Legislative Report November 2016

Selected Laws

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The 114th congress in the second session passed the Every Student Succeed Act (ESSA) to replace No Child Left Behind (NCLB). This is the latest reauthorization of the Elementary and Secondary Education Act.

The second significant action of the 114th congress is the House passage of the Supporting Youth Opportunity and Prevention Delinquency Act (HR4963). This reauthorization of JJDPA pass in the house on bipartisan basis. (382-29).

The senate has yet to take up their comparison bill (51169). The concern is that the bill would be considered by the senator until the first section of 115th congress.

The Juvenile Justice System

In the United States, there is no national, centralized juvenile justice system. Rather, there are more than 56 different juvenile justice systems independently operated by the U.S. States, territories, the District of Columbia, and local governments. Consequently, policies and procedures vary widely from state to state and among local jurisdictions, creating a patchwork quilt of juvenile justice systems resulting in inconsistent outcomes for youth, families, and communities, including youth exposure to physical, mental, and emotional injury. To address inconsistencies and to improve outcomes for youth and community safety, in 1974 Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDPA) and changed the way in which states approach juvenile justice.

HR4963 is a reauthorization of the Juvenile Justice and Delinquency Prevention Act, a law that sets standards for the treatment of juveniles that states follow to qualify for federal funding.

The bill would update core protections in the law, give states new tools to prevent delinquency and gang involvement, and provide guidance on curbing racial and ethnic disparities in the system.

The **Juvenile Justice and Delinquency Prevention Act** of 1974 is a United States federal law providing funds to states that follow a series of federal protections, known as the "core protections," on the care and treatment of youth in the justice system. The four "core protections" of the act are:

 Disinstitutionalization of State Offenders (DSO) – the disinstitutionalization of status offenders and non-offenders requires that youth who are runaways, truants or curfew violators cannot be detained in juvenile detention facilities or adult jails;

- "Sight and Sound" The "Sight and Sound" separation protection disallows contact between juvenile and adult offenders (i.e. if juveniles are put in an adult jail or lock up under the limited circumstances the law allows for, they must be separated from adult inmates);
 - "Jail Removal" The "Jail Removal" disallows the placement of youth in adult jails and lock ups except under very limited circumstances;
 - Disproportionate Minority Confinement (DMC) The DMC provision requires states to address the issue of over-representation of youth of color in the justice system.

The "DSO" and "Sight and Sound" protections were part of the original law in 1974. The "Jail Removal" provision was added in 1980 in response to finding youth incarcerated in adult facilities resulted in "a high suicide rate, physical, mental, and sexual assault, inadequate care and programming, negative labeling, and exposure to serious offenders and mental patients."

[1](http://www.nhtsa.dot.gov/people/injury/alcohol/juvenile/apab.html) The "DMC" requirement was added in the JJDPA in 1992. [2] (http://ojjdp.ncjrs.org/pubs/annualreport98/chapter5a.html)

The compliance of states towards the requirements of the JJDP Act is monitored by the Office of Juvenile Justice and Delinquency Prevention. [3] (http://www.nal.usda.gov/pavnet/ff/ffojjdp.htm) As of 2000, the "vast majority" of participating states comply with first three requirements are making strides towards the forth.

[4](http://www.ncjrs.gov/html/ojjdp/annualreport2000/chap3.html#c). With the exception of Wyoming, all states participate in the program.

Every Student Succeed Act(ESSA)

Last December, President Obama signed the rewritten No Child Left Behind (NCLB). The bipartisan measure federally mandated standardized testing but leaves it up to the states and local officials to set their own performance goals.

For school districts who are not meeting state expectation, the bill also bars government for imposing academic standards.

Following are selected side-by-side comparison of NCLB and ESSA.

Every Student Succeeds Act Primer: High Schools

Under the Every Student Succeeds Act (ESSA) of 2015, states and districts are responsible for supporting and improving the quality of low-performing high schools.

High School Graduation Rate Goals

For all students and student subgroups, states must set long-term goals for the four-year high school graduation rate with measurements of interim progress. States must set goals for extended-year graduation rates (e.g., five-year or six-year graduation rate), but these goals must be higher than the four-year graduation rate goal.

Low-Graduation-Rate High Schools

At least once every three years, states must identify high schools with graduation rates at or below 67 percent for comprehensive, locally-determined, evidence-based intervention. These schools have up to four years to meet state-set criteria that would allow them to exit the comprehensive support and improvement status.

