



THE WASHINGTON STATE BOARD OF EDUCATION

A high-quality education system that prepares all students for college, career, and life.

Title:	Every Student Succeeds Act	
As Related To:	<input checked="" type="checkbox"/> Goal One: Develop and support policies to close the achievement and opportunity gaps. <input checked="" type="checkbox"/> Goal Two: Develop comprehensive accountability, recognition, and supports for students, schools, and districts.	<input checked="" type="checkbox"/> Goal Three: Ensure that every student has the opportunity to meet career and college ready standards. <input checked="" type="checkbox"/> Goal Four: Provide effective oversight of the K-12 system. <input type="checkbox"/> Other
Relevant To Board Roles:	<input checked="" type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input checked="" type="checkbox"/> Advocacy	<input checked="" type="checkbox"/> Communication <input checked="" type="checkbox"/> Convening and Facilitating
Policy Considerations / Key Questions:	<ol style="list-style-type: none"> 1. What are some of the major changes in the reauthorized Elementary and Secondary Education Act from ESEA under the prior authorization, particularly with regard to school accountability and improvement? 2. What are some initial steps for the state in implementation of the law? 3. How does the ESSA affect implementation of the SBE Strategic Plan? 	
Possible Board Action:	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Approve	<input type="checkbox"/> Adopt <input type="checkbox"/> Other
Materials Included in Packet:	<input checked="" type="checkbox"/> Memo <input checked="" type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
Synopsis:	<p>Ms. Sarah Bolton, Education Policy Director for U.S. Senator Patty Murray on the Senate Health, Education, Labor and Pensions Committee, will make a presentation on the Every Student Succeeds Act. Ms Bolton’s presentation will be followed by a panel discussion of the act and its policy implications for Washington. Participants will be:</p> <ul style="list-style-type: none"> • Mr. Gil Mendoza, Deputy Superintendent, Office of the Superintendent of Public Instruction • Mr. Alan Burke, Executive Director, Washington State School Directors Association • Mr. Bill Keim, Executive Director, Washington Association of School Administrators • Mr. Scott Seaman, Director of High School Programs, Association of Washington School Principals • Ms. Sally McNair, National/State Education Policy Coordinator, Washington Education Association • Ms. Bolton 	



EVERY STUDENT SUCCEEDS ACT

Policy Considerations

On December 10, 2015, President Obama signed S. 1177, titled the Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act for the first time since enactment of the No Child Left Behind Act in January 2002.

The Every Student Succeeds Act retains the same annual testing requirements for schools and districts receiving federal Title I funds as under NCLB, and requires even more extensive reporting of school and student results than under NCLB. In a major departure from both NCLB and the flexibility waivers from that law granted to many states, ESSA gives much more authority to states on academic standards, assessments, and interventions, while the limiting the authority of the Secretary of the U.S. Department of Education (USED) in these and other areas.

First Steps for Implementation

The effective dates of the act are staggered over the next year and half. The key sections related to school accountability systems and school improvement first take effect for the 2017-18 school year. 2016-17 is a transition year, in which the Secretary must “take such steps as are necessary to provide for the orderly transition” from the prior law to the new. The sections related to non-competitive (formula-based) funding programs and competitive programs take effect on July 1, 2016 and October 1, respectively. ESEA flexibility waivers are terminated on August 1, 2016.

Each state educational agency (SEA), with participation of a wide range of stakeholders, organizations, and the public, must develop a State Plan explaining how the state’s efforts meet the goals and requirements of Title I of the ESSA. The State Plan will be subject to a peer-review process prior to plan approval by the Secretary, which must occur unless the Secretary presents research showing the plan does not meet requirements.

Since the day it seemed certain the compromise agreement between House and Senate was on its way to the President’s desk, staff to the Superintendent of Public Instruction, the State Board of Education, and education leaders and professionals across the state have been reading, discussing and analyzing the 1,059-page legislation. It is likely to take some time before the ESSA is understood, in all its complexity, outstanding questions are answered, and state and local responsibilities under the act become clear. At this time we can outline some, if by no means all, initial steps for our own SEA, the Office of Superintendent of Public Instruction, and the SBE in implementation of the act.

- Statutory and Rules review – What state laws, OSPI rules and SBE rules must, should or might be amended, depending both on the provisions of the new federal law and the policy directions the state might follow?
- Committee of Practitioners – The ESSA requires the SEA to involve a Committee of Practitioners, with members representing schools, school districts, education organizations, and others to develop and monitor the plan.
- Public Outreach – What efforts might be made to inform school and district personnel, state legislators, news media, advocacy organizations, parents, and the public about the requirements of the act, the changes from NCLB, and progress in development of the state plan?

- Regulatory Guidance – What guidance and other regulatory action will be coming from the U.S. Department of Education to help both state and local educational agencies through matters that may have been left unclear by the law, given the stringent restrictions in the act on the regulatory authority of the Secretary?

On December 18, the Department issued a letter of initial guidance to chief state school officers to support their efforts in preparing for the transition to the new law. The letter states, among other things, that USED will not require states to submit Annual Measurable Objectives (AMO's) in January 2016, or require them to report performance against AMO's for the 2014-15 or 2015-16 school years. Consistent with both prior and new law, however, states must continue to publish school report cards for the 2015-16 school year and beyond.

A second [letter](#), dated December 22, reminds states that assessment requirements under the No Child Left Behind Act remain in place for the 2015-16 school year, and that the ESEA as reauthorized by the Every Student Succeeds Act has similar requirements. States continue to be required to assess at least 95 percent of students in the “all students” group and individual ESEA subgroups statewide, the Department said. States with participation rates below 95 percent in the 2014-15 school year that also fail to assess at least 95 percent of its students on the statewide assessment in the 2015-16 school year will be subject to sanctions, including possible loss of some federal funds.

SBE Letter to Congressional Delegation

On March 16, 2015, the SBE sent a letter to Washington's U.S. Senators and House members urging the state's federal lawmakers to support reauthorization of the Elementary and Secondary Education Act by the end of this year. A copy of that letter, signed by Chair Munoz-Colon, is included in your packet. The letter outlined seven recommendations from the SBE for reauthorization. Those recommendations were:

- Protect and improve data collection and reporting;
- Maintain annual academic assessments;
- Require career- and college-ready standards;
- Provide for strong accountability while increasing state flexibility;
- Ensure strong support for English language learners;
- Promote equitable distribution of teachers and principals;
- Provide for early childhood education.

The ESSA achieves, or provides the tools to achieve, each of these recommendations. The SBE thanks each member of the state's Congressional delegation for their unanimous vote in support of the Every Student Succeeds Act. The Board is especially appreciative of the work of Sen. Patty Murray, Ranking Member of the Senate Health, Education, Labor and Pensions Committee, as a lead negotiator of the compromise bill. As with any legislation of such scope and magnitude, the test of the ESSA is ultimately not just that of language but of implementation by state education agencies, districts and schools, as well as support for their efforts by the Governor and Legislature.

How Does the ESSA Align with the Board's Strategic Plan?

As might be predicted, the ESSA aligns well with the work of the Board as specified in the first three goals of the latest version of the strategic plan. The ESSA has created opportunities for the Board to readdress educational issues through and for inclusion in the required state plan. Examples of the opportunities are included below.

Goal 1: Gap Closure

Develop and support policies to close the achievement and opportunity gaps.

