

# Top 10 ESSA Changes

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## 10. The New Administration



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## The Trump Administration

Trump administration priority: Dismantling Obama-era policies, laws, and regulations

- ▶ January 20, 2017 – Memorandum for the Heads of Executive Departments and Agencies.
  - ▶ For any final regulation that has been published (federal register) but is not in effect - the effective date will be pushed back 60 days to allow time for review.
  - ▶ It encourages agencies to issue their own orders pushing back the effective date of these regulations.
  - ▶ No new regulations to OMB until reviewed by the incoming agency head.

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## The Trump Administration (cont.)

- ▶ **Regulations**
  - ▶ Can be overridden by new regulations
    - ▶ New regulations must go through reg notice/ comment process
  - ▶ Can be rescinded by Congress through Congressional Review Act
    - ▶ Allows Congress to pass joint resolution within 60 legislative days of publication of final regulations
    - ▶ Must be signed by President
    - ▶ Rescinds regulations and prohibits agency from ever issuing "substantially similar" regulations on that legislative language
  - ▶ **Prime target in education world: supplement, not supplant regulations**

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## ESSA Regulations

- ▶ **Final Academic Assessments**
  - ▶ Effective January 9, 2017
- ▶ **Final Innovative Assessment Demonstration Authority**
  - ▶ Effective January 9, 2017
- ▶ **Final Accountability and State Plans**
  - ▶ Effective January 30, 2017. **March 21, 2017**
- ▶ **Final Impact Aid**
  - ▶ Effective January 31, 2017. **April 1, 2017??**
- ▶ **Draft SNS Regulations**
  - ▶ Published in Federal Register on September 6, 2016
  - ▶ **Withdrawn by USDE on January 19, 2017**

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## ESSA Guidance

- ▶ Foster Care Guidance (6/23/16)
- ▶ Dear Colleague Letter re: Stakeholder Engagement (6/23/16)
- ▶ Homeless and Youth Programs (7/27/16)
- ▶ Title III, A English Learners (9/23/16)
- ▶ Using Evidence to Strengthen Education Investments (9/16/16)
- ▶ Dear Colleague Letter re: Tribal Consultation (9/26/16)
- ▶ Title II, A Teachers and School Leaders (9/27/16)
- ▶ Schoolwide Programs and Funding (9/29/16)

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ESSA Guidance (cont.)



- ▶ Early Learning Guidance (10/20/16)
- ▶ Title IV, A Student Support and Academic Enrichment (10/21/16)
- ▶ Fiscal Changes (including Equitable Services and SNS (11/21/16)
- ▶ State Assurance Template and Template for Consolidated State Plan (11/30/16)
- ▶ Consolidated State Plan Guidance (01/10/17)
- ▶ State and Local Report Cards (01/10/17)
- ▶ High School Graduation Rate (01/10/17)

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2. Alternate Assessments



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Alternate Assessments  
Sec. 1111(b)

- ▶ May adopt alternate standards and assessments for students with the most significant cognitive disabilities
  - ▶ Must be designated in the student's IEP
  - ▶ Must be aligned to State standards, promote access to general curriculum consistent with IDEA, ensure student is on track for postsecondary education or employment
    - ▶ Use professional judgment as to the highest possible standards that will be used for the student

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### Alternate Assessments (cont.) Sec. 1111(b)

- ▶ **(NEW)** 1% limitation on use of alternate assessments
  - ▶ Limit is at the State level
    - ▶ No limit at LEA level
      - ▶ Neither ED nor SEA can impose LEA-level cap
      - ▶ But LEAs are encouraged to stay below 1% threshold and must provide justification to SEA if they exceed it
  - ▶ All other alternate or modified assessments are prohibited

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### **FINAL** Alternate Assessments (cont.) 200.6(c)

A State must—

- I. **Not prohibit an LEA from assessing more than 1.0 percent** of its assessed students in a given subject;
- II. Require that an **LEA submit information justifying the need of an LEA to assess more than 1.0 percent** of its assessed students;
- III. Provide appropriate oversight; and
- IV. Make the information publicly available.

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### **FINAL** Waiver 200.6(c)

- ▶ If a State anticipates that it will exceed the cap the State may request that the Secretary waive the cap for the relevant subject(s).

Such request must—

- ▶ **Be submitted at least 90 days prior to the start of the State's first testing window;**
- ▶ Provide State-level data, from the current or previous school year, including:
  - ▶ % students assessed with alternate assessments;
  - ▶ That the state has 95% assessment participation;

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### 3. Family Engagement



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### Parent and Family Engagement Set-aside Sec. 1116(a)(3)

- ▶ The LEA shall reserve at least 1%
  - ▶ To assist schools carry out activities
  - ▶ For smaller LEAs, set-aside not required if 1% is less than \$5,000 (i.e. allocation is less than \$500,000)
  - ▶ May reserve more
- ▶ **(NEW)** 90% must go to schools, with priority to high-need schools
  - ▶ Previously 95%

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### Parent and Family Engagement Sec. 1116(a)(3)(D)

Use of Funds: Must perform at least one:

- ▶ Professional development re: parent and family engagement strategies;
- ▶ Reaching parents and family at home, in the community and at school;
- ▶ Disseminating info on best practices;
- ▶ Collaborating with others who have a record of success; and
- ▶ Activities consistent with LEA plan.

