The Every Student Succeeds Act (ESSA)

Janna Lilly, *TCASE*
The Every Student Succeeds Act (ESSA)
Kristin McGuire, Policy Consultant
Texas Association of School Boards, Inc.

Out with the Old

• Adequate Yearly Progress (AYP)
• Highly Qualified
• Challenging academic standards and academic achievement
• Limited English Proficient (LEP)

In with the New

• Universal design for learning
• Regular diploma
• Challenging State academic standards
• Comprehensive Support and Improvement Activities
• Targeted Support and Improvement Plan
• Dual or Concurrent Enrollment Programs
• English learner
In with the New

• Evidence-Based
• Expanded Learning Time
• Extended year adjusted cohort graduation rate
• Multi-tier system of supports

In with the New

• Middle Grades
• High School
• Pay for Success Initiatives
• School Leader
• Specialized Instructional Support Personnel
• Well-rounded Education

Evidence-based

An activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on strong evidence from at least 1 well-designed and well-implemented experimental study, moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study, or promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias.
Extended-year adjusted cohort graduation rate or four-year adjusted cohort graduation rate

Numerator includes:
All students who received state-defined alternate diploma (based on alternate achievement standards – but does not include GED, certificate of attendance/completion or after 22 years of age).

Regular high school diploma

Standard high school diploma aligned with state standards and does not include the equivalent of a diploma, such as a GED, certificate of completion, certificate of attendance, or similar lesser credential.

Specialized Instructional Support Personnel

School counselors, school social workers, school psychologists, school nurses, SLPs, school librarians, and other qualified personnel responsible for IDEA related services.
Universal Design for Learning

References the Higher Education Act of 1965 --

The term “universal design for learning” means a scientifically valid framework for guiding educational practice that—

(A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and

(B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

Overall Assessment Picture Stays the Same

- Reading or LA still required annually in grades 3 through 8 and at least once in grades 9 through 12.
- Mathematics still required annually in grades 3 through 8 and at least once in grades 9 through 12.
- Science still required once in grades 3 through 5, 6 through 9, and 10 through 12.

What’s Changed with the Assessment Picture

- Accountability will now be driven by a state plan (no longer two different standards for federal and state).
- State (TEA) must submit plan to the US Department of Education, but, as long as the plan meets the requirements of law, very little room to not approve.
Subgroups
All state assessments have to be able to be disaggregated by:
• Major racial and ethnic groups
• Economically disadvantaged compared to not
• Children with disabilities compared to those children without disabilities
• English proficiency status
• Gender
• Migrant Status

State Report Card Subgroups
The annual state report card must further differentiate by:
• Homeless status
• Status as a child in foster care
• Status as a student with a parent who is a member of the Armed Forces on active duty

State Accountability Subgroups
For state accountability purposes, subgroups are:
• Major racial and ethnic group
• Economically disadvantaged
• Children with disabilities
• English learners
State (TEA) Responsibility to Identify

- Beginning with 2017-18 school year, and at least every 3 years thereafter, TEA must identify categories of schools needing comprehensive support and improvement (not less than lowest performing 5 percent of all schools, high schools failing to graduate one-third or more of students, schools that do not improve based on targeted support for lowest performing 5 percent of subgroups, and any other TEA-determined category).

Comprehensive Support and Improvement (CSI)

Each school must develop a CSI plan that includes “evidence-based interventions,” identifies resource inequities, and is approved by the school, the district, and TEA. TEA must periodically monitor and review.

CSI Plans and School Choice

District may provide students enrolled in a CSI school option to transfer to another school in district. Priority given to lowest achieving students from low income families. If allow, student must be able to stay until student reaches highest grade level offered. District can spend no more than 5 percent of its Title I, subpart 2 money on transportation.
How Long under CSI?

TEA must develop exit criteria for those implementing CSI plans (cannot exceed 4 years). If criteria not met, state must take additional action.

Targeted Support and Improvement (TSI)

TEA must notify districts with schools in which any subgroup is consistently underperforming (as determined by TEA) and ensure the district notifies each school which subgroup or subgroups are consistently underperforming.

TSI Plan

School must develop a plan that includes “evidence-based” interventions. Plan must be approved by the district prior to implementation, and the district must periodically monitor the plan. District must also determine number of years that additional action will be taken if plan is unsuccessful.
What Must Accountability Include?