The statewide assessment system required under the ESSA does not differ much from that currently in place. States are still required to assess all students in grades three to eight and once in high school in ELA and math, and science once in elementary school, middle school, and high school. The state is also expected to deliver a high quality assessment to English Language Learners (ELLs) to assess for English language proficiency and an Alternate assessment for the most cognitively disabled students. All of the assessments are required to be aligned to challenging academic learning standards and pass the peer review for validity and reliability. Finally, the OSPI must provide assurances that Washington students will continue to participate in the National Assessment of Educational Progress (NAEP).

The state is required to disaggregate results by the seven race/ethnicity categories, poverty status (FRL), ELL status, special education (SWD) status, gender, and migrant status. These assessments and disaggregated student groups form the bases on which achievement gap measures will be determined. These student groups should be considered the minimum, as nothing in this law prevents states from disaggregating into additional student groups (Former ELLs for example). A noteworthy change for ELL reporting is that under NCLB Former ELLs ≤ 2 years could be reported as part of the ELL student group, but the ESSA allows Former ELLs ≤ 4 years to be reported with the ELL student group.

This is an excellent opportunity to consider changing the manner in which ELL and Former ELL students are included in a new accountability system.

The ESSA requires that schools be identified for comprehensive or targeted supports if the school has a consistently low performing student group. However, the ESSA does not specify on which measure the low performance must be based – seemingly on one or a combination of measures or indicators in the Index. The Board has information that the performance of the Students with a Disability (SWD) student group is consistently low across all school levels statewide. This is borne out by the fact that nearly all currently served Focus Schools are identified on the basis of a low performing SWD student group. The state would have some latitude in ESSA for identifying low performing subgroups on a combination of indicators, not just a low proficiency rate.

Goal 2: Accountability

Develop comprehensive accountability, recognition, and supports for students, schools, and districts.

The State Plan to be created by the OSPI must describe the state's adoption and implementation of challenging academic learning standards, the statewide assessment system, the statewide accountability system, and the educational supports and improvement for schools and districts.

The ESEA waivers are terminated on August 1, 2016, but the new accountability systems approved under the ESSA do not go into effect until the beginning of the 2017-18 school year. This would appear to provide the 2016-17 school year as the period of time during which Washington will transition from the old to the new accountability system. Until the new accountability systems are put into effect, the OSPI must ensure that supports provided to currently identified Title I schools continue.

The state is required to set or establish long-term goals separately for ELA and math (and possibly science) for the student groups specified above. Unlike the NCLB, the goal of 100 percent meeting

*The enactment of ESSA has created an **opportunity** or requirement to conduct long-term goal and target setting in a manner that yields ambitious and attainable goals.*

standard is not a requirement, and the Secretary is specifically prohibited from setting a time requirement for goal attainments. The attainment (or not) of these annual measurable targets (AMTs) must be determined each year. The state accountability system seemingly should include some recognition or sanction depending on target attainment status. [RCW 28A.305.130](#) requires the SBE to adopt and revise performance improvement goals for a variety of content areas and other measures that do not conflict with the ESEA as amended. Also, local school boards are required to set district and school improvement goals per [RCW 28A.655.100](#) and annually report on AMT attainment. Staff would expect most districts to construct local

goal and target-setting in a manner that is closely aligned with the state-level goal setting.

The ESSA specifies that at least 95 percent of the eligible students are expected to sit for assessments, and explicitly explains how the participation rate is to be calculated. However, the act allows the state to determine the consequence when the 95 percent participation target is not met. The minimum participation threshold is an important assessment element for many stakeholder groups and is viewed as a civil rights issue. If certain student groups are counseled out of testing, they have been denied a right or counseled to give up a right to certain educational services.

In its plan, the state must describe the system to be used to differentiate schools for support and improvement. For our state, this is the Washington State Achievement Index.

The ESSA is explicit as to the elements that must be included in the state index. Non-high schools must be differentiated on a combination of proficiency (ELA, math, and science), growth model data (or other measure), English Language proficiency, and at least one other indicator of school quality that is valid, reliable, and comparable statewide. High schools must be differentiated on a combination of proficiency, graduation (4-year rate preferred but 5-year rate is permitted with a solid rationale), English Language proficiency, and at least one other indicator of school quality or student success, such as a measure of student access to and completion of advanced coursework, postsecondary readiness, and school climate and safety. The first, more conventionally “academic” indicators must each be given “substantial weight” in differentiation of schools, and “much greater weight” than the school quality or student success indicator.

*This is an excellent **opportunity** to re-examine elements of the Achievement Index as at least one additional indicator will be required for the state plan approval.*

The state plan must describe the methodology to be used to identify schools for comprehensive support and improvement. The ESSA specifies that the identification must be based on all of the indicators

*The **opportunity** now exists to use the Index rating as the exclusive differentiating measure for the purpose of identifying schools for supports and recognition.*

comprising the index. The ESSA does not, however, specify how all of the indicators must be applied to the school identifications. The obvious interpretation would be to identify the lowest performing schools as measured by an index rating; but another might interpret that some schools be identified for low proficiency, some for low growth, some for low English language proficiency, and some for the low school quality or student success measure. In either manner, schools would be identified on the basis of “all of the indicators.” One method uses the

indicators in combination and the other uses the indicators separately. New school identifications are not required until the 2017-18 school year. This works out well as Washington can continue to serve the currently identified Priority and Focus Schools that do not meet exit criteria in the meantime.

The OSPI must identify schools for support and improvement that represent the bottom five percent of schools, that graduate less than two-thirds of students, or that have a consistently low-performing student group. The school and LEA must submit a school improvement plan meeting certain criteria, and the plan must be approved by the OSPI. The OSPI is required to develop exit criteria for the identified schools and periodically review and monitor progress toward meeting the exit criteria. If an identified school is not making sufficient progress toward improving student achievement within a predetermined time frame not to exceed four years, more rigorous state-determined interventions shall be implemented.

Goal 3: Career- and College-Readiness

Ensure that every student has the opportunity to meet career- and college-ready standards.

The ESSA requires that school differentiation be based on multiple indicators, one of which must be a measure of school quality or student success. For example, the ESSA text specifies access to and completion of advanced course work as one measure. The Board has heard about disparate participation in advanced course taking and credit attainment, as well as disparate exclusionary discipline measure, either of which would be appropriate for inclusion in an updated Index. The ESSA also identifies student/parent/educator engagement data, school climate/safety data, and post-secondary readiness data as possible measures of school quality and student success.

*The **opportunity** exists now to include multiple non-assessment measures in the Index that would measure school quality or student success in a manner other than a set of test scores.*

The ESSA requires the state educational agency to provide assurance that it has adopted challenging academic content standards for reading or English language arts, math and science, and may have such standards for any other subject determined by the state. The state must demonstrate that the standards are aligned with entrance requirements for credit-bearing courses in public higher education institutions and relevant career and technical education standards. Do these provisions meet the SBE goal of career and college-ready standards? On their face, it would appear that they do.

Action

The Board will adopt a position statement on the implementation of the Every Student Succeeds Act.

Please contact Jack Archer at jack.archer@k12.wa.us and Andrew Parr at andrew.parr@k12.wa.us if you have questions regarding this memo.

