



Statement for the Record
to the
Senate Committee on Health, Education, Labor and Pensions
Hearing on
The Every Student Succeeds Act: Unleashing State Innovation
October 3, 2017

Chairman Alexander, Ranking Member Murray, and distinguished Members of the Committee:

The Alliance for Excellent Education (the Alliance) appreciates the opportunity to provide this written statement for the record of the October 3, 2017, hearing on *The Every Student Succeeds Act: Unleashing State Innovation*. The Alliance is a nonprofit organization dedicated to ensuring that every child graduates ready for college, a career, and citizenship.

This is an important hearing to hold as states submit and finalize their plans to implement the Every Student Succeeds Act (ESSA). Staff at the Alliance have reviewed the state plans submitted to the U.S. Department of Education (ED) during the April submission deadline and currently are reviewing the plans submitted in September. In light of that review, we would like to highlight three core themes that are important to reflect upon as ESSA implementation is analyzed:

1. ESSA is a civil rights law with equity-focused requirements that must be implemented and enforced.
2. ESSA preserves the limited but critical role of the federal government. While the Alliance would like to see ED go further in enforcing the equity guardrails included in ESSA, we appreciate that ED is carrying out its oversight role as required under the law when responding to proposed ESSA state plans.
3. The quality of approved ESSA state plans is uneven. There are certainly some strengths, but there are missed opportunities and many weaknesses, including proposals that are inconsistent with the law.

ESSA's Equity-Focused Requirements

ESSA is fundamentally a civil rights law with many federal requirements designed to promote educational equity and prepare all students for postsecondary education and the workforce. ESSA provides states with significant flexibility when it comes to *how* they achieve equity and excellence, but ESSA is not a blank check. Both states and ED must implement and enforce all of ESSA's equity-focused requirements. (See Appendix A for specific examples of these requirements.)

There have been positive results when the federal government has focused on equity in education. For example, ED has been a driving force in the improvement of the nation's high school graduation rate by implementing federal regulations issued under the administration of President George W. Bush to get schools, districts, and states to focus on the problem, set high school graduation rate goals, and hold themselves accountable over time for achieving them. According to the 2017 *Building a Grad Nation* report, the national high school graduation rate is at an all-time high. All told, 2.8 million more students have graduated from high school since 2001 and gaps in graduation rates between groups of students have narrowed.¹

¹ For more information, see Figure 1, page 15; Appendix C, pages 48–49; Appendix D, page 50; and Appendix F, page 54, in J. DePaoli, J. Bridgeland, and R. Balfanz, *Building a Grad Nation: Progress and Challenge in Raising High School Graduation Rates* (Washington, DC: Civic Enterprises and Everyone Graduates Center, John Hopkins

While this is promising, the nation will be unable to continue this trend without doubling down on efforts to close gaps among the students who have historically faced the greatest challenges—students from low-income families, African American and Hispanic/Latino students, students with disabilities, Native students, and English learners. This is critical because, although progress has been made, substantial gaps remain. (See [Appendix B](#) for information on high school graduation rate gaps in each state.)

In addition, the nation must improve the low-graduation-rate high schools that disproportionately enroll historically underserved students. (See [Appendix C](#) for the number of low-graduation-rate high schools in each state).² As states move forward with ESSA implementation plans, it is essential that ED ensures states implement ESSA’s requirement for comprehensive support and improvement in high schools that fail to graduate one-third or more of their students.

ESSA Preserves the Limited but Critical Role of the Federal Government

There are many organizations working to decipher what is in state plans and provide the public with digestible information about them. The Alliance, for example, produced ESSA equity dashboards that provide a red, yellow, or green determination on thirteen equity-focused requirements. We have submitted the ESSA equity dashboards that currently are available as part of this written testimony. (See Appendices D–H). They also are available at <http://all4ed.org/essa/essa-in-your-state/>. The remaining dashboards for states that submitted their plans in April and have had their plans approved by ED will be available in October. In addition, Bellwether Education Partners and the Collaborative for Student Success led the Check State Plans project (www.checkstateplans.org), a nongovernmental peer review process that analyzes state plans and makes information on their strengths and weaknesses available to the public. In the absence of regulations and guidance from ED, states are looking to organizations like the Alliance for input and insight on best practices and evidence-based strategies to address the needs of their student population.

The Alliance wants to be clear that this is not about whether we trust states. The Alliance is fortunate to be working with many education state leaders and we know they are committed to students. The fact remains that, while many people and organizations outside of government are reviewing and commenting on ESSA plans, only ED has the statutory authority and responsibility to review the plans and ensure they comply with the law that this committee wrote.

When Congress enacted ESSA, it preserved the limited but critical role of the federal government in ensuring all children have access to a high-quality education. Again, while the Alliance would like to see ED go further in its feedback to states, we appreciate that ED is carrying out its oversight role as required under the law and in some cases, this oversight has resulted in improved state policies.

