TRANSITION FROM NCLB TO ESSA
EFFECTIVE DATES

• For non-competitive state formula grant programs, including Title I, Parts A, C, and D, Title II, Part A, and Title III, Part A, provisions of ESSA take effect for the 2017-2018 school year.

• In general, FY 2016 non-competitive state formula grant funds for the 2016-2017 school year will be awarded and administered in accordance with the ESEA, as amended by NCLB. *(Consolidated Appropriations Act, 2016)*
  – Funds will be allocated under NCLB rules.
  – Except as otherwise provided, states and districts will comply with NCLB plans, procedures, and requirements.
EFFICIENT DATES FOR ACCOUNTABILITY

• § 1111(b)(2) and 1116 of NCLB, including as modified by ESEA flexibility, are effective through August 1, 2016. (Section 5(e)(1)(A) of ESSA)

• During the 2016-2017 school year—
  - Priority and focus schools must implement the interventions required by ESEA flexibility. (Section 5(e)(2)(B)(ii) of ESSA)
  - Schools and districts identified for improvement, corrective action, or restructuring, respectively, must implement the interventions applicable to the school or LEA under § 1116 of NCLB. (Section 5(e)(2)(B)(i) of ESSA)
TERMINATION OF ESEA FLEXIBILITY WAIVERS

Any waiver that was granted by the Secretary to a state under ESEA flexibility or to consortium of districts under § 9401 of the ESEA is “null and void and ha[s] no legal effect on or after August 1, 2016.” (Section 4(c) of ESSA)
ORDERLY TRANSITION TO ESSA

The Secretary shall take such steps as are necessary to provide for the orderly transition to, and implementation of, programs authorized under the ESEA, as amended by ESSA, from programs authorized under the ESEA, as amended by NCLB.

(Section 4(b) of ESSA)
A state or district does not need to implement certain provisions of the ESEA, as reauthorized by NCLB, along with their implementing regulations, that are not in ESSA.

- § 1111(b)(2), which requires calculating annual measurable objectives (AMOs).
- § 1111(h)(1)(C)(ii), (h)(2), which require a state and district to report performance against AMOs on state and local report cards, respectively.
- § 1119, which requires all teachers of core academic subjects in the state to be “highly qualified”.
- § 2141, which requires districts 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 districts.
- § 1117, which requires states to provide certain types of school supports and recognition.
A state does not need to hold districts accountable for their performance against Annual Measurable Achievement Objectives (AMAOs) 1, 2, and 3 under Title III of the ESEA based on assessments administered in the 2014-2015 and 2015-2016 school years.

A state must freeze district accountability under Title III based on the most recent AMAO calculations, and continue to provide those districts with the corresponding supports and interventions in the remaining months of the 2015-2016 school year and the 2016-2017 school year.
EXCEPTIONS FOR AN ORDERLY TRANSITION

States operating under ESEA flexibility in 2015-2016

A state or district does not need to comply with the following requirements if they impede a priority or focus school from being able to continue to implement appropriate interventions in 2016-2017:

- 1003(a), which requires a state to distribute at least 95 percent of the funds it reserves to districts for use in Title I schools in improvement, corrective action, or restructuring.
- 1114(a)(1), which requires that a school have at least a 40 percent poverty rate to be eligible to operate a schoolwide program.
- 6213(b), which limits the amount of certain federal funds a district may transfer between programs.
- 6224(e), which requires a state to permit a district that fails to make adequate yearly progress to continue to receive a Small, Rural School Achievement grant only if the district uses funds to carry out ESEA section 1116.
- 1113(a)(3)-(4) and (c)(1), which require a district to rank and serve eligible schools according to poverty and allocate Title I funds to schools in rank order of poverty.
During the 2016-2017 school year, a state may, but is **not** required to, ensure that districts are providing supplemental educational services (SES) and public school choice.