**Reauthorization of the Federal Elementary and Secondary Education Act (ESEA)
No Child Left Behind Act (2002) and Every Student Succeeds Act (2015)
Comparison of Selected Provisions**

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
ESEA Reauthorization Period	Five years (2003-2007)	Four years (FFY 2017- FFY 2020)
Effective Dates		<ul style="list-style-type: none"> • July 1, 2016 for non-competitive (formula) programs • October 1, 2016 for competitive programs • SY 2017-2018 for requirements on state accountability system and school improvement. <p>ESEA flexibility waivers granted by the Secretary of Education before enactment of this act are terminated on August 1, 2016.</p>
Transition		The Secretary must take necessary steps for the orderly transition to this act from programs authorized under the ESEA as in effect before enactment of this act.
State Plan Provisions	The Secretary must approve a Title I state plan within 30 days of submission unless the Secretary determines it does not meet the statutory requirements. States must be provided an opportunity to revise and resubmit their plans.	<p>The Secretary must establish a peer review process meeting certain requirements to assist in the review of Title 1 state plans. The Secretary and appointees may not participate in or attempt to influence the peer review.</p> <p>The Secretary must approve a state plan within 30 days of submission unless the Secretary determines the plan fails to meet specific requirements set forth in the law. States must be offered an opportunity to revise and resubmit their plans.</p>

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
Standards	All states must have academic and achievement standards in math, reading or English language arts (ELA) that include four levels of performance: advanced, proficient, basic, and below basic.	<p>Each state must provide assurance that it has adopted challenging academic content standards and aligned academic achievement standards. The achievement standards must include at least three levels of achievement.</p> <p>The state must provide an assurance that the challenging academic standards are aligned with entrance requirements for credit-bearing coursework in the state’s public higher education system and the state’s career and technical education standards.</p> <p>The state is not required to submit its standards to the U.S. Secretary of Education for review.</p>
Standards – Limitations on Secretary’s Authority	USED is barred from any action that might mandate or control a state’s, LEA’s, or school’s instruction and standards.	The Secretary may not mandate, coerce, or exercise any supervision over any challenging state academic standards adopted or implemented by a state.
Assessments	<p>Each state must implement a set of high-quality, annual academic assessments that include, at a minimum, assessments in math, reading or ELA, and science. Math and reading/ELA are assessed annually in grades 3-8 and once in grades 10-12. Science is assessed once in each of three grades spans: 3-5, 6-9, and 10-12.</p> <p>Schools must assess at least 95% of each subgroup.</p>	<p>Same annual, academic assessment requirements as in NCLB, in same subjects, grades and grade spans. Assessments must be aligned with the challenging academic standards.</p> <p>Must require 95% participation in total and by subgroup.</p> <p>Must include multiple measures of student academic achievement. May include measures of academic growth.</p> <p>Must enable achievement results to be disaggregated within each state, LEA and school by subgroup, except where a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information for individual students.</p>

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
		<p>May be administered through a single summative assessment or multiple interim assessments that result in a single summative score providing valid information on achievement or growth.</p> <p>A state may set a target limit on the aggregate time devoted to administration of assessments for each grade.</p> <p>A local educational agency (LEA) may administer a nationally recognized high school academic assessment in lieu of the state-designed academic assessment if the state educational agency (SEA) approves such assessment through certain procedures and criteria.</p> <p>A state may develop computer adaptive assessments as the assessments implemented under this section, so long as they meet specified requirements for students with the most significant cognitive disabilities and English learners.</p>
Opting Out of Assessments	No provision on opt out. Requires 95% participation rate in assessments.	Requires LEAs to provide parents with information on state or local policy, procedures and parental rights on student participation in mandated assessments. Does not preempt any state or local law with regard to a parental decision on participation in assessments.
State Assessment System Audit	No provision	The Secretary may make grants to states for audits of state and local assessments to improve and streamline assessment systems and eliminate unnecessary assessments.
Innovative Assessment Pilot	No provision	The Secretary may grant up to seven states initial authority to implement innovative assessments, such as competency- or performance-based assessments that validate when students can demonstrate mastery and allow for differentiated support based on individual student needs.

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
Assessments – Limitations on Secretary’s Authority	No provision.	<p>The Secretary may not prescribe specific assessments or items to be used in assessments.</p> <p>No funds provided to the Secretary or the recipient of any award may be used to develop, incentivize, test, administer or distribute any federally sponsored national test in reading, math or other subject unless specifically authorized by law, including testing materials aligned to the Common Core State Standards.</p>
Accountability: Annual Yearly Progress/State Accountability System	<p>Each state must establish a definition of Annual Yearly Progress (AYP) that sets Annual Measurable Objectives (AMO’s) for subgroups in all schools to meet 100% proficiency on state assessments by the 2013-14 school year.</p> <p>For secondary schools, the definition of AYP must also include graduation rates, and for elementary schools, an indicator in addition to the results on state assessments.</p>	<p>Eliminates AYP and replaces it with a state-defined, index-based system with certain required components.</p> <p>Goals – Each state must establish “ambitious, state-designed, long-term goals,” with measurements of interim progress for all students and subgroups for, at a minimum, improved:</p> <ul style="list-style-type: none"> • Academic achievement, as measured by proficiency on the required annual assessments • Graduation rates (four-year adjusted cohort, with option for extended-year adjusted cohort). • For English learners (EL), progress in achieving English language proficiency. <p>State Index -- The state-defined index must include the following indicators, which must be measured for all students and subgroups, except for a separate EL indicator:</p> <ol style="list-style-type: none"> 1. Academic achievement, based on the long-term goals, as measured by proficiency on annual assessments. May, at the state’s discretion, include student growth. 2. For non-high schools, a measure of student growth or “other valid and reliable statewide academic indicator.” 3. For high schools, the four-year adjusted cohort graduate rate, with discretion to use the extended-year adjusted cohort rate. 4. For EL, progress in achieving English language proficiency, as defined by the state and measured by assessments.

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
		<p>5. For all schools, at least one indicator of school quality or student success that allows for meaningful differentiation in school performance and is valid, reliable, comparable and statewide. These may include measures of student engagement, educator engagement, student access to and completion of advanced coursework, postsecondary readiness, school climate and safety, and any other indicator meeting the criteria above.</p> <p>Annual Meaningful Differentiation (AMD) – Each state must “meaningfully differentiate” schools annually based on the performance of schools and subgroups in schools on the indicators above. “Substantial weight” must be given to each of the first four indicators. In the aggregate, “much greater weight” must be given to these four academic indicators than to the fifth, school quality or school success indicator.</p> <p>States must annually measure the achievement of 95% of all students and all students in each subgroup. States must provide a clear explanation of how they will factor this requirement into the statewide accountability system.</p> <p>For purposes of the accountability system, states may include a student in the EL subgroup for up to four years after the student is proficient in English.</p>
<p>School Improvement: Identification and Notification for Support and Improvement</p>	<p>Each LEA must identify schools that do not make AYP for certain numbers of years for School improvement, Corrective Action and Restructuring. Schools are identified for School Improvement after missing AYP for two years, for Corrective Action after missing AYP for four years, and for Restructuring after missing AYP for five years.</p>	<p>NCLB’s identification of schools for School Improvement, Corrective Action and Restructuring is replaced with two categories of school support and improvement activity:</p> <ol style="list-style-type: none"> 1. <i>Comprehensive Support and Improvement</i>, for any schools identified under the state accountability system described above. 2. <i>Targeted Support and Improvement</i>, for any schools in which any subgroup of students is consistently underperforming, as

