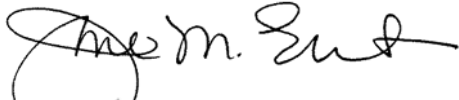
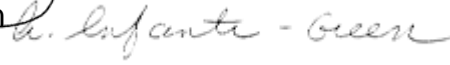





TO: The Honorable the Members of the Board of Regents

FROM: Jhone M. Ebert 
Angelica Infante-Green 

SUBJECT: Elementary and Secondary Education Act (ESEA)
Reauthorization

DATE: February 16, 2016

AUTHORIZATION(S): 

SUMMARY

Issue for Discussion

The purpose of this item is to inform the Board of Regents of anticipated changes to the Elementary and Secondary Education Act (ESEA) resulting from the reauthorization of the law.

Reason(s) for Consideration

Review of policy pertaining to federal statute.

Proposed Handling

This item will come before the full Board for discussion at the February 2016 meeting.

Background Information

On November 30, 2015, the House and Senate Conference Committee of the United States Congress reported out to the House of Representatives and the Senate proposed legislation to reauthorize the ESEA. The bill, referred to as the Every Student Succeeds Act (ESSA), was passed by the House of Representatives on December 2, 2015 and the Senate on December 9. The President signed the bill into law on December 10, 2015.

As a result of ESSA becoming law, New York's approved ESEA flexibility waiver will sunset after August 1, 2016, although interventions in Priority and Focus Schools must continue through the 2016-17 school year. Notably, ESSA contains a requirement that the State's ESSA plan be developed with timely and meaningful consultation with stakeholders, including the Governor, legislature and school districts; however, such consultation shall not interfere with the State's timely submission of its plan. It is expected that provisions of the ESSA will begin in the 2016-17 school year, with some accountability provisions beginning during the 2017-18 school year. In general, the ESSA reduces much of the prescriptiveness of the No Child Left Behind Act and the ESEA Flexibility Waivers in terms of state accountability systems and gives states additional latitude in some areas related to standards and assessments. The legislation also eliminates the requirements of the ESEA flexibility waiver pertaining to teacher and principal evaluations. This provides the Department with increased opportunity to craft standards, assessment, accountability, and educator evaluation systems that best meet New York State's needs.

In February 2016, staff will provide the Board of Regents with an overview of the ESSA, focusing on the provisions that address standards, assessments, accountability, and teacher and principal evaluation provisions.

Overview of the ESSA: Standards, assessments, accountability, and teacher and principal evaluation provisions.

Standards

Under ESSA, a state must provide an assurance that it has adopted "challenging" academic standards in math, reading/language arts and science that are aligned to entrance requirements for credit-bearing coursework in the state's system of higher education and to the state's career and technical education standards. The achievement standards must include no less than three levels of achievement. States may meet this requirement by revising existing standards, and may voluntarily partner with other states to develop standards and assessments, but the standards do not have to be the Common Core Learning Standards, and the United States Department of Education (USDE) Secretary is restricted from imposing requirements on state adopted standards other than those described in ESSA. The Secretary is also prohibited from attempting to influence or incentivize state partnerships or adoption of the Common Core Standards, or any other standards that are "common to a significant number of states" or any assessments tied to such standards. Finally, states are not required to submit their standards to USDE for approval.

Assessments

States must continue to test students annually in English Language Arts and mathematics in grades 3-8 and at least once in high school, and test students in science once in elementary, middle, and high school. Under ESSA, states now have the ability to either administer a single summative assessment or multiple statewide interim

assessments that are combined into a single summative score. The assessments must include multiple up-to-date measures of student academic achievement, which may include growth, and may be partially delivered in the form of portfolios, projects or extended performance tasks. Additionally, districts can choose (with state approval) to use a nationally-recognized high school academic assessment that has been approved by the state in lieu of a state assessment, such as the ACT or the SAT. The grade 8 “double testing” waiver is continued under ESSA, with the same requirement that for accountability purposes students who are impacted by this waiver must take a more advanced math assessment in high school.

The law continues to require that the state limit alternative assessments for students with significant cognitive disabilities to 1% of the total tested students in the state. Districts can apply to the state to receive a waiver of this limit; however, they must provide a justification for the waiver.

