Charter Schools and the Every Student Succeeds Act (ESSA)

March 10, 2016

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Overview

- ESSA - Big Picture Changes
- Implementation Process
- Summary of major programs and changes
- Implications for 2016
1. Shifts authority over most education policy decisions from federal to state, **but** the shift is not absolute.

2. Gives states new flexibility for school rating systems, goals, and a system of school supports/interventions, **but** establishes limited federal guard rails.

3. Preserves annual assessments, **but** gives states an opportunity to audit, streamline and innovate.

4. Gives states greater flexibility to direct federal funds to state-determined priorities, **but** districts often have final say.

5. Eliminates highly qualified teacher requirements and teacher evaluation system requirements created by waivers, **but** states can choose to continue/refine their systems.
<table>
<thead>
<tr>
<th></th>
<th>NCLB</th>
<th>ESSA</th>
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<tbody>
<tr>
<td><strong>Standards</strong></td>
<td>State but, under waivers, Feds required Common Core or sign off by higher ed.</td>
<td>State must demonstrate alignment to credit-bearing college coursework</td>
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<td><strong>Assessments</strong></td>
<td>State with Federal peer review and approval</td>
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<tr>
<td><strong>“AYP”</strong></td>
<td>Federal Very detailed requirements for annual measurable objectives, 100% proficiency, safe harbor</td>
<td>State must incorporate certain indicators for each subgroup</td>
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<td><strong>Interventions</strong></td>
<td>Federal Federal consequences such as restructuring, SES, charter conversion. Even more detailed SIG models.</td>
<td>State (and District)</td>
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<td><strong>Goals</strong></td>
<td>Federal</td>
<td>State</td>
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## What was Eliminated, What Survived, What is New

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<thead>
<tr>
<th>Eliminated</th>
<th>Survived</th>
<th>New</th>
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<tr>
<td>Requirements to set “challenging” academic achievement standards</td>
<td>Requirement to adopt “challenging” state academic content standards</td>
<td>Standards must be aligned with credit-bearing courses in college</td>
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<td>Adequate Yearly Progress (AYP)</td>
<td>Annual testing in reading and math in grade 3-8 and high school</td>
<td>Innovative assessment pilot, funding for assessment audits</td>
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<td>Mandate to achieve universal proficiency by a certain date</td>
<td>Grade-span testing in science</td>
<td>New assessment delivery options - adaptive, roll up</td>
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<td>Federally defined sanctions including supplemental educational services, charter school conversions and school choice</td>
<td>State participation in NAEP</td>
<td>Mandate for state-developed accountability systems with limited federal guardrails</td>
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<td>School Improvement Grants (SIG) program (replaced with a set aside)</td>
<td>Disaggregated data for reporting and accountability</td>
<td>Locally- and school-designed interventions</td>
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<td>Race to the Top</td>
<td>95% participation requirement <em>(states determine consequences)</em></td>
<td>Optional set aside for “Direct Student Services”</td>
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<td>Highly qualified teachers requirement</td>
<td>Existing Title I formula</td>
<td>Weighted student funding pilot</td>
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<td>Teacher evaluations based on student achievement <em>(required by waivers)</em></td>
<td>“Supplement not supplant” and “maintenance of effort” requirements <em>(with new flexibilities)</em></td>
<td>Extended learning in 21st Century</td>
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<td>Student Support and Academic Enrichment block grants of $1.6 billion <em>(if fully funded)</em></td>
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<td>Improvements to Charter Schools Program and funds for replication and expansion</td>
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Implementation to date

- ESSA signed (Dec 10)
- ED issued Dear Colleague Letter (Dec 18)
- ED published RFI (Dec 22)
- Public Hearings (DC, Jan 11 and CA, Jan 19)
- RFI Comments Due (Jan 21)
- Response to Dear Colleague Intervention Option Due (Jan 29)
- ED issued Dear Colleague Letter, ESSA Transition (Jan 28)
- ED issued ESSA Transition FAQs (Feb 26)
- ED Announces List of Negotiators and Materials (March 4)
## 2015-16 School Year: Bill Passage and Initial Rulemaking

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**ED Rulemaking**
- ESSA passes.
- USED develops drafts regulations.

