



THE RABEN GROUP



Federal Policy Update

THE EVERY STUDENT SUCCEEDS ACT And FEDERAL EDUCATION FUNDING

Joel Packer, Principal
The Raben Group
jpacker@rabengroup.com

Every Student Succeeds Act

- In December, Congress overwhelmingly passed S. 1177, the Every Student Succeeds Act (ESSA). This replaces the No Child Left Behind Act (NCLB). Now Public Law 114-95.
- Passed the House by a vote of 359-64 and the Senate by a vote of 85-12.
- Programs are authorized for FY 2017 through FY 2020.



Implementation Timeline

- ESEA waivers are null and void on August 1, 2016, meaning CORE districts will no longer be required to carry out waiver conditions.
- New State accountability systems take effect at the beginning of the 2017–2018 school year.
- In the 2016-17 school year, schools/districts that have been identified as priority or focus schools under waivers must continue to implement any interventions required until the State has a new Title I plan approved, or the accountability provisions of the new law go into effect.
- Funding for programs in the new law starts with Federal Fiscal Year (FY) 2017 – school year 2017-18.



Implementation Timeline

- Many timing and implementation questions remain unanswered.
 - Definition of subgroups that are “consistently underperforming”.
 - How the 95% test participation rate will factor in and how opt-out options will be calculated in the accountability system.
 - Clarifications on elements of state accountability systems (must there be one single “score” for a school, timing for LEA intervention plans, definitions of “substantial weight” and “much greater” as they relate to the indicators for annual meaningful differentiation of public schools.
- The U.S. Department of Education (ED) held two public hearings to solicit initial input.
- ED has to decide if it will issue regulations and/or non-regulatory guidance.

Standards

- Each State must have “challenging” academic content standards and academic achievement standards for math, reading/English Language Arts (ELA) and science.
- The standards must be aligned 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.
- States not required to submit standards to the Education Department for review or approval.



Standards

- Each State must also adopt English language proficiency (ELP) standards involving speaking, listening, reading and writing that address different proficiency levels and align with the state's regular academic standards.
- A State may adopt alternate academic achievement standards for students with the most significant cognitive disabilities, as long as they are aligned with the state's regular standards, promote access to the general education curriculum and are consistent with the Individuals with Disabilities Education Act.



Testing

- **Maintains the current law annual math and reading tests in each of grades 3-8 and once in high school. Also science test in each of grade spans 3-5, 6-9 and 10-12.**
 - Allows computer adaptive assessments.
 - Assessments may, at the state's discretion, measure individual student growth.
 - Maintains required disaggregation of data by current law subgroups (race, economically disadvantaged students, children with disabilities, English proficiency status).
 - Maintains migrant status and gender as subgroups for reporting, not accountability.
 - Add new subgroups for reporting purposes only: homeless children, foster youth, and students with a parent who is an active duty member of the Armed Forces.

Testing

- Places a cap of 1% of the total number of all students in the State that can be assessed using alternative assessments for students with significant cognitive disabilities. Cap is not in effect at the LEA level. Eliminates modified academic standards and assessments.
- A State may exclude English Language Learners (ELLs) who have been in school in the U.S. for less than 12 months from one administration of the reading assessment or exclude the results on any of the required tests from the State's accountability system for the first year of enrollment.
- Allows, but does not require, states to set a limit on the aggregate amount of time devoted to assessment administration for each grade.

Testing

- Authorizes the Secretary of Education to grant up to 7 States the ability to use an “innovative assessment system” such as competency-based, cumulative year-end assessments.
- Does not generally allow for the use of local assessments, except states may allow an LEA to use a nationally-recognized high school academic assessment (such as the SAT or ACT) in lieu of a state assessment as long as such assessment is aligned to the State's standards and meet other requirements.
- Requires LEAs to provide parents, on request and in a timely manner, with information regarding state or local policy, procedures and parental rights regarding student participation in mandated assessments.



Accountability

- Eliminates most current law federal accountability requirements and AYP and consequences.
- Requires each State to create an accountability index system with certain federally-required components.
- States would have to submit their accountability plans to ED for approval, although the measure explicitly prohibits the department from adding or deleting requirements or specific elements to state plans.

Accountability

- Each state must establish “ambitious” long-term goals that include interim measurements of progress toward those goals for all students, as well as separately for the disaggregated subgroups of students.
- The state's long-term goals must include improved academic achievement, improved high school graduation rates and increases in the percentage of students making progress in English language proficiency.

Accountability

- The State-defined index must include the following indicators (measured for all students and subgroups, except for the ELL proficiency indicator):
 - **Academic Indicators:**
 - Academic achievement based on the annual assessments and on the State's goals.
 - A measure of student growth or other statewide academic indicator for elementary and middle schools.
 - Graduation rates for high schools based on the State's goals.
 - Progress in achieving English proficiency for ELLs in each of grades 3 through 8 and the same high school grade in which the State assesses for Math/Reading.



Accountability

- **Measure of School Quality and Student Success**
 - At least one measure of school quality or student success (several examples are listed including student and educator engagement, access and completion of advanced coursework, postsecondary readiness, school climate and safety, and another State selected indicator).
- Based on the performance of schools and subgroups on these indicators, States are required to “meaningfully differentiate” public schools in the State on an annual basis.
- “Substantial weight” is required to be given the Academic Indicators and these 4 indicators must, in the aggregate be given “much greater weight” in the differentiation process than any Measures of School Quality or Student Success.



Accountability

- States are required to annually measure the achievement of not less than 95% of all students and subgroups of students in public schools using Title I State assessments. States are permitted to and must provide a clear and understandable explanation of how the 95% assessment requirement will factor into the accountability system.
 - Under current law, if any subgroups fails to meet 95% test participation rate, the school fails to make AYP.
- States are permitted to include a student in the ELL subgroup for up to 4 years after the student is proficient in English for the purposes of the State accountability system.
 - Current law only allows for two years.

School Improvement

- Eliminates required 20% LEA set-asides for Supplemental Educational Services (SES) and public school choice transportation.
 - Eliminates School Improvement Grants (SIG) as a separate program.
 - Increases State set-aside of Title I funds for school improvement from 4% to 7%. In Fiscal Year 2017, this may result in reductions to LEA Title I allocations, though additional funds will be allocated under school improvement.
 - States would be allowed to reserve 3% of their Title I funds to make competitive grants to LEAs to provide public school choice or high-quality academic tutoring.

School Improvement

- Based on State accountability index, beginning with school year 2017-2018 and at least once every 3 years, States must identify schools for “comprehensive support and improvement.”
- States must also set exit criteria for schools that are identified to exit such status.



School Improvement

- Schools that are required to be identified:
 - The lowest performing 5% in the State;
 - High schools that graduate less than two-thirds of their students; and
 - Schools for which a subgroup is “consistently underperforming” in the same manner as a school under lowest 5% category for a State-determined number of years.

School Improvement

- LEAs must develop comprehensive support and improvement plans for schools identified.
- Plans are required to include evidence-based interventions, be based on a school-level needs assessment, identify resource inequities, be approved by the school, LEA and State Educational Agency (SEA), and be periodically monitored and reviewed by the SEA.
- The law provides no timelines for LEA plan development and implementation.
- After a state-determined period of years (not to exceed 4 years) States must take more rigorous state determined action if a school identified for comprehensive support and intervention has not met the exit criteria.

School Improvement

- SEAs may allow differentiated improvement activities for high schools that predominantly serve students returning to education after dropping out who are significantly off-track to graduate from high school.
- LEAs may provide students with the option to transfer to another public school, including paying for transportation costs (up to 5% of their Title I allocation).

School Improvement

- In addition to identification for comprehensive support and improvement, the State must annually notify LEAs with schools which have “consistently underperforming” subgroups.
- Schools which are notified must develop and implement a “targeted support and improvement plan” to improve outcomes for subgroups which generated the notification.
- As with schools identified for comprehensive support and improvement, notification for target support and improvement will begin with the 2017-2018 academic year.

School Improvement

- These plans must include evidence-based interventions and be approved and monitored by the LEA.
- If the plan is not successfully implemented after a LEA determined number of years, additional action must take place.
- Schools for which plans are developed where subgroup performance, on its own, would lead to identification for comprehensive support and improvement as in the lowest 5%, must also identify resource inequities to be addressed through plan implementation.

Report Cards

- Retains the requirement in current law for State and LEA report cards but expands required elements.
- Elements required on the state report card include:
 - A concise description of the accountability system, goals, indicators and weights of indicators used in such system;
 - For all students and these subgroups (racial and ethnic groups, economically disadvantaged status, English proficiency status, gender, migrant status, homeless and foster youth, and students with a parent in the military), information on student achievement on the academic assessments;
 - For all students and the accountability subgroups, percentage of students assessed and not assessed;

Report Cards

- The number and names of all public schools in the State identified by the State for comprehensive support and improvement or implementing targeted support and improvement.
- Data regarding measures of school quality, and the numbers and percentage of students enrolled in preschool programs and accelerated coursework for postsecondary credit while still in high school.
- The number and percentage of inexperienced teachers and principals, teachers teaching with emergency or provisional credentials, and teachers who are not teaching in the field for which they are certified.

Report Cards

- This data must be presented in the aggregate and disaggregated by high-poverty compared with low-poverty schools.
- The per-pupil expenditures of federal, state and local funds, including personnel expenditures and non-personnel expenditures, disaggregated by source of funds, for each local school district and each school for the preceding fiscal year.
- The number and percentage of students with the most significant cognitive disabilities who take an alternative assessment, by grade and subject.
- Information on acquisition of English proficiency by English learners.

Report Cards

- Information that the state and each LEA reports under the Civil Rights Data Collection biennial survey;
- Results on state academic assessments in reading and math in grades four and eight of the National Assessment of Educational Progress, compared with the national average.
- For each high school in the state, beginning for 2017, the cohort graduation rate.
- LEA report cards require all of the information reported on the state report cards with the exception of NAEP results as applied to the LEA and school and how the performance of each school's students compare to performance of the LEA and State as a whole.

