

**01/20/16**

**PRESENTATION**

**EVERY**

**STUDENT**

**SUCCEEDS ACT**

**(ESSA)**

<TARGET><BILL></BILL><SUBJECT>01-20-16 PRESENTATION  
EVERY STUDENT SUCCEEDS ACT  
(ESSA)</SUBJECT><COMM>HEDC29</COMM></TARGET>

ABC



$$x = \frac{-b \pm \sqrt{b^2 - 4ac}}{2a}$$

# The Every Student Succeeds Act (ESSA): A Briefing for Alaska

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## The Big News: ESEA REAUTHORIZED

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- Last reauthorized as No Child Left Behind in 2002
- Problems with NCLB from a state perspective
  - Shifted a great deal of control to the federal government
  - Mandated 100% proficiency by 2014, contained AYP requirement, defined "highly qualified teachers"
  - States needed waivers to get out from under NCLB requirements
  - Race to the Top grants, waivers tied funding to use of common standards and assessments, federally mandated policies

## The Big News: ESEA REAUTHORIZED

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- House and Senate passed reauthorization bills this summer
- Conference committee adopted conference report 11/19 with only one dissenting vote
- House passage 12/2, 359-64
- Senate passage 12/9, 85-12
- Signed into law 12/10 as P.L. 114-95



Meet ESSA,  
the Every Student Succeeds Act

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**THE WALL STREET JOURNAL.**

"...the largest devolution of federal control  
to the states in a quarter century."

## So...what's in the bill for states?

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- Provision for state legislative involvement
- Prohibitions on Secretarial/federal authority
- New approach for accountability
  - No more AYP (Adequate Yearly Progress)!

## Implementation Timeline

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- ESEA flexibility waivers end as of 8/1/2016
- New state plans are developed in the 2016-2017 school year
- Full implementation in the 2017-2018 school year
- Continuing regulation and guidance from the U.S. Department of Education
  - You can ask the Department a question about ESSA at [essa.questions@ed.gov](mailto:essa.questions@ed.gov)
- Funding note: competitive funding for FY 2016 will flow under current law; FY 2017 dollars (2017-2018 school year) will flow through ESSA provisions

# State Accountability Systems

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- Required indicators
  - Academic achievement as measured by proficiency on annual assessments
  - Another measure of academic achievement
  - Progress of English Language Learners
  - A measure of school quality and student success
  - For high schools, graduation rates
- States must weigh the academic measures more heavily than the other indicators and will also need to incorporate test participation in their accountability system.

## Assessments- new role, some flexibility

### NCLB Assessment Schedule Remains

#### Math & Language Arts/Reading

Annually in grades 3-8

Once in grades 9-12

#### Science

At least once in each grade span: 3-5, 6-9, 10-12

- 95% participation and 1% cap on alternative assessments
- Test are less "high stakes"
- Statement of parental right to opt out
- New flexibility in assessment design
  - Use of nationally recognized high school assessment
  - Innovative assessment flexibility

## Provisions Regarding Subgroups of Students

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- States must continue to disaggregate data by student subgroup at the state, LEA, and school level.
- State accountability systems must identify any school in which a subgroup of students is consistently underperforming for target support and improvement. Those subgroups are:
  - Economically disadvantaged students
  - Students from major racial and ethnic groups
  - Children with disabilities
  - English learners

## Which schools require intervention?

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- Schools that are in the bottom five percent
- Any high school failing to graduate  $\frac{1}{3}$  or more of their students
- Any school in which a subgroup of students is consistently underperforming

## What kind of support do states have for school and student support?

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- New Student Support and Academic Enrichment Grants
- Increased amount of Title 1 funding to be used for school improvement (instead of the NCLB School Improvement Grants)
  - Set aside for school improvement is the greater of 7% of Title I grants to LEAs or the amount of SIG funding for FY 2016 plus 4% of Title I grants.
  - School improvement funds can be sent to LEAs by formula or through a competitive process.

# New Student Support and Academic Enrichment (SSAE) Grants

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- Purposes
  - Provide all students with access to a well-rounded education;
  - Improve school conditions for student learning; and
  - Improve the use of technology in order to improve the academic achievement and digital literacy of all students
  
- Alaska
  - Estimated to receive \$8,003,000 in FY 2017 (source: FFIS)
  - Amounts to 0.5 percent of total available SSAE funding

## Other Title I Issues

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- Portability...not in the bill, but there's a weighted student funding pilot that could allow some districts to experiment
- No formula change, but will study
- Accountability provisions for English Language Learners moved to Title I (previously in Title III)

## Title II Changes

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- Formula for Part A (Supporting Effective Instruction) grants amended
  - Gradual shift from 65% based on share of children in poverty and 35% based on share of children overall
  - To 80% based on share of children in poverty and 20% on share of children overall by FY 2020
- Gradually eliminates hold harmless allotment (by FY 2023)
- Alaska
  - Estimated impact of formula, hold harmless change from FY 2017 to FY 2023
  - Increase of 4.3%
  - From \$10,833,000 in FY 2015 (actual) to \$11,303,000 in FY 2023 (estimated)

## Other Programs in ESSA

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- Education of Migrant Children
- Education of Neglected, Homeless, or Delinquent Youth
- Language instruction for English Language Learners and Immigrant Students
- Impact Aid
- Rural Education

## Other Programs in ESSA (continued)

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- Indian, Native Hawaiian, and Alaska Native Education programs
- McKinney-Vento Education for Homeless Children and Youth
- 21<sup>st</sup> Century Schools/Promise Neighborhoods/Community Learning Centers
- Magnet Schools
- Charter Schools

# Early Education Provisions

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- Preschool development grants
- Pre-K information in Title I plans
- Literacy grants—alloweable use
- Titles I-IV: dollars can be used on pre-K programs
  - Title I: LEAs can use funding to provide pre-K programs in their communities
  - Title II: Under “state activities,” money can be used for training of directors and providers
  - Title III: Can use funds to provide English language instruction to pre-K students
  - Title IV: Funds for establishing/expanding/replicating high-quality charter schools can be used for pre-K programs

# Preschool Development Grants

## FUNDING

**\$250,000,000**

- Competitive
- For a year; can be renewed
- Grants can be used for needs assessments
- Renewal grants can help fund access

- Allow states to develop, update or implement a plan to facilitate collaboration and coordination among existing early childhood care and education programs
- Encourages partnerships
- Maximizes parental choice

QUESTIONS? COMMENTS?

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NATIONAL CONFERENCE of STATE LEGISLATURES  
*The Forum for America's Ideas*

## STRUCTURES FOR SCHOOL SUPPORTS IN THE EVERY STUDENT SUCCEEDS ACT (ESSA)

### BACKGROUND

On Dec. 10, 2015, President Barack Obama signed S. 1177 into law as P.L. 114-95. Now known as the Every Student Succeeds Act (ESSA), the legislation reauthorizes the Elementary and Secondary Education Act (ESEA), known until recently as No Child Left Behind (NCLB). It is Congress's first legislative overhaul of federal education policy since 2002. NCLB was extensively criticized for setting unrealistic goals and placing too much authority over education policy in the hands of the federal government. ESSA shifts more of that authority back to states and school districts. Important provisions in the bill include the creation of state-designed accountability systems (and the elimination of the Adequate Yearly Progress metric), greater authority over how testing is used in evaluation of students, and "guardrail" policies to ensure the lowest-performing schools and groups of students are not ignored.

### SCHOOL SUPPORT PROVISIONS

#### *Student Support and Academic Enrichment Grants*

Student Support and Academic Enrichment (SSAE) grants are authorized by ESSA in Title IV. These grants, provided to states—95 percent of which is subgranted to local educational agencies (LEAs)—in the same proportional allotments as made in the Title I Part A grants, are intended as flexible funding to be used for a wide variety of programs. Three broad categories of uses are mentioned in the bill:

- Activities to support well-rounded educational opportunities.
- Activities to support safe and healthy students.
- Activities to support the effective use of technology.



Four existing, currently-funded programs were consolidated within the SSAE grant program: Advanced Placement, the Physical Education Program, the Elementary and Secondary School Counseling Program, and the Math and Science Partnership Program.

The range of allowable uses covers everything from Science, Technology, Engineering and Mathematics (STEM) and arts/music instruction, to foreign language instruction, to providing safe and drug-free environments, to providing computer-based assessments and blended learning strategies in the classroom.

The SSAE grants are authorized at \$1.65 billion for FY 2017 and \$1.6 billion for each of FYs 2018 through 2020.

### ***School Improvement***

Replacing the School Improvement Grants (SIGs) as they existed under NCLB is another change to the school support structure in ESSA. The SIGs were previously capped at a 4 percent set-aside from Title I Part A dollars. Under ESSA, that set-aside number would rise to either 7 percent of those Title I dollars or the sum of their FY 2016 set-aside and any extra dollars received, whichever is greater.



Under NCLB, the SIGs were to be used by LEAs on schools that failed to meet Adequate Yearly Progress (AYP) for two consecutive years. In ESSA, the turnaround model is shifted to one largely determined by the states. However, intervention would still be required in at least:

- Schools in the bottom 5 percent of performers on the state-determined indicators.
- High schools that fail to graduate one-third or more of their students.
- Any school in which a subgroup of students is consistently underperforming.

States must either use 95 percent of these improvement dollars to provide subgrants to LEAs or, with the agreement of the LEA impacted, directly provide or arrange for provision of the relevant services. Further information on these grants are expected from the U.S. Department of Education in early 2016.

### **Resources**

[Text of S. 1177, the Every Student Succeeds Act](#)

[NCSL Summary of the Every Student Succeeds Act](#)

### **NCSL Contacts**

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Education Week's blogs > Time and Learning

## ESSA Maintains Funds for After-School, Summer Learning

By Jackie Zubrzycki on December 10, 2015 10:08 AM | [No comments](#)

By guest blogger *Jaelyn Zubrzycki*

Advocates for after-school, summer learning, and expanded school day programs are breathing a sigh of relief: The **Every Student Succeeds Act**, which would be the first reauthorization of the Elementary and Secondary Education Act in 14 years, maintains funding for such programs, despite several early drafts that would have cut support.

The ESSA **passed the U.S. House of Representatives on Dec. 2** and was approved by the Senate on Wednesday.

The bill includes an official definition of expanded learning time, which wasn't present in the 2001 No Child Left Behind Act. Here's the definition:

**EXPANDED LEARNING TIME.** The term 'expanded learning time' means using a longer school day, week, or year schedule to significantly increase the total number of school hours, in order to include additional time for (A) activities and instruction for enrichment as part of a well-rounded education; and (B) instructional and support staff to collaborate, plan, and engage in professional development (including professional development on family and community engagement) within and across grades and subjects.

Jennifer Davis, the founder of the National Center for Time and Learning, said the inclusion of a clear definition will help ensure that money allocated for expanded learning time is well-spent. "We're extremely excited about the fact that the federal government has now embraced in policy the necessity for more learning time, especially for our highest-needs children."