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
		<p>determined by the state through its system of Annual Meaningful Differentiation.</p> <p>Identification for Comprehensive Support and Improvement -- Each state must establish a methodology to identify, beginning with school year 2017-18 and at least once every three years thereafter, one statewide category of schools for support and improvement. The methodology shall be based on the state’s system of Annual Meaningful Differentiation of school and subgroup performance. Schools meeting the following criteria must be identified for Comprehensive Support and Improvement:</p> <ul style="list-style-type: none"> • The 5% lowest performing in the state, as determined by the State Index and AMD. • High schools that graduate less than two-thirds of their students. • Schools in which a subgroup is consistently underperforming as determined by the state. <p>Each state educational agency must notify each LEA of any school served by the LEA that the SEA has identified for Comprehensive Support and Improvement. On notification, each LEA shall, for each school identified, develop and implement a comprehensive support and improvement plan for the school. The LEA plan must:</p> <ul style="list-style-type: none"> • Be informed by all indicators in the State Index, including performance against state-determined long-term goals; • Include evidence-based interventions; • Be based on a school-level assessment; • Identify resource inequities; • Be approved by the school, the LEA, and the state educational agency. <p>After approval and implementation, the SEA must monitor and periodically review the LEA plan.</p>

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
		<p>SEAs may allow differentiated improvement activities that predominantly serve students in dropout recovery or credit retrieval. The state may also allow an LEA to forego implementation of improvement activities in the case of an identified school.</p> <p>An LEA may give students in a school identified for comprehensive support and improvement the option to transfer to another public school served by the LEA. Priority for the option must be given to the lowest-achieving children from low-income families.</p> <p>Notification for Targeted Support and Improvement – Each SEA, using its system of meaningful differentiation of schools, must notify each LEA of any school served by it in which a subgroup is consistently underperforming, and ensure that the LEA provides notification to the school.</p> <p>Each school receiving such a notification must develop and implement a school-level targeted support and improvement plan to improve student outcomes, based on the indicators in the state accountability system, for each subgroup that was the subject of the notification. The school-level plan must:</p> <ul style="list-style-type: none"> • Be informed by all the state indicators, including student performance against long-term goals; • Include evidence-based interventions; • Be approved by the LEA prior to implementation; • Be monitored by the LEA; • Result in additional action following unsuccessful implementation of the plan after a number of years determined by the LEA.

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
		<p>A targeted support and improvement plan developed under these provisions must also identify resource inequities to be addressed through plan implementation, which may include a review of district and school-level budgeting.</p> <p>Exit criteria – The SEA shall establish statewide exit criteria for schools identified for comprehensive support and improvement and for schools identified for additional targeted support.</p> <p>State Action -- Failure by the school to satisfy the exit criteria within a state-determined number of years, not to exceed four years, “shall result in more rigorous state-determined action, such as the implementation of interventions. . . .”</p> <p>The SEA shall also:</p> <ul style="list-style-type: none"> • Periodically review resource allocation to support school improvement in each LEA serving “a significant number” of schools identified for comprehensive support and improvement or implementing targeted support and improvement plans. • Provide technical assistance to each LEA serving “a significant number” of schools identified for comprehensive support and improvement or implementing targeted support and improvement. <p>The SEA may:</p> <ul style="list-style-type: none"> • Initiate additional improvement in any LEA with a significant number of schools consistently identified for comprehensive support and improvement and not meeting exit criteria. • Establish alternative evidence-based, state-determined strategies that can be used by LEAs to assist a school identified for comprehensive support and improvement.

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
School Improvement: Strategies	<p>Under Restructuring, LEAs are required to adopt one of five alternative governance options for schools that have missed AYP for five years:</p> <ol style="list-style-type: none"> 1. Reopening the school as a charter school; 2. Replacing all or most of the staff relevant to failure to make AYP; 3. Placing operation under private management; 4. State takeover of the school; 5. Other major restructuring of governance. <p>Under the School Improvement Grants (SIG) program, schools identified for assistance must implement one of four turnaround models:</p> <ol style="list-style-type: none"> 1. <i>Turnaround</i>, which would include replacing the principal and at least 50% of staff, adopting a new governance structure, and implementing a new instructional program; 2. <i>Restart</i>, in which the LEA would reopen the school under the management of a charter school operator, a charter management organization, or an educational management organization. 3. <i>Closure</i>, in which the LEA would close the school and enroll its students in other, high-achieving schools in the district. 4. <i>Transformation</i>, addressing each of four areas critical to transforming the lowest achieving schools: <ol style="list-style-type: none"> (1) Comprehensive teacher and school leader effectiveness; (2) Comprehensive instructional reform strategies; (3) Extended learning time and community-oriented schools; (4) Operating flexibility and sustained support. 	<p>ESSA specifies no school improvement strategies. States are granted wide discretion to determine how to intervene in low-performing schools. The Secretary is specifically prohibited from prescribing school improvement strategies.</p> <p>The School Improvement Program (SIG) is eliminated.</p>

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
Accountability: Limitations on Secretary's Authority	No applicable provisions.	<p>Contains a series of restrictions on the Secretary's authority with respect to state accountability and school improvement systems. The Secretary may not add requirements or criteria that are inconsistent with or outside the scope of this part of the law or in excess of the statutory authority granted to the Secretary.</p> <p>The Secretary may not, as a condition of approval of the state plan or any waiver, prescribe:</p> <ul style="list-style-type: none"> • Specific elements of the challenging state academic standards; • Long-term goals or measurements of interim progress that states establish under their accountability systems; • Specific academic assessments or assessment items; • Indicators that states use in their accountability systems, including any requirement to measure student growth; • The weight assigned to any measure or indicator used to identify or meaningfully differentiate schools; • The methodology used to identify or meaningfully differentiate schools; • Any specific school support and improvement strategies; • Any exit criteria from identification for comprehensive support and improvement; • Minimum numbers of students (n-groups). <p>The Secretary is also prohibited from issuing regulatory guidance that, in explaining requirements under this section, provides a strictly limited or exhaustive list to illustrate successful implementation, or that purports to be legally binding.</p>
Other Plan Provisions		<p>Each state plan must describe, for example:</p> <ul style="list-style-type: none"> • How the SEA will support LEAs receiving Title I funds to improve conditions for student learning, including through reducing bullying, the overuse of discipline practices that remove

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
	<p>States must provide assurance that they will participate in 4th and 8th grade reading and math assessments under the National Assessment of Education Progress (NAEP) if the Secretary pays for the costs of the assessments.</p> <p>States must assure that the SEA has involved a committee of practitioners in developing the state plan and monitoring its implementation. Similar provision as ESSA on committee of practitioners.</p>	<p>students from the classroom, and the use of aversive behavioral interventions;</p> <ul style="list-style-type: none"> • How the state will work with LEAs for effective transitions to middle school and high school to reduce the risk of dropout; • How the SEA will collaborate with the state agency responsible under other federal law for ensuring the educational children in foster care; • How the SEA will support LEAs in identification, enrollment, and school stability of homeless children and youth. <p>The state plan must provide assurances that the state will, among other things, support the dissemination of effective parent engagement strategies and ensure that the collection and reporting of student-level data is consistent with the Family Education Rights and Privacy Act.</p> <p>Same state assurance required on NAEP participation.</p> <p>Same provision with slightly different membership on the committee of practitioners.</p>
<p>State and Local Report Cards</p>	<p>Each state and LEA must publish report cards that include information on student achievement, graduation rates and professional qualifications of teachers. Student achievement data must be disaggregated by subgroup.</p> <p>LEA’s also must report the number of schools identified for school improvement and comparisons of schools’ achievement to the LEA and state.</p>	<p>Adds to information that must be included on state and local report cards. State report cards must include, for example:</p> <ul style="list-style-type: none"> • A description of the accountability system, including goals, indicators used to differentiate schools, and weights assigned to indicators. • For all students and accountability subgroups, plus homeless, foster youth, and students with a parent in the military,

