



CALIFORNIA  
DEPARTMENT OF  
EDUCATION

**TOM TORLAKSON**  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

May 23, 2016

Dear County and District Superintendents and Charter School Administrators:

### **EVERY STUDENT SUCCEEDS ACT – Update #4**

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 and continuous improvement 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**

The California Department of Education (CDE) brought before the State Board of Education (SBE) two waiver requests to address the plan for transitioning to the ESSA.

- Approved by the SBE on May 12, 2016, was a request for approval of a federal waiver to not double test or report individual scores for the new California Next Generation Science Standards (CA NGSS) summative assessments while conducting pilot and field testing of the CA NGSS general and alternate assessments. The waiver, if granted, would go in effect for the 2016–17 and 2017–18 school years. This request was Item 08.
- Also approved by the SBE on May 12, 2016, was a request to delegate authority to the SBE President, in consultation with the State Superintendent of Public Instruction, to approve the draft Title I waiver request to the U.S. Department of Education (ED). This request is for a limited waiver which would provide states with a temporary reprieve from assessing Speaking and Listening, and also allow states an opportunity to work with the ED to develop best practices with respect to assessing Speaking and Listening on large-scale assessments. The request for a limited waiver—for the 2015–16 and 2016–17 school years—was presented in Item 13.

Both of these items may be viewed on the SBE Agenda for May 2016 Web page at <http://www.cde.ca.gov/be/ag/ag/yr16/agenda201605.asp>.

## **Title I Program**

### **Supplemental Educational Services**

The SBE also took action at its May meeting to make Supplemental Educational Services (SES), public school choice, and parent notification no longer requirements of local educational agencies (LEAs) beginning in the 2016–17 school year. Instead, LEAs that have schools in Program Improvement (PI) Year 2 and beyond must set aside a reasonable amount of their Title I, Part A funds to provide alternative supports to eligible students. Socioeconomically disadvantaged students attending a Title I school that is in PI Year 2 and beyond are eligible to receive alternative supports for the 2016–17 school year. If an LEA does not have sufficient funds to serve all eligible students, the LEA may give priority to the lowest-achieving PI schools or the lowest-achieving students attending a PI school. LEAs may include types of alternative supports and the criteria used to identify eligible students for such additional support in their LCAP. Alternative supports may include academic support, small group instruction, supplemental materials, and/or interventions offered during the regular school day or in afterschool programs. Alternative supports referenced in the LCAP must be consistent and aligned with local priorities for the 2016–17 school year.

### **Public School Choice**

LEAs must allow students who previously transferred to another public school under the No Child Left Behind Act (NCLB) to remain in that school until the child has completed the highest grade offered in that school. However, for the 2016–17 school year, LEAs may, but will not be required to, offer the Title I, Part A Public School Choice (Choice) to any additional eligible students. In addition, LEAs that have students who previously transferred to another public school prior to the 2016–17 school year, must set aside Title I, Part A funds for Choice-related transportation.

### **Parental Notification**

For the 2016–17 school year, LEAs are not required to notify parents/guardians of Title I PI status; however, LEAs may notify parents/guardians about alternative supports and Choice. A sample parental notification template can be found on the CDE Title I, Part A – Accountability Parental Notification Templates Web page at <http://www.cde.ca.gov/ta/ac/ti/parnotpi.asp>.

### **School Improvement Grant**

The SBE also took action at its May meeting to approve California's Fiscal Years 2015 and 2016 School Improvement Grant (SIG) New Awards Competition to be submitted to

the ED by May 27, 2016. Once approved by the ED, the SIG will represent California's fourth cohort of the SIG program. California will use its new accountability and continuous improvement system that it is developing to identify schools that will be eligible to receive SIG funds. The list of eligible schools will be available in July 2016 and LEA applications will be due to the CDE in August 2016. More details about the SIG program and the LEA Request for Application will follow in future communications.

## **Title I Migrant Data Federal Regulation**

### **Title I, Part C**

The Migrant Student Information Exchange (MSIX) regulations are in effect starting June 9, 2016. The CDE will continue to provide technical assistance to Migrant Regions to implement the regulations. The MSIX system will assist educational agencies to easily access educational information as migrant students travel from state to state or district to district.

## **Title II Professional Development**

The ED released, on May 12, 2016, new Frequently Asked Questions pertaining to the transition to the ESSA. In this document, the ED provided additional guidance related to the suspension of sections 1119 and 2141 of the Elementary and Secondary Education Act (ESEA) for the 2016–17 academic year that is consistent with efforts California has taken thus far.

For the 2016–17 academic year, LEAs may hire educators solely based on state certification and licensure requirements. The additional highly qualified teacher requirements under the NCLB are no longer required. Teachers assigned solely on a Supplementary Authorization are legally authorized. Teachers in special settings assigned based on a local teaching assignment option are legally authorized. Charter school teachers using the credential flexibility authorized under California *Education Code (EC)* Section 47605(l) and Section 9101(23) of the ESEA are legally authorized. These teachers are not required to demonstrate additional subject matter competence for the 2016–17 transition year. However, the Verification Process for Special Settings program may still be used as a professional learning opportunity for teachers in special settings needing additional subject matter knowledge. In addition, per *EC* Section 45330(e), all paraprofessionals must continue to demonstrate proficiency in reading, writing, and mathematics skills via a local proficiency exam.

