

#AQuESTT16

# What We Know and What We Think We Know About ESSA

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# Elementary and Secondary Education Act (ESEA)

- Current authorization is called “No Child Left Behind” (NCLB)
  - Signed into law on January 8, 2002
  - **For the most part remains in effect through 2016-17 school year**
- Most grants are awarded to SEA (State Educational Agency or NDE) and then subgrants made to LEAs (Local Education Agencies)
  - 1 formula grant to LEA (Local Education Agency or District)
    - REAP SRSA (Rural Education Achievement Program Small Rural School Achievement Achievement)



# Elementary and Secondary Education Act (ESEA)

- Every Student Succeeds Act (ESSA) signed into law December 10, 2015
  - Acknowledges that states and local educators are better situated than federal officials to determine how to improve our schools.
- Many details regarding regulations and implementation are still uncertain.
- 2016-17 will be a transition year
- 2017-18 full implementation

# ESEA – Conditions of Funding

## NCLB (No Child Left Behind)

- The State must implement
  - Rigorous Academic Standards
    - Reading/Language Arts, Math, & Science
  - High Performance Levels
    - Below Basic, Basic, and Advanced (on NeSA)
    - State Goals
      - 100% by 2013-14
  - Other Academic Indicator
    - Graduation Rates
    - Writing at grades 4 & 8
  - Goal of 100% proficiency by 2014

## ESSA (Every Student Succeeds Act)

- The state must have an accountability system that addresses
  - Proficiency on tests
  - A measure of student growth
  - English-language proficiency
  - Graduation rates, and
  - Another indicator (e.g. school quality or success, students' opportunity to learn and post-secondary readiness) that can be disaggregated
    - Thought to keep in mind, "Does this help us achieve the goal of equity?"
  - 95% participation rate is a stand-alone factor
- It will be up to states to decide how much individual indicators count
  - Academic indicators (tests, graduation rates, etc.) will have to count much more as a group than the other academic indicator



# Time and Effort Reporting

- Every employee paid with Federal funds **MUST** complete Time and Effort Logs
  - Semi-annual
    - Single cost objective or set schedule
  - Monthly
    - Multiple cost objectives
- Sample Time and Effort forms available at <https://www.education.ne.gov/federalprograms/TimeandEffortLog.html>



# Transition from NCLB to ESSA

- Each state and its LEAs must administer 2016-17 Title I formula funds in accordance with NCLB requirements as they existed in 2015-16, unless otherwise noted by USDE
- AYP calculations are **NOT** required for schools and LEAs based on 2014-15, 2015-16, or 2016-17 assessment results; **although State and Local report cards are still required**
- Any school or district that was identified for Needs Improvement in 2015-16 is required to implement the same interventions in 2016-17. Nebraska will **NOT** require Supplemental Educational Services (SES), **new** Public School Choice (PSC), or parental notice requirements during the 2016-17 school year.



# 1. What NCLB Requirements Are Different for 2016-17?

- State/Districts do NOT need to report performance against Annual Measurable Objectives (AMOs).
  - Accountability determinations are frozen based on most recent AYP calculations.
  - LEAs must continue to implement corresponding supports and interventions for 2016-17.
  - Notice to parents regarding Needs Improvement identification is not required.



## 2. What NCLB Requirements Are Different for 2016-17?

- Section 1119 of ESEA, as amended by NCLB, highly qualified teacher requirements and use of funds to support compliance with the highly qualified teacher requirements disappears after the 2015-16 school year.
- **Title I paraprofessional requirements remain in place.**





## ESSA/NCLB Qualified Teacher Requirements

The Every Student Succeeds Act (ESSA) has eliminated the 'highly qualified teacher' requirements; therefore, the 2015-16 school year will be the last year for verification of NCLB Qualified Status. This means that, beginning with the 2016-17 school year, processes related to being designated as NCLB Qualified will no longer be required, including HOUSSE application forms and Praxis II EECIA (Elementary Education: Curriculum, Instruction and Assessment) test requirements for new-to-the-profession elementary special education and early childhood teachers.

