



ALLIANCE FOR
EXCELLENT EDUCATION

Equity and ESEA: Holding High Schools Accountable for Traditionally Underserved Students

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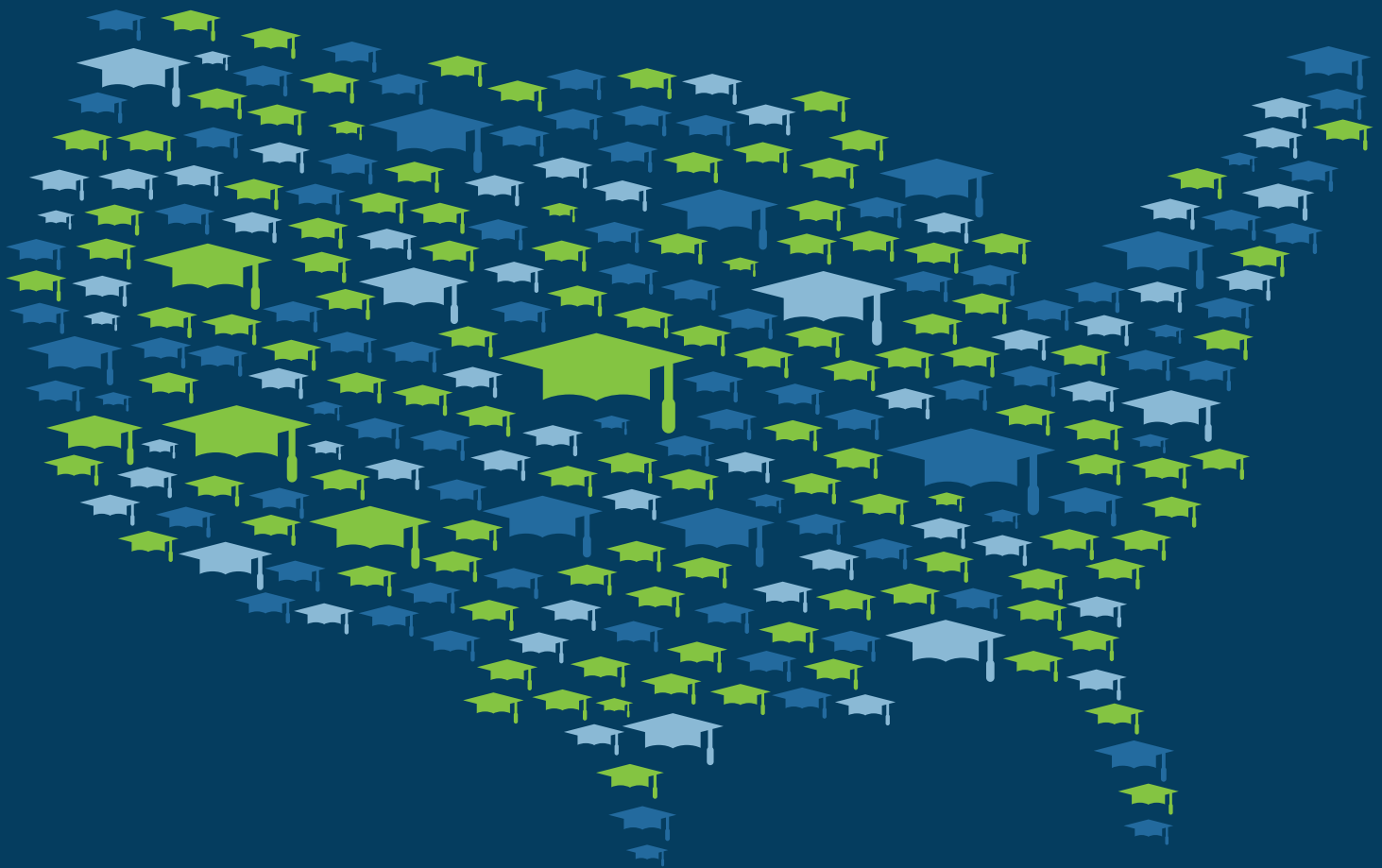