**New Accountability Systems Take Effect**

*It is not clear from the legislation when states will first be required to identify a new set of schools based on their accountability systems under ESSA (i.e., will the identification be based on 2016-17 data or 2017-18 data). We hope to have more clarity on the timeline from the U.S. Department of Education in the coming months.*

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## 2016-17 School Year: Transition

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**ED Rulemaking**
- Final regulations released (ongoing)

**States Develop and Submit Plans**
- States must continue interventions in identified schools (i.e., focus and priority schools).

**New President & Secretary**

*Dates are estimates.*

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## 2017-18 School Year: New Systems in Place

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Links to Implementation Resources

- For more federal information about ESSA, visit [NAPCS ESSA resources page](#).
- US Department of Education [ESSA resources page](#).
- Sign up for updates on ESSA: [https://public.govdelivery.com/accounts/USED/subscriber/new?topic_id=USED_5](https://public.govdelivery.com/accounts/USED/subscriber/new?topic_id=USED_5)
• Standards requirements are similar to current law, including standards for English language proficiency.

• States must provide assurances that they have in place “challenging state academic standards” in reading, math and science, with three levels of achievement.

• Standards are to be aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.

• Alternate Academic Achievement Standards: aligned to challenging state academic content standards, promote general education curriculum, and aligned to ensure access to pursue postsecondary education.

• Secretary is prohibited from requiring alignment to Common Core standards.
ASSESSMENTS

• **Reading and math**: grades 3-8 and once in high school. High school assessment may be a nationally recognized standardized assessment.

• **Science**: once in elementary, middle and high school.

• **Flexibility**: At state discretion, assessments may measure individual student growth. In addition, they do not have to be a single, year-end summative assessment and may include portfolios.

• **Innovative Assessment Pilot** will allow up to seven states to develop competency based assessments and other innovations.

• **Alternate Assessments** for up to 1% of students with most significant cognitive disabilities. Cap applies at state level.

• **NAEP**: Maintains current law requirement to participate in NAEP.
Title I, Part A

ACCOUNTABILITY

• ESSA makes significant changes to accountability requirements and allows states to develop their own index systems with required federal components and to set their own goals for improving student achievement.

• Subgroups: States must continue to hold schools accountable for the achievement of all groups of students, including major subgroups of students.

• Charter leader consultation: leaders must be consulted in a timely and meaningful way on the development of state and LEA plans; including standards and student achievement.

• Waivers Expire in August 2016, but interventions must continue in identified schools through the 2016-17 school year.
States must establish "ambitious State-designed long term goals" with measurements of interim progress on:

- Academic improvement on State assessments
- Graduation rates
- Progress in achieving English language proficiency for EL students
Title I Part A

**STATE INDEX**

**INDICATORS**

- Proficiency on state assessments
- Student Growth (or another statewide indicator for elementary and middle schools)
- Graduation rates based on State's goals
- Progress in achieving English language proficiency for EL students
- At least one measure of school quality or student success (such as educator engagement, school climate or safety, access to or completion of advanced coursework)
• Using the indicators on the previous slide, States must annually differentiate (such as school ratings or grades) the performance of all of its public schools (not just Title I schools)

• Each indicator must have “substantial weight” and academic indicators must have “much greater weight”

• States must also include in ratings any schools in which any subgroup is underperforming based on the index or indicators.

• The state must also factor in whether 95% of all students and subgroups in a school are assessed.
Title I, Part A

INTERVENTIONS FOR UNDERPERFORMING SCHOOLS

COMPREHENSIVE SUPPORT & IMPROVEMENT
(bottom 5% or below 67% graduation rate)

- Identified at least once every 3 yrs, (starts SY 2017-18)
- LEA-developed improvement plan with state oversight.
- State intervention if the school does not meet exit criteria within a state-determined time (not more than 4 years).
- Optional use 5% of Title I funds for public school choice

TARGETED SUPPORT & IMPROVEMENT
(subgroup underperforming)

- School-developed improvement plan with LEA oversight.
- Greater action required if the plan is unsuccessful after a LEA-determined number of years.
- Additional Targeted Support for subgroup in bottom 5%
ACCOUNTABILITY FOR CHARTER SCHOOLS

- ESSA maintains current law protections for charter schools:
  - *The accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.*

- Failing charter schools should be closed in accordance with state charter school law and the terms of their charter – Title I accountability should not interfere with that process and delay closure.
The law does not specify school improvement strategies.

This means that current SIG models, and Title I terms such as turnaround, restructuring and corrective action are no longer law.

