



THE EVERY STUDENT SUCCEEDS ACT: Implications for Equity in New Jersey

June 2016

The Every Student Succeeds Act (ESSA) is legislation that rewrites the *Elementary and Secondary Education Act* and replaces the *No Child Left Behind Act* (NCLB). The new law represents new opportunities for shaping education policy and recasts the federal, state, and local roles in ensuring educational equity. **Input and support from a broad and politically inclusive set of stakeholders is critical to the successful development, implementation, and ultimate sustainability of ESSA in the states.**

ESSA represents a shift in roles and responsibilities through a redistribution of centralized control toward more localized input and planning. The law's increased flexibility poses significant risks for communities where

there is little engagement or political will to make meaningful improvements on behalf of underserved students and schools. However, it also presents great opportunities for state-based civil rights and equity communities and local education leaders to develop and strengthen a comprehensive system of accountability and improvement based on local context and with support from local stakeholders: **civil rights organizations, family and community groups, teachers and educator groups, organized labor and education personnel, early education and childcare providers, faith-based organizations, researchers and advocacy organizations, elected officials, student groups, teacher educators and others from higher education, school boards, and the business community.**

Broadly speaking, in collaboration with stakeholders, states and districts will be required to:

- **set long-term goals for their schools and students**, including student achievement and rates of high school graduation;
- **measure performance and progress** via indicators based on student academic achievement, graduation rates, student growth, English language proficiency, and through an additional indicator (or indicators) of school quality or student success;
- **identify schools in need of additional support** based on the above indicators for all students and by subgroup;
- **write plans for intervention** in schools with the lowest performance and the highest need; and
- **determine how funds will be distributed and effectively used** to support these interventions and supports.

The law also includes some key shifts in how states and districts will address early education, English language proficiency, educator equity, and at-risk students. For more in-depth information about these and other requirements and opportunities within ESSA, please refer to the list of referenced resources on the last page of this document.

Throughout this document, **new requirements and opportunities for potential decision points within ESSA are indicated with an arrow: DP**



To support SEAs as they engage state stakeholders in the process of aligning current policy with ESSA, Partners *for* (in collaboration with several members of our Network and others) has put together a *Handbook for Meaningful Stakeholder Engagement*. The *Handbook*, along with a companion brief, "*In Consultation With... The Case for Meaningful Stakeholder Engagement*," are available here:

[Download the Handbook](#)
[Download the Case](#)

The Development of ESEA, in Brief:

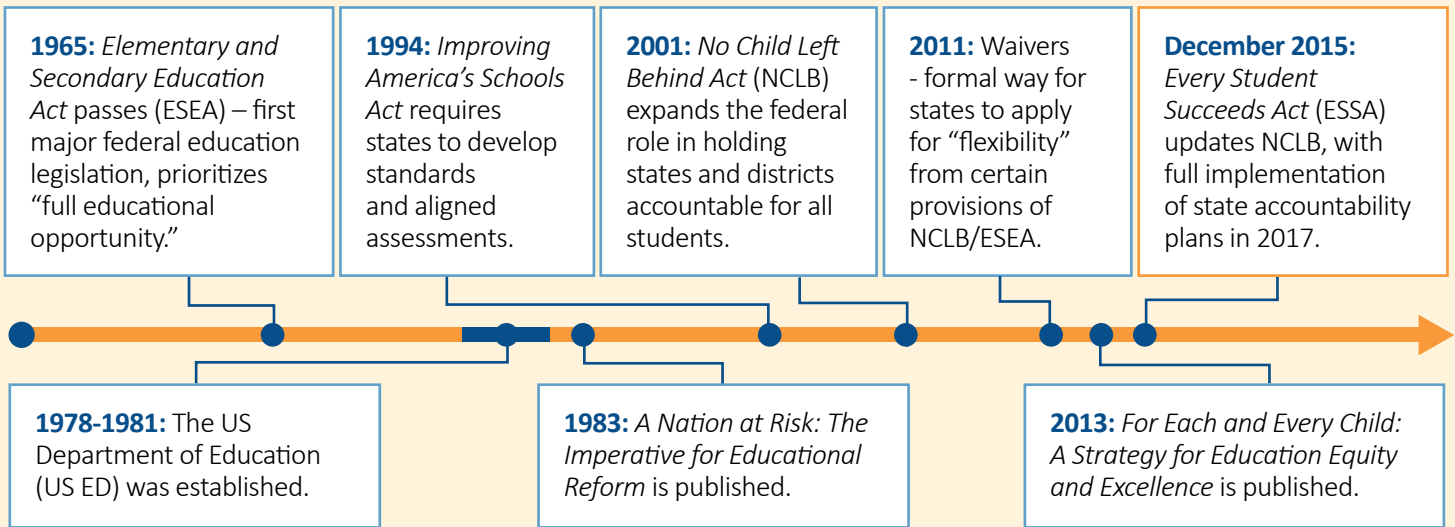


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Goals for Student Achievement

DP **ESSA:** States must set long-term goals with measurements of interim progress for student achievement in ELA and math (as measured by proficiency); high school graduation rates; and English language proficiency.

The goals and interim progress measures must take into account the improvement to make significant progress in closing proficiency and graduation rate gaps.

Currently in NJ: NJ has set district- and school-level goals to reduce by half the % of students who are not proficient within 6 years, both overall and by subgroup, and setting annual interim progress goals. Subgroups include:

- racial/ethnic groups (white, black, Hispanic, American Indian, Asian, 2 or more races)
- economically disadvantaged students
- Students with disabilities
- English learners (ELs)- also known as limited English proficient (LEP)

Moving Forward: NJ will need to align these goals with ESSA, and engage with **NJ stakeholders** around this decision point.