Table of Contents

Introduction	1
State Approaches to High School Graduation Rate Accountability	1
Examples of Positive State Policy	3
Conclusion	3
Endnotes	4
Appendix	5

Acknowledgements

*This report was authored by **Jessica Cardichon, EdD**, senior director of policy and advocacy for comprehensive high school reform at the Alliance for Excellent Education (the Alliance), and **Phillip Lovell**, vice president of policy and advocacy for comprehensive high school reform at the Alliance.*

*The **Alliance for Excellent Education** is a Washington, DC–based national policy and advocacy organization dedicated to ensuring that all students, particularly those traditionally underserved, graduate from high school ready for success in college, work, and citizenship. www.all4ed.org*

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Introduction

During the past decade, educators across the United States have focused resources and energy on efforts to strengthen the nation's high school graduation rate. The outcome is that for the first time in history, the U.S. national high school graduation rate is 81 percent.¹ As a result, many states substantially have reduced the gaps in high school graduation rates that exist between certain groups of students, narrowing some gaps by as much as 28 percentage points.²

Unfortunately, the progress to reduce the gaps in high school graduation rates between groups of students has been uneven. In more than one-half of states, graduation rate gaps have stagnated and some even have widened by as much as 24 percentage points.³ Moreover, 29 percent of African American students and 25 percent of Hispanic students nationwide still do not graduate within four years, if at all.⁴

In order to close the gaps in high school graduation rates that currently exist between subgroups of students (based on race/ethnicity, disability, or income status) and their peers, any bill passed by the U.S. Congress to reauthorize the Elementary and Secondary Education Act (ESEA) must hold states accountable for the graduation rates of individual student subgroups and codify the graduation rate regulations the federal government issued in 2008 to protect subgroups of traditionally underserved students.

The Alliance for Excellent Education recently analyzed state accountability policies and finds that, absent a federal requirement, fourteen states and territories originally⁵ did not have sufficient policy to ensure that African American, Hispanic, low-income, and other traditionally underserved students receive support in response to low high school graduation rates. To correct this inequitable outcome, ESEA must require states to implement interventions and supports in high schools where one or more student subgroups miss one or more state-set performance targets for two or more years.

State Approaches to High School Graduation Rate Accountability

Enacted more than a decade ago, the No Child Left Behind Act (NCLB)—the most recent bill reauthorizing ESEA—intended to hold schools accountable for educating all of their students. Since the passage of the law, much has been learned regarding how best to identify and meet the needs of traditionally underserved students. Unfortunately, the inability of the U.S. Congress to reauthorize this law has left states with outdated systems of accountability that do not meet the needs of all students.

As a result, the U.S. Department of Education (ED) granted forty-three states, the District of Columbia, and Puerto Rico flexibility from certain requirements under NCLB, known as "ESEA waivers." In exchange for these waivers, ED required states to implement statewide systems of "differentiated accountability and support." These systems are meant to identify and turn around the lowest-performing schools and schools with the greatest gaps in achievement and attainment among traditionally underserved student subgroups⁶ and their peers.

The Four-Year Adjusted Cohort Graduation Rate (ACGR)

The four-year ACGR is the number of students who graduate in four years with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class. From the beginning of ninth grade, students who enter that grade for the first time form a cohort. The number of students in the cohort subsequently is "adjusted" by adding any students who transfer into the cohort later during the ninth grade and during the next three years and by subtracting any students who transfer out, emigrate to another country, or die during that same period.⁷

In 2008, ED issued regulations that require all states and territories to use the *adjusted cohort graduation rate (ACGR)* to calculate high school graduation rates accurately. (For more information about the ACGR, see the box on the previous page.) These regulations also hold states accountable for the high school graduation rates of student subgroups, in addition to overall state high school graduation rates. Under the regulations, which became fully operational in SY 2011–12, states must set annual targets for the overall high school graduation rate and for the graduation rates of each student subgroup. If a student subgroup does not meet a target for two or more years, the school must intervene and should receive support from the state and district with these efforts.⁸

Of the forty-five states and territories that received waivers, thirty states and the District of Columbia incorporated student subgroup high school graduation rates into their accountability systems in meaningful ways.⁹ Unfortunately, fourteen states and territories with approved waivers had either minimal or no provisions for monitoring student subgroup high school graduation rates in their accountability systems.¹⁰ This includes eight states and territories with accountability and improvement systems that did not incorporate student subgroup high school graduation rates at all (see appendix).¹¹ Four of these eight states used an accountability “index” that did not include student subgroup high school graduation rates.¹² An accountability index is a composite score or letter grade based on a variety of performance indicators. For the remaining four states and territories not utilizing an index, a low student subgroup high school graduation rate or gap was not included in the unique structure of their accountability systems.