Under ESSA, states have two options in testing recently arrived English language learners (ELLs¹): 1) Exclude ELLs from one administration of the ELA and math assessment, or 2) test ELLs in the school year in which they arrived, but instead of using the 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 thereafter, student proficiency results must be used for accountability purposes. This second option is the current model approved for use in Florida under its ESEA flexibility waiver. Also new under ESSA, former English language learners can be included in the ELL subgroup for up to four years. Under ESEA, former ELLs could only be included in the ELL subgroup for a maximum of two years. The Department is one of seven states that is part of a workgroup that is exploring options for measuring the growth of and holding schools accountable for the performance of ELLs.

New provisions in the law also allow states to administer computer adaptive tests, with the option to measure student proficiency and growth using items above or below a student’s grade level. This provision will be especially helpful in ensuring that the state can assess its English language learners and students with disabilities effectively.

The state must continue to assess the achievement of not less than 95% of all students and subgroups of students using Title I state assessments. However, participation rate is not specifically named as an accountability indicator under ESSA, and it is left up to states to decide the consequence for non-participation and how it will be factored into the state’s accountability system. The law clarifies that it does not preempt any state or local law regarding a parent’s decision to not have his or her child participate in state assessments, and districts are required to provide parents with information regarding any state or local policies, procedures and parental rights regarding student participation in mandated assessments. The law also includes a provision that permits states to set a “target limit” on the aggregate amount of time

¹ Referred to as “English Learners” under the ESSA.

devoted to test administration for each grade expressed as a percentage of annual instructional hours, which is something New York State has already legislated.

ESSA provides funding for states to develop and administer the assessments required by ESSA. If the state has already developed these assessments, the ESSA allows the funds to be used to support a wide variety of activities designed to approve State assessment practices. ESSA also provides the Secretary of Education with the authority to allow State Educational Agencies to establish an innovative assessment system. Such innovative assessments systems may include competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments or performance-based assessments that combine into an annual summative determination for a student, which may be administered through computer adaptive assessments, as well as assessments that validate when students are ready to demonstrate mastery or proficiency. During the first three years of the ESSA, the Secretary may provide this authority to no more than seven State Educational Agencies for a period of no more than five years. Once the Secretary has issued a progress report following the initial three year period, the authority to operate an innovative assessment system may be expanded to other State Educational Agencies.

School and District Accountability

State accountability system requirements are an area of major change under ESSA. The State's ESEA Flexibility Waiver will sunset after August 1, 2016, and the new provisions of ESSA must be addressed. New York State must develop an accountability plan for submission to the USDE that establishes the following:

1. Ambitious long-term goals, including measurements of interim progress toward meeting those goals, for all students and separately for each subgroup.
2. A system for annual measurement of all students and each subgroup.
3. A system of annual meaningful differentiation that allows the State to differentiate between schools based on performance indicators for all students and for each subgroup of students.
4. A methodology for identification of schools in need of intervention, as well as criteria by which schools can exit accountability status.
5. A process for determining state and district action in schools identified as in need of intervention based upon required improvement plans.

Ambitious Long Term Goals

The State must establish long-term goals for improved proficiency in English language arts and math in grades 3-8 and high school; high school graduation rate (four year adjusted rate and, at the State's discretion, an extended-year adjusted graduation rate [if the extended-year rate is used, the State must set more rigorous long-term goals as compared to the four-year rate]); and the percentage of ELLs making progress in achieving English proficiency. The time period for the goals shall be the same for all

groups, and the goals shall be designed to make significant progress in closing statewide proficiency and graduation rate gaps.

Annual Measurement of All Students and Each Subgroup, and Meaningful Differentiation

For all public schools, academic achievement will be measured by proficiency in ELA and mathematics. For high schools, states may, at their discretion, use a measure of student growth on annual assessments. For elementary and middle schools, the state shall also use either a measure of growth or another statewide academic measure for meaningful differentiation of performance among schools. For high schools, the state must also include the four year adjusted graduation rate, and at the state's discretion, an extended year graduation rate.² English language proficiency and growth towards English language proficiency (if the state chooses) must be measured in grades 3-8 and once in high school. Finally, the 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 indicators could include, but are not limited to: student engagement, educator engagement, student access to and completion of advanced coursework, postsecondary readiness, and/or school climate and safety.