Goals for High School Graduation Rates

ESSA: States must set a long-term goal for 4-year high school graduation rates with measurements of interim progress.

In addition, states **may** set goals for extended-year high school graduation rates, but those goals must be higher than the 4-year graduation rate goal.

Currently in NJ: NJ measures both a 4- and 5-year cohort graduation rate. Annual targets for 2015-16 are 78% (4-year) and 85% (5-year), with an overall goal of 90% both overall and for all subgroups (statewide).

Moving Forward: NJ will need to ensure that its graduation goals are aligned with ESSA, including measures of interim progress.

Accountability Indicators

ESSA: ESSA requires states to utilize a multiple-indicator accountability system that includes the performance of all students and each student subgroup in each indicator. The required accountability indicators are:

For elementary, middle and high schools:

- Achievement in ELA and math as measured by proficiency on statewide assessments*
- English language proficiency rates*

DP • *At least 1 additional indicator of school quality or student success that allows for meaningful differentiation among school performance, can be disaggregated, and is valid, reliable, statewide, comparable (e.g., rates of school discipline, chronic absenteeism) (See page 4 for more)*

Currently in NJ: The NJ accountability system includes multiple measures:

- Academic Achievement (percent proficient in ELA and mathematics)
- College and Career Readiness (percent participation and scoring on SAT, ACT, or industry and career credential exams)
- Graduation and Post-Secondary (graduation rate and proficiency, remediation rate in NJ post-secondary institutions, postsecondary enrollment)
- Closing within-school gaps (closing the gap between 25th and 75th percentiles on state assessments)

Accountability Indicators - Continued

For elementary and middle schools:

- A measure of student growth or other academic indicator that allows for meaningful differentiation in school performance*

For high schools:

- 4-year graduation rate (in addition, states may use an extended-year graduation rate)*

DP * This indicator must carry “substantial” weight. In the aggregate, these indicators must carry “much greater weight” than the indicator(s) of school quality or student success.

Moving Forward: NJ will need to make annual determinations and report on the indicators outlined in ESSA. Additionally, while the state includes measures of student growth based on post-secondary readiness, such as SAT scores and graduation rates, NJ will need to consider student performance and growth measures for elementary and middle schools.

Specifically, NJ will need to determine appropriate weights for these indicators, with academic indicators receiving “substantial weight” individually and collectively making up a “much greater weight” than the additional indicator(s) of school quality or student success. **NJ stakeholders** have an opportunity to work together to help determine the most appropriate weights for the state’s system.

Additional Accountability Indicators and N-Size

DP **ESSA:** For all schools, states must include at least 1 additional indicator of school quality or success that allows for meaningful differentiation among student groups (e.g., school discipline, chronic absenteeism).

DP States must set the minimum number of students from a subgroup needed for reporting and accountability purposes. The N-size must be the same for all subgroups and for all indicators.

DP NOTE: states may include **more than one** additional indicator of school quality or success so long as that indicator is measured for all students and subgroups.

Currently in NJ: The College and Career Readiness and Graduation and Post-Secondary indicators include:

- measures of participation and performance on SAT, ACT, or industry and career credential exams, and
- graduation proficiency rates, remediation rate in NJ post-secondary institutions, and postsecondary enrollment at 6 and 18 months.

N-size for subgroup reporting in NJ is 30 per grade-band for all subgroups.

Moving Forward: NJ’s College and Career Readiness and Graduation and Post-Secondary indicators might be considered as additional indicators under ESSA, applicable to secondary schools, but not elementary or middle grades.

NJ may also consider including a non-academic measure. For example, the state sets goals for elementary and middle school attendance of over 90%. Given that the state is already collecting and using attendance data, chronic absenteeism could be an additional indicator, particularly for the earlier grades.

In addition, English Language proficiency is already being measured, though it will need to be part of the accountability system going forward.

These considerations provide an opportunity for **NJ stakeholders** to help design and implement a robust and appropriate accountability system that considers both EL proficiency and the opportunity to add a state system.

Report Cards and Data Reporting

ESSA: Annual state and district report cards are required. The following are a subset of the information required by ESSA to be included on the state and district report cards:

- DP** • Long-term goals, measures of interim progress for all students and subgroups, on all accountability indicators;
- DP** • Minimum number of students for subgroups (N-size);
- The system used to meaningfully differentiate among schools (including indicators and their specific weights, methodology for differentiating schools, and schools identified for *Support & Improvement* and respective exit criteria) (see page 6);
- Performance on annual assessments (See page 10) disaggregated by: economic disadvantage; each major racial and ethnic group; gender; disability; English learner (EL) and migrant status; homeless; foster care; and military-connection.
- DP** • Educator Equity: professional qualifications of teachers overall and in high-poverty schools compared to low-poverty schools, including the percentage of teachers who are inexperienced, teaching with emergency or provisional credentials, or who are not teaching in the field they are certified;
- DP** • Measures of school quality, climate, and safety, which may include data reported as part of US ED’s Office for Civil Rights Data Collection; and
- Early Childhood Data: percent of students enrolled in preschool programs.

Currently in NJ: Schools are not given an absolute rating, but are ranked on annual performance reports as compared to schools statewide, to “peer” schools (schools/districts with a similar percent of economically disadvantaged and LEP students, students in special education, and grade span), and including whether targets were met according to the 4 school measures: Academic Achievement, College/ Career Readiness, Graduation/Post Secondary, and Closing Achievement Gaps.

This performance rating also includes a comparison to the previous year (improvement, decline, or no change), and demographic data for the school/district.

Moving Forward: The breadth and depth of reporting for ESSA (e.g, educator equity, early childhood and civil rights) is not currently included as part of NJ’s report card framework. The state should engage **NJ stakeholders** in building out data collection and aligning reporting.