Expanded learning time shows up in a few parts of the bill. The ESSA includes the 21st Century Community Learning Centers program, a program that supports after-school and summer programs. The program had been **cut from earlier drafts of the bill** altogether, which prompted advocacy organizations to **call on Congress to preserve it**.

Despite the threats of cuts, the 21st Century Community Learning Centers Program has actually expanded its eligibility: Schools that expanded their schedules by 300 hours per year or more are now eligible for the grants, which had previously been reserved for nonschool after-school and summer programs. David Goldberg, NCTL's vice president of national policy and partnerships, said that approximately \$1 billion is being devoted to that program. (The **relevant section of the ESSA starts on page 489**.)

The **Afterschool Alliance** celebrated in a statement from executive director Jodi Grant:

Preserving this dedicated funding stream means millions of students and families will benefit from the quality after-school and summer-learning programs that keep kids safe, inspire them to learn, and help working families. This is a huge and much-needed win for America's children and families.

Several House representatives, including Dan Kildee, a Democrat from Michigan, highlighted their support for after-school programs in [press releases](#) after the House passage.

Expanded learning time also shows up in the ESSA's school improvement fund for states, which replaces the federal School Improvement Grant program and increases the number of schools eligible for federal support. Extended learning time is named as one of the approaches states can take to help their lowest-performing schools improve.

The number of schools using **extended learning time** has doubled in the past two years.

Check out **Politics K-12** for more on the implications of the ESSA and for the most up-to-date information about its progress.

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## SUMMARY OF THE EVERY STUDENT SUCCEEDS ACT, LEGISLATION REAUTHORIZING THE ELEMENTARY AND SECONDARY EDUCATION ACT

### Legislative History

A conference committee met on November 18 and 19 to resolve the differences between H.R. 5, the Student Success Act, and S. 1177, the Every Child Achieves Act, which passed their respective chambers in July, and voted to adopt the conference framework by a vote of 38-1. Legislative language was completed over Thanksgiving. The conference report then passed the House on December 2 by a vote of 359-64, and the Senate on December 9 by a vote 85-12. The bill's title is the "Every Student Succeeds Act," abbreviated in the summary as ESSA. It reauthorizes programs in the Elementary and Secondary Education Act for four years.

### Major Provisions

#### Transition

For noncompetitive programs the effective date is July 1, 2016, and most competitive programs are in effect October 1, 2016. The U.S. Secretary of Education ("Secretary") will take steps to provide an "orderly transition to and implementation of" programs authorized by the Act. Certain waivers are terminated as of August 1, 2016, specifically those under Section 9401 of No Child Left Behind, as first introduced in a letter to chief state school officers on September 23, 2011. New state plans will be in effect in the 2016-2017 school year.

#### Effective dates for the "Every Students Succeeds Act" provisions

#### **Title I**

#### Part A

Grants to LEAs are authorized in the amounts below:

- FY 2017... \$15,012,317,605
- FY 2018... \$15,457,459,042
- FY 2019...\$15,897,371,442

- FY 2020...\$16,182,344,591

*Other grants authorized in Title 1:*

- *State assessments \$378,000,000 for FYs 2017 through FY 2020*
- *Education of Migratory Children \$374,751,000 for FYs 2017 through 2020*
- *Neglected, Delinquent, or At-Risk Children and Youth. \$47,614,000 for FYs 2017 through 2020*

School Improvement Grants

School Improvement Grants in their current form are ended. Instead, to carry out statewide system of technical assistance and support for local educational agencies, each state shall reserve either seven percent of Title I Part A or the amount the state had reserved for school improvement in 2016 and the amount it received, whichever is greater.

Not less than 95 percent of the amount would go in grants to LEAs on formula or competitive basis for schools implementing comprehensive support and improvement activities or targeted support and improvement activities or the SEA may directly provide those activities. These would be four year grants.

State plans

The State Education Agency (SEA) must submit a Title I plan to the U.S. Department of Education that is developed with timely and meaningful consultation with Governors, members of the state legislature, and state board of education (if the state has such a board). The list also includes other entities including local education agencies, Indian tribes, teachers and principals and parents, among others. ***This represents a real corrective from the original ESEA which focused solely on the state education agency. The language was a top priority in NCSL lobbying on reauthorization.*** Plans must ensure coordination between programs in the following laws: IDEA, the Rehabilitation Act, Perkins Career and Technical Education Act, WIOA, CCDBG, Education Sciences Reform Act, Education Technical Assistance Act, NAEP, McKinney-Vento, Adult Education and Family Literacy Act.

Standards

Each state's plan shall provide an assurance that the state has adopted challenging academic content standards and aligned academic achievement standards ("challenging state academic standards") that include not less than three levels of achievement. Standards must apply to all public schools and public school students in a state. States are required to have academic standards for math, reading or language arts, and science and may have them for any other subject determined by the state. Standards must be aligned with entrance requirements for credit-bearing coursework at state higher education institutions and with relevant state career and technical education standards.

States are allowed to adopt alternate academic achievement standards for students with the most significant disabilities, provided those standards align with state academic standards and promote access to the general education curriculum consistent with IDEA, and are aligned to ensure that a student who meets the alternative standards is on track to pursue postsecondary education.

States must also show in their plan that they have adopted English language proficiency standards. English language proficiency standards must be derived from four domains (speaking, listening, reading

and writing), address the different proficiency levels of English learners, and be aligned with the challenging state academic standards.

### Academic Assessments

States are required to implement a set of high-quality student academic assessments in math, reading/language arts, and science, and may implement assessments in other subjects. These assessments (with exceptions regarding alternative assessments for certain students) must be administered to all elementary and secondary students and must measure the achievement of all students. Assessments must be aligned with challenging state academic standards.

The bill keeps the current schedule of federally required statewide assessments. Math and reading/language arts have to be assessed yearly in grades three through eight, and once in grades nine through 12. Science must be assessed at least once in grades three through five, grades six through nine, and once in grades 10 through 12. States may assess other subjects.

These assessments must involve multiple measures of student achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student growth and may be partially delivered in the form of portfolios, projects or extended performance tasks. They must provide appropriate accommodations for children with disabilities. The assessments can be administered through a single summative assessment or through multiple assessments during the course of the academic year. Results must be disaggregated with each state, local education agency, and school by:

- Racial and ethnic group;
- Economically disadvantaged students compared to students who are not economically disadvantaged;
- Children with disabilities as compared to children without disabilities;
- English proficiency status;
- Gender; and
- Migrant status

Alternate assessments are to be aligned with alternative academic standards and achievement goals. Only one percent of the total number of all students in the state can be assessed using these alternate assessments.

LEAs may administer a nationally-recognized high school academic assessment approved by the state in place of a required statewide assessment. *NOTE: other provisions regarding assessments are contained in Part B of Title I of the bill, including new flexibility to develop innovative assessments, and are described below.*

ESSA contains a parental rights statement that ESSA does not preempt a state or local law regarding the decision of a parent to not have their child participate in the assessments. However, that child is still counted against the 95% participation rate requirement.

Subject to federal or state requirements related to assessments, evaluations, and accommodations, states may set a target limit on the number on the aggregate amount of time devoted to assessments in each grade, expressed as a percentage of instructional hours.

### Statewide Accountability System

Each state must have a statewide accountability system that is based on the challenging state academic standards for reading/language arts and math to improve student academic achievement and school success. States shall:

- Establish ambitious state-designed long-term goals for all students and each subgroup of students in the state for improved:
  - Academic achievement as measured by proficiency on the annual assessments
  - High school graduation rates including the four-year adjusted cohort graduation rate and at the state's discretion the extended-year adjusted cohort graduation rate
  - Percent of English learners making progress in achieving English language proficiency
- The indicators of the system, for all students and separately for each subgroup
  - Academic achievement as measured by proficiency on annual assessments
  - Another indicator of academic achievement
  - For high schools, a measure of the graduation rate.
  - Progress of English learners in achieving English language proficiency
  - An indicator of school quality and student success such as student engagement, educator engagement, student access to advanced coursework, postsecondary readiness, school climate and safety, or other measure.

States must also incorporate test participation in some way in their accountability system. States must count academic factors more heavily. A state must use this system to meaningfully differentiate all public schools in the state based on all indicators for all students and subgroups of students and puts substantial weight on each indicator. The system must differentiate any school in which any subgroup of students is consistently underperforming. Those subgroups are:

- Economically disadvantaged students
- Students from major racial and ethnic groups
- Children with disabilities
- English learners

### Identification of schools

States must establish a methodology to identify (beginning in 2017-2018 school year and then at least every three years subsequently) those schools in need of comprehensive support and improvement, which will include the lowest performing five percent of all schools receiving Title I funds and any high school failing to graduate 1/3 or more of their students. There must be an annual measure of achievement that includes 95 percent of all students and 95 percent of all students in each subgroup. States will also notify LEAs of any school in its district in which a subgroup of students is consistently underperforming, and this will result in a school-level targeted support and improvement program.

### School Support and Improvement Activities

SEAs will notify each local educational agency of any school in that LEA's jurisdiction that is identified for comprehensive support and improvement. The LEA, in partnership with stakeholders (including principals and other school leaders, teachers, and parents) will locally develop and implement a plan to improve student outcomes that is informed by all the indicators, including student performance against

state-determined long-term goals; includes evidence-based interventions; is based on a school-level needs assessment; identifies resource inequities; and is approved by the school, the LEA, and the SEA. An LEA may provide all students enrolled in a school identified by the state for improvement with the option to transfer to another public school if state law permits. Special consideration can be given to any high school that predominately serve students returning to education, or who are off-track to meet graduation requirements. If it serves less than 100 students, the LEA can forgo implementing improvement strategies.

To ensure continued support for school and LEA improvement, the SEA must: establish statewide exit criteria for schools identified for comprehensive support and improvement that if not satisfied within four years, shall result in more rigorous state-determined action and for schools where subgroups of students are not succeeding; review resource allocations to support school improvement in schools identified for support; and provide technical assistance. States may initiate additional improvement in LEAs with large numbers of schools needing improvement; and consistent with state law, establish alternative evidence-based strategies that can be used by the LEAs to assist schools.

#### Report cards

Annual state report card is required and must be disseminated widely. The report card must be accessible on-line, and provide a clear and concise description of the state's accountability system, including the long-term goals and measurements of interim progress for all students and subgroups of students, the state's system for meaningfully differentiating all public schools, the number and name of all public schools identified for improvement, and the exit criteria for no longer being identified for improvement. The report card will identify all the indicators, and other factors including the professional qualifications of teachers, per-pupil expenditures, National Assessment of Educational Progress scores, and also, where available and beginning with the 2017 report card, information about post-secondary attainment. LEAs will also prepare report cards containing information on student performance on academic assessments.

#### Schoolwide Title I programs

LEAs can consolidate and use Title I and other federal, state and local funds for schoolwide Title I programs in schools serving a school attendance area where not less than 40 percent of the children are from low-income families, or where 40 percent of the children enrolled are from such families.

