



ESSA Update

An Overview of the New Law and
Recently Released Guidance

2016 California Title I Conference

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John Hooper, III, Federal Policy Liaison
California Department of Education

How did we get here?

- Drafting done in early 2015
- Senate and House versions passed in July
- Last minute concerns from both Democrats and Republicans
 - Dems concerned about accountability
 - Republicans believed the bill did not roll back the federal role in education enough
- The bill passed with a wide margin in both the House (359-64) and Senate (85-12)
- Signed by President Obama on December 10th , 2015

Transition to new law

- ESEA waivers terminate August 1, 2016
- New law effective for competitive grants (at federal level) on October 1st, 2016
- New law effective for non-competitive grants formula grants (at federal level) on July 1st, 2016 per ESSA **BUT:**
 - Omnibus appropriations bill passed December 18th says: “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.”
- Translation: NCLB in effect for another year



TITLE I

FUNDING

- Maintains Title I, A Formula
 - Sets specific funding authorization levels through FY 2020
 - Maintains a 1% cap on state administrative funds
- States must set aside 7% (mandatory) of Title I allocation every year to carry out interventions and technical assistance
 - 95% in 4-year grants to LEAs (formula or competitive)
 - Prioritize LEAs with high numbers of identified schools, those with greatest need for funds, and those with strongest commitment to improvement

- States may set aside 3% (optional) of Title I allocation for Direct Student Services program
 - State may use up to 1% of set-aside for administrative costs
 - Award subgrants to LEAs for targeted programs, first to identified schools
 - LEAs must limit administrative costs to 2% of grant
 - Allowable expenditures include:
 - ❖ Academic and CTE coursework
 - ❖ Credit recovery
 - ❖ Advance placement
 - ❖ AP/IB test fees
 - ❖ Tutoring
 - ❖ Transportation services for LEAs implementing school choice

STATE PLANS

- Consultation with key stakeholders
- State plans must be peer reviewed
- State plans must be approved within 120 days unless Secretary presents research which demonstrates the plan does not meet requirements
 - Must notify state of rejection, provide opportunity to revise and resubmit, public hearing
 - Changes to State plan subject to approval/disapproval within 90 days

STANDARDS & ASSESSMENTS

- States must provide assurance that they have adopted:
 - Challenging academic content standards and aligned academic achievement standards
 - ❖ Must be the same for all public schools in State and expect the same level of achievement from all schools
 - ❖ Must be aligned with entrance to credit-bearing coursework at State IHEs and relevant CTE standards
 - Secretary may not require that standards be submitted for approval
 - Secretary may not “mandate, dictate, coerce, or exercise discretion or supervision” over standards

- States must implement assessments aligned with standards in math, reading, and science
 - Math and reading: grades 3-8 and one in high school
 - Science: once in each grade span of 3-5, 6-9, and 10-12
- Achievement data must be disaggregated by subgroup:
 - Each major racial subgroup
 - Economically disadvantaged students
 - Children with disabilities
 - English proficiency status
 - Gender
 - Migrant status
- States may adopt alternate assessments for students with the most significant cognitive disabilities (codified 1% cap statewide)
- Maintains a 95% participation requirement

ACCOUNTABILITY (System)

- States must develop an accountability system that rates schools based on metrics including:
 - Academic Achievement
 - Growth (for elementary and middle schools)
 - For high schools, graduation rates
 - Progress in achieving EL proficiency (only one subgroup)
 - At least one “valid, reliable, comparable, and Statewide” indicator of school quality
 - **Most weight** must be given to academic indicators

ACCOUNTABILITY (Interventions)

- Two levels of intervention **targeted** and **comprehensive**
- *Targeted interventions* (LEA directed):
 - 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 subgroup fails to improve within State-determined number of years, State steps
- *Comprehensive interventions* (State-directed)
- State must identify for comprehensive intervention:
 - At least the lowest-performing 5%
 - High schools graduating less than 2/3 of students
 - Schools with any subgroup, on its own, would be identified as lowest performing 5% (and has not improved in 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)
- Identification of schools must start in SY 2017-2018 and occur at least once every three years
- State report cards must be prepared and disseminated widely every year, and include information on:
 - Academic achievement by subgroup, school, and LEA
 - Percentage of students assessed and not assessed by subgroup
 - Description of State's accountability and differentiation system
 - Graduation rates
 - School quality indicators
 - Per-pupil expenditure of federal, State, and local funds
 - Professional qualifications of teachers
 - NAEP results

