



FAQ on the Every Student Succeeds Act (ESSA)

What is the Every Student Succeeds Act?

The Every Student Succeeds Act (ESSA) was a bipartisan bill – supported by Speaker Paul Ryan, Senator Ron Johnson, Senator Tammy Baldwin, among others – signed into law on December 2015 and is the new massive federal law governing K-12 education. It replaced the controversial No Child Left Behind (NCLB). In short, ESSA – like NCLB – tells states what they have to do in order to receive federal dollars, known as “Title funds¹,” to support schools and students, including funding for low-income students and professional development for teachers.

How is ESSA different from No Child Left Behind?

No Child Left Behind had more mandates from the federal government and specified benchmarks. In contrast, at least in theory, ESSA provides states with more flexibility in complying with federal law. Put another way, under ESSA, the feds mandate that states must enact certain policies (i.e. federal reporting system and intervening into low-performing schools) but allow the states to determine the specifics of the policies (i.e. what information is reported and how to intervene in low performing schools).

So what does it mean for Wisconsin?

Among other things, states must submit a “state plan” to the U.S. Department of Education explaining how they will comply with ESSA. The state plan, totaling over 100 pages, commits Wisconsin to policy decisions which will impact all students, teachers, public schools, and charter schools. It includes making decisions on how Wisconsin will rate public schools on academic achievement; identify schools as low-performing; intervene in low-performing schools; and spend federal Title dollars.² Wisconsin, along with most other states, decided to submit the plan by September 18, 2017. It will then go through a peer review process and receive approval (or denial) by Education Secretary Betsy DeVos.

Wow... this state plan sounds like a big deal. How is Wisconsin making decisions on it?

So far, the Department of Public Instruction (DPI) and State Superintendent Tony Evers have been controlling the decision-making process for the state plan. In August 2016, Superintendent Evers convened an Equity in ESSA Council consisting of 34 members, made-up of 4 state legislators and representatives from Disability Rights Wisconsin, NAACP, Wisconsin Federation of Teachers, and School Choice Wisconsin, among others. But the Council has no voting power and is advisory only.

On April 21, 2017, DPI released the [first draft of the state plan](#). There is online form for public feedback that is available until June 30, 2017. Additionally, DPI will schedule public hearings in June. After that, DPI plans to present the public feedback to the education committees in July and the Governor will receive 30 days to review the state plan in August. But DPI is not required to change the state plan based upon feedback.³

This process has come under scrutiny. A joint [letter](#) was sent to DPI by WILL and Wisconsin Manufacturers & Commerce (WMC) expressing concerns that the ESSA implementation violates state law. Because the state plan

¹ In 2016, Wisconsin received more than \$200 million in Title I-A funding alone.

² See WILL’s [January ESSA memo](#) for more.

³ Federal law only says that the plan must be developed with “meaningful consultation with the Governor and state legislature.” Elementary and Secondary Act of 1965, 20 U.S.C. § 6311(a)(1)(A) (Sec. 1111(a)(1)(A)) (2015)



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includes policies that will have the “effect of law,” it must go through the rule-making process under Chapter 227 of the Wisconsin Statutes – which would include submitting it to committees in the legislature.

Hold on. The state legislature – the policymaking branch of government – is not making decisions on... state policy?

That’s right. As of now, the state legislature has no formal role in the approval of the state plan. DPI has briefed the legislature on the state plan and legislators can provide feedback. But DPI is not required to make any changes based upon feedback from the legislature or Governor Walker.⁴

But that isn’t due to any legal impediments. Under federal and state law, as well as the state Constitution, the state legislature could play a far more active role – if they wanted to. This is happening in other states, like Minnesota and Wyoming. Without action, the Wisconsin state plan will be a reflection of Superintendent Evers’ status quo policies. But as of now, the state legislature is abdicating its legislative powers to a government agency hostile to education reform.

Legislators, such as Chairman Jeremy Thiesfeldt of the Assembly Education Committee, have been vocal about being more involved in the drafting of the plan. The Assembly passed [AB233](#) which provides minor oversight of DPI for complying with ESSA. But there is no Senate bill with state Senator Luther Olsen – chairman of Senate Committee on Education – saying that such oversight is unnecessary.