Funding for High Schools

Currently, high schools receive 10 percent of Title I funding: however, they enroll nearly one-quarter of students from low-income families. In addition, there are 3,102 high schools that have a poverty rate of at least 50 percent, yet they do not receive Title I funds. To address this inequity, ESSA allows districts to target Title I fund to high schools. Districts are allowed to lower the priority threshold to receive Title 1 funds from 75 percent to 50 percent for high schools. The priority threshold to receive Title I funds remains at 75 percent for elementary and middle schools.

High School Program

ESSA eliminates the High School Graduation Initiative (HSGI) included in the no Child Left Behind Act. HSGI was the only program dedicated to high school dropout prevention and recovery. However, ESSA creates a new grant program for states and districts called the Student Support and Academic Enrichment Grant program. Funds from this new program may be used for dropout prevention as well as a variety of other activities related to supporting a well-rounded education, improving school conditions, and digital literacy.

State and District Plans

State plans must describe how the state will work with districts to provide for the effective transition of students from middle school to high school and from high school to postsecondary education. Strategies for doing so may include integrating rigorous academics, career and technical education, and work-based learning; dual enrollment; and coordination with institutions of higher education

and employers. In addition, district plans may use Title I funds to support experimental and work-based learning opportunities that provide students with indepth interactions with industry professionals and academic credit. Plan also may support dual enrollment, early college high schools, and career counseling.

Policy	No Child Left Behind	Every Student
	Act (NCLB)	Succeeds Act (ESSA)
Requires intervention	No	Yes
in low-graduation-rate		(within high schools with
high schools		a graduation rate at or
_		below 67 percent)
Includes a program	Yes	No
dedicated to dropout		
prevention and		
recovery		

Every Student Succeeds Act Primer: Teachers and School Leaders

Under the Every Student Succeeds Act (ESSA) of 2015, states and districts are responsible for improving the quality and effectiveness of teachers, principals, and other school leaders in increasing student academic achievement.

Eliminates "High Qualified Teacher" Requirement

ESSA eliminates the highly qualified teacher (HQT) provision that existed under the No Child Left Behind Act requiring that students from low-income families and students of color not be taught by ineffective, inexperienced, unqualified, or out-of-field teachers at higher rates than their peers. The bill does not set a minimum bar of entry into the teaching profession.

Policy	No Child Left Behind	Every Student
	Act (NCLB)	Succeeds Act (ESSA)
Requires equitable	Yes	No
distribution of highly		
qualified teachers		
Requires teacher and	No	No
leader evaluation		
systems		

Every Student Succeeds Act Primer: Accountability

Under the Every Student Succeeds Act of 2015, states are accountable for focusing resources on low-performing schools and traditionally underserved students who consistently demonstrate low academic performance.

State Goals and Accountability Systems

States are required to establish long-term goals for, at minimum, student achievement, high school graduation rates, and English Language Proficiency with measurements of interim progress. States also must establish multiplemeasure accountability system.

Comprehensive Support and Improvement Schools

Schools are identified for comprehensive support and improvement based on the performance of all students. At least once every three years, states must identify the lowest-performing 5 percent of Title I schools and high schools with graduation rates at or below 67 percent for comprehensive, locally-determined, evidence-based intervention. These schools have up to four years to meet stateset criteria that would allow them to exit the comprehensive support and improvement status. If the schools do not meet these criteria, they must implement more rigorous state-determined interventions. In addition, districts may allow students in these schools o transfer to other public schools in the district.

Policy	No Child Left Behind Act(NCLB)	Elementary and Secondary Education Act (ESEA) Waivers	Every Student Succeeds Act(ESSA)
Requires accountability based on adequate yearly progress (AYP) toward the goal of having 100 percent of students reach proficiency in math and English	Yes	No	No
Requires state accountability system with more than two indicators	No	Permits	Yes

Policy	No Child Left Behind Act(NCLB)	Elementary and Secondary Education Act (ESEA) Waivers	Every Student Succeeds Act(ESSA)
Requires federally- determined intervention in low-performing schools	Yes (i.e., school choice and supplemental educational services)	Yes (within the lowest- performing 5 percent of Title I schools and high schools with a graduation rate below 60 percent)	No
Goals for Student Achievement	A federally set goal was made calling for 100 percent of students to reach "proficiency" in math and English Language arts by 2014. States must set annual measurable objectives (AMOs) for demonstrating adequate yearly progress toward the goal of having 100 percent of students reach proficiency.		States must set long-term student achievement goals with measurements of interim progress.
Goals for High School Graduation Rates	States must set a long-term high school graduation rate goal and annual targets for meeting that long-term goal that are "continuous and substantial" (as defined in federal regulation).		States must set a long-term goal for the four-year high school graduation rate with measurements of interim progress. States may set goals for extended-year high school graduation rates, but those goals must be higher than

