

ESSA'BOUT TIME !



The Every Student Succeeds Act Highlights and Updates

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www.bruman.com

WHERE ARE WE?



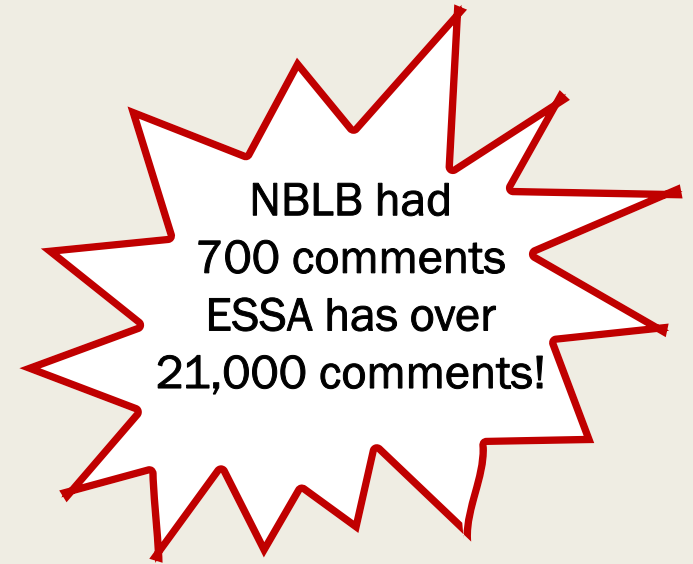
Every Student Succeeds Act (ESSA)

Signed by President Obama on December 10th, 2015



ESSA Regulations

- Accountability Regulations
 - *Published in the Federal Register May 31, 2016 comments closed (due August 1st)*
- Assessment Regulations
 - *Published in Federal Register on July 11, 2016 comments closed (due September 9th)*
 - Assessments and Innovative Assessment Pilot
- SNS Regulations
 - *Published in Federal Register on September 6, 2016 comments closed (due November 7th)*
- USDE stated there would be no other regulations in 2016!
(April 2016)



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

ED Transition Guidance



- 12/18/15 Dear Colleague Letter on Transition
- 12/22/15 Letter on Assessment Participation
- 1/28/16 Dear Colleague on Transition
- 6/29/16 FAQs Document (*Updated!*)

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

- Negotiated Rulemaking Documents

Available at:

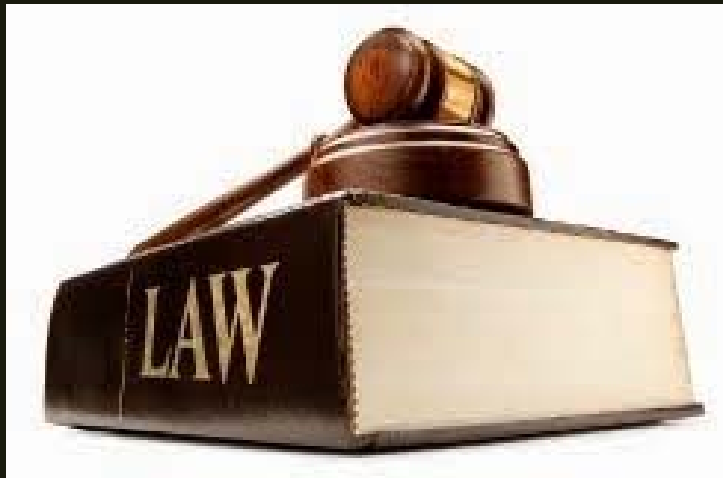
<http://www2.ed.gov/policy/elsec/leg/essa/session.html>

ESSA Guidance and Upcoming Guidance



- Foster Care Guidance (published)
- Homeless and Youth Programs (published)
- Title III, A English Learners (published)
- Using Evidence to Strengthen Education Investments (published)
- Title II, A Teachers and School Leaders (published)
- Schoolwide Programs and Funding (published)
- Title IV, A Student Support and Academic Enrichment (published)
- *Fiscal Changes (including Equitable Services and SNS (TBD))*
- Other topics under consideration where requested
 - ED email address: essa.questions@ed.gov

DEFINITION CHANGES IN ESSA



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)