If a state chooses not to require that its districts provide SES and public school choice, it must, in order to ensure an orderly transition to the ESSA, develop and implement a one-year transition plan to ensure that districts provide alternative supports for the students eligible for SES and the schools with the greatest need (*e.g.*, schools with large numbers or percentages of students eligible for SES).
RESERVATION FOR SCHOOL IMPROVEMENT
Each state must reserve the greater of—

- 7% of the state’s Title I, Part A allocation; or
- The sum of the amount the state reserved in FY 2016 + the amount it received for FY 2016 for School Improvement Grants (SIG).

A state—

- Must allocate not less than 95% to districts on a competitive or formula basis to serve schools implementing comprehensive or targeted support and improvement activities; or
- May, with approval of the district, directly provide for these activities.

A state may award subgrants for no more than 4 years, which may include a planning year.  (Section 1003)
RESERVATION FOR SCHOOL IMPROVEMENT

To receive a subgrant, a district must submit an application that describes how it will support schools implementing comprehensive or targeted support and improvement activities.

A state must give priority to districts that—

• Serve high numbers or percentage of schools implementing comprehensive or targeted support and improvement plans;
• Demonstrate the greatest need for the funds; and
• Demonstrate the strongest commitment to using the funds to raise achievement in the lowest-achieving schools.
DIRECT SERVICES
DIRECT SERVICES

A state may reserve not more than 3% of its Title I, Part A allocation to make awards to geographically diverse districts, giving priority to those that serve the highest percentage of schools identified for comprehensive support and improvement or implementing targeted support and improvement plans. (Section 1003A)
DIRECT SERVICES, cont.

A district must use funds to pay the costs of one or more direct student services:
• Enrollment in academic courses not available at a student’s school.
• Credit recovery that leads to a regular high school diploma.
• Activities that prepare students for postsecondary-level instruction, e.g., AP/IB courses, including fees for exams for low-income students.
• Personalized learning, including high-quality academic tutoring.
• Transportation to a school of choice from a school identified for comprehensive support and improvement.

A district must give priority to—
• Students enrolled in schools identified for comprehensive support and improvement.
• Low-achieving students in schools implementing targeted support and improvement plans.
• Other low-achieving students in the district.
STATE PLANS

A state must develop new program plans to receive FY 2017 funds.

Instead of submitting individual program plans, a state may develop a consolidated plan across multiple programs covered under ESSA.

- Title I, Part A; Title I, Part C; Title I, Part D; Title II, Part A; Title III, Part A; Title IV, Part A; Title IV, Part B; and Title V, Part B, Subpart 2
- ED is developing proposed criteria for such consolidated state plan to be issued for public comment. (Section 8302)

A state must engage in timely and meaningful consultation with:

- Governor, state legislature, state board of education, districts (including rural districts), representatives of Indian tribes located in the state, teachers, principals, other school leaders, charter school leaders, specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents. (Section 1111(a)(1)(A))
STANDARDS
ACADEMIC STANDARDS

Each state must adopt challenging academic content standards and aligned achievement standards that apply to all public schools and public school students in the state.

(Section 1111(b)(1)(A)-(D))

- Required in reading/language arts, mathematics, and science; other subjects permissible.
- Aligned with entrance requirements for credit-bearing coursework in the state’s system of public higher education and career and technical education standards.
- Achievement standards must apply the same knowledge, skills, and levels of achievement expected of all public school students in the state.
ALTERNATE ACHIEVEMENT STANDARDS

A state may adopt alternate academic achievement standards for students with the most significant cognitive disabilities. *(Section 1111(b)(1)(E))*

- Aligned with the state’s content standards.
- Promote access to the general education curriculum.
- Reflect professional judgment of the highest possible standards achievable by such students.
- Designated in each student’s IEP.
- Aligned to ensure a student is on track to pursue postsecondary education or employment consistent with the purposes of WIOA—*i.e.*, competitive integrated employment.