Five other states,¹³ meanwhile, incorporated student subgroup high school graduation rates into their accountability systems, but low graduation rates did not trigger school interventions. For example, Michigan and Minnesota included student subgroup

high school graduation rates in their accountability systems, however the graduation rate for a single subgroup did not carry sufficient weight to trigger an intervention from the state. In Hawaii, a high school graduation rate gap less than 20 percentage points was insufficient to trigger an intervention. Additionally, two states, Nevada and Oklahoma, limited the number of student subgroups they incorporated into their accountability systems. Nevada did not include student subgroups based on race or ethnicity and Oklahoma focused only on the two lowest-performing student subgroups in the state.¹⁴

Recognizing that some states are not adequately protecting traditionally underserved students, ED issued revised guidance in November 2014 to states seeking to renew their waivers. This renewal policy requires states to ensure that local education agencies (LEAs) provide interventions and supports in high schools where one or more of their student subgroups does not meet graduation rate targets over “a number of years.”¹⁵ The reauthorization of ESEA must incorporate this policy as well.

Some state accountability systems still fail to capture the performance of student subgroups because of the minimum group size the states have set for reporting purposes. Each state determines the minimum number of students—known as the “n-size”—a subgroup must have for a school to report that group’s academic performance and attainment. This is intended to protect the identity of students in schools where only a small number of students occupy a particular subgroup and reporting data on that subgroup could reveal personally identifiable information about individual students.

Several states have set their n-sizes higher than necessary to address this concern, which increases the likelihood that those states will overlook a number of student subgroups in their accountability systems. Fifteen states with approved waivers set an n-size of thirty students and five states set it at forty or more students. States can more accurately identify and support schools by lowering the n-size. For example, Massachusetts was able to hold 100 additional schools accountable for the performance of student subgroups by lowering its n-size. States should structure their accountability systems to expand, rather than limit, the number of student subgroups included within those systems. ED’s renewal guidance does not include any requirements regarding the minimum n-size states should set. A bill to reauthorize ESEA should include language that requires states to set their n-size as high as needed to protect the identities of students, yet low enough to capture as many traditionally underserved students as possible.

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Examples of Positive State Policy

A number of states are implementing student subgroup high school graduation rate accountability on their own. Ohio explicitly targets subgroup graduation rate gaps within its accountability system.¹⁶ New York identifies three categories of schools in need of intervention and each category includes a strong focus on improving a school's overall high school graduation rate and the graduation rates of student subgroups.¹⁷ Virginia high schools receiving Title I funds must have a graduation rate of 80 percent for all students, including student subgroups, or reduce the number of nongraduating students by 10 percent over the previous year. Title I schools that do not meet these requirements must implement an early-warning indicator system that detects at-risk students and supports continuous improvement.¹⁸

These states demonstrate that there are many ways in which state accountability systems can support students who attend high schools with low graduation rates for student subgroups. Since not all states have such policy, ESEA should require state accountability systems to include the high school graduation rates of all student subgroups and provide interventions and support to schools where subgroup graduation rates are not improving sufficiently.

Conclusion

Absent any federal requirement to monitor the performance of student subgroups, a significant number of states have implemented accountability systems that either ignore the performance of these students or provide only minimal oversight. As Congress moves forward with reauthorizing ESEA, it must codify the 2008 high school graduation rate regulations and require states and districts to implement interventions in high schools where one or more student subgroups miss one or more state-set performance targets for two or more years. In doing so, Congress can use the reauthorization of ESEA as an opportunity to strengthen, not weaken, the protections for historically underserved students and dramatically improve their academic outcomes.

