

# An Overview of the Every Student Succeeds Act

**November 2016**

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# Introductory Information

## Every Student Succeeds Act (ESSA) Timeline

- 12/10/15 ESSA signed into law
- 8/1/16 ESEA Flexibility Waivers null and void
- 2016 Development of regulations and guidance
- 2016–17 Transition to ESSA
- 2017–18 Full ESSA implementation

## U.S. Department of Education (ED) Documents

- Laws
  - ESSA website
    - » ESSA statute and all related documents posted to this site
- Regulations
  - Release dates of the final regulations to be determined
  - Proposed regulations
    - » Accountability, state plans, and data reporting: 5/31/16 Federal Register
    - » Assessments and the innovative assessment pilot: 7/11/16 Federal Register
    - » Supplement-not-supplant: 9/6/16 Federal Register
- Dear Colleague Letters (DCL)
  - Key policy letters signed by the education secretary or deputy secretary
  - Guidance on targeted topics
  - DCL examples
    - » New ESSA law: 12/10/15
    - » Transition to ESSA: 12/18/15
    - » ESSA: 1/28/16
    - » STEM: 4/13/16
    - » Foster care timelines: 6/23/16
    - » Foster care guidance: 6/23/16
    - » Stakeholder engagement: 6/23/16
    - » Tribal consultation: 9/26/16
- Guidance Documents (Federal Register, Vol. 72, No. 16, I.3)
  - ED statements of general applicability and future effect that set forth policy or interpretation (not regulatory action) on statutory, regulatory, or technical issues
  - Not legally binding requirements but offer “safe harbor” options

- Guidance documents
  - » Foster care: 6/23/16
  - » Homeless students: 7/27/16
  - » Evidence: 9/16/16
  - » Title II, Part A: 9/27/16
  - » Title III-English Learners (EL): 9/23/16
  - » Schoolwide: 9/29/16
  - » Early Learning: 10/20/16
  - » Student Support and Academic Enrichment Program: 10/21/16
- Frequently Asked Questions (FAQ) Documents
  - Include actions ED has taken or will take to support ESSA transition
  - Support states and local education agencies (LEAs) in understanding expectations during transition to full ESSA implementation
  - ESSA transition FAQs: 6/29/16 update

## **ESSA Title I Programs**

- See Appendix A, *ESSA/NCLB Title Programs Crosswalk*.

## **ESSA Modifications to the No Child Left Behind Act (NCLB)**

- The following NCLB components are not required in ESSA (6/29/16 FAQ A-4b):
  - Adequate yearly progress (AYP) requirements
  - Highly qualified teachers (HQT) requirements
  - Requirements for schools to notify parents when their child is assigned to, or has been taught for four or more consecutive weeks, by a teacher who is not HQT
  - Teacher evaluation systems requirements
  - Annual measurable objectives (AMOs) and annual measurable achievement objectives (AMAOs) requirements
  - Requirement to notify parents if a Title III LEA fails to meet one or more AMAOs

## **Definition of Evidence-Based**

- Definition – An activity, strategy, or intervention that [§8002(21)(A)]
  - Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on the following:
    - » strong evidence from at least one well-designed and well-implemented experimental study
    - » moderate evidence from at least one well-designed and well-implemented quasi-experimental study or
    - » promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias or

- Demonstrates a rationale based on 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 such activity, strategy, or intervention
- When used with respect to interventions, improvement activities, or strategies funded under 1003 (School Improvement), evidence-based means a state, LEA, or school activity, strategy, or intervention that meets the requirements of the above first sub-bullet (strong, moderate, or promising evidence) [§8002(21)(B)].

## **Selection of Evidence-Based Interventions**

- Even though “at least one study” providing strong, moderate, or promising evidence on an intervention is required, the entire body of relevant evidence should be considered. (Evidence non-reg. guidance: 9/16/16)
- States and districts should include interventions supported by strong or moderate evidence in a similar setting and/or population to the ones being served. (Evidence non-reg. guidance: 9/16/16)

## **Well-Rounded Education**

- ESSA’s goal is to provide all children significant opportunity to receive a fair, equitable, and high-quality well-rounded education (6/23/16 DCL-Stakeholder Engagement).
- Well-rounded education definition – Courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education (CTE), health, and physical education [§8002(52)]
  - Also includes any other state- or LEA-determined subject that provides all students access to an enriched curriculum and educational experience [§8002(52)]
- Schoolwide program plans and targeted assistance programs may include programs, activities, and courses necessary to provide a well-rounded education [§1008(b)(7)(A)(ii)] and [§1009(b)(2)(A)].
- Holistic education definition – Education that includes access to social studies, including history, civics, government, economics, and geography; music and art; world languages; sciences, including physics, chemistry, computer science, and biology; physical and health education; CTE; and rigorous coursework of all types (7/13/16 DCL):
  - A holistic education provides students with the knowledge necessary to succeed in today’s world.

- Humanities education definition – Education that includes social studies, including: history, civics, government, economics, and geography; literature; art; music; and philosophy; as well as other non-STEM subjects that are not generally covered by an English/language arts curriculum (7/13/16 DCL):
  - Federal formula grant funds (Titles I, II, III, IV, and V) can support humanities-based educational strategies in SY 2016–17.

## **Equitable Access**

- State equitable access plans remain in effect for school years (SYs) 2015–16 and 2016–17 (1/28/16 DCL).
- Like NCLB, ESSA contains a similar equitable access requirement that low-income and minority children are not to be served at disproportionate rates by ineffective, inexperienced, and out-of-field teachers [§1005(g)(1)(B)].
  - “Ineffective” replaces NCLB’s “unqualified” terminology.



# State Plan

## Transition

- All states with currently approved ESEA Flexibility plans continued implementation of their flexibility plans through 8/1/16 [§(4)(c)(1)].
- States are not required to submit consolidated state applications for funding in July 2016 to receive fiscal year (FY) 2016 formula funds (1/28/16 DCL).
  - The 2016 Consolidated Appropriations Act clarifies that FY 2016 formula grant funds will be administered as per ESEA, as amended by NCLB.
  - State and LEA grant awards for SY 2016–17 will be made just as they were for SY 2015–16.
  - Generally, states and LEAs must continue to implement programs in SY 2016–17 according to NCLB requirements, as they existed in SY 2015–16.

## Components

- Among other components, state plans must include the following:
  - An assurance that the state has adopted challenging academic content standards and aligned academic achievement standards, which shall include at least three levels of achievement [§1111(b)(1)(A)]
  - Demonstration that the state has adopted English language proficiency (ELP) standards [§1111(b)(1)(F)]
  - Demonstration that the state, in consultation with LEAs, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science [§1111(b)(2)(A)]
  - Description of the state’s statewide accountability system [§1111(c)(1)]
  - Description of how the state will provide assistance to LEAs and individual elementary schools choosing to use funds to support early childhood education programs [§1111(g)(1)(A)]
  - Description of how low-income and minority children are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and measures used to evaluate and publicly report the state’s progress with respect to such description [§1111(g)(1)(B)]
  - Description of how the state will support the improvement of school conditions for student learning, including reducing bullying and harassment and the overuse of discipline practices that remove students from the classroom [§1111(g)(1)(C)]
  - Description of how the state will support effective transitions of students to middle grades and high school to decrease the risk of students dropping out [§1111(g)(1)(D)]

- Description of the steps the state will take to ensure collaboration with the appropriate state agency to ensure the educational stability of children in foster care [§1111(g)(1)(E)]
- Description of how the state will support LEAs in the identification, enrollment, attendance, and school stability of homeless children and youth [§1111(g)(1)(F)]
- Assurances (14 assurances) [§1111(g)(2)(A)-(N)]
  - » SEA will ensure all Title I teachers and paraprofessionals meet applicable state certification and licensure requirements, including requirements for certification obtained through alternative routes [§1111(g)(2)(J)]

## Peer Review

- The ED secretary shall establish a peer review process and multidisciplinary peer-review teams to assist in the review of state plans [§1111(a)(4)(A)(i)-(ii)].