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
		<p>disaggregation of achievement on academic assessments, and percentages of students assessed and not assessed.</p> <ul style="list-style-type: none"> • Information on the high school graduation rates used as part of the accountability system, with disaggregation on homeless and foster youth. • Information on acquisition of English proficiency by English learners. • Names of all schools identified for comprehensive support and improvement or implementing targeted support and improvement, and criteria for exit from identification for support and improvement. • Information on measures of school quality. • Information collected through the biennial Civil Rights Data Collection survey. • Professional qualifications of teachers, principals, and other school leaders, disaggregated by high-poverty schools and low-poverty schools with regard to certain prescribed data. • Per-pupil expenditures, disaggregated by source of funds. • NAEP results in grades 4 and 8. • Beginning 2017, the rate at which high school students enroll in postsecondary education. • Any other information the state wishes to provide. <p>Local report cards must include all the information on the state report card except NAEP results and comparisons of a school's performance to the performance of the LEA and the state.</p>
<p>Title I Funding: Set-Aside for School Improvement</p>	<p>States must reserve 4% of their Title I, Part A (Improving Basic Programs Operated by State and Local Educational Agencies) grants, of which 95% must be allocated to LEAs to assist schools identified for improvement. The amount reserved must not decrease the amount received by each LEA in the prior year.</p>	<p>The set-aside is increased from 4% to 7% (with some formula qualification). The amount reserved must not decrease the amount received by each LEA in the prior year.</p>

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
Highly Qualified Teachers/Access to Effective Teachers	<p>All teachers in Title I programs must be highly qualified. Each state must define “highly qualified teacher” and establish a plan to ensure that teachers in core academic subjects are highly qualified.</p> <p>No comparable provision.</p>	<p>Eliminates Highly Qualified Teacher. In its place, requires that each state’s Title I plan contain an assurance that the SEA will ensure that all teachers and paraprofessionals supported by Title I funds meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.</p> <p>In addition, the state’s Title I plan must describe how low-income and minority children in Title I schools are not served at disproportionate rates by ineffective, out-of-field or inexperienced teachers, and the measures the SEA will use to evaluate and publicly report progress on this requirement;</p>
Teacher and Principal Evaluations	<p>No provision.</p>	<p>Funding to states under Title II may be used to develop or provide assistance to LEAs for the design and implementation of teacher, principal, or other school leader evaluation and support systems that are based in part on student achievement, which may include student growth, and include multiple measures of educator performance and provide timely and useful feedback to teachers, principals and other school leaders.</p> <p>Under Title I, the Secretary is prohibited from prescribing any indicators or measures of teacher, principal, or other school leader effectiveness or quality.</p> <p>The section on state application for Title II funds declares that nothing therein shall be construed to authorize Secretary or other federal employee to mandate or direct the development, improvement or implementation of any teacher, principal or other school leader evaluation system.</p>
English Language		<p>ESSA brings accountability provisions for Title III (Language Instruction for English Learners and Immigrant Students) into Title I.</p>

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
Learners -- Standards		<p>Each state must demonstrate that it has adopted English language proficiency standards that:</p> <ul style="list-style-type: none"> • Are derived from the four recognized domains of speaking, listening, reading and writing; • Address the different proficiency levels of English learners; • Are aligned with the challenging state academic standards.
English Language Learners -- Assessments		<p>The state plan for student academic assessments must provide for the inclusion of English learners, who must be assessed in a valid and reliable manner and provided appropriate accommodations including, to the extent practicable, assessments in the language and form most likely to yield accurate data, until such students have achieved English language proficiency.</p> <p>Each state plan must identify the languages other than English that are present to a significant degree in the participating student population of the state and indicate the languages for which annual student academic assessments are not available and are needed.</p>
Early Childhood Education	No early childhood education program in NCLB.	<p>Authorizes a Preschool Development Grants program. Program funds are authorized through the U.S. Department of Health and Human Services (HHS), and the program is jointly administered by USED and HHS.</p> <p>The purposes of the program are to:</p> <ul style="list-style-type: none"> • Assist in collaboration among existing early childhood programs to prepare low-income and disadvantaged children for kindergarten and improve transitions to elementary school; • Encourage partnerships among Head Start providers, state and local governments, and other public and private entities to improve program quality and delivery of services; • Maximize parental choice among a mixed delivery system of early childhood education providers.

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
		<p>States apply for one-year, renewable competitive grants, which must be matched at no less than 30% of the grant amount.</p> <p>A state receiving a grant may use the funds for the following activities:</p> <ol style="list-style-type: none"> 1. Conducting a periodic statewide needs assessment; 2. Developing a strategic plan for collaboration, coordination and quality improvement among existing programs; 3. Maximizing parental choice among programs and providers. 4. Sharing best practices among providers. 5. After completing the first two activities, improving the overall quality of early childhood education programs, including by improving professional development for providers. <p>Funds provided through the program may not supplant other federal, state or local funds for the same activities.</p> <p>The Secretary of HHS and Secretary of Education are prohibited from engaging in regulatory actions for operation of funded programs, including, for example, for standards, assessment, curricula, teacher and staff qualifications, and class sizes.</p>
Governor Consultation and Signature	No provision.	Requires the SEA to consult with the governor in the development of state plans for Title I and Title II. The consultation must take place during the development of the plan and prior to submission to the plans to the Secretary. The governor has 30 days prior to the SEA submitting a plan to sign it. If the governor has not signed the plan within 30 days of delivery by the SEA to the governor, the SEA submits the plan to the Secretary without the governor’s signature.
ESEA Waivers	States, LEAs or Indian tribes receiving funds under the act may request waivers of ESEA provisions. The waivers	The list of prohibited topics for waivers is maintained.

Subject	No Child Left Behind Act (NCLB)	Every Student Succeeds Act (ESSA)
	<p>must demonstrate how they will increase the academic achievement of students.</p> <p>Waivers are not permitted of provisions on a list of topics concerning, for example, maintenance of state and local expenditure effort; civil rights; parental participation and involvement; charter school requirements; private school participation; prohibitions on using ESEA funds for sex education, and prohibitions on state aid and religious instruction.</p>	<p>Outside of prohibited topics, an SEA or Indian tribe receiving funds under this act may submit a request to waive any statutory or regulatory requirement of the act. An LEA receiving funds under this act may submit a request, containing specified information, for waiver of any statutory or regulatory requirement to the SEA. The SEA may then submit the request to the Secretary if the SEA determines the waiver appropriate. A school desiring a waiver must submit a request, containing specified information, to the LEA serving the school, which then submit the request to the SEA if it determines the waiver appropriate. Opportunity must be provided for public comment on waiver requests.</p> <p>The Secretary has 120 days from submission to issue written approval or disapproval of the request, based on whether it meets requirements in this section. The Secretary may not disapprove a waiver request based on conditions outside the scope of the waiver request.</p>

Sources

Penn Hill Group. "Comparison of Select Elements of ESEA Proposals and Conference Report. Council of Chief State School Officers. December 1, 2015.

U.S. House of Representatives. Committee on Education and the Workforce. S.1177. Conference Report. November 29, 2015. http://edworkforce.house.gov/uploadedfiles/every_student_succeeds_act_-_conference_report.pdf

President Signs ESEA Rewrite, Giving States, Districts Bigger Say on Policy

By [Alyson Klein](#) on December 10, 2015 11:31 AM

Washington

UPDATED

For the past quarter century, federal education policy has been moving in one direction: toward standards-based education redesign, a greater reliance on standardized tests, and bigger role for Washington when it comes to holding schools accountable for student results.



