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LEGAL UPDATE

May 19, 2016

To: Superintendents, Member School Districts (K-12)

From: Jennifer E. Nix *JEN*
Assistant General Counsel

Subject: Every Student Succeeds Act
Memo No. 16-2016

On December 10, 2015, President Obama signed the Every Student Succeeds Act (“ESSA”), reauthorizing the federal Elementary and Secondary Education Act (“ESEA”) and replacing the No Child Left Behind Act (“NCLB”), the 2001 reauthorization of ESEA. The ESSA made significant changes to the laws put in place by NCLB, particularly with regard to the school accountability system, allocation of funding, and statewide assessments. The ESSA will go into full effect in the 2017-2018 school year.¹ This Legal Update addresses the changes in the transitional year, 2016-2017.

The U.S. Department of Education has identified seven NCLB requirements that Local Education Agencies (“LEAs”) do not need to comply with during the 2016-2017 school year because those provisions are not continued under ESSA.² Additionally, CDE has prepared an ESSA 2016-2017 Transition Plan to clarify what expectations are for LEAs in the 2016-2017 school year.³ The Transition Plan is attached to this Legal Update.

The seven NCLB requirements with which the U.S. Department of Education does not expect LEAs to comply are:

1. Requirement to report performance against annual measurable objective

LEAs are still required to implement most of the NCLB’s report card requirements for the 2014-2015, 2015-2016, and 2016-2017 school years, with some exceptions.

¹ The California Department of Education (“CDE”) is required to submit an ESSA State Plan to the U.S. Department of Education, to be operational in 2017-2018. CDE anticipates that the ESSA State Plan will assist with an “orderly transition during the 2016-17 school year to fully implement ESSA in the 2017-18 school year.”

² This list may be updated by the U.S. Department of Education in the future.

³ The Transition Plan was approved by the State Board of Education on May 11, 2016.



LEAs no longer have to include annual yearly progress (all school years), annual measurable objectives (all school years), or teacher quality information (2016-2017 school year only).

2. Requirement 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

Beginning with the 2016-2017 school year, LEAs are no longer required to provide notice to parents related to the highly qualified status of their child's teacher. Pursuant to CDE's Transition Plan, LEAs may notify parents/guardians about alternative supports and school choice options. Additionally, pursuant to section 1111(h)(6)(A) of the ESEA, LEAs are required to notify parents that they may request, and the LEA will provide, certain information regarding the qualifications of the student's teachers and paraprofessionals, as appropriate.

3. Requirement that CDE provides certain types of school supports and recognition

Beginning with the 2016-2017 school year, CDE is not required to provide support for LEAs and schools receiving Title I, Part A funds, or to provide recognition of schools that close achievement gaps and exceed annual yearly progress targets.

4. Requirement to hire "highly qualified" teachers, to report on progress towards having all teachers be highly qualified, and to ensure that paraprofessionals meet certain qualifications and perform certain duties

Beginning with the 2016-2017 school year, LEAs will not have to comply with the NCLB requirements for highly qualified teachers, the NCLB qualifications and duties for paraprofessionals, and the NCLB requirements to use funds to support compliance with the highly qualified teacher requirements. CDE's Transition Plan states that the minimum unit requirement for verifying subject matter competence for the 2016-2017 school year will be consistent with California state licensure, which requires a minimum of twenty semester units of non-remedial coursework, instead of the thirty-two hours required under NCLB. This should increase hiring flexibility for LEAs.

5. Requirement that an LEA not making progress towards all teachers being highly qualified create and implement an improvement plan

Beginning with the 2016-2017 school year, LEAs are not required to develop an improvement plan or restrict the use of Federal education funds pursuant to such a plan, and CDE is not required to provide LEAs with technical assistance required to develop such a plan. Additionally, LEAs will no longer be restricted in their use of Title I, Part A funds for hiring paraprofessionals.



6. Requirement that CDE establish annual measurable achievement objectives

CDE is not required to make new accountability requirements based on 2014-2015 or 2015-2016 assessment data. CDE's Transition Plan provides that schools and districts identified for Program Improvement under Title I or Title III should revise their LEA plans as needed to implement corrective actions throughout the 2016-2017 school year. CDE has stated that LEAs are required to implement those corrective actions or interventions in the 2016-2017 school year, except for Supplemental Educational Services or Public School Choice, as detailed below in this Legal Update's FAQ section.

