

Breaking down ESSA

A guide to the new ed tech provisions in the federal education law

April 2016

Introduction

In what he called a “Christmas miracle” after 14 years of enduring No Child Left Behind (NCLB), President Obama signed the Every Student Succeeds Act (ESSA) into law at the end of 2015, eliminating the most onerous provisions of NCLB. In a monumental shift of authority, the new education law returns a great deal of federal power on educational issues to states and local districts. The law provides a great deal of flexibility on how states and districts spend their federal education dollars by eliminating and consolidating 50 individual, issue-focused programs and folding the programs into larger flexible block grants.

Although the new education framework maintains NCLB’s testing regime, it eliminates federal standards (Adequate Yearly Progress – AYP) and penalties (mandated turn-around programs), and allows states to develop their own accountability standards and evaluations. While leaving many education decisions to the states, ESSA requires that states, at a minimum, address and provide support to the most underserved students and lowest achieving schools – serving the original law’s purpose as a civil rights and equity law.

In addition to maintaining many important equity provisions of the old law while giving states and districts unprecedented

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freedom over many educational decisions, ESSA contains significant provisions that impact how federal dollars will be spent to support education technology and digital learning – including specific professional development and training for teachers, principals and school leaders on how to effectively use that technology in the classroom.

ISTE played a significant role in engaging the education community and crafting the ed tech provisions included in ESSA. With the law in place, ISTE is working to influence federal and state regulations to implement ESSA and ensure that leaders are well informed about how to make sound investments in technology that empower our educators and amplify digital learning. To that end, our advocacy efforts are driven by our commitment to ensure that the ISTE Standards continue to serve their primary purpose of preparing students for their future.

What does ESSA do?

While ESSA went into effect immediately, in order for states, districts and schools to transition from NCLB to ESSA, the

law's provisions kick in at different times: on August 1, 2016, the state waivers end and Title I changes go into effect; in the 2017-2018 school year, schools can begin to spend federal dollars on the new ESSA programs; and, finally, by the 2017-2018 school year, the new state accountability plans go into effect and all improvement schools must be identified.

While a number of critical pieces of NCLB remain in effect, like annual testing requirements and allowing states to create their own standards, ESSA makes significant changes to the secretary of education's authority and accountability. ESSA grants strong state control over standards by explicitly stating: *"The secretary shall have no authority to mandate, direct, control, coerce or exercise any direct supervision over state standards."* This means that states are completely free to determine their standards with absolutely no approval from the secretary.

In addition to changes to the secretary's authority, ESSA also modified the requirements for assessments. ESSA still maintains the requirement that students be tested in math and reading/language arts in grades 3-8 and once in grades 9-12; and in



science once in grades 3-5, once in grades 6-9, and once in grades 10-12; and still requires results to be disaggregated by six subgroups (e.g., ESL students, low-income students, etc.). However, ESSA now allows a state to use a nationally recognized test, such as the ACT or SAT, in lieu of a state assessment. In addition, reporting of these results can now be summative or interim, depending on what the state chooses.

ESSA also shifts the balance from federally controlled accountability systems to state-controlled accountability systems. Under the old regime, states were required by the federal government to use AYP metrics and strive for and meet 100 percent proficiency goals for all subgroups in each school. Those who failed to make AYP consistently received the label of “failing” and were required to initiate mandated federal interventions and turnaround models. With ESSA the law of the land, state-controlled accountability systems will be established. However, ESSA requires that state systems identify and provide assistance to the lowest achieving 5 percent of schools and high schools failing to graduate one-third or more of their students, and the U.S. Department of Education must still approve state accountability plans.

Lastly, unlike NCLB, ESSA includes a codified prekindergarten program within Title IX that authorizes state competitive grants to improve coordination, quality and access for early childhood education. The program is authorized at \$250 million annually and will be jointly administered by the U.S. Department of Education and the Department of Health and Human Services.

The ed tech provisions

Unlike the previously authorized Enhancing Education Through Technology Program (EETT), last funded in 2011, ESSA does not include a specific education technology program. Instead, the education technology provisions are embedded in the new **Title IV, Part A** flexible block grant program, authorized

at \$1.65 billion annually. This grant, known as the **Student Support and Academic Enrichment Grant**, authorizes activities in three broad areas:

1. Providing students with a well-rounded education (e.g. college and career counseling, STEM, arts, civics, International Baccalaureate/Advanced Placement).
2. Supporting safe and healthy students (e.g. comprehensive school mental health, drug and violence prevention, health and physical education).
3. Supporting the effective use of technology.

How the Student Support and Academic Enrichment Grant works

Distribution of federal dollars: Under this grant, each state will receive an allocation based on the Title I funding formula that allocates funds to the highest poverty districts and schools in each state. Using that same formula, the states will then allocate funds to school districts. In order to serve the schools most in need, districts with high concentrations of poverty generally receive more Title I dollars than wealthier districts. ESSA requires that each eligible district receive an allocation of at least \$10,000. If annual funding for the program is insufficient to support this minimum district allocation to all eligible districts, all district allocations will be reduced.

District use of funds: Any school district that receives a formula allocation above \$30,000 must conduct a needs assessment and must then expend 20 percent of its grant on safe and healthy school activities and 20 percent on activities to provide well-rounded education programs. If a district receives an allocation below \$30,000, the law does not require a needs assessment or setting aside percentages for well-rounded education and safe/healthy programs.

The remaining 60 percent: The district may then choose to spend the remaining 60 percent of funds to support any of the

three broad areas, but local education agencies **must** spend at least a portion of their grant funds on activities to support the effective use of technology.

Federal dollars spent on ed tech: Districts that choose to spend federal funds on education technology can invest in a wide range of initiatives including providing ongoing high-quality training for educators on how to use the technology effectively, hiring technology coaches and ed tech directors, and developing personalized and blended learning programs and curricula.

The 15 percent limit on technology infrastructure:

Although a district can spend money for education technology initiatives like professional development and blended learning, no more than 15 percent of a district's Title IV dollars may be spent on devices, equipment, software and digital content. The 15 percent technology purchase cap continues to apply even for districts receiving allocations below \$30,000.

Homework gap provisions: It appears that Title IV permits districts to spend money on homework gap solutions such as hot spots. Separately, ESSA authorizes the Department of Education to conduct a study of the number of students unconnected or under-connected in their homes.

How is ed tech defined in ESSA?

In addition to containing explicit provisions pertaining to the use of education technology and professional development for educators, the law contains a plethora of specific definitions that signify federal acknowledgement of the importance of ed tech. The codification of these terms in federal legislation offers clarity and guidance to states and districts when determining how to use funds to support digital learning

and offer professional development on the effective use of technology. The key ed tech definitions are highlighted below:

Blended learning: The term "blended learning" means a formal education program that leverages both technology-based and face-to-face instructional approaches:

1. That include an element of online or digital learning combined with supervised learning time and student-led learning, in which the elements are connected to provide an integrated learning experience; and
2. In which students are provided some control over time, path or pace.

Digital learning: The term "digital learning" means any instructional practice that effectively uses technology to strengthen a student's learning experience and encompasses a wide spectrum of tools and practices, including:

1. Interactive learning resources, digital learning content (which may include openly licensed content), software or simulations that engage students in academic content.
2. Access to online databases and other primary source documents.
3. The use of data and information to personalize learning and provide targeted supplementary instruction.
4. Online and computer-based assessments.
5. Learning environments that allow for rich collaboration and communication; may include student collaboration with content experts and peers.
6. Hybrid or blended learning that occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path or pace.
7. Access to online course opportunities for students in rural or remote areas.