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Our Students. Their Moment.

**Elementary and Secondary Education  
Act (ESEA) Reauthorization / Every  
Student Succeeds Act (ESSA)**

**February 2016**

# Background Information

## Reauthorization of the Elementary and Secondary Education (ESEA) Act of 1965 appears imminent.

- The ESEA was last reauthorized in 2001 as the No Child Left Behind Act. The ESEA is many years overdue for reauthorization.
- A Joint House-Senate Conference Committee reported out the “Every Student Succeeds Act” (ESSA) to both houses on November 30, 2015.
- December 2, 2015: The ESSA was passed by the US House of Representatives.
- December 9, 2015: The ESSA was passed by the US Senate.
- December 10, 2015: The President signed the bill into law.

# Major Programs Funded Through ESSA

- Title IA: Funding for Schoolwide Programs and Targeted Assistance Schools
- Title IB: State Assessment Grants
- Title IC: Education of Migratory Children
- Title ID: Prevention and Intervention Programs for Children & Youth Who are Neglected, Delinquent and At-Risk
- Title II: Preparing, Training and Recruiting High Quality Teachers, Principals and Other School Leaders
- Title III: Language Instruction English Learners and Immigrant Students
- Title IV: 21<sup>st</sup> Century Schools, Charter Schools, Magnet Schools, Family Engagement, Education Innovation and Research, Promise Neighborhoods, School Safety, and Academic Enrichment
- Title V: Rural Schools
- Title VI: Indian, Native Hawaiian, and Alaska Native Education
- Title VII: Impact Aid
- Title IX: Homeless Children and Youth

# The BIG Picture

- Some provisions of the current ESEA and/or of the ESEA flexibility waiver, especially as related to assessment and reporting requirements, are maintained.
- There are areas where states now have significantly more flexibility than under the current ESEA or the ESEA flexibility waiver, particularly in terms of standards, accountability, and educator evaluation systems.
- The Secretary's authority to issue regulations and non-regulatory guidance in order to interpret the provisions of the statute have been significantly circumscribed.
- More funding is now distributed through block grants.

# Timeline

- ESEA Flexibility Waiver sunsets on August 1, 2016 except for certain provisions related to Priority and Focus Schools.
- Most of the provisions of the ESSA begin with the 2016-17 school year.
- Accountability provisions of ESSA begin with the 2017-18 school year, or possibly later.

# Overview of Every Student Succeeds Act

Today's Presentation will focus on the Provisions of Title IA Pertaining to Standards, Assessments, and Accountability

# Overview of Every Student Succeeds Act

## Standards:

- States must provide assurance that they have adopted “challenging” academic standards in mathematics, English language arts & science.
- Standards must be aligned to college and career/technical education standards.
- Standards must include no less than three levels of achievement.
- Standards do not have to be Common Core Learning Standards.
- States need not submit their standards to USDE for review, but states must demonstrate alignment to college and career/technical education standards.

# Overview of Every Student Succeeds Act

## Assessments:

- In English language arts and mathematics, students must be tested annually in grades 3-8 and once in high school.
- In science, students must be tested once in elementary, middle, and high school.
- States may administer either a single summative test or multiple state-wide interim tests that are combined to create a single summative score.
- Assessments must include multiple up-to-date measures of student academic achievement.
- Districts, with State approval, can choose to use a nationally-recognized high school academic assessment, such as the ACT or SAT, in lieu of a state assessment.
- The grade 8 “double testing” waiver continues with the caveat that students impacted by waiver must take a more advanced math assessment in high school.



# Overview of Every Student Succeeds Act

## Assessment of English language learners:

- Two options for testing recently arrived English language learners (ELL):
  - Exclude ELLs from one administration of the ELA assessment and exclude results on ELA, math and NYSESLAT for the first year of enrollment for accountability purposes, or
  - Test ELLs in the school year in which they arrive, but instead of using that score to determine school accountability in the first year, incorporate the results into a measure of growth to be used in school accountability in the second year after arrival. In the third year and beyond, student proficiency results must be used for accountability purposes. This is the model currently approved for use in Florida.
- Former English language learners can be included in the ELL subgroup for up to four years. Under ESEA, they could only be included for two years.

# Overview of Every Student Succeeds Act

## Assessment of Students with Disabilities:

- States must continue to limit alternative assessments for students with significant cognitive disabilities to 1% of total tested students.
- Districts can apply for a waiver of this limit – but must provide a justification.