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.*

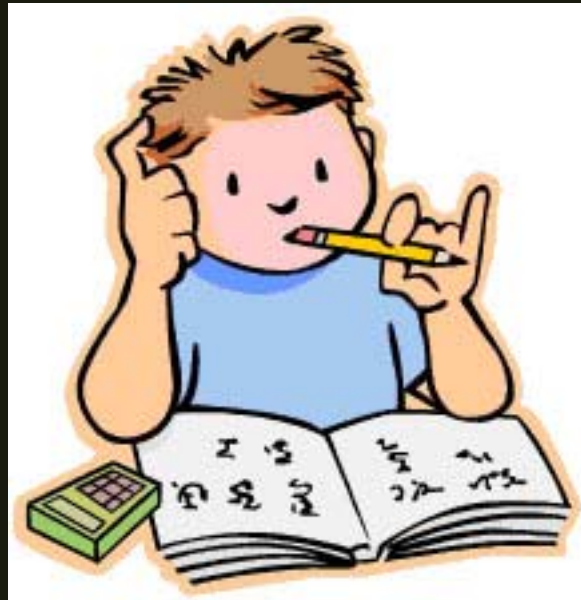
Teacher and Paraprofessional Qualifications

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?*
YES!

TITLE I, PART A



Funding

- Keeps 1% cap on State administrative funds
- Title I funding formula remains the same

School Improvement Funds Sec. 1003(b)-(d)

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

- 95% for grants to LEAs
 - *Formula or Competitive Basis*
 - *Subgrants 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*

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Resources to Support Continued Improvement 200.24

- Sec. 1003 Improvement funding
 - *Schools identified for comprehensive intervention would receive a minimum of \$500,000*
 - *Schools identified for targeted intervention would receive a minimum of \$50,000*
- Remaining Funds are used by the SEA to:
 - *Ensure allocations represent the geographic diversity of the State*
 - *Ensure that allotments are of sufficient size to enable a LEA to effectively implement selected strategies;*
 - *Monitor and evaluate the use of funds by LEAs; and*
 - *Reduce barriers and provide operational flexibility for schools in the implementation of improvement activities.*

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

LEA Use of Funds

- 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.*

Direct Student Services (cont.)

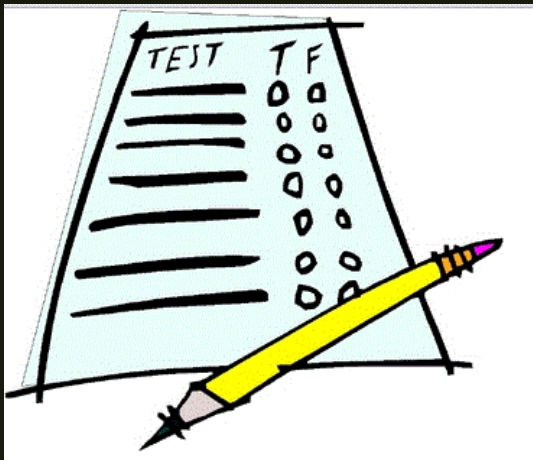
Sec. 1003A

(NEW) If the SEA takes the set-aside, the State must:

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

STANDARDS AND ASSESSMENTS

SEC. 1111



State Adoption

Sec. 1111

- States must provide an assurance that they have adopted challenging academic content standards and aligned academic achievement standards
 - *Must:*
 - Be the same for all public schools in the State
 - Expect the same level of achievement from all schools
 - Be aligned with entrance into credit-bearing coursework at State institutions of higher education, and relevant CTE standards
 - *State standards are NOT subject to review by U.S. Department of Education*

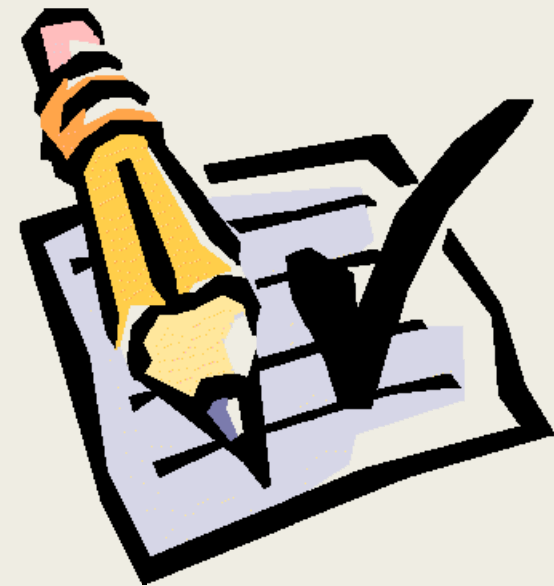
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State Plan Regulations

- Overview of State Plan Requirements (299.13)
 - *State plans due by March 6, 2017 or July 5, 2017*
 - *In comments to regulations (page 90)*
 - *Required assurances due no later than March 6, 2017*
 - *State plan must be conducted in consultation with stakeholders*
 - Very specific requirements
 - *State Plan must be revised as necessary, at least once every 4 years.*

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)

- **(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
- All other alternate or modified assessments are prohibited (*previously prohibited by regulation*).