Note: funds can be used for preschool programs or dual/concurrent enrollment programs.

Parent and family engagement (formerly parental engagement) efforts receive an allotment of one percent of Title I grants. LEAs shall use parent and family engagement funds to do not less than one of the following: support schools and nonprofit organizations providing professional development in this area; support programs to reach parents and family members at home; disseminate best practices information on parent and family engagement; and collaborate with entities with a record of success in improving and increasing parent and family engagement.

#### Maintenance of Effort (MOE) Requirement

The current requirement maintaining effort at 90 percent of prior funding is continued, and federal funding is reduced if a state also fails to meet the MOE requirement for one or more of the five immediate preceding years. However, the Secretary can waive the MOE requirement in the case of

exceptional or uncontrollable circumstances like a natural disaster or change in the organizational structure of the state, or precipitous decline in the financial resources of the state.

#### Part B State Assessment Grants

The Secretary will award grants to state educational agencies to enable the states to carry out one or more of the following activities:

- Paying the costs of developing state assessments and standards
- Administering the assessments
  - Ensuring appropriate accommodations for English learners
  - Developing challenging assessments in other subjects in which the state wants to assess students
  - Ensuring the continued validity and reliability of state assessments
  - Refining assessments so that they are continually aligned with challenging state academic standards
  - Developing balanced assessment systems that include summative, interim or formative assessments
  - Refining required science assessments to incorporate engineering design skills
  - Developing or improving assessments for children with disabilities
  - Allowing for collaboration for research to improve the quantity, validity, and reliability of state academic assessments
  - Measuring student academic achievement using multiple measures of student academic achievement
  - Evaluating students through competency-based models
  - Designing the report cards and reports required under ESSA in a user-friendly model that allows cross-tabulation of student information that the state deems appropriate.

#### State Option to Conduct Assessment System Audits

Grants are authorized to states to enable states to audit state assessment systems and ensure that LEAs audit local assessments. A first grant allows states to come up with a plan for this audit; a subsequent grant can be used to carry out the plan.

#### Innovative Assessment and Accountability Demonstration Authority

Innovative assessments include competency-based, interim, and cumulative year-round assessments, or performance-based assessments that combine into an annual summative determination, and may be administered through computer adaptive assessments.

SEAs or a consortium of not more than four SEAs can apply to exercise demonstration authority for a period that shall not exceed five years. Initially, the Secretary shall provide not more than seven participating state agencies (including those in a consortium) with said authority. States may use this authority to allow LEAs to innovate assessments with the intent that the assessments would be scaled up to eventually be statewide.

#### Part C Education of Migratory Children

Federal funds for programs to assist migrant students are allocated by the following basic formula: the sum of the average number of identified eligible migratory children aged 3-12 residing in the state based on data for the three preceding years and the number of eligible migrant children aged three through 21 who received services under this part in summer or intersession programs multiplied by 40 percent of the average per-pupil expenditure in the state (which will not be less than 32 percent or more than 48 percent of the average per-pupil expenditure in the U.S.)

#### Part D Prevention and Intervention Programs for Children and Youth who are neglected, delinquent or at-risk

Included in this section is a requirement that states must establish provisions for, or timely re-enrollment of, youth placed in the juvenile justice system, including opportunities to participate in credit-bearing coursework.

#### Part E Flexibility for Equitable Per-Pupil Funding

Allows LEAs to consolidate eligible federal funds and state and local education funding in order to create a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students. Demonstration agreements for this local flexibility provision would be for not more than three years. 50 LEAs can receive approval from the Secretary for these demonstration programs; the program may expand beginning with the 2019 and 2020 school year.

### **Title II**

The most important change in Title II is a change in the state allotment formula. The formula will shift from the current formula, of which 35 percent is based on total student population aged 5-17 in the state proportionally relative to this population in all states and 65 percent is based on student population aged 5-17 from families below the poverty line in the state proportionally relative to this population in all states to:

- 35/65 in FY 2017
- 30/70 in FY 2018
- 25/75 in FY 2019
- 20/80 in FY 2020 and succeeding years

ESSA maintains the requirement that 95% of state allotments be subgranted to LEAs, but a state may reserve up to three percent of the 95% for state activities for principals and other school leaders.

Subgrants to LEAs in a state will be made on the following formula: 20 percent based on total student population aged 5-17 in the area served by the LEA proportionally relative to all such areas in the state and 80 percent based on student population aged 5-17 from families below the poverty line in the area served by the LEA proportionally relative to all such areas in the state.

Funding for national activities (between about \$470 and 490 million for each year FY 2017-2020) is included for the following activities:

- Development of teacher/school leader incentive programs and grants
- Literacy education program and grants (including early reading and K-12 programs)
- American history and civics education programs

- School leader training and recruitment
- State-led STEM master teacher corps programs

Regarding teachers, it is important to note that ESSA ends the federal mandate for teacher evaluation, and eliminates the “highly qualified teacher” requirement of No Child Left Behind.

### **Title III (Language Instruction for English Language Learners and Immigrant Students)**

The accountability measures for English language learners (ELLs) are moved out of Title III and into Title I as previously noted, to show that proficiency for ELL students is as important as proficiency for other students.

ELL programs have funding authorized that gradually increases from \$756 million in FY 2017 to \$885 million by FY 2020. States can use funds to make subgrants to eligible entities as long as 95 percent of state funding is used for purposes described in relevant Title III sections. States receive funding based 80 percent on population of ELLs in that state proportionally relative to that population in all states and 20 percent based on population of immigrant children and youth in that state proportionally relative to that population in all states. This title lays out eligible uses of funds, guidelines for the aforementioned subgrants to local entities, reporting guidelines (to be submitted every other year), and national professional development project guidelines. ESSA maintains the prohibition in existing law on federal prescription of curricular or pedagogical approach to educating ELLs.

### **Title IV (21<sup>st</sup> Century Schools)**

This section of the bill is the place where some programs are eliminated or rolled into a single grant.

#### Part A Student Support and Academic Enrichment Grants

The purpose of these grants is to improve students’ academic achievement by increasing the capacity of states, LEAs, schools, and local communities to

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

Formula grants for states with a small state minimum:

- ½ of one percent for allotments for payments to the outlying areas;
- ½ of one percent for Bureau of Indian Education schools; and
- Two percent for technical assistance and capacity building.

States would submit a plan describing how the SEA will use funds for state level activities, award grants to LEAs ensure that the SEA will review existing resources and programs across the state to coordinate those resources and programs with existing resources and programs. States are directed to award 95 percent of the allotment to LEAs, reserve not more than 1 percent for administration, and use the rest for state activities.

LEAs would undertake a comprehensive needs assessment every three years to determine needs in the areas of:

- Access to, and opportunities for, a well-rounded education for all students;
- School conditions for student learning in order to create a healthy and safe school environment; and
- Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

Activities and programs covered under this grant to support access to a well-rounded education must be coordinated with other schools and with community-based services and programs, and can be partnerships with higher education institutions, business, nonprofits, community-based organizations, or other public or private entities. Activities can include:

- College and career guidance and counseling programs;
- Programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution;
- Programming and activities to improve instruction and student engagement in science; technology, engineering, and mathematics including computer science; and
- Efforts to raise student academic achievement through accelerated learning programs.

Each LEA will use a portion of its funds to develop, implement, and evaluate comprehensive programs and activities coordinated with other schools and with community-based services and programs that foster safe, healthy, supportive and drug-free environments that support student academic achievement, include parental involvement, and may be conducted in partnership with an institution of higher education, community-based organization, or other public or private entity. These programs may include evidence-based drug and violence prevention programs; mental health services; programs or activities that integrate health and safety practices into school athletic programs; programs that support a healthy, active lifestyle, help prevent bullying and harassment, improve instructional practices for developing relationship-building skills (to prevent coercion, violence or abuse), provide mentoring and school counseling for children at risk of academic failure or dropping out of school or delinquency, establish or improve school dropout and re-entry programs; providing learning environment and teaching skills for school readiness and academic success. The grants can also provide high-quality training for school personnel to allow to respond to various issues and dollars for child sexual abuse awareness and prevention activities. Other uses: designing and implementing a locally-tailored plan to reduce exclusionary discipline practices, schoolwide positive behavioral interventions and supports; and site resource coordinators.

A portion of funds shall also be used for activities to support the effective use of technology which may include:

- Professional learning tools, devices, content and resources for educators, school leaders, and administrators
- Building technological capacity and infrastructure
- Developing or using strategies for delivery of specialized or rigorous academic courses and curricula through the use of technology
- Carrying out blended learning projects
- Professional development in the use of technology

- Providing students in rural, remote and underserved areas resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses

There is a limitation that no more than 15 percent of funds may be used for purchasing technology infrastructure.

This subpart is authorized at \$1,650,000,000 for FY 2016 and \$1,600,000,000 for each of FYs 2018-2020.

#### Part B 21<sup>st</sup> Century Community Learning Centers

This part provides opportunities for communities to establish or expand activities in community learning centers that provide opportunities for academic enrichment, offer students a broad array of additional services, programs and activities, and offers families of students served by community learning centers opportunities for active and meaningful engagement in their child's education, including opportunities for literacy and related educational development. Funding is made available for continuation of certain current grants; there are reservations for national activities, and for Bureau of Indian Education schools. There is a local competitive subgrant program. The program is authorized at \$1,000,000,000 for FY 2017 and \$1,100,000,000 for each of FYs 2018-2020.

#### Part C Charter School Grants

The Secretary is authorized to carry out a charter school program that supports charter schools that serve early childhood, elementary school or secondary school students by supporting the establishment of new charter schools and the replication and expansion of high quality charter schools; assists charter schools in assessing credit for acquiring and renovating facilities; carrying out national activities to support those goals, along with disseminating best practices, evaluating charter schools and strengthening charter school authorizing practices. There are reserves for charter school facility assistance (12.5%) and carrying out national activities (22.5%). The Secretary will award competitive grants to a state entity (the SEAs, state charter school board, Governor, or charter school support organization) to allow the entity to award subgrants:

- to applicants to open and prepare for operation new charter schools replicated high-quality charter schools or expand high-quality charter schools;
- to provide technical assistance to applicants; and
- to work with authorized public chartering agencies to improve authorizing quality

Grants are for a five year period. Priority for receiving a grant shall go to state entities in states that allow at least one entity that is not an LEA to be an authorized public chartering agency (or has an appeals process), that ensure equitable financing for charters, and provides one or more of the following: funding for facilities, assistance with facilities acquisition, access to public facilities, ability to share bonds or levies, right of first refusal of a public school building, and low- or no-cost leasing privileges. The state entity should also support charter schools in other ways.

The authorization for Part C is \$270,000,000 for FY 2017; \$270,000,000 for FY 2018; \$300,000,000 for FY 2019; and \$300,000,000 for FY 2020.

#### Part D Magnet School Assistance

Assistance for magnet schools is provided with an authorization of \$94,000,000 for FY 2017; \$96,820,000 for FY 2018; \$102,387,150 for FY 2019; \$108,530,379 for FY 2020.