Methodology for Identifying Schools

ESSA requires states to establish a methodology to identify the following groups of schools in one statewide category of schools for comprehensive support and improvement:

1. At least 5% of the lowest performing Title I schools in the state;
2. All high schools that are failing to graduate more than one-third of students; and
3. Schools with subgroup(s) that are consistently underperforming in the same manner as a school in the lowest 5% category for a state-determined number of years.

States can 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 thereafter. 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.

² Under ESSA, students with the most significant cognitive disabilities who are assessed using alternate assessments aligned to alternate academic achievement standards and awarded a state-defined alternate diploma that is standards-based, aligned with the state requirements for the regular high school diploma, and obtained within the time period for which the state ensures the availability of a free appropriate public education may be counted as completers when computing high school graduation rates. In addition, students who are transferred to a prison or juvenile facility may now be removed from a school's cohort when calculating the high school graduation rate.

States are also required to establish exit criteria for schools to be removed from accountability status in a state-determined number of years (not to exceed four years). Schools that do not meet the exit criteria after four years will be required to implement more rigorous state determined actions.

Required Improvement Plans

Compared to NCLB and the ESEA Waiver, the new law is much less prescriptive as to the specific school improvement strategies that must be implemented. Schools identified for being in the bottom 5% 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 partners with stakeholders to develop and implement a plan that is informed by the indicators in the state accountability system; includes evidence-based interventions; identifies resource inequities, which may include a review of district and school budgeting; is approved by the state; and is monitored and reviewed periodically by the state.

Schools identified on the basis that any subgroup is consistently underperforming must develop a Targeted Support and Improvement Plan. This plan must be approved and monitored by the district. If any subgroup in the school on its own leads to the identification of the school, the plan must identify resource inequities to be addressed through the implementation of the plan. The district must implement additional action in the school if the school does not improve after a certain number of years (to be determined by the district). If the school does not improve within the state-identified number of years, the state must identify the school for a Comprehensive Support and Improvement Plan.

Different improvement activities may be used for transfer high schools and the state may permit a (Local Educational Agency) LEA to forego improvement activities in high schools that enroll fewer than 100 students and are identified for graduation rate.

The state must periodically review resource allocations to support school improvement and provide technical assistance in each district serving significant numbers of identified schools. The State may take actions to initiate additional improvement in any district with significant numbers of schools identified for Comprehensive Support that are not meeting the exit criteria or that has a significant number of schools implementing Targeted Support plans.

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

Under ESSA, 1003(g) School Improvement Grants have sunset and are no longer funded. Instead, states shall reserve either 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 – whichever is greater – to support school improvement activities. States must allocate 95% of this reservation to districts, but can choose to distribute funds on a formula or competitive basis to serve identified schools or choose to use the funds to

provide services directly to districts. Districts can use these funds to, among other things, develop Comprehensive Support or Targeted Support improvement plans; support schools in implementing the improvement plans; and/or monitor identified schools. The USDE Secretary of Education cannot require that states implement particular activities for use of the funds beyond those described in ESSA.

Direct Student Services Grants

States may reserve up to 3% of their Title I allocation to make competitive grants to districts to provide “direct student services.” Funds must be used to pay for direct student services, including: high-quality academic tutoring; public school choice-related transportation (which is permissive, but not required); costs associated with students participation in courses that are not available at their school; and credit recovery and academic acceleration courses that lead to a regular high school diploma. Up to 1% of awarded funds may be used for outreach to parents and up to 2% may be used for administrative costs. If the state chooses to fund Direct Student Services Grants, it is required to (1) compile and maintain a list of high-quality tutoring providers and (2) establish criteria for required corrective actions or removal from the approved list for any provider that does not improve student academic outcomes.

Report Cards

The requirements for state Report Cards largely remain the same under ESSA. However, states must now report on the performance of homeless students, students in foster care, and students with a parent on active military duty.