Schools Identified for Comprehensive Reform Based on Performance of All Students

ESSA: States must identify schools for *Comprehensive Support & Improvement*, at least once every 3 years:

- the lowest performing 5% of Title I schools; and
- all high schools with a graduation rate at or below 67%.

DP NOTE: *Targeted Support and Improvement* schools (see below) that are consistently underperforming over a period of time, and that fail to achieve state determined “**exit criteria**,” must be reclassified by the state as *Comprehensive Support & Improvement* schools.

Currently in NJ: *Priority* schools are identified as the lowest performing 5% of Title I schools and high schools with graduation rates below 60%. The 72 *Priority* schools in NJ are further sub-divided by the state into three tiers based on the intervention strategy utilized:

- Tier 1: highest-need/lowest-capacity
- Tier 2: *Priority* school in non state-operated district
- Tier 3: *Priority* school in state-operated district

Schools Identified for Comprehensive Reform Based on *Performance of All Students* - Cont'd

Moving Forward: NJ will have to reclassify schools identified for support & improvement in different ways based on all of the annual accountability indicators, disaggregated by subgroup. For each *Comprehensive* school (and district) identified by the state, and each district, in partnership with **stakeholders**, should locally develop and implement a *Comprehensive Support & Improvement* plan for the school to improve student outcomes. Plans must be approved by the school, district, and state, and must include evidence-based interventions, a school-level needs assessment, and an identification of resource inequities – all areas of opportunity for **NJ stakeholder engagement**.

Schools Identified for Targeted Reform Based on *Subgroup Performance*

ESSA: States must identify, annually, any school with a subgroup of students that is consistently underperforming based on all of the indicators in the state accountability system for *Targeted Support & Improvement*.

States must also identify schools where the performance of any subgroup of students is at or below the level used to identify Title I schools for the bottom 5% in the state for *Targeted Support & Improvement*. If these schools fail to meet “**exit criteria**,” (state-defined and for a state-determined period of time) they will be reclassified as *Comprehensive Support & Improvement* schools.

DP

Currently in NJ: *Focus* schools (144 in the state) are Title I schools that are not *Priority*, and identified using following criteria:

- high schools with 4-year graduation rate lower than 75%
- Highest discrepancies between 25th percentile and 75th percentile on student achievement
- Title I schools not already classified as *focus* or *Priority* schools with lowest performance of bottom two subgroups

NJ also identifies “high-risk” schools that are not specifically designated as *Priority* or *Focus* using the following criteria:

- Academic performance overall and by subgroup over the last two years
- Evidence of low student growth
- Evidence of lack of college/career readiness

For high-risk schools that have not obtained proficiency targets for each individual subgroup, including graduation rate targets, districts are required to formulate a Progress Targets Action Plan that addresses the groups of students not meeting those targets.

Moving Forward: Each *Targeted* and *Additional Targeted* school should develop and implement school-level plans in partnership with **NJ stakeholders** (e.g., parents, teachers, principals, school leaders). Plans must be approved by the district and must include evidence-based interventions and an identification of resource inequities – areas of opportunity for **NJ stakeholder engagement**.

Interventions and Supports for Struggling Schools

ESSA: 1. Comprehensive Support & Improvement Schools

At least once every 3 years, states must identify the lowest-performing 5% of Title I schools and high schools with graduation rates at or below 67% for *comprehensive*, locally-determined, evidence-based intervention.

Districts have the responsibility of developing improvement plans which must:

- be informed by all of the accountability indicators;
- be evidence-based;
- be based on a school-level needs assessment;
- be approved by the school, district, and state;
- be monitored and periodically reviewed by the state; and
- identify resource inequities to be addressed.

2. Targeted Support & Improvement Schools:

Annually, states must identify any school with any student subgroup that is “consistently underperforming” based on all indicators in the state accountability system. Those schools must receive targeted, locally-determined, evidence-based intervention. Schools have the responsibility of developing improvement plans which must:

- be informed by accountability indicators;
- be evidence-based;
- be approved and monitored by the district; and
- result in additional action for underperformance over a period of time determined by the district.

3. Additional Targeted Support Schools:

A school with a subgroup performing at the level of the lowest-performing 5% of all Title I schools must also be identified. These schools must identify resource inequities to address through the implementation of its improvement plan in addition to meeting the requirements described above.

Currently in NJ: *Priority* and *Focus* schools are supported through Regional Achievement Centers (RACs) for turnaround support. Each RAC assesses schools using performance on state assessments and the Quality School Review rubric, which includes performance on the basic turnaround principles (leadership, climate/culture, instruction, curriculum, assessment, data use, effective use of time, family and community engagement, and interventions). The RAC then works with school and/or district to develop an Improvement Plan, provides technical assistance in its execution, and monitors performance and progress.

Title I districts with *Focus* or *Priority* schools are required to set-aside 30% of their Title I funds to support those schools.

Moving Forward: NJ should align school interventions and supports with those required for ESSA's *Comprehensive*, *Targeted*, and *Additional Targeted* schools. See page 6 for more information about how these schools must be identified.

ESSA also only requires districts to submit improvement plans for their *Comprehensive* schools, without specific implications for district-level changes.

In addition, NJ's strategies for school interventions can provide a local body of evidence to inform all school and district interventions under ESSA, which must be “research-based.” State and districts must locally develop plans for interventions and supports for *Comprehensive*, *Targeted*, and *Additional Targeted* schools in consultation with **NJ stakeholders**.

Intervention Timeline

ESSA: *Comprehensive Support & Improvement* schools have 4 years to meet state-set criteria that allow them to exit the *Comprehensive* intervention status. If they do not meet these criteria, they must implement more rigorous **state-determined interventions**, which may include school-level operations.

