The “411” on the New Federal Education Law, ESSA

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Today’s Agenda: ESSA “411”

• Welcome and Introductions
• The basics of ESSA
• ESSA’s potential impact on music education opportunity
• Networking and advocacy strategies for states and local communities
• Resources available to NAMM Members and music education advocates
The basics of ESSA
The change of language is important here. For the first time, Title I focuses on school programs instead of disadvantaged children. It signals a change in the intent of Congress – and signals that Congress understands the need to support the entirety of schooling in order to create an improvement for children in poverty.

Does anyone know who is in the photo? It’s J – President Johnson – at the signing ceremony for the first ESEA inn 1965. Sitting next to him is his childhood schoolteacher Ms. Kate Deadrich Loney. President Johnson returned to a small one-room school in Texas to sign the first ESEA into law 50 years ago. For those of you who haven’t read the LBJ biographies by Robert Caro, President Johnson grew up in poverty in the Hill Country of Texas. He never forgot what it was like to be poor, and ESEA was one of his signature programs in his War on Poverty.
In December 2015, after years of stalled negotiations and stalemates, Congress passed a new version of the Elementary and Secondary Education Act, titled the Every Student Succeeds Act (ESSA). President Obama signed the bill into law on December 10, 2015.

ESSA replaces No Child Left Behind as the major piece of federal legislation that authorizes the lion’s share of federal primary and secondary education programs, especially Title I programs. This is the seventh time the Elementary and Secondary Education Act has been reauthorized since its inception in 1965, each time under a new name.

Music education has never been mentioned as a separate, “standalone” subject in any previous version of the Elementary and Secondary Education Act. Its inclusion of music as a stand-alone subject in a listing of subjects of a well-rounded education is a significant achievement for music education advocates—and it provides many opportunities to expand access to music education nationwide.
ESSA Timeline

### 2015-16 School Year: Bill Passage and Initial Rulemaking

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<td>ESSA passes.</td>
<td>Negotiated rulemaking panel</td>
<td>USED makes final regulations</td>
<td>USED develops draft regulations</td>
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### 2016-17 School Year: Transition

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<td>ESSA Waivers null and void</td>
<td>USED makes final regulations</td>
<td>Final regulations released</td>
<td>Competition grant programs take effect in new fiscal year based on new program structure</td>
<td>States develop and submit plans</td>
<td>New Accountability Systems Take Effect*</td>
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### 2017-18 School Year: New Systems in Place

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* It is not clear from the legislation when states will first be required to identify a new set of schools based on their accountability systems under ESSA (i.e., will the identification be based on 2016-17 data or 2017-18 data). We hope to have more clarity on the timeline from the U.S. Department of Education in the coming months.

Credit: Foundation for Excellence in Education
**ESSA Basics**

*How Does ESSA Differ – and Not Differ– from NCLB?*

- Clear Shift from a “National School Board” to Greater State and Local Flexibility and Control
- More Flexible Accountability Systems; created and implemented by states, local school districts
- Highly Qualified Teachers
- A New Definition of a Well-Rounded Education which includes music (first time)
- Title IV Block Grants

### Big-picture themes in the shift from NCLB to ESSA.

**State and local flexibility and control:** States have the opportunity to create their own priorities and to formulate policies that serve the needs of their own students. Some coverage has characterized this as moving from the National School Board model of NCLB.

**Standards:** States must still adopt what the bill terms “challenging academic standards,” but have flexibility in determining those standards. Further, the Secretary of Education is prohibited from enforcing any specific set of standards (such as the Common Core Standards). Flexible Standards: Common core was also not “required” under NCLB. The main difference is

**Accountability Systems:** ESSA still requires testing for students for reading and language arts, math, and science in grades 3-8 and one time in high school. However, Adequate Yearly Progress (AYP) measures from NCLB are gone. States are required to establish their own systems for assessment; ESSA also provides funding for states to revise and streamline those assessment systems, in order to improve their effectiveness and efficiency.

**Highly Qualified Teachers:** As with NCLB, States set their own licensure requirements under ESSA. However, the Highly Qualified Teacher provision from NCLB is eliminated in this new bill. The law does state that teachers must meet the credentials set forth by their state AND should have academic content knowledge for the content they teach if they are funded by ESSA.

