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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 18, 2015

Dear Colleague:

On December 10, 2015, the President signed into law the Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA). The reauthorized law, which we will refer to in this document as the ESSA, prioritizes excellence and equity for our students and supports great educators. Your work provides a strong foundation to help ensure that every child graduates from high school ready for college and careers. The ESSA reinforces your efforts, and the U.S. Department of Education (ED) looks forward to supporting you during the upcoming transition and throughout ESSA implementation.

To facilitate an orderly transition to the programs authorized by the ESSA, we are conducting a careful review of the work in which you and your State are currently engaged. In the coming months, ED will provide ongoing guidance to support schools, districts, and States in the transition to the ESSA. This letter begins this process and provides guidance regarding certain activities for which we know you are working toward imminent deadlines and that are affected by this reauthorization. In particular, this letter covers ED's expectations regarding: Title I assessment peer review; annual measurable objectives (AMOs) and annual measurable achievement objectives (AMAOs) for school years 2014–2015 and 2015–2016; conditions and other related requirements under ESEA flexibility; priority and focus school lists; and educator evaluation and support systems under ESEA flexibility.

Title I Assessment Peer Review

The reauthorized law maintains the requirement that each State administer high-quality annual assessments in at least reading/language arts, mathematics, and science that meet nationally recognized professional and technical standards. As described in ED's letter to you on September 25, 2015, a high-quality State assessment system that is aligned to State-determined content standards is essential to providing information that States, districts, principals, and teachers can use to identify the academic needs of students, target resources and supports toward students who need them most, evaluate school and program effectiveness, and close achievement gaps among students. A high-quality assessment system also provides useful information to parents about their child's advancement against and achievement of grade-level standards.

We are reviewing the ESSA to better understand the impact of any changes to the requirements for State assessment systems but, because the essential requirements are unchanged, ED's peer review of State assessment systems will continue so that each State receives feedback from external experts on the assessments it is currently administering. However, the schedule will be slightly altered; ED is cancelling the January 2016 peer review window and adjusting the March and May 2016 windows to April and June 2016. More information will be provided in the coming weeks.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

AMOs and AMAOs

In accordance with a February 27, 2015, letter from the Director of ED's Office of State Support, many States that implemented new assessments in the 2014–2015 school year are preparing to submit new AMOs for ED's review and approval in January 2016. However, the ESSA requires States to “establish ambitious State-designed long-term goals...for all students and separately for each subgroup of students” instead of AMOs. ED wants to support State efforts to prepare for this transition; therefore, in accordance with ED's authority to ensure an orderly transition to the ESSA, ED will not require States to submit AMOs (for school years 2014–2015 or 2015–2016) in January 2016 for ED's review and approval, nor will ED require States to report performance against AMOs for the 2014–2015 or 2015–2016 school years. Additionally, ED will not require States to hold districts accountable for their performance against AMAOs 1, 2, and 3 under Title III of the ESEA for the 2014–2015 or 2015–2016 school years.

Please note, however, that all States and districts must continue to publish report cards, including report cards for the 2014–2015 school year (if those report cards have not yet been published), for the 2015–2016 school year, and beyond. Report cards must continue to include information that shows how a district's student achievement on the State assessments compares to students and subgroups of students in the State as a whole. At the school level, the district must include information that shows how a school's student achievement on the State assessments compares to students and subgroups of students in the district and in the State as a whole. However, consistent with ED's authority to ensure an orderly transition to the ESSA, report cards need not include the information required under ESEA section 1111(h)(1)(C)(ii).

General ESEA Flexibility Update

Under ESSA section 4(c)(1), waivers granted through ESEA flexibility remain effective through August 1, 2016. Given this timeframe, ED expects each State that is currently approved to implement ESEA flexibility to continue to meet all ESEA flexibility principles during the 2015–2016 school year. However, because ESEA flexibility terminates on August 1, 2016, ED will not seek or review requests to extend ESEA flexibility from a State with an ESEA flexibility request approved only through the 2015–2016 school year. In addition, ED will no longer review or approve requests for ESEA flexibility, as announced by ED on September 23, 2011, from a State that does not yet have an approved flexibility request. ED will continue to make decisions on a case-by-case basis but, generally speaking, will prioritize monitoring and enforcement on principles that are included in both the ESEA and ESSA.

