

# Every Student Succeeds Act (ESSA) Overview



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## Statutory Summary

The Elementary and Secondary Education Act of 1965 (ESEA) was reauthorized as amended by the Every Student Succeeds Act (ESSA) and enacted in December 2015. The statute was previously amended by the 2001 reauthorization, the No Child Left Behind (NCLB) Act. NCLB introduced the concept of school accountability based on student proficiency on standardized tests and increased the federal role in state accountability systems. During the Obama administration, the Federal role increased through the ESEA waiver process. ESEA waivers granted states some flexibility on student performance goals but added additional requirements, such as commitments to teacher evaluation systems that required student performance. ESSA maintains many of the NCLB requirements, such as specific grade-level state assessments. However, ESSA reduces the Federal role in state accountability systems and prohibits the US Department of Education (USDE) from mandating any specific curriculum, assessments or evaluation system. States are responsible for most of the decisions regarding the consequences of the accountability system.

## Why ESSA Matters

ESEA is the federal law that outlines how states can use federal money to support public schools. Funding is allocated to states through formula grants. Some ESSA programs can provide additional funding through competitive grants. Currently, New York receives approximately \$1.6 billion annually from ESSA Title I, the section of the law that addresses improving academic achievement for the disadvantaged. The overarching goal of ESSA is to provide disadvantaged students opportunities to receive a fair, equitable, and high-quality education. A new requirement of ESSA is for the states to assess and report how it provides equitable access to its federally-assisted programs. Districts will be required to report how much each school is spending per student and from what source. States are encouraged to use this data to highlight instances where districts should consider reallocating resources to support schools with the greatest needs.

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# New York State's Accountability System

## Plan Development

ESSA places responsibility on States to develop and implement a plan that meets the statutory requirements of ESSA. USDE must review the plan for compliance but the U.S. Secretary of Education is prohibited from dictating specific mandates. Stakeholder groups must be included in the development of the plan. New York's State Education Department (SED) obtained feedback through the Regent's Think Tank, a diverse stakeholder group, regional meetings and surveys. NYSUT was actively engaged through participation with the stakeholder group, the Committee of Practitioners (COP) and one-on-one meetings with the Commissioner. NYSUT also submitted public comments on the draft plan (link to NYSUT comments in the resource section).

States were required to submit ESSA plans within two review windows, spring and fall of 2017. New York's draft ESSA plan was submitted to USDE during the fall window and was approved by the U.S. Secretary of Education in January 2018. Approval of the plan ensures that New York will continue to receive Title I federal funds.

## Timeline for Implementation

- The first year the lowest performing schools will be identified will be in the 2018-19 school year, using the 2017-18 school year results.
- The 2018-19 school year will be a district/school planning year.
- Improvement plans will be implemented in the 2019-20 school year.
- The first year schools will be identified based on subgroup performance will be in the 2019-20 school year.

## Required Elements of the Accountability System Under ESSA

States must provide an assurance that the state has adopted challenging academic standards and assessments. States must set college- and career-ready standards, as well as goals and targets for progress. Student performance must continue to be disaggregated by student subgroups, including: economically disadvantaged, major racial/ethnic groups, English Learners, and students with disabilities (SWD). In New York, major racial/ethnic groups include: American Indian or Alaska Native, Black or African American, Hispanic or Latino, Asian or Native Hawaiian/Other Pacific Islander, White, and Multiracial.

The accountability system maintains the NCLB testing requirements in grades 3 through 8, once in high school for math and ELA, grade span for science, graduation rates and at least one additional measure of school quality and student success. The same assessments must be used for all schools and subgroups with some exceptions:

- Alternative assessments are allowed for students with the most significant cognitive disabilities.
- Students enrolled in eighth grade who take high school mathematics and science are allowed to take the Regents exam in place of the eighth grade state assessment.
- Districts may choose to administer a nationally recognized high school assessment, such as Advanced Placement or International Baccalaureate. However, all students must take the alternative assessment.

## New York State Indicators for Accountability

NYSUT has advocated for a multiple measure system that includes conditions of learning. ESSA provides some opportunity to move beyond ELA and math scores. However, this is limited by whether there is an appropriate measure for the indicator that can be collected consistently by districts and can be desegregated by subgroup. For this reason, the Regents have approved a list of indicators to be used initially with the possibility of adding additional indicators in the future. The following chart includes the performance indicators that were used under NCLB and what will be used under the ESSA plan initially.

