



## **Summary of Proposed Regulations Governing the Every Student Succeeds Act: Accountability Provisions, Requirements for State and Local Report Cards, and Submission of State Plans**

Proposed regulations from the U.S. Department of Education, announced on May 26 and published in the Federal Register on May 31, 2016, detail the department’s vision of implementing provisions of the Every Student Succeeds Act (ESSA), legislation reauthorizing the Elementary and Secondary Education Act of 1965. Comments on the proposed regulations must be submitted by Aug. 1. For instructions on how to submit comments, and to read the regulations, [go here](#).

Below is a summary of major provisions of the proposed regulations.

### Single Statewide Accountability System

Each state must describe in its state plan a single, statewide accountability system, and implement that system beginning no later than the 2017-2018 school year. A state’s accountability system must be based on its challenging academic standards, be informed by the state’s long-term goals and interim measures of progress, take into account the achievement of all public elementary and secondary school students, and be the same system it uses to annually meaningfully differentiate all public schools in the state. The accountability provisions “must be overseen” for public charter schools in accordance with state charter school law. The plan must include information about how the state will ensure effective development and implementation of school support and improvement plans. As part of its accountability system, a state must establish long-term goals for academic achievement, graduation rates, and English language proficiency for all students and each subgroup of students: economically disadvantaged students; students from major racial and ethnic subgroups; children with disabilities; and English learners.

Accountability plan indicators must measure performance annually for all students and separately for each subgroup of students using the same measures within each indicator for each subgroup of students. The required plan indicators (states can choose to report additional ones) are:

1. Academic Achievement—for all schools. Measure of grade-level proficiency on annual statewide assessments of reading and math. High schools, at the state’s discretion, may include a measure of student growth based on those test scores.
2. Academic Progress—for elementary and secondary schools that are not high schools. This indicator can be based on annual statewide assessments or be another measure.
3. Graduation Rate—for high schools. Must measure the four-year adjusted cohort graduation rate, although it may also measure the extended-year adjusted cohort graduation rate.

4. English Language Proficiency—for all schools. Based on the annual English language proficiency assessment, this indicator will take into account students’ English language proficiency level, and, if a state chooses, also considers student characteristics or an additional proficiency measure. The regulations don’t allow for weighting of this indicator according to the number of ELL students.
5. School Quality or Student Success—for all schools, may vary by grade span. One or more indicators that may include measures such as student access to and completion of advanced coursework; postsecondary readiness; school climate and safety; educator engagement; or any other indicator a state chooses.

The statute requires that each indicator must be given “substantial” weight individually, and the academic indicators “much greater” weight in the aggregate. The department proposes to operationalize this statutory language by requiring that a school identified as needing comprehensive support cannot be removed from that status on the basis of improved performance on an indicator of school quality and student success unless it is also making progress for all students on an academic one. Likewise, a school identified for targeted support because of a struggling subgroup can’t be removed from that status on the basis of an indicator of school quality or student success unless that subgroup is making progress on at least one academic indicator. And a school achieving the lowest level of performance on any academic indicator must receive a different summative rating than a school performing at the highest level on all of the indicators.

Indicators must be valid, reliable, and reportable statewide, and they must be able to be disaggregated at the school level by student subgroup (all part of the statute). The regulations require that indicators lead to differentiation across schools. They must be calculated the same way for all schools across the state, except that the Academic Progress and School Quality or Student Success indicator can vary by each grade span. The Academic Progress and School Quality or Student Success indicators must be supported by research showing that performance or progress on the measures is likely to increase student achievement or high school graduation rate, and must aid in meaningful differentiation of schools by demonstrating varied results across all schools in the state.

The regulations require that states assign a comprehensive summative rating for each school, while also reporting on a school’s performance on each indicator.

#### Participation in Assessments

Each state must annually assess the achievement of at least 95 percent of all students and 95 percent of all student in each subgroup of students. The requirement for 95 percent participation must be factored into its system of meaningful differentiation of school performance so that missing the requirement for all students or any subgroup of students results in at least one of the following:

- A lower summative rating in the state’s system of differentiating schools.
- The lowest performance level on the Academic Assessment indicator.
- Or another equally rigorous state determined action.

#### Supporting Low-performing Schools

States must identify certain schools at least once every three years for comprehensive support and improvement including:

- The bottom 5 percent of Title I schools in the state.
- High schools with graduation rates below 67 percent for all students (based on the four-year adjusted cohort graduation rate).
- Title I schools with chronically low-performing subgroups of students that have not improved after receiving additional targeted support.

States must also identify schools for targeted support and improvement, including (at a minimum) schools with a low-performing subgroup performing similarly to all students in the bottom 5 percent of Title I schools that have not sufficiently improved, as defined by the state, after the implementation of a targeted support and improvement plan over no more than five years. States are required to identify schools with at least one low-performing group of students (performing at or below the summative performance of all students in any of the lowest-performing five percent of Title I schools in comprehensive support and improvement status) and any Title I schools with a consistently underperforming subgroup. The regulations suggest a definition of “consistently underperforming.” However, states may use their own definitions as long as they identify schools with subgroups that are underperforming, based on the state’s indicators, for two or more years.

