A allocation for Public School Choice Transportation
- 5% Financial Incentives and Rewards Sec. 1113(c)(4)
 - *To attract and retain qualified and effective teachers who serve in schools identified for comprehensive and targeted support and improvement*

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PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS SEC. 1117

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Consultation Sec. 1117(a)(1)

- LEA must provide “timely and meaningful” consultation
 - Timely
 - Before the LEA makes any decisions
 - Meaningful
 - Genuine opportunity for parties to express their views
 - Views seriously considered
 - The goal of all parties should be to reach an agreement; that agreement must be sent to the Ombudsman.



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Consultation (cont.) Sec. 1117(b)

- Consultation must include:
 - How school's needs will be identified
 - What services will be offered
 - How, where, and by whom the services will be provided
 - How the services will be assessed and how the results of the assessment will be used to improve services
 - The size and scope of services
 - How and when the LEA will make decisions about the delivery of services
 - Pooling or consortium of funds
 - Coordination with other equitable services programs

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Consultation (cont.) Sec. 1117(b)

- Written affirmation that timely and meaningful consultation occurred
 - *Must include option that it did not !*


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Consultation (cont.) Sec. 1117(b)

- Disagreement
 - *On any subject (was private contractor only)*
 - *LEA provides in writing basis of disagreement*
 - *Right to complain*
 - *State bypass if*
 - Requested by private representatives and
 - Demonstration that LEA has not met requirements of this section

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Ombudsman Sec. 1117(a)(3)(B)



- (NEW) To help ensure equity, the SEA shall designate an ombudsman (an official) to monitor and enforce these requirements.
- After consultation - agreement to be forwarded to ombudsman.

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Expenditures/ Proportionate Share Sec. 1117(a)(4)

General Formula:

- Based on number of:
 1. Private school students
 2. From low-income families
 3. Who reside in Title I-participating public school attendance areas

Proportionate share = eligible private school children identified per school attendance area multiplied by the PPA for that area.

- (NEW) Must be calculated BEFORE any allowable expenditures or transfer by the LEA!

Expenditures/ Proportionate Share (cont.) Sec. 1117(a)(4)

Old rule :Private school students also must get equitable share of some set-asides:

- Off the top for districtwide instruction
- Off the top for parental involvement
- Off the top for professional development


But under old rule these came off the top before ES allocation determined

- Status under new rule????
 - Unclear, especially for parental involvement

Carryover?? Sec. 1117(a)(4)(B)

- (NEW) Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.


FISCAL RULES
SEC. 1118



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Title I, A Supplement Not Supplant (SNS)
Sec. 1118(b)(1)

Federal funds must be used to supplement and in no case supplant state, and local resources



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Prior Title I, A SNS Rule

“What would have happened in the absence of the federal funds??”

3 Presumptions of Supplanting

1. Required to be made available under other federal, state, or local laws
2. Provided with non-federal funds in prior year
3. Provided services to Title I students and the same services were provided to non-Title I students using non-federal funds.

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**Title I, A SNS (cont.)
Sec. 1118(b)(2)**

- (NEW) To demonstrate compliance, the LEA shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that the school receives all the State and local funds it would otherwise receive if it were not receiving Title I funds.
 - *Similar to prior SW standard*

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**Title I, A SNS (cont.)
Sec. 1118(b)(3)**

- (NEW) No LEA shall be required to:
 - *Identify individual costs or services as supplemental; or*
 - *Provide services through a particular instructional method or in a particular instructional setting to demonstrate compliance.*

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**Title I, A SNS (cont.)
Sec. 1118(b)(4)**

- (NEW) The Secretary may not prescribe the specific methodology a LEA uses to allocate State and local funds to each Title I school.

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Title I, A SNS (cont.) Sec. 1118(b)(5)

(NEW) Timeline

- Not in effect until July 1, 2017 (per Omnibus)
- Shall meet the compliance requirement no later than 2 years after enactment of ESSA; and
 - Enactment was December 10, 2015; so 2 years is December 10, 2017.
- May demonstrate compliance before the end of the 2 year period using prior SNS test.