Old – NCLB/ESEA Waiver	New - ESSA Indicators
<ul style="list-style-type: none"> <li>• Proficiency on Grades 3-8 ELA and Math</li> <li>• Science assessments in grades 4 and 8</li> <li>• High school ELA and math Regents exams</li> <li>• Graduation Rate – 60 percent (4 year)</li> <li>• 95% participation</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Proficiency on Grades 3-8 ELA and Math</li> <li>• High school ELA and math Regents exams</li> <li>• High School Graduation rate – 67 percent (6 year)</li> <li>• English Language proficiency by English language learners</li> <li>• 95% participation rate</li> </ul>
	<p><i>Chosen to meet requirement for other academic indicator</i></p> <ul style="list-style-type: none"> <li>• Growth on Grades 3-8 ELA and Math</li> <li>• Science assessments in grades 4 and 8</li> <li>• Progress toward long-term goals on academic indicators</li> <li>• Social Studies Regents exam</li> </ul>
	<p><i>Chosen to meet requirement for School Quality or Student Success Indicator</i></p> <ul style="list-style-type: none"> <li>• Chronic absenteeism</li> <li>• College, career and civic readiness (HS)</li> </ul>

### Meaningful Differentiation

ESSA requires that states accountability systems provide for annual meaningful differentiation of school performance. The state ESSA plan will use the state indicators to measure performance and place schools into one of four categories: Recognition Schools (high performing), Good Standing, Targeted Support and Intervention (TSI) (for schools with low performing student subgroups) and Comprehensive Support and Intervention (CSI) (low performing schools and high schools with low graduation rates). Performance will be measured and reported annually but placement into the CSI category will be determined every three years.

### Using the State Indicators to Determine School Category Placement

States are required to rate the academic measures more heavily than school quality and student success measures. The state ESSA plan does not explicitly weight indicators but uses a series of decision rules to differentiate between schools. These rules give greater weight to academic indicators over School Quality or Student Success Indicators. If a school’s ratings are mixed (some high, others low) decision rules are used to determine whether the school’s overall performance requires intervention. Schools will continue to be ranked by performance.

New York State will continue to use an “n size” (student count) of 30 for school accountability purposes. Districts will continue to use an n-size of five when reporting school data on the annual report cards.

#### Academic Indicators

- Academic achievement: The State will use Performance Indices based on measures of proficiency on state assessments. Students’ test scores are converted to performance levels from 1 to 4. To reduce incentives for districts to focus efforts on those students on the edge of proficiency a new methodology gives partial credit for students that achieve level two (partial proficiency), full credit for level three (proficient) and additional credit for students who achieve level four (advanced).
- Growth measure: The State will use a growth measure for Elementary and Middle Schools that will be weighted equally with the proficiency measure. These growth measurements will be based on schoolwide or subgroup wide growth levels, using the current growth model. SED is evaluating this model to identify improvements and alternative models.
- High School Graduation: The percent of students that graduate using a four, five and six year cohort will be converted to a Level 1-4 Performance Index.

- Core Subject Performance Index: This is an elementary/middle school measure of how well students perform who participate in state assessments. This allows the state to differentiate school performance based on students who participate in state assessments from school performance based on the Performance Index, which must include all continuously enrolled students (see below for participation rates and opt outs).
- Progress measures: Elementary and Middle Schools will have a Progress measure that is based on how students perform in relation to the State's long term goals for academic achievement. High Schools will use the 1-4 Graduation Rate index for each subgroup, calculated for each cohort's progress toward meeting the long term State goals.
- English Language Proficiency: ELLs/MLLs will take an initial English language proficiency test to determine identification and placement in one of five levels: Entering, Emerging, Transitioning, Expanding, or Commanding. Students will take the New York State English as a Second Language Achievement Test (NYSESLAT) annually and exit ELL/MLL status once they reach Commanding or reach Expanding with a designated score on the State's ELA 3-8 or Regents assessments. Student will be assigned points based on their progress, which are then factored into the accountability system.

### *School Quality or Student Success Indicators*

- Chronic Absenteeism: Schools will be held accountable for the number of students that miss 10 percent or more of school days as a percentage of the total number of students. Students will be identified based on the number of days they are enrolled, not the number of days in the school year. The long-term goal is for no more than five percent of students to be chronically absent. Students that are suspended or with excused medical absences will be excluded from the calculation as these students receive alternative instruction.
- College, Career and Civic Readiness: This is a measure of student opportunities, not performance. High Schools will have an index that gives schools credit based on several possible options. For example: partial credit for students who successfully earn a high school equivalency diploma; extra credit for students who earn a Regents diploma with advanced designation, career and technical education endorsements, or a Seal of Biliteracy; or, earn a Regents diploma, complete advanced coursework and score at specified levels on advanced high school assessments, or earn college credit. The intent is to give districts flexibility, recognizing that not all districts have the same resources or can offer the same advanced and/or alternative educational programs.