DP

Any school with a subgroup performing at the level of the lowest-performing 5% of all Title I-receiving schools and implementing Targeted interventions must reach state-set "**exit criteria**" by a state-set **time period** or the school will be identified for *Comprehensive Support & Improvement*.

Currently in NJ: Schools identified as *Priority* based on previous year's spring (March-May) data must work with the RAC and complete the School Improvement Plan (SIP) by the following school year. Schools that fail to meet the SIP criteria after 3 years of intervention are subject to state takeover or closure.

Moving Forward: NJ's current intervention timeline generally aligns to ESSA requirements, although NJ currently allows 3 years to meet exit criteria, instead of ESSA's 4 years. Aligning the timeline and determining the required interventions are opportunities for **NJ stakeholder engagement**.

School Improvement Funding

ESSA: States must use 7% of Title I allocations for school improvement activities. States will determine if these funds are distributed by formula or competitive grants.

DP

States **may** use 3% of Title I allocations for "direct student services," in consultation with districts, including:

- Advanced Placement (AP), International Baccalaureate (IB), and other advanced coursework; career and technical education that leads to an industry-recognized credential;
- credit recovery programs;
- personalized learning; and
- transportation from *Comprehensive Support & Improvement* schools to higher performing schools.

Currently in NJ: 4 schools in 4 districts were awarded SIG grants in 2014 totaling over \$17M in funding.

NOTE: Evaluation conducted by Montclair State University (2014) found that these schools had higher graduation rates and a statistically significant increase in test scores for middle/elementary schools (not high schools) than those who applied for SIG grants but did not receive them.

Moving Forward: In order to receive further school improvement resources, the state and local districts must develop implementation plans with input from **NJ stakeholders**.

In addition, NJ might consider the strategic opportunity of using Title II professional learning funds to support comprehensive, whole-child teacher and staff development in high-poverty schools.

Standards

ESSA: States must demonstrate that their challenging academic standards are aligned with entry-level course requirements in the state's public system of higher education and the state's career and technical education standards.

NOTE: The US Secretary of Education cannot mandate, direct, control, coerce, or exercise any direction or supervision over standards adopted or implemented by the state.

Currently in NJ: NJ adopted the Common Core Standards in 2010, called the New Jersey Core.

Moving Forward: NJ will need to demonstrate that the New Jersey Core standards are "challenging" and aligned to the NJ public system of higher education standards.

Student Assessment

ESSA: States must:

- assess at least 95% of all students and include participation rates in the state accountability system;
- DP** • assess students annually in grades 3-8, and at least once in high school, in math and ELA, with science assessments required at least once in each grade span (3-5; 6-9; 10-12);
- not assess more than 1 % of students using an alternate assessment

for students with the most significant cognitive disabilities; and

- make “every effort” to develop assessments in languages other than English that are present to a “significant extent” in its participating student population.

States **may**:

- DP** • use computer adaptive assessments, interim assessments that result in a single summative score, and/or complementary assessments that use projects, portfolios, and extended performance tasks.
- DP** • allow districts to use a locally-selected, nationally-recognized high school assessment in place of the required statewide high school assessment;
- DP** • apply to implement an *innovative assessment and accountability pilot*, which may include the use of competency- or performance-based assessments that may be used in place of the annual statewide assessments (flexibility will only be afforded to up to 7 states, and a consortia not to exceed 4 states); and
- DP** • set a target limit on the aggregate amount of time spent on assessments.

Assessment Audit Grants are available for states to audit the number and quality of assessments statewide and by district; and to provide district subgrants to improve assessment systems and capacity to use results to improve teaching and learning.

Currently in NJ: NJ transitioned to the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments in mathematics and ELA in 2014-15. The assessment is administered once annually in grades 3-8 and once in high school with a state goal of 95% participation.

Science assessments include the New Jersey Assessment of Skills and Knowledge (NJASK) Science in grades 4 and 8, and the NJ Biology Competency Test (NJBCT) for high school students.

An alternate Proficiency Assessment (APA) portfolio-based option is available for science.

Dynamic learning Maps (ELA/math), an adaptive computer-based assessment, are also available for students with the most severe cognitive disabilities (1% of all students).

In addition, demonstration of proficiency on PARCC or an alternative assessment is a requirement for graduation. Alternative assessments for this requirement include national tests (e.g. SAT, ACT), or a NJDOE Portfolio-based appeals process. It has been proposed that only this portfolio assessment be used as an alternate beginning with the class of 2021 (9th grade 2017-18).

Moving Forward: NJ complies with testing requirements under ESSA, and will need to ensure compliance with the subset of students participating in alternative assessments.

NJ will need to determine if it will take part in the Innovative Assessment Pilot, and whether it will focus on a subset of districts, apply for the state as a whole (portfolio-based assessments for high school students), or join with a consortia of states.

Educator Equity

ESSA: States no longer need to define and track Highly Qualified Teachers (HQTs), but states must develop, report and share plans describing how they will identify and address educator equity disparities that result in poor and minority students being taught by ineffective, inexperienced, or out-of-field teachers at higher rates than other students.

DP States must collect and publicly report data on these disparities and describe the metrics used to determine the disparities. States must also report on, where available, the annual retention rates of effective and ineffective teachers, principals, and other school leaders.

DP States **may** use federal professional development funds to increase access to effective teachers for students from low-income families and students of color.

Districts must describe how they will identify and address educator equity, and must have mechanisms to notify parents regarding the professional qualifications of their child's teacher.

