“Bright-Line” Statutory Provisions in ESSA

Standards

1. **Three Levels of Achievement**: “Each State…shall provide an assurance that the State has adopted challenging academic content standards and aligned academic achievement standards...which...shall include not less than 3 levels of achievement...”

2. **All Students**: Except for students with the most significant cognitive disabilities, standards “shall apply to all public schools and public school students in the State; and with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.”

3. **Alignment with Credit-Bearing Coursework**: “Each State shall demonstrate that the challenging State academic standards are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State...”

4. **Three Subjects**: “The State shall have such academic standards for mathematics, reading or language arts, and science.,”

5. **English Language Proficiency**: States “shall demonstrate that the State has adopted English language proficiency standards that are derived from the 4 recognized domains of speaking, listening, reading, and writing; address the different proficiency levels of English learners; and, are aligned with the challenging State academic standards.”

Assessments

6. **Three Subjects**: “Each State plan shall demonstrate that the State educational agency...has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science.”

7. **All Students**: Assessments “shall except for [students with the most significant cognitive disabilities] be the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and administered to all public elementary school and secondary school students in the State.”

8. **Technical Standards**: Assessments shall “be used for purposes for which such assessments are valid and reliable, consistent with relevant, nationally recognized professional and technical testing standards....”
9. **Annual, Statewide Testing in Math and ELA:** “[I]n the case of mathematics and reading or language arts, [assessments shall] be administered in each of grades 3 through 8; and at least once in grades 9 through 12.

10. **Grade-Span Testing in Science:** “…in the case of science, be administered not less than one time during grades 3 through 5; grades 6 through 9; and grades 10 through 12…”

11. **Disaggregation:** “[E]nable results to be disaggregated within each State, local educational agency, and school by:
   i. each major [racial and ethnic] group;
   ii. economically disadvantaged students as compared to students who are not economically disadvantaged;
   iii. children with disabilities as compared to children without disabilities;
   iv. English proficiency status;
   v. gender; and,
   vi. migrant status…”

12. **1% Statewide Cap on Alternate Assessments for Students with the Most Significant Cognitive Disabilities:** “A State may provide for alternate assessments aligned with the challenging State academic standards and alternate academic achievement standards…for students with the most significant cognitive disabilities, if the State...ensures that, for each subject, the total number of students assessed in such subject using the alternate assessments does not exceed 1 percent of the total number of all students in the State who are assessed in such subject…”

13. **English Language Proficiency:** “…[L]ocal educational agencies in the State will provide for an annual assessment of English proficiency of all English learners in the schools served by the State educational agency.”

14. **95% Test Participation:** “Annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools…[and] [p]rovide a clear and understandable explanation of how the State will factor the [95%] requirement…into the statewide accountability system.”

**Accountability**

15. **Long Term and Interim Goals for Proficiency, Graduation Rates, and EL English Acquisition:** The State shall “[e]stablish ambitious State-designed long-term goals, which shall include measurements of interim progress toward meeting such goals…for, at a minimum, improved—
a. academic achievement, as measured by proficiency on the annual assessments [in math and English Language Arts]...; and

b. high school graduation rates, including the four-year adjusted cohort graduation rate; and...

c. “for English learners, for increases in the percentage of such students making progress in achieving English language proficiency...”

16. Goals for Each Subgroup (no “super groups”): Long-term and interim goals [for math and ELA proficiency and high school graduation rates] must be set “for all students and separately for each sub-group of students in the State...” (i.e. economically disadvantaged students, students from major racial and ethnic groups, children with disabilities, and English learners).

17. Focus on Closing Proficiency and Graduation Rate Gaps: “[T]he term set by the State for such goals is the same multi-year length of time for all students and for each subgroup of students in the State; and...for subgroups of students who are behind...take into account the improvement necessary on such measures to make significant progress in closing statewide proficiency and graduation rate gaps...”

18. ESSA requires that its accountability system has at least four indicators for each school that [except for EL language proficiency] “annually measure, for all students and separately for each subgroup of students...”

