

Isaac Linam
Legislative Attorney
Bureau of Legislative Research
March 14, 2016

SUMMARY OF EVERY STUDENT SUCCEEDS ACT (ESSA) PUBLIC LAW 114-95

TIMELINE

- ✘ Signed by the President December 10, 2015
- ✘ Covers Fiscal Years 2017-2020
 - + Four-year reauthorization
- ✘ Existing State Plans and waivers terminate August 1, 2016
- ✘ New State Plans under ESSA will be in effect beginning with 2017-2018 school year

TERMINOLOGY

- ✘ “State”
 - + Arkansas Department of Education
- ✘ “Local educational agency”
 - + School districts
 - + Open-enrollment charter schools
 - + Education service cooperatives

GENERALLY

- ✘ State Plan must be developed by State “with timely and meaningful consultation with the Governor, members of the State legislature and State board of education (if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents”
- ✘ Must be approved by the federal Secretary of Education
- ✘ “[S]ignificant changes” to the State Plan must be submitted in the form of revisions or amendments to the State Plan

ACADEMIC STANDARDS

- ✘ “The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.”
- ✘ “A State shall not be required to submit such challenging State academic standards to the Secretary.”
 - + However, in the State Plan, the State must provide “an assurance” that challenging academic content standards have been adopted

ACADEMIC STANDARDS

- ✘ Must be:
 - + “[C]hallenging”
 - + Same for all schools in the State
 - + “[A]ligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards”

ASSESSMENTS

- ✘ RETAINED from No Child Left Behind (NCLB)
 - + Requirement to implement “a set of high-quality student academic assessments in mathematics, reading or language arts, and science”
 - + Math and reading or language arts must be administered:
 - ✘ In each of grades 3-8
 - ✘ At least once in grades 9-12
 - + Science must be administered at least one time during:
 - ✘ Grades 3-5
 - ✘ Grades 6-9
 - ✘ Grades 10-12

ASSESSMENTS

- ✘ RETAINED from No Child Left Behind (NCLB)
 - + Assessments must “produce individual student interpretive, descriptive, and diagnostic reports . . . regarding achievement on such assessments that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students”
 - ✘ Reports must be provided to parents, teachers, and school leaders

ASSESSMENTS

- × RETAINED from No Child Left Behind (NCLB)
 - + Assessment results must be disaggregated within each State, school district, and school by:
 - × Each major racial and ethnic group
 - × Economically disadvantaged students compared to students who are not economically disadvantaged
 - × Children with disabilities as compared to children without disabilities
 - × English proficiency status
 - × Gender
 - × Migrant status

ASSESSMENTS

- × RETAINED from No Child Left Behind (NCLB)
 - + Requirement to test at least 95% of all students
- × NEW in Every Student Succeeds Act (ESSA)
 - + The Secretary of Education cannot prescribe the way a State factors into the statewide accountability system the requirement that the State measure the achievement of 95% of all students and all students in each subgroup of students
 - + However, the State must provide in its State Plan “a clear and understandable explanation of how the State will factor the [95% requirement] into the statewide accountability system”
 - + Requirement to assess students does not “[preempt] a State or local law regarding the decision of a parent to not have the parent’s child participate in the academic assessments”
 - × Unclear how Secretary of Education will reconcile this should a State not meet the 95% requirement while having a State law that explicitly allows opt-out

ASSESSMENTS

- ✘ NEW in Every Student Succeeds Act (ESSA)
 - + Assessments may be administered in a single summative assessment or through multiple interim assessments that result in a single summative score
 - + “State may, at the sole discretion of such State, set a target limit on the aggregate amount of time devoted to the administration of assessments for each grade”

ASSESSMENTS

- ✘ NEW in Every Student Succeeds Act (ESSA)
 - + A school local educational agency may administer a locally-selected assessment instead of the State-chosen assessment if the locally-selected assessment is:
 - ✘ Nationally-recognized
 - ✘ Approved by the State
 - ★ If the State approves the nationally recognized, locally-selected assessment for use by a school local educational agency, the State must allow any other school local educational agency that requests it to use the assessment
 - ★ To receive approval, the locally-selected assessment must:
 - ✘ Be aligned to the State's academic content standards
 - ✘ “[B]e equivalent in its content coverage, difficulty, and quality to the State-designed assessments”
 - ✘ “[P]rovide comparable, valid, and reliable data on academic achievement, as compared to the State-designed assessments, for all students and for [economically disadvantaged students, students from major racial and ethnic groups, children with disabilities, and English learners”

ASSESSMENTS

- ✘ NEW in Every Student Succeeds Act (ESSA)
 - + Secretary of Education may, upon application, grant authority to a State or a consortium of States to establish a pilot “innovative assessment system”, which may include:
 - ✘ Competency-based assessments
 - ✘ Instructionally embedded assessments
 - ✘ Interim assessments
 - ✘ Cumulative year-end assessments
 - ✘ Performance-based assessments
 - ✘ Assessments that “demonstrate mastery or proficiency”
 - + States may work alone or in a consortium of no more than 4 states, but no more than 7 states total may participate in the pilot
 - + Pilot will last for up to five years, after which additional States may apply to participate

