

FORESIGHT LAW + POLICY

Every Student Succeeds Act Implementation

ASCD – Leadership Institute for Legislative Advocacy | January 23, 2017

Presentation Topics

- ESSA Planning Questions
 - ESSA Overview
 - Implementation Timeline
 - Status of Major Guidance and Regulation
 - State Consolidated Plans
 - ESSA – Key Provisions and Opportunities
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Planning Questions to Consider During Today's Discussion

- Who is leading development of my state's ESSA consolidated plan?
 - What is the timeline in my state to complete a draft ESSA consolidated plan for public comment?
 - What initiatives are underway in my district that may benefit from being referenced in the state's ESSA consolidated plan?
 - How does my district (or my district partners) make decisions about using ESSA Title I, II, III and other resources?
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ESSA Context

- Every Student Succeeds Act
 - Strong bipartisan support: House 359 – 64; Senate 85-12
 - Signed by the President 12/10/2015
 - Public Law 114-95
 - Replaces the No Child Left Behind Act (NCLB) as the latest reauthorization of the Elementary and Secondary Education Act (ESEA)

ESSA Implementation – Key Dates

2017



- January 31 – Senate HELP Committee vote on DeVos Nomination
- Week of February 1 – Full Senate Vote on Devos Nomination?
- February 2017 – Congressional Review Act Actions, Other U.S. Ed Leadership Appointments?
- April 3 – First deadline for Consolidated State Plan submission
- April 28 – Fiscal Year 2017 Continuing Resolution Ends (1st Year Funding for ESSA)
- September 18 – Second deadline for Consolidated State Plan submission
- 2017-2018 SY – Full implementation of ESSA

ESSA: Non-Regulatory Guidance

1. ESSA Consolidated State Plan Guidance [1/ 6/17)
 2. ESSA State and Local Report Cards Guidance [1/6/17
 3. ESSA High School Graduation Rate Guidance [1/6/17]
 4. ESSA Dear Colleague Letter on 2017-2018 Transition [1/13/17]
 5. ESSA Transition FAQs [1/18/17]
 6. ESSA Fiscal Changes & Equitable Services Guidance [11/21/16]
 7. ESSA Title IV, SSAEG Block Grant (10/21/16)
 8. Early Learning (10/20/16)
 9. ESSA Schoolwide Guidance [9/29/16]
 10. ESSA Title II, Part A Guidance – Supporting Educators [9/27/16]
 11. ESSA Dear Colleague Letter on Tribal Consultation [9/26/16)
 12. ESSA Title III Guidance – English Learners [9/23/16]
 13. Evidence Guidance [9/16/16]
 14. ED/HHS Foster Care Joint Guidance PowerPoint [7/27/16]
 15. Homeless Student Guidance [7/27/16]
 16. Foster Care Guidance [6/23/16]
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ESSA: Regulations

Completed Regulations

- Final Regulation: Title I A and B Assessments [12/7/16]
- Final Regulation: Accountability, State Plans, and Data Reporting [11/28/16]

Withdrawn Regulations

- Title I – Supplement not Supplant

Consolidated State Plans

ESSA requires each State to submit plans or applications for the following formula grant programs (states may file a consolidated plan for the programs):

- Part A of title I (Improving Basic Programs Operated by LEAs);
- Part C of title I (Education of Migratory Children);
- Part D of title I (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk);
- Part A of title II (Supporting Effective Instruction);
- Part A of title III (English Language Acquisition, Language Enhancement, and Academic Advisement Act);
- Part A of title IV (Student Support and Academic Enrichment Grants);
- Part B of title IV (21st Century Community Learning Centers); and
- Subpart 2 of part B of title V (Rural and Low-Income School program).

ESSA Overview

- The basic structure and primary Titles remain the same, though significant changes were made throughout.
 - NCLB's core pillars – standards, assessments, differentiation/reporting, school turnaround - remain intact, but greater discretion left to states and districts.
 - The law continues the ESEA's primary formula investments (Title I, II, and III), consolidated many programs into a new block grant (Title IV), and maintained a small number of competitive programs (e.g, pay for performance, charters, early learning).
 - Unlike NCLB, ESSA's authorization levels do not contemplate significant funding K-12 increases over time.
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State Standards

- Requires assurance of adoption of “challenging academic content standards and aligned academic achievement standards”
- Not less than 3 levels of achievement for standards in at least mathematics, reading or language arts, and science
- Must be aligned with entrance requirements for credit-bearing coursework in higher education and state CTE standards

