

ESSA References to School Support and Improvement
Excerpt from ESSA, Sec. 1111. State Plans. (as amended in Sec. 1005)

From Sec. 1111(c)(4) under Statewide Accountability System

“(C) ANNUAL MEANINGFUL DIFFERENTIATION.—Establish a system of meaningfully differentiating, on an annual basis, all public schools in the State, which shall—

“(i) be based on all indicators in the State’s accountability system under subparagraph (B), for all students and for each of subgroup of students, consistent with the requirements of such subparagraph;

“(ii) with respect to the indicators described in clauses (i) through (iv) of subparagraph (B) afford—

“(I) substantial weight to each such indicator; and

“(II) in the aggregate, much greater weight than is afforded to the indicator or indicators utilized by the State and described in subparagraph (B)(v), in the aggregate; and

“(iii) include differentiation of any such school in which any subgroup of students is consistently underperforming, as determined by the State, based on all indicators under subparagraph (B) and the system established under this subparagraph.

“(D) IDENTIFICATION OF SCHOOLS.—Based on the system of meaningful differentiation described in subparagraph (C), establish a State-determined methodology to identify—

“(i) beginning with school year 2017–2018, and at least once every three school years thereafter, one statewide category of schools for comprehensive support and improvement, as described in subsection (d)(1), which shall include—

“(I) not less than the lowest-performing 5 percent of all schools receiving funds under this part in the State;

“(II) all public high schools in the State failing to graduate one third or more of their students; and

“(III) public schools in the State described under subsection (d)(3)(A)(i)(II); and

“(ii) at the discretion of the State, additional statewide categories of schools.

“(d) SCHOOL SUPPORT AND IMPROVEMENT ACTIVITIES.—

“(1) COMPREHENSIVE SUPPORT AND IMPROVEMENT.—

“(A) IN GENERAL.—Each State educational agency receiving funds under this part shall notify each local educational agency in the State of any school served by the local educational agency that is identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

“(B) LOCAL EDUCATIONAL AGENCY ACTION.—Upon receiving such information from the State, the local educational agency shall, for each school identified by the State and in partnership with stakeholders (including principals and other school leaders, teachers, and parents), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes, that—

“(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against State-determined long-term goals;

“(ii) includes evidence-based interventions;

“(iii) is based on a school-level needs assessment;

“(iv) identifies resource inequities, which may include a review of local educational agency and school level budgeting, to be addressed through implementation of such comprehensive support and improvement plan;

“(v) is approved by the school, local educational agency, and State educational agency; and

“(vi) upon approval and implementation, is monitored and periodically reviewed by the State educational agency.

“(C) STATE EDUCATIONAL AGENCY DISCRETION.—With respect to any high school in the State identified under subsection (c)(4)(D)(i)(II), the State educational agency may—

“(i) permit differentiated improvement activities that utilize evidence-based interventions in the case of such a school that predominantly serves students—

“(I) returning to education after having exited secondary school without a regular high school diploma; or

“(II) who, based on their grade or age, are significantly off track to accumulate sufficient academic credits to meet high school graduation requirements, as established by the State; and

“(ii) in the case of such a school that has a total enrollment of less than 100 students, permit the local educational agency to forego implementation of improvement activities required under this paragraph.

“(D) PUBLIC SCHOOL CHOICE.—

“(i) IN GENERAL.—A local educational agency may provide all students enrolled in a school identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

“(ii) PRIORITY.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for the purposes of allocating funds to schools under section 1113(a)(3).

“(iii) TREATMENT.—A student who uses the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the student transfers in the same manner as all other students at the public school.

“(iv) SPECIAL RULE.—A local educational agency shall permit a student who transfers to another public school under this paragraph to remain in that school until the student has completed the highest grade in that school.

“(v) FUNDING FOR TRANSPORTATION.—A local educational agency may spend an amount equal to not more than 5 percent of its allocation under subpart 2 of this part to pay for the provision of transportation for students who transfer under this paragraph to the public schools to which the students transfer.

“(2) TARGETED SUPPORT AND IMPROVEMENT.—

“(A) IN GENERAL.—Each State educational agency receiving funds under this part shall, using the meaningful differentiation of schools described in subsection (c)(4)(C)—

“(i) notify each local educational agency in the State of any school served by the local educational agency in which any subgroup of students is consistently underperforming, as described in subsection (c)(4)(C)(iii); and

“(ii) ensure such local educational agency provides notification to such school with respect to which subgroup or subgroups of students in such school are consistently underperforming as described in subsection (c)(4)(C)(iii).

“(B) TARGETED SUPPORT AND IMPROVEMENT PLAN.— Each school receiving a notification described in this paragraph, in partnership with stakeholders (including principals and other school leaders, teachers and parents), shall develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system established under subsection (c)(4), for each subgroup of students that was the subject of notification that—

“(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against long-term goals;

“(ii) includes evidence-based interventions;

“(iii) is approved by the local educational agency prior to implementation of such plan;

“(iv) is monitored, upon submission and implementation, by the local educational agency; and

“(v) results in additional action following unsuccessful implementation of such plan after a number of years determined by the local educational agency.

“(C) ADDITIONAL TARGETED SUPPORT.—A plan described in subparagraph (B) that is developed and implemented in any school receiving a notification under this paragraph from the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State’s methodology under subsection (c)(4)(D) shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan.

“(D) SPECIAL RULE.—The State educational agency, based on the State’s differentiation of schools under subsection (c)(4)(C) for school year 2017–2018, shall notify local educational agencies of any schools served by the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State’s methodology under subsection (c)(4)(D), after which notification of such schools under this paragraph shall result from differentiation of schools pursuant to subsection (c)(4)(C)(iii).

“(3) CONTINUED SUPPORT FOR SCHOOL AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—To ensure continued progress to improve student academic achievement and school success in the State, the State educational agency—

“(A) shall—

“(i) establish statewide exit criteria for—

“(I) schools identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i), which, if not satisfied within a State-determined number of years (not to exceed four years), shall result in more rigorous State determined action, such as the implementation of interventions (which may include addressing school-level operations); and “(II) schools described in paragraph (2)(C), which, if not satisfied within a State-determined number of years, shall, in the case of such schools receiving assistance under this part, result in identification of the school by the State for comprehensive support and improvement under subsection (c)(4)(D)(i)(III);

“(ii) periodically review resource allocation to support school improvement in each local educational agency in the State serving—

“(I) a significant number of schools identified for comprehensive support and improvement under subsection (c)(4)(D)(i); and

“(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

“(iii) provide technical assistance to each local educational agency in the State serving a significant number of—

“(I) schools implementing comprehensive support and improvement plans under paragraph (1); or

“(II) schools implementing targeted support and improvement plans under paragraph (2); and

“(B) may—

“(i) take action to initiate additional improvement in any local educational agency with—

“(I) a significant number of schools that are consistently identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) and not meeting exit criteria established by the State under subparagraph (A)(i)(I); or

“(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

“(ii) consistent with State law, establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

“(4) RULE OF CONSTRUCTION FOR COLLECTIVE BARGAINING.—

Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees.