

**Defining the Essence of ESSA:
A Summary Analysis of ED’s Proposed ESSA Regulations
Focused on Requirements for State (and Local) Consolidated Plans**

On May 31, 2016, the U.S. Department of Education (ED) released its first round of draft regulations regarding implementation of the Every Student Succeeds Act (ESSA) through a Notice of Proposed Rulemaking on accountability, state plans and data reporting. Comments on those draft regulations were due August 1, 2016. Subsequently, on July 11, 2016, ED released draft regulations for state assessments under Title I, including Title I, part A (statewide assessments) and Title I, part B (Innovative Assessment and Accountability Demonstration Authority) of ESSA. The Title I, part A proposed regulations for statewide assessments come directly from the language approved during negotiated rulemaking on this topic in the spring of 2016. Public comments on all of the proposed assessment regulations must be submitted by September 9, 2016. Final regulations for each of these areas (which will have the force of law) are expected in the fall of 2016. Additional draft regulations including on "supplement not supplant" requirements are expected to be released this summer.

This is a different kind of summary analysis of these proposed ESSA regulations. It is based on our belief that – if you know how and where to look – the statute and proposed regulations together provide for the first time a clear roadmap of where ESSA could provide the strongest leverage for positive change in education systems and outcomes.

In particular, ED’s proposed regulations on ESSA Consolidated State Plans – just eight pages long – are likely to define the highest priority areas for ESSA implementation – that is, what every state will likely be required to do and will likely focus on most with its limited time and capacity. This “essence of ESSA” presents both opportunities and risks. But importantly, it is still in development through ED’s notice and comment rulemaking.

This paper provides a brief, summary of ED’s proposed ESSA regulations - beginning with consolidated state plans and including a chart with more detail on the proposed regulations regarding accountability, school improvement, data reporting, and assessment that would lie beneath that state plan framework. This version has been updated to include ED’s second regulatory package on state assessments. The chart itself begins on page 8, and the section that summarizes the new proposed regulations on state assessments begins on page 19.

Understanding ESSA – Seeing the Forest Through the Trees

ESSA reauthorizes the Elementary and Secondary Education Act (ESEA) and replaces the No Child Left Behind Act (NCLB). Its primary purpose was to “fix NCLB.” As such, ESSA maintains the basic architecture of NCLB (with its focus on standards-based reforms), but it advances a very different theory of action and – if understood and implemented coherently – provides a leverage point toward improved education reform, as follows:

- First, ESSA sets two broad goals: It requires that state standards align with **college and career ready expectations** and maintains and expands the federal **focus on equity**, with a particular focus on improving educational resources for poor students, minority students, English learners, and students with disabilities.
- From there, ESSA **returns authority back toward states and districts** (relative to the No Child Left Behind Act (NCLB)) to design their standards-based systems and strategies to advance these goals. Further, ESSA maintains and creates new opportunities for states and districts to deepen these shifts, such as through innovative assessments; local weighted funding formulas; etc. This creates

opportunities for innovation, but also risks that states will under- or over-reach, and that states without the knowledge, capacity, or will to act smartly will stagnate or regress.

- However, ESSA can be understood to also expect that state and local actions be demonstrably **aligned with each state’s college and career-readiness and equity goals**; based on **research and evidence**; developed and implemented through significant, ongoing **engagement with diverse stakeholders**; and **periodically reviewed and continuously improved** over time.

Under ESSA – as under prior federal education laws and with little change from NCLB – as a condition of receiving its share of ~\$25 billion in federal funds, each state may submit applications or plans separately under each and every ESSA title and program (detailing how they meet each and every requirement) or any state may choose to develop a *consolidated* state application or plan that addresses a limited set of priority issues (established by ED) from across ESSA for federal peer review and approval. The purpose of states submitting consolidated state plans is to reduce burden and improve coherence toward impact. Every state chose to submit a consolidated state plan under ESSA’s predecessor, the No Child Left Behind Act.

ED’s proposed ESSA regulations focus in great detail on requirements related to key priority areas of school accountability, data reporting, supports for lowest-performing schools, and high-quality assessment with ED’s draft regulations on "supplement not supplant" to follow. But buried in the last few pages of ED’s proposed accountability regulations are the key sections that define for the first time what ED would require from all states that choose to submit a consolidated state plan, and then in turn what states would require from districts. These state plan expectations will likely define the main contours of ESSA implementation, along with other discrete pilot and competitive funding opportunities to follow (such as the innovative assessment pilot, weighted funding formula pilot, education innovation and research grants, and preschool development grants).

In this case, ED’s proposed regulations would establish seven overall priorities for state (and local) ESSA consolidated plans and implementation – four substantive priorities and three procedural ones.



Under the proposed regulations, states would have to submit these state plans in full for ED peer review and approval (ED proposes target due dates, with a choice for states: either March or July 2017). When finalized, these regulations on consolidated state plans will provide the structure for state (and then local) action on ESSA implementation over the next year plus, with these regulations being further translated by ED into a federal application/template, a peer review rubric, and possibly additional guidance.

The substance and tone of these regulatory requirements regarding ESSA state plans – and of course the deeper ESSA requirements behind them – are critical to ensure appropriate leverage and support for state and local leadership in ESSA implementation. This should be a focus of efforts to promote state and local leadership through ESSA implementation, including efforts to build state and local capacity, and to identify and support key advocates and stakeholders – including assistance on policy, technical issues, data analysis, legal issues, communications, infrastructure, etc.

Proposed Regulations on ESSA State Plans – Finding the Essence of ESSA

ED’s proposed regulations on ESSA Consolidated State Plans would require states (and then districts) to address seven key priorities across ESSA’s titles – four substantive and three procedural – as follows:

1. Challenging Academic Standards and Academic Assessments

Standards: The state must provide evidence that the state has adopted challenging academic content standards, aligned academic achievement standards, alternative academic achievement standards for students (if the state chooses to adopt these), and English Language Proficiency (ELP) standards and that these standards all meet the requirements of the law (§1111(b)).

Assessments: The state must identify the high-quality student academic assessments the state is using for accountability purposes under ESSA, including: statewide math, reading or language arts, and science assessments; any assessments used under the advanced middle school math exception; alternate assessments for students with the most significant cognitive disabilities; uniform statewide assessment of ELP; and any approved locally selected nationally recognized high school assessments consistent with the law. The proposed regulations require the state to provide evidence that the assessments meet the requirements of the statute with regard to design, administration, inclusion of all students, and provision of appropriate accommodations for students with disabilities and English learners.

