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U.S. Department of Education

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# Overview: December 31, 2015 Dear Colleague Letter

February 4, 2016

CPIR Webinar



## Background

- ❖ Multiple policy letters over several years, that provide guidance on issues related to harassment, discrimination, and bullying
- ❖ OSERS-specific guidance related to students with disabilities: <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf>
- ❖ Department investments to support development of strategies and tools to support students, parents, and educational leaders



Former Secretary Duncan's November 20, 2015  
OpEd in *St. Louis Today*

[http://www.stltoday.com/news/opinion/taking-action-on-college-racial-harassment/article\\_d09a4a23-a766-5690-9cbf-194eeaad9207.html](http://www.stltoday.com/news/opinion/taking-action-on-college-racial-harassment/article_d09a4a23-a766-5690-9cbf-194eeaad9207.html)



“At issue is whether college campuses are safe and welcoming to every student, regardless of race, religion, background and identity. To be clear, work to maintain inclusive campus communities is not about chilling free expression — it is about creating strong cultures, and dealing with attacks that violate the law. Succeeding in this effort is essential to expanding opportunity.”



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## Letters from the Education Secretary or Deputy Secretary

December 31, 2015

Dear Colleagues:

On the eve of this new year, we are writing to enlist your help, as educational leaders, to ensure that higher education are learning environments in which students are free from discrimination on the basis of race, religion, or national origin. A focus on these protections, while always essential, is particularly important in light of recent domestic events that create an urgent need for safe spaces for students.

Today, our country and the broader international community are facing a range of difficult challenges that require us to provide protection and assistance to the historic levels of vulnerable individuals displaced from their homes due to persecution. This includes millions of families who are fleeing violence in Syria. These refugees are fleeing precisely the type of senseless and violent attacks that have occurred here in the United States. The United States must continue to welcome these refugees seeking safety and a new start. We are committed to safeguarding the safety and security of the American people. We can and must do more.

As we stand by our principles as a nation and continue to welcome refugees to our communities, we are committed to maintaining safe, respectful, and nondiscriminatory learning environments for all students in our schools. Discrimination and harassment are not new, and they are not limited to the treatment of refugees.

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## Visit the Department's web site for more information:

- <http://www2.ed.gov/policy/gen/guid/secletter/151231.html>
- <http://www.ed.gov/category/keyword/bullying>
- <https://safesupportivelearning.ed.gov/hot-topics/preventing-and-responding-discrimination>



# Recent Court Development: Bullying and the IEP Process

T.K., S.K., on behalf of L.K. v. New York City Department of Education

United State Court of Appeals, Second Circuit

Decided January 20, 2016

67 IDELR 1





**Questions?**  
**Comments?**





Leslie Clithero  
Office of Special Education Programs  
U.S. Department of Education

## An Act

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

### SECTION 1. SHORT TITLE.

This Act may be cited as the  
“Every Student Succeeds Act.”



<https://www.congress.gov/bill/114th-congress/senate-bill/1177/text>



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***Every Student Succeeds!***

February 4, 2016

CPIR Webinar



# Presentation Overview

- ❖ Introduction
- ❖ Discussion on Orderly Transition
- ❖ Overview of ESSA & Selected Programs
- ❖ Resources

