

# THE EVERY STUDENT SUCCEEDS ACT: Implications For California And Equity - Backgrounder

January, 2016

Passage of the Every Student Succeeds Act (ESSA) represents a significant shift in education policy. Following years of an enhanced federal role under NCLB, the current reauthorization gives State Education Agencies (SEAs), school districts, and Local Education Agencies (LEAs) much broader autonomy in shaping education policy, particularly on issues related to funding, access, data, and accountability.

Educators and decision-makers are working to fully understand what implementation of the law will look like in California and how ESSA might provide opportunities to enhance local and state policies that are attentive to matters of equity. *We hope this document will inform some of the decision points in California to best respond to the needs of at-risk, underserved, and politically underrepresented populations.*

## What is the history of ESSA?

- **1965:** *Elementary and Secondary Education Act* passes (ESEA) – first major federal education legislation. Prioritizing “full educational opportunity,” ESEA included grants to districts serving low-income students, to improve the quality of education, provide grants for books, funding for special education centers, and scholarships for low-income college students to improve the quality of elementary and secondary education.
- **1978-1981:** The US Department of Education (USED) was established.
- **1983:** *A Nation at Risk: The Imperative for Educational Reform* is published, as the culminating report from the *National Commission on Excellence in Education* highlighting the nation’s “academic underachievement,” and implications for economic and civil society.
- **1994:** *Improving America’s Schools Act* requires states to develop standards and aligned assessments for the first time; also, districts must identify schools not making “adequate yearly progress” (AYP) and take steps to improve them.
- **2002:** *No Child Left Behind Act* (NCLB) expands testing requirements and the federal role in holding states and school districts accountable for showing improved student performance on annual tests, disaggregating student performance data by subgroup, requiring “highly qualified” teachers, and setting “proficiency by 2014” as the long-term objective.
- **2011:** *Waivers*- USED established a formal process under which states can apply for “flexibility” or waivers from certain provisions of NCLB/ESEA; allowed for state-based goal setting, measures, and interventions and incentivized adoption of Common Core State Standards; 45 states applied and 43 were approved (not California).
- **2013:** *For Each and Every Child: A Strategy for Education Equity and Excellence* is published as the culminating report from the congressionally chartered *Equity and Excellence Commission*, updating *A Nation at Risk*, and highlighting the nation’s persistent opportunity and achievement gap.
- **2015:** *Every Student Succeeds Act* (ESSA) updates NCLB, with full implementation of state-based accountability plans beginning in 2017-18.




## What are the most significant differences from NCLB?

- No federal goal for progress or performance; no mandated/prescribed interventions for performance; no AYP.
- Reduced federal role in defining teacher effectiveness/quality, e.g. “highly qualified.”
- States are now charged with creating their own accountability system including measures of disaggregated student progress, monitoring, and intervention.
- States are now required to intervene in schools, but reduced federal role in determining interventions: 1) with the lowest 5% of performance; 2) with groups of underserved students that consistently demonstrate low performance; and, 3) high schools with graduation rates at or below 67%.



## How does ESSA align, or not, with NCLB waivers?

- **Standards:** States must demonstrate that their challenging standards are aligned to entrance requirements for credit-bearing coursework in the system of public higher education in the state, and relevant state career and technical education standards.
- **Assessments:** ESSA includes an innovative assessment pilot (under waivers allowed on a very limited basis) that allows up to seven participating states, and consortia not to exceed four states, to opt-out from annual statewide assessments used for accountability purposes.
- **Accountability and School Improvement:** ESSA generally requires states to set long-term student achievement goals with measurements for interim progress. Under waivers, multiple accountability indicators were *permitted*, but under ESSA, multiple indicators in a state accountability system are *required*.
- **Teachers and School Leaders:** Under ESSA, states are not required to implement teacher and leader evaluation systems, but may use federal professional development funds to do so. State and LEA plans must describe how they will ensure low-income and minority students are not taught at a disproportionate rate by ineffective, out-of-field, or inexperienced teachers, and make public any methods or criteria they use to measure teacher, principal, or school leader effectiveness.
- **Innovation and Continuous Improvement:** ESSA allows states to move forward with the innovations they have been creating under NCLB waivers. Many states, including CA, have been moving to develop new accountability systems which measure school performance using a range of measures, not solely test scores.



