



Illinois State Board of Education

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EXECUTIVE SUMMARY

The following is a summary of the Every Student Succeeds Act (ESSA), an Elementary and Secondary Education Act (ESEA) reauthorization bill as signed into law on December 10, 2015. The summary is not intended to be comprehensive, but provides an overview of the statute including major changes and highlighting provisions the Illinois State Board of Education (ISBE) finds to be positive. This was a collaborative effort with multiple individuals throughout the agency; in particular, expertise was provided by the following individuals: David Andel, Jeff Aranowski, Angela Chamness, Mark Gibbs, Jason Helfer, Reyna Hernandez, Tim Imler, Robin Lisboa, David Nieto, Julia Oltmanns, Matt Ulmer, Dora Welker, and Melina Wright. See the topic list at the end of this document for the individual contact person for a particular section.

POSITIVE PROVISIONS:

Below are some positive provisions within ESSA:

- **More State authority on standards, assessments, and interventions:** Illinois can continue its work to develop a comprehensive accountability system building on the Illinois Balanced Accountability Measure (IBAM) signed into law by Governor Rauner in July of 2015. The State will have more flexibility to identify schools that have not met state-determined standards—but most importantly, the State will have access to more fiscal resources to assist and support those schools through comprehensive, locally driven transformation.
- **Maintains support for Illinois at-risk students:** Title I-A funding is maintained, ensuring that Illinois' at-risk schools and students will continue receiving needed federal support. In FY16, Illinois will receive \$627,541,589 to support low-income students and schools.
- **Continues ongoing investments in Illinois preschool:** The law enables continuation of our Preschool Development Program: a four-year, \$80 million grant to Illinois that supports expansion of pre-school to vulnerable students who lack access to other programs.
- **Stronger focus on homeless students:** An emphasis is placed on continuing to remove barriers homeless students face in our schools. In particular, the law supports Illinois' ongoing work to ensure that very young homeless children have adequate access to public preschool programs.
- **Subgroup performance:** The law ensures that Illinois must measure the performance of low-income, minority, and English language learning students. Illinois' modern report cards will continue to provide communities this important information to drive improvement.

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TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

PART A—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

Transition

- Current law regarding assessments remains in effect through August 1, 2016 (p. 7).
- Existing ESEA Flexibility Waivers become void on August 1, 2016 and the remainder of the State plan section goes into effect on that date (p. 7). The statute is not explicit but implies that a State plan is due July 1, 2016; ISBE is awaiting further guidance from the U.S. Department of Education (ED).
- States must be compliant with the “statewide accountability system” and the “school support and improvement activities” provisions by the 2017-18 school year (p. 10).
- States must continue interventions in identified schools (priority and focus) until new State plans are approved or 2017-18, whichever comes first (p. 10).

Sec. 1001. Statement of Purpose. (p. 22)

- The new purpose statement is as follows: “The purpose of this Title is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”
- The term “ensure” from the previous purpose statement has been replaced with “provide,” and “equal” has been replaced with “equitable.”
- The reference to reaching “at a minimum academic achievement standards and state academic assessments” has been removed.
- The twelve methodologies to accomplish the previous purpose statement have been removed.

Sec. 1002. Authorization of Appropriations (pp. 22-23).

- A section is added for a State Assessment appropriation of \$378 million each year for 4 years to be awarded to states. This appears to have moved here from Title VI. The proposed Title I Assessment appropriation matches federal FY2015 Title VI assessment appropriation level.
- Several programs that have not been funded in previous years were removed (partial list: Race to the Top, Investing in Innovation, Reading First, Advanced Placement, Physical Education, School Counseling, Education Technology, Early Reading First, Even Start, and Improving Literacy Through School Libraries).
- Title I School Improvement 1003(g) has been replaced with a new text on this subject discussed below.

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Sec. 1003. School Improvement.

- The school Improvement set-aside has been increased from 4% to 7% or the sum of the amount the state reserved in FY 2016 + the amount it received for FY 2016 for School Improvement Grants (SIG).
- The SEA shall allocate 95% of the above amount to make grants to Local Educational Agencies rather than to school on a formula or competitive basis.
- The SEA may provide support activities directly to Local Educational Agencies, or with the LEA approval, may arrange for their provision through other entities such as school support teams, educational service agencies, or nonprofit or for-profit external providers.
- There is no change in the administration of the RFSP current methodology.
- The SEA shall award sub-grants “for a period of not more than 4 years, which may include a planning year.”
- “To receive an allotment under subsection (f)(1), a local education agency shall submit an application to the State educational agency,” whether distributed by discretionary or competitive process. “ The application must include:
 - How the LEA will develop their plan
 - How the LEA will provide Targeted Supports
 - How the LEA will monitor LEA schools
 - How the LEA will use a rigorous review process to recruit, select, and evaluate external partners
 - How the LEA will align other Federal, State, and local resources
 - How the LEA will modify practices and policies to provide operational flexibility to enable effective implementation of its plan
- Priority is given to LEAs with
 - Serve high numbers or percentage of schools implementing comprehensive or targeted support and improvement plans;
 - Demonstrate the greatest need for the funds; and
 - Demonstrate the strongest commitment to using the funds to raise achievement in the lowest-achieving schools.
- Special Rule states that “the amount of funds reserved by the SEA under subsection (a) for fiscal year 2018 and each subsequent fiscal year shall not decrease the amount of funds each LEA receives under subpart 2 of part A for the preceding fiscal year.

