



THE EVERY STUDENT SUCCEEDS ACT:

Implications for Equity in Ohio

April 2016

The Every Student Succeeds Act (ESSA) is legislation that rewrites the *Elementary and Secondary Education Act* and replaces the *No Child Left Behind Act* (NCLB). The new law represents new opportunities for shaping education policy and recasts the federal, state, and local roles in ensuring educational equity. **Input and support from a broad and politically inclusive set of stakeholders is critical to the successful development, implementation, and ultimate sustainability of ESSA in the states.**


ESSA represents a shift in roles and responsibilities through a redistribution of centralized control toward more localized input and planning. The law's increased flexibility poses significant risks for communities where

there is little engagement or political will to make meaningful improvements on behalf of underserved students and schools. However, it also presents great opportunities for state-based civil rights and equity communities and local education leaders to develop and strengthen a comprehensive system of accountability and improvement based on local context and with support from local stakeholders: **civil rights organizations, family and community groups, teachers and educator groups, organized labor and education personnel, researchers and advocacy organizations, elected officials, student groups, teacher educators and others from higher education, school boards, and the business community.**

Broadly speaking, in collaboration with stakeholders, states and districts will be required to:

- **set long-term goals for their schools and students**, including student achievement and rates of high school graduation;
- **measure performance and progress** via indicators based on student performance, growth, English language proficiency, and through an additional indicator (or indicators) of school and/or student success;
- **identify schools in need of additional support** based on the above indicators for all students and by subgroup;
- **write plans for intervention** in schools with the lowest performance and the highest need; and
- **determine how funds will be distributed and effectively used** to support these interventions and supports.

The law also includes some key shifts in how states and districts will address early education, English language proficiency, educator equity, and at-risk students. For more in-depth information about these and other requirements and opportunities within ESSA, please refer to the list of referenced resources from the Partners *for* Network on the last page of this document.

Throughout this document, **new requirements and opportunities for potential decision points within ESSA are indicated with an arrow:**  Each of these potential decision points represents an opportunity for Ohio to design and implement an effective and equitable education system to best meet the needs of all Ohio students. The document also presents an analysis of Ohio's current system and considerations for **moving forward**. Explicit provisions in the new federal law outlining stakeholder engagement are included in Appendix A.

The Development of ESEA, in Brief:

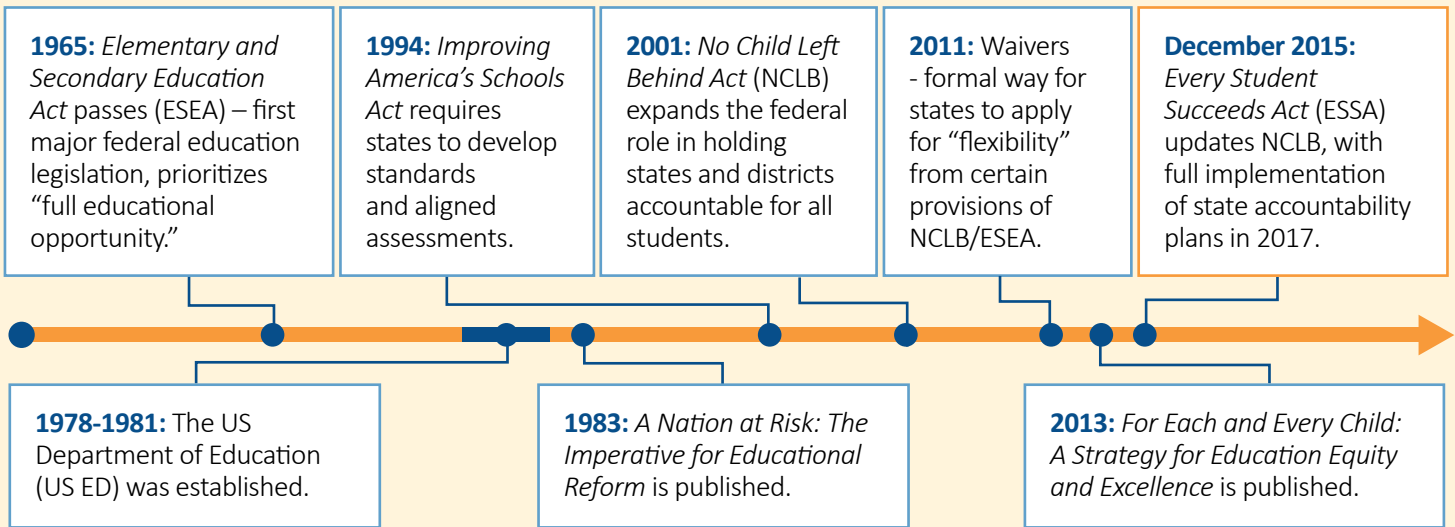


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Goals for Student Achievement

NCLB: A federally set goal of 100% “proficiency” in math and English language arts (ELA) by 2014. States determine annual targets to get there.

Waivers: States set annual goals that either:

- reduce by half the percentage of students who are not proficient within 6 years;
- are set in annual equal increments toward the goal of having 100 % proficiency by 2020; or
- are ambitious but achievable and must be approved by the US Department of Education (US ED).

PDP **ESSA:** States must set long-term goals for student achievement with measurements of interim progress.

Currently in OH: OH’s Race to the Top (RttT) strategy outlines long-term goals for academic achievement and progress, K-3 literacy, and closing achievement gaps, achievable by 2020:

- Reduce performance gaps by 50%
- Reduce the gap between OH and best-performing states by 50%

Moving Forward: OH will need to align these goals with ESSA, and engage with **OH stakeholders** around this decision point.

Goals for High School Graduation Rates

NCLB: States must set a long-term high school graduation rate goal and annual targets for meeting that long-term goal that are “continuous and substantial” (as defined in federal regulation).

Waiver: Same as NCLB.

ESSA: States must set a long-term goal for 4-year high school graduation rates with measurements of interim progress.

In addition, states **may** set goals for extended-year high school graduation rates, but those goals must be higher than the 4-year graduation rate goal.

Currently in OH: OH’s RttT strategy outlines long-term goals for 4-year graduation rate, achievable by 2020:

- Increase graduation rate by 0.5% each year
- Reduce graduation rate gaps by 5%
- Increase the number of students who graduate from high school remediation-free for college and career readiness

OH already measures a 5-year graduation rate.

Moving Forward: OH will need to ensure that its graduation goals are aligned with ESSA.

