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**To:** District Superintendents  
Superintendents of LEAs and Charter Schools  
Title I Coordinators

**From:** Ira Schwartz 

**Subject:** Transition from No Child Left Behind (NCLB) to Every Student Succeeds Act (ESSA)

**Date:** February 2016

As you know, the Elementary and Secondary Education Act (ESEA), previously authorized as the No Child Left Behind Act of 2001 (NCLB), was reauthorized on December 10, 2015 when President Obama signed the Every Student Succeeds Act (ESSA) into law. Since that time, staff from the United States Department of Education (USDE) and the New York State Education Department (NYSED) have been working diligently to analyze the new ESSA legislation, identify programmatic and fiscal changes, clarify obligations for State Educational Agencies (SEAs) and Local Educational Agencies (LEAs), and determine timelines for compliance with the new and changing obligations.

This memo serves to begin the process of communicating NYSED's understanding of obligations and flexibilities that will be in place for the 2016-2017 school year as we transition from the provisions of our approved ESEA Flexibility Waiver to the new ESSA. NYSED will work to provide ongoing guidance and support to LEAs as additional information and clarifications are made available.

The 2016-2017 school year can best be characterized as an extremely "soft launch" of ESSA. With a limited number of exceptions, in 2016-2017 LEAs will be subject to the same requirements in the administration of their ESEA programs and funds as are in place for the 2015-2016 school year. Below is a summary of NYSED's current understanding of key SEA- and LEA-level obligations and flexibilities, based on recent communications issued by USDE.

*State Level Obligations:*

- NYSED must continue to implement the provisions of its approved ESEA Flexibility Waiver through August 1, 2016.
- NYSED must continue to administer high-quality annual assessments in at least reading/language arts, mathematics, and science that meet nationally recognized professional and technical standards.
- NYSED must continue to publish report cards, including report cards for the 2014–2015

school year, for the 2015–2016 school year, and beyond. Report cards must continue to include information that shows how a district’s student achievement on the State assessments compares to students and subgroups of students in the State as a whole.

- NYSED must administer federal grant programs allocated by formula (e.g., Title I, Part A and Title II, Part A) to LEAs during the 2016-2017 school year using the same allocation formulas as those used for the 2015-2016 school year.
- NYSED must freeze district accountability under Title III based on the most recent AMAO calculations, and continue to provide those LEAs with the corresponding supports and interventions in the remaining months of the 2015-2016 school year and the 2016-2017 school year.
- NYSED must continue to administer its State Plan to Ensure Equitable Access to Excellent Educators to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers, which remain in effect for the 2015-2016 and 2016-2017 school years.

#### State Level Flexibilities:

- NYSED is not required to include information that provides a comparison between the actual achievement levels of each group of students and the State's annual measurable objectives for each such group of students on each of the academic assessments.
- NYSED has elected to create a new list of Focus Districts, Priority Schools, and Focus Schools by March 1, 2016 based on 2014-2015 NYS Assessment data instead of freezing the list that was in place at the beginning of the 2015-2016 school year. As a result, re-identified Priority and Focus Schools and newly identified Priority and Focus Schools must implement their approved interventions through the 2016-2017 school year. In addition, any schools removed from Priority status must complete implementation of their previously approved 1003(g) School Improvement Grant (SIG), School Innovation Fund model (SIF), or Whole School Reform model, as described in the school’s approved School Comprehensive Education Plan.
- NYSED will not be required to comply with a limited number of sections of the ESEA if they impede a Priority or Focus Schools from continuing to implement appropriate interventions in 2016-2017.
- NYSED will not be required to report performance against AMOs for the 2014–2015 or 2015–2016 school years.
- NYSED will not be required to hold LEAs accountable for their performance against Annual Measurable Achievement Objectives (AMAOs) 1, 2, and 3 under Title III of the ESEA/NCLB for the 2014-2015 and 2015-2016 school years.
- NYSED will not be required to implement certain provisions of the ESEA related to ensuring that teachers of core academic subjects are “highly qualified.”

#### LEA Level Obligations:

- Formula grant recipients will be required to continue operating in the 2016-2017 school year under the plans, procedures, and requirements that are in place for the 2015-2016 school year.
- Identified Focus Districts will be required to continue the implementation of interventions applicable to priority and focus schools during the 2016-2017 school year.

LEA Level Flexibilities:

- LEAs with identified Priority or Focus Schools may not be required to comply with a limited number of sections of the ESEA if they impede a Priority or Focus Schools from continuing to implement appropriate interventions in 2016-2017.

Questions concerning the information contained in this memo should be directed to the New York State Education Department's Office of Accountability at [ESSA@NYSED.GOV](mailto:ESSA@NYSED.GOV). LEAs can also receive additional information on ESSA implementation by visiting USDE's ESSA website at: <http://www2.ed.gov/policy/elsec/leg/essa/index.html>.