## Consolidated Plan Programs

- A state may include in a consolidated state plan any programs authorized by the following [§8002(11)]:
  - Title I, Part A: Improving Basic Programs Operated by State and Local Educational Agencies
  - Title I, Part C: Education of Migratory Children
  - Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
  - Title II, Part A: Supporting Effective Instruction
  - Title III, Part A: Language Instruction for English Learners and Immigrant Students
  - Title IV, Part A: Student Support and Academic Enrichment Grants
  - Title IV, Part B: 21st Century Community Learning Centers
  - Title V, Part B, Subpart 2: Rural and Low-Income School Program

## Proposed Regulations

### *Timelines*

- States have a choice between two deadlines, either March 6, 2017, or July 5, 2017, to submit either a consolidated state plan or individual program state plans [§299.13(d)(2)] and ED 6/9/16 PPT.
- Assurances from §299.13(c), *Overview of State Plan Requirements-Assurances*, must be submitted no later than March 6, 2017, to receive federal allocations for FY 2017 for the programs in §299.13(j), *Programs That May Be Included in a Consolidated State Plan* [§299.13(d)(1)].

- A state must review and revise its approved consolidated state plan or individual state plans at least once every 4 years [§299.13(h)].

### **Consolidated Plan Programs**

- A state also may include in the consolidated state plan [§299.13(j)(2)(i)-(ii)]:
  - Grants for State Assessments and Related Activities program
  - Education for Homeless Children and Youths program

### **Consultation**

- Timely and meaningful consultation with a diverse group of stakeholders during the design and development of the state plan is required at multiple points [§299.13(b)(2)(i)-(iii)]:
  - During the design and development of the state plan
  - Prior to submission of the state plan by making the plan available for public comment for at least 30 days and
  - Prior to submission of any revisions or amendments to the state plan
- Stakeholders must be included from the below 13 designated categories and must reflect the state’s geographic diversity [§299.15(a)(1)-(13)].
  - Governor, or appropriate officials from the Governor’s office
  - Members from the state legislature
  - Members of the State Board of Education (if applicable)
  - LEAs, including LEAs in rural areas
  - Representatives of Indian tribes located in the state
  - Teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and representative organizations
  - Charter school leaders, if applicable
  - Parents and families
  - Community-based organizations
  - Civil rights organizations
  - Institutions of higher education
  - Employers
  - The public

## **Components**

- State plans must address the following five components [§299.14(b)]:
  - 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)
- The state Educator Equity Plan will be integrated into the state’s consolidated application (ED’s *Summary: Proposed Regulations on Accountability, State Plans, and Data Reporting under ESSA*).

# Statewide Accountability System

## Goals

- The statewide accountability system must describe ambitious state-designed, long-term goals, which include interim progress for all students and separately for each subgroup in meeting such goals [§1111(c)(4)(A)(i)]:
  - Must be based on challenging state academic standards for reading or language arts and mathematics to improve student academic achievement and school success [§1111(c)(4)]
  - Must meaningfully differentiate schools based on subgroup performance [§1111(c)(4)(C)(i)]:

## Indicators

- The statewide accountability system must include multiple statewide indicators:
  - Academic achievement as measured by proficiency on annual assessments [§1111(c)(4)(B)(i)]
  - Public elementary/middle schools: measure of academic success, such as student growth, or other academic indicator [§1111(c)(4)(B)(ii)]
  - Public high schools: graduation rate [§1111(c)(4)(B)(iii)]
  - Progress of English Learners (ELs) in achieving ELP as defined by the state and measured by state assessments [§1111(c)(4)(B)(iv)]
  - At least one additional measure of school quality or student success, which must [§1111(c)(4)(B)(v)(I)-(II)]:
    - » Allow for meaningful differentiation in school performance and
    - » Be valid, reliable, comparable, and statewide
    - » Examples of potential additional measures: student engagement, educator engagement, access to and completion of advanced coursework, postsecondary readiness, and school climate/safety
  - The first four indicators must have a “much greater weight,” in the aggregate, than the additional school quality/student success indicator [§1111(c)(4)(C)(ii)(II)].

## Subgroups

- States must report the overall performance of all students and the performance of subgroups [§1111(c)(1)-(2)]:
  - Subgroups: economically disadvantaged, major racial and ethnic groups, students with disabilities, and English learners
- States must determine their n-size for accountability purposes [§1111(c)(3)(A)(i)]:
  - N-size = minimum number of students for the subgroup to be counted in the state accountability system

- For not more than 4 years after a student ceases to be identified as an EL, a state may include the results of the student’s assessments within the results of the EL subgroup for the purposes of the state accountability system [§1111(b)(3)(B)].

## Participation Rate

- On state assessments, the state must annually measure the achievement of at least 95 percent of all students and 95 percent of all students in each student subgroup enrolled in public schools [§1111(c)(4)(E)(i)]:
  - States must factor participation rate into the statewide accountability system [§1111(c)(4)(E)(iii)].

## Proposed Regulations

### Goals

- In establishing its ambitious state-designed long-term goals and measurements of interim progress, a state must [§200.13(a)(2)(ii)-(iv)]
  - Set the same multiyear timeline to achieve the state’s long-term goals for all students and for each subgroup of students
  - Measure achievement separately for reading/language arts and mathematics and
  - Take into account the improvement necessary for each student subgroup to make significant progress in closing statewide proficiency gaps, such that the state’s measures of interim progress require greater rates of improvement for student subgroups that are lower-achieving

### Indicators

- Measures included within the indicators of Academic Progress and School Quality or Student Success
  - Measure the performance of all students in all public schools, including public charter schools [§200.14(a)(1)]
  - Allow for disaggregation between subgroups of students [§200.14(c)(3)]
  - Are supported by research, indicating that performance or progress on such measures is likely to increase student academic achievement or, at the high school level, graduation rate [§200.14(d)] and
  - Aid in meaningful differentiation of schools by demonstrating varied results across all schools in the state [§200.14(e)]
- States must set graduation rate goals for the 4-year adjusted cohort graduation rate and may include extended year cohort graduation rates [§200.14(b)(3)(i)-(ii)].
- For high schools, the academic achievement indicator also may include growth [§200.14(b)(1)(iii)].

- Each indicator must have three performance levels (example: low, medium, high) [§200.18(b)(20)].
- Academic achievement must equally measure mathematics and reading and language arts [§200.14(b)(1)(i)].

### **Summative Rating**

- The state is required to assign a single rating from at least three distinct rating categories for each school, based on a school’s performance level on each indicator, to describe a school’s summative performance on LEA report cards [§200.18(b)(4)]:
  - No weight or percentage assigned to individual indicators, but academic indicators required to have “substantial” weight individually and “much greater” weight in the aggregate, than the School Quality or Student Success indicator(s) [§200.18(c)(1)-(2)]
- A school achieving the lowest performance level on any academic indicator must receive a different summative rating than a school performing at the highest level on all of the indicators [§200.18(d)(3)].

### **Subgroups**

- Super subgroups cannot replace individual subgroups [§200.17(a)(1)(ii)].
- Any state with an n-size larger than 30 students must submit a justification in its state plan [§200.17(a)(2)(iii)]:
  - Include information about the number and percentage of schools that would not be held accountable for the results of students in each subgroup if the state adopted a higher n-size [§200.17(a)(3)(v)]

### **Participation Rate**

- If a school misses the 95 percent participation requirement for all students or for one or more student subgroups, the state must [§200.15(b)(2)(i)-(iv)]
  - Assign a lower summative rating to the school
  - Assign the lowest performance level on the state's Academic Achievement indicator to the school
  - Identify the school for targeted support and improvement (TSI) or
  - Take another equally rigorous state-determined action
- Schools that miss the 95 percent participation rate for all students or for one or more subgroups must develop and implement a district-approved and district-monitored improvement plan that addresses the reason(s) for low participation and includes strategies to improve participation rates in subsequent years [§200.15(c)(1)(i)-(iv)].

### ***Comprehensive Support and Improvement (CSI)***

- States must identify for CSI [§1111(c)(4)(D)(i)(I)-(III)]
  - Not less than the lowest-performing 5 percent of all schools receiving Title I funds
  - All public high schools with graduation rates lower than 67 percent of all students and
  - Title I schools with chronically low-performing subgroups that have not improved after receiving additional targeted support
- States must identify certain schools for CSI once every 3 years [§200.19(d)(1)(i)].
- A school identified for CSI cannot be removed from identification on the basis of a school quality/student success indicator, unless it also is making significant progress for all students on an academic indicator [§200.18(d)(1)].
- See Appendix B, *Comprehensive Support and Improvement/Targeted Support and Improvement Crosswalk*.