#### Part E Family Engagement in Education Programs

The Secretary is authorized to award grants to statewide organizations to establish statewide family engagement centers to carry out parent and family engagement programs or provide comprehensive training and technical assistance. Minimum award is \$500,000 and a non-federal match requirement, in cash or in-kind. Authorization is \$10,000,000.

#### Part F National Activities

\$200,741,000 for FYs 2017 and \$220,741,000 for FYs 2019 and 2020. Under this heading are grants for education innovation and research; community support for school support (95 percent of the money would go to Promise Neighborhoods and full service community schools); national activities for school safety; and academic enrichment.

### **Title VI and Title VII**

Title IV Provides for Indian, Native Hawaiian, and Alaska Native Education programs, and Title VII provides:

#### Impact Aid

A number of policy changes were made to the Impact Aid program. It makes permanent technical and formula changes to federal properties that have already reduced subjectivity in the program and increased the timeliness of payments. It eliminates the Federal Properties "lockout" provision that currently prevents eligible federally impacted school districts from accessing Impact Aid funding. It adjusts the Basic Support formula to ensure equal proration when appropriations are sufficient to fund the proration formula (Learning Opportunity Threshold). It includes a hold harmless provision to provide budget certainty to school districts facing a funding cliff or significant changes to their federally-connected student enrollment. The National Association of Federally Impacted Schools has noted that the authorization for Impact Aid is stagnant for the first three years of the four-year authorization.

### **Title VIII**

Education for the Homeless reauthorized with a Coordinator for Education of Homeless Children and Youth and LEA liaisons for homeless children and youth established in each state as part of the program. One provision requires immediate enrollment of homeless children and youth pending documentation including relevant academic and health records. The authorization for this program is \$85,000,000 for FYs 2017-2020.

### **Title IX**

This title includes the Preschool Development grants, which are intended to allow states to

- Develop, update, or implement a strategic plan that facilitates collaboration and coordination among existing early childhood care and education programs in a mixed delivery system across a state;

- Encourage partnerships among Head Start providers, state and local governments, Indian tribes and tribal organizations, private entities, and LEAs to improve coordination, program quality, and delivery of services; and
- Maximize parental choice among a mixed delivery system of providers.

Grants will be awarded on a competitive basis. The grant period is one year, and grants may be renewed. There is a 30 percent matching requirement from non-federal funds (cash or in-kind). States can use the funds to conduct a periodic statewide needs assessment of the availability and quality of existing programs, the number of children being served in existing programs, and the number of children awaiting services; develop a strategic plan; maximize parental choice and knowledge; share best practices; and improve the overall quality of early childhood education programs. Renewal grants may be available to enable states to implement activities to address improvement in early care and education programs, or to develop new programs. Funding is authorized at \$250,000,000 for each of FYs 2017 to 2020.

**Prohibitions on Federal Influence Found in ESSA**

A state shall not be required to submit any standards to the Secretary for review or approval. The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging academic standards adopted or implemented by the state.

The Secretary is not permitted to promulgate any rule or regulation on the development or implementation of the statewide accountability system that would add new requirements or criteria that are inconsistent with or outside the scope of the law's requirements, or as a condition of approval of the state plan or revisions or amendments to the state plan or approval of a waiver request, requires states to add or delete any elements to the accountability plan or standards or prescribe numeric long-term goals or measurements of interim progress for subgroups of students, or specific academic assessments or assessment items, or indicators, or weight of any indicators, specific methodology or specific school support and improvement strategies for school improvements, or any aspect or parameter of a teacher, principal or school leader evaluation system.

The Secretary cannot require additional assessment reporting requirements, data elements or information to be reported unless they are explicitly authorized under this act.

Title II contains a prohibition against federal mandates, direction or control over a state, LEA or school's instructional content or materials, curriculum, program of instruction, academic standards, or academic assessments; teacher, principal, or other school leader evaluation system; specific definition of teacher, principal, or other school leader effectiveness, or teacher, principal, or other school leader professional standards, certification or licensing.

The general provisions section (Title VIII) contains a prohibition against federal mandates, direction or control stating that no officer or employee of the federal government, shall through grants, contracts or other cooperative agreements, mandate, direct or control a state, LEA or schools' specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of the Every Student Succeeds Act (including any requirement, direction, or mandate to adopt the Common Core State Standards or any academic standards common to a significant number of states, or any assessment, instructional content or curriculum aligned to such

standards. No officer or employee of the federal government shall condition or incentivize the receipt of any grant, contract, or cooperative agreement, or preference for such awards, or receipt of a waiver upon a state, local education agency, or school's adoption or implementation of specific instructional content, academic standards, and assessments, curricula, or program of instruction.

The federal government is also prohibited from:

- Mandating states or subdivisions to spend any funds or incur costs not covered in ESSA;
- Endorsing any curriculum
- Developing incentivizing, pilot testing, implementing, administering, or distributing any federally sponsored national test in reading, mathematics, or other subject if not specifically and explicitly authorized by law

Some of these prohibitions are restated in another Sense of Congress passage, and there is also a sense of Congress that a state retains the right to make decisions concerning its system of early learning and child care free from federal intrusion, and to decide whether or not to use funding under the ESSA to offer early childhood education programs.

Finally, there's a sense of Congress statement:

"It is the sense of Congress that state and local officials should be consulted and made aware of the requirements that accompany participation in activities authorized under this Act prior to a State or local agency's request to participate in such activities."



Issue Brief 15-40, December 17, 2015

# The Every Student Succeeds Act Becomes Law

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## Summary

The federal programs that comprise the Elementary and Secondary Education Act (ESEA) have been unauthorized since the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110) expired after fiscal year (FY) 2007. With enactment of the Every Student Succeeds Act (ESSA; P.L. 114-95), these programs are now authorized for FYs 2017-2020, leaving the FY 2016 structure unchanged.

This *Issue Brief* summarizes the major components of ESSA, focusing on funding levels, new and eliminated grant programs, and changes to formulas and other fiscal provisions that govern existing programs.

## Title Changes

The table below lists the title changes under ESSA. Like the House proposal, it reduces the number of titles, but less extensively than the House proposed. It also retains a title for 21<sup>st</sup> Century Schools, in contrast to both the House and Senate proposals.

ESEA Title Changes under Every Student Succeeds Act				
	No Child Left Behind	H.R. 5	S. 1177	ESSA
<b>Title I</b>	Improving the Academic Achievement of the Disadvantaged	Aid to Local Educational Agencies	Improving the Academic Achievement of the Disadvantaged	Improving the Academic Achievement of the Disadvantaged
<b>Title II</b>	Preparing, Training, and Recruiting High-Quality Teachers and Principals	Teacher Preparation and Effectiveness	Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders	Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders
<b>Title III</b>	Language Instruction for Limited English Proficient and Immigrant Students	Parental Engagement and Local Flexibility	Language Instruction for English Learners and Immigrant Students	Language Instruction for English Learners and Immigrant Students
<b>Title IV</b>	21st Century Schools	Impact Aid	Safe and Healthy Students	21st Century Schools
<b>Title V</b>	Promoting Informed Parental Choice and Innovative Programs	The Federal Government's Trust Responsibility to American Indian, Alaska Native, and Native Hawaiian Education	Empowering Parents and Expanding Opportunity Through Innovation	Flexibility and Accountability
<b>Title VI</b>	Flexibility and Accountability	General Provisions	Flexibility and Accountability	Indian, Native Hawaiian, and Alaska Native Education
<b>Title VII</b>	Indian, Native Hawaiian, and Alaska Native Education	N/A	Indian, Native Hawaiian, and Alaska Native Education	Impact Aid
<b>Title VIII</b>	Impact Aid Program	N/A	Impact Aid	General Provisions
<b>Title IX</b>	General Provisions	N/A	General Provisions	N/A

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## Summary of Grants

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Table 1 at the end of this brief lists the grant programs authorized by ESSA, including authorized funding levels and other summary information. To the extent possible, it also provides a crosswalk between ESSA and NCLB.

## Title I Changes

Title I remains the primary source of federal K-12 education funding. As discussed in *Issue Brief 15-15*, grants under Title I made up more than ~~two-~~ two-thirds of all FY 2015 ESEA funding. ESSA authorizes \$15.0 billion for Title I-Grants to Local Education Agencies (LEAs) in FY 2017, increasing to \$16.2 billion in FY 2020. This compares to an appropriation of \$14.4 billion in FY 2015. Table 2 at the end of this brief provides estimates of Title I-Grants to LEAs state allocations under ESSA, assuming that annual appropriations match the authorized funding levels.

ESSA also includes a “sense of Congress” that such authorization levels should be adjusted in the event that any future budget agreements increase discretionary spending caps.

## School Improvement Grants

The increase in the authorization for Title I-Grants to LEAs reflects elimination of School Improvement Grants (SIGs) as a distinct program under Title I. ESSA requires states to spend the greater of the following on school improvement:

1. 7% of Title I-Grants to LEAs, or
2. the amount reserved for school improvement activities based on FY 2016 SIG funding plus a 4% reservation of Title I funds, at funding levels in effect on the day before ESSA became law

Since FY 2016 appropriations have not been finalized, the amount under #2 is based on funding provided in a Continuing Resolution (CR). Table 3 at the end of this brief compares estimated FYs 2015-2016 funding for school improvement activities to the 7% set-aside using ESSA’s authorized funding levels.

States vary in how they could fare in FY 2017 compared to FY 2016. For example, the 7% reserve would leave **California** \$3.8 million shy of its FY 2016 funding level. As such, it would be required to set aside its FY 2016 level. Conversely, **Michigan** would spend almost \$900,000 more on school improvement using the 7% reserve. In future years, the 7% reserve should exceed FY 2016 funding in most states if Title I appropriations match their authorization levels.

Similar to NCLB, states are required to reserve the full amount only if no LEA receives a smaller Title I grant compared to the previous year. This provision takes effect beginning in FY 2018.

While states have to send most school improvement resources to school districts (95%), they can do so by formula or through a competitive process.

## Title I Formula

ESSA includes a minor change to the Title I formula. It reserves from the appropriation 0.7% for the Bureau of Indian Education (BIE) and 0.4% for outlying areas (from which Palau receives \$1 million off the top); state allotments will then be made. This change is dependent on the total amount available to states being equal to or greater than FY 2016 funding.

The law also includes a “weighted student” demonstration program for up to 50 school districts that would allow them to pool all state and local dollars with federal dollars from Titles I-IV. This provision is included as Title I-E: Flexibility for Equitable Per Pupil Funding. The districts would develop their own formula for allocating the pooled resources to target their neediest schools.

ESSA mandates a congressional study of the Title I formula in Title IX-B. This study is separate from federal evaluation of the Title I program, funded in Title VIII (Section 8601).

Portability. ESSA excludes a portability provision included in the House reauthorization proposal, by which a state could redistribute all of its Title I Part A funding via a formula based on each LEA’s share of enrolled eligible children. LEAs would then distribute funds to schools that enrolled at least one eligible child.