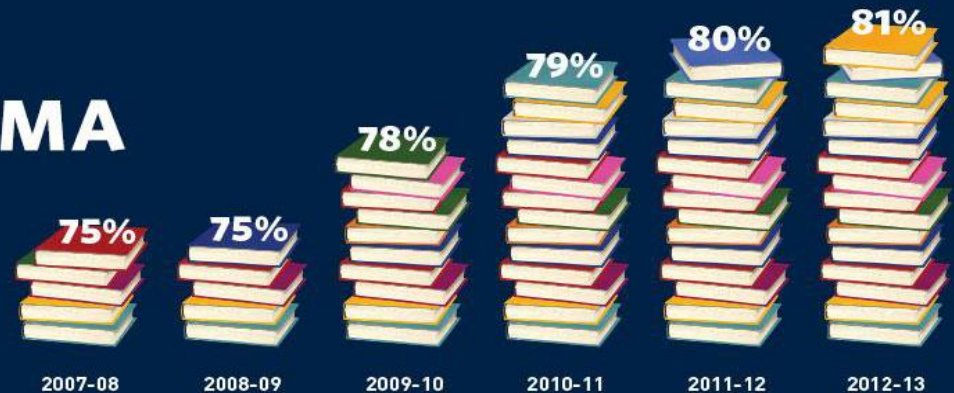


# Progress Highlights

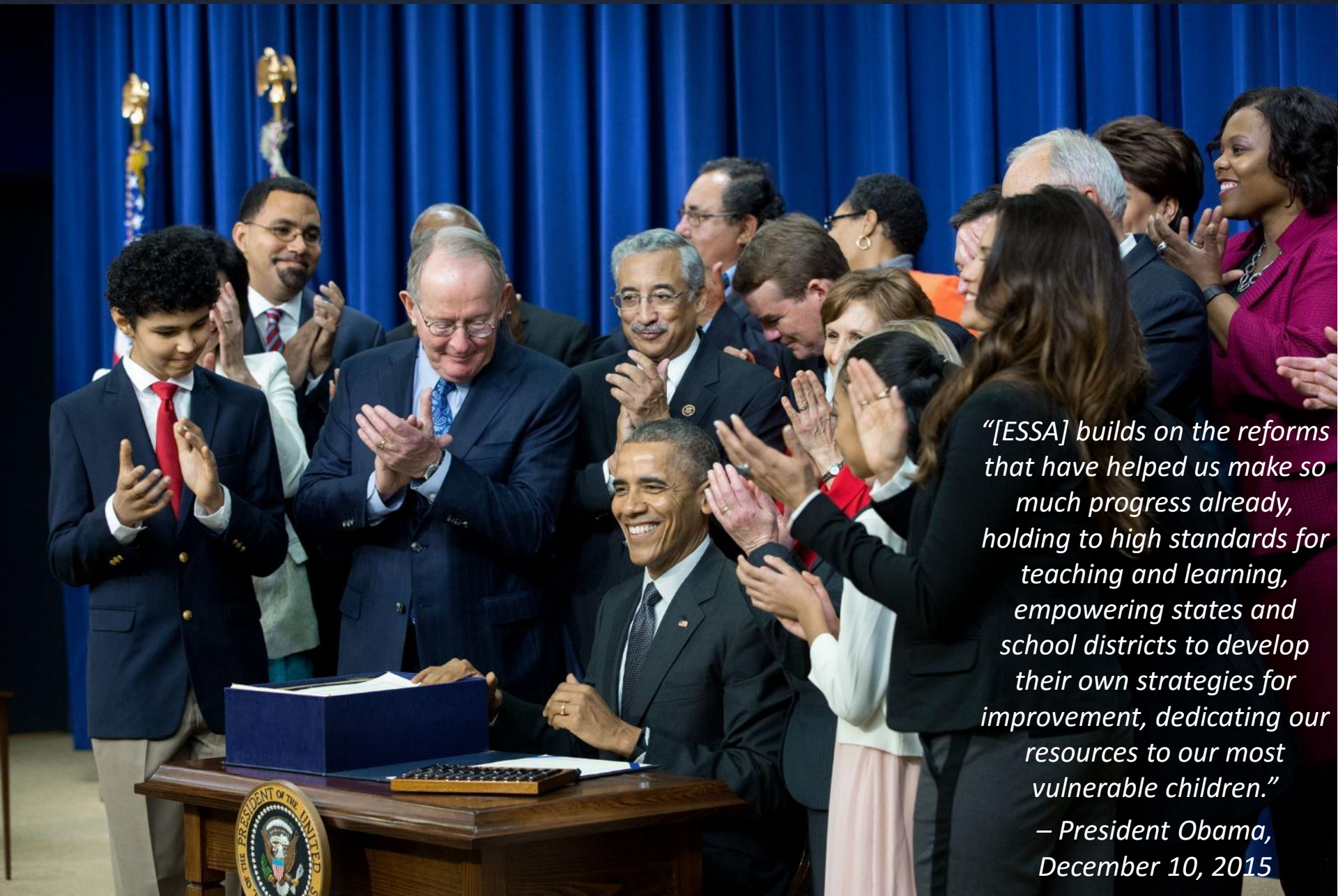
- Since 2008, we have seen tremendous progress and put in place the foundation for generational change.
- We continue to hit milestones. Recently, we announced a new record-high graduation rate: **82%**.