### ***Targeted Support and Improvement (TSI)***

- States must identify for TSI any school in which any subgroup is consistently underperforming, as determined by the state, based on all indicators in the statewide accountability system [§1111(d)(2)(A)(i)].
- States must annually identify schools for TSI [§200.19(d)(1)(ii)]:
  - States must identify schools with one or more low-performing student subgroups for additional TSI once every 3 years [§200.19(b)(2)] and [§200.19(d)(1)(iii)].
- Schools identified for TSI due to low participation rates would not be required to develop a plan separate from its TSI plan [§200.15(c)(3)].
- Schools identified for TSI because of a struggling subgroup cannot be removed from identification on the basis of a school quality/student success indicator, unless that subgroup is making significant progress on at least one academic indicator [§200.18(d)(2)].
- See Appendix B, *Comprehensive Support and Improvement/Targeted Support and Improvement Crosswalk*.



## **English Learners**

- Each state must establish long-term goals and measurements of interim progress for ELs to attain ELP, as measured by the state ELP test [§200.13(c)(1)].
- EL goals must set expectations that each English learner will [§200.13(c)(2)(i)]
  - Make annual progress toward attaining ELP and
  - Attain ELP within a period after the student’s identification as an EL
- The state’s EL long-term goals and measurements of interim progress must be determined by developing a state-developed uniform procedure for setting such goals and interim progress measures [§200.13(c)(2)(ii)].
- The state-developed uniform procedure [§200.13(c)(2)(ii)]
  - Must be applied consistently to all ELs and
  - Must take into account the student’s ELP level
  - Also may consider the following at the time the student is identified as EL:
    - » Time in language instructional educational programs
    - » Grade level
    - » Age
    - » Native language proficiency level
    - » Limited or interrupted formal education, if any

## **Charter Schools**

- States must include all public charter schools in their accountability systems [§200.12(c)].

# Academic Assessments

## Goals

- As of January 2016, states do not need to submit AMOs for SYs 2014–15 and 2015–16 (12/18/15 DCL).

## General Information

- The same academic assessments are administered to all public elementary and secondary students in the state [§1111(b)(2)(B)(i)].
- The results are to be disaggregated at the state, LEA, and school levels by each major racial and ethnic group, economically disadvantaged students, children with disabilities, English proficiency status, gender, and migrant status (unless statistically unreliable or personally identifiable) [§1111(b)(2)(B)(xi)].
- If a student does not attend the same school within an LEA for at least half of a school year, the student’s performance may not be used in the system of meaningful differentiation of all public schools, but shall be used for reporting purposes on the state and LEA report cards for that school year [§1111(c)(4)(F)(i)].

## ESSA Requirements

- The following ESSA requirements are very similar to NCLB. States must do the following:
  - Annually administer statewide assessments in both mathematics and English language arts to every student in Grades 3–8 and once in high school, in addition to a science assessment at least once in Grades 3–5, 6–9, and 10–12 [§1111(b)(2)(B)(i)-(v)]
  - Provide alternate assessments and accommodations as needed for students with disabilities [§1111(b)(2)(B)(vii)(II)] and [§1111(b)(2)(D)(i)]
  - Annually assess English proficiency of all ELs in all state schools [§1111(b)(2)(G)(i)]
  - Include ELs in their academic assessments, with ELs [§1111(b)(2)(B)(vii)(III)]
    - » Assessed in a valid and reliable manner and
    - » Provided appropriate accommodations including, to the extent possible, assessments in the language and form most likely to yield accurate data on what students know and can do in academic content areas, until such students achieve ELP
  - Assess at least 95 percent of all students and 95 percent of all students in each subgroup [§1111(c)(4)(E)(i)]
- The following ESSA requirements are different from NCLB:
  - Assessments may be delivered, in part, as projects, portfolios, and/or extended performance tasks [§1111(b)(2)(B)(vi)].

- States have the option to administer a single summative assessment or multiple statewide interim assessments resulting in a single summative score for student achievement or growth [§1111(b)(2)(B)(viii)(I)-(II)].
- Districts can use a nationally recognized high school assessment (e.g., ACT and SAT) instead of a state-developed assessment, if the assessment is approved by the state and meets technical requirements [§1111(b)(2)(H)(i)-(iii)].
- States may set a target limit on the aggregate amount of time spent administering assessments in each grade level [§1111(b)(2)(L)].
- States may exempt 8<sup>th</sup> graders from middle grades mathematics assessments if certain conditions are met [§1111(b)(2)(C)(i)-(iii)].
- States may use up to 20 percent of State Assessment Grants to audit their own assessment systems to ensure that unnecessary exams are not being administered, which may include the costs of terminating procurement contracts [§1202(e)(3)(D)(i)] and [§1203(a)(3)].
- Innovative assessment systems may be piloted in a total of seven states, including those participating in consortia, and consortia that include not more than four states [§1204(b)(3)(A)-(B)]
  - » Definition – System of assessments that may include [§1204(a)(1)-(2)]:
    - Competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance-based assessments that combine into an annual summative determination for a student, which may be administered through computer-adaptive assessments and
    - Assessments that validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs.
  - » Locally designed competency- and performance-based assessments must meet nationally recognized professional and technical standards [§1204(e)(2)(A)(i)].
- In assessing students with disabilities, there is a 1 percent cap on the total number of all students in the state who can take an alternate assessment in each tested subject [§1111(b)(2)(D)(i)(I)]:
  - » If a district administers alternate assessments to more than 1 percent of its students, it must submit a justification to the state [§1111(b)(2)(D)(ii)(II)].
  - » States can seek a waiver from the ED secretary if the overall 1 percent state cap is exceeded [§1111(b)(2)(D)(ii)(IV)].

## Proposed Regulations

### *Proposed State Requirements*

The proposed regulations establish state requirements for the following:

- Review and approval of assessments, if the state permits LEAs to administer a locally selected, nationally recognized high school academic assessment in each of reading/language arts, mathematics, or science [§200.3(a)(1)] and [§200.3(b)]
- Administration of an end-of-course mathematics assessment to exempt an eighth-grade student from the mathematics assessment typically administered in eighth grade, if the student instead takes the end-of-course mathematics assessment the state administers to high school students [§200.5(b)(1)]
- Alignment of alternate assessments with challenging state academic standards and alternate academic achievement standards for students with the most significant cognitive disabilities [§200.6(c)] and [§299.16(b)(1)(C)]
  - For each subject for which state assessments are administered, there is a requirement to cap the total number of students who take an alternate assessment at 1 percent of the total number of students in the state who are assessed in that subject area [§200.6(c)(2)].
  - There are multiple requirements a state must meet if it requests a waiver from the ED secretary to exceed such a cap [§200.6(c)(3)-(4)].
- Inclusion of ELs in its academic assessments [§200.6(f)]:
  - Indicate in its state plan the languages other than English that are present to a significant extent in the participating population for which yearly assessments are not available and are needed [§200.6(f)(1)(ii)(D)]
  - Describe in its state plan how every effort will be made to develop assessments in such languages [§200.6(f)(1)(E)]
- Use of computer-adaptive assessments, consistent with §1111(b)(2)(J) and §200.2, when administering the required state assessments [§200.2(c)(1)]
  - A computer-adaptive assessment must measure a student’s academic proficiency based on the challenging state academic standards for the grade in which the student is enrolled and growth toward those standards [§200.2(c)(1)(i)-(ii)].
  - If using such assessments, the state must report on student academic achievement in the same way it would for any other annual statewide assessment used to meet ESSA title I, part A requirements [§200.2(c)(2)].