ESSA Overview - Assessments

Annual assessments

- Keeps NCLB requirement for statewide assessments in reading and math (grades 3-8 and once in high school) and science (one in each of three grade spans)
- Multiple “up-to-date measures” including higher-order thinking and understanding
- Single summative or multiple statewide interim assessments
- May be “partially delivered in the form of portfolios, projects, or extended performance tasks”; computer adaptive tests are permitted
- Requires 95 percent test participation, but does not overrule state/district parent opt-out laws and policies
- Exemption for grade 8 students who take high school level EOC test
- No prohibition of LEA use of locally-selected assessments in lieu of state-designated high school texts; must be nationally recognized and approved by state

ESSA Overview - Assessment

Other Notable Assessment Provisions

- State-level 1% cap on administration of alternative assessments
- Demonstration authority for innovative assessment pilot
- States may set target limit on time spent on assessment; competitive funding available for state and LEA assessment system “audits.”

State Assessment Grants

- States receive formula grants for development and administration of statewide assessments; development balanced assessment systems with summative, interim, formative, etc; using multiple measures of student academic achievement from multiple sources; developing comprehensive assessment instruments such as performance and technology-based, computer adaptive, projects, or extended performance tasks

ESSA Overview - Accountability

- Single Statewide Accountability System
 - State plan must describe the how the state will design and implement a single, statewide accountability system to improve student academic achievement and school success for all public schools, including charter schools
 - Does not preclude an SEA, LEA, or charter school organization from establishing a separate accountability system for its own purposes
 - Eliminates AYP – no federally-prescribed accountability formula
 - States must explain how 95% test participation will be factored into accountability

ESSA Overview - Accountability

- Accountability Indicators
 - Expands required indicators for statewide systems of accountability
 - Academic Achievement (on statewide tests; may include growth for HS grades)
 - Graduation Rate (HS) or Academic Progress (ES/MS; may be growth)
 - English Language Proficiency (for English learners)
 - School Quality or Student Success
 - The Academic Achievement indicators must include reading/language arts and mathematics assessments; states may also include assessments of additional subjects
 - In addition to selecting indicators, states must assign weights to them; academic indicators (all but School Quality or Student Success) must each carry “substantial weight” and together must be of “much greater weight” than the weight assigned to the measure(s) of School Quality or Student Success

ESSA Overview – Annual Meaningful Differentiation

- Differentiation of schools by performance under the state’s accountability system
 - States must design a system for differentiating the performance of each school (not just Title I; also not LEAs) on an annual basis
 - Must use 3+ discrete performance levels for each indicator for all students and each subgroup but may not use a continuous measure, such as scale scores, to satisfy this requirement)
 - Must use consistent weighting among indicators for all schools within a grade span
 - The weighting of each indicator must inform the state’s methodology for identifying schools for support
 - Differentiation must inform the identification of consistently underperforming subgroups of students
 - Must lead to an annual “summative determination” from among at least 3 state-determined categories, which may be the two required improvement categories – CSI and TSI – plus an unidentified category

ESSA – School Turnaround

Targeted Support and Improvement

- School must conduct needs assessment; develop and implement an improvement plan using “evidence-based interventions” which are “supported by research”
- LEA must approve and monitor implementation of the school’s plan
- Any school in which any subgroup, on its own, would be identified in the lowest 5% of Title I schools, must also identify resource inequities

