



# THE EVERY STUDENT SUCCEEDS ACT: WHAT'S IN IT? WHAT DOES IT MEAN FOR EQUITY?

## OVERVIEW

JANUARY 2016

On Dec. 10, President Obama signed the Every Student Succeeds Act (ESSA) into law. ESSA is the most recent version of the federal government's biggest K-12 law, the Elementary and Secondary Education Act, which came into effect in 1965.

ESSA contains a number of meaningful levers that education leaders, parents, members of the business and civil rights communities, and advocates can use to advance education equity. These levers, covered in detail on the following pages, include:

- Consistent, state-adopted **standards** for all students that are aligned with the demands of postsecondary education and work;
- Statewide annual **assessments** aligned with statewide standards;
- Clear requirements that statewide **accountability systems** must expect more progress for the groups of students who have been behind, base school ratings on the progress of all groups of students, and expect action when any group of students is consistently underperforming;
- Richer **public reporting** on academic outcomes and opportunities to learn for all groups of students, including, for the first time, school-level per-pupil spending and access to rigorous coursework;
- Resources to support **teachers and leaders**, and a demand that states and districts<sup>1</sup> report on and address inequities in the rates at which low-income students and students of color are assigned to ineffective, out-of-field, or inexperienced teachers; and
- Continued targeting of federal **funding** to the highest poverty schools and districts.

To be clear, none of these levers will guarantee gap-closing and improved achievement for all. No law, no matter how strong, could ever do that.

But taken together, they represent key building blocks for an equity-focused school system — one that sets high expectations for all students, provides resources necessary for meeting those expectations, measures and reports progress toward them, and ensures action when any school — or any group of students — falls off track.

We at The Education Trust look forward to working alongside equity advocates from all corners — from classrooms to statehouses, community centers to boardrooms — to take hold of these blocks and together build the schools and systems all students need and deserve.

The following pages include more information on each of these levers, including information on what ESSA requires and questions equity-minded advocates should be asking. Those looking for even more detail about the specifics of ESSA can check out our **detailed summary**.

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1. When used in this document, the term “district” refers to both traditional public school districts and charters.



# THE EVERY STUDENT SUCCEEDS ACT: WHAT'S IN IT? WHAT DOES IT MEAN FOR EQUITY? STANDARDS

JANUARY 2016

## Why do standards matter for equity?

Academic standards are shared expectations for what all students need to know and be able to do at each grade level. Consistent, high expectations linked to the demands of postsecondary education are critical for ensuring that all students — not just some — get access to meaningful learning opportunities that prepare them for success after high school.

## What does the Every Student Succeeds Act require?

### *Statewide academic standards aligned with postsecondary expectations*

States have to demonstrate that they've adopted challenging academic standards for all public school students in math, reading/language arts, and science. These standards must be aligned with both the entrance requirements for credit-bearing coursework in the state's public higher education system and the state's career and technical education standards.

### *Aligned standards for English learners*

States must demonstrate that they've adopted standards for English-language proficiency for English learners that are aligned with the state's academic standards.

### *Meaningful alternate standards for students with the most significant cognitive disabilities*

States can use alternate academic achievement standards for students with the most significant cognitive disabilities, but the standards must still be rigorous enough to prepare students for postsecondary education or employment.

## What key questions should equity-minded advocates be asking?

- How will states demonstrate that their standards are aligned to entrance requirements for credit-bearing coursework for higher education?
- Whose entrance requirements for credit-bearing coursework will states align standards to? Community colleges? Four-year institutions?
- How will states and districts<sup>1</sup> ensure that educators have the supports and instructional resources they need to teach all students to college- and career-ready standards?
- How will states and districts monitor how well standards are being implemented in high- versus low-poverty schools?

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# THE EVERY STUDENT SUCCEEDS ACT: WHAT'S IN IT? WHAT DOES IT MEAN FOR EQUITY? ASSESSMENTS

JANUARY 2016

## Why do assessments matter for equity?

Statewide, annual assessments aligned with state standards are an important way of measuring student progress consistently across classrooms, schools, and districts.<sup>1</sup> They provide parents with objective information about whether their children are academically on-track. They help educators benchmark the performance of their students against those across the state. And they give parents and the public an objective measure of how schools are doing at improving learning for all groups of students.

## What does the Every Student Succeeds Act require?

### *Statewide, annual assessment*

States have to test all students on statewide assessments in the following areas: reading/language arts and math every year in grades three through eight and once in high school; and science once between grades three and five, once between six and nine, and once again between 10 and 12.