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Federal Register Notice February 4, 2016

Regulatory Issues re: Supplement Not Supplant

Prepare proposed regulations that would update existing assessment regulations, including:

- The methodology a LEA uses to allocate State and local funds to each title I school to ensure compliance with the supplement not supplant requirement; and
- The timeline for compliance.

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ESSA SNS Issue Paper for Negotiated Rulemaking Cmte, March 2016

- What does it mean to “ensure that a Title I school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part”?
- What does it mean to have a “methodology for allocating State and local funds” in a district that allocates resources such as staff positions instead of dollars?
- Should there be flexibility for small schools or allow for different allocations among grade spans?

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ESSA SNS Issue Paper for Negotiated Rulemaking Cmte, March 2016 (cont.)

- How should the new emphasis on allocation of funds apply to State and local funds retained at the district level?
- What does it mean to meet this requirement two years after the date of enactment, when the date of enactment is in the middle of a school year?
- Does a district need additional time to meaningfully implement a methodology that meets the statutory requirement?
- What enforcement action must a State take if it finds that a district has not complied with the requirement? What corrective actions should the district have to take?

Comparability Sec. 1118(c)

- ESSA makes No Change!
- An LEA may receive Title I Part A funds only if it uses state and local funds to provide services in Title I schools that, taken as a whole, are at least comparable to the services provided in non-Title I schools.
 - *Student/ instructional staff ratios;*
 - *Student/ instructional staff salary ratios;*
 - *Expenditures per pupil; or*
 - *A resource allocation plan based on student characteristics such as poverty, LEP, disability, etc. (i.e., by formula)*
- If all are Title I schools, all must be "substantially comparable."

TITLE II, A PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

Definition of School Leader Sec. 8002(44)

- Who is a school leader?
 - *Principal, assistant principal or other individuals who is:*
 - An employee or officer of an elementary school or secondary school, LEA, or other entity operating an elementary or secondary school; and
 - Responsible for the daily instructional leadership and managerial operations in the elementary or secondary school building.

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Title II, A Formula Sec. 2101(c)



- Makes adjustments to formula to focus more heavily on poverty
 - *On both State and LEA-level allocations*
 - *Transitions to 20% population, 80% poverty by 2020*
- Phases out hold-harmless by 2023

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TITLE III, A LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

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Title III, A Major Changes



- Moves accountability provisions to Title I
- Replaces references to “limited English proficient” with references to “English Learners” throughout

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Reporting

- Must report on number and percentage of ELs
 - Meeting State-determined long-term goals
 - Disaggregated by disability
 - Attaining English proficiency
 - Meeting challenging State academic standards for 4 years after exiting EL status
 - Disaggregated by disability

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Supplement Not Supplant Sec. 3115(g)

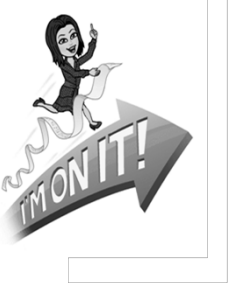
Title III Federal funds made must be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.



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**EDUCATION OF
MIGRATORY
CHILDREN
(TITLE I, C)**



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**Title I, C Purposes
Sec. 1301**

- Revises the Program Purposes:
 - Added focus on educational programs during the school year – summer programs still permitted
 - Removes reference to “supportive services”
 - Focuses on ensuring achievement on State academic standards



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**Funding
Sec. 1303**

- (NEW) Tweaks to the funding formula
- State Allocations based on the product of:
 - (1) Average number of identified eligible migratory children aged 3-21 residing in the state, based on data for preceding 3 years; plus (2) Number of identified eligible migratory children aged 3-21, who received services in summer or intersession programs during the previous year; multiplied by
 - 40 percent of the average per-pupil expenditure

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State Applications Sec. 1304

- Generally, maintains former requirements
- (NEW) Program must address migratory children who have dropped out of school
- (Revised) Requires consultation with “parents of migratory children” (which includes, but is not limited to, parent advisory councils) in program planning and operation
- (Revised) Requires outreach activities for migratory children and their families (previously, only “to the extent feasible”)

