



A Union of Professionals

Every Student Succeeds Act

A New Day in Public Education

Frequently Asked Questions

STANDARDS, ASSESSMENTS AND ACCOUNTABILITY

Q: What does ESSA mean for a classroom teacher?

A: ESSA will end the obsession with testing in schools that began with its predecessor, No Child Left Behind, and was expanded through Race to the Top and waivers. These laws and regulations forced states to change their laws to compete for much-needed funds at a steep cost: a high-stakes, one-size-fits-all accountability system that ignored the reality of schools and required improvement strategies that did not work.

The provisions of ESSA show that the voices of educators have been heard. It will provide at the state and local levels the opportunity to create systems in which:

- Factors such as resources, working conditions and teacher voice must be considered.
- Teacher evaluation will be used to grow and strengthen the profession, not sort and punish.
- Assessments will be used to help improve schools and inform instruction, not arbitrarily measure them.
- Reasonable goals and objectives can be collaboratively established that align with the needs of students.

Q: What will happen at the state level?

A: Under the new framework, the states will take the lead on issues of accountability, resources, interventions and teacher evaluation systems. Undoubtedly, some states will mess up. Many, hopefully most, will learn from the failures of NCLB and give teachers the latitude and resources to deeply engage students and to focus on the whole child, instead of on tests above all else.

The **American Federation of Teachers** is a union of 1.6 million professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

Randi Weingarten
PRESIDENT

Loretta Johnson
SECRETARY-TREASURER

Mary Cathryn Ricker
EXECUTIVE VICE PRESIDENT

American Federation of Teachers, AFL-CIO • 555 New Jersey Ave. N.W. • Washington, DC 20001 • 202-879-4400 • www.aft.org



ESSA has the potential—if we get accountability right in the states—to give teachers the latitude to meet the needs of kids rather than simply focus on tests. We will just have to work to be sure it happens.

Q: What are the requirements for testing in ESSA?

A: ESSA testing requirements are the same as under NCLB, but the sanctions and consequences are very different and hugely diminished. States are required to test students in reading or language arts and math annually in grades 3-8 and once in grades 10-12, and in science once in each of the following grade spans: 3-5, 6-9 and 10-12.

Q: What happens with the data?

A: Data is still required to be disaggregated by race, income, English language proficiency and other specified categories.

Q: What, if anything, does ESSA do to lessen testing requirements?

A: The new law does include some flexibility and provisions to improve testing policies. For example:

- States and school districts can use funds to conduct audits of state and local assessment systems to eliminate unnecessary tests and improve assessments.
- ESSA also will allow for the development and dissemination of high-quality performance-based assessments through a seven-state pilot program. Under this program, states can develop and implement innovative assessments.
- While assessments for elementary schools must be the same for all public school students statewide, states may also choose to offer a nationally recognized local assessment at the high school level (SAT or ACT, for example) as long as assessments are reliable, valid and comparable.
- ESSA allows states to set a target limit on the aggregate amount of time that students spend taking assessments for each grade.

Q: How will the accountability system work?

A: States will be responsible for establishing their own accountability systems that must be submitted to the U.S. Department of Education. Plans will be peer-reviewed, with the reviewers being made public, and states could have a hearing if their plan is turned down.

Q: How will accountability differ from what is there now? Is there still adequate yearly progress?

A: For states without waivers, the rigid system of AYP (the requirement that assessments be given to ensure that states increase student achievement in increments until all students in the state reach 100 percent proficiency) is gone. For states with waivers, the list of goals required as a condition of waiver is also gone.

Instead, states will set their own goals. Goals will have to address proficiency, including for English language learners, and graduation rates.

Q: What are the required elements of an accountability system?

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

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

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

Q: What indicators other than test scores will states be able to use? Are there multiple measures?

A: There is no doubt that ESSA requires less emphasis on standardized tests. ESSA requires states to use other indicators of student achievement and school quality. These include student and educator engagement, school climate, access to and completion of advanced coursework, and postsecondary readiness. Other possibilities include other measures that can be replicated statewide.

