

**EVERY STUDENT SUCCEEDS ACT (P.L. 114-95)**

**Stakeholder’s Checklist for State Plan Requirements:  
*Ensuring Equity for Students with Disabilities***

Below are the required components that each state must submit to the U.S. Dept. of Education in its state plan in order to receive funds under the Every Student Succeeds Act (ESSA). These requirements are based on §299.14 through §299.19 of the Proposed Federal regulations published May 31, 2016 in the Federal Register, which can be found at: [www.federalregister.gov/articles/2016/05/31/2016-12451/elementary-and-secondary-education-act-of-1965-as-amended-by-the-every-student-succeeds](http://www.federalregister.gov/articles/2016/05/31/2016-12451/elementary-and-secondary-education-act-of-1965-as-amended-by-the-every-student-succeeds). The Checklist will be updated when final regulations are released.

This checklist is intended to help stakeholders ensure that students with disabilities are addressed in the state plan and that, to the extent possible, plans are based on best practices specific to this group of students. Components of particular importance to students with disabilities appear in **bold** and suggested resources are provided.

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| **STATE PLAN REQUIREMENTS** | | | |
|  | **Required Components.** The state plan must address the requirements for the following five components and their corresponding elements (details presented below):  (1) Consultation and coordination.  (2) Challenging academic standards and academic assessments.  (3) Accountability, support, and improvement for schools.  (4) Supporting excellent educators.  (5) Supporting all students.  The state plan must describe the state’s system of performance management for implementation of state and LEA plans for each component required under the plan. This description must include—   * The state’s process for supporting the development of, review, and approval of the activities in LEA plans in accordance with statutory and regulatory requirements, including a description of how the state will determine if LEA activities are aligned with the specific needs of the LEA and the state's strategies described in its consolidated State plan. * The state's plan, including strategies and timelines, to—   + Collect and use data and information, including input from stakeholders, to assess the quality of the state and LEA implementation of strategies and progress toward improving student outcomes and meeting the desired program outcomes;   + Monitor state and LEA implementation of included programs using the above data to ensure compliance with statutory and regulatory requirements; and   + Continuously improve implementation of the state and LEA strategies and activities that are not leading to satisfactory progress toward improving student outcomes and meeting the desired program outcomes; and * The state's plan, including strategies and timelines, to provide differentiated technical assistance to LEAs and schools to support effective implementation of state, LEA, and other subgrantee strategies.   **Required Assurances.** The state must include the following assurances when submitting either a consolidated State plan or an individual program State plan for the following programs:  **Title I, part A.** The state will assure that, in applying the same approach in all LEAs to determine whether students who are enrolled in the same school for less than half of the academic year who exit high school without a regular high school diploma and do not transfer into another high school that grants a regular high school diploma are counted in the denominator for reporting the adjusted cohort graduation rate using one of the following:   * At the school in which such student was enrolled for the greatest proportion of school days while enrolled in grades 9 through 12; or * At the school in which the student was most recently enrolled.   The state will ensure that an LEA receiving funds under title I, part A of the Act will provide children in foster care transportation, as necessary, to and from their schools of origin, consistent with the procedures developed by the LEA in collaboration with the State or local child welfare agency under section 1112(c)(5)(B) of the Act, even if the LEA and local child welfare agency do not agree on which agency or agencies will pay any additional costs incurred to provide such transportation.  **Title III, part A***.* In establishing the statewide entrance procedures required under section 3113(b)(2) of the Act, the state will ensure that:   * All students who may be English learners are assessed for such status using a valid and reliable instrument within 30 days after enrollment in a school in the State; * It has established procedures for the timely identification of English learners after the initial identification period for students who were enrolled at that time but were not previously identified; and   It has established procedures for removing the English learner designation from any student who was erroneously identified as an English learner, which must be consistent with Federal civil rights obligations.  **Title V, part b, subpart 2.** The state will assure that, no later than March of each year, it will submit data to the Secretary on the number of students in average daily attendance for the preceding school year in kindergarten through grade 12 for LEAs eligible for funding under the Rural and Low-Income School program, as described under section 5231 of the Act. | | |