## Title II Changes

Both the House and Senate ESEA proposals included changes to the formula for allotting Title II Part A grants, known as Improving Teacher Quality State Grants. ESSA renames Part A grants as Supporting Effective Instruction, and gradually eliminates the program’s 2001 hold-harmless base allotment over FYs 2017-2023. It also changes the weight of the formula factors over four years, as described in the table below.

Change in Title II Part A Formula under ESSA						
		ESSA				
	No Child Left Behind	FY 2017	FY 2018	FY 2019	FYs 2020-2022	FYs 2023+
<b>Hold-Harmless Provision</b>	States receive base amount equal to FY 2001 allocations for Eisenhower Professional Development Grants and Class Size Reduction Program	States receive FY 2001 allocations, reduced by 14.29% per year	States receive FY 2001 allocations, reduced by 14.29% per year	States receive FY 2001 allocations, reduced by 14.29% per year	States receive FY 2001 allocations, reduced by 14.29% per year	None
<b>Formula</b>	Excess funds allocated by share of school-aged children living in poverty (65%) and share of school-aged children (35%)	Excess funds allocated by share of school-aged children living in poverty (65%) and share of school-aged children (35%)	Excess funds allocated by share of school-aged children living in poverty (70%) and share of school-aged children (30%)	Excess funds allocated by share of school-aged children living in poverty (75%) and share of school-aged children (25%)	Excess funds allocated by share of school-aged children living in poverty (80%) and share of school-aged children (20%)	Total appropriation allocated by share of school-aged children living in poverty (80%) and share of school-aged children (20%)
<b>Small-State Minimum</b>	0.5% of appropriation in excess of hold-harmless amount	0.5% of appropriation in excess of hold-harmless amount	0.5% of appropriation in excess of hold-harmless amount	0.5% of appropriation in excess of hold-harmless amount	0.5% of appropriation in excess of hold-harmless amount	0.5% of total appropriation

Table 4 at the end of this brief presents Title II Part A estimates for FY 2017 and FY 2023 under ESSA, assuming an appropriation equal to FY 2015. Eliminating the hold-harmless provision is the driving factor behind changes in allocations. As a result of its phase-out, states that have experienced declines in their share of the school-age population see the largest reductions in funding once the new formula is fully phased in: **West Virginia (-38.1%), New York (-32.3%), Pennsylvania (-26.5%), Michigan (-26.0%), and Louisiana (-24.6%)**. States benefiting most include **Nevada (68.4%), Arizona (52.7%), North Carolina (46.6%), Georgia (39.2%), and South Carolina (27.5%)**.

## Program Modifications

ESSA makes some minor modifications to other ESEA grant programs, as summarized in the table below.

Program Modifications in ESSA	
Program	Description
General ESEA maintenance-of-effort (MOE)	1) 90% of the previous fiscal year's level (either per student or total expenditures), as in NCLB 2) If an LEA fails to meet MOE, it can avoid a penalty if it met the requirement in each of the five preceding years 3) MOE waiver permitted under certain circumstances, including "exceptional or uncontrollable circumstances" or a precipitous decline in state resources
Funding Flexibility	Enhances transferability among ESEA titles for SEAs and LEAs
Impact Aid	Alters formula and other changes
21st Century Community Learning Centers	Reservation for state activities increases from 3% to 5%; reservation for subawards decreases from 95% to 93%
English Language Learners	Amends state activities and reduces portion for direct administrative costs
Rural Education Initiative	Amends eligibility criteria; includes hold-harmless provision for newly ineligible LEAs

## Program Eliminations

ESSA eliminates more than 40 programs; however, most of these haven't been funded in recent years. The table below provides details on those eight programs that were funded in FY 2015, which received \$1.027 billion overall. While these programs are eliminated, their purpose or similar purposes are allowable uses under other ESSA programs.

FY 2015 Funded Programs Eliminated under ESSA (dollars in thousands)				
Program	Formula/ Competitive	FY 2015 Funding	Notes	
School Improvement Grants	F	\$505,756	Increases Title I set-aside	
Striving Readers	C	160,000	Purpose included in Literacy Education for All, Results for the Nation	
Mathematics and Science Partnerships	F/C	152,717	Purpose included in new block grant (Student Support and Academic Enhancement)	
Safe and Drug-Free Schools and Communities-National Programs	C	70,000	Purpose included in new block grant	
School Counseling Programs	C	49,561	Purpose included in new block grant	
Carol M. White Physical Education Program	C	47,000	Purpose included in new block grant	
Advanced Placement	C	28,483	Purpose included in new block grant	
Transition to Teaching	C	13,700	Purpose included in Supporting Effective Educator Development	
<b>Total</b>		<b>\$1,027,217</b>		

## New Grants

ESSA creates a number of new programs—mostly competitive programs—as shown on the next table. In addition to these new programs, ESSA renames and restructures existing programs (see Table 1 for details).

Selected New ESEA Programs in ESSA (dollars in thousands)			
Program	Citation	Formula/ Competitive	FY 2017 Authorization
Literacy Education for All, Results for the Nation	Title II-B-2	C	\$159,888
Comprehensive Literacy State Development Grants	Title II-B-2	C	N/A
Innovative Approaches to Literacy	Title II-B-2	C	N/A
Student Support and Academic Enrichment Grants	Title IV-A	F	1,650,000
Family Engagement in Education Programs	Title IV-E	C	10,000
Grants for Education Innovation and Research	Title IV-F-1	C	70,467
<b>Total</b>			<b>\$1,890,355</b>

**Formula Grants** Student Support and Academic Enrichment Grants. ESSA consolidates several programs into a new block grant, called Student Support and Academic Enrichment. This is the largest new program in ESSA, authorized at \$1.65 billion in FY 2017 and \$1.6 billion annually in FYs 2018-2020. This program focuses on improving the academic achievement of students by:

- providing students with access to a well-rounded education
- improving school conditions for student learning
- increasing the use of technology

Of the total, 2% is reserved for technical assistance and capacity building, 0.5% for outlying areas, and 0.5% for BIE. The remaining funds are allocated to states, the District of Columbia, and Puerto Rico in the same proportion as the preceding fiscal year's Title I Part A Grants to LEAs. The formula includes a small-state minimum, guaranteeing each state at least 0.5% of the total (after set-asides for technical assistance, outlying areas, and BIE). Moreover, the formula limits **Puerto Rico's** allocation to 0.5% of the total.

The table on the next page shows FFIS state-by-state estimates for this program in FY 2017. The calculations are based on FY 2015 Title I Part A Grants to LEAs allocations from the Department of Education (ED), and assume the program is funded at its authorized level. Of note, without the cap, **Puerto Rico's** estimated allocation would have been more than five times larger due to its relatively large population of children living in poverty. FFIS is unable to provide estimates for outlying areas because those payments are distributed on the basis of relative need, as determined by the secretary of ED.

States must use 95% of funds to make grants to LEAs (based on their share of Title I Part A funds), and cannot reserve more than 1% for administrative costs. Remaining funds are for state activities, such as training/technical assistance to LEAs, eliminating barriers to the coordination and integration of programs and funding streams, and providing support to LEAs.

The law specifies that each LEA receives at least \$10,000. LEAs receiving at least \$30,000 must spend:

- at least 20% of their grants on activities to support well-rounded educational opportunities (e.g., college and career guidance, music and art programs, and STEM activities)
- at least at least 20% on activities to support safe and healthy students (e.g., drug and violence prevention activities, physical education, and mentoring/counseling)
- an unspecified portion to support the effective use of technology

State	Amount	Share of Total	State	Amount	Share of Total
Alabama	\$24,829	1.6%	Montana	\$8,003	0.5%
Alaska	8,003	0.5%	Nebraska	8,003	0.5%
Arizona	36,158	2.3%	Nevada	13,070	0.8%
Arkansas	17,299	1.1%	New Hampshire	8,003	0.5%
California	188,727	11.8%	New Jersey	36,991	2.3%
Colorado	16,810	1.1%	New Mexico	13,016	0.8%
Connecticut	12,992	0.8%	New York	123,671	7.7%
Delaware	8,003	0.5%	North Carolina	46,705	2.9%
District of Columbia	8,003	0.5%	North Dakota	8,003	0.5%
Florida	86,841	5.4%	Ohio	62,546	3.9%
Georgia	55,919	3.5%	Oklahoma	17,501	1.1%
Hawaii	8,003	0.5%	Oregon	15,760	1.0%
Idaho	8,003	0.5%	Pennsylvania	60,933	3.8%
Illinois	74,348	4.6%	Rhode Island	8,003	0.5%
Indiana	28,946	1.8%	South Carolina	25,293	1.6%
Iowa	10,221	0.6%	South Dakota	8,003	0.5%
Kansas	11,663	0.7%	Tennessee	31,769	2.0%
Kentucky	23,731	1.5%	Texas	147,896	9.2%
Louisiana	31,900	2.0%	Utah	9,765	0.6%
Maine	8,003	0.5%	Vermont	8,003	0.5%
Maryland	21,936	1.4%	Virginia	27,288	1.7%
Massachusetts	25,956	1.6%	Washington	25,795	1.6%
Michigan	55,862	3.5%	West Virginia	9,992	0.6%
Minnesota	16,649	1.0%	Wisconsin	23,356	1.5%
Mississippi	21,354	1.3%	Wyoming	8,003	0.5%
Missouri	26,973	1.7%	Puerto Rico	8,003	0.5%

**Competitive Grants**

Literacy Education for All, Results for the Nation. Under this new program, ESSA authorizes an unspecified portion of funding for Comprehensive Literacy State Development Grants. These grants will be awarded on a competitive basis to state educational agencies (SEAs) to develop or enhance comprehensive literacy instruction plans, and provide targeted subgrants to early childhood education programs and LEAs. Of the total, 0.5% is reserved for grants to outlying areas, 0.5% for BIE, and not more than 5% for national activities.

States must use at least 95% of their funds for subgrants—prioritizing awards to eligible entities serving greater numbers or percentages of disadvantaged children—in the following proportions:

- 
- not less than 15% for children from birth through preschool
  - not less than 40% for children from kindergarten through fifth grade
  - not less than 40% for children from grades six through 12

States may use remaining funds for activities such as technical assistance and monitoring, coordinating with institutions of higher education (IHEs) to strengthen pre-service courses in evidence-based literacy methods, and reviewing and updating licensure or certification standards.

ESSA also creates a new Innovative Approaches to Literacy program under this section. Funds are awarded on a competitive basis to eligible entities (LEAs, a consortium of LEAs, BIE, and national nonprofit organizations) for literacy programs in low-income communities, such as school library programs, early literacy programs, and programs that provide high-quality books.

Family Engagement in Education. ESSA authorizes \$10 million annually for a new program to establish Statewide Family Engagement Centers. These centers will provide programs focused on parental education and family engagement in education, and provide comprehensive training and technical assistance to SEAs and LEAs for carrying out such programs. The law directs the secretary of ED to ensure that each center receives at least \$500,000 to the extent practicable.