Currently in NJ: Beginning in 2011-12, NJ began collecting data through the NJ SMART system that demonstrated 3 key findings:

- NJ largely addressed the gap in access to Highly Qualified Teachers (HQT) between 2004 and today (reduced from >13% to <1% in high poverty schools)
- Some inequity persists in placement of out-of-field teachers (do not hold certification in the subject they teach)
- High percentages of all students are exposed to novice teachers (less than 4 years of experience in a district) or teachers with no previous experience at all (however, not disproportionately to any student group)

Through the 2015 Excellent Educators for All Plan submitted to US ED, NJ is working to strengthen and refine data systems to support continuous improvement, ensure appropriate placements, and provided targeted and universal supports for novice and out-of-field teachers, including: extended student teacher experiences, strengthening induction and mentoring practices, and providing targeted support to districts with higher equity gaps.

Moving Forward: Broader public reporting to community groups and stakeholders through school/district report cards might also strengthen **NJ stakeholder engagement** efforts, as well as provide regular feedback on educator equity interventions.

Teacher and Leader Evaluation Systems

ESSA: States are not required to have teacher and leader evaluation systems.

States **may** use federal professional development funds and Teacher and School Leader Incentive Fund competitive grants to implement teacher and leader evaluation systems based on student achievement, growth, and multiple measures of performance, and to inform professional development.

Currently in NJ: AchieveNJ is the teacher and leader evaluation system.

Teacher evaluation consists of the following primary components:

- Teacher Practice (based on minimum of 3 evaluations using a state-approved research instrument)
- Student Growth Objectives (metrics developed by teacher in collaboration with principal, not linked to statewide tests).
- Student Growth Percentile (only for math and ELA teachers, PARCC performance growth as compared to students with similar test histories across the state)

Teacher and Leader Evaluation Systems -Continued

Principal evaluation is based equally on:

- student achievement (student growth by teacher, administrator goals like improved graduation rates, and student growth percentile where available); and
- “Principal Practice” (observations by superintendents, facilitation of teacher collaboration and support, and leadership of teacher evaluation).

Moving Forward: NJ may decide to use federal professional development funds and/or Teacher and School Leader Incentive Fund grant funds to support the ongoing implementation and refinement of Achieve NJ, and/or to continue to inform professional development. These decisions are important opportunities for **NJ stakeholder engagement**.

Early Childhood Education

DP **ESSA:** ESSA’s provisions aim to promote:

- early learning coordination within communities;
- greater alignment with the early elementary grades; and
- early childhood education focused on capacity building for teachers, leaders, and other staff serving young children.

ESSA includes a birth to 12th grade literacy initiative, and also includes early childhood as a component of education and interventions for Native American and Alaskan Native students, dual language learners, and children experiencing homelessness.

A new authorization has been created for a *Preschool Development Grant (PDG)* program:

Authorized at \$250M for FYs 2017-20, the PDG is administered by the Department of Health and Human Services (HHS) jointly with US ED. Funds can be used to develop, update, or implement a plan to increase collaboration or coordination among existing early childhood programs and participation of children from low-income families in high quality early childhood programs. Secretaries of HHS and US ED are restricted from prescribing early learning development guidelines, standards, specific assessments, and specific measures or indicators of quality early learning and care.

Currently in NJ: While early childhood education and care is primarily provided through the NJ department of Health and Human Services, the state was awarded an a \$17.5 million annual preschool development grant in December 2015 to provide preschool to 2,300 children in 17 communities.

In addition, NJ received a 4-year Race to the Top Early Learning grant in 2013 that focuses on improving the quality of programs and services, from pregnancy to age eight, with special attention to services for “high needs” children, including ELs and children with disabilities.

This grant includes the Grow NJ Kids (a quality rating improvement system), regional training for alignment of workforce development, and the implementation on the County Councils for Young Children to organize and improve access to Head Start programming.

Moving Forward: NJ school districts will need to determine if they plan to use Title I funds for early childhood education. If so, their plans must develop and describe the district strategy to support participating students’ transition to local elementary schools.

Early Childhood Education - *Continued*

- DP** In addition to the stakeholder engagement required in the development and implementation of PDGs, school districts will need to determine whether they plan to use Title I funds for early childhood education more broadly. If so, their plans must describe the district strategy to support participating students' transition to local elementary schools. These decisions should be made with engagement of stakeholders, especially local early childhood and childcare experts.

English Learners

ESSA: Accountability for ELs is shifted to Title I, which increases funding opportunities and visibility for ELs. States must:

- DP** • include English proficiency as an indicator in their accountability systems;
 - DP** • annually assess and report English proficiency, and students who have not attained English proficiency within 5 years of identification as an EL;
 - clarify a standardized process for classifying ELs and re-designating students as English proficient; and disaggregate ELs with a disability from ELs in general.
- DP** States have two options regarding timing for testing ELs:
- Include test scores after they have been in the country 1 year (consistent with current law); OR
 - Refrain from counting EL test scores in a school's rating in their first year, but require ELs to take both math and ELA assessments and publicly report the results.

In order to receive Title III funding to support EL programs, state and district plans must explicitly include parent, family, and community stakeholder engagement as part of their EL strategy, and develop implementation plans with all state stakeholders.

Currently in NJ: NJ is a part of the WIDA consortium. WIDA includes programming, standards and assessments for identifying ELs, and supporting and measuring their progress.

Through NJ SMART, ELs are tracked by date of entry, exit status, performance, and parent refusal of services. However, "post-exit" status and performance is tracked at the local level.

NJ also utilizes Bilingual Child Study Team to further identify, support, and track EL students. Bilingual Child Study Professionals are identified throughout the state to help students and families navigate available services and state, district and school requirements.

NOTE: Exit status is based on multiple measures, including performance on WIDA-developed assessments (i.e. ACCESS), classroom performance, the judgment of relevant staff, and reading level and performance on achievement tests in English.

