



777 6th Street NW  
Suite 500  
Washington DC 20001  
tel (202) 618-3900  
fax (202) 478-1804  
[www.pennhillgroup.com](http://www.pennhillgroup.com)

## MEMORANDUM

TO: **Interested Parties**  
FROM: **Penn Hill Group**  
DATE: **December 7, 2016**  
SUBJECT: **Final Regulations on ESSA Accountability and State Plans**

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### Overview

On November 28, 2016 the U.S. Department of Education (ED) released final regulations on accountability and State plans under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). The final regulations were published in the Federal Register on November 29, 2016 and can be accessed [here](#).

The purpose of this memo is to describe the major changes included in the final accountability and State plan regulations, when compared to the original Notice of Proposed Rulemaking (NPRM) published in the Federal Register on May 31, 2016. In each specific topic area, we first summarize the proposed regulations and then describe the significant changes in the final regulations. **An important change to note up front, the final regulations permit States to begin identification of schools under the new accountability structure created by ESSA by the start of the 2018-2019 school year. This is one year later than the proposed regulations, which would have required identification to begin in the 2017-2018 school year.**

On November 29, 2016, ED also released a [Consolidated State Plan Template, which](#) a State must use if it chooses to submit a consolidated State plan. **Under the final regulations, state plans can be submitted in two different windows – by April 3, 2017 or September 18, 2017.** Additionally, ED released an [Assurances Template](#) that States must submit by April 3, 2017 in order to receive Federal fiscal year (FY) 2017 funds for programs ED indicated may be included in the consolidated State plan: Title I, Part A; Title I, Part C; Title I, Part D; Title II, Part A; Title III, Part A; Title IV, Part A; Title IV, Part B; Title V, Part B, Subpart 2; and the McKinney Vento Homeless Assistance Act.

Our issue-by-issue of the analysis of the final regulations follows.

### I. **State Accountability Systems: Goals, Performance Measures, and Annual Indicators**

#### **Single Statewide Accountability System – Applicability to Charter Schools**

The final regulations add language regarding the responsibility of charter school authorizers for accountability purposes. The statute and regulations require that all accountability provisions for

charter schools are implemented in accordance with State charter school law. The final regulations clarify that if an authorized public chartering agency, in accordance with State charter school law, acts to not renew or to revoke a charter from a particular school, the decision of the agency supersedes any State identification of the school for Comprehensive or Targeted Support and Improvement.

### **Long-Term Goals and Interim Measures of Progress**

*Summary of proposed regulations:* The proposed regulations clarified that long term goals, and interim measures of progress aligned to those goals for student proficiency on math and reading/English Language Arts (ELA) assessments, must be based on grade-level proficiency, and that a State must use the same definition of grade-level proficiency for all students. The NPRM also specified that the statutory language regarding long-term goals and interim measures for student subgroups meant states must set interim measures that require greater rates of improvement for lower-achieving subgroups, in order to make significant progress in closing statewide proficiency and graduation-rate gaps. Lastly, the proposed regulations clarified that goals set for English learners (EL) in achieving English language proficiency (ELP) must set expectations both for: 1) annual progress towards achieving ELP, and 2) for attainment of ELP within a period of time after a student's identification as an EL. Further, the proposed regulations clarified that a State would have to set this period of time using a uniform procedure based on the student's ELP level at the time of identification, and may take into consideration other characteristics (such as time in instruction, grade level, age, native language proficiency level).

*The final regulations:*

- Clarify that long term goals and interim measures of progress for math and reading proficiency must measure the percentage of students attaining grade-level proficiency on the math and reading assessments, based on the State standards (as opposed to just being “based on grade-level proficiency,” as in the proposed regulations).
- Clarify that academic achievement for students with the most significant cognitive disabilities should be assessed based on alternate academic achievement standards, and that such students and the results of such assessments have to be included in the statewide accountability system.
- Requires a State, in its State plan, to describe how it has established long-term goals and measures of interim progress for both academic achievement and graduation rates, as well as how its goals take into account the improvement necessary for each subgroup.
- Clarifies that ELP goals for ELs must include progress in increasing the percentage of ELs making annual progress toward attaining ELP.