States must set-aside 7% of Title I funds for school improvement in school districts.

Interested states and LEAs should be able to use these funds to implement charter school restarts under ESSA.

ESSA permits LEAs to use 5% of their Title I funds to transport students to schools of choice, including charter schools.

States may reserve up to 3% of their Title I funds for “direct student services”, which includes public school choice and supplemental educational services.
ESSA limits the authority of the Secretary to regulate and clarify statutory requirements, especially with respect to setting goals, weights and indicators for state index systems and school interventions. These requirements are unprecedented and it is not clear how they will affect regulations and guidance.

For example, the Secretary cannot issue “any rule or regulation on the development or implementation of the statewide accountability system that would

– add new requirements that are inconsistent with or outside the scope;
– add new criteria that are inconsistent with or outside the scope; or
– be in excess of statutory authority granted to the Secretary;”

The Secretary may not prescribe any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency.

For guidance, the Department cannot provide examples through strictly limited or exhaustive list to illustrate successful implementation of provisions under this section.
To comply with the new SNS requirement, charter LEAs districts now have to demonstrate that “the methodology used to allocate state and local funds to each school ... ensures that [the] school receives all of the state and local funds it would otherwise receive if it were not receiving assistance under this part."

- In other words, the method of distributing state and local funds must ensure that schools get their due of state and local funding.

ESSA states that compliance does not include a review of individual costs or services (as it did under NCLB). If districts can meet this methodology test, then that is the end of it.

The new rules apply what was in place for schoolwides for all Title I schools.

For more information on fiscal compliance requirements view our December 2015 webinar here
Title I Teacher Credentials

**ESSA DOES NOT REQUIRE TEACHERS TO BE HIGHLY QUALIFIED**

- ESSA eliminates the “Highly Qualified Teacher” definition and requirements in Title I.

- Instead, Title I requires that all teachers and paraprofessionals working in a program supported by Title I meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.

- **ESSA does NOT place any requirements on states to have charter school teacher credentials. They don’t have to have any standards in place.**
Title II

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

Maintains key Competitive Grants

– Teacher and School Leader Incentive Program (new version of Teacher Incentive Fund (TIF), focused on developing performance based compensation systems.
– Supporting Effective Educator Development (SEED) Grants
– School Leader Recruitment and Support

• **New authority to prepare teachers:** Permits up to 3% of state allocations to be used to establish or expand teacher, principal or other school leader preparation academies or other related activities. Academies are public or other non-profit entities that prepare teachers, principals and other school leaders to serve in high need schools that enters into a performance based agreement with a state authorizing entity and meet certain other requirements.

• **Consultation:** Charter school leaders must be consulted in a meaningful way on state and district grant applications.
ESSA repeals 49 programs and authorizes a new $1.7 billion dollar grant providing increased funding opportunity for charter schools.

Each LEA, including charter LEAs, with an approved application by the SEA will receive an allocation in proportion to its funding under Title I. The minimum allocation for an LEA is $10,000.

Includes requirement that charter school teachers and other charter leaders be consulted on the development of LEA application for grant.

To improve all students’ academic achievement by increasing the capacity of States, LEAs, schools, and local communities to:
1. Access to a well-rounded education;
2. Improve school conditions for learning; AND
3. Improve the use of technology.
# Title IV, Part A

**STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS**

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<th>REQUIRED ACTIVITIES</th>
<th>MAY INCLUDE:</th>
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<td><strong>WELL-ROUNDED EDUCATIONAL OPPORTUNITIES</strong></td>
<td>• College and career readiness initiatives</td>
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<td>• Music and Arts as tools for student success</td>
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<td>• STEM subjects</td>
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<td>• Accelerated learning initiatives</td>
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<td>• History, Civics, Foreign Language, and/ or Environmental education</td>
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<td>• Community Involvement</td>
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<td>• Integrated disciplines</td>
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<td><strong>SAFE &amp; HEALTHY STUDENTS</strong></td>
<td>• Drug &amp; Violence prevention</td>
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<td>• Mental Health</td>
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<td>• Health &amp; Safety</td>
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<td>• Sexual Abuse prevention</td>
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<td>• Discipline practices and behavioral interventions</td>
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<td><strong>EFFECTIVE USE OF TECHNOLOGY</strong></td>
<td>• Learning tools for professionals</td>
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<td>• Building capacity &amp; infrastructure</td>
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<td>• Delivery of rigorous courses</td>
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<td>• Blended learning projects</td>
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<td>• Professional development</td>
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<td>• Digital resources for rural or underserved</td>
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ESSA makes significant changes to the 21st Century Learning Centers program:

Programs must serve Title I Schools identified for school improvement and schools that the local education agency determines are in need of extra support. Previously, 21st CCLC funds were focused on serving students from schoolwide programs under Title I and schools that served a high percentage of students from low-income families.