## ***Nationally Recognized High School Academic Assessment***

- Definition – An assessment of high school students’ knowledge and skills that is administered in multiple states and is recognized by institutions of higher education in those or other states for the purposes of entrance or placement into courses in postsecondary education or training programs [§200.3(d)]
- If a state allows a district to administer a nationally recognized high school academic assessment, the state must [§200.3(b)(1)-(3)]
  - Establish and use technical criteria to evaluate the assessment
  - Ensure the appropriate use of accommodations for students with disabilities and English learners and
  - Approve the district’s request to use an instrument that meets these requirements

# Standards

## State Standards

- The state must do the following:
  - Adopt challenging state academic content standards and aligned academic achievement standards for mathematics, reading or language arts, and science [§1111(b)(1)(A)] and [§1111(b)(1)(C)]:
    - » Achievement standards shall include at least three achievement levels [§1111(b)(1)(A)].
  - Demonstrate that the state academic standards are aligned to its higher education entrance credit-bearing coursework requirements and relevant state career and technical education (CTE) standards [§1111(b)(1)(D)(i)]
  - Adopt ELP standards [§1111(b)(1)(F)]
  - Ensure that the standards apply to all public schools and public school students [§1111(b)(1)(B)(i)] and
  - Ensure that academic achievement standards include the same knowledge, skills, and levels of achievement expected of all public school students [§1111(b)(1)(B)(ii)]

## Alternate Academic Standards

- The state may adopt alternate academic standards for students with the most significant cognitive disabilities, provided those standards [§1111(b)(1)(E)(i)(I)-(V)]
  - Are aligned with the challenging state academic content standards
  - Promote access to the general education curriculum, consistent with the Individuals with Disabilities Education Act (IDEA)
  - Reflect professional judgment as to the highest possible standards achievable by such students
  - Are designated in each student’s individualized education program (IEP) as the academic standards that will be used for the student and
  - Are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or employment

## English Language Proficiency Standards

- The state plan shall demonstrate that the state has adopted ELP standards that [§1111(b)(1)(F)(i)-(iii)]
  - Are derived from the four domains of speaking, listening, reading, and writing
  - Address the different proficiency levels of ELs and
  - Are aligned with the challenging state academic standards

# School Improvement

## Transition

- During the SY 2016–17 transition period, priority and focus schools must continue implementing interventions as specified in their state flexibility plans (6/29/16 FAQ B-2a).
- For SY 2016–17, states had two priority/focus schools’ options from which to select by 3/1/16 (12/18/15 DCL):
  - Option A: Do not exit schools and maintain current identification through SY 2016-17 or
  - Option B: Exit schools based on approved criteria and identify new priority and focus schools for SY 2016–17

## Identification

- The state must identify ESSA services to two categories of low-performing schools [§1111(d)(1)(A)] and [§1111(d)(2)(A)(i)]
  - Comprehensive support and improvement and
  - Targeted support and improvement

## Comprehensive Support and Improvement (CSI)

- States must identify for CSI [§1111(c)(4)(D)(i)(I)-(III)]
  - Not less than the lowest-performing 5 percent of all schools receiving Title I funds
  - All public high schools with graduation rates lower than 67 percent of all students and
  - Title I schools with chronically low-performing subgroups that have not improved after receiving additional targeted support
- Beginning in SY 2017–18, schools must be identified once every 3 years based on the performance of all students [§1111(c)(4)(D)(i)].
- LEAs select turnaround strategies/interventions, with states monitoring and intervening if the district strategies are not successful after a “state-determined” number of years (maximum 4 years) [§1111(d)(1)(B)(ii)] and [§1111(d)(3)(A)(i)(I)].
- LEAs shall locally develop and implement, in partnership with stakeholders, a CSI plan for each identified school. The CSI Plan [§1111(d)(1)(B)(i)-(v)]
  - Is informed by all indicators
  - Includes evidence-based interventions
  - Is based on a school-level needs assessment
  - Identifies resource inequities

- Is approved by the school, LEA, and SEA and
- Is monitored and periodically reviewed by the SEA
- An LEA may provide all students enrolled in a CSI school the option to transfer to another public schools that it serves [§1111(d)(1)(D)(i)].
- See Appendix B, *Comprehensive Support and Improvement/Targeted Support and Improvement Crosswalk*.

## Targeted Support and Improvement

- States must identify for TSI any school in which any subgroup is consistently underperforming, as determined by the state, based on all indicators in the statewide accountability system [§1111(d)(2)(A)(i)].
- Annual identification is based on the performance of subgroups [§1111(d)(2)(A)(i)].
- Schools will be identified for the first time in SY 2018–19, using SY 2017–18 data [§1111(d)(2)(D)].
- Schools must develop and implement, in partnership with stakeholders, a school-level TSI plan. The TSI Plan must [§1111(d)(2)(B)(i)-(v)]:
  - Be informed by all indicators in the statewide accountability system
  - Include evidence-based interventions
  - Be approved by the LEA prior to implementation
  - Be monitored upon submission and implementation by the LEA and
  - Result in additional action following unsuccessful plan implementation after an LEA-determined number of years
- See Appendix B, *Comprehensive Support and Improvement/Targeted Support and Improvement Crosswalk*.

## Educational Stability for Children in Foster Care

- At the state level
  - States must collaborate with the state agency responsible for administering state plans under the Fostering Connections Act to ensure the educational stability of children in foster care [6/23/16 ED/Health and Human Services (HHS) letter] and [§1111(g)(1)(E)].
  - This collaboration includes assurances that [§1111(g)(1)(E)(i)-(ii)]
    - » A child in foster care enrolls or remains in the child’s school of origin, unless a determination is made that it is not in the child’s best interests to attend that school.
    - » If such a determination is made, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment.



- ED intends to place a condition on each state’s FY 2016 Title I grant award that requires each state to ensure that (6/23/16 ED/HHS letter)
  - » LEAs begin implementation of these requirements no later than 12/10/16.
  - » By 12/10/16, an LEA receiving Title I funds will collaborate with the state or local child welfare agency to develop and implement clear, written procedures governing how transportation to maintain children in foster care in their schools of origin, when in their best interest, will be provided, arranged, and funded for the duration of time in foster care.
- At the LEA level, each LEA that receives Title I funds must (6/23/16 ED/HHS letter)
  - Ensure in its local plan that it will develop and implement clear written procedures, in collaboration with the state or local child welfare agency, governing how transportation to maintain children in foster care in their school of origin, when in their best interest, will be provided, arranged, and funded for the duration of a child’s time in foster care
  - Ensure that it will designate a point of contact regarding children in foster care if the corresponding child welfare agency notifies the LEA in writing that it has designated a point of contact and
  - Develop and implement, in collaboration with the state or local child welfare agency, the above procedures to provide, arrange, and fund transportation to maintain children in foster care in their schools of origin by 12/10/16

## **State Set-Aside for School Improvement**

- States must reserve the greater of [§1003(a)(1)-(2)]:
  - 7 percent of Title I, part A funds or
  - The sum of the amount reserved in FY 16 under Title I, part A for school improvement and the amount the state received in FY16 under the School Improvement Grant (SIG) program for school improvement
- At least 95 percent of these funds must be formula or competitive grants to LEAs serving CSI or TSI schools [§1003(b)(1)(B)-(C)]:
  - With LEA approval, may directly provide or arrange for the provision of these activities through other entities such as school support teams, educational service agencies, or external providers
  - Awards may be up to 4 years, which may include a planning year
  - Priority to be provided to LEAs that [§1003(f)(1)-(3)]
    - » Serve high numbers or a high percentage of identified schools implementing CSI and TSI plans
    - » Demonstrate the greatest need for such funds, as determined by the state and
    - » Demonstrate the strongest commitment to using these funds to improve student achievement and student outcomes

## Proposed Regulations

### ***Identification***

- All states are required to [§200.19(d)(i)-(ii)]
  - Identify schools (lowest performing and low high school graduation rate) for CSI beginning with SY 2017–18
    - » Identification for CSI of schools with chronically low-performing subgroups is not required for SY 2017–18.
  - Annually identify schools with one or more consistently underperforming subgroups for TSI beginning with SY 2018–19
    - » States must identify for TSI any school in which one or more subgroups is performing at or below the summative level of performance of all students in any CSI lowest-performing school [§200.19(b)(2)].
    - » If a school does not exit status after receiving additional TSI, it must be identified as a CSI school [§200.22(f)(2)].
- Consistently underperforming equals 2 or more years [§200.19(c)(1)], but states may propose their own definition, which must [§200.19(c)(3)(v)]:
  - Identify schools with subgroups that, based on the state’s indicators, underperform 2 or more years
  - Look at each individual subgroup to determine if that group is consistently underperforming and
  - Be based on the state’s indicators
- All schools are eligible for a planning year in the year of identification (e.g., 2017–18), but must implement interventions in the following year (e.g., 2018–19) [§200.21(d)(5)].
- States must set meaningful exit criteria that require the CSI school to [§200.21(f)(1)(i)-(ii)]
  - Improve student outcomes and
  - No longer meet CSI identification criteria within a state-determined number of years (maximum of 4 years)
- If a CSI school does not meet the exit criteria, the district is required to conduct a new comprehensive needs assessment [§200.21(f)(2)].