- Requires a State, in its State plan, to describe its uniform procedure to establish research-based, student-level targets, on which goals and measurements of interim progress for attaining ELP are based.
- Requires a State, in its State plan, to provide a rationale for how it determined the maximum number of years for ELs to attain ELP, as part of setting research-based, student-level targets, and the timeline over which ELs sharing common student characteristics (e.g., time in instruction, grade level, age, native language proficiency level) would be expected to attain ELP.

### **Accountability Indicators**

*Summary of the proposed regulations:* The proposed regulations reiterated the statutory requirement that the accountability indicators, with the exception of the ELP indicator, measure performance for all students and separately for each subgroup (in other words, reiterated that “super-subgroups” may not be used in place of statutorily required subgroups). The proposed regulations also required that the academic proficiency indicator equally weight reading/ELA and math; required that school quality and student success indicators be supported by research demonstrating that progress on the indicator is likely to increase student achievement or the high school graduation rate; required that each measure used within an indicator is used no more than once to annually differentiate schools; and required that all academic proficiency indicators and school quality or student success indicators aid in the meaningful differentiation of schools.

*The final regulations:*

- Require that the Academic Achievement indicator include a student’s grade level proficiency on the State math and reading/ELA tests, but also allow a State to include student’s performance above or below grade level proficiency, so long as:
  - A school receives less credit for the students who are not proficient than for students who are proficient or exceeding proficiency; and
  - The credit a school receives for students exceeding proficient does not fully compensate for the students who are not yet proficient.
- Remove the requirement that the Academic Achievement indicator equally weight reading/ELA and math scores.
- Clarify that the ELP indicator must be aligned with the applicable timelines within the maximum State-determined number of years for each EL to attain ELP.
- Change the requirements regarding the school quality or student success indicator to require that each measure of school quality or student success is supported by research that high performance or improvement on such measure is likely to increase student learning (e.g., grade point average, credit accumulation, advanced coursework

performance) or, for high schools, is likely to improve graduation rates, postsecondary enrollment, postsecondary persistence or completion, or career readiness.

- Remove the requirement that each measure used within an indicator be used no more than once in the accountability system.
- Maintain that super-subgroups can only be used in addition to, and not as a substitute for, the use of the disaggregated subgroups required by the statute.

### **Participation in Assessments and the Annual Measure of Achievement**

*Summary of the proposed regulations:* The proposed regulations presented four options for how a State must factor the 95 percent assessment participation rate requirement into its system for differentiating school performance if a school fails to assess 95 percent of students (as a whole or in any subgroup): 1) the school must receive a lower summative performance rating (see below); 2) the school must receive the lowest performance level on the accountability system's academic achievement indicator; 3) the school must be identified for Targeted Support and Improvement; or 4) another, equally rigorous State-determined action that will result in a similar action for the school and will improve the school's participation rate. The proposed regulations also required that a school not meeting the 95 percent requirement implement an improvement plan, developed with stakeholders, that includes one or more strategies for improving the participation rate, and which is approved and monitored by the local educational agency (LEA). Lastly, LEAs with a significant number or percentage of schools missing the 95 percent requirement must also develop improvement plans.

*The final regulations:*

- Change the 4<sup>th</sup> option for how a State must factor the 95 percent assessment participation rate requirement into its system for differentiating school performance if a school fails to assess 95 percent of students (as a whole or in any subgroup). The State may use another State-determined action or set of actions that is sufficiently rigorous to improve the school's participation rate, compared to "equally rigorous," as required in the NPRM.
- Reiterate that a state must assess all students, not just 95 percent of students, and that a state may not systemically exclude any students from assessment.

