

ESSA IMPLEMENTATION: EXPLORING STATE AND LOCAL REFORM EFFORTS

HEARING

BEFORE THE
COMMITTEE ON EDUCATION
AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

HEARING HELD IN WASHINGTON, DC, JULY 18, 2017

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ESSA IMPLEMENTATION: EXPLORING STATE AND LOCAL REFORM EFFORTS

**Tuesday, July 18, 2017
House of Representatives
Committee on Education and the Workforce
Washington, D.C.**

The Committee met, pursuant to call, at 10:02 a.m., in Room 2175, Rayburn House Office Building, Hon. Virginia Foxx [chairwoman of the committee] presiding.

Present: Representatives Foxx, Wilson of South Carolina, Walberg, Guthrie, Rokita, Barletta, Messer, Brat, Grothman, Stefanik, Allen, Lewis, Mitchell, Garrett, Smucker, Estes, Handel, Scott, Davis, Grijalva, Courtney, Fudge, Polis, Sablan, Bonamici, Takano, Adams, DeSaulnier, Norcross, Blunt Rochester, Krishnamoorthi, Shea-Porter, and Espaillat.

Staff Present: Michael Comer, Press Secretary; Amy Raaf Jones, Director of Education and Human Resources Policy; Jonas Linde, Professional Staff Member; Nancy Locke, Chief Clerk; Kelley McNabb, Communications Director; Jake Middlebrooks, Legislative Assistant; James Mullen, Director of Information Technology; Krisann Pearce, General Counsel; Mandy Schaumburg, Education Deputy Director and Senior Counsel; Brad Thomas, Senior Education Policy Advisor; Michael Woeste, Press Secretary; Tylease Alli, Minority Clerk/Intern and Fellow Coordinator; Austin Barbera, Minority Press Assistant; Jacque Chevalier, Minority Education Policy Director; Denise Forte, Minority Staff Director; Mishawn Freeman, Minority Staff Assistant; Doug Hodum, Minority Education Policy Fellow; Kimberly Knackstedt, Minority Disability Policy Advisor; Veronique Pluviose, Minority General Counsel; and Aneesh Sahni, Minority Education Policy Fellow.

Chairwoman FOXX. The Committee on Education and the Workforce will come to order. Good morning and welcome to today's full committee hearing. I thank our panel of witnesses and our committee members for joining today's discussion on the implementation of the Every Student Succeeds Act, ESSA.

ESSA can be considered a milestone for K-12 policy because it was a monumental shift in the role of States and school districts would have in the future of education. ESSA sought to achieve two specific goals for K-12 education: autonomy and accountability. States and school districts were given new independence when creating a K-12 education program that works best for their own students, ending a Washington knows best approach to education.

Additionally, ESSA specifically prohibited the federal government from influencing States' adoption of particular standards. It also repealed Federal mandates for teacher performance and protected a State's right to opt out of Federal education programs. Part of ESSA's goal for State and school district autonomy was to force Washington to remain at arm's length from States and school districts when it comes to education. And rest assured that this committee will be watching to ensure that Washington keeps its distance.

While States and school districts were given more autonomy in ESSA, the law maintains provisions ensuring parents have transparent information about school performance and States and districts can hold schools accountable for delivering a high-quality education to all students. ESSA also included unprecedented restrictions on the Department of Education's authority to take back the State and local flexibility guaranteed by the law.

ESSA has stripped away powers of the Department of Education, such as the ability of the Secretary of Education to legislate through executive fiat or the ability of the Department's bureaucrats to substitute their judgment for States'. History made it clear that a top-down approach to K-12 education did not serve students, parents, teachers, or the States well, and ESSA directly addressed the shortcomings.

Given the monumental shift in education policy represented by ESSA, it is important that we hear how implementation is progressing. We know the law will not fully take effect into the coming school year and we will need time to assess its impact on schools and students. However, I look forward to hearing from today's witnesses about the progress State school districts and the Department of Education are making.

This committee has been keeping a close eye on this implementation process. Last year we held four hearings on implementation of ESSA. Today we will continue our discussion on ESSA's implementation.

ESSA was truly a change for K-12 education and I do believe this bipartisan law delivers the proper balance of autonomy and accountability to parents and taxpayers while ensuring a limited Federal role. This law has the ability to empower State and local leaders to change K-12 education for the better and that is why it is of utmost importance to this committee. I look forward to hearing from our witnesses and members during today's hearing.

With that, I yield to Ranking Member Scott for his opening remarks.

[The statement of Chairwoman Foxx follows:]

Prepared Statement of Hon. Virginia Foxx, Chairwoman, Committee on Education and the Workforce

Good morning, and welcome to today's full committee hearing. I'd like to thank our panel of witnesses and our committee members for joining today's discussion on the implementation of the Every Student Succeeds Act (ESSA).

ESSA can be considered a milestone for K-12 policy because it was a monumental shift in the role states and school districts would have in the future of education.

ESSA sought to achieve two specific goals for K-12 education: autonomy and accountability.

States and school districts were given new independence when creating a K–12 education program that works best for their own students, ending a “Washington knows best” approach to education.

Additionally, ESSA specifically prohibited the federal government from influencing states’ adoption of particular standards. It also repealed federal mandates for teacher performance and protected a state’s right to opt-out of federal education programs.

Part of ESSA’s goal for state and school district autonomy was to force Washington to remain at arm’s length from states and school districts when it comes to education, and rest assured that this committee will be watching to ensure Washington keeps its distance.

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This law has the ability to empower state and local leaders to change K–12 education for the better, and that is why it is of utmost importance to this committee.

I look forward to hearing from our witnesses and members during today’s hearing.

Mr. SCOTT. Thank you, Madam Chair, for convening this morning’s hearing on implementation of the Every Student Succeeds Act. I would like to thank our witnesses for appearing today and I look forward to hearing their testimony.