Effective 9/1/15, most new endorsements placed on a teaching certificate require a Praxis II Subject assessment. <https://www.education.ne.gov/EducatorPrep/IHE/SkillsTesting/ContentTestScores.pdf>

ESSA continues the paraprofessional requirements as required by NCLB. The U.S. Department of Education guidance is that the para requirements will remain in effect AT LEAST through the 2016-17 school year.

Questions regarding ESSA/NCLB Qualified Teacher requirements: Pat Madsen, NDE, 402-471-4863, [pat.madsen@nebraska.gov](mailto:pat.madsen@nebraska.gov), or for Special Education specific questions, Adria Bace, NDE, 402-471-4312, [adria.bace@nebraska.gov](mailto:adria.bace@nebraska.gov). Questions regarding the ESSA/NCLB Paraprofessional requirements: Beth Wooster, NDE, 402-471-2452, [beth.wooster@nebraska.gov](mailto:beth.wooster@nebraska.gov).



### 3. What NCLB Requirements Are Different for 2016-17?

- Schools no longer required to provide notice to parents related to highly qualified status of their child's teacher.
  - NOTE: LEA still required to notify parents that they may request and the LEA will provide information regarding professional qualifications of the student's teachers and paraprofessionals



## 4. What NCLB Requirements Are Different for 2016-17?

- States are not required to make new Title III accountability determinations based on AMAOs (Annual Measurable Achievement Objectives) for English Language Learners.
  - Accountability determinations are frozen based on most recent AMAO calculations.
  - LEAs must continue to implement corresponding supports and interventions for 2016-17.
  - Notice to parents regarding the identification will not be required.



# 5. What NCLB Requirements Are Different for 2016-17?

- Providing Supplemental Educational Services (SES) for schools in Year 2 or more of Needs Improvement is **OPTIONAL**, but **NOT REQUIRED**.
  - If SES not provided, LEA must include in its Title I Accountability application, an explanation of alternative supports and improvement activities in place to improve student outcomes.

## 6. What NCLB Requirements Are Different for 2016-17?

- “New” Public School Choice is not required.
  - Students who previously transferred to another public school under NCLB must be allowed to remain in that school until the child has completed the highest grade in that school. The LEA must continue providing or paying for the provision of transportation.

# 1. What Stays the Same for 2016-17?

- Requirement for State assessments in grades 3-8 and once in high school remains in place.
- Title I & Title III Needs Improvement identification (frozen at 2015-16 level) and interventions continue.
- Title I Accountability funds for LEAs having schools identified for Needs Improvement (frozen at 2015-16 level) will be available.
  - Simplified Accountability application will be in place to access funds.
    - **District** NI information will be entered on the **NCLB Consolidated Application**.
    - **School** NI information will be entered on the **Accountability Application**.





## 2. What Stays the Same for 2016-17?

- Equitable services for nonpublic schools continues as before.
- Equitable Access to Excellent Educators (Educator Equity Plan) remains in place.
  - Ensures that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.



# 3. What Stays the Same for 2016-17?

- Must continue to publish State and Local Report Cards.
  - Same requirements as before UNLESS specifically identified by USDE.
  - Must continue to include each LEA's student achievement on State assessments compared to students and subgroups of students in the State as a whole.

# 4. What Stays the Same for 2016-17?

## State and LEA Report Cards cont.

- At the school level, the LEA must include a school's student achievement on State assessments compared to students and subgroups of students in the LEA and in the State as a whole.
- LEAs must continue to report the most recent LEA Needs Improvement statuses (frozen at 2015-16 level).
- Cohort graduation rates must be included on Report Card.

# 5. What Stays the Same for 2016-17?

- LEAs are required to provide notice to the parent/guardian of a student identified as an English Learner within 30 days of the start of the school year (or for students identified later in the school year, within two weeks).
  - Must include the reason for identification, parents' rights, and other important information.