7. Requirement that each LEA that receives Title III funding and fails to meet one or more annual measurable achievement objectives provide notice to parents of such failure

Because CDE is not required to calculate annual measurement achievement objectives based on assessment results from the 2014-2015, 2015-2016, or 2016-2017 school years, LEAs are not required to comply with NCLB's parental notification requirements, which required each LEA that failed to meet one or more of the annual measurable achievement objectives to provide notice to parents of such failure.

However, CDE and LEAs 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 LEAs 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.

Below are the answers to several frequently asked questions about ESSA.

- 1. 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? Do LEAs need to 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?*

The ESSA requires that a school or LEA that was identified in 2015-2016 by CDE as in need of improvement, corrective action, or restructuring under NCLB continue to implement the same interventions in the 2016-2017 school year. California elected to develop a Transition Plan that does not require LEAs to provide Supplemental Educational Services, Public School Choice, or the attendant parental notice requirements in the 2016-2017 school year.

Supplemental Educational Services. The CDE Transition Plan provides that LEAs with schools identified in Program Improvement Year 2 and beyond must provide "Alternative Supports" to eligible students in the 2016-2017 school year. CDE defined "Alternative Supports" as "supplemental activities designed to increase the academic achievement of socioeconomically disadvantaged students attending schools in PI Year 2 and beyond." The



Transition Plan contains significant additional information to assist LEAs with meeting this requirement.

Public School Choice. The CDE Transition Plan provides that LEAs must allow students who previously transferred to another public school under NCLB to remain in that school until the child has completed the highest grade offered in that school. LEAs may continue to offer the Title I, Part A Public School Choice to eligible students. LEAs with students who previously transferred to another public school prior to the 2016-2017 school year must set aside Title I, Part A funds for Choice-related transportation.

Title I Parent Notification. LEAs are no longer required to provide the required notice from NCLB to parents/guardians of a student in a school identified as in need of improvement, corrective action, or restructuring, but may do so. CDE has stated that it will post a sample parental notification template on the CDE Title I, Part A – Accountability Parental Notification Templates website.

2. *What assessments will be administered in the 2016-2017 school year?*

English Language Arts/Literacy and Mathematics Summative Assessments. In 2016-2017, California will continue to administer the Smarter Balanced Summative Assessments in English Language Arts/Literacy and Mathematics in grades three through eight and eleven. The California Alternate Assessments will still be administered to those students with significant cognitive disabilities whose IEPs designate the use of such an alternate assessment.

California English Language Development Test. In 2016-2017, the California English Language Development Test (CELDT) will continue to be administered. In the spring of 2017, some school districts will test the English Language Proficiency Assessments for California (ELPAC) Summative Assessment field test. The ELPAC will replace the CELDT in 2018-2019.

Science. In 2016-2017, all students in grades five through eight will participate in a full census pilot test of the California Next General Science Standards (CA NGSS) Summative Assessments. Additionally, a sample of tenth, eleventh, and twelfth grade students will participate in the pilot test. Alternate testing for the CA NGSS is being developed and a pilot test will be given to those students in the pilot testing grades whose IEPs designate the use of such alternate assessment.

3. *Must CDE and LEAs continue to comply with the NCLB requirements for teachers and paraprofessionals?*

CDE and 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 CDE and LEAs report information related to highly qualified teachers based on the 2014-2015 and 2015-2016 school years. The U.S Department of Education is not requiring States to comply with the requirements for highly qualified teachers, the qualifications and duties for paraprofessionals, and use of funds to support compliance with the highly qualified teacher requirements in the 2016-2017 school

year. The CDE Transition Plan contains a detailed chart answering more specific questions regarding hiring practices.