It is regrettable, however, Madam Chair, that we are not hearing from the U.S. Department of Education, particularly considering media reports of the majority’s intention to critique its implementation of ESSA during today’s proceedings. I know I, for one, would greatly benefit from an open dialogue with the Department on ESSA implementation and for other matters.

Chairwoman FOXX. you will remember that I sent you a letter urging Secretary DeVos and other agency heads to appear before the committee to discuss the administration’s priorities. That request has not been fulfilled, so I would like to take the opportunity again to ask that Secretary DeVos or any other representative from the Department who can discuss the administration’s priorities appear to engage in an open dialogue with this committee.

Now, ESSA has been the law of the land for nearly 20 months. Now, while that may seem like a long time in the lifecycle of a law as consequential as the Elementary and Secondary Education Act which passed over 50 years ago, it is really just the beginning.

States are only now undergoing the peer review and plan approval process followed by months of work amidst a regrettable chaotic regulatory environment. As I said, I said this in February and March, but it bears repeating, when Congress used the CRA to block the regulation of title I's core requirements, that was unfortunate and counter to the bipartisan agreement in ESSA. But this body did go forward with the CRA and now that is the reality that we have to work with.

That lack of regulation, however, means increased subjectivity in determining compliance with the law's requirements which makes oversight actions of this committee even more important. This increased subjectivity without the clarifying regulations is apparent in the Department's early feedback on State plans that were submitted in May, during the May submission window. Some plan components were praised by peer reviewers in one State's plan while the same components were questioned as insufficient in another. All the while other violations of ESSA's equity requirements were overlooked by the Department completely.

Madam Chair, I am disappointed that the media description of the reaction from some of our colleagues in the majority who have characterized the Education Department's feedback on State plans as overreach. There is a difference between overreach and simply administering the program. And we need to remember that ESSA was not a blank check to States and districts, and while the law afforded States and districts much flexibility, that flexibility must occur within the law, including guardrails concerning the assessments to ascertain persistent achievement gaps and accountability to close those achievement gaps.

Congress designed the law's guardrails to protect the interest of the underserved students. And the law contained important requirements, requirements Republicans and Democrats all agreed to when we voted for ESSA, and those requirements must be meaningful. Now, ESSA is not and never has been a free-for-all. It is the responsibility of the Department as articulated by Congress to carefully scrutinize the quality of State plans and only approve those that meet the law's requirements.

Even without regulations the law is the law. And the law requires the Secretary to review the plans, ask hard questions, and, if necessary, disapprove the plans in the interest of the students. And while, as I just mentioned, some of the content and overall inconsistency of the Department's feedback may be problematic, I do not, and none of us should, take issue with the Department attempting to do its job. Feedback must be more, not less, consistent and more, not less, vigorous. And ultimately, the feedback and submission of plans must result in approval only if the plans meet the spirit and the letter of the law.

As we will hear today, many State plans leave much to be desired either due to ambiguity or incompleteness in response, or due to plan components that violate the law's equity requirements. It is my hope that the Department will work with States, including through a provision of adequate guidance and technical assistance, to improve the overall quality of the State plans and ensure implementation that honors the long civil rights focus of the ESEA.

Now, such implementation is only possible with the support and partnership of the Federal Government. It is not only the role of the Department to support and monitor State efforts to comply with the law, but it is also the role of Congress to fund programs authorized by ESSA. Despite promises to implement the law as Congress intended, Secretary DeVos and President Trump proposed the elimination of bedrock ESEA programs, like title II–A to support teachers, 21st Century Learning Centers to support after-school programs, and cuts to other programs, including an effective cut of nearly \$600 million in title I.

Now, while the House majority fiscal year 2018 Labor-H Appropriations Bill is not as draconian as the President’s request, it fails to honor the bipartisan ESSA agreement by eliminating title II–A, cutting afterschool programs and maintaining an effective cut to title I that will be felt at the local level. Elimination of title II–A would result in thousands of layoffs and inhibit local and State efforts to improve teacher, paraprofessional, and school leader supports. Defunding this program most certainly does not align with the bipartisan intent of the authorizing statute.

And lastly, Trumpcare’s proposed cuts to Medicaid, if enacted, would devastate services for students with disabilities and undermine State and local efforts to educate all students to high standards as required by ESSA. And the situation would be even worse if the most recent repeal without a replace plan is enacted.

Now, how effective can implementation be without funding? I know all too often that State and local education agencies face capacity challenges and I would hope to hear from today’s witnesses about the negative impact of underfunding ESSA programs on faithful implementation.

In closing, I remain concerned about many of the actions of Secretary DeVos and this administration concerning our Nation’s students for example, the recent rhetoric from the Office of Civil Rights and the office’s directive to ignore systemic data when they investigate alleged civil rights violations. The lack of agency capacity to carry out key components of the Department, including the absence of deputy secretaries, the rollback of protections for student borrowers, the rescinding of protections for transgender students, the sledgehammer-like approach to deregulation without transparency of decision-making of the Department, and the decision to cancel the grant program to award \$12 million to localities to provide technical assistance to help them desegregate their schools. All of these actions point to a troubling pattern that undermines the Federal Government’s important role to protect and promote civil rights of all students.

This pattern must not continue with ESSA implementation. I say that not out of wishful thinking or partisan spin, but because it is what is in the law that we enacted and that needs to be enforced. And ESSA is clear: it is the responsibility of the Department to review and provide feedback on ESSA State plans, make determinations of approvals, of disapprovals, based on compliance with the statute and partner, including through enforcement activities, with States and school districts to support the laws’ implementation moving forward.

It is the responsibility of States and districts to innovate within the guardrails of ESSA's equity requirements. There may have been a change in administration, but the law is the law and the Federal role is clear. I hope this committee commits to a robust oversight of ESSA implementation moving forward to ensure that it is responsibly fulfilled.

