



# **IMPLEMENTING THE EVERY STUDENT SUCCEEDS ACT: WHAT IS THE STATE'S ROLE?**

**PRESENTATION TO THE NORTH CAROLINA HOUSE SELECT COMMITTEE  
ON EDUCATION STRATEGY AND PRACTICES**

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# ESEA Reauthorization: 8 years of attempts



## ESEA TIMING

*Why did this effort pass when so many others failed?*

For eight years, Congress tried – and failed – to reauthorize the Elementary and Secondary Education Act (ESEA). Despite broad agreement on the need to overhaul key provisions of the law, there was little consensus on the exact solutions. A central element of the debate was defining a federal role that balanced state authority with protections for struggling students. By 2015, however, NCLB and the Administration's waiver program had grown incredibly unpopular on the left and the right. Much to the surprise of the education world, Congressional Democrats and Republicans were able to harness this frustration to craft a compromise that significantly reduced the federal role in education while preserving key elements of accountability like annual assessments. That compromise passed the House and Senate with overwhelming bipartisan support.

# Timeline

## 2015-16 School Year: Bill Passage and Initial Rulemaking

August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July
				USED Rulemaking							
				ESSA passes.	Negotiated rulemaking panel (NPRM) meets.			NPRM sent to Congress for review.			NPRM is open for public comment.
				USED develops drafts regulations.							

## 2016-17 School Year: Transition

August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July
USED Rulemaking				States Develop and Submit Plans							
ESEA Waivers null and void.				States must continue interventions in identified schools (i.e., focus and priority schools).							
Final regulations released.											
Competitive grant programs take effect in new fiscal year based on new program structure.				New President & Secretary				Formula grant programs take effect.			



# Eliminated vs. Survived

Eliminated	Survived	New
Ability of Secretary to coerce states to adopt a particular set of standards	Requirement to adopt “challenging” state academic content standards	Standards must be aligned with credit-bearing courses in college
Secretarial discretion to reject state plans	Annual testing in reading and math in grade 3-8 and high school	Innovative assessment pilot
Adequate Yearly Progress (AYP)	Grade-span testing in science	New assessment delivery options (adaptive, roll up)
Mandate to achieve universal proficiency by a certain date	State participation in NAEP	Funding for assessment audits
Federally defined cascade of sanctions	Disaggregated data	Mandate for state-developed accountability systems with limited federal rules around goals, indicators, and school ratings
Automatic failure of schools that don’t meet the 95% participation requirement	95% participation requirement	Locally- and school-designed interventions
Specific intervention models	Stakeholder engagement on state Title I plans	A Title I set-aside to pay for interventions
School Improvement Grants (SIG)	Existing Title I formula	Weighted student funding pilot
Race to the Top ( <i>authorized under ARRA, not reauthorized by ESSA</i> )	“Supplement not supplant” and “maintenance of effort” requirements ( <i>with new flexibilities</i> )	Student Support and Academic Enrichment block grants of \$1.6 billion ( <i>if fully funded</i> )
Highly qualified teachers requirement		
Teacher evaluations based on student achievement ( <i>required by waivers</i> )		



# Big Shifts in Accountability Policy: Who is Responsible?

	NCLB	ESSA
Standards	State but, under ESEA waivers, Feds required Common Core or sign off by higher ed	State
Assessments	State with Federal review and approval	State with Federal review and approval
Interventions	Federal States choose among options	State
AYP/School Rating	Federal	State must incorporate certain indicators for all students and each subgroup
Long-term Goals	Federal	State
Teacher Evaluations	Federal under ESEA waivers	State

# Limitations on the Secretary's Authority

**Standards:** The Secretary may not require states to submit any academic standards for review or approval or “mandate, direct, control, coerce or exercise any . . . supervision over” standards.

**Rulemaking:** The Secretary may not “promulgate any rule . . . that would add new requirements [or new criteria] that are inconsistent with or outside the scope” of the law.

**Approval of state plans:** The Secretary must approve a State Plan that is compliant with the law within 120 days.

## Secretary may not prescribe:

- Goals or lengths of terms for goals;
- Specific academic assessments or items;
- Accountability indicators;
- Specific school support/improvement strategies;
- Minimum N.

## How reduced *is* the Secretary's power?

Even with these limitations, there are many ambiguities in the law that the U.S. Department of Education has a responsibility to explain, and the Secretary still has the power to withhold funds from a state that fails to comply with the requirements of the law.



## School Accountability Highlights

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- 1 States will set their own goals.
- 2 Questions remain around subgroup accountability.
- 3 States must choose an additional indicator of student success.
- 4 States will select their own escalating set of school supports and interventions.
- 5 New accountability provisions don't take effect until the 2017-18 school year.

## State Innovation Opportunities

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- 1 Leverage up to \$1.6 billion block grant to accelerate state priorities.
- 2 Experiment with weighted student-centered funding.
- 3 Audit, streamline, and upgrade assessment systems.
- 4 Pilot new competency-based education models.
- 5 Accelerate digital learning and infrastructure for online assessments.




