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U.S. Education Department Releases Final Regulations to Implement ESSA

The U.S. Department of Education (ED) has [announced final regulations](#) to implement the accountability, data reporting, and state plan provisions of the Every Student Succeeds Act (ESSA). The regulations are intended to help states, districts, and educators seize the opportunity ESSA provides to ensure a high-quality, well-rounded education that sets every student in America up for success in college and career. The Michigan Department of Education is currently reviewing these regulations to ensure our final plan has met all requirements.

The final regulations reflect much of the input provided by parents, teachers, school leaders, district and state officials, members of Congress, civil rights organizations, and others throughout the regulatory process.

According to an ED press release, the final regulations include:

- ESSA's new flexibility for states and districts
- a more holistic approach to measuring a quality education that will help prepare all students for success in college and careers
- strong protections to ensure that academic progress and equity for all students matters
- ESSA's strong commitment to transparency and meaningful engagement with parents, educators, students, civil rights and community groups, and other stakeholders in implementing the new law

The final regulations allow states to choose from two submission dates—**April 3, 2017 or September 18, 2017**—extending by one

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ESSA FACTS

ESSA has moved its focus from the “core content” areas—reading, writing, math, and science—to a “well-rounded” curriculum. Under ESSA, federal funding may support supplementary instructions in subjects such as technology, engineering, arts, history, music, career and technical education, world languages, and other non-core areas.

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month the submission dates issued in the draft regulations. The extension is intended in part to give states time to continue engaging stakeholders in ESSA plan development.

The final regulations also incorporate changes that increase the time available to states to transition thoughtfully to the new law, and expand flexibility for states in key areas such as planning, selection, and reporting of indicators in their accountability and support systems.

Final Regulations Give States and Districts More Ownership and Responsibility

The final regulations give states and districts more opportunity for ownership of their accountability, intervention, and support systems, with the additional responsibility to make sure that those systems result in an excellent and well-rounded education for every child.

- **Accountability – a more comprehensive picture of school success:** The final regulations maintain states’ flexibility to incorporate new measures of school quality or student success into accountability systems while maintaining the core expectation that states, districts, and schools work to improve academic outcomes for all students, including individual subgroups.
- **School Support and Improvement – a more tailored and flexible approach:** The final regulations require meaningful action where whole schools or groups of students within schools are struggling. States are allowed to work with stakeholders to choose locally designed, evidence-based strategies to fit schools’ unique circumstances.
- **Data Reporting – complete information for parents and communities:** The final regulations ensure that parents and stakeholders have access to clear and robust information about how their students and schools are doing, so they can engage meaningfully in their local education systems. States

may design their own report cards that include key information such as student achievement, graduation rates, and other critical indicators of school quality, climate, and safety.

- **Consolidated State Plans – comprehensive planning to support equity and access:** The final regulations maintain flexibility for the states to think holistically about how to improve outcomes for all students while helping to ensure access to a well-rounded education. The regulations require each state to engage in timely and meaningful consultation with an array of stakeholders and to promote better coordination across ESEA formula grant programs, to improve student outcomes and close achievement gaps, while reducing burden and complexity.

Public Feedback Influences Some Key Changes

The final regulations reflect changes the ED made in response to comments on the draft proposal. Here are highlights of some key changes:

Timelines for implementation of new accountability systems: The ED has extended the timeline for states to identify schools for comprehensive support and improvement and additional targeted support and improvement until the 2018–19 school year. The timeline for identifying schools with “consistently underperforming” subgroups of students for targeted support and improvement is delayed until the 2019–20 school year. A state may implement earlier if they propose to do so in their approved state plan.

Summative school determinations and data “dashboards”: The ED has clarified that states may choose to use the summative determinations listed in the ESSA itself to identify schools: **comprehensive support and improvement, targeted support and improvement, and unidentified schools**. Alternatively,

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states may choose to make other kinds of summative determinations if they feel different categories would help differentiate schools and allow them to share useful information with parents and stakeholders.

States must also provide parents with clear and understandable information about school performance on **each** accountability indicator to make it easier for parents and the public to determine if schools are serving all students well. This information may be provided in a “data dashboard” or another user-friendly approach.