STATEWIDE ACCOUNTABILITY SYSTEM

- ✘ GONE: No Child Left Behind (NCLB) requirement for schools to make “adequate yearly progress”, which was measured primarily by assessment results
- ✘ NEW in Every Student Succeeds Act (ESSA)
 - + State establishes “ambitious State-designed long-term goals, which shall include measurements of interim progress toward meeting such goals”
 - + Progress toward goals must be measured “for all students and separately for each subgroup of students . . . for, at a minimum, improved”:
 - ✘ Academic achievement, as measured by assessments
 - ✘ High school graduation rates

STATEWIDE ACCOUNTABILITY SYSTEM

- ✘ States must measure the following indicators for both all students and separately for each subgroup of students:
 - + For all public schools, academic achievement
 - ✘ Measured by proficiency on annual assessments
 - + For public elementary schools, “measure of student growth . . . or . . . another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance“
 - + For public high schools, graduation rate
 - + For all public schools, progress in achieving English language proficiency

STATEWIDE ACCOUNTABILITY SYSTEM

- ✘ States must measure the following indicators for both all students and separately for each subgroup of students:
 - + For all public schools, at least one other “indicator of school quality or student success” that may include:
 - ✘ Student engagement
 - ✘ Educator engagement
 - ✘ Student access to and completion of advanced coursework
 - ✘ Postsecondary readiness
 - ✘ School climate and safety
 - ✘ Any other indicator that “allows for meaningful differentiation in school performance [and] is valid, reliable, comparable, and statewide”

STATEWIDE ACCOUNTABILITY SYSTEM

- ✘ State must establish a system that meaningfully differentiates schools on an annual basis
 - + Must be based on the indicators in the statewide accountability system
 - + Must afford "substantial weight" and "much greater weight" to the academic indicators than to the other indicators
 - + Must include differentiation of a "school in which any subgroup of students is consistently underperforming"

STATEWIDE ACCOUNTABILITY SYSTEM

- ✘ Based on the system that meaningfully differentiates schools, States must “establish a State-determined methodology to identify . . . one statewide category of schools for comprehensive support and improvement”
 - + Methodology must identify:
 - ✘ At least “the lowest-performing 5 percent of all schools”
 - ✘ All high schools “failing to graduate one third or more of their students”
 - ✘ Schools in which any subgroup of students is consistently underperforming

SCHOOL SUPPORT AND IMPROVEMENT ACTIVITIES

- × Comprehensive support and improvement
 - + Local educational agency, in partnership with principals, teachers, and parents, “locally develop[s] and implement[s] a comprehensive support and improvement plan for the school designed to improve student outcomes”
 - + Plan must:
 - × Be informed by the indicators, “including student performance against State-determined long-term goals”
 - × Include “evidence-based interventions”
 - × Be “based on a school-level needs assessment”
 - × Identify and address in the plan “resource inequities”
 - × May include a review of school district and school-level budgeting
 - × Be approved by the school, school district, and State
 - × Be “monitored and periodically reviewed by the State”

SCHOOL SUPPORT AND IMPROVEMENT ACTIVITIES

- Targeted support and improvement
 - × School, in partnership with principals, teachers, and parents, “locally develop[s] and implement[s] a school-level targeted support and improvement plan to improve students outcomes . . . for each subgroup of students that was the subject of notification”
 - + Plan must:
 - × Be informed by the indicators, “including student performance against State-determined long-term goals”
 - × Include “evidence-based interventions”
 - × Be approved and monitored by the school district
 - × “[R]esult in additional action following unsuccessful implementation of such plan after a number of years determined by the school district”

SCHOOL SUPPORT AND IMPROVEMENT ACTIVITIES

- × Targeted support and improvement
 - + If a school has a student subgroup that performs at “the lowest-performing 5 percent of all schools” level, the school must develop and implement a targeted support and improvement plan
 - × The targeted support and improvement plan in these schools must also:
 - ★ Identify and address in the plan “resource inequities”
 - × May include a review of school district and school-level budgeting

SCHOOL SUPPORT AND IMPROVEMENT ACTIVITIES

- × Continued support for school and school district improvement
 - + State must:
 - × Develop an exit strategy that, if not satisfied within a time period determined by the state, but not to exceed four years, “shall result in more rigorous State-determined action, such as the implementation of interventions”
 - ★ Interventions “may include addressing school-level operations”