A state may not adopt modified academic achievement standards.
ENGLISH LANGUAGE PROFICIENCY STANDARDS

Each state must adopt ELP standards that--

• Cover the domains of speaking, listening, reading, and writing;

• Address different proficiency levels; and

• Are aligned with the state’s academic content standards.  (Section 1111(b)(1)(F))

A state must establish and implement, after timely and meaningful consultation with districts, standardized, statewide entrance and exit procedures for ELs.  (Section 3102(d)(2))
ASSESSMENTS
ACADEMIC ASSESSMENTS

Each state must implement a set of high-quality annual academic assessments.  (Section 1111(b)(2))

- Required in reading/language arts, mathematics, and science; other subjects are permissible.
- Same assessments administered to all public school students in the state.
- Aligned with the state’s academic standards.
- Provide information as to whether a student is performing at grade level.
- At a state’s discretion, may be a single summative assessment or multiple statewide interim assessments that yield a single summative score.
- May be computer-adaptive assessments if they measure, at a minimum, student proficiency based on the state’s academic standards for the grade in which a student is enrolled.
ADVANCED MATH ASSESSMENTS IN MIDDLE SCHOOL

A state may exempt an 8th grade student from the state’s 8th grade math assessment if the student takes an end-of-course math assessment that the state typically administers to high school students.

In high school, the student must take a math assessment that is more advanced than the assessment the student took in 8th grade. *(Section 1111(b)(2)(C))*
A district may select a nationally recognized high school assessment in lieu of the state-developed high school assessment. A state must establish technical criteria to determine if a district’s selected assessment—

- Is aligned with the state’s content standards.
- Is equivalent in content coverage, difficulty, and quality to the state’s assessment.
- Provides comparable, valid, and reliable data on academic achievement compared to the state’s assessment.
- Meets the same technical requirements applicable to the state’s assessment.
- Provides unbiased, rational, and consistent differentiation among schools within the state’s accountability system.

A state must review a locally selected nationally recognized high school assessment, submit it to ED for peer review, and approve it if it meets applicable requirements. *(Section 1111(b)(2)(H))**
ALTERNATE ASSESSMENTS

A state may adopt alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities.

- A state must ensure that, for each subject, the total number of students assessed using the alternate assessment does not exceed 1.0 percent of the total number of students in the State who are assessed.

- A state may not impose a cap at the district level, although a district that exceeds the state cap must justify why it did so.

Parents must be clearly informed as part of the IEP process of the implications of their child taking an alternate assessment. (Section 1111(b)(2)(D))
RECENTLY ARRIVED ELs

“Recently arrived ELs” are students who have been enrolled in schools in the U.S. (excluding Puerto Rico) for less than 12 months.

A state may choose to—

• Exclude them from one administration of the reading/language arts assessment and exclude their results on math and ELP assessments from accountability determinations for their first year enrolled in U.S. schools; or

• Assess and report their performance on reading/language arts and math assessments in each year of enrollment but, for accountability purposes—
  – Exclude their results in their first year of enrollment;
  – Include a measure of student growth on the assessments in their second year of enrollment; and
  – Include proficiency on the assessments in their third year of enrollment.
ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS

Each state must provide for an annual assessment of English proficiency of all English learners in schools in the state.

• Must be aligned with the state’s ELP standards.

(Section 1111(b)(2)(G))
ACCOUNTABILITY
ACCOUNTABILITY

- Provides greater discretion than under NCLB for each state to develop its own accountability system.
- Maintains focus on achievement and graduation rates and adds multiple measures.
- If disaggregation is required, subgroups are:
  - Each major racial/ethnic group.
  - Economically disadvantaged students.
  - Children with disabilities.
  - English learners.
- Requires all students to be assessed and that 95% assessment participation rate be a factor.

(Section 1111(c))
LONG-TERM GOALS AND INTERIM MEASURES

A state must establish long–term goals and interim measures of progress for all students and each subgroup of students for:

• Academic achievement as measured by proficiency on state assessments.

