

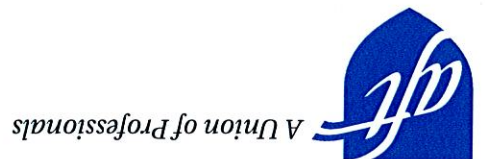
FUNDAMENTALS OF THE LAW | BRIEF ONE

ESSA 101



A Union of Professionals





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The American Federation of Teachers is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

Our Mission

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WHAT IS ESSA?

The reauthorized Elementary and Secondary Education Act, formerly known as No Child Left Behind and now officially known as the Every Student Succeeds Act, is a long-overdue reset of the federal role in education policy.

The new law paves the way for a public education system that's much more focused on teaching and learning, and that gives states and educators more latitude while maintaining federal funds for the students who need it most.

THE NEW LAW

Protects ESSA's original intent of mitigating poverty and targeting resources to students in need.

Prohibits the federal government from mandating or prescribing the terms of teacher evaluation. The receipt of federal funds can no longer be conditioned on using test scores in teacher evaluation.

Maintains paraprofessional certification requirements.

Resets testing and accountability by improving tests and creating an accountability system that is less test-based, allowing joy to return to teaching and learning.

This is an opportunity for states to reshape their education systems. It will not happen overnight, but without federal prescriptions on exactly what accountability, interventions for struggling schools, and teacher evaluation must look like, there is a path forward for states to reset these systems. But, this will only happen if we, as AFT members and educators, all engage in the hard work necessary at the state and district levels to shape these systems.

The Every Student Succeeds Act is a long-overdue reset of the federal role in education policy.



WHY IS ESSA IMPORTANT TO MY STUDENTS, MY SCHOOL AND MY COMMUNITY?

About 85 percent of the spending on K-12 education in the United States comes from state and local governments. The remaining 15 percent comes from the federal government. ESSA is the law that constitutes the federal government's role in K-12 education, including its investment in education, and the rules that school systems must follow to receive the federal funding.

WHAT ARE THE COMPONENTS OF ESSA?

TITLE I	\$15 billion in annual funding targeted to public schools serving students in poverty. Most school districts in the country receive some Title I money, and most of the law's requirements around accountability systems, including assessment, identification of low-performing schools and intervention strategies for low-performing schools, are part of Title I.
TITLE II	\$2.5 billion in annual funding to states and districts to support educators through professional development, smaller classes and other programs. Money is distributed via a formula to states and then to districts.
TITLE III	\$730 million annually for educating English learners. Money is distributed to states and then to districts based on the number of English learners.
TITLE IV	Funding for innovative programs, charter schools, magnet schools and other such programs.
OTHER TITLES	These cover programs for the education of homeless students, Native American education, funds for schools on federal lands or serving military families, etc.

WHAT ARE SOME KEY PARTS OF THIS LAW?

Assessment

ESSA testing requirements are the same as under NCLB, but the sanctions and consequences are very different and hugely diminished. States are required to test students in reading or language arts and math annually in grades 3-8 and once in grades 10-12, and in science once in each of the following grade spans: 3-5, 6-9 and 10-12. The results are still required to be disaggregated by race, income, English language proficiency and other specified categories.

The new law does include some flexibility and provisions to improve testing policies. For example:

- States and school districts can use funds to conduct audits of state and local assessment systems to eliminate unnecessary tests and improve assessments.
- ESSA will allow for the development and dissemination of high-quality performance-based assessments through a seven-state pilot program. Under this program, states can develop and implement innovative assessments.
- While assessments for elementary schools must be the same for all public school students statewide, states may choose to offer a nationally recognized local assessment at the high school level (SAT or ACT, for example) as long as assessments are reliable, valid and comparable.
- ESSA allows states to set a target limit on the aggregate amount of time that students spend taking assessments for each grade.

Accountability

States will be responsible for establishing their own accountability systems, which must be submitted to the U.S. Department of Education. Plans will be peer-reviewed, with the reviewers being made public, and states can receive a hearing if their plan is turned down.