2. Accountability, Support, and Improvement for Schools

Accountability: Each state must describe its statewide system of accountability for all public schools. This includes its long-term goals and measures of interim progress as a state on academic achievement, graduation rates, and English language proficiency. This also includes how the state will make annual accountability determinations for each public school (and subgroup within the school above the state-determined minimum number of students or “n size”) to meaningfully differentiate performance, including what indicators the state will use, what measures of those indicators, levels of performance on each indicator, the weighting of each indicator, how the state is factoring in the requirement regarding 95% student participation in assessments, and how summative ratings will then be determined. A state’s report card must describe its accountability system and the results for each accountability indicator and in the aggregate (a summative rating), for each subgroup of students and all students. [Additional information on accountability requirements can be found in the chart below]

Identification of Schools for Support:

Each state must describe how it will use this system for differentiating schools to identify schools for "comprehensive" and "targeted" support and improvement, at a minimum. It must also describe the criteria by which schools may exit from support and improvement status. This includes how the state will identify for comprehensive support and improvement every three years the bottom 5 percent of schools in terms of, at a minimum, performance on the state’s summative rating system from the prior school year; high schools with low graduation rates; and schools with "chronically low-performing" subgroups (targeted support schools that did not meet the state’s exit criteria after 3 years).

States must also describe how schools identified for targeted support and improvement include at least two types of schools: (1) those with at least one low-performing subgroup (performing below all students in the bottom 5% of schools) – as identified beginning in the 2017-18 school year, and (2) those with consistently under-performing subgroups (based on data from a maximum of 2 years at a time, and based on a uniform statewide definition).

A state's report card must list the schools identified for comprehensive and targeted support and improvement. [Further details on identification of schools for support and improvement can be found in the chart below]

Support and Improvement for Low-Performing Schools:

Districts and schools must develop plans for comprehensive and targeted support and improvement for identified schools, and states must monitor and oversee this process as well as provide supports. States plans must describe how they will monitor each LEA's comprehensive support and improvement plan, and ensure that each LEA identified for comprehensive support will complete a needs assessment and create a comprehensive support and improvement plan, with stakeholder engagement. This plan must be based on the needs assessment, stakeholder input, and the indicators and goals in the statewide accountability system. The state must describe its review and approval process for these plans and ensure that LEAs meet the timelines and the requirement to include one or more evidence-based interventions (using the more rigorous definitions of evidence under ESSA); and to identify resource inequities among schools in the LEA.

States must also assure that they will notify each LEA of schools identified for *targeted* support and improvement and ensure that each school develops a targeted support and improvement plan based on stakeholder input, the indicators and goals in the statewide accountability system, and the needs assessment for Title I schools with schoolwide programs (as applicable). States must describe how they will ensure that these school plans include one or more evidence-based interventions (as in comprehensive support and improvement plans) and how they will address resource inequities for any school that has a subgroup that meets the criteria for the lowest performing 5 percent of Title 1 schools in the state for students overall.

States must reserve 7 percent of their Title I funds for serving schools in comprehensive or targeted support, with a priority on providing funds to districts with the most need and the "greatest commitment" to improvement. States must describe the technical assistance and monitoring they will provide to districts serving large numbers of schools identified for support and improvement (using up to 5 percent of a state's school improvement reservation), and their periodic review process for inequities in resource allocations for these districts. For example, states must describe how they will distribute and will monitor the use of school improvement funds, evaluate those uses by examining the effects of evidence-based interventions implemented, determine whether the school is making progress on the statewide accountability indicators, and reduce barriers to improvement. State plans must describe school improvement funding award sizes to schools will meet the minimum criteria established by ED. [Further details on support and improvement for schools can be found in the chart below]

3. Supporting Excellent Educators

The proposed regulations address what states must include in their comprehensive state plans with regard to their uses of funds for supporting and improving the quality of educators (across Title II and other federal funds). Regulations specific to Title II programs are not expected within the next year; however the Department is considering releasing guidance on Title II-specific programs and issues.

Systems of Educator Development, Retention, and Advancement:

ESSA includes both flexible formula and targeted funding with allowable uses to support the quality of teachers, principals, and other schools leaders, including an optional 3% set-aside of Title II formula funds for school leadership, as well as state administrative funds. Each state must include in its consolidated state plan a description of how it will use Title II and other relevant ESSA funds for improving the quality of educators, and a description of their systems for developing, retaining, and advancing educators – including for teachers, principals, and other school leaders. This cross-cutting summary must include, at a minimum, a description of the state's systems for certification and licensing; the preparation of new educators – particularly for low-income and minority students; and professional growth and improvement that addresses induction, development, compensation, and advancement.

Supports for Educators:

Each state must describe how it will use its ESSA funds (Title II, Part A and others) – consistent with allowable uses – to address: (1) the quality and effectiveness of teachers, principals, and other school leaders; (2) the number of educators who are effective in improving student academic achievement in schools; and (3) more equitable access to effective teachers, principals, and other school leaders. This includes a description of the state's educator evaluation and support systems and its educator preparation programs if the state chooses to use any ESSA funds for those purposes. It also includes a description of how the state will improve the skills of teachers, principals, and other school leaders in indentifying students with specific learning needs and provide instruction based on these needs, including strategies for educators in schools with underrepresented student populations.

Educator Equity:

The proposed regulations incorporate significant aspects of state educator equity plans into the expectations for consolidated state plans, reiterating and adding depth to statutory requirements to report on and address inequities in access to high quality teachers and leaders. States must demonstrate whether low-income and minority students in Title I schools are taught disproportionately by ineffective, out-of-field, or inexperienced teachers compared to non-low-income and non-minority students enrolled in non-Title I schools. States must define how they will report separately on minority students, non-minority students, low-income students, and non-low-income students for each of these categories of teachers (ineffective, out-of-field, and inexperienced). States must include and use a uniform definition for "inexperienced" teacher and also for the phrase "not teaching in the subject or field for which the teachers is certified or licensed". States must also include and use a definition of the term "high-poverty schools" to mean the top quartile of poverty in the state and the term "low-poverty schools" to mean schools in the bottom quartile of poverty in the state - driving towards uniformity and ability to differentiate between types of teachers.

Where low-income and minority students are taught at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, states must analyze and describe the root cause and the state's strategies to eliminate this disproportionality, with a focus on the greatest or most persistent disparities. Importantly, the proposed regulations indicate that a state may:

- Direct an LEA to use its Title II, Part A funds (consistent with the statute's allowable uses) to provide low-income and minority students with greater access to effective teachers, principals, and other school leaders;
- Require an LEA to describe how it will use Title II, Part A funds to address disproportionality; and
- Deny an LEA's application for Title II, Part A funds if the LEA fails to address this in its plan.