4. *Did the ESSA change any requirements with regard to special education students?*

As discussed above, the ESSA eliminated the NCLB highly qualified teacher requirement beginning in the 2016-2017 school year. For special educators, the ESSA amends the Individuals with Disabilities Education Act (“IDEA”) provision at 20 U.S.C. section 1412(a)(14)(C). The new provision requires that a special education teacher who teaches elementary, middle, or secondary school:

1. Have obtained a full state certification as a special education teacher or passed the state special education teacher licensing examination and hold a license to teach in the state as a special education teacher;
2. Have not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
3. Hold at least a bachelor’s degree.

The ESSA requires that all teachers and paraprofessionals working in Title I programs meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.

Regarding assessment of special education students, under the ESSA, LEAs have more latitude in how they use alternate assessments, which are for “students with the most significant cognitive disabilities.”⁴ LEAs now have no limits on their abilities to use the scores from such assessments to increase proficiency rates in reading or math; however, the U.S. Department of Education has stated that an LEA would face oversight from CDE if it used alternative assessments for more than one percent of all students assessed. CDE would be required to make the LEA submit information to the state justifying the need to assess more than one percent of its students with an alternate assessment, post that information publicly, and provide appropriate oversight to the LEA.

Regarding graduation and diplomas, the ESSA prohibits an LEA from precluding a student who took an alternate assessment from attempting to complete the requirements for a regular high school diploma, and prohibits counting a lesser credential, such as a certificate of completion, as a regular high school diploma. For students taking alternate assessments, the student’s parents/guardians must be informed that, as a part of the Individualized Education Program (IEP) process, their child’s academic achievement will be measured based on the alternate standards and, if applicable, that participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma.

⁴ The ESSA negotiated rulemaking committee opted to not define the term “students with the most significant cognitive disabilities.”



5. *Will LEAs continue to receive Migrant Education Program funds?*

Yes, LEAs receiving Migrant Education Program funds will continue to implement program activities pursuant to NCLB guidelines in 2016-2017. This program will be brought into line with ESSA in the 2017-2018 school year.

6. *Should LEAs continue to implement LEA plans for improvement activities for Title III English Learners and Immigration Students?*

Yes, LEAs identified for improvement in the 2014-2015 and 2015-2016 school years must continue to implement improvement activities in the 2016-2017 school year, consistent with revised LEA plans. Areas of improvement to be implemented in the 2017-2018 school year should be addressed by LEAs in the LCAP. Additionally, beginning in the 2017-2018 school year, accountability for Title III will be incorporated into the accountability system for Title I.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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Every Student Succeeds Act 2016–17 School Year Transition Plan



Prepared by:
California Department of Education

April 2016

Overview

On December 10, 2015, President Barack Obama signed the Every Student Succeeds Act (ESSA), which reauthorized and updated the Elementary and Secondary Education Act (ESEA). Overall, the new law provides states more authority on standards, assessments, accountability, supports, and interventions while preserving the general structure of the ESEA funding formulas. Most of the new provisions do not take effect until the 2017–18 school year, making the 2016–17 school year a transition year for local educational agencies (LEAs).

California has just started the process of engaging our education community and stakeholders in the development of the ESSA State Plan, which becomes operational in the 2017–18 school year. It is anticipated that the ESSA State Plan will be presented to the California State Board of Education (SBE) by January 2017. This Transition Plan outlines how California will facilitate an orderly transition during the 2016–17 school year to fully implement ESSA in the 2017–18 school year, when the ESSA State Plan becomes operational.

On July 1, 2013, Governor Jerry Brown signed Assembly Bill (AB) 97 (Chapter 47, Statutes of 2013) to establish the Local Control Funding Formula (LCFF) and the Local Control and Accountability Plan (LCAP). The law also requires the SBE to approve LCFF evaluation rubrics to assist LEAs to identify strengths and weaknesses of their LCFF implementation through the analysis of multiple measures. This analysis results in locally established goals, consistent with state performance standards, and the evaluation of those goals for the purpose of continuous improvement. The LCFF evaluation rubrics are an integral part of California's emerging accountability system. California has a unique opportunity, using the LCFF state priorities and three distinct parts of the LCFF—the LCAP and Annual Update, the LCFF evaluation rubrics, and the assistance and support system—to establish a single, integrated state and federal accountability system. California's new accountability system will build on the foundations of the LCFF, consisting of the LCAP, along with the Annual Update, the evaluation rubrics, and the California Collaborative for Educational Excellence (CCEE) support structure to meet both state law and the federal accountability requirements established in ESSA.