Sec. 1004. Direct Student Services.

- The State *may* reserve up to 3 percent of administrative funds for this section, with not more than 1 percent of that reservation to be used to administer this section (p. 30-31).
- From the amount reserved, the State awards geographically diverse awards to school districts, giving priority to school districts serving the highest percentage of schools identified for comprehensive support and improvement or implementing targeted support and improvement plans (pp. 31-31).
- School districts can use no more than 1 percent of funds awarded for outreach and communication to parents. School district may not use more than 2 percent for

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administrative costs. School district shall use the remainder of available funds for one or more of the following direct student services (pp. 32-34):

- AP courses and Career and tech courses that are aligned with state standards and lead to industry-recognized credentials
- Credit Recovery and Accelerated coursework leading to graduation (an International Baccalaureate curriculum counts) and AP tests
- Personalized learning approach which may include tutoring
- Transportation to another public school (including charter schools)
- School districts must first pay for services to students in schools identified for comprehensive support and improvement, then pay for services to low achieving students in schools implementing targeted support and improvement plans. Any remaining funds may be used for other low-achieving students served by the school district.
- The school districts will submit an application to the State that will include parent outreach, school choice (where allowed), prioritization of low-achieving students, and selection of providers, such as Local Educational Agencies (LEAs), community colleges, non-public entities, community organizations, and/or state-approved tutors (p. 35).
- A State participating in this part must ensure that to be state-approved all high-quality academic tutoring providers (pp. 36-38)
 - Went through a rigorous approval process
 - Have a demonstrated record and comply with all laws, are non-discriminatory, etc.
- A State participating in this part must compile and maintain an updated list of these state-approved providers that (pp. 36-38):
 - Allows parents meaningful choices
 - Allows parents a range of tutoring models
 - Provides parents high-quality options
- The State must have a monitoring process involving clear criteria to identify providers who do not meet expected student outcomes—including possible removal of state approval.

Sec. 1005. State Plans.

(b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS:

- Academic standards must be aligned with entrance requirements for credit-bearing coursework in the system of public higher education and relevant career and technical education standards (p. 48; Rule of Construction, p. 49).
- A state may adopt alternate academic achievement standards for students with the most significant cognitive disabilities.
 - Aligned with the state's content standards.
 - Promote access to the general education curriculum.
 - Reflect professional judgment of the highest possible standards achievable by such students.
 - Designated in each student's IEP.
 - Aligned to ensure a student is on track to pursue postsecondary education or employment consistent with the purposes of WIOA—*i.e.*, competitive integrated employment.

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- A state may not adopt modified academic achievement standards. (pg. 50)
- English language proficiency (ELP) standards adopted by the State need to be aligned to the state academic content standards (p. 51), which ISBE already has via World-class Instructional Design and Assessment English Language Development (WIDA). (pg. 51)
- Assessment language: much of the prior language is preserved as it relates to assessing all students using the same instrument (p. 52).
 - ELA and Math assessment is required in each of grades 3-8 and once in grades 9-12. The provision of once in grades 9-12 has been revised from once in grades 10-12. However, in science it remains as follows:
 - Not less than one time during grades 3-5, grades 6-9, and grades 10-12. There is an option for multiple statewide interim assessments resulting in a single summative score (p. 56).
- There is an exception for advanced math in middle school that appears to apply only to grades 8. (p. 59).
- A state may adopt alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities. (pg. 61)
 - A state must ensure that, for each subject, the total number of students assessed using the alternate assessment does not exceed 1.0 percent of the total number of students in the State who are assessed. (pg. 61)
 - A state may not impose a cap at the district level, although a district that exceeds the state cap must justify why it did so.
 - Parents must be clearly informed as part of the IEP process of the implications of their child taking an alternate assessment.
- School districts can choose their own ELP assessment as long as they demonstrate the assessments meet the standards' requirements (p. 68). Newcomer English Learners (EL)—ELs who have been in schools for fewer than 12 months—can be excluded for the first year of English Language Arts (ELA) testing or the accountability calculations. The State may choose to include them in the accountability measures to establish a baseline for performance during the first year and report student growth after that (p. 76).
- Former ELs may be included in the accountability measures for the EL subgroup up to 4 years after they transition into the mainstream (p. 78).
- There is a section on language assessments that suggests that ED assistance may be made available but that the State shall make every effort to develop assessments in other languages (p. 67).
- Locally-Selected Assessment opens the door to any high school serving district to opt to use ACT or SAT as their high school assessment, but it does not allow the State to discontinue developing or offering a state assessment unless the State chooses to use one of these two options statewide. (pp. 68-69)
- Rule of Construction on Parent Rights relates to participation in assessments and allows for local law making on school policy with State implications (p. 76).
- Language is present allowing for a limitation of testing time at the state level and reporting of testing time (p. 76). States are required to identify languages for which there is no

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academic assessment when it is needed (p. 67). This encourages the development of native language content assessments.

