



Technology *for*
Education Consortium

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SRI International

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On December 10, 2015, President Obama signed the Every Student Succeeds Act (ESSA), replacing No Child Left Behind (NCLB). NCLB had been in effect since 2001. ESSA is intended to significantly change education policy and is one of the few federal legislative actions with significant bipartisan support.

TEC's **ESSA EdTech Watch** is a quarterly report tracking ESSA developments and its potential impact on education technology spending and policy. This report is produced jointly by the Technology for Education Consortium (TEC) And SRI international.

SRI International has decoded the 1,061-page long ESSA report and is actively following US DOE and Congressional communication as components of the new law are clarified, authorized and funded. TEC will publish these ESSA Watch reports quarterly as the new law transitions into effect during the 2016-17 school year. This first report provides a summary brief with latest developments, followed by the full report.



ESSA EdTech Watch June 2016, Issue 1 Summary Brief

ESSA will be phased in during the 2016-17 school year and be fully in effect in 2017-18.

The Department of Education's Office of Educational Technology anticipates providing additional guidance on educational technology in ESSA by fall of this year. However, their guidance would not be binding.

The Student Support and Academic Enrichment (SSAE) Grant is the primary source for educational technology funding in ESSA. SSAE is authorized at \$1.65 billion under Title IVa of ESSA but will likely get funded at a much lower amount.¹ Many No Child Left Behind (NCLB) programs were cut, eliminated or consolidated in order to create the single SSAE/Title IVa block grant.

Districts receiving \$30,000 or more of SSAE/Title IVa funds are required to conduct a needs assessment to consider how best to allocate funds across the three SSAE priority areas. At least 20% must be spent on well-rounded educational opportunities and 20% on safe and healthy student programs. Funding will not be distributed prior to the first needs assessment, expected to be conducted in school year 2016-17. The needs assessment application should include a description of any partnerships with other entities (such as nonprofits organizations or other school districts); a plan for how funds will be used; and objectives, intended outcomes, and how the district will evaluate the effectiveness of the activities.

For district that receive less than \$30,000 there are no similar requirements or funding restrictions.

Only 15% of funds can be spent on "purchasing devices, equipment, and software applications in order to address readiness shortfalls." This cap has been widely criticized and may be revised.

Programs that improve use of technology, including professional learning efforts, and digital citizenship are a focus of the legislation. The 15% cap on equipment and software seems clearly intended to drive investment in comprehensive programs that emphasize supporting teachers and students in using available technology vs. buying more technology.

Latest news: On June 9th, the Senate Appropriations Committee approved the FY2017 Labor, Health and Human Services, and Education and Related Agencies (Labor-HHS) Appropriations Bill with just \$300 million for Title IV. This amount is dramatically less than the \$1.65 billion initially authorized. The House has not yet started marking up its counterpart appropriations bill. Usually, all of the appropriations bills are passed before August recess. Both the House and Senate will need to debate and potentially amend.

¹ ESEA is broken into several sections, or titles. For instance, Title I provides additional funding to schools serving low-income students.



ESSA EdTech Watch June 2016, Issue 1 Full Report

June 2, 2016

On December 10, 2015, President Obama signed the bipartisan Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA), replacing its last authorization, No Child Left Behind (NCLB). This memo outlines available information on how ESSA funds could be spent on educational technology. The law will transition into effect in the 2016-17 school year and be fully in effect in 2017-18. Information in this memo is based on known information at this point in time, and Department of Education guidance is expected to solidify over the summer.

