


# ESSA'BOUT TIME !



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

ECTAC March 2016  
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## Topics

- ✓ How Did We Get Here?
- ✓ Background on ESSA
- ✓ Title I, Part A General Program Requirements
- ✓ Parent and Family Engagement
- ✓ Comprehensive Support and Targeted Improvement
- ✓ LEA-level Set-Asides
- ✓ Participation of Children Enrolled in Private Schools
- ✓ Title I Fiscal Rules
- ✓ What's Next?

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## Every Student Succeeds Act (ESSA)

Signed by President Obama on December 10<sup>th</sup>, 2015



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# HOW DID WE GET HERE?



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## No Child Left Behind: Then and Now

- NCLB Passed in 2001
- Then:
  - *Bipartisan support for passage*
  - *"Ninety-nine percent pure" (Margaret Spellings)*
- Now:
  - *"[T]he worst piece of education legislation ever passed by Congress" (Diane Ravitch)*
  - *"[A] slow-motion train wreck" (Arne Duncan)*



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## Why the Eroding Support?



- Not enough money
- Too many regulations
- Burdensome reporting/administrative requirements
- Increased focus on test preparation: "teaching to the test"
- Unreasonable goals: 100% proficiency by 2014
- Top-down, one-size-fits-all model

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## Previous (failed) Attempts

- Chairman Miller's 2007 draft
- Chairman Kline's piecemeal 2011 reauthorization
- Chairman Harkin's 2011 Draft reauthorization
- Attempted 2013 Reauthorization



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## Starting off

- Hearings and drafts in early 2015
- Paused in spring and early summer
- House passed legislation (H.R. 5, the Student Success Act) on July 8<sup>th</sup> with vote of 218 - 213
- Senate passed legislation (S. 1177, the Every Child Achieves Act) passed Senate July 16<sup>th</sup> with vote of 81-17
- Pause in debate over August recess...and September...and October

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## Controversial Issues

- Title I Portability
  - *Included in House bill*
    - Conservatives wanted to include Private schools, too
- Accountability
  - *Level of involvement of federal government vs. accountability*
- Title I Formula
  - *House bill would have made very small change to prioritize rural districts*
  - *Senate bill contains trigger (Burr amendment) that would change title I formula to focus more on poverty if appropriations top \$17 billion (unlikely)*

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## Conference

- Committee staff worked out differences between individual provisions over September/October, agreement announced in mid-November
- Moved very quickly: House appointed conferees on 11/17, Senate appointed conferees morning of 11/18, conference started afternoon of 11/18
- Message from leadership: this is a compromise
  - Senate Committee Chairman Lamar Alexander: "I'll take 80% of what I want and save the other 20% for another day."
- Conferees passed "framework" with a vote of 39-1

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## Final Passage

- Some last-minute jitters
  - Democrats were concerned about accountability
  - Republicans said it did not do enough to roll back federal role in education
- But passed with wide margin in both House (359-64) and Senate (85-12)
- Dec. ,10,2015




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WHAT PROGRAMS  
REMAIN/HAVE BEEN  
ELIMINATED?

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## Programs Authorized under ESSA

- Title I LEA Grants
- State Assessment Grants
- Migrant Education Program
- Neglected and Delinquent
- Teacher and Principal Training and Recruiting Fund
- Teacher and School Leader Incentive Program
- Literacy Education For All
- Academies for American History and Civics
- Programs of National Significance
- English Language Acquisition
- Student Support and Academic Enrichment Grants
- 21<sup>st</sup> Century Community Learning Centers
- Charter Schools
- Magnet Schools
- Family Engagement in Education Programs
- Grants for Education Innovation and Research

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## Programs Authorized under ESSA (cont.)

- Full-Service Community Schools
- Promise Neighborhoods
- National Activities for School Safety
- Assistance for Arts Education
- Ready to Learn Programming
- Supporting High Ability Learners and Learning
- Rural Education Achievement Program
- Indian Education, Grants to LEAs, Special Programs, National Activities
- Education for Native Hawaiians
- Alaska Native Education
- Impact Aid, Federal Property
- Impact Aid, Basic Support Payments
- Impact Aid, Children with Disabilities
- Impact Aid, Construction
- Impact Aid, Facilities Maintenance
- Evaluations of Title I Programs
- Homeless Education
- Preschool Development Grants

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## Program Eliminations

- Sec. 1003(g) School Improvement Grants
- Reading First, Early Reading first
- Even Start
- Improving Literacy through School Libraries
- Close Up Fellowships
- Advanced Placement
- School Dropout Prevention
- Math and Science Partnerships
- Ed-Tech
- Safe and Drug-Free Schools

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## Program Eliminations (cont.)