LEA PLANS

- Must have a plan on file with SEA that:
 - Developed in consultation with stakeholders
 - Planning for disparities in teacher distribution
 - Responsibilities related to school improvement
 - Coordinate and integrate services with preschool programs
 - Support efforts to reduce the overuse of discipline practices that remove students from the classroom
 - Coordinate academic and CTE content through instructional strategies that may include experiential or work-based learning opportunities

Schoolwide/Targeted Assistance

- Preserves rank and serve
- Rank and serve all schools where poverty exceeds 75% in elementary and secondary schools, LEAs may lower this threshold to 50% for high schools only
- Allows a school that serves an eligible school attendance area with less than 40% poverty to operate a schoolwide program if the school received a waiver from the State.
- Schools operating a schoolwide program must develop a comprehensive plan that is based on a needs assessment
- Schoolwide secondary schools and targeted assistance schools may use funds for dual or concurrent enrollment programs (CTE, IHEs)

Private schools

- Allows services to be provided directly by LEA or by government agency, entity, or third-party contractor
- Requirement for LEAs to maintain and provide documentation showing meaningful consultation with private schools
- Allows consolidation of Title I equitable services funds with those available under Sec. 8501
- Requires SEA to designate ombudsman to monitor and enforce equitable services requirement
- SEAs may provide equitable services directly or through contracts if private school officials file complaint saying that consultation by LEA was not meaningful/timely, services not adequate

Migrant Education (Part C)

- Makes largely technical changes, updates definitions, updates formula to allocate funds based on more current migratory child counts
- Provides for 90% hold harmless for 2017 through 2019
- Prioritizes services for children failing to meet State standards or who have dropped out of school



TITLE II

FUNDING

- Adjustment to formula phased in from enactment until 2020
 - Formula transitions, for both State and LEA-level allocations, to 20% population, 80% poverty
 - Hold Harmless in effect and phases out by 2023
- State grants: At least 95% to subgrants, up to 1% to administration
 - State may reserve up to 3% of amount reserved for subgrants to LEAs for activities for principals and other school leaders
 - Up to 4% (remaining State-level reservation) to be used for State activities
 - State activities include reforming teacher certification/licensure, technical assistance, teacher and leader evaluation and support systems, preparation, etc.
 - LEA funds may be used for class size reduction, hiring, retention, support, technical assistance, training on behavior, evaluation and support systems, incentive pay, etc.

Title II Grants

- Teacher and School Leader Incentive program (Formerly the Teacher Incentive Fund)
 - Competitive grants to States, LEAs, or partnerships
 - For implementation and study of performance-based incentive compensation programs to address gaps and raise student achievement
 - Up to 3 years with possibility of two-year extension
 - 50% non-federal match
- American History and Civics Education program
 - 74% of funds for national activities to promote history, civics, government, and geography instruction
 - 26% for Presidential and Congressional academies to offer professional development and seminars

- Supporting Effective Educator Development
 - Grants to non-profits or IHEs or consortia for activities related to preparation and professional development of teachers
- School Leader Recruitment and Support
 - Grants to LEAs serving high-need schools, SEAs, or consortia for the recruitment, preparation, placement, support, and retention of effective principals or other school leaders in high-need schools
 - ❖ High-need= elementary schools with at least 50% poverty or secondary schools with at least 40% poverty
- STEM Master Teacher Corps
 - Competitive grants to SEAs or SEAs partnering with IHEs or other organizations
 - To support development of master teacher corps or expand effective STEM PD programs
 - Eliminates Mathematics and Science Partnership grants