Q: What schools are states required to identify?

A: States will use the results from the accountability system to identify the lowest-performing 5 percent of the schools in the state that receive Title I funding, all public high schools that fail to graduate one-third or more of their students, as well as schools where any subgroup of students consistently underperforms.

Q: What must states do in/for those schools?

A: The prescriptive school closings, personnel requirements and punitive sanctions of NCLB, Race to the Top and waivers are gone. States, working collaboratively with local stakeholders (including teachers and their organizations), have a lot of latitude as they just have to provide:

- **Targeted support and improvement:** Schools with significantly underperforming subgroups (as defined by the state) must develop plans with stakeholders, based on all indicators; must include evidence-based strategies; and must be approved and monitored by the district.
- **Comprehensive support and improvement:** Districts with identified schools must develop plans with stakeholders, based on all indicators; must include evidence-based strategies and a resource equity component; must be approved by the district and the state; and must be monitored and reviewed by the state. Students at such schools are eligible for public school choice.

If, after four years of comprehensive support and improvement, schools don't meet state-defined criteria for exit, the state will take more rigorous action, which can include changes to school-level operations.

Q: Are there resources for school improvement?

A: Yes. ESSA requires each state to reserve 7 percent of its Title I-A allocation to serve schools implementing comprehensive and targeted support and improvement plans. Improvement plans are required to identify and address resource gaps and also require state monitoring of local spending.

Q: Do the collective bargaining protections under NCLB remain?

A: Yes. There is language saying that no policy a state pursues can overturn existing collective bargaining agreements or memoranda of understanding.

Q: Are parents allowed to opt their students out of assessments?

A: Parents can opt their students out of any required assessments for any reasons. Every year, school districts are required to notify parents of the state's testing policies. In addition, if requested, school districts must provide parents information regarding student participation in mandated assessments and the parents' right to opt their children out of the tests.

There will also be less pressure, as states will determine what weight they give student performance in the accountability system. So while 95 percent of students are required to participate in assessments, the stakes will not necessarily be as high.

ENGLISH LANGUAGE LEARNERS

Q: What provisions are there for English language learners?

A: ESSA maintains Title III as a separate title with a separate funding stream dedicated to the education of English learners. It recognizes the large increase in the number and percentage of English learners in this country, and increases the Title III authorization levels.

Q: How are ELLs counted in accountability systems?

A: For the first time, English language proficiency for English learners is integrated into the system by which all schools and districts are held accountable. Furthermore, the academic achievement of English learners is more fully integrated into that accountability system. ESSA gives states two options for delaying English learners' inclusion in accountability systems while they are learning English:

- For one year, exclude the student from taking the reading/English language arts test and from counting results of either or both the math and English language arts tests; OR
- For the first year of the student's enrollment in a U.S. school, report on but exclude from the accountability system the results on these tests; for the second year of enrollment, include a measure of student growth on both tests; and for the third year of enrollment, include proficiency on both tests in the accountability system.

- English learners who have successfully exited the English learner subgroup by attaining English proficiency can be included in that subgroup for accountability purposes for four years. This extra year is something that educators have long argued is an appropriate and fair way to consider the unique needs of such students.

TEACHERS

Q: What changes are there for teachers? Is there mandatory teacher evaluation?

A: ESSA ends the federal mandate on teacher evaluations. States will be allowed to develop and implement systems, as long as they cooperate with stakeholders, including teachers, paraprofessionals and their unions. But whether and how they do it is no longer a condition of getting funding, as it was with Race to the Top and waivers. So, there are no more federally mandated test-based teacher evaluations.

Q: What provisions are there to ensure teacher voice and to ensure that working conditions are considered?

A: Local educational agencies can use funds to develop feedback mechanisms to improve school working conditions, including through periodically and publicly reporting results of educator support and working conditions feedback.

Q: Is there funding for professional development? Mentorship programs? Career ladders?