• High school graduation rates, including the 4-year adjusted cohort rate and any extended-year rates.
  • Goal and measures for extended-year rates must be more rigorous.

• Increases in the percentage of ELs making progress in achieving English language proficiency.

Goals and interim measures must be designed to enable subgroups who are behind on achievement and graduation rate to make significant progress in closing the gap.

(Section 1111(c)(4)(A))
INDICATORS

A state’s accountability system must annually measure, for all students and each subgroup, the following indicators:

- **Academic achievement** measured by proficiency on state assessments and based on the state’s goals and interim measures (student growth is optional).
  - A state must assess at least 95% of all students and each subgroup of students and factor this into its accountability system.

- For elementary and secondary schools (not high schools), a measure of **student growth** or another valid and reliable **academic indicator** that differentiates performance.

- For high schools, the **4-year adjusted cohort graduation rate** and any extended-year rates, based on the state’s goals and interim measures.
INDICATORS, cont.

- Progress in achieving English language proficiency for ELs in grades 3 through 8 and once in high school on a state-determined timeline.

- Not less than one indicator of school quality or student success, including--
  - Student engagement.
  - Educator engagement.
  - Student access to and completion of advanced coursework.
  - Post-secondary readiness.
  - School climate and safety.
  - Another appropriate indicator that the state chooses.

*(Section 1111(c)(4)(B))"
ANNUAL DIFFERENTIATION

The state must establish an accountability system that meaningfully differentiates among its schools on an annual basis based on all the state’s indicators for all students and each subgroup.

- “Substantial weight” must be given to achievement, graduation rate or the other academic indicator, and English proficiency.
- In the aggregate, they must receive “much greater weight” than the indicator(s) of school quality or student success.

System must differentiate schools in which any subgroup of students is “consistently underperforming.”  (Section 1111(c)(4)(C))
IDENTIFICATION OF SCHOOLS

Beginning in 2017-2018 and at least once every three years thereafter, a state must identify for comprehensive support and improvement—

- Not less than the lowest-performing 5% of Title I schools in the State;
- High schools with a graduation rate below 67%; and
- Schools identified for targeted support and improvement that fail to improve.

A state may identify additional categories of schools.

*(Section 1111(c)(4)(D))*
COMPREHENSIVE SUPPORT AND IMPROVEMENT

For each school identified by the state as needing comprehensive support and improvement, a district must develop and implement a plan to improve student outcomes that--

• Addresses the state’s indicators.
• Includes evidence-based interventions.
• Is based on a school-level needs assessment.
• Identifies resource inequities.
• Is approved by the school, district, and state.
• Is monitored and periodically reviewed.  (Section 1111(d)(1)(B))
TARGETED SUPPORT AND IMPROVEMENT

A state must notify each district of any school in which any subgroup of students is “consistently underperforming” based on all the state’s indicators.  (Section 1111(d)(2)(A))
TARGETED SUPPORT AND IMPROVEMENT PLAN

An identified school must develop and implement a targeted support and improvement plan to improve student outcomes for each subgroup that was identified that—

• Addresses the state’s indicators.
• Includes evidence-based interventions.
• Is approved and monitored by the district.

An identified school is subject to additional action if it does not successfully implement its plan after a number of years.  

(Section 1111(d)(2)(B))
EXIT CRITERIA

A state must establish statewide exit criteria for—

• Schools identified for comprehensive support and improvement that, if not satisfied within a state-determined number of years (not to exceed 4), must result in more rigorous state-determined interventions; and

• Schools identified for targeted support and improvement that, if not satisfied within a state-determined number of years, must result in identification of the school for comprehensive support and improvement.  
  *(Section 1111(d)(3)(A))*
REPORT CARDS
Each state shall prepare and disseminate an annual state report card that includes the following: *(Section 1111(h)(1))*

- Description of the state’s accountability system.
- Student achievement data by achievement level on the state assessments, in the aggregate and disaggregated by:
  - Each major racial/ethnic group.
  - Economically disadvantaged students compared to non-economically disadvantaged students.
  - Children with disabilities compared to non-disabled children.
  - English proficiency status.
  - Gender.
  - Migrant status.
  - Foster care status.
  - Homeless status.
  - Status as a student with a parent who is a member of the Armed Forces.
STATE REPORT CARDS, cont.

