



AASPS Annual Conference  
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## **Implementing ESSA: What Should School Districts Be Doing Now?**

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### ***The Every Student Succeeds Act***

The *Every Student Succeeds Act* (ESSA) sets forth rights and responsibilities for federal, state, and local educational agencies.

This presentation focuses on some of the major pieces of ESSA that directly, and immediately, impact local educational agencies (LEAs).

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### **Hot Topics We'll Cover Today**

- Selected Highlights of Changes from NCLB to ESSA
- LEA Report Cards
- Testing Transparency and Parent Opt-Out
- English [Language] Learners
- Alternate Academic Achievement Standards
- LEA Schools in Need of Support
- McKinney-Vento Homeless Assistance Act
- Prohibition of Aiding and Abetting Sexual Abuse
- The Status of the Negotiated Rulemaking Process and the Power of Public Comment



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## Selected Highlights of Changes from NCLB to ESSA

### > "Highly Qualified" Teachers

- Term is no longer in effect as of August 1, 2016.
- ESSA requires teachers to be properly licensed and endorsed according to state requirements.
- The same goes for "paraprofessionals".
- HQT data must still be reported for the 2014-15 and 2015-16 SYs, but not for the 2016-17 SY and beyond.



## Selected Highlights (con't)

### "Highly Qualified" Teachers (con't)

- LEAs do NOT need to notify parents in Title I schools if children are taught by a non-HQT for four or more weeks during the 2016-17 SY.
- BUT parents must get notice if their children are taught for four or more weeks by a teacher not properly licensed and endorsed for the class assigned.
- LEAs must continue to provide annual notice to parents in Title I schools of their right to ask about their student's teacher's qualifications.



## Selected Highlights (con't)

- > Eliminated AYP and 100% proficiency requirement; replaced with a state-defined index system that includes certain federally-required components.
- > Eliminated tying teacher performance to student achievement on a single standardized assessment. Now, a teacher evaluation system:
  - can be based in part on evidence of student achievement, which may include student growth;
  - shall include multiple measures of educator performance.



### Selected Highlights (con't)

- Withdrew from Common Core or otherwise revising standards; placing state control over state standards.
- Eliminated the MOE requirement under Impact Aid that LEAs maintain at least 90% of the previous school year's funding.
- Eliminated the ELL requirement for SEAs to develop and use AMAOs to hold LEAs accountable for English acquisition and academic achievement of English learners.



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### LEA Report Cards

LEAs must continue to include teacher quality data on report cards for the 2014-15 and 2015-16 SYs.

Beginning with the 2016-17 SY, LEAs will not be required to report HQT data, but must continue to report the percentages of provisionally licensed teachers and educator attainment levels.



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### LEA Report Cards

LEAs must annually disseminate to the public an LEA report card on information on student achievement and performance.

- How students served by the LEA compared to students in the State.
- School Site: How students served by the individual school site (in the LEA) compared to students in the State.
- Any other information the LEA determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school in the LEA "whether or not such information is included in the annual State report card."



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## Testing Transparency and Parent Opt-out

- ESSA defers to state and local policies regarding students opting out of assessments.
- LEAs must notify parents at the beginning of each year that, upon request, the LEA will provide information on any SEA or LEA policy on student participation in assessments, including a policy, procedure, or parental right to opt out, *where applicable*.
- Should an LEA wait for the SEA to develop such a policy? **Probably not.**



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## Testing Transparency and Parent Opt-Out

LEAs must also make widely available through public means for each grade served by the LEA, information on:

- Each assessment required by the SEA to comply with the state Title I plan;
- Other assessments required by the state; and
- If available, assessments required districtwide by the LEA.



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## English [Language] Learners

ESSA requires SEAs to develop academic standards for English language proficiency that:

- Are aligned to state academic standards
- Address different proficiency levels of English learners
- Are derived from the four recognized domains (speaking, reading, writing, and listening)

This requirement suggests training may be needed at the LEA-level to implement these requirements, particularly for dual-identified students (ELL/IDEA).



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## English [Language] Learners

- ESSA eliminates a separate accountability structure for English Learners.
- Provides English Learners with a higher profile in accountability systems.
- Reflects their growing importance in overall student achievement.
- Requires states to standardize English Learner entrance and exit criteria.
  - ❖ This translates into LEAs having to review and adjust their own policies and practices for assessing and placing English Learners.



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## Alternate Academic Achievement Standards

SEAs may adopt **alternate academic achievement standards** for students with the most significant cognitive disabilities.

