



ESSA Implementation Considerations: Stakeholder Engagement

March 3, 2016

The following memo provides a summary of the key stakeholder engagement provisions in the Every Student Succeeds Act (ESSA), the reauthorization of the Elementary and Secondary Education Act (ESEA) passed in December 2015, as well as a comparison of the new provisions to the previous law, No Child Left Behind (NCLB).

Issue	Provision	Comparison to NCLB
State School Improvement Set-Aside		
<i>Unused Funds</i>	Under ESSA, states must set aside a specific amount for school improvement activities. However, if, after consultation with local educational agencies (LEAs) in the state, the state educational agency (SEA) determines that the amount of funds reserved to carry out school improvement activities is greater than the amount needed to provide such assistance, the SEA shall allocate the excess amount based on the regular Title I formula.	Same as NCLB
Direct Student Services		
<i>State Reservation</i>	Under ESSA, states may reserve not more than 3 percent of their Title I funds to carry out a	N/A

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	<p>program of direct student services. In doing so, each SEA must first have “meaningful consultation with geographically diverse local educational agencies,” including suburban, rural and local agencies as well as those agencies serving a high percentage of schools identified for comprehensive support and improvement, and those serving a high percentage of schools implementing targeted support and improvement plans.</p>	
State Plans		
<p><i>Generally</i></p>	<p>Title I state plans must be developed by the SEA “with timely and meaningful consultation with the Governor, members of the State legislature and State board of education (if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents.”</p> <p>ESSA clarifies that such consultation shall not interfere with the timely submission of the</p>	<p>NCLB did not include provisions specifically requiring “<i>timely and meaningful</i>” consultation. Instead, the requirement under NCLB was to develop the plan “in consultation...” In addition, ESSA includes an expanded list of stakeholders beyond those referenced in NCLB. Specifically: the Governor, members of the State legislature and State Board, LEAs <i>in rural areas</i>, representatives of Indian Tribes located in the state, charter school leaders (if the State has charter schools), specialized instructional personnel and paraprofessionals.</p> <p>ESSA does specifically require consultation with “administrators of programs described in other parts of this title” as was required under</p>

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	SEA's plan.	NCLB. NCLB did not include clarification that consultation should not interfere with timely submission.
<i>Academic Assessments</i>	Each state plan must demonstrate that the SEA "in consultation with local educational agencies" has implemented the student academic assessments.	Same as NCLB
<i>Other Provisions to Support Teaching and Learning</i>	No similar language	NCLB requires SEAs "in consultation with the Governor" to include, as a component of the state plan, a plan to carry out the SEA's statewide system of technical assistance and support for LEAs.
Title II – Teachers/School Leaders		
<i>Application for State Grants</i>	<p>In order for a state to receive funds under Title II (state grants), it must submit an application which includes several new provisions requiring consultation, including:</p> <ul style="list-style-type: none"> • "An assurance that the State educational agency will work in consultation with the entity responsible for teacher, principal, or other school leader professional standards, 	No similar consultation requirements

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	<p>certification, and licensing for the State, and encourage collaboration between educator preparation programs, the State, and local educational agencies to promote the readiness of new educators entering the profession,” and</p> <p>“A description of how the State will use data and ongoing consultation...to continually update and improve the activities supported under this part.”In addition, in developing the state application, SEAs are required to:</p> <ul style="list-style-type: none"> • “Meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;” • “Seek advice from the individuals, organizations, or partners...regarding how best to improve the State’s activities to meet the purpose of this title;” and, 	

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	<ul style="list-style-type: none"> • “Coordinate the State’s activities under this part with other related strategies, programs, and activities being conducted in the State. <p>The law also includes a limitation stating that such consultation shall not interfere with the timely submission of the application required under this section.</p>	
<p><i>Title II Local Applications</i></p>	<p>Under ESSA, each local application for Title II funds must include <i>“A description of how the local educational agency will use data and ongoing consultation...to continually update and improve activities supported under this part.”</i></p> <p>In developing the application, local applicants must:</p> <ul style="list-style-type: none"> • “Meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), parents, community partners, and other 	<p>No similar consultation requirements.</p>

