



A Union of Professionals

Every Student Succeeds Act

A New Day in Public Education

Accountability

The Every Student Succeeds Act replaces No Child Left Behind's current adequate yearly progress system with a state-defined index system with certain federally required components. Under this system, states must establish "ambitious State-designed long-term goals" with measurements of interim progress for:

- Improved academic achievement on state assessments.
- Graduation rates. (If a five- or six-year graduation rate is used, the goal must be higher than for a four-year rate.)
- Progress in achieving English language proficiency for English learners.

State-developed accountability systems must include each of these indicators:

1. Proficiency in reading and math;
2. Graduation rates for high schools;
3. English language proficiency;
4. For elementary and middle schools, student growth or another indicator that is valid, reliable and statewide;
5. At least one other indicator of school quality or success, such as measures of safety, student engagement or educator engagement.

The accountability system must have substantial weights on indicators 1-4 above. In aggregate, indicators 1-4 must weigh more than indicator 5.

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Randi Weingarten
PRESIDENT

Loretta Johnson
SECRETARY-TREASURER

Mary Cathryn Ricker
EXECUTIVE VICE PRESIDENT

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Identification of Schools for Comprehensive Support

Using the state-developed accountability system that includes all indicators, states have to identify underperforming schools and ensure that districts provide comprehensive support and improvement to: (1) the 5 percent lowest-performing schools; (2) schools with a graduation rate of less than 67 percent; and (3) after a number of years of targeted support and improvement at the local level, schools in which at least one subgroup is consistently significantly underperforming. (States have to do this only once every three years.

- **Targeted support and improvement:** Schools with significantly underperforming subgroups (as defined by the state) must develop plans with stakeholders, based on all indicators. Plans must include evidence-based strategies and must be approved and monitored by the district.
- **Comprehensive support and improvement:** Districts with identified schools must develop plans with stakeholders, based on all indicators. Plans must include evidence-based strategies and a resource equity component; must be approved by the district and the state; and must be monitored and reviewed by the state. Students at such schools are eligible for public school choice. If, after four years of comprehensive support and improvement, schools don't meet state-defined criteria for exit, the state will take more rigorous action, which can include changes to school-level operations.



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Comparison of Programs under ESSA and ESEA

Note: Programs not currently funded are italicized

TITLE I: Improving Basic Programs Operated by State and Local Educational Agencies	Treatment under ESSA	
School Improvement Grants (formula)	7% set-aside of Title I-A	Title I-A
Basic Programs (formula)	Same as current law	
State Assessments (formula)	Same as current law	Title I-B
Migrant Education (formula)	Same as current law	Title I-C
Neglected and Delinquent (formula)	Same as current law	Title I-D
Evaluation	Same as current law	Title I-E

TITLE II: Preparing, Training and Recruiting High-Quality Teachers, Principals and Other School Leaders	Treatment under ESSA	
Improving Teacher Quality State Grants (formula)	Same as current law	Title II-A
Teacher Incentive Fund	Teacher and School Leader Incentive Program	Title II-B
Striving Readers	Literacy Education	
Innovative Approaches to Literacy		
<i>Presidential and Congressional Academies</i>	American History and Civics Education	
Supporting Effective Educator Development Grant Program (SEED)		
School Leadership <i>Technical Assistance and National Evaluation</i> <i>STEM Master Teacher Corps</i>	Programs of National Significance	

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TITLE III: Language Instruction for English Learners and Immigrant Students	Treatment under ESSA	
English Learners (formula)	Same as current law	Title III-A

TITLE IV: 21st Century Schools	Treatment under ESSA	
Math and Science Partnerships (formula)	Well-Rounded	Title IV-A
Advanced Placement		
Arts in Education		
Physical Education	Safe and Healthy	Title IV-A
Safe and Drug-Free		
Counseling		
<i>Education Technology State Grants</i>	Grants for the Effective Use of Technology	
21st Century Community Learning Centers (formula)	Same as current law	Title IV-B
Charter Schools	Same as current law	Title IV-C
Magnet Schools	Same as current law	Title IV-D
<i>Parental Information and Resource Centers</i>	Family Engagement Grants for Education	Title IV-E
Investing in Innovation	Innovation and Research Community Support for School Success	Title IV-F
Promise Neighborhoods		
Full-Service Community Schools	National Activities for School Safety	Title IV-F
Project SERV		
Arts National Program		
Ready to Learn TV	Academic Enrichment	
Javits Gifted and Talented		

TITLE V: Flexibility and Accountability	Treatment under ESSA	
Rural (formula)	Same as current law	Title V-B

