

# 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.

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- 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.