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	<p>organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;”</p> <ul style="list-style-type: none"> • “Seek advice from the individuals and organizations described [above] regarding how best to improve the local educational agency’s activities to meet the purpose of this title;” and • “Coordinate the local educational agency’s activities under this part with other related strategies, programs, and activities being conducted in the community. <p>The law also includes a limitation stating that such consultation shall not interfere with the timely submission of the application required under this section.</p>	
<i>Local Uses of Funds</i>	<p>Under ESSA, there is a new focus on “evidence-based” to support specific activities, in which the state has a new role, as follows:</p> <ul style="list-style-type: none"> • Reducing class size to a level that is evidence- based, <u>to the extent the State (in consultation with local educational agencies in the State) determines that such</u> 	No similar consultation requirements.

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	<p><u>evidence is reasonably available</u>, to improve student achievement through the recruiting and hiring of additional effective teachers;</p> <ul style="list-style-type: none"> • Providing high-quality, personalized professional development that is <u>evidence-based, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available</u>, for teachers, instructional leadership teams, principals, or other school leaders, that is focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders...” • Carrying out other activities that are <u>evidence-based, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available</u>, and identified by the local educational agency that meet the purpose of this title. 	
Other Provisions		
Annual State Report Cards	States are required to prepare and disseminate	Same as NCLB

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	to the public an annual state report card. Such report cards must be “presented in an understandable and uniform format that is developed in consultation with parents...”	
Local Educational Agency Plan	<p>Each LEA must have a local plan approved by the SEA, that is “developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and with parents of children in schools served under this part;”</p> <p>As with the State plan, ESSA clarifies that such consultation shall not interfere with the timely submission of the plan.</p>	<p>NCLB did not include provisions specifically requiring “<i>timely and meaningful</i>” consultation. Instead, the requirement under NCLB was to develop the plan “in consultation...”</p> <p>In addition, ESSA includes an expanded list of stakeholders beyond those referenced in NCLB. Specifically: other school leaders, paraprofessionals, specialized instructional support personnel, and charter school leaders (in a local educational agency that has charter schools).</p> <p>NCLB also required assurances (not included in ESSA), as part of the local plan, that an LEA would work in consultation with schools as the schools develop their targeted assistance and schoolwide programs, as well as plans related to parental involvement and teacher/paraprofessional qualifications.</p>
Schoolwide Program Plan	Under ESSA, schools operating a schoolwide program are required to develop a	Under NCLB, any eligible school that desired to operate a schoolwide program was required to

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	<p>comprehensive plan during a 1-year period unless the LEA, in consultation with the school, determines that less time is need to develop and implement the schoolwide plan.</p>	<p>develop or amend a plan “in consultation with the local educational agency and its school support team or other technical assistance provider...”</p>
<p>Parent and Family Engagement</p>	<p>Under ESSA, LEAs may only receive funds for Parent and Family Engagement if they have policies in place on how they will engage with parents.</p> <p>Under ESSA, the LEA must provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the local educational agency in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education.</p>	<p>ESSA is similar to NCLB, with the addition of language on outreach to family members, as follows:</p> <p>“A local educational agency may receive funds under this part only if such agency conducts outreach to all parents and family members and implements programs, activities, and procedures for the involvement of parents and family members in programs assisted under this part consistent with this section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children.”</p> <p>ESSA also includes “and family members” in several other provisions which had previously referenced involving just parents.</p> <p>In addition, ESSA expands the coordination/TA language to reference groups such as employers (as highlighted).</p>