TITLE VI: Indian, Native Hawaiian and Alaska Native Education	Treatment under ESSA	
Indian Education (formula)	Same as current law	Title VI-A
Indian Education—Special Programs	Same as current law	
Indian Education—National Activities	Same as current law	
Native Hawaiian	Same as current law	Title VI-B
Alaska Native	Same as current law	Title VI-C

TITLE VII: Impact Aid	Treatment under ESSA	
Impact Aid	Same as current law	Title VII

Programs Not Authorized under ESEA but Included within ESSA

PROGRAM	Treatment under ESSA	
McKinney-Vento	Same as current law	Title IX
Preschool Development Grants	Same as current law	



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Standards and Assessments

Standards

States will set their own standards in reading and math, as long as they are aligned with state higher education standards. The federal government is prohibited from mandating or incentivizing states to adopt a particular set of standards, including Common Core.

States can adopt alternate academic standards for students with the most significant cognitive disabilities, as long as they are aligned with the state's regular standards, promote access to the general education curriculum and are consistent with the Individuals with Disabilities Act.

States must adopt English language proficiency standards involving speaking, listening, reading and writing that address different proficiency levels and align with the states' academic standards.

Assessments and Testing

ESSA maintains the requirement that states test students annually in reading or language arts and math in grades 3-8 and once in grades 10-12, and in science once in each of the following grade spans: 3-5, 6-9 and 10-12.

The bill does include some flexibility to improve testing policies, including:

- States and school districts can use funds to conduct audits of state and local assessment systems to eliminate unnecessary tests and improve assessments.
- ESSA allows for the development and dissemination of high-quality performance-based assessments through a seven-state pilot program. Under this program, states can develop and implement innovative assessments.

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- While assessments for elementary schools must be the same for all public school students statewide, states may also choose to offer a nationally recognized local assessment at the high school level (SAT or ACT, for example), as long as assessments are reliable, valid and comparable.
- ESSA allows states to set a target limit on the aggregate amount of time that students spend taking assessments for each grade.

Opt-Out

ESSA allows parents to opt a student out of required assessments for any reason.

Local educational agencies are required to notify parents annually of the ability to receive any testing participation policy of the state or LEA. If requested, school districts must provide parents information regarding student participation in mandated assessments and the parents' right to opt their child out of the tests. While states are required to have 95 percent of students participate in assessments, each state may determine the weight of the participation measure.



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Timelines for Transition from No Child Left Behind to the Every Student Succeeds Act, and for Implementation of ESSA

Waivers: Elementary and Secondary Education Act waivers are null and void on or after Aug. 1, 2016.

Title I Accountability:

- Current adequate yearly progress (AYP) requirements are effective through Aug. 1, 2016.
- The new accountability system will take effect at the beginning of the 2017-18 school year.
- Schools and local educational agencies that have been identified for school improvement, corrective action or restructuring under current law, or as priority or focus schools under ESEA waivers, must continue to implement any interventions required under those authorities either until their state has a new Title I plan approved or the new accountability provisions go into effect.
- State assessment requirements and the remainder of Section 1111 requirements are effective on the date of enactment.

Multiyear Competitive Grants for Programs that Are Reauthorized: If a competitive grant program is reauthorized or substantially similar to a previous program that is in the middle of a multiyear grant cycle, then the funding of the grant will continue for the length of the grant award, subject to annual appropriations.

Multiyear Competitive Grants for Programs that Are Not Reauthorized: A program that is no longer authorized will get only one more year of funding in fiscal year 2016 (subject to appropriations) and then will end, even if there are years left in grants made by the program prior to reauthorization.

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Implementation of Other ESEA Provisions: While the new law is generally effective upon the date of enactment, it also includes special effective dates for the following provisions:

- **Formula Programs:** For noncompetitive programs (i.e., formula programs), the effective date is July 1, 2016.
- **Competitive Programs:** For competitive programs, the effective date is Oct. 1, 2016 (unless otherwise provided).
- **Impact Aid:** For Impact Aid, the provisions of the act are effective for appropriations provided in FY 2017.
- **Orderly Transition:** The new law gives the secretary the authority to provide for an “orderly transition” to the ESSA. It also specifies that the secretary’s transition authority does not apply to programs no longer authorized under the new law.

Other Considerations:

- As under current law, the Education Department has one year to issue its final regulations from the date of enactment.
- The department must use negotiated rulemaking on Title I standards, assessments and “supplement not supplant” requirements, at a minimum.

The major transition year for much of this will be 2016-17, which will also be the major transition year for a new presidential administration.