Accountability Indicators

NCLB: For elementary and middle schools, states must:

- administer annual assessments (grades 3-8, in math and ELA); and
- include 1 indicator selected by the state.


For high schools, states must:

- administer annual assessments (at least once, in math and ELA); and
- track graduation rates.


Waivers: Multiple indicators are permitted.

ESSA: For elementary and middle and high schools, states:

- must administer annual assessments in specified grades and subjects (see "Assessment" on page 10 for more detail); and

-  • **may** include a "measure of student growth" or other academic indicator that allows for meaningful differentiation among student groups.

For high schools, states:

-  • must track 4-year graduation rate (states **may** also use an extended-year graduation rate).

Currently in OH: OH uses multiple measures using:

- annual assessments in ELA, math, science, and social studies for grades 3-8, and ELA and math for 10th grade;
- Value-Added Measure (VAM) in ELA/math (all students and students with disability, gifted, and bottom 20%);
- progress in closing achievement gaps in ELA/math;
- high school graduation (4 and 5-year); and
- "Prepared for Success" indicator (participation rates in AP, IB, college admission tests, and achievement of industry credentials).



Moving Forward: OH must ensure that its academic indicators carry substantial weight as decisions about additional indicators are considered (see below) within its accountability system.


Additional Accountability Indicators

NCLB: N/A

Waivers: Multiple indicators are permitted.

ESSA: For all schools, states must:

-  • include annual English language (EL) proficiency rates; and
-  • include at least 1 additional indicator of school quality or success that allows for meaningful differentiation among student groups (e.g., school discipline, chronic absenteeism).

-  Note: states may include **more than one** additional indicator of school quality or success so long as that indicator is measured for all students and subgroups.

Moving Forward: OH should further consider:

- how schools and districts will measure and report EL proficiency for elementary, middle, and high school;
- using "Prepared for Success" as the additional indicator of school quality or success; and
- adding indicators of chronic absenteeism and/or school climate.

OH will also need to determine appropriate weights for all indicators, with academic indicators receiving "substantial weight" individually, and collectively making up a "much greater weight" than the additional indicator(s) of school quality or student success.

This provides an opportunity for OH to collaborate with **OH stakeholders** to design and implement these new considerations.

Report Cards and Data Reporting

NCLB: Annual state and district report cards are required, including:




- performance on academic assessments;
- graduation rates;
- an additional indicator for all students; and
- information on teacher qualifications.

All data must be disaggregated by subgroup.

Waivers: Annual state and district report cards are required.

ESSA: Annual state and district report cards are required and must include information on:

1. State’s accountability system, including:

-  long-term goals, measures of interim progress for all students and subgroups, on all accountability indicators;
-  minimum number of students for subgroups (N-size); and
-  a system for meaningfully differentiating schools, including schools identified for *Comprehensive Support & Improvement* and respective exit criteria.

2. Performance on annual assessments (ELA, mathematics, and science):

Performance of all students and subgroups disaggregated by: economic disadvantage; each major racial and ethnic group; gender; disability, English language learner (ELL) and migrant status; homeless; foster care; and military-connection.

3. Educator Equity: Equitable distribution of teachers (and potentially school leaders). See page 11, “*Educator Equity*,” for more information.

4. Civil Rights Data: e.g., bullying and harassment.

5. Early Childhood Data: % students enrolled in preschool programs.

Currently in OH: OH’s annual School Report Cards align to its progress goals and measures of its accountability system (i.e. Achievement, Progress, Gap Closing, Graduation Rate, K-3 Literacy and Prepared for Success), as well as data on finance and gifted/talented students. Schools and districts are given an A-F grade for each component.

OH also has report cards on career tech and community (charter) dropout prevention and recovery schools.

Note: as part of OH’s Safe Harbor (effective July 2015), school report cards will not include an overall letter grade and consequences have been limited or eliminated for state tests until 2018 (data from SY 2017-18) in an effort to allow for the transition to the recently adopted new tests.

Moving Forward: The breadth and depth of reporting for ESSA (e.g., educator equity, early childhood and civil rights) is not currently included as part of OH’s report card framework, but should be built out as part of the report card roll out process.

OH will also be required to determine N-size, to show how the number is statistically sound, and collaborate with **OH stakeholders** (e.g., teachers, principals, other school leaders, and parents) in determining the minimum number.

Finally, state report cards must be presented in an understandable and uniform format that is developed in consultation with **parent and family stakeholders**, and in a language parents and families can understand.

Schools Identified for Comprehensive Reform Based on Performance of All Students

NCLB: No requirement for states to differentiate between schools based on degrees of improved performance or levels of need.

ESSA: States must identify schools for *Comprehensive Support & Improvement*, at least once every 3 years:

Currently in OH: *Priority* schools fall in the following categories:

- lowest 5% of Title I schools based on academic proficiency and lack of progress across all students; OR,

Schools Identified for Comprehensive Reform Based on *Performance of All Students - Cont'd*

Waivers: States must classify the lowest performing 5% of Title I schools as *Priority* schools.

States must classify Title I high schools with a graduation rate below 60% as *Priority* or *Focus* schools.

- the lowest performing 5% of Title I schools; and
- all high schools with a graduation rate at or below 67%.



Note: Schools that are consistently underperforming over a period of time, and that fail to achieve state determined “**exit criteria**,” must be reclassified by the state as *Comprehensive Support & Improvement* schools.

- Title I high schools with a graduation rate less than 60%; OR,
- SIG schools implementing a school intervention model; OR,
- schools with an overall grade of “F” for 3 consecutive years.

Watch schools fall in the following categories:

- Title I schools with a “D” or “F” for 2 consecutive years; OR
- any school that does not show satisfactory progress and achievement as outlined by the state.

Moving Forward: OH will have to reclassify schools identified for support and improvement in different ways based on all of the annual accountability indicators, disaggregated by subgroup.

For each *Comprehensive* school identified by the state, each district, **in partnership with stakeholders**, should locally develop and implement a *Comprehensive Support & Improvement* plan for the school to improve student outcomes. Plans must be approved by the school, district, and state, and must include evidence-based interventions, a school-level needs assessment, and an identification of resource inequities – all areas of opportunity for **OH stakeholder engagement**.

Schools Identified for Targeted Reform Based on *Subgroup Performance*

NCLB: Any school that misses a performance target for any subgroup for 2 or more consecutive years is identified for improvement.