# 6. What Stays the Same for 2016-17?

- Funding formulas remain the same for:
  - Title I-A (Educationally Disadvantaged)
  - Title I-C (Migrant)
  - Title I-D (Delinquent)
  - Title II-A (Improving Teacher Quality)
  - Title III (LEP & IE)
  - Title IV-B (21<sup>st</sup> CCLC)
  - Title X-C (Homeless)



# What's New for 2016-17?





# Foster Children and Title I (1)

- New provisions in Title I-A promote educational stability for children in foster care
- **Provisions take effect on December 10, 2016**
  - Intended to minimize disruptions for children in foster care.
  - Requires SEAs and LEAs to collaborate with child welfare agencies to ensure educational stability for children in foster care.
  - A child in foster care will remain in the child's school of origin, unless a determination is made that it is not in the child's best interest to remain in that school.
  - If a determination is made that it is not in the best interest of the child to remain in school of origin, the child will be immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment.

# Foster Children and Title I (2)

- An LEA that receives Title I funds must develop and implement clear written procedures, in collaboration with the State or local child welfare agency, governing how transportation to maintain children in foster care in their school of origin, when in their best interest, will be provided, arranged, and funded for the duration of a child's time in foster care.
- LEA must designate a point of contact (POC) regarding children in foster care.

# Foster Children and Title I (3)

- SEC 1112(c)(5)(B) states that LEAs must begin implementing the requirements regarding transportation for students in foster care by **December 10, 2016** (one year after the enactment of ESSA).
- USDE Non-Regulatory Guidance and Dear Colleague Letters:  
<http://www2.ed.gov/about/inits/ed/foster-care/index.html>



# **Beginning in the 2017-18 School Year...**



# Allocation Changes: Could Potentially Change Funding Levels

- There are many factors that affect how much ESSA money an SEA, LEA or school receives, such as:
  - Eliminated programs (e.g. SIG eliminated)
  - Federal formulas (e.g. Sec. 1003 school improvement increase, changes to Title II formula for states)
  - Reservation options (e.g. SEAs can choose to reserve Title I funds for ‘direct student services’, which if exercised, means less money to distribute through regular Title I formula)
  - Mandatory set-asides (e.g. changes to private school share → Title II-A)



# New Title I Program Options that Impact Spending

- ESSA incorporates the concept of a “well-rounded education” into Title I (both SW and TAS models).  
(Sec. 1114(b)(7), 1115(b)(2))
- Well-rounded education means:  
Courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience. (Sec. 8101(52))





# New Title I Program Options that Impact Spending (cont.)

- Title I strategies can include:
  - Career and technical education (e.g. Sec. 1114(b)(7))
  - Dual or concurrent enrollment programs (Sec. 1114(e), 1115(f))
  - Non-instructional supports like counseling and mental health programs, mentoring services, behavioral supports, etc. (primarily in schoolwide (Sec. 1114(b)(7)), but TAS options as well (Sec. 1115(b)(2)(B)(ii) & (e)(2)))
  - Advanced coursework (Sec. 1114(b)(7), 1115(b)(2)(G))
  - Supports for teachers (Sec. 1114(b)(7), 1115(b)(2)(D))



# Example:

## Title I Ranking and Serving

- ESSA makes it easier for secondary schools to access Title I funds:
  - LEAs can choose to serve high schools with more than 50% poverty before certain higher poverty elementary and middle schools (those with poverty between 75%-50% poverty). (Sec. 1113(a)(3)(B))
  - LEAs can choose to measure poverty in secondary schools based on the poverty levels of the elementary schools that feed into them. (Sec. 1113(a)(5)(B))
    - A majority of secondary schools in an LEA must approve this option. (Sec. 1113(a)(5)(C))
  - Allocations for equitable service for nonpublic schools are determined BEFORE set-asides.