(c) STATEWIDE ACCOUNTABILITY SYSTEM (pp. 79-88)

- Subgroups are identified as
 - economically disadvantaged students
 - students from major racial and ethnic groups
 - children with disabilities
 - English Learners
- Minimum number of students—the same State-determined number is used for all students and subgroups.
- State are to establish multiyear, ambitious, long-term goals for all students and separately for each subgroup of students for the following areas:
 - academic achievement, as measured by proficiency on the annual assessments;
 - high school graduation rates;
 - closing statewide proficiency and graduation rate gaps; and,
 - English language proficiency for ELs.
- Goals and interim measures must be designed to enable subgroups who are behind on achievement and graduation rate to make significant progress in closing the gap.
- Indicators—for all students and separately for each subgroup of students, the following indicators:
 - Proficiency
 - Elementary/middle school growth OR other indicator
 - High school adjusted graduation rates
 - English Language proficiency
 - Other indicator of school quality or student success
 - Optional—High school growth
 - Optional—Elementary/middle school other
 - Optional—High school extended graduation rate
- “Substantial weight” must be given to achievement, graduation rate or the other academic indicator, and English proficiency.
 - In the aggregate, they must receive “much greater weight” than the indicator(s) of school quality or student success.

(C) ANNUAL MEANINGFUL DIFFERENTIATION. (p. 86)

- Each State must differentiate annually all public schools in the State based on all indicators in the State’s accountability system for all students and subgroups
- Each State must include differentiation of any such school in which any subgroup of students is consistently underperforming, as determined by the State, based on all indicators and on the accountability system as a whole

(D) IDENTIFICATION OF SCHOOLS. (p. 87)

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- Beginning with school year 2017– 2018, and at least once every three school years thereafter, States must identify
 - No fewer than the lowest-performing 5 percent of all Title I schools
 - All public high schools in the State failing to graduate one third or more of their students; and
 - Public schools identified by the State for comprehensive support under section (d)(3)(A)(i)(II); and
 - At the discretion of the State, additional statewide categories of schools may be identified.

(E) ANNUAL MEASUREMENT OF ACHIEVEMENT. (p. 87)

- Each State must measure annually the achievement of no fewer than 95 percent of all students as well as 95 percent of all students in each subgroup of students
- For the purpose of measurement, the denominator should be 95 percent of all such students or subgroup or the number of students participating in assessments
- Provide a clear explanation of how the State will factor the 95 percent requirement of into the State’s accountability system.

(d) School Support and Improvement Activities (pg. 90)

- For each school identified by the state as needing comprehensive support and improvement, a district must develop and implement a plan to improve student outcomes that--
 - Addresses the state’s indicators.
 - Includes evidence-based interventions.
 - Is based on a school-level needs assessment.
 - Identifies resource inequities.
 - Is approved by the school, district, and state.
 - Is monitored and periodically reviewed.
- A state must notify each district of any school in which any subgroup of students is “consistently underperforming” based on all the state’s indicators. An identified school must develop and implement a targeted support and improvement plan to improve student outcomes for each subgroup that was identified that: (pg. 95)
 - Addresses the state’s indicators.
 - Includes evidence-based interventions.
 - Is approved and monitored by the district.
 - An identified school is subject to additional action if it does not successfully implement its plan after a number of years.
- A state must establish statewide exit criteria for: (pg. 97)
 - Schools identified for comprehensive support and improvement that, if not satisfied within a state-determined number of years (not to exceed 4), must result in more rigorous state-determined interventions; and

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- Schools identified for targeted support and improvement that, if not satisfied within a state-determined number of years, must result in identification of the school for comprehensive support and improvement.

(H) ANNUAL STATE REPORT CARD (p. 114)

- The state report card must be prepared and disseminated widely every year, and it must include
 - Academic achievement data by subgroup, school, LEA, and n-size, including information on the performance of homeless, foster, and military-connected students
 - The percentage of students assessed and not assessed by subgroup, including the number of students taking alternate assessments
 - A description of State’s accountability and differentiation system
 - Graduation rates
 - Information on indicators of school quality, including suspensions, arrests, incidences of violence, bullying, harassment, etc.
 - The professional qualifications of teachers in the State
 - The per-pupil expenditure (PPE) of federal, State, and local funds
 - National Assessment of Educational Progress (NAEP) results—it appears this assessment will only occur at grades 3 and 8; NAEP at grade 12 has been eliminated (p. 122)
- LEA report cards (p. 124)
 - Will include the same information as above for the state report card except on the LEA level (except NAEP data)
 - Achievement data for each school, compared to the district and the state
 - Achievement data for the district compared to the state as a whole.
 - Will be disseminated to all parents and made widely available through public means

Sec. 1006. Local Educational Agency Plans (p. 131)

- LEAs must have an approved plan on file with their State Educational Agency (SEA) that meets these requirements:
 - was developed in consultation with stakeholders;
 - describes how the LEA will address disparities in teacher distribution;
 - describes how the LEA will meet its responsibilities related to school improvement;
 - describes how the LEA will coordinate and integrate services with preschool programs;
 - provides a description of how the LEA will support efforts to reduce the overuse of discipline practices that remove students from the classroom; and,
 - provides a description of how the LEA will coordinate academic and career and technical education content through instructional strategies which may include experiential learning or work-based learning opportunities
- School districts must inform parents that they can request information regarding the professional qualifications of their child’s classroom teachers.
- Schools must provide parents with information related to their child’s academic achievement and a notice if the student has been assigned a teacher who does not meet applicable State certification or licensure requirements.

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- School districts must notify parents of State or local policy regarding student participation in statewide assessments and post information on each assessment required (pp. 144-145).
- School districts must inform parents of ELs of the reasons their child was identified and of the services for which they are eligible.