- Reading is Fundamental
- Ready to Teach
- Elementary and Secondary School Counseling
- Carol M. White Physical Education
- Smaller Learning Communities
- Star Schools
- Combating Domestic Violence
- Exchanges with Historic Whaling and Trading Partners

**NOTES:** (1) this is a **partial** list  
 (2) many programs eliminated as separate funding streams are allowable uses of funds under other grants (e.g. DSS, Title IV)

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## BACKGROUND ON ESSA




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## Basic Structure

- It's a State Regulated No Child Left Behind
  - States choose standards and assessments, work towards goals
  - Student achievement is reported out by subgroup
  - States hold schools and districts accountable for subgroup performance
  - Funding flows from ED to States to districts to schools
  - Maintains major formula grant funding streams (and many competitive programs too)

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### Key Differences:

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

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### Definition Changes Sec. 8101 (52)

- (NEW) "core academic subjects" → "well-rounded education"
  - English, reading or language arts, writing
  - science, technology, engineering, mathematics, computer science,
  - foreign languages,
  - civics and government,
  - economics,
  - arts, music
  - history, geography,
  - career and technical education,
  - health, physical education, and
  - others as designated by State/LEA
- (NEW) Removed the definition of Highly Qualified Teachers (HQT)

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### Definition Changes (cont.) Sec. 8101 (24)

- (NEW) SBR → Evidenced Based
  - Means an activity, strategy, or intervention that:
    - Demonstrates a statistically significant effect on improving student outcomes
      - Strong evidence from at least 1 a well-implemented experiment;
      - Moderate evidence from at least 1 quasi experience; or
      - Promising evidence from a correlational study with statistical controls for selection bias; or
    - Demonstrates high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and
    - Includes ongoing efforts to examine the effects of the activity.

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## Teacher and Paraprofessional Qualifications Sec. 1111(g)(2)(j)

### (NEW) State Assurances

- The SEA will ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification;
- The State has professional standards for paraprofessionals working in a program supported with funds under this part, including qualifications that were in place on the day before the date of enactment of the Every Student Succeeds Act; and
  - Does this mean NCLB standards apply to paraprofessionals? Maybe.

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## Timeline for Implementation

- ESEA Flex Waivers terminate August 1, 2016
- New law effective for competitive grants (at federal level) on October 1, 2016
- New law effective for non-competitive formula grants (at federal level) on July 1, 2016 per ESSA

### **BUT:**

*Omnibus appropriations bill passed December 18<sup>th</sup> says: "SEC. 312. Notwithstanding section 5(b) of the Every Student Succeeds Act, funds provided in this Act for non-competitive formula grant programs authorized by the ESEA for use during academic year 2016-2017 shall be administered in accordance with the ESEA as in effect on the day before the date of enactment of the Every Student Succeeds Act."*

- So.....NCLB in effect for another year!

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## Timeline for Implementation (cont.)

- New State accountability systems (and related interventions) take effect in school year 2017-18 per law
- State accountability systems effective until August 1, 2016 (but continue to support priority/focus schools and those in improvement)
  - ED guidance: waiver States may choose to either (1) pause identification of school, or (2) identify a new group of schools for improvement

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### Timeline for Implementation (cont.)

- Changes to Impact Aid effective in FY 2017
- All other changes effective upon enactment (December 10<sup>th</sup>, 2015)
- Program transition:
  - Programs *not substantively similar* to something else in this bill will continue to receive funds until September 30, 2016
  - Programs *no longer authorized but substantively similar* to programs in the bill may finish out multi-year grants in accordance with grant terms
  - Programs *still authorized* as in previous law may use funds awarded prior to enactment under those terms, then transition to new requirements

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### Timeline for Implementation (cont.)

#### January 28, 2016 Dear Colleague Letter:

- The Secretary takes steps to assure orderly transition
- 2016 formula allocations and programs remain NCLB
- Exceptions: Flex waiver states:
  - *No need to comply where focus and gap interventions adversely affected:*
    - 95% SIG to SI schools
    - SW 40% requirement
    - Restrictions in transferability
    - Rural schools restrictions
    - Rank and serve

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### Timeline for Implementation (cont.)

#### January 28, 2016 Dear Colleague Letter (cont.):

- Exceptions: Non waiver states
  - *SES and choice voluntary – suggest one year transition plan*
- Freeze EL accountability
- HQT and related requirements where not 100% HQT is suspended
- Distribution equity remains

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## ED's FAQs February 26, 2016

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

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

[http://www2.ed.gov/policy/elsec/leg/essa/faq/essa-faqs.pdf?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term](http://www2.ed.gov/policy/elsec/leg/essa/faq/essa-faqs.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term)