Okay, then what is currently in Wisconsin’s state plan?

The 103 page draft of the state plan has ambitious goals but is largely a continuation of the status quo and passes on many opportunities that other states are embracing. DPI wants to cut the achievement gaps by half in the next six years, increase graduation rates by 2023, and improve English language proficiency.

But the ambitious goals are not met with proportionate policies. For example, states must take “rigorous intervention” in low-performing schools. Wisconsin’s state plan, as of now, commits the state to use financial and community support to improve low-performing public schools.⁵ But, in contrast, other states are taking a more aggressive approach. In Florida, the state legislature recently passed a bill to satisfy this ESSA requirement by incentivizing successful charter school operators to open schools in areas with low-performing public schools. New Mexico wants to close failing schools and reopen them as charters, among other interventions.

Wisconsin’s state plan has chosen not to utilize greater discretion over the spending of Title I funds. Consider Delaware’s state plan that wants to distribute a portion of federal Title I funds for school improvement through a hybrid of competitive grants and formula-based allocation. Each low-performing school will receive an allotment based on student enrollment. The school districts may apply for and receive additional funds that will be allocated through a competitive grant process. Such flexibility of federal funds could bolster Wisconsin’s “Course Options” program, giving more children across the state access to courses that their school does not offer.⁶

Major decisions will be made in K-12 education policy in the coming weeks. The time is now for the public – and legislature – to closely follow the implementation of ESSA.

⁴ We have [explained](#) in the Wisconsin State Journal why giving Superintendent Evers unchecked approval of the state plan is a very bad idea (and again for [Right Wisconsin](#)).

⁵ President Obama’s Department of Education released a [study](#) showing how the U.S. government’s expenditure of \$7 billion on low-performing produced no significant improvements on those schools.

⁶ A more detailed matrix that compares Wisconsin’s state plan to alternative examples can be found in the Attachment.



Examples of alternatives to Wisconsin’s state plan

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Category	Wisconsin state plan 1.0	Example 1	Example 2	Other options for Wisconsin include....
<p>State’s “rigorous interventions” in low-performing schools</p>	<p><u>Prior interventions</u>: schools will receive technical assistance in crafting improvement plans, including engagement with families and community.</p> <p><u>More rigorous interventions</u>: support to ensure schools successfully implement improvement plans, includes external evaluations by DPI, training for family and community engagement, professional development and capacity building, expanded educational design such as additional learning time and community schools model.</p>	<p>New Mexico state plan: school districts (LEAs) would be required to identify one of the following interventions:</p> <ol style="list-style-type: none"> 1. Closure of the school 2. Close and reopen the school under a charter school operator 3. Select a range of choices in an open education system such as public charter schools, magnet schools, private schools, online learning or homeschooling. 4. Significantly restructure or design the school, including staffing changes or a hybrid of all options 	<p>Florida bill: The Schools of Hope legislation (HB 7069) incentives successful charter school operators to open charter schools in areas with low-performing public schools. The charter schools would have access to a grant program that would help cover costs for things like teachers and transportation, and be able to take-over low-performing public schools. The bill recently passed the legislature.</p>	<p>Any one of the following qualified for “rigorous action” under the repealed-ESSA regulations: reducing or removing budget autonomy from the school and/or district, removing the school from the district, restructuring the district such as changing governance; replacing school leadership or governance; closing the school, or converting it to a charter school.</p>
<p>Direct Student Services Grant (Title I funds to LEAs)</p>	<p>Wisconsin state plan does not include reference to creating grants for LEAs who want to provide direct student services.</p>	<p>Louisiana state plan: the state will opt into Direct student services grant to create Title I grants for LEAs</p>	<p>New Mexico state plan: competitive grants to provide direct student services and focus on programs that are aligned to state’s academics, such as: extended learning time, AP course access, Pre-K services, etc.</p>	<p>The Direct Student Services grant could expand Wisconsin’s Course Choice program, which is an existing law that allows public school students to take classes outside of their public school. Course options include another public school in a different district, the UW system schools, technical colleges, nonprofit institutes for higher education, tribal colleges, charter schools and approved nonprofit organizations, such as a private schools.</p>



