

Overview of the New Law

PTA and the Every Student Succeeds Act (ESSA)



Overview ESEA/ESSA

The Elementary and Secondary Education Act (ESEA) was first passed in 1965 by President Lyndon Baines Johnson. This major education bill was created in response to the growing need for the federal government to improve the quality of education for lower income students across the United States. ESEA is the major education law that governs how states and local education agencies spend federal dollars and conduct the education of millions of public school students from pre-k to 12th grade. Since 1965, ESEA has been reauthorized 8 times and prior to the 2015 reauthorization, the most recent reauthorization occurred in 2002, when President George W. Bush and Congress reauthorized ESEA and renamed it the No Child Left Behind Act (NCLB). In December 2015, the House passed a reauthorization of ESEA now titled the Every Student Succeeds Act (ESSA) by a vote of 359-64 and the Senate passed the bill by a vote of 85-12. President Obama signed ESSA into law on December 10, 2015.

Portions of ESSA will start to be implemented in schools in the fall of 2016. Below is a timeline of implementation in key areas:

- Current Title I, State Accountability Plans remain in effect until August 1, 2016 with new accountability systems not going into effect until the 2017-2018 school year.
- Department of Education No Child Left Behind waivers expire August 1, 2016
- The noncompetitive formula funding grant programs like Title I will take effect on July 1, 2016
- The competitive grant funding programs like the Statewide Family Engagement Program will take effect on October 1, 2016, pending appropriations by Congress.

National PTA's Legislative Priorities in the Reauthorization of ESEA

- ✓ A thoughtful, comprehensive, bipartisan reauthorization of the law to address needed changes in K-12 public education.
 - On December 10, 2015, President signed the bipartisan Every Student Succeeds Act of 2015 into law.
- ✓ Provide access to a well-rounded curriculum for all students and guarantee that all students receive quality instruction from well-prepared teachers and specialized instructional support personnel.
 - "Well-Rounded" education is now the statutory term used throughout ESSA. The term well-rounded education means courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational

Overview of the New Law

PTA and the Every Student Succeeds Act (ESSA)



- agency, with the purpose of providing all students access to an enriched curriculum and educational experience.
- More funding is authorized for teacher and other school leader preparation in Title II.
- ✓ Embed improvements in family engagement capacity-building throughout all titles of ESEA-NCLB.
 - Significant provisions were added to Title I regarding family engagement and in Title IV with the inclusion of Statewide Family Engagement Centers (SFECS) competitive grant program. Additionally, the inclusion of parents and families as stakeholders and family engagement provisions were included in Title II, Title III and other elements of the bill.
- ✓ Retain and improve Title I, Section 1118, to create incentives at the state, district and school levels to meaningfully engage families in their children's education using research-based strategies.
 - Under Title I, school districts must reserve at least one percent of funds for family engagement activities. ESSA requires schools and districts to establish written family engagement plans and conduct evidence-based family engagement strategies such as home-visiting or professional development for educators that enhance student achievement and school improvement.
 - National PTA did get language included to not limit local educational agencies from reserving more than 1 percent of Title I funds for family engagement. National PTA also was able to include five ways that LEAs can use their Title I set-aside for parent and family engagement activities which is similar to language in the Family Engagement in Education Act. All LEA's must do at least one of these strategies with their federal funds.
- ✓ Safeguard and improve state-based infrastructure for capacity-building and technical assistance in family engagement programming.
 - The Statewide Family Engagement Centers competitive grant program was included in the final bill. This program improves upon the Parent Information Resource Centers program that was in ESEA/NCLB and will help to provide states and districts with the capacity to support effective family engagement policies and initiatives.
 - Although over 50 federal education programs were consolidated, Statewide Family Engagement Centers was one of the few programs to be enacted.
- ✓ Develop ambitious, yet appropriate, state-driven accountability systems with growth and performance goals to replace Adequate Yearly Progress.
 - ESSA eliminates the Adequate Yearly Progress (AYP) mandates under NCLB, which require that all students in all states make "adequate" annual progress toward proficiency in math and reading or risk federal sanctions.

Overview of the New Law

PTA and the Every Student Succeeds Act (ESSA)



- The law keeps the annual testing structure in place. Students are assessed every year in math and reading or language arts in grades 3-8 and once in high school along with assessing students in science once in grades 3-5, 6-9 and 10-12.
- ✓ Reject any proposal to divert public funding from public schools.
 - No school voucher or portability provisions to divert public funding to private schools was included in the final bill.

Title I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

Title I is the largest program supporting elementary and secondary education in the Every Student Succeeds Act (ESSA). Public schools receive federal funding from their local education agencies (LEAs) based on the number of low-income students that attend their school. The dedicated federal funding for Title I is Congress' attempt to provide all children with the opportunity to receive a fair, equitable, and high-quality education, and to close achievement gaps. State education agencies must submit state plans to the U.S. Department of Education that outlines their ability to meet federal requirements to receive Title I funding.

