

EVERY STUDENT SUCCEEDS ACT

Summary and Key Points

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Previous (failed) Attempts

- Chairman Miller's 2007 draft
- Chairman Kline's piecemeal 2011 reauthorization
- Chairman Harkin's 2011 Draft reauthorization
- Attempted 2013 Reauthorization



THE ROAD TO REAUTHORIZATION

Starting off



- Hearings and drafts in early 2015
- Pause in spring and early summer
- House passed legislation (H.R. 5, the Student Success Act) on July 8th with vote of 218 – 213
- Senate passed legislation (S. 1177, the Every Child Achieves Act) passed Senate July 16th with vote of 81-17
- Pause in debate over August recess...and September...and October

Conference

- Committee staff worked out differences between individual provisions over September/October, agreement announced in mid-November
- Moved very quickly: House appointed conferees on 11/17, Senate appointed conferees morning of 11/18, conference started afternoon of 11/18
- Message from leadership: this is a compromise
 - *Senate Committee Chairman Lamar Alexander: "I'll take 80% of what I want and save the other 20% for another day."*
- Conferees passed "framework" with a vote of 39-1

THE NEW LAW

Final Passage

- 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 December 10th, 2015



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

- 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



Timeline for Implementation

- ESEA provisions effective 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 18th 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

- Changes to Impact Aid effective in FY 2017
- All other changes effective upon enactment (December 10th, 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

Per-Pupil Funding Pilot

- No Title I Portability as originally proposed
- Instead: 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, Part A of IV, and Part C of V), 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, pilot program may be extended through 2020*



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

Standards and Assessments



■ (assessments, cont.)

- *Must disaggregate data by NCLB subgroups for purposes of accountability*
- *May allow locally-selected assessments for high schools*
- *Requires 95% participation in assessments overall and by subgroup*
 - States in charge of enforcing requirement among LEAs

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

- States must develop an accountability system that rates schools based on metrics including:
 - *Academic achievement for all subgroups*
 - *For K-8, growth or other indicator*
 - *For high schools, graduation rates*
 - *Progress in achieving English language proficiency*
 - *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

- Comprehensive (State-directed) Interventions:
 - *State must identify for comprehensive intervention:*
 - Title I schools in the bottom 5% according to the State's performance metric
 - All public high schools with graduation rates of less than 2/3
 - Title I 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
 - *A.k.a. persistently low-performing subgroups*
 - *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)*

Improvement Summary

	Comprehensive Support and Improvement	Targeted Support and Improvement
Year 1 (Starting 2017-2018)	This year, and at least once every 3 years, the SEA identifies schools for comprehensive support. State develops exit criteria (no more than 4 years).	Annually, the SEA identifies schools for targeted support. State develops exit criteria.
Meet Exit Criteria	Exit Improvement Identification.	Exit Improvement Identification.
No Improvement	SEA applies more rigorous interventions.	Schools are identified by the SEA for comprehensive support.

Schoolwide/Targeted Assistance

- Preserves Rank and Serve
 - *Maintains requirement to serve elementary schools above 75% poverty*
 - LEA may lower threshold to 50% for high schools
 - LEA may designate any school with at least 35% poverty as eligible
- Preserves Schoolwide Programs
 - *State may waive 40% poverty threshold*
 - *Funds may be used for preschool programs*

Report Cards

- Must be prepared and disseminated every year at State and local levels
- Must include:
 - *Academic achievement by subgroup*
 - Including homeless, foster, military-connected children
 - *Percentage of students assessed/not assessed*
 - *Descriptions of States' accountability system*
 - *Graduation rates*
 - *Information on indicators of school quality*
 - *Professional qualifications of teachers*
 - *Per-pupil expenditures for federal, State, and local funds*
 - *NAEP results*



Fiscal Requirements

- Maintenance of Effort preserved throughout
- Supplement, not supplant (Title I only!)
 - *LEA must demonstrate that methodology used to allocate funds is the same as it would be in the absence of Title I funds*
 - *Secretary cannot require an LEA to:*
 - Identify an individual cost or service as supplemental
 - Provide services through a particular method of instruction

Private Schools

- SEA must designate ombudsman to monitor and enforce equitable services requirements
- LEAs must maintain documentation regarding meaningful consultation with private schools
- SEA may provide services directly to schools if they file a complaint saying consultation was not timely/meaningful, services not adequate.

