

---

# **Transitioning to the Every Student Succeeds Act (ESSA)**

---

## **Frequently Asked Questions**



February 26, 2016



**TABLE OF CONTENTS: ESSA TRANSITION FREQUENTLY ASKED QUESTIONS**

**INTRODUCTION**.....3

**A. GENERAL GUIDANCE ON ESSA TRANSITION**.....4

**B. GUIDANCE REGARDING ESEA FLEXIBILITY**.....7

**C. TRANSITION GUIDANCE REGARDING TITLE I PROGRAMS AND REQUIREMENTS**.....10

**D. GUIDANCE REGARDING TITLE II, PART A PROGRAMS AND REQUIREMENTS**.....14

**E. GUIDANCE REGARDING TITLE III, PART A PROGRAMS AND REQUIREMENTS**.....16

---

## INTRODUCTION

---

On December 10, 2015, President Obama signed the bipartisan Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA). The ESSA builds upon the critical work States and local educational agencies (LEAs) have implemented over the last few years. The reauthorized law prioritizes excellence and equity for our students and supports great educators.

The Secretary is offering guidance on transitioning from the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB) to the ESEA, as amended by the ESSA, including actions the U.S. Department of Education (ED) has taken or will take consistent with its authority under section 4(b) of NCLB to the ESSA to support States, LEAs, and schools in this transition. ED has prepared these frequently asked questions (FAQs) to support States and LEAs in understanding expectations during the transition to full implementation of the ESSA.

If you are interested in commenting on this guidance, or if you have further questions that are not answered here, please e-mail [essa.questions@ed.gov](mailto:essa.questions@ed.gov) using the subject “ESSA transition question” or write to us at the following address: U.S. Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, S.W., Washington, DC 20202.

Please note that this guidance is available in electronic form on ED’s website at <http://www2.ed.gov/policy/elsec/leg/essa/index.html>. ED will update this document on a rolling basis.

---

## A. GENERAL GUIDANCE ON ESSA TRANSITION

---

### A-1. Where can the public access the text of the ESSA?

The full text of the ESSA is available at <https://www.gpo.gov/fdsys/pkg/BILLS-114s1177enr/pdf/BILLS-114s1177enr.pdf>. In addition, the full text of the ESEA, as amended by the ESSA, is available at <http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>.

### A-2. How will ED award and administer the fiscal year (FY) 2016 appropriations for State and district formula grant programs under ESEA that do not have competitive subawards?

As stated in ED's [January 28, 2016, Dear Colleague letter \(DCL\)](#), under the ESSA transition provisions, as clarified by the Consolidated Appropriations Act, 2016, ED will award and administer FY 2016 formula grant funds in accordance with the ESEA as in effect on the day before the date of enactment of the ESSA (*i.e.*, the requirements promulgated under NCLB). Specifically, ED will make FY 2016 formula grant awards for the 2016–2017 school year to States and districts receiving funds under the ESEA non-competitive formula grant programs in the same manner and using the same allocation formulas it did with FY 2015 formula grant funds for the 2015-2016 school year.

### A-3. How must a State make formula grant allocations to LEAs for FY 2016 for the 2016-2017 school year?

Each State must make formula subgrant allocations to LEAs in the same manner and using the same allocation formulas as it used for the 2015-2016 school year.

### A-4. Must a State and its LEAs continue to implement ESEA State formula grant programs in accordance with NCLB in the 2016-2017 school year?

In general, each State and its LEAs that receives FY 2016 funds under a State formula grant program under the ESEA must continue to implement that program in the 2016-2017 school year in accordance with NCLB requirements as they existed in the 2015-2016 school year. There are some specific exceptions to this general rule as discussed in questions A-4a, A-4b, and B-11.