Title I: ESSA vs. NCLB

- States can decide if their academic assessments are administered through a single summative assessment or through multiple interim assessments during the course of the year.
- Annual measurable objectives (AMOs) and adequate yearly progress (AYP) requirements are eliminated and states are required to establish long-term goals and annually measure all students and each subgroup based on five indicators. The indicators are (all of which are required to be disaggregated):
 1. Academic achievement on annual assessments (high schools may use student growth based on annual assessment);
 2. Elementary and middle schools are to measure student growth or another valid and reliable statewide academic indicator;
 3. High school graduation rates;
 4. English language proficiency; and
 5. One indicator of school quality or student success that allows for meaningful differentiation of school performance that is valid, reliable, comparable and statewide.
- Schools are identified by their state under two categories for improvement:
 1. **Comprehensive support and improvement:** Consists of schools that are the lowest-performing 5 percent of schools in the state, all public high schools in the

Overview of the New Law

PTA and the Every Student Succeeds Act (ESSA)



state that fail to graduate at least 67% of their students and schools with a subgroup of students performing at the lowest 5% of all Title I receiving schools that do not improve in a state-set period of time.

2. **Targeted support and improvement:** Consists of schools with a consistently underperforming subgroup of students and must implement targeted interventions that are evidence-based and locally determined for a LEA determined number of years. State must identify these schools every year. A school with a subgroup of students performing at the lowest-performing 5% of Title I schools must implement additional targeted supports and identify resource inequalities in its improvement plan.
 - The U.S. Secretary of Education has less authority over state education plans.
 - States have more authority over their accountability systems and implementing school improvement methods

Title II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

The purpose of this title is to provide grants to State educational agencies and subgrants to local educational agencies to improve the quality and effectiveness of teachers, principals, and other school leaders; increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and provide low-income and minority students greater access to effective teachers, principals, and other school leaders.

Title II: ESSA vs. NCLB

- The new law does not require states to set up teacher-evaluation systems that are based on a significant part of students' test scores.
- ESSA eliminated the highly qualified teacher (HQT) provision in NCLB. Under ESSA, teachers in schools receiving Title I funds need only to fulfill their state's certification and licensing requirements.
- The \$2.3 billion state teacher-quality grants program formula (also known as Title II) for allocating these dollars considers both student population and poverty. As part of ESSA, Congress rewrote the formula to weight the poverty factor more heavily. It also did away with the minimum award amount guaranteed to each state since 2002.
- Among other changes, states may now use their teacher-quality funds to support residency based teacher-prep programs, in which teacher-candidates spend a year being guided into teaching by mentors. They can also set up teacher-preparation "academies" independent of higher education and traditional quality-control systems,

Overview of the New Law

PTA and the Every Student Succeeds Act (ESSA)



but over time the academies must produce teachers with effective track records. Some education groups were opposed to these academy programs.

- Two new programs were added to Title II as well. A new initiative for civics and history programs and a new program known as the STEM (Science, Technology, Engineering, and Mathematics) Master Teacher Corps. The STEM Master Teacher Corps had been introduced as a stand-alone bill by Senator Al Franken (D–MN) in February 2015 in an effort to create a network of STEM leaders who would be eligible to receive additional compensation funded through the federal program.

Title III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

The purpose of this title is to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English as well as assist teachers, administrators and other school leaders with English learners and their families.

Title III—ESSA vs. NCLB

- The new law shifts accountability for English-learners from Title III—the section of the federal law that previously authorized aid to states and local school districts for English-language-acquisition programs—to Title I, the federal program under which the performance of all other student groups is scrutinized.
- Under the new law, states will develop their own ELL accountability systems that must measure progress in English-language development and the number of students who become English proficient.
- Funding for the title’s three subparts increases from \$737 million in 2015 to \$885 million annually by 2020.

Title IV—21ST CENTURY SCHOOLS

The purpose of this title is to improve students’ academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to provide all students with access to a well-rounded education; improve school conditions for student learning; and improve the use of technology in order to improve the academic achievement and digital literacy of all students. Only a few Title IV programs of ESEA/NCLB were included as standalone programs in Title IV of ESSA.

Most importantly for National PTA, is the inclusion of the Statewide Family Engagement Centers (SFECs) as a competitive grant program. This program would help to provide states and districts with the capacity to support effective implementation and enhancement of family

Overview of the New Law

PTA and the Every Student Succeeds Act (ESSA)



engagement policies and initiatives. The other specific sections listed in Title IV include the Student Support and Academic Enrichment Grants, 21st Century Community Learning Centers, and Charter and Magnet Schools grant assistance programs.

The Student Support and Academic Enrichment grants are designed to create programs to foster safe, healthy, supportive, and drug-free environments that support student academic achievement. These programs are coordinated with other schools and community based services and programs and may be conducted in partnership with outside organizations and private entities. They are also required to “promote the involvement of parents in the activity and program”.