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

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
 - *Intended to improve quality of instruction*
- Supporting Effective Educator Development Grants
 - *To non-profits, IHEs, or consortia for preparation and professional development*
- STEM Master Teacher Corps
- Literacy Education 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*

Major Changes

- Moves accountability provisions to Title I
- Replaces references to “limited English proficient” with references to “English Learners” throughout
- Requires uniform exit criteria for ELs

TITLE III

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

- “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

- 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 5% on technology)

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*

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NOTABLE CHANGES IN REMAINING TITLES (V-IX)

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Other Title IV Programs

- Maintains as separate funding streams:
 - *21st Century Community Learning Centers*
 - *Charter Schools grants (including facilities financing assistance)*
 - *Magnet schools program*
 - *Family engagement grants*
 - *Promise Neighborhoods*
 - *Full-Service Community Schools*
 - *Ready-to-Learn Programming*
 - *Javits Gifted and Talented Program*

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Title V

- Now allows SEAs or LEAs to transfer all of their funds under Title IIA, Title IVA, or Sec. 4204(c)(3) between those provisions, and into (but not out of) Title I Parts A, C or D, Title IIIA, or Title VB
- Retains rural education initiative but updates references.
 - *Increases minimum grant amount to \$25,000 and maximum to \$80,000.*
- Choice of participation
 - *LEAs eligible for both the Small, Rural School Achievement Program and Rural and Low-Income School Program may choose one of the two under which to receive funds*

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Title VII (Impact Aid)

- Now allows LEAs to use facsimiles of records or other appropriate records to demonstrate value of federal property if originals unintentionally destroyed
- New funding rules for property within more than one LEA, LEAs containing forest service land, and consolidated LEAs
- New hold harmless for LEAs facing 20% or greater reduction in funds due to unexpected drop in population
- Eliminates Maintenance of Effort requirement for Impact Aid (still applies to other programs)

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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.)

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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*



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Maintenance of Effort (Title VIII)

- LEA not subject to sanctions for failing to maintain 90% effort for one year **provided that** it has not failed to meet MOE for one or more of five immediately preceding fiscal years
 - *MOE can be based either combined fiscal per student or aggregate State and agency expenditures*
- Adds new exception: Secretary may waive MOE requirements in case of change in organizational structure of LEA.



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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*

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

Secretarial Prohibitions, Cont.

- Issue non-regulatory guidance that
 - *provides a "strictly limited or exhaustive list" to illustrate successful implementation, or*
 - *that purports to be legally binding*
- Washington Post quotes anonymous source as saying "under this [law], the Secretary is allowed to go across the street and get a cup of coffee"



Program Eliminations

- Reading is Fundamental
- Ready to Teach
- Elementary and Secondary School Counseling
- Carol M. White Physical Education
- Smaller Learning Communities
- Star Schools
- Combating Domestic Violence
- Exchanges with Historic Whaling and Trading Partners

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)

Studies

- Law requires Institute for Education Sciences (IES) to conduct a number of studies:
 - *Title I formula*
 - Must study the effectiveness of the four Title I formulas and consider the impact of number and percentage weighting
 - Must enumerate impact on 12 types of locales as classified by NCES
 - 18 month timeline
 - *Sample size (“n-size”)*
 - Must publish and disseminate a report on best practices for determining subgroup size
 - 90 day timeline

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ESSA Resources



- New ED webpage!
<http://www.ed.gov/essa>
 - *Will post Dear Colleague letters, links to Federal Register notices*
 - *Can sign up for news on ESSA*
- ED email address:
essa.questions@ed.gov