With the enactment of the ESSA, California has the opportunity to streamline local, state, and federal requirements into a single, coherent system for planning, accountability, and continuous improvement and support. Each part of the emerging system will align with the LCFF to support continuous learning and improvement, equity, and transparency. This Transition Plan describes how California will use the 2016–17 school year to transition from our current separate state and federal processes for planning, accountability, and support systems into a single, coherent system starting in the 2017–18 school year.

Assessment

English Language Arts/Literacy and Mathematics Summative Assessments

In 2016–17, California will continue to administer the Smarter Balanced Summative Assessments in English language arts/literacy (ELA) and mathematics in grades three through eight and eleven. Also, California is administering the California Alternate Assessments in ELA and mathematics to students with significant cognitive disabilities in grades three through eight and eleven (students whose Individualized Education Program [IEP] designates the use of an alternate assessment).

California English Language Development Test

In 2016–17, the California English Language Development Test (CELDT) will continue to be administered. In spring 2017, a sample of school districts will participate in the English Language Proficiency Assessments for California (ELPAC) Summative Assessment field test. The operational ELPAC will replace the CELDT in 2018–19.

Transition to the California Next Generation Science Standards Summative Assessments

Development of the California Next Generation Science Standards (CA NGSS) Summative Assessments is currently in progress, which will replace the California Standards Test, California Modified Assessment, and the California Alternate Performance Assessment in science. In 2016–17, all students in grades five and eight will participate in a full census pilot test. Because of the flexibility in grade administrations in high school, a sample of students in grades ten, eleven, and twelve will participate in the pilot test (sample size will approximate the grade twelve enrollment). The CA NGSS Alternate Summative Assessments are also currently being developed. Eligible students in grades five and eight, and a sample of students in grades ten, eleven, and twelve will participate in the pilot test in 2016–17 (sample size will approximate the grade twelve enrollment).

The 2016–17 student score reports for science will include assessment information for students, parents/guardians, and teachers but not produce individual scores for students. A participation rate will be calculated to include students tested in grades five and eight and a proxy calculation for high school participation will capture a snapshot of grade twelve enrollment for the denominator while including students tested (grades ten, eleven, and twelve) in the numerator. This approach provides universal exposure to innovative item types and provides students, parents/guardians, and teachers assessment information.

Accountability

California is in the process of establishing the LCFF evaluation rubrics, which are anticipated to be approved by the SBE in September 2016. The LCFF evaluation rubrics consist of more than 20 data elements to be analyzed by LEAs annually through their LCAP. The emerging unified state and federal accountability system will be composed of a concise set of indicators that comprise a selected subset of key indicators from the LCFF evaluation rubrics that will also satisfy the ESSA requirements. The accountability system will be described in the ESSA State Plan, which will be operational in the 2017–18 school year.

In the 2015–16 school year, California produced Adequate Yearly Progress (AYP) reports established under the No Child Left Behind (NCLB) Act of 2001 for the last time. Schools and districts identified for Program Improvement (PI) under Title I or Title III are revising their LEA Plan, as needed, to implement corrective actions throughout the 2016–17 school year. LEAs are required to implement these corrective actions or interventions in the 2016–17 school year, except for Supplemental Educational Services or Public School Choice (Choice) as described in the next section of this plan. The separate LEA Plan, as required under NCLB, will be transitioned out at the conclusion of the 2016–17 school year. Beginning with the 2017–18 school year, LEAs will meet state and federal planning requirements through the LCAP and the Consolidated Application Reporting System (CARS). LEAs that have previously addressed areas of improvement through a revised LEA Plan should address areas for improvement to be implemented in the 2017–18 school year using the LCAP.

Title I, Transition from Supplemental Educational Services to Alternative Supports

On January 28, 2016, the U.S. Department of Education (ED) sent a letter to each state with guidance concerning school interventions and supports for the 2016–17 school year. This letter gives states the flexibility of not requiring LEAs to provide SES, Choice, and the notice to parents during the 2016–17 school year. The ED provided additional guidance on February 5, 2016, that highlighted the requirements that California must meet in order to successfully transition to the ESSA.

