



## NSBA Advocacy Institute 2017 CALIFORNIA BACKGROUND

### *Every Student Succeeds Act (ESSA)*

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The **Every Student Succeeds Act (ESSA)** (P.L. 114-95), as signed into law December 10, 2015, repealed the No Child Left Behind Act (NCLB) and established a new direction for elementary and secondary education.

Among its major provisions, the ESSA establishes college and career readiness expectations by requiring that state education standards be aligned with the entrance requirements set by each state's public higher education system and with each state's career and technical education standards. The new law also sets important new requirements intended to strengthen instruction, assessment and student supports, so that students graduate from high school with essential skills in addition to mastering rigorous content. Student data disaggregation and reporting and achievement gap closures are also continued as priorities under the new law.

One of the most significant changes in ESSA restricts the overarching federal role in public education and gives states and school districts greater responsibility on critical policy elements such as setting annual targets for student academic performance as well as deciding how to identify, support and intervene in struggling schools. The new law continues existing formula programs focused on educator and leader professional development, English learners, and establishes a new competitive preschool program, while consolidating and eliminating many other NCLB initiatives.

To refresh your knowledge of ESSA, please refer to CSBA's [Overview and Analysis of ESSA](#), which provides more specific information on the various provisions of the Act.

Since its enactment, states and school districts have been engaged in the implementation of ESSA and the development of state plans. As of December, the U.S. Department of Education (ED) has promulgated final regulations regarding Accountability/State Plans and with regard to Assessments. It has proposed regulations making changes to Supplement, not Supplant (SNS) provisions. These regulations and other guidance can be found on ED's [ESSA web page](#), which also includes updated [FAQ's](#) on transitioning to ESSA.

As the new Administration moves forward with ESSA implementation, Congress must continue to use its oversight authority to ensure that the promise of restoring state and local governance and flexibility in the administration of federal programs it maintained.

One of the important issues is the need to raise awareness about the challenges of implementing ED's proposed SNS regulations. SNS governs how states and districts use federal Title 1 funds. Under ESSA, schools are prohibited from using federal funds to replace state and local funds. Federal Title 1 funds must be used *in addition* to state and local funds. Further, school districts must ensure that each Title 1 school receives all state and local funds it would otherwise receive if it were not receiving Title 1 funds.

Further, ESSA authorizes local school districts to determine how to demonstrate compliance with the law. ESSA specifically states that, "nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency or school." (ESSA, §1501, §1605 (amending 20 U.S.C. §7372)).

However, as drafted, the proposed SNS regulation deviates from the legal requirements in ESSA by significantly expanding the "funds based" statutory test in a way that undermines local decision-making and discounts the unique nature of individual schools and the needs of students. Further, the proposed regulations outline three specific methodologies that districts must choose from to demonstrate compliance, which is counter to the language in ESSA.

If a final SNS regulation is released, Congress and the new Administration must take steps to immediately overturn the regulation so that it does not go into effect.

#### **TALKING POINTS:**

- **The provisions of ESSA fit with where we in California are moving under the Local Control Funding Formula (LCFF) and the Local Control and Accountability Plans (LCAP).**
- **If final regulations on Supplement, not Supplant are released by the U.S. Department of Education, Congress must act to overturn those regulations are they impinge on the local control provided under ESSA.**

#### **INFORMATION POINTS:**

- **The new ESSA aligns with many of the activities your local governing boards are undertaking through LCFF, especially with regard to data collection and reporting and then using that data to inform the development local LCAPs to improve teaching and learning.**
- **Be prepared to provide your Representative with an example of how your district and/or county office of education is able to customize programs to target specific student populations to improve instruction and increase student achievement.**
- **Let your Representatives know that you are prepared to address the educational needs of all students in your district and/or county office of education.**