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**Education Department Releases Final Regulations to Promote a High-Quality, Well-Rounded Education and Support All Students**

After considering and incorporating extensive feedback from stakeholders across the education system and the public, the [U.S. Department of Education](http://www.ed.gov) today announced [final regulations](http://ed.gov/policy/elsec/leg/essa/essaaccountstplans1129.pdf) to implement the accountability, data reporting, and state plan provisions of the Every Student Succeeds Act (ESSA), with a focus on supporting states in using their flexibility to provide a high-quality, well-rounded education, and ensure equity remains at the core of implementation. The regulations will help states, districts and educators seize the opportunity ESSA provides to ensure a high-quality, well-rounded education that sets every student in America up for success in college and career.

The Department greatly appreciates the many productive comments and suggestions from parents, teachers, school leaders, district and state officials, members of Congress, civil rights organizations, and others throughout the regulatory process. The final regulations issued today reflect much of that input.

“The final rules give states more time and flexibility to provide every student with a high-quality, well-rounded education while ensuring that states and districts keep the focus on improving outcomes and maintaining civil rights protections for *all* of our children, particularly those who need our support the most,” U.S. Secretary of Education John B. King Jr. said. “The thoughtful comments we received have helped us make our regulations better than our draft proposal, and we are grateful for the input.”

The final regulations will replace the rigid and prescriptive systems that defined No Child Left Behind with new flexibility for states and districts; a more holistic approach to measuring a quality education that will help prepare all students for success in college and careers; and strong protections to ensure that academic progress and equity for all students matters. They also reinforce ESSA’s strong commitment to transparency and emphasize meaningful engagement and an active role for parents, educators, students, civil rights and community groups, and other stakeholders in implementing the new law.

In the following ways, the final regulations give these states and districts more opportunity for ownership of their accountability, intervention, and support systems, with the additional responsibility to make sure that those systems result in an excellent and well-rounded education for every child.

**Accountability *– A more comprehensive picture of school success:*** The final regulations give states flexibility to incorporate new measures of school quality or student success into accountability systems while maintaining the core expectation that states, districts, and schools work to improve academic outcomes for all students, including individual subgroups. More specifically, states will:

* Set their own ambitious goals and measurements of interim progress for academic outcomes;
* Choose their own indicators of academic progress and school quality or student success that are supported by research indicating that high performance or progress on these indicators is likely to increase student learning or, for high schools, graduation rates, postsecondary enrollment, persistence, or completion, or career success;
* Provide schools with state-developed summative determinations, based on state-identified indicators, which can be the same as those the law sets out or unique categories determined by the state, while creating transparent reporting on all individual indicators to give a more nuanced view of school success;
* Propose their own options for how to address school and subgroup participation rates below 95 percent on state assessments that can be differentiated based on the extent of the issue; and
* Develop and adopt their own college- and career-ready standards, clarifying that in their consolidated plans, states must simply assure that they will meet the requirements of the statute and any applicable regulations.

**School Support and Improvement – *A more tailored and flexible approach***: The final regulations require meaningful action where whole schools or groups of students within schools are struggling, but allow states to work with stakeholders to choose locally designed, evidence-based strategies to fit schools’ unique circumstances. Under the final regulations, states must:

* Identify certain schools for *comprehensive* and *targeted* support and improvement, beginning in the 2018-19 school year;
* Recognize the critical role of stakeholders, including parents, students, educators, principals and other school leaders, in developing and implementing school improvement activities; and
* As a part of supporting school improvement, identify resource inequities related to per-pupil expenditures; access to advanced coursework; access to ineffective, out-of-field, or inexperienced teachers; access to specialized instructional support personnel and in elementary schools, full-day kindergarten and preschool programs.

