



Frequently Asked Questions About the Every Student Succeeds Act (ESSA)

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On December 10, 2015, President Obama signed the Every Student Succeeds Act (ESSA), which replaced No Child Left Behind (NCLB) and changed many portions of the Elementary and Secondary Education Act (ESEA). The Minnesota Department of Education (MDE) will work closely with the U.S. Department of Education to ensure Minnesota's students, educators, schools, and districts experience a clear and orderly transition to the new law. This FAQ is one part of MDE's efforts to make sure that all interested stakeholders and the general public have a clear understanding of what ESSA means for Minnesota.

What Are Some of the Biggest Changes?

ESSA preserves much of the structure of NCLB, although it gives states and local educational agencies (LEAs) like school districts more flexibility than under the previous law. This is especially true in the areas of accountability and school improvement, where ESSA allows states to make more choices about how schools are identified for improvement and the efforts in those schools to improve student outcomes. Although funding levels either stay the same or in some cases are reduced, ESSA broadens how some federal funding can be used in schools and districts. ESSA emphasizes the use of data and requires data to be collected in several new areas, including school climate and preschool participation, and requires that some data be reported for more student groups than NCLB did.

How is ESSA different from NCLB and Minnesota's NCLB Flexibility Waiver?

Some of the most significant parts of NCLB were the requirements that states test students in reading and math every year in grades 3-8 and once in high school, report how different groups of students scored (for example, by race or economically disadvantaged status), use those scores to identify schools that weren't meeting goals, and require schools that continued to not meet their goals for several years to either close or go through one of three possible improvement strategies. The long-term goal was for every student to be proficient in math and reading by 2014, which resulted in most schools being identified for improvement.

Most states, including Minnesota, received waivers from the U.S. Department of Education to create a new accountability system and revise the long-term goals specific to their needs and priorities. Under its NCLB waiver, Minnesota created the Multiple Measurements Rating (MMR) and Focus Rating (FR) systems, allowing Minnesota to

not only measure proficiency, but to also look at growth and how well schools were doing in closing the achievement gap. Moving away from a punitive system, the MMR system allowed Minnesota to identify five categories of schools for either improvement or recognition.

While ESSA still requires statewide assessments, it gives states more freedom in setting their long-term goals and identifying which schools will receive support from the state. Additionally, while NCLB and Minnesota's NCLB waiver had a separate accountability system looking at English language development for English learners (ELs), ESSA merges the two separate accountability systems into one. ESSA also allows much greater flexibility in how states and LEAs support schools identified for improvement.

ESSA maintains roughly the same appropriation levels as NCLB. It does expand the ways states and districts can use some federal funds; for example, more federal money can be spent on early childhood education than was allowed under NCLB.

Who decided what was in ESSA?

ESSA was passed by both houses of the U.S. Congress. The bill was crafted by senators and representatives from both political parties. They included ideas and suggestions based on the experiences of students, families, educators, administrators, and communities under NCLB. Senator Al Franken and Representative John Kline (who is the chair of the House Committee on Education and the Workforce) represented Minnesota on the relevant education committees.

What indicators will be used in the new ESSA accountability system and how are schools eligible to receive support from the state?

ESSA allows states to define the long-term goals and interim measures of progress that schools will be expected to meet. Each state must have goals and interim measures for students overall and for several different student groups, including major racial and ethnic groups, students from low-income backgrounds, English learners, and students with disabilities. In Minnesota, these goals will be determined with significant stakeholder engagement and input from experts as part of creating Minnesota's ESSA state plan.

Like NCLB, ESSA requires that each state's accountability system include students' academic achievement on state tests that are aligned to state standards, and that LEAs and the state support schools identified for improvement.

However, ESSA expands what can be considered in the accountability system beyond state tests. Like Minnesota's NCLB waiver, ESSA requires states to include high school graduation rates in the accountability system. It also allows, but does not require, states to include student growth on state tests (as Minnesota currently does under its NCLB waiver). Furthermore, ESSA requires each state to include the English language development of English learners (ELs) in the accountability system instead of running a separate system for English language development.

Finally, ESSA requires at least one indicator of “school quality or student success” be included in the system. Student engagement, postsecondary readiness, school climate, and other possibilities are given as examples. States can also create their own indicators; they do not have to use the examples included in ESSA. If states do create their own indicators, those measurements have to be the same across the state, statistically valid and reliable, and able to be disaggregated by student groups.