#### A-4a. What accountability requirements must a State and its LEAs meet in the 2016-2017 school year?

Section 5(e)(1)(A) of the ESSA provides that ESEA section 1111(b)(2), as authorized by NCLB, is effective only through August 1, 2016. Section 1111(b)(2) contains the requirement that each State that receives Title I, Part A funds must develop and implement a single, statewide accountability system, including establishing annual measurable objectives (AMOs), defining adequate yearly progress (AYP), and holding Title I schools and LEAs accountable under ESEA section 1116. Accordingly, sections 1111(b)(2) and 1116 are no longer in effect after August 1, 2016. Instead, under section 5(e)(2) of the ESSA, a school or LEA that is identified in the 2015-2016 school year as a priority or focus school under ESEA flexibility (see B-3) or as a school or LEA in improvement, corrective action, or restructuring, as applicable, under NCLB (see C-4) must continue to implement

interventions applicable to the school or LEA through the 2016-2017 school year. A State that is not implementing ESEA flexibility may, but is no longer required to, ensure that its LEAs offer public school choice, supplemental educational services (SES), or the related notice to parents during the 2016-2017 school year (see C-4 and C-5).

**A-4b. Are there any NCLB requirements with which a State or LEA need not comply during the 2016-2017 school year?**

Yes. In order to ensure an orderly transition from ESEA requirements under the NCLB to those under the ESSA, ED has identified the following provisions with which a State or LEA need not comply during the 2016-2017 school year because those provisions are not continued under ESSA:

1. Section 1111(h)(1)(C)(ii) and (h)(2) of the ESEA, as amended by NCLB, which require each State and LEA to report performance against AMOs (see C-9);
2. Section 1111(h)(6)(B)(ii) of the ESEA, as amended by NCLB, which requires a school to notify parents when their child has been assigned to, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified (see D-3);
3. Section 1117 of the ESEA, as amended by NCLB, which requires a State to provide certain types of school supports and recognition (see C-6);
4. Section 1119 of the ESEA, as amended by NCLB, which requires that each LEA hire highly qualified teachers; that each State and LEA report on progress toward all teachers being highly qualified; and that each LEA ensure that paraprofessionals meet certain qualifications and perform certain duties (see C-7);
5. Section 2141 of the ESEA, as amended by NCLB, which requires an LEA not making progress toward all teachers being highly qualified to create and implement an improvement plan and requires the State to provide technical assistance to such LEA (see D-2);
6. Section 3122(a) of the ESEA, as amended by NCLB, which requires each State to establish annual measurable achievement objectives (AMAOs) (see E-1); and,
7. Section 3302(b) of the ESEA, as amended by NCLB, which requires each LEA receiving Title III funds that fails to meet one or more of the AMAOs to provide notice to parents of such failure (see E-3).

As ED continues to analyze the ESSA, it may update this list as necessary. Please note, however, that any requirements not explicitly excluded through this document, or forthcoming guidance, remain required through the 2016-2017 school year. **See B-11 for specific provisions that ED will not require a State or LEA to comply with so that a priority or focus school is able to continue to implement appropriate interventions in the 2016-2017 school year.**

**A-5. Through the 2016-2017 school year, must a State and its LEAs continue to collect data for the Consolidated State Performance Report (CSPR) to submit to EDFacts in accordance with the ESEA, as amended by NCLB?**

In general, through the 2016-2017 school year, each State and its LEAs that receives funds under a State formula grant program under the ESEA must continue to collect data for submission to ED in accordance with NCLB requirements. There are some specific exceptions to this general rule as discussed in questions A-4a, A-4b, A-5a, and B-11.

---

**A-5a. Are there any NCLB reporting requirements with which a State or LEA need not comply?**

In order to ensure an orderly transition from ESEA requirements under the NCLB to those under the ESSA, ED has identified the following data elements that a State or LEA need not report to ED Facts based on data from the specified years because those elements are not required under ESSA:

1. AMO and AYP files (file specification numbers N109 and N111) based on data from the 2014-2015, 2015-2016, and 2016-2017 school years. (See C-11)
2. Data on supplemental educational services and public school choice based on data from the 2016-2017 school year (file specifications C010, C128, and C164. (See C-12)
3. AMAO data (data groups 569, 518, and 688 in file specification number N103) based on data from the 2014-2015, 2015-2016, and 2016-2017 school years. (See E-4)
4. Highly qualified teacher data files (file specification numbers N063 and N064) based on data from the 2016-2017 school year. (See D-4)