Highly Qualified Teachers and Teacher and Principal Evaluation

Under ESSA, there are no longer any requirements pertaining to a Teacher and Principal Evaluation system. Student growth may, but is not required to be part of a state’s teacher and principal evaluation system. The law also eliminates any requirements related to highly qualified teachers and replaces them with a requirement for teachers working in Title I programs to meet applicable state certification and licensure standards. States are also required, as part of their state plan, to describe how low-income and minority children enrolled in Title I schools are not served at disproportionate rates by ineffective, out-of-field and inexperienced teachers, principals or other school leaders. States are required to describe the measures they will use to evaluate and publicly report on this requirement.

Parent and Family Engagement

Parent and Family Engagement provisions focused on ensuring regular two-way, meaningful communication between family members and school staff are detailed in two key sections of the ESSA. In carrying out these provisions, LEAs and schools, to the extent practicable, shall provide opportunities for the informed participation of parents and family members – including those who have limited English proficiency, disabilities

and migratory children – including providing information and school reports in a format and, to the extent practicable, in a language such parents understand.

Under Section 1112 of the ESSA, LEAs continue to have multiple obligations related to Parents Right-To-Know. Specifically, at the beginning of each school year, LEAs must notify parents that the parents may request, and that the LEA will provide parents upon request and in a timely manner:

- Information regarding the professional qualifications of the student’s classroom teacher, including whether the teacher is teaching in the field of discipline for which he/she is certified, and whether the child is provided services by paraprofessionals, and if so their qualifications; and Information regarding any State or LEA policy regarding student participation in any required State assessments mandated by ESSA and by the State or LEA, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.
- Information on each assessment required by the State, including assessments required to comply with the accountability provisions of the ESSA, and, where feasible, the assessments required districtwide by the LEA, including information on the subject, purpose, source of the requirement and, where available, the amount of time students will spend on the assessment, the schedule and the time and format for disseminating results.

LEAs must provide parents with:

- Information on the level of achievement and academic growth of the student on each of the State academic assessments, if applicable and available;
- 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; and

LEAs must also make the required information on State and local assessments widely available through public means, including by posting on their websites, or if the LEA does not operate a website, through distribution to the media, public agencies or directly to parents.

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. No later than 30 days after the start of the school year³, such LEAs must provide parents with specific information, including the following:

³ For students who are identified as English learners during the school year (i.e., not prior to the beginning of the school year), the LEA must provide such notification during the first two weeks of the student being placed in the language instruction educational program.

- The reasons for which their child has been identified as an English Language Learner and is in need of placement in a language instruction educational program;
- Their student’s level of English proficiency, how such level was assessed, and the status of the student’s academic achievement;
- The methods of instruction used in the language instruction educational program;
- How the instructional program will address the student’s strengths and needs;
- How the program will help the student meet appropriate academic standards;
- The exit requirements of the program;
- How the program meets the individualized education program of the student (if applicable); and
- Information regarding parental rights that includes written guidance related to removing their child from the program, declining enrollment, choosing alternate methods of instruction, and selection from among available programs.

Section 1118 of ESEA has been re-designated as Section 1116 under ESSA and has been amended in title and focus to transition from Parent Involvement to Parent and Family Engagement. Within that context, 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.

Title II: Preparing, Training, and Recruiting High-Quality Teachers, Principals and Other School Leaders

The purpose of ESSA’s Title II is to provide grants to SEAs and subgrants to LEAs to: (1) increase student achievement consistent with the challenging State academic standards; (2) improve the quality and effectiveness of teachers, principals, and other school leaders; (3) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and (4) provide low-income and minority students greater access to effective teachers, principals, and other school leaders. These purposes are accomplished under two parts: Title II, Part A and Title II, Part B.

Title II, Part A – Supporting Effective Instruction provides allocational or formula grants to the States, most of which must be suballocated to LEAs, but part of which is reserved for certain programs. Title II, Part A funds are subject to equitable sharing with non-public schools. The ESSA introduces significant changes in the methodology used to allocate Title II, Part A funds to SEAs, the net result of which is that should ESSA be “flat funded” in coming years, the Congressional Budget Office projects New York’s allocation will be reduced from \$188 million this year to \$127 million by Fiscal Year 2023.