UNDER PRESIDENT OBAMA,  
**MORE STUDENTS  
ARE EARNING  
THEIR HIGH  
SCHOOL DIPLOMA  
THAN EVER  
BEFORE**

HIGH SCHOOL GRADUATION RATE







*"[ESSA] builds on the reforms that have helped us make so much progress already, holding to high standards for teaching and learning, empowering states and school districts to develop their own strategies for improvement, dedicating our resources to our most vulnerable children."*

*– President Obama,  
December 10, 2015*



ESSA builds on our progress and solidifies many of the reforms the Department has championed for the last seven years.

THE BIPARTISAN BILL TO FIX NO CHILD LEFT BEHIND WILL HELP

## **ENSURE OPPORTUNITY FOR ALL OF AMERICA'S STUDENTS:**

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- ✓ Holds all students to high academic standards
- ✓ Prepares all students for success in college and career
- ✓ Provides more kids access to high-quality preschool
- ✓ Guarantees steps are taken to help students, and their schools, improve
- ✓ Reduces the burden of testing while maintaining annual information for parents and students
- ✓ Promotes local innovation and invests in what works





## Where We Are with ESSA

- Implementing a major new law is a significant undertaking
- Since ESSA was signed into law in December, ED has taken several initial steps toward helping States, districts, schools, and the public understand the law
- We are in listening mode right now want to hear from our stakeholders and the public
  - ED published a request for information to hear about topics for which regulations are needed
  - ED conducted two public meetings in DC and Los Angeles
- Based on this input, ED will have a better understanding of the needs related to regulations, guidance, and technical assistance to support implementation.





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# ESSA & Orderly Transition



## Effective Dates

For non-competitive state formula grant programs, including Title I, Parts A, C, and D, Title II, Part A, and Title III, Part A, provisions of ESSA take effect for the 2017-2018 school year.

In general, FY 2016 non-competitive state formula grant funds for the 2016-2017 school year will be awarded and administered in accordance with the ESEA, as amended by NCLB. (*Consolidated Appropriations Act, 2016*)

- Funds will be allocated under NCLB rules.
- Except as otherwise provided, states and districts will comply with NCLB plans, procedures, and requirements.



## Effective Dates for Accountability

- § 1111(b)(2) and 1116 of NCLB, including as modified by ESEA flexibility, are effective through August 1, 2016. *(Section 5(e)(1) of ESSA)*
- During the 2016-2017 school year—
  - Priority and focus schools must implement the interventions required by ESEA flexibility. *(Section 5(e)(2)(B)(ii) of ESSA)*
    - A state may “freeze” its current lists of priority and focus schools as of December 9, 2015; or
    - A state may exit priority and focus schools that meet the state’s exit criteria and identify new priority (at least 5% of Title I schools) and focus (at least 10% of Title I schools) schools based on more recent data and provide those new lists to ED by March 1, 2016.
  - Schools and districts identified for improvement, corrective action, or restructuring, respectively, must implement the interventions applicable to the school or district on December 9, 2015. *(Section (e)(2)(B)(ii) of ESSA)*



## Termination of ESEA Flexibility Waivers

Any waiver that was granted by the Secretary to a state under ESEA flexibility or to a consortium of districts under § 9401 of the ESEA, as amended by NCLB, is “null and void and ha[s] no legal effect on or after August 1, 2016.”

*(Section 4(c) of ESSA)*



## Orderly Transition to ESSA

The Secretary shall take such steps as are necessary to provide for the orderly transition to, and implementation of, programs authorized under the ESEA, as amended by ESSA, from programs authorized under the ESEA, as amended by NCLB.

*(Section 4(b) of ESSA)*



## Assessment Peer Review

- The essential academic assessment requirements in ESSA are unchanged from NCLB. Therefore, ED's peer review of state academic assessment systems will continue so that each state receives feedback from external experts on the assessments it is currently administering.
- The first review will occur in April 2016, followed by a second review in June.



# Exceptions for an Orderly Transition

## Orderly Transition in 2016-2017 from NCLB Provisions not in ESSA

A State does not need to implement certain provisions of the ESEA, as reauthorized by NCLB, along with their implementing regulations, that are not continued in ESSA.

- § 1111(b)(2), which requires calculating annual measurable objectives (AMOs)
- § 1111(h)(1)(C)(ii), (h)(2), which require an SEA and LEA to report performance against AMOs on State and local report cards, respectively.