Academic progress and school quality or student success indicators: The final regulations provide more flexibility and clarity to ensure any measure used as an indicator of academic progress and school quality or student success is supported by research and will help increase student learning. This affirms that accountability systems under ESSA can include a wide range of measures beyond test scores and emphasize a holistic view of student and school success, without losing the focus on helping all students reach college and career readiness.

Subgroup accountability

- **N-size requirements:** The final rules allow a state to propose any n-size, but maintain the requirement that states submit justification for n-sizes larger than 30 students. This justification must include data on the percentage of schools that would be accountable for subgroup performance at the proposed n-size, compared to those that would be held accountable if the state had selected an n-size of 30.
- **Identification of consistently underperforming subgroups:** The final rules maintain that subgroups should be identified after two years of consistent underperformance, but allow states to propose a longer timeframe if they can show that the additional time will better help low-performing subgroups make significant academic progress and close statewide

proficiency and graduation rate gaps. States also may identify underperforming subgroups based on their state-developed goals and targets, or develop other definitions that consider all indicators.

Incorporation of assessment participation rates:

The final rules maintain ESSA’s requirement that schools must assess at least 95 percent of all students (and of students in all subgroups), and incorporate this data into state accountability systems. However, the final rules allow more flexibility in the state-developed option for factoring participation rates into accountability systems, and for taking into account nuances related to low participation rates.

Timeline for student attainment of English

language proficiency: The final regulations require states to set a “researched-based” maximum timeline for English learners to attain English language proficiency, using targets that are both rigorous and realistic. This change will help ensure that states help all English learners make sufficient progress each year toward proficiency, so students don’t languish for too long or receive services for too short a period of time.

Resources:

The following resources can be found on the [U.S. Department of Education ESSA Resources web page](http://www2.ed.gov/policy/elsec/leg/essa/index.html) (www2.ed.gov/policy/elsec/leg/essa/index.html) under **Final Regulations**.

- [Fact Sheet](#) – summary of the final rules
- [Final Regulation: Accountability, State Plans, and Data Reporting](#) – full notice of Final Regulations
- [Timeline for identification of schools for support and improvement](#) – high-level explanation of ESSA requirements

U. S. Education Department Releases ESSA Guidance Document

On November 21, 2016, the U.S. Department of Education released [guidance for fiscal changes and equitable services requirements under the Every Student Succeeds Act \(ESSA\)](http://www2.ed.gov/policy/elsec/leg/essa/index.html) which can be found on the [U.S. Department of Education ESSA Resources web page](http://www2.ed.gov/policy/elsec/leg/essa/index.html) (<http://www2.ed.gov/policy/elsec/leg/essa/index.html>) under **Guidance and Regulatory Information**.

The guidance highlights changes to: Title I, Part A within-state allocations; Title I within-district allocations; Title II, Part A allocations; maintenance of effort requirements; and transferability requirements. The ESSA also makes a number of changes to the equitable services requirements for private school students in Title I and Title VIII. This document discusses these specific changes and is designed to support states, districts, and schools in implementing ESSA.

Wayne RESA Every Student Succeeds Act (ESSA) Kick-Off Event

On Tuesday, November 29, 2016, at Wayne Regional Educational Service Agency (RESA) the Michigan Department of Education (MDE) kicked off the first in a series of public forum events. In addition to this live event, participants from across the state were able to join in from their personal computers or devices via a live stream through MI Streamnet.

This inaugural event was attended by over 125 participants and viewed online by the public, educators, community leaders, associations, and others. A video of this event will be available soon on both the [MDE ESSA web page](http://www.mi.gov/essa) (www.mi.gov/essa), and, on the [Wayne RESA mistreamnet site](http://mistreamnet.org) (<http://mistreamnet.org>).

This forum presented the audience with an overview of ESSA, how ESSA relates to Michigan's Top 10 in 10 initiative, and specific draft recommendations related to:

- Title program supports to students and schools
- equitable access to high-quality educators
- school and district accountability
- state assessments

Both the audience in attendance and those viewing online were able to ask questions and listen to MDE staff respond.

Upcoming Feedback Forum Schedule

Details and registration links for all scheduled events below can be found on the [ESSA web page](http://www.michigan.gov/essa) (www.michigan.gov/essa).