Sec. 1007. Eligible School Attendance Areas.

- A new exception is added to ranking. Specifically, “high schools” can lower the threshold to exceeding 50 percent (from 75 percent) for those eligible school attendance areas that must be served without regard to grade span and be ranked in order from highest to lowest (p. 152). This will allow more high schools to be served with Title I.
- New homeless language is added that matches previous legislation that allows the LEA to use Title I dollars for homeless liaison and transportation (p. 155).

Sec. 1008. Schoolwide Programs.

- Allows for more schools to utilize Schoolwide programming by allowing an exception to the 40 percent poverty requirement (p. 157). Allows schools more flexibility in the way they create their Schoolwide Plans by eliminating the constraining 10 components under the previous law (p. 161).

Sec. 1009. Targeted Assistance Schools.

- Specifically mentions permissibility in the use of funds for behavioral issues (p. 169).
- Specifically mentions coordination with IDEA funding (p. 170).
- Specifically mentions permissibility in the use of funds for dual or concurrent enrollment (defined as a course that provides high school and college credit) (p. 173).
- Adds a provision that targeted assistance programs can be delivered by nonprofit or for-profit providers (p. 174), but the statute language does not supply details on how this might work. Such an option already existed for Title I programs at nonpublic schools, which are targeted assistance programs automatically, so it may that rules and guidance for nonpublic schools will carry over to public schools in this regard.
- PreK identification criteria have changed from “teacher judgment, interview with parents and developmentally appropriate measures” to “objective criteria established by LEA and supplemented by school” (p. 172). This change could help lead the State PreK program towards a more academic structure instead of the recent trend towards “play-based-learning,” which by teacher accounts tends to widen the achievement gap for low income students.

Sec. 1010. Parent and Family Engagement.

- Where “parent(s)” was used; now “parents and family members” is the terminology. Similarly, “parent involvement” is replaced by “parent and family engagement” (p. 174).
- Parents, other family members, and community stakeholders have mandated opportunities to engage in the development and planning of activities to improve student academic achievement and school performance (p. 178).

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- ESSA changes how much school districts are obligated to distribute for family engagement to 90 percent from 95 percent (p. 179). Priority is to be given to high-needs schools. The language provides clear pathways in the use of funds that is linked to student achievement and school improvement.

Sec. 1011. Participation of Children Enrolled in Private Schools, and

Sec. 8501. Participation by Private School Children and Teachers (p. 833).

- Creates a new ombudsman at the SEA to monitor and enforce requirements (p. 187). ISBE has a good track record in providing support and services to school districts and private schools to ensure equitable services are being provided. Private schools may request that the State provide services directly or through contracts if the private school and the school district cannot come to an agreement (p. 193).

Sec. 1012. Supplement, not Supplant (pp. 194-195).

- A district shall demonstrate that the methodology used to allocate State and local funds to each school receiving funds ensures that the school receives all of the State and local funds it would otherwise receive if not receiving Title funds. This puts the burden of proving supplemental funding methodology on the district. This continues the flexibility ISBE has been implementing for several years but which the districts have been slow to implement.
- A district does not have to identify that an *individual* cost or service is supplemental.
- A district does not have to provide services through a particular instructional method or setting in order to demonstrate compliance with supplementing State and local funds.
- The Secretary of Education cannot prescribe a specific methodology a district must use to allocate State and local funds.
- Comparability reporting remains unchanged.

Sec. 1013. Coordination Requirements.

- Replaces “Early Reading First programs” with early childhood development programs.
- Each school district must develop agreements with Head Start agencies and other entities.

Sec. 1015. Allocations to States.

- The new language states that funding will be divided equally between Targeted and Education Finance Incentive Grants (EFIG) (p. 202). While it is unclear at this point if allocations made to states will be impacted by the equal division of the funding streams of “Targeted” (old section 1125) and EFIG (old section 1125A), the assumption could be made that Title I funding would now have three funding streams: Basic, Concentration, and a new combination of Targeted and EFIG. If the funding streams of “Targeted” (old section 1125) and EFIG (old section 1125A), remain and have an equal division of the available dollars, it is unclear at this point if allocations made to states will be impacted.

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Sec. 1016. Adequacy of Funding Rule.

- Changes section heading title from “Adequacy of Funding of Targeted Grants to Local Education Agencies in Fiscal Years” to “Adequacy of Funding of Grants to Local Education Agencies....” (p. 202).

Sec. 1017. Education Finance Incentive Grant Program.

- Changes wording from “funds appropriated” to “funds made available” and “funds appropriated” to funds “made available for any Fiscal Year to carry out this section.” The reference to “appropriated” is changed consistently through this section (p. 203). These changes actually add more clarity on how funding is received by states. Since a separate grant award is not received for 1125A, this funding is broken out of the main Title I grant award.
- Subsection (3) Maintenance of Effort—Includes language “1 or more of the 5 immediately preceding fiscal years” added to the current statement “as determined using the measure most favorable to the State.”

PART B—STATE ASSESSMENT GRANTS

Sec. 1201. State Assessment Grants (p. 205).

- Competitive grants to SEAs for collaborations to develop and improve assessment quality, validity, reliability.

Sec. 1202. State System Audit.

- Secretary of Education may award grants to States to improve and streamline assessment system and/or to eliminate unnecessary assessments.

PART C—EDUCATION OF MIGRATORY CHILDREN

- Under NCLB, state allocations for Title I, Part C have been based on reported migrant student counts in 2002. ESSA changes the formula to use (1) the average number of identified eligible migratory children aged 3 through 21 residing in the State, based on data for the preceding 3 years; and (2) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during the previous year. A hold harmless provision is included to ensure that in 2017-19 states will not receive less than 90 percent of the previous year's allocation (p. 247, line 1-21). Because of changes in the migrant flow over the past 14 years, funding allocations to states will change significantly as a result of this new formula. Illinois has seen a significant decrease in the number of migrant children who come to the state
- Language was added to require the Secretary of Education to implement a procedure for monitoring the accuracy of the identified number of migrants residing in each state (p. 250, line 18-19). We have extensive internal monitoring procedures for the child count that are now required by ED.

TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

- Migrant students who dropped out of school are explicitly added as a priority group (p. 256, line 5). This is a positive change that affirms the direction taken in Illinois. The out-of-school youth population has been the focus of programs in Illinois as the result of our participation in a multi-state consortium to develop resources for out-of-school youth.

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK (pp. 262–279)

Sec. 1401. Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk.

- New language requiring the State to make certain that procedures are in place to ensure the timely re-enrollment of each student who has been placed in the juvenile justice system into a secondary school or into a reentry program that best meets the needs of the student
- New language, to the extent feasible, requiring that a state agency receiving funds must provide for assessment of educational needs of students upon entry into a correctional facility
- Correctional facilities and LEAs must cooperate before and after incarceration of students
- LEAs must note and identify students who come in contact with both child welfare and juvenile justice systems and must deliver evidence based services and interventions to them
- There must be a sharing of academic records and plans regarding continuation of educational services between state correctional agencies and LEAs

PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING (pp. 279-291)

Sec. 1501. Flexibility for Equitable Per-Pupil Funding.

- The Secretary of Education is to establish a pilot program that would allow districts to consolidate some of their Federal funds—Titles I, II, and III, as well as part A of Title IV (Student Support and Academic Enrichment Grants) and Part B of Title V (Rural Education Initiative)—with their state and local dollars for the purposes of setting up a weighted student funding formula.
- The pilot program can include up to 50 districts.
- Following a successful demonstration for a majority of these districts, the Secretary of Education can choose to expand the opportunity to apply to all districts.

TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

Sec. 2001. General Provisions.

- Supplement, not supplant applies across Title II.
- ESSA provides many more options for alternative approaches to the preparation of effective teachers and limits the artifacts/requirements of ‘traditional’ preparation in the preparation of educators (p. 300).
- The new language restricts the number of credit hours required as part of a program of study and makes other related restrictions. (p. 305).
- Removal of the HQ requirement takes away an ineffective policy from the previous law.
- The relationship between effective instruction leading to positive student outcomes and preparation allows ISBE to develop alternative pathways for preparation, such as a teacher, principal, or other school leader preparation academy that utilizes regional offices of education and school partners (p. 302).

Sec. 2002. Preparing, Training, and Recruiting High-Quality Teachers, Principals, or Other School Leaders.

- The appropriation amounts listed would result in a 30-percent decrease from the FY2015 appropriation. This would result in a significant decline in both grant funds for LEAs and administrative money for ISBE (p. 307).

Sec. 2211. Teacher and School Leader Incentive Program. (formerly Teacher Incentive Fund) (p. 347).

- Competitive grants to States, LEAs, or partnerships
- For implementation and study of performance-based incentive compensation programs to address gaps and raise student achievement
- Up to 3 years with the possibility of a 2-year extension
- 50 percent non-federal match

Sec. 2232. American History and Civics Education Program (p. 386).

- Intended to improve quality of teaching of history/civics
- 74 percent of funds for national activities to promote history, civics, government, and geography instruction
- 26 percent for Presidential and Congressional academies to offer professional development and seminars

Sec. 2221. Literacy for All, Results for the Nation (LEARN) (p. 361).

- Competitive grants to States to develop literacy instruction

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- 5-year grants with the possibility of a 2-year extension/renewal
- Divided by age group (K-5 or 6-12)

Sec. 2242. Supporting Effective Educator Development (p. 394).

- Grants to non-profits or Institute of Higher Educations (IHEs) or consortia for activities related to the preparation and professional development of teachers
- 25 percent non-federal match
- Priority for evidence-based activities

Sec. 2245. STEM Master Teacher Corps (p. 405).

- Competitive grants to SEAs or SEAs partnering with IHEs or other organizations
- To support development of master teacher corps or expand effective STEM PD programs

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

(pp. 408–441)

- Eliminates the former negative Limited English Proficient (LEP) designation for students and uses English Learners (ELs) instead. Consolidates the accountability requirements for ELs under Title I.
- Includes mention of requirements for states to develop statewide entrance and exit criteria for ELs. The English language proficiency standards adopted by the State need to be aligned to the state academic content standards.
- Encourages states to identify languages for which there is no academic assessment, and it is needed.
- LEA will be required to report EL students not attaining English proficiency within five years of initial classification and enrollment.
- LEAs may choose their own ELP assessment as long as they demonstrate the chosen assessment meets the standards' requirements.

TITLE IV—21ST CENTURY SCHOOLS

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

Sec. 4101. Purpose.

- Established a new subpart to improve students' academic achievement by increasing the capacity of States, school districts, schools, and local communities to (1) provide all students with access to a well-rounded education; (2) improve school conditions for student learning; and (3) improve the use of technology in order to improve the academic achievement and digital literacy (p. 450).
- The State and school districts will receive an amount that bears the same relationship to the amount they receive under subpart 2 of part A of Title I for the preceding fiscal year (p. 454, 465).
- The State may reserve 1 percent for administrative services to carry out State activities (p. 458).
- Requires consultation between parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, and local government representatives as well as a comprehensive needs assessment (pp. 468-469).
- Supplies a list of specific allowable uses of funds under sections 4107. Activities to Support Well Rounded Educational Opportunities (p. 473), Section 4108. Activities to Support Safe and Healthy Students (p. 477), and Section 4109. Activities to Support the Effective Use of Technology (p. 485).

Sec. 4112. Authorization of Appropriations.

- \$1,650,000,000 for fiscal year 2017, and \$1,600,000,000 for each of fiscal years 2018 through 2020.

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS (21ST CCLC)

Sec. 4201. General Purpose.

- Expanding the scope of activities under the second goal for the program. This includes ensuring students get exposure to College and Career Readiness (CCR) activities.
- Identify not-for-profits and ensure that they have a history of success or are willing to enter into an agreement for mentoring and guidance support services. (p. 492).

Sec. 4202. Allotment to States.

- States will be obligated to award 93 percent of the federal allotment with the following exclusions (pp. 495-497):
 - 2 percent for state administration
 - 5 percent for state activities
- Additional allowed state activities include the following:
 - Ensuring grant application aligns to state standards

TITLE IV—21ST CENTURY SCHOOLS

- Ensuring eligible entities identify partners with external organizations
- Working with schools, families, business and local community stakeholders to ensure effective implementation of programs
- Coordinating funds
- Providing a list of pre-screened external organizations

The additional state activities that include ensuring eligible entities identify partners with external organizations; working with schools, families, business, and local community stakeholders to ensure effective implementation of programs; and providing a list of pre-screened external organizations.

Sec. 4203. State Application.

- Serving students in schools that are implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d), serving students in other schools determined by the LEA to be in need of intervention and support, and serving the families of such students (p. 498).
- Including performance measures that can make direct links to student achievement over time in the state application (p. 502).

Sec. 4204. Local Competitive Grants.

- Applicants must demonstrate coordination of funds and active coordination with schools (p. 507).
- Using the performance results measures to inform the renewal of a subgrant (p. 514).

Sec. 4205. Local Activities.

- Placing greater emphasis on science, technology, engineering, and mathematics (STEM) education and career and technical education (CTE) as allowable activities (p. 515).

PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

Sec. 4301. Charter Schools Grants (p. 518).

- Continuation (with changes) of existing program; existing grantees will continue to receive funding through the term of their grant.
- Authorized amounts: \$270 million in FY17 and FY18, \$300 million in FY19 and FY20
- 12.5 percent for charter schools to use innovative methods for the acquisition or construction of facilities or loans/bonds for financing
- 22.5 percent for national activities
 - Not more than 80 percent of this funding is for Charter Management Organizations (CMOs) to open, replicate, or expand high-quality charter schools; priority is given to CMOs serving diverse student bodies and that have had demonstrated success with schools identified for Comprehensive Support and Improvement
 - 9 percent of national activities funds are for charter applicants in states that did not receive a state grant (“non-SEA” grants)

Sec. 4303. Grants to Support High-Quality Charter Schools. (p. 522)

- Remainder of funds will be distributed via grants to state entities, which may include SEAs, a governor, a state charter school board, or a charter support organization (p. 523).
 - Up to 5 years, no fewer than 3 grants per year, with a review of expenditures after the 2nd year to determine if the grant should continue
 - Entities must show academic success and quality financial models as well as not be a party to a high proportion of closures
 - Priority is given to organizations serving 60 percent or more children living in poverty in the aggregate (page 418)
 - Charters may use a weighted lottery to benefit disadvantaged students if otherwise permitted and if it does not segregate a subset of students
 - Funds may be used for opening new charters or expanding/replicating existing quality programs:
 - Priority is given to States that have high-quality plans to monitor applicants and provide technical assistance to support quality authorizing, States that allow entities besides LEAs to be authorizers, States that support charter schools serving at-risk students, States that use best practices found in charters to improve struggling non-charter schools and LEAs, and States that ensure that all chartering agencies implement best practices for charter authorizing (p. 569)
- Local uses of funds (p. 546)
 - Preparing teachers, leaders, instructional support
 - Acquiring supplies, training and equipment
 - Necessary renovations
 - Startup transportation costs
 - Community engagement
 - Other appropriate non-sustained costs if not met from other sources

Sec. 4304. Facilities Financing Assistance (p. 549).

- Competitive grant to help charter schools address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.
- The Secretary of Education must reserve at least 50 percent of available facilities funding for at least 3 competitive grants to entities with innovative methods of addressing charter school facilities costs.
- If grantees have not made significant progress after 2 years, the Secretary of Education can seek recovery of all or a portion of funds (except funds that are being “properly used”)
- Per-Pupil Facilities Aid program (p. 559) provides for the use of the remaining 50 percent to supply 5-year grants with an increasing non-federal match (to 80 percent in 5th year of grant). Applications must address proposed assistance, the extent of the charter school’s involvement in project development, and the level of expertise in capital market financing/education

TITLE IV—21ST CENTURY SCHOOLS

Sec. 4305. National Activities (p. 562).

