

## EVERY STUDENT SUCCEEDS ACT

### Fact Sheet for Immigrant Community Leaders

#### Overview

The Every Student Succeeds Act (ESSA) was signed by President Obama at the end of 2015. It updates the United States' main K-12 education law called the Elementary and Secondary Education Act (1965) and replaces No Child Left Behind (2002).

This education law has its roots in the Civil Rights era. It requires schools to report how well students learning English and students from major ethnic backgrounds are doing in school, and it requires action if students need more support. ESSA lays out rules for academic standards<sup>1</sup>, accountability<sup>2</sup>, parent and family engagement and other areas.

ESSA gives New York State substantial room to decide how it will follow the new law. This is a major change and the state is required to develop a plan with input from the community. During the fall and winter of 2016, New York State is developing its plan to put in place the rules below.

#### Parent & Family Engagement<sup>i</sup>

School Districts with Low Income Families: ESSA has parent and family engagement requirements for school districts that receive Title I money, which comes from the federal government to districts with many students living in poverty. Among other things, these school districts must:

- **Reach out to all parents**, and **meet with ELL parents** if they are using specific federal money<sup>3</sup> for ELL programs.
- **Create a written family engagement policy** with families' input and send it in a language families can understand.
- **Offer programs and activities** to involve families in a meaningful way.
- **Set aside 1% of their Title I funds for family engagement** activities and include parents in decisions about spending this money.
- **Support effective family engagement by doing at least one of these things: collaborating with community-based organizations**, professional development for school staff, home-based programs, sharing information and other related activities.

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<sup>1</sup> Standards are written descriptions of what students are expected to know and be able to do at a certain point in their education, such as what they have learned by the end of a specific grade or class. *The Glossary of Education Reform* online. Retrieved from <http://edglossary.org/learning-standards/>

<sup>2</sup> The accountability system is a set of things that are measured to see how well students are doing in school. What is measured (these are the "indicators") and how it is measured are major questions in shaping an accountability system.

<sup>3</sup> Title I or Title III money. Title I money is allocated to schools (via states and districts) based on the number and percentage of students living in poverty. Title III money is for language instruction for English Learners and immigrant students.

Schools with Low Income Families: Schools receiving Title I funds must also:

- **Create a family engagement policy** that is agreed on by parents.
- **Hold a meeting each year** for families to explain the Title I program and parents' rights and involve parents in planning the Title I program to support students.
- **Send information** to parents in a language they can understand and specifically provide opportunities for families most comfortable in a language other than English to participate.
- **Create a special agreement** called a "compact" with family input that says how everyone will work together to help youth achieve more in school.
- **Help parents** work with their children and understand the education system.
- **Help school staff** learn how to reach out to and work with parents as equal partners.

### Important Rules for English Language Learners

Major New Rules: ESSA has major new rules for states about English Language Learners (ELLs) – students who are learning English as a new language in school. Here are some of the key changes: <sup>ii</sup>

- **English Proficiency** (how students are doing learning English) **is one of the main measures** to determine how well schools are educating students. English Language Arts and math are the other two measures for all schools. <sup>iii</sup> This is a big change and means that there is a much higher profile for ELLs across the country.
- **Schools can include "Former ELLs"** (students who have successfully learned English) in the same category as current ELLs for up to four years when schools report on how ELLs are doing.<sup>4</sup> This can help show progress ELLs are making overall, but could hide issues with current ELLs not getting enough support if these students are not separately identified too.
- **States must now have standard rules** for identifying ELLs and for exiting them from ELL status. New York has already had this in place, but the rule is important for students moving to other states or for students moving around within a state to make sure they continue to get access to services.
- **There is a new option for leaving out ELL test scores** – only for newly arrived ELLs – when schools are reporting how all their students are doing.
  - Before schools did not have to give ELLs the English Language Arts and math tests for their first year enrolled in the U.S. This is still an option.
  - Now schools could give ELLs the English Language Arts and math tests, but not have their scores "count" in the overall report on how students are doing the first year. Then, the second year ELLs would take the tests again, and only the growth in their scores from the first to the second years would count.

Rules That Stayed the Same: Here are some important ELL rules in the previous version of the law that are still included in ESSA:<sup>iv</sup>

- **ELL scores still have to be broken out** as a key subgroup.
- **Schools must test ELLs'** English proficiency each year.
- **ELLs must be included in state tests** and must get appropriate accommodations until they're no longer needed. Newly arrived students may take tests in their home language.
- **English proficiency standards** consistent with academic standards must be in place.

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<sup>4</sup> Under No Child Left Behind, former ELLs could be included in the same category as current ELLs for up to 2 years.

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- <sup>i</sup> The Leadership Conference Education Fund (2016, January 19). *Parent and Family Engagement Provisions in the Every Student Succeeds Act* (PDF document). Retrieved from <http://civilrightsdocs.info/pdf/education/ESSA-Parent-Family-Engagement.pdf>; National Association for Family, School and Community Engagement (2015, December). *Quick Review of the Every Student Succeeds Act: What's In it for Parents* (PDF document). Retrieved from <http://nafsce.org/wp-content/uploads/2015/12/ESSA-Review.pdf>; New York State Education Department (2016, May 16). *Elementary and Secondary Education Act (ESEA) Reauthorization/Every Student Succeeds Act: Presented to the Members of the Board of Regents* (PowerPoint Slides). Retrieved from <https://www.regents.nysed.gov/common/regents/files/Full%20Board%20Monday%20-%20%20ESEA%20Reauthorization-Every%20Student%20Succeeds%20Act%20ESSA.pdf>; Henderson, A. & National Education Association (2016, June). *Quick Brief on Family Engagement in Every Student Succeeds Act (ESSA) of 2015* (PDF document). Retrieved from <http://ra.nea.org/wp-content/uploads/2016/06/FCE-in-ESSA-in-Brief.pdf>
- <sup>ii</sup> Migration Policy Institute (2016, January 21). *Taking Stock of ESSA's Potential Impact on Immigrant and English Learner Students* (Webinar). Retrieved from <http://www.migrationpolicy.org/events/taking-stock-essa-potential-impact-immigrant-and-english-learner-students>.
- <sup>iii</sup> Ujifusa, A. (2016, March 21). Fact Check: Does ESSA Really Require 'Non-Academic' Accountability Measures? *Education Week*. Retrieved from [http://blogs.edweek.org/edweek/campaign-k-12/2016/03/fact\\_check\\_essa\\_non-academic.html](http://blogs.edweek.org/edweek/campaign-k-12/2016/03/fact_check_essa_non-academic.html)
- <sup>iv</sup> Wright, W (2016, July 8). *The Every Student Succeeds Act and English Language Learners* (Video Presentation). Retrieved from <https://www.youtube.com/watch?v=p05nPGSBsSY>