[The Student Support and Academic Enrichment \(SSAE\) Grant is the primary source for educational technology funding in ESSA. SSAE is authorized at \\$1.65 billion under Title IVa of ESSA but will likely get funded at a much lower amount.](#)²

Many programs such as the School Improvement Grants (SIG) program were cut in ESSA, and other smaller educational programs, such as the Enhancing Education Through Technology (EETT) program, were eliminated. Remaining programs from NCLB, such as the Elementary and Secondary School Counseling Program, and a few new programs were consolidated in a single grant titled the Student Support and Academic Enrichment (SSAE) Grant, also known as Title IVa. The purpose of SSAE is to “...improve students’ academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to—

- (1) provide all students with access to a well-rounded education;
- (2) improve school conditions for student learning; and
- (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.” (Every Student Succeeds Act of 2015)

Title IVa was authorized in ESSA at \$1.65 billion. However, President Obama only requested \$500 million in his budget for Title IVa. Technology advocates (i.e. the Software & Information Industry Association [SIIA]) hope that \$500 million represents the lowest possible funding amount, but still expect Congress to appropriate far less than \$1.65 billion.

Currently, the grants under Title IVa are designed to be distributed to states and local education agencies (LEAs)³ by a formula tied to the distribution of Title I funds (i.e. population and poverty). At

² ESEA is broken into several sections, or titles. For instance, Title I provides additional funding to schools serving low-income students.

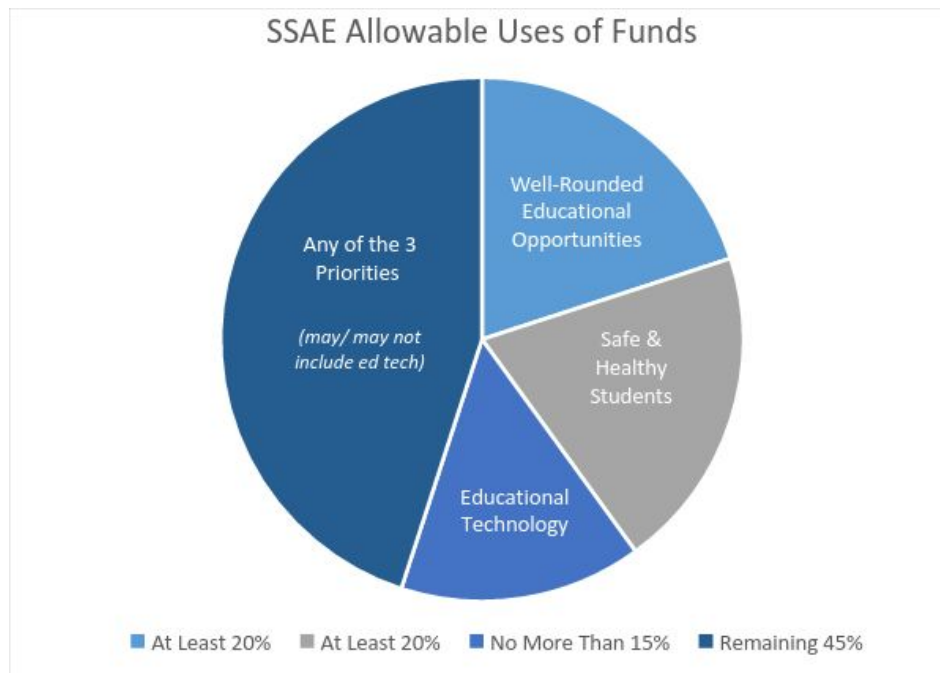
³ Often used interchangeably with “district,” an LEA is defined in ESEA as an administrative agency recognized by the state for the administrative control of public schools in a designated area.

least 95% of funds must be given directly to LEAs. Each LEA is guaranteed a minimum of \$10,000 in Title IVa funding unless the state does not receive enough funding to distribute \$10,000 to each district. In those cases, grant amounts may be reduced proportionally.

President Obama’s low budget request for SSAE suggests that the program may instead be operated as a competitive grant program. If the overall appropriated amount is low, states would not have sufficient funds to distribute meaningful amounts to LEAs via formula.⁴ Under a competitive grant structure, LEAs would compete with other LEAs for a larger amount of limited funding.