## What does ESSA call for?

- Requires SEAs to submit Accountability Plans to the USED for peer review and approval. (Year 1: 2017-18)
- Annual testing in Grades 3-8 and once in high school aligned with college and career ready, “challenging” state standards in developing accountability systems.
- State Accountability Plans:
  - Performance goals: proficiency on tests, English-language proficiency, graduation rates, and one additional indicator (chosen by SEA); all measures must be disaggregated by subgroup.
  - State intervention requirements: bottom 5% of performers, high schools with graduation rates at or below 67%, and schools where subgroups of students are struggling.
  - Comprehensive Support and Improvement Plan: districts must submit; the state monitors. States intervene with a new plan in struggling schools after no more than 4 consecutive years.
- Targeted Support and Improvement Plan: schools with struggling subgroups must submit; the district monitors. States and districts *have to take more-aggressive action* in schools where subgroups are consistently underperforming, despite local interventions.
- Educator Equity Plans:
  - State and LEA plans must describe how they will ensure low-income and minority students are not taught at a disproportionate rate by ineffective, out-of-field, or inexperienced teachers, and make public any methods or criteria they use to measure teacher, principal, or school leader effectiveness.
- Federal Funding: increases that include
  - Additional \$\$: Preschool initiative to be jointly administered by the Department of Health and Human Services (HHS) and USED.
  - Additional \$\$: Title IV, Increased technology funding, funding for student supports (e.g. community schools, etc.), and funding for family engagement strategies and programs.



## Opportunities for Alignment

	 <b>In ESSA</b>	 <b>In California</b>
<b>Weighted School Funding Formula</b>	ESSA includes a pilot program for up to 50 districts nationally to target funds based on a weighted student formula, with funds directed at schools within those districts.	The Local Control Funding Formula (LCFF) allocated funding to districts based on the characteristics of students in their care. Districts receive more state funds for students that are in middle and high school, English learners, socioeconomically disadvantaged, homeless, and in foster care. In addition to a basic funding formula, there are also “supplemental” and “concentration” grants to districts with higher-need students.
<b>Timeline of Accountability Systems</b>	ESSA accountability draft plans due 11/1/16 to take effect 8/1/17.	The California State Board of Education will adopt the LCFF evaluations rubrics by 10/1/16.
<b>Weighting and Choosing Multiple Measures</b>	ESSA requires 3 academic measures (annual assessments, high school graduation rates, EL proficiency for English learners; another statewide academic indicator for elementary/ middle schools) and 1 non-academic measure (i.e., school climate, post-secondary readiness, student engagement, educator engagement, etc.).	LCFF’s state priorities include: basic needs, implementation of state standards, family involvement, student achievement, student engagement, course access, expulsion, foster youth, other pupil outcomes.
<b>Monitoring, Identification, Technical Assistance and Intervention</b>	ESSA requires that SEAs establish a methodology that differentiates all schools and subgroups, to identify, at minimum, the lowest performing 5% of Title I schools for support, and all high schools that graduate 67% or less of their students.	LCFF specifies that county superintendents approve LEA LCAPs and provide TA if the district fails to improve achievement across more than one state priority for one or more subgroup; similarly the Superintendent of Public Instruction monitors and provides TA/ intervention for county offices of education.