Thank you, Madam Chair, and I yield back.

[The statement of Mr. Scott follows:]

**Prepared Statement of Hon. Robert C. "Bobby" Scott, Ranking Member,
Committee on Education and the Workforce**

Thank you, Chairwoman, for convening this morning's hearing on implementation of the Every Student Succeeds Act. I'd also like to thank today's witnesses for appearing before us today. I look forward to hearing from each of you.

It is regrettable; however, that we are not hearing from the US Department of Education, especially considering media reports of the majority's intention to critique its implementation actions during today's proceedings. I know I, for one, would greatly benefit from an open dialogue with the Department – on ESSA and on other matters.

Chairwoman Foxx, you may remember that I sent you a letter urging Secretary DeVos and the other agency heads to appear before the committee to discuss the administration's priorities. That request has not been fulfilled, so I would like to take this opportunity to again ask that Secretary DeVos, or another representative of the Department appear to engage in an open dialogue with this committee.

ESSA has been the law of the land for nearly 20 months, and while that may seem like a long time, in the lifecycle of a law as consequential as the Elementary and Secondary Education Act, it really is just the beginning. States are only just now undergoing the peer review and plan approval process, following months of work amidst a regrettably chaotic regulatory environment.

I said this in February and March, but it bears repeating: I believe this Congress' use of the CRA to block regulation of Title I's core requirements was misguided and irresponsible. But counter to the bipartisan agreement of ESSA, this body did move forward with the CRA – and that is now the reality to which we must all adjust. Lack of regulation means increased subjectivity in determining compliance with the law's requirements, which makes the oversight actions of this Committee even more important.

This increased subjectivity without appropriate regulation is apparent in the Department's early feedback on state plans that were submitted in the May submission window. Plan components praised by peer reviewers in one state's plan were questioned as insufficient in another's, while other violations of ESSA's equity requirements are ignored by the Department completely.

I am disappointed with the reaction from some of my colleagues in the majority who have characterized ED's state plan feedback as overreach.

Despite the soaring rhetoric, ESSA is not a blank check to states and districts. While the law affords states and districts much flexibility in decision-making, that flexibility must occur within the guardrails of the law – including guardrails concerning the integrity of assessments to ascertain persistent achievement gaps and act to close them. Congress designed the law's guardrails to protect the interests of underserved students.

The law contains important requirements – requirements Republicans and Democrats all agreed to when we voted for ESSA – and those requirements must be meaningful. ESSA is not – and never has been – a free for all, and it is the responsibility of the Department, as articulated by Congress in ESSA, to carefully scrutinize the quality of state plans and only approve those that meet the law's requirements.

Even without accompanying regulations, the law is the law – and the law requires the Secretary to review plans, ask hard questions and disapprove if necessary – in the interest of students.

While, as I just mentioned, I find some of the content and the overall inconsistency of the Department's feedback to be problematic, I do not – and none of us should – take issue with the Department attempting to do its job. The feedback must be more consistent and more rigorous, not less rigorous. And ultimately, the feedback and resubmission of plans must result in approval only of plans that meet the spirit and letter of the law.

As we will hear today, many state plans leave much to be desired, either due to ambiguity or incompleteness in response or due to proposed plan components that violate the law's equity requirements. It is my hope that the

Department will work with states, including through provision of adequate guidance and technical assistance, to improve the overall quality of state plans and ensure implementation that honors the longstanding civil rights focus of the ESSA.

Such implementation is only possible with the support and partnership of the federal government. Not only is it the role of the Department to support and monitor state efforts to comply with the law, but it is also the role of Congress to fund programs authorized by ESSA.

Despite promises to implement the law as Congress intended, Secretary DeVos and President Trump proposed elimination of bedrock ESSA programs – Title II–A to support teachers, 21st Century Community Learning Centers to support after school – and cuts to others, including an effective cut of nearly \$600 million to Title I–A.

And while the House Majority's FY18 LaborH appropriations bill isn't as draconian as the President's budget request, it fails to honor the bipartisan agreement of ESSA by eliminating Title II–A, cutting afterschool, and maintaining the effective cut to Title I–A that will be felt at the local level. Elimination of Title II–A would result in thousands of layoffs and inhibit local and state efforts to improve teacher, paraprofessional, and school leader supports – defunding this program most certainly does not align with the bipartisan intent of the authorizing statute.

Lastly, Trumpcare's proposed cuts to Medicaid, if enacted, will devastate services for students with disabilities and undermine state and local efforts to educate all students to high standards, as required by ESSA.

How effective can an implementation be without funding? I know all too often that state and local educational agencies face capacity challenges, and I hope to hear from today's witnesses about the negative impact of underfunding ESSA programs on faithful implementation.

In closing, I remain concerned with many of the actions of Secretary DeVos and this administration concerning our nation's students –

- * the recent rhetoric from OCR and the office's directive to ignore systemic data in investigating alleged civil rights violations;
- * the lack of agency capacity to carry out key department functions;
- * the rollbacks of protections for student borrowers;
- * rescinding protections for transgender students; and
- * the sledgehammer-like approach to deregulation without transparency of decision-making at the department...

All of these actions point to a troubling pattern that undermines the federal government's important role to protect and promote the civil rights of all students.

This pattern must not continue with ESSA implementation. I say that not out of wishful thinking or partisan spin, but because that's what the law we wrote and enacted demands.

ESSA is clear – it is the responsibility of the Department to review and provide feedback of ESSA state plans, make determinations of approval or disapproval based on compliance with statute, and partner, including through enforcement activities, with states and school districts to support the law's implementation moving forward.

And it is the responsibility of states and district to innovate within the guardrails of ESSA's equity requirements. There may have been a change in administration, but the law is the law and the federal role is clear. I hope this committee commits to robust oversight of ESSA implementation moving forward to ensure that responsibility is fulfilled.