4. Supporting All Students

States must describe how they will ensure that all students have the opportunity and supports to meet the state's challenging academic standards. The state must describe its strategies, rationale, timelines, and

funding sources (including Title IV funds) to ensure a continuum of learning from preschool through grade 12 and beyond, including transitions between schools; equitable access to a well-rounded education and rigorous coursework; school conditions for student learning; effective use of technology; parent, family, and community engagement; and the accurate identification of English learners and students with disabilities, in addition to other state-identified strategies. These descriptions must address the academic and non-academic needs of subgroups of students. The descriptions must also address data and information on LEA-level resource equity, as required by statute, related to per-pupil expenditures of federal, state, and local funds; educator qualifications; access to advanced coursework; and the availability of preschool. Each state must describe how it will use this data to inform technical assistance and review and approval of LEA plans.

5. Consultation/Stakeholder Engagement

States must describe how they engaged in "timely and meaningful" consultation with stakeholders throughout the state plan process on each of the four substantive components of the state plan outlined above. This stakeholder engagement must occur: during the design and development, following the completion of the state plan, and prior to the submission of any revisions or amendments. States must describe how the consultation and public comment were taken into account in the consolidated state plan, including how any issues and concerns were addressed, and any changes made as a result of the consultation and public comment.

Each state must specifically consult with its governor during the development of a state plan(s) prior to submission, and the other stakeholders the state engages must reflect the geographic diversity of the state. They must include: members of the state legislature, members of the state board of education (if applicable), LEAs (including rural), representatives of Indian tribes in the state, teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, organizations representing such individuals, charter school leaders (if applicable), parents and families, community-based organizations, civil rights organizations (including for students with disabilities, English learners, and other historically underserved students), institutions of higher education, employers, and the public.

6. Coordination

States must describe how they are coordinating administration of ESSA programs covered in the consolidated state plan with other Federal education programs, including programs addressing students with disabilities, early childhood education, state career and technical education, higher education, workforce development, and adult education.

7. Management and Continuous Improvement

States must describe processes for management and continuous improvement in numerous ways throughout the consolidated state plan, making ESSA potentially more focused on learning and improvement processes than in previous authorizations of the law. Each state must describe its system of performance management of SEA and LEA implementation, including (1) the state's process for supporting, reviewing, and approving LEA plans, and determining if LEA activities are aligned with the state's consolidated plan strategies and the needs of the LEA; (2) the state's plan for collecting data on, monitoring, and continuously improving implementation of state and LEA strategies under the consolidated plan; and (3) the state's plan to provide differentiated technical assistance to LEAs and schools.

States must also review and continuously improve the state plan itself, and there are several opportunities for amendments. Once a state submits its consolidated state plan and the Secretary provides preliminary written determinations, the state has an opportunity to revise and resubmit its state plan within 45 days. States must post approved state plans to the SEA's website. If a state wishes to make a significant change to its approved state plan(s), it must show that it has been engaging in timely and meaningful consultation with

stakeholders and submit an amendment to the Secretary for review and approval. At least once every four years, a state must review and revise its state plan(s), while engaging in timely and meaningful consultation with stakeholders, and submit the revisions to the Secretary for review and approval.

The following chart provides a detailed overview of accountability, including school improvement, data reporting and new assessment provisions in the ESSA statute and the related proposed regulations published on May 31 and July 11, 2016:

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
ACCOUNTABILITY		
<p>1. State Accountability Systems</p>	<ul style="list-style-type: none"> ▪ ESSA requires states to establish accountability systems based on their challenging state academic standards that include annual accountability determinations for each school based on multiple indicators – and interim progress toward long-term goals on those indicators – for all students and for each subgroup. ▪ The state accountability systems also must differentiate among schools to allow for identification of schools in need of: <ol style="list-style-type: none"> 1. comprehensive support and improvement (at least once every three years beginning with the 2017-2018 school year); and 2. targeted support and improvement due to low-performing subgroups (at least once every three years beginning with the 2017-2018 school year) and consistently underperforming subgroups (annually beginning with the 2018-2019 school year). See below for additional information. 	<p>The proposed regulations affirm and clarify the statute as outlined below.</p>
<p>2. Long-Term Goals and Measurements of Interim Progress</p>	<ul style="list-style-type: none"> ▪ States are required to establish ambitious long-term goals, and measurements of interim progress toward those goals for all students and subgroups. ▪ Long-term goals and measurements of interim progress must be set, at a minimum, for: (1) improved academic achievement (based on proficiency on statewide assessments); (2) improved high school graduation rates (based on a four-year adjusted cohort graduation rate), and (3) increases in the percentage of English learners (ELs) making progress toward English language proficiency (ELP) within a state-determined timeline. States' long-term goals for achievement and graduation rates must use the same multi-year length of time for all students and subgroups. 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Requires long-term and interim goals to be based on grade-level proficiency on state assessments and set separately for reading/language arts and math. ▪ Applies the same high standards of academic achievement to all students and subgroups, except students with the most significant cognitive disabilities who are assessed based on alternate academic achievement standards. ▪ Requires long-term and interim goals to be set for a four-year graduation rate and an extended-year rate if a state uses both (with more rigorous goals for the extended-year rate). ▪ Requires states to develop a uniform procedure for determining

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	<ul style="list-style-type: none"> Long-term goals and measurements of interim progress may also be set for extended-year adjusted cohort graduation rates. Subgroup goals must take into account the improvement needed to close achievement and graduation rate gaps. 	<p>long-term and interim goals for ELs that (1) would be applied consistently to all ELs, (2) must take into account the student’s ELP level, and (3) may consider one or more specified student-level factors.</p>
<p>3. Accountability Indicators</p>	<ul style="list-style-type: none"> Each state accountability system must be based on multiple indicators and measure annual performance on those indicators for all students and subgroups, for each school. The indicators must, at a minimum, include the following for: <p><u>Elementary and Middle Schools:</u></p> <ol style="list-style-type: none"> An indicator that measures proficiency on annual statewide assessments for reading/language arts and math (<i>Academic Achievement Indicator</i>); An indicator that measures either student growth or another valid and reliable statewide academic indicator (<i>Academic Progress Indicator</i>); An indicator that that measures for grades 3-8 progress within a state-determined timeline for all ELs (<i>Progress in Achieving ELP Indicator</i>); and Not less than one indicator that measures school quality and student success (<i>School Quality and Student Success Indicator or Indicators</i>). <p><u>High Schools:</u></p> <ol style="list-style-type: none"> An indicator that measures proficiency on annual statewide assessments for reading/language arts and math, and could include a measure of growth for high school students if a state chooses (<i>Academic Achievement Indicator</i>); An indicator that measures the four-year graduation rate, and if a state chooses an extended-year 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> Clarifies that states must use the same measures within each indicator for all schools (measures may vary within the school quality indicator by grade span). Requires states to ensure that each measure within an indicator: (1) is valid, reliable, and comparable; (2) is calculated the same way for all schools; (3) can be disaggregated for subgroups; and (4) includes a different measure than the state uses for any other indicator. Requires states to ensure that each measure for the school quality and student success indicator is supported by research finding that progress is likely to increase student academic achievement or graduation rates. Each measure must also help meaningfully differentiate among schools (as demonstrated by varied results across all schools). Clarifies factors in selecting a Progress in Achieving ELP Indicator.