Waivers: States must classify 10% of Title I schools with the largest achievement gaps as *Focus* schools.

ESSA: States must identify, annually, any school with a subgroup of students that is consistently underperforming based on all of the indicators in the state accountability system for *Targeted Support & Improvement*.

States must also identify schools where the performance of **any subgroup of students is below the level used to identify schools for the bottom 5%** in the state for

Currently in OH: *Focus* schools are determined in the following ways:

- Pool of schools determined equivalent to 10% of Title I schools;
- Schools that have subgroup(s) with low achievement are identified and included;
- Schools that have subgroup (s) with a low graduation rate are identified and included.

Subgroup achievement and graduation rates are based on a 3-year timeline, and the N-size used for subgroups is 30.

Schools Identified for Targeted Reform Based on Subgroup Performance - Continued

PDP *Additional Targeted Support & Improvement.* If these schools fail to meet “**exit criteria**,” (state-defined and for a state-determined period of time) they will be reclassified as *Comprehensive* schools.

Moving Forward: Each *Targeted* and *Additional Targeted* school should develop and implement school-level plans **in partnership with stakeholders**. Plans must be approved by the district, include evidence-based interventions, and identify resource inequities – areas of opportunity for **OH stakeholder engagement**.

Interventions and Supports for Struggling Schools

NCLB: Interventions escalate based on the number of years a school is identified for improvement. Interventions include:

- public school choice;
- supplemental educational services (e.g., tutoring);
- corrective action; and
- restructuring.

Waivers: *Priority* schools must implement comprehensive interventions that incorporate seven turnaround principles:

- strong leadership;
- effective teaching;
- redesigning school time;
- strengthening instructional program;
- using data to strengthen instruction;
- strengthening school climate; and
- family and community engagement.

Focus schools must implement interventions determined by the school district.

ESSA: 1. Comprehensive Support & Improvement Schools

States identify; districts write and submit plans; the state monitors. States intervene after no more than 4 consecutive years. District plans must:

- be informed by accountability indicators;
- be evidence-based;
- be based on a school-level needs assessment;
- be approved by the school, district, and state;
- be monitored and periodically reviewed by the state; and
- identify resource inequities to be addressed.

2. Targeted Support & Improvement Schools:

Districts identify; schools write and submit plans. States and districts have to take more-aggressive action in schools where subgroups are “consistently underperforming,” despite local interventions. School plans must:

- be informed by accountability indicators;

Currently in OH: Only *Priority* and *Focus* schools have needed to implement “research-based improvement strategies” that support early literacy in elementary school, and college and career readiness and planning for middle and high schools.

A *Priority* school that does not show compliance or progress is put on probationary status. Possible consequences include withholding of Title I and/or SIG funds, replacement of the principal, or providing justification that the principal can lead an effective turnaround process (non-SIG only).

Focus and *Watch* schools must submit an improvement plan to the state outlining plans for closing subgroup gaps.

OH also requires that districts with *Priority* schools create District Improvement Plans.

Moving Forward: OH should align *Priority* and *Focus* school interventions and supports with those required for ESSA's *Comprehensive*, *Targeted*, and *Additional Targeted* schools. (See pages 5-6 for more information about how these schools must be identified.)

ESSA also only requires districts to submit improvement plans for their *Comprehensive* schools, without specific implications for district level changes. OH's existing differentiated intervention guidance and support system for districts could serve as an important capacity-building infrastructure that strengthens OH's approach to continuous improvement.

Interventions and Supports for Struggling Schools - *Continued*

- be evidence-based;
- be approved and monitored by the district; and
- result in additional action for underperformance over a period of time determined by the district.

3. Additional Targeted Support Schools:

Districts identify schools. Schools must submit plans. Failure to meet **"exit criteria"** results in reclassification by the state as *Comprehensive*. Plans have same criteria as *Targeted*, and must **identify and address resource inequities**.

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In addition, OH's strategies for *Priority* school interventions can provide a local body of evidence to inform all school and district interventions under ESSA, which must be "research-based."

The state and districts must locally develop plans for interventions and supports for *Comprehensive*, *Targeted*, and *Additional Targeted* schools in consultation with **OH stakeholders**.

Intervention Timeline

NCLB: Schools must meet increasingly rigorous targets each year or implement interventions that escalate annually toward 100% proficiency in 2014.

Waivers: *Priority* schools must implement interventions for at least 3 years.

States set criteria to enable schools to exit *Priority* status.

ESSA: *Comprehensive Support & Improvement* schools have 4 years to meet state-set criteria that allow them to exit the *Comprehensive* intervention status. If they do not meet these criteria, they must implement more rigorous **state-determined interventions**, which may include school-level operations.

Any school with a subgroup performing at the level of the lowest-performing 5% of all Title I-receiving schools and implementing *Targeted* interventions must reach state-set **"exit criteria"** by a state-set **time period** or the school will be identified for *Comprehensive Support & Improvement*.

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Currently in OH: Schools exit *Priority* status when they are no longer in the bottom 5% of combined ELA/math proficiency, or have a high school graduation rate over 60%.

Schools that fail to meet exit criteria after 3 years are subject to sanctions, including corrective action plans, withholding of payments, or an Academic Distress Commission to manage, restructure, and/or close schools. Schools exit *Focus* status when they demonstrate subgroup(s) improvement.

Moving Forward: OH's current 3-year intervention timeline for *Priority* schools is consistent with its waiver (not valid after July 2016). The reclassification scheme under ESSA provides for a 4-year timeline to meet state-set intervention criteria.

Building awareness of the new timeline and determining the appropriate interventions for the highest need schools are both areas of opportunity for **stakeholder engagement** in OH.

School Improvement Funding

NCLB: A separate federal funding stream is authorized for school improvement. States are required to implement specific intervention models to receive funding.

Waivers: States can be eligible for *School Improvement Grants (SIG)* to support school improvement activity.



ESSA: States must use 7% of Title I allocations for school improvement activities.

States **may** use 3% of Title I allocations for “direct student services,” in consultation with districts, including:

- Advanced Placement, International Baccalaureate, and other advanced course work;
- career and technical education that leads to an industry-recognized credential;
- credit recovery programs; personalized learning; and
- transportation from *Comprehensive Support & Improvement* schools to higher performing schools.

Currently in OH: Districts with *Priority*, *Focus*, and/or *Watch* schools are required to prioritize resource allocation of their 20% set-aside of Title I dollars to fund additional targeted interventions and supports for those schools.

