



The Every Student Succeeds Act (ESSA)

An Update on ESSA Implementation
December 2016

Review: The Five Big Themes of ESSA



1

Shifts authority over most education policy decisions from federal to state, but the shift is not absolute.

2

New state flexibility for school rating systems, goals and a system of school supports and interventions, but with limited federal guard rails.

3

Preserves annual assessment, but gives states an opportunity to audit, streamline and innovate.

4

Gives states greater flexibility to direct federal funds to state-determined priorities, but districts often have final say.

5

Eliminates the teacher evaluation system required under waivers, but states can choose to continue/refine their systems.



1

Uncertainty at the Federal level is creating uncertainty at the State level.

2

Implementation looks very different across states.

- *The SEA plays a large role; roles of the legislature/SBOE/Governor vary.*
- *Only some states will require legislation to make systems ESSA-compliant.*
- *Timelines vary greatly among states.*
- *Stakeholder engagement levels are diverse.*

3

Standards and Assessments

Standards appear stable in most states; resistance to assessments persists.

4

School Accountability

- *While some states are seeking to overhaul their systems, many want to stick with what's been working for them.*
- *The conversation is all about the "school quality indicator" at the expense of other important topics.*

5

Supports and Interventions

Biggest opportunity . . . and biggest challenge for states.

Comparing the Statute with Final Regulations: Accountability



Provision	ESSA Statute	Final Regulations
Plan Submission Deadlines	Accountability requirements go into effect in the 2017-18 school year.	State plans due April or September 2017.
Summative Ratings	States must annually “meaningfully differentiate” among schools.	<ul style="list-style-type: none"> States can use 3 categories (comprehensive, targeted, other) as summative determination. States with “consistently underperforming subgroup” must receive lower determination.
Accountability Indicators	States must establish and measure 4 required indicators annually.	States must include 3 levels of performance within each indicator.
School Quality Indicator	States must include an indicator of “school quality or student success”.	<ul style="list-style-type: none"> Indicator must be supported by research that high performance/improvement likely to increase student learning. Must be weighted such that performance on the indicator cannot get a school out of being identified.
Assessment Participation / Opt Out	States must test 95% of students and must factor that requirement into accountability system.	Provides states with non-exhaustive list of consequences including a “sufficiently rigorous” state-determined option.
Minimum N	States set their own minimum N.	If states set a minimum N greater than 30, they must show the impact of that decision.
Super Subgroups	States must hold schools accountable for the performance of all student subgroups.	Clarifies that states may not use “super subgroups” in place of individual subgroups.