- Districts must establish uniform exit criteria for TSI schools to determine that the TSI school has [§200.22(e)(1)]:
  - Successfully implemented its TSI plan so that it no longer meets TSI identification criteria, and
  - Improved student outcomes for its lowest performing students, including each student subgroup identified as consistently underperforming
  - If identified for TSI due to student participation in assessments, met student participation requirements

### ***Engagement***

- Each district must promptly notify parents of students in CSI and TSI schools of the reasons for CSI and TSI identification and how parents can be involved developing and implementing the CSI and TSI improvement plans [§200.21(b)] and [§200.22(b)(1)-(2)].
  - CSI schools also must notify parents how they can become involved in the required needs assessment [§200.21(b)].
- Schools may have up to a year in the school year in which they are identified to conduct these planning and engagement activities [§200.24(c)(2)(iii)].

### ***Improvement Plan Components***

- CSI and TSI schools' improvement plans are required to review resource inequities, including per-pupil expenditures and disproportionate rates of ineffective, out-of-field, or inexperienced teachers identified by the state and district [§200.21(d)(4)(i)] and [§200.22(c)(7)(i)].
- States, districts, and schools are allowed to select evidence-based strategies tailored to local needs for interventions in CSI and TSI plans [§ (200.21(d)(3)(i)-(iv)] and [§200.22(c)(4)(i)-(iii)].
  - States may establish a list of approved interventions [(200.21(d)(3)(iv)].

## **Targeted Support and Improvement**

- For TSI, the state will define a consistently underperforming student subgroup in a uniform manner across all LEAs in the state [§200.19(c)(3)].
- The definition must include one or more of the following [§200.19(c)(3)(i)-(v)]:
  - Student subgroup not meeting the state’s measurements of interim progress or not on track to meet the state-designed long-term goals
  - Student subgroup performing at the lowest performance level on at least one indicator, or is particularly low-performing on a measure within an indicator (e.g., student proficiency on the state mathematics assessments)
  - Student subgroup performing at or below a state-determined threshold as compared to the average performance among all students, or the highest performing student subgroup, in the state
  - Student subgroup performing significantly below the average performance among all students, or the highest performing subgroup, in the state, such that the performance gap is among the largest in the state
  - Another state-determined definition that meets all proposed requirements for identification of TSI schools

## **Set-Asides**

- States must allocate school improvement funds reserved under 1003(a) to districts to serve schools implementing CSI or TSI plans [§200.24(a)(1)].
- In awarding school improvement funds, a state must [§200.24(c)(2)(i)-(iii)]:
  - Award funds on competitive or formula basis
  - Make each award of sufficient size, with a minimum of \$500,000 for each CSI school and \$50,000 for each TSI school served, unless the state determines that a smaller amount is sufficient and
  - Make awards for a maximum of 4 years, which may include a planning year
- If a state has insufficient SI funds to award a grant of sufficient size to each LEA with an approvable application, the state must [§200.24(c)(4)(i)-(iv)]:
  - Award CSI funds prior to TSI funds
  - Give priority to districts demonstrating the greatest need
  - Give priority to districts demonstrating the strongest commitment and
  - Take into consideration the geographic diversity within the state

# Data Reporting

## State Report Cards

- States are still required to publish annual report cards for SYs 2014–15, 2015–16, and beyond (12/18/16 DCL):
  - State and local report cards for SYs 2014–15 and 2015–16, but not for SY 2016–17, must continue to include information on teacher quality (6/29/16 FAQ C-9).

## State Report Card Components

- Each state report card shall include a clear and concise description of the state’s accountability system [§1111(h)(1)(c)(i)].
- There are 14 state report card components, including the following [§1111(h)(1)(C)(i)-(xiv)]:
  - Minimum number of students necessary for a subgroup to be counted (n-size) in the state accountability system [§1111(h)(1)(C)(i)]
  - Student achievement levels on state academic assessments for all students and disaggregated by subgroups [§1111(h)(1)(C)(ii)]
    - » Subgroups: Economically disadvantaged students, major racial and ethnic groups, children with disabilities, English learners, gender, migrant, homeless students, students in foster care, and students with a parent on active duty in the Armed Forces
  - For all students, subgroups, homeless students, and students in foster care, information on the performance of the other academic indicator and high school graduation rates [§1111(h)(1)(C)(iii)(I)-(II)]
    - » Subgroups: Economically disadvantaged students, major racial and ethnic groups, children with disabilities, English learners, homeless students, and students in foster care
  - Number and percentage of ELs achieving ELP [§1111(h)(1)(C)(iv)]
  - For all students and disaggregated by subgroups, performance on the other indicator(s) of school quality or student success [§1111(h)(1)(C)(v)]:
    - » Subgroups: Economically disadvantaged students, major racial and ethnic groups, children with disabilities, and English learners
  - Progress of all students and each subgroup toward meeting the state’s long-term goals and interim progress measurements [§1111(h)(1)(C)(vi)]
  - For all students and disaggregated by subgroups, the percentage of students assessed and not assessed [§1111(h)(1)(C)(vii)]:
    - » Subgroups: Major and ethnic group, economically disadvantaged, children with disabilities, English proficiency status, gender, and migrant status
  - Measures of school quality, climate, and safety [§1111(h)(1)(C)(viii)(I)]

- Number and percentage of students enrolled in preschool and accelerated coursework to earn postsecondary credit while still in high school [§1111(h)(1)(C)(viii)(II)]
- Professional qualifications of teachers, principals, and other school leaders [§1111(h)(1)(C)(ix)(I)]
- Per-pupil expenditures of federal, state, and local funds for LEAs and schools for the preceding fiscal year [§1111(h)(1)(C)(x)]
- Number and percentage of students with the most significant cognitive disabilities who take an alternate assessment by grade and subject [§1111(h)(1)(C)(xi)]
- Results of reading and mathematics state academic assessments in grades 4 and 8 on the National Assessment of Educational Progress (NAEP) [§1111(h)(1)(C)(xii)]
- Beginning with the report card for 2017, where available for each high school, the cohort rate (aggregate and disaggregated by subgroup) at which students who graduate from high school enroll, for the first academic year after the students’ graduation, in programs of public postsecondary education [§1111(h)(1)(C)(xiii)(I)]
  - » If data are available and to the extent practicable, the same information for private, in-state postsecondary programs, or out-of-state postsecondary programs [§1111(h)(1)(C)(xiii)(II)]

## **LEA Report Cards**

- The state shall ensure that LEA report cards include the same information as the state report card and is disaggregated in the same manner as the state report card [§1111(h)(2)(C)]:
  - Exception: LEA report cards do not include NAEP state academic assessment results in grades 4 and 8 [§1111(h)(2)(C)].

## **Proposed Regulations**

### ***General Information***

- Each state must define “inexperienced” and “not teaching in the subject/field of certification or licensure,” and the state and LEAs must use these definitions to report educator qualification data [§200.37(b)(2)].
- Clarification is provided for new provisions, including how students with the most significant cognitive disabilities who earn alternate diplomas may be included in graduation rate calculations [§200.34(a)(1)(ii)].

### ***Timeline***

- States are required to do the following:
  - Consult with parents in designing report cards [§200.30(b)(1)]
  - Make report cards available for the preceding school year no later than December

31 annually [§200.30(e)(1)]

- LEAs are required to make report cards available for the preceding school year no later than December 31 annually [§200.31(e)(1)].
- A state may request a one-time, one-year extension for reporting on some or all of the newly required information [§200.30(e)(2)]:
  - States may request, on behalf of the LEA, a one-time, one-year extension for reporting on required elements [§200.31(e)(2)].