Title II Part B – National Activities provides support for grant programs arranged in four subparts, as detailed below.

- Subpart 1 – *Teacher and School Leader Incentive Program* provides grants to assist States, LEAs and nonprofit organizations to develop, implement, improve or expand comprehensive performance-based compensation systems or human capital management systems.
- Subpart 2 – *Literacy Education for All, Results for the Nation* provides grants to improve student academic achievement in reading and writing by providing support to States to develop, revise or update comprehensive literacy instruction plans and for States to provide subgrants to early childhood education programs and LEAs and their public and private partners to implement evidence-based programs. These purposes will be accomplished via the following:
 1. *Comprehensive Literacy State Development Grants* will be awarded to SEAs on a competitive basis. An SEA must use not less than 95% of its grant funds to award subgrants to eligible entities. The SEA must conduct a needs assessment that analyzes literacy needs across the State and high-need schools and LEAs that serve high-need schools. The SEA's application must describe how it will develop a State comprehensive literacy instruction plan or revise and update an existing plan and include an implementation plan describing how it will carry out its State activities.
 2. *Innovative Approaches to Literacy* provides for award of grants to eligible entities on a competitive basis to promote literacy programs that support the development of literacy skills in low-income communities, including: (1) Developing and enhancing effective school library programs; (2) Early literacy programs, including pediatric literacy programs; and (3) Programs that provide high-quality books on a regular basis to children and adolescents from low-income communities.
- Subpart 3 – *American History and Civics Education* provides grants to eligible entities on a competitive basis to improve the quality of American history, civics and government education. 26% of the funds are reserved for Presidential and Congressional Academies for American History and Civics and 74 % for National Activities.
- Subpart 4 – *Programs of National Significance* funds three program areas, as detailed below:
 1. *Supporting Effective Educator Development* provides grants to eligible entities on a competitive basis to: (1) provide teachers, principals and other school leaders from nontraditional preparation or certification routes or pathways to serve in traditionally underserved LEAs; (2) provide

evidence-based professional development activities that address literacy, numeracy, remedial or other LEA needs; (3) provide teachers, principals and other school leaders professional development activities that enhance or enable the provision of postsecondary coursework through dual or concurrent enrollment programs or early college high school settings; (4) make freely available services and learning opportunities to LEAs through partnerships or cooperative agreements; and (5) provide teachers, principals and other school leaders with evidence-based professional enhancement activities, which may include activities leading to an advance credential.

2. *School Leader Recruitment and Support* provides grants to eligible entities on a competitive basis to improve the recruitment, preparation, support and retention of principals and other school leaders in high-need schools.
3. *STEM Master Teacher Corps* is a State-led effort to elevate the status of the STEM teaching profession by recognizing, rewarding, attracting and retaining outstanding STEM teachers, particularly in high-need and rural schools.

Title III: English Language Acquisition, Language Enhancement and Academic Achievement

The purposes of ESSA's Title III provisions include assisting teachers (including preschool teachers), principals and other leaders, states, districts and schools in establishing, implementing and sustaining effective language instruction educational programs designed to assist in teaching English learners (ELs), including immigrant children and youth; promoting parental, family and community participation in language instruction educational programs for the parents, families and communities of ELs; and assisting ELs in attaining English proficiency and developing high levels of academic achievement in English and meeting the same challenging state standards that all children are expected to meet.

A state is eligible for a formula grant under Title III only if it expends at least 95% of its allotment for a fiscal year on certain activities, including the following:

- establish and implement, with timely and meaningful consultation with school districts representing the geographic diversity of the state, standardized statewide entrance and exit procedures – including a requirement that all students who may be EL are **assessed within 30 days of enrollment** in a school in the state;
- provide effective teacher and principal preparation, professional development and other effective activities, which may include assisting teachers, principals and other educators in meeting state and local certification and licensing requirements for teaching ELs and improving

teaching skills in meeting the diverse needs of ELs, including how to implement effective programs and curricula on teaching ELs;

- provide recognition – which may include financial awards – to recipients of subgrants that have significantly improved achievement and progress of ELs in meeting the state’s long-term goals and the state’s standards.