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	<p>graduation rate (<i>Graduation Rate Indicator</i>);</p> <p>3. An indicator that measures once in high school progress within a state-determined timeline for all ELs (<i>Progress in Achieving ELP Indicator</i>); and</p> <p>4. Not less than one indicator that measures school quality and student success (<i>School Quality and Student Success Indicator or Indicators</i>).</p> <ul style="list-style-type: none"> ▪ The School Quality and Student Success Indicator(s) must allow for meaningful differentiation of schools and be valid, reliable, and comparable statewide, but may vary by grade span. Multiple measures may include: (1) student engagement, (2) educator engagement, (3) student access to and completion of advanced coursework, (4) postsecondary readiness, (5) school climate and safety, and (6) any other state indicator. 	
<p>4. Participation in Assessments and Annual Measurements of Achievement</p>	<ul style="list-style-type: none"> ▪ Systems must annually measure at least 95% of all students (and 95% of students in each subgroup) on statewide assessments in reading/language arts and math, and states shall determine how this factors into accountability. ▪ For the purposes of measuring, calculating, and reporting on the annual statewide assessments indicator, states must include in the denominator the greater of: (1) 95% of all students (and 95% of students in each subgroup), or (2) the number of students participating in the assessments. <ul style="list-style-type: none"> ▪ Meaning students (or students in each subgroup) without a score must still be counted up to 95%. 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Requires states to take one of the following actions for a school that doesn't meet the 95% participation requirement for all students or subgroups: (1) assign a lower summative rating; (2) assign the lowest performance level on the state's Academic Achievement Indicator; (3) identify the school for targeted support and improvement; or (4) another state-determined action. ▪ Requires schools and LEAs with a significant number of schools missing the 95% percent participation requirement for all students or one or more subgroups to develop and implement improvement plans with stakeholders.
<p>5. Subgroup of Students</p>	<ul style="list-style-type: none"> ▪ Subgroups of students that must be included in a statewide accountability system are: (1) economically disadvantaged students, (2) students from major racial/ethnic groups, (3) children with disabilities, and (4) ELs. 	<p>The proposed regulations do not proscribe what a state's n-size must be for accountability purposes, but affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Requires states with an n-size larger than 30 students to submit a

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	<ul style="list-style-type: none"> ▪ States determine the minimum number of students for each subgroup of students (n size), which shall be statistically sound, the same for all subgroups, and sufficient to not reveal personally identifiable information. ▪ Prohibits the Secretary from prescribing a minimum number of students for subgroups. ▪ Certain accountability requirements apply only to ELs (such as requirements for including recently arrived ELs and for including previously identified ELs, at the state's discretion, in a subgroup for up to 4 years after exiting the subgroup). 	<p>justification in its state plan for approval.</p> <ul style="list-style-type: none"> ▪ Ensures states consider each student subgroup separately. A combined subgroup of students – or “super subgroup” – cannot replace an individual subgroup when establishing long-term goals and interim goals, measuring school performance on each of the indicators, annually meaningfully differentiating schools, and identifying schools for comprehensive and targeted support and improvement. <ul style="list-style-type: none"> ▪ If a state chooses, it could use "super subgroups" in ADDITION to individual subgroups of students. ▪ Clarifies that the n size to yield statistically reliable information for reporting purposes may be lower than the n size for accountability purposes.
<p>6. Annual Meaningful Differentiation of School Performance</p>	<ul style="list-style-type: none"> ▪ Each state is required to establish a system for meaningfully differentiating all schools, and "substantial" weight must be given to the following indicators: (1) Academic Achievement; (2) Academic Progress for elementary and secondary schools, (3) Graduation Rate for high schools; and (4) Progress in Achieving ELP. These indicators "in the aggregate" must also be afforded "much greater weight" than the school quality indicator. 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Requires at least three distinct levels of performance for schools on each indicator, and those performance levels must be set in a way that is consistent with the school’s attainment of the state’s long-term and interim goals. ▪ Requires states to assign a comprehensive, summative rating for each school from among at least three distinct rating categories, based on a school’s level of performance on each indicator. However, states would also report a school’s performance on each indicator, in addition to the school’s summative result. ▪ Requires states to use consistent weighting among the indicators for all schools within each grade span, but clarifies that each of the substantially weighted indicators may carry a different weight. ▪ Ensures certain indicators are provided “substantial” weight individually and “much greater” weight in the aggregate by: <ol style="list-style-type: none"> 1. Not allowing a school identified for comprehensive or targeted support to be removed from identification because of progress solely on the school quality indicator; and

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		<p>2. Requiring that a school achieving the lowest level of performance on any of the substantially weighted indicators receives a different summative rating than a school performing at the highest level on all of the indicators.</p> <ul style="list-style-type: none"> ▪ Clarifies that if a school did not meet the state’s n-size for ELs that the state may exclude the ELP indicator for that school. All of the remaining indicators must be afforded the same relative weight that is afforded to those indicators in other schools.
SCHOOL IMPROVEMENT		
<p>7. Identification of Schools for Comprehensive Support and Improvement</p>	<ul style="list-style-type: none"> ▪ Beginning with the 2017–2018 school year (and at least once every three years thereafter) states must identify, one statewide category of schools for comprehensive support and improvement, which shall include, at a minimum: <ol style="list-style-type: none"> 1. at least the lowest-performing 5% of all Title I schools in the state; 2. high schools with graduation rates below 67% for all students; and 3. Title I schools in which any subgroup of students, on its own, is performing as poorly as all students in the lowest-performing 5% of Title I schools and that has failed to improve after implementation of a targeted support and improvement plan (also known as a chronically low-performing subgroup). 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Requires each state to identify schools for comprehensive and support and improvement by the beginning of the school year based on, at a minimum, the basis of their performance for the previous school year. <ul style="list-style-type: none"> ▪ The proposed regulations would use data from the 2016-2017 school year to identify schools for comprehensive support and improvement in the 2017-2018 school year. ▪ Requires states to identify the lowest-performing 5% of all Title I elementary, middle, and high schools, by taking into account a school's summative rating (averaged over no more than three years), and the statutory weighting requirements. ▪ Requires states to identify schools for comprehensive support and improvement: <ol style="list-style-type: none"> 1. Beginning with the 2017–2018 school year (and at least once every three years thereafter) for the lowest-performing 5% of all Title I schools and low graduation rate high schools based on the four-year graduation rate. Schools with chronically low-performing subgroups are not required to be identified in this first round, since identification only occurs after such a school has implemented a targeted support and improvement plan and failed to meet the state’s exit criteria.