Impact on LEAs?

- Must promote access to general education curriculum consistent with IDEA
- Designated in the IEP for each student as the standards used for student
- Aligned to ensure student is on track to pursue post-secondary education or employment

Suggests training of staff and review of policies and practices may be needed to ensure effective implementation.



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## LEA Schools In Need of Support

SEAs are obligated to identify LEA schools that are in need of support:

- Comprehensive Support and Improvement Plan
- Targeted Support and Improvement Plan



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## Comprehensive Support and Improvement Plan

- Comprehensive Support and Improvement Plan
  - ❖ Schools are identified every three years, beginning with the 2017-18 SY
  - ❖ To improve student outcomes
  - ❖ Lowest 5% performing in the state
  - ❖ High schools with graduation rates below 67%
  - ❖ Schools with subgroups performing as low as the lowest 5% of schools for a certain number of years



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## Comprehensive Support and Improvement Plan

The *locally*-developed plan:

- Must be developed in partnership with stakeholders, i.e., principals, school leaders, teachers, parents
- Must be informed by all indicators in the state accountability system
- Must be based on a school-level needs assessment
- Must include evidence-based interventions
- Must identify resource inequities
- Must be approved by the school, LEA, and SEA
- State will periodically monitor progress



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## Targeted Support and Improvement Plan

- Targeted Support and Improvement Plan
  - ❖ Schools are identified annually
  - ❖ Consistently underperforming subgroups (not necessarily as low as the lowest 5% of schools, but the gap to proficiency by the subgroups is consistently high)
  - ❖ Notification to begin with the 2017-18 SY



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## Targeted Support and Improvement Plan

The **locally**-developed plan:

- Must be developed in partnership with stakeholders, i.e., principals, other school leaders, teachers, parents
- Must be informed by all indicators in the state accountability system
- Must include evidence-based interventions
- May have to identify resource inequities
- Must be approved by the LEA prior to implementation
- State is not required to approve the plan
- LEA monitors the school's progress
- Unsuccessful implementation will result in additional action



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## McKinney-Vento and Homeless Children

- ESSA reauthorizes the McKinney-Vento Homeless Assistance Act for fiscal years 2017 through 2020.
- Amendments take effect on October 1, 2016.
- ESSA's amendments involve changes to an LEA's Title I plan and other areas that focus on improving the identification of homeless children and youths, which includes unaccompanied youths.



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## McKinney-Vento (con't)

Specifically:

- Describe the services the LEA will provide homeless children and youths to support their enrollment, attendance, and success.
- Develop, or review and revise, policies to remove barriers to identifying homeless children and youths, and enrolling and retaining such children, including barriers due to outstanding fees or fines, or absences.



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### McKinney-Vento (con't)

- Designate a staff person to be the LEA's liaison, and ensure the liaison's availability for professional development determined appropriate by the state's "Coordinator."
- Develop policies and practices to ensure transportation to/from the school of origin, including any arrangements for cost apportionments that may need to be made with other LEAs serving these students.
- Improve processes by which an LEA identifies eligible students, including coordinating with other entities and agencies.



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### McKinney-Vento (con't)

- Further develops the concept of "school stability" for homeless students:
  - Best interest of the student
  - Consider student-centered factors in considering school placement
- Increase emphasis of immediate enrollment of homeless students, even if academic, health, and other records are unavailable at enrollment
- Further develops due process aspects of working through an enrollment dispute of a homeless youth



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### McKinney-Vento (con't)

On March 17, 2016, ED issued guidelines for States, which address ways a State may:

- 1) assist LEAs to implement McKinney-Vento, as amended by ESSA; and
- 2) review and revise policies and procedures, along with LEAs, that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.

Guidelines: <https://www.gpo.gov/fdsys/pkg/FR-2016-03-17/pdf/2016-06073.pdf>



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## Prohibition on Aiding and Abetting Sexual Abuse

ESSA includes a provision targeted at a unique aspect of student safety:

- A school employee, contractor, or agent of an SEA or LEA is prohibited from assisting another school employee, contractor or agent in obtaining a new job if that employee has knowledge of, or probable cause to believe, that the other employee engaged in sexual misconduct with a minor in violation of the law.
- “Assisting” does not include the routine transmission of administrative and personnel files.