Note: States may now administer computer adaptive exams with an option to measure student proficiency and growth with items above or below a student's grade level. This provision will be helpful in effectively assessing both students with disabilities and English language learners.

# Overview of Every Student Succeeds Act

## **Participation Rate and Assessment Time:**

- States must continue to assess the achievement of not less than 95% of all students and student subgroups using Title I State assessments.
- Participation rate is not named as an accountability indicator; it is up to states to decide the consequences for non-participation.
- States may set a “target limit” on the aggregate amount of time used for test administration for each grade as percentage of annual instructional time.
- Funding is provided for states to develop and administer assessments required by the ESSA.

# Overview of Every Student Succeeds Act

## **USDE Pilot to Develop Innovative Assessment Systems:**

- Provides Secretary with authority to allow pilot of innovative assessment systems in no more than seven states during the first three years of ESSA.
- Systems may include assessments that are:
  - competency-based,
  - instructionally embedded,
  - interim,
  - cumulative year-end assessments or performance based assessments that combine into an annual summative score,
  - computer-based, and
  - Assessments that validate proficiency or demonstrate mastery.
- After the initial three year period, the Secretary must issue a progress report. The Secretary then has the authority to expand the program to other states.

# Overview of Every Student Succeeds Act

## Accountability:

- NY State's ESEA Flexibility Waiver will sunset after August 1, 2016.
- NY State must develop an accountability plan for submission to the USDE that establishes the following:
  - Ambitious long-term goals.
  - A system for annual measurement of all students and each subgroup.
  - A system that allows the State to annually differentiate between schools based on performance indicators for all students and for each student subgroup.
  - A methodology for identification of schools in need of intervention and criteria by which schools can exit accountability status.
  - A process for determining state and district action in schools identified as in need of intervention through required improvement plans.

# Overview of Every Student Succeeds Act

## Annual Measurement of All Students and Each Subgroup:

- In all public schools, academic achievement will be measured by proficiency in English language arts (ELA) and mathematics.
- English language proficiency and growth towards English language proficiency must be measured for English learners in grades 3-8 and once in high school.
- State must choose at least one indicator of school quality or success to be included in the proficiency calculation at a much lesser weight than the academic indicators being measured, such as student or educator engagement, student access to and completion of advanced courses, postsecondary readiness, and/or school climate and safety.
- Elementary and middle schools:
  - Must use either a measure of growth or another statewide academic measure for meaningful differentiation of performance among schools.
- High schools:
  - May use a measure of student growth on annual assessments.
  - State must include the four year adjusted graduation rate.
  - At the state's discretion, an extended year graduation rate may be used.

# Overview of Every Student Succeeds Act

## Methodology for Identifying Schools

- States are required to establish a policy to identify the following groups of schools to be placed in one statewide category for comprehensive support and improvement.
  - At least five percent of the lowest performing Title I schools in the State.
  - All high schools that are failing to graduate more than one-third of students.
  - Schools with subgroup(s) that are consistently underperforming in the same manner as a school in the lowest five percent category for a period of time that is determined by the State.
- States may choose to identify other categories of schools for intervention.
- Identification shall begin with the 2017-18 school year, and shall occur at least once every three years.
- Proficiency results for students who have attended a school for less than half of the academic year will not be included in making school accountability determinations, but must be included in State and local report cards.
- Exit criteria must also be established for schools to be removed from accountability status within a four year period.

# Overview of Every Student Succeeds Act

## Required Improvement Plans:

- Schools identified for being in the bottom five percent based on the accountability index as well as those identified for high school graduation rate must develop a Comprehensive Support and Improvement Plan.
- The district for each identified school must partner with stakeholders to develop and implement a plan that is informed by the indicators in the State accountability system.
- Plans must include evidence based interventions and identify resource inequities, inclusive of district and school budgets; plans must be approved, monitored and reviewed by the State.



# Overview of Every Student Succeeds Act

## Required Improvement Plans (continued):

- Schools identified for consistent underperformance of a subgroup must develop a Targeted Support and Improvement Plan.
  - This plan must be approved and monitored by the district.
  - If the subgroup's underperformance is the only reason for the school's identification, the plan must identify resource inequities to be addressed through the plan.
  - The district must implement additional action in the school if the school does not improve after a period of time that is determined by the district.
  - If the school does not improve within the time determined by the State, the State must identify the school for a Comprehensive Support and Improvement Plan.