University School of Education, 2017), <https://gradnation.americaspromise.org/report/2017-building-grad-nation-report> (accessed July 12, 2017).

² For more information, see Figure 6, page 28, in J. DePaoli et al., *Building a Grad Nation*.

For example, in two states, their original ESSA plans proposed combining student subgroup performance together into “super-subgroups” for the purposes of identifying schools with “consistently underperforming” subgroups for targeted support and improvement. This proposal, however, could limit support for historically underserved students. As required by ESSA, ED appropriately required each subgroup to be included in these state plans before they were approved. Additionally, states must annually measure the achievement of 95 percent of all students and 95 percent of all students in each subgroup and must provide a clear and understandable explanation of how the states will factor this requirement into their statewide accountability system (ESSA Sec. 1111(c)(4)(E)). One state’s original ESSA plan stated the participation rate would not factor into a school’s summative rating. ED also appropriately required this state to include the participation rate in its accountability system before the plan was approved.

The Quality of Approved ESSA State Plans Is Uneven

ED has approved ESSA state plans for sixteen states and the District of Columbia. The quality of these approved ESSA state plans is quite uneven. There are certainly some strengths, but there are missed opportunities and many weaknesses, including proposals that violate the statute and spirit of the law.

Goals

While states have set high goals for achievement and high school graduation rates, performance against these goals is rarely included in their accountability systems as required under ESSA (ESSA Sec. 1111(c)(4)(B)(i)). Moreover, while goals must be set for student proficiency in reading and math (ESSA Sec. 1111(c)(4)(A)(i)(I)(aa)), at least one state uses an index that does not specify a goal for the percentage of students to be proficient in reading and math.

Supporting Historically Underserved Students

ESSA requires states to identify three sets of schools for support and improvement: schools with overall low performance (i.e., bottom 5 percent and high schools with a graduation rate at or below 67 percent; ESSA Sec. 1111(c)(4)(D)); schools with one or more “consistently underperforming” subgroups (ESSA Sec. 1111(c)(4)(C)(iii)); and *additional* schools with one or more subgroup performing at or below the state’s lowest-performing 5 percent of schools (ESSA Sec. 1111(d)(2)(C)). Yet, when it comes to defining schools with one or more consistently underperforming subgroup and additional schools with one or more subgroup performing at or below the state’s lowest-performing 5 percent of schools, four states use essentially the same definition for both sets of schools, thereby limiting the number of students and schools that will receive support. Moreover, two states set very vague definitions for “consistently underperforming,” leaving it unclear how schools will be identified for support.

Student Subgroup Performance in Accountability Systems

ESSA also requires states to measure each of their indicators “separately for each subgroup of students” (ESSA, Sec. 1111(c)(4)(B)) for accountability purposes. The annual differentiation of schools must be based on all indicators in a state accountability system for all students and for

each subgroup (ESSA Sec. 1111(c)(4)(C)). Many states propose systems that will give schools ratings, but subgroup performance does not factor into these ratings as envisioned under the law in at least three states. What this means is that schools can receive an “A,” even though African American students, Latino students, or other historically underserved groups are underperforming.

To be very clear, this is not a hypothetical situation. A report from The Education Trust provides an example of a state where, in schools that received an “A,” only 58 percent of African American students were proficient in reading.³

95 Percent Test Participation Rate

Additionally, ESSA requires 95 percent of all students and 95 percent of all students in each subgroup to participate in statewide assessments so that low-performing students are not encouraged to be absent on test day. States are required to incorporate this policy into their accountability systems (ESSA Sec. 1111(c)(4)(E)), yet the degree to which this is meaningfully happening varies considerably across state plans.

High School Graduation Rates

ESSA requires states to include the four-year graduation rate in their accountability systems because the ultimate goal of the K–12 education system is for students to graduate from high school prepared for postsecondary education and the workforce. There is a long history of inaccurate calculations being used to mask low graduation rates, which is why ESSA is explicit about the use of the four-year adjusted cohort graduation rate, even going so far as to provide a definition for the calculation that specifies that GEDs or similar “lesser credentials” are not to be included in the graduate rate calculation (ESSA Sec. 8101(43)). Nonetheless, at least two states include other measures of high school graduation within their accountability systems.

Innovation

While ESSA’s flexibility was intended to unleash creativity and innovation, this by and large has not happened. We hoped to see policies that promote critical thinking and problem solving, what some refer to as “deeper learning,” not just memorization and test-taking skills. However, state plans thus far would be more accurately characterized as cautious, not courageous. That said, there are a few notable exceptions:

- Tennessee allocates 40 percent of its accountability index to student subgroup performance. This is considerably more than most states.
- Louisiana is raising expectations for its students and ensuring that an “A” rating reflects the level of performance that one would expect of an “A” school. Louisiana also incorporates a “strength of diploma” indicator in its accountability system to incentivize preparation for postsecondary education and the workforce.

