

**Reauthorization of the Elementary and Secondary Education Act
Conference Report on S.1177, The Every Student Succeeds Act (ESSA)**

Title I	Page 1
Title II	Page 5
Title III	Page 5
Title IV	Page 6
Title V	Page 8
Title VI	Page 8
Title VII	Page 8
Title VIII	Page 8
Title IX	Page 9
Early Childhood	Page 9
Authorization Levels	Page 9

TITLE I

Sets high standards for students –The Every Student Succeeds Act (ESSA) requires states to have challenging academic standards in reading and math that are aligned to entrance requirements for credit-bearing coursework at public institutions of higher education and relevant career and technical education standards in the State. States are allowed to establish alternate achievement standards for students with significant cognitive disabilities, with requirements that any such standards be vertically aligned to prepare students with significant cognitive disabilities to pursue postsecondary education or employment.

Maintains important information about student performance – The ESSA maintains annual, statewide assessments in reading and math in grades 3 through 8 and once in high school, as well as science tests given three times between grades 3 and 12. States are required to have at least 3 levels of achievement standards to ensure that parents receive meaningful information about student and school performance.

Supports responsible efforts to reduce over-testing – States may pursue flexibility to develop and implement innovative statewide assessment systems through a pilot program similar to the assessment pilot included in the Democratic substitute amendment to H.R. 5, as well as flexibility to administer nationally-recognized high school assessments, such as the ACT or SAT, in place of statewide assessments in high school, so long as the assessment meets or exceeds the State’s technical criteria, is at least equivalent to the statewide assessment in content and rigor, fulfills all requirements of federal law, and is approved through federal peer review. The ESSA codifies an exemption for students enrolled in advanced mathematics while in middle school to avoid “double testing.” Lastly, the ESSA includes, within the Title I-B assessment funding stream, funds to allow states and school districts to conduct audits of state and local assessment systems with the goal of reducing and eliminating duplicative, low-quality, and unnecessary tests.

Ensures that all students count – The ESSA maintains the requirement under current law that each school assess, using the annual statewide assessment, 95 percent of all students and 95 percent of each subgroup of students. Each state is required to use school compliance with the 95 percent assessment participation requirement within the statewide accountability system. The ESSA does not include harmful language included in both the House and Senate-passed bills that would have allowed students whose parents opt them out of annual statewide assessments to be removed from a school’s denominator, effectively rendering those students invisible for the purpose of the

reporting and accountability for improved achievement. Striking this language remains a top priority for House Democrats and the civil rights community.

Repeals and replaces adequate yearly progress with strong statewide accountability systems -- The ESSA replaces the one-size-fits-all “adequate yearly progress” federal accountability system under current law with a comprehensive system that improves State capacity to identify and support struggling schools. The system builds on State-led innovation in measuring school quality driven chiefly by student learning outcomes, while ensuring that there are strong federal guardrails to protect civil rights and provide resources for the most at-risk students, including required action to improve student learning in the state’s lowest-performing schools, dropout factories, and schools in which any subgroup of students is consistently underperforming.

Uses multiple measures of student learning and school success in school ratings -- Under current law, school performance is almost exclusively based on proficiency on annual statewide reading and math assessments. Teachers, parents, and students alike know that schools are much more than a test score. The ESSA requires states to use other indicators of student achievement and school quality, such as student engagement, access to and completion of advanced coursework, and school climate and safety, with requirements that any such indicators allow for differentiation in school performance and can be disaggregated by student subgroup to provide meaningful information to parents. While the ESSA gives States room to design a system that fits their unique circumstances, it also includes important safeguards to ensure that school differentiation is driven by student learning outcomes and that the performance of all students and the performance of each subgroup of students on each indicator used by the state count in differentiating schools for the purpose of accountability and improvement.