<p>Nonacademic indicator on school quality or student success</p>	<p>Chronic absenteeism based on student, group and school-level calculations. An individual is chronically absent if s/he misses more than 10 percent of all possible attended days. Similarly, a school or student group is negatively impacted if missed more than 10 percent aggregate possible days</p>	<p>Michigan state plan: four-part factor: K-12 chronic absenteeism; K-8 time spent in fine arts, music, physical education and library media specialist access; advanced coursework in grades 11-12; and high school postsecondary enrollment rates</p>	<p>D.C. state plan: the state plan uses a variety of measures for the nonacademic indicator of school environment: chronic absenteeism which is measured by a variety of benchmarks, such as a mix of attendance indicators including 90% attendance; daily average of in-seat attendance; using a Classroom Assessment Scoring System for Pre-K; re-enrollment in the school and access and opportunities measurement for well-rounded education.</p>	<p>The now-repealed ESSA Title I accountability regulations included the following examples: school climate and safety, postsecondary readiness, or student engagement</p>
<p>Long-term accountability goals for graduation rate</p>	<p>Gap in graduation rates to be cut in half within six years, based on an average of the four year and eight year graduation rates.</p>	<p>Illinois state plan: in a 15 year timeline, with three year interim goals, the target is for 90% of students to graduate based on a four, five and six year cohort graduation rates</p>	<p>North Carolina bill: House Bill 458 was signed into law to update North Carolina’s school accountability indicators, including 4 year graduation rates to comply with ESSA</p>	<p>The now-repealed ESSA Title I accountability regulations required states to calculate a four-year adjusted cohort graduation rate. The state could also have additional extended-year adjusted cohort rates.</p>
<p>Accountability academic indicators</p>	<p>Academic achievement (Proficiency on the Math and English Language Arts state exams); student growth; English Language Proficiency; graduation</p>	<p>Delaware state plan: academic achievement; growth; social studies and science in certain grades; growth of students; on-track for high school graduation for 9th graders; progress in English Language proficiency; four, five and six year cohort graduation rates</p>	<p>Maryland law: Protect Our Schools Act of 2017, passed on April 5, 2017, directs the State Board to set the specific academic indicators and it must include an indicator on access to or credit for completion of a well-rounded curriculum</p>	<p>The now-repealed ESSA Title I accountability regulations included examples of academic indicator such as: proficiency on annual English Language Arts and math tests; high school student growth in English Language Arts and math, K-8 student growth on tests; high school graduation rate and English Language proficiency</p>



<p>Resource allocation of School Improvement funds</p>	<p>DPI will annually review resources in each LEA serving a significant number of low-performing schools, including a review to ensure resources are distributed equitably and effectively.</p>	<p>Delaware state plan: create a hybrid program for competitive grants and formula-based allocation to Title I schools for school improvement. Each low-performing school will receive an allotment based on student enrollment. The LEA may also apply for and receive additional funds allocated through a rubric-based competitive grant process</p>	<p>Michigan state plan: periodic resource review including work by the Financial Independence Team (FIT), a group of SEA staff and Department of Treasury staff to provide training and technical assistance to LEAs with deficit or declining fund balances and Blueprint for Turnaround, a statewide system of support for LEAs including talent management, student support and instructional infrastructure</p>	
<p>Title V – Rural and low-income school program</p>	<p>20-30 LEAs use funds to further their local school improvement plans, based on Wisconsin’s academic standards. Under the ESSA plan, the funds will be distributed to eligible LEAs for specific purposes. The plan does not clarify whether it is a competitive grant or formula allocation.</p>	<p>Tennessee state plan: based on other ESSA changes, the state will require any school districts with resource equity issues to take specific actions, such as adjusting funding methodology for equity of expenditures; develop goals and action steps for equitable distribution of highly effective teachers; develop goals and action steps for early postsecondary options available to students and develop goals and action steps to address early learning needs (Pre-K)</p>	<p>Michigan state plan: funding is distributed to traditional school/districts, intermediate school districts, charter school/districts and Bureau of Indian Education schools. Grants will be distributed on a formula basis and LEAs with more economically disadvantaged families or living in sparsely populated areas will be prioritized. LEAs may use the funds for increasing course offerings, such as AP classes, increased afterschool and summer programming, supporting effective instruction, etc.</p>	