

ESSA, Titles I to X, and Other Federal Laws, Regulations, and Guidance

Overview

The US Department of Education (USDE) provides valuable information regarding legislation, regulations, guidance, and other policy documents for the [Every Student Succeeds Act \(ESSA\)](#) including [Titles I through X](#), and other topics on its website which can be accessed by clicking [here](#). Materials on this site include FERPA (Family Educational Rights and Privacy Act); IDEA (Individuals with Disabilities Education Act); Civil Rights (including issues regarding discrimination); WIOA (Workforce Innovation and Opportunities Act); Rehabilitation Act of 1973, as amended through P.L. 114–95; Higher Education Act; information on USDE Regulations and Rulemaking; and Guidance (including “Dear Colleague” letters). It is important to note that the USDE has invited each State Education Agency (SEA) to request flexibility regarding specific requirements of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB) in exchange for rigorous and comprehensive state-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Pennsylvania is one of 43 states, the District of Columbia, and Puerto Rico that have been approved for such flexibility.

The Every Student Succeeds Act (ESSA)

The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015. This bipartisan measure reauthorized the 50-year-old Elementary and Secondary Education Act (ESEA), the nation’s national education law and longstanding commitment to equal opportunity for all students.

The ESSA builds on key areas of progress in recent years, made possible by the efforts of educators, communities, parents, and students across the country. The previous version of the law, the No Child Left Behind (NCLB) Act, was enacted in 2002. According to the US Department of Education (USDE), NCLB represented a significant step forward for our nation’s children in many respects, particularly as it shined a light on where students were making progress and where they needed additional support, regardless of race, income, zip code, disability, home language, or background. However, the law was scheduled for revision in 2007 and, over time, NCLB’s prescriptive requirements became increasingly unworkable for schools and educators. Recognizing this fact, in 2010 the Obama administration joined a call from educators and families to create a revised law that focused on the clear goal of fully preparing all students for success in college and careers. President Obama signed the ESSA into law on December 10, 2015.

ESSA Highlights

ESSA includes provisions aimed at helping to ensure success for students and schools. Below are just a few. The law:

- Advances equity by upholding critical protections for America's disadvantaged and high-need students.
- Requires—for the first time—that all students in America be taught to high academic standards that will prepare them to succeed in college and careers.

- Ensures that vital information is provided to educators, families, students, and communities through annual statewide assessments that measure students' progress toward those high standards.
- Helps to support and grow local innovations—including evidence-based and place-based interventions developed by local leaders and educators—consistent with our [Investing in Innovation](#) and [Promise Neighborhoods](#)
- Sustains and expands this administration's historic investments in increasing access to high-quality [preschool](#).
- Maintains an expectation that there will be accountability and action to effect positive change in our lowest-performing schools, where groups of students are not making progress, and where graduation rates are low over extended periods of time.

Historical Perspective: The Origins of the ESSA

The Elementary and Secondary Education Act (ESEA) was signed into law in 1965 by President Lyndon B. Johnson, with the belief that full educational opportunity should be our first national goal. From its inception, ESEA was a civil rights law. ESEA offered new grants to districts serving low-income students, federal grants for textbooks and library books, funding for special education centers, and scholarships for low-income college students. Additionally, the law provided federal grants to state educational agencies to improve the quality of elementary and secondary education.

NCLB and Accountability

NCLB, law passed with bi-partisan support during the George W. Bush administration, put in place measures that exposed achievement gaps among traditionally underserved students and their peers and spurred an important national dialogue on education improvement. This focus on accountability has been critical in ensuring a quality education for all children, yet also revealed challenges in the effective implementation of this goal.

However, over the years it became apparent that schools were not going to be able to meet some of the goals/expectations that the law set forth. Thus, parents/guardians, educators, and elected officials across the country recognized that a strong, updated law was necessary to expand opportunity to all students; to support schools, teachers, and principals; and to strengthen our nation's education system and economy.

In 2012, the Obama administration began granting flexibility to states regarding specific requirements of NCLB in exchange for rigorous and comprehensive state- developed plans designed to close achievement gaps, increase equity, improve the quality of instruction, and increase outcomes for all students. This would eventually lead to the passing of the ESSA.