State-developed accountability systems must include each of these indicators:

1. Proficiency in reading and math;
2. Graduation rates for high schools;
3. For elementary and middle schools, student growth or another indicator that is valid, reliable and statewide;
4. English language proficiency; and
5. At least one other indicator of school quality or success, such as measures of safety, student engagement or educator engagement.

Accountability systems must have substantial weights on indicators 1-4 above. In aggregate, indicators 1-4 must weigh more than indicator 5.

Interventions

Using the state-developed accountability systems, states must identify, once every three years (but may choose to identify every year), underperforming schools and ensure that districts provide comprehensive support and improvement to:

- The bottom 5 percent of Title I schools in the state;
- High schools with a graduation rate of less than 67 percent; and
- Schools with underperforming subgroups that have not improved after a state-determined number of years of targeted support.

Targeted support and improvement: Schools with significantly underperforming subgroups (as defined by the state) must develop plans with stakeholders, based on all indicators. Plans must include evidence-based strategies and must be approved and monitored by the district.

Comprehensive support and improvement: Districts with identified schools must develop plans with stakeholders, based on all indicators. Plans must include evidence-based strategies and a resource equity component, be approved by the district and the state, and be monitored and reviewed by the state. Students at such schools are eligible for public school choice. If, after four years of comprehensive support and improvement, schools don't meet state-defined criteria for exit, the state will take more rigorous action, which can include changes to school-level operations.

ESSA requires each state to reserve 7 percent of its Title I-A allocation to serve schools implementing comprehensive and targeted support and improvement plans. Improvement plans are required to identify and address resource gaps and also require state monitoring of local spending.

WHAT ELSE IS IN ESSA AND WHAT DO I NEED TO KNOW ABOUT IT?

Charter schools

Charter schools have been part of the Elementary and Secondary Education Act since 1994. ESSA expands current law by improving accountability of the charter school authorization process. ESSA requires that charters educate the same populations as traditional public schools. It strengthens the standards that charters need to meet before being authorized, with a focus on fiscal oversight, and includes requirements to help ensure charter schools have appropriate parental involvement.

Paraprofessionals

Paraprofessional certification requirements, which help prevent school districts from hiring paraprofessionals with little educational experience or professional training, are maintained under ESSA.

ESSA ensures that paraprofessionals are included in the list of stakeholders who must be consulted in the development of the state and local plans in Title II, and the local plans under Title I, including the operation of a targeted assistance school program. There is also language that expands professional development opportunities for paraprofessionals, including how a state can establish, expand or improve pathways for paraprofessionals to earn a teacher certification.

Teacher evaluations and teacher supports

ESSA ends the federal mandate on teacher evaluations. States will be allowed to develop



'ESSA enables us to give kids the public schools kids deserve.'

—AFT President Randi Weingarten

and implement their own systems, as long as they cooperate with stakeholders, including teachers, paraprofessionals and their unions. So, there are no more federally mandated test-based teacher evaluations.

That said, federal ESSA funds can be used on teacher evaluation, and for professional development, professional growth and leadership opportunities. Specific language provides that a state can use funds for centers on induction, class-size reduction, mentoring, career pathways and recruiting a diverse teacher workforce.

English language learners

Equity: ESSA maintains Title III as a separate title with a separate funding stream dedicated to the education of English learners.

Fair accountability: ESSA gives states two options for delaying English learners' inclusion in accountability systems while they are learning English:

- States can exclude students who have been enrolled in U.S. schools for less than one year from state reading or English language arts tests; or
- States can exclude the assessment results of students who have been enrolled in U.S. schools for less than one year from accountability system data. However, states that choose this option must include in their accountability systems a student growth measure for these students in subsequent years.

Additionally, English learners who have successfully left the English learner subgroup by attaining English proficiency can be included in that subgroup for accountability purposes for four years. Educators have long argued for this appropriate and fair provision, considering the unique needs of such students.

Greater integration into the law's core: For the first time, English language proficiency for English learners is integrated into the system by which all schools and districts are held accountable. Furthermore, the academic achievement of English learners is more fully integrated into that accountability system. Moving these two items out of the separate Title III system (while maintaining Title III as a dedicated funding stream) will help ensure that English learners' academic and language needs are fully considered by education systems.