Agencies receiving allocations that have experienced substantial increases in immigrant children and youth must use funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include:

- family literacy, parent and family outreach and training activities;
- recruitment of or support for personnel, including teachers and paraprofessionals, who have been or are being trained to provide services to immigrant children/youth;
- identification, development and acquisition of curricular materials, educational software and technology to be used in the program;
- basic instructional services directly attributable to the presence of immigrant children and youth in the school district involved, including payment of costs for additional classroom supplies, transportation costs;
- other instructional services such as programs of introduction to the educational system and civics education; and
- activities coordinated with community based organizations, institutions of higher education, and private sector entities with expertise in this area, to assist parents and families by offering comprehensive community services.

Title IV: 21st Century Schools

The ESSA introduces significant changes in the structure and scope of Title IV programming. Specifically, ESSA re-designates Title V as Title IV and continues several Title V grant programs without change; repeals the Innovative Program grants and the Fund for Improvement of Education; replaces Safe and Drug-Free Schools with a new Student Support and Academic Enrichment Grant Program; transfers Environmental Tobacco Smoke grants to Title IX; and transfers Charter School funding to Title IV. The following are some of the major new or revised grant programs included in Title IV:

Title IV, Part A – Student Support and Academic Enrichment Grants Subpart 1 – *Student Support and Academic Enrichment Grants* are intended to increase the capacity of States, LEAs, schools and local communities to provide all students with access to a well-rounded education, improve school conditions for student learning and improve the use of technology in order to improve the academic achievement and digital literacy of all students.

Title IV, Part B – 21st Century Community Learning Centers continues the 21st Century Community Learning Centers program with minor changes. SEAs must reserve 93% of their allotment for awards to eligible agencies (formerly 95%), and may

use not more than 2% for administrative expenses, establishing and implementing a rigorous peer-review process and awarding of funds to eligible entities.

Title IV, Part C – Expanding Opportunity Through Quality Charter Schools continues the Charter School Program with some significant changes.

Title IV, Part D – Magnet Schools Assistance continues the Magnet Schools Assistance Program with no major changes.

Title IV, Part E – Family Engagement in Education Programs provides grants to statewide organizations, or consortia of such organizations, to establish Statewide Family Engagement Centers to carry out parent education and family engagement in education programs or to provide comprehensive training and technical assistance to SEAs, LEAs, schools identified by SEAs or LEAs, organizations that support family-school partnerships and other organizations that carry out such programs. Applicants must use not less than 65% of the funds received to serve LEAs, schools and community-based organizations that serve high concentrations of disadvantaged students, including, English learners, minorities, students with disabilities, homeless children and youth, children and youth in foster care and migrant students. In addition, applicants must use not less than 30% of the funds to establish or expand technical assistance for evidence-based parent education programs. Awardees must demonstrate matching funds to support some portion of the services provided through non-Federal contributions to renewal grant awards.

Title IV, Part F – National Activities supports the following grant programs:

- Subpart 1 – *Education Innovation and Research* provides grants to eligible agencies to create, develop, implement, replicate or take to scale entrepreneurial, evidence-based field-initiated innovations to improve student achievement and attainment for high-need students. The new legislation defines “eligible agency” as a LEA, SEA, consortium of SEAs or LEAs, a nonprofit organization or a SEA or LEA in partnership with a nonprofit organization, a business, an educational services agency or an institution of higher education.
- Subpart 2 – *Community Support for School Success* is intended to significantly improve the academic and developmental outcomes of children living in the most distressed communities in the United States and provide support for the planning, implementation and operation of full-service community schools. “Full-service community school” is defined as a public elementary or secondary school that participates in a community-based effort to integrate educational, developmental, family, health and other comprehensive services through community-based organizations and public and private partnerships and provides access to such services to students, families and the community during the school year as well as during the summer.
- Subpart 3 – *National Activities for School Safety*