President Barack Obama reversed course with the stroke of a pen Thursday, putting states and districts back at the wheel when it comes to teacher evaluation, standards, school turnarounds, and accountability, through a new iteration of the five-decade old Elementary and Secondary Education Act.

Before signing the legislation, Obama said the Every Student Succeeds Act "builds on the reforms that have helped us make so much progress already."

"This bill upholds the core value that animated the original Elementary and Secondary Education Act signed by President Lyndon Johnson, the value that says education, the key to economic opportunity, is a civil right," Obama said.

He said that while the authors of the No Child Left Behind Act, the previous iteration of ESEA, were well-intentioned, "In practice it often fell short" and led to too much time spent on testing, among other problems. And while his administration offered NCLB waivers, he said, "The truth is, that could only do so much."

"For years, I have called on Congress to come together and get a bipartisan effort to fix No Child Left Behind," Obama said. "This is really a good example of how bipartisanship can work."

Obama praised the law for, among other things, focusing on putting students on track to be ready for college and career.

The new law coasted through Congress on a wave of bipartisan, bicameral support, and has been **enthusiastically embraced by teachers' unions, governors, state chiefs, and principals**. It even got a **measured endorsement** from the civil rights community.

ESSA retains key tenets of the law it is replacing, the decayed No Child Left Behind Act, calling on states and districts to focus on helping flailing schools and those where traditionally overlooked groups of students are struggling.

And even though it would stick with NCLB's annual testing schedule, ESSA directs states to incorporate a broader mix of factors into their accountability systems, such as teacher engagement and success in advanced coursework. (**More on the ins-and-outs of the bill here.**)

Before Obama signed ESSA, his administration put out "**A Progress Report on Elementary and Secondary Education**" that touts the improvement of public schools and K-12 policy on his watch. In addition to calling attention to the nation's all-time high graduation rate of 81 percent and historic lows in the dropout rate (more on that **here**), the report highlights Race to the Top, the Investing in Innovation program, and various teacher initiatives that began on Obama's watch.

The legislation is "a wonderful accomplishment, especially given the ideological chasm in the Congress," said Jack Jennings, who served as an aide to Democrats on the House education committee for nearly three decades, where he worked on previous versions of the ESEA. "The federal government overstepped its bounds, and it got a smackdown from Congress."

But now, there's a need for a new direction. That, Jennings said, is where ESSA is largely silent. "Where are we going to go? I don't think the [law] answers that at all."

Sen. Lamar Alexander, R-Tenn., one of the lead architects of ESSA, doesn't see it that way. The legislation, he said in a quick interview after **Senate passage** Wednesday, makes it clear that the new vision for K-12 is going to come from the states, not Washington.

"What it means is that governors and school boards and teachers can immediately begin to plan and make their own decisions about the design of their tests, how many tests, what their academic standards ought to be, all of the basic decisions about student achievement," he said. "It basically reverses the trend toward a national school board and will unleash a new of era of innovation and excellence."

State Influence

Different factions of the education community are already gearing up to help states and districts bring that new era forward—**preferably in a way** that works for them.

The National Education Association, for instance, will be working with its affiliates across the country to help states craft accountability systems that move beyond what the union's president, Lily Eskelsen Garcia calls the "test and punish" regime of NCLB.

And both the NEA and the American Federation of Teachers would love to see states move beyond teacher evaluations that rely heavily on test scores, a key feature of the Obama administration's waivers from portions of the NCLB law.

"The way tests were used in teacher evaluation ... it became lunacy," AFT President Randi Weingarten told reporters in advance of Senate passage of ESSA.

Meanwhile, the Leadership Conference for Civil and Human Rights will be helping its partners figure out how they help local and state leaders maintain the ESEA's historic focus on equity for traditionally overlooked groups of students in this new version.

Secretarial Smackdown

To be sure, there's still plenty to puzzle over inside the Beltway. The new law includes a laundry list of prohibitions on the education secretary's authority when it comes to setting standards, measuring teacher performance, and more.

That crackdown is largely aimed at Obama's education chief, Arne Duncan, who flexed his executive muscle more than any education secretary in history through NCLB waivers. It's unclear whether the language will make it harder politically—or even legally—for the department to take a hard line in regulating on the law.

That could impact how the administration chooses to fill in the blanks on some key issues, including how much academic factors must count relative to other indicators, like school climate. (One of the bill's sponsors, Rep. Bobby Scott, D-Va., said the department has the authority it needs to enforce ESSA.)

Legacy of ESEA

But if ESSA is ambiguous, that puts it squarely in the tradition of its great-granddaddy, the original ESEA of 1965, said Mike Kirst, **who worked on implementation of the very first version of the law** during President Lyndon B. Johnson's administration.

Kirst and his colleagues in what was then called the Office of Education waded through a host of sticky issues, including how to make sure that the new federal Title I funds were targeted to the students most in need, not everyone. And ultimately, they were told they'd overstepped their bounds and had to "slenderize" the regulations.

ESEA has a "long history where you pit an aggressive federal approach against" the need for state flexibility, he said.

And Kirst who is now president of the California State Board of Education, wouldn't mind if the department erred on the side of leeway for states this time around. "I'm at the bottom looking up now and wanting to preserve flexibility," he said.

The Golden State is one of just a handful that didn't participate in the Obama administration's waiver program. (It couldn't get on board with Duncan's teacher-evaluation vision.)

Kirst is happy to be shrugging off NCLB for good, and especially to be gaining access to federal money that the state has had to set aside for the law's mandatory interventions—school choice and tutoring—which he saw as largely ineffective.

But ESSA may not be a breeze to implement. Kirst is already scratching his head over one new requirement borrowed from the Obama administration's waivers that states turn around their bottom 5 percent of schools. In California, that would mean about 500 low-performers—a tall order for the state education agency, in Kirst's view.

For state officials, embracing ESSA represents "a huge time and conceptual burden," he said. "But it feels to be a step in the right direction, so at least you're swimming with the tide."

Photo: President Barack Obama, flanked by Senate Health, Education, Labor and Pension Committee Chairman Sen. Lamar Alexander, R-Tenn., left, and the committee's ranking member Sen. Patty Murray, D-Wash., signs the Every Student Succeeds Act, a major education law setting U.S. public schools on a new course of accountability, Thursday, Dec. 10, 2015, in Washington. The law will change the way teachers are evaluated and how the poorest performing schools are pushed to improve. (AP Photo/Evan Vucci)

http://blogs.edweek.org/edweek/campaign-k-12/2015/12/president_barack_obama_signs_e.html



THE WASHINGTON STATE BOARD OF EDUCATION

A high-quality education system that prepares all students for college, career, and life.

March 16, 2015

On behalf of the Washington State Board of Education (SBE), it is my privilege to share our position on reauthorization of the Elementary and Secondary Education Act (ESEA).

The Board recognizes that the federal government has an important role in protecting the rights and interests of our most vulnerable student populations. Accordingly, the Board offers its recommendations to strike a proper balance between the federal and state roles in reaching our common goal of improving education for all children.

We strongly urge you to reauthorize the Elementary and Secondary Education Act this year.

Congress needs to act now to correct the very real deficiencies of the No Child Left Behind Act (NCLB) and restore the consistency and predictability to federal education policy that our state and all others so urgently need.