- **TODAY—SAGINAW ISD:**
December 1, 2016, 9:00 AM – Noon
- **TODAY—EASTERN UP ISD:** [Register Online](#)
December 1, 2016, 6:00 –8:00 PM – Also available at satellite sites across the UP. See registration form for details.
- **FRIDAY—CLARE/GLADWIN RESD:**
[Register Online](#)
December 2, 2016, 1:00 – 3:00 PM
- **INGHAM ISD:** [Register Online](#)
December 15, 2016, 9:00 AM –Noon
- **KENT ISD:** [Register Online](#)
December 16, 2016, 9:00 – 11:00 AM
- **JACKSON ISD:** [Register Online](#)
December 19, 2016, 1:30 – 3:30 PM

Can't Make it To a Feedback Forum?

Individuals and organizations wishing to offer input will have additional opportunities to provide feedback in several ways.

- The all-day Feedback Forum in Wayne County will be recorded and posted to the ESSA web page sometime during the first week of December.
- Action Team recommendations will be posted on the [ESSA web page](http://www.michigan.gov/essa) (www.michigan.gov/essa), along with an online survey to collect feedback.
- Ask questions, provide feedback, or request more information by emailing MDE-ESSA@michigan.gov.

State and Tribal Leaders Meet to Discuss ESSA

On November 17, the Michigan Department of Education (MDE) staff met in a very productive daylong session with representatives of Michigan's twelve federally recognized indigenous tribes in consultation on the state's ESSA plan.

This discussion followed a resolution approved by the United Tribes of Michigan to enter into consultation with MDE regarding the ESSA. The meeting agenda included shared learning and discussion of guidance developed by the Confederation of Michigan Tribal Education Directors regarding the consultation process, priorities and concerns of native students in Michigan, and plans for continued work together during the ESSA plan development process. Consultation will continue into the implementation phase of the ESSA plan and the co-creation of guidance to local school districts in Michigan regarding the meaningful consultation requirements contained in ESSA. (See the [ESSA Dear Colleague Letter on Tribal Consultation](#) located on the [U.S. Department of Education ESSA Resources web page](#) (<http://www2.ed.gov/policy/elsec/leg/essa/index.html>) under **Guidance and Regulatory Information**).

Topics of future discussion will include strategies for ongoing dialog and communication between the MDE and representatives of the twelve tribes, data collection processes, creation of technical assistance to schools that provide services to native students, information sharing, and development of processes for consultation on educational issues beyond ESSA. The MDE welcomes this ongoing relationship with Michigan's tribal communities.

What's Happening Now

- ESSA Feedback Forums are taking place around the state during the month of December. The feedback gathered at these forums and through online surveys will inform Michigan's final ESSA plan, which will guide how Michigan leverages federal funding to make Michigan a Top 10 education state in the next 10 years (see [article on page 4.](#))
- An ESSA public feedback survey is under development and will be released soon.

Questions from the Field

Is it too late to sign up to serve on an ESSA Action Team?

Yes; however, stakeholders have other opportunities to participate and provide input. The ESSA Action Teams were convened to develop recommendations for various topics within the state's ESSA plan; their work has culminated in the recommendations and information being shared for public input in November/December. The draft plan will combine the finished work of the Action Teams, incorporating input gained at feedback forums and other stakeholder meetings. Going forward, the Action Teams will be disbanded and the MDE will convene implementation and design teams for multiple components of the ESSA-related work, many of which will involve additional stakeholder input and participation. More information on these opportunities for involvement will be shared in future editions of ESSA Notes. In the meantime, feedback on the current work is welcomed. Please email ESSA-related comments or questions to mde-essa@michigan.gov.

We are using a Comprehensive Needs Assessment process that works really well. How will MDE be developing yours and can we provide input?

MDE will be reviewing existing tools and processes and will build upon best-practice examples. This is an area where we plan to convene an implementation team to help develop the final product. If you have an existing tool or process, please share it with us to help inform this work by sending an email to mde-essa@michigan.gov.

Is Michigan still looking to be one of the seven states in the ESSA Innovative Assessment Pilot?

Final guidance on the Innovative Assessment Pilot has not yet been issued by the US Department of Education. MDE will be reviewing the guidance when it is issued before making a final decision on whether to apply. At this time, the Action Team developing recommendations for innovations to Michigan's assessment system does not feel that a pilot program or waiver will be necessary to implement MICHIGAN'S proposed assessment vision

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