ESSA’BOUN TIME!

The Every Student Succeeds Act

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Every Student Succeeds Act (ESSA)

Signed by President Obama on December 10th, 2015
Key ESSA Changes

- **(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
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
- Preschool Development Grants

- Promise Neighborhoods
- English Language Acquisition
- 21st Century Community Learning Centers
- Charter Schools
- Magnet Schools
- Family Engagement in Education Programs
- Grants for Education Innovation and Research
- Rural Education Achievement Program
- Impact Aid
- Homeless Education
- Indian Education, Grants to LEAs, Special Programs, National Activities

NOTE: This is a partial list
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

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)
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)
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.

   - Does this mean NCLB standards apply to paraprofessionals? Maybe.
Timeline for Implementation

- Formula grants (at federal level) effective July 1, 2016
- Competitive grants (at federal level) effective October 1, 2016
- ESEA Flex Waivers terminate August 1, 2016

**BUT:**

*Omnibus appropriations bill passed December 18th:*

Funds provided 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 ESSA.

- So....NCLB in effect for another year!
Transitioning to the Every Student Succeeds Act (ESSA)

- ESSA will not be implemented until the 2017-18 school year.
- 2016 formula allocations and programs remain under NCLB
- States need not submit a consolidated application in July to receive FY 2016 formula funds.
- EL accountability frozen
- HQT and related requirements where State/LEA is not 100% HQT are suspended
- Distribution equity requirements remain
- **Flex Waiver States:** Secretary waives various requirements (outlined on next slides)
- **Non-waiver States:** SES and choice are voluntary but if utilized a one-year transition plan is required
TITLE I, PART A
Title I 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
School Improvement Funds
Sec. 1003(b)-(d)

(NEW) **Mandatory:** SEA reserves 7% for School Improvement

- 95% for grants to LEAs
  - *Formula or Competitive Basis*
  - *Grants are for no more than 4 years (may include planning year)*
  - *To implement comprehensive and targeted support and improvement activities.*
  - *Services may be provided directly by SEA with approval of the LEA*
  - *Subgrants for no more than 4 years*
Direct Student Services
Sec. 1003A

■ (NEW) **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 LEAs
LEA Use of Funds for Direct Student Services
1003A(c)

- 1% Outreach and communications to parents re: available services
- 2% 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.
State Adoption
Sec. 1111

- States must implement assessments aligned with standards in math, reading, and science
  - *Math, reading assessments must be given in each of grades 3-8 and once in high school*
  - *Science assessment must be given at least once in each grade-span of 3-5, 6-9, and 10-12*

- (NEW) ESSA does not prohibit ED from requiring peer review of assessments
  - *In subsequent guidance, ED has made clear it will continue peer review process for foreseeable future*
English Language Assessments

■ (NEW) State must also adopt assessments of English language proficiency
  
  - Conduct annual assessment of all ELs in English proficiency
  
  - Must be aligned to State EL proficiency standards
  
  - Identify languages present to a significant extent and note where native-language assessments are not available but are needed
Alternate Assessments
Sec. 1111(b)

- May adopt alternate standards and assessments for students with the most significant cognitive disabilities
  - Codifies existing ED guidance
  - Must be designated in the student’s IEP
  - Must be aligned to State standards, promote access to general curriculum consistent with IDEA, ensure student is on track for postsecondary education or employment
- Use professional judgment as to the highest possible standards that will be used for the student
Alternate Assessments (cont.)
Sec. 1111(b)

■ (NEW) 1% limitation on use of alternate assessments
  - Limit is at the State level
    ■ No limit at LEA level
      - Neither ED nor SEA can impose LEA-level cap
      - But LEAs are encouraged to stay below 1% threshold and must provide notice and justification to SEA if they exceed it
      - Enforcement authority/obligation is at State level

■ Subject to waiver authority under Sec. 8401
  ■ Proposed regulations identify what is required for waiver

■ (NEW) All other alternate or modified assessments are prohibited (previously prohibited by regulation).
SEA/LEA Report Cards
Sec. 1111(h)

- **Expanded list includes:**
  - *Academic achievement by subgroup*
    - Including homeless, foster, *(NEW)* children with parents on active duty in the military
    - *(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*
  - *NAEP results (State only)*
  - *(NEW) Per-pupil expenditures for federal, State, and local funds*
    - Must be actual expenditures, Disaggregated by source of funds
    - For each local educational agency and each school for the preceding FY
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% is 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%
Identification of Schools
Sec. 1111(c)(4)(D)

- (NEW) Two levels of improvement
  1. Targeted Support and Improvement
  2. Comprehensive Support and Improvement
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 public schools, not only Title I schools
Targeted Support and Improvement (cont.)
Sec. 1111(d)(2)

- All schools are eligible to be identified for Targeted Support and Improvement.
  - *Any school in which any subgroup of students is consistently underperforming.*

- But only Title I schools (who would have been previously identified for targeted support) 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) would then be identified for comprehensive support and improvement.
Comprehensive Support and Improvement 1111(c)(4)(D)

- (NEW) States must establish a methodology for identifying schools for comprehensive support that must include:
  1. At least the lowest performing 5% Title I schools;
  2. All public high schools in the State failing to graduate 1/3 or more of their students; and
  3. 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).

State may add additional state-wide categories
Continued Support and Improvement
Sec. 111(d)(3)

- **(NEW)** The State must establish 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; *such as the implementation of interventions (which may include addressing school-level operations)*;
  
  - *For schools identified for targeted support:*
    
    - **Title I schools:** 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.
    
    - **Non-Title I schools:** ??
      
      - State discretion
District Improvement?

Sec. 1111(d)(3)(B)

Maybe.

■ **(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.*

■ What could this include?
  
  - *Up to the SEA!*
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.
Private School Consultation
Sec. 1117(b)

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

- **(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.
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.

Timeline
■ (NEW) 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.
TITLE II
PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS
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 III, A LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS
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
STATE INNOVATION AND LOCAL FLEXIBILITY
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 (cont.)

- “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
Title V – Transferability
Sec. 5103

Now allows SEAs or LEAs to transfer all of their funds under:
- Title IIA (Professional Development),
- Title IVA (Student Support), or
- Sec. 4204(c)(3) (Awards for Youth Development Programs – State only),

Between those provisions, and into (but not out of):
- Title I Part A (Academic Disadvantaged),
- Title, I, Part C (Migrant),
- Title I, Part D (Neglected and Delinquent),
- Title III, Part A (English Learners), or
- Title V, Part B (Rural Education).
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.
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.
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.
Title VIII - 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
WHAT’S NEXT?
ESSA Resources

New ED webpage! http://www.ed.gov/essa

- 12/18/15 Dear Colleague Letter on Transition
- 12/22/15 Letter on Assessment Participation
- 1/28/16 Dear Colleague on Transition
- 2/26/16 FAQs Document

Available at: http://www.ed.gov/essa

- Negotiated Rulemaking Documents

Available at: http://www2.ed.gov/policy/elsec/leg/essa/session.html
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