**A-6. Must a State submit a consolidated State application in July 2016 to receive FY 2016 funds?**

No, a State is not required to submit a consolidated State application for funding to ED in July 2016 to receive FY 2016 formula funds. The Consolidated Appropriations Act, 2016, clarifies that FY 2016 formula grant funds will be administered in accordance with the ESEA, as amended by NCLB. ED will provide additional information about consolidated State applications for future funding under the ESSA.

## B. GUIDANCE REGARDING ESEA FLEXIBILITY

This section provides guidance related to changes to support the transition to the ESSA for States operating with approved ESEA flexibility requests in the 2015-2016 school year.

### IMPLEMENTING INTERVENTIONS IN IDENTIFIED SCHOOLS

#### B-1. Must a State continue to implement its ESEA flexibility request?

Each State with an approved ESEA flexibility request must continue to implement that request through the 2015-2016 school year. All ESEA flexibility requests are null and void as of August 1, 2016.

#### B-2. For a State with an approved ESEA flexibility request, what are the general requirements regarding priority and focus school interventions for the 2016-2017 school year?

In accordance with section 5(e)(2)(B)(ii) of the ESSA, a State with priority and focus schools as identified under an approved ESEA flexibility request must continue to implement interventions applicable to such schools through the 2016-2017 school year.

#### B-3. What are the general requirements regarding priority and focus school lists for the 2016-2017 school year?

As stated in the [December 18, 2015, DCL](#), a State implementing ESEA flexibility must select one of the following options with regard to their priority and focus school lists:

Option A: Do not exit schools and maintain current identification. A State may “freeze” its current lists of priority and focus schools as of December 9, 2015 (the day before the date of enactment of the ESSA). The State may not exit schools from the current lists. These are the schools that will continue to implement their approved interventions through the remaining months of the 2015-2016 school year and in the 2016-2017 school years.

Option B: Exit schools and identify new priority and focus schools. A State may exit priority and focus schools that meet the State’s approved exit criteria and identify new priority (at least 5 percent of Title I schools) and focus (at least 10 percent of Title I schools) schools based on more recent data. These schools would implement their approved interventions through the 2016-2017 school year. As stated in the [December 18, 2015, DCL](#), a State selecting this option must provide updated lists of priority and focus schools to ED by **March 1, 2016**.

#### B-4. During renewal of ESEA flexibility requests in 2015, some States provided an assurance that they would submit updated priority and focus school lists no later than January 31, 2016. What are these States now required to do?

States that provided an assurance to submit updated priority and focus school lists no later than January 31, 2016, are no longer required to meet this assurance. Instead, all States with approved

ESEA flexibility requests must “freeze” their lists or, by March 1, 2016, exit schools and identify new priority and focus schools, as outlined in B-3.

**B-5. If a State chooses Option A and freezes its current lists of priority and focus schools, what must it submit to ED?**

A State choosing Option A does not need to submit anything to ED regarding its lists of priority and focus schools. However, all schools on these lists must continue to implement their approved interventions through the 2016-2017 school year.

**B-6. If a State chooses Option A, can it exit schools at the end of the 2015-2016 school year?**

No. As stated in the [December 18, 2015 DCL](#), a State choosing Option A may not exit schools at the end of the 2015–2016 school year.

**B-7. If a State chooses Option A, can it add schools to its priority and focus school lists in order to ensure that 5 percent and 10 percent, respectively, of all Title I schools implement interventions through the 2016-2017 school year?**

Yes. A State choosing Option A may add priority and focus schools to its lists to ensure that 5 percent and 10 percent of all Title I schools are implementing interventions. However, a State is not required to add schools to these lists if it chooses Option A. Additionally, as described in B-3, a State that chooses Option A does not need to submit updated lists of schools to ED, even after adding schools to its lists. Please note that, under Option A, a State may add schools to its lists of priority and focus schools but must not exit schools from these lists.