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The Every Student Succeeds Act

**AFT Government Relations
December 2015**

Legislative History

- ESEA was established as part of the War on Poverty to help ensure educational equity for children from low-income areas.
- To help ensure money was being spent wisely, starting in 1994 and continuing in 2001 with NCLB, requirements, including testing and accountability systems, were required of states.

NCLB Not Working

- Problems with NCLB from the beginning:
 - High-stakes testing
 - Lockstep requirements to meet achievement targets
 - Punitive, mandated interventions
 - No real movement in closing achievement gap
 - Narrowing of curriculum
- Problems with programs that built on NCLB –
 - RTTT and waivers: mandatory teacher evaluation, prescribed and punitive intervention models

AFT Goals

- Maintain focus on equity, ensuring that concentrations of students who most need funding get it
- Reset accountability principles by moving away from fixation of high-stakes testing and sanctions
- Maintain certification requirements for paraprofessionals
- Get the federal government out of teacher evaluation



Changing the Tide on High-Stakes Testing and Teacher Evaluation

"Learning is about so much more than just filling in the right bubble. So we're going to work with states, school districts, teachers, and parents to make sure that we're not obsessing about testing, to make sure that our kids are enjoying learning, that our teachers are able to operate with creativity, to make sure we are preparing our kids for a lifetime of success." President Obama in Facebook post, 10/24/15.

- AFT 2014 Convention passes resolution to "change the NCLB/RTTT "test and punish" accountability system to a "support and improve" model
- President Obama and administration admit to mistakes in policy.
- Opt-out movement grows



AFT Lobbying and Grass-Roots Activities

- AFT President Randi Weingarten and AFT officers met with members of Congress, including one-on-one meetings with education committee chairs and ranking members, House and Senate leadership, and rank-and-file members.
- Weingarten met with President Obama and Secretary Duncan and maintained close communications with senior White House officials.
- AFT held a briefing with the Congressional Progressive Caucus on ESEA priorities.
- AFT leaders and members [testified in front of Congress](#) and at several congressional district-level town hall meetings
- More than [200 in-person visits by AFT rank-and-file members and leadership](#) (including two lobby days in D.C. as well as in-district visits); visited with almost every congressional delegation.
- 125,000 members contacted via phone; more than 20,000 responded at a moment's notice to take action by calling their members of Congress.
- More than 100,000 actions taken online, including nearly 20,000 comments submitted to Congress.



Work Paid Off

Every Student Succeeds Act (ESSA):

- Passed the House of Representatives 359-64 (12/3)
- Passed the Senate 85-12 (12/9)
- Signed into law by President Obama (12/10)



ESSA: What it does

- Ends high-stakes testing fixation—including AYP and school closings. Sends signal to states that the policies of NCLB, RTTT and waivers should be abandoned, not replicated.
- Maintains funding for the students who need it most, doesn't include portability or vouchers.
- Maintains paraprofessional certification.
- Prohibits federal mandates on any aspect of a teacher or principal evaluation system.



Highlights: Testing

- Testing requirements are the same. States are required to test students:
 - in reading and math annually for students in grades 3-8 and once in grades 10-12, and
 - in science once in each of the following grade spans: 3-5, 6-9 and 10-12.



Highlights: Testing

- Audits to eliminate unnecessary or poor-quality tests.
- Pilot program that allows project-based assessments to be used in lieu of the regular state standardized assessments. Initially, seven states eligible.
- For high schools, states or districts may choose to offer a nationally recognized test.
- States can limit the aggregate amount of time that students spend taking tests.
- States can avoid “double testing” of middle school students in math. Students enrolled in advanced math can take that math test for the purposes of accountability and don’t also have to take the grade-level math test.



Highlights: Accountability

- Accountability systems must include each of these indicators:
 1. Proficiency in reading and math;
 2. Graduation rates for high schools;
 3. English language proficiency;
 4. For elementary and middle schools, student growth or another indicator that is valid, reliable and statewide; and
 5. At least one other indicator of school quality or success, such as measures of safety, student engagement or educator engagement.
- Accountability system must have substantial weights on indicators 1-4 above. In the aggregate, indicators 1-4 must have much greater weight than indicator 5.



Highlights: Opt-Out

- Statement that nothing in law will pre-empt state and local laws on opt-out.
- Maintains 95 percent participation requirement, but state gets to determine how this requirement is factored into its overall accountability system.
- A state that has a strong opt-out movement can minimize the participation rate requirement so that it has a negligible impact on school accountability systems.