Districts must notify parents of students in schools identified for support and improvement and let them know how they can be involved in the school improvement process. Schools, districts and states must select evidence-based strategies for school improvement. States must set meaningful exit criteria from being identified as needing improvement.

If a school is identified for comprehensive support or additional targeted support, the proposed regulations would require that their improvement plans review resource equities, including per-pupil expenditures and disproportionate rates of ineffective, out-of-field, or inexperienced teachers.

Plans must be approved by the school identified for comprehensive support and improvement, the LEA, and the state. The state has the responsibility of reviewing the plan, monitoring the plan, and establishing uniform statewide exit criteria for each school implementing a comprehensive support and improvement plan. Regarding high schools identified for comprehensive support and improvement, the state may permit differentiated improvement activities, including in schools that predominately serve students returning to high school after having left without a regular diploma or students who are significantly off track in terms of accumulating sufficient academic credits to meet high school graduation rates, and in schools that serve less than 100 students.

The regulations would continue the requirement that states direct funds for school improvement to schools most in need of support. They would also require that each district receiving school improvement funds receive a minimum of \$500,000 for each comprehensive support school it serves and \$50,000 for each targeted support school it serves, unless a state determines a smaller amount is sufficient.

Timeline: the proposed regulations require that states identify schools for comprehensive and additional targeted support for the 2017-2018 school year, with annual identification of schools with consistently underperforming subgroups for targeted support beginning in the 2018-2019 school year.

#### Data Reporting

Of note are the following provisions around data:

- States and districts would be required to consult with parents in designing report cards. Starting with information based on the 2017-2018 school year, report cards for the preceding school year must be distributed no later than Dec. 31.
- Students with the most significant cognitive disabilities awarded a state-defined alternative diploma must be included in the calculation of the four-year adjusted graduation rate in the numerator.
- Disaggregated data on the report cards must include information on the performance of students in the following categories: migrant, homeless, in foster care or having a parent in the Armed Forces on active duty.
- State and local report cards must include specific information about district- and school-level per-pupil expenditures calculated based on uniform procedures
- Postsecondary enrollment data must be reported at the state, local and school level “where available,” including students who graduate from high school and enroll in public postsecondary education in the state, or private postsecondary education (if data is available and to the extent practicable).

#### State Plan Requirements

The proposal also discusses the required State plans that must be submitted to the department in order to receive federal funding for programs in ESSA. These can be submitted as a consolidated State plan or as individual program plans. Programs that may be included are:

- **Title I, Part A** (Improving Basic Programs Operated by State and Local Educational Agencies)
- **Title I, Part C** (Education of Migratory Children)
- **Title I, Part D** (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk)
- **Title II, Part A** (Supporting Effective Instruction)
- **Title III, Part A** (Language Instruction for English Learners and Immigrant Students)
- **Title IV, Part A** (Student Support and Academic Enrichment Grants)
- **Title IV, Part B** (21<sup>st</sup> Century Community Learning Centers)
- **Title V, Part B, Subpart 2** (Rural and Low-Income School Program)

Plans must be submitted by a date established by the Secretary (see page 5); upon initial review by the Secretary, the state may submit revisions if needed. Once approved, the state is required to post the plan for public access. Revisions and amendments are permitted after approval, provided that the “timely and meaningful consultation” process (described on pg. 5) is followed. At a minimum, states must review and make any needed revisions to their plans once every four years.

If a state chooses to submit a consolidated plan, it must address: consultation and coordination; challenging academic standards and academic assessments; accountability, support, and improvement for schools; supporting excellent educators, and; supporting all students. It must also include information on how the state is working to ensure LEA activities are aligned with state strategies.

Further, the plan must describe, among other things, how the state will collect and use data and information, including stakeholder input; how they will seek continuous improvement in struggling areas, and; how technical assistance will be administered.

States submitting a consolidated plan must address specific details within each of the **bolded categories** listed on the previous page. This includes describing how and with whom the SEA consulted on the plan, outline its standards and assessments, discuss its accountability system (including items such as indicator weights, how the 95 percent participation requirement is factored in, etc.) and turnaround identification and strategy, how it will support educator professional development with Title II money, and how it will generally leverage funds through the previously mentioned programs to improve student supports and performance. In developing or revising a consolidated state plan, the SEA must consult in a “timely and meaningful” manner with, at the minimum, the following groups:

- the Governor, or appropriate officials from the Governor's office
- members of the State legislature;
- members of the State board of education (if applicable);
- LEAs, including LEAs in rural areas;
- representatives of Indian tribes located in the State;
- teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and organizations representing such individuals;
- charter school leaders, if applicable;
- parents and families;
- community-based organizations;
- civil rights organizations, including those representing students with disabilities, English learners, and other historically underserved students;
- Institutions of higher education (IHEs);
- Employers; and
- The public

This list represents groups that must be consulted for the programs included in a consolidated application, not just a Title I application.

**The department has noted that it intends to have two separate submission opportunities for state plans (either consolidated, or individual programs): March 6 and July 5, 2017.** The purpose of having two dates, the regulatory draft notes, is to ensure that states already engaged in timely and meaningful consultation can submit their plan in the first window to receive quicker feedback, while states still establishing procedures and undertaking processes can have adequate time to discuss all relevant policy proposals and submit at the second deadline.

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