Grants for Education Innovation and Research. The new law authorizes approximately \$70 million for a new competitive grant program to provide funding for developing evidence-based, field-initiated innovations to improve student achievement for high-need students. Eligible entities include LEAs, SEAs, BIE, nonprofit organizations, and various consortiums. Grantees must provide a 10% match, but the law includes a waiver provision under certain circumstances. At least 25% of the amount provided for this grant program must be awarded to LEAs or partnerships in rural areas.

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## Non-ESEA Provisions

The next table describes provisions in ESSA that are not a part of ESEA but affect states. In addition to the programs listed on the table, the law authorizes Preschool Development Grants, which were funded in FY 2014 and FY 2015, but have not been authorized by law until now. The new grant program is summarized in the following section.

Non-ESEA Provisions in ESSA	
Changes	Description
Amendments to McKinney-Vento Homeless Assistance Act	1) Authorizes \$85 million/year for FYs 2017-2020 for the Education for Homeless Children and Youth 2) Requires states to establish professional development programs for LEA personnel and liaisons to improve their identification of homeless youth and ability to respond to specific needs 3) Requires states to inform homeless youth, their guardians, and schools of the services provided by LEA liaisons and to publish annual list of liaisons 4) Directs ED to provide support and technical assistance to states in areas with persistent barriers to free appropriate public education
Flexibility	Reauthorizes and modifies the Education Flexibility Partnership Act of 1999, by which SEAs and LEAs receive waivers under ESEA

**Preschool Development Grants**

ESSA provides the first-ever authorization for Preschool Development Grants, notwithstanding the fact that such grants have received funding in recent years. According to the law, the grants have three purposes:

1. To assist states in developing, updating, or implementing a statewide plan of collaboration and coordination among existing programs of early childhood care and education, to prepare low-income and disadvantaged children to enter kindergarten
2. To encourage partnerships between Head Start providers and other entities
3. To maximize parental choice among a mixed delivery system of early childhood education programs

The table below summarizes major attributes of the program.

Preschool Development Grants	
Grant type	competitive
Authorized amount	\$250 million annually
Authorized period	FY 2017-FY 2020
State match	at least 30% of federal grant amount, in cash or in kind
Federal administering agency	Department of Health and Human Services, in cooperation with Department of Education
Grant period	up to one year
Renewal grants	renewable one time up to three years; also requires 30% match

**Next Steps**

The president signed ESSA on December 10, 2015. Since its provisions will not take effect until July 1, 2016, or October 1, 2016 (depending on the program), the next several months will be devoted to developing the framework, regulations, and systems to implement the law.

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**Table 1**

**ESSA Changes to ESEA Programs by Title**

(dollars in thousands)

ESSA Programs	Old Citation	Treatment under ESSA	Formula/ Competitive	FY 2015 Appropriation	ESSA Authorization			
					FY 2017	FY 2018	FY 2019	FY 2020
<b>Title I: Improving the Academic Achievement of the Disadvantaged</b>								
Grants to Local Educational Agencies (LEAs)	Title I-A	Title I-A; requires states to reserve at least 7% of funding for school improvement	F	\$14,409,802	\$15,012,318	\$15,457,459	\$15,897,371	\$16,182,345
State Assessment Grants	Title VI-A-1 (Section 6111)	Title I-B; secretary may reserve up to 20% for state grants to conduct assessment system audit	F/C	378,000	378,000	378,000	378,000	378,000
Education of Migratory Children	Title I-C	Title I-C; modifies hold-harmless provision to equal 90% of prior-year funding in FYs 2017-2019	F	374,751	374,751	374,751	374,751	374,751
Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk	Title I-D	Title I-D	F	47,614	47,614	47,614	47,614	47,614
Flexibility for Equitable Per Pupil Funding	N/A	Title I-E; demonstration program for up to 50 LEAs; up to 3 years	C	N/A	N/A	N/A	N/A	N/A
<b>Title II: Preparing, Training, and Recruiting High Quality Teachers and Principals</b>								
Supporting Effective Instruction	Title II-A	Title II-A; alters formula, funds national activities set-aside under separate authority	F	\$2,349,830	\$2,295,830	\$2,295,830	\$2,295,830	\$2,295,830
National Activities	N/A	Title II-B		N/A	468,881	468,881	469,168	489,168
Teacher and School Leader Incentive Program	Title V-D-1	Title II-B-1, (Section 2211); changes name from Teacher Incentive Fund, 50% match	C	230,000	230,221	230,221	230,361	230,361
Literacy Education for All, Results for the Nation Comprehensive Literacy State Development Grants	N/A	Title II-B-2	C	N/A	159,888	159,888	159,986	180,014
	N/A	Title II-B-2, (Section 2222)	C	N/A	Unspecified portion of above	Unspecified portion of above	Unspecified portion of above	Unspecified portion of above
Innovative Approaches to Literacy	N/A	Title II-B-2, (Section 2226)	C	N/A	Unspecified portion of above	Unspecified portion of above	Unspecified portion of above	Unspecified portion of above
American History and Civics Education	N/A	Title II-B-3, (Section 2231)	C	N/A	6,564	6,564	6,568	6,848
	Presidential and Congressional Academies for American History and Civics	Title V-D-1	Title II-B-3, (Section 2232); up to 12 grants; 100% match	C	0	≥26% of above	≥26% of above	≥26% of above
National Activities	N/A	Title II-B-3, (Section 2233)	C	N/A	≤74% of above	≤74% of above	≤74% of above	≤74% of above
Programs of National Significance	N/A	Title II-B-4	C		72,208	72,208	72,252	72,397
Supporting Effective Educator Development	N/A	Title II-B-4, (Section 2242); 25% match	C	N/A	≥74% of above	≥74% of above	≥74% of above	≥74% of above
School Leader Recruitment and Support	Title II-A-5	Title II-B-4, (Section 2243); 25% match	C	16,368	≥22% of above	≥22% of above	≥22% of above	≥22% of above
Technical Assistance and National Evaluation	N/A	Title II-B-4, (Section 2244)	C	N/A	≥2% of above	≥2% of above	≥2% of above	≥2% of above
STEM Master Teacher Corps	N/A	Title II-B-4, (Section 2245)	C	N/A	≤2% of above	≤2% of above	≤2% of above	≤2% of above

# Table 1

## ESSA Changes to ESEA Programs by Title (cont.)

(dollars in thousands)

ESSA Programs	Old Citation	Treatment under ESSA	Formula/ Competitive	FY 2015 Appropriation	ESSA Authorization			
					FY 2017	FY 2018	FY 2019	FY 2020
<b>Title III: Language Instruction for English Learners and Immigrant Students</b>								
English Language Acquisition State Grants	Title III-A	Title III	F	\$737,400	\$756,332	\$769,568	\$784,960	\$884,960
<b>Title IV: 21st Century Schools</b>								
Student Support and Academic Enhancement Grants	N/A	Title IV-A	F	N/A	\$1,650,000	\$1,600,000	\$1,600,000	\$1,600,000
21st Century Community Learning Centers	Title IV-B	Title IV-B	F	1,151,673	1,000,000	1,100,000	1,100,000	1,100,000
Expanding Opportunity Through Quality	Title V-B	Title IV-C	C	253,172	270,000	270,000	300,000	300,000
Grants to Support High-Quality Charter Schools	Title V-B-1	Title IV-C, (Section 4303)	C	Part of above	175,500	175,500	195,000	195,000
Facilities Financing Assistance	Title V-B-1, Title V-B-2	Title IV-C, (Section 4304)	C	Part of above	33,750	33,750	37,500	37,500
National Activities	Title V-B-1	Title IV-C, (Section 4305)	C	Part of above	60,750	60,750	67,500	67,500
Magnet School Assistance	Title V-C	Title IV-D	C	91,647	94,000	96,820	102,387	108,530
Family Engagement in Education Programs	N/A	Title IV-E	C	N/A	10,000	10,000	10,000	10,000
National Activities	N/A	Title IV-F	C	N/A	200,741	200,741	220,741	220,741
Grants for Education Innovation and Research	N/A	Title IV-F-1	C	N/A	70,467	70,467	90,611	90,611
Community Support for School Success	Title IV-D-1	Title IV-F-2; 95% of total for existing programs (Promise Neighborhoods and Full-Service Community Schools)	C	66,754	70,467	70,467	69,037	69,037
National Activities for School Safety	Title IV-A-2	Title IV-F-3	C	N/A	5,000	5,000	5,000	5,000
Academic Enrichment	Title V-D-15, Title II-D-3, Title V-D-6	Title IV-F-4; funds existing programs: Assistance for Arts Education, Ready to Learn Programming, and Supporting High-Ability Learners and Learning (Jacob K. Javits Gifted and Talented Students Education Program)	C	60,741	54,807	54,807	56,093	56,093
<b>Title V: State Innovation and Local Flexibility</b>								
Rural Education Initiative	Title VI-B	Title V-B	F	\$169,840	\$169,840	\$169,840	\$169,840	\$169,840
Small Rural School Achievement Program	Title VI-B-1	Title V-B-1	F	84,920	84,920	84,920	84,920	84,920
Rural and Low-Income School Program	Title VI-B-2	Title V-B-2	F	84,920	84,920	84,920	84,920	84,920
<b>Title VI: Indian, Native Hawaiian, and Alaska Native Education</b>								
Grants to Local Education Agencies and Tribes	Title VII-A-1	Title VI-A-1	C	\$100,381	\$100,381	\$102,389	\$104,436	\$106,525
Improvement of Educational Opportunities for Indian Children and Youth	Title VII-A-2	Title VI-A-2	C	17,993	17,993	17,993	17,993	17,993
Professional development for teachers and education professionals	Title VII-A-3	Title VI-A-2	C	5,565	5,565	5,565	5,565	5,565
Native Hawaiian Education	Title VII-B	Title VI-B	C	32,397	32,397	32,397	32,397	32,397
Alaska Native Education	Title VII-C	Title VI-C	C	31,453	31,453	31,453	31,453	31,453

# Table 1

## ESSA Changes to ESEA Programs by Title (cont.)

(dollars in thousands)