Federal Law: Titles I to X

[Title I Improving the Academic Achievement of the Disadvantaged](#)

The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments. [Title I](#) is the largest federal program supporting elementary and secondary education. It requires improvements in education and dropout prevention for disadvantaged students (including low-

income students; migratory students; students who are neglected or delinquent, students with disabilities; English language learners; and other students who are at risk of low academic performance). All Title I teachers of core academic subjects hired after the first day of the 2002-2003 school year must meet the NCLB definition of "highly qualified." Requirements for the qualifications of paraprofessionals are also set forth. The accountability measures of Title I require annual assessments at grades 3-8 in a single statewide accountability system, with reports that show results by poverty, race/ethnicity, and limited English proficiency. States must meet measurable annual objectives for all students to achieve proficiency in reading and math by the 2013-2014 school year. Special provisions support new immigrant students in middle and high schools and their families in understanding how the U.S. Government works. The national assessment includes a coordinated set of evaluation studies to measure the implementation and impact of the Title I provisions.

[Title II Preparing, Training, and Recruiting High Quality Teachers and Principals](#)

Title II holds schools and districts accountable for improving students' academic performance by ensuring that educators have appropriate qualifications. All teachers must meet the NCLB definition of "highly qualified" by the end of the 2005-2006 school year. Grant programs encourage effective recruitment, hiring, retention, and professional development of teachers and school administrators. Additional programs focus on professional development of early childhood educators, and on instructional television programming that is accessible by low-income preschool and elementary school children. Title II also supports professional development for teachers of math, science, writing, civic education, and American history, and in integrating technology in instruction. Grant programs are included to relieve teacher shortages through recruitment and preparation of retiring military personnel and other career changers.

[Title III Language Instruction for Limited English Proficient and Immigrant Students](#)

The purpose of [Title III](#) is to help ensure that English learners (ELs) attain English language proficiency and meet state academic standards. Title III directs 95 percent of its funds to the local level. School districts must ensure that all teachers of language instruction for limited English proficient (LEP) students are fluent in English and any other language used in the program, including written and oral communication skills. Instructional programs and curricula must be tied to scientifically based research. States are required to establish standards and benchmarks for raising English proficiency and the performance of LEP students on the academic standards of statewide assessments. Any student who has attended school in the U.S. (excluding Puerto Rico) for three or more years must be tested in English. States and districts are held accountable for meeting annual achievement objectives in the academic achievement of LEP students.

[Title IV 21st Century Schools](#)

[Title IV](#) is intended to improve students' academic achievement by increasing the capacity of states, local educational agencies (LEAs), schools, and local communities to provide all students with access to a well-rounded education, improve school conditions for student .Title IV describes requirements for programs to prevent school violence; prevent illegal use of drugs, alcohol, and tobacco by young people; and foster a safe and drug-free environment that supports academic achievement. Principles of Effectiveness for Safe and Drug-Free Schools programs set

forth research-based strategies and requires needs assessments and annual performance measures. Each State must collect annual data and publicly report information on school safety and drug use. In the State Grant Program, 80 percent of funds flow to local districts for a wide range of activities. The National Grant Program provides discretionary funds for special initiatives, which include grants for hate crime prevention; funds for districts to hire and train drug prevention and school safety coordinators; State grants for programs that require students expelled or suspended from school to perform community service; grants to reduce alcohol abuse in secondary schools; and funds for school districts and community groups to conduct mentoring programs for at-risk students. Title IV also establishes the two technical assistance projects: the National School Security Technology and Resource Center and the National Center for School and Youth Safety.

Title V Promoting Informed Parental Choice and Innovative Programs

Title V is a key source of support for promoting and improving the health and well-being of the nation's mothers, children, including children with special needs, and their families. Under Title V, the Innovative Programs State Grants assist districts in supporting state reform through innovative efforts to meet the special needs of high-risk and high-need students. The Voluntary Public School Choice program provides competitive grants to States, districts, or partnerships to expand school choice programs and options. The Public Charter Schools program provides competitive grants for States (or for individual charter schools if the State does not acquire a grant). These grants must include provisions for helping economically disadvantaged students meet standards. The Magnet Schools Assistance program provides competitive funds to establish magnet school programs in districts that are under a court-ordered or federally approved voluntary desegregation plan to eliminate, reduce, or prevent minority group isolation in schools. The Community Technology Centers program funds model programs that significantly expand access to computers and related technology services in urban and rural areas and economically distressed communities. The provisions for Parent Assistance Centers allow nonprofit organizations or consortia of nonprofits and school districts to establish Parent Information and Resource Centers. Additional Title V provisions include a competitive grant program to create small learning communities in large high schools – as well as program to establish or expand counseling programs in elementary schools, including the hiring and professional development of qualified school counselors, school psychologists, child and adolescent psychiatrists, and social workers for schools; case load goals are specified. Competitive grant programs for development and/or improvement are also included in Gifted and Talented Education, Foreign Language Assistance, Physical Education, Arts in Education, Character Education, and Women's Educational Equity. In addition, the public-private partnership with Reading is Fundamental subcontracts with local agencies and nonprofits and to provide books for children from birth through high school, and Ready To Teach provides funds for national telecommunications-based programming to improve teaching in core curriculum areas.