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## TITLE I, PART A




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## Title I, A Basics

- Title I, Part A is a state-administered program
  - *ED grants funds to state based on statutory formulas*
  - *State grants funds to LEAs based on statutory formula*
  - *LEA allocates funds to schools based on ranking and serving*
- Allocations are based on poverty levels
- Service is based on academic need
  - *Two models of Title I, Part A program:*
    1. Targeted Assistance
    2. Schoolwide

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## Funding

- Title I funding formula remains the same
- Keeps 1% cap on State administrative funds
- (NEW) Pilot Program re: Title I funding formula
  - 3-year demonstration agreements with up to 50 LEAs
    - LEAs apply directly to ED for a pilot program
      - Pilot districts may consolidate certain federal funds (Titles I, II, III, IV, A and V, C), State, and local funds to create weighted per-pupil funding systems
      - LEA must demonstrate annually that no high-poverty school received less funding on a per-pupil basis for low-income students, ELs
      - May renew for an additional 3 years at discretion of the Secretary
  - If successful, can expand to any LEA in 2019-20

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## Funding (cont.)

- (NEW) State-level Set-Asides
  - **Mandatory** 7% set-aside for School Improvement interventions and technical assistance (1003)
    - Section 1003 was 1003(a) and 1003(g) (though 1003(g) goes away completely under ESSA).
    - 95% of that amount subgranted to LEAs for comprehensive support and improvement (formula or competitive to LEAs)
    - May provide directly with approval of the LEA
    - Subgrants for no more than 4 years
    - Provide "operational flexibility - can mean lifting SW 40 % restriction
    - Non supplant - receive all funds otherwise
    - No more specification of the 4 models

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## Direct Student Services Sec. 1003A

- **Optional** 3% set-aside for Direct Student Services
  - 1% of that 3% for State Administration (1003A(a)(2))
  - Remainder subgranted to LEAs, with priority to LEAs with high percentage of schools identified for comprehensive or targeted support
  - To provide funds to schools identified under ESSA
  - Consultation with LEA's

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### Direct Student Services (cont.) Sec. 1003A

(NEW) LEA Use of Funds (1003A)(c)(3)

- 1% for outreach and communications to parents
- 2% for administration
- Allowable expenditures may include:
  - Academic/CTE coursework aligned to academic / industry standards
  - Credit recovery;
  - Post-secondary instruction and examination costs, including Advance Placement and International Baccalaureate test fees;
  - Transportation of LEAs implementing school choice if not reserved for comprehensive support; and
  - High Quality Academic Tutoring.

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### Direct Student Services (cont.) Sec. 1003A

Tutoring? Yes! The LEA has the option of providing tutoring.

(NEW) Each State must:

- Compile and maintain and updated list of State-approved high-quality academic tutoring providers that:
  - Developed using fair negotiation, rigorous selection and approval process;
  - Offers a range of tutoring models (online, etc.); and
  - Includes demonstrated record of success, complies with laws, provides secular instruction.
- Ensure that each LEA provides an adequate number of high-quality academic tutoring options to provide meaningful choice to parents (if the LEA elects to offer tutoring);

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### Direct Student Services (cont.) Sec. 1003A

(NEW) Each State must (cont.):

- Develop procedures for monitoring the quality of services provided; and
- Establish and implement clear criteria for removal if the provider is unsuccessful (including removal).

LEA selects available tutors BUT must those selected be on the State list???

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## Standards and Assessments

- States must:
  - *Adopt challenging state academic standards*
    - Secretary may not require standards to be submitted for approval
  - *Aligned assessments (credit courses public IHE's and CTE standards)*
    - ED has indicated it will continue with peer review of assessments
    - Assessments must occur in:
      - *Grades 3-8 and once in high school (9-12)(was 10-12) for math and English*
      - *At grade-span intervals for science*
    - (NEW) May use computer adaptive assessments

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## Standards and assessments (cont.)

- May be multiple or summative
- Exception if 8<sup>th</sup> grader takes HS Math assessment
  - *Requirements:*
    - Takes high level HS math;
    - Other HS assessment in HS (may be end of course assessment); and
    - Counted in accountability.

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## Standards and Assessments (cont.)

- (assessments, cont.)
  - *The State, LEA and school must disaggregate data by NCLB subgroups for purposes of accountability*
  - *(NEW) May allow locally-selected assessments for high schools from an approved State list*
  - *Requires 95% participation in assessments overall and by subgroup*
    - (NEW) States in charge of enforcing requirement among LEAs
  - (NEW) State may set target for limit on the total time for assessments.

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## Alternate Academic Achievement Standards Sec. 1111(b)

- Assessments for students with the most significant cognitive disabilities
  - 1% limitation on alternate assessments tied to alternate standards
  - Aligned to state standards
  - Promote access to general curriculum consistent with IDEA
  - Use professional judgment as to the highest possible standards that will be used for the student
  - Designated in the student's IEP
  - (NEW) Ensures the student is on track to pursue postsecondary education or employment
- (NEW) All other alternate or modified assessments are prohibited.

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## Alternate Academic Achievement Standards (cont.) Sec. 1111(b)

- 1% limitation on total
  - (NEW) Applied at the State level only
  - Subject to Sec Waiver (Sec. 8013)
  - Neither ED nor the State can impose a cap at the LEA-level
- BUT**
  - An LEA exceeding the 1% must provide notice and justification to SEA
  - How to enforce??
  - Conflict with IDEA?




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## English Language Assessments

- English Language Assessments
  - Identify languages present to a significant extent and assessments not available
  - Annual assessment of all EL's in English proficiency
  - Aligned to State EL Proficiency standards

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### State Plans Sec. 1111

- Consultation with key stakeholders;
  - Governor, State legislator, State Board, LEA's, Indian Tribes, School personnel, Charter leaders, parents
- State plans must be peer-reviewed
  - List must be public; same reviewers cannot review all plans;
  - Emphasis on practical experience of reviewers; and
  - Respect to State and local judgements.

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### State Plans (cont.) Sec. 1111

- State plans must be approved within 120 days unless Secretary presents research which demonstrates it does not meet req.
  - Must notify State of rejection, provide opportunity to revise and resubmit, public hearing
  - Changes to State plans subject to approval/disapproval within 90 days (no peer review)
- States must provide an assurance that they have adopted:
  - Challenging academic content standards and aligned academic achievement standards (referred to in this Act as 'challenging State academic standards')

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### State Plans (cont.) Sec. 1111(g)

- (NEW) In addition to how the State will comply with Assessment requirements, the plan must describe:
  - Steps to be taken to provide assistance to LEAs and schools supporting early education programs
  - How low-income and minority students are not served at disproportionate rates by underqualified teachers (and plans for addressing this)

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## LEA Plans Sec. 1112

Must have a State approved plan:

- Is developed with timely and meaningful consultation with stakeholders;
  - Includes teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, administrators, and parents; and

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## LEA Plans (cont.) Sec. 1112

- Describes how the LEA will:
  - Monitor student's progress in meeting challenging State academic standards
    - Includes implementing a "well-rounded program of instruction"
  - Address disparities in teacher distribution
  - Meet its responsibilities related to comprehensive school support and improvement
  - Effective parent and family engagement
  - Coordinate and integrate services with preschool programs
  - (NEW) Support efforts to reduce the overuse of discipline practices that remove students from the classroom
    - May include disaggregation
  - (NEW) Coordinate academic and CTE content through instructional strategies which may include experiential learning or work-based learning opportunities, etc.

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## LEA Plans (cont.) Sec. 1112

- Describes how the LEA will:
  - Facilitate transition Middle to HS and HS to postsecondary
    - Coordination with IHEs
    - Dual or concurrent enrollment
  - Where LEA uses funds for preschool
    - Ensure services comply with Head Start Act
  - For EL SWD how program will meet IEP

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## LEA Plans (cont.) Sec. 1112

- Describes how the LEA will:
  - For LEA's with Title I or III language program:
    - Information for parents on reasons for child's selection
    - Details of the program, including right to opt out
    - Effective means of communication with EL parents including regular meetings

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## SEA/LEA Report Cards Sec. 1111(h)



- Must be prepared and disseminated every year at State and local levels
- Expanded list includes:
  - Academic achievement by subgroup
    - Including homeless, foster, (NEW) military-connected children
    - (NEW) disaggregation groups differ in different sections
  - Percentage of students assessed/not assessed
  - Descriptions of States' accountability system
  - Graduation rates
  - Information on indicators of school quality
  - Professional qualifications of teachers: including distribution in high - low poverty schools
  - Per-pupil expenditures for federal, State, and local funds
  - NAEP results (State only)

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## SEA/LEA Report Cards (cont.) Sec. 1111(h)

- Must be:
  - Concise;
  - Understandable including, to the extent practicable, in a language the parents can understand; and
  - Widely disseminated.

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**Parent Notices  
Sec. 1112**

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

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**ELIGIBLE SCHOOL  
ATTENDANCE AREAS  
SEC. 1007 (AMENDING 1113)**



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**Eligible School Attendance Areas  
Sec. 1113**

- Percentage of children from low-income families who reside in area . . .

AT LEAST AS HIGH AS . . .

- Percentage of children from low-income families in LEA

35% Rule - can always lower to 35%

- Use residency or enrollment
  - *Enrollment historically used by districtwide schools, magnets, charters, etc.*

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

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

Same measure for:

- ID eligible areas, Ranking areas, Determining allocations for school

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

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

- **Must Rank First and Serve**
  - Exceeding 75% poverty
    - Strictly by poverty
    - Without regard to grade span
    - (NEW) May include high schools 50% or above poverty.
- **Then Rank and Serve**
  - At or below 75% poverty
    - May rank by grade span

Serve strictly in order of rank!



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## Ranking Options (Strict Percentage)

NCLB Ranking by Strict Percentage			ESSA Ranking by Strict Percentage (w/50% high school)		
School	Poverty Rate	# Poverty Students	School	Poverty Rate	# Poverty Students
Albemarle ES	92%	82	Albemarle ES	92%	82
Lincoln Middle School	87%	90	Lincoln Middle School	87%	90
Roosevelt ES	79%	40	Roosevelt ES	79%	40
Scott ES	74%	56	Washington High School	70%	160
Washington High School	70%	160	Scott ES	74%	56
Toshiba Charter ES	59%	119	Toshiba Charter ES	59%	119
Key Middle School	58%	47	Key Middle School	58%	47
Smith High School	49.5%	15	Smith High School	49.5%	15
Brennan ES	49%	92	Brennan ES	49%	92

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### Ranking Changes (Grade Span)

NCLB Ranking by Grade Span

School	Poverty Rate	# Poverty Students
Albemarle ES	92%	82
Lincoln Middle School	87%	90
Roosevelt ES	79%	40
Scott ES	74%	56
Toshiba Charter ES	59%	119
Brennan ES	49%	92
Key Middle School	58%	47
Washington High School	70%	160
Smith High School	49.5%	15

ESSA Ranking by Grade Span (w/50% high school)

School	Poverty Rate	# Poverty Students
Albemarle ES	92%	82
Lincoln Middle School	87%	90
Roosevelt ES	79%	40
Washington High School	70%	160
Scott ES	74%	56
Toshiba Charter ES	59%	119
Brennan ES	49%	92
Key Middle School	58%	47
Smith High School	49.5%	15

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### Allocation to Schools Sec. 1113(c)

- After set-asides
- Allocate to schools based on total # of low income residing in area (including nonpublic)
- Discretion on amount of PPA
  - Higher PPAs must be in higher schools on ranked list
  - No regard to SWP or TAS

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### Special Allocation Rules Sec. 1113(b) and (c)

125% Rule

- If serve any school with less than 35% poverty
- Then PPAs for all schools must be at least 125% of LEA's PPA under Title I allocation
  - Entire LEA Title I Grant  
# of low income on census

Grandfather Rule

- If a school loses eligibility and was served in the prior year, the LEA may continue eligibility for one additional year only.

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**Exceptions (cont.)  
Sec. 1113(b)**

“Skip” school, if:

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

- Still count and serve nonpublic in area

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

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

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**TARGETED ASSISTANCE  
SCHOOLS  
SEC. 1009 (AMENDING 1115)**

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



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

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### Eligible Title I Students Sec. 1115(b)(4)

Students eligible:

- *Multiple;*
- *Educationally related; and*
- *Objective criteria developed by LEA.*

- NEW: If preschool-grade 2, criteria, including objective criteria, established by the LEA and supplemented by the school???
- Reminder: SWD and EL are eligible for Title I services on the same basis as all other students.

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### Eligible Title I Students (cont.) Sec. 1115(b)(4)

Automatically Eligible

- If student in the previous 2 years received services in:
  - *The Head Start program,*
  - *The literacy program (Title II, B subpart 2); and*
  - *Migrant Children.*
- If the student is currently eligible under
  - *Neglected or Delinquent; or*
  - *Homeless.*

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## Targeted Assistance Program Sec. 1115(b)

1. Determine which students will be served
2. Serve participating students by using resources to provide a "well-rounded education"
3. Use methods and instructional strategies to strengthen the academic program of the school
  - Extended learning time, early intervening services, and schoolwide tiered model of behavioral problems (Response to Intervention)
4. Coordinate with regular ed program
  - Preschool transition
5. Professional Development
6. Increase parental involvement
7. Coordinate other federal, state, and local services and programs

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## Recording keeping in TAS

- Records must be maintained that document that Part A funds are spent on activities and services for only Part A participating students.
  - *This does not change under the new supplanting rule because it is how an agency proves costs are allocable and allowable.*

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## SCHOOLWIDE SCHOOLS

SEC. 1008 (AMENDING 1114)

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

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

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### Schoolwide Flexibility Sec. 1114(a)(3)

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

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### Schoolwide Flexibility Exceptions Sec. 1114(a)(3)

- Health and safety
- Civil rights
- Student and Parental Participation and Involvement
- Services to private school students
- MOE
- Comparability
- Supplement not Supplant
- IDEA requirements

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### Schoolwide Recordkeeping Sec. 1114(a)(3)

- Not required to maintain separate fiscal accounting records, by program, that ID the specific activities supported by those particular funds as long as it maintains records that demonstrate the SW program, considered as a whole, addresses the intent and purposes of each federal program that was consolidated to support the SW program.