**Well-Rounded:** The “core academic subjects” provision in NCLB has been replaced in ESSA with a new term: “well-rounded education.” All subjects listed under the Well-Rounded provision are eligible for use of Title I and Title II funds by state and local education entities. Music was not listed separately as a core subject under NCLB; it is enumerated separately under the new Well-Rounded Education provision in ESSA.

**Title IV Block Grants:** The new ESSA introduces a new formula/block grant program under Title IV, called Student Support and Academic Enrichment. This program allows states to create supplemental programs for well-rounded education opportunities. Title IV also retains 21st-century community learning centers, which offer after-school academic enrichment programs.
ESSA Well-rounded provision

“(52) WELL-ROUNDED EDUCATION.—The term ‘well-rounded education’ means courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.”
ESSA Implementation

NAMM, NAfME, AFTA (others) work with “regulatory” policy environment to ensure states and schools foster a more inclusive and “Well-Rounded” education that includes music and the arts.

- Participated in the Department of Education’s Title I stakeholder meeting, providing guidance for the Department’s public call for input (January).

- Submitted public comment to the Federal Register, which included our Non-Regulatory Guidance and Reporting Requests (Music Education Policy Roundtable and NAMM)
ESSA potential impact on music education:
An additional area of flexibility has been introduced into Title I. Title I funds historically have gone to support academic interventions to support the tested subject areas of reading and math. In many schools, that will continue to be the norm; ESSA, however, creates flexibility in terms of how Title I funds can be utilized in a school based on a school’s plan (much like the plan development we saw for Title IV).

Schoolwide Title I schools can make the choice to embrace whole school reform to support children and their learning. That whole school reform can (and has been able to under both NCLB and ESSA) include music education as part of a school’s culture/climate or in support of student engagement. Under ESSA, schools are encouraged to include well-rounded educational activities in their schoolwide plan. For Title I Schoolwide schools, adequate and comprehensive music education should be considered in updated schoolwide plans.

For the first time, Title I Targeted Assistance Schools are encouraged to utilize their federal dollars in support of a well-rounded education, which can include music. Traditionally, targeted schools identify students in academic need and funnel their Title I funds to support them in those areas – normally reading and math. Under ESSA, those funds can support all aspects of a well-rounded education for those targeted students. This is new. And we don’t know what this might look like on the ground. Local music education advocates and music teachers should act NOW to review and assess the needs for
music education curriculum development including expanded learning options and time for music to meet learning needs of students not currently receiving adequate music education. Work with school administration NOW to explore Title 1 funds to expand music learning for more students.
More Professional Development for Music Educators

Funds from Titles I, II and IV of ESSA, may support professional development for music educators as part of a well-rounded education.

- Part of opportunities in three chapters of ESSA
- Will music educators be included equitably?
- What role do NAMM members play in providing professional development opportunities for music educators?

Titles I, II and IV include funds that can be used for professional development by all content teachers included in the well-rounded education definition funds available through ESSA. Encourage music educators to work with school administrators NOW to tap professional funds available through Title programs in ESSA.

Professional development can include ways to meet the learning needs of under-served students with expanded child-centered music learning strategies that also contribute to school climate and reform.
Flexible Accountability Systems

- States choose multiple progress measures for schools, such as student engagement, parental engagement and school culture/climate can be chosen (MUSIC EDUCATION!)
  
  - CT and NJ – models including student access to and participation in music education
  - California CORE districts – model of including “soft skills” such as student engagement

Under ESSA, AYP or Adequate Yearly Progress, with its multiple measures per school, ends. No more AYP!

Instead, states are given flexibility to design their own accountability systems. Tested subject area performance must be included, but states must add in other measures. Some of the possible measures include ones friendly to music education such as parent engagement, or student engagement, or school culture/climate.

NAMM members are encouraged to work with state music education association leaders and members and participate in state review and decision making in this area. Working with other organizations, the state’s education department and members of the state legislature can work to assure that music education is included in the state policy process to set accountability goals that can include reporting on access to music education as part of a well-rounded education.
Protection from “Pull Outs”

The new ESSA discourages removing students from the classroom, including music and arts, for remedial instruction.