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## Prohibition on Aiding and Abetting Sexual Abuse (con't)

- A State, SEA, or LEA receiving federal funds must have laws, regulations, or policies that cover this “assistance” prohibition.
- Should the LEA wait until the state or SEA develops laws, regs, or policies? **Probably not.**
- This provision contains exceptions for when an SEA or LEA employee would not be prohibited from “assisting” the other employee in obtaining a new job.



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## Prohibition on Aiding and Abetting Sexual Abuse (con't)

Any concerns for an LEA in developing its own policy to respond to this provision?

- What **IS** considered “assisting” is not obvious.
- ESSA is silent on whether there are any federal consequences for the “assisting” employee and/or the SEA/LEA.
- “Probable Cause” and “Sexual Misconduct”: Typically defined by a state's criminal laws.
- A new job at another school? Or a new job anywhere?
  - Congressional intent is the former.
  - Statutory language reads as the latter.



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## The Status of the Negotiated Rulemaking Process and the Power of Public Comment

The Negotiated Rulemaking Process: Where Are We?

- Three multi-day sessions in March/April
- Committee did **NOT** reach consensus on "supplement, not supplant" under Title I
- Next steps for ED: To issue its own proposed rules, which do not have to contain any language discussed during negotiations.
- Congress has the first opportunity to review and comment on the proposed rule.
- Then the public will have their opportunity.



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## The Negotiated Rulemaking Process (con't)

- Committee **DID** reach consensus on the assessments piece under Title I
- ED has published draft regulatory language for assessments as negotiated by the Committee: <http://www2.ed.gov/policy/elsec/leg/essa/title1a-assessment-consensus-regulatory-lang.pdf>
- Next steps for ED: To issue formal proposed rules for public comment, however ED is bound by the draft regulations discussed during negotiations.

**The Regs are Coming!!!**  
**The Regs are Coming!!!**



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## The Power of Public Comment

On that note, . . .

At an April 2016 Senate hearing, Secretary King stated that ED plans to issue "guidance" later this summer/early fall in the following areas:

- Homeless Students
- Foster Care Students (to be jointly issued w/HHS)
- English Language Learners



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## The Power of Public Comment

ED also recently announced it is seeking public comment and input on "areas or specific new requirements of the ESSA that you think would benefit" from non-regulatory guidance to assist SEAs and LEAs "in understanding and implementing the new law."

ED reiterates that such non-regulatory guidance:

- Is non-binding;
- Does not impose any new requirements beyond those in the law and regulations; and
- Is intended to help the public understand the law, how ED is interpreting the law, and to provide clarification and examples of best practices.



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## The Power of Public Comment

Specifically, ED asks for comments on the following areas:

- Ways to expand early learning
- Strategies to recruit, develop, and retain teachers and leaders
- Clarification of fiscal requirements
- Student support services
- Other areas where state and local agencies could benefit from additional guidance

Comments Due: May 25, 2016  
Send to: [ESSA.guidance@ed.gov](mailto:ESSA.guidance@ed.gov)



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## The Power of Public Comment

NSBA's response to Secretary King's request for comments will include discussion about:

- Be mindful of the clear parameters outlined in ESSA. Do not exceed statutory authority in determining areas for which non-regulatory guidance may be needed.
- Consult with stakeholders on any issue ED determines necessitates non-regulatory guidance.
- Meaningful consultation and stakeholder input must occur prior to the issuance of any guidance.



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## The Power of Public Comment

- Rulemaking is inevitable. So, SEAs and LEAs should prepare now to make their positions known.
- The agencies need to hear from other than just the usual suspects.
- SEAs and LEAs can identify specific legal and implementation (i.e., "on the ground") concerns.
- No two school districts are the same, so SEAs and LEAs should get their voices heard, while federal action is still at the "proposed" stage.



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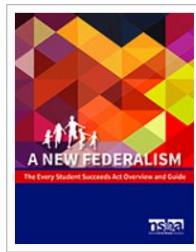
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NSBA's "A New Federalism:  
The Every Student Succeeds  
Act Overview and Guide"  
(April 2016)



Available at:  
[https://secure.nsb.org/pubs/item\\_info.cfm?who=pub&ID=791](https://secure.nsb.org/pubs/item_info.cfm?who=pub&ID=791).



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## NSBA's Work Continues

NSBA will continue to monitor for any new and additional guidance and regulations that may be issued by the multiple agencies involved, so that we may continue to be of assistance to NSBA and COSA members and your school district clients as more rules are rolled out in the coming months and years.



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## Are there any questions?



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## Thank you!

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