Comparing the Statute with Final Regulations: Identification and Interventions

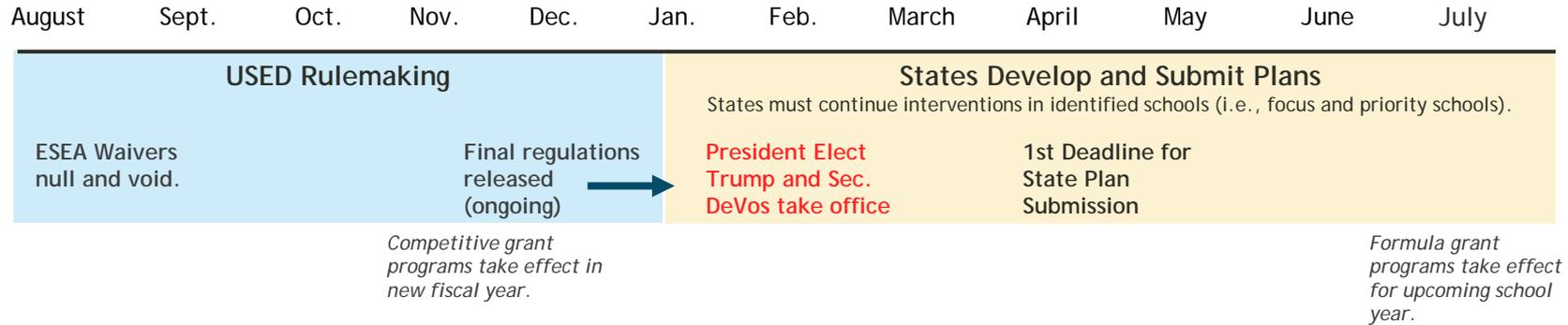


	ESSA Statute	Final Regulations
Timeline for Interventions	Accountability requirements go into effect in the 2017-18 school year.	States identify schools after 2017-18 school year; begin interventions in the 2018-2019 school year.
Identifying Comprehensive Support schools	States must identify for comprehensive support: bottom 5% of Title I schools plus high schools with grad rate less than 67%.	Requires that states use the 4-year grad rate when identifying schools with grad rate less than 67%.
Identifying Targeted Support schools	States must identify for targeted support schools with “consistently underperforming” subgroups as determined by the state.	Requires that states identify schools based on 2 years of data, but allows states to request longer timeframe.
State-approved Lists of Interventions	<ul style="list-style-type: none"> For comprehensive support schools, the district must develop a plan including evidenced-based interventions. Targeted support schools must develop plan including evidenced-based interventions. 	Requires that evidence-based interventions be selected from a state list of options, if the state has such a list.
Minimum School Improvement Grants	States must reserve 7 percent of Title I allocation to serve schools identified for Comprehensive or Targeted Support.	Requires that the state provide at least \$50,000 to each targeted support schools and at least \$500,000 to each comprehensive support school unless state can justify lesser amounts.

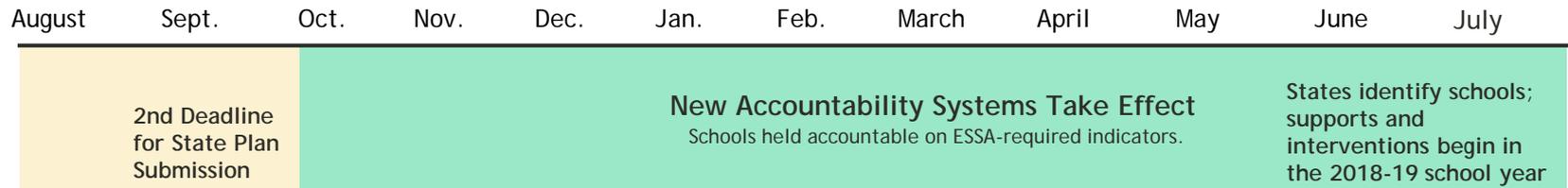
Updated Timeline



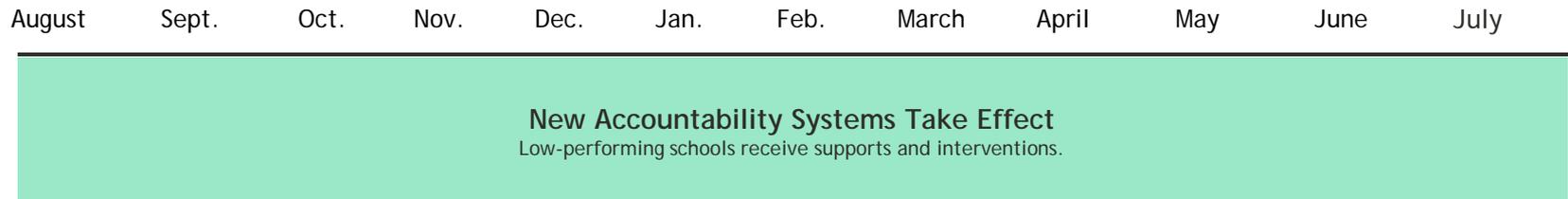
2016-17 School Year: Rulemaking and Transition



2017-18 School Year: New Systems in Place



2018-19 School Year: New Systems in Place; Interventions Begin



Remaining Uncertainties



Trump Administration

The new Administration could decide to:

Keep the Obama Administration's regulations in place and:

- A. Re-regulate on pieces of them
- B. Use informal tools to emphasize their priorities and not enforce others)

Rescind the final regulations:

- C. Start the regulatory process over from scratch
- D. Issue only a bare minimum of regulations

Congress

Congress could enact Congressional Review:

The **Congressional Review Act (CRA)** allows lawmakers 60 legislative days after a rule is issued to repeal it.

- Requires a simple majority in Congress plus presidential approval (or enough votes to override the veto).
- The CRA has been used successfully only once, by President Bush in 2001.
- Under the CRA, Congress must repeal each set of regulations in its entirety; Congress cannot repeal only select pieces of a set of regulation.

What Should States Do Right Now?



Key Points:

- States are likely to have more flexibility under the new Administration.
- Although the regulations are at risk, the ESSA legislation - and all its accountability requirements - are still very much in effect.
- States have experienced years of transitions, delays and pauses due to waivers, new accountability systems, new standards and new assessments.
 - States crave stability.
 - Our schools and teachers deserve consistency.
 - Our students languishing in low-performing schools need supports, interventions and high-quality choices as soon as possible.

Our Recommendation:

States should keep their heads down and continue to advance their vision of a state plan that institutes rigorous accountability systems, implements ambitious intervention plans and employs innovative policies and practices designed to help every child in their state succeed.



Thank You!

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