▶ There must be annual evaluations of content and effectiveness of the policy involving parents and family members

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### Parent and Family Engagement (cont.) Sec. 1116(a),(b) and (f)

- ▶ Accessibility – to the extent practicable – and opportunities for parents and family members, including:
  - ▶ parents and family members who have limited English proficiency.
  - ▶ parents and family members with disabilities, and
  - ▶ parents and family members of migratory children.

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### 4. SEA/LEA and School-level Expenditure Data



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### SEA/LEA Report Cards Sec. 1111(h)



- ▶ Must be prepared and disseminated every year at State and local levels
- ▶ Expanded list includes:
  - ▶ **(NEW)** Per-pupil expenditures for federal, State, and local funds
    - ▶ Must be actual expenditures
    - ▶ Disaggregated by source of funds
    - ▶ For each local educational agency and each school for the preceding fiscal year

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**FINAL** SEA/LEA Report Card Regulations 19

- ▶ Per-pupil Expenditures (200.35)
  - ▶ Must report for each LEA and for each school served by the LEA:
    - ▶ Current expenditures per pupil from Federal, State and local funds for the preceding fiscal year:
      - ▶ In the aggregate (in total, federal, state and local funds)
      - ▶ Disaggregated by source of funds
        - ▶ Federal v. State and local combined not including private funds
    - ▶ Uniform set of statewide procedures to calculate LEA-level and school-level current expenditures per pupil

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**FINAL** SEA/LEA Report Card Regulations (cont.) 20

- ▶ Per-pupil Expenditures (200.35)
  - ▶ Uniform set of statewide procedures to calculate LEA-level and school-level current expenditures per pupil
    - ▶ Numerator includes:
      - ▶ Admin, instruction, instructional support, student support services, pupil transportation, operation and maintenance, fixed charges, preschool, and net expenditures to cover deficits for food services & student body activities
      - ▶ But, not including: community services, capital outlay and debt service.
    - ▶ Denominator consists of the aggregate number of students in elementary and secondary schools whom the SEA and LEA provides a free public education on October 1

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**FINAL** SEA/LEA Report Card Regulations (cont.) 21

- ▶ State Report Card (200.30) and LEA Report Card (200.31)
  - ▶ Must consult with parents in designing report cards
  - ▶ (NEW) Make report cards available no later than December 31<sup>st</sup> but expenditure data may be as late as June 30<sup>th</sup> of the following school year.
    - ▶ (NEW) First Report Card Due – **December 31, 2018**
    - ▶ (NEW) Expenditure Data Due – **June 30, 2019**
    - ▶ (NEW) State or LEA may request a one-time, 1 year extension, if prove that SEA/LEA can not make the deadline
  - ▶ Charter Schools (200.30(a))
    - ▶ Must include performance of students in charter schools and under each chartering authority
  - ▶ Postsecondary Enrollment (200.36)
    - ▶ Report cards must include postsecondary enrollment data

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## 5. Equitable Services Set-aside



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## Expenditures/Proportionate Share (cont.) Sec. 1117(a)(4)

- ▶ (NEW) Proportionate Share must be calculated BEFORE any allowable expenditures or transfer by the LEA!
- ▶ (NEW) That set-aside includes:
  - Administrative costs for equitable services (reasonable and necessary out of this set-aside)
  - Parental Involvement (Proportionate amount of 1% Total Title I allocation)
  - Professional Development
  - All other activities for eligible private school students.
- ▶ Clarified in November Fiscal Guidance
- ▶ Must be discussed in consultation!

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## Expenditures/Proportionate Share Sec. 1117(a)(4)

(NEW) Proportionate Share Formula:

1. LEA determines the participating public attendance school areas.
2. LEA determines number of children from low-income families residing in each participating area who attend public and private schools.
3. LEA determines proportion of children in private schools.
4. LEA applies the private school proportion to the LEA's total Title I allocation to determine the equitable services proportionate shared.