Title IV: ESSA vs. NCLB

- Instead of a larger number of federal programs, the bill consolidates nearly 50 programs into a block grant. An estimated \$1.6 billion is authorized for the Title IV Part A block grant and includes some involving physical education, Advanced Placement, school counseling, and education technology.
- Districts that get more than \$30,000 in the Title IV Part A Block Grant have to spend at least 20 percent of their funding on at least one activity that helps students become well-rounded, and another 20 percent on at least one activity that helps students be safe and healthy. And part of the money can be spent on technology.
 - For example, well-rounded includes programs or activities that use music and the arts as tools to support student success, safe and healthy includes programs or activities that help prevent bullying and harassment, and technology includes programs or activities that promote personalized learning.
- Part E of Title IV includes the Statewide Family Engagement Centers (SFECS) competitive grant program. This program would help to provide states and districts with the capacity to support effective implementation and enhancement of family engagement policies and initiatives.
- Part F of Title IV would also include funding for education innovation, Promise Neighborhoods (funding to nonprofit and other entities to benefit children in distressed communities), full-service community schools, arts education, Ready to Learn television, and gifted and talented education programs.

Title V—STATE INNOVATION AND LOCAL FLEXIBILITY

The purpose of this part is to allow States and local educational agencies the flexibility to target Federal funds to the programs and activities that most effectively address the unique needs of States and localities.

Overview of the New Law

PTA and the Every Student Succeeds Act (ESSA)



Title V—ESSA vs. NCLB

- Title V was previously titled “Promoting Informed Parental Choice and Innovative Programs”, but is now called “State Innovation and Local Flexibility”. Under the new Title V, ESSA enables some funding transferability through a pilot program for weighted student funding, and nearly \$170 million for rural education programs from 2015 through 2020.

Title VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

The purpose of this title is to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of Indian students, so that these students can meet challenging State academic standards.

Title VI—ESSA vs. NCLB

- A State Tribal Education Partnership (STEP) grant program which is permanently authorized to promote tribal self-determination, improve Indian academic achievement, and promote coordination and collaboration between tribal education agencies and state and local education agencies.
- States must engage in meaningful consultation with tribes in the development of state plans for Title I grants. LEAs must consult with tribes in the design and development of programs under the Act, and they must consult with tribes prior to making any decision affecting the opportunities of Indian children in programs, services, or activities funded by ESEA.
- The Secretary of Education is tasked with reaching out to LEAs and Bureau of Indian Education (BIE) schools that are eligible for Title VII grants in order to encourage and assist eligible entities to submit applications.
- The Secretary of Education is directed to provide technical assistance to LEAs, including technical assistance to develop applications, improve implementation, and integrate Title VII activities with other educational activities.
- ESSA provides for the creation and expansion of Native language immersion programs in public schools.
- ESSA authorizes programs for American Indian, Native Hawaiian, and Alaska Native students, approximately \$160 million annually from 2015 through 2020.

Overview of the New Law

PTA and the Every Student Succeeds Act (ESSA)



Title VII—IMPACT AID

Federal Impact Aid is designed to assist United States local school districts that have lost property tax revenue due to the presence of tax-exempt Federal property such as a military base, or that have experienced increased expenditures due to the enrollment of federally connected children, including children living on Indian lands.

Title VII—ESSA vs. NCLB

- Makes permanent technical and formula changes to Federal Properties that have already reduced subjectivity in the program and increased the timeliness of payments.
- Eliminates the Federal Properties “lockout” provision that currently prevents eligible federally impacted school districts from accessing Impact Aid funding.
- Adjusts the Basic Support formula to ensure equal proration when appropriations are sufficient to fund the proration formula (Learning Opportunity Threshold).
- Includes provisions, such as a hold harmless, to prevent funding cliffs and provide school districts sufficient time to adjust to significant changes to their federally-connected student enrollment.
- The total authorized amount for programs funded under Title VII would grow from nearly \$1.3 billion annually to approximately \$1.4 billion annually from 2015 through 2020.

Title VIII—GENERAL PROVISIONS

The purpose of this title is to provide definitions of terms, outline the use of administrative funding, and detail waivers, among other regulations. As with NCLB, a state may request a waiver from the Secretary of Education for specific statutory or regulatory provisions under the ESSA.

Title VIII—ESSA vs. NCLB

- ESSA specifically prohibits the Secretary from requiring states or schools to adopt specific standards or assessments, such as the Common Core State Standards, or require adoption of specific state accountability systems or teacher evaluation models to qualify for a waiver.

Title IX—EDUCATION FOR THE HOMELESS AND OTHER LAWS

The purpose of this title is to provide resources and opportunities for homeless children and their families. In addition, Title IX also requires reporting on Department of Education actions, drop outs, subgroup sample sizes, and digital learning resources. It also requires a study on the

Overview of the New Law

PTA and the Every Student Succeeds Act (ESSA)



Title I funding formula. Finally, it authorizes the Preschool Development Grant program to improve early childhood learning opportunities.

Title IX—ESSA vs. NCLB

- ESSA increases funding under Part A of Title IX, which provides funding for homeless children, from approximately \$65 million annually in 2015 to \$85 million annually from 2017 through 2020.
- ESSA enshrines the Preschool Development Grant program in law and focuses it on program coordination, quality, and broadening access to early-childhood education. The program is housed at the Department of Health and Human Services, jointly administered by the Education Department.

Questions

If you have questions about this memorandum or ESSA in general, please contact Jacki Ball, director of government affairs, at jball@PTA.org or (703) 518-1243.