Schools that are underperforming will be identified for support and improvement based on Minnesota’s new ESSA accountability system.

What new student group data does ESSA require?

One significant area where ESSA requires more is data collection and reporting. On public report cards, states and LEAs must still report assessment and accountability data for students overall and for separate student groups. In addition to the groups required under NCLB (including by race and gender, as well as for English learners, students with disabilities, the economically disadvantaged, and migrants), ESSA also requires some data to be reported for students who are homeless, students in foster care, and students who are children of active duty members of the military. ESSA also requires more data about school climate and safety to be reported, including but not limited to data about in-school suspensions, out-of-school suspensions, expulsions, incidents of violence, and chronic absenteeism. In addition, new ESSA data elements include preschool enrollment, participation in accelerated coursework to earn postsecondary credit while in high school, professional qualifications of teachers, and per-pupil expenditures.

In cases where MDE does not currently collect the required data, MDE will work with schools, districts, and other public agencies to collect or share this data for use in state and local report cards.

What does ESSA say about highly qualified teachers, educator effectiveness and teacher equity?

Highly qualified (HQ) teachers were previously defined in No Child Left Behind (NCLB) with specific criteria outlined in the law. ESSA discontinues all highly qualified requirements. Instead, Minnesota teachers must meet applicable Minnesota laws and rules.

ESSA does not specifically require states to carry out or report on teacher evaluations. However, states and districts must include in their report cards the professional qualifications of teachers, including information disaggregated by high- and low-poverty schools on:

- The number and percentage of inexperienced teachers, principals and other school leaders.
- Teachers teaching with emergency or provisional credentials.
- Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

In their state plans, all states are required to include information on how low-income and minority children are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers.

While teacher and principal evaluation systems are not required in ESSA, development and evaluation of principals and teachers is currently required in Minnesota Statutes, sections 123.B.147, 122A.40, and 122A.41 to improve leadership and instruction.

What does ESSA say about academic and English language development (ELD) standards?

ESSA requires states to have rigorous standards and assessments for reading or language arts, math, and science. States can have standards and assessments in other academic subjects, but are not required to do so. ESSA also requires states to have standards for English language development (ELD), as well as statewide entrance and exit procedures for identifying and serving English learners through the Title III program.

ESSA requires states to have challenging academic standards aligned to entrance requirements for credit-bearing coursework in higher education and relevant state career and technical education standards. However, it specifically prohibits the U.S. Secretary of Education from requiring any specific set of standards.

Based on recently updated state law, Minnesota reading/language arts standards will next be reviewed in the 2019-2020 school year, and its math standards will be reviewed in 2021-22. Minnesota is a member of the WIDA consortium (“WIDA” stands for Wisconsin, Delaware, and Arkansas, the first members of the group) that maintain ELD standards aimed at helping students build proficiency in English, including academic English that they will encounter in their coursework.

What does ESSA say about testing?

Like NCLB, ESSA requires states to test math and reading or language arts in each of grades 3-8 and once each in high school. Also like NCLB, ESSA requires that states test science at least once during each of the following grade spans: grades 3-5, grades 6-9, and grades 10-12.

ESSA creates a competitive pilot program for innovative assessments that will allow up to seven states to experiment with using forms of assessment other than standardized tests, such as performance-based or competency-based assessments. It also allows LEAs to use a nationally recognized high school assessment in place of the state high school tests if MDE approves the test and the LEA can show that the nationally recognized test meets several criteria, including alignment with state standards, disaggregation of results by student group, and the ability to offer appropriate accommodations to students with disabilities and English learners.

How Will ESSA Affect Students?

Most of the specific programs aimed at particular student groups won't change significantly because of ESSA. However, states, LEAs, and schools do have some opportunities to expand services and supports for some groups, especially students in early childhood and English learners.

How will ESSA affect Minnesota's efforts to provide educational equity for all students?

The Elementary and Secondary Education Act (ESEA) is rooted in equity. ESEA passed in 1965 as part of the War on Poverty, and the most recent version of the law, ESSA, continues to promote equity for all students. States have an opportunity to ensure equity is at the forefront when developing state plans and systems. ESSA includes components to build an equity-focused education system, including establishing long-term goals for every student group, disaggregating data by student group and by high-poverty compared to low-poverty schools, reporting outcomes for youth in foster care and youth experiencing homelessness, including non-academic indicators in the accountability system that could be focused on opportunity gaps, and identifying and supporting schools with any consistently underperforming student group.