Those funds can support:

- supplemental instruction for PreK-3 literacy;
- supplemental services to improve the building or district lowest report card grade component;
- supplemental services to build capacity to implement dropout prevention strategies;
- services to improve college and career readiness; expanded learning time opportunities focused on improving literacy; and/or
- district-wide teacher professional development on the above activities.

Moving Forward: In order to receive ESSA’s school improvement resources, the state and districts must develop implementation plans with input from **OH stakeholders**. Another opportunity to use school improvement resources, outside of Title I, is through the use of Title II professional learning funds to support teacher and staff development in high-poverty schools.

Standards

NCLB: States must adopt challenging academic standards.

Waivers: States must adopt federally-approved college and career ready standards.

ESSA: States must demonstrate that their challenging academic standards are aligned with entry-level course requirements in the state’s public system of higher education and the state’s career and technical education standards.

Note: The US Secretary of Education cannot mandate, direct, control, coerce, or exercise any direction or supervision over standards adopted or implemented by the state.

Currently in OH: OH’s current PreK-12 college and career ready standards (Ohio Learning Standards) are already aligned to the OH Board of Regents’ College Readiness Expectations, which inform the statewide guaranteed credit transfer system and the higher education placement policy.

Note: OH is currently working on revisions to the Ohio Learning Standards with **feedback from stakeholders** throughout the state. These revisions are expected to be implemented for ELA/math in 2017-18.

Moving Forward: OH will need to demonstrate that the Ohio Learning Standards are “challenging” under the new law.

Assessment

NCLB: States must assess at least 95% of all students annually in grades 3-8, and at least once in high school, in math and ELA.

Waivers: States must assess at least 95% of all students annually in grades 3-8, and at least once in high school, in math and English language arts.

Innovative assessments allowed on a limited basis.

ESSA: States **must** assess at least 95% of all students annually in grades 3-8, and at least once in high school, in math and ELA, with science assessments required at least once in each grade span (3-5; 6-9; 10-12).

PDP States **may** use an alternate assessment to assess up to 1% of students with the most significant cognitive disabilities in each grade level and subject (approximately 10% of all students in special education).

Currently in OH: The new Ohio State Tests are administered in grades 3-8 and once in high school (ELA/math), as well as end-of-course tests in American history and government (high school). Beginning with the class of 2018, high school assessments will all be subject specific, end-of-course tests.

All kindergarten students take the Kindergarten Readiness Assessment. OH does offer an alternate assessment for students with significant cognitive disabilities.

Moving Forward: OH will need to ensure at least 95% participation and will need to ensure compliance with the percentage of students participating in the alternative assessment.

Assessment: Flexibility and Innovations

NCLB: N/A

Waivers: N/A

PDP **ESSA:** States **may** use:

- computer adaptive assessments that include items above or below students' grade level;
- interim assessments that result in a single summative score; and/or
- complementary assessments that use projects, portfolios, and extended performance tasks.

PDP In high schools, districts **may** implement nationally recognized assessments that meet state and federal technical standards, approved by "peer review" and the state.

Innovative Assessment/Accountability pilot criteria:

- PDP** • Participating states **may** pursue a variety of innovations, e.g., entirely performance- or competency-based.
- PDP** • Participants **may** begin with a subset of districts, but the system must eventually apply statewide.

Currently in OH: OH has two pilot assessments from its 2012 waiver: performance based assessments (PBAs) and formative assessments. The PBA pilot includes workshops on developing, implementing, and scoring performance based assessments. The formative assessment pilot (2011-14) creates a portfolio of assessment strategies and practices available to other districts as part of OH's Model Curriculum.

Moving Forward: OH is in an ideal position to take part in the *Innovative Assessment/Accountability Pilot*. The state will need to determine if it will focus on a subset of districts (i.e., those that have been part of the Innovation Lab Network), apply for the state as a whole, or join with a consortia of states.

If OH does apply for the pilot, the design and implementation plans should be developed in consultation with **OH stakeholders representing students with disabilities, ELLs, and other vulnerable children**. OH will need to specify how parents can learn about the system at the beginning of each year of implementation, and engage and support teachers in developing and scoring assessments that are part of the innovative assessment system.

Assessment: Flexibility and Innovations - *Continued*

PDP Assessment Audit Grants are available for states to audit the number and quality of assessments statewide and by district; and provide district subgrants to improve assessment systems and capacity to use results to improve teaching and learning.

Educator Equity

NCLB: States must define Highly Qualified Teachers (HQT) and ensure their equitable distribution.

States must develop plans describing how they will identify and address any disparities that result in poor and minority students being taught by ineffective, inexperienced, unqualified, or out-of-field teachers at higher rates than other students.

Waivers: Same as NCLB.

ESSA: States no longer need to define and track HQTs, but maintains that states develop, report and share plans describing how they will identify and address educator equity disparities that result in poor and minority students being taught by ineffective, inexperienced, unqualified, or out-of-field teachers at higher rates than other students.

PDP States must collect and publicly report data on these disparities and describe the metrics used to determine the disparities.

States must also report on, where available, the annual retention rates of effective and ineffective teachers, principals, and other school leaders.

PDP States *may* use federal professional development funds to increase access to effective teachers for students from low-income families and students of color.

PDP Districts must describe how they will identify and address educator equity, and must have mechanisms to notify parents regarding the professional qualifications of their child's teacher.

Currently in OH: ODE's Workforce Strength Index (WSI) is an annual progress measure (beginning in 2015-16) for individual schools and district, that:

- combines 5 measures of teachers and principals that together, have strong correlation to student performance, e.g. qualifications and effectiveness of educators, and how well educator placements match teacher qualifications with course subject, grade levels, and the needs of particular student populations; and
- allows for comparison across schools and districts, specifically around distribution of effective teachers disaggregated by high need subgroups.

Currently, the WSI is intended to drive strategic human resources assessment and planning at district and school levels.

Moving Forward: Broader public reporting to community groups and stakeholders through school/district report cards might also strengthen stakeholder engagement efforts and provide regular feedback on educator equity interventions.

Additionally, Title II funding allocations, which are specifically meant to support preparing, training, and recruiting high-quality teachers and principals, require state and local districts to work with **OH stakeholders** (e.g., teachers, school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, parents, and community partners) to assess, develop, and refine strategies to meet the state's goals around quality teachers and school leaders.

Teacher and Leader Evaluation Systems

NCLB: States are not required to have teacher and leader evaluation systems.

