

**Every Student Succeeds Act
Consolidated State Plan
Frequently Asked Questions
June 16, 2017**

The Every Student Succeeds Act of 2015 (ESSA) is the most recent reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA). The ESEA, as amended by the ESSA (hereafter, ESEA) is designed to improve opportunities for all of America's students. Specifically, the law requires States to:

- Hold all students to high academic standards;
- Prepare all students for success in college and career;
- Guarantee that steps are taken to help students, and their schools, improve; and
- Hold schools accountable for student outcomes.

The ESEA provides States the flexibility to be innovative in their approach to supporting districts and schools while also collaborating with local communities. The law maintains guardrails to help States ensure all students have the opportunity to access an excellent education.

The flexibility afforded States in both the ESEA and the plan each State develops for how it will implement the law is important. The U.S. Department of Education (Department) established a consolidated State plan review process to support States and to ensure the Department is meeting its responsibilities under the ESEA to review and approve State plans in a timely and transparent manner.

The State plan review process began with the Secretary identifying what is absolutely necessary for a State to address in its consolidated State plan. Each State plan was then reviewed by Department staff and, for certain portions of the consolidated State plans, by peer reviewers.

The ESEA requires the Department to work with outside experts to peer review State plans under Title I, Part A and Title III, Part A of the ESEA and Title VII, Subpart B of the McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youth Program (McKinney-Vento). The Department created review panels that were generally comprised of peer reviewers with subject matter expertise and practitioners with substantial experience in various sectors of education. The ESEA peer reviewers engaged in an objective review of State plans, providing feedback on the technical, educational and overall quality of a State plan, including the validity and reliability of each element given the requirements of the ESEA. A separate panel of peer reviewers evaluated the McKinney-Vento portion of the consolidated State plan to ensure the plan adequately addressed the problems of homelessness and youth relating to access to education and placement, as required by the statute.

Following the review process, the Department provided the peer feedback and additional feedback describing information or clarifications that the Department requested from the State. Each State is provided the opportunity to clarify or revise their submission, but no State is required to do so. The process concludes with the Secretary's review and determination of whether the State has met the applicable statutory and regulatory requirements of the ESEA.

On June 13, 2017, the Department provided initial feedback to Delaware, New Mexico and Nevada, each of which submitted complete consolidated State plans on or before April 15, 2017.

Frequently Asked Questions

1. Why is the Department only releasing information about three States?

Since some States submitted their complete plans earlier than others did, the Department is responding to those earlier submissions first. Within the coming weeks, the Department will provide and make publicly available its initial feedback to all States that have submitted completed plans.

2. How is the Department determining what to include in the initial feedback it is providing to each State on its consolidated State plan?

The review process consists of both a Department review and a peer review. ESEA section 1111(a)(4) establishes the peer review process as independent; neither the Secretary nor any political appointee may attempt to participate in or influence that process. The peers' notes are provided to each State. Based on its review, the Department also provides feedback regarding additional information a State can provide and/or what changes a State can make in order to help ensure all components of the plan are in accordance with the requirements of the statute. ***This initial feedback is not an approval or denial of a State plan;*** however, a State is still required to submit a plan that complies with all statutory requirements.

Each State then has the opportunity to revise, further describe, add information and/or make changes and resubmit its plan; however, no State is required to do so.

3. What is the Secretary's responsibility in the final determination of each State plan?

The Secretary ultimately determines whether each State's plan is in accordance with applicable statutory and regulatory requirements, and approves the plan if it is. If it is not, the State has additional opportunities for review of its consolidated State plan as detailed in ESEA section 8451.

4. Why is the list of feedback so long for my State?

Although the ESEA offers States substantial opportunities to innovate, the law still includes a number of specific requirements. The feedback sent by the Department is to help ensure that States are meeting those specific requirements. The goal is for each State to have ample opportunity to thoroughly articulate – and then faithfully execute – a system designed to comply with the statutory provisions that are intended to support the nation's most vulnerable students, including English learners, homeless students and students with disabilities.

5. If the statute does not define certain terms, such as “ambitious” long-term goals, “substantial” weight of indicators, or “much greater” weight of certain indicators over others, who determines the meaning of those terms?

In cases where the statute does not define a specific term, a State has significant discretion to determine how it will define that term. In accordance with the Secretary's responsibility to review State plans, the Secretary is obligated to make a determination as to whether a State's proposed definition, on its face, is reasonable.

6. Were there any common requests for clarification the Department made to States regarding plans that were submitted during the spring review window?

Each State's plan reflects the State's goals or long-term vision for education within its own State context. As a result, each State plan is unique. However, there were instances in more than one State plan where clarification was requested or minor technical corrections suggested in order to adhere to the ESEA. For example, the ESEA requires each State to describe its accountability system so that the Department, districts, schools and the public understand the State's system and

how it differentiates among schools. In cases where the Department could not determine whether and how the State was meeting the requirements in the ESEA, States are provided the opportunity to make changes, to clarify or to revise their systems.

7. Once a State receives its initial feedback, by when must a State respond to the Department?

In the initial feedback letter, States are asked to resubmit their plans, if they plan to do so, within 15 days of receiving feedback from the Department. However, the Department recognizes that some States may need more time to resubmit their plans and encourages each State to take the time it needs. Consistent with ESEA section 8451, the Department plans to issue a written determination within 120 days of the State's submission of its consolidated State plan. Given this statutory provision, if a State decides that it needs more than 15 days to resubmit its plan, the Department may be unable to issue a written determination of the plan within the 120-day review period.

8. What resources are available to States to improve their State plans?

States may work with the Department, the State Support Network and the Comprehensive Centers to receive additional technical support when revising their consolidated State plans. For additional information on these and other resources, States should contact their OSS program officers at [OSS.\[State\]@ed.gov](mailto:OSS.[State]@ed.gov) (e.g. OSS.Wyoming@ed.gov) or contact other program officers for the relevant programs for which they need support.

9. What other assistance is available to States that have not yet submitted their State plans?

The Department will host webinars this summer for States finalizing their plans for submission by September 18, 2017. The Department intends for these sessions to help States avoid any common issues identified by peers and/or the Department during the first round of review.

10. How will you use the State plan in the future?

The Department will use each consolidated State plan as the basis for ongoing monitoring and technical assistance to each State across the included programs. The Department considers State plans to be living documents and understands that States may need to amend them in the future. Additional information about the amendment process will be shared once all State plans have been fully approved.

11. How will the Department ensure basic civil rights protections remain in place for students?

The ESEA requires that each State comply with all applicable Federal, State and local civil rights laws. The statute requires State accountability systems to take into account the performance of subgroups of students in a variety of ways, but ultimately, the statute requires that schools be held accountable for, and provide necessary supports to, all students, particularly those that are furthest behind, regardless of the subgroup to which they belong.

###