



THE  
Every Student  
Succeeds Act

SUMMARY AND KEY POINTS

Julia Martin  
Brustein & Manasevit, PLLC  
[jmartin@bruman.com](mailto: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 10<sup>th</sup>, 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 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!

# 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<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

# 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

# Standards and Assessments

- ▶ 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

# Accountability

- ▶ 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

# Secretarial Prohibitions

- ▶ 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)

# Student Support and Academic Enrichment Grants

- ▶ “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

# Student Support and Academic Enrichment Grants

- ▶ “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..)

# Secretarial 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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