Endnotes

- ¹ Data on the national high school graduation rate retrieved from the U.S. Department of Education Consolidated State Performance Reports for School Years (SYs) 2010–11, 2011–12, and 2012–13. See <http://www2.ed.gov/admins/lead/account/consolidated/index.html> (accessed March 17, 2015).
- ² R. Balfanz et al., *Building a Grad Nation: Progress and Challenge in Ending the High School Dropout Epidemic* (Washington, DC: Civic Enterprises, Everyone Graduates Center at Johns Hopkins University, America's Promise Alliance, and Alliance for Excellent Education, 2013), <http://www.americaspromise.org/sites/default/files/BuildingAGradNation2013Full.pdf> (accessed October 31, 2014).
- ³ Ibid.
- ⁴ U.S. Department of Education, National Center for Education Statistics, Common Core of Data, "Table 2. Public High School 4-Year Adjusted Cohort Graduation Rate (ACGR), by Race/Ethnicity and Selected Demographics for the United States, the 50 States, and the District of Columbia: School Year 2012–13," http://nces.ed.gov/ccd/tables/xls/ACGR_RE_and_characteristics_2012-13.xlsx (accessed March 30, 2015).
- ⁵ States seeking flexibility from certain requirements under No Child Left Behind, known as "ESEA waivers," submitted renewal requests to the U.S. Department of Education (ED) by March 31. These revised requests were not yet available for review at the time this report was completed.
- ⁶ Subgroups include students who are economically disadvantaged, limited in English proficiency, with disabilities, and from major racial/ethnic groups.
- ⁷ U.S. Department of Education, *High School Graduation Rate: Non-Regulatory Guidance*, (Washington, DC: Author, 2008). <https://www2.ed.gov/policy/elsec/guid/hsguidance.pdf> (accessed March 10, 2015).
- ⁸ For more information on the history of graduation rate accountability and the effects of ESEA waivers on this policy see P. Lovell, J. Cardichon, and F. Jones, *The Effect of ESEA Waiver Plans on High School Graduation Rate Accountability* (Washington, DC: Alliance for Excellent Education, 2013).
- ⁹ For more information on positive state practices, see Lovell, Cardichon, and Jones, *The Effect of ESEA Waiver Plans on High School Graduation Rate Accountability*.
- ¹⁰ States and territories with no student subgroup high school graduation rate accountability include Arizona, Kentucky, New Hampshire, New Mexico, North Carolina, Pennsylvania, Rhode Island, and Puerto Rico. States with weak subgroup graduation rate accountability include Hawaii, Michigan, Minnesota, Nevada, Oklahoma, and South Carolina.
- ¹¹ Arizona, Kentucky, New Hampshire, New Mexico, North Carolina, Pennsylvania, Puerto Rico, and Rhode Island.
- ¹² Arizona, Kentucky, New Mexico, and Rhode Island.
- ¹³ Hawaii, Michigan, Minnesota, Nevada, and Oklahoma.
- ¹⁴ Only two subgroups are considered in Oklahoma's multistep process for determining focus schools based on subgroup graduation rates. Step 1: Oklahoma will identify the two subgroups with the lowest graduation rates in the state. Step 2: Any school with a population of students for the subgroup that is more than the state's percentage of students in the subgroup will be ranked by the three-year average of the subgroups' graduation rates. Step 3: The bottom 10 percent will be classified as focus schools. Oklahoma State Department of Education, ESEA Flexibility Request, p. 80, <http://www2.ed.gov/policy/elsec/approved-requests/okapp11212014.pdf> (accessed April 4, 2015).
- ¹⁵ ED has not defined "a number of years" in guidance for ESEA waivers. U.S. Department of Education, "ESEA Flexibility Guidance for Renewal Process: November 13, 2014," <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/flex-renewal/flexguidrenewal2014.doc> (accessed March 26, 2015).
- ¹⁶ Ohio Department of Education, ESEA Flexibility Request, p. 60, <http://www2.ed.gov/policy/elsec/oh.pdf> (accessed September 10, 2012).
- ¹⁷ New York State Education Department, ESEA Flexibility Request, p. 77, <http://www2.ed.gov/policy/elsec/approved-requests/ny.pdf> (accessed September 10, 2012).
- ¹⁸ Virginia Department of Education, ESEA Flexibility Request, p. 43, 51, <http://www2.ed.gov/policy/elsec/approved-requests/va.pdf> (accessed September 10, 2012).