At the same time as we insist on the need to fix NCLB without delay, we recognize the benefits it has had for children since enactment in 2002. In its focus on improved achievement for all students and its requirements for annual assessments, transparency of results, and identification of achievement gaps, NCLB was a major step forward. A reauthorized ESEA should not retreat from the progress made under NCLB; it should build on it.

Specific recommendations of the State Board of Education for ESEA reauthorization are:

Protect and improve data collection and reporting. Continue to require rigorous and easily accessible reporting of assessment data and other indicators of academic achievement, such as attendance, graduation rates and school evaluations. Maintain requirements for disaggregation of data by student subgroups. Provide support through research and grants for efforts by states to develop and report data on such non-academic indicators as student engagement, discipline, teacher and principal quality, and access to advanced courses.

Maintain annual assessments. Retain requirements for statewide annual assessments in reading/language arts and mathematics in each of grades 3-8 and once in the high school grades, and in science in each of three grade spans. Annual assessments are fundamental to any meaningful system of school accountability and to ensuring equity in opportunity for disadvantaged students. Annual, state-selected assessments allow us to measure and compare school performance in an effective state system of accountability. They enable the use of growth measures, without which performance cannot be evaluated in a fair and valid way. They provide the ability to identify and provide supports for low-performing schools and student subgroups, and inform research on the

Isabel Muñoz-Colón, Chair • Ben Rarick, Executive Director

*Dr. Deborah Wilds • Kevin Laverty • Madaleine Osmun • Bob Hughes • Dr. Daniel Plung • Mara Childs • Cynthia McMullen
Peter Maier • Holly Koon • Tre' Maxie • Connie Fletcher • Judy Jennings • Jeff Estes • Janis Avery
Randy Dorn, Superintendent of Public Instruction*

*Old Capitol Building • 600 Washington St. SE • P.O. Box 47206 • Olympia, Washington 98504
(360) 725-6025 • TTY (360) 664-3631 • FAX (360) 586-2357 • Email: sbe@k12.wa.us • www.sbe.wa.gov*

most effective ways to improve performance. They are also integral to the success of the state's emerging charter sector.

For these reasons the Board strongly opposes any proposal that would replace annual testing with some variant of grade-span testing, whether as practice or for purposes of accountability.

The SBE opposes proposals that would give states the option to use locally-chosen assessments in place of statewide assessments for federal accountability. The use of local options means a loss of comparability in assessments across a state, with consequences that ripple through a state accountability system. It also invites the lowering of standards for children most in need of higher standards.

We do share the concern of many Washington parents and educators about the amounts of school time spent for testing. We support the use of federal funds for audits to identify low-quality or duplicative tests for possible elimination and for research and development on improved assessment systems.

Require career and college-ready standards. Require each state to set career- and college-ready standards for its public schools. Each state would define career- and college-ready for itself, in what continues to be a dynamic area of study. State definitions should be reported to USED, where they would provide valuable information for policy-makers and researchers, but they should not require validation by USED.

Provide for strong accountability while increasing state flexibility. The SBE supports a federal framework for accountability in which states must set specific performance targets for all schools, but would have the freedom to design and implement ways of meeting them that best fit their needs. This framework should include meaningful family engagement. ESEA could, for example, require states to designate schools in need of improvement, while leaving to the states how those designations are made. The law could require states to set explicit achievement targets for districts, schools and subgroups, including for growth, and to measure progress against those goals, while leaving to the states the goals, measures and supports they judge most likely to be effective. An approach to school improvement that is appropriately "tight on ends, loose on means" would enable states to design their own, research-based systems of consequences and interventions for their schools. As a condition of federal funds, state accountability systems should expect progress in closing achievement gaps so that all students have the opportunity to graduate ready for college and career.

Ensure strong support for English Language Learners. In Washington, the English Language Learners group is the fastest-growing of all ESEA subgroups. The SBE supports formula grants to help states ensure that all students are meeting rigorous academic standards. A reauthorized ESEA should require all states to establish rigorous and achievable targets in English language proficiency and other content areas. The standards developed by each state education agency should predict success on grade level English language arts assessments, while still addressing the different proficiency levels of English learners.

Promote equitable distribution of teachers and principals. Too often the children most in need of the best instruction are the least likely to receive it. The SBE supports a strong federal role in helping assure that low-income and minority children in Title I schools are served by effective teachers and school leaders. State applications for grants under Title II should describe how the state will assure that low-income and minority students are not taught at higher rates than are other students by teachers rated in the lowest of the state's evaluation categories, and not assigned at a higher rate to schools administered by principals in the lowest evaluation categories.

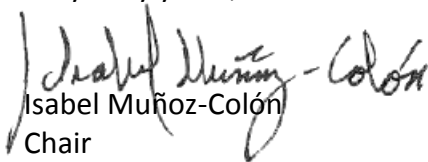
Provide for early childhood education. The Board recognizes that early childhood education can be a foundation for success in school, particularly for children with social and economic disadvantages. The Board supports inclusion in ESEA of supports for equitable access to early childhood education.

The Board's concerns are by no means limited to those summarized above. We are also paying close attention to such issues for reauthorization as maintenance of effort, Title I portability, children with disabilities, charter schools and others before the Congress in this legislation. Board members will be happy to share their views on these and other issues.

While ESEA reauthorization is a priority for all states, the urgency is all the greater in Washington, where the loss of a flexibility waiver has forced us to label nearly all of our schools "failing" under the 100% NCLB proficiency target for 2014. Many of these schools had received well-earned "exemplary" ratings under the state's Achievement Index only months before. Enabling a strong but realistic, state-driven framework for goal-setting will ensure that no state and no schools have to go through this harmful exercise again.

Thank you for your consideration, and for your commitment to improving educational outcomes for all the children of Washington.

Very truly yours,


Isabel Muñoz-Colón
Chair



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 18, 2015

Dear Colleague:

On December 10, 2015, the President signed into law the Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA). The reauthorized law, which we will refer to in this document as the ESSA, prioritizes excellence and equity for our students and supports great educators. Your work provides a strong foundation to help ensure that every child graduates from high school ready for college and careers. The ESSA reinforces your efforts, and the U.S. Department of Education (ED) looks forward to supporting you during the upcoming transition and throughout ESSA implementation.

To facilitate an orderly transition to the programs authorized by the ESSA, we are conducting a careful review of the work in which you and your State are currently engaged. In the coming months, ED will provide ongoing guidance to support schools, districts, and States in the transition to the ESSA. This letter begins this process and provides guidance regarding certain activities for which we know you are working toward imminent deadlines and that are affected by this reauthorization. In particular, this letter covers ED's expectations regarding: Title I assessment peer review; annual measurable objectives (AMOs) and annual measurable achievement objectives (AMAOs) for school years 2014–2015 and 2015–2016; conditions and other related requirements under ESEA flexibility; priority and focus school lists; and educator evaluation and support systems under ESEA flexibility.

Title I Assessment Peer Review

The reauthorized law maintains the requirement that each State administer high-quality annual assessments in at least reading/language arts, mathematics, and science that meet nationally recognized professional and technical standards. As described in ED's letter to you on September 25, 2015, a high-quality State assessment system that is aligned to State-determined content standards is essential to providing information that States, districts, principals, and teachers can use to identify the academic needs of students, target resources and supports toward students who need them most, evaluate school and program effectiveness, and close achievement gaps among students. A high-quality assessment system also provides useful information to parents about their child's advancement against and achievement of grade-level standards.