LEAs are required by the transition provisions in ESSA to continue to implement the same interventions in the 2016–17 school year for schools identified for improvement, corrective action, or restructuring in the 2015–16 school year. However, California elects not to require LEAs to provide SES and Choice for the 2016–17 school year, as defined in Section 1116 of ESEA.

In order to ensure an orderly transition to ESSA, LEAs with schools identified in PI Year 2 and beyond must provide alternative supports to eligible students in the 2016–17 school year. LEAs may include types of alternative supports and the criteria used to identify eligible students for such additional support in their LCAP. Alternative supports

referenced in the LCAP must be consistent and aligned with local priorities for the 2016–17 school year.

The following guidance supersedes all state and federal laws and regulations beginning in the 2016–17 school year as they relate to SES, Choice, and the related notice to parents. Please note that all LEAs providing SES and Choice during the 2015–16 school year must follow current requirements outlined in ESEA and the *California Code of Regulations*, Title 5 for SES. This guidance is to provide clarity regarding the requirements for SES, Choice, and the related notice to parents for the 2016–17 school year only.

Socioeconomically disadvantaged students attending a Title I school that is in PI Year 2 and beyond are eligible to receive alternative supports for the 2016–17 school year. LEAs who have schools in PI Year 2 and beyond must set aside a reasonable amount of Title I, Part A funds for alternative supports. If an LEA does not have sufficient funds to serve all eligible students, the LEA may give priority to the lowest-achieving PI schools or the lowest-achieving students attending a PI school. An LEA may use assessment scores, grades, teacher evaluations, or another locally defined measure to identify the lowest-achieving eligible students.

Please note that the California Department of Education (CDE) will no longer be establishing or posting a per pupil amount (PPA) as previously done for SES. An LEA may establish its own PPA for alternative supports for the 2016–17 school year.

Alternative supports are supplemental activities designed to increase the academic achievement of socioeconomically disadvantaged students attending schools in PI Year 2 and beyond. Alternative supports shall be locally defined and administered by the LEA to provide a well-rounded program of instruction to meet the academic needs of students.

It is recommended that LEAs implement alternative supports consistent with the following guiding principles:

1. Ensure eligible students have access to research-based curriculum, supplemental materials, grade-level content, or supplemental enrichment services.
2. Align alternative supports to core instruction.
3. Ensure certificated staff members employed by each LEA administer or monitor alternative supports.
4. Design alternative supports that are based on state or local assessments and are tailored to the needs of eligible students.
5. Modify alternative supports based on each LEA's monitoring and/or data results.

6. Enable all eligible students to participate regardless if the school is a targeted assisted program or a schoolwide program.
7. Leverage existing programs that currently provide successful expanded learning opportunities for students, such as the After School Education and Safety Program.

Alternative supports shall supplement, not supplant, the core instructional program. Expenditures of Title I, Part A funds for alternative supports must be reasonable and consistent with Title I, Part A of ESEA.

Alternative supports include, but are not limited to, any of the following:

1. Academic support offered during school hours, before school, after school, intercession, and/or during summer learning programs.
2. Small group instruction and/or pull out interventions offered during the regular school day.
3. Interventions offered during After School Education and Safety or 21st Century Community Learning Center programs.
4. High quality academic tutoring.
5. Purchasing supplemental materials to support alternative support services.
6. Personnel costs of a crisis, intervention, and/or academic counselor to meet with eligible students.
7. Services and programs that remove barriers to promote academic achievement of eligible students.

For LEAs choosing to contract with outside entities or community partners to provide alternative supports to eligible students, the following provisions apply:

1. No electronic device or other items of value shall be given, retained, or used as an incentive or achievement award.
2. Funds must only be expended on direct services to eligible students.

Please note that the CDE will not post an SES SBE-approved provider list for the 2016–17 school year nor establish a 2016–18 cohort of SES providers. If an LEA chooses to contract with outside entities or community partners to provide alternative supports, it will be at the LEA's discretion as to who it contracts with to provide such service. If LEAs choose to use a service provider, then they should establish a program design, monitor student progress, and evaluate its success for the 2016–17 school year.