Thank you and I yield back.

Chairwoman FOXX. Thank you, Mr. Scott. Pursuant to committee rule 7C all members will be permitted to submit written statements to be included in the permanent hearing record. Without objection, the hearing record will remain open for 14 days to allow such statements and other extraneous material referenced during the hearing to be submitted for the official hearing record.

I now turn to introductions of our distinguished witnesses. Ms. Jacqueline Nowicki is the director of K–12 education for the U.S. Government Accountability Office. Dr. Gail Pletnick is the superintendent for the Dysart Unified School District in Surprise, Ari-

zona. Mr. Phillip Lovell is vice president of policy development and government relations at the Alliance for Excellent Education. Dr. Carey Wright is the superintendent of education for Mississippi.

I now ask our witnesses to raise your right hand.

[Witnesses sworn.]

Chairwoman FOXX. Let the record reflect the witnesses answered in the affirmative.

Before I recognize each of you to provide your testimony, let me briefly explain our lighting system. We allow 5 minutes for each witness to provide testimony. When you begin, the light in front of you will turn green. When 1 minute is left, the light will turn yellow. At the 5-minute mark the light will turn red and you should wrap up your testimony. Members will each have 5 minutes to ask questions.

We now recognize Ms. Nowicki for 5 minutes.

**TESTIMONY OF JACQUELINE NOWICKI, DIRECTOR, K-12
EDUCATION, U.S. GOVERNMENT ACCOUNTABILITY OFFICE**

Ms. NOWICKI. Good morning, Chairwoman Foxx, Ranking Member Scott, and members of the committee. I appreciate the opportunity to discuss GAO's new report on early observations on State accountability systems under ESSA. As you well know, ESSA requires States to have accountability systems that meet certain requirements, but grant States flexibility in designing these systems.

We focused our work on four areas of State accountability systems: one, determining long-term goals; two, developing performance indicators; three, differentiating schools; and four, identifying and assisting low performers. We did so because stakeholder groups identified these as key components of accountability systems under ESSA and as areas in which States are making changes.

My remarks today will focus on two key areas. First, I'll discuss stakeholder views on ESSA's flexibilities to redesign accountability systems. Second, I'll discuss next steps for the Department of Education in implementing ESSA.

In regards to my first point, all nine national stakeholder groups with whom we spoke saw ESSA's accountability provisions as somewhat flexible. For example, most of them praised the ability to define their own performance indicators.

Most stakeholders also indicated that ESSA strikes a good balance between flexibility and requirements. For example, one stakeholder said that ESSA threads the needle very well between offering flexibility to design systems that meet State needs and requiring States to protect vulnerable populations.

The extent to which States are changing their current systems varies. Some States are pleased with the systems they developed under their NCLB waivers and are continuing down that path. But for States that see their current systems as lacking in some way or when stakeholder consultation highlighted the need for significant change, we were told that ESSA provides room for States to consider innovative revisions.

Our report provides many examples of how two States, Ohio and California, are tailoring their accountability systems of each of the four areas I mentioned. I would like to highlight one example here.

To address ESSA's requirements to differentiate schools, Ohio plans to tweak its six current indicators to assess school and student performance. Some of these indicators would measure current performance while others would measure growth.

And schools would receive a letter grade on each indicator as well as an overall letter grade. Ohio officials felt that this approach would provide detailed information on various elements of their performance system as well as provide an easily understandable high-level overview of performance.

In California, the plan is to use a color-coded dashboard to differentiate school and students' subgroup performance on each of six indicators. Each indicator will measure current performance as well as growth over time.

Unlike Ohio, California does not plan to aggregate the indicators into an overall score. State officials said they chose not to aggregate because they feel that doing so can mask individual problem areas. They also told us that measuring current performance and growth for each indicator provides a more complete picture of performance.

With regard to my second point, given current timelines, the Department of Education remains focused on providing assistance to States in developing their plans and on the review and approval process for plans. Moving forward a key next step in ESSA implementation is for the Department to develop and implement State monitoring protocols. Although draft protocols were not available at the time of our review, education officials said that they planned to pilot protocols with eight or nine States in early 2018.

The Department's goal is to review all States within a 3- to 4-year cycle. Education officials also told us that they are considering whether there is a need for additional guidance for States. During our review, most national stakeholder groups told us that States could use guidance on a number of issues such as how to identify and evaluate appropriate evidence-based interventions.

In closing, I hope our early observations shine some light on how States are thinking about their accountability systems in the context of ESSA's flexibilities. ESSA implementation is still in the early days and much work lies ahead for both States and the Department of Education before the promise of ESSA can be fully realized.

We look forward to working with you to support your efforts to oversee implementation of this important law. This completes my prepared remarks. I would be pleased to answer any questions you may have.

[The statement of Ms. Nowicki follows:]



United States Government Accountability Office

Testimony before the Committee on
Education and the Workforce, House of
Representatives

For Release on Delivery
Expected at 10:00 a.m. ET
Tuesday, July 18, 2017

EVERY STUDENT SUCCEEDS ACT

Early Observations on State Changes to Accountability Systems

Statement of Jacqueline M. Nowicki, Director,
Education, Workforce, and Income Security
Issues

Chairwoman Foxx, Ranking Member Scott, and Members of the Committee:

I am pleased to be here to discuss our report on early observations on changes some states are making to their K-12 accountability systems in reaction to the Every Student Succeeds Act of 2015 (ESSA).¹ As you know, accountability systems measure student and school performance and provide information on that performance to key stakeholders – parents, teachers, government officials, and taxpayers. As a condition of receiving federal education funds for school districts with high concentrations of students from low-income families, ESSA requires states to have accountability systems that meet certain requirements, but grants states flexibility in designing these systems. ESSA's provisions regarding accountability systems generally take effect beginning with school year 2017-2018. In general, ESSA requires states to measure the performance of their schools and use those measures to identify underperforming schools and student subgroups for additional assistance.