REPORT CARDS

✘ Annual state report card

- + Must contain:
 - ✘ Description of the statewide accountability system
 - ✘ Information on student achievement for all students and each subgroup of students
 - ✘ Professional qualifications of teacher
 - ✘ Information on number of English language learners achieving English language proficiency
 - ✘ For high schools, graduation rate
 - ✘ Percentage of students assessed and not assessed
 - ✘ For elementary and other non-high schools, information on the discretionary indicator
 - ✘ Information on other discretionary indicators
 - ✘ Information on progress of students in meeting State-designed long term goals
 - ✘ Information on school quality, climate, and safety, including disciplinary rates
 - ✘ Information on students enrolled in preschool
 - ✘ Information on students enrolled in accelerated coursework, such as Advanced Placement and concurrent enrollment
 - ✘ Results on the State's performance on the National Assessment of Educational Progress (NAEP) assessments compared to national average

REPORT CARDS

✘ Local educational agency report card

- + Must contain:
 - ✘ Same information as on annual state report card, except for NAEP results
 - ✘ For a school district, information showing how students in the school district performed on the academic assessments compared to students in the State as a whole
 - ✘ For a school, information showing how students in the school performed on the academic assessments compared to students in the school district and the State as a whole

FUNDING

- ✘ Consolidates many programs into a block grant
- ✘ Eliminates School Improvement Grant program, developed in 2009
 - + NEW: State must now reserve 7% of Title I grant for school improvement
- ✘ State Assessment Grants
 - + Pays costs of:
 - ✘ Developing assessments and standards
 - ✘ Administering the assessments
 - ✘ Measuring student academic achievement
 - ✘ Designing reports cards and required reports in a user-friendly model
- ✘ Creates Preschool Development Grants Program
- ✘ Additional funds for Charter School Program

FEDERAL INFLUENCE

- ✘ Secretary of Education explicitly prohibited from:
 - + Requiring a state “to add or delete one or more specific elements of the challenging academic standards”
 - + Prescribing “numeric long-term goals or measurements of interim progress”
 - + Prescribing “specific academic assessments”
 - + Prescribing any discretionary indicator used within the statewide accountability system

FEDERAL INFLUENCE

- ✘ Secretary of Education explicitly prohibited from:
 - + Prescribing “the weight of any measure or indicator used to identify or meaningfully differentiate schools”
 - + Prescribing “the specific methodology used by States to meaningfully differentiate or identify schools”
 - + Prescribing “specific school support and improvement strategies or activities that State or local educational agencies establish and implement to intervene in, support, and improve schools and improve student outcomes”

FEDERAL INFLUENCE

- ✘ Secretary of Education explicitly prohibited from:
 - + Prescribing school improvement exit criteria
 - + Prescribing evaluation systems of “a teacher, principal, or other school leader”
 - + Prescribing the way a State factors into the statewide accountability system the requirement that the State measure the achievement of 95% of all students and all students in each subgroup of students

MISCELLANEOUS PROVISIONS

- ✘ Teacher evaluation systems are not required
- ✘ Requirement that “highly qualified teachers” must teach in core academic areas has been removed
 - + New requirement is that teachers “meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification”
 - + School districts must notify parents that the parents may request information on the qualifications of the student's classroom teachers

MISCELLANEOUS PROVISIONS

- ✘ Other provisions required in the State Plan
 - ✘ How the State will assist school districts and schools in using federal funds to support early childhood education programs
 - ✘ “[H]ow low-income and minority children . . . are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers” and the method the State is using to evaluate this
 - ✘ How the State will support local educational agencies to reduce:
 - ★ “[I]ncidences of bullying and harassment”
 - ★ “[O]veruse of disciplinary practices that remove students from the classroom”
 - ★ “[U]se of aversive behavioral interventions that compromise student health and safety”

CHARTER SCHOOLS

- ✘ Charter schools are public schools and are subject to the requirements ESSA
- Charter school leaders must be consulted when State develops its State Plan

CHARTER SCHOOLS

- ✘ Charter Schools Program
 - + Grants to support high-quality charter schools
 - ✘ Awarded to "state entities", which are defined as:
 - ✘ State education agency
 - ✘ A State charter school board
 - ✘ Governor
 - ✘ Charter school support organization

CHARTER SCHOOLS

× Charter Schools Program

- + Grants awarded to enable “state entities” to:
 - × Award subgrants to:
 - × “[O]pen and prepare for the operation of new charter schools”
 - × “[O]pen and prepare for the operation of replicated high-quality charter schools”
 - × “[E]xpand high-quality charter schools”
 - × Provide technical assistance to subgrant applicants and charter school authorizers
 - × Subgrants must be “distributed throughout different areas, including urban, suburban, and rural areas” and to “assist charter schools representing a variety of educational approaches”

CHARTER SCHOOLS

× Charter School Program

- + Priority for grants will be given to states that:
 - × Have at least one entity as a charter authorizer that is not a local educational agency
 - × Provide equitable financing for charter schools
 - × Provide facilities assistance to charter schools