



ESSA REGULATIONS SYPHON OFF MORE LOCAL CONTROL

“First, the new law explicitly prohibits Washington from mandating or even incentivizing Common Core or any other specific academic standards. Second, it prohibits Washington from deciding which schools and teachers are succeeding or failing.” -- Senator Lamar Alexander on the ESSA 12/11/15

Throughout the USED Accountability and State Plan Regulations we see the Department tell states not only what to do, but how to do it, and EVERYTHING is based on State academic standards for reading/language arts and mathematics (Common Core), “College and Career Readiness” and the Workforce Innovation and Opportunity Act.

Please use these talking points to help guide your comments on the [regulations website](#) before the August 1st deadline.

THE SECRETARY OF EDUCATION IS GRANTED MORE POWER OVER STATES

- Proposed 299.13 allows the Secretary to control how States are to submit their education plans and the deadline by which they are to submit.
- Proposed 299.13 states the Secretary is authorized to establish consolidated State Plan Programs, information about these programs, the materials needed for these programs, and to set all assurances for the programs for adherence.
- The proposed regulations allow the Secretary to amend requirements for implementing Title I programs including requirements for States when submitting their State Education Plans.
- Proposed 299.13 say if States make any changes to State Education Plans, the Secretary must approve.
- P. 46 of ESSA: The Secretary can withhold funds if States fail to meet any of the State Plan requirements.

****Recommendation:** The Secretary should not be allowed to amend *requirements*. Title I should be implemented as the law states, not how the Secretary thinks it should be carried out. States should not be bribed into complying with regulations issued from any government agency.

DATA REPORTING IS EXPANDED AT THE COST OF THE STATES

- Proposed 200.20 gives States “flexibility” to average data across years or combine data across grades because averaging data across school years or across grades in a school can increase the data available as a part of determining accountability.
- Proposed 200.20 will also require States who combine data across grades or years to also report data individually for each grade/year, use the same uniform procedure, and explain the procedure in the State plan and specify its use in the State report card.
- ESSA is supposed to give flexibility and more control to States by decreasing the burden of reporting requirements. Proposed regulations 299.13 and 299.19 will expand data reporting for “States and LEAs in order to provide parents, practitioners, policy makers, and public officials at the Federal, State, and local levels with actionable data,” which will entail additional costs for States. These reports must include accountability indicators to show how the State is aligned with a College and Career Readiness Standard (Common Core).
- Proposed regulations 200.30 and 200.31 will implement requirements in the ESSA that expand reporting requirements for States and LEAs “in order to provide parents, practitioners, policy makers, and public officials at the Federal, State, and local levels with actionable data,” and information on key aspects of our education.
- Proposed 200.17 clarifies data disaggregation requirements. It states that the n-size used to measure test scores and graduation rates of any subgroup for state accountability purposes should not exceed 30 students.
- Proposed 200.21 through 200.24 require LEA’s to include evidence-based interventions in order to receive improvement funds. Such interventions include the safe and healthy school environments and the community and family engagement plans. These plans include the heavy use of surveys---student surveys and home surveys.

**Recommendation: We recommend removing these regulations and, as stated in the ESSA, let States decide subgroup size.

**Recommendation: We recommend not expanding data collection. The amount of data already being collected has not improved academic achievement. We recommend the federal government not collect data on children.

RIGOROUS STANDARDIZED TESTS ARE THE MEASUREMENT FOR STUDENT SUCCESS

(These regulations heavily incentivize keeping Common Core as State standards)

- Proposed 200.12 will require a State’s accountability system to be based on the challenging State academic standards (Common Core) and academic assessments.
- Proposed 200.13 will require States to establish ambitious long-term goals and measurements of interim progress for academic achievement that are based on challenging State academic standards (Common Core) and the State’s academic assessments.

- Proposed 200.14 states assessments provide information about whether all students are on track to graduate “college-and-career-ready” (Common Core).
- Proposed 200.15 will require States who miss the 95% participation requirement to: a) be assigned a lower rating (200.18); b) be assigned the lowest performance level under State Academic Achievement (200.14); c) be identified for target support and improvement (200.19); and d) have another equally rigorous State-determined action, as described in its State plan, which the Secretary has to approve.
- States who miss the 95% would be required to develop and implement improvement plans that address the low participation rate and include interventions.
- Proposed 200.15 will require States to explain in its report card how it will factor the 95% participation rate requirement into its accountability system. (This is not flexibility; this is the government telling States what to do.)
- Proposed regulations will ensure that States who fail to meet the 95% rate have rigorous actions taken (lower rating, identified for targeted support/improvement), providing incentive for schools to ensure all students take the annual State assessments.
- Proposed 200.18 requires each school to receive a single “summative” grade or rating, derived from combining at least 3 of the 4 indicators used to measure its performance. Further, the regulation “forbids” states from boosting school’s rating if it has made substantial improvement in the 4th non-academic category.
- Proposed 200.15 requires states to intervene and/or fail schools who do not meet the 95% participation rate on the state test.

**Recommendation: Since rating schools by a single grade has proven to be a disaster, we recommend letting states determine their own rating system and choose other indicators of school performance.

**Recommendation: One cannot base whether a child is ready for college by assessments alone. We recommend taking emphasis off Common Core aligned assessments and giving teachers the freedom to teach, not just teach to the test.

**Recommendation: We recommend removing these regulations as it violates the provision of the ESSA to recognize state and local law that allow parents to opt-out their child from participating in the state academic assessments.

STATE PLAN REQUIREMENTS

- Proposed 299.13 will establish procedures and timelines for State plan submission and revision and the Secretary is authorized to approve revisions.
- Proposed 299.14 to 299.19 will establish requirements for the content of consolidated State plans.

- Proposed 299.16 will require States to demonstrate that their academic standards and assessments meet federal requirements.
- Proposed 299.19 will require states to describe how they are using federal funds to provide all students equitable access to high-quality education and would include program-specific requirements necessary to ensure access.
- Proposed 299.13 outlines requirements for an SEA to submit in order to receive a grant. The state must submit to the Secretary assurances in their plan including “modifying or eliminating State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources to improve educational opportunities and reduce unnecessary fiscal and accounting requirements”.

**Recommendation: We recommend removing these regulations and allowing States to establish State plan procedures and timelines.

IDENTIFICATION FOR TARGETED SUPPORT AND IMPROVEMENT

- Proposed 200.15 will require subgroups (homeless, military, foster, etc.) to adhere to the 95% participation rate along with their peers.
- Proposed 200.19 will provide parameters for how States must define “consistently underperforming.”
- Proposed 200.24 grants States additional funds for low performing LEAs but instructs how States must use these funds.
- Proposed 299.17 will include State plan requirements related to statewide school support and improvement activities.
- Proposed 200.24 says if schools do not show improvement by a set time, SEAs may take additional improvement actions including: a) replacing school leadership; b) converting to a charter school; c) changing school governance; d) implementing new instructional model; or c) closing the school. This is called, “whole school reform.”
- Proposed 200.19 and 200.23 also talk about the use of whole school reform.

**Recommendation: We recommend giving States the power to define schools which “consistently underperform” and allowing States to decide appropriate improvement activities.