# Exceptions for an Orderly Transition

## States operating under ESEA flexibility in 2015-2016

- A state will not be required to submit follow-up responses related to ESEA flexibility renewal to ED in areas that are not required under both the ESEA and ESSA.
- For follow-up actions related to areas that are required under both the ESEA and ESSA, a state must submit required follow-up responses as specified in its ESEA flexibility renewal approval letter. For example--
  - Consultation with stakeholders.
  - College- and career-ready standards.
  - High-quality assessments.
  - Reporting requirements.
- On areas no longer required under both the ESEA and ESSA, ED will continue to provide technical assistance, including feedback and support, but will not formally process amendment requests or decisions on their approval.



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# ESSA & Early Learning



# Support for High-Quality Preschool

- Authorizes Preschool Development Grants
  - Expands high-quality preschool for children from low-income families
  - Encourages States to improve the quality of early learning programs by developing and implementing evidence-based practices
  - Facilitates collaboration and coordination among early learning programs
- Jointly administered by ED and HHS through HHS' budgetary authority



# Early Learning Woven throughout the P-12 Education Law Starting in FY 2017

- Title I
  - Maintains flexibility within Title I for school districts to use funding for targeted or schoolwide preschool programs
  - Requires States to include, in their annual state report card, information from the state and districts on the number and percent of students enrolled in preschool programs
  - Requires districts receiving Title I funds to develop agreements with Head Start and other early learning programs to provide for smoother transitions from preschool to elementary school.



# Early Learning Woven throughout the P-12 Education Law

- Title II
  - Allows funds to be used for increasing the knowledge of teachers, principals, or other school leaders on instruction in the early grades
  - Permits joint professional learning and planning between elementary school and preschool program staff
  - Authorizes comprehensive literacy program for children from birth through grade 12
- Title III
  - Supports preschool teachers working with English learners
- Title IV
  - Allows charter schools to serve students in early childhood education programs



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# ESSA & Title I, Title II



# State Plans

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- States will be required to develop new state plans
  - Tied to the state's eligibility for the FY17 funds
- Instead of submitting individual program plans, States may develop consolidated plans across multiple programs covered under ESSA
  - Title I, Part A; Title I, Part C; Title I, Part D; Title II, Part A; Title III, Part A; Title IV, Part A; Title IV, Part B; and Title V, Part B, Subpart 2
- Provides for timely and meaningful consultation with:
  - Governor, State legislature, State board of education, districts (including rural districts), representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders, specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents





## Standards and Assessments

- Requires, for the first time in law, that states demonstrate their challenging academic standards are aligned with the entrance requirements for credit-bearing coursework
- Maintains annual statewide assessments in reading and math for all students in grades 3-8 and once in high school, and in science once in elementary, middle, and high school
- Continues focus on ensuring those assessments are valid, reliable, and fair for all students



## Standards and Assessments

- Beginning in 2017-2018, provides some flexibilities for states and districts
  - States may approve districts to use “locally selected, nationally recognized” high school assessments provided they are aligned and comparable to the state test
  - 8<sup>th</sup>-graders who take an advanced mathematics course and test may be exempt from being double tested provided they take a higher-level course and test in high school



## Standards and Assessments

- Includes new resources and flexibilities to help states and districts improve assessments and reduce over testing
  - Authorizes program to allow states to conduct audits of state and local assessment systems and to develop plans based on the results to reduce unnecessary, low-quality, and burdensome assessments
  - Maintains a competitive grant program (like the current Enhanced Assessment Grant program) to improve the quality of State assessment systems
  - Permits states to establish a limit on the amount of time that can be spent on administering assessments
  - Creates a limited pilot for innovative assessment and accountability demonstration in 7 states to develop new, technically sound approaches to measuring student learning



# Accountability and School Improvement

- Provides greater discretion than under NCLB for states to develop their own accountability systems
- Maintains focus on achievement and graduation rates and adds multiple measures to accountability systems:
  - English language proficiency
  - At least one school quality or student success indicator that is valid, reliable, comparable, and statewide that allows for meaningful differentiation
- States must establish goals and interim measures of progress for all groups of students
- Requires all students to be assessed and that 95% assessment participation rate be a factor