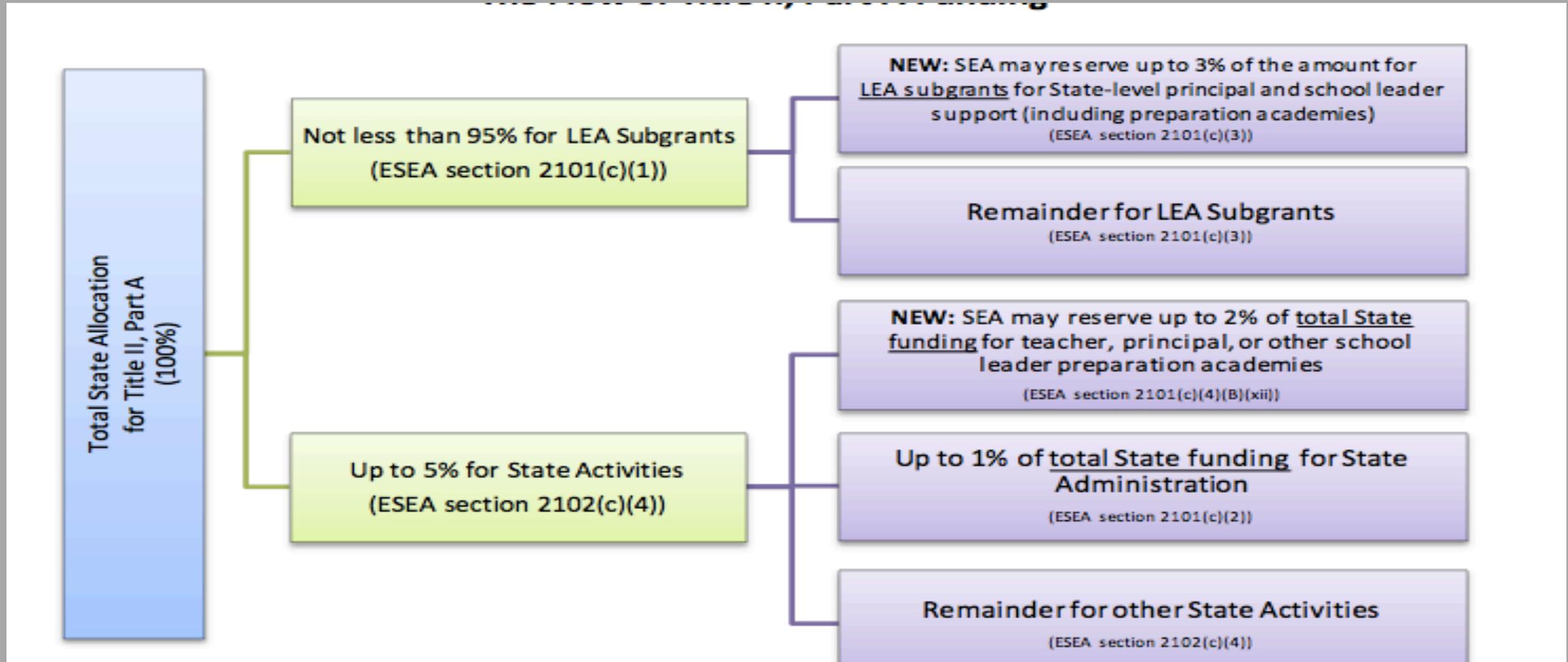
Comprehensive Support and Improvement

- State must take “all actions necessary” to ensure schools and LEAs develop and implement a plan that meets requirements
- School must conduct needs assessment; develop and implement an improvement plan using “evidence-based interventions” (strongest level of evidence)
- Plan approved by school, LEA, and State
- State-established exit criteria and timeline (max 4 years); state must take “more rigorous state-determined action” with any school failing to exit on time

Highlights and Big Shifts: Title II

- Eliminates the Highly Qualified Teacher requirement
- Expanded focus on providing low-income and minority students greater access to effective teachers, principals, and other school leaders
- Does not mandate state implementation of educator evaluation systems
- LEAs must meaningfully consult with teachers, principals, other school leaders, specialized instructional support personnel, and others, in developing a Title II plan:
 - Targeted to schools in improvement and with concentrations of students living in poverty
 - Must address the learning needs of all students, and must include a description of the LEA's system for professional growth and improvement
 - May be used for a broader range of activities including induction, peer interaction, addressing chronic absenteeism, supporting the identification of students who are gifted and talented, and supporting students affected by trauma or mental illness
- States may reserve up to 3% for programs to improve the principal and school leader capacity
- New Part B competitive subpart programs targeting teaching quality in certain subjects/areas

ESSA Title II – U.S. Ed Guidance (Funding Chart)



Highlights and Big Shifts: Title III

- States must establish and implement entrance and exit criteria for English learners
- Expands the allowable activities for LEA grants; may include developing core programming for preschools, offering early college high school or dual enrollment programs to increase EL achievement in postsecondary education
- State goals for English language proficiency and related accountability provisions are moved to Title I

Highlights and Big Shifts: Title IV - SSAGE

- ESSA (Sec. 4101) establishes a multi-use block grant (“Student Support and Academic Enrichment Grants), which focuses on three core areas:
 - Providing all students with access to a well-rounded education
 - Improving school conditions for learning
 - Improving the use of technology in order to improve the academic achievement, academic growth, and digital literacy of all students
- The ESSA authorizes \$1.65 billion for the SSAEG program in fiscal year 2017 and \$1.6 billion for fiscal years 2018 to 2020. (Congress appears to be on a track to provide between \$300M and \$1B)
- Distributed based on Title I formulas. 95% LEAs/5% SEAs; needs assessment required, unless LEA will receive less than \$30K

Other Programs and Significant Issues to Consider

- Preschool Development Grants (now Health and Human Services)
- LEA/SEA Report Cards
- Charter Schools
- Teacher/Leader Innovation Fund
- Student Data Privacy

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Thank you.

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