Expanded learning time: The new structure requires that states award local grants for community learning centers, as defined in a way similar to previous law. But now states may also use funds to support expanded learning program activities, which may include programs during the regular school day, subject to certain requirements.

Local Grant Awards: The local grant awards length remains the same at not less than 3 years but not more than 5 years, and the minimum grant remains $50,000.
Title IV, Part C

EXPANDING OPPORTUNITY FOR CHARTER SCHOOLS

STATE COMPETITION: 65%
- 7% quality authorizing activities
- 3% TA

FACILITIES FINANCING ASSISTANCE: 12.5%
- Credit Enhancement & State Facilities Incentive Program

NATIONAL ACTIVITIES: 22.5%
- 80% CMO replication & expansion
- 9% Grants to charter schools in states without State grants
- 11% Technical Assistance
Eligible applicants for state grants:
- SEA
- State charter school board
- Governor
- Charter school support organization

Prioritizes states that provide facilities assistance and equitable funding, among other priorities

New application requirements and assurances that address community engagement, authorizer quality, monitoring and equitable access to charter schools.

Permits states to award replication grants and grants to expand schools by one or more grades.

Requires at least three grants to be awarded every year.
# Title IV, Part C

**ESSA ADDRESSES KEY ISSUES IN CSP**

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<tr>
<th>Topic</th>
<th>Description</th>
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<td>Feeder Patterns</td>
<td>• Permits grantees to automatically enroll students attending the immediate prior grade of an affiliated school. Grantees must fill any openings due to attrition through a lottery.</td>
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<td>Weighted Lotteries</td>
<td>• Codifies recent guidance to allow schools to serve more educationally disadvantaged students; clarifies that weighted lotteries are permitted unless prohibited by state law.</td>
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<td>High quality charter school</td>
<td>• Establishes a federal definition of high quality charter schools based on student proficiency, growth and other indicators. This definition is different from current definition used for CMO competition.</td>
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<td>Faux Charter Schools</td>
<td>• Strengthens state application requirements to ensure start-up grants are awarded to educational entities that have true autonomy over budget, operations, and personnel and that intend to operate as a charter school after their start-up grant expires</td>
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<td>Title I Hold Harmless</td>
<td>• Codifies current guidance requiring that new and significantly expanding charter schools receive their appropriate Title I allocations while meeting Title I allocation hold harmless requirements.</td>
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Maintains current facilities programs

- Allocates not less than 50% of facilities funding for the CE program. Remainder is used for the Per-Pupil Facilities Aid program.

- Awards not less than 3 grants to eligible entities.

- Permits the use of funds for predevelopment costs related to construction of new facilities. See Section 4304(2) (e) (3)
CMO replication & expansion competition is similar to current competition

- Creates priorities for diverse schools, CMOs that have taken over low performing schools, high schools and dropout recovery

- Unlike current competition, ESSA does not require that grantee CMOs serve high poverty population (more than 65%).
Implications for 2016

• There will be CSP State and CMO competitions in 2016 – announced soon, and possibly a second time at the end of the year.

• The Department will likely use very similar priorities and selection criteria from last year.

• We are working to make certain provisions effective immediately, such as feeder patterns and the definition of a high quality charter school.

• We will also be submitting comments on all proposed regulations, which will mainly address Title I. Anyone on this call can submit comments as well. Please make sure you are on our distribution lists to find out the latest information about this process.

• Now is the time to engage on Title I assessments and accountability, especially at the state level.
QUESTIONS

For More Information...

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Jessica Morffi, Director, Policy and Government Relations
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Reference and Resources

*Every Student Succeeds Act*

*ED.GOV/ESSA*

*ED Dear Colleague Letter (Dec. 18)*

*ED Dear Colleague Letter (Jan. 28)*

*ED Request for Information*

*White Board Advisory Presentation*

*ESSA Transition FAQs*

*Sign up for email updates and news about ESSA*

*Send questions to essa.questions@ed.gov*