• Section 1009 (Targeted Assistance Programs) - (ii) “minimize the removal of children from the regular classroom during regular school hours for instruction provided under this part”

Identical to NCLB, ESSA retains language requesting that schools build their Title I programs without disrupting the school day (and learning!) for students receiving support under Title I. Believe it or not, the law has frowned upon, and continues to frown upon, removing children from one subject to receive remedial instruction in another. Share this section of the law with school administrators. Schools are meant to think innovatively about scheduling and services, including utilizing after-school, before-school, weekend and summer school time to provide interventions for students and that they should NOT miss art, music and physical education or other well-rounded subjects for additional math or reading study.
Title IV—21st Century Schools

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

SEC. 4101. STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS.

Subpart I of part A of title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

"Subpart I—Student Support And Academic Enrichment Grants"

"SEC. 4101. PURPOSE.

"The purpose of this subpart is to improve students' academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to—"

"(1) provide all students with access to a well-rounded education;"
The definition for well-rounded education connects to ALL areas of the ESSA. However, Title IV – represents a NEW pot of federal funds to support schools in their use of technology, in creating safe school environments, and under Section 4107, to support Well-rounded educational opportunities.

Specifically, local educational agencies or districts (or charter holders) MUST assess if their schools are providing for a well-rounded education as spelled out in the definition seen in the previous slide, determine where access may be lacking in these areas for their students (all of their students) and create a plan to address those deficiencies. That plan becomes part of their funding ask, then, for Title IV funds for their school district.

Music education advocates and music educators should be involved in Tittle IV well-rounded needs assessment and propose plans to meet the music education needs of ALL students. This is an opportunity to provide better, more comprehensive, and/or more equitable access to music education for your district’s students.

Keep in mind that music is not the only area that can be supported with Title IV funds. Curriculum needs for music education may not be as great as needs in other areas.
Music education advocates can help prioritize the needs for students fairly across the district and help insure that music education is considered for current and future discussions about funding.
Title 1: arts education options

Steve Venz

• Title I and how the arts are connected
• Opportunities to grow this connection in their state through ESSA, examples from CA and AZ
• Tools and resources that are available to them, like Title1Arts.org
TITLE I
Arts Education to Achieve a School’s Title I Goals

Arts Education can support a school’s goals in the following areas...

• Student Academic Achievement
• School Culture and Climate
• Student Attendance and Graduation Rate
• Parent Engagement

Research demonstrating evidence-based practices:
http://www.title1arts.org/#!select-an-intervention/c1jv4
The link provided above offers an example of action by San Diego Unified School District to expand music education and implement Title 1 funds.
Link above provides more information about California’s Title I funding efforts to boost curriculum opportunities in music and arts education.
Networking and Advocacy Strategies: What’s a Music Education Advocate to Do?
Committee of Practitioners

• Opportunities to be involved with your state Committee of Practitioners (COP) in order to influence your state’s Title I and Title IV plan

• What is your state’s accountability going to look like?: How will your state plan incorporate music-friendly provisions, if any

Call your state department of education and inquire about the process for convening the state’s Committee of Practitioners that will review and advise on state policies to implement ESSA in the state. State departments of education may also be hosting listening tours and town hall meetings seeking community input. Music education advocates are encouraged to be informed and participate in this process.
ESSA, SEC. 1903. STATE ADMINISTRATION

(b) COMMITTEE OF PRACTITIONERS:

(1) IN GENERAL: Each State educational agency that receives funds under this title shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

(2) MEMBERSHIP: Each such committee shall include —

(A) a majority of its members, representatives from local educational agencies;
(B) administrators, including the administrators of programs described in other parts of this title;
(C) teachers, including vocational educators;
(D) parents;
(E) members of local school boards;
(F) representatives of private school children; and
(G) pupil services personnel.

(3) DUTIES: The duties of such committee shall include a review, before publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation before issuance in final form.
Start or Participate in an ESSA Working Group

- Link up with state music education association leaders and/or staff and organize information gathering, develop plan for advocacy
- NOW: work with district and state education administrators on needs assessments to prove gaps in music education opportunity and build a case for use of Titles I, II and IV funds!
- Connect with state/local arts advocacy organizations and networks
- Connect with state arts agency leader – “insider” knowledge
- State education agency directors of arts education (SEADAE) – department staff
Build (or expand) a state and/or local coalition

- Working Group (previous slide)
- Include:
  - State and local education officials
  - Your state’s Committee of Practitioners (COP)
  - Music and arts discipline group associations
  - Teacher unions
  - Parent-Teacher Association (PTA)
How to Start Taking Action