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
<p>8. Identification of Schools for Targeted Support and Improvement</p>	<ul style="list-style-type: none"> ▪ States are required to identify schools in which any subgroup of students is consistently underperforming, as determined by the state. ▪ States are also required to identify any schools in which any subgroup of students, on its own, is performing as poorly as all students in the lowest-performing 5% of Title I schools (beginning with the 2017-2018 school year). 	<p>2. The second time a state identifies its lowest performing schools for comprehensive support and improvement, but no later than the 2020–2021 school year, for schools with chronically low-performing subgroups.</p> <p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Same requirement for states to identify targeted support and improvement schools in the beginning of the school year based on, at a minimum, the basis of their performance for the previous school year. ▪ Establishes requirements for identifying two types of schools for targeted support and improvement: <ol style="list-style-type: none"> 1. Schools with at least one low-performing subgroup of students (beginning in the 2017-18 school year and identified at least once every three years) - this would include schools performing at a level at or below all students in any of the lowest-performing 5% of schools in comprehensive support and improvement; and 2. Schools with consistently underperforming subgroups (beginning in the 2018-19 school year and identified annually) – this would include any school with at least one consistently underperforming subgroup and take into account a school's performance on accountability indicators over no more than two years (and the statutory weighting requirements). At a state's discretion, this could also include schools with low assessment participation rates. "Consistently underperforming subgroups" must be defined by the state using a uniform definition across all LEAs and may include: <ul style="list-style-type: none"> ▪ A subgroup of students that is not on track to meet the state's long-term or interim goals; ▪ a subgroup of students that is performing at the lowest performance level on at least one indicator, or is

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
		<p>particularly low-performing on measures within an indicator;</p> <ul style="list-style-type: none"> ▪ a subgroup of students that is performing at or below a state-determined threshold compared to the average performance among all students, or the highest-performing subgroup, in the state; ▪ a subgroup of students that is performing significantly below the average performance among all students, or the highest-performing subgroup, in the state, such that the performance gap is among the largest in the state; or ▪ another definition, determined by the state.
<p>9. Comprehensive Support and Improvement Plans and Exit Criteria</p>	<ul style="list-style-type: none"> ▪ LEAs with stakeholders are required to develop and implement a comprehensive support and improvement plan that: (1) is informed by the state’s long-term goals and indicators; (2) includes evidence-based interventions; (3) is based on a school-level needs assessment; (4) identifies resource inequities; (5) is approved by the school, LEA, and SEA; and (6) is monitored and periodically reviewed by the SEA. ▪ States are required to establish uniform statewide exit criteria for comprehensive support and improvement schools, which if not satisfied within a state-determined number of years (not to exceed four years), must result in more rigorous state-determined action in the school. 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Describes the elements that comprehensive support and improvement plans are required to include and the minimum elements that a needs assessment must examine. ▪ Requires comprehensive support and improvement plans include one or more interventions that: (1) are evidence-based (one or more of a school's activities and interventions must be evidence-based, not all); (2) supported, to the extent practicable, by the strongest level of evidence; and (3) may be selected from among state-approved evidence-based interventions. <ul style="list-style-type: none"> ▪ The proposed regulations provide examples of interventions that could include: increasing access to effective teachers or adopting incentives to recruit and retain effective teachers; increasing or redesigning instructional time; interventions based on data from early warning indicator systems; reorganizing the school to implement a new instructional model; strategies designed to increase diversity by attracting and retaining students from varying socioeconomic backgrounds; replacing school leadership; increasing access to high-quality preschool; converting the school to a public

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
		<p>charter school; changing school governance; closing the school; and, in the case of a public charter school, revoking or non-renewing the school’s charter.</p> <ul style="list-style-type: none"> ▪ States may also establish alternative evidence-based strategies that can be used by LEAs to assist comprehensive support and improvement schools, which could include a whole school reform model. ▪ Requires comprehensive support and improvement plans to identify and address resource inequities at the LEA- and school-level, and as applicable, within schools. ▪ Allows the development of an improvement plan to be conducted during a planning year that is limited to the school year in which the school is identified. ▪ Requires a state to ensure that a school meeting the exit criteria both increases student outcomes and no longer meets the criteria for comprehensive support and improvement. ▪ Requires if a school does not meet exit criteria that a LEA must conduct a new school-level needs assessment and amend its improvement plan to, among other factors, implement additional, more rigorous state-determined interventions based on strong and moderate levels of evidence. <ol style="list-style-type: none"> 1. States are required to approve the amended plan and increase monitoring, support, and periodic review of each LEA’s implementation of the plan. 2. States are permitted to take additional actions in any LEA serving a significant number of comprehensive support and improvement schools that do not meet exit criteria. <ul style="list-style-type: none"> ▪ These actions could include: reorganizing the school to implement a new instructional model; replacing school leadership; converting the school to a public charter school; changing school governance; closing the school; or, in the case of a public charter school, revoking or non-

