



National Association for Gifted Children
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Questions and Answers about the Every Student Succeeds Act (ESSA)

Q: What is the ESSA?

The Every Student Succeeds Act (ESSA) is the name of the 2015 legislation that revised and reauthorized the federal K-12 education law known as the Elementary and Secondary Education Act of 1965 (ESEA). Prior to passage of ESSA, the law was referred to by the moniker No Child Left Behind.

ESSA/ESEA is the source of most federal K-12 education initiatives, such as Title I schools, accountability for student achievement, programs for English language learners, math-science partnerships, and Title II professional development. Approximately \$21 billion in federal funds under ESEA is distributed to the states and school districts each year through complex formulas based on student population and poverty and through individual grant programs.

Q: Is there anything in ESSA relevant to gifted and talented students?

Yes. ESSA retained the Javits Gifted and Talented Students Education Program, which was part of the prior ESEA, and added new provisions that address data collection and reporting, use of professional development funds, use of Title I funds, and computer adaptive assessments.

Q: Is anything required of states related to gifted and talented students?

Yes. There are two new requirements:

- On the state report cards: States must include student achievement data at each achievement level that is disaggregated by student subgroup (e.g., low-income, race, English learners, gender, and students with disabilities). Previously, states provided detailed information for students performing at the proficient level and below. Now, states also will have to include information on students achieving at the advanced level.
- In applying for Title II professional development funds, states must include information about how they plan to improve the skills of teachers and other school leaders that will enable them to identify gifted and talented students and provide instruction based on the students' needs.

Q: Is anything required of districts related to gifted and talented students?

Yes. There are two new requirements:

- Districts (“local education agencies” in ESSA) must collect, disaggregate, and report their student achievement data at each achievement level, as the states are required to do.
- Districts that receive Title II professional development funds must use the money to address the learning needs of all students. ESSA specifically says that “all students” includes gifted and talented students.

Q: What about the Javits program?

The Javits program, which has been operating since 1988, was retained in ESSA. The program focuses grant funds on identifying and serving students who are traditionally underrepresented in gifted and talented programs, particularly minority, economically disadvantaged, English language learners, and children with disabilities in order to help reduce gaps in achievement and to encourage the establishment of equal educational opportunities for all students. In addition, the Javits program funds a national research center on gifted education and when funding permits, also funds grants to states to improve the ability of elementary and secondary schools to meet the special educational needs of gifted and talented students. As with other grant programs, Congress must provide funding for the Javits program each year. Information about the current group of grantees is available on the NAGC website.

Q: What else is noteworthy in ESSA?

There are several other provisions in ESSA that support gifted and talented students:

- For the first time, ESSA specifically notes that districts may use Title I funds to identify and serve gifted and talented students.
- ESSA now allows states to use computer adaptive assessments as the format for state assessments used for accountability purposes and authorizes grant funding to states to develop such assessments.
- Districts may use their Title II professional development funds to provide training on gifted education-specific instructional practices, such as enrichment, acceleration, and curriculum compacting.

Q: When do the new provisions go into effect?

The 2016-2017 school year is a big transition year. Applications for Title I and other formula grants will begin July 1, 2016; other federal grant programs will go into effect in October 2016. State accountability plans will go into effect in the 2017-2018 school year.

For more information on ESSA, visit the legislation update section of the NAGC website. Contact Jane Clarenbach, NAGC Director of Public Education, with questions. janec@nagc.org or 202-785-4268.



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Gifted Education Provisions in Final Version of ESEA – the Every Student Succeeds Act

(page #s refer to "FINAL conference report" dated Nov 30, 2015)

TITLE I – Improving Academic Achievement of Disadvantaged Students

Disaggregation of student achievement data at each achievement level on state & local report cards

Sec. 1111. State Plans (p 38)

(h)(1)(C) minimum requirements for state report cards (p 115)

(ii) **For all students and disaggregated by each subgroup of students** described in subsection (b)(2)(B)(xi), homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code) on active duty (as defined in section 101(d)(5) of such title), information on student achievement on the academic assessments described in subsection (b)(2) **at each level of achievement**, as determined by the State under subsection (b)(1). (pp 117-118)

(h)(2)(C) Local Education Agency Report Cards Minimum requirements (same as required for state report cards) (p 125)

Local Education Agency Plans may include information specifically about identifying and serving gifted and talented students

Sec. 1112. Local Education Agency Plans (p 131)

(b) Plan Provisions (p 134)

(13) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and that the local educational agency determines appropriate to provide, **which may include** how the local educational agency will—

(A) assist schools in identifying and serving gifted and talented students;
(p138)

States using computer adaptive assessments

Sec. 1111(b) Challenging academic standards and academic assessments (p 47)

(b)(2) Academic assessments (p 52)

(b)(2)(J) Adaptive Assessments (pp 73-76)

(J) ADAPTIVE ASSESSMENTS.—

(i) IN GENERAL.—Subject to clause (ii), a State retains the right to develop and administer computer adaptive assessments as the assessments described in this paragraph, provided the computer adaptive assessments meet the requirements of this paragraph, except that—

(I) subparagraph (B)(i) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items; and

(II) such assessment—

(aa) shall measure, at a minimum, each student's academic proficiency based on the challenging State academic standards for the student's grade level and growth toward such standards; and

(bb) may measure the student's level of academic proficiency and growth using items above or below the student's grade level, including for use as part of a State's accountability system under subsection (c).