Waivers: States are required to have and/or reform teacher and leader evaluation systems.



ESSA: States are not required to have teacher and leader evaluation systems.

States **may** use federal professional development funds and *Teacher and School Leader Incentive Fund* competitive grants to implement teacher and leader evaluation systems based on student achievement, growth, and multiple measures of performance, and to inform professional development.

Currently in OH: As required by HB 153, the State Board of Education adopted the framework for the Ohio Teacher Evaluation System (OTES), which is based on multiple measures including performance and growth. The system, and a companion evaluation system for principals, have been in development & piloted since then. ODE expected full implementation of OTES in the 2015-16 school year.

Moving Forward: OH may decide to use federal professional development funds and/or *Teacher and School Leader Incentive Fund* grant funds to support the ongoing implementation of its system, and to continue to inform professional development.

These decisions are important opportunities for **OH stakeholder engagement**.

Early Childhood Education

NCLB: Targeted resources are available for early childhood education. Services for children birth to school entry are an allowable use of Title I and Title II funds if districts choose to use funds in that way.

Waivers: Through a competitive process jointly administered by US ED and Health and Human Services (HHS), the *Race to the Top Early Learning Challenge Grants* provide new funds to states to invest in systems of quality, create and expand high quality opportunities for infants, toddlers and preschoolers, and improve coordination across the early childhood system.

Preschool Development grants are funded through annual appropriations (outside of NCLB structure).



ESSA: New authorization created for a *Preschool Development Grant (PDG)* program: Authorized at \$250M for FYs 2017-20. *PDG* is administered by HHS jointly with US ED.

Funds can be used to develop, update, or implement a plan to increase collaboration or coordination among existing early childhood programs and participation of children from low-income families in high quality early childhood programs

Secretaries of HHS and US ED are restricted from prescribing early learning development guidelines, standards, specific assessments, and specific measures or indicators of quality early learning and care.

Currently in OH: OH's Early Childhood Development System is an interagency collaborative effort of the Ohio Departments of Education, Job and Family Services, Health, Mental Health, Developmental Disabilities, the Early Childhood Advisory Council, and the Ohio State Board of Education.

Moving Forward: OH school districts will need to determine if they plan to use Title I funds for early childhood education. If so, their plans must develop and describe the district strategy to support participating students' transition to local elementary schools.

Title I allocation, especially focused on early learning transitions, can further strengthen OH's Third Grade Reading Guarantee program to make sure students are on track for reading success by the end of third grade.

These decisions should be made with engagement of **OH stakeholders**, especially local early childhood and childcare experts.

Early Childhood Education - *Continued*

ESSA's provisions aim to promote:

- early learning coordination within communities;
- greater alignment with the early elementary grades; and
- early childhood education focused on capacity building for teachers, leaders, and other staff serving young children.

PDP The new legislation includes a birth to 12th grade literacy initiative, and also includes early childhood as a component of education and interventions for Native American and Alaskan Native students, dual language learners, and children experiencing homelessness.

English Language Learners

NCLB: ELLs are not a reported subgroup within the Title I accountability provisions.

Title III funds and programs are to “ensure that Limited English Proficient (LEP) students attain EL proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and student academic achievement standards as all children are expected to meet.”

States have flexibility to define the LEP/ELL subgroup, as well as standards of EL proficiency and must annually assess and report on student performance on EL proficiency for ELLs.

ESSA: Accountability for ELLs is shifted to Title I, which increases funding opportunities and visibility for ELLs.

States must:

- include EL proficiency as an indicator in their accountability systems;
- annually assess and report EL proficiency, and students who have not attained English proficiency within 5 years of identification as an ELL;
- clarify a standardized process for classifying ELL and re-designating students as EL proficient; and

Currently in OH: OH currently provides guidance for the identification, assessment, and exit criteria for LEP and ELLs.

All students identified as ELLs must take the OH English Language Proficiency Assessment (OELPA), including ELLs with disabilities, and recently arrived.

Moving Forward: ESSA provides an opportunity to standardize and refine school and district practices with regard to identifying and supporting ELLs.

OH will have to measure and report EL proficiency at the elementary, middle, and high school levels and will need to figure out how to incorporate EL proficiency in a more significant and relevant way in its state accountability system.

English Language Learners - Continued

Waivers: Some waivers asked to give ELLs more than 1 year in a US school before integrating their ELA/math scores into Adequate Yearly Progress (AYP).

Note: Most EL testing flexibility requests were denied; Florida was approved to 1) count ELLs after 2 years, and 2) substitute growth on reading assessments for proficiency.

PDP States have two options regarding timing for testing ELLs:

- disaggregate ELLs with a disability from ELLs in general.
- Include test scores after they have been in the country 1 year (consistent with current law); OR
- Refrain from counting ELL's test scores in a school's rating in their first year, but require ELLs to take both math and ELA assessments and publicly report the results.

ESSA's explicit accountability focus on ELLs provides an opportunity for the state and local districts to work with and learn from **OH stakeholders** (e.g., EL teachers and administrators and families of ELLs). Their guidance will be instrumental to clarifying a process for identifying, classifying, and redesignating ELLs; and ensuring that OH provides sufficient resources to data infrastructure, student supports, and capacity building efforts.

Note: The data collected through ODE's Lau Resource Center might provide the basis for an analysis of Ohio's LEP/ELL trends and the capacity needs of Districts and schools, e.g., data systems, training, and professional development needed to ensure appropriate identification, assessment and instruction of LEP/ELLs.

At-Risk Students

NCLB: NCLB establishes the High School Graduation Initiative (HSGI) – the only program dedicated to dropout prevention and recovery.

States allowed to use extended year graduation rates for accountability purposes.

Waivers: HSGI is maintained under waivers.

States are allowed to use extended year graduation rates for accountability purposes.

PDP **ESSA:** HSGI is eliminated, but states **may** use an extended year graduation rate for accountability.

PDP A new funding program, the *Student Support and Academic Enrichment Grant*, may be used for dropout prevention and activities supporting a well-rounded education, improving school conditions, and digital literacy.

These grants allow states to:

- set-aside 3% of Title I funds for direct student services, provided by districts or partnerships, that may include accelerated credit recovery, rigorous coursework including early college high schools, dual enrollment, AP/IB; and/or

Currently in OH: The *Dropout Prevention and Recovery* program allows at-risk students to complete a competency-based instructional program rather than the OH core curriculum. Dropout recovery charter schools serve ~13,000+ students who have dropped out or are at risk of dropping out.

