# **Attachment 5: Statute Excerpts from Title 1 Accountability Sections of the Every Student Succeeds Act**

This attachment provides the pertinent excerpts of the Every Student Succeeds Act (ESSA) statute that governs Title I accountability. The relevant language is in subsections (c) and (d) of Section 1111 of the Elementary and Secondary Education Act (ESEA), as reauthorized by ESSA.

For ease of reference, headers are provided in between subsections, paragraphs and/or subparagraphs identifying the relevant issue.

**ESSA, Section 1111**

“(c) Statewide accountability system.—

“(1) IN GENERAL.—Each State plan shall describe a statewide accountability system that complies with the requirements of this subsection and subsection (d).

## **Student Groups/Minimum n-Size**

“(2) SUBGROUP OF STUDENTS.—In this subsection and subsection (d), the term ‘subgroup of students’ means—

“(A) economically disadvantaged students;

“(B) students from major racial and ethnic groups;

“(C) children with disabilities; and

“(D) English learners.

“(3) MINIMUM NUMBER OF STUDENTS.—Each State shall describe—

“(A) with respect to any provisions under this part that require disaggregation of information by each subgroup of students—

“(i) the minimum number of students that the State determines are necessary to be included to carry out such requirements and how that number is statistically sound, which shall be the same State-determined number for all students and for each subgroup of students in the State;

“(ii) how such minimum number of students was determined by the State, including how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when determining such minimum number; and

“(iii) how the State ensures that such minimum number is sufficient to not reveal any personally identifiable information.

## **Long-term Goals & Measurements of Interim Progress**

“(4) DESCRIPTION OF SYSTEM.—The statewide accountability system described in paragraph (1) shall be based on the challenging State academic standards for reading or language arts and mathematics described in subsection (b)(1) to improve student academic achievement and school success. In designing such system to meet the requirements of this part, the State shall carry out the following:

(A) ESTABLISHMENT OF LONG-TERM GOALS.—Establish ambitious State-designed long-term goals, which shall include measurements of interim progress toward meeting such goals—

(i) for all students and separately for each subgroup of students in the State—

(I) for, at a minimum, improved—

(aa) academic achievement, as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); and

(bb) high school graduation rates, including—

(AA) the four-year adjusted cohort graduation rate; and

(BB) at the State’s discretion, the extended-year adjusted cohort graduation rate, except that the State shall set a more rigorous long-term goal for such graduation rate, as compared to the long-term goal set for the four-year adjusted cohort graduation rate;

(II) for which the term set by the State for such goals is the same multi-year length of time for all students and for each subgroup of students in the State; and

(III) that, for subgroups of students who are behind on the measures described in items (aa) and (bb) of subclause (I), take into account the improvement necessary on such measures to make significant progress in closing statewide proficiency and graduation rate gaps; and

(ii) for English learners, for increases in the percentage of such students making progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline.

## **Indicators**

“(B) INDICATORS.—Except for the indicator described in clause (iv), annually measure, for all students and separately for each subgroup of students, the following indicators:

“(i) For all public schools in the State, based on the long-term goals established under subparagraph (A), academic achievement—

“(I) as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); and

“(II) at the State’s discretion, for each public high school in the State, student growth, as measured by such annual assessments.

“(ii) For public elementary schools and secondary schools that are not high schools in the State—

“(I) a measure of student growth, if determined appropriate by the State; or

“(II) another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance.

“(iii) For public high schools in the State, and based on State-designed long term goals established under subparagraph (A)—

“(I) the four-year adjusted cohort graduation rate; and

“(II) at the State’s discretion, the extended-year adjusted cohort graduation rate.

“(iv) For public schools in the State, progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline for all English learners—

“(I) in each of the grades 3 through 8; and

“(II) in the grade for which such English learners are otherwise assessed under subsection (b)(2)(B)(v)(I) during the grade 9 through grade 12 period, with such progress being measured against the results of the assessments described in subsection (b)(2)(G) taken in the previous grade.

“(v) (I) For all public schools in the State, not less than one indicator of school quality or student success that—

“(aa) allows for meaningful differentiation in school performance;

“(bb) is valid, reliable, comparable, and statewide (with the same indicator or indicators used for each grade span, as such term is determined by the State); and

“(cc) may include one or more of the measures described in subclause (II).

“(II) For purposes of subclause (I), the State may include measures of—

“(III) student engagement;

“(IV) educator engagement;

“(V) student access to and completion of advanced coursework;

“(VI) postsecondary readiness;

“(VII) school climate and safety; and

“(VIII) any other indicator the State chooses that meets the requirements of this clause.

## **Differentiation of Schools/Weighting of Indicators**

“(C) ANNUAL MEANINGFUL DIFFERENTIATION.—Establish a system of meaningfully differentiating, on an annual basis, all public schools in the State, which shall—

“(i) be based on all indicators in the State’s accountability system under subparagraph (B), for all students and for each of subgroup of students, consistent with the requirements of such subparagraph;

“(ii) with respect to the indicators described in clauses (i) through (iv) of subparagraph (B) afford—

“(I) substantial weight to each such indicator; and

“(II) in the aggregate, much greater weight than is afforded to the indicator or indicators utilized by the State and described in subparagraph (B)(v), in the aggregate; and

“(iii) include differentiation of any such school in which any subgroup of students is consistently underperforming, as determined by the State, based on all indicators under subparagraph (B) and the system established under this subparagraph.