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## 6. Emphasis on High Schools



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## High School Accountability Sec. 1111(b)-(c)

- ▶ **Academic Achievement**
  - For all public schools - based on long term goals that measure proficiency on statewide assessments in reading, language arts, math
    - ▶ May also include student growth (for high schools)
- ▶ **Graduation Rates**
  - For high schools - May include extended-year adjusted cohort graduation rate
- ▶ **School Quality**
  - **Student access to and completion of advanced coursework**
  - **Postsecondary readiness**
  - School climate and safety

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## Ranking and Serving Sec. 1113(a)(3)

- ▶ **Must Rank First and Serve**
  - ▶ Exceeding 75% poverty
    - ▶ Strictly by poverty
    - ▶ Without regard to grade span
    - ▶ **(NEW)** May include high schools 50% or above poverty.
- ▶ **Then Rank and Serve**
  - ▶ At or below 75% poverty
    - ▶ May rank by grade span

Serve *strictly* in order of rank!



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## NCLB v. ESSA % Ranking

NCLB School	Poverty Rate	# Poverty Students	ESSA School	Poverty Rate	# Poverty Students
Albemarle ES	92%	82	Albemarle ES	92%	82
Lincoln Middle	87%	90	Lincoln Middle	87%	90
Roosevelt ES	79%	40	Roosevelt ES	79%	40
Scott ES	74%	56	Washington High	70%	160
Washington High	70%	160	Brennan High	52%	92
Toshiba Charter ES	59%	119	Scott ES	74%	56
Key Middle	58%	47	Toshiba Charter ES	59%	119
Brennan High	52%	92	Key Middle	58%	47
Smith High	49%	15	Smith High	49%	15

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## High School Assessment Options

**Special Assessment Options**

- ▶ **(NEW)** May administer a nationally-recognized, locally-selected high school assessment so long as:
  - ▶ Aligned to State Standards equivalent to State Assessment, may be more difficult;
  - ▶ Provides comparable, valid and reliable data;
  - ▶ Provides unbiased, rational, and consistent differentiation between schools within the State; and
  - ▶ Meet the requirements for assessments.
- ▶ Must be approved by the State.
- ▶ If the LEA chooses to use, must use in all high schools.

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## High Schools Under ESSA

- ▶ LEA Plan must include how the LEA will coordinate academic and CTE content through instructional strategies which may include experiential learning or work-based learning opportunities, etc.
- ▶ Report cards must include postsecondary enrollment data (200.36)

*Career and technical education is integrated throughout ESSA!*

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## 7. Well Rounded Education



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## Well-Rounded Education Sec. 8101 (52)

~~“core academic subjects”~~

- English, reading or language arts, writing
- science, technology, engineering, mathematics, computer science,**
- foreign languages,
- civics and government,
- economics,
- arts, music
- history, geography,
- career and technical education,**
- health, physical education, and
- others as designated by State/LEA

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## 8. Comprehensive and Targeted Support and Improvement Schools



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**FINAL** Targeted Support and Improvement Regulations 200.19 37

▶ Two categories:

1. Schools with consistently underperforming subgroups (2019-2020)
  - ▶ Not on track to meet State's long-term goals
  - ▶ Performing at the lowest performance level on at least one indicator
  - ▶ Performing at or below a State-determined threshold
2. Each school with at least one low-performing subgroup of students (2018-2019)
  - ▶ Defined as a subgroup that is performing at or below the lowest 5% of Title I schools in comprehensive support and improvement.
  - ▶ If no improvement move to comprehensive support

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Comprehensive Support and Improvement 1111(c)(4)(D) 38

▶ (NEW) States must establish a methodology for identifying schools for comprehensive support that must include (2018-2019):

1. At least the lowest performing 5% Title I schools;
2. All public high schools in the State failing to graduate 1/3 or more of their students; and
3. Title I schools previously identified for targeted support and improvement that fail to improve

▶ State may add additional state-wide categories

▶ If no improvement = "more rigorous interventions"

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**FINAL** Resources to Support Continued Improvement 200.24 39

▶ Sec. 1003 Improvement funding

- ▶ Comprehensive support = min of \$500,000
- ▶ Targeted support = min of \$50,000

▶ (NEW) A State may determine less than min award is appropriate if based on enrollment, needs, etc. that a less amount is sufficient.

▶ If funds are insufficient to award funds to each LEA that submits an application (whether formula or competitive):

- ▶ Must award funds to LEAs serving comprehensive schools before targeted schools; and
- ▶ Must give priority to LEAs with the greatest need and the LEA that demonstrates the strongest commitment to improve student outcomes.

