



ESSA REQUIREMENTS FOR LOCAL EDUCATIONAL AGENCIES AND ADVOCACY TIPS

Background

At the end of 2015, the Every Student Succeeds Act (ESSA) replaced the No Child Left Behind Act (NCLB) as the federal law governing the education of all students, including those with disabilities. ESSA funding is provided to states, in exchange for which they must follow the law's requirements and meet its purpose: to provide all children a significant opportunity for a fair, equitable and high-quality education and to close educational achievement gaps. ESSA requires each state to develop a plan that describes how the state intends to identify schools in which all students, and/or student subgroups (like the disability subgroup), are not receiving a fair, equitable and high quality education and what the state will do to help schools improve. ESSA also requires Local Education Agencies (LEAs-often referred to as school districts) to submit a plan for approval by the State Education Agency (SEA-the state department of education). Strong state and LEA ESSA plans will help encourage meaningful IDEA implementation to support the disability subgroup.

LEA Plan Requirements

The LEA plan must be developed with timely and meaningful consultation with stakeholders, such as with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (if applicable), administrators, other appropriate school personnel, and with parents. The LEA must provide assurances to the SEA that this has occurred. Also, the LEA plan must be coordinated with other programs, including the Individuals with Disabilities Education Act (IDEA).

The SEA may only approve the LEA plan if it provides that schools substantially help children meet the challenging state academic standards. Each local educational agency plan will remain in effect for as long as the LEA receives ESSA funds.

According to the law, the purpose of the LEA plan is to **ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging state academic standards and those children who are not meeting such standards.** The LEA plan must describe how it will

meet many requirements of ESSA. Below are the requirements most relevant to students with disabilities that must be described:

- How the local educational agency will monitor students' progress in meeting the challenging state academic standards by—
 - Developing and implementing a well-rounded program of instruction to meet the academic needs of all students
 - Providing additional educational assistance to individual students the LEA or school determines need help in meeting the challenging state academic standards; and
 - Identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;

TIP: Encourage the LEA to address the implementation of Universal Design for Learning in this section of the plan to meet the needs of all learners. For more information see <http://www.udlcenter.org> and <http://udl-irn.org/home>. Also, there are decades of research on inclusive best practices and their positive impact on academic and post-school outcomes for students with (and without) disabilities. These practices should also be addressed in the plan. For more information see <http://www.swiftschools.org>.

- How the LEA will carry out school improvement and support activities for schools identified for targeted and comprehensive support and improvement plans.

TIP: Recommend that the LEA evaluate whether UDL and inclusive best practices have been implemented to improve academic performance in these schools. The LEA, and the SEA if necessary, should provide technical assistance. Also, if the school has been identified for these improvements and supports because of the underperformance of a particular subgroup or subgroups of students, stakeholders who represent these students should be involved in the development of the targeted or comprehensive support and improvement plans.

- The nature of the programs for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

TIP: Ensure there will be accountability for the performance of students in these settings, many of whom are students with disabilities.

- The strategy the LEA will use to implement effective parent and family engagement;

TIP: Share your thoughts on the obstacles to parent and family engagement in your LEA, as well as the successful strategies used.

- How the local educational agency will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if applicable—
 - Through coordination with institutions of higher education, employers, and other local partners; and
 - Through increased student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills;

TIP: Ensure that the strategies described in this part of the plan are designed so that all students with disabilities, including those with intellectual and developmental disabilities (ID/DD) are able to benefit from them.

- How the LEA will support efforts to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, with data broken down (disaggregated) for each of the subgroups of students (students with disabilities, economically disadvantaged students, English learners, students from major racial and ethnic groups)

TIP: Address restraint and seclusion policies in this section of the plan. Also, share information about how UDL improves classroom management by ensuring students are provided the support and enrichment they need. Behavioral issues often occur when students are bored or overwhelmed.

<http://www.ttacnews.vcu.edu/2010/01/universal-design-for-learning-helps-reduce-challenging-behavior/>

- If determined appropriate by the LEA, how such agency will support programs that coordinate and integrate—
 - Academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities and promote skills attainment important to in-demand occupations or industries in the state; and
 - Work-based learning opportunities that provide students in-depth interaction with industry professionals and, if appropriate, academic credit; and

TIP: Ensure that any of these opportunities that will be offered by the LEA are designed to ensure that all students with disabilities, including those with ID/DD, have access to them and are provided the support they need to be successful.

- Any other information on how the LEA proposes to use funds to meet the purposes of this part, and that the LEA determines appropriate to provide, which may include how the LEA will assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

TIP: Any use of funds the LEA proposes should be designed to ensure that all students with disabilities, including those with ID/DD, are included in a meaningful way.

- In order for the LEA to receive ESSA funds for students who are in correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system, there LEA plan must describe how these funds will be used.

TIP: There should be a discussion about how states will ensure that students in such facilities are provided with special education and related services as needed, as well as how child find will be carried out.

In addition, the LEA plan must provide a number of assurances to the SEA. The most important assurances for students with disabilities are that the LEA will:

- Coordinate and integrate services under ESSA with other educational services at the LEA or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths;
- Develop jointly with, agree on with, and distribute to, parents and family members of participating children, a written parent and family engagement policy; and
- Submit any parent comments from parents of participating children to whom the LEA plan is not satisfactory.

Parents' Right to Know Requirements

At the beginning of each school year, ESSA requires that your LEA must inform parents of each child attending a school that receives Title I funds that they may request information regarding the qualifications of their child's classroom teachers.

ESSA also requires that each school that receives Title I funds must provide parents with:

- Each child's level of achievement and academic growth on the state assessments
- Timely notice if the student has been taught for 4 or more consecutive weeks by a teacher who does not meet state certification or licensure requirements for the grade and subject being taught
- Other assessment policy information

TIP: Advocate for your LEA to apply these Right to Know requirements to all schools, not just Title I schools.

For Questions Contact:

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See ESSA resources at <https://www.ndscenter.org/political-advocacy> (click on policy documents and webinar archives)

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