Additional State Plan Elements

- Help local school districts and elementary schools support early childhood education;
- Ensure that low-income and minority children are not disproportionately taught by ineffectual, out-of-field or inexperienced teachers, and publish any criteria used to measure teacher or principal effectiveness;
- Support local school district efforts to reduce bullying;

Additional State Plan Elements

- Help local school districts provide for student transitions between levels of school to reduce the risk of students dropping out;
- Ensure the educational stability of children in foster care by allowing them to stay in their original school;
- Support the educational stability of homeless children and youths; and
- Eliminate state fiscal and accounting barriers so schools can easily consolidate and use funds from federal, state and local sources.

Fiscal Issues

- Schoolwide Title I programs: Maintains threshold for schoolwide eligibility at 40% poverty, but allows States to approve schools to operate a schoolwide program with a lower poverty percentage.
- Establishes a Flexibility for Equitable Per-Pupil Funding Demonstration Authority. The Secretary can enter into local flexibility agreements with not more than 50 LEAs in order to provide them with flexibility to consolidate eligible Federal funds and State and local education funding into a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

Teacher Quality: Title II

- Eliminates Highly Qualified Teacher requirement. Some uncertainty if HQT still applies in 2016-187 school year.
- States/LEAs not required to develop educator evaluation systems, but may use Title II funds to do so.
- LEA uses of funds:
 - Specifies that all funds must be used for comprehensive evidence-based programs and address the learning needs of all students. Provides an illustrative list of possible uses of funds:

Teacher Quality: Title II

- developing or improving teacher and school leader evaluation and support systems that are based in part on student achievement;
- recruitment and retention initiatives;
- recruitment of mid-career professionals into education;
- high-quality professional development;
- residency programs;
- reform of preparation programs;
- developing programs and activities that increase the ability of teachers to effectively teach children with disabilities and English learners;
- supporting the instructional services provided by school librarians.
 - Authorizes the use of program funds for “reducing class size to an evidence-based level.”

ELLs

- Eliminates current law Annual Measureable Achievement Objectives and accountability requirements under Title III (English Language Learner State formula program).
- Accountability for ELLS shifted into Title I.
- States must establish and implement statewide standardized entrance and exit procedures for English learner programs.

ELLs

- Districts that receive Title III funds must submit a report to their SEA at the end of every 2nd fiscal year that includes the number/percentage of :
 - ELLs who are making progress toward achieving English Language proficiency in the aggregate and disaggregated by English learners with a disability;
 - ELLs who attain English Language proficiency;
 - ELLs who exit language instruction educational programs;
 - ELLS meeting State academic standards for each of the 4 years after such children are no longer receiving Title III services, in the aggregate and disaggregated by English learners with a disability;
 - ELLs who have not attained English language proficiency within 5 years of initial classification as an English learner

Early Learning

- Early Childhood Education Provisions include:
 - Revised Preschool Development Grant program
 - New birth through K literacy program
 - More explicit language allowing the use of Title I funds for early education including how the State will provide assistance to LEAs and individual elementary schools choosing to use Title I funds to support early childhood education programs
 - Requirement that State report cards include the number and percentage of students enrolled preschool programs
 - Inclusion of early childhood in multiple ESEA programs: Title II professional development, charter schools, English Language Learner grants, education for homeless children

Consolidations

- Creates new Student Support and Academic Enrichment Grants authorized at \$1.65 billion.
- Consolidates several programs (physical education, safe and drug-free schools, education technology, school counseling.)
- Provides formula grants to LEAs based on their share of Title I funds.
- Requires LEAs to conduct a comprehensive needs assessment every three years for the activities it will support.
- At least 20% of the funds must be used for providing a well-rounded education, with at least another 20% used to foster safe and supportive learning environments. Some funding must be used to increase access to learning experiences supported by technology.

Consolidations

- Maintains as separate programs or programs guaranteed a certain level of funding:
 - Literacy (now called Literacy Education for All, Results for the Nation - LEARN)
 - 21st Century Community Learning Centers (after school)
 - Charter Schools
 - Magnet Schools
 - Promise Neighborhoods
 - Gifted and Talented

Fiscal Year 2016 ESEA Funding

- ESEA total = +\$639.1 million (+2.7%)
- Title I = +\$500 million (+3.5%)
- Striving Readers = +\$30 million (+18.8%)
- 21st century community learning centers = +\$15 million (+1.3%)
- Promise Neighborhoods = +\$16.5 million (+29.1%)
- Charter Schools = +\$80 million (+31.6%)
- Magnet Schools = +\$5 million (+5.5%)



FY 2016 Funding



IDEA SPECIAL EDUCATION

- State grants = +\$415 million (+3.6%)
- Preschool grants = +\$15 million (+4.3%)
- Grants for infants and families = +\$20 million (+4.6%)

ADULT EDUCATION

- State grants = +\$13 million (+2.3%)



FY 2016 Funding: Early Education in HHS



- Head Start = +\$570 million (+6.6%)
- Child care Development Block Grant = +\$326 million (+13.4%)

One major K12 cut:

- School improvement State grants = -\$55.8 million (-11.0%)

