



The Education Trust

Closing the gaps in opportunity and achievement, pre-k through college.

**United States Senate
Committee on Health, Education, Labor, and Pensions
ESSA Implementation in States and School Districts:
Perspective from Education Leaders**

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Chairman Alexander, Ranking Member Murray, and members of the Senate HELP 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 high school life 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 House 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. While improvement goals must be ambitious, they must also feel achievable. 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. If we had time, I would share with you some examples of state and local leaders who are really 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, many more examples of states and localities dragging their feet and bucking 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, 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 created “supergroups” that treat students with vastly different needs — such as students with disabilities and English learners — the same.

This track record is why ESSA includes the levers I described 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.

We've seen the federal government play this role in previous iterations of this law. Going back to the graduation-rate example under NCLB, when states' efforts to hide, rather than own, their dropout problems became clear, the Bush Administration used regulation to enshrine a more accurate graduation-rate definition and ensure that states held schools accountable for making substantial progress in raising graduation rates for all groups of students.

What would state and local decision-making balanced with appropriate federal oversight look like in ESSA implementation? Let me give just a few examples, taken from Ed Trust's comprehensive public comments on ESSA implementation submitted to the U.S. Department of Education.

- When it comes to assessment, having a consistent measure of student achievement is critical for equity, allowing parents to compare results between districts, educators to benchmark progress on standards, and state leaders to build fair, statewide accountability systems.

States and districts interested in taking advantage of the option for districts to use nationally recognized high school assessments that are different than the statewide high school assessment will need to put in place safeguards to ensure that these assessments are rigorous and truly comparable to statewide tests.

The Department should require states or districts proposing to take advantage of this option to provide evidence that the nationally recognized assessment is aligned to state standards and to submit comparability studies and scoring crosswalks to demonstrate how the new assessment will yield comparable, high-quality data.

- Goals are the cornerstone of meaningful accountability — they must be challenging but feel attainable. And if we are going to close the achievement gaps that have hobbled our nation for too long, they must expect more progress for the groups of students who are starting further behind. This will be especially important — and challenging — given states' transition to new, more rigorous assessments.

The Department should ask states to clearly explain their goal-setting methodology and clarify the evidence states will need to provide to demonstrate that the goals reflect both ambition and gap-closing. As one example, states could show how their goals are benchmarked against top-performing schools for students overall, and the top-improving schools either for students overall or for student groups, whichever is faster.

- If we're truly going to move the needle on achievement for all, we need progress from students in all kinds of schools, not just the very lowest performing ones, as has been the focus under NCLB waivers.

States will need to establish a rigorous definition of "consistently underperforming" for student groups. When any group is consistently underperforming, that must be clear in the school's rating, and it must prompt action to better serve those students.

The Department should require states to align their definition of consistently underperforming with the statewide goals for each group and clarify that the definition must include not just the lowest performing schools for groups of students, but also those that are consistently not making progress for one or more groups.

In these examples and the other places where the Department can and should regulate, the goal is always to ensure a deliberate focus on equity — on improving achievement for all kids, but especially those whose potential is now being squandered.

ESSA presents an opportunity for developing 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.

But we know from long experience that, without the levers you provided in the law, the needs of the less powerful will get less attention. That terrible tendency is why Congress has always needed — and continues to need today — a watchful eye in the Department of Education to prevent states from skirting their responsibilities to all children, especially the most vulnerable.