- Determine the process for your state’s Committee of Practitioners; get music education advocates at the table
- Identify other members of your state’s Committee of Practitioners and begin to build relationships
- Begin reaching out and building your working group and coalition
- Stay informed about next steps in ESSA process – “grow as informed advocate”
- Meet with and cultivate music education champions in state legislature, education committees
- Seek information, advice and offer to assist staff in state’s department of education; and local school district administration (“servant advocate”) as ESSA is planned, implemented (host a meeting!)
States Already Taking Action

Connecticut Approves New School Accountability System
By Howard Beta 3 on March 6, 2016, 2:16 PM
Connecticut’s state board of education approved a new accountability system that will use multiple indicators of student performance, not just test scores.

Ky. Education Chief takes suggestions on shaping school accountability system
By flaté Glass, CONNECT
Kentucky’s education commissioner welcomes feedback on his department’s proposed changes to the state’s accountability system.

GOVERNOR’S OFFICE NEWS RELEASE: NEW FEDERAL EDUCATION LAW PROMPTS GOVERNOR TO FORM TEAM TO DEVELOP BLUEPRINT FOR HAWAII’S EDUCATION
Posted on Apr 14, 2016 in Latest News, Tomorrow’s Press Releases
Hawaii Governor David Ige has announced the creation of a task force to develop a blueprint for implementing the Every Student Succeeds Act.

NEWS RELEASES 2015-16
NEWS RELEASES 2015-16: MARCH 8, 2016
Public Comment Sessions Scheduled on North Carolina’s K-12 Education Plan for Every Student Succeeds Act
Educators, parents, students, and other stakeholders of North Carolina’s public schools are invited to attend public comment sessions scheduled for April and May across the state. Public input is being sought by NC Department of Public Instruction staff to help guide development of the state’s plan for complying with the new federal education law—a reauthorization of the 1965 Elementary and Secondary Education Act.

Forums planned for new Every Student Succeeds Act
Torrey Thomsen
Forums planned for the new Every Student Succeeds Act will be held across the state.

Department of Ed seeks stakeholder input on Idaho’s consolidated plan
Meredith Press staff news@meridianpress.com
April 15, 2016
The Idaho Department of Education is seeking stakeholder input on the state’s consolidated plan for the Every Student Succeeds Act.
ESSA Advocacy 3Rs

**REINFORCE** what is in the law

- Don’t assume that ESSA passage or its provisions for “well-rounded” are known
- Offer to help with opportunities in ESSA to build school effectiveness and provide new learning opportunities for students
- Explore opportunities to re-instate or expand music and arts education opportunities for under-served schools and students

“(52) WELL-ROUNDED EDUCATION.—The term ‘well-rounded education’ means courses, activities, and programming in subjects such as English, reading, or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.”
ESSA Advocacy 3Rs

**REMIND** of the benefits of music education for all students

- “Why Play Music” brochure at NAMMFoundation.org, conversation starter
- Music Education “facts” database, add a fact to your email signature!
- Share your personal story about the impact of music education – or story from student(s), family or community members
- Share research on the public’s opinion and support for music and arts education; “Striking a Chord”
- The new education law outlines flexibility to local school districts to include music education in reform and improvement plans – chance to build, expand
The American Public Says YES to Arts Education!

ARTS EDUCATION

89% believe the arts are part of a well-rounded education for K-12 students. 55% strongly agree (versus just 7% who disagree).

90% agree that it is important for K-12 students, in elementary, middle and high school, to receive an education in the arts—including dance, media arts, music, theater, and visual arts.
ESSA Advocacy 3Rs

REQUEST

• Use federal, state and local education funds to develop and expand music education programs available to all students during the school day as part of school turnaround and reform objectives, NOTE: education funding remains a funding responsibility of state and local governments and is supplemented with federal funding.

• Use federal, state and local education funds to expand access to music education in your school—paying for qualified teachers and supporting needed educational materials—to allow for access and opportunity for more students to receive the benefits of music.

• Use federal, state and local education funds to expand music education curriculum offerings to reach MORE and under-served students.

• Review the district’s opportunities to participate in the federal pre-school grant program that included the arts within the “Essential Domain of School Readiness” definition.

