



OVERVIEW OF PROPOSED REGULATIONS: ACCOUNTABILITY

JUNE 2016

UPCOMING WEBINARS

- **Overview of proposed accountability regulations:**
Thursday, June 2, 3:00 pm to 4:30 pm ET and Monday, June 6, 3:00 pm to 4:30 pm ET:
 - Statewide accountability systems
 - Supporting low performing schools

- **Overview of proposed consolidated state plan and data reporting regulations:** Thursday, June 9, 3:00 pm to 4:30 PM ET and Monday, June 13, 3:00 pm to 4:30 PM ET:
 - State and local report cards and data elements
 - Consolidated state applications, including educator equity plans



EVERY STUDENT SUCCEEDS ACT

TRANSITION AND IMPLEMENTATION

- ESSA provides time and authority for ED to work with our State and local partners to ensure an **orderly transition** from NCLB and ESEA Flexibility.
- ED intends to issue regulations, guidance and technical assistance to support States and districts in high-quality implementation of the law by 2017-2018.
- ED will continue to provide guidance to **States and districts** over the coming weeks and months to support the transition.



EVERY STUDENT SUCCEEDS ACT

TRANSITION AND IMPLEMENTATION, CONTINUED

- States and districts should **continue to implement** the activities and programs they have in place now through the end of the 2015-2016 school year.
- The majority of funds in 2016-2017 school year will be administered in accordance with NCLB.
- ED is **receiving input from a variety of stakeholders** to help support high-quality transition to, and implementation of, the new law.
- Transition FAQ's and additional resources are available on our ESSA webpage at www.ed.gov/ESSA.



NOTICE OF PROPOSED RULEMAKING

ACCOUNTABILITY, DATA REPORTING, AND STATE PLANS UNDER ESSA

■ **Extensive Stakeholder Input:**

- Official request for information and two public meetings (DC and CA)
- Over 200 meetings held across the country and hundreds of public comments considered

■ **Major Provisions:**

- Accountability
 - Statewide Accountability Systems
 - Supporting Low-performing Schools
- Data Reporting
- Consolidated State Plans

■ **Comment period closes on August 1, 2016**



NOTICE OF PROPOSED RULEMAKING

■ Preamble

- Executive Summary, including purpose of this regulatory action
- Summary of the Major Provisions of this Regulatory Action
- Costs and Benefits
- Particular Issues for Comment
- Background, including description of public participation
- Significant Proposed Regulations
 - Statute
 - Current Regulations
 - Proposed Regulations
 - Reasons
- Regulatory Impact Analysis

■ Proposed Regulations

- NPRM available at: <http://www.ed.gov/essa>



STATEWIDE ACCOUNTABILITY SYSTEMS

- ESSA requires all students to be held to college- and career-ready standards.
- Maintains core expectation that states, districts, and schools work to improve academic outcomes for all students, including individual subgroups of students.
- In order to provide parents with a more holistic measure of measure of school success, the proposed regulations provide flexibility for States to incorporate new measures of school quality or student success.
- New flexibility to choose evidence based interventions, working with stakeholders, that are tailored to local needs.

GOALS & MEASUREMENTS OF INTERIM PROGRESS

- States set their own ambitious **goals and measurements of interim progress**, using the **same multi-year timeline** to achieve the State's long-term goals for all students and for each subgroup of students.
- Each State must establish long-term goals and measurements of interim progress for, at a minimum, **academic achievement, graduation rates, and English language proficiency**.
- **Academic achievement** must equally measure math and ELA.
- States **must** set graduation rate goals for the 4 year adjusted cohort graduation rate and **may** include extended year cohort graduation rates.
- Must take into account the improvement necessary for each subgroup of students to make significant progress in closing statewide gaps.



ENGLISH LANGUAGE PROFICIENCY GOALS

- Each State must establish long-term goals and measurements of interim progress for English learners to attain English language proficiency.
- The goals must set expectations that each English learner will--
 1. Make **annual progress** toward attaining ELP;
 2. Attain ELP within a **period of time** after the student's identification as an English learner; and
 3. Must be determined using a State-developed uniform procedure applied consistently to all English learners in the State that **takes into consideration, at the time of a student's identification as an English learner, the student's English language proficiency level**, and **may** take into consideration, at a State's discretion, one or more other characteristics listed in the proposed regulation.
- See directed question on ELP timeline.