## Opportunities for Alignment (cont.)

	 <b>In ESSA</b>	 <b>In California</b>
<b>Significant Subgroups for Disaggregation and Monitoring</b>	ESSA’s disaggregation and monitoring of student groups includes: major racial and ethnic groups, socioeconomically disadvantaged students, student with disabilities, English learners, students by gender, students by migrant status, homeless students, students in foster care, and military-connected students.	LCFF’s disaggregation of student groups includes: ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, homeless youth; with a required minimum number (n-size) of 30 students in all subgroup measures except foster and homeless youth (n-size is 15).
<b>Parent and Family Engagement</b>	ESSA reinstates funding for State Family Resource Centers, and explicitly allows for funds to be allocated to fund parent education activities to support student achievement.	Under LCFF, parents or legal guardians of targeted disadvantaged pupils must be involved in the planning and implementation of the Local Control Accountability Plan (LCAP).
<b>Comprehensive Student Supports — Community Schools</b>	ESSA places emphasis on a comprehensive approach to prepare students for college and careers. It promotes and provides funding resources to “enhance conditions” for schools to offer a broad range of “pipeline services” or “a continuum of coordinated supports, services, and opportunities for children from birth through entry into and success in postsecondary education, and career attainment.” These supports do NOT have to be provided through the school or LEA, thereby providing an opportunity to fund community school partnerships.	LCFF directs districts to use supplemental and concentration funds to “increase or improve services for English learners, low-income students and foster children in proportion to the increase in funds” that the districts receive for those students.



## Decision Points

		
<b>State-wide goals and thresholds for support and intervention</b>	<p>ESSA asks for goals and accountability frameworks to include progress measures of schools needing “comprehensive support and improvement” based on long-term goals and interim progress targets for all students and subgroups. Schools that are not performing as expected will have to develop a “targeted support and improvement plan.” ESSA accountability plans will require additional clarity on improvement targets for, at minimum, the lowest performing 5% of Title I schools.</p>	<p>California’s consideration of district and school performance/growth measures use state averages as the point of reference, and not aspirational, long-term, or gap-closing targets. California could also, for example, choose to set improvement targets to support the lowest performing quartile, to model a more demanding commitment to closing the achievement gap.</p>
<b>LEA vs. school-level accountability, support, and intervention</b>	<p>ESSA’s focus for support and intervention primarily lies at the individual school-level. Districts must develop, and the state must approve, monitor and intervene, based on an evidence-based improvement plan with input from stakeholders, including school leaders, teachers, and parents.</p>	<p>LCFF outlines a multi-tiered system of monitoring, technical assistance, and intervention to provide support through school districts, county offices, the California Collaborative for Educational Excellence (CCEE), and finally the Superintendent for Public Instruction.</p> <p>At least 5% of California’s Title I schools and every high school graduating less than two-thirds of students will need to develop plans that will need to be approved and monitored by the state. If those schools fail to improve, the state will need to take more rigorous, state-determined action. There is presently minimal specificity on how LCFF might accommodate ESSA’s mandate to support individual schools while also preserving “local control.”</p>



## Decision Points (cont.)

		
<b>Multiple measures of student and school performance</b>	<p>While ESSA requires only one additional non-academic measure, the State and various Districts have already made efforts to include measures of school culture/climate and social and emotional learning. For instance, SDE is currently reviewing District-level evaluation rubrics, indicators, and metrics, support continuous improvement in three policy areas: access and opportunity, graduation, and college/career readiness.</p>	<p>California will need to decide which standardized measures will be part of the statewide accountability system, how they will “weigh” or proportionally value each measure, and how these measures will impact school rating and decisions regarding support and intervention. In addition, California will need to finalize a successor to the outmoded Academic Performance Index, to serve as an “academic” measure called for in ESSA.</p> <p>The CORE District’s School Quality Improvement Index aggregates weighted measures of academic performance and growth, as well as several non-academic domains including chronic absenteeism, suspension/expulsion, student/staff/family climate, social-emotional skills, and English language redesignation.</p>
<b>Teacher Quality and Professional Development</b>	<p>Although ESSA eliminates that states define and track “highly qualified teachers” (HQTs), it maintains the provision that states develop plans (and report and share those plans) describing how they will identify and address any disparities that result in poor and minority students being taught by ineffective, inexperienced, unqualified, or out-of-field teachers at higher rates than other students. States may use federal professional development funds to increase access to effective teachers for poor or minority students, as well as induction, mentoring, reform of teacher/leader preparation programs, and alternative routes for state certification. States may also, though are not required to, use funds to implement teacher and leader evaluation systems based on student achievement, growth, and multiple measures of performance.</p>	<p>California has placed significant emphasis on increasing investments in professional development as part of continuous improvement models. In 2015, over \$500 million in funding was allocated to advance “teacher effectiveness” and to support innovative teacher programming.</p> <p>Last year California also revised and re-submitted its plan for ensuring Educator Equity. Continued attention, monitoring, and implementation of the strategies outlined in this plan aligned with teacher effectiveness investments should remain a priority.</p>