Supports school improvement that meets the unique needs of students and schools —Instead of treating every school the same as under NCLB, the ESSA recognizes that every school faces different challenges to improving student learning. The ESSA fulfills the fundamental civil rights legacy of the ESEA by requiring state and local action in any school where students aren’t learning, but does not prescribe any specific interventions or improvement strategies. In order to tailor interventions to meet local needs, the ESSA requires each State’s system of meaningful differentiation, or annual ranking of schools based school performance, to differentiate any school with a consistently underperforming subgroup and to identify the lowest-performing schools of the state.

Drives more equitable allocation of resources to support school improvement – The ESSA seeks to drive federal dollars to support locally-tailored improvement in the highest-need schools by requiring each state to reserve seven percent of its Title I-A Allocation to serve schools implementing comprehensive and targeted support and improvement plans. Additionally, the ESSA seeks to drive more equitable distribution of state and local dollars to support high-need schools by requiring improvement plans to identify and address resource gaps and requires state monitoring of local educational agency resource allocation.

Strengthens state and local responsibility for improving low-performing schools while requiring continuous improvement to support student learning – The ESSA recognizes that local school districts are best equipped to decide which evidence-based interventions, supports, and resources will move the needle for students in struggling schools. However, understanding differences in capacity, the ESSA also requires states to have in place a ESSA for oversight, evaluation, and continuous improvement to ensure that every school is making progress. School districts must initiate additional improvement action in any school with a consistently underperforming subgroup that fails to improve after a LEA-determined number of years. Schools with subgroups performing as poorly as the lowest-performing schools in the state that do not improve within a state-determined number of years are

identified for comprehensive support and improvement. Schools identified for comprehensive support and improvement must improve student outcomes on all indicators in the system within four years or face more rigorous action by the State, which may include addressing school level operations.

	Comprehensive Support and Improvement	Targeted Support and Improvement
How are schools identified?	Using the State’s system of meaningful differentiation	Using State’s system of meaningful differentiation
How often?	At least once every three years	Annually
Which schools?	<ul style="list-style-type: none"> • Lowest-performing 5% of Title I schools based on the State’s accountability system; and • All high schools with a graduation rate at or below 67%; and • After a state-determined number of years, lowest performing subgroup schools that fail to improve student outcomes. 	<ul style="list-style-type: none"> • Schools with any consistently underperforming subgroup; • Schools with any subgroup performing as poorly as lowest-performing schools in the State
What happens?	LEA develops and implements comprehensive support and improvement plan that includes evidence-based interventions and addresses resource inequities.	School develops and implements targeted support and improvement plan that includes evidence-based interventions; lowest-performing subgroup schools must also address resource inequities in their plan.
Who approves and monitors school improvement?	The State	The LEA
What happens if schools don’t improve?	State must take more rigorous action in schools that don’t improve within four years	Consistently low-performing subgroup schools must take additional action after a locally determined number of years; lowest-performing subgroup schools are identified by the State for comprehensive support and improvement

Ensures meaningful federal oversight – While the ESSA transfers more responsibility to states for identifying and providing support for improvement in struggling schools, it also maintains meaningful federal regulatory and discretionary authority to ensure the US Department of Education is able to oversee successful implementation of the law. The Secretary is prohibited from interfering in some state and local decisions regarding accountability and school improvement activities through prescribing specific methods or systems, but he or she retains the ability to hold states accountable for setting a high bar for student achievement, especially concerning key components of accountability and interventions, approve or disapprove state plans, and monitor implementation to fulfill Congressional intent in holding all states accountable for meeting the needs of all students. The ESSA maintains current law requirements that only standards, assessments, and supplement not supplant requirements be subject to the negotiated rulemaking process.