The SSAE program has three categories of allowable uses of funds: well-rounded educational opportunities, safe and healthy students, and *supporting the effective use of technology*.

For LEAs that receive \$30,000 or more, at least 20% of SSAE funding is required to be spent on well-rounded educational opportunities and at least 20% on safe and healthy student programs. However, if a district receives less than \$30,000, it is not subject to those restrictions. Regardless of grant size, *there is no minimum percentage to be spent on educational technology.*



Note: For LEAs which receive \$30,000 or more, between 15-60% of funds could be used to support effective use of technology. Whether it is 15% or higher may change based on Department of Education guidance.

Only 15% of funds can be spent on “*purchasing devices, equipment, and software applications in order to address readiness shortfalls.*” But in some cases, this cap may not apply.

⁴ \$500 million divided by the number of Title I schools in 2010-11 (approximately 66,000, according to NCES), gives each Title I school approximately \$7,500. While this is not the exact formula that would be used, it illustrates the limited funding.



LEAs are limited to spending no more than 15% on infrastructure/software within Title IVa grants. Currently, some stakeholders disagree as to whether the 15% cap applies *only* to purchases intended to address “readiness shortfalls.” Some industry advocates have said that if a district is not addressing a readiness shortfall with the expenditure, then the district should not be subject to the 15% cap. In that case, the district may have flexibility to use up to 60% of their allocation on a priority of their choosing. Without additional guidance from the U.S. Department of Education, LEAs may have flexibility to get around the 15% cap if a district determines that a technology purchase does not support “readiness shortfalls.”

Existing programs consolidated into SSAE had appropriations in previous years totaling less than the President’s requested \$500 million.⁵ At this time, it is not clear how Congress would come up with the additional \$1.1 billion to meet the authorized funding level. If SSAE is funded at a level closer to \$500 million, then few districts would meet the \$30,000 threshold required to split funding for the well-rounded educational opportunities and safe and healthy students priorities.

Anticipated Guidance on Educational Technology in ESSA

The Department of Education’s Office of Educational Technology anticipates providing additional guidance on educational technology in ESSA by fall. However, this guidance would not be binding.

The Department is currently seeking public comment on which parts of ESSA it should issue non-regulatory guidance.⁶ At this time, we anticipate the Department to issue guidance, rather than binding regulation, regarding most areas of ESSA that concern educational technology. The purpose of this **non-binding** guidance is to provide clarification, suggestions, and examples of best practices for districts implementing ESSA. The Department hopes to issue guidance on Title IVa by the start of the 2016-2017 school year.⁷ To date, the [FAQs](http://www2.ed.gov/policy/elsec/leg/essa/faq/essa-faqs.pdf) (<http://www2.ed.gov/policy/elsec/leg/essa/faq/essa-faqs.pdf>) issued to help states and districts in the transition from NCLB to ESSA do not include any information on Title IVa. Educational technology was not a focus of the recent ESSA negotiated rule-making process in spring 2016.

ESSA Needs Assessment for Title IVa Spending

While Title IVa funding will not be distributed to states and LEAs this fall, LEAs can start considering how they would allocate funds during school year 2016-17. LEAs that receive more than \$30,000 are required to conduct a needs assessment to consider how best to allocate funds across the three SSAE priority areas.

Districts receiving more than \$30,000 are required to conduct a needs assessment as described in Title IVa during school year 2016-2017. The current description of the needs assessment in SSAE is broad and follows the program’s three priority areas. Districts will need to check for additional guidance from their state’s education agency, since states may develop their own criteria for evaluating the needs assessments. ESSA Section 4106 (d) specifies the following:

⁵ <http://cef.org/2701-2/>

⁶ To comment on this guidance or ask questions, e-mail essa.questions@ed.gov

⁷ On May 6, 2016, the Department’s Office of Educational Technology hosted a listening session with stakeholders to seek comment on areas where light guidance would be helpful in implementation of Title IVa block grants.