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Alternate Assessments (cont.) 200.6(c)

A State must—

- I. Not prohibit an LEA from assessing more than 1.0 percent of its assessed students in a given subject;
- II. Require that an LEA submit information justifying the need of an LEA to assess more than 1.0 percent of its assessed students;
- III. Provide appropriate oversight, as determined by the State, of an LEA that is required to submit information to the State;
and
- IV. Make the information submitted by an LEA publicly available, provided that such information does not reveal PII

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Alternate Assessments (cont.) 200.6(c)

- If a State anticipates that it will exceed the cap the State may request that the Secretary waive the cap for the relevant subject(s).

Such request must—

- Be submitted at least 90 days prior to the start of the State's first testing window;
- Provide State-level data, from the current or previous school year, including:
 - *% students assessed with alternate assessments;*
 - *That the state has 95% assessment participation; and*

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Alternate Assessments (cont.) 200.6(c)

(cont.)...

- For each LEA that will assess more than 1% that the LEA has:
 - *Followed state guidelines including assessment criteria*
 - *Will not significantly increase, from the prior year, unless the LEA can demonstrate a higher prevalence of students with the most cognitive disabilities than enrolled in prior year; and*
 - *Will address any disproportionality*

The State must also include a timeline by which:

- The State will improve implementation of its alternative assessment guidelines
- The State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1% cap
 - *How the state will monitor and regularly evaluate each such LEA to ensure each LEA provides sufficient training to school IEP staff*

LEA Plans

Sec. 1112

LEAs 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*

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 re: comprehensive support and improvement
- Provide effective parent and family engagement
- Coordinate and integrate services with preschool programs
- **(NEW)** Coordinate academic and CTE content through instructional strategies which may include experiential learning or work-based learning opportunities, etc.
- **(NEW)** Support efforts to reduce the overuse of discipline practices that remove students from the classroom
 - *May include disaggregation (this is a best practice because of increased scrutiny)*

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
- For LEAs 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*

ELIGIBLE SCHOOL ATTENDANCE AREAS

SEC. 1113



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.*

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!



Ranking Options (Strict Percentage)

NCLB Ranking by Strict Percentage

| School | Poverty Rate | # Poverty Students |
|------------------------|--------------|--------------------|
| Albemarle ES | 92% | 82 |
| Lincoln Middle School | 87% | 90 |
| Roosevelt ES | 79% | 40 |
| Scott ES | 74% | 56 |
| Washington High School | 70% | 160 |
| Toshiba Charter ES | 59% | 119 |
| Key Middle School | 58% | 47 |
| Brennan High School | 52% | 92 |
| Smith High School | 49% | 15 |

ESSA Ranking by Strict Percentage (w/50% high school)

| School | Poverty Rate | # Poverty Students |
|------------------------|--------------|--------------------|
| Albemarle ES | 92% | 82 |
| Lincoln Middle School | 87% | 90 |
| Roosevelt ES | 79% | 40 |
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PARENT AND FAMILY ENGAGEMENT SEC. 1116



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%*

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:
 - 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

Parent and Family Engagement (cont.)

Sec. 1116(a),(b) and (f)

- Accessibility – to the extent practicable – and opportunities for parents and family members, including:
 - parents and family members who have limited English proficiency,
 - parents and family members with disabilities, and
 - parents and family members of migratory children.

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).*

COMPREHENSIVE SUPPORT AND IMPROVEMENT SEC. 1111



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***
 - For all public schools - based on long term goals that measure proficiency on statewide assessments in reading, language arts, math
 - *May also include student growth (for high schools)*
 2. ***Academic Progress***
 - For K-8, growth or other indicator
 3. ***Graduation Rates***
 - For high schools - May include extended-year adjusted cohort graduation rate
 4. ***Progress in Achieving English Language Proficiency***

Accountability (cont.)

Sec. 1111(b)-(c)

5. *School Quality*

- At least one “valid, reliable, comparable, and Statewide” indicator of school quality:
 - *May include:*
 - Student access to and completion of advanced coursework;
 - Postsecondary readiness;
 - School climate and safety;
 - Student engagement;
 - Educator engagement; etc.