Moving Forward: NJ has invested in robust data collection, assessment and accountability practices for EL students through both NJ SMART and WIDA. In addition, NJ also highlights effective program models in various districts. ESSA provides an opportunity to use the lessons learned thus far to inform and standardize school and district practices with regard to identifying and supporting EL students, increasing professional development for teachers of ELs, and increasing school and district capacity for EL supports and services.

At-Risk Students

DP **ESSA:** HSGI is eliminated, but a new funding program, the Student Support and Academic Enrichment Grant, authorizes formula grants to states for three purposes: (1) provide students a well-rounded education; (2) improve school conditions; and (3) improve the use of technology to support digital literacy. These funds may be used to support dropout prevention and re-entry programs.

Currently in NJ: NJ does not currently have any HSGI grantees. However, West Orange County received a Smaller Learning Communities grant of ~\$850K in 2010 that the district has been using to implement high school “academies” that support transitioning to 9th grade and interest-based learning in grades 10-12.

Moving Forward: NJ has the opportunity to take advantage of the Student Support and Academic Enrichment Grant program (see left), and would need to determine which student supports to implement with this new funding, and how such funds could support and strengthen school-based partnerships with community organizations. These decisions should be made in consultation with local **NJ stakeholders**.

Funding

ESSA: The new law includes some funding provisions that include:

- Supplement not supplant requirements are maintained.
- Maintenance of Effort requirements for K-12 remain in place.
- DP** • A school with at least 40% poverty is eligible for Schoolwide Title I programs.
- The Title II formula shifts to a more significant weight on poverty (80% of the formula by 2020).
- *Weighted Student Funding (WSF)* pilot: 50 school districts working to improve school finance systems, including system evaluation.

Currently in NJ: In order to provide a “thorough and efficient education” to every pupil, each district calculates its “Adequacy Budget,” calculated based on a weighted funding formula that includes:

- a state-set base cost (~10K per student);
- per-pupil and percent adjustments for ELs (LEP), special education students, and free/reduced-price lunch (FRPL) eligibility; and
- categorical aid, which includes transportation, security, “school choice aid,” and further special education support.

The state determines the “local cost share” (district-level funding capacity), and if that amount is less than the adequacy budget, the state will make up the difference, called “equalization aid.”

NOTE: Adequacy Budgets have not been fulfilled by state funds for many districts and the gaps in funding are growing over time as rising tax-base revenue has not kept pace with rising district costs.

Moving Forward: A full assessment should be conducted, with the input and engagement of multiple **NJ stakeholder groups**, as to whether applying for the WSF pilot is feasible. Districts who apply should develop their proposals with the input of **NJ stakeholders** (e.g., teachers, principals, other school leaders, administrators of federal programs impacted by the agreement, parents, and community leaders).

Rural Schools

DP **ESSA:** Spending flexibility of *SRSA*- and *RLIS*-directed funds is expanded to best meet the needs of underperforming students and schools.

These funds can be used to support teacher recruitment and retention, teacher professional development, increasing access to educational technology, family engagement, ELL support, as well as partnerships that increase access to student enrichment, during and after the school day.

Currently in NJ: NJ received \$1.8 million under the Small Rural Schools Achievement Program in 2015 to support 75 districts and charter programs.

Moving Forward: NJ should continue to utilize *SRSA* (and might consider applying for *RLIS*) funding and now has the opportunity to use these funds for increasing access to student enrichment, which is another opportunity for **NJ stakeholder engagement**.

Charter Schools

ESSA: All public schools are included in the state's accountability system, including charter schools. States must:

- DP**
- establish charter school authorization standards, which may include approving, monitoring and re-approving or revoking the authority of an authorized public chartering agency based on charter school performance in the areas of student achievement, student safety, financial and
 - operational management, and compliance with all applicable statutes and regulations;
 - ensure charter school annual reports include academic measures that are part of the state accountability system (4 academic, 1 additional indicator), as well as adjusted 4-year and extended cohort graduation rates, disaggregated by subgroups, including plans for intervention and supports; and
 - provide assurance of equitable distribution of effective educators.

Currently in NJ: Charter schools are authorized at the state level, held to the same accountability standards as all public schools in NJ. NJ's more than 80 charter schools are further evaluated according to a Performance Framework which includes the following:

- **Student Achievement** (greatest weight): proficiency status in ELA/math, district Peer School comparison in ELA/math, student and school growth (disaggregated by subgroup), post-secondary readiness, school achievement on performance targets, and mission-specific academic goals by school (Approved by NJDOE)
- **Financial Performance:** current basic financial information, including enrollment variance, loan status, sustainability indicators, and debt information
- **Organizational Performance:** programming, curriculum alignment, and data use; equity and stability in admissions, attrition and enrollment; programming and supports for students with disabilities and ELs; school culture, mission alignment and high expectations; family and community involvement; teacher and leader qualifications and performance; and facilities and safe school environment

Moving Forward: NJ's charter school authorization and accountability mandates fulfill most of the ESSA requirements, although charter schools will now have to report disaggregated academic progress and resource distribution by subgroup, in addition to their current reporting on special education students, and ensure equitable distribution of teachers.

Mitigating the Effects of Poverty

DP **ESSA:** Funds include competitive grants for supportive programs, such as *Full-Service Community Schools*, *Promise Neighborhoods* and *21st Century Community Learning Centers*. These grants are intended to expand equitable access to comprehensive student enrichment and supports, including integrated community partnerships and professional development for educators to work effectively with families and communities.

