



CALIFORNIA
DEPARTMENT OF
EDUCATION

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STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

April 15, 2016

Dear County and District Superintendents and Charter School Administrators:

EVERY STUDENT SUCCEEDS ACT – UPDATE #3

The purpose of this letter is to update you on the newly enacted Every Student Succeeds Act (ESSA) and share what is ahead in the transition to a new state accountability system. The new federal law provides states with more flexibility to design accountability and systems of support that will be easier to align with current California reforms, such as the Local Control Funding Formula (LCFF) and Local Control and Accountability Plans (LCAPs).

Title I Assessment

Participation in annual end-of-year California Assessment of Student Performance and Progress tests will continue to be a requirement for grades and subjects that are mandated by state and federal law. The participation rate under ESSA will remain at 95 percent. Local educational agencies (LEAs) are encouraged to maintain high participation rates to help protect federal funds destined for California.

Title I Program

The California Department of Education (CDE) and other key stakeholders are currently developing a Title I, Part A Transition Plan for Supplemental Education Services (SES), Public School Choice (Choice), and Related Parent Notification for the 2016–17 School Year. The transition plan will clarify what LEAs must do in lieu of SES, the requirements for Choice, the related notice to parents, and reporting requirements for the 2016–17 school year. The transition plan will be posted by May 6, 2016, and presented at the State Board of Education (SBE) meeting in May 2016.

The CDE will also propose, during the SBE Meeting in May 2016, to eliminate the 2016–18 SES application cycle, discontinue the SBE Approved Provider List for the 2016–18 school year, and start the process of repealing all *California Code of Regulations*, Title 5 for SES.

On March 29, 2016, the U.S. Department of Education (ED) released the Application for Fiscal years 2015 and 2016 New Awards Competition for the School Improvement Grant (SIG). While the SIG is not one of the programs extended through the ESSA, the Fiscal Year (FY) 2015 and FY 2016 funds that Congress appropriated remain available for obligation. California’s Application is due to the ED by May 27, 2016, and the CDE will present its FY 2015 SIG State Educational Agency Application at the SBE meeting in May 2016. The final Local Educational Agency Request for Application will be posted once California’s Application receives Federal approval.

Title I Accountability

LEAs and schools identified for Program Improvement (PI), corrective action, or restructuring in school year 2015–16 must continue to implement improvement activities in school year 2016–17, consistent with the Transition Plan or locally identified improvement activities.

Title I, Part C Migrant

A committee of practitioners has been formed to inform the Migrant application process that will be developed and implemented in 2017–18.

Title II Professional Development

The CDE plans to continue to provide support and technical assistance to LEAs during the 2016–17 transition year. The chart below provides information pertaining to changes that apply during the 2016–17 transition year. LEAs may use this chart to better understand what will be required in 2016–17 with Title II funds. **It is important to note that hiring practices for the 2016–17 school year should be solely based upon state licensure requirements.**

Current Under the NCLB Act	Transitional Year 2016–17 Under ESSA
Subject Matter Competence	
Section 1119 of the No Child Left Behind (NCLB) Act requires all teachers of core academic subjects in the state to be “highly qualified.” This means that every teacher of a core academic subject must meet the	Since the latest guidance no longer requires Section 1119, the minimum unit requirement for verifying subject matter competence for the 2016–17 school year will be consistent with California state

<p style="text-align: center;">Current Under the NCLB Act</p>	<p style="text-align: center;">Transitional Year 2016–17 Under ESSA</p>
<p>following three requirements:</p> <ul style="list-style-type: none"> • Hold a bachelor’s or higher degree; • Hold an appropriate State authorization for the assignment; and • Demonstrate subject matter competence for each core academic subject assigned to teach. <p>For the 2016–17 school year, States are not required to implement Section 1119. There are various ways under the NCLB Act that a teacher could demonstrate subject matter competence. One option was to complete a minimum of 32 semester units (48 quarter units) of non-remedial coursework.</p>	<p>licensure, which requires a minimum of 20 semester units of non-remedial coursework.</p> <p>This will assist with the teacher shortage by allowing individuals to demonstrate subject matter competence with only 20 semester units (equivalent to a supplementary authorization) rather than the 32 (equivalent to a subject matter authorization) required by the NCLB Act, increasing hiring flexibility for employers.</p>
<p>Verification Process for Special Settings</p>	
<p>The Verification Process for Special Settings (VPSS) is an advanced certification process that was developed as an alternative method for teachers assigned to special settings to demonstrate subject matter competence per the NCLB Act. Special settings include:</p> <ul style="list-style-type: none"> • Home Teacher • Classes Organized Primarily for Adults • Hospital Classes • Necessary Small High Schools • Continuation Schools • Alternative Schools • Opportunity Schools • Juvenile Court Schools • County Community Schools • District Community Day Schools • Independent Study 	<p>Since the latest guidance no longer requires Section 1119, the VPSS will no longer be necessary for teachers of special settings as these teachers will have demonstrated subject matter competence via state certification. An LEA or teacher may continue to use the VPSS certification process but it is not required during this transitional year.</p>