ESSA Programs	Old Citation	Treatment under ESSA	Formula/ Competitive	FY 2015 Appropriation	ESSA Authorization			
					FY 2017	FY 2018	FY 2019	FY 2020
<b>Title VII: Impact Aid Program</b>								
Impact Aid, Payments for Real Property	Title VIII (Section 8002)	Title VII (Section 7002)	F	\$66,813	\$66,813	\$66,813	\$66,813	\$71,998
Impact Aid, Basic Support Payments	Title VIII (Section 8003(b))	Title VII (Section 7003(b))	F	1,151,233	1,151,233	1,151,233	1,151,233	1,240,573
Impact Aid, Payments for Children with Disabilities	Title VIII (Section 8003(d))	Title VII (Section 7003(d))	F	48,316	48,316	48,316	48,316	52,065
Impact Aid, Construction	Title VIII (Section 8007)	Title VII (Section 7007)	F/C	17,406	17,406	17,406	17,406	18,757
Impact Aid, Facilities Management	Title VII (Section 8008)	Title VIII (Section 7008)	F	4,835	4,835	4,835	4,835	5,210
<b>Title VIII: General Provisions</b>								
Federal Evaluation of Title I	Title I-E (Section 1501)	Title VIII-G (Section 8601)	N/A	\$710	\$710	\$710	\$710	\$710
<b>Title IX: Education for the Homeless and Other Laws</b>								
McKinney-Vento Homeless Education Program	Stewart B. McKinney Homeless Assistance Act (Section 722)	Title IX	F	\$65,042	\$85,000	\$85,000	\$85,000	\$85,000
Educational Flexibility Program	N/A	Title IX-B, (Section 9207)	N/A					
Congressional study on the Title I formula	N/A	Title IX-B, (Section 9211)	N/A					
Preschool Development Grants	N/A	Title IX-B, (Section 9212)	C	250,000	250,000	250,000	250,000	250,000

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**Table 2**

**Estimates of Title I-Grants to LEAs at ESSA Authorized Funding**

(dollars in thousands)

State	NCLB		ESSA Authorized Funding			
	FY 2015	FY 2016 (CR level)	FY 2017	FY 2018	FY 2019	FY 2020
Alabama	\$221,675	\$221,208	\$230,944	\$237,792	\$244,559	\$248,943
Alaska	37,335	37,256	38,896	40,049	41,189	41,927
Arizona	322,822	322,142	336,321	346,293	356,148	362,533
Arkansas	154,451	154,125	160,909	165,680	170,396	173,450
California	1,684,977	1,681,425	1,755,430	1,807,482	1,858,922	1,892,245
Colorado	150,086	149,770	156,362	160,998	165,580	168,548
Connecticut	115,996	115,751	120,846	124,429	127,971	130,265
Delaware	44,349	44,255	46,203	47,573	48,927	49,804
District of Columbia	42,820	42,730	44,611	45,933	47,241	48,087
Florida	775,326	773,692	807,745	831,696	855,366	870,699
Georgia	499,248	498,196	520,124	535,546	550,787	560,661
Hawaii	47,045	46,945	49,012	50,465	51,901	52,831
Idaho	57,304	57,183	59,700	61,470	63,220	64,353
Illinois	663,791	662,391	691,546	712,051	732,316	745,443
Indiana	258,436	257,891	269,242	277,225	285,115	290,226
Iowa	91,259	91,066	95,074	97,894	100,680	102,484
Kansas	104,127	103,908	108,481	111,698	114,877	116,936
Kentucky	211,876	211,429	220,735	227,280	233,749	237,939
Louisiana	284,811	284,210	296,720	305,518	314,213	319,845
Maine	50,087	49,982	52,182	53,729	55,258	56,248
Maryland	195,845	195,433	204,034	210,084	216,063	219,936
Massachusetts	231,735	231,247	241,425	248,583	255,658	260,241
Michigan	498,742	497,690	519,595	535,002	550,228	560,092
Minnesota	148,649	148,335	154,864	159,456	163,994	166,934
Mississippi	190,654	190,252	198,625	204,515	210,335	214,106
Missouri	240,817	240,310	250,887	258,326	265,678	270,440
Montana	45,473	45,377	47,374	48,779	50,167	51,067
Nebraska	68,871	68,725	71,750	73,878	75,980	77,342
Nevada	116,689	116,443	121,569	125,173	128,736	131,043
New Hampshire	39,727	39,643	41,388	42,615	43,828	44,614
New Jersey	330,260	329,564	344,069	354,271	364,354	370,885
New Mexico	116,205	115,960	121,064	124,654	128,202	130,500
New York	1,104,146	1,101,818	1,150,313	1,184,422	1,218,130	1,239,966
North Carolina	416,987	416,108	434,422	447,303	460,034	468,280
North Dakota	33,486	33,416	34,886	35,921	36,943	37,605
Ohio	558,414	557,237	581,763	599,013	616,061	627,104
Oklahoma	156,253	155,924	162,787	167,614	172,384	175,474
Oregon	140,708	140,411	146,591	150,938	155,233	158,016
Pennsylvania	544,019	542,872	566,766	583,571	600,180	610,938
Rhode Island	49,334	49,230	51,397	52,921	54,427	55,403
South Carolina	225,816	225,340	235,258	242,234	249,128	253,594
South Dakota	43,470	43,379	45,288	46,631	47,958	48,818
Tennessee	283,633	283,036	295,493	304,255	312,914	318,523
Texas	1,320,435	1,317,652	1,375,646	1,416,437	1,456,748	1,482,861
Utah	87,185	87,001	90,831	93,524	96,185	97,910
Vermont	33,196	33,126	34,585	35,610	36,623	37,280
Virginia	243,634	243,120	253,821	261,347	268,785	273,603
Washington	230,297	229,811	239,926	247,040	254,071	258,625
West Virginia	89,209	89,021	92,939	95,695	98,418	100,183
Wisconsin	208,522	208,082	217,240	223,682	230,048	234,172
Wyoming	33,060	32,990	34,442	35,464	36,473	37,127
Puerto Rico	418,467	417,585	435,965	448,892	461,667	469,943
Virgin Islands	10,913	10,890	11,369	11,706	12,039	12,255
American Samoa	10,321	10,299	10,752	11,071	11,386	11,590
Guam	15,424	15,391	16,069	16,545	17,016	17,321
Northern Mariana Islands	6,595	6,581	6,871	7,075	7,276	7,406
<b>Allocated Total</b>	<b>\$14,305,012</b>	<b>\$14,274,857</b>	<b>\$14,903,146</b>	<b>\$15,345,050</b>	<b>\$15,781,764</b>	<b>\$16,064,664</b>
Unallocated	104,790	104,569	109,172	112,409	115,608	117,680
<b>Total Appropriation/Authorization</b>	<b>\$14,409,802</b>	<b>\$14,379,426</b>	<b>\$15,012,318</b>	<b>\$15,457,459</b>	<b>\$15,897,371</b>	<b>\$16,182,345</b>
Percent change from previous year		-0.2%	4.4%	3.0%	2.8%	1.8%

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**Table 3**

**Estimated Impact of ESSA on School Improvement Funding**

(dollars in thousands)

State	NCLB (SIG + 4% Reservation)		ESSA 7% Reservation				FY 2017 v.
	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2016
Alabama	\$16,134	\$16,119	\$16,166	\$16,645	\$17,119	\$17,426	\$47
Alaska	2,933	2,931	2,723	2,803	2,883	2,935	-208
Arizona	23,549	23,527	23,542	24,241	24,930	25,377	15
Arkansas	11,260	11,250	11,264	11,598	11,928	12,142	14
California	126,815	126,704	122,880	126,524	130,125	132,457	-3,824
Colorado	11,061	11,051	10,945	11,270	11,591	11,798	-105
Connecticut	8,441	8,433	8,459	8,710	8,958	9,119	26
Delaware	3,224	3,221	3,234	3,330	3,425	3,486	13
District of Columbia	3,107	3,104	3,123	3,215	3,307	3,366	19
Florida	57,445	57,393	56,542	58,219	59,876	60,949	-851
Georgia	36,400	36,366	36,409	37,488	38,555	39,246	43
Hawaii	3,432	3,429	3,431	3,533	3,633	3,698	2
Idaho	4,292	4,288	4,179	4,303	4,425	4,505	-109
Illinois	48,474	48,429	48,408	49,844	51,262	52,181	-21
Indiana	18,899	18,882	18,847	19,406	19,958	20,316	-35
Iowa	6,693	6,687	6,655	6,853	7,048	7,174	-32
Kansas	7,931	7,924	7,594	7,819	8,041	8,186	-331
Kentucky	15,504	15,490	15,451	15,910	16,362	16,656	-39
Louisiana	20,679	20,660	20,770	21,386	21,995	22,389	110
Maine	3,653	3,649	3,653	3,761	3,868	3,937	3
Maryland	14,365	14,352	14,282	14,706	15,124	15,396	-69
Massachusetts	17,015	16,999	16,900	17,401	17,896	18,217	-99
Michigan	35,570	35,536	36,372	37,450	38,516	39,206	836
Minnesota	10,902	10,892	10,840	11,162	11,480	11,685	-52
Mississippi	13,754	13,741	13,904	14,316	14,723	14,987	162
Missouri	17,535	17,519	17,562	18,083	18,597	18,931	43
Montana	3,313	3,310	3,316	3,415	3,512	3,575	6
Nebraska	5,186	5,182	5,023	5,171	5,319	5,414	-159
Nevada	8,518	8,510	8,510	8,762	9,011	9,173	0
New Hampshire	2,886	2,884	2,897	2,983	3,068	3,123	13
New Jersey	24,207	24,184	24,085	24,799	25,505	25,962	-100
New Mexico	8,471	8,464	8,474	8,726	8,974	9,135	11
New York	80,955	80,881	80,522	82,910	85,269	86,798	-359
North Carolina	30,568	30,540	30,410	31,311	32,202	32,780	-130
North Dakota	2,437	2,435	2,442	2,514	2,586	2,632	7
Ohio	40,430	40,393	40,723	41,931	43,124	43,897	331
Oklahoma	11,387	11,377	11,395	11,733	12,067	12,283	19
Oregon	10,500	10,491	10,261	10,566	10,866	11,061	-230
Pennsylvania	39,656	39,619	39,674	40,850	42,013	42,766	54
Rhode Island	3,607	3,604	3,598	3,704	3,810	3,878	-6
South Carolina	16,548	16,533	16,468	16,956	17,439	17,752	-65
South Dakota	3,180	3,177	3,170	3,264	3,357	3,417	-7
Tennessee	20,700	20,681	20,685	21,298	21,904	22,297	4
Texas	97,684	97,596	96,295	99,151	101,972	103,800	-1,300
Utah	6,469	6,464	6,358	6,547	6,733	6,854	-105
Vermont	2,430	2,428	2,421	2,493	2,564	2,610	-7
Virginia	17,830	17,813	17,767	18,294	18,815	19,152	-46
Washington	17,265	17,250	16,795	17,293	17,785	18,104	-455
West Virginia	6,494	6,488	6,506	6,699	6,889	7,013	18
Wisconsin	15,241	15,227	15,207	15,658	16,103	16,392	-20
Wyoming	2,423	2,420	2,411	2,482	2,553	2,599	-9
Puerto Rico	28,974	28,945	30,518	31,422	32,317	32,896	1,573
Virgin Islands	704	703	796	819	843	858	93
American Samoa	755	754	753	775	797	811	-1
Guam	1,119	1,118	1,125	1,158	1,191	1,212	7
Northern Mariana Islands	476	476	481	495	509	518	5
<b>Allocated Total</b>	<b>\$1,049,481</b>	<b>\$1,048,521</b>	<b>\$1,043,220</b>	<b>\$1,074,154</b>	<b>\$1,104,723</b>	<b>\$1,124,527</b>	<b>-\$5,301</b>