Appendix

State Student Subgroup High School Graduation Rate Accountability

Fourteen states and territories with approved ESEA waivers had weak or no student subgroup high school graduation rate accountability.

Page numbers reference the PDF page number of the state's ESEA Flexibility Request.

No Student Subgroup High School Graduation Rate Accountability

1. In **Arizona**, a low subgroup high school graduation rate, or gap in high school graduation rates, does not trigger priority or focus school identification. Additionally, subgroup graduation rates are not included in the state's accountability index.¹
2. In **Kentucky**, a low subgroup high school graduation rate, or graduation rate gap, does not trigger priority or focus school identification. Additionally, subgroup graduation rates are not included in the state's accountability index.²
3. In **New Hampshire**, a low subgroup high school graduation rate, or graduation rate gap, does not trigger priority or focus school identification.³
4. In **New Mexico**, a low subgroup high school graduation rate, or graduation rate gap, does not trigger priority or focus school identification. Additionally, subgroup graduation rates are not included in the state's accountability index.⁴
5. In **North Carolina**, a low subgroup high school graduation rate, or graduation rate gap, does not trigger priority or focus school identification.⁵
6. In **Pennsylvania**, a low subgroup high school graduation rate, or graduation rate gap, does not trigger priority or focus school identification.⁶
7. In **Puerto Rico**, a low subgroup⁷ high school graduation rate, or graduation rate gap, does not trigger priority or focus school identification.⁸
8. In **Rhode Island**, a low subgroup high school graduation rate, or graduation rate gap, does not trigger priority or focus school identification. Additionally, subgroup graduation rates are not included in the state's accountability index.⁹

¹ Arizona Department of Education, ESEA Flexibility Request, p. 43, 50–51, <http://www2.ed.gov/policy/eseaflex/approved-requests/azp3amend102714.pdf> (accessed September 10, 2012).

² Kentucky Department of Education, ESEA Flexibility Request, p. 42, 76–77, <http://www2.ed.gov/policy/eseaflex/approved-requests/ky.pdf> (accessed September 10, 2012).

³ New Hampshire Department of Education email message to the Alliance for Excellent Education, July 15, 2013.

⁴ New Mexico Public Education Department, ESEA Flexibility Request, p. 42, 45, <http://www2.ed.gov/policy/eseaflex/approved-requests/nm.pdf> (accessed September 10, 2012).

⁵ North Carolina Department of Public Instruction email message to Alliance for Excellent Education, November 19, 2012.

⁶ Pennsylvania Department of Education, ESEA Flexibility Request, p. 30, <http://www2.ed.gov/policy/eseaflex/approved-requests/pareq82013.pdf> (accessed September 9, 2013).

⁷ In Puerto Rico, the two largest subgroups are students with disabilities and economically disadvantaged students. Approximately 20 percent of all students within the public school system have been identified as students with disabilities. Less than 3 percent of the student population consists of ethnicities other than Puerto Rican. Puerto Rico Department of Education, ESEA Flexibility Request, p. 26 <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/pr.html> (accessed October 28, 2013).

⁸ Puerto Rico Department of Education, ESEA Flexibility Request, p. 73.

⁹ Rhode Island Department of Education, ESEA Flexibility Request, p. 49, <http://www2.ed.gov/policy/eseaflex/ri.pdf> (accessed September 10, 2012).