The CDE is in the process of developing a new State Plan consistent with the requirements set forth in the ESSA. This plan will take effect as of the 2017–18 academic year and will include new teacher requirements to ensure poor and minority children are not taught at a higher rate by inexperienced, underprepared, or misassigned teachers than are other children. Therefore, LEA staff are encouraged to continue hiring the most qualified teachers and to keep a record of the qualifications and assignments of every teacher during the 2016–17 transition year. Additional information regarding the change to the highly qualified teacher requirement are included in the California ESSA 2016–17 School Year Transition plan, approved by the SBE at its May meeting, available on the CDE ESSA Web page at <http://www.cde.ca.gov/re/es/essa1617transplan.asp>.

### **Title III English Learners and Immigrant Students**

The NCLB, Title III Part A, contains requirements for LEAs to increase English Proficiency and the academic achievement of English learners and provide professional development for teachers, administrators, and community members. The ESSA adds an additional requirement to provide parent, family, and community engagement activities. The new requirement will be implemented in 2017–18. During the 2016–17 transition year, parent engagement will continue to be an allowable activity.

### **McKinney-Vento Education for Homeless Children and Youths Program**

Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, as amended by the ESSA, continues to require all State educational agencies (SEAs) and LEAs to ensure that homeless children and youths have equal access to the same free, appropriate public education, including a public preschool education, as is provided to other children and youths. The ESSA amended a number of key provisions under the Education of Homeless Children and Youth (EHCY) program, which will go into effect October 1, 2016.

LEAs will adopt policies and practices to ensure that LEA liaisons for homeless children and youths participate in professional development and other technical assistance activities provided by the State Office of the Coordinator for Education of Homeless Children and Youths. In addition, LEA liaisons must ensure that school personnel providing services under the McKinney-Vento Act receive professional development and other support.

LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of homeless students in school, including eliminating fees,

fines, and absences, which are too often barriers. Also, information about a homeless child's or youth's living situation shall be treated as a student education record and shall not be deemed to be directory information.

The definition of "school of origin" will expand to include preschools and, when a child or youth completes the final grade level served by the school of origin, it also includes the designated receiving school at the next grade level for all feeder schools. The definition of homelessness will delete the term "awaiting foster care placement." This deletion will go into effect on December 10, 2016.

Finally, since homeless children and youth are automatically eligible for Title I services, LEAs must reserve such funds to support the enrollment, attendance, and success of homeless children and youths.

### **Local Control Funding Formula and Local Control and Accountability Plans**

In April, the CDE provided an Information Memorandum, available at <http://www.cde.ca.gov/be/pn/im/infomemoapr2016.asp>, to the SBE summarizing the results of the survey to the field to gather feedback to guide the redesign of the third generation LCAP template. As reported in the memorandum, staff analysis of the survey results revealed three overarching themes for template revision: increased transparency and user friendliness, simplified and streamlined structure and language, and improved instructions and support.

At the May SBE meeting, the CDE sought and was given direction by the SBE to proceed with developing a revised template for the LCAP and the Annual Update using the identified overarching design principles and aimed at the development of a transparent, user-friendly LCAP template for improved planning, accountability, and continuous improvement purposes. As part of the May Item, available at <http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item03.doc>, the CDE provided potential revisions aligned to the overarching design principles.

In anticipation of providing the SBE with a proposed revised template for the LCAP and the Annual Update at the July SBE meeting, the CDE intends to partner with the California County Superintendents Educational Services Association (CCSESA) to engage with members of education coalition, advocacy, and non-profit organizations and other educational stakeholders to gain additional input to inform a redesign of the template for the LCAP and the Annual Update. This input will be used to ensure that the template for the LCAP and the Annual Update will, to the greatest extent possible, be aligned to meet the needs of both practitioners and stakeholders.

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 have 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](mailto:join-essa@mlist.cde.ca.gov) to join the listserv. You may also send ESSA-related questions and suggestions to [ESSA@cde.ca.gov](mailto:ESSA@cde.ca.gov).

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

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](mailto: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](mailto:jsingh@cde.ca.gov).

Title I Migrant Data Federal Regulation: Flori Huitt, Acting Administrator, Migrant Education Office, by phone at 916-319-0704 or by e-mail at [fhuitt@cde.ca.gov](mailto:fhuitt@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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:jisler@cde.ca.gov).

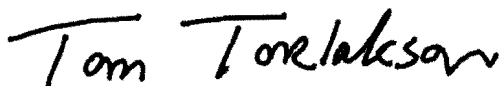
Title IV 21<sup>st</sup> Century Schools: John Hooper, Federal Policy Liaison, by phone at 916-319-0650 or by e-mail at [jhooper@cde.ca.gov](mailto:jhooper@cde.ca.gov).

May 23, 2016  
Page 7

McKinney-Vento Homeless Education: Leanne Wheeler, Education Programs  
Consultant, Coordinated School Health and Safety Office, by phone at 916-319-0383 or  
by e-mail at [lwheeler@cde.ca.gov](mailto:lwheeler@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](mailto:jbreshears@cde.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Tom Torlakson". The signature is written in a cursive, slightly slanted style.

Tom Torlakson

TT:bm