These tests must provide valid, reliable, and comparable information on whether all students are meeting state standards in each subject.

### *Assessment of English learners*

States have to measure English learners' progress toward English-language proficiency on statewide assessments given to all English learners annually.

States have to give English proficiency and math assessments to English learners starting in their first year in U.S. schools. In that first year, states may choose to excuse English learners from taking the reading/language arts assessment. Starting in their second year in U.S. schools, all English learners have to participate in all statewide annual assessments, though the reading/

language arts assessment may be administered in the student's native language for up to five years.

### *Strictly limited exceptions for students with disabilities*

States can develop alternate assessments aligned with alternate achievement standards for students with the most significant cognitive disabilities, but can administer these assessments to no more than 1 percent of all students statewide. (Research shows that this fraction — which is equivalent to about 10 percent of all students with special needs — captures the number of students with the most significant cognitive disabilities.)

### *Options for high school tests*

States can choose to let districts give a nationally recognized assessment — like the SAT or ACT — in place of the statewide high school assessment. In order to use this option, the state has to make sure that the nationally recognized assessment is aligned to state standards, meets the same technical quality requirements as the state assessment, generates information that's comparable to the information generated by the state test, and can be used in the state's accountability system.

### *Options for assessment innovation*

The U.S. Secretary of Education can establish a pilot program for states that want to develop innovative assessment systems, such as competency-based or performance-based assessments. Participating states can choose to initially try out these assessments in only some of their districts, but must use them statewide after successful piloting, or discontinue their use. These systems must also meet all the technical requirements of statewide assessments, including providing comparable data for all students.

### *Support for reducing unnecessary tests*

The law encourages states to review all the assessments they and their districts give in order to get rid of low-quality or duplicative tests, and provides funding to states to support this process.

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# ASSESSMENTS

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## What key questions should equity-minded advocates be asking?

- Both the option to use a nationally recognized assessment at the high school level and the innovative assessment pilot introduce the possibility of students in different districts taking different tests. What safeguards need to be in place to ensure that these assessments are rigorous and truly comparable to statewide tests?
- Have states developed appropriate assessments for English learners, including assessments in the students' native languages? How will they ensure that English learners are provided with the right assessment accommodations?
- How will states ensure that students with disabilities are provided with the right assessment accommodations? Have states developed appropriate alternate assessments for students with the most significant cognitive disabilities?



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# THE EVERY STUDENT SUCCEEDS ACT: WHAT'S IN IT? WHAT DOES IT MEAN FOR EQUITY? ACCOUNTABILITY

JANUARY 2016

## Why do accountability systems matter for equity?

Accountability systems are the set of policies and practices that a state uses to measure how schools are performing for students, reward those that are serving all of their students well, and prompt improvement in those that are not. Strong accountability systems create a clear expectation that schools must make progress with all groups of students, not just some; help focus attention and resources on the full range of student groups; and ensure that accountability isn't limited to the lowest performing schools: When any group is struggling, schools and school systems can't simply sit by and watch — they have to act.

## What does the Every Student Succeeds Act require?

### *School ratings based on the performance of all groups of students*

States must set goals for increasing the percentage of students who reach state standards in reading and math and for raising graduation rates. These goals have to be set for all students, and for low-income students, students from major racial/ethnic groups, students with disabilities and English learners, respectively. They must require improvement for all groups and faster improvement for the groups that have been behind, meaning that, if the goals are met, gaps between groups will narrow.

Each state must then rate schools based on how they perform on these goals and other indicators, for all students and for each student group. If any group of students in a school is consistently underperforming, the school's rating has to reflect that fact.

Here are the required indicators:

**Academic achievement:** A measure of how schools' proficiency rates in reading/language arts and math for all

students and each student group compare with state-set goals. For high schools, states can also include student growth as part of this indicator. When calculating proficiency rates, states have to count most students who do not participate in the assessment as not proficient.<sup>1</sup>

**Another academic indicator:** For high schools, a measure of how graduation rates for all students and each student group compare with state-set goals. For elementary and middle schools, this measure may include individual student growth or another statewide, valid, and reliable indicator of student learning.

**English-language proficiency:** A measure of the progress that a school's English learners are making toward English proficiency. (This measure is for the English learner group only.)