A: Yes. Resources will be provided to states and school districts to implement activities to support teachers, paraprofessionals, principals and other educators. The bill maintains a broad focus on making funds available for professional development, professional growth and leadership opportunities. Specific language provides that a state can use funds for centers on induction, class-size reduction, mentoring, career pathways and recruiting a diverse teacher workforce.

Q: Are there any teacher evaluation plans authorized?

A: There are programs that are allowable; nothing is mandated. States can apply for a grant for the Teacher and School Leader Incentives (formally TIF) program for teachers who raise test scores and close the achievement gap. While test scores are mandated to be included in this grant program, states have a lot of latitude in developing the system. In addition, there is a new collective bargaining clause stating that no programs funded through Title II can overturn existing collective bargaining agreements or memoranda of understanding.

Q: Does ESSA provide any resources to evaluate teachers' working conditions and stress levels?

A: Yes. ESSA allows states and districts to use Title II funds to conduct and publicly report on an assessment of educator support and working conditions that would be developed with teachers, leaders, parents, students and the community. It also encourages stakeholder involvement by requiring consultation with stakeholders to update and improve state activities.

Q: What are the Teacher Academies? Are they problematic?

A: ESSA authorizes an optional program of academies, which are public or other nonprofit entities (and may include an institution of higher education) to prepare teachers, principals or other school leaders to serve in high-needs schools. These may be separate from the traditional teacher preparation programs and traditional alternative certification programs.

ESSA provides a lot of latitude as to who can establish an academy, and the program requirements are mixed. These academies will need to be closely monitored at the state level and during implementation.

PARAPROFESSIONALS

Q: How are paraprofessionals handled in ESSA? Are certification requirements maintained? Are there professional development opportunities?

A: Paraprofessional certification requirements, which help prevent school districts from hiring paraprofessionals with little educational experience or professional training, are maintained under ESSA.

ESSA ensures that paraprofessionals are included in the list of stakeholders who must be consulted in the development of the state and local plans in Title II, and the local plans under Title I, including the operation of a targeted assistance school program. There is also language that expands professional development opportunities for paraprofessionals, including how a state can establish, expand or improve pathways for paraprofessionals to earn a teacher certification.

CHARTERS

Q: How are charters treated?

A: Charter schools have been part of the Elementary and Secondary Education Act since 1994. The Every Student Succeeds Act expands current law by improving accountability in the authorization of the charter schools program. ESSA requires that charters educate the same populations as traditional public schools. It strengthens the standards that charters need to meet before being authorized, with a focus on fiscal oversight, and increases requirements that large charter school chains have appropriate parental involvement.

EQUITY AND FUNDING

Q: How is the funding? Is the money still targeted?

A: ESSA increases funding to key formula grant programs. It reflects the current budget agreement in 2017 and increases authorization levels for ESEA overall by 2 percent each year in 2018-2020. There are no changes to the current Title I formula. There are some changes to the Title II formula that will provide resources to rural areas. ESSA also keeps the maintenance-of-effort provision that requires states to keep up their own spending at a particular level. And it increases authorizations for Title III, support for English language learners. Other programs and allowable uses of funds that will help level the playing field for disadvantaged students include class-size reduction, community schools and new early childhood programs.

TIMELINES

Q: When does the law take effect? When do provisions go into place?

A: There are different timelines for different programs.

ESSA specifies that statewide ESEA waivers will be null and void on or after Aug. 1, 2016. Current adequate yearly progress requirements are effective through Aug. 1, 2016. ESSA has an 18-month transition period for states to align their accountability systems to the new requirements and begin identifying schools in need of interventions.

The new accountability system will take effect at the beginning of the 2017–2018 school year. Initially, schools and local educational agencies that have been identified for school improvement, corrective action or restructuring under current law, or as priority or focus schools under ESEA waivers, must continue to implement any interventions required under those authorities either until their state has a new Title I plan approved or the accountability provisions of the new law go into effect.

State assessment requirements and other requirements became effective on Dec. 10, 2015.