### **Participation Rates – Opt Outs**

ESSA maintains the ESEA requirement that 95 percent of students participate in federally required exams. ESSA establishes a methodology for calculating student achievement that requires including all continuously enrolled students, regardless of whether or not they took the test. Participation rates must be reported for all accountability subgroups in all schools. However, it is left to states to determine what actions they wish to take in those schools and how that data will be factored into the state accountability system.

Under the prior accountability system the state did not penalize schools when children opt out. SED has stated publically that they do not intend to identify schools for improvement if the schools have high achievement but low participation rates. The state intends, through the decision rules, to use the Core Subject Performance Index to differentiate schools with low participation rates from those with actual low achievement. However, the state plan does not explicitly state how the required Academic Achievement calculation and the Core Subject Performance index measures will be combined to determine a final rating. NYSUT will press the Regents to clarify the methodology through regulations.

Districts that persistently and substantially do not meet participation rates will be required to submit a corrective action plan. ESSA also requires school districts to inform parents and guardians of opt-out policies, and affirms a parent's right to have their children opt-out of statewide standardized tests where state and local policies permit. NYSUT strongly supports the right of parents to opt out their children from state tests.

### Identification of the Lowest Performing Schools

ESSA requires that States identify the lowest performing schools and increase interventions if these schools do not improve. Under the NCLB/ESEA Waiver system, low performing schools were identified as Priority or Focus schools. This nomenclature does not continue under ESSA. Under ESSA there will be Comprehensive Support and Improvement Schools and Targeted Support and Improvement Schools. There are similarities in how performance determines Priority and Comprehensive Support and Improvement school (CSI) status but there are significant differences between Focus and Targeted Support and Improvement schools (TSI).

<b>Old System – NCLB/ESEA Waiver Prior to 2018-19</b>
<input type="checkbox"/> <b>Priority Schools - lowest performing 5%; high schools with a graduation rate lower than 60%. Re-identified Priority Schools fall under Receivership</b>
<input type="checkbox"/> <b>Focus schools - Lowest 10% on subgroup performance</b>
<input type="checkbox"/> <b>Identification of LAP schools based on subgroup performance that are not among the lowest performing schools</b>
<input type="checkbox"/> <b>Focus Districts include any district with a priority school or more than one Focus School</b>

<b>New System – New ESSA Plan for 2018-19</b>	
<b>Comprehensive Support and Improvement school (CSI)</b>	<b>Targeted Support and Improvement schools (TSI)</b>
<ul style="list-style-type: none"> <li>✓ Lowest performing 5% in the All Students group</li> <li>✓ Any high school with a graduation rate lower than 67%</li> <li>✓ Identified every three years</li> </ul>	<ul style="list-style-type: none"> <li>✓ Any school with subgroup performance that would have led to designation as a CSI school. Not limited to 10%</li> <li>✓ Identified annually</li> </ul>
	<b>Target Districts</b>
	<ul style="list-style-type: none"> <li>✓ Districts are identified if there are one or more CSI or TSI schools in the district or the district is performing at a level that would have caused a school to be identified.</li> </ul>

### School Supports and Interventions

Under ESSA there is an increased focus on resource equity and local control. Interventions are required for low-performing schools but ESSA prohibits USDE from imposing any federally prescribed model. Interventions must be evidence-based with a statistically significant effect on student outcomes from at least one study. The state has also recognized that districts need flexibility and that the one-size-fits all models required under the ESSA Waiver have had unintended consequences. Some of the strategies used by SED to intervene in Priority and Focus schools will continue. For example, the Diagnostic Tool for School and District Effectiveness (DTSDE) will continue to be used. Districts will be required to complete a comprehensive diagnostic needs assessment using the DTSDE along with other data. Intervention plans will be developed with stakeholder involvement and progress reviews completed annually. The State’s role will



be to assist districts with CSI schools by providing technical assistance and resources, monitor intervention progress, and provide training to help districts increase their own capacity. SED will be less engaged with TSI schools. Districts will determine the appropriate interventions in these schools.

Schools will be removed from either Comprehensive or Targeted status if the school building meets predetermined performance targets for two consecutive years. This is a similar process that has been used in recent years with Priority and Focus Schools.

### *ESSA and Receivership*

The State ESSA plan does not change the Receivership law, which is a State law. SED intends to align the indicators for demonstrable improvement under Receivership with ESSA but this does not require a change to the Receivership statute. Further, the State plan provides that any school building that is currently identified as a Priority School and is then identified as a Comprehensive Support school in 2018-19 will be designated as a Receivership School. In future years any school that is a Comprehensive Support School and is re-identified as a CSI school on the next list (which is produced every three years) will also be designated as a Receivership School.