### **State and LEA Report Cards**

- State and LEA report cards must include the following:
  - Number and name of each school identified for CSI and TSI, including the reason for identification [§200.32(c)(1)-(2)].
  - Percentage of students performing at each achievement level, by grade
    - » In mathematics, reading/language arts, and science [§200.33(a)(1)]
    - » For all students and disaggregated by subgroups (new subgroups include homeless students, students in foster care, and military-connected) [§200.33(a)(3)(i)-(ii)]
  - In the aggregate and disaggregated by high- and low-poverty schools, the number and percentage of [§200.37(a)(1)-(3)]
    - » Inexperienced teachers, principals, and other school leaders
    - » Teachers teaching with emergency or provisional credentials and
    - » Teachers not teaching in the subject or field of certification or licensure
  - Per-pupil expenditures of federal, state, and local funds, disaggregated by funding source [§200.35(a)(1)(i)(A)-(B)]
- A state may not use disaggregated data for one or more subgroups to report required information under 1111(h), *Reports*, if the results would reveal personally identifiable information about an individual student, teacher, principal, or other school leader [§200.17(b)(1)].

### **State Report Cards**

- Report cards must contain a description of the state accountability system and a full set of accountability information (including student assessment outcomes and graduation rates) in an easily accessible manner [§200.32(a)(1)-(5)] and [§200.32(c)(1)-(3)].
- The format of the report card must
  - Be in a format and language, to the extent practicable, that parents can understand [§200.30(c)]
  - Be concise and presented in an understandable and uniform format that is

developed in consultation with parents [§200.30(b)(2)]

- Begin with a clearly labeled, prominently displayed overview section (academic assessments, academic progress indicator, graduation rate, school quality or student success, and ELP) [§200.30(b)(2)]



### ***LEA Report Cards***

- Each LEA is required to develop a format and process for developing and disseminating LEA report cards in a manner that is concise, accessible, informative, timely, and understandable [§200.31(a)-(e)].
- Each LEA report card must include for each school [§200.32(c)(4)]
  - School’s performance level on each accountability system indicator and
  - School’s summative rating
- LEA report cards must compare the performance of students [§200.31(b)(2)(i)(B)-(C)]:
  - How LEA academic performance compares to that for students in the state as a whole and
  - For each school, how academic achievement compares to that for students in the LEA and the state as a whole

### ***Per Pupil Expenditures***

- States must do the following [§200.35(c)(1)]:
  - Develop a single, statewide procedure to calculate LEA current per-pupil expenditures of federal, state, and local funds used for public education and
  - Develop a single, statewide procedure to calculate school-level current per-pupil expenditures of federal, state, and local funds used for public education

# English Learners

## Transition

- There are no requirements for new AMAO accountability determinations based on SYs 2014–15 and 2015–16 assessment data (12/18/15 DCL):
  - A state that chooses not to make new AMAO accountability determinations may freeze district Title III accountability determinations based on the most recent AMAO calculations, and must continue to implement corresponding supports and interventions in those LEAs for SYs 2015–16 and 2016–17.
  - An LEA that was implementing an improvement plan or other interventions or reforms in SY 2015–16 must continue implementation in SY 2016–17, and the state must continue to provide technical assistance (TA) and support to each such LEA.
- The statewide accountability system contains EL long-term goals and measurements of interim progress, namely increases in the percentage of ELs making progress in achieving state-defined English proficiency on state assessments within a state-determined timeline [§1111(c)(4)(A)(i)-(ii)].

## Entrance and Exit Procedures

- States must establish and implement, with timely and meaningful consultation with geographically diverse LEAs, standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed within 30 days of enrollment [§3102(d)(2)].

## Assessment

- States may include the results of an EL student’s assessments within the EL subgroup for a maximum of 4 years after the student is no longer identified as EL [§1111(b)(3)(B)].
- States must administer annual ELP assessments aligned with the state’s ELP standards [§1111(b)(2)(G)(i)-(ii)].

## Recently Arrived English Learners

- For ELs enrolled less than 12 months in a U.S. school, states have two options [§1111(b)(3)(A)(i)-(ii)]:
  - Option 1
    - » Exclude ELs from one administration of the reading or language arts assessment and
    - » Exclude, for purposes of accountability, results on the math and reading or language arts assessment and EL proficiency assessment

- Option 2
  - » Year 1: Assess and report EL performance on reading or language arts and math and exclude results from accountability
  - » Year 2: Include a measure of student growth and
  - » Year 3: Include proficiency

# Teachers and Leaders

## Educator Evaluation Systems

- Educator evaluation and support systems are permissible, but not required, under ESSA plans (12/18/15 DCL), [§1111(g)(1)(B)], and [§2101(c)(4)(B)(ii)].

## Compliance Requirements

- Compliance with the following items is still required:
  - SEAs also must report on the state report card the professional qualifications of teachers in the state, including information (in the aggregate and disaggregated by high-poverty compared to low-poverty schools) on the number and percentage of [§1111(h)(1)(c)(ix)(I)-(III]):
    - » Inexperienced teachers, principals, and other school leaders
    - » Teachers teaching with emergency or provisional credentials and
    - » Teachers teaching out-of-subject or out-of-field
  - Each state plan shall describe how low-income and minority children enrolled in Title I schools are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and the measures the SEA will use to evaluate and publicly report the SEA’s progress with respect to such description [§1111(g)(1)(B)].
- Compliance with the following items is no longer required (1/28/16 DCL) and (6/29/16 FAQ A-4b):
  - Schools do not need to notify parents when their child has been assigned to, or has been taught for 4 or more consecutive weeks by, a teacher who is not highly qualified.
  - LEAs do not have to hire highly qualified teachers, and states and LEAs do not have to report on progress toward all teachers being highly qualified.
  - LEAs do not have to create and implement a highly qualified improvement plan, and states do not have to provide TA to those LEAs.
- LEAs still must notify parents that they may request, and the LEA will provide, certain information regarding the professional qualifications of a student’s teachers and paraprofessionals, as appropriate [§1112(e)(1)(A)].
- SEAs will ensure all Title I teachers and paraprofessionals meet applicable state certification and licensure requirements, including requirements for certification obtained through alternative routes [§1111(g)(2)(J)]

## Title II

### Purpose of Title II

- Provide grants to SEAs and subgrants to LEAs to [§2001(1)-(4)]:
  - Increase student achievement consistent with the challenging state academic standards
  - Improve the quality and effectiveness of teachers, principals, and other school leaders
  - Increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools
  - Provide low-income and minority students greater access to effective teachers, principals, and other school leaders

### Title II, Part A Funding

- Not less than 95 percent for LEA subgrants [§2101(c)(1)]
  - SEA may reserve up to 3 percent of the amount for LEA subgrants for state-level principal and school leader support (including preparation academies) [§2101(c)(3)]
  - Remainder for LEA subgrants [§2101(c)(3)]
- Up to 5 percent for state activities [§2102(c)(4)]
  - SEA may reserve up to 2 percent of total state funding for teacher, principal, or other school leader preparation academies [§2101(c)(4)(B)(xii)]
  - Up to 1 percent of total state funding for State Administration [§2101(c)(2)]
  - Remainder for other state activities [§2102(c)(4)]

### Title II, Part A Funding Formula

- ESSA changed the Title II formula so that poverty has a heavier weight than student count [§2101(b)(2)(A)(i)-(iv)]:
  - FY 2017: 35 percent based on the number of individuals aged 5–17, and 65 percent based on poverty
  - FY 2018: 30 percent based on the number of individuals aged 5–17 and 70 percent based on poverty
  - FY 2019: 25 percent based on the number of individuals aged 5–17, and 75 percent based on poverty
  - FY 2020: 20 percent based on the number of individuals aged 5–17, and 80 percent based on poverty

## **Allowable Uses of State Set-Aside Funds**

- There are 21 Title II state types of activities, including the following [§2101(c)(4)(B)(i)-(xxi)]:
  - Teacher/principal/other school leader certification, recertification, licensure, tenure systems, or preparation program standards (i)
  - Teacher, principal, or other school leader evaluation and support systems (ii)
  - Equitable access to effective teachers (iii)
  - Alternative route certification programs (iv)
  - Recruitment/retention of teachers, principals, or other school leaders (v)
  - Principal professional development (viii)
  - Transition to elementary school and school readiness (xvi)
  - Science, technology, engineering, and mathematics (STEM) (xvii)
  - Career and technical education (CTE) (xviii)
  - Licensure reciprocity (xix)