- Proficiency on annual assessments
- Student growth, if determined appropriate by TEA.
- For elementary and secondary (not high schools), must include either measure of student growth or another valid/reliable statewide academic indicator
- For high schools, the four-year adjusted cohort graduation rate and, at TEA discretion, the extended year adjusted cohort graduate rate.
- Progress in achieving English language proficiency.
- Not less than one indicator of school quality or student success (could include student engagement, educator engagement, student access to and completion of advanced coursework, postsecondary readiness, school climate and safety), although this must have less weight than the others.

Alternate Academic Achievement Standards

- States are permitted, through a documented and validated standards-setting process, to adopt alternate academic achievement standards for students with the most significant cognitive disabilities.
- Standards must be aligned to “challenging State academic standards,” promote access to general ed curriculum consistent with IDEA, reflect professional judgment as to the highest possible standards achievable by such students, designed in the IEP, and are aligned to ensure a student who meets these standards is on track to pursue postsecondary education or employment, consistent with law.

Alternate Assessment Requirements

- Total number of students assessed in each subject cannot exceed 1 percent of total number of all students in state.
- If district exceeds the 1 percent cap, district must submit information to TEA justifying the need to exceed the cap. TEA must provide appropriate oversight.
Alternate Assessment Requirements

• Parents must be clearly informed that achievement will be measured with alternate standards.
• Parents must be clearly informed that participation may delay or otherwise affect the student from completing requirements for regular high school diploma.

Alternate Assessment Requirements

• Must promote, consistent with IDEA, of the involvement and progress of students in the general education curriculum.
• The state plan must describe the steps taken to incorporate universal design for learning in alternate assessments.

Alternate Assessment Requirements

• State plan must describe that general education and special education teachers, and other appropriate staff, know how to administer the alternate assessments, and make appropriate use of accommodations for students with disabilities on all assessments.
Alternate Assessment Requirements

• TEA must develop disseminate information on, and promote the use of appropriate accommodations to increase the number of students with significant cognitive disabilities participating in academic instruction and assessments at the enrolled grade level.

Alternate Assessment Requirements

• State cannot preclude a student who takes alternate assessment from attempting to complete requirements for regular high school diploma.
• ARD committee decides the alternate assessment.

Conditions of Title I funds

TEA approval of a district plan required. Among other requirements and assurances, the district plan must:
• Describe how the district will support efforts to reduce the overuse of discipline practices that remove students from classroom.
• Assure that services will be provided to eligible private school children.
• Collaborate with DFPS to develop and implement procedures governing how transportation will be provided to a student’s school of origin for a student in foster care.
• Ensure that all teachers and paraprofessionals meet applicable state certification and licensure requirements.
Conditions of Title I funds

Parent’s Right to Know
- Retains the requirement to notify parents that they may request teacher and paraprofessional qualifications involved with their child.
- Retains (but revises) the requirement to provide information to parents about their child’s performance and when assigned to a teacher for 4 or more consecutive weeks by a teacher who does not meet state certification or licensure requirements.
- New: Schools receiving Title I funds must notify parents that they may request information regarding any state or district policy regarding student participation in state-mandated assessments, which shall include a policy, procedure, or parental right to opt the child out of an assessment, where applicable.

Parent and Family Engagement
- Title I schools still required to develop parent engagement policy – added family member involvement.
- Title I schools still required to develop student/parent/family compact.

Private school students
- Eligible students in private school must still receive appropriate services.
- Added to the list of possible services = instructional services (including evaluations to determine progress), counseling, mentoring, one-on-one tutoring.
- TEA must now designate an ombudsman to monitor and enforce the requirements.
New Assessment Audit Option

TEA can apply for a grant under Part B of Title I to audit its state assessment system and ensure that districts audit their local assessments, execute the state plan, and award subgrants to districts with funds under this part.

Local Assessment

Local assessment defined as an academic assessment selected and carried out by a district that is separate from an assessment required by federal law or by the state.

Revisions to IDEA

- Deletion of highly qualified in the Definitions section
- Regarding State eligibility for funds: Personnel qualifications section changed to:
  (C) Qualifications for special education teachers.--The qualifications described in subparagraph (A) shall ensure that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline established in section 1118(a)(2) of the Elementary and Secondary Education Act of 1965.
Qualified Personnel - IDEA

(i) has obtained full State certification as a special education teacher (including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements in section 2005.56(a)(2)(ii) of title 34, CFR, as such section was in effect on November 28, 2008), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except with respect to any teacher teaching in a public charter school who shall meet the requirements set forth in the State’s public charter school law;

(ii) has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) holds at least a bachelor’s degree.