How does ESSA include a "well-rounded" education for students?

ESSA defines "well-rounded" as courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the state or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.

Local educational agency (LEA) plans must include how the LEA will monitor students' progress toward meeting the challenging state academic standards by developing and implementing a well-rounded program of instruction to meet the academic needs of all students, among other requirements.

Professional development is a major focus of Title II and includes activities that are an integral part of school and district strategies for providing educators with the knowledge and skills necessary to enable students to succeed in a well-rounded education.

Student Support and Enrichment Grants are in Title IV, Part A. The purpose of these funds is to improve students' academic achievement by increasing the capacity of the State, LEA, schools and local communities to:

1. Provide all students with access to a well-rounded education.
2. Improve school conditions for student learning.
3. Improve the use of technology in order to improve the academic achievement and digital literacy of all students.

What does ESSA say about early childhood education?

ESSA explicitly allows federal funds in several programs authorized by the Elementary and Secondary Education Act (including Titles I-IV) to be used for early childhood education, although it generally does not require that the funds be used for these purposes. ESSA allows funds to be used at the early childhood level to serve students from low-income backgrounds through Title I programs, to support professional development for educators through Title II programs, to serve English learners through Title III programs, and as part of many other programs and grants. It also creates a Preschool Development Grants (PDG) program funded and housed through the federal Department of Health and Human Services (HHS) and administered by both HHS and the federal Department of Education. A PDG program existed in the past, but was fairly different than the one in ESSA. ESSA's PDG, for example, places much greater emphasis on better serving families through a mixed delivery system (such as a diverse combination of public and private early learning options).

How will ESSA affect English Learners (ELs)?

By combining accountability systems to include progress towards English language proficiency with other academic indicators, ESSA may encourage schools and districts to place more emphasis on improving support and services for English learners. The rest of Title III (the section that defines services for English learners) remains largely similar to how it was under NCLB, so the major services for ELs in federal law should be maintained.

What does ESSA say about special education and students with disabilities?

Students with disabilities are included in every major section of ESSA, at the statewide, local school district and school building levels. The programs in ESSA designed to improve instruction and student outcomes are to be coordinated with special education. Some examples include coordinating services between Title I and special education, linking English language programs with the Individualized Education Programs (IEPs) of English learners with disabilities, and providing educators in both general and special education with professional development around supporting students with disabilities.

What does ESSA say about Indian education?

ESSA requires that MDE and LEAs engage in meaningful consultation with tribes or tribal organizations in developing their state plans, and LEAs must consult with tribes before making decisions about programs and services funded by ESSA that affect opportunities for American Indian students.

Additionally, in Title VI (Indian, Native Hawaiian, and Alaska Native Education), ESSA creates a new grant program that can fund Native language immersion programs.

What does ESSA say about youth in foster care and youth experiencing homelessness?

ESSA strengthens the requirements in the McKinney-Vento Homeless Assistance Act concerning school stability and educational access for youth experiencing homelessness, and increases the authorized funding level for McKinney-Vento.

Children awaiting placement in foster care are removed from McKinney-Vento, and a new section is created that specifically addresses their needs. For example, state plans must include assurances that foster youth will be enrolled or remain in their school of origin, unless it is not in the youth's best interest to do so. In the case of students in foster care changing schools because it is in their best interest, they must be guaranteed immediate enrollment in a new school, and that new school must immediately contact the previous school to obtain the student's academic records.

ESSA also requires that some academic achievement and graduation rate data on state and local report cards be disaggregated for homeless youth and students in foster care.

What does ESSA say about gifted and talented education?

ESSA retains the Jacob K. Javits program for gifted and talented education. The Javits program provides state and local grants to increase schools' ability to serve gifted and talented students, especially those who are traditionally underrepresented in gifted and talented education. It also requires that some professional development for educators include preparation for serving the gifted and talented. Additionally, ESSA allows some Title I funding to be used in part to serve gifted and talented students from low-income backgrounds.

What does ESSA say about science, technology, engineering, and mathematics (STEM) education?

In addition to requiring standards and assessments for mathematics and science, ESSA provides opportunities for preparing, training, and recruiting STEM teachers and engaging students in STEM enrichment activities. While NCLB's funding for the Mathematics and Science Partnership was not continued under ESSA, STEM-specific activities are allowable uses of funds under Title II state block grants. States and districts have new authority to provide professional development to promote high-quality instruction and leadership in STEM subjects including computer science.