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| **🗸** | **Consultation and Coordination** | **Potential ways to engage stakeholders representing students with disabilities** | **How state engaged stakeholders representing students with disabilities** |
|  | Describe how the state engaged in timely and meaningful consultation with stakeholders in each of the following components:   * Challenging academic standards and academic assessments * Accountability, support, and improvement for schools * Supporting excellent educators * Supporting all students   The stakeholders must include the following individuals and entities and must reflect the geographic diversity of the state:   * The Governor, or appropriate officials from the Governor's office; * Members of the State legislature; * Members of the State board of education (if applicable); * LEAs, including LEAs in rural areas; * Representatives of Indian tribes located in the State; * Teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and organizations representing such individuals; * Charter school leaders, if applicable; * Parents and families; * Community-based organizations; * **Civil rights organizations, including those representing students with disabilities, English learners, and other historically underserved students;** * Institutions of higher education (IHEs); * Employers; and * The public. | Information on State activities implementing ESSA is available at:  <http://understandingessa.org/>  [CCSSO Stakeholder Engagement Guide](http://www.ccsso.org/Documents/2016/ESSA/CCSSO%20Stakeholder%20Engagement%20Guide%20FINAL.pdf)  and  <https://docs.google.com/document/d/1eKUcLDdsZwSwVbOsm_0C5YEsNapZB_oWBoQqnGhHMkA/edit>  See U.S. Department of Education Dear Colleague Letter to state educational agencies (SEAs) and local educational agencies (LEAs) (June 23, 2016) stressing the importance and utility of stakeholder engagement as they begin to transition to ESSA available at <http://www2.ed.gov/policy/elsec/guid/secletter/160622.html> |  |
|  | Describe how the state is coordinating its plans for administering the included programs, other programs authorized by ESSA and **IDEA**, the **Rehab Act**, Carl D. Perkins Career and Technical Education Act, the Workforce Innovation and Opportunity Act, the Head Start Act, the Child Care and Development Block Grant Act, the Education Sciences Reform Act, the Education Technical Assistance Act, the National Assessment of Educational Progress, and the Adult Education and Family Literacy Act. |  |  |
| **🗸** | **Challenging academic standards  and academic assessments** | **Best Practices for  Students with Disabilities** | **How State Plan Supports  Students with Disabilities** |
|  | Provide evidence that the state has adopted challenging academic content standards and aligned academic achievement standards |  |  |
|  | **If alternate academic achievement standards have been adopted, provide evidence that such standards meet the requirements of ESSA** |  |  |
|  | **If alternate assessments aligned with alternate academic achievement standards are provided to students with the most significant cognitive disabilities, describe**   * **the steps taken to incorporate universal design for learning, to the extent feasible, in alternate assessments and** * **that general and special education teachers, and other appropriate staff how how to administer alternate assessments, make appropriate use of accommodations for students with disabilities on all assessments** |  |  |
|  | Provide evidence that state has adopted English language proficiency standards as required by ESSA |  |  |
|  | Identify the academic assessments the state is implementing including   * math, reading/language arts and science * any assessments under the exception for advanced middle school math * **alternate assessments aligned with the state academic standards and alternate academic achievement standards for students with the most significant cognitive disabilities** * uniform statewide assessment of English language proficiency * any locally selected nationally recognized high school assessments |  |  |
|  | Describe strategies to provide all students the opportunity to be prepared for and to take advanced mathematics coursework in middle school |  |  |
|  | Describe how the state will ensure that the use of appropriate accommodations do not deny an English learner the opportunity to participate in the assessment and any of the benefits from participation afforded to students who are not English learners |  |  |
|  | Describe how the state will comply with requirements related to assessments in languages other than English |  |  |
|  | Describe how the state will use formula grant funds to pay costs of development of state assessments and standards or to administer assessments |  |  |
| **🗸** | **Accountability, support,  and improvement for schools** | **Best Practices for  Students with Disabilities** | **How State Plan Supports  Students with Disabilities** |
|  | **Describe long-term goals including how goals and measurements of interim progress for academic achievement, graduation rates, and English language proficiency were established including the timeline for attaining such goals.** |  |  |