Follow-Up Actions Required Under ESEA Flexibility Renewal

During the ESEA flexibility renewal process, ED renewed some States subject to certain follow-up actions and conditions as described in our renewal letter. Many of the follow-up actions, including those required to resolve a condition, required a State to take certain actions during, or by the end of, the 2015–2016 school year. Because ESEA flexibility terminates on August 1, 2016, a State will no longer be required to submit follow-up responses to ED related to areas of ESEA flexibility that are not required under both the ESEA and ESSA. Instead, ED will continue to provide technical assistance, feedback, and support to States and districts in these key areas so they can continue to build on the strong foundations they have constructed and facilitate a smooth transition.

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. In particular, a State is required to provide information for follow-up actions under Principle 1 of ESEA flexibility, including follow-up actions related to consultation with stakeholders, college- and career-ready standards, and high-quality assessments, and under Principle 2 related to reporting requirements. In the coming days, a member of my staff will contact each State's ESEA flexibility contact to clarify whether any follow-up actions that were required as part of the State's ESEA flexibility renewal must be carried out.

All Other Amendments to ESEA Flexibility Requests

Through August 1, 2016, a State may continue to request amendments affecting activities required under the ESSA; ED will review these amendments and make a determination on their approval. If a State wishes to amend Principle 1 or any of the reporting components of Principle 2 of its approved ESEA flexibility request, it must submit an amendment for ED's review.

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. If you have questions about whether a particular change requires an amendment, please reach out to your program officer in ED's Office of State Support.

Priority and Focus School Lists

Under ESEA flexibility, many States were required to submit updated priority and focus school lists in January 2016. In order to facilitate an orderly transition to ESSA during the 2015–2016 school year, all States implementing ESEA flexibility may now select either of the following options with regard to these lists:

Option A: Do not exit schools and maintain current identification. A State may “freeze” its current lists of priority and focus schools as of December 10, 2015 (the date of enactment of the ESSA). These schools would continue to implement their approved interventions through the 2015–2016 and 2016–2017 school years. The State would not be able to exit schools from the current lists until after the 2016–2017 school year.

Option B: Exit schools and identify new priority and focus schools. A State may exit priority and focus schools that meet the State's approved exit criteria and identify new priority (at least 5 percent of Title I schools) and focus (at least 10 percent of Title I schools) schools based on more recent data. Newly identified schools, as well as those that remain on these lists because they did not meet the State's exit criteria, would implement their approved interventions through the 2016–2017 school year. A State selecting this option must provide updated lists of priority and focus schools to ED by **Monday, March 1, 2016**; please note that this deadline supersedes prior assurances and communications requiring some States to submit these lists in January 2016.

Each State implementing ESEA flexibility should inform ED of which of the above options it has selected through an e-mail to its State e-mail address, OSS.[STATE]@ed.gov, submitted on or before Friday, January 29, 2016.

Supporting Educator Effectiveness

To help ensure that all educators have the necessary tools to be maximally effective, every State implementing ESEA flexibility is engaged in the challenging and critical work of designing, building, and operationalizing educator evaluation and support systems. We believe that this hard work and leadership should be recognized and encouraged. As noted, the law provides for ESEA flexibility, including those principles related to educator evaluation and support systems, to continue to be implemented through August 1, 2016. Given that educator evaluation and support systems are not required under the ESSA, ED will continue to provide technical assistance, including feedback and support, but will not formally process amendment requests related to these systems, and will prioritize monitoring and enforcement on principles that are included in both the ESEA and ESSA.

I understand that you may have additional questions about how to proceed, including specific questions about which portions of the guidance provided above applies to schools and districts in your State. You can find the latest information at www.ed.gov/essa and can ask questions by e-mailing us at essa.questions@ed.gov or through your contact in our Office of State Support. Please also know that ED is working to provide you with comprehensive guidance on the transition, as well as guidance on the requirements of the programs authorized under the ESSA. We will work with stakeholders to understand the issues on which guidance would be most helpful; in the meantime, I hope this letter answers some of your most urgent questions.

Please note that a Request for Information (RFI) that seeks advice and recommendations regarding regulations under Title I of the ESEA as reauthorized by the ESSA is available today for public inspection at <https://www.federalregister.gov/public-inspection>. A link to that document will be available at www.ed.gov/essa when it is published in the *Federal Register*.

Thank you for your ongoing commitment to improving educational outcomes for all students. I look forward to our continued partnership as we move ahead with this critical work.

Sincerely,

/s/

Ann Whalen
Delegated the Authority to Perform the Functions
and Duties of Assistant Secretary for
Elementary and Secondary Education

cc: State Title I Directors
State Assessment Directors
State ESEA Flexibility Leads