Supports for English learners: ESSA

provides resources to states and school districts to establish, implement and sustain high-quality language instruction programs designed to ensure that English learners, including immigrant children and youth, develop both English language proficiency and content proficiency in math and English, as measured against challenging academic standards. ESSA requires states to measure school districts' progress in these areas and to provide assistance and support to those school districts with ineffective language instruction programs.

Statewide entrance and exit procedures

for English learners: ESSA requires the establishment of statewide entrance and exit procedures for English learners to ensure that English learners get the resources they need while learning English. This also provides stability for English learners who move between schools or districts.

Reporting requirements: ESSA requires

reporting on English learners with disabilities, as well as reporting on the percentage of students who are long-term English learners, as measured by students who have maintained the classification for five or more years.

Career and technical education

ESSA incorporates provisions to help

strengthen career and technical education in schools across the country. For the first time,

elementary and secondary schools will be allowed to use Title IV education funding

specifically for instruction and training. ESSA includes provisions to help expand

career counseling, modernize high schools with work-based learning opportunities, and

designate CTE as a part of a well-rounded education along with traditional subjects such

as English, math and science.

Alignment of academic standards to

CTE: Every state must develop challenging academic standards that are aligned with relevant state CTE standards.

Career counseling: ESSA includes career and guidance counseling programs, as well as training on local workforce needs and options

for postsecondary and career pathways, as allowable uses of funds under the Student

Support and Academic Enrichment grants in Title IV.

Career readiness indicators: States are encouraged to use more career readiness indicators in their accountability systems and state report cards. Doing so will enable states to recognize schools that are successfully preparing students for postsecondary education and the workforce utilizing technical skills and college credits earned. These provisions will help students build skills that prepare them for in-demand career industries ranging from computer coding to welding, so they can compete in tomorrow's workforce.

CTE integration and professional development: A new allowable use of funds under Title II of ESSA will support states developing strategies for integrating academic and career and technical education content. Title II funds may also be used for professional development for CTE teachers. **CTE as a core academic subject:** Career and technical education is included in the definition of a "well-rounded education" along with traditional academic subjects like math and English.

RESOURCES

Guidance for developing state plans

"Let's Get This Conversation Started"

Strategies, tools, examples and resources to help states engage with stakeholders to develop and implement their ESSA plans.

www.ccsso.org/Documents/2016/ESSA/CCSSOStakeholderEngagementGuideFINAL.pdf

A follow-up to "Let's Get This Conversation Started" (above), this tool provides steps to ensure that stakeholders get and stay engaged through the ESSA development process and beyond.

www.ccsso.org/Documents/2016/ESSA/Let'sKeeptheConversationGoingGuide11022016.pdf

"A Handbook for Meaningful Stakeholder Engagement"

This tool supports state education agencies in planning and implementing ESSA state plans, and provides a good overview of each component of the state plan.

http://partnersforeacheverychild.org/P4_EngagementHandbook_ESSA_0616.pdf

"State Template for the Consolidated State Plan Under the Every Student Succeeds Act"

The U.S. Department of Education's template that states must use to fill out their state plans. www2.ed.gov/policy/elsec/leg/essa/essa-consolidated-state-plan-final.docx

More information on ESSA

Council of Chief State School Officers

www.ccsso.org/Resources/Programs/Every_Student_Succeeds_Act.html

U.S. Department of Education

www2.ed.gov/policy/elsec/leg/essa/index.html

Partners for Each and Every Child

<http://partnersforeacheverychild.org/StateEngagement.html>

New Accountability Through the Every Student Succeeds Act"

An excellent paper that examines the options, including research, available to states to redefine their accountability systems.

http://learningpolicyinstitute.org/sites/default/files/product-files/Pathways_New_Accountability_Through_Every_Student_Succeeds_Act_04202016.pdf

Accountability

"Pathways to



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American Federation of Teachers, AFL-CIO
555 New Jersey Ave. N.W.
Washington, DC 20001
202-879-4400

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