|  | Describe statewide accountability system including   * measures included in each indicator and how they meet requirements for all students and separately for each subgroup * the subgroups of students from each major racial and ethnic group * if applicable, the procedures for including former English leaners and exception for recently arrived English learners * **minimum number of students necessary to be included in each subgroup of students** |  |  |
|  | Describe the state’s system for meaningfully differentiating all public schools (including charters), including   * distinct levels of school performance and how they are calculated under each indicator * weighting of each indicator including how certain indicators receive substantial weight individually and much greater weight in the aggregate * the summative ratings, including how they are calculated, that are provided to schools * **how the state is factoring the requirement for 95 percent student participation in assessments into its system of annual meaningful differentiation** * the state’s uniform procedure for averaging data across school years and combining data across grades * how the state will include schools in its accountability system if they:   + have none of the grade levels assessed   + have variant grade configurations   + are small schools in which the total number of students is less than the minimum number of students needed for inclusion in accountability system   + schools designed to serve **special populations** (*e.g.,* students receiving alternative programming in alternative educational settings, students living in local institutions for neglected or delinquent children, **students enrolled in State public schools for the blind**, recently arrived English learners)   + newly opened schools that do not have multiple years of data, consistent with a State's uniform procedure for averaging data |  |  |
|  | Describe the methodology the state uses to identify schools for comprehensive support and improvement including   * Lowest performing schools * Schools with low high school graduation rates * **Schools with chronically low-performing subgroups** |  |  |
|  | Describe the uniform statewide exit criteria for schools identified for comprehensive support and improvement, including the number of years over which schools are expected to meet such criteria. |  |  |
|  | **Describe the state’s methodology for identifying schools with “consistently underperforming” subgroups of students, including the definition and time period used to determine consistent underperformance.** |  |  |
|  | Describe the state’s methodology for identifying additional targeted support schools with **low-performing subgroups of students.** |  |  |
|  | Describe the uniform exit criteria for schools requiring additional targeted support due to **low-performing subgroups**. |  |  |
|  | Describe the process for making grants to LEAs to serve schools implementing comprehensive or targeted support and improvement plans |  |  |
|  | Describe the process to ensure effective development and implementation of school support and improvement plans, including evidence-based interventions to hold all public schools accountable for student academic achievement and school success and, if applicable, the list of State-approved, evidence-based interventions for use in schools implementing comprehensive or targeted support and improvement plans. | For information on evidence-based activities, strategies, and interventions see U.S. Dept. of Education Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments at <http://www2.ed.gov/policy/elsec/leg/essa/guidanceuseseinvestment.pdf> |  |
|  | Describe the more rigorous interventions required for schools identified for comprehensive support and improvement that fail to meet the exit criteria within the state-determined number of years. |  |  |
|  | Describe the process for periodically reviewing and addressing resource allocation to ensure sufficient support for school improvement in each LEA serving significant number of schools identified for comprehensive support and improvement and/or targeted support and improvement plans. |  |  |
|  | Describe any other state-identified strategies to improve low-performing schools, including timelines and funding sources. |  |  |
|  | Describe state’s process to approve, monitor, and periodically review LEA comprehensive support and improvement plans. |  |  |
|  | Describe the technical assistance the state will provide each LEA in the state serving a significant number of schools identified for comprehensive and targeted support and improvement, including technical assistance related to evidence-based interventions |  |  |
|  | Describe any additional improvement actions the state may take in LEAs or chartering agency with a significant number of schools identified for comprehensive or targeted support and improvement that are not meeting exit criteria. |  |  |
| **🗸** | **Supporting excellent educators** | **Best Practices for  Students with Disabilities** | **How State Plan Supports  Students with Disabilities** |
|  | Describe how the state’s educator development, retention and advancement systems, including, at a minimum:   * The state’s system of certification and licensing of teachers and principals or other school leaders * The state’s system to ensure adequate preparation of new educators, particularly for low-income and minority students * The state’s system of professional growth and improvement which may include the use of an educator evaluation and support system, for educators that addresses induction, development, compensation, and advancement for teachers, principals, and other school leaders if the state has elevated to implement such a system.   Alternatively, the state must describe how it will ensure that each LEA has and is implementing a system of professional growth and improvement for teachers, principals, and other school leaders that addresses induction, development, compensation, and advancement. |  |  |