Although LEAs will no longer need to submit SES information to the CDE through the CARS, the following information regarding alternative supports shall be collected in CARS for the 2016–17 school year:

1. Number of students eligible for alternative supports
2. Number of students who participated in alternative supports
3. Types of alternative supports offered to eligible students
4. Amount of Title I, Part A funds set aside for alternative supports
5. Amount of Title I, Part A funds spent on alternative supports

Title I, Public School Choice

LEAs must allow students who previously transferred to another public school under the NCLB Act to remain in that school until the child has completed the highest grade offered in that school. However, for the 2016–17 school year LEAs may, but will not be required to, offer the Title I, Part A Public School Choice to any additional eligible students.

LEAs that have students who previously transferred to another public school prior to the 2016–17 school year, must set aside Title I, Part A funds for Choice-related transportation.

LEAs shall continue to report the following information in CARS for the 2016–17 school year:

1. Number of students participating in Choice
2. Amount of funds set aside for Choice-related transportation
3. Amount of funds spent on Choice-related transportation

Title I, Parental Notification

For the 2016–17 school year, LEAs are not required to notify parents/guardians of Title I PI status or Title III improvement status; however, LEAs may notify parents/guardians about alternative supports and Choice.

The CDE will post a sample parental notification template on the CDE Title I, Part A – Accountability Parental Notification Templates Web page at <http://www.cde.ca.gov/ta/ac/ti/parnotpi.asp>, which LEAs may use for the 2016–17 school year.

Title I, Part C, Migrant Education Program

Information on the 2016–17 application process was sent to eligible LEAs in January 2016. In 2016–17, LEAs receiving Migrant Education Program (MEP) funds will continue to implement program activities per NCLB guidelines. In 2017–18, the MEP will make modifications to program activities including, but not limited to, identification and recruitment, and the supplement not supplant provision to incorporate the ESSA provisions. A committee of practitioners has been formed to develop the 2017–18 application process for the MEP.

Title II, Professional Development

The CDE plans to continue to provide support and technical assistance to LEAs during the 2016–17 transition year. The chart below provides information pertaining to changes that apply during the 2016–17 transition year. LEAs may use the chart below to better understand what will be required in the 2016–17 school year with Title II funds. ***It is important to note that hiring practices for the 2016–17 school year should be solely based upon state licensure requirements.***

Current Under the NCLB Act	Transitional Year 2016–17 Under ESSA
<p data-bbox="284 1079 703 1115">Subject Matter Competence</p> <p data-bbox="188 1121 781 1335">Section 1119 of the NCLB Act requires all teachers of core academic subjects in the state to be “highly qualified.” This means that every teacher of a core academic subject must meet the following three requirements:</p> <ul data-bbox="212 1360 789 1619" style="list-style-type: none"> <li data-bbox="212 1360 760 1396">• Hold a bachelor’s or higher degree; <li data-bbox="212 1419 789 1486">• Hold an appropriate State authorization for the assignment; and <li data-bbox="212 1512 781 1619">• Demonstrate subject matter competence for each core academic subject assigned to teach. <p data-bbox="188 1656 760 1906">For the 2016–17 school year, States are not required to implement Section 1119. There are various ways under the NCLB Act that a teacher could demonstrate subject matter competence. One option was to complete a minimum of 32 semester units (48 quarter units) of non-</p>	<p data-bbox="904 1079 1323 1115">Subject Matter Competence</p> <p data-bbox="823 1121 1401 1409">Since the latest guidance no longer requires Section 1119, the minimum unit requirement for verifying subject matter competence for the 2016–17 school year will be consistent with California state licensure which requires a minimum of 20 semester units of non-remedial coursework.</p> <p data-bbox="823 1451 1401 1738">This will assist with the teacher shortage by allowing individuals to demonstrate subject matter competence with only 20 semester units (equivalent to a supplementary authorization) rather than the 32 (equivalent to a subject matter authorization) required by the NCLB Act, increasing hiring flexibility for employers.</p>