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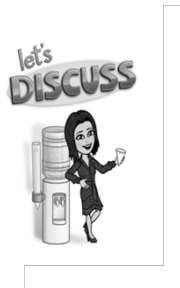
Definitions Sec. 1309

- (1) (Revised) Local Operating Agency – includes private agencies (removes reference to “nonprofit”)
- (2) (NEW) Migratory Agricultural Worker – individual who made qualifying move in preceding 36 months, and engaged in temporary or seasonal employment in agriculture (including dairy or initial processing of raw agricultural products); or actively sought such new employment and has history of moves
- (3) (Revised) Migratory Child – child who made qualifying move in the preceding 36 months as (A) a migratory agricultural worker or a migratory fisher; or (B) with or to join a parent or spouse who is a migratory agricultural worker or migratory fisher
 - NCLB: “in order to obtain temporary or seasonal employment”

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PROGRAM FOR
CHILDREN AND
YOUTH WHO ARE
NEGLECTED,
DELINQUENT, OR
AT-RISK (TITLE I,
PART D)



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Notable Changes

- Emphases on family and community involvement and communication/ coordination between LEA and correctional facility
- Requires SEA plans to focus on:
 - *State-established outcomes*
 - *Prioritize attainment of high school diploma*
 - *Reentry for students exiting juvenile justice or residential programs*
- SEAs may use funds for pay-for-success initiatives and providing targeted services for youth who have come in contact with both the child welfare system and juvenile justice system
- LEAs may use funds for pay-for-success initiatives, subcontracts, subgrants, cooperative agreements
- Emphasis on inclusion of at-risk Indian children and youth



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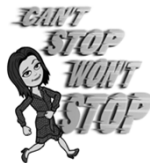
Reporting

- Must report on number and percentage of ELs
 - *Meeting State-determined long-term goals*
 - Disaggregated by disability
 - *Attaining English proficiency*
 - *Meeting challenging State academic standards for 4 years after exiting EL status*
 - Disaggregated by disability

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MCKINNEY-VENTO PROGRAM – EDUCATION FOR HOMELESS CHILDREN AND YOUTHS (TITLE IX,A)



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McKinney-Vento Program – Education for Homeless Children and Youths

- Definitions Change
 - *“Homeless Children and Youths” no longer includes students that are “awaiting foster care placement.” ESSA Sec. 9105(a)(1).*
 - But increased protections for students in foster care under Title I, Part A
 - *“School of Origin” means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled*
 - (NEW) Specifically includes (1) pre-schools; and (2) the designated receiving school when a student completes a final grade level served by the school of origin. ESSA Sec. 9102(5).

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State Coordinator and LEA Liaisons ESSA Sec. 9102(4)-(5)

- Increased responsibilities for State Coordinator
 - *Post certain information, such number of homeless children and youth identified in the State and names of LEA liaisons, on the SEA’s website.*
 - *Conduct monitoring of the LEAs;*
 - *Provide professional development opportunities for LEA personnel; and*
 - *Must provide PD to all LEAs as protections apply even if LEA doesn’t receive subgrant. (81 Fed. Reg. 14434)*
 - *Respond to inquiries from parents and guardians of homeless children and youths, to ensure that they receive the protections and services of the Act.*
- Increased responsibilities for LEA Liaison
 - *Ensure that school personnel receive professional development*

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ESSA Resources




- New ED webpage! <http://www.ed.gov/essa>
 - *Dear Colleague letters, links to Federal Register notices, FAQs, etc.*
 - *Can sign up for news on ESSA*
- ED email address: essa.questions@ed.gov

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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
- 2/26/16 FAQs Document

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

- Negotiated Rulemaking Documents

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

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21st Century Learning Centers

- Retains Program
- Defines performance measures and indicators
- Prohibits preference for extended day
- Extended Learning Activities
 - 300 additional hours
 - Supplemental


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Small and Rural

- Retains program
- Minimum grant - \$25,000
- Maximum grant - \$80,000
- If eligible for Small and Rural
 - *And Rural and Low Income*
 - May choose

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QUESTIONS?



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