# New Spending Options: Title II

- For LEAs (list not exhaustive):
  - Recruiting and retaining teachers
  - Reducing class size to **evidence-based** levels
  - **Evidence-based** personalized professional development
  - Training in recognizing trauma, mental illness and child sexual abuse
  - Training to support the identification of gifted and talented students
  - Developing feedback mechanisms
  - Professional development on integrated academics and career and technical education

# Example:

## Title II State Formula

- ESSA changes the formula for distributing funds.
- “Hold harmless” that guaranteed certain amount phased out between 2017-2022. (Sec. 2101(b)(1))
- Gradual shift in weights for population (# of 5-17 year olds) versus poverty (# of low-income 5-17 year olds). (Sec. 2101(b)(2))
  - Now, states generate 35% based on population and 65% based on poverty.
  - The percentages shift between 2018 and 2020 until it is 20% based on population and 80% based on poverty.
- Congressional Research Service (CRS) projections of impact:  
<https://assets.documentcloud.org/documents/2644885/ESEA-Title-II-a-State-Grants-Under-Pre.pdf>



# Example: Title II Local Formula

- SEA to LEA allocation rules change.
- No “hold harmless.” (Sec. 2102(a)(2))
- LEAs will generate Title II:
  - 20% based on number of 5-17 year olds;
  - 80% based on number of low-income 5-17 year olds.
- Also, equitable services for nonpublic schools is no longer limited to Title II money spent on professional development. (Sec. 8501(b))



# Teachers



- Student test scores are not required in teacher evaluation systems.
- “Highly Qualified Teachers” defined under NCLB is gone.
- Keep in mind:
  - NCLB rules are in effect through 2016-17.
  - Teachers still need to be endorsed and follow Nebraska’s Rule 10 requirements.





# Equitable Access to Excellent Educators

- State developed plans to ensure that poor minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers remain in effect for the 2015-16 and 2016-17 school years.
- Nebraska Educator Equity Plan is available at <http://www.education.ne.gov/federalprograms/Documents/Main%20Page/Nebraska%20Educator%20Equity%20Plan%20%20REVISIONS%208%204%2015.pdf>.

# English Learners (ELs)

- Accountability moves from Title III to Title I.
  - This was an intentional move.
  - The idea is to make accountability for those students a priority.
  - States can include English-learners' test scores after they have been in the country a year (same as NCLB).
  - During the first year, test scores won't count toward a school's rating, but ELs will need to take both reading and math assessments, and have the results publicly reported.
  - In the second year, the state has to incorporate ELs results for both reading and math, using some measure of growth.
  - In the third year in the country, the proficiency scores of newly arrived ELs will be treated just like any other students'.
  - There is a switch in the focus on district-level accountability to school-level accountability as part of the new law.

A red stamp with the word "NEW!" in white, slanted, and outlined in black.

# Title IV: Student Support and Academic Enrichment Grants

- Formula grants to states and LEAs based on share of Title I-A.
  - \$2,425,000 is Nebraska's estimated allocation for 2017-18.
- LEAs receiving \$30,000 or more must
  - conduct comprehensive needs assessments every 3 years
  - Spend at least 20% to support at least one “well-rounded educational opportunities” activity; and
  - At least 20% on “safe and healthy students” activity.
  - A portion of the funds may be used to support effective use of technology.
- Minimum subgrant of \$10,000.

# Spending Options: Title IV

- Well-rounded Education
  - College and career counseling, music and arts, STEM, accelerated learning, history, foreign language, environmental education, promoting volunteerism, etc.
- Safety and Health
  - Drug and violence prevention, school-based mental health services, healthy/active lifestyle, preventing bullying and harassment, mentoring and school counseling, school dropout and reentry programs, schoolwide PBIS
- Effective Use of Technology
  - Professional learning tools for school personnel, capacity and infrastructure, delivering specialized or rigorous courses through technology, blended learning, professional development on tech in STEM, providing high-quality digital learning experiences to students in rural/remote/underserved areas, etc.