My remarks today are based on our recent report entitled *Every Student Succeeds Act: Early Observations on State Changes to Accountability Systems*.² Accordingly, this testimony addresses (1) selected stakeholders' and states' views of ESSA's flexibilities to redesign accountability systems and (2) the U.S. Department of Education's (Education) next steps in implementing ESSA. To gain insight into these issues, we interviewed representatives of nine prominent national education stakeholder groups knowledgeable about accountability systems, six of which worked directly with states as they revised their accountability systems in response to ESSA. We also visited state educational agencies, school districts, and a total of four state stakeholder groups in California and Ohio. We selected California and Ohio because they were among the states that national stakeholder groups cited as being illustrative of different state approaches to

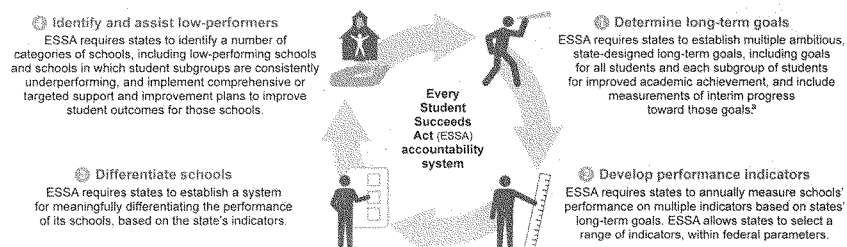
¹ ESSA, enacted in December 2015, reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), Pub. L. No. 114-95, 129 Stat. 1802 (2015). Accountability systems were also required under the previous reauthorization, the No Child Left Behind Act of 2001.

² GAO, *Every Student Succeeds Act: Early Observations on State Changes to Accountability Systems*. GAO-17-660, (Washington, D.C.: July 18, 2017)

developing their proposed accountability systems. We also interviewed Education officials and reviewed relevant federal laws and Education guidance pertaining to ESSA accountability provisions. Lastly, we reviewed accountability system guidance from California and Ohio as well as relevant portions of their draft state plans which describe how they plan to comply with ESSA accountability requirements. Additional information on our scope and methodology is available in our full report. We conducted this performance audit from December 2016 to July 2017 in accordance with generally accepted government auditing standards.

In our report we focused on 4 components of accountability systems under ESSA that we identified during interviews with national stakeholders as being key components of these systems and as areas where states are making changes to these systems (see Figure 1).

Figure 1: Four Key Components of Accountability Systems Under the Every Student Succeeds Act (ESSA).



Source: GAO analysis of Every Student Succeeds Act (ESSA) accountability system requirements. | GAO-17-757T

Note: This figure is intended to provide a high-level summary of selected components of state accountability systems as required by ESSA. For additional information on these components, see 20 U.S.C. § 6311(c) and (d). ESSA's provisions related to state accountability systems do not become effective until school year 2017-2018.

²Student subgroups include economically disadvantaged students, students from major racial ethnic groups, children with disabilities, and English learners.

Stakeholders and Selected States View ESSA's Accountability Provisions as Flexible

Representatives of all nine national stakeholder groups we spoke with saw ESSA's accountability provisions as somewhat flexible, with most indicating that ESSA strikes a good balance between flexibility and requirements. One stakeholder said, for example, that ESSA "threads the needle very well" between giving states flexibility in designing their accountability systems and placing requirements on states to help ensure that all children have access to a good education. Most stakeholders also mentioned ESSA provisions related to developing performance indicators as an example of flexibility. One stakeholder, for example, saw, these provisions as flexible because they allow states to define the exact indicators they will use, including indicators that measure student growth in addition to student proficiency when assessing academic performance.

Some states are using ESSA's flexibilities to significantly change their accountability systems while others are making more limited changes. Representatives of four national stakeholder groups that have worked directly with states to help them develop and revise their accountability systems told us that the extent to which states are revising their accountability systems varies because some states are satisfied with their current systems and others are using the flexibilities in the law to make significant overhauls. According to representatives of one stakeholder group, many states already began revising their accountability systems as a result of waivers Education granted under the previous reauthorization of ESEA, the No Child Left Behind Act of 2001 (NCLBA).³ They further said that ESSA is generally flexible enough for states to continue down the path they started in implementing their NCLBA waivers. In addition, representatives of several stakeholder groups mentioned that for states that see their current accountability systems as lacking in some way, or because consultation with state stakeholders has pointed to the need for significant change, ESSA provides room for them to consider innovative revisions.

Ohio and California illustrate how two different states are using the flexibilities in ESSA to tailor their accountability systems to meet state needs for each of the four key components of state accountability systems. To illustrate the different approaches each state is taking, I offer the following examples related to developing performance indicators.

³ For more information about these waivers, see our report, GAO-17-660.

Under ESSA, states are required to measure four indicators related to academics for all students and subgroups and at least one indicator of school quality or student success. The following examples from Ohio and California illustrate how each state is adapting its performance indicators to meet the requirements of ESSA and various needs in each state.

- In Ohio, state officials said they plan to use chronic absenteeism as an indicator of school quality or student success. They said they have studies that show that school attendance is strongly correlated with successful student performance. Because the state already collects attendance data, officials said this indicator would reduce the need for additional data collection. Ohio officials and stakeholders in the state said that ESSA has prompted many substantive conversations about what to use for the school quality or student success indicator. For example, Ohio stakeholders and a school district official in Ohio have raised concerns about using chronic absenteeism as a measure because schools and districts cannot control whether students come to school. State officials said that in response to these concerns, Ohio's draft plan now includes a commitment to pilot a survey of students known as a "school climate survey" for potential inclusion as an additional indicator of school quality or student success in future years.
- California proposes to use chronic absenteeism as an academic indicator but not an indicator of school quality or student success—as proposed in Ohio. California's draft plan notes a correlation between strong academic performance and school attendance. For the school quality or student success indicator, California plans to measure the number of suspensions in a school or district, with high suspension rates indicating poor quality and failure, and low rates indicating success. State officials said that ESSA flexibilities allowed them to differentiate what was considered high and low rates of suspension by grade level (i.e., elementary, middle, and high school). They explained that this is important because it allows them to tailor the indicator for each level.