**Additional indicator of school quality:** Another valid, reliable, and statewide indicator of school quality, which may include measures of postsecondary readiness, student engagement, or school climate. The indicator must measure these results for all students and each student group.

States will determine exactly how much each indicator will count in school accountability ratings, but the first three indicators (academic achievement, another academic indicator, and English proficiency) must each carry substantial weight, and together, carry much more weight than the additional measure of school quality.

In addition to including these indicators, states must also explain what will happen to a school's rating if

1. For the purposes of the accountability system, states have to calculate proficiency rates by dividing the number of students who score at the proficient or advanced levels by the larger of two numbers: a) The number of students who took the test, OR b) 95 percent of students who were supposed to take the test.

# ACCOUNTABILITY

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fewer than 95 percent of all students, or of any group of students, participate in the state assessment.

*Supports and intervention when students overall, or any group of students, are struggling*

The Every Student Succeeds Act specifies three categories of schools that must receive support and intervention:

### **Comprehensive Support and Improvement Schools:**

This category includes the lowest performing 5 percent of Title I schools and all high schools with graduation rates below 67 percent. For these schools, districts<sup>2</sup> must develop improvement plans, which may include a review of district- and school-level budgeting. The state has to review and approve these improvement plans and set “exit criteria” for these schools (i.e., levels of performance that they have to reach to no longer be identified in this category). If a school fails to meet these criteria within no more than four years (the state can set a shorter time frame), the state has to intervene.

**Targeted Support and Improvement Schools:** These are schools where one or more groups of students are consistently underperforming, as noted in the ratings. These schools must develop improvement plans, which have to be approved by their district. If schools fail to improve within a district-determined number of years, the district has to require additional action.

**Additional Targeted Support and Improvement Schools:** These are schools that have one or more groups of students whose performance would place them in the bottom 5 percent of Title I schools. Like Targeted Support and Improvement schools, these

schools are required to put together improvement plans that must be approved by their district, but these improvement plans also have to address resource inequities. In addition, states must set exit criteria for these schools, and if schools don’t meet these criteria in a state-determined number of years, they become Comprehensive Support and Improvement sSchools.

### **What key questions should equity-minded advocates be asking?**

- What are aggressive but achievable goals, especially on new assessments aligned with college- and career-ready standards?
- Beyond tests and graduation rates, what indicators will add to the picture of school performance for all students as opposed to masking important outcomes?
- What’s a rigorous definition of “consistently underperforming” for student groups, especially on indicators for which there aren’t clear goals?
- What are the appropriate supports and interventions for the lowest performers? For schools with underperforming groups?
- What time frames for supports and interventions allow time for improvement activity to take hold, but don’t allow students to languish?

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# THE EVERY STUDENT SUCCEEDS ACT: WHAT'S IN IT? WHAT DOES IT MEAN FOR EQUITY? PUBLIC REPORTING

JANUARY 2016

## Why does public reporting matter for equity?

Information on how all groups of students are performing academically, and whether all groups of students have access to key resources for learning, is a key tool for parents making important decisions for their children, as well as for parents and community groups working to spark necessary improvements.

## What does the Every Student Succeeds Act require?

### *Annual state and local report cards*

Every year, each state must publish a statewide report card and each district<sup>1</sup> must publish a district report card. District report cards must include information for the district as a whole, as well as for each school in that district. These report cards must include, at minimum:

1. Details of the state accountability system, including schools identified for Comprehensive Support and Improvement and Targeted Support and Improvement.
2. Disaggregated results on all accountability indicators, including state assessments and graduation rates.
3. Disaggregated assessment participation rates.
4. Disaggregated results on the indicators that the state and its districts are already reporting to the Civil Rights Data Collection, including, but not limited to:
  - a. access to advanced coursework, such as AP, IB, and dual enrollment;
  - b. exclusionary discipline rates; and
  - c. chronic absenteeism.

5. The professional qualifications of educators, including the number and percentage of
  - a. inexperienced teachers, principals, and other school leaders;
  - b. teachers teaching with emergency credentials; and
  - c. teachers who are out-of-field.

Districts and state report cards must include comparisons of high-poverty and low-poverty schools on these metrics.

6. State, local, and federal per-pupil expenditures, by funding source. These expenditures have to include actual personnel expenditures for each school, not just district averages.
7. The number and percentage of students with the most significant cognitive disabilities taking the alternate assessment.
8. At the state level, results of the National Assessment of Educational Progress, as compared with national averages.
9. Disaggregated rates at which high school graduates enroll in higher education, if available.