Currently in NJ: There are currently 52 funded 21st CCLC programs in NJ, serving ~10,000 youth in 2015-16. In addition, 2 Promise Neighborhoods Grants were awarded in 2015 totalling ~\$1M: Camden Center for Family Services and Newark Promise Neighborhood, led by Rutgers University

Moving Forward: NJ's application for Title IV funding, and plans to allocate funds to local districts and partnerships will need to emphasize and incentivize greater collaboration between education decision makers and collaborative partners, including state and local agencies that fund before and after school programs, health and mental health agencies, afterschool networks, and representatives from other **NJ stakeholder groups**. In addition, competitive grant programs (e.g., Promise Neighborhoods, Full-Service Community Schools) provide an opportunity for deeper understanding of student, family and community needs, by working directly with parents, families, and community stakeholders in the planning and implementation of strategic programs.

APPENDIX A: Stakeholder Engagement in ESSA

The ESSA sections below highlight specific opportunities for engagement with various stakeholders in the state:

Title I, Section 1111 – State Plans

- *Development*: Requirement that to receive grant funds plan must be developed by SEA with timely and meaningful consultation with the Governor, members of the State legislature and the State board of education, LEAs, representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders, specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents (Sec. 1111(a)(1)(A)).
- *Public Comment*: Requirement that each state shall make the State plan publicly available for comment for no less than 30 days. Must be available electronically in an easily accessible format. Must happen before submission of the plan to the Secretary. Assurances must be provided in the plan that this has taken place.
- *Determining ‘N’ size*: States must demonstrate how it determined N size, including how it collaborated with teachers, principals, other school leaders, parents, and other stakeholders when determining the minimum number (Sec. 1111(c)(3)(A)(ii)).
- *Comprehensive Support and Improvement Plans*: For each Comprehensive school identified by the state, and in partnership with stakeholders (i.e., parents, teachers, principals, school leaders) locally develop and implement a Comprehensive plan for the school to improve student outcomes (Sec. 1111(d)(1)(B)).
- *Targeted Support and Improvement Plans*: For each Targeted school identified by the district, and in partnership with stakeholders (i.e., parents, teachers, principals, school leaders), shall develop and implement school-level Targeted plans (Sec. 1111(d)(2)(B)).
- *Assurances – Parent/Family Engagement*: Each SEA plan shall include assurances that the SEA will support the collection and dissemination to LEAs and schools of effective parent and family engagement strategies, including those in the parent and family engagement policy under section 1116 (Sec. 1111(g)(2)(F)).
- *State Report Card*: Must be presented in an understandable and uniform format that is developed in consultation with parents, and to the extent practicable, in a language parents can understand (Sec. 1111(h)(1)(B)(ii)).

Title I, Section 1112 – LEA Plans

- *LEA subgrants*: May only be received by the LEA if it has on file with the SEA an SEA-approved plan that is developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and charter school leaders, administrators, other appropriate school personnel, and with parents of children in Title I schools (Sec. 1112(a)(1)(A)).
- *LEA plans*: In its plan, each LEA shall describe the strategy it will use to implement effective parent and family engagement under section 1116 ... and how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under section 1115, will identify the eligible children most in need of Title I services (Sec. 1112 (b)(9)).

Title I, Section 1202 – State Option to Conduct Assessment System Audit

- *Application:* Applications for state assessment audit grants must include information on the stakeholder feedback the State will seek in designing the audit (Sec. 1202(d)(1)(B)).
- *State assessment system audit:* Each State assessment system audit shall include feedback on the system from stakeholders including, for example- how teachers, principals, other school leaders, and administrators use assessment data to improve and differentiate instruction; the timing of release of assessment data; the extent to which assessment data is presented in an accessible and understandable format for all stakeholders (Sec. 1202(e)(3)(C)).

Title I, Section 1204 – Innovative Assessment and Accountability Demonstration Authority

- *Application:* Applications for innovative assessments must demonstrate that the innovative assessment system will be developed in collaboration with stakeholders representing the interests of children with disabilities, English learners, and other vulnerable children; teachers, principals, and other school leaders; LEAs; parents; and civil rights organizations in the State (Sec. 1204(e)(2)(A)(v)). The application shall also include a description of how the SEA will inform parents about the system at the beginning of each year of implementation (Sec. 1204(e)(2)(B)(v)), and engage and support teachers in developing and scoring assessments that are part of the innovative assessment system (Sec. 1204(e)(2)(B)(v)).

Title I, Section 1501 – Flexibility for Equitable Per-Pupil Funding

- *Assurances:* LEAs interested in applying for the weighted student funding flexibility pilot shall include in the application an assurance that the LEA developed and will implement the pilot in collaboration with teachers, principals, other school leaders, administrators of Federal programs impacted by the agreement, parents, community leaders, and other relevant stakeholders (Sec.1501(d)(1)(G)).

Title II, Section 2101 – Formula Grants to States

- *Application:* Each SEA shall meaningfully consult with teachers, principals, other school leaders, paraprofessionals, specialized instruction support personnel, charter school leaders, parents, community partners, and other organizations or partners with relevant and demonstrated expertise, and seek advice regarding how to best improve the State’s activities to meet the purpose of this title (Sec.2101(d)(3)(A)).

Title II, Section 2102 – Subgrants to LEAs

- *Application:* In developing the application LEAs shall meaningfully consult with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, parents, community partners, and other organizations or partners with relevant and demonstrated expertise and seek advice regarding how to best improve the State’s activities to meet the purpose of this title (Sec. 2102(b)(3)).

Title III, Section 3102 – English Language Acquisition, Language Enhancement, and Academic Achievement

- *Assurances:* SEA and specifically qualified agency plans must provide an assurance that the plan has been developed in consultation with LEAs, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders.

Title III, Section 3115 – Subgrants to Eligible Entities

- *Local Plans:* Local grants must describe how the eligible entity will promote parent, family, and

community engagement in the education of English learners and contain assurances that the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education in developing the plan.