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

Combines components and elements of prior requirements.

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

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

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

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

(NEW) SW funds may be used for:

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

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### PARENT AND FAMILY ENGAGEMENT SEC. 1010 (AMENDING 1116 (FORMERLY NCLB 1118))




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

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

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

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

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

- Accessibility – to the extent practicable – and opportunities for parents and family members:
  - Who are English Learners;
  - With Disabilities; and
  - Who are Migrant.

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

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

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

School-Parent Compact still required.

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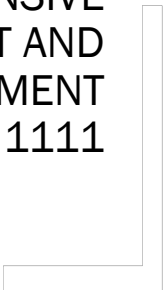
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**COMPREHENSIVE  
SUPPORT AND  
IMPROVEMENT  
SEC. 1111**



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**Accountability  
Sec. 1111(b)-(c)**

- (NEW) States must develop an accountability system of “Annual Meaningful Differentiation” that rates schools based on metrics including:
  1. *Academic achievement*
    - Most weight must be given to academic indicators
  2. *For K-8, growth or other indicator*
  3. *For high schools, graduation rates may include extended year –if more rigorous*
  4. *Progress in achieving English language proficiency*

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**Accountability (cont.)  
Sec. 1111(b)-(c)**

5. *At least one “valid, reliable, comparable, and Statewide” indicator of school quality:*
  - Must be valid and reliable; and
  - May include:
    - *Student and /or educator engagement*
    - *Access and completion advanced course work*
    - *Postsecondary readiness*
    - *School climate and safety*
6. *Other factors as determined by the State*

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**Accountability (cont.)  
Sec. 1111(b)-(c)**

- For each indicator –must establish state designed long term goals for all students and each subgroup
  - *Improved academic proficiency*
  - *Improved HS grad rates*
  - *Subgroups that are behind to close the gap*
  - *EL progress to English proficiency*

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**Accountability (cont.)  
Sec. 1111(b)-(c)**

- Disaggregated by NCLB subgroups
  - (Note disaggregation requirements for reporting vary considerably )
  - *Race and ethnic group*
  - *English learners*
  - *Low income students*
  - *Students with disabilities*
- Charter schools –in accord with State charter law

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**Identification of Schools  
1111(c)(4)(D)**

- (NEW) Two levels of improvement
  - *Comprehensive Support and Improvement*
  - *Targeted Support and Improvement*

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

- (NEW) States must establish a methodology for identifying schools for comprehensive support that must include:
  - At least the lowest performing 5% Title I schools;
  - All public high schools in the State failing to graduate 1/3 or more of their students; and
  - Title I schools in which any subgroup, on its own, would be identified as lowest-performing 5% and has not improved in a number of years (as defined by the State).
- (NEW) Use that methodology to conduct an annual evaluation on the performance of LEAs, schools and subgroups
  - Applies to all public schools (includes charter schools)

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

- (NEW) At State discretion, the inclusion of all public high schools in the State failing to graduate 1/3 or more of their students
  - May include an extended year adjusted Graduation Rate.
    - One or more additional years after 4;
    - Summer sessions; or
    - 1% receiving alternate diplomas.
- State may add additional state-wide categories

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

- (NEW) Beginning 2017-2018, must identify schools for comprehensive support and improvement at least once every 3 years
  - States must use meaningful differentiation for this determination
- Does the omnibus delay the effective date?
  - Yes, start 2018-2019.

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## Comprehensive Support and Improvement Plan Sec. 1111(d)

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

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## Public School Choice Sec. 1111(d)(1)(D)



- (NEW) A LEA may provide all students enrolled in an identified school the option to transfer to another public school.
  - Priority given to lowest-achieving children from low income families.
    - Remain in that school until he/she has completed the highest grade
- 5% of Title I, A Allocation for Public School Choice Transportation

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## Public School Choice Sec. 1003A(e)

- (NEW) 1003(A) funds may be used for school choice transportation only if the LEA does not reserve 5% for 1111(d) transportation.
- A State that received 1003A funds shall:
  - Ensure each LEA that receives and subgrant and intends to provide public school choice can provide a sufficient number of options to provide a meaningful choice for parents.

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### Targeted Support and Improvement Sec. 1111(d)(2)

- (NEW) Each SEA must:
  - Notify each LEA of any school in which any subgroup of students is consistently underperforming; and
  - Ensure the LEA provide notification to the school re: subgroup(s) identification.
  