TITLE III

- Eliminates Sec. 3122, 3302, and Part B (accountability provisions now part of Title I)
 - Adds allowable state activities
 - ❖ Establishing and implementing standardized Statewide entrance and exit procedures
 - ❖ Educator professional development and preparation activities to improve teaching skills for meeting EL needs
- Replaces references to “limited English proficient” to “English learners” throughout
- State Plans
 - Must develop, with LEA consultation, standardized statewide entrance and exit procedures, including assurance that all students that may be ELs are assessed for such status within 30 days of enrollment

- 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)
- Public/private entities with relevant experience and capacity now eligible entities for competitive grants under National Professional Development Project



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 one “well-rounded educational opportunities” activity
 - ❖ At least 20% on “safe and healthy students” activity
 - ❖ Some portion of 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

- “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



Federal Guidance

Jan. 28th “Dear Colleague” Letter

- Letter regarding the use of fiscal year formula funds in the 2016-2017 school year
 - FY 2016 formula grant funds will be awarded and administered in accordance with the ESEA as in effect on the day before the date of enactment of the ESSA.
 - This means that ED **formula grant allocations** to States and local educational agencies (LEAs), as well as State subgrants allocated by formula to LEAs under ESEA formula grant programs, **will be made in FY 2016, for the 2016-2017 school year, in the same manner and using the same allocation formulas as for the 2015-2016 school year.** It also means that, with the exceptions described below, **formula grant recipients will continue to operate in the 2016-2017 school year under the plans, procedures, and requirements that are in place for the 2015-2016 school year.**

School Interventions and Supports in 16/17 School Year

- CORE Districts with Waivers:
 - States have the option to choose between (1) freezing their existing priority and focus school lists as of December 10, 2015, for use in the 2016-2017 school year or (2) refreshing their lists by March 1, 2016.
 - Further guidance in this section speaks to specific requirements where the ED will allow noncompliance in order to allow waiver states to continue to implement interventions applicable to priority and focus schools during the 2016-2017 school year.

- Non Waiver States:

- For States not operating under ESEA flexibility in school year 2015-2016, ESSA requires a school or LEA that was identified in 2015-2016 by the State as in need of improvement, corrective action, or restructuring under ESEA as it existed under NCLB, to continue to implement the same interventions in the 2016-2017 school year.
- During the 16/17 school year, these States may (but are not required to) - ensure that LEAs are providing supplemental educational services, public school choice and related notice to parents for 16/17 school year. If these States choose not to require LEAs to provide supplemental educational services and public school choice in the 16/17 school year they must develop and file with the ED a transition plan ensuring LEAs provide alternative supports.

- States are NOT required to:
 - ❖ Implement in the 2016-2017 school year section 1119, requiring all teachers of core academic subjects to be highly qualified.
 - ❖ Section 2141, which requires LEAs not making progress toward all teachers being “highly qualified” to create and implement an improvement plan and requires the State to provide technical assistance to such LEAs
 - ❖ Section 1117, which requires States to provide certain types of school supports and recognition.
- CDE is currently determining appropriate next steps for an orderly transition to the new ESSA law

LEA Interventions and Supports for English Language Learners in the 16/17 School Year

- States will not be required to hold LEAs accountable for their performance against Annual Measurable Achievement Objectives 1,2, and 3 under Title III of the ESEA for the 14/15, 15/16 school years. States must freeze district accountability under Title III based on their most recent AMO calculations and continue to provide LEAs with supports and interventions in the remaining months of the 15/16 school year and the 16/17 school year.

February 5th Letter to CDE and SBE

- Although California is required by transition provisions in ESSA to continue to implement the same interventions in the 16/17 school year for schools that were identified for improvement, corrective action, or restructuring in school year 15/16, California may elect not to require LEAs to provide SES, public school choice, and the related notice to parents in school year 16/17.
- If California chooses not to require LEAs provide these services, the State must develop and implement a one-year transition plan for ensuring that LEAs provide alternative supports for students eligible for SES in the schools with the greatest need.

- Intent to file a transition plan must be received by the ED by March 1st, 2016. We have already sent our letter of intent to the ED and are currently working on the details. We plan on approving a final transition plan at the May SBE meeting.

Contact

- John Hooper, III, Federal Policy Liaison
California Department of Education
916-319-0650
jhooper@cde.ca.gov