**B-8. If a State chooses Option B and exits priority and focus schools that meet its approved exit criteria and identifies new schools based on more recent data, what must it submit to ED?**

A State choosing Option B must provide its updated lists of priority and focus schools to ED by **March 1, 2016**. These lists must demonstrate that the State has identified the requisite number of priority and focus schools (at least 5 percent and 10 percent, respectively, of Title I schools).

**B-9. If a State chooses Option B and exits priority and focus schools that meet its approved exit criteria but still has a sufficient number of schools on its lists, must it identify new schools?**

No. If, after a State exits priority and focus schools based on its approved exit criteria, the State has still identified 5 percent and 10 percent of its Title I schools as, respectively, priority and focus schools, then it need not identify additional schools. However, as described in B-3, a State that chooses Option B must still submit its updated lists of priority and focus school to ED no later than March 1, 2016.



**B-10. Must an LEA in a State implementing ESEA flexibility include on its LEA report card the names of schools it serves as focus and priority schools for the 2016-2017 school year?**

Yes. An LEA in a State implementing ESEA flexibility must report on its LEA report card following the 2016–2017 school year the names of schools served by the LEA as priority and focus schools for the 2016-2017 school year.

**B-11. All ESEA flexibility waivers are null and void on August 1, 2016, but priority and focus schools must continue to implement interventions beyond August 1, 2016. Is ED providing these States with any allowances to permit States to support these schools?**

Yes. In order to ensure that an LEA in a State that was implementing ESEA flexibility on the day before enactment of the ESSA is able to comply with the ESSA transition requirement to continue to implement interventions applicable to priority and focus schools during the 2016-2017 school year, ED will not require a State or LEA to comply with the following requirements of the ESEA, as amended by NCLB, so that a priority or focus school is able to continue to implement appropriate interventions in the 2016-2017 school year:

1. Section 1003(a), which requires a State to distribute at least 95 percent of the funds it reserves to allocate to LEAs for use in Title I schools in improvement, corrective action, or restructuring;
2. Section 1114(a)(1), which requires that a school have at least a 40 percent poverty rate to be eligible to operate a schoolwide program;
3. Section 6123(b), which limits the amount of certain federal funds an LEA may transfer between programs;
4. Sections 6213(b) and 6224(e), which require a State to permit an LEA that fails to make AYP to continue to participate in the Small, Rural School Achievement program and to receive a grant under the Rural and Low-Income School program only if the LEA uses funds to carry out ESEA section 1116; and
5. Sections 1113(a)(3)-(4) and (c)(1), which require an LEA to rank and serve eligible schools according to poverty and allocate Title I funds to schools in rank order of poverty.

## C. TRANSITION GUIDANCE REGARDING TITLE I PROGRAMS AND REQUIREMENTS

---

This section provides guidance on ED's expectations during the transition to the ESSA regarding certain Title I requirements.

### TITLE I, PART A REQUIREMENTS

**C-1. How must a State and its LEAs administer FY 2016 Title I formula funds in the 2016-2017 school year?**

As described in A-3, a State and its LEAs must administer FY 2016 Title I formula funds in accordance with NCLB requirements as they existed in the 2015-2016 school year, except for specific provisions of NCLB that ED has communicated to States are no longer required, as listed in A-4b and B-11.

**C-2. Must a State develop and submit to ED for review and approval AMOs for performance in the 2014-2015, 2015-2016, or 2016-2017 school years?**

No. As explained in ED's [December 18, 2015, DCL](#), ED is not requiring a State to develop, or to submit for ED's review and approval, AMOs for school years 2014-2015, 2015-2016, or 2016-2017.

**C-3. If a State is required to calculate AYP either under NCLB or its approved ESEA flexibility request, must that State continue to calculate AYP based on 2014-2015, 2015-2016, or 2016-2017 assessment results?**

No. AYP calculations are not required for schools and LEAs based on 2014-2015, 2015-2016, or 2016-2017 school year assessment results. However, a State may choose to calculate AYP for schools and LEAs.