Title III, Section 3131 – National Professional Development Project

- Grant use: Grants awarded under this section may be used to support strategies that strengthen and increase parent, family and community member engagement in the education of English learners (Sec. 3131(3)).

Title IV, Section 4106 – LEA Applications

- *Applications*: an LEA, or consortium of LEAs, shall develop its application through consultation with parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community based organizations, local government representatives (including law enforcement, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations, charter school teachers, principals, and other school leaders, and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subpart. The LEA or consortium shall engage in continued consultation with the entities described above (Sec 4106(c)(1)).

Title IV, Section 4203 – State Application

- *Applications*: SEAs shall submit 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 programs and activities, heads of the State health and mental health agencies or their designees, statewide after-school networks and representatives of teachers, LEAs, 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 (Sec. 4203(a)(13)).

Title IV, Section 4624 – Promise Neighborhoods

- *Application*: Eligible entities desiring a grant under this part must include in their application an analysis of the needs assets of the neighborhood identified including a description of the process through which the needs analysis was produced including a description of how parents, families, and community members were engaged (Sec. 4624(a)(4)(B)), and an explanation of the process the eligible entity will use to establish and maintain family and community engagement including how a representative of the members of such neighborhood will be involved in the planning and implementation of the activities of each award granted (Sec. 4624(a)(9)(A)).

Title IV, Section 4625 – Full Service Community Schools

- *Grant awards*: in awarding grants under this subpart, the Secretary shall prioritize eligible entities that are consortiums comprised of a broad representation of stakeholders or consortiums demonstrating a history of effectiveness (Sec.4625(b)(2)).

APPENDIX B: Resources for Further Information about ESSA

The following are overviews and analyses of ESSA from *Partners for Network* partners and others who have contributed to the national and local conversations about ESSA implementation. This list is not exhaustive, and will be updated as resources become available. We welcome your input on expanding and revising this list.

The Alliance for Excellent Education (The Alliance) is a nonpartisan policy and advocacy non-profit that focuses on high school transformation and policy implementation recommendations. They have produced valuable summary materials- both print and video- summarizing ESSA's implications for **accountability, assessments, high schools, teachers and school leaders, and Linked Learning**. These materials and more can be found at all4ed.org/essa. The Alliance is part of the *Partners for* advisory group, leading our national issue-based group in governance and accountability.

The American Federation of Teachers (AFT) is a national teachers union that represents 1.6 million members nationwide. AFT resources on ESSA can be found at aft.org/position/every-student-succeeds-act. The AFT is a member of the *Partners for* advisory group focused on teaching, leading and learning.

The Council of Chief State School Officers (CCSSO) is a nonpartisan nonprofit organization of public officials who head departments of elementary and secondary education in the states. CCSSO provides leadership, advocacy, and technical assistance on major educational issues. They have produced several materials, including a [FAQ on ESSA](http://ccsso.org/Resources/Programs/Every_Student_Succeeds_Act.html), which can be found at [ccsso.org/Resources/Programs/Every Student Succeeds Act.html](http://ccsso.org/Resources/Programs/Every_Student_Succeeds_Act.html). CCSSO is working with *Partners for* on ESSA implementation efforts in several states.

EducationCounsel (EdCounsel) is an education consulting firm that focuses on policy strategy, research, and implementation at the national level for all students. In December 2015, EdCounsel produced a [Summary Analysis of the Every Student Succeeds Act](http://educationcounsel.com) immediately following the passage of the law, and has since produced an analysis of the Law's [opportunities and risks](http://educationcounsel.com). These and more can be found at educationcounsel.com. EdCounsel is working with *Partners for* on analysis of federal policy, and is part of our advisory group focused on early childhood education.

Education Trust (EdTrust) is a national non-profit advocacy organization that promotes high academic achievement for all students at all levels, particularly for students of color and low-income students. EdTrust has many resources that can be found at edtrust.org/issue/the-every-student-succeeds-act-of-2015/, including an [overview](http://edtrust.org/issue/the-every-student-succeeds-act-of-2015/) of the law as it relates to Equity.

The National Education Association (NEA) is a national teachers union representing 3 million members nationwide. NEA's resources on ESSA can be found at nea.org/essabegins. The NEA is a member of the *Partners for* advisory groups focused on teaching, leading and learning, and governance and accountability.

National Council of La Raza (NCLR) is a nonpartisan voice for Latinos, leading research, policy analysis, and state and national advocacy efforts in communities nationwide. NCLR's resources on ESSA can be found at nclr.org, and include a webinar focused on [what the ESSA means for the Latino community](http://nclr.org), and an [article](http://nclr.org) on the same topic.

The Thomas B. Fordham Institute (The Fordham Institute) is a national non-profit research organization that aims to challenge and frame the educational debate, specifically around standards, school quality and choice, and capacity-strengthening for more effective, efficient, and equitable education. The Fordham Institute put together a video panel about ESSA called [Implementing ESSA: What to expect in 2016](http://edexcellence.net). This and other resources can be found at edexcellence.net.

The National Urban League (NUL) is a national non-profit focused on research and advocacy efforts that are grounded by the direct service and program experience of over 90 affiliates nationwide. The NUL produced a [series of webinars](http://nul.iamempowered.com) focused on ESSA that includes an [Overview of ESSA](http://nul.iamempowered.com). These and other resources can be found at nul.iamempowered.com.

The U.S. Department of Education (US ED) produced a [set of FAQs on ESSA](http://ed.gov/essa). This and other US ED resources can be found at ed.gov/essa.

These resources and More can be found at the
Partners for Each and Every Child website ([Click Here!](#))