# Assessments

- State tests in reading and math in grades 3 through 8 and once in high school
- Science assessment once in grades 3-5, 6-8, and 9-12
- Disaggregate data
- 95% participation rates
- “Super subgroups” not allowed
- Alternate Assessments for students with significant cognitive disabilities and based on alternate achievement standards
  - **Only 1% of students overall can be given alternative tests**
- Permits states to include assessments that measure student academic growth and assessments to be partially delivered in the form of portfolios, projects, or extended performance tasks. States have the discretion to administer a single summative assessment or multiple, statewide interim assessments during the course of the academic year, which result in a single, summative score that provides valid, reliable, and transparent information on student achievement or growth. **Nebraska will determine...stay tuned.**
- The law authorizes states to permit LEAs to implement locally selected high school assessments if certain criteria are met.
  - A State must determine that such assessments meet the same technical criteria as the state test and meets ED’s peer review criteria

# Accountability

## NCLB

- Public reporting of student results and participation rates in Reading, Math, Science, and the Other Academic Indicator
  - Disaggregated by subgroups
- Adequate Yearly Progress (AYP)
  - Reporting the progress of each district, school, and subgroup toward meeting the State AYP goals
  - Needs Improvement requirements apply to Title I schools that do not make AYP for 2 consecutive years in the same subject (participation or performance)
  - Applies to all schools and districts in the State but consequences for not meeting AYP only apply to Title I schools
  - Identified for Needs Improvement if do not make AYP for two consecutive years in same subject
    - Building level
    - District level – Elementary, MS, & HS
  - Interventions escalate
    - Public School Choice
    - Supplemental Educational Services
    - Corrective Action
    - Restructuring

## ESSA

- Public reporting of student results and participation rates
  - Disaggregated by subgroups
- Any school with a subgroup of students that is consistently underperforming based on all of the indicators in the state accountability system is identified by the state for targeted intervention and support.
  - State must identify these schools annually
  - Schools with a low-performing subgroup must implement evidence-based, locally-determined targeted intervention
  - A school with a subgroup performing at the level of the lowest-performing 5% of all Title I-receiving schools must identify resource inequities to address through the implementation of its improvement plan



# Intervening in Low Performing Schools

## NCLB: Persistently Low Achieving Schools (PLAS)

- TIER I
  - The 5 or 5% (whichever is greater) of the lowest-achieving Title I schools identified for Needs Improvement; plus
  - Any secondary school with a graduation rate <75% over the three most recent years and that was not identified in the 5 or 5%.
- TIER II
  - The 5 or 5% (whichever is greater) of the lowest ranked secondary schools where the “all students” group meets the minimum n-size (30) for AYP that are eligible for, but do not receive Title I funds; plus
  - Any secondary school that is eligible for, but does not receive, Title I funds that has a graduation rate <75% over the three most recent years and was not identified as one of the 5 or 5% (whichever is greater) of the lowest ranked secondary schools.
- TIER III
  - Any Title I school identified to be in Needs Improvement that is not a Tier I School; and
  - Any school that is ranked as low as the Tier I and Tier II schools, but has no groups of at least 30 students.
- PLAS Schools eligible to apply for SIG.
  - Must implement plan using prescribed model.
- Title I Accountability funds...
  - Focus on area that caused NI identification

## ESSA: Two Levels of Intervention

- **Targeted:** LEA-directed interventions
  - Schools having underperforming subgroups must plan and implement targeted supports for the relevant subgroup whether the school receives Title I funding or not.
  - School must develop improvement plan.
  - If subgroups fail to improve within state determined number of years, State steps in.
- **Comprehensive:** State-directed interventions
  - States have to identify and intervene in the bottom 5% of performers.
  - States have to intervene in high schools where the graduation rate is 67% or less.
  - States, with districts, have to identify schools where subgroups of students are struggling.