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
<p>10. Targeted Support and Improvement Plans and Exit Criteria</p>	<ul style="list-style-type: none"> ▪ LEAs with stakeholders are required to develop and implement a targeted support and improvement plan that: (1) is informed by all indicators, including student performance against the state’s long-term goals; (2) includes evidence-based interventions; (3) is approved by the LEA; (4) is monitored upon submission and during implementation by the LEA; and (5) results in action following unsuccessful implementation of the plan after a number of years determined by the LEA. ▪ LEAs are required to establish uniform statewide exit criteria for schools identified for targeted support, which if not satisfied within a state-determined number of years, require the state to identify those schools as comprehensive support and improvement schools. 	<p>renewing the school’s charter.</p> <p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Describes the elements that targeted support and improvement plans are required to include. ▪ Requires targeted support and improvement plans include one or more interventions that: (1) are evidence-based (one or more of a school's activities and interventions must be evidence-based, not all); (2) address the reasons for identification; (3) supported by research; and (4) may be selected from state-approved list of evidence-based interventions. ▪ Requires targeted support and improvement plans to identify and address resource inequities that affect the low-performing subgroup. ▪ States are permitted to take additional actions in any LEA serving a significant number of targeted support and improvement schools (these could be the same additional actions as in any LEA serving a significant number of comprehensive support and improvement schools that do not meet exit criteria). ▪ Requires a LEA to ensure that a school meeting the exit criteria both increases student outcomes for its lowest-performing students and no longer meets the criteria for targeted support and improvement. ▪ Requires that if a school does not meet exit criteria within a LEA-determined number of years that the LEA would require a school to amend its improvement plan to take additional actions, including use of interventions that meet a higher level of evidence or increase intensity of interventions. <ul style="list-style-type: none"> ▪ LEAs are required to approve the amended plan and increase monitoring and support of the school's implementation of the plan. ▪ Requires if a school that has one or more low-performing subgroups that is identified for targeted support and improvement and does

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
		<p>not meet the uniform statewide exit criteria after a state-determined number of years (not to exceed three years), the state must identify the school for comprehensive support and improvement.</p>
<p>11. Grants for School Improvement</p>	<ul style="list-style-type: none"> ▪ States must reserve 7% of Title I, Part A funding for school improvement, of which at least 95% must be distributed by formula or competitively to LEAs serving schools identified for comprehensive and targeted support and improvement. ▪ States must prioritize grant funding for LEAs that serve high numbers (or percentages) of schools identified for comprehensive support and improvement, LEAs with the greatest need, and LEAs with the strongest commitment to improving student achievement. ▪ Grants to LEAs for schools implementing comprehensive and targeted support and improvement plans must be of sufficient size, geographically diverse, for not more than four years, and may include a planning year. 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Requires that an LEA that receives funds for school improvement receives a minimum of \$500,000 for each comprehensive support and improvement school and a minimum of \$50,000 for each targeted support and improvement school it serves (except that a state could conclude a smaller award would be sufficient). ▪ Requires that if a state has insufficient funds to make awards to all LEAs that are of sufficient size, a state is required to (whether through formula or competition) award funds to an LEA applying to serve a school identified for comprehensive support and improvement first before awarding funds to an LEA applying to serve a school identified for targeted support and improvement. ▪ Grants may not be used to serve schools identified for targeted support and improvement due to low assessment participation rates. ▪ Clarifies that interventions funded using grants for school improvement must meet a higher level of evidence (e.g. strong, moderate, or promising levels of evidence), even though other interventions included in plans could meet a lower evidence level. ▪ Requires states that permit LEAs to have a planning year to review performance during the planning year compared to the LEA application before renewing the school improvement award.
<p>DATA REPORTING</p>		
<p>12. Annual state and LEA report cards</p>	<ul style="list-style-type: none"> ▪ States must disseminate and make widely accessible an annual state report card developed in consultation with parents that is concise, understandable, uniform, and in a language that parents can understand. 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Clarifies that state and LEA report cards include clearly labeled overview sections for a number of the major indicators and

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
	<ul style="list-style-type: none"> ▪ All of these statutory requirements for state report cards are also requirements for LEA report cards. ▪ These report cards must include – among other requirements – disaggregated information for certain data elements by subgroups. New subgroups for reporting under ESSA include migrant status, homeless status, status as a child in foster care, and status as a student with a parent who is an active duty member of the Armed Forces. ▪ States are not required to report disaggregated data that is not statistically reliable or reveals personally identifiable information. ▪ State and LEA report cards must be available on the SEA's and LEA's website, respectively. If the LEA does not operate a website, it must use another method to make the report card available to the public, as determined by the LEA. <p><u>Description and results of a state's accountability system:</u></p> <ul style="list-style-type: none"> ▪ State and LEA report cards must provide a description of the state's accountability system, including: <ul style="list-style-type: none"> ▪ minimum n-size for subgroups; ▪ long-term and interim goals for academic achievement, graduation rate, and ELP; ▪ all indicators used for differentiation of schools; ▪ the system for differentiation, including weights and methodology; ▪ the number and names of all public schools identified for comprehensive and targeted support and improvement; ▪ the exit criteria for schools in comprehensive support and improvement – including the number of years a school requiring additional targeted support has to meet the exit criteria for those schools. ▪ Includes requirements for reporting on student 	<p>determinations from the accountability and reporting system, for each subgroup and all students.</p> <ul style="list-style-type: none"> ▪ Requires LEA overviews must also be directly sent to parents. ▪ Requires dissemination of state and LEA report cards no later than December 31 each year, beginning with report cards based on 2017-18 school year information. LEA report cards must be disseminated on the same timeline as state report cards. ▪ Requires that state report cards include demographic and academic achievement data for each charter school (authorized by a public chartering agency in the state) compared to the same data for the community in which the charter school is located. ▪ Defines specific terms for reporting disaggregated data on subgroups. <p><u>Description and results of a state's accountability system:</u></p> <ul style="list-style-type: none"> ▪ Restates statutory requirements and clarifies that LEA report cards must report a school's performance on each indicator in the state accountability systems (and all measures within an indicator) and the school's summative rating. ▪ Specifically, states and LEAs must report on the percent of students performing at each achievement level on the state's academic achievement standards (by grade and subgroup), and must calculate this two ways: (1) using at least 95% of students as the denominator; and (2) using valid test participants as the denominator, so the performance can be compared. ▪ Requires state and LEA report cards to include the reason and subgroups that led to each school's identification for support and improvement. ▪ Requires, if a state averages data, that it report on the state's uniform procedure for averaging data across years or combining data across grades. If a state averages data across years, the state must continue to report data for a single year without averaging on state and LEA report cards.