ESSA also supports professional development for teachers and principals to integrate rigorous academic content, career and technical education, and work-based learning, if appropriate. Districts can spend a portion of their Title IV grant funding on professional development in the use of technology to increase student achievement.

ESSA establishes the definition of a STEM-Specialty School as a school or dedicated program within a school that engages students in rigorous, relevant, and integrated learning experiences focused on science, technology, engineering, and mathematics including computer science.

What does ESSA say about students attending private/nonpublic schools?

Students who are eligible for Title I funding and attend private/nonpublic schools are still expected to receive equitable treatment and support from the districts where they live. ESSA requires each state education agency (in Minnesota, MDE) to select an ombudsperson who will be expected to ensure such students are treated equitably.

How does ESSA include social-emotional learning for students?

ESSA requires at least one non-academic measure in the accountability system. Student engagement, school climate, and safety could be among the possible indicators. States have significant leeway in defining and assessing this non-academic component of the accountability system, although any indicator must be the same across the state, statistically valid and reliable, and able to be disaggregated by student groups.

Title IV includes a new program called the Student Support and Academic Enrichment Grants, one purpose of which is to improve school conditions for student learning. Districts conduct a comprehensive needs assessment that includes an examination of school conditions to create a healthy and safe school environment. Districts can use the grant to implement activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement, and may include strategies to improve instructional practices for developing relationship-building skills, mentoring and school counseling, training for personnel related to suicide prevention, trauma-informed practices, crisis management, human trafficking, violence prevention strategies, drug abuse prevention, and bullying and harassment prevention.

How Will ESSA Affect Educators, Schools, and Districts?

In general, ESSA gives states and LEAs more flexibility in how to help schools improve and how to spend federal funds. Most of the federal funding streams in the ESEA are not significantly changed by ESSA.

What categories of schools does ESSA require be identified for improvement?

ESSA defines two broad categories of schools that must be identified for support and improvement activities by each state's accountability system.

Schools where any student group (defined as any major racial or ethnic group, economically disadvantaged students, English learners, or students with disabilities) is consistently underperforming must be identified for *targeted support and improvement*. The state has flexibility in defining "consistently underperforming." Schools identified for targeted support and improvement must create a plan with their LEA.

Schools can be identified for *comprehensive support and improvement* if they:

- Receive Title I funds and are in the bottom 5 percent of the state's accountability system,
- Are a high school with a graduation rate below 67 percent, or
- Have spent too long on a targeted support and improvement plan but still have at least one student group that is performing at the same level as schools in the bottom 5 percent of the state's accountability system.

Schools identified for comprehensive support and improvement create their plans with their LEA, and MDE must approve the plan as well as monitor and review its implementation. MDE must also identify the consequences for schools that spend too long in the comprehensive support and improvement category.

States have flexibility in further defining each of the categories above, and can identify additional categories (including those that recognize strong performance).

Are there changes to school funding included in ESSA?

ESSA does not make many large changes to the structure or amounts of funding it provides. Some programs' funding formulas do change, in general to give more to states with higher levels of concentrated poverty. This means that Minnesota's federal funding may decline slightly. While the percentage of students from low-income backgrounds has been increasing in Minnesota, many other states are experiencing even faster growth in the percentage of students from low-income backgrounds.

One area where the approach to funding does change is Title IV, Part A, which was known as the Safe and Drug-Free Schools and Communities program under NCLB and which was defunded several years ago. Under ESSA, Title IV, Part A is now the Student Support and Academic Enrichment program, and includes funding to provide states with

block grants to be used to support student health and safety, opportunities for a well-rounded education, and effective educational technology. Another part of Title IV, the 21st Century Community Learning Centers program, is retained and does not change significantly.

States and LEAs will have increased flexibility in how some of ESSA's funds are used. Title I funding for students from low-income backgrounds can be used somewhat more broadly than under NCLB, as can Title II funding for educator effectiveness. MDE will be working closely with districts and charter schools to define this new flexibility and assist them in taking advantage of it.

What does ESSA say about funding for school improvement?

Under NCLB, the School Improvement Grants (SIG) program was a specific source of additional funding for schools identified for improvement. Under ESSA, the SIG program ends. However, states may now set aside a greater percentage of their federal funding for school improvement, which is intended to achieve a similar purpose but with greater flexibility.

What does ESSA say about charter schools and charter school authorizers?