Supports high standards for students with the most significant cognitive disabilities – The ESSA puts in place a state-level participation cap that prohibits states from administering the alternate

assessment aligned to alternate academic achievement standards (AA-AAS) to more than one percent of all students (roughly 10 percent of all students with disabilities). The State must provide additional support and oversight to any school district that administers the AA-AAS to more than one percent of its students, but may not impose a hard cap at the school district level. Any State that uses an alternate assessment may not preclude a student with the most significant cognitive disabilities who takes an alternate assessment from attempting to complete the requirements for a regular high school diploma. The ESSA also updates the definition of both the four year adjusted cohort graduation rate and extended year graduation rate to allow students assessed using the AA-AAS to count toward a school's graduation cohort, so long as the student is awarded a State-designed alternate diploma that is standards based and aligned to the requirements for a regular high school diploma. The ESSA prohibits states from counting lesser credentials such as a certificate of completion, certificate of attendance, or GED as a regular high school diploma for students with the most significant cognitive disabilities. .

Improves accountability for English language proficiency – The ESSA moves accountability for English language proficiency from a separate system in Title III into the State-designed accountability system in Title I. States must set a goal for the percentage of students making progress year after year toward full English proficiency within a State-determined number of years. The ESSA also maintains a responsible exemption for recently arrived English learners to ensure that the unique needs of these students are met.

Maintains reporting of disaggregated data – The ESSA maintains annual reporting of data disaggregated by subgroups of children, which provides valuable information about whether all students are achieving and whether schools are meeting the particular needs of low-income students, students of color, students with disabilities, and English learners. The ESSA also maintains disaggregated reporting of student achievement data by migrant status and gender, and adds student achievement data reporting for homeless children, children in foster care, and military-connected children.

Provides valuable information about school performance – The ESSA increases state and local reporting requirements to provide families and communities with more information about student and school performance. The ESSA requires states to report new information about actual per-pupil expenditure, student discipline rates, postsecondary enrollment where available, and critical resource equity indicators such as access to preschool and advanced coursework. Additionally, the ESSA includes a provision requiring states to provide this data in a manner that can be cross-tabulated and requires that the Secretary, upon request, provide technical assistance to states and districts on ways to improve the disaggregation of data and academic outcomes for Asian American/Pacific Islander students.

Includes critical fiscal requirements to target funds to at-risk children – The ESSA maintains the maintenance of effort and supplement not supplant language from the Senate bill and also maintains the 40 poverty threshold for operation of a schoolwide program, and grants States, not LEAs, the ability to waive that requirement. The ESSA also includes a “Flexibility for Equitable Per-Pupil Funding” program that allows the Secretary to grant flexibility to school districts that demonstrate equitable state and local funding through use of a weighted student funding formula that allocates additional funds based on weighting student characteristics such as low-income and English learner status. Applications for this program must be approved by the Secretary and are subject to rigorous fiscal and reporting requirements. Finally, the ESSA does not change the Title I formula, except for providing a small adjustment to allocate .1 percent additional Title I-A funds to the outlying areas.

Supports migrant education programs – The ESSA improves the Migrant Education Program (MEP) by updating the formula to ensure that funds are reaching the States with the highest migrant student

populations. The ESSA prioritizes services for migrant students who have dropped out of school and preschool-aged migrant children to help meet the needs of these at-risk populations. The ESSA also ensures that MEP services are reaching both students and families and updates program definitions to better identify and serve migrant children.

Improves programs for children and youth who are neglected, delinquent, or at-risk – The ESSA improves Title I, Part D of current law to ensure children and youth in local and State institutions for neglected and delinquent juveniles are re-enrolled into secondary schools or re-entry programs in a timely way, including timely transfer of credits, and have opportunities to participate in postsecondary education. The ESSA emphasizes the importance of facilitating the successful transition of students, including by conducting academic assessments for students upon entry into a correctional facility and consultation between facilities and school districts upon release to ensure the students’ continued success. Additionally, the ESSA increases focus on the coordination with Indian tribes and the Bureau of Indian Education.