Early Warning System: Districts must identify students at risk of dropping out and develop success plan/advising for those students.

Moving Forward: OH has the opportunity to take advantage of the *Student Support and Academic Enrichment Grant* program, and would need to determine which student supports to implement with this new funding. These decisions should be made in consultation with local **OH stakeholders**.

At-Risk Students - Continued

- create an alternative school intervention and support process for “alternative” high schools in the bottom 5% of schools or in “dropout factories,” if the schools serve large portions of at-risk students and students who have dropped out.

Funding

NCLB: States and local school districts receive more federal funding than ever before for all programs. A large portion of these funds are provided through grants under Title I awarded to states and local education agencies to help states and school districts improve the education of disadvantaged students; turn around low-performing schools; improve teacher quality; and increase choices for parents.

The grant formula includes a 65% weight on poverty.

Waivers: Like NCLB, states are required to “supplement not supplant” federal funds for support. States are also required to follow Maintenance of Effort (MOE) provisions that requires them to maintain “fiscal effort” to districts.

Title II funding formula places a 65% weight on poverty.

ESSA: The new law includes some funding provisions and a new *Weighted Student Funding (WSF)* pilot. Provisions include:

- States and districts no longer have to show that their use of ESSA funds does not supplant state or local funding for the activity or program.
- Maintenance of Effort requirements for K-12 remain in place.
- Under NCLB, schoolwide programs were only allowed in schools with 40% poverty and above, ESSA allows higher-income schools to operate Title I programs for all students.
- The Title II formula shifts to a more significant weight on poverty (80% of the formula by 2020).
- **WSF pilot:** 50 school districts to continuously improve school finance systems, with evaluation.

Currently in OH: Districts use a combination of state funds, local sources such as property taxes and federal funds. Specifically:

- State General Revenue Fund (represents the largest source of elementary and secondary education funding)
- Ohio Lottery (profits)
- Tangible Personal Property (TPP) tax (reimbursement payments for lost property tax revenue due to phase out of the tax)
- kWh tax (reimbursement payments for reduction of property tax assessment rates on utility property)
- Property Tax Relief (state pays 10% of locally levied property taxes for residential and agricultural real property owners and an additional 2.5% for homeowners)

The amount of state funds that a district receives is based on a formula that takes into account student enrollment and the property wealth of the district.

Moving Forward: A full assessment should be conducted, with the input and engagement of multiple **OH stakeholder groups**, as to whether applying for the *WSF* pilot is feasible. Districts who apply to participate in the *WSF* pilot should develop their proposals with the input of **OH stakeholders** (e.g., teachers, principals, other school leaders, administrators of federal programs impacted by the agreement, parents, and community leaders).

Rural Schools

NCLB: The Rural Education Achievement Program (REAP) initiatives are designed to help rural districts that may lack the personnel and resources to compete effectively for federal competitive grants and that often receive grant allocations too small to be effective.

The Alternative Uses of Funds Authority is a flexibility provision that allows eligible rural districts to maximize rural grant programs, including the *Small Rural School Achievement Program (SRSA)* and *Rural and Low Income School (RLIS)* funds.

Waivers: N/A

PDP **ESSA:** Spending flexibility of *SRSA*- and *RLIS*-directed funds is expanded to best meet the needs of underperforming students and schools.

These funds can be used to support teacher recruitment and retention, teacher professional development, increasing access to educational technology, family engagement, ELL support, as well as partnerships that increase access to student enrichment, during and after the school day.

Currently in OH: OH received over \$5 million in *SRSA* (\$2.7m) and *RLIS* (\$3.12) funding in 2014-15. Other Initiatives in OH to support rural schools include:

- *Teacher Incentive Fund (TIF)* grant (23 urban, suburban and rural districts, \$59 million for 5-year period 2010-15);
- Ohio Appalachian Collaborative (partnership between rural appalachian districts and Battelle for Kids, districts with *TIF* & *SIG* grants received targeted technical assistance); and
- ODE Urban and Rural Renewal Committee (state board of education advisory committee on interventions/improvements in poor performing schools/districts)

Moving Forward: OH should continue to utilize *SRSA* and *RLIS* funding and now has the opportunity to use these funds for increasing access to student enrichment, which is another opportunity for **OH stakeholder engagement**.

Community/Charter Schools

NCLB: Charter schools are subject to state and district accountability, in accordance with state charter school law.

The charter authorizer is primarily responsible for holding charter schools accountable under Title I, including determining whether individual schools make AYP.

Charter schools must conduct the same reporting and intervention activities (e.g., steps after Program Improvement), and are also eligible to receive Title I funds, specifically for the purpose of carrying out the state and local accountability-related responsibilities, including activities to assist schools identified for improvement responsibilities, including

- PDP**
- ESSA:** All public schools are included in the state’s accountability system, including charter schools. States must:
- establish charter school authorization standards, which may include approving, monitoring and re-approving or revoking the authority of an authorized public chartering agency based on charter school performance in the areas of student achievement, student safety, financial and operational management,
 - and compliance with all applicable statutes and regulations;

Currently in OH: "Community School" (Charter) Authorization Standards include:

- Outlined sponsorship parameters and authorization protocols, including capacity for monitoring, annual reporting of assurances and expenditures, and providing technical assistance.
- If the state board finds that an authorizer is not in compliance or not willing to comply with its contract, there is a hearing to determine next steps. The state might require: 1) the sponsoring authority to submit an improvement plan which must be approved by the state; 2) sponsorship authority may be revoked and the state may assume authorization of the schools for up to 2 years, or until a new sponsor is found.

Community School mandates include:

Community/Charter Schools - Continued

activities to assist schools identified for improvement.

Districts may list charter schools under their jurisdiction that have not been identified for improvement, corrective action, or restructuring as choice options. Similarly, if a charter school is identified for improvement, families must be notified of its status.

Waivers: Charter schools are part of the state’s system of differentiated accountability, recognition, and support, including using college and career ready standards and assessments, applying annual goals and identifying *Reward*, *Priority*, and *Focus* school (and associated interventions).

If a charter school is identified as a *Priority* or a *Focus* school, it may face revocation of its charter by its authorizer.

Charter schools must develop and implement teacher and principal evaluation and support systems consistent with state guidelines and meet all of the elements of the waiver.