Most of ESSA's changes to charter school policy are aimed at strengthening accountability in the authorization process. This includes increased attention to performance management, transparency, oversight, and monitoring on the part of charter school authorizers. The Public Charter School Program, which makes grants for charter schools, is included in ESSA. It has been updated to increase new charter schools' flexibility in spending the grants, as well as to do more to replicate charter schools with strong track records.

How do alternative schools and programs fit into ESSA?

ESSA allows states to differentiate support and improvement activities for high schools that primarily focus on dropout and credit recovery. These schools must still be identified based on the state accountability system, but the state can define ways for them to work on improving that are different from other schools. The state also has the option of exempting dropout and credit recovery high schools from improvement activities if they enroll fewer than 100 students. These options apply to all high schools focused on credit and dropout recovery, including both charter schools and traditional alternative schools.

What opportunities does ESSA offer for innovation and local flexibility in assessments?

ESSA gives states the authority to allow LEAs to use a nationally recognized college entrance exam in place of state tests in the high school grades. States can only approve the use of such national tests if the tests are aligned to the state's standards and can be incorporated into the state's accountability system.

ESSA also creates an Innovative Assessment Pilot program that will allow up to seven states to develop and use assessments other than the current form of standardized tests. For example, participating states could experiment with performance-based or

competency-based assessment models. More information about this opportunity is expected in the draft federal regulations to be released in the summer of 2016.

What is Minnesota's Process for Transitioning to ESSA?

In general, most parts of ESSA do not take effect until the 2017-18 school year. MDE will spend the time between now and then engaging with stakeholders, drafting and revising Minnesota's state plan, and supporting schools and districts with the transition to ESSA.

What is the timeline?

Most of ESSA takes effect in the 2017-18 school year, and Minnesota's NCLB Flexibility Waiver is null and void on August 1, 2016. The 2016-17 school year will be a transition year where some elements of the current system stop as the state prepares for ESSA.

MDE began its process of stakeholder engagement to inform the drafting of Minnesota's state plan in early 2016. Topic area meetings about specific issues in ESSA were held in April and May 2016. These meetings were open to the public. The presentations used in the meetings and notes summarizing the feedback shared by those in attendance are available [on MDE's website](#), and additional thoughts, questions, and feedback can be sent to mde.essa@state.mn.us.

Workgroups will further explore and expand on many of the details during the summer and fall of 2016, and will routinely share their work and gather feedback from the broader public. MDE staff will hold regional meetings across Minnesota to receive additional feedback that will inform the plan, with a goal of submitting the full plan to the U.S. Department of Education in spring 2017. The timeline here will be regularly updated as the process is further developed.

Another key factor in the development of Minnesota's plan will be the U.S. Department of Education's release of draft and final regulations about assessment, accountability, supplement/not supplant, and state plan submission. Some draft regulations were released in late May of 2016, and more draft regulations are expected in summer 2016. Final regulations are expected to be released in fall of 2016, but exact timelines are subject to change based on decisions by the U.S. Department of Education.

Who will be contributing to the development of the new state plan?

Broad stakeholder engagement will be critical to ensuring Minnesota's state plan meets the needs of *all* students in the state. This includes representation from district leadership, principals, teachers, students, charter schools, charter authorizers, health organizations, business community, school boards, legislators, parents, civil rights and minority groups, rural districts, metro districts, education service cooperatives, Title program administrators, assessment, special education, English learners, early learning, early childhood special education, higher education, the Tribal community, and

others. Minnesota is committed to engaging and reaching out to students, families, educators and diverse communities and will be holding a series of focus groups.

Stakeholders with expertise and insight from a range of perspectives will be asked to participate in the work, and information from workgroups will be shared for public review and comment. Minnesota's draft plan will also be available in its entirety for public comment for at least 30 days before its submission to the federal government.

To what extent will ESSA require changes to Minnesota state law or other collaboration with the Minnesota legislature?

During the 2016 legislative session, many references to No Child Left Behind and requirements that are no longer included in ESSA, such as highly qualified teachers and Adequate Yearly Progress (AYP), were removed from state law. This ensures there is no misalignment between federal and state legislation. It is also possible that state law may need to be changed in the future to include new federal expectations under ESSA and Minnesota's state ESSA plan. MDE will engage with legislators throughout all stages of the plan development and consider, in collaboration with legislators, how current state law intersects with the new system under ESSA and where potential changes to legislation are needed.