

What ESSA Does

1. Provide states with more flexibility in establishing accountability measures. It also includes federal guardrail for states as they design those measures.
2. It preserves USDOE's role in implementing and enforcing the law's federal requirements.
3. It reduces reliance on high-stakes testing.
4. It provides for new investments to improve and expand the access to preschool for the nation's youngest learners.
5. It requires states set goals to boost graduation rates and percentage rates meeting state standards in math and reading, including low-income students, minority students, those with disabilities and English language learners. States then have to rate schools and the rating must be based on how they're meeting those goals. If any group of students in a school is deemed "consistently underperforming," then a school's rating must reflect that.
6. ESSA says states must give "substantial weight" to the academic indicators in their accountability systems, like student proficiency and graduation rates. Those must be given "much greater weight" than measures of school quality or student success, like chronic absenteeism or school climate and safety, when it comes to identifying struggling schools.

The law has no definition of what these terms means. This is in keeping with the laws' notion of state flexibility and preferences.

7. ESSA says three buckets of schools must receive support and interventions:
 - 1) The lowest-performing 5 percent of Title I schools and high schools graduating less than 67 percent of students;
 - 2) Schools where one or more groups of students are consistently underperforming;
 - 3) And schools that have one or more groups of students whose performance would place them in the bottom 5 percent of Title I schools.

What ESSA Can Not Do

ESSA is very clear about what the Education Department cannot do.

- 1) The department can't set long-term goals or measures of progress that states must establish for all students and student subgroups – a clear departure from NCLB, which required 100 percent of students to be reading and doing math at grade level by 2014.
- 2) The law says the department can't require that states measure student growth – whereas the Obama administration required states to measure student growth for waivers under NCLB and for competitive grants from Race to the Top.
- 3) The department can't prescribe how much each accountability indicator is weighted in a state's system, the method states use to identify low-performing schools or the strategies states and districts use to intervene in low-performing schools.

Proposed Rulemaking

The draft rule are now on capital USDOE website for comment. The comment period is from May <http://www2.ed.gov/policy/elsec/leg/ESSA>

Proposed rulemaking is the way ESSA goes into effect. This is a process of building statutory language preference moving from law to action.

The draft rule makes clear that for schools in two of the buckets, schools and districts must come up with improvement plans and address resource inequities – which includes teachers and the money spent on their salaries.

When a school is identified in need of support or improvement, a district must notify parents so they can get involved. And states must continue to direct funds set aside for school improvement to the neediest schools.

The draft rule says states must factor into their accountability system whether they've tested at least 95 percent of all students and student subgroups on states tests – a threshold the Education Department has enforced in recent years, sparking a national backlash.

States must take robust action when schools fail to hit the participation mark, but the department doesn't prescribe any actions that states must take. They can choose from a range of options or come up with their own strategy. In addition, districts must come up with a plan to improve participation rates if they have a significant number of schools missing the threshold.

The draft rule also says states must include public charter schools in their accountability system.

The draft regulation allows states to update their accountability as they are able to institute new measures and their indicators.

Federal officials also want states and districts to consult with parents in designing report cards that show how students and schools are performing. Those report cards should boast a full set parameters that don't constrain states but are somehow tied to the academic outcomes.

The rule does just that, saying that any indicator states choose must have research backing it up, proving that it can increase student achievement or boost graduation rates.

The rule also defines "consistently underperforming" as poor performance for two or more years. States have some leeway in deciding what underperformance means.

The draft rule stresses that states and districts are required to take action to turn around struggling schools and intervene when one group of students is consistently underperforming, but they have flexibility in how they do it.

The draft rule also doesn't prescribe a particular "n-size" for states, or the minimum size of a student subgroup that would be counted for accountability purposes.

But states with an n-size "larger than 30 students must submit a justification for its n-size in its state plan, including information about the number and percentage of schools that would not be held

accountable for the results of student in each particular subgroup if a state adopted a higher n-size," a summary of draft rules says.

The draft rule would require states to come up with a "summative" rating for schools, or some kind of concrete score or evaluation, rather than a "dashboard" or data on schools, which some states such as California wanted.

The law also says schools must be measured against a certain set of indicators, with all student subgroups taken into account. Those indicators include English and math proficiency and student growth. States have to look at high school graduation rates, if applicable, and progress for students working toward English language proficiency. They must also consider at least one measure of school quality or student success.

When it comes to tracking student subgroups, the draft rule is clear that states cannot use "super subgroups," lumping together students with disabilities, English language learners and low-income students into one big group as a replacement for individual student groups. Organizations like the Education Trust have said that under No Child Left Behind, the law preceding ESSA, states were able to use super subgroups to mask that certain groups of students were still struggling.

School must be identified for comprehensive support and improvement at least once every three years.

Consolidated state plans must be developed with students, parents, civil rights leaders, teachers and others. They must emphasize how a state will provide equitable access to resources for all students.

The department also is announcing approximately \$ 10 million in technical assistance funds to help states and districts on low performing schools.

Gives states flexibility to design their own report cards while ensuring that key information such as student achievement, graduation rates, and other critical indicators of school quality, climate, and safety are easily accessible to parents and the public.