- Subpart 4 – *Academic Enrichment* funds three program areas, as detailed below:
 1. *Assistance for Arts Education* provides grants to eligible entities to promote arts education for students, including disadvantaged students and students with disabilities through activities such as: (1) Professional development for arts educators, teachers and principals; (2) Development and dissemination of accessible instructional materials and arts-based educational programming; and (3) Community and national outreach activities that strengthen partnerships among schools, LEAs, communities or centers for the arts. “Eligible entity” is defined as; an LEA in which 20 percent or more of the students are from families below the poverty line; a consortium of such LEAs; an SEA; an institution of higher education; a museum or cultural institution; an eligible national nonprofit organization; or another private agency, institution or organization.
 2. *Ready to Learn Programming* provides grants to eligible entities to promote school readiness through the development and dissemination of accessible instructional programming for preschool and elementary school children and their parents. “Eligible entities” are defined as a public telecommunications entity that can meet specified capacity requirements.
 3. *Supporting High-Ability Learners and Learning* promotes and initiates a coordinated program, to be known as the “Jacob K. Javits Gifted and Talented Students Program” of evidence-based research, demonstration projects, innovative strategies to build and enhance the ability of elementary and secondary schools to identify gifted and talented students and meet their special educational needs. The Secretary shall make awards or enter into contracts with SEAs, LEAs, institutions of higher education, other public agencies and other private agencies and organizations.

Transition from ESEA Waiver Flexibility to Every Student Succeeds Act

The law outlines the transition period from ESEA Flexibility Waivers to ESSA. New York State’s approved ESEA Flexibility Waiver sunsets after August 1, 2016. However, the State is required to continue supporting its Priority and Focus Schools, and schools and districts must continue to implement ESEA Flexibility Waiver interventions through the 2016-17 school year. ESSA applies to any noncompetitive programs under ESEA and McKinney-Vento (formula grants), effective July 1, 2016. The law applies to competitive programs effective October 1, 2016.

Peer Review of Assessments

USDE has informed states that USDE plans to move forward in spring 2016 with the process of peer reviewing the ELA and math assessments that states are using to meet Title I requirements. States will be required to demonstrate that their assessment

system is aligned to state-determined content standards; meets nationally recognized professional and technical standards; allows states, districts, principals, and teachers to identify the academic needs of students, target resources and supports toward students who need them most, evaluate school and program effectiveness, and close achievement gaps among students; and provides useful information to parents about their child's advancement against and achievement of grade-level standards.

Priority and Focus Schools

States were required to inform USDE of how they would move forward with Priority and Focus Schools by Friday, January 29, 2016. Consistent with Commissioner's regulations, the Department is moving forward with identifying and exiting schools from Priority and Focus status. Districts have been provided preliminary notification of the status of the district and its schools and been given an opportunity to appeal these designations. The Department will submit the required lists to USDE by the March 1 deadline.

Educator Evaluations

USDE has informed states that although educator evaluation and support systems are required under ESEA flexibility they are not required under the ESSA. Consequently, USDE will continue to provide technical assistance, including feedback and support, but will not formally process amendment requests related to these systems, and will prioritize monitoring and enforcement pertaining to ESEA flexibility requirements that are included in both the ESEA and ESSA.

Title III Accountability

Since ESEA no longer requires states to administer a separate Title III accountability system for English language learners, but rather makes this part of the Title I accountability system, USDE has informed states they are not required to hold districts accountable for their performance against Annual Measurable Achievement Objectives (AMAO) under Title III for the 2014–15 or 2015–16 school years but districts currently identified under Title III are expected to continue their interventions until the transition to the new accountability system in 2017-18.

Next Steps

The New York State Education Department will work with USDE, the Council of Chief State School Officers (CCSSO), and other key groups to better understand the provisions of the legislation. The Department will work with the State Committee of Practitioners and the ESEA Think Tank, a work group of comprised of stakeholders representing teachers, administrators, parents, and community-based organizations with expertise in accountability systems, to begin soliciting ideas and recommendations pertaining to implementing the accountability provisions of ESEA. Later this school year, staff will present additional information on the provisions of the ESSA and provide

updates on discussions with various stakeholder groups related to the creation of the new state accountability plan.