**C-4. What are the general requirements for schools and LEAs identified as in need of improvement, corrective action, or restructuring in the 2016-2017 school years?**

Section 5(e)(2)(i) of the ESEA, as amended by the ESSA, requires a school or LEA that was identified in 2015-2016 by the State as in need of improvement, corrective action, or restructuring under the ESEA as it existed prior to the enactment of the ESSA (*i.e.*, under NCLB) to continue to implement the same interventions in the 2016-2017 school year. A State is no longer required to ensure LEAs provide supplemental educational services, public school choice, or the attendant parental notice requirements (see C-5). In addition, for the reasons described in A-4a, LEAs are no longer required to provide a parent of a student in a school identified as in improvement, corrective action, or restructuring with the notice described in section 1116(b)(6) of the ESEA, as amended by NCLB.

**C-5. Is a State required to ensure that LEAs provide students in schools identified for improvement, corrective action, or restructuring with supplemental educational services and public school choice in the 2016-2017 school year?**

No. A State is not required to ensure that LEAs with schools identified as in need of improvement, corrective action, or restructuring provide supplemental educational services, public school choice, and the related notice to parents in the 2016-2017 school year, but a State *may* choose to do so. A State that elects not to require LEAs to provide students with supplemental educational services, public school choice, and the related parental notice must develop and implement a one-year transition plan to support the orderly transition to the ESSA.

**C-6. Must a State continue to provide recognition and supports to schools as required under section 1117 of the ESEA, as amended by NCLB?**

A State must continue to comply with section 1117 of the ESEA, as amended by NCLB, through the 2015-2016 school year. For the reasons described in A-4b, ED is not requiring States to comply with the requirements in section 1117 of the ESEA, as amended by NCLB, beginning in the 2016-2017 school year, which requires a State to provide support for LEAs and schools receiving Title I, Part A funds and recognition of schools that close achievement gaps and exceed AYP targets.

**C-7. Must a State and its LEAs continue to comply with the requirements in section 1119 of the ESEA, as amended by NCLB, which describe certain requirements for teachers and paraprofessionals?**

A State and its LEAs must continue to comply with section 1119 of the ESEA, as amended by NCLB, through the 2015-2016 school year, including the requirement that a State and LEA report information related to highly qualified teachers based on the 2014–2015 and 2015–2016 school years. For the reasons described in A-4b, ED is not requiring States to comply with the requirements in section 1119 of the ESEA, as amended by NCLB, beginning in the 2016-2017 school year, which set forth requirements for highly qualified teachers, the qualifications and duties for paraprofessionals, and use of funds to support compliance with the highly qualified teacher requirements.

**C-8. Must a State continue to implement its State Plan to Ensure Equitable Access to Excellent Educators through the 2016-2017 school year?**

Yes. State Plans to Ensure Equitable Access to Excellent Educators, which each State developed to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers, remain in effect for the 2015-2016 and 2016-2017 school years for all States. Section 1111(g)(1)(B) of the ESSA contains a similar requirement that low-income and minority children not be served at disproportionate rates by ineffective, inexperienced, and out-of-field teachers. ED will provide additional information on this new requirement in the future.

## **TITLE I, PART A REPORTING REQUIREMENTS**

**C-9. What must a State and its LEAs continue to publish in State and local report cards for the 2014-2015, 2015-2016, and 2016-2017 school years?**

Each State must continue to implement the report card requirements under Title I, Part A of the ESEA, as amended by NCLB, based on data from the 2014-2015 (if they have not yet been published), 2015-2016, and 2016-2017 school years, except for specific provisions that ED has communicated to States that are no longer required in order to ensure an orderly transition to the ESSA (see A-4). For example, State report cards must continue to include each LEA's student achievement on the State assessments compared to students and subgroups of students in the State as a whole. At the school level, the LEA must include a school's student achievement on the State assessments compared to students and subgroups of students in the LEA and in the State as a whole.

