

Advancing Equity Through ESSA—An Overview of the New Law



The Every Student Succeeds Act (ESSA)

- Signed into law by President Obama on December 10, 2015
- Bi-partisan compromise to replace the No Child Left Behind Act (NCLB)
- Significant shift in authority from federal government to states and districts
- Unique opportunity to reshape education policy and practice

Five Big Themes of ESSA

- 1) Shifts authority of over most key education policy decisions from federal to state, but the shift is not absolute.
- 2) New state flexibility for school ratings systems, goals and a system of schools supports and interventions, but with key federal guardrails kept in place.
- 3) Preserves annual assessment, but gives states and districts an opportunity to audit, streamline, and innovate.
- 4) Migrate many previous Title III standards, assessment, accountability requirements to Title I.
- 5) Gives states greater flexibility to direct federal funds to local-determined priorities.

Implementation Timeline

- New State accountability systems take effect at the beginning of the 2017–2018 school year.
- Funding for programs in the new law starts with Federal Fiscal Year (FY) 2017, which is school year 2017-18.
- States are required to develop new Title I state plans.
 - April 3, 2017 and September 18, 2017 are the two deadlines for States to submit their state plans
 - State plans must be peer reviewed
 - State plans must be approved within 120 days unless Secretary presents research which demonstrates the plan does not meet requirements.

TITLE I—Improving Basic Programs Operated by States and Local Education Agencies



Standards

States must adopt challenging academic standards in reading, math and science.

- Standards must apply to all students with the exception of alternate academic achievement standards for students with the most significant cognitive disabilities.
- States must demonstrate that their standards are aligned with college entrance requirements and relevant career and technical education standards.
- Maintains the requirement for States to have English language proficiency (ELP) standards (derived from the domains of speaking, listening, reading, and writing); that address the different proficiency levels of English Learners (ELs). In addition, States ELP standards must be aligned with the state's academic standards.

Assessments

Annual Assessments

- Reading and math in grades 3-8 and once in high school, as well as in science at least once in each grade span.
- Must measure higher order thinking skills.
- Maintains 95% participation rate for state tests.
 - Note: States determine consequences for failure to meet 95% threshold

New Delivery Options

- Assessments may be administered as a single test or as a set of interim tests rolled up into a single annual result.
- Computer adaptive assessments are explicitly allowed.

Assessments (cont.)

Subgroups

- Maintains required disaggregation of data by subgroups (race, economically disadvantaged students, children with disabilities, English proficiency status).
- Maintains migrant status and gender as subgroups for reporting, not accountability.
- Adds new subgroups for reporting purposes only: homeless children, foster youth, and students with a parent who is an active duty member of the Armed Forces.

Assessments (cont.)

Resources and Flexibilities

- Authorizes program to allow states to conduct audits of state and local assessment systems and to develop plans based on the results to reduce unnecessary, low-quality, and burdensome assessments.
- Permits states to establish a limit on the amount of time that can be spent on administering assessments.
- Creates a limited pilot for innovative assessment demonstration in 7 states to develop new, technically sound approaches to measuring student learning (e.g. competency-based assessments, performance based assessments, interim, etc.).

Assessments (cont.)

Students with Disabilities

- Continues the 1% regulation.
- State must ensure that the alternate assessment meets specific requirements, including new requirements with respect to parental notification, educator training in using accommodations such as Universal Design for Learning (UDL).
- ESSA specifically prohibits USED or a State from setting a district-level cap on the percentage of students who may be assessed with an alternate assessment, but the law also specifies that any district that exceeds the 1 percent cap must submit information to the State justifying the need to exceed it.
- The alternate assessment requirements are subject to the Secretary's waiver authority (i.e., the Secretary may waive the 1 percent cap).

Assessments (cont.)

English Learners (ELs)

- Assess ELs in reading or language arts, math, and science assessments.
- Use appropriate accommodations (including assessments in the language and form most likely to yield accurate information on what those students know and can do in the content area assessed).

Assessments (cont.)

Recently Arrived ELs

- Option 1: may exclude from one administration of *reading or language arts assessments (but not math)*
- Option 2: may assess and report on the performance in reading or language arts and math for each year of enrollment in a school
 - 1st year - exclude assessment results from the school's accountability determinations;
 - 2nd year - include a measure of academic growth in those determinations; and
 - 3rd year and each succeeding year - include a measure of proficiency in those determinations.

Accountability

Goals

States must establish “ambitious, state-designed long-term goals” and interim progress targets for all students and for each subgroup for:

- Proficiency
- High school graduation
- English language proficiency

Accountability (cont.)

