



# The Every Student Succeeds Act (ESSA): What next?

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Committee on December 12, 2016**

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# ESSA was signed into law Dec. 10, 2015

- Bipartisan legislation reauthorizing the Elementary and Secondary Education Act (ESEA) of 1965
- Last reauthorized as No Child Left Behind in 2002
- Full implementation school year 2017-2018





ESSA

# Stakeholder engagement



# Who is a stakeholder?

- ✓ Governor
- ✓ state legislators
- ✓ state board members
- ✓ LEAs, including rural LEAs
- ✓ representatives of Indian tribes
- ✓ teachers, principals, other school leaders and personnel
- ✓ charter school leaders
- ✓ parents and families
- ✓ community based organizations
- ✓ civil rights organizations
- ✓ institutions of higher education
- ✓ employers
- ✓ the public



# What does stakeholder engagement look like?

- Statute: must be meaningful and timely **and is on-going**
- Must happen before plan is submitted
- “Dear Colleague” letter from the U.S. Department of Education emphasizes strategies like holding meetings evenings and weekends; varying the location; advance notice of opportunities to give feedback

# Consolidated state plan can include:

- Title 1 Part A
- Title 1 Part C (migratory children)
- Title 1 Part D Prevention and Intervention for children and youth who are neglected, delinquent or at-risk
- Title II Supporting Effective Instruction
- Title III Language Instruction for English Learners and Immigrant Students
- Title IV, Part A Student Support and Academic Enrichment grants
- Title IV Part B 21<sup>st</sup> Century Community Learning Center
- Title V, Subpart 2 Rural and Low-Income School Programs
- May also include State Assessments grants and McKinney-Vento Homeless Assistance Grants



# Role of legislature in stakeholder engagement

- Legislators are strongly encouraged to actively participate
- Gather feedback from your own stakeholders or constituents

# Think broadly... ESSA reauthorizes and interacts with many other programs

- ESSA reauthorizes programs for
  - ❑ English language learners
  - ❑ Migrant children
  - ❑ Homeless Children and Youth (McKinney-Vento)
  - ❑ Indian, Native Hawaiian, and Alaska Native students
  - ❑ Teachers and school leaders
  - ❑ Preschoolers
- Funds impact aid, charter schools, magnet schools, 21<sup>st</sup> Century Community Learning Centers, and literacy programs.
- Interacts with the Individuals with Disabilities Act (IDEA) and Perkins



# Ways that States are Engaging Stakeholders in Planning

- Stakeholder meetings across the state
- Virtual “town hall” meetings
- Webinars
- Information on websites
- Opportunities to comment on website
- Committees and subcommittees
- Testimony before legislature

# Not much innovation in state plans

- Some states shifting to heavier emphasis on growth
- NV: More emphasis on career readiness; some discussion about career tech ed and including # of students receiving credentialing/certification perhaps as an indicator or on a dashboard
- ID: New accountability system created by board and included in plan that provides a dashboard of information; emphasis on more information to provide a more complete picture of performance
- OK: Emphasis on deeper learning, including project-based learning and training for new and veteran teachers



# NCSL's Resources on ESSA:

[www.ccrslegislation.info](http://www.ccrslegislation.info)

- All legislation relating to ESSA and college and career readiness
- ESSA state activity, including state plans

ESSA

Final rules on assessments,  
accountability, state  
plans, and data





# Assessment regulations

- Product of negotiated rulemaking this spring
- Not controversial
- Final regulations published 12/7
  - Govern assessments in Title I, Part A
  - Govern the innovative assessment pilot and the assessment grants in Title 1, Part B

# Accountability, state plans, and data

- Final rule published in the Federal Register 11/28
- Important deadlines
  - Assurances April 3, 2017
  - Plan submission...**new dates** (April 3, 2017 or September 18, 2017)
- Additional time to identify schools needing improvement



# Comprehensive Support and Improvement

Types of schools	Description	Timeline for Identification	Initial year of identification
Lowest-performing	Lowest-performing five percent of schools in the state participating in Title I	At least once every three years	2018-2019
Low High School Graduation Rate	Any public high school in the state with a four-year adjusted cohort graduation rate at or below 67 percent (or a higher percent selected by state over no more than three years)	At least once every three years	2018-2019
Chronically Low-Performing Subgroup	Any Title I school identified for targeted support and improvement because performance of a subgroup was at or below performance of all students in lowest-performing schools and did not improve after implementing a targeted support and improvement plan over a state-determined number of years.	At least once every three years	State-determined

# Targeted Support and Improvement

<b>Types of schools</b>	<b>Description</b>	<b>Timeline for Identification</b>	<b>Initial year of identification</b>
Consistently Underperforming subgroup	Any school with one or more consistently underperforming subgroups	Annually	2019-2020
Low-performing Subgroup	<p>Any school in which one or more subgroups of students is performing at or below the performance of all students in the lowest-performing schools. These schools must receive additional targeted support under the law.</p> <p><i>If this type of school is a Title I school that does not improve after implementing a targeted support and improvement plan over a state-determined number of years, it becomes a school that has a chronically low-performing subgroup and is identified for comprehensive support and improvement.</i></p>	At least once every three years	2018-2019



# Other important elements

- can use a performance index that measures achievement at multiple levels
- standards...simple assurance that state will meet the requirements of any statute or applicable regulations
- must still provide a summative rating for each school, but also report a school's performance on each individual indicator through a data dashboard or other mechanism.
  - three distinct categories for rating, may use comprehensive support and improvement, targeted support and improvement and other– or develop another system.