### **Student Subgroups**

*Summary of the Proposed Regulations:* The proposed regulations clarified that "super-subgroups" cannot be used in place of the statutorily required student subgroups. The proposed regulations also clarified the requirement that a State that includes the State assessment results of former ELs within the EL subgroup – for up to four years as allowed under the statute -- must do so for all former EL students within the State and for the same period of time. If a state

exercises this authority, it must include those students in the determination of whether a school's population of EL students meets the State's "n-size" (see below). The proposed regulations also added language requiring that, for EL students who have disabilities that preclude them being assessed under one or more of the domains of the State's ELP assessments, assessment results for the domains in which such EL students can be assessed must be included in the ELP indicator. Lastly, the NPRM clarified statutory language permitting a State to either adopt one of the two options for inclusion of recently arrived ELs (as described in the statute) in their accountability systems, and implement that option statewide, or, alternatively, to develop procedures that take into account student characteristics in determining which option to use for a particular student and then implement those procedures statewide.

*The final regulations:*

- Maintain a previously promulgated regulation that – for the purposes of measuring indicators that use results from the State math and reading/ELA assessments –permits a student previously identified as a child with a disability to be included in the children with disabilities subgroup for up to two years after the student exits special education services. If a State exercises this authority, it must do so for all such students within the State and for the same period of time, and include those students in the determination of whether a school's population of children with disabilities meets the State's "n-size" (see below).
- Clarify that former ELs can be included in the EL subgroup for up to four years after exiting EL services for the purposes of measuring any indicator that uses results from the State math and reading/ELA assessments. Note: this is because the final regulations clarify State math and reading/ELA assessment results can be used more than once in the State accountability system if they are used within measures of other indicators, such as using absolute proficiency and student growth for the Academic Achievement indicator for elementary schools and in calculating growth for the Academic Progress indicator for elementary schools.

### **Disaggregation of Data**

*Summary of the proposed regulations:* The proposed regulations required that, for purposes of accountability, a State's n-size – the minimum number of students necessary for an accountability determination by the State – cannot be more than 30, unless the State submits a justification and is approved by ED to use a higher number. Such a justification would have to include data on the number and percentage of schools that would not be held accountable for results (for each subgroup) if the higher n-size is used, along with an explanation of how the higher number would promote sound, reliable accountability determinations. The proposed regulations also clarified that a State could use a lower n-size for reporting than it does for accountability.

*The final regulations are substantially the same, except they:*



- Clarify that if a State proposes to use a n-size over 30, in its justification for doing so it must include data on the number and percentage of schools that would not be held accountable for results for each subgroup under the n-size proposed by the State compared to the number and percentage of schools that would be held accountable for results for each subgroup if the n-size were 30.

**II. Annual Differentiation of School Performance; Performance Levels, Data Dashboards, Summative Determinations, and Indicator Weighting**

*The proposed regulation required that State accountability systems:*

- Include at least three levels of performance for each indicator;
- Result in a school receiving a single summative rating, from among at least three distinct rating categories;
- Weight the indicators in a manner that ensures that schools' performance on the school quality or student success indicator(s): (1) does not change the identity of schools identified for Comprehensive Support and Improvement (see below), unless such a school is making significant progress for the "all students" group on at least one of the indicators that is given substantial weight; and (2) does not change the identify of schools identified for Targeted Support and Improvement (see below), unless each consistently underperforming subgroup at such a school is making significant progress on at least one of the indicators given substantial weight; and,
- Further weight the indicators in a manner that ensures that a school scoring at the lowest performance level on any of the substantially weighted indicators cannot receive the same summative rating as a school scoring at the highest level on any of those indicators.

*The proposed regulations also:*

- Required each State to demonstrate, based on the performance of all students and each subgroup of students, that a school performing in the lowest performance level on any of the required indicators receives a different summative rating than a school performing in the highest performance level on all indicators.
- Clarified that a State is not required to give the same weight to each of the substantially weighted indicators; and,
- Provided that, for a school that does not have enough EL students to meet the n-size requirements (and thus could not be held accountable on the ELP indicator), the weights for remaining indicators would be adjusted proportionately.