|  | The state must indicate how it will use title II, part A funds and funds from other programs to support state-level strategies designed to   * Increase student achievement consistent with the challenging state academic standards * Improve quality and effectiveness of teachers and principals or other school leaders * Increase the number of teachers and principals or other school leaders who are effective in improving student academic achievement * Provide low-income and minority students greater access to effective teachers, principals, and other school leaders * Provide low-income and minority students greater access to effective teachers, principals, and other school leaders |  |  |
|  | Describe how the state will improve the skills of teachers, principals, and other school leaders in identifying **student with specific learning needs** and providing instruction based on the needs of such students including strategies for teachers of, principals or other school leaders in schools with:   * Low-income students * Lowest-achieving students * English learners * **Children with disabilities** * Children and youth in foster care * Migratory children * Homeless children and youths * Neglected, delinquent, and at-risk children * Immigrant children and youth * Students in LEAs eligible for grants under Rural and Low-income School Program * American Indian and Alaska native students * Students with low literacy levels * Students who are gifted and talented |  |  |
|  | If the state or its LEAs plan to use funds provided under the ESSA, describe how it will work with LEAs to develop or implement state and local teacher, principal or other school leader evaluation and support systems and how the state will improve educator preparation programs |  |  |
|  | If the state plans to use funds under one or more of the included programs for this purpose, how the State will improve educator preparation programs consistent with section 2101(d)(2)(M) of the Act. |  |  |
|  | Describe the state’s rationale for, and its timeline for the design and implementation of, the strategies identified above |  |  |
|  | The state must demonstrate whether low-income and minority students enrolled in schools that receive funds under title I, part A are taught at disproportionate by ineffective, out-of-field, or inexperienced teachers compared to non-low-income and non-minority students enrolled in schools not receiving funds under title I, part A |  |  |
|  | The state must establish and provide different definitions, using distinct criteria so that each provides useful information about educator equity and disproportionality rates, for each of the following terms:   * A statewide definition of “ineffective teacher”, or statewide guidelines for LEA definitions of “ineffective teacher”, that differentiates between categories of teachers; * A statewide definition of “out-of-field teacher” consistent with § 200.37; * A statewide definition of “inexperienced teacher” consistent with § 200.37; * A statewide definition of “low-income student”; * A statewide definition of “minority student” that includes, at a minimum, race, color, and national origin, consistent with title VI of the Civil Rights Act of 1964; and * Such other definitions for any other key terms that a State elects to define and use |  |  |
|  | Describe where the state will publish and annually update the rates and disproportionalities required to be calculated and report on the rates and disproportionalities in the manner that is easily accessible and comprehensible. |  |  |
|  | If the state’s calculations of rates and disproportionalities indicate that low-income or minority students enrolled in schools receiving funds under title I, part A are taught at disproportionate rates by ineffective, out-of-field, or inexperienced teachers the state must—   * Describe the root cause analysis, including the level of disaggregation of disproportionality data (*e.g.,* statewide, between districts, within district, and within school), that identifies the factor or factors causing or contributing to the disproportionate rates and * Provide its strategies, including timelines and funding sources, to eliminate the disproportionate rates that—   + Is based on the root cause analysis; and   + Focuses on the greatest or most persistent rates of disproportionality, including by prioritizing strategies to support any schools identified for comprehensive or targeted support and improvement that are contributing to those disproportionate rates.   To meet the requirements above, the state may—   * Direct an LEA, including an LEA that contributes to the disproportionality demonstrated by the state to use a portion of its title II, part A, funds in a manner that is consistent with allowable activities identified in section 2103(b) of the Act to provide low-income and minority students greater access to effective teachers and principals or other school leaders, and * Require an LEA to describe in its title II, part A plan or consolidated local plan how it will use title II, part A funds to address disproportionality in educator equity as described in this paragraph (c) and deny an LEA's application for title II, part A funds if an LEA fails to describe how it will address identified disproportionalities or fails to meet other local application requirements applicable to title II, part A. |  |  |