STATEWIDE INDICATORS

- Proposed regulations help states create robust accountability systems that include multiple **indicators**.
- Each indicator must have **at least 3 performance levels**.

Elementary and Middle Schools	High Schools
Academic Achievement Indicator	Academic Achievement Indicator (may include student growth)
Academic Progress Indicator (may include student growth)	Graduation Rate Indicator
Progress in Achieving English Language Proficiency Indicator	Progress in Achieving English Language Proficiency Indicator
Indicator(s) of School Quality or Student Success	Indicator(s) of School Quality or Student Success



STATEWIDE INDICATORS

- With the opportunity for states to choose new indicators of **school quality or student success**, the NPRM ensures that these indicators:
 - Measure the performance of all students in all public schools, including public charter schools
 - Allow for comparison between subgroups of students
 - Demonstrate variation across schools in the state
 - Are likely to increase graduation rates or academic achievement
- States may **phase in or replace** indicators over time, as long as they have one indicator that meets the requirement for the 2017-2018 school year.

SUMMATIVE RATING

- In order to increase transparency, the proposed regulations require states to assign a **comprehensive, summative rating** for each school.
- Consistent with the requirement for indicators, each State must have at least **3 summative ratings**, but ED does not prescribe the format of these ratings.
- Each State and LEA must **report a school's summative rating, as well performance on each indicator.**

WEIGHTING OF INDICATORS

- **The proposed regulations do not prescribe or suggest percentages for any indicators, or a range for weighting, but emphasizes academic indicators that the law requires be afforded “substantial” weight individually and “much greater” weight in the aggregate.**
- States would demonstrate their accountability systems meet this requirement through three back-end checks outlined on the next slide.



WEIGHTING OF INDICATORS: BACK-END CHECKS

- States would demonstrate their accountability systems meet three back-end checks:
 - a school identified for comprehensive support cannot be removed from identification on the basis of an indicator of school quality or student success unless it is also making significant progress for all students on an academic one;
 - a school identified for targeted support because of a struggling subgroup cannot be removed from targeted support status on the basis of an indicator of school quality or student success unless that subgroup is making significant progress on at least one academic indicator; and
 - a school achieving the lowest level of performance on any academic indicator must receive a different summative rating than a school performing at the highest level on all of the indicators.



PARTICIPATION RATE

- Under the ESSA, all states must assess all students on ELA and math in each of grades 3-8 and once in high school, and states must factor whether a school assesses 95% of all students or each subgroup into its accountability system.
- The proposed regulations do not prescribe how **participation rates** must be factored in to state accountability systems
 - States may choose among suggested options or propose their own equally rigorous strategy for addressing low participation rates in schools where fewer than 95% of all students or 95% of each subgroup of students participate in assessments.
 - Schools must also develop a plan, approved by their district, to improve participation rates in the future whenever they miss the participation rate requirement.
- See directed question.



INCLUSION OF SUBGROUPS

- The proposed regulations ensure States consider each subgroup separately; no **super- subgroups** can be used in place of an individual subgroup.
- Any State proposing to use an **n-size** larger than 30 students must submit a justification in its state plan, including data on how the larger n-size affects the number and percentage of schools held accountable for subgroups.
- Proposed regulations ensure all schools are included and treated equally, including all **public charter schools**, in State accountability systems.



SCHOOL IDENTIFICATION

- States must identify certain schools for **comprehensive support and improvement** once every three years.
- States must identify schools for **targeted support and improvement** annually.
 - States must identify schools for **additional targeted support and improvement** once every three years.

