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July 19, 2016

TO: Chief School Administrators  
Charter School Lead Persons  
Renaissance School Project Lead Persons

FROM: Peter Shulman, Deputy Commissioner  
Division of Talent and Performance

Susan Martz, Assistant Commissioner  
Division of Learning Supports and Specialized Services

SUBJECT: Every Student Succeeds Act (ESSA) Updates

IN THIS MEMO:

- I. [Updated Qualifications for Paraprofessionals](#)
- II. [Federal Regulations Proposed](#)
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The *Every Student Succeeds Act (ESSA)*, signed into law on December 10, 2015, replaces *No Child Left Behind* and is the latest reauthorization of the *Elementary and Secondary Education Act (ESEA)*. Below are key *ESSA* updates:

- I. **Qualifications for Paraprofessionals:** In the [June 29, 2016 update to its ESSA Transition FAQs](#), the U.S. Department of Education revised its guidance regarding qualifications for paraprofessionals in Title I school-wide and targeted assistance programs whose salaries are paid using Title I, Part A funds (see C-7a on page 21). As a result, information in the New Jersey Department of Education's (NJDOE) [April 5 Broadcast Memo](#) to school officials has been corrected to reflect the updated guidance, which states:

School districts receiving Title I, Part A funds **must continue to comply with previous qualification rules for paraprofessionals**. Specifically, school districts must continue to ensure that each paraprofessional who is hired by the school district

and works in a program supported by Title I, Part A funds (Sections 1119 (c) and (d) of *NCLB*):

- Has a secondary school diploma or its recognized equivalent; **and**
- Has met one of the following:
  - Completed at least two years of study at an institution of higher education,
  - Obtained an associate's or higher degree, or
  - Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment, knowledge of, and the ability to assist in instructing, reading, writing, and mathematics.

For information on how these rules have been and will continue to be applied in New Jersey, review the [NJDOE's FAQ regarding Title I and paraprofessionals](#). Please email questions or concerns to [titleone@doe.state.nj.us](mailto:titleone@doe.state.nj.us).

**II. Federal Regulations Proposed:** The U.S. Department of Education (USED) published two rounds of proposed regulations relating to the implementation of *ESSA*:

- On [May 31, 2016](#) USED published rules regarding:
  - State accountability systems;
  - Data reporting requirements; and
  - Content and procedures for the development of state *ESSA* implementation plans.
- On July 11, 2016 USED published rules regarding:
  - [Federally required assessments](#); and
  - [Innovative assessment pilots](#) allowed under the law.

**None of these regulations are final** and the U.S. Department of Education has invited stakeholders to comment on the regulations during the 60-day comment period:

- The deadline to [comment on May 31 regulations](#) is August 1, 2016.
- The deadline to [comment on July 11 regulations](#) is September 11, 2016.

**III. Non-regulatory Federal Guidance on Students in Foster Care:** On June 23, the U.S. Department of Education published [guidance on new requirements regarding students in foster care under \*ESSA\*](#). The law requires state educational agencies, school districts, and child welfare agencies to work collaboratively to ensure educational stability for students in foster care. If a student moves due to entering the foster care system or changing foster care placements, the student must be allowed to remain in his or her school of origin unless it is determined to be in the student's best interest to change schools. The law also requires these agencies to ensure the students in foster care who do change schools are enrolled in a new school "without delay." These new rules are set to take effect December 10, 2016.

Note that the new rules regarding educational stability for students in foster care are similar to existing rules [regarding homeless children \(see page 13\)](#). The NJDOE is available to assist school districts in developing consistent educational stability policies. Email questions or concerns to [titleone@doe.state.nj.us](mailto:titleone@doe.state.nj.us).

- IV. **Highly Qualified Teachers (HQT):** As stated in the April 5 Broadcast Memo, the HQT provision under *No Child Left Behind* has been eliminated from *ESSA*. **Effective immediately, USED will not be enforcing HQT requirements and districts will not be required to implement HQT improvement plans.** Although HQT has been eliminated, **all educators in New Jersey are still required to hold the appropriate state license for the given position** (see *N.J.A.C.* 6A:9B-8 through 11 for more information on New Jersey certification requirements).

For the vast majority of positions, nothing should change about a school’s ability to place teachers in certain roles, with the exception of small changes to the placement of teachers in special-education and/or middle-school settings who were certified under rules existing prior to 2004. For more details, see [updated HQT resources](#).

Title I schools are still required to send out initial “right to know” letters at the beginning of the school year informing parents they may request certain information about the professional qualifications of their students’ teachers and paraprofessionals. However, these **schools are no longer required to send out notification letters if students are served by a non-HQT instructor for more than four weeks.**

- V. **Stakeholder Outreach and Additional Resources:** The NJDOE is committed to meeting *ESSA*’s requirement of engaging in meaningful and ongoing stakeholder engagement and is eager to hear feedback that will help to inform the NJDOE’s efforts to continually improve its strategies to improve student outcomes.

For stakeholder updates and opportunities and additional resources, see the NJDOE’s [ESSA webpage](#). Examples of such updates and opportunities include—

- Presentations with NJDOE updates and approach to stakeholder engagement
- Survey links to provide feedback on how NJDOE reports public school data
- Dates and locations for upcoming public comment sessions on *ESSA*:

Date	Time	Location
September 6, 2016	4:00 – 6:00 p.m.	College of St. Elizabeth 2 Convent Rd Morristown, NJ 07690 Dolan Performance Hall
September 8, 2016	4:00 – 6:00 p.m.	Rowan College at Gloucester County 1400 Tanyard Rd Sewell, NJ 08080 Lecture Room 430
Session #3	TBD	TBD
Registration information for these events will be available on the NJDOE’s <a href="#">Events webpage</a> .		

Send questions, recommendations, concerns or requests for updates to [essa@doe.state.nj.us](mailto:essa@doe.state.nj.us). The NJDOE is eager to engage with members of our school community.

c: Members, State Board of Education  
David C. Hespe, Commissioner  
Senior Staff  
Diane Shoener  
Executive County Superintendents  
Executive Directors for Regional Achievement Centers  
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