Indicators

States must establish a system of meaningfully differentiating schools on an annual basis, based on the following indicators.

- 1) Academic achievement as measured through state assessments
- 2) Rates of high school graduation
- 3) One or more academic indicators applicable to elementary and middle schools (e.g. growth)
- 4) ELs progress in attaining progress in English
- 5) Additional indicator of school quality or student success (e.g. student and educator engagement, access and completion of advanced coursework, postsecondary readiness, school climate and safety, and/or another State selected indicator)

Note: In the aggregate, the system must give greater weight to indicators 1-4.

School Supports and Interventions

Identification of Schools

The accountability system must identify at least two categories of schools:

- Comprehensive support and improvement schools
- Targeted support and improvement schools

School Supports and Interventions (cont.)

Comprehensive Support and Improvement

Beginning in school year 2018-2019, states must use the annual accountability indicators to identify a statewide category of schools - **at least once every three years** – that consists of:

- Schools in the lowest-performing 5% of all Title I schools in the state (or more, at the state's discretion);
- High schools failing to graduate at least two thirds of their students (67% graduation rate or lower).
- Title I schools that have a subgroup that is performing as poorly as the “all students” group in the lowest performing 5 percent and that has failed to improve after the school’s implementation of a Targeted Support and Improvement plan.

School Supports and Interventions (cont.)

Comprehensive Support and Improvement Plan

For each of these schools, ***school districts*** must develop a comprehensive support and improvement plan.

This plan must:

- Be approved by the school, LEA, and SEA;
- Be monitored and periodically reviewed by the SEA;
- Include evidence-based interventions;
- Be based on a school-level needs assessment; and
- Identify resource inequities to be addressed through plan implementation.

If a school continues to be identified for comprehensive support and improvement for a number of years decided by the state (up to four years), the state must determine further intervention action.

School Supports and Interventions (cont.)

Targeted Support and Improvement

The state must **annually** notify districts of any school where a group of students is “consistently underperforming”.

States will need to establish a uniform, statewide definition of consistently underperforming subgroups. This definition could be based on one of the following factors:

- Whether a subgroup is on track to meet the state’s long term goals;
- Whether a subgroup is performing at the lowest performance level on one of the state’s annual indicators; or
- Whether a subgroup is performing significantly below the state average for all students.

School Supports and Interventions (cont.)

Targeted Support and Improvement Plan

Each school must then develop and implement an improvement plan.

The plan must:

- Be informed by all indicators in the statewide accountability system;
- Include evidence-based interventions;
- Be approved and monitored by the ***school district***, and
- Result in additional action for underperformance over a period of time determined by the school district.

If the school is unsuccessful in implementing its improvement plan within a district-determined number of years, the district must take additional action.

Definition of “Evidenced-Based” in ESSA

Strong

- At least 1 well designed and well implemented **experimental** study (i.e., randomized).

Moderate

- At least 1 well designed and well implemented **quasi-experimental** study (i.e., matched).

Promising

- At least 1 well designed and well implemented **correlational** study with statistical controls for selection bias.

“Under Evaluation”

- **Demonstrates rationale** based on high-quality research or positive evaluation that such activity, strategy, or implementation is likely to improve student outcomes.

Funding

Fiscal and Resource Equity

- Maintains current Title I formulas.
- ESSA maintains the prior law's ranking and serving rules (i.e. 75% rule). However, LEAs may lower this threshold to 50% for high schools only.
- Allows a school that serves an eligible school attendance area with less than 40% poverty to operate a school-wide program if the school received a waiver from the State.
- Includes a weighted student funding formula pilot—permits 50 districts to consolidate federal, state, and local funds and distribute through a single weighted funding formula.

Funding

Title I Set Aside for School Improvement

- Eliminates School Improvement Grants (SIG) as a separate program.
- Increases State set-aside of Title I funds for school improvement from 4% to 7%.
 - This set-aside would support comprehensive, targeted, and other school improvement activities.
 - At least 95% of these funds must pass through to school districts (which may include educational service agencies, consortia of districts, or statewide school districts), **by formula or competition.**
 - The school improvement awards may be up to 4 years, which may include a planning year.

Funding (cont.)

Direct Student Services

- Eliminates required 20% LEA set-aside for Supplemental Educational Services (SES) and public school choice transportation.
 - States would be allowed to reserve 3% of their Title I funds to make competitive grants to LEAs to provide advanced courses, CTE courses, AP/IB tests, public school choice or high-quality academic tutoring.