<p align="center">Current Under the NCLB Act</p>	<p align="center">Transitional Year 2016–17 Under ESSA</p>
<ul style="list-style-type: none"> • Secondary Special Education 	
<p align="center">Compliance Monitoring, Intervention, and Sanctions</p>	
<p>To fulfill the requirements of Section 2141 of the NCLB Act, the Compliance Monitoring, Intervention, and Sanctions (CMIS) program provides oversight and monitoring requirements for LEAs that are unable to ensure that all schools have achieved 100 percent highly qualified teacher (HQT) status as mandated by the NCLB Act. There are four CMIS levels, Levels A, B, C, and Monitoring. Level A is not mandatory; however, technical assistance is provided to assist LEAs in Level A with the development of a Non-Compliant Teacher Action Plan if they choose to do so. Level B requires LEAs to develop a Non-Compliant Teacher Action Plan and Equitable Distribution Plan (EDP). Level C requires LEAs to develop a Memorandum of Understanding (MOU), Budget Agreement, and Non-Compliant Teacher Action Plan. Level B monitoring requires LEAs to annually update their data via the Equitable Distribution Monitoring System, which was created in 2009 to monitor LEA progress towards ensuring equitable access to HQTs.</p>	<p>Since the latest guidance no longer requires Section 2141, LEAs will not be required to participate in the CMIS program for the 2016–17 school year. However, the CDE does plan to update the CMIS program with the new guidelines included in the ESSA.</p>
<p align="center">The 2015 California State Plan to Ensure Equitable Access to Excellent Educators</p>	
<p>The 2015 California State Plan to Ensure Equitable Access to Excellent Educators includes the CMIS program.</p>	<p>All references to the CMIS program will be deleted from the 2015 California State Plan to Ensure Equitable Access to Excellent Educators. However, the CDE does plan to update the CMIS program with the new guidelines included in the ESSA.</p>
<p align="center">The Improving Teacher Quality Program Instrument for Federal Monitoring</p>	

<p align="center">Current Under the NCLB Act</p>	<p align="center">Transitional Year 2016–17 Under ESSA</p>
<p>Compliance monitoring of LEAs in regard to HQT is conducted through the federal program monitoring process and the Improving Teacher Quality (ITQ) Program instrument to ensure that LEAs meet federal program requirements, as well as follow appropriate regulatory requirements under HQT. Additional information regarding monitoring protocols and monitoring instruments is available on the CDE Compliance Monitoring Web page at http://www.cde.ca.gov/ta/cr/.</p>	<p>For the transitional 2016–17 school year, the ITQ Program instrument will remain the same with the exception of the following evidence, which will no longer be required:</p> <ul style="list-style-type: none"> • Approved Equitable Distribution Plans • Approved Equitable Distribution Tables • Memorandum of Understanding (Level C) • Non-Compliant Teacher Action Plan
<p align="center">Local Educational Agency Plan</p>	
<p>Goal 3 of the Local Educational Agency Plan (LEAP) states that by 2005–06, all students will be taught by HQTs.</p>	<p>Goal 3 should be deleted or not required for transition year 2016–17.</p>
<p align="center">California Code of Regulations</p>	
<p><i>California Code of Regulations</i>, Title 5 (5 CCR), Division 1, Subchapter 7: NCLB Requirements.</p>	<p>5 CCR, Division 1, Subchapter 7: NCLB Teacher Requirements will need to be deleted.</p>
<p align="center">California Certificate of Compliance</p>	
<p>The California Certificate of Compliance was developed as a uniform way to document and verify HQT status.</p>	<p>Since the latest guidance no longer requires Section 1119, the Certificate of Compliance is not applicable for the 2016–17 school year. This form will be removed from the CDE Web Site.</p>
<p align="center">High Objective Uniform State Standard of Evaluation</p>	
<p>The California High Objective Uniform State Standard of Evaluation (HOUSSE) was developed in response to the NCLB Act as a way to provide veteran teachers additional options for demonstrating subject matter competence.</p>	<p>Since the latest guidance no longer requires Section 1119, the HOUSSE is not applicable for the 2016–17 school year. This form will be removed from the CDE Web Site.</p>