*The final regulations:*



- Clarify that school performance levels for each indicator have to be distinct and discrete, meaning that reporting on a continuous measure such as scale scores would not meet this requirement.
- Change the requirement for schools to receive a “single summative rating” to a “single summative determination” from at least three distinct categories of schools. The preamble to the final regulations states that these categories could be 1) “comprehensive support and improvement schools”; 2) “targeted support and improvement schools”; and 3) “other schools”. (This is to clarify that the single summative determination does not need to use an A-F or similar system).
- Revise language in NPRM to instead require that a school with a consistently underperforming subgroup must receive a lower summative determination than it would have otherwise received if the school had no consistently underperforming subgroups
- Require a State to demonstrate in its State plan that its methodology for differentiating schools, including weighting of indicators, will ensure that schools performing lower on the academic indicators (Academic Achievement, Academic Progress, Graduation Rates, ELP) are more likely to be identified for Comprehensive or Targeted Support and Improvement.
- Include requirements that appeared in the proposed regulations in this section clarifying that a State may use a different methodology to differentiate certain types of schools in its accountability system, such as:
  - Schools with no assessed grade levels;
  - School with variant grade configurations (P-12 schools);
  - Small schools where the total number of students for any indicator is under the State n-size;
  - Schools serving special populations; and/or,
  - Newly opened schools without multiple years of data.

### **III. Identification of Schools**

#### **Schools in Need of Comprehensive Support and Improvement**

*Summary of the proposed regulations:* The proposed regulations permitted States to average data over a period of up to three years to identify schools in the lowest-performing 5 percent and schools with low graduation rates; required that States use the four-year adjusted cohort graduation rate in identifying schools that fail to attain at least a 67 percent graduation rate; and required that States place Targeted Support and Improvement schools into a “chronically low-performing subgroup” category (meaning they would receive comprehensive support and

improvement) if the performance of a subgroup does not significantly improve, as defined by the State, over a period of no longer than three years.

*The final regulations:*

- Require that States move Targeted Support and Improvement schools into a “chronically low-performing subgroup” category if the performance of a subgroup does not significantly improve, as defined by the State, over a period determined by the State.
- Clarify that States must identify 5 percent of Title I schools overall, not necessarily 5 percent at each grade span.

### **Schools in Need of Targeted Support and Improvement**

*Summary of the proposed regulation:* The proposed regulations (and statute) required that a State identify for Targeted Support and Improvement any school with at least one “consistently underperforming” subgroup. This identification would be made by considering a school’s performance for each of its subgroups, using no more than two years of data. States had to come up with a methodology to identify a school for Targeted Support and Improvement based on a definition of a “consistently underperforming subgroup” that was based one of five factors: 1) whether a subgroup is on track to meet the States’ long-term goals; 2) whether a subgroup is performing at the lowest performance level on one of the State’s annual indicators; 3) whether a subgroup is at or below a State-determined threshold (compared to the performance of all students); 4) whether a subgroup is performing significantly below the State average for all students (or significantly below the level of the State’s highest-performing subgroup); or 5) another factor determined by the State that meets certain requirements. The proposed regulations also required that a State identify any school that has at least one subgroup that is performing at level below the summative performance level of “all students” in any of the State’s lowest-performing 5 percent of Title I schools.

*The final regulations:*

- Require identification to be made by considering a school’s performance for each of its subgroups using no more than two years of data, but allow for a longer timeframe if a State demonstrates that such timeframe will better support low-performing subgroups.
- Remove the option for a State to define a consistently underperforming subgroup based on performance at the lowest performance level on any single indicator or a measure within an indicator
- Remove the option for a State to define a consistently underperforming subgroup based on comparing performance gaps between a subgroup of students and the average performance of all students.



- Clarify one previous option to allow a State to define a consistently underperforming subgroup based on subgroup performance below a State-determined threshold for indicators where the State does not establish goals.
- Remove any additional requirements around the “State-determined” definition of consistently underperforming subgroup. It is fully State-determined.