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## 9. Changes in Allocations



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## NCLB v. ESSA SEA Set-asides

<b>NCLB</b>	<b>ESSA</b>
▶ 1% SEA Administration	▶ 1% SEA Administration
▶ 4% School Improvement	▶ 7% School Improvement
	▶ 3% Direct Student Services (Optional)
▶ <b>Total = 5% off the top</b>	▶ <b>Total = 8-11% off the top</b>

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## School Improvement Funds Sec. 1003(b)-(d)

**(NEW) Mandatory:** SEA reserves 7% for School Improvement

- ▶ 95% for grants to LEAs
  - ▶ Formula or Competitive Basis
  - ▶ Subgrants are for no more than 4 years (may include planning year)
  - ▶ To implement comprehensive and targeted support and improvement activities.
  - ▶ Services may be provided directly by SEA with approval of the LEA

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## Direct Student Services Sec. 1003A

- ▶ **(NEW) Optional** 3% set-aside for Direct Student Services
  - ▶ 1% of that 3% for State Administration (1003A(a)(2))
  - ▶ Remainder subgranted to LEAs, with priority to LEAs with high percentage of schools identified for comprehensive or targeted support
  - ▶ To provide funds to schools identified under ESSA
  - ▶ Consultation with LEAs

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## 10. SNS Changes



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## Title I, A Supplement Not Supplant (SNS) Sec. 1118(b)(1)

Federal funds must be used to supplement and in no case supplant state, and local resources



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ESSA Title I, A SNS  
Sec. 1118(b)(2)

- ▶ (NEW) To demonstrate compliance, the LEA shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that the school receives all the State and local funds it would otherwise receive if it were not receiving Title I funds.
  - ▶ Similar to prior SW standard

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Title I, A SNS (cont.)  
Sec. 1118(b)(3) – (4)

- ▶ (NEW) No LEA shall be required to:
  - ▶ Identify individual costs or services as supplemental; or
  - ▶ Provide services through a particular instructional method or in a particular instructional setting to demonstrate compliance.
- ▶ (NEW) The Secretary may not prescribe the specific methodology a LEA uses to allocate State and local funds to each Title I school.

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**WITHDRAWN**

SNS Draft Regulations  
200.72(b)(1)(ii)

3 Methodology Options

1. Weighted Per Pupil Formula
  - ▶ Based on characteristics of students (i.e. poverty, Eis, SWDs, and others with educational disadvantage)
2. Distribution Based on Personnel and Non-Personnel Resources
  - ▶ Average districtwide salary for each category of school personnel (principals, librarians, school counselors, etc.)
    - ▶ Multiply by number of school personal
  - ▶ The average districtwide per-pupil expenditures for non-personnel
    - ▶ Multiply by the number of students in the school.

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**WITHDRAWN**

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SNS Draft Regulations (cont.)  
200.72(1)(1)(iii)

3 Methodology Options (con.t)

3. SEA-Established Compliance Test

- ▶ Test must be as rigorous as other approaches (and results in substantially similar amounts of funding)
- ▶ Must be approved through Federal peer review process
- ▶ SEA is not required to establish the test
- ▶ LEA is not required to use the test if established

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**WITHDRAWN**

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SNS Draft Regulations (cont.)  
200.72(b)(1)(iii)

Special Rule

An LEA may distribute State and local funds using any methodology that results in the LEA spending an amount of State and local funds per pupil in each title I school that is equal to or greater than the average amount of State and local funds spent per pupil in non-Title I schools.

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**WITHDRAWN**

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SNS Draft Regulations (cont.)  
200.72

- ▶ Annual Determination
- ▶ LEA must publish methodology in a format understandable to parents and the public
- ▶ 5% variation is permitted
- ▶ May be calculated districtwide or by grade span
  - ▶ Grade Spans with single school are exempt
- ▶ Schools with fewer than 100 students are excluded
- ▶ Single school LEAs are exempt
- ▶ Supplemental "Title I like funding" may be excluded

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**WITHDRAWN**

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SNS Draft Regulations (cont.)  
200.72(b) (2)

- ▶ Districtwide Expenditures
  - ▶ The LEA may exclude those funds
  - ▶ Provided each Title I School received a share of those activities equal to or greater than the share it would otherwise received if were not a Title I school, and
  - ▶ The LEA distributes to schools almost all of the State and local funds available to it for current expenditures.
    - ▶ Includes admin, summer school, preschool, personnel provided districtwide services, etc.
    - ▶ May not include personnel or non-personnel resources associated with an individual school.

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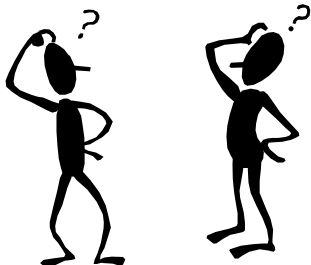
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**QUESTIONS?**



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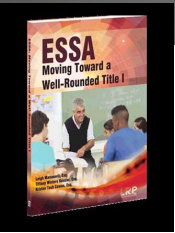
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- This book is a straightforward explanation of the new ESSA Title I requirements.
- Chapters start with a bulleted list of key changes to the ESEA!

**Only \$89.50!!**

▶ [http://www.shoplrp.com/product\\_p/300672.htm](http://www.shoplrp.com/product_p/300672.htm)

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