6. Other factors as determined by the State

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

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Targeted Support and Improvement Regulations 200.19

- Two categories:

1. *Schools with consistently underperforming subgroups (2018-2019)*

- State definition may include a subgroup of students:

- *Not on track to meet State's long-term goals or not meeting interim progress;*
- *Performing at the lowest performance level on at least one indicator;*
- *Performing at or below a State-determined threshold compared to average performance,*
- *Etc.*

2. *Each school with at least one low-performing subgroup of students (2017-2018)*

- Defined as a subgroup that is performing at or below the summative performance of all students in any of the lowest 5% of Title I schools in comprehensive support and improvement.



- If Title 1 School and no improvement after no more than 3 years) – move to 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 (2017-2018):
 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*
 - *At SEA discretion this may include an extended year adjusted graduation rate*
 - One or more additional years after 4;
 - Summer sessions; or
 - 1% receiving alternate diplomas.
 3. *Title I schools in which any subgroup, on its own, would be identified as lowest-performing 5% and has not improved (as defined by the State), no more than 3 years (per draft regulations) (2020-2021).*



Continued Support and Improvement

Sec. 111(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;*
 - *such as the implementation of interventions (which may include addressing school-level operations);*

Continued Support and Improvement

Sec. 111(d)(3)

- (NEW) The State must (cont.):
 - *Establish statewide exit criteria;*
 - 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
 - *The State must also periodically review resource allocation and provide technical assistance to LEAs serving significant identified schools*

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!*

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Identification of Schools 200.19

- Targeted Support and Improvement
 - *Schools with consistently low-performing subgroups would not be required to be identified until the 2018-2019 school year.*
 - *Schools with low performing subgroups would be identified starting in 2017-2018.*

- Comprehensive Support and Improvement
 - *Beginning 2017-2018, must identify schools for comprehensive support and improvement at least once every 3 years*
Sec. 1111(c)(4)(D)
 - *Confirmed in the proposed regulations*

PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

SEC. 1117



Consultation

Sec. 1117(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 and agreement, that agreement must be sent to the Ombudsman.



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*
 - *Coordination with other equitable services programs*

Consultation (cont.)

Sec. 1117(b)

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

- 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

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.

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!

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 the top for parental involvement*
- *Off the 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*

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 IV, A STATE INNOVATION AND LOCAL FLEXIBILITY

Student Support and Academic Enrichment Grants

Title IV, A

- 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 (cont.)

- “Well-rounded educational opportunities” activities include (Sec. 4107):
 - *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 (Sec. 4108):
 - *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 (cont.)

- “Effective use of technology” may include (Sec. 4109):
 - *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*

Supplement Not Supplant Sec. 4110

Funds made available under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.



MAINTENANCE OF EFFORT TITLES VIII

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)

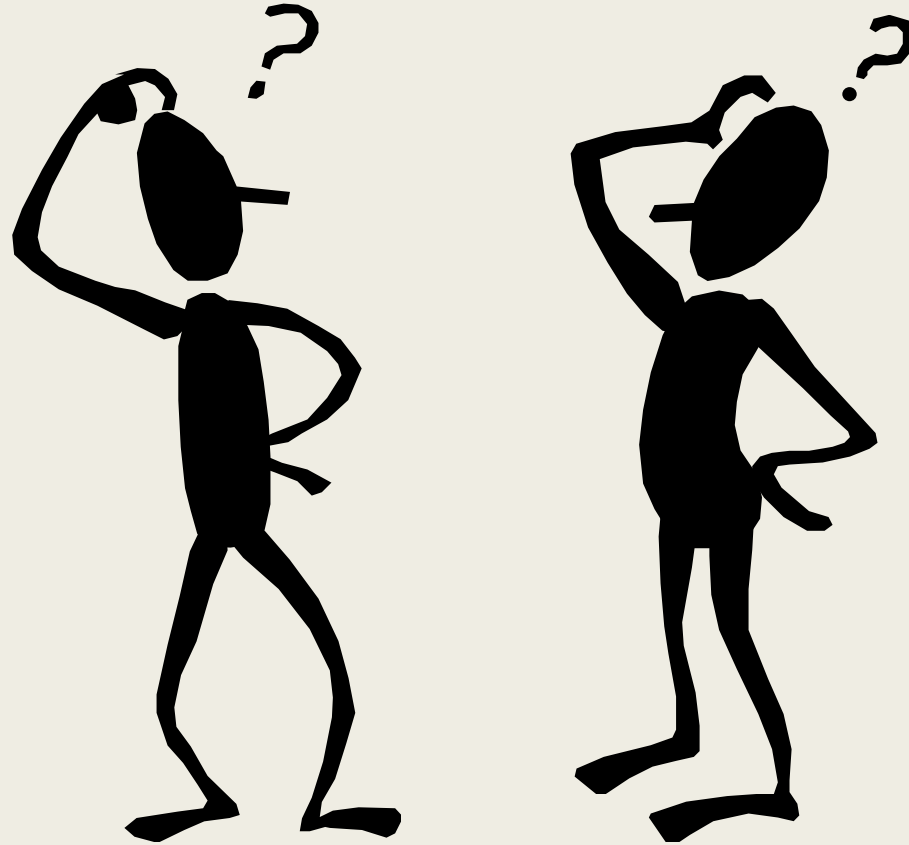
(NEW) LEA is not subject to sanctions for failing to maintain 90% effort for one year (either combined fiscal per student or aggregate State and agency expenditures) provided it has not failed to meet MOE for one or more of five immediately preceding fiscal years.