- Applies to all school, not only Title I schools
  - Includes charter schools

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### Targeted Support and Improvement Plan Sec. 1111(d)(2)(B)

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

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### Continued Support and Improvement Sec. 1111(d)(3)

- (NEW) The State must:
  - Establish statewide exit criteria;
    - For schools identified for comprehensive support:
      - If exit criteria is not satisfied after a number of years (not to exceed 4 years) the State must apply more rigorous interventions; and
    - For schools identified for targeted support:
      - If the exit criteria is not satisfied after a number of years (determined by the State) shall result in the identification of the school for comprehensive support.
  - Periodically review resource allocation and provide technical assistance to LEAs serving significant identified schools

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### Continued Support and Improvement (cont.) Sec. 1111(d)(3)

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

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### Improvement Summary

	Comprehensive Support and Improvement	Targeted Support and Improvement
<b>Year 1</b>	This year, and at least once every 3 years, the SEA identifies schools for comprehensive support. State develops exit criteria (no more than 4 years).	Annually, the SEA identifies all schools for targeted support. State develops exit criteria.
<b>Meet Exit Criteria</b>	Exit Improvement Identification.	Exit Improvement Identification.
<b>No Improvement</b>	SEA applies more rigorous interventions.	<u>For Title I schools</u> where no improvement: Schools are identified by the SEA for comprehensive support. <u>For non-Title I schools</u> where no improvement: Up to State.

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## RESERVATION OF FUNDS SEC. 1007 (AMENDING 1113)

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

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

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## LEA-level Set-asides (cont.)

- 1% Parent and Family Engagement Sec. 1116(a)(3)
  - (NEW) 90% of that amount must go to schools.
    - Previously 95%
    - Exception for LEA where 1% less than \$5,000
- (NEW) 5% for Public School Choice Transportation Sec. 1111(d)(1)(D)
- 5% Financial Incentives and Rewards Sec. 1113(c)(4)
  - To attract and retain qualified and effective teachers who serve in schools identified for comprehensive and targeted support and improvement

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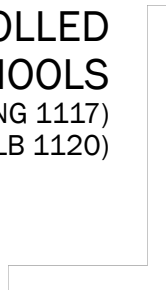
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## PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS SEC. 1011 (AMENDING 1117) (FORMERLY NCLB 1120)




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## Consultation Sec. 1118(a)(1)

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



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## Consultation (cont.) Sec. 1117(b)

- Consultation must include:
  - *How school's needs will be identified*
  - *What services will be offered*
  - *How, where, and by whom the services will be provided*
  - *How the services will be assessed and how the results of the assessment will be used to improve services*
  - *The size and scope of services*
  - *How and when the LEA will make decisions about the delivery of services*
  - *Pooling or consortium of funds*
  - *(NEW) Consolidation with other eligible funds for coordinating activities (?)*

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## Consultation (cont.) Sec. 1117(b)

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

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### Consultation (cont.) Sec. 1117(b)

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

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



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

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

General Formula:

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

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

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

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

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

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

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

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

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**Distributing the Funds**  
**Sec. 1117(a)(4)(J)**

Two options:

- 1) Pooling: pool the funds to use for students with greatest educational need anywhere in LEA; or
- 2) School-by-School: funds follow child to private school for educationally needy child in that school

(This codified the previous guidance on this topic.)

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

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

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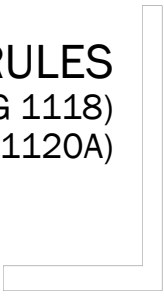
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**FISCAL RULES**  
**SEC. 1012 (AMENDING 1118)**  
**(FORMERLY NCLB 1120A)**



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**Maintenance of Effort (MOE)**  
**Sec. 1118(a) and 8521**

- The combined fiscal effort per student or the aggregate expenditures of the LEA
- from *state and local* funds
- from preceding year must not be less than 90% of the second preceding year.



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**MOE: Preceding Fiscal Year**  
**Sec. 8521(a)**

- Need to compare final financial data
- Compare “immediately” PFY to “second” PFY
- EX: To receive FY 2016 funds (available July 2016), then compare FY 2014 (2014-15) to FY2013 (2013-14)

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## MOE Included Expenditures

- **Free public education**, includes:
  - Administration
  - Instruction
  - Attendance and health services
  - Pupil transportation services
  - Plant maintenance and operation
  - Fixed charges and
  - Net expenditures to cover deficits for food services and student body activities

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## MOE Excluded Expenditures

- Does not include:
  - Community services
  - Capital outlay
  - Debt service
  - Supplementary expenses as a result of a presidentially-declared disaster
  - Any expenditures made from funds provided by the federal government

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## MOE Consequences Sec. 8521(b)



- SEA must reduce amount of allocation in the exact proportion by which LEA fails to maintain effort below 90%.
  - Calculate using total expenditures and per pupil
  - The amount of the reduction would be the lesser penalty of the two calculations.

