



## Secretariat of Catholic Education

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# ESSA Transition For Catholic Schools

**[Updated 2-28-17]**

On December 10, 2015, President Obama signed the Every Student Succeeds Act (ESSA), into law. ESSA reauthorizes and amends the Elementary and Secondary Education Act of 1965 (ESEA) and replaces the No Child Left Behind (NCLB) Act passed in 2002. The law supplements educational services for low-income and at-risk students. According to the National Catholic Educational Association, more than 118,000 students in 3,546 Catholic schools receive services under ESEA's Title I. The changes in ESSA will be important for maintaining and expanding the equitable services Catholic school students, teachers, and administrators receive.

In addition to this document, Catholic school administrators may benefit from the following resources:

- Council on American Private Education's (CAPE):
  - ["Private Schools and the Every Student Succeeds Act"](#)
- USCCB's Secretariat of Catholic Education
  - [Ombudsman Toolkit](#)
- NCEA
  - [Every Student Succeeds Act Primer](#)
- US Department of Education
  - [Equitable Services Guidance](#)
  - [NCLB-ESSA Equitable Services Side-by-Side](#)
  - [ESSA Transition FAQ](#) (updated June 2016)

## Preparing Now For ESSA

The current 2016-17 school year is intended to be a transition year from NCLB to ESSA. Full implementation of the equitable services provisions in ESSA should occur in SY 2017-18. This guide is intended to inform your upcoming consultations so that there is a smooth transition to ESSA in SY 2017-18.

**During this transition year, it may be prudent to review your current Title program – which services are offered, which students are receiving those services, are services being administered efficiently, is the LEA following all provisions of the consultation process – and discuss any potential improvements among your school community and with the LEA.** By defining clearly your understanding of the law and your expectations of the LEA/SEA, you may help ensure equitable treatment of Catholic school students and teachers.

## What's New

### *Set-Asides*

Under the Department's interpretation of NCLB, LEAs were able to "set-aside" funds for school improvement that reduced the total amount of money that Catholic students' proportional share was drawn from. Under ESSA, that can no longer happen. If your state had set-asides under NCLB, you should expect your students to receive more Title I services going forward. **During your SY 2017-18**

**consultations, address with your LEA/SEA how you will expand services to best serve your students.**

### *Additional Services*

Under ESSA, Title I services can now include counseling, mentoring, and one-on-one tutoring in addition to the direct instructional services and other benefits already provided for. **As you consult during SY 16-17, discuss if your students would benefit from these additional options, and if so, determine with the LEA how they will be implemented come SY 17-18, especially if there will be more dollars available.** One important consideration, especially if you use a vendor for services, is if these new options *can* be offered by the current provider.

Although the funding for family and parent engagement does not change under ESSA, it may be helpful to discuss new materials for parents if service options are expanded as there may be more and/or new students in the programs.

### *Ombudsman*

The ombudsman is a new role appointed by the SEA to be a neutral arbiter between the LEA and non-public school officials. For a full discussion of the ombudsman role, please see the USCCB's "[Ombudsman Toolkit](#)." In short – **it is vital this position be neutral and understand both sides of the consultation process.**

### *Obligation of Funds*

Beginning in SY 17-18 under ESSA, “funds allocated to a LEA... shall be obligated in the fiscal year for which the funds are received.” In general, this provision should strengthen your position during consultation to use the entirety of funds for students in the year they are allocated. **Begin discussing how you will use past “rollover” funds and construct a program that serves students using all of the funds available each year** (keeping in mind there may be increased funds available for Catholic school students because of other changes).

### *Consultation Enhancements*

In addition to the ombudsman position, which should provide clarity and a fair arbiter during consultation, there are a number of enhancements to the consultation process to be aware of:

- LEAs and Catholic school officials “shall both have *the goal of reaching agreement* on how to provide equitable and effective programs.” (emphasis added) This is new language which strengthens the position of Catholic school officials. No longer is the requirement simply that consultation happens, but good faith must be shown of the goal to reach “agreement.” The guidance released in November 2016 explains at length (Question [N-13](#)) what “agreement” means and what both the LEA and Catholic school officials should expect from consultation. **Use the explanation of “agreement” from ED guidance to begin consultations and set the tone with your LEA (especially if you’ve had trouble in the past).**
  - The documentation form is required to include the “option for private school officials to indicate such officials’ belief that timely and meaningful consultation has not occurred or that the program design is not equitable”. **During transition, ask for the LEA to draft this documentation form and share it with Catholic school officials.**
  - For especially troublesome or non-compliant LEAs, ESSA offers Catholic schools a more robust bypass provision by placing strict time requirements for action by the SEA.
- LEAs must inform Catholic school officials how the proportionate share of funds is determined. **Begin asking for this information as soon as possible and do not let up until you have been informed how the proportionate share was determined.**

- If an LEA disagrees with the views of Catholic school officials with respect to delivery of services, the LEA must submit to the officials their reasoning in writing. **Demand, in writing, an explanation from your LEA why they will not provide the services you think best for your students and teachers. Document any disagreements – you will be in a stronger position in the event of any oversight procedures.**

#### *Title II-A*

The most important transition year change under Title II-A (teacher professional development) is the requirement that the proportional share for Catholic teacher's PD be drawn from the entire Title II-A budget, not just the amount designated for PD, as was the case in NCLB. This may result in more resources and development opportunities for Catholic teachers. **Ask your LEA for a projected allocation for PD in SY 2017-18 and begin discussions on how to use that money – if the consultation includes planning for those funds, they become more “real” for full implementation, instead of something to be negotiated later.**

#### *Title IV*

The two new grant programs, “Student Success and Academic Enrichment” and “Supporting High-Ability Learners and Learning” both require equitable participation for nonpublic school students. As the SEA and LEA prepare their application for these funds, it is important to ensure participation in that discussion. SSAE grants can be helpful in purchasing computers and technology for students – to qualify, **it helps if your school is already an E-rate participant.**