### **Establishing Long Term Goals and Targets**

Under NCLB, states were required to identify the lowest-performing schools in relation to state goals and adequate yearly progress (AYP). All students were required to be proficient by 2014. Under ESSA, states are required to establish ambitious long term goals and interim measures of progress for improved academic achievement. Schools will be held accountable for making progress on the long-term goals. What is considered “ambitious” is not defined by statute.

In New York, the state has determined an “end” goal for each academic indicator in the accountability system that establishes where the state wishes all students to be ultimately. The end goal is near 100 percent proficiency on the state assessments; 95 percent four year graduation rate and 95 percent of students making annual progress towards English Language Proficiency. There is no specific date that the end goal must be reached.

- SED will set five year targets as long-term goals for the all student group and each subgroup. Subgroups that are farthest behind will have the largest gaps to close.
- The state will re-calculate these targets annually based on actual progress toward reducing the gap between the current status and long-term goals. This means the five year goal is always five years in the future.
  - The first long-term goal will be to reduce the gap between the current level of performance and the end goal by 20 percent by 2021-2022.
- Each year, once a new long-term goal is established, the previously established long-term goal becomes the Measure of Interim progress for the year.
- A Measure of Interim Progress will be calculated annually for each school to create a Performance Index.
  - This gap reduction methodology is explicitly designed so that schools with the largest gaps in performance must show the greatest gains.
  - It is possible for a school to miss their target for the current year but still be on track for the five year target. Schools will still receive credit if they are on track or exceeding the long-term goal overall if they fall behind in the current year.

### **State and District Annual Reports**

Under ESSA, the state and districts will continue to report on the indicators in the accountability system for all students and by subgroups. There are also a number of indicators that are reported to the state but not used for determining accountability status, such as suspension rates which are currently reported, and new indicators such as access to advanced course work. SED intends to create “data dashboards” to provide more transparent reporting of results. How quickly this happens will depend on state funding.

### *Equity Reports*

A new requirement of ESSA is for the states to assess and report equitable access to its Federally-assisted programs. States are required to report annually measures of financial and teacher equity.

- Financial – Per-pupil expenditures must be reported for each district and school building. The report must include the funding source (Federal, State or local). It must include personnel and non-personnel expenditures. This is a new significant requirement on school districts. This is a statutory requirement and is not the result of the state plan. This reporting will begin in 2018-19.
- Teacher Equity – The state must report the rate of assignment of minority and low-income students to ineffective, out-of-field and inexperienced teachers in Title I schools compared to non-low-income, non-minority students in non-Title I schools at the district level. SED will also collect and report data on teacher and principal turnover/retention, absences, tenure status, and demographics.

### *Effective Teachers and Evaluation*

ESSA leaves it up to states to determine how to define effective teachers. USDE is prohibited from mandating states use any particular evaluation system or requiring student performance in teacher evaluation. However, ESSA does not supersede or alter state law. This means that 3012-d, the Annual Professional Performance Review (APPR) statute, remains in effect. Inexperienced teachers are defined as having fewer than three years' experience.

### **Supporting Excellent Teachers – ESSA Title II**

Title II, includes requirements for preparing, training, and recruiting high-quality teachers, and principals. Under ESEA, collective bargaining protections were explicitly protected under Title I. Under ESSA, this has been expanded to Title II. This means the state cannot compel districts and Unions to adhere to provisions under ESSA that are in conflict with locally negotiated contracts.

New York State will continue with its current certification and licensure system for teachers and school leaders, including completion of a New York State-recognized program, recommendation from a preparation program, passage of certification exams, attendance at a Dignity for All Students workshop, and fingerprint clearance. ESSA maintains the paraprofessional certification qualifications from NCLB.

SED will convene a Clinical Practice Work Group to consider changes to the current field experience and placement requirements for teachers and school leaders. This committee will consider changes to:

- Field experience and student teaching requirements.
- Requiring preparation programs to include examining evidence of student outcomes, such as portfolios, student growth/achievement and observations.
- Exploring alternative opportunities for aspiring teachers and school leaders in more authentic settings, such as residency programs.

SED is considering changes to the existing mentoring and induction requirements to encourage a system of differentiated supports that would be sustained during the first three years of a teacher's career. However, funding for professional development through Title II is reduced under ESSA from previous levels. Grants will be awarded by the state on a competitive basis. SED will encourage districts to increase their own capacity such as through career leader pathways.

### **Additional Resources**

- SED ESSA Webpage - <http://www.p12.nysed.gov/accountability/essa.html>
- Full Text of the Federal Law - <https://www2.ed.gov/policy/elsec/leg/esea02/index.html>
- USDE Resources (draft plan template, Fact Sheets) - <https://www.ed.gov/essa>
- NYSUT Comments on NYS draft ESSA Plan - <https://www.nysut.org/news/2017/may/nysut-comments-on-nys-draft-essa-plan>