TITLE II

Supports teachers – The ESSA provides resources to states and school districts to implement various activities to support teachers, principals, and other educators, including allowable uses of funds for high quality induction programs for new teachers, ongoing professional development opportunities for teachers, and programs to recruit new educators to the profession. The ESSA adjusts the allocation of Title II formula funds to provide states with higher numbers of students in poverty receive funding that is reflective of their student populations. This change is phased in over time so that states have the chance to adjust and plan accordingly.

Ends federal mandates on evaluations, while allowing states to innovate – The ESSA allows, but does not require, states to develop and implement teacher evaluation systems. The ESSA eliminates the definition of a highly qualified teacher, but makes conforming amendments to the IDEA to ensure that special education teachers meet high professional standards.

Supports comprehensive literacy instruction – The ESSA provides federal grants to develop, revise, or update comprehensive literacy programs for children from birth to grade 12. These grants are designed to improve literacy instruction plans and provide high-quality literacy instruction in areas serving disadvantaged children.

Supports STEM Educators – The ESSA authorizes a STEM Master Teacher Corps program that would support states in recognizing, retaining and rewarding talented STEM teachers in order to raise the profile of the STEM teaching profession and leverage excellent teachers to improve the quality and effectiveness of STEM classroom instruction and improve student achievement in these subjects.

TITLE III

Supports English learners – The ESSA provides resources to states and school districts to establish, implement, and sustain high-quality language instruction educational programs designed to ensure that English learners, including immigrant children and youth, develop both English language proficiency and content proficiency in math and English, as measured against challenging academic standards. The ESSA requires states to measure school districts’ progress in these areas and to provide assistance and support to those school districts with ineffective language instruction educational programs. The ESSA requires States to develop statewide entrance and exit procedures for English learner programs to ensure that English learners are reclassified when they are ready and can benefit from instruction in mainstream classrooms with their peers. The ESSA also requires disaggregated reporting

by English learners with a disability, as well as reporting on the percentage of students who are long-term English learners, as measured by students who have maintained the classification for 5 or more years. Finally, recognizing the large increase in the number and percentage of English learners in this country since No Child Left Behind, the ESSA increases the authorization level for Title III by more than 20% over the life of the authorization.

TITLE IV

Provides high need districts with formula funding to support students and schools – The ESSA authorizes the new Student Support and Academic Enrichment (SSAE) grant program to distribute federal dollars based on need and population to fill resource and opportunity gaps identified by school districts in three areas: supports for safe and healthy students, well-rounded educational opportunities, and effective use of technology in schools. States may reserve 5% to implement programs that will support and benefit all school districts. Additionally, districts receiving an SSAE grant in an amount more than \$30,000 must spend at least 20 percent of the grant amount on activities to support safe and healthy students, 20 percent on well-rounded educational opportunities, and no more than 15% on technology infrastructure.

Safe and Healthy Students- SSAE grants support states and districts in creating positive conditions for student learning, including by improving school climate and the safety and health of students. Funds can be used to provide critical supports to students through activities such as –

- school-based mental health programs;
- mentoring, counseling and instruction to foster safe relationships;
- bullying and harassment prevention programs;
- drug and violence prevention;
- reducing exclusionary discipline, including through the development and implementation of Youth PROMISE plans;
- trauma-informed care to increase student achievement;
- physical education programming; and
- efforts to increase the health and safety of students participating in athletic activities.

Well Rounded Educational Opportunities – SSAE grants support states and districts in providing a diverse array of learning opportunities including improving access to –

- Enriching coursework, through support for foreign language instruction, arts, music, history, civics, economics, geography, environmental education, and other courses that support a well-rounded education;
- Science, technology, engineering and math, including computer science (STEM) education through programming and activities that improve the quality and effectiveness of STEM classroom instruction and improve student achievement in the STEM subjects and expanding access to girls, minorities, low-income students, English learners, and children with disabilities who have too often been underrepresented in these fields; and
- Accelerated learning, including Advanced Placement and International Baccalaureate courses, dual or concurrent enrollment programs, and early college high schools in order to provide low-income students with access to rigorous coursework that can lead to college credit. States and districts can use SSAE grants to expand access to and improve student success in these programs or directly reimburse low income students to cover part or all of the costs of accelerated learning examination fees.