Questions?

kristin.mcguire@tasb.org
800.580.7529
policy.tasb.org
CEC’s Summary of Selected Provisions in Every Student Succeeds Act (ESSA)

In December 2015, the U.S. Congress passed the Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act / No Child left Behind (ESEA/NCLB). This summary of selected provisions in ESSA is intended to provide CEC members with information on issues relevant to children and youth with disabilities and gifts and talents. The summary includes new provisions as well as those provisions eliminated. This summary is not intended to be exhaustive of all the provisions nor reflective of CEC’s position on the provision.

General

- Transfers authority for accountability, educator evaluations and school improvement from the federal government to the states and local districts.

Assessments and Accountability

- Maintains annual, statewide assessments in reading and math in grades 3 through 8 and once in high school, as well as science tests given three times between grades 3 and 12.
- Repeals adequate yearly progress and replaces it with a statewide accountability system.
- Includes the use of multiple measures in school performance.
- Maintains annual reporting of data disaggregate by subgroups of children including students with disabilities.
- Maintains with some modifications provisions for a cap of 1% of students with the most significant cognitive disabilities who can take the alternate assessment aligned to the alternate academic achievements standards.
- Helps states to improve low performing schools (bottom of 5% of schools). Actions will be determined locally not federally.
- Authorizes the use of federal funds for states and local school districts to conduct audits of state and local assessment systems to eliminate assessments that do not contribute to student learning.

Standards

- Ensures States are able to choose their challenging academic standards in reading and math aligned to higher education in the state without interference from the federal government. The federal government may not mandate or incentivize states to adapt or maintain any particular set of standards, including Common Core.

Funding

- Provides $15+ billion a year to states in formula funding, as well as additional funds through competitive grants.
- Maintains maintenance of effort and supplement not supplant, with additional flexibility for States and local school districts.
Choice for Parents

- Improves the Charter Schools Program by investing in new charter school models, as well as allowing for the replication and expansion of high quality charter school models.

Early Childhood

- Authorizes the Preschool Development Grants program. This competitive grant program will use existing funding to support states that propose to improve coordination, quality and access for early childhood education and will be administered by the U.S. Department of Health and Human Services with the Department of Education.

Teacher Effectiveness

- Eliminates highly qualified.
- Eliminates federally mandated teacher evaluation system.
- Includes an option to transfer unlimited amounts of professional development funds out of Title II.
- Encourages states and local school districts to develop teacher and principal residency and induction programs, support teachers and principals through professional learning and growth systems and leadership opportunities.
- Provides for the allowable use of funds for establishing or expanding teacher preparation academies.

Portability

- Rejects “portability” provisions that would have allowed states to shift federal funds away from schools that need them most.

Vouchers

- Rejects vouchers.

Pay for Success

- Adds a pay for success initiative that is defined as a performance – based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector.

Mental Health

- Requires consultation with school psychologists and other specialized instructional personnel in the development of state and local plans.
• Recognizes school–based mental health services as an evidence–based whole–school improvement and targeted intervention strategy.
• Authorizes significant investments for states and districts to implement: comprehensive school mental health services, efforts to improve school climate and school safety, strategies to reduce bullying and harassment, and activities to improve collaboration between school, family and the community.

Gifted and Talented

• Authorizes the Javits Gifted and Talented Students Education Act supporting high ability learners and learning.
• Includes strong provisions for the disaggregation of student achievement data by subgroup at each achievement level on state and local report cards.
• Provides options to include the identification of and service to students with gifts and talents in local education agency plans.
• Provides options to include professional development plans for gifted and talented educators in Title II.

Children with Disabilities

• Ensures access to the general education curriculum.
• Ensures access to accommodations on assessments.
• Ensures concepts of Universal Design for Learning,
• Includes provisions that require local education agencies to provide evidence – based interventions in schools with consistently underperforming subgroups.
• Requires states in Title I plans to address how they will improve conditions for learning including reducing incidents of bullying and harassment in schools, overuse of discipline practices and reduce the use of aversive behavioral interventions (such as restraints and seclusion).