We are reviewing the ESSA to better understand the impact of any changes to the requirements for State assessment systems but, because the essential requirements are unchanged, ED's peer review of State assessment systems will continue so that each State receives feedback from external experts on the assessments it is currently administering. However, the schedule will be slightly altered; ED is cancelling the January 2016 peer review window and adjusting the March and May 2016 windows to April and June 2016. More information will be provided in the coming weeks.

AMOs and AMAOs

In accordance with a February 27, 2015, letter from the Director of ED's Office of State Support, many States that implemented new assessments in the 2014–2015 school year are preparing to submit new AMOs for ED's review and approval in January 2016. However, the ESSA requires States to “establish ambitious State-designed long-term goals...for all students and separately for each subgroup of students” instead of AMOs. ED wants to support State efforts to prepare for this transition; therefore, in accordance with ED's authority to ensure an orderly transition to the ESSA, ED will not require States to submit AMOs (for school years 2014–2015 or 2015–2016) in January 2016 for ED's review and approval, nor will ED require States to report performance against AMOs for the 2014–2015 or 2015–2016 school years. Additionally, ED will not require States to hold districts accountable for their performance against AMAOs 1, 2, and 3 under Title III of the ESEA for the 2014–2015 or 2015–2016 school years.

Please note, however, that all States and districts must continue to publish report cards, including report cards for the 2014–2015 school year (if those report cards have not yet been published), for the 2015–2016 school year, and beyond. Report cards must continue to include information that shows how a district's student achievement on the State assessments compares to students and subgroups of students in the State as a whole. At the school level, the district must include information that shows how a school's student achievement on the State assessments compares to students and subgroups of students in the district and in the State as a whole. However, consistent with ED's authority to ensure an orderly transition to the ESSA, report cards need not include the information required under ESEA section 1111(h)(1)(C)(ii).

General ESEA Flexibility Update

Under ESSA section 4(c)(1), waivers granted through ESEA flexibility remain effective through August 1, 2016. Given this timeframe, ED expects each State that is currently approved to implement ESEA flexibility to continue to meet all ESEA flexibility principles during the 2015–2016 school year. However, because ESEA flexibility terminates on August 1, 2016, ED will not seek or review requests to extend ESEA flexibility from a State with an ESEA flexibility request approved only through the 2015–2016 school year. In addition, ED will no longer review or approve requests for ESEA flexibility, as announced by ED on September 23, 2011, from a State that does not yet have an approved flexibility request. ED will continue to make decisions on a case-by-case basis but, generally speaking, will prioritize monitoring and enforcement on principles that are included in both the ESEA and ESSA.

Follow-Up Actions Required Under ESEA Flexibility Renewal

During the ESEA flexibility renewal process, ED renewed some States subject to certain follow-up actions and conditions as described in our renewal letter. Many of the follow-up actions, including those required to resolve a condition, required a State to take certain actions during, or by the end of, the 2015–2016 school year. Because ESEA flexibility terminates on August 1, 2016, a State will no longer be required to submit follow-up responses to ED related to areas of ESEA flexibility that are not required under both the ESEA and ESSA. Instead, ED will continue to provide technical assistance, feedback, and support to States and districts in these key areas so they can continue to build on the strong foundations they have constructed and facilitate a smooth transition.

For follow-up actions related to areas that are required under both the ESEA and ESSA, a State must submit required follow-up responses as specified in its ESEA flexibility renewal approval letter. In particular, a State is required to provide information for follow-up actions under Principle 1 of ESEA flexibility, including follow-up actions related to consultation with stakeholders, college- and career-ready standards, and high-quality assessments, and under Principle 2 related to reporting requirements. In the coming days, a member of my staff will contact each State's ESEA flexibility contact to clarify whether any follow-up actions that were required as part of the State's ESEA flexibility renewal must be carried out.

All Other Amendments to ESEA Flexibility Requests

Through August 1, 2016, a State may continue to request amendments affecting activities required under the ESSA; ED will review these amendments and make a determination on their approval. If a State wishes to amend Principle 1 or any of the reporting components of Principle 2 of its approved ESEA flexibility request, it must submit an amendment for ED's review.

On areas no longer required under both the ESEA and ESSA, ED will continue to provide technical assistance, including feedback and support, but will not formally process amendment requests or decisions on their approval. If you have questions about whether a particular change requires an amendment, please reach out to your program officer in ED's Office of State Support.

Priority and Focus School Lists

Under ESEA flexibility, many States were required to submit updated priority and focus school lists in January 2016. In order to facilitate an orderly transition to ESSA during the 2015–2016 school year, all States implementing ESEA flexibility may now select either of the following options with regard to these lists:

Option A: Do not exit schools and maintain current identification. A State may “freeze” its current lists of priority and focus schools as of December 10, 2015 (the date of enactment of the ESSA). These schools would continue to implement their approved interventions through the 2015–2016 and 2016–2017 school years. The State would not be able to exit schools from the current lists until after the 2016–2017 school year.

Option B: Exit schools and identify new priority and focus schools. A State may exit priority and focus schools that meet the State's approved exit criteria and identify new priority (at least 5 percent of Title I schools) and focus (at least 10 percent of Title I schools) schools based on more recent data. Newly identified schools, as well as those that remain on these lists because they did not meet the State's exit criteria, would implement their approved interventions through the 2016–2017 school year. A State selecting this option must provide updated lists of priority and focus schools to ED by **Monday, March 1, 2016**; please note that this deadline supersedes prior assurances and communications requiring some States to submit these lists in January 2016.

Each State implementing ESEA flexibility should inform ED of which of the above options it has selected through an e-mail to its State e-mail address, OSS.[STATE]@ed.gov, submitted on or before Friday, January 29, 2016.

Supporting Educator Effectiveness

To help ensure that all educators have the necessary tools to be maximally effective, every State implementing ESEA flexibility is engaged in the challenging and critical work of designing, building, and operationalizing educator evaluation and support systems. We believe that this hard work and leadership should be recognized and encouraged. As noted, the law provides for ESEA flexibility, including those principles related to educator evaluation and support systems, to continue to be implemented through August 1, 2016. Given that educator evaluation and support systems are not required under the ESSA, ED will continue to provide technical assistance, including feedback and support, but will not formally process amendment requests related to these systems, and will prioritize monitoring and enforcement on principles that are included in both the ESEA and ESSA.

I understand that you may have additional questions about how to proceed, including specific questions about which portions of the guidance provided above applies to schools and districts in your State. You can find the latest information at www.ed.gov/essa and can ask questions by e-mailing us at essa.questions@ed.gov or through your contact in our Office of State Support. Please also know that ED is working to provide you with comprehensive guidance on the transition, as well as guidance on the requirements of the programs authorized under the ESSA. We will work with stakeholders to understand the issues on which guidance would be most helpful; in the meantime, I hope this letter answers some of your most urgent questions.

Please note that a Request for Information (RFI) that seeks advice and recommendations regarding regulations under Title I of the ESEA as reauthorized by the ESSA is available today for public inspection at <https://www.federalregister.gov/public-inspection>. A link to that document will be available at www.ed.gov/essa when it is published in the *Federal Register*.

Thank you for your ongoing commitment to improving educational outcomes for all students. I look forward to our continued partnership as we move ahead with this critical work.

Sincerely,

/s/

Ann Whalen
Delegated the Authority to Perform the Functions
and Duties of Assistant Secretary for
Elementary and Secondary Education

cc: State Title I Directors
State Assessment Directors
State ESEA Flexibility Leads