• Work with district administration on accountability metrics that include opportunity for music education for all students in K-12 as part of school climate assessments that are reportable to both state and federal education agencies.
Resources for NAMM Members and music education advocates
Resources: NAfME

• Visit the NAfME Everything ESSA page to learn more about the legislation!
• Look at the NAfME ESSA Implementation Toolkit to learn more about how ESSA will be implemented in your state and district. Formulate questions for your state MEA or for our advocacy team and think about how you may be able to get involved.
• Share these resources with your principal, local administrators, and teachers. Think about how you can raise awareness in your community about the opportunities offered for music education through ESSA.
• Visit our advocacy site for advocacy news and resources. Share YOUR story about music education, and sign up to receive policy updates from the NAfME national policy and advocacy team.
Resources: Americans for the Arts
Resources: NAMM

NAMM.org Issues and Advocacy - ESSA Tracker

- NAMM Member Webinar: The "101" on the New Federal Education Law, ESSA
  - April 23, 2015
  - Join us May 19 in a member-only webinar outlining the new federal education law title II and opportunities for music education advocacy in state and local education policies.

- Next Steps, ESSA Webinar
  - February 16, 2016
  - Let’s look at the major aspects of the ESSA bill and how they affect our school music programs.

- What’s Next for ESSA
  - January 31, 2016
  - On December 18, 2015, President Obama signed into law the Every Student Succeeds Act (ESSA).

- Track the ESSA Reauthorization Bill
  - November 13, 2015
  - President Obama signed into law the Every Student Succeeds Act (ESSA) on December 10, 2015. This effectively reauthorizing ESSA and thus creating a framework for increased access to music and arts education for all students.

- Support Music Education in California
  - March 15, 2015
  - BEWARE: Music and arts education for all students is now at risk. On April 15, the California Senate Education Committee held a hearing on SB 715, a proposal to update the visual and performing arts standards. Contact your Senators!
Questions?
From chat

Use FAQ’s from ESSA in Plain English:

**When Does ESSA Take Effect?** The new law will take effect on August 1, 2016. Most of the requirements states have to meet to keep their NCLB waivers are officially on hold until the transition date. For more information on state waivers under NCLB, click on the U.S. Department of Education’s ESEA Flexibility page, here.

**Is Music Now a Required Subject?** No… and sort of. ESSA does not require any subjects to be studied, it simply expects states and districts/schools to make a reasonable effort to give students exposure to the subjects listed in the well-rounded education definition. What that looks like – who teaches the subject, how often it is studied, is it studied at every grade level – are decisions left up to states in terms of policy and local districts in terms of implementation.

**What Does This All Have to Do With Common Core?** Common Core requirements were a component of most state applications for ESEA waivers under a process instituted by the U.S. Department of Education. To receive a waiver from the most strident NCLB accountability requirements (such as school improvement for any school failing to make adequate yearly progress or AYP), each state had to provide evidence that it had adopted a set of rigorous College and Career Ready standards in the tested subject areas of mathematics and reading. The Common Core standards were the easiest way to meet this one criteria for a state waiver.

The new ESSA, while encouraging rigorous and challenging state academic standards on which the state’s accountability system is built, does not require Common Core and in fact forbids the U.S. Department of Education from requiring any set of standards for any state. Many states may continue to utilize Common Core standards in mathematics and reading; however, ESSA is explicit that no direct links between Common Core and federal education law will exist going forward.

**Is There a Federal Requirement for Measuring Student Progress?** Yes and No. “Yes”: States still have to create accountability systems that track student progress in the tested subject areas of reading, mathematics, and to a lesser extent science, in order to get Federal dollars authorized under ESSA. In addition, states have a lot more flexibility and ownership over what their state accountability systems look like—and they are expected to include multiple progress measures that were not part of the accountability systems that developed under NCLB. **This is very good news for “non-tested” subject areas, including music education!**

“No”: ESSA does not require states to build measures of student progress that are connected to teacher evaluation systems. This WAS a requirement which many states had to meet in order to receive a waiver from NCLB accountability provisions. ESSA does not continue this as a requirement, although states may continue to utilize federal funds, specifically Title IIA funds, to build and maintain high quality teacher evaluation systems which can include measures of student progress. Again, this becomes a “may” and not a “MUST” under ESSA.
Thank YOU!

This webinar will be recorded and available at www.namm.org/issuesandadvocacy