Title VI Flexibility and Accountability

Title VI states that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Title VI provides funds to states develop additional standards and assessments, as well as competitive grants to help States collaborate with other organizations to improve State assessments beyond

NCLB's requirements. Three other Title VI programs allow flexibility in order to elevate student performance and close the achievement gap. The first is Funding Transferability for State and Local Education Agencies, which allows a state to combine up to 50 percent of funds it receives from several specific NCLB programs for this purpose. Districts not in corrective action or in need of improvement may do the same. The second is the State Flexibility (State-Flex) Authority, a competitive plan that gives up to seven states additional flexibility to consolidate funds under several federal programs. The third is the Local Flexibility (Local-Flex) Demonstration program, a competitive process that allows school districts to consolidate funds under certain federal programs. In addition, Title VI includes two programs for rural education. The Rural, Small School Initiative provides additional formula funds and flexibility to small, rural districts, based on small attendance or county population. The Rural and Low-Income Schools Initiative provides funds to rural districts that serve high concentrations of low-income students.

[Title VII Indian, Native Hawaiian, and Alaska Native Education](#)

The Indian Education Act laid a foundation for future legislation, such as [Title VII](#), which would preserve and promote the protection, use, and teaching of cultural and linguistic education in public schools. Title VII formula grants for American Indian education go to districts and BIA schools where at least 10 American Indian children are enrolled, or where American Indian children make up to 25 percent of the enrollment, although there are some exemptions. Competitive grants for educational improvement are available to states, districts, Tribal organizations, and BIA schools. Title VII consolidates six former Native Hawaiian Education programs into one comprehensive grant program. Priorities are K-3 reading and literacy; needs of at-risk children and youth; needs in fields or disciplines where Native Hawaiians are under-represented; and the use of native Hawaiian language in instruction. Title VII also consolidates formerly separate programs for Alaska Native Education. The wide range of grant activities includes curriculum development, teacher training and recruitment, home-based preschool education, student enrichment, cultural exchanges, parenting education, dropout prevention, community engagement, and other initiatives.

[Title VIII Impact Aid Program](#)

The Impact Aid program, administered by the USDE and authorized by [Title VIII](#) of the Elementary and Secondary Education Act (ESEA) is one of the oldest federal education programs, dating from 1950. Title VIII provides funds to districts that are impacted by federal activities. Back support payments provide formula grants to 1,400 districts with children of families connected with federal employment. There is also supplemental assistance to districts with federally connected children who have disabilities. Other funds support the building, renovation, and/or of school facilities. Payments for federal property compensate districts for revenues that would have accrued if federal property had remained on the local tax rolls.

[Title IX General Provisions](#)

[Title IX](#) states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Title IX sets forth provisions that apply to ESSA programs and funding. Among these are: (a) authorization to states to develop content standards; (b) prohibition of federally sponsored national testing, except for international

comparisons and the National Assessment of Educational Progress; (c) authority to consolidate funds and to submit applications that consolidate funds; (d) State reporting to the federal government in just one consolidated annual report; (e) options for students to attend safe schools; (f) prohibition national teacher or paraprofessional testing.

[Title X Repeals, Re-designations, and Amendments to Other Statutes](#)

The [Title X](#) Family Planning Program, officially known as Public Law 91-572 or "Population Research and Voluntary Family Planning Programs", was enacted under President Richard Nixon in 1970 as part of the [Public Health Service Act](#). Title X is the only federal grant program dedicated solely to providing individuals with comprehensive family planning and related preventive health services. Title X is legally designed to prioritize the needs of low-income families or uninsured people (including those who are not eligible for [Medicaid](#)) who might not otherwise have access to these health care services. These services are provided to low-income and uninsured individuals at reduced or no cost. Its overall purpose is to promote positive birth outcomes and healthy families by allowing individuals to decide the number and spacing of their children. The McKinley-Vento Homeless Education Assistance Improvements program makes formula grants to States to distribute in district subgrants that address issues related to education for homeless children. Title X adds provisions for school choice.