COMPREHENSIVE SUPPORT

- States must identify certain schools for **comprehensive support and improvement** once every three years:
 - Bottom 5% of Title I schools, based on the summative rating
 - High schools with graduation rates below 67% for all students based on the four year-adjusted cohort graduate rate; and
 - Title I schools with chronically low-performing subgroups that do not improve after receiving “additional targeted support”



TARGETED SUPPORT

- States must identify schools for **targeted support and improvement**
 - Title I schools with a **consistently underperforming subgroup**, as defined by the State, identified annually
- Provides **suggested definitions of “consistently underperforming”** but allows flexibility for states to propose their own definitions within key guardrails:
 - Must look at each individual subgroup to determine if that group is consistently underperforming.
 - Must ensure that schools with a subgroup underperforming for two years or more are identified.
 - Must be based on the state’s indicators.
- See directed question on “consistently underperforming.”



ADDITIONAL TARGETED SUPPORT

- States must identify schools with a low-performing subgroup performing similarly to all students in the bottom 5% of Title I schools for **additional targeted support and improvement**.
- Schools must be identified for additional targeted support and improvement **on the same timeline as States identify comprehensive support schools** (no less than every three years).
- If a school does not exit status after receiving additional targeted support, it is “rolled up” into comprehensive support and improvement.



SCHOOL IMPROVEMENT PLANS

- All identified schools must develop a comprehensive or targeted support and improvement plan.
- In order to ensure that stakeholders, including parents, teachers, principals, and other school leaders are engaged:
 - Parents must be notified if their student attends an identified school and told how they can engage in developing the plan.
 - The plans must be publically available.
 - The plans must describe how stakeholder input was received and any changes that were made as a result.
- LEAs must review and approve targeted support plans.
- SEAs and LEAs must review and approve comprehensive support plans.



SCHOOL INTERVENTIONS

- Allows schools, districts, and states to select **evidence-based intervention or strategy** tailored to local needs.
- Each plan must include at least one evidence-based strategy, and the regulations **do not prescribe a specific level of evidence but refer to the definition under Title VIII.**
- States may establish a list of approved interventions.
- Comprehensive and additional targeted support school plans must also review **resource inequities**, including per-pupil expenditures and access to ineffective, out-of-field, or inexperienced teachers.
- States and LEAs must set meaningful exit criteria that expect improved student outcomes, and require additional actions in schools where initial interventions do not improve those outcomes.



FUNDING UNDER SECTION 1003

- States must direct **funds set aside for school improvement** (*i.e.*, funds under section 1003) to districts with schools most in need of support:
 - States may distribute funds by formula or competitively but must consider schools with the “greatest need” and “strongest commitment” via an LEA application.
 - District that receive funds for school improvement must receive a minimum of \$500,000 for each comprehensive support school it serves and \$50,000 for each targeted support school, unless the State determines that a smaller amount is sufficient.
 - States must provide technical assistance, as well as monitoring, to districts to oversee and improve the use of funds for evidence-based interventions.
 - States must also engage in ongoing efforts to evaluate the use of these funds for evidence-based interventions to improve student outcomes.



TIMELINE FOR IMPLEMENTATION

- Under the proposed regulations, States must submit state plans in either March 2017 or July 2017.
- The proposal requires that all states identify schools for **comprehensive** and **additional targeted support** for the first time in the **2017-2018 school year**, with annual identification of schools with consistently underperforming subgroups for targeted support beginning in the **2018-2019 school year**.
- **All schools are eligible for a planning year in the year of identification (e.g., 2017-2018) but must implement interventions in the following year (e.g., 2018-2019).**
- States may **update their accountability systems** as they are able to include new indicators or new measures within their indicators.



NEXT STEPS

- Submit official comments and questions through the Federal Register Notice available at:
<https://federalregister.gov/a/2016-12451>
- Main ESSA Web Page: www.ED.gov/ESSA
- ESSA Resources, including link to the Notice, Fact Sheet, and other ESSA resources:
<http://www2.ed.gov/policy/elsec/leg/essa/index.html>
- Email Inbox: ESSA.Questions@ed.gov
- Next webinar- Overview of Proposed Regulations on State and Local Reporting and Consolidated State Plans: Thursday, June 9, 3:00 pm to 4:30 PM ET and Monday, June 13, 3:00 pm to 4:30 PM ET