(ii) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES AND ENGLISH LEARNERS.—In developing and administering computer adaptive assessments—

(I) as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—

(aa) meet the requirements of this paragraph, including subparagraph (D), except such assessments shall not be required to meet the requirements of clause (i)(II); and

(bb) assess the student's academic achievement to measure, in the subject being assessed, whether the student is performing at the student's grade level; and

(II) as the assessments required under subparagraph (G), a State shall ensure that such computer adaptive assessments—

(aa) meet the requirements of this paragraph, including sub-paragraph (G), except such assessment shall not be required to meet the requirements of clause (i)(II); and

(bb) assess the student's language proficiency, which may include growth towards such proficiency, in order to measure the student's acquisition of English.

Sec. 1201(a) State Assessment Grants authorized (p 206)

(L) Evaluating student academic achievement through the development of comprehensive academic assessment instruments (such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments) that emphasize the mastery of standards and aligned competencies in a competency-based education model.

(p 209)

Title II – Professional Development

Including needs of gifted learners required in state Title II plans

Sec. 2101 Formula Grants to States (p 308)

(d)(2) (p 326)) State Application Contents: Each application described under paragraph (1) **shall include** the following:

(J) A description of how the State educational agency will improve the skills of teachers, principals, or other school leaders in order to **enable them to identify** students with specific learning needs, particularly children with disabilities, English learners, **students who are gifted and talented**, and students with low literacy levels, **and provide instruction based on the needs of such students.**

(p 328)

Local education agencies including needs of gifted learners with Title II funds

Sec. 2103. Local Uses of Funds (p 335)

(b)(2) Types of **required** activities (p 336)

(b) TYPES OF ACTIVITIES.—The programs and activities described in this subsection—

(2) **shall address** the learning needs of all students, including children with disabilities, English learners, and **gifted and talented students**; and

(b)(3)Types of **permissible** activities (p 336)

(3) may include, among other programs and activities—

(J) providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as—

- (i) early entrance to kindergarten;
- (ii) enrichment, acceleration, and curriculum compacting activities; and
- (iii) dual or concurrent enrollment programs in secondary school and postsecondary education;

(p 343)

Title IV: 21st Century Schools

Subpart 4 – Academic Enrichment (p 625)

Sec. 4644 Supporting High-Ability Learners and Learning.

Javits Gifted & Talented Students Education Act (pp 636 – 642)

For further information about the Every Student Succeeds Act (ESSA), visit the NAGC website. For additional questions, contact Jane Clarenbach, NAGC Director of Public Education at janec@nagc.org.



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Advocacy Planning for Implementation of the Every Student Succeeds Act (ESSA)

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Q: Is there anything in ESSA relevant to gifted and talented students?

Yes. ESSA retained the Javits Gifted and Talented Students Education Program, which was part of the prior ESEA, and added new provisions that address data collection and reporting, use of professional development funds, use of Title I funds, and computer adaptive assessments.

Q: Now that the new law has been passed, what should advocates be doing?

There is much education and advocacy to be done to ensure that state and local education policy makers understand the new requirements and that the new ESSA provisions are implemented as effectively as possible to yield the positive changes that advocates are seeking.

(1) Advocate for Effective Professional Development

- State-level advocates will want to meet with the state education agency staff responsible for Title II of ESEA/ESSA to discuss the state Title II Plan and the ways in which it can be modified to effectively implement the new requirement to ensure that teachers and others in the schools are able to identify and serve gifted and talented students.

A state's gifted education advisory committee also may be involved in the discussion or make recommendations to the state education agency, so it is important that the advisory committee is also knowledgeable about the changes to the law and is in sync with advocates about recommended changes.

- Local advocates will need to determine if their local school district receives Title II professional development funds. Those districts that receive Title II money are now required to use the funds, in part, to address the learning needs of gifted and talented students. Advocates will want to ensure that the district develops specific plans for its Title II funds to meet this requirement. Advocates may want to share the new language from ESSA that allows districts to use their Title II funds to provide training on gifted

education-specific instructional practices, such as enrichment, acceleration, and curriculum compacting.