## **Allowable Uses of LEA Subgrant Funds**

- There are 16 Title II LEA types of activities, including the following [§2103(b)(3)(A)-(P)]:
  - Evaluation and support system for teachers, principals, or other school leaders (A)
  - Recruitment and retention of effective teachers (B)
  - Reduction of class size (D)
  - High-quality, evidenced based professional development (E)
  - Programs and activities that increase teachers’ ability to effectively teacher students with disabilities and ELs (F)
  - LEA training, technical assistance, and capacity building to assist school level staff with assessments (H)
  - Gifted and talented identification of students’ training (J)
  - Support of school library instructional services (K)

## **Title II, Part B: Preparing, Training, and Recruiting Teacher, Principals, or Other School Leaders**

- Contains all national activities and is divided into four subparts funded through reservations [§2201(1)-(4)]
  - Subpart 1-Teacher and School Leader Incentive Program [§2211-2213]
  - Subpart 2- Literacy Education for All, Results for the Nation [§2221-2226]
  - Subpart 3- American History and Civics Education [§2231-2233]
  - Subpart 4-Programs of National Significance [§2241-2245]

# Student Support and Academic Achievement Grants (Title IV, Part A)

## Purpose

- The purpose of the Student Support and Academic Achievement Grants is to improve students' academic achievement by increasing the capacity of states, LEAs, and local communities to [§4101(1)-(3)]:
  - Provide all students with access to a well-rounded education
  - Improve school conditions for student learning and
  - Improve the use of technology to improve the academic achievement and digital literacy of all students

## Formula Grants to States

- To receive a Student Support Academic Enrichment Grant allotment for any fiscal year, a state shall submit a state plan [§4103(c)(1)].
- Each state plan shall include [§4103(c)(2)(A)-(C)]
  - Description of how the SEA will use funds for state-level activities
  - Description of how the SEA will ensure that awards made to LEAs are in amounts consistent with §4105(a)(2), *Minimum Local Educational Agency Allocation*
  - Assurances that the SEA will
    - » Review existing resources and programs across the state and coordinate any new plans and resources with such existing resources and programs
    - » Monitor implementation of activities and provide technical assistance to LEAs in carrying out such activities
    - » Provide for equitable access for all students to the activities, including aligning those activities with the requirements of other federal laws

## Student Support Academic Enrichment Grant Set-Asides

- Each state that receives a Student Support Academic Enrichment Grant allotment shall [§4104(a)(1)-(3)]
  - Reserve at least 95 percent to make allocations to LEAs
  - Reserve a maximum of 1 percent for the administrative costs of carrying out its responsibilities and
  - Use the amount made available to the state (and not reserved as described above) for state activities

## **Student Support Academic Enrichment Grant State Activities**

- Each state that receives a Student Support Academic Enrichment Grant allotment shall use the funds for activities and programs designed to meet the purposes of the Student Support and Academic Achievement Grant, which may include [§4104(b)(1)-(3)]
  - Providing monitoring of, and training, TA, and capacity building to, LEAs that receive such grants
  - Identifying and eliminating state barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this grant so that LEAs can better coordinate with other agencies, schools, and community-based services and programs or
  - Supporting LEAs in providing programs and activities that
    - » Offer well-rounded educational experiences to all students
    - » Foster safe, healthy, supportive, drug-free environments supportive of student academic achievement and
    - » Increase access to personalized, rigorous learning experiences supported by technology



## Sources

- ED’s ESSA webpage. Retrieved from <http://www2.ed.gov/policy/elsec/leg/essa/index.html>
  - ESSA and NCLB laws
  - Dear colleague letters
  - Proposed regulations
  - Guidance documents
  - FAQ document
  - ESSA email updates
  - Fact sheets
  - Resources
- Federal Register, Vol. 72, No. 16, 1/25/07, *Final Bulletin for Agency Good Guidance Practices, 1.3 (p. 8) and Section B (p. 3)*. Retrieved from <https://www.federalregister.gov/articles/2007/01/25/E7-1066/final-bulletin-for-agency-good-guidance-practices>

## Resources

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- College & Career Readiness & Success Center. (2016, May 4). *ESSA as a Framework for College and Career Readiness*. PDF of document available upon request.
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- Whiteboard Advisors. (2016, February). *Decoding the Every Student Succeeds Act (ESSA)*. Retrieved from <http://www.whiteboardadvisors.com/sites/default/files/First%20page%20for%202.18%20blog%20post.pdf>

## Appendix A. ESSA/NCLB Title Programs Crosswalk

<b>Title Program</b>	<b>Every Student Succeeds Act (ESSA)</b>	<b>No Child Left Behind (NCLB) Act</b>
<b>Title I</b>	<b>Improving Basic Programs Operated by State and Local Educational Agencies</b>	<b>Improving the Academic Achievement of the Disadvantaged</b>
Title I, Part A	Improving Basic Programs Operated by State and Local Educational Agencies	Improving Basic Programs Operated by Local Educational Agencies
Title I, Part B	State Assessment Grants	Student Reading Skills Improvement Grants
Title I, Part C	Education of Migratory Children	Education of Migratory Children
Title I, Part D	Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk	Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
Title I, Part E	Flexibility for Equitable Per-Pupil Funding	National Assessment of Title I
Title I, Part F	---	Comprehensive School Reform
Title I, Part G	---	Advanced Placement Programs
Title I, Part H	---	School Dropout Prevention
Title I, Part I	---	General Provisions
<b>Title II</b>	<b>Preparing, Training, and Recruiting High-Quality Teachers, Principals, or Other School Leaders</b>	<b>Preparing, Training, and Recruiting High-Quality Teachers and Principals</b>
Title II, Part A	Supporting Effective Instruction	Teacher and Principal Training and Recruiting Fund
Title II, Part B	National Activities	Mathematics and Science Partnerships
Title II, Part C	General Provisions	Innovation for Teacher Quality
Title II, Part D	---	Enhancing Education Through Technology
<b>Title III</b>	<b>Language Instruction for English Learners and Immigrant Students</b>	<b>Language Instruction for Limited English Proficient and Immigrant Students</b>
Title III, Part A	English Language Acquisition, Language Enhancement, and Academic Achievement	English Language Acquisition, Language Enhancement, and Academic Achievement Act
Title III, Part B	General Provisions	Improving Language Instruction Educational Programs
Title III, Part C	---	General Provisions

<b>Title Program</b>	<b>Every Student Succeeds Act (ESSA)</b>	<b>No Child Left Behind (NCLB) Act</b>
<b>Title IV</b>	<b>21<sup>st</sup> Century Schools</b>	<b>21<sup>st</sup> Century Schools</b>
Title IV, Part A	Student Support and Academic Enrichment Grants	Safe and Drug-Free Schools and Communities
Title IV, Part B	21 <sup>st</sup> Century Community Learning Centers	21 <sup>st</sup> Century Community Learning Centers
Title IV, Part C	Expanding Opportunity Through Quality Charter Schools	Environmental Tobacco Smoke
Title IV, Part D	Magnet Schools Assistance	---
Title IV, Part E	Family Engagement in Education Programs	---
Title IV, Part F	National Activities	---
<b>Title V</b>	<b>State Innovation and Local Flexibility</b>	<b>Promoting Informed Parental Choice and Innovative Programs</b>
Title V, Part A	Funding Transferability for State and Local Educational Agencies	Innovative Programs
Title V, Part B	Rural Education Initiative	Public Charter Schools
Title V, Part C	General Provisions	Magnet Schools Assistance
Title V, Part D	---	Fund for the Improvement of Education
<b>Title VI</b>	<b>Indian, Native Hawaiian, and Alaska Native Education</b>	<b>Flexibility and Accountability</b>
Title VI, Part A	Indian Education	Improving Academic Achievement
Title VI, Part B	Native Hawaiian Education	Rural Education Initiative
Title VI, Part C	Alaska Native Education	General Provisions
<b>Title VII</b>	<b>Impact Aid</b>	<b>Indian, Native Hawaiian, and Alaska Native Education</b>
Title VII, Part A	---	Indian Education
Title VII, Part B	---	Native Hawaiian Education
Title VII, Part C	---	Alaska Native Education
<b>Title VIII</b>	<b>General Provisions</b>	<b>Impact Aid Program</b>
Title VIII, Part A	Definitions	---
Title VIII, Part B	Flexibility in the Use of Administrative and Other Funds	---
Title VIII, Part C	Coordination of Programs; Consolidated State and Local Plans and Applications	---
Title VIII, Part D	Waivers	---
Title VIII, Part E	---	---
Title VIII, Part F	Uniform Provisions	---
Title VIII, Part G	Evaluations	---