Indicators Required for All Schools (3):

19. Math & ELA Proficiency: “For all public schools in the State, based on the long-term goals...academic achievement— as measured by proficiency [in math and ELA]...”

20. English Language Proficiency: “For public schools in the State, progress in achieving English language proficiency...within a State-determined timeline for all English Learners—in each of the grades 3 through 8; and in the grade for which such English learners are otherwise assessed...during the grade 9 through 12 period...”

21. School Quality or Student Success: “For all public schools in the State, not less than one indicator of school quality or student success that— allows for meaningful differentiation in school performance; is valid, reliable, comparable, and statewide (with the same indicator or indicators used for each grade span, as such term is determined by the State)...”
Indicator required for elementary and middle schools (1):

22. Student Growth or Other Statewide Academic Indicator: “For public elementary schools and secondary schools that are not high schools in the State— a **measure of student growth**, if determined appropriate by the State; or **another valid and reliable statewide academic indicator** that allows for **meaningful differentiation** in school performance.”

Indicator required for high schools (1):

23. Four-Year Adjusted Cohort Graduation Rate Indicator: “For public high schools in the State, and based on State-designed long term goals...the **four-year adjusted cohort graduation rate**...

24. Annual Meaningful Differentiation: The state shall “[e]stablish a system of **meaningfully differentiating**, on an **annual basis**, all public schools in the State, which shall—be based on all indicators...for all students and for each subgroup of students...”

25. Weighting of Indicators – Proficiency + Growth + English Language Proficiency + High School Graduation Rates > School Quality or Student Success: “[W]ith respect to the [Proficiency, Growth, English Language Proficiency, and High School Graduation Rates] afford— substantial weight to each such indicator; and **in the aggregate, much greater weight** than is afforded to the indicator or indicators [of School Quality or Student Success].”

26. Identification of Schools in Need of Improvement: Establish a methodology to “identify— beginning with school year 2017–2018, and **at least once every three school years** thereafter”:

   i. **Bottom 5%**: “[N]ot less than the lowest-performing 5 percent of all schools receiving funds under this part in the State;”

   ii. **Drop-Out Factories**: “[A]ll public high schools in the State **failing to graduate one third or more** of their students; and...”

   iii. **Targeted Support Schools**: “...any school...in which any subgroup of students is consistently underperforming...”

27. Comprehensive Support and Improvement Activities for the Bottom 5% and Drop-out Factories: “...the local educational agency shall, for each school identified by the State
and in partnership with stakeholders (including principals and other school leaders, teachers, and parents), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes, that is informed by all indicators...including student performance against State-determined long-term goals; includes evidence-based interventions; is based on a school-level needs assessment; identifies resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan; is approved by the school, local educational agency, and State educational agency...”

28. Exit Criteria and Trigger of State Action for Comprehensive Support and Improvement Schools: The state shall establish exit criteria for schools identified by the State for comprehensive support and improvement that, “if not satisfied within a State-determined number of years (not to exceed four years), shall result in more rigorous State-determined action, such as the implementation of interventions (which may include addressing school-level operations)...”

29. Targeted School Support and Improvement Activities: “Each school [in which any subgroup of students in consistently underperforming] ...in partnership with stakeholders (including principals and other school leaders, teachers and parents), shall develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system...for each subgroup of students that was the subject of notification that is informed by all indicators...including student performance against long-term goals; includes evidence-based interventions; is approved by the local educational agency prior to implementation of such plan; is monitored, upon submission and implementation, by the local educational agency; and, results in additional action following unsuccessful implementation of such plan after a number of years determined by the local educational agency.”

30. Additional Targeted Support and Improvement Schools: “...any [targeted support] school...in which any subgroup of students, on its own, would lead to identification [as being in the bottom of 5% of schools in the state] ...shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan.”

31. Exit Criteria for Targeted Support and Improvement Schools and Conversion to Comprehensive Support and Improvement: The state shall establish exit criteria for [targeted support schools] “which, if not satisfied within a State-determined number of years, shall...result in identification of the school by the State for comprehensive support and improvement...”