**Data Reporting *– Complete information for parents and communities:*** The final regulations ensure that parents and stakeholders have access to clear and robust information about how their students and schools are doing, so that they can engage meaningfully in their local education systems. To accomplish this goal, the final regulations gives states the flexibility to design their own report cards while ensuring that key information such as student achievement, graduation rates, and other critical indicators of school quality, climate, and safety are included. The final regulations:

* Require states and districts to consult with parents in designing the report cards, and ensure they are shared with parents and communities in a timely manner (available no later than Dec. 31of each year, beginning in December 2018);
* Specify that report cards include a full set of accountability information (including student assessment outcomes and graduation rates);
* Clarify how to include (1) students with the most significant cognitive disabilities who earn alternate diplomas in graduation rates and (2) district- and school-level per-pupil expenditures on report cards; and
* Improve the transparency and consistency of postsecondary enrollment data on report cards so that parents, educators and other stakeholders have greater insight into student preparation for postsecondary education.

**Consolidated State Plans *– Comprehensive planning to support equity and access:*** The final regulations give states the flexibility to think holistically about how to improve outcomes for all students while helping to ensure access to a well-rounded education. The regulations require each state to engage in timely and meaningful consultation with an array of stakeholders and to promote better coordination across ESEA formula grant programs to improve student outcomes and close achievement gaps, while reducing burden and complexity for states. The final regulations streamline some of the requirements of the draft regulations, while continuing to:

* Require broad, robust, and transparent consultation with a diverse, representative group of stakeholders;
* Reinforce the ESSA’s strong emphasis on equitable access for all students, particularly those who are traditionally underrepresented;
* Ask states to describe their strategies to support and develop excellent educators and ensure all students, including that low-income students and minority students have access to those educators; and
* Give states time to engage stakeholders and develop their plans by allowing states to choose from two submission dates – April 3, 2017 or Sept. 18, 2017.

The final regulations incorporate changes to the Department’s initial proposal based on requests to increase the time available to states to transition thoughtfully to the new law, and expand flexibility for states in key areas like the planning, selection and reporting of indicators in their accountability and support systems. They also continue to emphasize the importance of ongoing, inclusive, and meaningful stakeholder engagement, and transparency through the design and implementation of accountability structures and interventions in struggling schools.

Highlights of key changes made in response to direct feedback from public comments:

* **Timelines for Implementation of New Accountability Systems**:
  + Draft Regulations: In order to realize the potential of ESSA’s new multi-indicator accountability systems, the Department proposed that states implement new accountability systems and identify schools for “comprehensive support and improvement” under ESSA no later than the 2017-18 school year.
  + Final Regulations: The Department has extended the timeline for states to identify schools for comprehensive support and improvement and additional targeted support and improvement until the 2018-19 school year, with a corresponding delay for identifying schools with “consistently underperforming” subgroups of students for targeted support and improvement until the 2019-20 school year. This change will provide more opportunity for meaningful stakeholder engagement in developing intervention plans and will allow states sufficient time to choose and consider new indicators of academic progress, English language proficiency, and school quality or student success. A state may implement earlier if they propose to do so in their approved state plan.
* **Summative School Determinations and Data “Dashboards:”**
  + Draft Regulations: The proposal required that each state’s accountability system meaningfully differentiate schools by providing them with a summative rating, to provide clear information about the state’s overall view of a school from at least three categories and based on multiple indicators. To ensure a more nuanced picture of school performance, however, states were also required to report school performance on each of their chosen indicators.
  + Final Regulations: In response to questions about the relationship between the summative rating requirement in the proposed regulations and the statutory requirement in ESSA to identify multiple types of schools for intervention, the Department has clarified that states may choose to use the determinations listed in the ESSA itself – comprehensive support and improvement, targeted support and improvement, and unidentified schools – as its summative determinations for schools. Alternatively, states may choose to provide other kinds of summative determinations, if states feel different categories of schools would help differentiate schools and share useful information with parents and stakeholders. In addition, the final regulations highlight that regardless of their summative determinations, states must also provide clear and understandable information to parents about school performance on each indicator individually to make it easier for parents and the public to understand whether schools are serving all students well. The final regulations also make clear that this information may be provided in a “data dashboard” or another user-friendly approach.
* **Academic Progress and School Quality or Student Success Indicators**
  + Draft Regulations: The Department proposed that states demonstrate that each measure they select to use within indicators of (1) academic progress and (2) school quality or student success is supported by research that performance on that measure is related to increases in student achievement or graduation rates (for high schools).
  + Final Regulations: The Department’s final regulations provides more flexibility and clarifies that any measure used in an indicator of academic progress and school quality or student success be supported by research that it helps increase student learning, such as grade point average, credit accumulation, or performance in advanced coursework, or for high schools, graduation rates, postsecondary enrollment, persistence, or completion, or career success. This ensures that the focus of accountability systems under ESSA can include a wide range of measures beyond test scores and emphasizes a holistic view of student and school success, without losing the focus on helping all students reach college and career readiness.
* **Subgroup Accountability: N-Size Requirements**
  + Draft Regulations: The Department’s proposal did not specify a state’s minimum subgroup or n-size for accountability purposes, but required states to provide a justification if they propose to use an n-size of more than 30.
  + Final Regulations: The final rules allow a state to propose any n-size, but maintains the requirement that states submit justification for n-sizes larger than 30 students, including data on the percentage of schools that would be accountable for subgroup performance at the proposed n-size compared to those that would be held accountable if the state had selected an n-size of 30. This will enable parents and the public to understand the implications of their states selecting larger n-sizes, but recognizes that an n-size lower than 30 is statistically valid and currently used by most states, and that requiring justifications for n-sizes less than 30 risks placing an increased administrative burden on states that have chosen n-sizes that are likely to meet all of the requirements for validity, reliability, and inclusion of student subgroups.
* **Subgroup Accountability: Identification of Consistently Underperforming Subgroups** 
  + Draft regulations: The proposal required states to identify schools with consistently underperforming subgroups based on their performance over no more than two years, with multiple options – including a state-developed option – for defining underperformance based on all accountability indicators.
  + Final Regulations: The final rules maintain that subgroups should be identified after two years of consistent underperformance, as defined by the state, but allows states to propose a longer timeframe if they can show that the additional time will better support low-performing subgroups in making significant academic progress and closing statewide proficiency and graduation rate gaps. This change will ensure that students get the support they need in a timely manner while giving states more flexibility to identify and support struggling students. The final regulations also highlight that states may identify underperforming subgroups based on their state-developed goals and targets, but may also develop other definitions that consider all of the indicators.
* **Incorporation of Assessment Participation Rates**
  + Draft Regulations: As required by ESSA, the proposed regulations reiterated that all students must participate in state assessments; and states must factor whether schools assess at least 95 percent of students – for all students and each subgroup – into their accountability systems to ensure fair accountability determinations, based on meaningful data about school performance. The proposed rules included some suggestions about how to do this, but also an option for states to develop their own “equally rigorous” proposals and for schools to design their own plans to improve participation in statewide assessments. In addition, districts must work with these schools to improve participation rates in the future.
  + Final Regulations: The final rules retain options that states may choose to use, but allow more flexibility in the state-developed option for factoring participation rates into accountability systems, requiring states to develop “sufficiently rigorous” actions to improve school participation rates. This will allow states the flexibility to take into account nuances related to low participation rates, such as the extent to which a school missed the 95 percent requirement. Under the final regulations, districts must still develop plans with these schools to improve participation rates in the future.
* **Timeline for Student Attainment of English Language Proficiency**
  + Draft regulations: The Department did not set a maximum timeline in which English learners must attain English language proficiency, but required states to take into account students’ initial level of proficiency when setting long-term goals.
  + Final regulations: The final regulations require states to set a “researched-based”, maximum timeline for English learners to attain English language proficiency, but targets must be both rigorous and realistic to meet the diverse needs of the English learner population. This change will help ensure that states are setting reasonable expectations that are informed by evidence and encourage schools to help all English learners make sufficient progress each year toward English language proficiency so that students don’t languish for too long or receive services for too short a period of time.

These are only highlights of the changes the Department made in response to comments on the draft proposal.

For a comprehensive description of the Department’s final regulations, read a summary of the rules here, or the full Notice of Final Regulations here.

For a high-level explanation of the requirements and timeline for identification of schools for support and improvement under the ESSA, view the chart here.

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