<b>Title Program</b>	<b>Every Student Succeeds Act (ESSA)</b>	<b>No Child Left Behind (NCLB) Act</b>
<b>Title IX</b>	<b>Education for the Homeless and Other Laws</b>	<b>General Provisions</b>
Title IX, Part A	Homeless Children and Youth	Definitions
Title IX, Part B	Miscellaneous; Other Laws	Flexibility in the Use of Administrative and Other Funds
Title IX, Part C	---	Coordination of Programs; Consolidated State and Local Plans and Applications
Title IX, Part D	---	Waivers
Title IX, Part E	---	Uniform Provisions
Title IX, Part F	---	Evaluations
<b>Title X</b>	---	<b>Repeals, Redesignations, and Amendments to Other Statutes</b>
Title X, Part A	---	Repeals
Title X, Part B	---	Redesignations
Title X, Part C	---	Homeless Education
Title X, Part D	---	Native American Education Improvement
Title X, Part E	---	Bureau of Indian Affairs Programs

## Appendix B. Comprehensive Support and Improvement/ Targeted Support and Improvement Crosswalk

	Comprehensive Support and Improvement (CSI)	Targeted Support and Improvement (TSI)
<b>Identification of schools</b>	<ul style="list-style-type: none"> <li>• Not less than the lowest-performing 5 percent of all schools receiving Title I funds</li> <li>• All public high schools with graduation rates lower than 67 percent of all students and</li> <li>• Title I schools with chronically low-performing subgroups that have not improved after receiving additional targeted support [§1111(c)(4)(D)(i)(I)-(III)]</li> </ul>	<ul style="list-style-type: none"> <li>• Any school in which any subgroup is consistently underperforming, as determined by the state, based on all indicators in the statewide accountability system [§1111(d)(2)(A)(i)] <ul style="list-style-type: none"> <li>– State education agency (SEA) must define “consistently underperforming” [§200.19(c)(3)].</li> </ul> </li> <li>• Any school in which one or more subgroups is performing at or below the summative level of performance of all students in any CSI lowest-performing school [§200.19(b)(2)]</li> </ul>
<b>Identifier of schools</b>	<ul style="list-style-type: none"> <li>• SEA [§200.19(d)(1)(i)]</li> </ul>	<ul style="list-style-type: none"> <li>• SEA [§200.19(d)(1)(ii)-(iii)]</li> </ul>
<b>Identification time frame</b>	<ul style="list-style-type: none"> <li>• At least once every 3 years [§1111(c)(4)(D)(i)] and [§200.19(d)(1)(i)]</li> <li>• By the beginning of each school year (SY) [§200.19(d)(2)]</li> </ul>	<ul style="list-style-type: none"> <li>• Annually [§1111(d)(2)(A)(i)] and [§200.19(d)(1)(ii)]</li> <li>• At least once every 3 years for schools with a low-performing subgroup receiving additional targeted support [§200.19(d)(1)(ii)-(iii)]</li> <li>• By the beginning of each school year [§200.19(d)(2)]</li> </ul>
<b>Implementation time frame</b>	<ul style="list-style-type: none"> <li>• Beginning in SY 2017–18 [§1111(c)(4)(D)(i)] and [§200.19(d)(i)]</li> <li>• Identification of schools with chronically low-performing subgroups not required for SY 2017–18 [§200.19(d)(i)-(ii)]</li> </ul>	<ul style="list-style-type: none"> <li>• Beginning in SY 2018–19, using SY 2017–18 data [§1111(d)(2)(D)] and [§200.19(d)(i)-(iii)]</li> </ul>
<b>Basis of identification</b>	<ul style="list-style-type: none"> <li>• Performance of all students [§1111(c)(4)(D)(i)]</li> </ul>	<ul style="list-style-type: none"> <li>• Performance of subgroup(s) [§1111(d)(2)(A)(i)]</li> </ul>
<b>Selector of interventions</b>	<ul style="list-style-type: none"> <li>• Local education agency (LEA) [§1111(d)(1)(B)(ii)]</li> </ul>	<ul style="list-style-type: none"> <li>• LEA [§1111(d)(2)(B)(ii)]</li> </ul>
<b>Improvement plan developer</b>	<ul style="list-style-type: none"> <li>• LEA, in partnership with stakeholders [§1111(d)(1)(B)]</li> </ul>	<ul style="list-style-type: none"> <li>• School, in partnership with stakeholders [§1111(d)(2)(B)]</li> </ul>

	<b>Comprehensive Support and Improvement (CSI)</b>	<b>Targeted Support and Improvement (TSI)</b>
<b>Improvement plan components</b>	<ul style="list-style-type: none"> <li>• Informed by all indicators in the statewide accountability system</li> <li>• Includes evidence-based interventions</li> <li>• Based on a school-level needs assessment</li> <li>• Identifies and addresses resource inequities</li> <li>• [§1111(d)(1)(B)(i)-(iv)] [§200.21(d)(4)(i)-(ii)] and [§200.22(c)(7)(i)]</li> </ul>	<ul style="list-style-type: none"> <li>• Informed by all indicators in the statewide accountability system</li> <li>• Includes evidence-based interventions</li> <li>• Identifies and addresses resource inequities</li> <li>• Results in additional action following unsuccessful plan implementation after an LEA-determined number of years [§1111(d)(2)(B)(i)-(v)] and [§200.22(c)(7)(i)-(ii)]</li> </ul> <p>Note: Schools identified for TSI due to low participation rates are not required to develop a participation plan separate from its TSI plan [§200.15(c)(3)].</p>
<b>Improvement plan approver</b>	<ul style="list-style-type: none"> <li>• School, LEA, and SEA [§1111(d)(1)(B)(v)]</li> </ul>	<ul style="list-style-type: none"> <li>• LEA, prior to implementation [§1111(d)(2)(B)(iii)]</li> </ul>
<b>Improvement plan monitor</b>	<ul style="list-style-type: none"> <li>• Monitored and periodically reviewed by the SEA [§1111(d)(1)(B)(vi)]</li> </ul>	<ul style="list-style-type: none"> <li>• Monitored by the LEA upon submission and implementation [§1111(d)(2)(B)(iv)]</li> </ul>
<b>Exit criteria</b>	<ul style="list-style-type: none"> <li>• SEA shall establish statewide exit criteria which, if not met within a state determined-number of years (maximum of 4 years) shall result in more rigorous state-determined actions, such as implementation of interventions [§1111(d)(3)(A)(i)(I)].</li> <li>• Exit criteria must, at a minimum, require the CSI school to improve student outcomes and no longer meet CSI identification criteria within a state determined-number of years (maximum of 4 years) [§200.21(f)(1)(i)-(ii)].</li> <li>• If a CSI school does not meet the exit criteria within the state determined-number of years, the district must conduct a new comprehensive needs assessment [§200.21(f)(2)].</li> <li>• A school identified for CSI cannot be removed from identification on the basis of a school quality/student success indicator, unless it also is making significant progress for all students on an academic indicator [§200.18(d)(1)].</li> </ul>	<ul style="list-style-type: none"> <li>• LEAs must establish uniform exit criteria to determine, after an LEA-identified number of years, that the TSI school has <ul style="list-style-type: none"> <li>– Successfully implemented its TSI plan so that it no longer meets TSI identification criteria, and</li> <li>– Improved student outcomes for its lowest performing students, including each student subgroup identified as consistently underperforming</li> <li>– Met student participation requirements, if identified for TSI due to student participation in the required assessments [§200.22(e)(1)]</li> </ul> </li> <li>• Schools identified for TSI because of a struggling subgroup cannot be removed from identification on the basis of a school quality/student success indicator, unless that subgroup is making significant progress on at least one academic indicator [§200.18(d)(2)].</li> <li>• If a school receiving additional targeted support does not exit status within a state-determined number of years, it must be identified as a CSI school [§1111(d)(3)(A)(i)(II)] and [§200.22(f)(2)].</li> </ul>