Policy	No Child Left Behind Act(NCLB)	Elementary and Secondary Education Act (ESEA) Waivers	Every Student Succeeds Act(ESSA) the four-year graduation rate goal.
Accountability Indicators	Elementary and middle schools: • test scores • one indicator selected by the state High Schools • test scores • graduation rates		Elementary and middle schools • test scores • a "measure of student growth" or other academic indicator that allows for meaningful differentiation among student groups • English language proficiency • at least one indicator of school quality or success that allows for meaningful differentiation among student

Policy	No Child Left Behind Act(NCLB)	Elementary and Secondary Education Act (ESEA) Waivers	Every Student Succeeds Act(ESSA)
			groups
			High schools: • test scores (In addition to this, states may use student growth based on annual assessments) • four-year graduation rate (In addition to this, states may use an extended- year graduation rate.) • English language proficiency • at least one indicator of school quality or success that allows for meaningful differentiation among student
Schools identified for Comprehensive Reform Based on	No such requirement		groups States must identify the lowest performing 5 percent of Title I

Policy	No Child Left Behind Act(NCLB)	Elementary and Secondary Education Act (ESEA) Waivers	Every Student Succeeds Act(ESSA)
Performance of All students			schools for comprehensive support.
			States must identify all high schools with a graduation rate at or below 67 percent for comprehensive support.
			States must identify these low-performing schools and low-graduation-rate high schools at least once every three years.
Schools Identified for Targeted Reform Based on Performance of Subgroups of Students	Any school that misses a performance target for any subgroup for two or more consecutive years is identified for improvement.		Any school with a subgroup of students that is consistently underperforming based on all of the indicators in that state accountability system is identified by the state for targeted intervention and support.

Policy	No Child Left Behind Act(NCLB)	Elementary and Secondary Education Act (ESEA) Waivers	Every Student Succeeds Act(ESSA)
			States must identify these schools annually.
Intervention and Support for Struggling Schools	Interventions escalate based on the number of years a school is identified for improvement, interventions include • public school choice • supplement al educational services (i.e., tutoring). • corrective action, and • restructuring		There are two categories of interventions and support: comprehensive and targeted. The following schools must implement comprehensive, locally determined, evidence-based interventions: • lowest-performing 5 percent of Title I schools; • high schools with graduation rates at or below 67 percent; and • schools with a subgroup performing at the level of the lowest-

Policy	No Child Left Behind Act(NCLB)	Elementary and Secondary Education Act (ESEA) Waivers	Every Student Succeeds Act(ESSA)
			performing 5 percent of all Title I- receiving schools, based on the state accountabilit y system, that do not improve within a state-set period of time.
			In addition, districts may allow students in these schools to transfer to other public schools in the district.
			Schools with low- performing subgroup must implement evidence-based, locally determined targeted intervention. A school with a subgroup performing at the level of the lowest

Policy	No Child Left Behind Act(NCLB)	Elementary and Secondary Education Act (ESEA) Waivers	Every Student Succeeds Act(ESSA)
			performing 5 percent of all Title I-receiving schools, based on the state accountability system, also must identify resource inequities to address through the implementation of its improvement plan.
Timeline	Schools must meet increasingly rigorous targets each year or implement interventions that escalate annually.		Schools implementing comprehensive interventions have four years to meet state-set criteria allowing them to exit the comprehensive interventions status. If they do not meet these criteria, they must implement more rigorous state- determined interventions, which may include school-level operations.

Policy	No Child Left Behind Act(NCLB)	Elementary and Secondary Education Act (ESEA) Waivers	Every Student Succeeds Act(ESSA)
			Any school with a subgroup performing at the level of the lowest-performing 5 percent of all Title I-receiving schools that is implementing targeted intervention must reach state-set exit criteria by a state-set time period or the school will be identified for comprehensive support.
Student Assessment Opt- Out	States must assess 95 percent of all students.		States must assess 95 percent of all students.