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**Table 4**

**Estimated Impact of Title II-A Formula Change under ESSA**

(dollars in thousands)

State	FY 2015		FY 2017		FY 2023		FY 2023 v. FY 2015	
	Actual	Share of Total	Estimate	Share of Total	Estimate	Share of Total	Dollars	Percent
Alabama	\$36,300	1.6%	\$36,472	1.6%	\$38,183	1.7%	\$1,883	5.2%
Alaska	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
Arizona	35,480	1.6%	38,250	1.7%	54,161	2.4%	18,681	52.7%
Arkansas	22,033	1.0%	22,349	1.0%	24,630	1.1%	2,597	11.8%
California	254,503	11.3%	257,743	11.4%	280,041	12.4%	25,538	10.0%
Colorado	25,497	1.1%	26,198	1.2%	28,767	1.3%	3,270	12.8%
Connecticut	21,587	1.0%	21,014	0.9%	16,803	0.7%	-4,784	-22.2%
Delaware	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
District of Columbia	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
Florida	102,974	4.6%	106,530	4.7%	128,174	5.7%	25,200	24.5%
Georgia	59,890	2.6%	63,258	2.8%	83,380	3.7%	23,490	39.2%
Hawaii	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
Idaho	10,867	0.5%	10,953	0.5%	11,303	0.5%	436	4.0%
Illinois	93,694	4.1%	92,364	4.1%	83,778	3.7%	-9,915	-10.6%
Indiana	38,844	1.7%	39,775	1.8%	44,241	2.0%	5,397	13.9%
Iowa	17,825	0.8%	17,754	0.8%	16,207	0.7%	-1,618	-9.1%
Kansas	18,263	0.8%	18,184	0.8%	17,199	0.8%	-1,064	-5.8%
Kentucky	35,872	1.6%	35,263	1.6%	32,357	1.4%	-3,516	-9.8%
Louisiana	52,089	2.3%	49,979	2.2%	39,300	1.7%	-12,789	-24.6%
Maine	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
Maryland	33,221	1.5%	32,478	1.4%	26,384	1.2%	-6,837	-20.6%
Massachusetts	41,854	1.9%	40,616	1.8%	31,900	1.4%	-9,954	-23.8%
Michigan	91,376	4.0%	87,490	3.9%	67,587	3.0%	-23,788	-26.0%
Minnesota	31,219	1.4%	30,723	1.4%	25,876	1.1%	-5,343	-17.1%
Mississippi	34,049	1.5%	33,349	1.5%	30,632	1.4%	-3,416	-10.0%
Missouri	39,455	1.7%	39,470	1.7%	39,471	1.7%	15	0.0%
Montana	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
Nebraska	11,110	0.5%	11,138	0.5%	11,303	0.5%	193	1.7%
Nevada	11,421	0.5%	12,675	0.6%	19,237	0.9%	7,815	68.4%
New Hampshire	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
New Jersey	52,222	2.3%	51,797	2.3%	46,399	2.1%	-5,824	-11.2%
New Mexico	18,044	0.8%	18,133	0.8%	18,987	0.8%	944	5.2%
New York	188,191	8.3%	178,676	7.9%	127,417	5.6%	-60,774	-32.3%
North Carolina	49,799	2.2%	53,297	2.4%	73,026	3.2%	23,227	46.6%
North Dakota	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
Ohio	85,891	3.8%	84,519	3.7%	77,162	3.4%	-8,729	-10.2%
Oklahoma	26,227	1.2%	26,448	1.2%	27,805	1.2%	1,578	6.0%
Oregon	22,133	1.0%	22,315	1.0%	23,201	1.0%	1,068	4.8%
Pennsylvania	93,591	4.1%	89,941	4.0%	68,754	3.0%	-24,837	-26.5%
Rhode Island	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
South Carolina	28,506	1.3%	29,639	1.3%	36,347	1.6%	7,842	27.5%
South Dakota	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
Tennessee	38,820	1.7%	40,314	1.8%	48,887	2.2%	10,067	25.9%
Texas	186,892	8.3%	192,696	8.5%	226,006	10.0%	39,114	20.9%
Utah	14,928	0.7%	15,704	0.7%	18,384	0.8%	3,456	23.1%
Vermont	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
Virginia	40,725	1.8%	41,069	1.8%	40,270	1.8%	-455	-1.1%
Washington	37,412	1.7%	38,041	1.7%	39,593	1.8%	2,181	5.8%
West Virginia	19,661	0.9%	18,501	0.8%	12,168	0.5%	-7,493	-38.1%
Wisconsin	37,721	1.7%	37,006	1.6%	31,960	1.4%	-5,761	-15.3%
Wyoming	10,833	0.5%	10,901	0.5%	11,303	0.5%	470	4.3%
Puerto Rico	70,466	3.1%	67,727	3.0%	57,733	2.6%	-12,732	-18.1%
Allocated Total	\$2,260,654	100.0%	\$2,260,654	100.0%	\$2,260,654	100.0%	\$0	0.0%

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UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

DEC 22 2015

Dear Chief State School Officer:

Before the spring 2016 test administration, I would like to take this opportunity to remind you of key assessment requirements that exist under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (ESEA). These requirements will remain in place for the 2015–2016 school year, and similar requirements are included in the recently signed reauthorization of the ESEA, known as the Every Student Succeeds Act (ESSA).

A high-quality, annual statewide assessment system that includes all students is essential to provide local leaders, educators, and parents with the information they need to identify the resources and supports that are necessary to help every student succeed in school and in a career. Such a system also highlights the need for continued work toward equity and closing achievement gaps among subgroups of historically underserved students by holding all students to the same high expectations.

Section 1111(b)(3)<sup>1</sup> of the ESEA requires each State educational agency (SEA) that receives funds under Title I, Part A of the ESEA to implement in each local educational agency (LEA) in the State a set of high-quality academic assessments that includes, at a minimum, assessments in mathematics and reading/language arts administered in each of grades 3 through 8 and not less than once during grades 10–12; and in science not less than once during grades 3 through 5, grades 6 through 9, and grades 10 through 12. Furthermore, ESEA sections 1111(b)(3)(C)(i) and (ix)(I) require State assessments to “be the same academic assessments used to measure the achievement of *all* children” and “provide for the participation in such assessments of *all* students” (emphasis added). These requirements do not allow students to be excluded from statewide assessments. Rather, they set out the legal rule that all students in the tested grades must be assessed.

In applying for funds under Title I, Part A of the ESEA, your State assured that it would administer the Title I, Part A program in accordance with all applicable statutes and regulations (*see* ESEA section 9304(a)(1)). Similarly, each LEA that receives Title I, Part A funds in your State assured that it would administer its Title I, Part A program in accordance with all applicable statutes and regulations (*see* ESEA section 9306(a)(1)). Please note that the portions of the ESEA referenced above have not been waived for States, including States that received ESEA flexibility.

Over the last several months, many States have released 2014–2015 State assessment data. A few States did not assess at least 95 percent of students in the “all students” group or individual ESEA subgroup(s)

<sup>1</sup> Please note that all statutory citations in this letter refer to the Elementary and Secondary Education Act of 1965, as amended in 2001 by the No Child Left Behind Act. This law remains in effect during the remainder of the 2015-2016 school year and the requirements discussed in this letter continue under the ESSA.

statewide. Additionally, in some states, LEAs within some States did not assess at least 95 percent of their students. ED has asked each of these States to submit information on the steps it is taking to immediately address this problem and meet its assessment obligations under the ESEA. Each SEA was provided 30 days to submit its response to the Office of State Support (OSS), and ED is currently reviewing information submitted by these SEAs. As additional States release assessment results, ED will request such information if the State or its LEAs do not assess at least 95 percent of their students. If a State's response does not adequately address this problem and meet the State's assessment obligations under the ESEA, ED may take enforcement action.

In each request for information, the SEA was asked to demonstrate that it has taken or will take appropriate actions to enforce the requirements of the ESEA, describe how such actions will specifically address the problem that occurred in 2014–2015, and ensure that all students will participate in statewide assessments during the 2015–2016 school year and each year thereafter, recognizing that the extent of the non-participation and other relevant factors should inform the SEA's actions. Some examples of actions an SEA could take, alone or in combination, include:

- Lowering an LEA's or school's rating in the State's accountability system or amending the system to flag an LEA or school with a low participation rate.
- Counting non-participants as non-proficient in accountability determinations.
- Requiring an LEA or school to develop an improvement plan, or take corrective actions to ensure that all students participate in the statewide assessments in the future, and providing the SEA's process to review and monitor such plans.
- Requiring an LEA or school to implement additional interventions aligned with the reason for low student participation, even if the State's accountability system does not officially designate schools for such interventions.
- Designating an LEA or school as "high risk," or a comparable status under the State's laws and regulations, with a clear explanation for the implications of such a designation.
- Withholding or directing use of State aid and/or funding flexibility.

In addition, an SEA has a range of other enforcement actions at its disposal with respect to noncompliance by an LEA, including placing a condition on an LEA's Title I, Part A grant or withholding an LEA's Title I, Part A funds (*see, e.g.*, section 440 of the General Education Provisions Act).

If a State with participation rates below 95% in the 2014–2015 school year fails to assess at least 95% of its students on the statewide assessment in the 2015–2016 school year, ED will take one or more of the following actions: (1) withhold Title I, Part A State administrative funds; (2) place the State's Title I, Part A grant on high-risk status and direct the State to use a portion of its Title I State administrative funds to address low participation rates; or (3) withhold or redirect Title VI State assessment funds.

For all States, ED will consider the appropriate action to take for any State that does not assess at least 95 percent of its students in the 2015–2016 school year — overall and for each subgroup of students and among its LEAs. To determine what action is most appropriate, ED will consider SEA and LEA participation rate data for the 2015–2016 school year, as well as action the SEA has taken with respect to any LEA noncompliance with the assessment requirements of the ESEA.

We look forward to working with you to ensure that all students participate in statewide assessments during the 2015–2016 school year and each year thereafter, and in supporting implementation of the

- Every Student Succeeds Act, which includes a new focus on auditing and reducing unnecessary State and local assessments and providing parents and families with better information about required testing. Additionally, States may find other useful information regarding assessments in the Administration's Testing Action Plan, released in October 2015. As the Plan describes in greater detail, all tests should be worth taking, offer students an opportunity to learn while they take them, and allow them to apply real-world skills to meaningful problems. Tests must accommodate the needs of all students and measure student success in a fair, valid, and reliable way. In the coming months, ED will release additional resources and guidance to support your efforts to eliminate duplicative local or State assessments and continue to develop new and innovative approaches to using assessments effectively to support and inform classroom instruction.

Please do not hesitate to contact your State's program officer in the Office of State Support if you need additional information or clarification. Thank you for your continued commitment to enhancing education for all of your State's students.

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