| **🗸** | **Supporting all students** | **Best Practices for  Students with Disabilities** | **How State Plan Supports  Students with Disabilities** |
|  | Describe the state’s strategies, its rationale for the selected strategies, timelines, and how it will use funds under the programs included in its consolidated State plan and support LEA use of funds to ensure that all children have a significant opportunity to meet challenging State academic standards and career and technical standards, as applicable, and attain, at a minimum, a regular high school diploma for, at a minimum, the following:   * The continuum of a student's education from preschool through grade 12, including transitions from early childhood education to elementary school, elementary school to middle school, middle school to high school, and high school to post-secondary education and careers, in order to support appropriate promotion practices and decrease the risk of students dropping out; * Equitable access to a well-rounded education and rigorous coursework in subjects such as English, reading/language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, history, geography, computer science, music, career and technical education, health, physical education, and any other subjects in which female students, minority students, English learners, **children with disabilities**, and low-income students are underrepresented   School conditions for student learning, including activities to reduce—   * **Incidents of bullying and harassment;** * **The overuse of discipline practices that remove students from the classroom, such as out-of-school suspensions and expulsions; and** * **The use of aversive behavioral interventions that compromise student health and safety;**   The effective use of technology to improve the academic achievement and digital literacy of all students;  Parent, family, and community engagement;  The accurate identification of English learners and **children with disabilities**; and  Other State-identified strategies.  In describing its strategies, rationale, timelines, and funding sources the state must consider—   * The academic and non-academic needs of subgroups of students including—   + Low-income students.   + Lowest-achieving students.   + English learners.   + **Children with disabilities.**   + Children and youth in foster care.   + Migratory children, including preschool migratory children and migratory children who have dropped out of school.   + Homeless children and youths.   + Neglected, delinquent, and at-risk students identified under title I, part D of the Act.   + Immigrant children and youth.   + Students in LEAs eligible for grants under the Rural and Low-Income School program under section 5221 of the Act.   + American Indian and Alaska Native students. * Data and information on resource equity | See U.S. Department of Education Office of Special Education and Rehabilitative Services Dear Colleague Letter on Free and Appropriate Public Education (FAPE), November 16, 2015 on available at <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-fape-11-17-2015.pdf>.  See:  **OSERS 2013 Dear Colleague: Bullying of Students with** Disabilities at <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf>  U.S. Department of Education information and resources at *Rethinking Discipline* at <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>  Positive Behavioral Interventions and Supports (PBIS) at <http://www.pbis.org/> |  |
|  | In its consolidated State plan, the state must use information and data on resource equity collected and reported under section 1111(h) of the Act including a review of LEA-level budgeting and resource allocation related to—   * Per-pupil expenditures of Federal, State, and local funds; * Educator qualifications * Access to advanced coursework; and * The availability of preschool. |  |  |
|  | Describe how the state will use title IV, part A and part B funds, and other Federal funds—   * To support the State-level strategies described in this section and other State-level strategies, as applicable; and * To ensure that, to the extent permitted under applicable law and regulations, the processes, procedures, and priorities used to award subgrants under an included program are consistent with the requirements of this section. |  |  |
|  | Describe how the state will use the information and data regarding resource equity to inform review and approval of LEA applications and technical assistance in the implementation of LEA plans. |  |  |
|  | Describe the process and criteria the state will use to waive the 40 percent schoolwide poverty threshold under section 1114(a)(1)(B) of the Act submitted by an LEA on behalf of a school, including how the state will ensure that the schoolwide program will best serve the needs of the lowest-achieving students in the school. |  |  |