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
	achievement and progress, high school graduation rates, per-pupil expenditures, postsecondary enrollment, and educator qualifications.	<ul style="list-style-type: none"> ▪ Requires specific calculation rules and clarifies certain definitions for reporting on student achievement and progress, high school graduation rates, per-pupil expenditures, postsecondary enrollment, and educator qualifications for increased transparency, and uniformity across a state.
ASSESSMENTS		
13. Required Statewide Assessments	<ul style="list-style-type: none"> ▪ ESSA continues requirements from NCLB that every state have a statewide system of assessments that includes at a minimum the following annual statewide assessments for all students (and that they be used in part for annual school accountability determinations): <ul style="list-style-type: none"> ▪ Reading/English language arts and math assessments for grades 3-8 and once in grades 9-12; ▪ Science assessments given at least once in each grade span from grades 3-5, 6-9, and 10-12; ▪ Annual assessments of English language proficiency for English learners (newly required to be used as an indicator for school accountability purposes); and ▪ At a state's discretion, alternative assessments to assess up to 1% of students (statewide) with the most significant cognitive disabilities (note: there is no 15 cap on individual districts; state can apply for a waiver of the 1% cap). ▪ The statute provides three exceptions to the requirement that all students take the same assessment. See row 15 below for details. ▪ Overall state assessment funding is authorized at \$378 million for each of the fiscal years 2017-2020. If funding levels for state assessment grants go above a statutory trigger amount of \$369,100,000 in a fiscal year, competitive funding could also be available to states. If funding is below \$369,100,000 in a fiscal year, a state may defer the 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Clarifies that states must use the same assessment of English language proficiency statewide.

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
	<p>commencement of, or suspend the administration, but not cease the development of statewide assessments for one year.</p>	
<p>14. Criteria for Assessment Quality</p>	<ul style="list-style-type: none"> ▪ Each of a state's assessments must pass a federal peer review by meeting a number of technical requirements, including among others: <ul style="list-style-type: none"> ▪ Aligned to the state's challenging academic standards (which must be aligned with college entrance requirements for credit bearing coursework without remediation and with state career and technical education standards); ▪ Be valid, reliable, and of adequate technical quality; ▪ Provide information about whether the student is performing at grade level; ▪ "[I]nvolve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding"; ▪ Produce results that can be disaggregated by all of the subgroups in the accountability system as well as three additional groups: homeless children; children in foster care; and students with parents in active duty in the Armed Forces; and ▪ Developed, to the extent practicable, using principles of universal design for learning. 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Clarifies that states' English language proficiency assessments also must pass peer review. ▪ As required in ESSA, defines "universal design for learning," consistent with the definitionⁱ provided in the Higher Education Act of 1965, as amended, and describes a framework for embedding universal design for learning. ▪ Adds "fairness" to validity and reliability as key technical quality criteria.
<p>15. Opportunities for Innovation in Assessment</p>	<ul style="list-style-type: none"> ▪ Under ESSA, states also have several opportunities to pursue innovative assessment designs. At each state's discretion, the annual required assessments may: <ul style="list-style-type: none"> ▪ be "partially delivered in the form of portfolios, projects, or extended performance tasks"; ▪ be a single summative test or a combination of multiple interim assessments; ▪ measure student growth; or 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Makes clear computer-adaptive assessments must produce in part results regarding student academic proficiency for the grade in which a student is enrolled as required under ESSA (even though the test may include items above or below a student's grade level). ▪ Clarifies the limited circumstances in which a state can apply for the waiver for advanced 8th grade math students and the requirements

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
	<ul style="list-style-type: none"> ▪ be administered as computer-adaptive assessments. ▪ As mentioned above, ESSA also provides three exceptions to the general rule that all students in a state must take the same assessment for their grade. <ul style="list-style-type: none"> ▪ States may seek a waiver for 8th graders enrolled in a high school math course to take the end-of-course assessment rather than the state's math assessment for 8th graders. ▪ Districts, with state approval, can use a locally selected, nationally recognized high school assessment in lieu of the statewide high school assessment (note: those assessments must also then be approved via federal peer review as part of the state's assessment system). ▪ States may apply to pilot an innovative assessment system (described above in rows 17-19) that would allow for different assessments for those districts participating in the pilot. 	<p>for securing such a waiver (e.g., assessing >95% of all students; describing strategies to support all students in preparing for advanced math; etc.).</p> <p><u>Locally selected nationally recognized high school assessments:</u></p> <ul style="list-style-type: none"> ▪ Defines "nationally recognized" high school assessments to mean a test given in multiple states that is recognized by institutions of higher education for admission or placement in postsecondary education or training programs. This means that SAT, ACT, PARCC, and Smarter Balance, among others, will likely count as nationally recognized assessments. ▪ Clarifies that an approved district must only administer the nationally recognized assessment (i.e., LEAs cannot offer schools or students a choice of high school assessments within the same district). ▪ Clarifies that a state may decide whether or not to make this option available at all to its districts. ▪ Makes clear that states would need to ensure that the use of appropriate accommodations does not deny a student with a disability or an English learner the opportunity or benefits of participating in the assessment. This could require adjustments to the SAT and ACT, which currently do not allow all accommodations for purposes of college entrance testing.
<p>16. Considerations for Assessing Students with Disabilities and English Learners</p>	<p><i>Students with disabilities</i></p> <ul style="list-style-type: none"> ▪ ESSA requires that students with disabilities participate fully in the statewide assessments (for the grade in which the students are enrolled), with only a limited exception for the students with the most significant cognitive disabilities, who instead may take an alternate assessment up to the 1% cap. 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <p><i>Students with disabilities</i></p> <ul style="list-style-type: none"> ▪ Requires that students with disabilities must be provided with all appropriate accommodations on state-approved assessments and must enjoy the same benefits of participating in those assessments (e.g., college-reportable scores that do not flag whether accommodations were provided to the student).

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
	<p><i>English learners</i></p> <ul style="list-style-type: none"> ▪ ESSA likewise requires that states include English learners in the statewide assessment system, but the law also provides states with flexibility regarding assessing some English learners who are either recently arrived in the United States or not yet sufficiently proficient in English: <ul style="list-style-type: none"> ▪ States may exclude from the annual reading/language arts assessment a recently arrived English learner who has been enrolled in a U.S. school for less than 12 months. ▪ States may assess English learners' knowledge in reading/language arts in a language or form other than English for the first three years the student attends U.S. schools and, on a case-by-case basis, for two more years—if the student has not yet reached a level of English proficiency to yield valid and reliable results. 	<ul style="list-style-type: none"> ▪ Regarding alternate assessments for students with the most significant cognitive disabilities: <ol style="list-style-type: none"> 1. Clarifies there is no 1% cap on districts for alternate assessments, but identifies several requirements for a state waiver if the state is going to exceed the cap (e.g., met 95% participation rate requirement; verified that LEAs assessing more than 1% have followed guidelines and will address any disproportionality issues; developed a state plan to assess below the 1% cap in future years); and 2. Requires states to define "students with the most significant cognitive disabilities" and outlines certain factors that must be reflected in those definitions. <p><i>English learners</i></p> <ul style="list-style-type: none"> ▪ Requires that English learners must also be provided with all appropriate accommodations on state-approved assessments and must enjoy the same benefits of participating in those assessments (e.g., college-reportable scores that do not flag whether accommodations were provided to the student). ▪ Requires states to make every effort to translate statewide assessments into native languages present "to a significant effect" in the state, a standard that must at minimum include the state's most common language other than English. ▪ Clarifies that the statutory exceptions that apply to reading/language arts do not also apply to assessing English learners in math and science.
INNOVATIVE ASSESSMENT PILOT		
<p>17. Innovative Assessment Demonstration Authority</p>	<ul style="list-style-type: none"> ▪ ESSA includes a new demonstration authority ("pilot") under which an SEA or consortium of SEAs may implement an innovative assessment model initially in a subset of local education agencies (LEAs) and use it for accountability in lieu of the statewide assessments, with the goal of scaling 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Clarifies that an innovative assessment can be administered also in a subset of schools not just a subset of LEAs, and that the innovative assessment system and a subset of grades and subjects.

