

**United State House of Representatives
Committee on Education and the Workforce
Next Steps in K-12 Education: Examining Recent Efforts to Implement the Every Student Succeeds Act**

June 23, 2016

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Chairman Kline, Ranking Member Scott, and members of the House Education and Workforce Committee, thank you for the opportunity to share my perspective on implementation of the Every Student Succeeds Act (ESSA). This perspective is informed by The Education Trust's long history of working alongside educators, advocates, and policymakers to close gaps in opportunity and achievement separating low-income students and students of color from their peers.

Allow me to begin as we always do at Ed Trust, with the data. It's become popular to characterize the No Child Left Behind (NCLB) era as lost years for our nation's students — years in which “unrealistic goals” and “test and punish” systems shackled educators' hands and yielded nothing but rote instruction and shallow learning. But the data suggest a different story altogether: Since we've had federal requirements for annual testing, full public reporting, and serious accountability for the results of every group of children, achievement among black, Latino, and low-income students has improved.

On the longest standing national measure, the National Assessment of Educational Progress (NAEP) Long-Term Trends, results for black and Latino students improved faster than at any time since the 1980s. Instead of the gap-widening we saw during much of the 90s, we have seen gap-narrowing since that time.

On the main NAEP exam, the percentage of low-income fourth-graders at the Below Basic level in math was reduced by more than half between 2000 and 2015, while the percentage performing at the Proficient or Advanced levels tripled. There was similar improvement among students of color. Among black fourth-graders, for example, the percentage at the Below Basic level in math declined from 65 percent to 35 percent; among Latinos, the Below Basic numbers declined from 59 percent to 27 percent.

High school completion rates are also up, especially for black and Latino students. In 2003, only an estimated 59 percent of black students and 66 percent of Latino students graduated on time. In 2014, 73 percent of black students and 76 percent of Latino students graduated in four years. Among students with learning disabilities, a group of students that many continue to write off as being unable to learn, the percentage earning a regular high school diploma rose from 57 percent in 2002 to 68 percent in 2011.

Let's be clear that laws and regulations themselves don't close gaps and raise achievement. Only the hard work of educators, students, and parents can do that. But smart policy has proved to be an important source of urgency to attend to the needs — and potential — of low-income students, students of color, English learners, and students with disabilities. The NCLB expectation that a school could not be considered successful unless it was successfully improving achievement for all groups of students sparked action in schools and districts that had long been content to coast by on overall averages.

Now to be sure, whether we're talking about reading and math achievement or graduation rates, the gains we've seen as a nation are nowhere near enough.

- When the chances that a young black man will be imprisoned by age 34 drop from 68 percent to 21 percent with high school completion — and fall to 7 percent with a college degree — we cannot stop until we ensure that every young person graduates ready for postsecondary education.
- When elementary reading is one of the most important predictors of post-high school opportunities, yet almost half of our black, Latino, and Native children are still reading below the basic level, we cannot stop until we equip every child with the reading skills they need.
- When African American high school students are less than half as likely to reach college readiness benchmarks as white students, and gaps between Latino and white students persist, we cannot stop until we eliminate the deep inequities within our education system that perpetuate — and even enlarge — these gaps, and provide every single child in American with the education they need to climb the rungs of opportunity in this country.

What does all this mean for ESSA implementation? In short, we need to pick up the pace of improvement — not back off.

Thankfully, the new law crafted by this committee along with your Senate counterparts contains a number of important levers that education leaders, parents, members of the civil rights and business communities, and advocates can use to advance education equity, including:

- Consistent, state-adopted standards for all students that are aligned with the demands of postsecondary education and work;
- Statewide annual assessment 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;
- An expectation that states and districts 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;
- Continued targeting of federal funding to the highest poverty schools and districts; and

- 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.

Taken together, these levers represent key building blocks of 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 thank members of this committee for including them.