remedial coursework.	
Verification Process for Special Settings	Verification Process for Special Settings
<p>The Verification Process for Special Settings (VPSS) is an advanced certification process that was developed as an alternative method for teachers assigned to special settings to demonstrate subject matter competence per the NCLB Act. Special settings include:</p> <ul style="list-style-type: none"> • Home Teacher • Classes Organized Primarily for Adults • Hospital Classes • Necessary Small High Schools • Continuation Schools • Alternative Schools • Opportunity Schools • Juvenile Court Schools • County Community Schools • District Community Day Schools • Independent Study • Secondary Special Education 	<p>Since the latest guidance no longer requires Section 1119, the VPSS will no longer be necessary for teachers of special settings as these teachers will have demonstrated subject matter competence via state certification. An LEA or teacher may continue to use the VPSS certification process but it is not required during this transitional year.</p>
Compliance Monitoring, Intervention, and Sanctions	Compliance Monitoring, Intervention, and Sanctions
<p>To fulfill the requirements of Section 2141 of the NCLB Act, the Compliance Monitoring, Intervention, and Sanctions (CMIS) program provides oversight and monitoring requirements for LEAs that are unable to ensure that all schools have achieved 100 percent highly qualified teacher (HQT) status as mandated by the NCLB Act. There are four CMIS levels, Levels A, B, C, and Monitoring. Level A is not mandatory, however, technical assistance is provided to assist LEAs in Level A with the development of a Non-Compliant Teacher Action Plan if they choose to do so. Level B requires LEAs to develop a Non-Compliant Teacher Action Plan and Equitable Distribution Plan</p>	<p>Since the latest guidance no longer requires Section 2141, LEAs will not be required to participate in the CMIS program for the 2016–17 school year. However, the CDE does plan to update the CMIS program with the new guidelines included in the ESSA.</p>

<p>(EDP). Level C requires LEAs to develop a Memorandum of Understanding (MOU), Budget Agreement, and Non-Compliant Teacher Action Plan. Level B monitoring requires LEAs to annually update their data via the Equitable Distribution Monitoring System, which was created in 2009 to monitor LEA progress towards ensuring equitable access to HQTs.</p>	
<p>The 2015 California State Plan to Ensure Equitable Access to Excellent Educators</p>	<p>The 2015 California State Plan to Ensure Equitable Access to Excellent Educators</p>
<p>The 2015 California State Plan to Ensure Equitable Access to Excellent Educators includes the CMIS program.</p>	<p>All references to the CMIS program will be deleted from the 2015 California State Plan to Ensure Equitable Access to Excellent Educators. However, the CDE does plan to update the CMIS program with the new guidelines included in the ESSA.</p>
<p>The Improving Teacher Quality Program Instrument for Federal Monitoring</p>	<p>The Improving Teacher Quality Program Instrument for Federal Monitoring</p>
<p>Compliance monitoring of LEAs in regards to HQT is conducted through the federal program monitoring process and the Improving Teacher Quality (ITQ) Program instrument to ensure that LEAs meet federal program requirements, as well as follow appropriate regulatory requirements under HQT. Additional information regarding monitoring protocols and monitoring instruments is available on the CDE Compliance Monitoring Web page at http://www.cde.ca.gov/ta/cr/.</p>	<p>For the transitional 2016–17 school year, the ITQ Program instrument will remain the same with the exception of the following evidence which will no longer be required:</p> <ul style="list-style-type: none"> • Approved Equitable Distribution Plans • Approved Equitable Distribution Tables • Memorandum of Understanding (Level C); and • Non-Compliant Teacher Action Plan
<p>Local Education Agency Plan</p>	<p>Local Education Agency Plan</p>
<p>Goal 3 of the Local Education Agency Plan (LEAP) states that by 2005–06, all students will be taught by HQTs.</p>	<p>Goal 3 should be deleted or not required for transition year 2016–17.</p>