Highlights: Interventions

- Much more flexibility, no school closings or prescribed interventions.
- Using the state-developed accountability system that includes all indicators, at least once every three years.
- Beginning in 2017-18, states have to identify and ensure that districts provide comprehensive support and improvement to:
 - 5 percent lowest-performing schools;
 - schools with a graduation rate of less than 67 percent; and
 - after a number of years of targeted support and improvement at the local level, schools in which one or more subgroups are consistently significantly underperforming.
- Seven percent of a state's allocation of Title I funds must be set aside and spent on schools implementing targeted and comprehensive support and improvement.



Highlights: Interventions

- Targeted support and improvement: Schools with significantly underperforming subgroups must develop improvement plans with stakeholders, based on all indicators. The plans must include evidence-based strategies, identify and address resource inequities, and be approved and monitored by district.
- Comprehensive support and improvement: Districts with identified schools must develop improvement plans with stakeholders, based on all indicators. The plans must include evidence-based strategies and a resource equity component; must be approved by the district and state; and must be monitored and reviewed by the state.
- Students at such schools are eligible for public school choice.
- If after four years of comprehensive support and improvement, schools don't meet state-defined criteria for exit, state takes more rigorous action, which can include changes to school-level operations.



Highlights: Paraprofessionals

- Maintain certification requirements, which help prevent school districts from hiring paraprofessionals with little educational experience or professional training.
- Includes paraprofessionals in the list of stakeholders who must be consulted in the development of the state plan.
- Now covered by the Title II's collective bargaining protections.
- Expands professional development opportunities for paraprofessionals, including pathways for paraprofessionals to earn a teacher certification.



Highlights: Teacher Evaluation

- Prohibits secretary prescribing terms or conditions of teacher evaluation systems.



Highlights:

Collective Bargaining

- Language ensures that specific provisions within ESSA cannot be seen as overturning existing collective bargaining agreements or memoranda of understanding. The Title II provision is new, and would cover state-developed evaluation plans done with Title II funds.



Timeline

- 2015-16: Everything the same
- Waivers end in August 2016
- 2016-17: Base year for everything
- 2017-18: Use accountability system, start making identifications





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How Will the New ESEA/ESSA Affect Schools in Your State?

The reauthorized Elementary and Secondary Education Act, formerly known as No Child Left Behind and now officially known as the Every Student Succeeds Act, is a long overdue reset of the federal role in education policy.

Back in January, our union laid out four very clear goals for the reauthorization of ESEA:

- Maintain the fiscal equity provisions of the original ESEA.
- Get the federal government out of the business of teacher evaluation.
- Ensure that paraprofessional requirements remain intact.
- End the test-and-punish accountability system, creating instead one that will be more aligned with student learning and needs, and will give schools and educators the latitude to teach rather than simply require them to test.

The final version of ESEA meets these goals and paves the way for a public education system that's much more focused on teaching and learning, and that gives states and educators more latitude while maintaining federal funds for the students who need it most. While not perfect, there is a lot to like in this overhaul. The ESSA bill:

- Protects ESEA's original intent of mitigating poverty and targeting resources to students in need, and it adds an early childhood investment.
- Prohibits the federal government from mandating or prescribing the terms of teacher evaluation. The receipt of federal funds can no longer be conditioned on using test scores in teacher evaluation.
- Maintains paraprofessional certification requirements.
- Resets testing and accountability by improving tests and creating an accountability system that is less test-based, allowing joy to return to teaching and learning.

This is an opportunity for states to reshape their education systems. It will not happen overnight, but **without federal prescriptions on exactly what accountability, interventions for struggling schools, and teacher evaluation must look like, there is a path forward for states to reset these systems.**

- The state will be in control of its teacher evaluation system. Federal funds will not be tied to federal teacher evaluation requirements.
- Within parameters, the state will set its own accountability system that does not have to follow a rigid "adequate yearly progress" construct. States will still have to disaggregate results by subgroup.
- The accountability systems can include non-test measures like working conditions, school climate and safety, and educator engagement.

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- English language learners can have up to three years to take the language arts assessments in their native language before taking such tests in English. States can appropriately delay inclusion of English learners' test scores in accountability systems while they are first learning English, and can include former English learners for four years as part of English learner subgroup.
- The state will set its own interventions for struggling schools. The federal government won't specify sanctions (school closings, teacher firings, forced transfers, etc.) in return for money.
- The state will set its own content standards and aligned assessments, and the federal government cannot require the Common Core, or PARCC or Smarter Balanced tests.
- Several states will be allowed to develop and implement of a performance assessment system, such as the New York Performance Standards Consortium has done.
- States will be provided funds to audit their testing policies to decrease unnecessary tests.
- Collective bargaining protections are expanded to include both school improvement initiatives and teacher quality provisions.
- Class-size reduction remains an allowable use of funds, and community schools receive their own funding.