# Accountability and School Improvement

- Districts must take action in any school where groups of students are struggling, including:
  - Lowest-performing 5% of Title I schools
  - All high schools with graduation rates < 67%,
  - Schools where subgroups are consistently low-performing
- Replaces SIG with a mandatory state set-aside to support “evidence-based” interventions in identified schools
- Districts and schools must provide evidence-based targeted interventions
- Permits but does not require schools identified for comprehensive support & improvement to offer public school choice and direct student services



## Teachers and School Leaders

- Under Title I continues protections for low-income and minority students from being taught at disproportionate rates by ineffective, inexperienced, or unqualified teachers and enhances local reporting on educator equity
- States may, but are not required to, use state assessment results in educator evaluation systems
- Includes competitive grant programs that:
  - Encourage human capital management systems for educators based in part on sustainable performance-based compensation (like today's TIF)
  - Support innovative, evidence-based recruitment, preparation, and development of educators by adding authority for SEED (Supporting Effective Educators Development) grants to ESEA
  - Promote principal preparation and development of school leaders (like ED's School Leadership Program)



## Title II, Part A

ESSA authorizes a somewhat changed Title II, Part A formula grant program, to both SEAs and LEAs, that provides a wider menu of possible support for teachers, principals, and other school personnel by LEAs and SEAs. An SEA may now use up to five percent of the State's allocation for various State-level activities, and may augment this with up to 3 percent of funds reserved for LEA subgrants if it uses those funds for allowable activities for principals or other school leaders.

Involvement of the State agency for higher education, required under NCLB, is now at the SEA's discretion.





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# ESSA & Special Education



## Accountability for Children with Disabilities

- Holds students with disabilities to the same challenging academic content standards
- Students with disabilities must be provided appropriate accommodations to ensure that they can fully participate in assessments
- Results for children with disabilities must be reported



# Alternate Assessments for Children with the Most Significant Cognitive Disabilities

Places a state-level 1% cap on the number of students with the most significant cognitive disabilities who are assessed in a given subject on an alternate assessment aligned with alternate academic achievement standards

- States may not impose a cap at the district level
- Parents must be clearly informed as part of the IEP process of the implications of their child taking an alternate assessment



# Alternate Diplomas for Children with the Most Significant Cognitive Disabilities

- Students with the most significant cognitive disabilities who are assessed using the alternate assessment aligned to alternate academic achievement standards and who receive a state defined alternate diploma that is:
  - standards-based,
  - aligned to the requirements for a regular diploma, and
  - obtained within the time period for which the State ensures the availability of a free appropriate public education.
- May count toward a school's graduation cohort



# Student Support and Academic Enrichment – Title IV

- Authorizes new Student Support and Academic Enrichment block grant to States and prioritized to high-need districts, with funds split among three priorities:
  1. safe and healthy students
  2. well-rounded education
  3. effective use of technology in schools
- Maintains 21st Century Community Learning Centers, focused on students in high-poverty and low-performing schools
  - Funds may support authorized activities in eligible expanded learning programs



# ESSA Resources

- Please direct your questions to: [ESSA.Questions@ed.gov](mailto:ESSA.Questions@ed.gov)
- Visit the website for more information: [www.ed.gov/essa](http://www.ed.gov/essa)
- Read the Every Student Succeeds Act [here](#).
- [Sign up](#) for ESSA news and updates

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Student Loans Grants Laws Data

## Every Student Succeeds Act (ESSA)

President Obama Signs the Every Student Succeeds Act

"With this bill, we reaffirm that fundamentally American ideal—that every child, regardless of race, income, background, the zip code where they live, deserves the chance to make of their lives what they will." — President Barack Obama

### A New Education Law

The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015, and represents good news for our nation's schools. This bipartisan measure reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA), the nation's national education law and longstanding commitment to equal opportunity for all students.

The new law builds on key areas of progress in recent years, made possible by the efforts of educators, communities, parents, and students across the country.

For example, today, high school graduation rates are at all-time highs. Dropout rates are at historic

**How Do I Find...?**

- Student loans, forgiveness
- College accreditation
- Every Student Succeeds Act (ESSA)
- FERPA
- FAFSA
- 1098-E Tax Form
- More...

**Information About**

- Transforming Teaching
- Family and Community Engagement
- Early Learning
- K-12 Reforms
- More...

**Resources**

- [White House Fact Sheet on House Passage of ESSA](#)
- [Read excerpts from U.S. Secretary Arne Duncan's remarks on ESSA](#)





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**Questions?**  
**Comments?**