• Information on the “other academic indicator” used in the state’s accountability system for elementary and secondary schools (not high schools), in the aggregate and disaggregated by:
  – Each major racial/ethnic group.
  – Economically disadvantaged students.
  – Children with disabilities.
  – English learners.
STATE REPORT CARDS, cont.

• Information on graduation rates, including the 4-year adjusted cohort rate and, at state discretion, extended-year rates, in the aggregate and disaggregated by:
  – Each major racial/ethnic group.
  – Economically disadvantaged students.
  – Children with disabilities.
  – English learners.
  – Homeless status.
  – Foster care status.

• Number and percentage of English learners achieving English proficiency.
STATE REPORT CARDS, cont.

• Information on performance on the indicator(s) of school quality or student success used in the state’s accountability system, in the aggregate and disaggregated by:
  – Each major racial/ethnic group.
  – Economically disadvantaged students.
  – Children with disabilities.
  – English learners.

• Information on the progress of students meeting the state’s long-term goals and measurements of interim progress, in the aggregate and disaggregated by:
  – Each major racial/ethnic group.
  – Economically disadvantaged students.
  – Children with disabilities.
  – English learners.
STATE REPORT CARDS, cont.

- Percentage of students assessed/not assessed, in the aggregate and disaggregated by:
  - Each major racial/ethnic group.
  - Economically disadvantaged students.
  - Children with disabilities.
  - English proficiency status.
  - Gender.
  - Migrant status.

- Information submitted by state and districts through the Civil Rights Data Collection on:
  - Measures of school quality, climate, and safety, including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism, incidences of violence, including bullying and harassment; and
  - Number and percentage of students enrolled in—
    - Preschool programs; and
    - Accelerated coursework to earn post-secondary credit while still in high school.
STATE REPORT CARDS, cont.

• Professional qualifications of teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, on the number and percentage of:
  – Inexperienced teachers, principals, and other school leaders;
  – Teachers teaching with emergency or provisional credentials; and
  – Teachers who are not teaching in the subject for which the teacher is certified or licensed.

• Per-pupil expenditures of federal, state, and local funds, including actual personnel and non-personnel expenditures, disaggregated by source of funds for each district and school for the preceding year.

• Number and percentage of students with the most significant cognitive disabilities who take an alternate assessment based on alternate academic achievement standards.
STATE REPORT CARDS, cont.

• NAEP results compared to the national average.
• Cohort rate, for each high school, of students who enroll in public (and, if available, private) programs of post-secondary education in the state, in the aggregate and disaggregated by:
  – Each major racial/ethnic group.
  – Economically disadvantaged students.
  – Children with disabilities.
  – English learners.
• List of districts and schools that received 1003(a) funds, the amount of funds received, and the types of strategies implemented.
• Any additional information that the state wishes to report.
LOCAL REPORT CARDS

Each district must prepare and disseminate an annual local report card that includes the following information: *(Section 1111(h)(2))*

- All information required on state report cards (except NAEP data) for the district and each school.
- Achievement data for the district compared to the state as a whole.
- Achievement data for each school, compared to the district and the state

Any additional information the district wishes to report.
SCHOOLWIDE PROGRAMS
ESSA continues the authority to operate a schoolwide program in a school with not less than 40% poverty.

• Exception: A school with less than 40% poverty may operate a schoolwide program if the school receives a waiver from the state to do so.