Title II—Teachers and Leaders

Addressing Teacher Qualifications and Inequities

NCLB/Flex

- Under NCLB, states were required to demonstrate that all teachers were “highly qualified”, with the goal of addressing the teacher equity problem.
- NCLB/Flex also required each state plan to include the steps they would take to ensure that low income students and students of color were not taught at higher rates than their wealthier peers by inexperienced, unqualified, or out-of-field teachers — i.e., an inequitable distribution of teachers.

ESSA

- ESSA eliminates the “HQT” provisions of NCLB and replaces them with a single requirement that Title I program teachers meet applicable state certification and licensure requirements.
- In addition, states would still need to describe the measures they will use to ensure at-risk students are not served at disproportionate rates by “*ineffective*, out-of-field, or inexperienced teachers”—with “ineffective” replacing “unqualified.”

Teacher and School Leader Evaluations

NCLB/Flex

- Teacher Principal Evaluation systems with a “significant” student growth element were required statewide under Flex.

ESSA

- Under ESSA, SEAs and LEAs may choose to develop a Teacher Principal Evaluation system and may use Title II, Part A funds to support those efforts.

Understanding the Use of Title II Funding

- Basic Title II, Part A grants flow by formula to states and to school districts, as under NCLB, though ESSA changes the formula to weigh poverty more heavily.
- Now, 35% of the amount states generate is based on population and 65% based on poverty. The percentages shift between 2018 and 2020 until it is 20% based on population and 80% based on poverty.

Understanding the Use of Title II Funding (cont.)

State Grants (Title II, Part A): At least 95% to subgrants to LEAs, up to 1% to administration

Up to 4% (remaining State-level reservation) to be used for State activities

State activities include reforming teacher certification/licensure, technical assistance, teacher and leader evaluation and support systems, preparation, etc.

Formula to LEAs

- 20% by population
- 80% by poverty
- May be used for class size reduction, hiring, retention, support, technical assistance, training on behavior, evaluation and support systems, incentive pay, etc.

Understanding the Use of Title II Funding (cont.)

Competitive Grants (Title II, Part B) contains all national activities and is split into four subparts:

Subpart 1—**Teacher and School Leader Incentive Program** (2017-2019—49.1%, 2020, 47%)

- Competitive grants to SEAs, LEAs, or partnerships
- Up to 3 years with possibility of two year extension

Subpart 2—**Literacy Education for All, Results for the Nation** (2017-2019—34.1%, 2020—36.8%)

- Competitive grants to States to improve academic literacy instruction
- 95% of the award to make subgrants to LEAs
- 5 year grants with 2 year extension/renewal

Title III—English Learners

ESSA & English Learners

- Reauthorizes Title III: Increases the authorization levels beginning in FY 2017 (~\$19mil).
- ESSA defines an “English learner” as an individual who, among other things, has difficulties in speaking, reading, writing, or understanding the English language that may be sufficient to deny him or her the *ability to meet challenging state academic standards*.
- Adds subgroup reporting requirements for Title III LEAs
 - ELs with disabilities
 - Long term ELs (i.e. ELs who have not achieved proficiency after 5 years of being initially classified as an EL).

Standardized Statewide Entrance and Exit Requirements

- Under Title III, states must establish and implement, after consultation with LEAs representing the geographic diversity of the state, standardized EL entrance and exit procedures.
- All students who might be ELs must be assessed for the EL status within 30 days of enrollment.
- SEAs may use the 5 percent of Title III funds that is set-aside for state-level activities to support this endeavor.

Other Key Amendments to Title III

- Authorizing SEAs to use the 5 percent state set-aside to provide recognition and financial rewards to LEAs that have significantly improved the achievement and progress of ELs.
- Authorizing the Secretary of Education to use Census Bureau data or state counts of the number of students assessed for English proficiency, *or a combination of those two sources*, to compute states' Title III allocations

Title IV—Student Support and Academic Enrichment Grants

New Block Grant Program

- Creates new Student Support and Academic Enrichment Grants authorized at \$1.65 billion (Title IV, Part A).
- Consolidates several programs (AP, physical education, education technology, school counseling.)
- Provides formula grants to LEAs based on their share of Title I funds.
- Requires LEAs to conduct a comprehensive needs assessment every three years for the activities it will support.

Required Activities

LEAs that receive more than \$30,000 will have to fund activities in each of three categories:

- **Well-Rounded** (at least 20% of funds), which include AP and IB test fee reimbursement, STEM, Arts and Computer Science
- **Healthy Students** (at least 20% of funds), which includes anti-bullying campaigns and drug abuse prevention
- **Technology** (at least one activity, and no more than 15% can go toward the purchase of technology infrastructure)

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