



## Every Student Succeeds Act - Overview

### Background

In December of 2015, President Obama signed into law the Every Student Succeeds Act (ESSA), a major rewrite of the chief federal law addressing K-12 education (previously called No Child Left Behind, or NCLB). The legislation passed with overwhelming bipartisan support in both the U.S. House (359-64) and U.S. Senate (85-12). Waivers under NCLB will be in effect until August 2016, with 2016-17 serving as the major transition year until new ESSA plans take effect. The following is an overview of the main provisions in ESSA:

### Proficiency Goals

- Eliminates proficiency expectations under No Child Left Behind and the menu of goals required under waivers; states pick their own big long-term goal and smaller interim goals for student achievement. Goals must address proficiency on tests, English language proficiency, graduation rates, and closing gaps.

### Assessments/Accountability

- States will still be required to test students in reading and math in grades 3 through 8 and once in high school (9-12 instead of 10-12), and break out the data for subgroups of students (English learners, students of color, students living in poverty, and students in special education). Beyond that, states will have wide discretion in setting goals, creating accountability systems, and deciding how to intervene in low-performing schools.
  - Academic indicators for elementary and middle school accountability must include state test proficiency, English language proficiency, and one other academic factor that can be disaggregated by subgroup (could be academic growth). In high school, graduation rates must be the third academic indicator.
  - States must incorporate factors in addition to tests in accountability. Options include the following: student engagement, educator engagement, access to and completion of advanced coursework, post-secondary readiness measures, and school climate/safety. Academic indicators are required to have “much greater weight” than the new non-traditional indicators.
  - The federal requirement for 95 percent participation rate in assessments is maintained and must be taken into account in accountability systems; local districts and states decide what should happen in schools that miss targets.
  - Up to seven states may apply to pilot local assessments.
- States and districts will have to use locally-developed, evidence-based interventions in the bottom 5 percent of schools and in schools where less than two-thirds of students graduate.
  - These schools must be identified at least once every three years.
  - States must flag for districts the schools where subgroups of students are struggling.
- States must submit accountability plans to the U.S. Department of Education (ED). ED will have 90 days to review (120 previously). States may request a hearing if their plan is turned down.



### **Interventions in Low-Performing Schools**

- Districts will work with teachers and school staff to develop an evidence-based plan to help kids who are falling behind; states will monitor turnaround. If a school founders for four years, states step in with an alternative plan.

### **Funding**

- School Improvement Grants (\$500 million under NCLB) are consolidated into the larger Title I pot. States may set aside up to 7 percent of Title I funds for turnarounds, up from 4 percent. These funds must flow to districts for innovation, either through a formula or a competition.
  - Portability of funds is not an option, but a pilot project will allow up to 50 districts to try out a weighted student funding formula where local, state and federal funds would be combined into a single pot that could follow a child to the school of his or her choice.
- “Maintenance of effort” in state funding is maintained as a requirement, but with new flexibility.
- A \$1.6 billion block grant consolidates programs, including some physical education, Advanced Placement, and education technology programs that have not been funded in years. Districts will have to spend at least 20 percent of their funding on one activity that helps students become well-rounded, and another 20 percent on at least one activity that helps kids be safe and healthy. Another portion of these monies must be spent on technology.
- Existing “Preschool Development Grants” are enshrined in law; the program will be housed at Health and Human Services and jointly administered by ED (programs like Head Start are already housed at HHS).
- Changes to Title II and other parts of the law will provide technical assistance to rural school districts when applying for competitive federal grants and clarify that rural school districts and BOCES can join together to submit a single application for funding under ESSA.

### **English Language Learners**

- Accountability for the performance of English learners shifts from Title III to Title I.
- States have two options for when to start testing ELLs:
  - Include test scores after they’ve been in the U.S. for one year (law under NCLB)
  - During their first year, test scores wouldn’t count towards accountability, but ELLs would need to take required English and math assessments and results would be reported publicly (under NCLB, only math required)

### **Limits on the Role of the Secretary of Education**

- Secretary of Education, or any other federal government agent, is prohibited from coercing or incentivizing states into adopting certain standards or assessments. All decisions regarding how and whether to evaluate teachers are left to the states.
- The Secretary of Education loses the ability to influence state education policies through conditional waivers or executive fiat.