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Participation of Children Enrolled in Private Schools	ESSA requires LEAs to have “timely and meaningful consultation with appropriate private school officials” prior to providing equitable services to eligible children enrolled in private schools.	Consistent with NCLB, except ESSA requires each SEA to designate an ombudsman to monitor and enforce the requirements on participating children enrolled in private schools.
Coordination of Migrant Education Activities	Under ESSA, the Secretary is required to maintain ongoing consultation with states, LEAs and other migratory student providers on the effectiveness and improvements of the system to serve migratory students.	ESSA maintains current law requirements under this program related to consultation and adds this new language related to effectiveness and improvement.
Local Flexibility Demonstration Agreement	ESSA includes a demonstration program to allow LEAs to develop and implement a school funding system based on weighted per-pupil allocations. In applying for such authority, LEAs must provide the Secretary an assurance that they have developed and will implement the agreement “in consultation with teachers, principals, other school leaders (including charter school leaders in a local educational agency that has charter schools), administrators of Federal programs impacted by the agreement, parents, community leaders, and other relevant stakeholders.”	N/A
Subgrants in Support of Birth Through Kindergarten Entry	ESSA includes new funding to support “Literacy for All.” States receiving such grants are	N/A

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Literacy	required, “in consultation with the State agencies responsible for administering early childhood education programs and services...,” to use a portion of the grant funds to support high-quality early literacy initiatives for children from birth through kindergarten entry.	
English Language Learners	<p>States and Specially Qualified Agencies seeking a grant must describe how they will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State; and also provide an assurance that the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders;</p> <p>In addition, each eligible entity seeking funds must also include in its local plan an assurance that the eligible entity consulted with teachers, researchers, school administrators, parents</p>	<p>NCLB did not include similar consultation requirements for States. [However, there were consultation requirements for developing AMAOs].</p> <p>NCLB included similar requirements for eligible entities to provide an assurance on consulting with stakeholders. However, under ESSA, the list of specified stakeholders is expanded to include “family members, community members, and public or private entities.” (Note: NCLB referenced “<i>education-related community groups and non-profit organizations</i>”, which appear included in these new broader categories.)</p>

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	and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan;	
Title IV: Part A – Student Support and Academic Enrichment Grants	<p>ESSA creates a new block grant to states to carry out a variety of student support and academic enrichment activities. Most funds flow through LEAs, which are required to submit an application to the SEA that has been developed through consultation with parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subpart.</p> <p>The program also requires continued</p>	N/A

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	<p>consultation “in order to improve the local activities in order to meet the purpose of this subpart and to coordinate such implementation with other related strategies, programs, and activities being conducted in the community.”</p> <p>A portion of the funds under Title IV must be used for “Activities to Support Safe and Healthy Students” which may include drug and violence prevention activities and programs. However, such programs and activities must be evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available)” [Mirroring the new ESSA language under Title II]</p> <p>Similarly, school-based mental health services partnership programs may be supported that provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are based on trauma-informed practices that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available);</p>	

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	<p>The language also permits the use of funds for “designing and implementing a locally-tailored plan to reduce exclusionary discipline practices in elementary and secondary schools that is consistent with best practices and includes strategies that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available).</p>	
<p>Title IV: Part B – 21st Century Community Learning Centers</p>	<p>Under this grant, States may use up to 2% of the funds made available to the State, for administrative costs as well as for</p> <ul style="list-style-type: none"> • “establishing and implementing a rigorous peer-review process for subgrant applications...including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities. • “awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities). 	<p>ESSA follows NCLB with respect to the 2% language; however, the language for the consultation as part of the application is expanded to require additional coordination with state agencies administering summer recess; statewide after-school networks (where applicable, and representatives local educational agencies.</p>

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	<p>To receive these funds, States must also submit an application which “Provides an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer recess) programs and activities, the heads of the State health and mental health agencies or their designees, statewide after-school networks (where applicable) and representatives of teachers, local educational agencies, and community-based organizations; and “a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application, if applicable.”</p>	