For the reasons described in A-4b, ED is not requiring States to comply with the requirements in sections 1111(h)(1)(C)(ii) and (h)(2). States and LEAs are, therefore, no longer required to include the following elements in State and local report cards based on data from the 2014-2015 (if they have not yet been published), 2015-2016, and 2016-2017 school years: AYP (see C-3) and AMOs (see C-2). Additionally, as discussed in C-7 and D-5, States and LEAs are not required to include teacher quality information in report cards based on data from the 2016–2017 school year.

**C-10. What must a State and its LEAs include in State and local report cards with respect to AYP, since a State is no longer required to submit AMOs to ED for review and approval?**

A State and its LEAs are not required to report on State and local report cards whether an LEA or school made AYP based on the 2014-2015 (if not already published), 2015-2016, or 2016-2017 assessment results. However, a State and its LEAs must continue to report on State and local report cards the most recent LEA and school improvement statuses, including priority and focus school statuses, as indicated in the 2013 Report Card Non-Regulatory Guidance available at [http://www2.ed.gov/programs/titleiparta/state\\_local\\_report\\_card\\_guidance\\_2-08-2013.pdf](http://www2.ed.gov/programs/titleiparta/state_local_report_card_guidance_2-08-2013.pdf).

**C-11. What must a State report to ED as part of the 2014-2015, 2015-2016, and 2016-2017 school year CSPR submissions with respect to AMOs and AYP, since a State is no longer required to submit AMOs to ED for review and approval?**

A State is no longer required to submit AMO files (file specification numbers N109 and N111) to ED Facts for the 2014-2015, 2015-2016, and 2016-2017 submissions. A State is no longer required to respond to accountability questions in section 1.4 of the CSPR (specifically, 1.4.1 Number and percentage of schools and districts that made AYP; 1.4.1 Number and percentage of schools and districts that met all AMOs, 95 percent participation rate, and other academic indicator; 1.4.2, Number and percentage of Title I schools that made AYP; 1.4.2, Number and percentage of Title I schools that met all AMOs, 95 percent participation rate, and other academic indicator; 1.4.3 Number and percentage of districts that received Title I funds that made AYP; and 1.4.3 Number and percentage of districts that received Title I funds that met all AMOs, 95 percent participation rate, and other academic indicator).

Please note that each State is still required to report the other component parts of AYP, including performance against the participation targets in reading and math (file specification numbers N108 and N110) and performance against the other academic indicators (file specification numbers N106 and N107). Each State is also still required to submit all related numeric data, including assessment results for each grade level, subgroup, and subject; participation rates for each grade level, subgroup,

---

and subject; and graduation rates for each subgroup. For further clarification about which EDFacts files are still required, please contact the EDFacts Partner Support Center toll free at 877-457-3336; e-mail at [EDEN\\_SS@ed.gov](mailto:EDEN_SS@ed.gov); or visit <http://www2.ed.gov/about/inits/ed/edfacts/eden/contacts.html>.

For a State that has already submitted this information for the 2014-2015 school year, there is no additional action required.

**C-12. What must a State report to ED as part of the 2016-2017 school year CSPR submissions with respect to supplemental educational services and public school choice, since a State is no longer required to ensure that its LEAs provide those options?**

States are no longer required to submit data on supplemental educational services and public school choice to EDFacts for the 2016-2017 submissions (file specifications C010, C128, and C164). States are no longer required to respond to supplemental educational services questions and public school choice questions in section 1.4 of the CSPR (1.4.9.1.2, Public School Choice – Students, 1.4.9.1.3, Funds Spent on Public School Choice, 1.4.9.1.4, Availability of Public School Choice Options, 1.4.9.2.2, Supplemental Educational Services – Students, and 1.4.9.2.3, Funds Spent on Supplemental Educational Services), when reporting on the 2015-2016 and 2016-2017 school years.