(2) Educate on the Use of Title I Funds to Support Gifted Students

- State-level advocates will want to be sure that state Title I officials are familiar with the new provision that allows districts to identify and serve gifted and talented students with their Title I funds. Gifted education advocates might also want to ensure that Title I officials across the state are familiar with the knowledge and skills teachers need to identify and support gifted students in the classroom.
- Nearly every school district in the nation receives Title I funds, submitting a plan to the state education agency to receive funds, which are calculated based on the percentage of low-income students served. Local gifted education advocates will want to be sure to share with district officials the new language in ESSA that allows districts to use their Title I funds to identify and serve low-income gifted and talented students and share strategies teacher may employ to provide appropriately challenging instruction.

(3) Use New Data on Advanced Achievement

- Under ESSA states must report student achievement on the state assessment, disaggregated by student subgroup, at each achievement level. In many cases, achievement data at the state's advanced level(s) will be readily available for the first time, allowing the public and decision makers to see who is, and who is not achieving at top levels. For state-level advocates, the disaggregated data will provide multiple opportunities annually to propose strategies to address the implications of the achievement data with state legislators and other state-level policymakers.
- State-level advocates will also want to meet with the state education agency's assessment experts to discuss the value of computer adaptive assessments that can measure student mastery of above-grade level standards.
- Districts also will report student achievement data, disaggregated by subgroup, at each achievement level on their local report cards. The data will provide local advocates with annual opportunities to discuss any concerns related to the data and to develop recommendations for instructional change.

(4) Preparing to Support Funding for the Javits Program

Gifted education supporters must advocate annually for funding from Congress for the Javits program. To better prepare for this advocacy it will be important for all advocates to have information about how students in their states are benefitting from this federal grant program. NAGC will compile some basic information about the grant program on the website, but advocates can increase the effectiveness of their messages with examples of projects operating in school districts in their area that are participating in either the Javits demonstration grants or in the statewide grant projects.

For more information on ESSA, visit the legislation update section of the NAGC website. Contact Jane Clarenbach, NAGC Director of Public Education, with questions. janec@nagc.org or 202-785-4268.



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January 11, 2016

The Honorable John B. King, Jr.
Acting Secretary of Education
U.S. Department of Education
Washington, DC

RE: Docket ED-2015-0ESE-0130

Dear Acting Secretary King:

The National Association for Gifted Children (NAGC) submits the following comments in response to the December 22, 2015, request for recommendations prior to publishing proposed regulations to implement programs under Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA).

The failure to cultivate large percentages of advanced achievers in the U.S. over the last decade has received little attention, resulting in large discrepancies in advanced achievement among children in poverty and from other at-risk subgroups and their more advantaged peers. As schools and policymakers have been focused on closing achievement gaps for struggling learners in poverty, virtually no attention was focused on low-income students with high ability. Giftedness is found in all populations of learners, requiring different strategies and interventions to convert high potential to high achievement. Changes in ESSA now allow us to address the problem with new data and programming.

The Congress, through ESSA, added language to Title I specifying that school districts may use their Title I funds to identify and serve gifted and talented students (see ESSA sec. 1112(b)(13)). This provision clearly overturns current Department of Education directives on the use of Title I funds for gifted education that have been impeding efforts to address the advanced achievement discrepancies. In order to notify the nation's schools leaders about this important development so that planning can begin for the next school year, NAGC urges the Department to echo this provision of the law in regulations. NAGC also requests that a letter go to the chief state school officers reversing the Department's prior directives and clarifying that Title I funds may be used to identify and serve low-income gifted and talented students.

Many schools and districts do not identify low-income children for specialized advanced academic programs or services designed to maximize their abilities. Many low-income schools do not even offer advanced courses such as calculus or physics. We should not be surprised, then, that low-income high achievers not only lose academic ground during their K-12 education, but fewer low-income students become high achievers during K-12 than do their more affluent peers. We can see the results nationally on the grade 4 NAEP math exam, where 2% of children eligible for free and reduced lunch scored at the advanced level in 2011, compared to 11% of non-eligible students. The 9% "excellence gap" between the student groups in 2011 grew to 11% in 2013 and 2015. Closing the math excellence gap for low-income students in every grade would mean hundreds of thousands more students performing at the advanced level in math every year.

Although school decision makers have previously paid scant attention to achievement gaps at the advanced level, the Congress has determined through ESSA that districts and states will now collect and publish student performance at *each* of the state's achievement levels (see ESSA sec. 1111(h)(1)(C)(ii)). This new information will allow the public and school leaders to see the excellence gaps in their communities and states for children in poverty and other student subgroups, and to make necessary course corrections. NAGC urges the Department of Education to include competitive preference priorities that address state and local excellence gaps in discretionary grant applications, as appropriate.

The nation has a long way to go to ensure equitable access to high-level, challenging programs and services for all high-ability students who would need them to reach their potential. However, the new advanced student achievement information that will be published on state and local report cards, and the clear direction from Congress that Title I funds may be used to support low-income gifted students are two very strong initiatives for improving educational outcomes for all our students and for the future of the nation.

Sincerely,



George Betts, Ed.D.
President



M. René Islas
Executive Director