

**PRESENTED AT****32<sup>nd</sup> Annual School Law Conference**February 23-24, 2017  
Austin, TX**Every Student Succeeds Act Update****Jasmine Wightman**Author Contact Information:  
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## **Update on the Every Student Succeeds Act (ESSA)** TASB Legal Services

### **Navigating through Public School Accountability after ESSA**

When the Every Student Succeeds Act (ESSA) was passed on December 10, 2015, it was generally regarded by states and many interest groups as a win. The bill greatly lessens the reigns of federal control initiated by No Child Left Behind (NCLB) and allows states to make key decisions regarding public school accountability. The Texas Education Agency (TEA) is tasked with creating a strategic plan and accountability system that meets the federal requirements and leverages the flexibilities in a way that best suits the needs of school districts in Texas.

TEA has made it increasingly clear that their goal is to unite the Texas accountability system and the federal accountability system into one system. TEA, in a recent press release, stated that the final state plan would be submitted to the federal government by September 2017.<sup>1</sup> Although the state plan is still months ahead, much of ESSA became effective immediately (December 10, 2015) or in the year following the effective date. For the 2016-17 school year, districts in Texas are still operating under the NCLB state plans which means many state plan requirements for this school year have remained the same. The 2017-18 school year will be the first year that the assessment and accountability measures under ESSA will be fully implemented.<sup>2</sup>

The United States Department of Education (DOE) has released several important documents regarding the transition. TEA has also released important information regarding Texas's transition. See the appendix for a list of accountability resources.

#### **1. A System of Meaningful Differentiation**

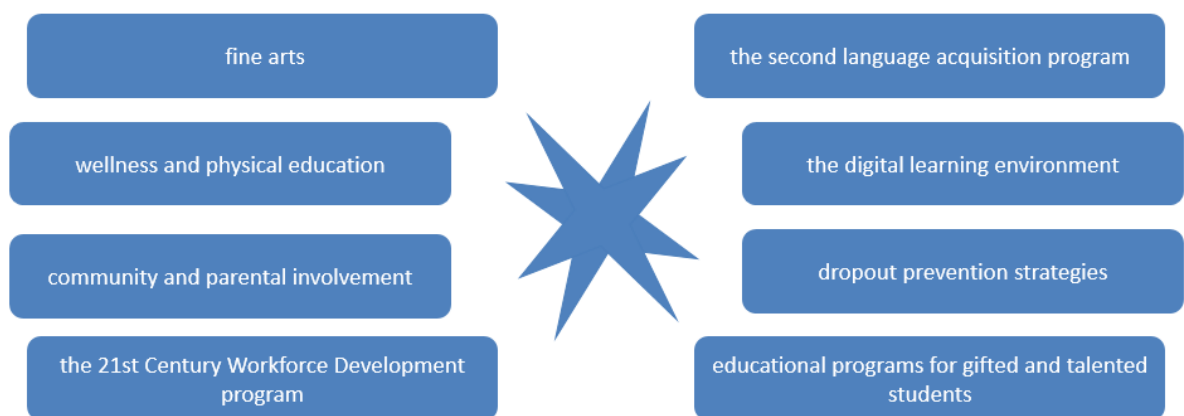
One of the most important changes from ESSA to the Elementary and Secondary Education Act (ESEA) is the decreased focus on assessment results for accountability. Instead, under ESSA, the statewide accountability system must include multiple factors such as academic achievement, student growth, graduation rates, progress in English language proficiency, and at least one indicator of school quality or student success. Possible indicators of school quality or student success include educator engagement, access to and completion of advanced coursework, postsecondary readiness, and school climate and safety, but each state is allowed to choose any indicator that meets the federal requirements. In general, the accountability system must allow a state to “meaningfully differentiate” between all public schools in the state and identify low-performing campuses and students. Under ESSA, each state may determine the weight of the different indicators in its own system, but academic measures must be given substantial weight. For Texas, TEA is charged with gathering input from various stakeholders in the

development of the federally compliant accountability system. The governor will ultimately approve of the assessment and accountability plan prior to submission to the DOE. Once submitted, the DOE has little room to deny any state’s plan as long as the state meets the overall state plan requirements of ESSA.

TEA is currently working on the details of a new accountability system as mandated under House Bill 2804. It appears promising that Texas may be able to accomplish just one system that will work under both the state and federal requirements. House Bill 2804, passed in the 2015 legislative session, creates a five-domain state accountability system and an A-F rating label to describe performance on that system. The domains are as follows: the first domain includes student achievement on academic assessments; the second domain measures student progress on those assessments; the third domain measures academic achievement among different subgroups; the fourth domain measures postsecondary readiness, including college and career readiness; and the fifth domain measures community and student engagement.<sup>3</sup> This new accountability system is scheduled to be implemented in the 2017-18 school year, with ratings and interventions to be determined in August 2018.<sup>4</sup>

While House Bill 2804 requires districts to self-evaluate and report ratings related to community and student engagement, these factors may also satisfy ESSA’s requirement that states measure an indicator of school quality or success for meaningful differentiation. This chart shows different factors that will be weighed in determining school and district success in the fifth domain.

## Community Engagement Factors



House Bill 2804 also established the Next Generation Assessments and Accountability Commission to develop and make recommendations for new systems of student assessment and public school accountability. On August 31, 2016, the commission presented a report to the governor of Texas and the Texas legislature with nine recommendations, five considerations for further study, and a long-term vision statement for public education in Texas.

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[2017 School Law eConference](#)

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