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## **INSIDE ESSA / The New Federal K-12 Law**

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# **The Every Student Succeeds Act: Explained**



The latest reauthorization of the Elementary and Secondary Education Act, signed into law Dec. 10, is in many ways a U-turn from its predecessor, the No Child Left Behind Act. Under the Every Student Succeeds Act, states get significant leeway in a wide range of areas, with the U.S. Department of Education seeing its hands-on role in accountability scaled back considerably. Among the key highlights:

## **Accountability Plans**



- States still have to submit accountability plans to the Education Department. These new ESSA plans will start in the 2017-18 school year. The names of peer-reviewers have to be made public. A state can get a hearing if the department turns down its plan.

## **Accountability Goals**

- States can pick their own goals, both a big long-term goal, and smaller, interim goals. These goals must address: proficiency on tests, English-language proficiency, and graduation rates.
- Goals have to set an expectation that all groups that are furthest behind close gaps in achievement and graduation rates.

## **Accountability Systems**

### **Elementary and Middle Schools**

- States need to incorporate at least four indicators into their accountability systems. The menu includes three academic indicators: proficiency on state tests, English-

language proficiency, plus some other academic factor that can be broken out by subgroup, which could be growth on state tests.

- States are required to add at least one additional indicator of a very different kind. Possibilities include: student engagement, educator engagement, access to and completion of advanced coursework, postsecondary readiness, school climate/safety, or whatever else the state thinks makes sense.
- States have to figure in participation rates on state tests. (Schools with less than 95 percent participation are supposed to have that included, somehow.) But participation rate is a stand-alone factor, not a separate indicator on its own.

### **High Schools**

- High schools will be judged by basically the same set of indicators, except that graduation rates will have to be part of the mix. They could take the place of a second academic indicator.

### **Weighting the Indicators**

- It will be up to the states to decide how much the individual indicators will count, although the academic factors (tests, graduation rates, etc.) will have to count "much" more as a group than the indicators that get at students' opportunity to learn and post-secondary readiness.

## **Low-Performing Schools**



- States have to identify and intervene in the bottom 5 percent of performers. These schools have to be identified at least once every three years.
- States have to identify and intervene in high schools where the graduation rate is 67 percent or less.
- States, with districts, have to identify schools where subgroups of students are struggling.

## **School Interventions**

### **For the bottom 5 percent of schools and for high schools with high dropout rates:**

- Districts will work with teachers and school staff to come up with an evidence-based plan.
- States will monitor the turnaround effort.

- If schools continue to founder, after no more than four years the state will be required to step in with its own plan. A state could take over the school if it wanted, or fire the principal, or turn the school into a charter.
- Districts could also allow for public school choice out of seriously low-performing schools, but they have to give priority to the students who need it most.

#### **For schools where subgroups students are struggling:**

- Schools have to come up with an evidence-based plan to help the particular group of students who are falling behind, such as minority students or those in special education.
- Districts must monitor these plans. If the school continues to fall short, the district would step in, though there's no specified timeline.
- Importantly, there's also a provision calling for states and districts to come up with a "comprehensive improvement plan" in schools where subgroups are chronically underperforming, despite local interventions.
- The School Improvement Grant program is consolidated into the bigger Title I pot, which helps districts educate students in poverty. States could set aside up to 7 percent of all their Title I funds for school improvement, up from 4 percent in current law.

## **Tests**



- States still have to test students in reading and math in grades 3 through 8 and once in high school, and break out the data for whole schools, plus different "subgroups" of students (English-learners, students in special education, racial minorities, those in poverty). ESSA maintains the federal requirement for 95 percent participation in tests.
- States are prohibited from combining different sets of students into so-called "super subgroups" for accountability purposes.
- Up to seven states can apply to try out local tests for a limited time, with the permission of the U.S. Department of Education.
- Districts can use local, nationally recognized tests at the high school level, with state permission, such as the SAT or ACT.
- States can create their own testing opt-out laws, and states decide what should happen in schools that miss targets.

## **Standards**

- States are required to adopt “challenging” academic standards. That could be the Common Core State Standards, but doesn’t have to be.
- The U.S. Secretary of Education is expressly prohibited from forcing or even encouraging states to pick a particular set of standards (including the common core).

## **Transition from the No Child Left Behind Act**

- Waivers from the NCLB law are null and void on Aug. 1, 2016, but states still have to continue supporting their lowest-performing schools (“priority schools”) and schools with big achievement gaps (“focus schools”) until their new ESSA plans kicked in.
- In general, ESSA applies to any competitive federal grants given out after Oct. 1, 2016, so most grants are still under the NCLB version of the law for the rest of this school year.

## **English-Language Learners**

- Accountability for English-language learners moves from Title III (the English-language acquisition section of the ESEA) to Title I (where everyone else’s accountability is). The idea is to make accountability for those students a priority.
- States can include English-language learners’ test scores after they have been in the country a year, as under current law.
- During that first year, those students’ test scores won’t count toward a school’s rating, but ELLs will need to take both of the assessments, and have the results publicly reported. In the second year, the state has to incorporate ELLs’ results for both reading and math, using some measure of growth. And in their third year in the country, the proficiency scores of newly arrived ELLs will be treated just like any other students’.

## **Students in Special Education**

- Only 1 percent of students overall can be given alternative tests. (That’s about 10 percent of students in special education.)

## **Programs**



### **Block Grant**

- A new \$1.6 billion block grant consolidates dozens of programs, including some involving physical education, Advanced Placement, school counseling, and education technology.
- Districts that get more than \$30,000 have to spend at least 20 percent of their funding on at least one activity that helps students become well-rounded, and another 20 percent on at least one activity that helps students be safe and healthy. And part of the money can be spent on technology.
- Some programs live on as separate line items, including the 21st Century Community Learning Centers.

### **New or Existing**

- The ESSA enshrines the Preschool Development Grant program in law and focuses it on program coordination, quality, and broadening access to early-childhood education. But the program is housed at the Department of Health and Human Services, jointly administered by the Education Department.
- A new, evidence-based research and innovation program is created, described by some as similar to the Obama administration's Investing in Innovation program.
- Other highlights include a standalone program for parent engagement, along with reservations for arts education, gifted and talented education, and Ready to Learn television.

### **Weighted Student Funding**

- A pilot program will let 50 districts try out a weighted student-funding formula, combining state, local, and federal funds to better serve low-income students and those with special needs.

### **Teachers**

- States will no longer have to do teacher evaluation through student outcomes, as they did under NCLB waivers.
- The NCLB law's "highly qualified teacher" requirement is officially a thing of the past.
- The former Teacher Incentive Fund—now called the Teacher and School Leader Innovation Program—will provide grants to districts that want to try out performance pay and other teacher-quality improvement measures. [\*\*ESSA also includes resources for helping train teachers\*\*](#) on literacy and STEM.

### **Funding and Other Issues**



- The current Title I funding formula remains intact, but there are some changes to the Title II formula (which funds teacher quality) that will be a boon to rural states.
- **Maintenance of effort will remain in place**, requiring states to keep up their own spending at a particular level in order to tap federal funds.

*SOURCES: Every Student Succeeds Act, Education Week*

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