- No less than 80 percent of funds to charter management organizations
- No more than 9 percent of funds directly to applicants who did not receive State award
- Remainder for technical assistance and dissemination of best practices
- Priority to entities with success in increasing achievement for all students/subgroups, whether entity has managed significant proportion of charters that have been closed

PART D—MAGNET SCHOOLS ASSISTANCE (p. 574).

- Makes technical changes to program authorizing the Secretary of Education to award grants to school districts for magnet schools that are (1) part of an approved desegregation plan; and, (2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.

- Assurance of regular two-way meaningful communication between families and school staff (pp. 499–500). This is aligned to the ISBE Family Engagement Framework Principle 3—Enhance Communication.
- Additional opportunities for states to apply for federal awards that promote and build capacity and evaluate family engagement under Title IV (p. 185).

PART F—NATIONAL ACTIVITIES.

Sec. 4611. Grants for Education Innovation and Research.

- Innovative assessment and accountability demonstration authority (p. 592).

Sec. 4624. Promise Neighborhoods (p. 606).

- Authorizes the Secretary of Education to award competitive grants, at least 15 percent of which funds to rural areas
- No fewer than 3 grants per year
- Grantees must conduct a needs analysis and give priority to “evidence-based activities”
- Grantees must use at least 50 percent of funds in first year for support and implementation (25 percent in second year)
- Grantees cannot use funds for early childhood summative assessments, or evaluations (other than for purposes of improving instruction)

Sec. 4625. Full-Service Community Schools (p. 616).

- Authorizes the Secretary of Education to award competitive grants, no fewer than 10 grants per year (Sec. 4625) and at least 15 percent to rural areas
- Non-federal match (Bureau of Indian Education (BIE) can use other federal funds)
- Entities must serve at least 2 schools
- Minimum grant is \$75,000

Sec. 4631. National Activities for School Safety (p. 622).

- Authorizes the Secretary of Education to award funds for the Project School Emergency Response to Violence program (Project SERV)
- Allowance to fund other activities to improve student safety directly, through grants, through contract, or cooperative agreements with public/private entities, individuals, or other Federal agencies

Sec. 4642. Assistance for the Arts (p. 626).

- From available funds, the Secretary of Education shall award grants, contracts, or cooperative agreements, on a competitive basis, to eligible entities to promote arts education for students, including disadvantaged students and students with disabilities
- Priority to national nonprofit organizations

Sec. 4643. Ready to Learn Programming (629).

- Secretary of Education shall make awards to eligible entities to develop, produce, and distribute educational video programming, materials, and digital content for preschool and elementary school children

Sec. 4644. High-Ability Learners and Learning (p. 636).

- Javits Gifted and Talented program, which has been operating since 1988, was retained and reauthorized in ESSA.
- The program focuses grant funds on identifying and serving students who are traditionally underrepresented in gifted and talented programs, particularly minority, economically disadvantaged, English language learners, and children with disabilities in order to help reduce gaps in achievement and to encourage the establishment of equal educational opportunities for all students.
- In addition, the Javits program funds a national research center on gifted education, and when funding permits, it also funds grants to states to improve the ability of elementary and secondary schools to meet the special educational needs of gifted and talented students.

TITLE V—STATE INNOVATION AND LOCAL FLEXIBILITY

Sec. 5003. Rural Education Initiative.

- Currently Rural Education Achievement Program (REAP) funds can be expended for local activities authorized under a number of other Title programs. ESSA removes two Title programs from the list of approved types of funding. They are Title II, Part D (Educational Technology State Grants) and Title V, Part A (State Grants for Innovative Programs) (pp. 647-648).
- One criteria for qualifying for REAP funds is the locale code which is assigned to schools by the National Center for Education Statistic (NCES). The locale codes in NCLB for REAP are no longer used by NCES. ESSA updates the locale codes to the ones NCES currently uses to identify rural schools. This update will provide more transparency to school districts and the public (p. 648).
- Retains rural education initiative but updates references.
- Increases minimum grant amount to \$25,000 and maximum to \$80,000 (p. 650).
- A hold harmless provision has been added (p. 651).

Sec. 5225. Choice of Participation.

- Currently if a school district qualifies for both Small Rural School Achievement (SRSA) and Rural and Low-income School Program (RLIS) they must take the SRSA grant (p. 656). This section allows the district to choose which grant they want, SRSA or RLIS.

TITLE VII—IMPACT AID

(p. 736)

Sec. 7003. Payments Relating to Federal Acquisition of Real Property.

- Allows LEAs to use facsimiles of records or other appropriate records to demonstrate the value of federal property if the originals have been unintentionally destroyed.

Sec. 7004. Payments for Eligible Federally Connected Children.

- Contains a new special rule for property within more than one school district, for school districts containing forest service land, and for school districts that have consolidated.
- Simplifies eligibility requirements for federally connected children.
- Eliminates Maintenance of Effort (MOE) provision for Impact Aid.
- Includes a hold harmless provision for LEA facing a 20 percent or greater reduction due to an unexpected drop in the eligible population.

TITLE VIII—GENERAL PROVISIONS

Sec. 8002. Definitions.

- Adds new definitions of dual enrollment, early college high school, cohort graduation rates, exemplary teacher, core academic subjects, expanded learning time, evidence-based, school leader, and professional development as well as other items (pp. 778-807).

Sec. 8005. Consolidation of State Administrative Funds for Elementary and Secondary Education Programs.

- Adds language allowing use of funds to include evaluating fiscal, administrative, staffing, and any other key operational functions (p. 808).

Sec. 8006. Consolidation of Funds for Local Administration.

- Allows for the consolidation of administrative funds or program funds without violation of supplement not supplant requirements (p. 808).

Sec. 8013. Waivers of Statutory and Regulatory Requirements (pp. 815 – 827).

- School districts must request State approval for waiver (State may submit to ED) which must be approved so long as it meets the requirements (State must provide evidence that it does not).
- Schools may submit waivers to LEA, which may submit to SEA.
- ED must waive provisions within 120 days, so long as request meets requirements.
- Secretary of Education may not disapprove a request for reasons outside conditions of law, may not place any conditions on approval of waiver request (including standards, assessments, accountability, evaluations, etc.)

Sec. 8019. Maintenance of Effort.

- The MOE section has been changed, apparently to make meeting MOE less difficult. Under the new law, reductions in funding will now only occur in instances when MOE was not met in a given fiscal year AND only if MOE was also not met in one or more of the five immediately preceding fiscal years (p. 840).

Sec. 8022. Prohibited Uses of Funds (p. 841).

- Funds may not be used for construction, renovation, or repair of school facilities, or for transportation, unless otherwise specifically authorized.

Sec. 8032. Consultation with the Governor, and

Sec. 8540. Consultation with the Governor (p. 855).

- SEA must give Governor the opportunity to review and sign the State plans under Title I and Title II.

TITLE IX—EDUCATION FOR THE HOMELESS AND OTHER LAWS

PART A—HOMELESS CHILDREN AND YOUTH

- A much stronger emphasis is being placed on “Identification of Homeless Children and Youth” (p. 879). The emphasis will be beneficial to the program as it will be added to
 - Activities and services for which state grants must be used
 - Professional development activities for liaisons and other school personnel that States must provide
 - List of barriers that SEAs and LEAs must regularly review and revise
 - Purpose of coordination among liaisons and community and housing agencies
 - Purpose of LEA subgrants.
- **Enrollment Barriers:** Homeless children and youth must be enrolled in school immediately, even if the student has missed the application or enrollment deadlines during any period of homelessness. SEAs and LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of homeless students in school, including barriers due to fees, fines, and absences (pp. 886-892).
- **Preschool Children:** An increased emphasis has been placed on Early Childhood homelessness (p. 880). With the Preschool Expansion grant incorporating the McKinney-Vento (MK-V Act) definition of homeless and with efforts to include the MK-V Act definition in the Childcare Development Block Grant, Early Childhood becomes a major focus in professional development and technical assistance.
 - State plans must include procedures that ensure that homeless children have access to public preschool programs, administered by the SEA and LEA, as provided to other children
 - Liaison must ensure homeless families and children can access early intervention services under IDEA Part C, if eligible
 - The definition of “school of origin” includes preschool
- **State Report Cards and Data** must include disaggregated information on the graduation rates and academic achievement of homeless children and youth and of children and youth in foster care. The number of homeless children and youth must be posted on the SEA website annually (p. 876).
- **Foster Care:** “Awaiting foster care placement” will be deleted from the definition of homelessness in the MK-V Act. The SEA will designate a point of contact for child welfare agencies, who will oversee implementation of the SEA responsibilities; the point of contact may not be the same person as the State Coordinator for homeless children and youth under MK-V Act (p. 908).
- **State Plans:** A high emphasis is placed on revising State Plans or to develop an annual action plan, with a focus on needs assessments, goal setting, action planning, and the evaluation of the program (p. 878).

PART B - MISCELLANEOUS; OTHER LAWS

Sec. 9212. Preschool Development Grants (pp. 949 – 971).

- Authorizes—with significant changes—the Preschool Development Grants (PDG), which had previously been authorized by the American Recovery and Reinvestment Act (ARRA) and the 2014 Consolidated Appropriations Act.
 - Authorized at \$250 million each year for FY17-FY20
 - Existing Preschool Development Grantees (PDG) will continue to receive funding under the terms of their grants.
- Grant objective is to help states do strategic planning and coordinate better their early childhood programs.
- The program is moved to the Department of Health and Human Services though ED will be a partner in administering the program.
- Initial State Grants
 - One-year grants, with the opportunity to apply for a Renewal Grant (see below)
 - Priority goes to states who have not previously received a PDG
 - Requirements
 - States must provide a 30 percent match to the funds
 - States must have a mixed delivery system for early childhood programs
 - Use of funds
 - Conducting a statewide needs assessment
 - Developing a strategic plan for collaboration, coordination, and quality improvement
 - Activities to maximize parental choice and engagement
 - After all other uses, professional development for staff
- Renewal Grants
 - Previous PDG recipients are eligible
 - Up to a total of three one-year grants with no further opportunity for renewal
 - May be used for subgrants to improve and expand access to quality programs for low-income and disadvantaged children
- The Secretary of Health and Human Services may not define or prescribe:
 - Early learning standards or assessments
 - Specific measures of program quality
 - Curriculum
 - Staff qualifications
 - Class sizes or child-to-adult ratios
 - Scope of programs
 - Staff evaluation systems