### **Timeline for Identification**

*Summary of the proposed regulations:* The proposed regulations required States to begin identifying schools for Comprehensive Support and Improvement in 2017-2018 (i.e., using data from 2016-2017), except that schools identified for Comprehensive Support and Improvement based on the performance of chronically low-performing subgroups would not need to be identified until 2018-2019. The proposed regulations also required States to make their identifications prior to the start of the school year; for example, a State would need to identify its schools for the 2017-2018 school year prior to the start of that school year.

*The final regulations:*

- Require States to begin identifying new schools for Comprehensive Support and Improvement in 2018-2019 (i.e., using data from 2017-2018).
- Require States to begin identifying new schools for Targeted Support and Improvement in 2019-2020 (i.e., using data from 2018-2019).
- Require States to begin identifying schools where one or more subgroups are at or below the performance of all students in the lowest-performing schools in 2018-2019 (i.e., using data from 2017-2018) and at least once every three years thereafter. These schools, if they do not improve in a State-determined number of years, will roll up into Comprehensive Support and Improvement (with the initial year determined by the State) as chronically low-performing subgroup schools.

## **IV. School Support and Improvement**

### **Comprehensive Support and Improvement Schools**

*Summary of the proposed regulations:* The proposed regulations required an LEA to promptly notify parents of a school’s identification as in need of Comprehensive Support and Improvement. The proposed regulations also required that the interventions implemented by a school be supported, to the extent practicable, by the strongest level of evidence that is available (including by research conducted on a sample population or setting that overlaps with the population or setting of the school to be served). The NPRM clarified that the evidence-based interventions may be selected from a State-approved list of interventions and also that a school’s implementation of its plan may include a planning year. The proposed regulations

placed some requirements on the needs assessment that must be conducted by an identified school. Lastly, the proposed regulations provided some additional specificity regarding the more rigorous actions to be taken if a school does not meet the exit criteria, including requiring that new interventions be supported by a strong or moderate level of evidence.

*The final regulations:*

- Add new requirements to the needs assessment for an identified school, including about the school's unmet needs with respect to:
  - Students (e.g., wrap-around support);
  - School leadership and instructional staff (e.g., professional development, working conditions, time for planning, career ladders, and leadership opportunities);
  - Quality of the instructional program;
  - Family and community involvement;
  - School climate; and,
  - Distribution of resources (e.g., based on the State periodic review of resources).
- Add students, as appropriate, to the list of stakeholders that LEAs must collaborate with in developing Comprehensive Support and Improvement plans.
- Add new requirements to the required review of LEA- and school-level resources, in order to determine resource inequities, including a review of:
  - Access to advanced coursework;
  - Access in elementary schools to full-day kindergarten programs and to preschool programs; and,
  - Access to specialized instructional support personnel.
- Require that evidence-based interventions for identified schools must be selected from an exhaustive State list of options, if the State has such a list.
- Requires that States publish their exit criteria for identified schools.

### **Targeted Support and Improvement Schools**

*Summary of the proposed regulations:* The proposed regulations regarding Targeted Support and Improvement Schools included several of the same provisions as the proposals for Comprehensive Support and Improvement (e.g., notification to parents, language on evidence-based interventions, availability of a planning year). The proposed regulations added requirements for LEAs to establish exit criteria for Targeted Support and Improvement schools (except those requiring additional targeted support), including that each school no longer meet the entrance criteria, have successfully implemented its improvement plan, and have improved student outcomes for each low-performing subgroup. If a school does not meet the exit criteria within an LEA-determined number of years, it would be required to revise its plan and

implement additional actions that address the reasons for its failure meet the exit criteria. The NPRM also added parameters around exit criteria for schools in need of additional targeted support – requiring them to have improved student outcomes for each low-performing subgroup and to no longer meet the criteria for identification as a Targeted Support and Improvement school.

*The final regulations include many of the same changes from the Comprehensive Support and Improvement Schools section, including:*

- Adding students, as appropriate, to the list of stakeholders LEAs must collaborate with in developing Targeted Support and Improvement plans
- Adding additional requirements to the required review of LEA- and school-level resources to determine resource inequities in schools identified for additional targeted support, including a review of:
  - Access to advanced coursework;
  - Access in elementary schools to full-day kindergarten programs and to preschool programs; and,
  - Access to specialized instructional support personnel.
- Requiring that evidence-based interventions for identified schools must be selected from an exhaustive State list of options, if the State has such a list.

### **State Responsibilities to Support Continued Improvement**

The final regulations clarify that any State action to improve LEAs or charter authorizers serving a high number or percentage of Comprehensive Support and Improvement schools that are not making improvements must be consistent with State law. As it relates to the State actions, the final regulations add new options for the State, including reducing LEA operations on budget autonomy, removing schools from the LEA jurisdiction, or restricting the LEA. In the case of charter authorizers, the final regulation says the State can monitor, limit or revoke the authorizer’s authority to issue, renew and revoke school charters. However, school-level charter actions must be taken in coordination with the authorizer and be consistent with the school’s charter and the State charter law.

### **Resources to Support School Improvement**

*Summary of the proposed regulations:* The proposed regulations prohibit the 7 percent set-aside funds for school improvement from being used to serve schools identified for Targeted Support due to their low assessment rates. The proposed regulations also required that the state educational agency (SEA), in allocating funds for school improvement, provide at least \$50,000 to each Targeted Support and Improvement school and at least \$500,000 to each Comprehensive Support and Improvement school, unless the SEA can conclude (based on a



demonstration by the LEA in its application) that a smaller amount would suffice. The NPRM required States to give priority to an LEA applying to serve a Comprehensive Support and Improvement school over an LEA applying to serve a Targeted Support and Improvement school. Finally, the proposed regulations required States to limit the involvement of external providers only to those with a record of success and required States to undertake a rigorous review process in recruiting, screening, selecting, and evaluating any external partner.

*The final regulations:*

- Maintain language from NPRM regarding funding levels, but would require that determinations on awarding a lesser amount be based upon each school's enrollment, identified needs, selected evidence-based interventions, and other relevant factors described in the LEA's application on behalf of the school, that such lesser amount will be sufficient to support effective implementation of such plan.
- Clarify that the selection of evidence-based interventions must be sufficient to support the school's academic progress.
- Clarify that LEAs may be awarded school improvement funds based on their percentage (not just number) of identified schools.

## **V. Report Cards**

### **State Report Card**

*Summary of the proposed regulations:* The proposed regulations:

- Required that the State report card:
  - Begin with a clearly labeled overview section, developed with parental input, that includes certain specified data elements;
  - Include, in addition to the information called for in the statute, data for each authorized public chartering agency in the State: (1) comparing the percentage of students in each subgroup in each charter school authorized by the agency with the comparable percentage in the LEA(s) from which the school draws a significant portion of its students (or, a State option, with the percentage for the geographic community within which the LEA is located); and (2) comparing, in the same manner, the academic achievement for each charter school with the achievement in the local LEA(s) or local community; and,
  - Be disseminated no later than December 31 of each year.

- Permitted a State to request a one-year delay in the inclusion of specific data items if the State will be unable to include those data in the initial report card, which would go out by December 31, 2019.

*The final regulations:*

- Clarify that a State can meet cross-tabulation requirements (section 1111(g)) in the statute through the use of its State report card.
- Allow a State to delay the inclusion of per-pupil expenditure data on the State report card (in any year) until June 30 of the following year (the report cards are disseminated no later than December 31) if they describe when the data will be available.
- For students with the most significant cognitive disabilities who are eligible for a State defined alternative diploma, permit the reassignment of such students into a new cohort for the purposes of calculating graduation rates when such a student graduates or otherwise exists high school. The cohort to which such students would be assigned would be the year in which they graduate high school or otherwise exit high school.
- Eliminate the restriction in the proposed regulation on an extended cohort graduation rate that is longer than seven years.