**Developing and
implementing State
Monitoring Plans is a Key
Next Step for Education in
Implementing ESSA**

Education officials said their next steps in implementing ESSA are to review and approve state plans and to continue to provide technical assistance to states. As of May 2017, 16 states and the District of Columbia had submitted their plans to Education for review; the remaining plans are due by September 18, 2017, according to Education's guidance. Both states we visited as part of our review intend to submit their plans by the September deadline.

Education officials also told us they are determining whether there is a need for additional guidance to states on aspects of ESSA implementation. Our report provides more information about Education's technical assistance efforts, including webinars on state plan development and on the peer review process. Education has also implemented a technical assistance initiative called the State Support Network to support state and district school improvement efforts under ESSA.

Education officials said that they are developing monitoring protocols for in-depth reviews of states' ESSA-related activities and will pilot them in early 2018. These protocols are intended to guide in-depth reviews of state activities related to ESSA implementation. Officials told us that Education used similar in-depth state reviews when developing past monitoring protocols, reviewing a select number of states each year with the goal of reviewing all states within a 3- to 4-year cycle.

Chairwoman Foxx, Ranking Member Scott, and Members of the Committee, this concludes my prepared remarks. I look forward to answering any questions you may have.

GAO Contacts and Acknowledgements

For further information regarding this testimony, please contact Jaqueline M. Nowicki at (617) 788-0580 or nowickij@gao.gov. Contact points of our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Individuals who made key contributions to this testimony include, Bill Keller (Assistant Director), Melinda Bowman (Analyst-in-Charge), Nancy Cosentino, James Bennett, Sarah Cornetto, Anna Duncan, Holly Dye, Sheila R. McCoy, and Monica Savoy.

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Chairwoman FOXX. Thank you, Ms. Nowicki.

Dr. Pletnick, you are recognized for 5 minutes. Would you turn on your microphone, please?

**TESTIMONY OF GAIL PLETNICK, SUPERINTENDENT, DYSART
UNIFIED SCHOOL DISTRICT**

Ms. PLETNICK. Thank you. Chairman Foxx, Ranking Member Scott, members of the committee, thank you for this opportunity to join you today. I am the superintendent of the Dysart School District in Arizona, and I also serve as president of AASA, the school superintendent association.

I am here today because I believe it is critical we continue to work together to ensure the underserved populations in our schools truly benefit from the educational promise that the Every Student Succeeds Act, ESSA, was designed to deliver. I thank you and the committee for convening this ESSA hearing.

The House of Representatives and the Senate are to be applauded for the hard work that was done to craft ESSA moving from the one-size-fits-all of No Child Left Behind to restoring control of education to the States and the local communities. Although ESSA may not be perfect, the power of the law is the flexibility it provides to States and schools allowing the focus to be on the individual student.

I have the opportunity to talk with superintendents from across the State of Arizona and across the Nation about the progress made in ESSA implementation. A common thread in those conversations is that ESSA has created an opportunity for stakeholders to become more involved in goal-setting and establishing accountability processes as part of the consolidated plan requirement of ESSA.

ESSA requires efforts to consult with and engage stakeholders when developing a consolidated State plan. In Arizona, committees and advisory groups were established to provide input at various stages of the plan development, feeding input into the process of building a final consolidated plan. I had the privilege of participating in some of these established subgroups and I also attended public meetings designed to provide comment on proposed components in the plan.

I am not going to tell you that Arizona has developed the ideal educational plan for our State. There is definitely room for continued improvement as we implement ESSA, see what works, and continue to rollback State policies that lock in NCLB error constraints. Stakeholders are engaged in conversation around the needs in our educational systems, a discussion that is important to driving the improvement necessary to provide an equitable quality education to each student.

A second promise of ESSA statute that many States are realizing is the ability to utilize multiple indicators for evaluation of our schools. In Arizona, we still rely heavily on annual summative tests, but the flexibility in ESSA started a conversation about other meaningful measures that should be considered. Although not without faults, the revised accountability system in Arizona attempts to add indicators of significance. And that is something that we continue to look forward to improving.

At the high school level, indicators incorporated include career and technical education assessments, advanced academic coursework indicators, and earned career credentials. The State's elementary level measures of accountability are far more restrictive, but conversation in the State of Arizona continues around exploring additional important measures. While we don't have it 100 percent right in Arizona just yet, I can say the flexibility in ESSA around State accountability systems does encourage conversation among stakeholders about more accurate indicators of student and school success.

There were challenges with the implementation of ESSA law. Time was definitely one of the biggest challenges. After the passage of the law, there was discussion related to the interpretation of the law and possible or proposed regulations and that debate caused some hesitation.

Arizona released its first draft and started the consolidated planning process in September of 2016, and the plan required adjustments before our submission for the September 2017 deadline. Another complication as it related to time is that some States, including Arizona, had laws in place better aligned to No Child Left Behind mandates or waivers. With those State laws still in existence, there was an impact on what was required in our State plan and accountability system.

Although that is not a Federal concern, it does impact how innovative our State plans may be at this point. A great deal of time and effort went into Congress writing this piece of legislation and negotiating on those critical components that make ESSA a good piece of educational legislation.

The ultimate success of ESSA lies in our implementation, yes, but also in Federal appropriations. It is critical Congress match the bipartisan support demonstrated for the policy of the law and appropriate the funding support.