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### MOE Calculation Example FY 2016

	Aggregate expenditures	Amount per student
FY 2013	\$1,000,000	\$6,100
FY 2014 Requirement (Must spend 90%)	\$900,000	\$5,490
FY 2014 Actual amount	\$850,000	\$5,200
Shortfall	-\$50,000	-\$290
Percent shortfall/reduction	-5.6%	-5.3%**

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### MOE Consequences (cont.) Sec. 8521(b)

(NEW) LEA is not subject to sanctions for failing to maintain 90% effort for one year (either combined fiscal per student or aggregate State and agency expenditures) provided it has not failed to meet MOE for one or more of five immediately preceding fiscal years.

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### MOE Waiver Sec. 8521(c)

Secretary of Education may waive MOE if "equitable":

- *Exceptional or uncontrollable circumstances, such as a natural disaster; or*
- *(NEW) a change in the organizational structure of the LEA; or*
- *A precipitous decline in the financial resources of the LEA.*

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

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



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## Prior Title I, A SNS Rule

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

### 3 Presumptions of Supplanting

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

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

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

- *Similar to prior SW standard*

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

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

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

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

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

(NEW) Timeline

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

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## Comparability Sec. 1118(c)

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

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## Title V - Transferability

(NEW) Now allows SEAs or LEAs to transfer all of their funds under Title IIA, Title IVA, or Sec. 4204(c)(3) between those provisions, and into (but not out of) Title I Parts A, C or D, Title IIIA, or Title VB

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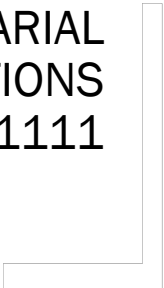
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## SECRETARIAL PROHIBITIONS SEC. 1111




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## Secretarial Prohibitions

- (NEW) Strictly prohibits Secretary from:
  - *Set new criteria through regulation or requiring adoption of certain policies in exchange for flexibility or approval of State plans*
  - *Require/incentivize certain standards or assessments, instructional content, programs of instruction, curricula, etc.. Sec.*
  - *Deny approval of State plans without good reason*
  - *Deny approval of waivers without good reason*
  - *Specify additional pieces of accountability system*
  - *Endorse a specific curriculum or develop a federally sponsored assessment*

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## Secretarial Prohibitions 1111(e)(1)(A)

(NEW) The Secretary is prohibited, when promulgating any rule or regulation on the development or implementation of the statewide accountability system that would:

- *Add new requirements inconsistent with the law;*
- *Add new criteria inconsistent with the law; or*
- *Be in excess of statutory authority granted to the Secretary.*

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## Secretarial Prohibitions (cont.) 1111(e)(1)(C)

- (NEW) Issue non-regulatory guidance that
  - *provides a "strictly limited or exhaustive list" to illustrate successful implementation, or*
  - *that purports to be legally binding*
- Washington Post quotes anonymous source as saying "under this [law], the Secretary is allowed to go across the street and get a cup of coffee"



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## Waivers (Title VIII)

- LEAs must request State approval for waiver (State submits to ED)
- (NEW) ED **must** grant waiver requests within 120 days so long as they meet the requirements of the law
  - *Keeps same requirements regarding goals, student performance; keeps same restrictions on non-waivable provisions*
- (NEW) Secretary may not disapprove a waiver request for reasons outside conditions of law
- (NEW) Secretary may not place any conditions on approval of waiver request (including adoption of standards, assessments, accountability, evaluations, etc..)

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## WHAT'S NEXT?



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## Regulations

- ED held a public meeting on 1/11 (DC) and 1/19 (Los Angeles)
  - *Soliciting input on where regulations are needed*
- Negotiated rulemaking required on several issues
  - *Including Supplement-not-Supplant, standards, assessments, accountability*
  - *Dates and process TBD*
  - *If negotiated rulemaking process fails, new language allows Congress advanced review and comment period for regulations ED drafts instead*
- Other regulations to be issued at some point in 2016

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## ESSA Oversight

- If ED issues regulations following a failed negotiated rulemaking session, it must provide a draft of those regulations to Congress for a special notice and comment period
- Lamar Alexander (R-TN) told C-SPAN he expects the federal role to be "very different" under ESSA.
- HELP Committee reportedly planning at least three oversight hearings on ESSA regulation in the coming year.



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## Studies

- Law requires Institute for Education Sciences (IES) to conduct a number of studies:
  - *Title I formula*
    - Must study the effectiveness of the four Title I formulas and consider the impact of number and percentage weighting
    - Must enumerate impact on 12 types of locales as classified by NCES
    - 18 month timeline
  - *Sample size ("n-size")*
    - Must publish and disseminate a report on best practices for determining subgroup size
    - 90 day timeline

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## ESSA Resources

- New ED webpage! <http://www.ed.gov/essa>
  - Will post Dear Colleague letters, links to Federal Register notices
  - Can sign up for news on ESSA
- ED email address: [essa.questions@ed.gov](mailto:essa.questions@ed.gov)

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# QUESTIONS?



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