

“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....”

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- 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—

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- 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**..."

◆ Accountability System Indicators ◆

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)..."

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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

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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**..."