# Innovative Assessment and Accountability Demonstration Authority


## Summary

- Up to 7 states (including those in consortia) to participate.
- States must demonstrate validity, reliability, comparability, and accessibility of new system and plan to scale statewide.
- States may choose to no longer continue the use of the statewide academic assessments otherwise required if not used in proposed accountability system.
- Examples: Competency-based assessments; interim assessments; cumulative year-end assessment; or performance-based assessments that combine into an annual summative determination for a student.

## States to Watch



The ESEA waiver for NH’s Performance Assessment of Competency Education (PACE) system helped to inspire this pilot.



OH state law established Innovation Lab Network assessment waivers as well as a competency-based education pilot program.

**CCSSO Innovation Lab Network:** [The Innovation Lab Network \(ILN\)](#) is a group of states taking action to identify, test, and implement student-centered approaches to learning.

**Current states in the ILN include** CA, CO, IA, KY, ME, NH, OH, OR, VA, VT, WV and WI.

## Recommendations

- Understand the far-reaching commitment.**
- Developing and validating new assessments will require substantial time and costs as well as input from key stakeholders.
- Begin by authorizing an Innovation Schools program.**
- Interested states should pilot new models or identify districts that have begun the transition to competency-based education.

## Resources

- [Competency-Based Education Policy Summary](#)
- [Competency-Based Education Model Legislation](#)
- [Council of Chief State School Officers: Innovation Lab Network Roadmap to Competency-Based Education](#)



**COMPETENCY-BASED EDUCATION: MOVE ON WHEN READY**

Every student has unique talents and abilities, and every student deserves an education that adapts to their needs rather than requiring conformity to an outdated model of education. The nation's goals and expectations for all students have risen. The conventional, one-size-fits-all system of education must evolve and adapt to meet the individual needs of each student and equip them for success in the 21<sup>st</sup> Century.

The terms *competency, proficiency, and mastery* are often used interchangeably.

Competency-based education is a system of instruction where students advance to higher levels of learning when they demonstrate mastery of concepts and skills regardless of time, place or pace. A collaboration of innovative leaders and practitioners, led by CompetencyWorks and IRACON, developed the following exciting definition of competency-based education in which:

- Students advance upon mastery
- Competencies include explicit, measurable, transferable learning objectives that empower students
- Assessment is meaningful and a positive learning experience for students
- Students receive timely, differentiated support based on their individual learning needs.
- Learning outcomes emphasize competencies that include application and creation of knowledge along with the development of important skills and dispositions.

A traditional, time-based education system advances students based on their age, regardless of what they have learned. This outdated model limits student achievement in two fundamental ways: it holds back students who could be excelling more quickly, and it pushes students forward who are not yet ready, leaving them with gaps of knowledge, skill and understanding that must be filled later.

*"We continue to transform education to a personalized system where every learner is met at their level. They are guaranteed success. They are challenged. They are joyful and they show our system ready to move forward to their future."*

Thomas Runney, Superintendent of Lindsay Unified School District, California



# Course Access and Online Learning

## Summary

ESSA contains two potential sources of support for state course access programs:

### 1. Direct Student Services

- Optional set aside amount would likely be \$13.5 million in North Carolina.
- States could set aside 1% of that total for administration.

### 2. Student Support and Academic Enrichment Grants

- If fully funded at \$1.6 billion, North Carolina would receive approximately \$46.6 million.
- If funded closer to \$400 million, North Carolina would receive approximately \$11.7 million.

## Recommendations

**Use the Direct Student Services to create or expand a statewide Course Access program.**

- Encourage or limit uses of Direct Student Services funds for course access costs.
- Use the 1% administrative set-aside of this program to develop course access infrastructure (costs related to the review of provider applications, establishment of a course catalog, and monitoring of providers).

**Encourage districts to use Student Support and Academic Enrichment Grant funds in support of statewide Course Access programs.**

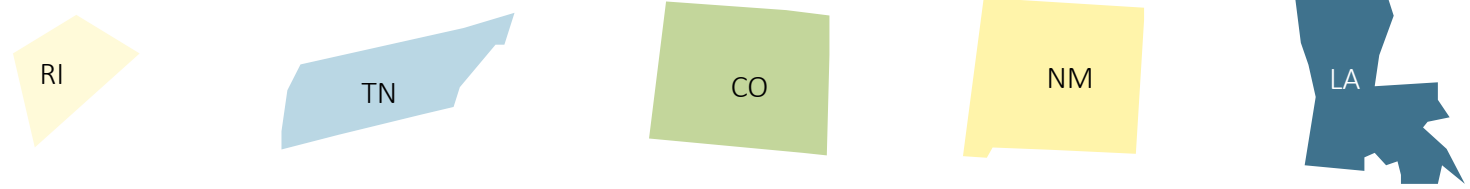
- Districts will have to submit plans for how to use these funds to the state, which could create an opportunity to encourage or limit the use of funds to provide access to Advanced Placement, well-rounded, and other online distance learning courses



# Course Access and Online Learning

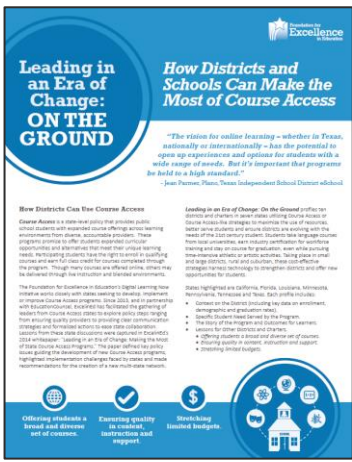
## States to Watch

States where a Chief is interested in the topic but authorizing legislation for Course Access does not yet exist or states with Course Access programs where this could fund some of the state administrative costs and also increase enrollments without requiring additional state funds or use of district funds.



## Resources

- [Course Access 2015 White Paper](#)
- [Course Access Policy Summary](#)
- [Course Access Model Legislation](#)
- [Course Access Video Series](#)





# Key New Provision: Direct Student Services

This optional Title I set aside can help support state priorities such as course access and public school choice.

## Optional Title I Set Aside

- Beginning with the 2017-18 school year, states may choose to set aside up to 3% of Title I Part A funds to make awards to districts to provide **Direct Student Services** (e.g., supplemental courses, tutoring, and public school choice). 99% of funds must be distributed to districts.
- Services can be offered through providers or the school district.
- Examples include credit recovery, AP/IB or dual credit courses, career and technical education courses not otherwise available, personalized learning, course access, tutoring, and transportation for transfer to higher-performing public schools

## Required Prioritization

- Awards must go to districts serving the highest percent of schools targeted for comprehensive and then targeted support and improvement.

## Process

- Districts apply to the state to receive funds and must explain how they will inform parents of available services.
- States monitor quality of providers.



# Key New Provision: Student Support and Academic Enrichment Grants

This block grant is authorized at **\$1.6 billion**. However, the grant programs that were rolled into this block grant only received appropriations of **\$400 million** in fiscal year 2016.

Required Activities	May Include:
<b>Well- Rounded Educational Opportunities</b> <i>(at least 20%)</i>	<ul style="list-style-type: none"><li>• Increasing access to accelerated learning (AP and IB)</li><li>• Expanding access to STEM courses</li><li>• Strengthening the teaching of American history/civics</li><li>• Improving foreign language instruction</li><li>• Promoting volunteerism</li><li>• Working directly with districts to emphasize that literacy is the most critical component of providing a well-rounded education.</li></ul>
<b>Safe and Healthy Students</b> <i>(at least 20%)</i>	<ul style="list-style-type: none"><li>• School-based mental health services</li><li>• Anti-bullying campaigns</li><li>• School-wide positive behavioral interventions</li><li>• Drug and violence prevention programs</li></ul>
<b>Effective Use of Technology</b> <i>(infrastructure costs cannot exceed 15%)</i>	<ul style="list-style-type: none"><li>• Building capacity and infrastructure</li><li>• Providing professional development on using technology</li><li>• Expanding personalized/blended learning (resources, devices, or content)</li><li>• Delivering rigorous academic courses and curriculum through technology</li><li>• Providing students in rural/remote/underserved areas with digital resources</li></ul>



# Key New Provision: Title I Funding Flexibility

ESSA makes two key changes to Title I requirements that could increase state discretion over federal funds and give schools greater flexibility to determine how funds are spent.

## Changes to the Supplement Not Supplant Rule

- ESSA makes changes to the “supplement not supplant” rule, which states that schools and districts cannot use federal funds for anything the state already requires them to spend money on.
- Previously, districts and schools had to itemize individual costs and services to show compliance. Now, districts and schools need only show in fiscal terms that the Title I dollars supplement state and local dollars.

## Expanding the Definition of Schoolwide Programs

- Under ESSA, more schools will be able to operate “schoolwide Title I programs” as opposed to targeted assistance programs in which Title I funds must be directed toward programs for certain at-risk students.
- Schools that receive a waiver to operate a schoolwide program will have significant more freedom to direct federal funds toward the programs that will maximize the benefit for all students.

# How ExcelinEd Can Help

The passage of ESSA represents an exciting new era of state-led education reform.

ExcelinEd is available to help state policymakers deepen their understanding of ESSA, set the stage for new opportunities and prepare to tackle new challenges.

- Provide technical assistance related to accountability system design.
- Identify ways new federal funds can support state reforms in areas including K-3 reading, college and career readiness and digital learning.
- Support state efforts to participate in the U.S. Department of Education's rulemaking.
- Provide advocacy support for states to preserve rigorous standards and assessments and strong accountability systems during the transition to the new law.

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