I respectfully submit that as we continue to work together to implement ESSA and ensure it has the intended impact that we be cognizant of the important complementary role of adequate Federal investment. The students in our schools are our future leaders, our future workforce, and we must invest in our future by investing in public education.

In closing, thank you to the committee for the work you have done and continue to do to ensure that the Every Student Succeeds Act drives the change we all want to see in our schools: equity in our classrooms regardless of a student's background, where they live, or the circumstances they live in. Your work has ensured our State and local communities have a voice in what happens in our districts and our schools.

I know, given the opportunity, educational leaders across this country will use that voice to deliver on the promise of ESSA. Thank you so much.

[The statement of Ms. Pletnick follows:]



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Statement by Superintendent Dr. Gail Pletnick
Hearing, "ESSA Implementation: Exploring State and Local Reform Efforts"
U.S. House of Representatives: Education & the Workforce Committee
July 18, 2017

Chairwoman Foxx and members of the Committee, thank you for the opportunity to join you today.

My name is Gail Pletnick and I am the Superintendent of the Dysart Unified School District in Arizona and serve as the President of AASA, The School Superintendents Association. I am here today because I believe it is critical we continue to work together to ensure the underserved populations in our schools truly benefit from the educational promise that the Every Student Succeeds Act (ESSA) was designed to deliver. I thank you and the committee for convening this ESSA hearing, a continuation of the hearings held in the last Congress.

The House of Representatives and the Senate are to be applauded for the hard work that was done to craft the Every Student Succeeds Act (ESSA), moving from the "one size fits all" mandates of No Child Left Behind (NCLB) to restoring control of education to the states and local communities. Although ESSA may not be perfect, the power of the law is the flexibility it provides to states and schools allowing the focus to be on the individual student. ESSA returned responsibility for education to the state and local levels, allowing better tailored consolidated plans to achieve the promise that every student, including our underserved populations, succeed in obtaining a quality education that ensures they are future ready.

I have had the opportunity to talk with superintendents from across the state of Arizona and from across the nation about the progress made in ESSA implementation. A common thread in those conversations is that ESSA has created an opportunity for stakeholders to become more involved in goal setting and in establishing accountability processes as part of the consolidated plan requirement in ESSA. ESSA requires established procedures and criteria for consultation with the state Governor, State Education Agency, but also, requires efforts to consult with and engage stakeholders when developing a consolidated State plan.

In Arizona, committees and advisory groups were established to provide input at various stages of plan development, feeding input into the process of building a final consolidated plan. I had the privilege of participating in some of these established subgroups and I, also, attended public meetings designed to provide comment on proposed components in the plan, including the indicators to be

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incorporated in the state's revised accountability system. The flexibility of ESSA resulted in a more inclusive process for identifying educational goals at the state level and for building the evaluation systems to measure progress. I believe this more inclusive approach will enhance transparency at the state and federal levels.

I am not going to say Arizona has developed the ideal educational plan for our state; there is definitely room for continued improvement as we implement ESSA, see what works, and continue to roll back state policies that lock in NCLB-era constructs. Stakeholders are engaged in conversation around needs in our educational systems, a discussion that is important to driving the improvements necessary to provide an equitable quality education to all students, including our underserved populations. Later in this statement, I will share some challenges that I believe impacted the ability for Arizona to produce a more robust consolidated plan and those issues may also have impacted efforts in other states.

A second promise of the ESSA statute that many states are realizing is the ability to utilize multiple indicators for evaluation of our schools. ESSA requires evaluation of schools on academic and non-academic factors, but did not mandate a single indicator. In Arizona we still rely heavily on annual summative test scores in English language arts and math, but the flexibility in ESSA started a conversation about other meaningful measures that should be considered. Although not without faults, the revised accountability system in Arizona attempts to add indicators of significance and that is something we look forward to improving. At the high school level indicators incorporated include Career and Technical Education assessments, advanced academic coursework indicators and earned career credentials. The state's elementary level measures of accountability are far more restrictive, but conversation in the state of Arizona continues around exploring additional important measures. While we don't have it 100% right in Arizona just yet, I can say the flexibility in ESSA around state accountability systems does encourage conversation among stakeholders about exploring multiple measures and more accurate indicators of student and thus school success. ESSA gave the states the flexibility to utilize current research, technology, and the flexibility of the law to build much stronger accountability and reporting systems with meaningful multiple indicators. States were tasked to take responsibility for building a transparent and fair accountability systems and I believe that stakeholders are willing to take on that task in earnest.

There were challenges with the implementation of the ESSA law. Time was definitely one of the biggest challenges. After the passage of the law, there was discussion related to the interpretation of the law and possible or proposed regulations. That debate caused some hesitation in design elements of the consolidated plans at the state and local levels. Arizona started the consolidated planning process in September of 2016 and the plan has had to be adjusted several times before our anticipated submission in September 2017. Consistency in how ESSA is interpreted and regulated is critical. Uncertainty created by shifting interpretations of the ESSA law continues to be a concern. The issue is

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that the intent of this law may be lost in translation and will result in inconsistencies that create greater inequalities. We need to allow ESSA to speak directly to the work that must be done in implementing the law and not allow interpretation to move the target set in ESSA of every student succeeding. Respectfully, I ask Congress to guard against over reach.

Another complication, as it related to time is that some states, including Arizona, had laws in place better aligned to NCLB mandates or waivers. With those state laws still in existence there was an impact on what was required in a state plan or accountability system. For example, in Arizona an A-F system is required and thus that framed the discussion and decisions made regarding the consolidated plan and the accountability system. Although that is not a federal concern, it does impact how innovative state plans may be as they are developed.

