

## POLICY PAPER

**Subject: Every Student Succeeds Act (ESSA) - Final Regulations Published November 29, 2016**

### I. Background:

The Every Student Succeeds Act (ESSA) was enacted on December 10, 2015. It amends the Elementary and Secondary Education Act of 1965 (ESEA) and concurrent regulations to implement changes to established by the ESSA.

The ESSA is a reauthorization of ESEA. ESEA provides Federal funds to improve elementary and secondary education in the Nation's public schools. The ESSA makes significant changes in ESEA to ensure that every child, regardless of race, income, background, or where they live has the opportunity to obtain a high-quality education.

As part of this legislation, a military identifier was incorporated to assist the U.S. Department of Defense (DOD), U.S. Department of Education (DOE) and states to identify movement of military students through the public education arena.

### II. Military Identifier and Requirements:

- a. Under the "Every Student Succeeds Act" (ESSA), the new federal education law passed in December 2015, public schools will collect data on school-age children in grades K-12 of active-duty military.
- b. Data will assist educators and elected officials to understand how military-connected children are performing in school.
- c. Collected data will include test scores, graduation rates and other metrics.
- d. Implementation details were published by the U.S. Department of Education on November 29, 2016. The initiative will commence in school year 2017-2018.

### III. Military Identifier Language:

***TITLE I, PART A, Subpart 1, SEC. 1111.  $\phi$ 20 U.S.C. 6311 STATE PLANS***

*(h) REPORTS.—*

*(1) ANNUAL STATE REPORT CARD.—*

*(ii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)(xi), homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code) on active duty (as defined in section 101(d)(5) of such title), information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1)."*

#### IV. Impact to States and Schools:

ESSA requires each State educational agency (SEA) to have an accountability system that is State-determined with certain federal requirements. The system will be based on multiple indicators, including, but not limited to, at least one indicator of school quality or student success and an indicator of student growth. These include proficiency on state tests, progress on English language proficiency for ELL students, student growth or other academic indicator (elementary and middle schools only), and graduation rate (high schools only). It modifies the requirements for measure of school quality and student success such as student engagement, teacher engagement, access to and completion of advanced coursework, postsecondary readiness, school climate and safety. The ESSA no longer requires a particular sequence of escalating interventions in Title I schools that are identified and continue to fail to make adequate yearly progress (AYP). Instead, it gives SEAs and local educational agencies (LEAs) discretion to determine the evidence-based interventions that are appropriate to address the needs of identified schools. Weighting is determined by states but academic factors have to count “much” more than measures of school quality or student success. States must establish “ambitious long term goals” with measurements of progress for all students. Each year state must “meaningfully differentiate” schools and identified student populations based on performance on indicators.

The ESSA also modified and expanded upon the ESEA requirements for State and LEA report cards. The report cards should be concise, understandable, uniform in format, and in a language that parents can understand. It requires that the report cards be developed in consultation with parents and widely accessible to the public.

Prior to the passage of ESSA, some states had already established a form of the military identifier on the state level. In these states, modification of their military identifier may prove to be easier than the establishment of the identifier in a state without one.

The U.S. Department of Education believes that the benefits outweigh any associated costs incurred by the state or local levels. If costs are incurred, Federal grant funds can offset. The benefits include a more flexible, less complex and costly accountability framework for the implementation of the ESEA, as amended by the ESSA, that respects State and local decision-making; the efficient and effective collection and dissemination of a wide range of education-related data that will inform State and local decision-making; and an optional, streamlined consolidated application process that will promote the comprehensive and coordinated use of Federal, State, and local resources to improve educational outcomes for all students and all subgroups of students.

#### V. Impact on the Military Interstate Children’s Compact Commission (MIC3):

The impact on the Commission will be primarily be monetary. As states use the military identifier portion of this law, they will be able to identify how many military-connected students are in the public school system in their state. The Commission, to date, has requested from the DOD the number of children, Kindergarten through 12<sup>th</sup> grade, reported by

active duty members of the military member to calculate the dues for the next fiscal year. The formula for the dues is prescribed in Rule 2.102(d):

*(d) The dues formula shall be based on the figure of one dollar per child of military families eligible for transfer under this compact, and beginning in FY 2014 this calculation shall be based upon the State in which each military family resides, except that effective FY2013, and each year thereafter, no state dues assessment shall exceed the sum of sixty thousand dollars (\$60,000.00) per year and effective FY 2014, and each year thereafter, no state dues assessment shall be less than two thousand dollars (\$2,000.00).*

While the dues formula would still be a valid form for calculation, the numbers used prior to the establishment of the military identifier will probably show a difference in the number of military connected children. The numbers obtained from DOD do not differentiate between children in public schools, private schools, charter schools, or home-school situations. The military identifier will probably show a decrease in these numbers.

The military identifier will most likely cause the Commission's budget to shrink further. Recent years of sequestration have caused steady decreases in the number of military connected children reported through DOD. In order to maintain the level of funding for support and services, the Commission may need to look at other means of income and/or a possible change in the dues formula. The later would require a rule change by the Commission.

*Section 200.30(f)(1)(iv) clarifies that students in the subgroup of "student with a parent who is a member of the Armed Forces" includes students whose parents are on full-time National Guard duty. Further, § 200.30(f)(1)(iv)(C) defines full-time National Guard duty*

#### VI. Possible Support to State and Schools by MIC3:

As part of the MIC3 Strategic Plan, the Finance Committee has been charged with establishing sustainability. As part of this charge, the Committee must identify external impacts on the MIC3 mission and fiscal outlook. ESSA fits into this category.

ESSA will have a positive impact to help identify military connected students and the mission of MIC3 by identifying transition patterns. The military identifier, in concert with information from DODEA and survey information from Impact Aid, should provide the Commission, along with DOD and other organizations, with population trends. This should assist the Commission in addressing transition issues and locating high areas and timeframes of transition. This should allow the Commissioners and State Councils to concentrate their advocacy efforts and identify possible training opportunities.

VII. Other Conclusions:

*Charter Schools*

Under Section 200.30 dealing with the Annual State report card, charter schools will be held to the same accountability standards as all other public schools. While some expressed concern about transparency by applying the same standards, the greater concern may be for those attempting to create an exemption or reserving slots for military-connected children. The Interstate Compact does not apply to the enrollment of charter schools. However, states attempting to change the rules to give transferring military-connected students the opportunity to enroll may encounter further roadblocks due to the accountability standards.

*Graduation*

Transition issues dealing with graduation are dealt with quite often under the Interstate Compact. The ESSA serves to make academic standards more consistent from state to state. This can only make graduation transitions easier as military-connected students transfer. This could make the use of Article VII, section C of the Interstate Compact a rarity over time.

VIII. References or resources:

- a. Every Student Succeeds Act (ESSA) - [Final Regulations](#)
- b. Article V, Section E of the [Interstate Compact for Educational Opportunity for Military Children](#)
- c. Chapter 200, Section 2.102 of the [Rules of the Military Interstate Children's Compact Commission](#)

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