Updates and strengthens accountability and transparency within the charter school program – The ESSA updates and strengthens the charter school program by increasing charter school quality,

accountability, and transparency, including by strengthening requirements around financial audits. The ESSA incentivizes stronger charter school authorizing practices and requires charter schools to improve community outreach and engagement. The ESSA also provides dedicated funding to expand and replicate the highest quality charter schools so that they can reach more students. Finally, the ESSA focuses on charter school recruitment, retention, and discipline practices, particularly for underrepresented groups such as homeless and foster students. The ESSA seeks to increase federal investment in public school choice that improves racial and socioeconomic integration by including a grant priority for charter management organizations that seek to operate racially integrated charter schools and eliminating a priority for charter schools that serve majority low-income students. Lastly, the ESSA includes a legislative directive for the Secretary to address recent findings of the Office of the Inspector General pertaining to operational challenges within the Charter School Program.

Prioritizes grants to evidence-based magnet school assistance programs (MSAP)– The ESSA prioritizes grants to evidence-based magnet school programs, including inter-district and regional magnet programs, and provides opportunities to expand magnet school programs with a demonstrated record of success. It also requires magnet school programs to assess, monitor, and evaluate the impact of the activities to improve racial integration and student achievement. The ESSA also expressly allows local educational agencies to use federal MSAP funding for transportation, a historic first in furthering the federal investment in and commitment to both court-ordered and voluntary desegregation efforts.

Title IV Reauthorizes critical programs, including:

- **21st Century Community Learning Centers** – The ESSA reauthorizes and strengthens the 21st Century Community Learning Centers program to provide academic and enrichment activities for students during non-school hours, focused on students attending high-poverty and low-performing schools. The program also allows funds to be awarded to eligible entities to support certain activities delivered as part of an expanded learning program that meets certain requirements.
- **Education Innovation and Research** – The ESSA provides funding for the development, implementation, and evaluation of entrepreneurial, evidence-based, innovations to improve student achievement and attainment for high-need students. This program is designed to build a base of best practices in education to help address the educational needs of students across the country.
- **Community Support for School Success** – The ESSA authorizes grants for both Promise Neighborhoods and Full-Service Community Schools. Promise Neighborhoods supports the implementation of a comprehensive, evidence-based continuum of coordinated services for students and families in high-poverty neighborhoods. Full Service Community Schools provides assistance to elementary and secondary schools in order to improve the coordination and integration, accessibility, and effectiveness of services for children and families.
- **Arts Education** – The ESSA supports national organizations in promoting arts education for disadvantaged students and children with disabilities.
- **Project School Emergency Response to Violence (SERV)** – The ESSA authorizes Project SERV, which provides education-related services to local school districts and institutions of higher education that have been impacted by a violent or traumatic crisis that has severely disrupted the teaching and learning environment in the school.
- **Ready-to-Learn Television** – The ESSA reauthorizes the Ready-to-Learn program in order to

leverage the power and reach of public television to help prepare children, especially disadvantaged children, to enter school ready to succeed.

- **Javits Gifted and Talented Education** – The ESSA reauthorizes the Jacob K. Javits Gifted and Talented Students Education Program dedicated to conducting research and disseminating innovative practices and strategies to assist schools in identifying high-ability students, who may be traditionally underrepresented in gifted and talented programs, in order to reduce the gap in achievement among groups of students at the highest levels of achievement.

TITLE V

Supports rural schools – The ESSA supports rural schools by providing more flexible use of federal funding to enable rural districts to more effectively implement programs, and maintains the authorization of the Small, Rural School Achievement Program (SRSA) and the Rural and Low- Income School (RLIS) program. Additionally, it allows for dual eligible districts, those eligible for both SRSA and RLIS, to choose which program they would like to apply for funding and updates locale codes that designate rural areas to ensure that the most accurate information is available in deciding eligibility for rural education programs. The ESSA also increases the minimum and maximum grant amounts for SRSA to \$25,000 and \$80,000, respectively, if appropriations are \$265,000,000 or more.