The challenge now is to translate the potential of ESSA into improved state and local policies and practices, and, ultimately, improved outcomes for all students. Doing this means that systems developed under ESSA must be responsive to unique state and local contexts and build on the insights of local stakeholders — especially the low-income communities and communities of color with the most at stake.

If these systems are to help generate real improvements, they must build on insights from successful educators, too. We all know that compliance with expectations is one thing, broad ownership of those expectations is quite another. This difference was painfully clear during the NCLB era.

But let me be clear: Recognizing and honoring the need for state and local decision-making does not, as some have suggested, mean that from now on, the U.S. Department of Education should do nothing more than cut checks. Under ESSA, the Department has an important role to play through enforcement, regulation, and guidance, especially when it comes to ensuring that states and localities are taking seriously their responsibility to all of their children.

Because in all the celebration of “a return to state and local control” surrounding this law, let’s not forget that the state and local track record of serving the interests of vulnerable students is not a good one. To be sure, there are examples of state, district, and school leaders moving the needle for their low-income students, students of color, students with disabilities, and English learners. But even today, when such students represent the majority of our young people, there are many more examples of states and localities dragging their feet and shirking their responsibilities to these children.

In too many places, state and local leaders have let well-documented inequities in access to opportunities to learn — from rigorous coursework to education funding to strong, well-supported educators — fester.

They’ve made decisions aimed at getting around, rather than living up to, the expectations set by Congress.

- Under the Improving America’s Schools Act, the 1994 reauthorization of ESEA, states were required to hold schools accountable for the “continuous and substantial improvement” of all students, particularly economically disadvantaged and limited English proficient students. Yet

only a handful of states actually included subgroup performance in their accountability system. And the majority didn't even report performance by group.

- Under NCLB, states were required to set goals for the percentage of English learners making progress toward English proficiency. Nine states expected fewer than half of their ELs to make progress toward English proficiency.
- Also under NCLB, states were required to hold high schools accountable for graduation rates. Not only did states game the definition of graduation rates, but they also set exceedingly low expectations for improvement. Over half of states set their improvement target at any progress over the past year, meaning that an increase from 50 percent to 50.1 percent was acceptable. Two states and the District of Columbia actually defined improvement as not losing ground. And as low as these expectations were, when the law was first implemented, states applied them only to students overall, not individual groups of students despite the fact that graduation rates were lowest among low-income students, students of color, English learners, and students with disabilities.

Unfortunately, this reluctance to expect much of schools vis-à-vis their low-income children and children of color didn't end when states got more flexibility under NCLB waivers. When given the opportunity to do so, most states chose to create school ratings systems that outright ignore the performance of individual student groups. Rather than holding schools accountable for serving each student group, many states created "supergroups," which treats students with vastly different needs — such as students with disabilities and English learners — the same.

This track record is why ESSA includes the levers noted above, many of which we at Ed Trust fought for alongside partners in the business, civil rights, and disability communities. It's why we'll continue to work alongside our partners to inform state and local implementation. And it's why the U.S. Department of Education cannot recede into the background and must continue its historic focus on looking out for the children who are likely to come last in state improvement efforts.

Smart federal involvement can and should establish guardrails for state and local action, assure that the equity goals of federal education law are honored, and ensure responsible stewardship of the \$15 billion investment in Title I that federal lawmakers make every year.

The consensus on assessment regulations reached by a diverse set of stakeholders through the negotiated rulemaking process is an important example of both confidence in the Administration's ability to regulate and the agreed-upon need for clarification of the statute to ensure successful implementation.

There are many areas where the regulations on accountability, public reporting, and State plans proposed by Secretary King clarify and bolster the equity levers in ESSA, including:

- The requirement that all indicators in the accountability system be disaggregated by each group of students, so schools can't sweep the performance of some students under the rug;
- Clarity that "supergroups" can't take the place of individual student groups, so progress among one group can't mask stagnation or declines for another;
- The prioritization of academic outcomes, so the main purpose of school stays in focus;
- The expectation of full participation in the state assessment and action when fewer than 95 percent of any student group participates, so schools can't return to the old practice of opting lower performers out on test day;
- The requirement that all schools receive a summative rating based on each groups' performance on all the indicators, so parents get an at-a-glance view of school performance.