MOE Waiver Sec. 8521(c)

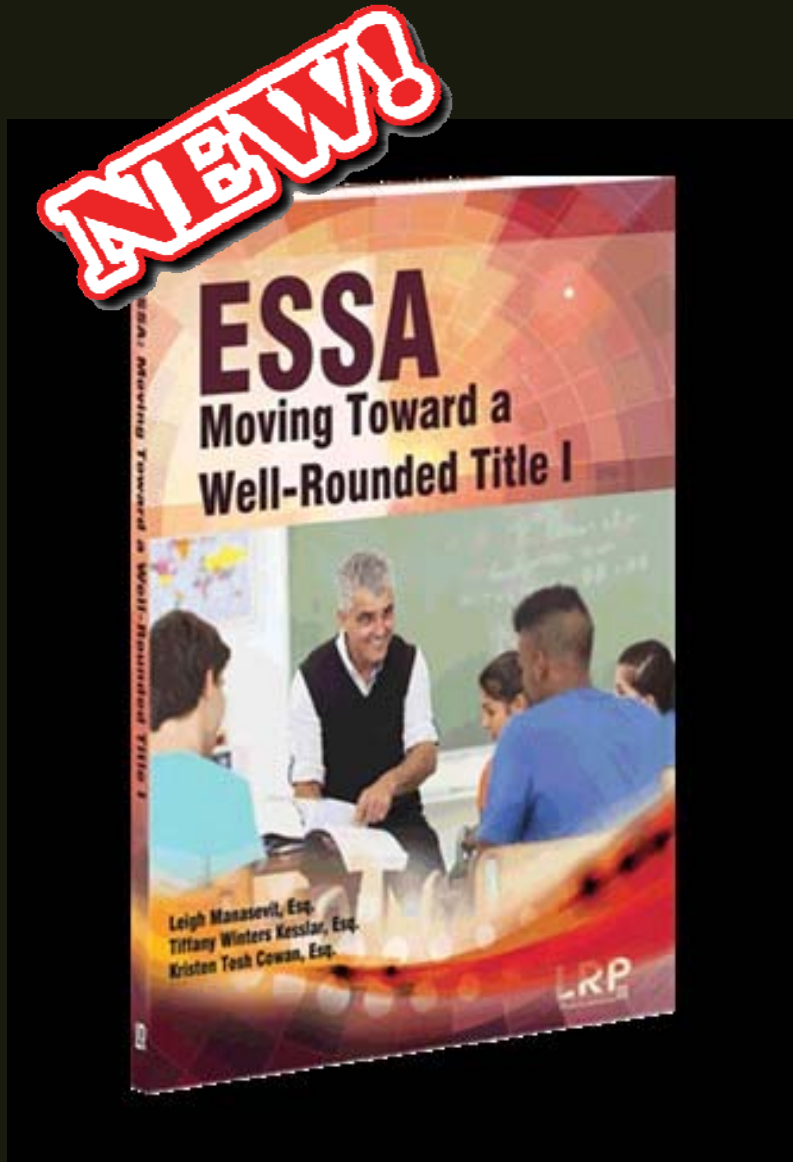
Secretary of Education may waive MOE if “equitable”:

- *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.*

QUESTIONS?



http://www.shoplrp.com/product_p/300672.htm



- This book is a straightforward explanation of the new ESSA Title I requirements.
- Chapters start with a bulleted list of key changes to the ESEA!

Only \$81.95!!

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