- ensure charter school annual reports include academic measures that are part of the state accountability system (4 academic, 1 additional indicator), as well as adjusted 4-year and extended cohort graduation rates, disaggregated by subgroups, including plans for intervention and supports; and
- provide assurance of equitable distribution of effective educators.

- Authorizers must evaluate community schools annually (measuring financial accountability and academic progress according to reasonable standards) and issue a report of the evaluation. Schools that fail to meet contractual requirements, have deficiencies in their financial management or governance, or have physically unsafe conditions for children are subject to suspension and termination.
- HB 66 (passed June 2005) expands accountability requiring reporting of special education and related services.
- HB 2 (passed October 2015) has several detailed changes to increase transparency in how charter schools are managed and operated, and how finances are to be reported.

Moving Forward: OH’s community school authorization and accountability mandates fulfill most of the ESSA requirements, although, like in-district public schools, community schools will now have to report disaggregated academic progress and resource distribution by subgroups, in addition to their current reporting on special education students and ensure equitable distribution of teachers.

Mitigating the Effects of Poverty

NCLB: NCLB transfers administration of the *21st Century Community Learning Centers grant (21st CCLC)* from US ED to states, based on its share of Title I funding for low-income students.

NCLB also narrows the focus of *21st CCLC* from a community learning center model to an afterschool program model.

Services are provided to students attending high-poverty, low-performing schools, including academic enrichment activities; drug and violence prevention programs; counseling programs; art, music, and recreation programs; technology education programs; and character education programs. Literacy and related educational development services are available to families of children who are served in the program.

Waivers: N/A

PDP **ESSA:** Funds include competitive grants for supportive programs, such as *Full-Service Community Schools*, *Promise Neighborhoods* and *21st Century Community Learning Centers*. These grants are intended to expand equitable access to comprehensive student enrichment and supports, including integrated community partnerships and professional development for educators to work effectively with families and communities.

Currently in OH: HB 70 introduces a “community learning center” model as a restructuring option for underperforming schools. While no funding is attached to the bill (passed October 2015), it outlines a process that includes community needs assessments, teacher voice and leadership, and public-private partnerships.

Moving Forward: The lessons from OH’s growing community learning centers movement are integral to developing comprehensive school reform efforts that expand and deepen partnerships with community organizations, public agencies, hospitals, institutes of higher learning, and public sector partners. Specifically, OH’s work highlights the importance of allocating resources to build partnership infrastructure (data systems, staff, professional development, regional and cross-sector collaboratives).

OH’s application for Title IV funding, and its plans to allocate funds to local districts and partnerships will need to emphasize and incentivize greater **collaboration between education decision makers**, including state and local agencies that fund before and after school programs, health and mental health agencies, after-school networks, and **representatives from OH stakeholder groups** (e.g., teachers, districts, and community based organizations).

In addition, competitive grant programs (e.g., *Promise Neighborhoods*, *Full-Service Community Schools*) provide an opportunity for deeper understanding of student, family and community needs, by working directly with **parents, families, and community stakeholders** in the planning and implementation of strategic programs.

**The table above has been adapted with permission from the following organization’s materials: Alliance for Excellent Education (<http://all4ed.org/essa/>); EducationCounsel (<http://educationcounsel.com/?publication=summary-analysis-every-student-succeeds-act>); First Five Years Fund (<http://ffyf.org/resources/>).

APPENDIX A: Stakeholder Engagement in ESSA

The ESSA sections below highlight specific opportunities for engagement with various stakeholders in the state:

Title I, Section 1005 – State Plans

- *Development:* Requirement that to receive grant funds plan must be developed by SEA with timely and meaningful consultation with the Governor, members of the State legislature and the State board of education, LEAs, representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders, specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents
- *Public Comment:* Requirement that each state shall make the State plan publicly available for comment for no less than 30 days. Must be available electronically in an easily accessible format. Must happen before submission of the plan to the Secretary. Assurances must be provided in the plan that this has taken place.
- *Determining ‘N’ size:* States must demonstrate how it determined N size, including how it collaborated with teachers, principals, other school leaders, parents, and other stakeholders when determining the minimum number.
- *Comprehensive Support and Improvement Plans:* For each Comprehensive school identified by the state, and in partnership with stakeholders (i.e., parents, teachers, principals, school leaders) locally develop and implement a Comprehensive plan for the school to improve student outcomes.
- *Targeted Support and Improvement Plans:* For each Targeted school identified by the district, and in partnership with stakeholders (i.e., parents, teachers, principals, school leaders), shall develop and implement school-level Targeted plans.
- *Assurances – Parent/Family Engagement:* Each SEA plan shall include assurances that the SEA will support the collection and dissemination to LEAs and schools of effective parent and family engagement strategies, including those in the parent and family engagement policy under section 1116.
- *State Report Card:* Must be presented in an understandable and uniform format that is developed in consultation with parents, and in a language parents can understand.

Title I, Section 1006 – LEA Plans

- *LEA subgrants:* May only be received by the LEA if it has on file with the SEA an SEA-approved plan that is developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and charter school leaders, administrators, other appropriate school personnel, and with parents of children in schools.
- *LEA plans:* In its plan, each LEA shall describe the strategy it will use to implement effective parent and family engagement under section 1116...how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under section 1115, will identify the eligible children most in need of services under this part.

Title I, Section 1202 – State Option to Conduct Assessment System Audit

- *Application:* Applications for state assessment audit grants must include information on the stakeholder feedback the State will seek in designing the audit.

- *State assessment system audit:* Each State assessment system audit shall include feedback on the system from stakeholders including- how teachers, principals, other school leaders, and administrators use assessment data to improve and differentiate instruction; the timing of release of assessment data; the extent to which assessment data is presented in an accessible and understandable format for all stakeholders.

Title I, Section 1204 – Innovative Assessment and Accountability Demonstration Authority

- *Application:* Applications for innovative assessments must demonstrate that the innovative assessment system will be developed in consultation with stakeholders representing the interests of children with disabilities, English learners, and other vulnerable children; teachers, principals, and other school leaders; LEAs; parents; and civil rights organizations in the State. The application shall also include a description of how the SEA will inform parents about the system at the beginning of each year of implementation, and engage and support teachers in developing and scoring assessments that are part of the innovative assessment system.

Title I, Section 1501 – Flexibility for Equitable Per-Pupil Funding

- *Assurances:* LEAs interested in applying for the weighted student funding flexibility pilot shall include in the application an assurance that the LEA developed and will implement the pilot in consultation with teachers, principals, other school leaders, administrators of Federal programs impacted by the agreement, parents, community leaders, and other relevant stakeholders.