• A state must take into account how a schoolwide program will best serve the needs of low-achieving students in improving academic achievement and other factors.
FISCAL REQUIREMENTS
A district may receive Title I, Part A funds for any fiscal year only if the state finds that either the

• combined fiscal effort per student; or
• aggregate expenditures

of the district with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year. (Section 8521(a))

If a district fails to maintain effort, the state must reduce the district’s Title I, Part A allocation in the exact proportion by which the district failed to maintain effort (using the measure most favorable to the district), if the district has also failed to maintain effort for 1 or more of the 5 immediately preceding fiscal years. (Section 8521(b))
The Secretary may waive the maintenance of effort requirement if a waiver would be equitable due to—

• (1) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the district; or

• (2) a precipitous decline in the financial resources of the district.

(Section 8521(c))
SUPPLEMENT NOT SUPPLANT

An state or district—

• Must use Title I, Part A funds only to supplement the funds that would, in the absence of the Title I, Part A funds, be made available from non-Federal sources for the education of students participating in Title I programs; and

• May not use Title I, Part A funds to supplant the funds from non-Federal sources.

To comply, a district must annually demonstrate, at such time and in such manner as the state may reasonably require, that the methodology it uses to allocate state and local funds to each Title I school ensures that the school receives all of the state and local funds it would otherwise receive if it were not a Title I school. *(Section 1118(b)(1)-(2))*
Prior to the 2018–2019 school year, a district may use either—

• The methodology it will use to comply with the ESSA supplement not supplant requirement; or

• The method it used for complying with the applicable Title I supplement not supplant requirement under NCLB.

(Section 1118(b)(5))
EQUITABLE SERVICES
EQUITABLE SERVICES FOR PRIVATE SCHOOL STUDENTS

• Under the ESSA, significant changes to Title I equitable services requirements have been made in the following areas:
  • Ombudsman
  • Funding Equitable Services
  • Consultation
  • Compliance
OMBUDSMAN

To help ensure that private school children, teachers and other educational personnel receive services equitable to those in public schools, a state must designate an ombudsman to monitor and enforce Title I equitable services requirements.

(Section 1117(a)(3)(B))
FUNDING EQUITABLE SERVICES

• The proportional share of funds for equitable services must be determined based on the total amount of Title I funds received by a district prior to any allowable expenditures or transfers by the district. *(Section 1117(a)(4)(A)(ii))*

• A district must obligate funds for Title I equitable services in the fiscal year in which the funds are received. *(Section 1117(a)(4)(B))*

• Each state must provide timely notice to appropriate private school officials in the state of the allocation of funds for Title I equitable services that districts have determined are available for eligible private school children. *(Section 1117(a)(4)(C))*
CONSULTATION

The statutory list of consultation topics has been expanded to include:

• **How** the proportionate share of funds is determined;
• Whether services will be provided directly or through a separate government agency, consortium, entity, or third-party contractor;
• Whether to pool funds for equitable services;
• When, including the approximate time of day, services will be provided; and
• Whether to consolidate Title I equitable services funds with funds available for services to private school children under other ESEA programs.

*(Section 1117(b)(1))*
CONSULTATION, cont.

Other requirements related to consultation added to the statute:

- If a district disagrees with the views of private school officials regarding any of the issues subject to consultation, it must provide private school officials written reasons why it disagrees. *(Section 1117(b)(2))*

- The results of consultation between the district and private school officials must be transmitted to the state ombudsman. *(Section 1117(b)(1))*

- A district must maintain a written affirmation of meaningful consultation, signed by private school officials. It must provide the option for private school officials to indicate their belief that timely and meaningful consultation has not occurred or that the program design is not equitable. *(Section 1117(b)(4))*
A state must provide Title I equitable services directly or through a contract if appropriate private school officials have—

- Requested the state to provide such services;
- Demonstrated that a district has not met the Title I equitable services requirements.

(Section 1117(b)(6)(C))
ESSA RESOURCES

• Please direct your questions to: ESSA.Questions@ed.gov

• Visit the website for more information: www.ed.gov/essa

• Read the Every Student Succeeds Act here.

• Sign up for ESSA news and updates