## Decision Points (cont.)

		
<b>English Language Learners</b>	<p>ESSA requires that states include English language proficiency in their accountability frameworks, alongside statewide math and language arts assessments, and report English proficiency progress by a growth measure for up to four years. States must clarify a standardized process for classifying English learners and re-designating students as English proficient, and must disaggregate English learners with a disability from English learners in general. States are also required to report on students who have not attained English proficiency within five years of identification as an English learner.</p>	<p>LCFF provides additional weighted funding for English learners. Based on initial analysis of LCFF-allocations, however, it is unclear how Districts have increased allocation and how funds have impacted English learner student performance. ESSA's requirement for a standard process for identification and reporting may encourage schools and Districts to prioritize the needs of English learners.</p>
<b>Early Childhood Education</b>	<p>ESSA formalizes the existing Preschool Development Grant program into law. The competitive grant program is authorized at \$250 million for each of the fiscal years 2017 through 2020. The program will be administered by the U.S. Department of Health and Human Services (HHS) jointly with USED, and the agencies are restricted from specifying, defining, or prescribing early learning and development guidelines, standards, specific assessments, and specific measures or indicators of quality early learning and care.</p>	<p>New resources may serve to further coordinate and align early learning efforts between the California Department of Education and the California Department of Social Services.</p>



## Questions to Consider

1. In what ways does ESSA support the reforms that are already underway in California? How might the new federal law help promote greater equity in both opportunities and outcomes for all students?
2. How might the California Collaborative for Educational Excellence (intended to help struggling school districts more successfully reach the goals outlined in their Local Control and Accountability Plans) be able to balance a focus on district performance accountability with the federal law's emphasis on school performance and accountability?
3. Will the state be able to identify the lowest performing 5 percent of schools with a "multiple measure" approach or a numerical grading system?
4. How might a single accountability system limit local innovation? Would some flexibility or differentiation conflict with efforts to ensure equity? If so, what additional reforms might be required?
5. How might the law provide new opportunities to understand educator quality? What impact or changes to teacher preparation programs might result from the new law? How will quality of programs be maintained? Will ESSA affect state regulations for alternate paths to teacher certification in California and the nation?
6. How might ESSA, like LCFF in CA, allow for ongoing stakeholder engagement, including support and resources for family involvement?

## Useful References

- EducationNext: ["More on How States Should Navigate New Opportunities Under ESSA"](#)
- Ed Trust West: ["The Every Student Succeeds Act of 2015: What it means for equity and accountability in California"](#)
- Ed Trust: [Preliminary overview of ESSA](#)
- EdSource: ["Like NCLB, new education law makes promises that will be hard to fulfill"](#)
- EdSource: ["New education law puts more pressure on states to serve English learners"](#)
- [MALDEF Statement on The Every Student Succeeds Act](#)
- New America Ed Central: ["Every Student Succeeds Act and Early Learning"](#)
- McCormick Center for Early Childhood Leadership: ["Early Care and Learning in the Every Student Succeeds Act"](#)
- EducationCounsel: ["ESSA: Opportunities and Risks"](#)
- EducationCounsel: [Analysis of the Omnibus Appropriations Bill](#)
- US Department of Education: ["Dear Colleague letter on Transition to ESSA"](#)
- CA State Board of Education, January 2016: [Update on Issues Related to California's Implementation of the Elementary and Secondary Education Act.](#)
- CA State Board of Education, January 2016: [Developing a New Accountability System: Update on the Local Control Funding Formula Evaluation Rubrics.](#)