Title II, Section 2101 – Formula Grants to States

- *Application:* Each SEA shall meaningfully consult with teachers, principals, other school leaders, paraprofessionals, specialized instruction support personnel, charter school leaders, parents, community partners, and other organizations or partners with relevant and demonstrated expertise, and seek advice regarding how to best improve the State’s activities to meet the purpose of this title.

Title II, Section 2102 – Subgrants to LEAs

- *Application:* In developing the application LEAs shall meaningfully consult with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, parents, community partners, and other organizations or partners with relevant and demonstrated expertise and seek advice regarding how to best improve the State’s activities to meet the purpose of this title.

Title III, Section 3003 – English Language Acquisition, Language Enhancement, and Academic Achievement

- *Assurances:* SEA and specifically qualified agency plans must provide an assurance that the plan has been developed in consultation with LEAs, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders.

Title III, Section 3115 – Subgrants to Eligible Entities

- *Local Plans:* Local grants must describe how the eligible entity will promote parent, family, and community engagement in the education of English learners and contain assurances that the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education in developing the plan.

Title III, Section 3131 – National Professional Development Project

- *Grant use:* Grants awarded under this section may be used to support strategies that strengthen and increase parent, family and community member engagement in the education of English learners.

Title IV, Section 4106 – LEA Applications

- *Applications:* an LEA, or consortium of LEAs, shall develop its application through consultation with parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community based organizations, local government representatives (including law enforcement, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations, charter school teachers, principals, and other school leaders, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subpart. The LEA or consortium shall engage in continued consultation with the entities described above.

Title IV, Section 4203 – State Application

- *Applications:* SEAs shall submit an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school programs and activities, heads of the State health and mental health agencies or their designees, statewide after-school networks and representatives of teachers, LEAs, and community based organizations and a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application if applicable.

Title IV, Section 4624 – Promise Neighborhoods

- *Application:* Eligible entities desiring a grant under this part must include in their application an analysis of the needs assets of the neighborhood identified including a description of the process through which the needs analysis was produced including a description of how parents, families, and community members were engaged; an explanation of the process the eligible entity will use to establish and maintain family and community engagement including how a representative of the members of such neighborhood will be involved in the planning and implementation of the activities of each award granted; and an explanation of how the eligible entity will continuously evaluate and improve the continuum of high quality pipeline services to provide for continuous program improvement and potential expansion.

Title IV, Section 4625 – Full Service Community Schools

- *Grant awards:* in awarding grants under this subpart, the Secretary shall prioritize eligible entities that are consortiums comprised of a broad representation of stakeholders or consortiums demonstrating a history of effectiveness.

APPENDIX B: Resources for Further Information about ESSA

The following are overviews and analyses of ESSA from Partners *for* Network partners and others who have contributed to the national and local conversations about ESSA implementation. This list is not exhaustive, and will be updated as resources become available. We welcome your input on expanding and revising this list.

The Alliance for Excellent Education (The Alliance) is a nonpartisan policy and advocacy non-profit that focuses on high school transformation and policy implementation recommendations. They have produced valuable summary materials - both print and video - summarizing ESSA's implications for **accountability, assessments, high schools, teachers and school leaders, and Linked Learning**. These materials and more can be found at all4ed.org/essa. The Alliance is part of the Partners *for* advisory group, leading our national issue-based group in governance and accountability.

The American Federation of Teachers (AFT) is a national teachers union that represents 1.6 million members nationwide. AFT resources on ESSA can be found at aft.org/position/every-student-succeeds-act. The AFT is a member of the Partners *for* advisory group focused on teaching, leading and learning.

The Council of Chief State School Officers (CCSSO) is a nonpartisan nonprofit organization of public officials who head departments of elementary and secondary education in the states. CCSSO provides leadership, advocacy, and technical assistance on major educational issues. They have produced several materials, including a [FAQ on ESSA](#), which can be found at ccsso.org/Resources/Programs/Every_Student_Succeeds_Act.html. CCSSO is working with Partners *for* on ESSA implementation efforts in several states.

EducationCounsel (EdCounsel) is an education consulting firm that focuses on policy strategy, research, and implementation at the national level for all students. In December 2015, EdCounsel produced a [Summary Analysis of the Every Student Succeeds Act](#) immediately following the passage of the law, and has since produced an analysis of the Law's [opportunities and risks](#). These and more can be found at educationcounsel.com. EdCounsel is working with Partners *for* on analysis of federal policy, and is part of our advisory group focused on early childhood education.

Education Trust (EdTrust) is a national non-profit advocacy organization that promotes high academic achievement for all students at all levels, particularly for students of color and low-income students. EdTrust has many resources that can be found at edtrust.org/issue/the-every-student-succeeds-act-of-2015/, including an [overview](#) of the law as it relates to Equity.

The National Education Association (NEA) is a national teachers union representing 3 million members nationwide. NEA's resources on ESSA can be found at nea.org/essabegins. The NEA is a member of the Partners *for* advisory groups focused on teaching, leading and learning, and governance and accountability.

National Council of La Raza (NCLR) is a nonpartisan voice for Latinos, leading research, policy analysis, and state and national advocacy efforts in communities nationwide. NCLR's resources on ESSA can be found at nclr.org, and include a webinar focused on [what the ESSA means for the Latino community](#), and an [article](#) on the same topic.

The Thomas B. Fordham Institute (The Fordham Institute) is a national non-profit research organization that aims to challenge and frame the educational debate, specifically around standards, school quality and choice, and capacity-strengthening for more effective, efficient, and equitable education. The Fordham Institute put together a video panel about ESSA called [Implementing ESSA: What to expect in 2016](#). This and other resources can be found at edexcellence.net.

The National Urban League (NUL) is a national non-profit focused on research and advocacy efforts that are grounded by the direct service and program experience of over 90 affiliates nationwide. The NUL produced a [series of webinars](#) focused on ESSA that includes an [Overview of ESSA](#). These and other resources can be found at nul.iamempowered.com.

The U.S. Department of Education (US ED) produced a [set of FAQs on ESSA](#). This and other US ED resources can be found at ed.gov/essa.

The Ohio Department of Education (ODE) will be updating education.ohio.gov/ESSA with information throughout the implementation process in Ohio. For further information, you can also email ODE at ESSA@education.ohio.gov.