



Every Student Succeeds Act

## Winning Professional Development through the Every Student Succeeds Act (ESSA)

The ESSA includes several references to educator involvement in developing and implementing professional development, both in bargaining and non-bargaining states. These provisions are one of the many aspects of the new law that offer opportunities for educators to have input into teaching and learning conditions.

Under Title I, local education agencies (LEAs, which is the legislative term for school districts and other education entities ) that serve the lowest performing schools and those that serve any subgroup of underperforming students must develop and implement a comprehensive support and improvement plan for those schools. This plan must be developed in “partnership” with stakeholders, which includes teachers and parents. Subsection 1111 (d) addresses “School Support and Improvement Activities” and contains specific language to ensure that contractual and collective bargaining rights are not altered or affected by implementation under this subsection. See Subsection §1111(d)(4). What those rights are will vary from state to state and contract to contract.

Depending on the scope of your state’s collective bargaining law, professional development may be a mandatory or permissive subject of

bargaining and would be covered by the savings clause. In states where educators do not have the right to bargain, local associations can assert the right of educators to participate in the partnership process with other stakeholders, thereby having a voice in developing a support and improvement plan that includes professional development that increases educator effectiveness and student performance.

The law also sets forth the requirements for LEA Plans. It states that an LEA must develop a plan in “timely and meaningful consultation” with teachers, specialized instructional support personnel, paraprofessionals, other appropriate school personnel, and parents. Among other things, educators should exercise their voice to influence instructional methods, which could include professional development.

In addition, Title I covers Schoolwide Programs that upgrade the entire educational system of a school that serves a large population of low-income students. The ESSA mandates that school-wide programs be developed with the “involvement” of teachers, specialized instructional support personnel, paraprofessionals, school staff, parents, and the community.

<sup>1</sup> LEA refers to school districts, vocational schools, charter schools, and county or regional education service centers.

The educator voice authorized in this section can be used to make decisions related to determining appropriate and useful professional development activities.

Title II authorizes grants to state educational agencies (SEAs) and LEAs to increase student achievement, improve teachers and principal quality and effectiveness, increase the number of effective teachers and principals, and provide low-income and minority students greater access to effective teachers and principals.

Under Title II, LEAs are eligible for sub-grants, which may be used to support:

- ▶ Professional growth and career advancement for teachers and paraprofessionals.
- ▶ Training and professional development and improvement for teachers.

The law requires the LEA to “meaningfully consult” with teachers, specialized instructional support personnel, paraprofessionals, parents, and community partners, in developing the grant application.

The ESSA also establishes a Teacher and School Leader Incentive Program, which essentially replaces the former Teacher Incentive Fund, authorizing comprehensive performance-based compensation systems or human capital management systems for raising student achievement and closing the achievement gap. Professional development is listed as an element of a human capital management system.

The application for a Teacher and School Leader Incentive Program grant must include “evidence of support and commitment” from teachers. Further, the law requires the performance-

based compensation system or human capital management system be developed, implemented, improved, or expanded in “collaboration” with teachers and members of the public.

Moreover, a carve-out to protect existing contractual and collective bargaining rights applies to the entirety of Title II. See § 2302(b). Therefore in implementing the topics covered in Title II, including professional development and advancement, – the employer cannot contravene existing contractual or collective bargaining rights.

There are also additional references to professional development opportunities for educators in the remaining titles, including literacy education, American history and civics, STEM, language instruction for English Language Learners, improved understanding of the history and culture of Indian, Native Hawaiian, and Alaska Native students, and education of homeless students.

## Resources:

The NEA Collective Bargaining & Member Advocacy Department (CBMA) has significant resources related to bargaining and advocating for educators’ professional development.

- ▶ Professional Development Benefits Students – This factsheet summarizes key aspects of quality professional development and emphasizes that collective bargaining between teachers and their employers can create a culture of professional learning.
- ▶ Sample Contract Language - CBMA can provide affiliates with sample professional development contract language.

For more information, contact CBMA at 202-822-7080 or [collectivebargaining@nea.org](mailto:collectivebargaining@nea.org).



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NEA's Teacher Quality Department (TQ) provides expertise in every critical component of the teacher development and learning continuum, from pre-service teacher preparation programs to advanced credentialing. For more information, contact the department at 202-822-7407.

NEA's Education Support Professionals Quality Department (ESPQ) provides policy guidance, professional development resources, and leadership training for ESP members. For more information, contact the department at 202-822-7131.