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## The Every Student Succeeds Act

On December 10, 2015, President Obama signed the Every Student Succeeds Act (ESSA) which reauthorizes the Elementary and Secondary Education Act (ESEA) for four years and enacts significant changes from the previous iteration of the law, the No Child Left Behind Act (NCLB). In general, ESSA reduces federal intervention in state education policies and programs and assigns substantial decision-making authority to individual states. The law includes an implementation schedule that requires states to be ESSA-compliant by 2017-18 (see “Implementation of the New ESSA” below).

Because of the renewed emphasis on state-level decision making in ESSA, ***it will be important for all PSEA members to remain engaged and ready to communicate with state legislators and policymakers about key teaching and learning issues.***

ESSA defines broad changes in several areas of education policy and also makes changes to federal grant programs. The following is a brief introduction to key changes in the federal role in public schools as set forth in ESSA.

- **Standards and Goals.** ESSA abolishes the concept of Adequate Yearly Progress (AYP) and clarifies that the federal government cannot compel states to adopt any specific set of academic standards (e.g. Common Core). States still must have academic standards that prepare students for higher education and workforce training, but the content of the standards is set entirely by individual states and states cannot be required to submit their standards to the federal Department of Education (USDOE) for any reason. States also set their own short- and long-term academic goals, which must address, at a minimum, student proficiency on tests, English language proficiency, and graduation rates. States must set goals with an expectation of closing student achievement and graduation gaps, but states have the authority to determine the rate at which gaps should close.
- **Assessments.** Like in the previous law, under ESSA states must continue to administer assessments in reading and mathematics in grades 3 to 8 and once in high school. Science must be assessed once in elementary, middle, and high school. However, in a new twist, states can apply to participate in a pilot to use local formative assessments in lieu of state standardized tests. States also can allow high schools to use a nationally recognized test, like the SAT, in place of the traditional state test. Finally, states can apply for a grant to audit their assessment system to determine how much time is spent on testing and whether duplicative assessments can be eliminated to reduce testing time. A state may set a target limit on the aggregate amount of time devoted to test administration for each grade.

States have the authority to adopt alternative assessments for students with the most significant cognitive disabilities. Participation in such assessments is limited to 1 percent of the total student population in the state (this is about 10 percent of special education students), but neither the US Department of Education (USDOE) nor the state have the authority to impose participation caps on school districts. Instead, at the local level, IEP teams make individual determinations about whether each student will participate in an alternative assessment. If more than 1 percent of the state's students take an alternative assessment, the state may seek a waiver from the 1 percent cap from USDOE.

ESSA continues to require that 95 percent of students take the state assessment. However, the new law makes clear that any consequence for falling below a 95 percent participation rate is determined by the state, not the federal government.

- **School and District Accountability.** ESSA eradicates the previous labeling system where states were required to categorize schools that did not make adequate yearly progress as “needing improvement” or “in corrective action”. Under the new law, states have to develop a system to identify the lowest achieving 5 percent of schools at least every three years. Districts intervene first, with state support, to help these schools improve. If a school continues to struggle despite district interventions, then the state must develop a plan to help the school improve. The new law also requires that states identify and intervene in high schools where the graduation rate is 67 percent or less. Interventions must be evidence-based, but specific interventions are selected by states.

The system used to determine the lowest achieving schools must include the following indicators: 1) proficiency on state tests (including proficiency among student subgroups); 2) English language proficiency; 3) at least one other academic indicator for elementary and middle schools; 4) graduation rate for high schools; 5) state test participation rate; and 6) at least one measure of learning conditions. Academic indicators must be assigned “much greater weight” than non-academic indicators in the accountability formula, but states are free to determine exactly how individual elements of the system are weighted and also may choose to include additional elements in the accountability system.

- **Teacher Evaluation and Qualifications.** Clearly rejecting the Obama Administration's prescriptive approach to teacher evaluation in Race to the Top and the ESEA Accountability Waiver process, the new law specifically bars the federal government from defining any teacher evaluation criteria. Instead, states are allowed to design and administer their own systems.

Under ESSA, teachers are no longer required to be “highly qualified” as defined by NCLB. However, states must continue to evaluate and report on the measures taken to ensure that low-income and minority students enrolled in schools receiving Title I funds are not served at disproportionate rates by “ineffective, out-of-field, or inexperienced teachers.” Schools receiving Title I funds also must notify parents of their right to know the professional qualifications of their child's classroom teacher.

**Implementation of the new ESSA.** Implementation of the new law does not occur overnight. The law specifically requires states to continue with their current accountability system through this academic year. Pennsylvania's current approved accountability system will expire on August 1, 2016. During 2016-17, states should develop and submit a new accountability plan to USDOE that meets the requirements of the new law. These new ESSA accountability plans would be implemented for the first time in the 2017-18 school year. During 2016-17, the state continues to administer accountability provisions in state law even though ESSA accountability provisions are not yet in effect.

**The Critical Importance of Local Advocacy.** The new ESSA provides many opportunities for positive change in education policy because it frees states from prescriptive federal mandates that had proven ineffective under No Child Left Behind. ESSA also includes unprecedented opportunities for educators to be involved in making positive change at the state and local level because it requires consultation with teachers and support professionals.

Because the new ESSA gives states considerably more freedom to direct education policy, opportunities for positive change depend upon decisions made by state and local officials. PSEA will be working at the state level to maximize positive opportunities and will keep members informed about the work of legislators and policymakers in adopting changes related to ESSA. ***PSEA also will be calling upon members to communicate with state policymakers in support of good policy for students, families, communities, and educators.***

For more information about the new Every Student Succeeds Act, PSEA members should contact Carla Claycomb in PSEA's Education Services Department, [cclaycomb@psea.org](mailto:cclaycomb@psea.org). PSEA members also can view a 1-hour webinar for Act 48 credit that explains the contents of the new ESSA in more detail on PSEA's [Online Learning Portal](#).