## What key questions should equity-minded advocates be asking?

- How can states present all of these data in a way that is understandable to parents and community leaders? Will states make these report cards available in languages other than English?
- What kinds of tools, training, or accompanying materials would help parents and advocates use this information to fight for stronger opportunities to learn for all children?

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# THE EVERY STUDENT SUCCEEDS ACT: WHAT'S IN IT? WHAT DOES IT MEAN FOR EQUITY? TEACHERS AND SCHOOL LEADERS

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## Why do teachers and school leaders matter for equity?

Research and experience show the powerful impact that teachers and school leaders have on student learning. But far too often, the students who most need the strongest teachers and leaders are the least likely to be assigned to them. Turning this pattern around is one of the most important things we can do to close gaps and raise achievement for all.

## What does the Every Student Succeeds Act require?

### *Attention to — and action on — equity*

States and districts<sup>1</sup> must ensure that low-income students and students of color are not taught at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and must measure and report on progress toward eliminating inequities.

### *Transparency*

State and district report cards must include data that show how high-poverty and low-poverty schools compare based on the number and percentage of:

- Inexperienced teachers, principals, and other school leaders;
- Teachers with emergency or provisional credentials; and
- Out-of-field teachers.

### *Funds to support improved attention to equity*

ESSA's Title II program provides grants to states and districts that can be used on activities that improve access to strong teachers and leaders for low-income students and students of color. These funds can be used to, among other things, address inequities in access to effective teachers, provide professional development, improve teacher recruitment and retention, and develop and implement evaluation systems. If states choose to use federal dollars for development or implementing educator evaluation systems, these systems have to include measures of student achievement as one of multiple indicators.

States and districts can also apply for additional competitive grant dollars for programs designed to improve teacher and school leader effectiveness, recruitment, and retention.

## What key questions should equity-minded advocates be asking?

- How will states measure educator effectiveness? Will this measure allow your state to identify teachers who are particularly strong or particularly weak at improving student learning?
- How will states and districts live up to their responsibility to ensure equitable access to effective, experienced, in-field teachers?

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# THE EVERY STUDENT SUCCEEDS ACT: WHAT'S IN IT? WHAT DOES IT MEAN FOR EQUITY? FUNDING

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## Why does funding matter for equity?

Inequities in funding are foundational to all sorts of other inequities in our schools. Yet as a nation, we continue to spend less on educating our low-income students and students of color — the very students who could benefit most from additional support. The federal government has an important role to play in providing investments for vulnerable students in exchange for improved outcomes for those students.

## What does the Every Student Succeeds Act require?

### *Targeting of dollars to the highest poverty schools and districts*

While far from perfect, the Title I formula allocates Title I funds in a way that benefits the highest poverty districts<sup>1</sup> and schools in each state. High-poverty districts within a state generally receive more Title I dollars per poor student than wealthier districts. Within districts, high-poverty schools must be first in line for Title I funds.

### *Protections to ensure state investment in education*

Almost all federal funds have to be used to add to, not replace, state and local dollars. The ESSA includes requirements to push states to maintain their investment in education:

- **Maintenance of effort:** States cannot reduce their investment in education by more than 10 percent from year to year. If they do, they may lose some of their federal funding.
- **Supplement, not supplant:** Districts must demonstrate that schools received all the state and local funds they would have gotten if there were no federal dollars on the table.
- **Comparability:** Districts must demonstrate that schools that receive Title I funds got at least as much state and local funding as schools that do not receive Title I dollars.

### *Transparency*

For the first time, states must include actual per-pupil spending by school on state, district, and school report cards. These expenditures must be reported by funding source (federal, state, and local), and must include actual personnel salaries, not district or state averages.

### *Opportunity for district-level innovation*

The U.S. Secretary of Education can set up a pilot program that would allow up to 50 districts to combine funding from multiple federal sources, as well as state and local sources, to create a weighted student funding formula. To be approved for this opportunity, districts will need to show that their formula allocates more money per low-income child, and at least as much money per English learner, to each high-poverty school than that school received before the pilot. If the pilot is successful, the secretary may expand the program to all districts.

## What key questions should equity-minded advocates be asking?

- How can the new data on school-level expenditures be used to fight for greater funding equity?
- How will districts that choose to participate in the weighted student funding pilot distribute funds to schools?

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