Weak Student Subgroup High School Graduation Rate Accountability

9. In **Hawaii**, the graduation rate gap between the “High-Needs” and “Non-High Needs” subgroups must be equal to or greater than 20 percentage points to trigger focus school identification. The “High-Needs” subgroup is the unduplicated count of economically disadvantaged students, students with a disability, and/or English language learners.¹⁰
10. In **Michigan**, a low subgroup high school graduation rate, or graduation rate gap, does not trigger priority or focus school identification. Although subgroup graduation rates are included within the accountability system, the graduation rate for a single subgroup does not carry sufficient weight to trigger improvement interventions.¹¹
11. In **Minnesota**, a low subgroup high school graduation rate, or graduation rate gap, does not trigger priority or focus school identification. Although subgroup graduation rates are included within the accountability index, the graduation rate for a single subgroup does not carry sufficient weight to trigger improvement interventions.¹²
12. **Nevada** limits subgroup accountability to (1) students with an Individualized Education Plan, (2) students with limited English proficiency, and (3) students who qualify for free and reduced-price lunch. Nevada’s approved waiver application does not include subgroups based on race or ethnicity.¹³
13. In **Oklahoma**, focus school identification is limited to two subgroups and subgroup graduation rate accountability is not included in the state’s accountability index.¹⁴
14. In **South Carolina**, a low subgroup high school graduation rate, or graduation rate gap, does not trigger priority or focus school identification. Although subgroup graduation rates are included within the accountability index, the graduation rate for a single subgroup does not carry sufficient weight to trigger improvement interventions.¹⁵

¹⁰ Hawaii Department of Education, ESEA Flexibility Request, p. 64, <http://www2.ed.gov/policy/eseaflex/hi.pdf> (accessed June 3, 2013).

¹¹ High school graduation rates comprise 16.66 percent of Michigan’s accountability scorecard. Each individual subgroup graduation rate constitutes one-eleventh of this 16.66 percent (1.5 percent of the overall index) and therefore does not carry sufficient weight to trigger improvement actions on its own. Michigan Department of Education, ESEA Flexibility Request, p. 57–58, 60–61, 130–33, <http://www2.ed.gov/policy/eseaflex/approved-requests/mi.pdf> (accessed September 10, 2012).

¹² Minnesota’s accountability index allocates 25 percent to high school graduation rates. Each individual subgroup graduation rate constitutes one-ninth of the 25 percent (2.8 percent of the overall accountability index) and therefore does not carry sufficient weight to trigger improvement actions on its own. Minnesota identifies seven subgroups, in addition to the “white” and “all students” groups, for a total of nine individual graduation rates. Minnesota Department of Education, ESEA Flexibility Request, p. 89, 119, 120–21, <http://www2.ed.gov/policy/eseaflex/approved-requests/mn.pdf> (accessed September 20, 2012).

¹³ Nevada’s accountability index allocates 30 percent to the high school graduation rate—15 percent is based on the overall graduation rate and 15 percent is based on subgroup graduation rate gaps. However, this is limited to the three subgroups identified above. Nevada Department of Education, ESEA Flexibility Request, p. 52, 61, 63, 118, <http://www2.ed.gov/policy/eseaflex/approved-requests/nv.pdf> (accessed September 10, 2012).

¹⁴ Only two subgroups will be considered in Oklahoma’s multistep process for determining focus schools based on subgroup graduation rates. Step 1: Oklahoma will identify the two subgroups with the lowest graduation rates in the state. Step 2: Any school with a population of students for the subgroup that is more than the state’s percentage of students in the subgroup will be ranked by the three-year average of the subgroups’ graduation rates. Step 3: The bottom 10 percent will be classified as focus schools. Oklahoma Department of Education, ESEA Flexibility Request, p. 34, 80, <http://www2.ed.gov/policy/eseaflex/approved-requests/ok-amendment.pdf> (accessed September 10, 2012).

¹⁵ South Carolina’s accountability index allocates 30 percent to high school graduation rates. Each individual subgroup graduation rate constitutes one-eleventh of this 30 percent (2.7 percent of the overall accountability index) and therefore does not carry sufficient weight to trigger identification on its own. South Carolina identifies ten subgroups in addition to the “all students” group, for a total of eleven individual graduation rates. South Carolina Department of Education, ESEA Flexibility Request, p. 57–58, 119, <http://www2.ed.gov/policy/eseaflex/approved-requests/sc.pdf> (accessed September 10, 2012).



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