### **Local Report Card**

*Summary of the proposed regulation:* The proposed regulations required that the local report card (for the LEA as a whole and for each school) begin with a clearly labeled and prominently displayed overview section, be developed with parental input, include certain information and be distributed to parents on a single sheet of paper. The proposed regulations also required that the LEA disseminate the information in the overview section directly to parents -- through such means as regular mail or email -- in a timely manner. Lastly, the NPRM applied to the LEA report card the same deadlines as would be applicable to States (see above).

*The final regulations:*

- Allow a LEA to delay the inclusion of per-pupil expenditure data on the State report card (in any year) until June 30 of the following year (the report cards are disseminated no later than December 31) if they describe when the data will be available.
- Remove the requirement that the LEA overview section be distributed to parents on a single sheet of paper.

## **VI. State Plans**

*Summary of the proposed regulation:* The proposed regulations required consultation with stakeholders during the design and development of the State plan, and prior to the submission of the plan or any revisions or amendments. In addition, the proposed regulations required a



review and revision (as necessary) of the State plan at least once every four years. Under the proposed regulations, the consolidated plan was required to have five components: (1) Consultation and Coordination; (2) Challenging Academic Standards and Aligned Assessments; (3) Accountability, Support, and Improvement for Schools; (4) Supporting Excellent Educators; and (5) Supporting All Students. The plan was also required to include a description of the State’s “system of performance management” for each component, except for the component on consultation and coordination.

With respect to the fourth component, the proposed regulation required a consolidated plan to describe how the SEA will improve the skills of teachers, principals, or other school leaders in identifying students with specific learning needs and providing instruction based on the needs of such children. This included strategies for supporting teachers, principals and other school leaders in schools with low-income students, lowest-achieving students, ELs, and other categories of children. This component also required a description of the steps that will be taken to ensure that low-income and minority students in Title I schools are not taught at disproportionate rates by ineffective, out-of-field, inexperienced teachers, and required States to define “ineffective teacher,” “out-of-field teacher,” “inexperienced teacher,” “low-income student,” and “minority student.” The proposed regulation also required SEAs to do a “root cause analysis” to identify the factors contributing to any disproportionality and to describe strategies for eliminating this disproportionality.

With respect to the fifth component, the proposed regulation required a description of the State’s strategies and uses of funds for supporting: 1) the continuum of a child’s education from preschool through grade 12; (2) equitable access to a well-rounded education and rigorous coursework; (3) school conditions for learning; and (4) the effective use of technology. In addition, under this component, the proposed regulations required a description of how the State would use Title IV, Part A and B (Student Support and Academic Enrichment Grants; 21st Century Community Learning Centers) funds and other Federal funds to support the State’s strategy for supporting all students.

The proposed regulation also required the SEA to describe its standardized entrance and exit criteria for ELs. Lastly, the proposed regulation established two deadlines for the submission of initial consolidated or individual State plans under the new Act: March 6 and July 5, 2017.

*The final regulations:*

- While largely maintaining the five components of the consolidated State plan proposed regulations, the final regulations rename the first component “Consultation and Performance Management” and the second element (and limits it to) “Academic Assessments.” The final rule also replaces the requirement for a “system of performance management” for each element with a sole focus on this approach through the Consultation and Performance Management component.
- Add representatives of private school students and early childhood educators and leaders to the list of mandatory stakeholders with whom States must consult on plans.

- Allow for States to require a 3-year extension of reporting of the data associated with the rates at which low-income and minority students are taught by certain categories of teachers.
- Replace the requirement to conduct a “root cause analysis” of the factors contributing to teaching disproportionalities for low-income and minority students with a requirement to “identify the likely causes,” and only those causes that are most significant.
- Eliminate the requirement that States describe their assessments generally, except for whether the State chooses to use the exception for eighth-grade students to take end of course assessments rather than the state eighth grade math assessment.
- Changes the windows for submission of state plans to April 3, 2018 and September 18, 2017.