## **D. GUIDANCE REGARDING TITLE II, PART A PROGRAMS AND REQUIREMENTS**

---

This section provides guidance regarding Title II programs and requirements during the transition to the ESSA.

### **TITLE II, PART A REQUIREMENTS**

**D-1. Must a State ensure that special education teachers are “highly qualified,” as defined in section 9101 of the ESEA, as amended by NCLB, in the 2016-2017 school year?**

No. The ESSA amended the Individuals with Disabilities Education Act (IDEA) by removing the definition of “highly qualified” in section 602(10) and the requirement in section 612(a)(14)(C) that special education teachers be “highly qualified” by the deadline established in section 1119(a)(2) of the ESEA, as amended by NCLB. Accordingly, a State is not required to ensure that special education teachers are “highly qualified” as defined in the ESEA beginning with the 2016-2017 school year but must ensure that they meet the requirements described in D-1a.

**D-1a. If the definition of “highly qualified” is no longer applicable to special education teachers, what are the federal requirements related to the professional qualifications of those teachers?**

The ESSA amended section 612(a)(14)(C) of the IDEA by incorporating the requirement previously in section 602(10)(B) that a person employed as a special education teacher in elementary school, middle school, or secondary school must: 1) have obtained full certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination and hold a license to teach in the State as a special education teacher; 2) not have had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and 3) hold at least a bachelor’s degree. Each State must continue to comply with these certification requirements during the 2016-2017 school year.

**D-2. Must a State continue to comply with the requirements in section 2141 of the ESEA, as amended by NCLB, under which the State must ensure that LEAs take certain actions if they do not make progress toward all teachers being highly qualified and do not make AYP?**

Each State must continue to comply with section 2141 through the 2015-2016 school year. For the reasons described in A-4b, ED is not requiring States to comply with the requirements in section 2141 of the ESEA, as amended by NCLB, in the 2016-2017 school year. Specifically, section 2141 of the ESEA, as amended by NCLB, requires an LEA to take certain actions if it does not make progress toward all teachers being highly qualified and does not make AYP, including developing an improvement plan. Thus, beginning in the 2016-2017 school year, an LEA is not required to develop an improvement plan or restrict the use of Federal education funds pursuant to such a plan, and a State is not required to provide the LEA the technical assistance that would be required to develop such a plan. Additionally, the State is not required to enter into the agreement required by

section 2141(c) of the ESEA, as amended by NCLB, with an LEA. In addition, an LEA is no longer restricted in its use of Title I, Part A funds for hiring paraprofessionals.

**D-3. Must a school continue to comply with section 1111(h)(6)(B)(ii) of the ESEA, as amended by NCLB, which requires a school to notify parents when their child has been assigned to, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified?**

No. For the reasons described in A-4b, ED is not requiring States to comply with the requirements in section 1111(h)(6)(B)(ii) of the ESEA, as amended by NCLB, beginning with the 2016-2017 school year. Schools will no longer be required to provide notice to parents related to the highly qualified status of their child's teacher. Please note that LEAs are required to continue with section 1111(h)(6)(A) of the ESEA, as amended by NCLB, which requires an LEA to notify parents that they may request and the LEA will provide certain information regarding the professional qualifications of the student's teachers and paraprofessionals, as appropriate.

## **TITLE II, PART A REPORTING REQUIREMENTS**

**D-4. What must a State report to ED as part of the 2014-2015, 2015-2016, and 2016-2017 school year CSPR submissions as it relates to reporting on highly qualified teachers?**

A State must continue to report highly qualified teacher information to ED through the CSPR based on data from the 2014-2015 and 2015-2016 school years. States will not be expected to submit highly qualified teacher data files (file specification numbers N063 and N064) to EDFacts based on data from the 2016-2017 school year. States are no longer required to respond to teacher quality questions in section 1.5 of the CSPR.

