Every Student Succeeds Act

SUMMARY AND KEY POINTS

Julia Martin
Brustein & Manasevit, PLLC
jmartin@bruman.com
Movement toward Passage

- Drafting done in early 2015
- Passed House, Senate bills in July
- Conference over 2 days in November
- Some last-minute jitters
  - Democrats 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)
Every Student Succeeds Act (ESSA)

Signed into law by President Obama on December 10th, 2015
The New Law
Basic Structure

- Looks a lot like No Child Left Behind:
  - States choose standards and assessments, work towards goals
  - Student achievement is reported out by subgroup
  - Schools and districts are held 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)
Key Differences

- States 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)
- The “big acronyms” have been eliminated
  - No more AYP, HQT, or SES
- New limitations on Secretarial authority
  - Especially around State plans, waivers
- Consolidates/eliminates a number of smaller grant programs
Timeline for Implementation

- ESEA 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 18th 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… NC LB in effect for another year!
Timeline for Implementation

- 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

  - No information on what non-waiver States should do
Timeline for Implementation

- Changes to Impact Aid effective in FY 2017
- All other changes effective upon enactment (December 10\textsuperscript{th}, 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
Title I
Funding

- **Title I funding formula remains the same**
- **Keeps 1% cap on State administrative funds**
- **New set-asides**
  - **Mandatory** 7% set-aside for School Improvement interventions and technical assistance
  - Formula or competitive to LEAs
  - **Optional** 3% set-aside for Direct Student Services
  - Competitive subgrants to LEAs (priority to identified schools)
  - Allowable expenditures include academic/CTE coursework, credit recovery, AP/IB test fees, and transportation of LEAs implementing school choice
States must:

- Adopt challenging academic standards
  - Secretary may not require standards to be submitted for approval
- Implement aligned assessments
  - ED has indicated it will continue with peer review of assessments
- Assessments must occur in:
  - Grades 3-8 and once in high school for math and English
  - At grade-span intervals for science
- 1% limitation on alternate assessments tied to alternate standards
- Maintains 95% participation requirement
Accountability

- States must develop an accountability system that rates schools based on metrics including:
  - Academic achievement
  - For K-8, growth or other indicator
  - For high schools, graduation rates
  - At least one “valid, reliable, comparable, and Statewide” indicator of school quality
  - Other factors as determined by the State

- **Most weight** must be given to academic indicators
Accountability

- Two levels of intervention: targeted and comprehensive

- Targeted (LEA-directed) interventions:
  - State must notify LEAs of schools with subgroups which, on their own, would be identified as lowest-performing 5%
  - School must develop improvement plan, LEA must approve improvement plan and monitor implementation
  - If subgroups fail to improve within State-determined number of years, State steps in
Comprehensive (State-directed) Interventions:

State must identify for comprehensive intervention:

- Schools in the bottom 5% according to the State’s performance metric
- High schools with graduation rates of less than 2/3
- Schools in which any subgroup, on its own, would be in the lowest-performing 5% and has not improved in a State-determined number of years

LEA must develop and implement, with State supervision, an evidence-based improvement plan

State must step in if there is no improvement in a State-determined number of years (up to 4)
Title II
Formula

- Makes adjustments to formula to focus more heavily on poverty
  - On both State and LEA-level allocations
  - Transitions to 20% population, 80% poverty by 2020
- Phases out hold-harmless by 2023
Title II Grant Programs

- Eliminates Mathematics and Science Partnership Grants
- Teacher Incentive Fund → Teacher and School Leader Incentive Program
- American History and Civics Education Program
- Supporting Effective Educator Development Grants
- STEM Master Teacher Corps
- Literacy for All, Results for the Nation
  - Competitive grants to States to develop literacy instruction
  - Divided by age group – separate grants for grades K-5, 6-12
Secretary/Department of Education may not mandate, direct, or control:
- Evaluations
- Elements of evaluation systems
- Definitions of teacher/principal effectiveness (no more HQT)
- Professional standards
- Certification and licensing requirements
Title III
Major Changes

- Moves accountability provisions to Title I
- Replaces references to “limited English proficient” with references to “English Learners” throughout
Reporting

- Must report on number and percentage of ELs
  - Meeting State-determined long-term goals
    - Disaggregated by disability
  - Attaining English proficiency
  - Meeting challenging State academic standards for 4 years after exiting EL status
    - Disaggregated by disability
Title IV
Student Support and Academic Enrichment Grants

- New block grant-type program
- Formula granted to States based on share of Title IA
  - State may reserve up to 1% for administration, 4% for State activities
- Subgranted to LEAs based on share of Title IA
  - LEA may spend up to 2% on administration
  - LEAs must spend:
    - At least 20% of funds on at least one “well-rounded educational opportunities” activity
    - At least 20% on at least on “safe and healthy students” activity
    - Some portion funds to support effective use of technology (no more than 15% on technology infrastructure)
“Well-rounded educational opportunities” activities include:

- Career and college counseling/guidance
- Arts and music programs that promote problem solving and conflict resolution
- STEM programming and activities
- Accelerated learning
- History, civics, economics, geography, foreign language, and environmental education
- Community involvement
Student Support and Academic Enrichment Grants

“Safe and Healthy Students” activities include:

- Drug and violence prevention
- School-based mental health services
- Health and safety practices in school/athletics
- Physical/nutrition education
- Bullying and harassment prevention
- Relationship-building schools
- Dropout prevention and re-entry
- Training for school personnel in drug, violence, trafficking, and trauma
“Effective use of technology” may include:

- Professional learning tools, technology, devices, and content for adaptive learning programs
- Building technological capacity
- Developing strategies for use of digital learning technologies
- Blended learning projects
- Professional development
- Remote access for students in rural/remote/underserved areas
Notable Changes in Remaining Titles (V-IX)
New Preschool Grants

- Preschool Development Grants jointly administered by ED and HHS
  - Competitive to States
  - One-year grant for planning, coordination, and improvement
    - Three-year renewal grant
    - Increasing amounts of funds must be used to improve early education
  - 30% non-federal match
Waivers (Title VIII)

- LEAs must request State approval for waiver (State submits to ED)

- 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

- Secretary may not disapprove a waiver request for reasons outside conditions of law

- Secretary may not place any conditions on approval of waiver request (including adoption of standards, assessments, accountability, evaluations, etc..)
Secreterial Prohibitions

Strictly prohibits Secretary from doing anything to:

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