It's important here to dispel the emerging narrative that we can have either summative ratings or rich public reporting, not both. That is decidedly untrue: Summative ratings can and should exist alongside rich public reporting of all the data that goes into the rating, as well as of measures beyond those included in the rating;

- The expectation of statewide definitions and procedures for reporting on opportunities to learn such as teacher qualifications and per-pupil expenditures, so that these critical data will be consistent from school to school and district to district;
- Clarity that equitable access to strong teachers for low-income students and students of color is a central part of each state's ESSA plan, rather than something to be ignored — as it was for much of NCLB — or an on-the-side project as it's been treated in recent years. This includes clarity that states can require LEAs to use Title II funds to address inequities in teacher assignment.

The importance of these rules to clarify and bolster ESSA requirements has been made clear in recent months as states have begun their implementation efforts. Already, some states have made suggestions for their new accountability systems that would undermine the law's equity provisions, such as including indicators that can't be disaggregated in their accountability system, using supergroups in place of individual student groups, or providing merely a dashboard of data with no meaningful indicator weighting.

We'll work with our partners, Congressional leaders, and Department officials to preserve these important features of the proposed regulations.

That said, there are also areas where the proposed regulations miss the mark and must be improved.

- Some of the options for defining consistent underperformance for any student group undermine the expectation — and the Congressional requirement — that when *any* group in *any* school is not making progress for multiple years, that must be clear in the school's rating, and the struggling group must get support.

By allowing states to define consistent underperformance as having among the largest achievement gaps to statewide averages, the proposal signals that only the very largest gaps matter, regardless of whether individual groups are stagnating or even losing ground.

And by allowing states to limit the definition of consistent underperformance for a group to being in the lowest performance level on at least one indicator, or being the farthest away from statewide average performance, the proposal signals that it's okay to help only the lowest of the low-performing groups, or groups in a limited number of schools.

This definition of consistent underperformance is at the very heart of the law and is essential to assuring that struggling students get the support they need. The Department of Education can and should base the definition on the statewide goals and interim progress targets for each individual group that the law requires every state to set.

- By requiring that the first comprehensive support and improvement schools be identified based on data from the 2016-17 school year — which is a year earlier than the full accountability system must be implemented — the proposal makes it likely that states will simply re-identify schools that have already been identified under state systems, such as Priority Schools under state waiver systems. Students in these already-identified schools absolutely need, and should receive, continued support and intervention. But if these schools are re-identified for 2017-18 and the subsequent two years, other schools with chronically low performance for students overall may not get comprehensive support and improvement until 2020-21.
- By not including a set timeframe for English-language acquisition, the proposal signals that it's okay if English Learners never actually reach English language proficiency as long as they're making progress.
- The proposal raises concerns about the calculation of graduation rates for students with disabilities, both those earning regular and alternate diplomas. It also raises concerns that students with disabilities might be taken off-track to a meaningful diploma.
- The teacher equity provisions can and should be strengthened by requiring states to set clear, ambitious goals for reducing inequities. As it stands, states are required to report data and identify inequities but not to make any measureable commitment to addressing those inequities.

We'll work with partners and policymakers to make necessary improvements and ensure the final regulations reflect the responsibilities that the federal government, states, districts, and schools have to all children, especially the most vulnerable.

ESSA presents an opportunity to develop policies and practices in a truly inclusive way — in a way that responds to the different needs of states and localities, but that never loses sight of the ultimate goal of equity for all students. As the hard work of implementation begins, we urge states and districts to be thoughtful about their new systems. We urge state and district policymakers to involve the community — from civil rights to business to parents to educators — in a meaningful way, from start to finish.

And we urge leaders in Congress and the Department to remain vigilant in ensuring the equity provisions of the law are upheld and the needs — and potential— of low-income students, students of color, students with disabilities, and English learners are central to every implementation decision.