|  | (Title I, part C)  Describe how the state and its local operating agencies (which may include LEAs) will—   * Establish and implement a system for the proper identification and recruitment of eligible migratory children on a statewide basis, including the identification and recruitment of preschool migratory children and migratory children who have dropped out of school, and how the SEA will verify and document the number of eligible migratory children aged 3 through 21 residing in the State on an annual basis; * Assess the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, and other needs that must be met in order for migratory children to participate effectively in school; * Ensure that the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, and other needs that must be met in order for migratory children to participate effectively in school, are identified and addressed through the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs; and * Use funds received under title I, part C to promote interstate and intrastate coordination of services for migratory children, including how the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year; |  |  |
|  | Describe:   * the unique educational needs of the state's migratory children, including preschool migratory children and migratory children who have dropped out of school, and other needs that must be met in order for migratory children to participate effectively in school, based on the state's most recent comprehensive needs assessment; * The current measurable program objectives and outcomes for title I, part C, and the strategies the SEA will pursue on a statewide basis to achieve such objectives and outcomes; * How the state will ensure there is consultation with parents of migratory children, including parent advisory councils, at both the state and local level, in the planning and operation of title I, part C programs that span not less than one school year in duration consistent with section 1304(c)(3) of the Act; * The state’s processes and procedures for ensuring that migratory children who meet the statutory definition of “priority for services” are given priority for title I, part C services, including—   + The specific measures and sources of data used to determine whether a migratory child meets each priority for services criteria;   + The delegation of responsibilities for documenting priority for services determinations and the provision of services to migratory children determined to be priority for services; and   + The timeline for making priority for services determinations, and communicating such information to title I, part C service providers. |  |  |
|  | (Title III, part A) Describe the state’s standardized entrance and exit procedures for English learners, consistent with section 3113(b)(2) of the Act. These procedures must include valid and reliable, objective criteria that are applied consistently across the State. At a minimum, the standardized exit criteria must—   * Include a score of proficient on the State's annual English language proficiency assessment; * Be the same criteria used for exiting students from the English learner subgroup for title I reporting and accountability purposes; * Not include performance on an academic content assessment; and * Be consistent with Federal civil rights obligations. |  |  |
|  | (Title V, part B, subpart 2) The state must provide its specific measurable program objectives and outcomes related to activities under the Rural and Low-Income School program, if applicable. |  |  |
|  | McKinney-Vento Education for Homeless Children and Youths program  The state must describe—   * The procedures it will use to identify homeless children and youths in the state and assess their needs; * Programs for school personnel (including liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Act, principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of homeless children and youths, including such children and youths who are runaway and homeless youths; * Its procedures to ensure that—   + Disputes regarding the educational placement of homeless children and youths are promptly resolved;   + Youths described in section 725(2) of the McKinney-Vento Act and youths separated from the public school are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youths described in this paragraph from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school polices;   + Homeless children and youths have access to public preschool programs, administered by the SEA or LEA, as provided to other children in the State;   + Homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities; and   + Homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, and local nutrition programs; and * The state’s strategies to address problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays and retention, consistent with section 722(g)(1)(H) and (I) of the McKinney-Vento Act. | See *Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations*, section on Students Receiving Special Education and Related Services at <http://www.naehcy.org/sites/default/files/dl/legis/2016-09-16_FAQ_FINAL.pdf> |  |

**See also:**

* U.S. Dept. of Education ESSA information: <http://www2.ed.gov/policy/elsec/leg/essa/index.html>
* **Council of Chief State School Officers:** ESSA: Key Provisions and Implications for Students with Disabilities at <http://www.ccsso.org/Documents/2016/ESSA/ESSA_Key_Provisions_Implications_for_SWD.pdf>

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Available online at [www.AdvocacyInstitute.org/ESSA/EquityChecklist.docx](http://www.AdvocacyInstitute.org/ESSA/EquityChecklist.docx)



***A not-for-profit organization dedicated to services and projects that work to   
improve the lives of children, youth and adults with disabilities***

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