Transfer high schools are subject to different improvement activities and the State may permit a school that enrolls fewer than 100 students and that is identified for graduation rate to forego improvement activities.

# Overview of Every Student Succeeds Act

## Title I State Set-Aside for School Improvement and 1003(g) School Improvement Grants:

- 1003(g) School Improvement Grants have sunset and will no longer be funded once ESSA is fully implemented.
- States shall reserve the greater of 7% of the state's Title I allocation or the Fiscal Year 2016 reservation plus the amount received under 1003(g) for Fiscal Year 2016 to support school improvement activities.
- States must allocate 95% of this reservation to districts, but may distribute funds on a formula or competitive basis to identified schools.
- With the districts' permission, states may choose to use the funds to provide direct services to districts.
- Districts may use funds to develop Comprehensive Support or Targeted Support Improvement Plans; support schools in implementing the improvement plans; and/or monitor identified schools.
- USDE cannot require states to implement specific activities with these funds.

# Overview of Every Student Succeeds Act

## Direct Student Service Grants:

- Replaces the requirements under ESEA for Supplemental Educational Services (SES).
- States may, but are not required to, reserve up to 3% of their Title I allocation to provide competitive grants to a district to provide “direct student services.”
- Most of funds set aside must be used to pay for direct student services, such as high quality academic tutoring, transportation associated with public school choice (which is permissive, but not required) and cost associated with enrollment in courses that are not available at students’ assigned school (advanced placement, CTE, credit recovery and academic acceleration courses leading to a regular high school diploma).
- If funds are set aside for direct services, the State must create and maintain a list of providers.

# Overview of Every Student Succeeds Act

## Parent and Family Engagement:

- Parents must be informed among other things about:
  - Information regarding the professional qualifications of the student's classroom teacher.
  - Information on each assessment required by the State and, where feasible, the assessments required districtwide by the LEA.
  - Information on the level of achievement and academic growth of the student on each of the State academic assessments.
  - Timely notice when their child has been assigned, or has been taught for four or more consecutive weeks by a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.
  - LEAs using Title I and/or Title III funds to provide a language instruction educational program must also implement an effective means of outreach specifically to parents of students identified as English Learners that includes holding and, notifying parents of opportunities for, regular meetings.

# Overview of Every Student Succeeds Act

## **Parent and Family Engagement:**

LEAs must conduct affirmative outreach to all parents and family members as part of their implementation of programs, activities, and procedures for the involvement of parents and family members. LEAs must continue to develop jointly with, agree on with, and distribute to, parents of participating children written Parent and Family Engagement policies at both the LEA and school level.

LEAs with Title I, Part A allocations of \$500,000 or greater must reserve at least 1% of their funds for the purposes of carrying out the Parent and Family Engagement activities outlined above.

# Overview of Every Student Succeeds Act

## Teacher and Principal Evaluations:

- There are no longer requirements pertaining to a Teacher and Principal Evaluation System.
- Student growth does not need to be part of a State's teacher and principal evaluation system.
- Any requirement related to highly qualified teachers is eliminated and replaced with requirement for teachers working in Title I programs to meet State certification and licensure standards.
- States are required to ensure that ineffective, out-of-field and inexperienced teachers, principals and school leaders are not serving Title I schools at a disproportionate rate.
- States must describe measures used to evaluate and then publicly report them.

# Overview of Every Student Succeeds Act

## Development of State Plan:

“developed by the State educational agency 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.”

# Overview of Every Student Succeeds Act

## Priority and Focus School Transition

### Rules:

- States were required by January 29, 2016 to inform USDE how they would move forward with Priority and Focus Schools.
- Consistent with Commissioner's Regulations, the Department is moving forward with identifying new Priority and Focus Schools and Focus Districts as well as exiting schools and districts from these designations.
- Districts have been preliminarily notified of the status of their districts and schools and given an opportunity to appeal these designations.
- As required by New York's ESEA flexibility waiver, the Department will submit the new lists of schools and districts to USDE by March 1, 2016.



# Next Steps

## Staff will:

- Continue to familiarize themselves with the provision of the legislation.
- Devise a plan for consulting with stakeholders about the development of NY State's application.
- Begin to draft the State application.