



## MEMORANDUM

FROM: **Council of Chief State School Officers**  
DATE: **December 9, 2015**  
TO: **Chiefs, Deputies, Federal Liaisons, and Communications Directors**  
SUBJECT: **Overview of Projected ESSA Implementation Timeline**

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While we cannot predict the Every Student Succeeds Act (ESSA) implementation timeline with complete certainty at this point, we can make educated guesses as to the timelines for major elements of the roll-out. Below please find our current thinking about ESSA timelines, which we will revise as necessary as the process moves forward. If you have questions or concerns, please contact [Peter.Zamora@CCSSO.org](mailto:Peter.Zamora@CCSSO.org).

### **Major Timeline Policies Codified in Legislation**

The legislation includes certain specific timelines to guide transition and implementation:

- **Waivers.** The legislation specifies that statewide ESEA waivers are null and void on or after August 1, 2016.
- **Title I Accountability.** The legislation contains several transition provisions that impact Title I accountability. Current adequate yearly progress (AYP) requirements are effective through August 1, 2016. The legislation also allows for an 18-month transition period for states to align their accountability systems to the new requirements and begin identifying schools in need of interventions. The new accountability system shall take effect at the beginning of the 2017–2018 school year. Schools and local educational agencies that have been identified for school improvement, corrective action, restructuring under current law or as priority or focus schools under ESEA waivers must continue to implement any interventions required under those authorities either until their state has a new Title I plan approved or the accountability provisions of the legislation go into effect.
- **Multi-Year Competitive Grants for Programs That Are Reauthorized.** If a competitive grant program is reauthorized or substantially similar to a previous program that is in the middle of a multi-year grant cycle, then the funding of the grant will continue for the length of the grant award, subject to annual appropriations.
- **Multi-Year Competitive Grants for Programs That Are Not Reauthorized.** A program that is no longer authorized in the legislation will get *only* one more year of funding in Fiscal Year (FY) 2016 (subject to appropriations) and then it will end, even if there are years left in grants made by the program prior to reauthorization.
- **Implementation of Other ESEA Provisions.** While the legislation is generally effective upon the date of enactment, it also includes special effective dates for the following provisions:

- **Formula Programs.** For noncompetitive programs (i.e. formula programs), the effective date is July 1, 2016.
- **Competitive Programs.** For competitive programs, the effective date is October 1, 2016 (unless otherwise provided for).
- **Impact Aid.** For Impact Aid, the provisions of the Act are effective for appropriations provided in FY2017.
- **Orderly Transition.** The legislation provides the Secretary with the authority to provide for the “orderly transition” to the new law. The legislation also specifies that if a program is no longer authorized under the new law, the Secretary’s transition authority does not apply to those programs.

CCSSO is pleased to have advocated on your behalf for a transition period for Title I accountability that will allow states to develop, in consultation with state stakeholders, strong state accountability systems under the new law. CCSSO plans to provide comprehensive supports to states throughout this process.

### **Educated Predictions on the Regulatory Timeline**

While the Every Student Succeeds Act codifies many specific federal education policies, it also requires USED to develop and publish implementing regulations to interpret provisions that are unclear or where greater specificity is required for transition purposes. CCSSO intends to be very engaged in the regulatory process and encourages your engagement as well.

In order to estimate a potential timeline, we had to make certain assumptions. The first is that the President signs the conference report into law on December 17, 2015. This would be the day the implementation clock starts ticking – the date of enactment. He could actually sign the bill before or after this date.

Some key implementation must-dos written into the statute:

- As under current law, ED has one year to issue final regulations from the date of enactment.
- ED must do negotiated rulemaking on Title I standards, assessments, and Title I supplement not supplant, at a minimum.
- If consensus is not reached through the negotiated rulemaking process, Congress must be provided a copy of the Notice of Proposed Rulemaking (NPRM) 15 days prior to it being published and be afforded the ability to comment.

Given all of these key timeline elements, the following is an estimation of an aggressive timeline for implementing the new law:

- **December and January.** ED develops and implements a process for assembling a negotiated rulemaking panel and drafts standards and assessments regulations for the panel to review.
- **January 25.** ED sends the panel the draft regulations.

- **February 8–12.** The negotiated rulemaking panel meets (past precedent is for finishing this process in one week).
- **February 15–March 25 (6 weeks).** ED drafts an Notice of Proposed Rulemaking (NPRM) that incorporates the negotiated rulemaking consensus (or, in the absence of a consensus, ED's own proposal) and adds additional regulatory proposals on issues that were not required to be part of negotiated rulemaking such as accountability, private school participation, etc. ED works through its own clearance processes and then sends it to the U.S. Office of Management and Budget (OMB) for its clearance.
- **March 28–April 15 (3 weeks).** Review of the NPRM by OMB, the White House and other relevant agencies as appropriate. During this time there is often back and forth, passing of paper and conversations among the parties. Then, OMB will give its final clearance approval.
- **April 18.** The entire NPRM, or the required parts of the NPRM, goes to Congress for its review. Fifteen days for review – if no consensus was reached during negotiated rulemaking – with May 3 as a deadline for comments.
- **May 4–20.** ED makes final changes based on Congressional input and sends the NPRM to the Federal Register.
- **May 23.** The NPRM is published and the public has 60 days to comment.
- **July 25.** Deadline for public comments on the NPRM.
- **July 25–October 25 (3 months).** ED reviews comments and develops final policies. Then ED drafts final regulations, including responses to comments. The final language needs to again go through an internal review at ED and then OMB has to do its own final clearance review during this period.
- **October 26.** Final publication of the new regulations.