TITLE VI

Supports programs for American Indian and Alaska Native students – The ESSA provides formula grants and competitive grants to support local development of programs for American Indian and Alaska Native students, including a new grant program to support Native American and Alaska Native language immersion school. The ESSA fosters greater coordination and local community involvement with schools and tribes in the delivery of programs for all Native American students.

TITLE VII

Updates the Impact Aid formula – The ESSA updates and strengthens the Impact Aid program, which reimburses eligible local school districts that are near, or serve students from, military bases, federal lands, and Indian reservations, for the loss of property taxes due to certain activities of the federal government. Title VII provides improved flexibility and funding stability to eligible local school districts, eliminates the unfair “lockout” provision that bars eligible local school districts from receiving Impact Aid and establishes a reasonable “hold harmless” to prevent eligible local school districts from experiencing a dramatic funding cliff due to base realignments, deployments, potential base closure, school consolidations or other unexpected local actions causing a drop in eligible federally connected students. The ESSA makes other necessary fixes to current law. Additionally, Title VII codifies technical changes to the Impact Aid program that were included in prior National Defense Authorization Acts.

TITLE VIII

Supports a well-rounded education – The ESSA includes a definition of “well-rounded” education to ensure that federal funds are used to support educational opportunities that increase student achievement through programming in a variety of subjects, including English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency.

TITLE IX

Ensures homeless students have access to critical supports to improve school stability and academic achievement – The ESSA recognizes the unique challenges that homeless students face and provides the necessary supports for homeless students to enroll, attend, and succeed in school. The ESSA ensures that school district liaisons have the necessary time and training to fulfill their responsibilities, increases support for unaccompanied homeless youths, and improves provisions designed to increase school stability for homeless students. The ESSA also ensures that homeless youth have access to all services provided by the state and school districts, including charter and magnet schools, summer school, career and technical education, advanced placement courses, early childhood education programs and online learning opportunities. In order to respond to the substantial increase in homeless children since No Child Left Behind, the ESSA increases the authorization level for McKinney-Vento by more than 30%.

EARLY CHILDHOOD EDUCATION

Provides dedicated funds for early learning – The ESSA includes a competitive grant program to provide funding for states that propose to improve coordination, quality, and access for early childhood education. States are required to apply for an initial grant focused on planning, coordination, and quality improvements, with an option to apply for a renewal grant that would allow, after gradual increase, States to use 75 percent of funding to increase access to early learning. States must provide matching funds to support sustainable improvements in their early learning systems that improve access to high-quality early learning opportunities for high-need children following conclusion of the grant period.

Ensures that federal funds may continue to be used for early education programs – The ESSA ensures that Federal funds can be allocated for early childhood education programming by clarifying that states, school districts, and schools can spend ESEA dollars to improve early childhood education programs. These provisions apply to various titles including Title I, Title II (supports for teachers and school leaders) and Title III (programs serving English learners).

AUTHORIZATION LEVELS

Increases funding for key formula grant programs – The ESSA reflects the current budget agreement in 2017 and increases the authorization levels for ESEA overall by 2% each year in 2018-2020. The ESSA includes increases in priority Democratic programs, including an increase Title I by more than \$1.2 billion over the life of the authorization (four years), increased authorizations for Title III, support for English Learners (more than 20 percent increase), Title VI, American Indian and Alaska Native programs, Impact Aid for federally-connected schools, and McKinney Vento to provide services for the education of homeless children and youth.

Increases funding for key competitive grant programs – The ESSA increases authorization levels for Democratic priorities in competitive programs, including Striving Readers, Promise Neighborhoods, Community Schools, and the Magnet Schools Assistance Program.