An LEA shall conduct a comprehensive needs assessment to examine needs for improvement of:

- a) Access to, and opportunities for, a well-rounded education for all students;
- b) School conditions for student learning in order to create a healthy and safe school environment; and
- c) Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology. (Every Student Succeeds Act of 2015)

The needs assessment must be conducted every three years. Funding will not be distributed prior to the first needs assessment, expected to be conducted in school year 2016-17. The needs assessment application should include a description of any partnerships with other entities; a plan for how funds will be used; and objectives, intended outcomes, and how the district will evaluate the effectiveness of the activities.

While only personalized learning and professional development are directly referenced with regards to technology, it should be noted that the categories for spending Title IVa funds are much broader (see below) and include uses of educational technology beyond what most consider “personalized learning.”

Select ESSA Statutory Text

To help clarify what kinds of educational technology could actually be purchased with SSAE funds, in this section we provide text directly from the legislation, along with our comments. Section 4109 lists activities to support the effective use of technology. Language in *[brackets]* is from SRI. Bolded language is emphasis added by SRI.

Section 4109. Activities to Support the Effective Use of Technology.

- (a) USES OF FUNDS – Subject to section 4106(f) *[the needs assessment]*, each local educational agency, or consortium of such agencies, that receives an allocation under section 4015(a) *[a Title IVa allocation]* shall use a portion of such funds to improve the use of technology to improve the academic achievement, academic growth, and digital literacy of all students, including by meeting the needs of such agency or consortium that are identified in the needs assessment conducted under section 4106(d) (if applicable), which may include—

[Comment: “May include” means the following are only suggestions. LEAs can innovate outside the ideas below, as long as the proposed activity supports academic achievement, academic growth, and digital literacy.]

- (1) Providing educators, school leaders, and administrators with the **professional learning** tools, devices, content, and resources to—
 - a. Personalize learning to improve student academic achievement;
 - b. Discover, adapt, and share relevant high-quality educational resources;
 - c. Use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies; and
 - d. Implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning;



- (2) Building **technological capacity and infrastructure**, which may include—
 - a. Procuring content and ensuring content quality; and
 - b. Purchasing devices, equipment, and software applications in order to address readiness shortfalls;

[Comment: At the May 6, 2016, meeting at which the Department sought input on areas needing further guidance, it was clear that “infrastructure” here does not refer to school connectivity infrastructure.]

- (3) Developing or using effective or innovative strategies for the delivery of **specialized or rigorous academic courses** and curricula through the use of technology, including digital learning technologies and assistive technology;
- (4) Carrying out **blended learning** projects, which shall include—
 - a. Planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities; or
 - b. Ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project;
- (5) Providing professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in the areas of **science, technology, engineering, and mathematics**, including computer science; and
- (6) Providing students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators.

[Comment: We anticipate that additional guidance will make clear that Sec. 4109 (a) (6) does not include support for home Internet access for students.]

- (b) SPECIAL RULE – A local educational agency, or consortium of such agencies, shall not use more than 15 percent of funds for purchasing technology infrastructure as described in subsection (a)(2)(B) [*“purchasing devices, equipment, and software applications in order to address readiness shortfalls”*], which shall include technology infrastructure purchased for the activities under subsection (a)(4)(A) [*“blended learning technology software and platforms, the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases”*]. (Every Student Succeeds Act of 2015)

Further clarification and guidance as well as changes including information regarding the full allocation and the 15% cap will be reported in our next issue.



We hope this report has been helpful. If you have any questions or would like additional



information please contact Hal Friedlander at hfriedlander@techedconsortium.org. TEC offers information services at no cost to leaders of public school districts and public charter organizations.

The Technology for Education Consortium (TEC) is a non-profit organization whose mission is to bring transparency, efficiency, and collaboration to K-12 schools engaged in evaluating and purchasing edtech products and services. We believe that greater transparency and better information will allow school districts to improve results, reduce costs and support new product development.

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