

ESEA IMPLEMENTATION CONSIDERATIONS

S.1177 Every Student Succeeds Act

Dec. 14, 2015

Topic:	GOVERNANCE
Subtopic:	Governor Authority
Description of the issue	Provisions related to chiefs' authority over ESEA programs.
S.1177 Every Student Succeeds Act	Requires the SEA to consult, in a timely and meaningful manner, with the Governor on the development of the state's Title I and II plans and consolidated state applications. Requires that the Governor have 30 days prior to submission of the plan to sign off. If the Governor does not sign off within that timeframe, the SEA submits the plan on its own.
Subtopic:	Federal Authority
Description of the issue	Provisions related to the authority of the U.S. Secretary of Education.
S.1177 Every Student Succeeds Act	<p>The Secretary is required to establish a peer-review process to assist in the review of state plans.</p> <p>The Secretary is required to approve a state plan not later than 120 days after submission unless the Secretary meets specific criteria in the bill in which to disapprove such plan.</p> <p>Includes many limitations to the authority of the Secretary, including:</p> <p>With respect to the state accountability system, may not add requirements or criteria that are inconsistent or outside of the scope of Title I-A or in excess of statutory authority granted to the Secretary;</p> <p>As a condition of the state plan or any waiver, the Secretary may not –</p> <ul style="list-style-type: none"> • require a state to add new requirements; • require a state to add or delete specific elements to the standards; • prescribe goals of progress or measurements of interim progress that are set by states under the accountability system; • prescribe specific assessments or items to be used in assessments; • prescribe indicators that states must use; • prescribe the weight of measures or indicators; • prescribe the specific methodology states must use to differentiate or identify schools; • prescribe school improvement strategies or exit criteria; • prescribe minimum N-sizes;

	<ul style="list-style-type: none">• prescribe any teacher or principal evaluation system; prescribe any measures of teacher or principal effectiveness; prescribe the way in which the State factors the 95% requirement into their accountability system. <p>The Secretary is also not empowered to:</p> <ul style="list-style-type: none">• issue new non-regulatory guidance that seeks to provide explanation of the requirements under section 1111 that<ul style="list-style-type: none">○ provides a strictly limited or exhaustive list for implementation purposes○ purports to be legally binding or○ requires new data collection beyond data from existing Federal, State and local reporting. <p>The Secretary is also prohibited from defining a term that is inconsistent with or outside the scope of Title I, Part A.</p>
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