# Funding for Interventions

## NCLB - PLAS / School Improvement Grant (SIG) Funding

- Originally funded under ARRA (American Recovery and Reinvestment Act).
  - FY2009 funds
    - Awarded \$12,223,759
- Now funded through ESEA, Title I, Section 1003(g).
- Minimum of \$50,000 per year per school.
- Maximum of \$2million for grant period (3-5 years).
- Models of reform
  - Restart
  - School Closure
  - Turnaround – Replace the principal and half the staff
  - Transformation – Replace the principal
  - Evidence-Based Whole-School Reform Model
  - Early Learning Model
  - State-Determined School Improvement Intervention Model (NA in Nebraska)

## ESSA - Reservation of Title I Funds

- States are required to set aside up to 7% of its Title I funds to provide support in underperforming schools.
  - How these funds will be distributed has not been determined (i.e. formula or competitive grants)



# Will There Be Any More SIG Funding?

- The competition for FY2015 & FY2016 funds is in progress—this is the final competition for SIG as we know it.
  - First round of applications were due June 15, 2016.
  - Second round of applications are due September 1, 2016.
- Approximately \$4.8 million available.
- The State Board approved grants at the June, 2016 Board meeting.

# Annual Report Card for the State, Districts, & Schools

## NCLB

- State of the Schools Report (SOSR)  
<http://www.education.ne.gov/documents/SOSR.html>
  - Assessment Results
  - Accountability – Federal (AYP) and NePAS (Nebraska Performance Accountability System)
  - Statistics
  - Analysis (comparison) tools
  - Printed Reports
  - Data Downloads
  - Highly Mobile students
    - State and district level
  - Cohort Four-year Graduation Rates
    - Began using this method of calculating graduation rates for in 2011
    - All high schools including subgroups
    - Nebraska is lagging graduation rates
      - For AYP purposes 5- and 6-year cohorts

## ESSA

- A clear, concise description of the state's accountability system
- Student achievement on state assessments compared to students and subgroups of students in the State as a whole
  - Include information on performance of homeless, foster, and military-connected students
- The minimum number of students the State determines are necessary to be included in each of the subgroups of students for use in the accountability system (N-size)
- The long-term goals and measurements of interim progress for all students and for each subgroup of students
- The indicators used to meaningfully differentiate all public schools in the State
- The number and names of all public schools identified for comprehensive support and improvement or implementing support and improvement plans
- Performance on the other academic indicator
- High school graduation rates
- Information on the number & percentage of ELs achieving English language proficiency
- Indicators of school quality or student success as defined in the accountability system
- The professional qualifications of teachers in the State (disaggregated by high & low-poverty schools)
- Per pupil expenditure of federal, State, and local funds

# A Good Fit?



- Nebraska believes that ESSA is a good fit with AQuESTT (A Quality Education System for Today and Tomorrow) and vice versa
- The minimum requirements of ESSA fit within the framework of AQuESTT

# Every Student Every Day...







# What's Next?

- NDE will be convening stakeholder input sessions.
- NDE will share information regarding ESSA in the following ways:
  - NDE Bulletin
  - Title I Listserv emails
  - COP Listserv emails
  - Webinars, if appropriate
  - Federal Programs/Title I websites

# ESSA Resources

- ESEA as amended by ESSA  
<http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>
- ED ESSA webpage <http://www.ed.gov/essa>
- ED Guidance on transition timelines:
  - FAQs (6/29/16)  
<http://www2.ed.gov/policy/elsec/leg/essa/essafaqstransition62916.pdf>
  - Dear Colleague Letter (1/28/16)  
<http://www2.ed.gov/policy/elsec/leg/essa/transitionsy1617-dcl.pdf>
  - Other ESSA resources  
<http://www2.ed.gov/policy/elsec/leg/essa/index.html>





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Thank you.