## **Identification of Schools (Comprehensive Support)**

“(D) IDENTIFICATION OF SCHOOLS.—Based on the system of meaningful differentiation described in subparagraph (C), establish a State-determined methodology to identify—

“(i) beginning with school year 2017–2018, and at least once every three school years thereafter, one statewide category of schools for comprehensive support and improvement, as described in subsection (d)(1), which shall include—

“(I) not less than the lowest-performing 5 percent of all schools receiving funds under this part in the State;

“(II) all public high schools in the State failing to graduate one third or more of their students; and

“(III) public schools in the State described under subsection (d)(3)(A)(i)(II); and

“(ii) at the discretion of the State, additional statewide categories of schools.

## **Comprehensive Support and Improvement**

“(d) School support and improvement activities.—

“(1) COMPREHENSIVE SUPPORT AND IMPROVEMENT.—

“(A) IN GENERAL.—Each State educational agency receiving funds under this part shall notify each local educational agency in the State of any school served by the local educational agency that is identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

“(B) LOCAL EDUCATIONAL AGENCY ACTION.—Upon receiving such information from the State, the local educational agency shall, for each school identified by the State and in partnership with stakeholders (including principals and other school leaders, teachers, and parents), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes, that—

“(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against State-determined long-term goals;

“(ii) includes evidence-based interventions;

“(iii) is based on a school-level needs assessment;

“(iv) identifies resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan;

“(v) is approved by the school, local educational agency, and State educational agency; and

“(vi) upon approval and implementation, is monitored and periodically reviewed by the State educational agency. . . .

## **Targeted Support and Improvement**

“(2) TARGETED SUPPORT AND IMPROVEMENT.—

“(A) IN GENERAL.—Each State educational agency receiving funds under this part shall, using the meaningful differentiation of schools described in subsection (c)(4)(C)—

“(i) notify each local educational agency in the State of any school served by the local educational agency in which any subgroup of students is consistently underperforming, as described in subsection (c)(4)(C)(iii); and

“(ii) ensure such local educational agency provides notification to such school with respect to which subgroup or subgroups of students in such school are consistently underperforming as described in subsection (c)(4)(C)(iii).

“(B) TARGETED SUPPORT AND IMPROVEMENT PLAN.—Each school receiving a notification described in this paragraph, in partnership with stakeholders (including principals and other school leaders, teachers and parents), shall develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system established under subsection (c)(4), for each subgroup of students that was the subject of notification that—

“(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against long-term goals;

“(ii) includes evidence-based interventions;

“(iii) is approved by the local educational agency prior to implementation of such plan;

“(iv) is monitored, upon submission and implementation, by the local educational agency; and

“(v) results in additional action following unsuccessful implementation of such plan after a number of years determined by the local educational agency.

“(C) ADDITIONAL TARGETED SUPPORT.—A plan described in subparagraph (B) that is developed and implemented in any school receiving a notification under this paragraph from the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State’s methodology under subsection (c)(4)(D) shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan.

“(D) SPECIAL RULE.—The State educational agency, based on the State’s differentiation of schools under subsection (c)(4)(C) for school year 2017–2018, shall notify local educational agencies of any schools served by the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State’s methodology under subsection (c)(4)(D), after which notification of such schools under this paragraph shall result from differentiation of schools pursuant to subsection (c)(4)(C)(iii).

## **Exit Criteria and More Rigorous State-Determined Action**

“(3) CONTINUED SUPPORT FOR SCHOOL AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—To ensure continued progress to improve student academic achievement and school success in the State, the State educational agency—

“(A) shall—

“(i) establish statewide exit criteria for—

“(I) schools identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i), which, if not satisfied within a State-determined number of years (not to exceed four years), shall result in more rigorous State-determined action, such as the implementation of interventions (which may include addressing school-level operations); and

“(II) schools described in paragraph (2)(C), which, if not satisfied within a State-determined number of years, shall, in the case of such schools receiving assistance under this part, result in identification of the school by the State for comprehensive support and improvement under subsection (c)(4)(D)(i)(III);

“(ii) periodically review resource allocation to support school improvement in each local educational agency in the State serving—

“(I) a significant number of schools identified for comprehensive support and improvement under subsection (c)(4)(D)(i); and

“(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

“(iii) provide technical assistance to each local educational agency in the State serving a significant number of—

“(I) schools implementing comprehensive support and improvement plans under paragraph (1); or

“(II) schools implementing targeted support and improvement plans under paragraph (2); and

“(B) may—

“(i) take action to initiate additional improvement in any local educational agency with—

“(I) a significant number of schools that are consistently identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) and not meeting exit criteria established by the State under subparagraph (A)(i)(I); or

“(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

“(ii) consistent with State law, establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

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