California Code of Regulations	California Code of Regulations
California Code of Regulations, Title 5 (5 CCR), Division 1, Subchapter 7: No Child Left Behind Teacher Requirements.	5 CCR, Division 1, Subchapter 7: No Child Left Behind Teacher Requirements will need to be deleted.
California Certificate of Compliance	California Certificate of Compliance
The California Certificate of Compliance was developed as a uniform way to document and verify HQT status.	Since the latest guidance no longer requires Section 1119, the Certificate of Compliance is not applicable for the 2016–17 school year. This form will be removed from the CDE Web Site.
High Objective Uniform State Standard of Evaluation	High Objective Uniform State Standard of Evaluation
The California High Objective Uniform State Standard of Evaluation (HOUSSE) was developed in response to the NCLB Act as a way to provide veteran teachers additional options for demonstrating subject matter competence.	Since the latest guidance no longer requires Section 1119, the HOUSSE is not applicable for the 2016–17 school year. This form will be removed from the CDE Web Site.
Highly Qualified Teacher Guide	Highly Qualified Teacher Guide
The HQT Guide was developed to clarify both federal and state requirements set forth in the NCLB Act for providing all students with HQTs, and to provide practical guidance to California’s LEAs as they implement these requirements.	Since the latest guidance no longer requires Section 1119, the HQT Guide is not applicable for the 2016–17 school year. This document will be removed from the CDE Web Site.
Consolidated Application	Consolidated Application
The ITQ Program legal and fiscal requirements are annually monitored via the Consolidated Application (ConApp). The ConApp is used by the CDE to distribute categorical funds from various state and federal programs to county offices, school districts, and direct-funded charter schools throughout California. Annually, in May, LEAs submit the spring release of the application to document participation in the ITQ Program. LEAs must annually complete the following reports:	For the transitional 2016–17 school year all ConApp accountability and fiscal monitoring reports will continue to be required including: <ul style="list-style-type: none"> • Title II, Part A LEA Allocations and Reservations • Title II, Part A Fiscal Year Expenditure Report, 12 Months • Title II, Part A Fiscal Year Expenditure Report, 24 Months • Title II, Part A Fiscal Year Expenditure Report, Closeout 27

<ul style="list-style-type: none"> • Title II, Part A LEA Allocations and Reservations • Title II, Part A Fiscal Year Expenditure Report, 12 Months • Title II, Part A Fiscal Year Expenditure Report, 24 Months • Title II, Part A Fiscal Year Expenditure Report, Closeout 27 Months • Title II, Part A School Class Size Reduction Report <p>Additional information regarding the ConApp is available on the CDE Consolidated Application Web page at http://www.cde.ca.gov/fg/aa/co/.</p>	<p>Months</p> <ul style="list-style-type: none"> • Title II, Part A School Class Size Reduction Report
<p align="center">California Longitudinal Pupil Achievement Data System</p>	<p align="center">California Longitudinal Pupil Achievement Data System</p>
<p>The California Longitudinal Pupil Achievement Data System (CALPADS) is a statewide system that stores individual-level longitudinal data on students and district/school certificated staff. The CALPADS is used by LEAs to collect, maintain and report information on student assessments, enrollment, student and teacher assignments, courses and program participation data as well as data related to graduation and dropout rates for state and federal reporting. The ITQ Program utilizes teacher assignment and student course enrollment data to determine if teachers have been properly assigned to teach core academic subjects. The data are analyzed and CMIS sanctions are assigned if not all teachers are highly qualified.</p> <p>Additional information regarding the CALPADS is available on the CDE CALPADS Web page at http://www.cde.ca.gov/ds/sp/cl/.</p>	<p>For the transitional 2016–17 school year, all CALPADS teacher assignment data reports will continue to be required, however, CMIS sanctions will not be assigned.</p>

Title III, English Learners and Immigrant Students

LEAs identified for improvement in the 2014–15 and 2015–16 school years will continue to implement improvement activities in the 2016–17 school year, consistent with the revised LEA plans. For areas of improvement to be implemented in the 2017–18 school year, LEAs should address any areas of improvement through the LCAP for local accountability purposes. There are no more Annual Measurable Achievement Objectives; however, beginning in the 2017–18 school year, accountability for Title III will be incorporated into the accountability system for Title I. The reporting requirements and other program components will continue to be administered by the CDE English Learner Support Division.