<p style="text-align: center;">Current Under the NCLB Act</p>	<p style="text-align: center;">Transitional Year 2016–17 Under ESSA</p>
<p>Highly Qualified Teacher Guide</p>	
<p>The Highly Qualified Teacher (HQT) Guide was developed to clarify both federal and state requirements set forth in the NCLB Act for providing all students with HQTs, and to provide practical guidance to California’s LEAs as they implement these requirements.</p>	<p>Since the latest guidance no longer requires Section 1119, the HQT Guide is not applicable for the 2016–17 school year. This document will be removed from the CDE Web Site.</p>
<p>Consolidated Application</p>	
<p>The Improving Teacher Quality (ITQ) Program legal and fiscal requirements are annually monitored via the Consolidated Application (ConApp). The ConApp is used by the CDE to distribute categorical funds from various state and federal programs to county offices, school districts, and direct-funded charter schools throughout California. Annually, in May, LEAs submit the spring release of the application to document participation in the ITQ Program. LEAs must annually complete the following reports:</p> <ul style="list-style-type: none"> • Title II, Part A LEA Allocations and Reservations • Title II, Part A Fiscal Year Expenditure Report, 12 Months • Title II, Part A Fiscal Year Expenditure Report, 24 Months • Title II, Part A Fiscal Year Expenditure Report, Closeout 27 Months • Title II, Part A School Class Size Reduction Report <p>Additional information regarding the ConApp</p>	<p>For the transitional 2016–17 school year, all ConApp accountability and fiscal monitoring reports will continue to be required, including:</p> <ul style="list-style-type: none"> • Title II, Part A LEA Allocations and Reservations • Title II, Part A Fiscal Year Expenditure Report, 12 Months • Title II, Part A Fiscal Year Expenditure Report, 24 Months • Title II, Part A Fiscal Year Expenditure Report, Closeout 27 Months • Title II, Part A School Class Size Reduction Report

Current Under the NCLB Act	Transitional Year 2016–17 Under ESSA
is available on the CDE Consolidated Application Web page at http://www.cde.ca.gov/fq/aa/co/ .	
California Longitudinal Pupil Achievement Data System	
<p>The California Longitudinal Pupil Achievement Data System (CALPADS) is a statewide system that stores individual-level longitudinal data on students and district/school certificated staff. The CALPADS is used by LEAs to collect, maintain and report information on student assessments, enrollment, student and teacher assignments, courses and program participation data as well as data related to graduation and dropout rates for state and federal reporting. The ITQ Program utilizes teacher assignment and student course enrollment data to determine if teachers have been properly assigned to teach core academic subjects. The data are analyzed and CMIS sanctions are assigned if not all teachers are highly qualified.</p> <p>Additional information regarding the CALPADS is available on the CDE CALPADS Web page at http://www.cde.ca.gov/ds/sp/cl/.</p>	<p>For the transitional 2016–17 school year, all CALPADS teacher assignment data reports will continue to be required; however, CMIS sanctions will not be assigned.</p>

Title III English Learners and Immigrant Students

As previously noted, LEAs will maintain current Title III Improvement status, Year 2–Year 4+. Although there will be no new Annual Measurable Achievement Objective determinations for 2016–17, LEAs will be expected to continue to implement the 2014–15 corrective measures. However, ED provided clarification that LEAs are not required to notify parents of the improvement status in the 2016–17 school year. In addition, Federal funds are to supplement, not supplant, state and local resources. The negotiated rulemaking process will clarify how states will monitor the use of funds. Up to date information on the rulemaking process is available at <http://www2.ed.gov/policy/elsec/leg/essa/essanmorgprotocols31716.pdf>