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
	<p>“statewide” over time.</p> <ul style="list-style-type: none"> ▪ Much of this could be done under a state's current assessment system. However, this authority is needed if a state does not want to also continue use of its statewide assessment for all students in the LEAs participating in the pilot for accountability and reporting purposes – minimizing double testing. ▪ An innovative assessment system may include: competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance-based assessments that combine into an annual summative determination for a student, which may be administered through computer adaptive assessments. ▪ States may use their state assessment grants toward a pilot if approved. <u>No new funding for the pilot currently exists beyond those funds.</u> 	<ul style="list-style-type: none"> ▪ However, these states may receive technical assistance from USED and its external partners in preparation for a future application. ▪ Clarifies that the innovative assessment system will need to be peer-reviewed prior to being able to be scaled statewide (in addition to the peer review process held prior to the awarding of demonstration authority).
<p>18. Timeline for Demonstration Authority</p>	<ul style="list-style-type: none"> ▪ ESSA allows up to 7 SEAs individually or as part of a consortia (of not more than four SEAs) the authority to establish a pilot during the first three years (the authority can be expanded to additional states once a report on the initial demonstration authority is completed by the Institute of Education Sciences). ▪ The demonstration authority can be provided for up to five years with a possible two year extension (and an additional waiver period) if SEA(s) can demonstrate that it has a plan for, and capacity to, transition to statewide use of its innovative assessment system at the end of the extension period. 	<p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Requires all states to use the innovative assessment system for accountability and reporting purposes in each year of the demonstration authority in each participating school – in addition to, or instead of, the regular statewide academic assessment meaning a planning year is not permitted after beginning the pilot. ▪ Clarifies that a state can be "affiliated" with a consortium, but not participate in the pilot or count toward the consortium size. ▪ Clarifies the requirements that SEA(s) must meet to receive a two-year extension or additional waiver, including demonstrating that they have a high-quality plan to transition statewide and the capacity to do so. ▪ Clarifies the reasons that the Secretary may withdraw a state's authority for the pilot, and makes clear that if authority is withdrawn for one or more states in a consortium, the rest of the consortium

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
<p>19. Demonstration Authority Requirements</p>	<ul style="list-style-type: none"> ▪ An SEA or consortium of SEAs must demonstrate that the innovative assessment system will: <ul style="list-style-type: none"> ▪ Meet all of the same requirements for state assessments regarding assessment <i>quality</i>; ▪ Be aligned to the state challenging academic content standards; ▪ Be developed with stakeholders; ▪ Generate valid, reliable, and comparable results for all students and each subgroup; ▪ Be accessible to all students; ▪ Identify which students are not making progress toward meeting state standards; ▪ Measure annual progress of no less than the same percentage of students assessed under statewide academic assessments; and ▪ Allow the SEA to use the innovative assessment system for accountability and reporting purposes; among other factors. ▪ An SEA or consortium of SEAs must also describe how they will: <ul style="list-style-type: none"> ▪ Continue use of statewide academic assessments if they will be used for accountability purposes during the pilot; ▪ Scale the system to additional LEAs or statewide; ▪ Provide professional development to LEA and school staff; ▪ Provide students instructional supports; ▪ Gather data, solicit regular feedback, assess results, and respond by making changes to the innovative assessment system; and 	<p>may continue if it can provide evidence of meeting all statutory and regulatory requirements.</p> <p>The proposed regulations affirm statute and clarify or add the following requirements:</p> <ul style="list-style-type: none"> ▪ Clarifies that states must demonstrate comparability annually during the demonstration authority, using one of three methodsⁱⁱ or an equally rigorous and valid method proposed by the state. ▪ Establishes proposed selection criteria for SEAs or a consortium of SEAs based in part on the following: <ul style="list-style-type: none"> ▪ Project Narrative (on the quality of the state's or consortium's plan for implementing the pilot); ▪ Prior Experience, Capacity, and Stakeholder Support; ▪ Timeline and Budget (including the ability to scale statewide); ▪ Supports for Educators and Students; and ▪ Evaluation and Continuous Improvement. ▪ Clarifies that the pilot must provide appropriate accommodations for relevant students and must, as appropriate, incorporate the principles of universal design for learning. ▪ Clarifies that a consortium of states must provide a description of the governance structure of the consortium, including the roles and responsibilities of each member (which may include a description of affiliate members not applying for the authority). ▪ Requires states to measure annual progress of at least 95 percent of all students and 95 percent of students in each subgroup.

Priority Areas	ESSA Statutory Requirements (Accountability, School Improvement, Data Reporting & Assessments)	Key Proposed Regulations
	<ul style="list-style-type: none"> ▪ Hold all participating LEAs responsible for meeting state expectations for student achievement, among other requirements. 	

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ⁱ Universal design for learning is defined in the Higher Education Act of 1965, as amended, as "a scientifically valid framework for guiding educational practice that-- (A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and (B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient."

ⁱⁱ The three options are to: (1) administer at least once in every grade span (e.g. 3-5, 6-8, or 9-12) assessments to all students from both the innovative and statewide assessment system for any subject for which there is an innovative assessment (note a student would not need to take both tests in the same school year); (2) administer at least once in every grade span (e.g. 3-5, 6-8, or 9-12) assessments to a representative sample of students and subgroups of students from both the innovative and statewide assessment system for any subject for which there is an innovative assessment (note all students in the sample would need to take both tests in the same school year); and (3) include a significant portion of common test items on both the innovative and statewide assessment.