## Other important elements (continued)

- specific weights or percentages for any of the indicators not prescribed
- the “n” size for disaggregating groups not prescribed, but a state must justify proposing an “n” size larger than 30 students
- measure of Academic Quality or Student Success must be supported by research showing high performance or improvement on measures is likely to increase student learning.
- at least one unique student characteristic (i.e. students’ initial English proficiency level) must be considered in determining targets for progress toward proficiency



## Mixed reaction to the regs

- Reps. Kline and Rokita: “This regulation is still flawed... Congress and the next Administration will have to work together to fix the problems...”
- Senator Alexander: “I would have moved to overturn the earlier version...I will carefully review this final version before deciding what action is appropriate.”
- National Governors Association: “...represents a compromise... that takes into account the needs of states and the civil rights community...respect that the President-elect and new Congress may have a different vision.”
- Council of Chief State School Officers: “...the U.S. Department of Education listened to the feedback...”

ESSA:

Proposed rules on  
supplement, not supplant  
(sns)





# ESSA discussions of school finance/sns

- Unsuccessful amendments requiring LEAs to demonstrate that combine state and local per-pupil expenditures, including personnel costs, in Title I schools were not less than per-pupil expenditures in non-Title I schools
- ESSA provisions requiring states and LEAs to report actual per-pupil expenditures

# When do funds supplement, not supplant state and local dollars?

- ESEA requires that LEAs use Title I funds only to supplement funds that, in the absence of such funds, would be made available from state and local sources
- LEAs must show that their methodology for allocating state and local dollars does not take into consideration a school's receipt of Title I funds
- ESSA simplified the test to show this requirement is met
  - Eliminates the “cost by cost” test
  - Prohibits any requirement for LEAs to provide Title I services through a particular instructional method or instructional setting



# US ED proposed rules 9/6

- Negotiated rulemaking did not result in consensus language last spring
- “Unfortunately, the NPRM does not reflect the clear and unambiguously expressed intent of Congress.” (letter signed by Chairman Alexander and Chairman Kline and 23 other GOP members)
- Set out three methodologies from which LEAs must choose to allocate funds\*
- LEAs must allocate “almost all state and local funds to all of its public school funds regardless of Title I status” in a way that meets one of these tests

\*There's also a special rule for a 4<sup>th</sup> test.

# Additional issues with SNS rules

- Federal influence over state and local education finance
- Undermining school-based budgeting reforms
- If additional resources aren't available, may see teacher transfers to comply
- Many costs (construction, transportation, and employee benefits) are accounted for at the district level, yet the NPRM would force “almost all” funds to be allocated at the school level.



ESSA:  
Extensive guidance



# Guidance

## Guidance

- Foster children (joint with HHS)
- Homeless children and youth
- English learners and the Title III Program
- Early learners
- Supporting Educators (Title II Part A)

## Dear Colleague letters

- Stakeholder engagement
- Tribal consultation



# Teacher Preparation regulations



# Teacher prep regs have long history

- NOTE: these are not ESSA rule, but important
- Negotiated rulemaking failed in 2012
- Draft rules published in 2014
- Published final rules 10/31/2016



# Report at program level

- Placement and retention rates in the first three years of teaching (including in high needs schools)
- Feedback from graduates and employers (surveys)
- Student learning outcomes (various ways to measure)
- Other program characteristics

# Revisions from proposed rule

- Additional information on application to distance education programs
- Eliminated requirement that states rate placement for alternative paths to certification
- Removed requirement that programs must have a high bar for entry; instead must have a high bar for exit.





# Regulations in the new Congress and Administration





# Congressional Review Act (CRA)

- Provides for a joint resolution of disapproval
  - Special parliamentary procedures for considering a joint resolution disapproving an agency final rule
  - Not only invalidates rule in question, but in most cases also bars the agency from issuing another rule in substantially the same form.
- Amendment to CRA proposed in H.R. 5982
  - “Midnight Rules Relief Act”
  - Would allow a joint resolution of disapproval for multiple rules if issued as early as May 16, 2016
  - Passed House 11/17

# Key players

- New chair of the House Education and Workforce Committee  
Representative Virginia Foxx (NC)
  - Former higher ed teacher and administrator, small business owner, former chair of the Higher Education and Workforce Training subcommittee
- New Secretary of Education Betsy DeVos
  - Voucher and charter school advocate from Michigan



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NCSL College and Career Readiness Legislative Tracking:  
<http://www.ccrslegislation.info>