³ N. Ushomirsky, D. Williams, and D. Hall, *Making Sure All Children Matter: Getting School Accountability Signals Right* (Washington, DC: The Education Trust, 2014), <https://edtrust.org/resource/making-sure-all-children-matter-getting-school-accountability-signals-right/> (accessed July 14, 2017).

- Delaware and Illinois are examples of states that incorporate the percentage of ninth-grade students who are on track for on-time graduation. This is an indicator demonstrated by research to accurately predict high school graduation rates and will incentivize early intervention to increase graduation rates.⁴
- Several states (Arizona, Connecticut, Delaware, Illinois, Louisiana, Massachusetts, Michigan, New Mexico, and Vermont) propose to include measures of college and career readiness in their accountability systems (e.g., access to and performance in rigorous course work).
- New Mexico has the most aggressive academic achievement goals of any state that has submitted a state plan thus far. Every subgroup will more than double its proficiency rate on state assessments within five years, and some subgroups will grow much faster.

Conclusion

It is paramount that we work together to support states in developing their ESSA plans because these plans are more than just a bureaucratic exercise in compliance. State ESSA plans outline a state's vision, strategy, and commitment to children, parents, teachers, school leaders, employers, and the public writ large regarding how they will ensure all students have access to an education that is characterized by equity and excellence.

Considering that nearly two-thirds of the nation's jobs will require at least some postsecondary education by the year 2020,⁵ it is not hyperbole to suggest that ESSA implementation is at the heart of the nation's economic success. We can either step on the gas or put on the brakes. By maintaining a commitment to equity, enforcing ESSA's requirements, and strengthening the investment in education, the nation can ensure that every child in America graduates from high school prepared for the competitive economy that lies ahead.

Thank you again for the opportunity to submit this testimony.

⁴ For more information see the University of Chicago's To&Through Project at <https://toandthrough.uchicago.edu/>.

⁵ A. Carnevale, N. Smith, and J. Strohl, *Recovery: Job Growth and Education Requirements Through 2020* (Washington, DC: Georgetown University Center on Education and the Workforce, 2013), https://cew.georgetown.edu/wp-content/uploads/2014/11/Recovery2020.ES_Web.pdf.

Appendix A: Equity-Focused Requirements in the Every Student Succeeds Act

Long-term goals and measurements of interim progress

Section 1111(c)(4)(A) requires each state to establish ambitious long-term goals and measurements of interim progress toward those goals for academic achievement and high school graduation rates for all students and *each subgroup of students*.

Accountability indicators

Section 1111(c)(4)(B) requires each state to include multiple indicators of student performance in its statewide accountability system. These indicators must be annually measured for all students and separately for *each subgroup of students* for each school in the state. The required indicators include student scores on annual assessments; English language proficiency; at least one indicator of school quality or student success; for elementary and middle schools, a measure of student growth or other academic indicator; and for high schools, graduation rates.

Participation in assessments

Section 1111(c)(4)(E) requires each state to annually measure the achievement of not less than 95 percent of all students and 95 percent of all students in *each subgroup of students* on the statewide assessments in reading/language arts and mathematics. Each state must also factor this requirement into its statewide accountability system.

Subgroups of students

Section 1111(c)(2) *requires the following subgroups of students to be included* in a statewide accountability system: economically disadvantaged students; students from major racial and ethnic groups; children with disabilities; and English learners.

Disaggregation of student data (n-size)

Section 1111(c)(3) requires each state to determine, in consultation with stakeholders, a minimum number of students (“n-size”) to be used for accountability and reporting purposes. The n-size must be the same for all students and for *each subgroup of students*.

Comprehensive support and improvement schools

Section 1111(c)(4)(D) requires each state to establish a methodology based on the system for annual meaningful differentiation to identify public schools for comprehensive support and improvement beginning with the 2017–18 school year, and at least once every three years thereafter. Comprehensive support and improvement schools include the lowest-performing five percent of all Title I schools in the state; any public high school in the state failing to graduate one-third or more of its students; and Title I schools with a consistently underperforming student subgroup performing at the level of the lowest-performing five percent of Title I schools that has failed to improve after implementation of a targeted support and improvement plan.

Targeted support and improvement schools

Section 1111(c)(4)(C)(iii) and Section 1111(d)(2)(A)(i) require each state to use its system for annual meaningful differentiation to identify public schools in which *any*

subgroup of students is consistently underperforming, as determined by the state, for targeted support and improvement.

In addition, Section 1111(d)(2)(C) requires the identification of public schools with a subgroup performing at the level of the lowest-performing five percent of Title I schools for targeted support and improvement.