**D-5. What must a State and its LEA continue to publish in State and local report cards for the 2014-2015, 2015-2016, and 2016-2017 school years related to teacher quality?**

State and local report cards for the 2014-2015 and 2015-2016 school years must continue to include information on teacher quality, as indicated in the 2013 Report Card Non-Regulatory Guidance available at [http://www2.ed.gov/programs/titleiparta/state\\_local\\_report\\_card\\_guidance\\_2-08-2013.pdf](http://www2.ed.gov/programs/titleiparta/state_local_report_card_guidance_2-08-2013.pdf). States are no longer required to report information on teacher quality beginning with State and local report cards based on 2016-2017 school year information.

## E. GUIDANCE REGARDING TITLE III, PART A PROGRAMS AND REQUIREMENTS

---

This section provides guidance regarding Title III programs and requirements during the transition to the ESSA.

### TITLE III, PART A REQUIREMENTS

**E-1. Must a State make new AMAO determinations based on 2014-2015 or 2015-2016 assessment results?**

No. For the reasons described in A-4b, ED is not requiring States to comply with the requirements in section 3122(a) of the ESEA, as amended by NCLB. As such, a State is not required to make new accountability determinations based on 2014-2015 or 2015-2016 assessment data (as appropriate). A State that chooses not to make new AMAO accountability determinations may freeze district accountability determinations under Title III based on the most recent AMAO calculations, and must continue to implement corresponding supports and interventions in those LEAs for the remaining months of the 2015-2016 school year and the 2016-2017 school year (see E-2).

**E-2. If a State chooses not to make new AMAO accountability determinations, what are the general requirements for LEAs in the 2016-2017 school year that did not meet AMAOs for at least two or four years based on the most recent AMAO determinations that the State made?**

An LEA that was implementing an improvement plan in the 2015-2016 school year or other interventions or reforms pursuant to section 3122(b)(4) of the ESEA, as amended by NCLB, must continue to implement the improvement plan or other interventions and reforms in the 2016-2017 school year, and the State must continue to provide technical assistance and support to each such LEA.

**E-3. Must an LEA that fails to meet one or more of its AMAOs based on assessment results from the 2014-2015, 2015-2016, or 2016-2017 school year (or would not meet its AMAOs if the State made AMAO determinations) provide notice to parents of such failure in accordance with section 3302(b) of the ESEA, as amended by NCLB?**

No. For the reasons described in A-4b, ED is not requiring States to comply with the requirements in section 3302(b). Because ED is not requiring the calculation of AMAOs based on assessment results from the 2014-2015, 2015-2016, or 2016-2017 school years, States and LEAs are not required to comply with the parental notification requirements in section 3302(b) of the ESEA, as amended by NCLB, which requires each LEA that fails to meet one or more of the AMAOs to provide notice to parents of such failure.

Please note, however, that each State and LEA must continue to comply with the parental notification requirements in section 3302(a) of the ESEA, as amended by NCLB, through the 2016-2017 school year, which requires that an LEA provide notice to the parent or parents of a student identified as an English learner within 30 days of the start of the school year (or, for students identified later in the school year, within two weeks) that includes, for example, the reason for identification, parents' rights, and other important information.



---

## **TITLE III, PART A REPORTING REQUIREMENTS**

### **E-4. What must a State report to ED as part of the 2014-2015, 2015-2016, and 2016-2017 school year CSPR submissions as it relates to AMAOs?**

A State is no longer required to submit AMAO data collected through EDFacts (data groups 569, 518, and 688 in file specification number N103) for the 2014-2015, 2015-2016, and 2016-2017 submissions. This means a State is no longer required to provide information in section 1.6.4.1 of the CSPR (specifically, Title III subgrantee performance). For a State that has already submitted this information for the 2014-2015 school year, there is no additional action required. For a State that has not yet submitted this information, there is no need to submit it in the future. ED does not expect a State to report this information for the 2015-2016 school year CSPR collection that will begin in fall 2016 or for the 2016-2017 CSPR collection that will begin in fall 2017.

Please note, however, that there are no changes to other components of the Title III CSPR reporting requirements. Each State is still required to report, for example, the number and target number of English learners making progress and English learners attaining proficiency on the State's annual English language proficiency assessment.