Title IV LEA Uses of Funds

The new Student Support and Academic Enrichment Grants allow LEAs to use up to 2 percent of their allocation for direct administrative costs. Any LEA receiving more than \$30,000 must spend at least 20 percent of funds on at least one “well-rounded educational opportunities” activity and at least 20 percent on at least one “safe and healthy students” activity, and may use up to 15 percent of funds to support effective use of technology. Examples of well-rounded educational opportunities include: music and arts programs; science, technology, engineering, and mathematics (STEM) subjects; history; foreign language; promoting volunteerism; and other activities. Examples of safe and healthy students’ activities include: drug and violence prevention, school based mental health services, harassment and bullying prevention, and other activities. Funds used to support the effective use of technology may be spent on activities including: professional learning tools, professional development in the use of technology in STEM subjects, blended learning projects, and other activities.

Local Control Funding Formula and Local Control and Accountability Plans

As part of the continued development of California’s new accountability and continuous improvement system, in response to public comment and to questions from the field as practitioners developed the 2015–16 LCAP, and to model a process of continuous improvement, the CDE initiated gathering information to inform the development of recommendations for design principles to guide a revision of the LCAP template. On March 9, 2016, the CDE released a survey to the field to gather feedback to guide the redesign of the third generation LCAP template. The survey was available from March 9 –28, 2016, and received 576 responses from administrators, teachers, other school personnel, school board members, parents, students, and community-based non-profit organizations. A summary of the survey results will be provided to the SBE in an April Information Memorandum.

The CDE is committed to providing schools and districts, stakeholders, and members of the public clear and timely communication regarding our state’s transition to the ESSA. We’ve established the CDE [ESSA Web page](#), which includes links to information and resources from the ED and the CDE. You can join the CDE ESSA listserv to receive e-mail notifications when new information becomes available. Please send a blank e-mail message to join-essa@mlist.cde.ca.gov to join the listserv. You may also send ESSA-related questions and suggestions to ESSA@cde.ca.gov.

If you have any questions regarding this letter, please contact:

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Title I Assessment: Jessica Barr, Administrator, Assessment Development and Administration Division, by phone at 916-319-0803 or by email at jbarr@cde.ca.gov.

Title I Accountability: Jenny Singh, Administrator, Academic Accountability Unit, by phone at 916-319-0437 or by e-mail at jsingh@cde.ca.gov.

Title I, Part C Migrant: Celina Torres, Administrator, Migrant Education Office, by phone at 916-319-0230 or by e-mail at ctorres@cde.ca.gov.

Title I Program Improvement: Keith Coppage, Administrator, District Innovation and Improvement Office, by phone at 916-319-0599 or by e-mail at kcoppage@cde.ca.gov.

Title I School Improvement Grants: Lori Marshall, Administrator, School Turnaround Office, by phone at 916-319-0671 or by e-mail at lmmarshall@cde.ca.gov.

Title I Supplemental Educational Services: Kimberly Born, Administrator, Title I Policy and Program Guidance Office, by phone at 916-445-6770 or by e-mail at kborn@cde.ca.gov.

Title II Professional Development: Erin Koepke, Education Programs Consultant, Educator Excellence Office at 916-323-4873 or by email at ekoepke@cde.ca.gov.

Title III English Learners: Elena Fajardo, Administrator, Language Policy and Leadership Office, by phone at 916-319-0247 or by e-mail at efajardo@cde.ca.gov.

Title III Accountability: Jonathan Isler, Administrator, Data Visualization Reporting Office, by phone at 916-319-0306 or by email at jisler@cde.ca.gov.

Title IV 21st Century Schools: John Hooper, Federal Policy Liaison by phone at 916-319-0650 or by e-mail at jhooper@cde.ca.gov.

Local Control and Accountability Plans: Jeff Breshears, Director, Local Agency Systems Support, by phone at 916-319-0303 or by e-mail at jbreshears@cde.ca.gov.

Sincerely,



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