A final point I want to make is that a great deal of time and effort went into Congress writing this piece of legislation and negotiating on those critical components that make ESSA a good piece of education legislation. The authorizing language is only one half of the story, though. The ultimate success of ESSA lies in our implementation, yes, but also on federal appropriations. It is critical Congress match the bipartisan support demonstrated for the policy of the law with appropriate funding support. I want to take a direct quote from the AZ Consolidated Plan: "As Arizona continues, through both federal and state funds, to fine tune funding streams for our LEAs, the committee felt it important to recognize the need for consistent funding. Through consistent and reliable funding, innovative strategies to support all learners can be developed and sustained. Additionally, consistent and reliable funding assists LEAs in building a strong cadre of teachers and leaders to fully support learners within our Arizona schools and to accelerate the closing of proficiency gaps."

I respectfully submit that as we continue to work together to implement ESSA and ensure it has the intended impact, that we be cognizant of the important complementary role of adequate federal investment. The students in our schools are our future leaders, our future workforce, and we must invest in our future by investing in public education.

In closing, thank you to the Committee for the work you have done and continue to do to ensure the Every Student Succeeds Act drives the change we all want to see in our schools - equity in our classrooms regardless of a student's background, where they live or the circumstances they live in. Your work has ensured our states and local communities have a voice in what happens in our districts and schools. I know, given the opportunity, educational leaders across this country will use that voice to deliver on the promise of ESSA.

Thank you.
Gail Pletnick, Ed.D.
Superintendent
AASA President

Chairwoman FOXX. Thank you, Dr. Pletnick.
Mr. Lovell, you're recognized for 5 minutes.

**TESTIMONY OF PHILLIP LOVELL, VICE PRESIDENT OF POLICY
DEVELOPMENT AND GOVERNMENT RELATIONS, ALLIANCE
FOR EXCELLENT EDUCATION**

Mr. LOVELL. Thank you very much. Chairwoman Foxx, Ranking Member Scott, and members of the committee, thank you for the opportunity to testify on the implementation of the Every Student Succeeds Act. My name is Phillip Lovell and I am the vice president for policy development and government relations at the Alliance for Excellent Education. We are a national nonprofit organization dedicated to ensuring that every child graduates from high school, ready for college, career, and citizenship.

I have four core messages for you today. First, ESSA is a civil rights law designed to ensure equity and excellence in education. Second, ESSA preserves an important role for the U.S. Department of Education. Third, the quality of ESSA State plans is uneven. And fourth, funding cuts threaten the implementation of the law.

Let me begin with point one. ESSA is fundamentally a civil rights law with many Federal requirements designed to promote educational equity and prepare students for postsecondary education and the workforce. ESSA provides States with a significant level of flexibility when it comes to how they achieve equity and excellence, but ESSA is not a blank check.

Both States and the Department of Education must implement and enforce all of ESSA's equity-focused requirements, a sample list of which appears in my written testimony.

Second, when Congress enacted ESSA it preserved the limited but critical role of the Department of Education. While I may not agree with all of its findings, the Department is appropriately carrying out its oversight role as required under the law. I want to be clear that this isn't about whether we trust States. I have worked with many State leaders and I know that they are committed to kids, and one needs to look no further than my colleagues testifying today to know that is a fact.

The fact does remain, though, that it is the Department's job to review the State plans and to ensure that they comply with the law that this committee wrote. These plans lay out a State's vision and commitment to children, parents, and the public, and it will impact students and teachers for at least the next decade. We have to get this right and the Department has a critical and statutorily required role to play.

Third, the quality of ESSA State plans is uneven. There are certainly some strengths, but there are missed opportunities and many weaknesses, including some proposals that simply violate the law. In particular, many plans fall short of the equity promise of ESSA.

And let me give you a few examples. ESSA made a commitment that if a school has a single subgroup that consistently underperforms, either the African American students, Latino students, the school would be identified for targeted support and those kids would receive help. ESSA applies this requirement to each individual subgroup separately because groups of students perform dif-

ferently. And if you combine them together you can mask the low performance of a single group.

Unfortunately, this is exactly what some States are doing. One State combines the achievement levels of African American, Latino, and native students together even though this creates a risk that the schools may not be identified for support when they should be. It also violates the law.

A related but distinct problem is that States are not including historically underserved kids in their school ratings. For example, a school might receive an A despite the fact that African American students or Latino students or students with disabilities or low-income kids, other historically underserved groups might have, say, a low graduation rate. So you can receive an A even though, say, African American kids could have a graduation rate of 60 percent.

Another problem for equity in ESSA plans relates to the identification of subgroups for support. Several States have proposed identifying subgroups for support if they aren't on grade level in math or reading or if they have a low graduation rate, and this makes a lot of sense. Unfortunately, the Department has actually pushed back on this approach. Students should not have to fail on everything before they are identified for support.

In addition, it is worth noting that while ESSA's flexibility was intended to unleash creativity and innovation, by and large this has not happened. We hope to see policies that would promote critical thinking and problem-solving, sometimes called deeper learning. And although there are a few notable exceptions described in my written testimony, and here to my left I would say, State plans thus far are cautious, not courageous.

Finally, I join my colleagues in expressing concerns about funding. Money is not magic, but I am concerned about the impact of funding cuts on ESSA. ESSA provides States with flexibility and responsibility. But, Madam Chair, responsibility without resources will not yield results.

By freezing funding for title I, underfunding title IV, proposing to eliminate or reduce funding for professional development, literacy, afterschool programs, on top of proposed cuts to Medicaid that jeopardize the services that schools provide to our most vulnerable kids, we are handcuffing States at the exact moment that we have supposedly given them freedom.

This is unfortunate because the Nation is on an upswing in education. Graduation rates are at an all-time high, including graduation rates for students who have been historically underserved. By implementing and enforcing ESSA's requirements and strengthening our investment in education, we can ensure that every child in America succeeds.

Thank you, and I would be happy to answer any questions.
[The statement of Mr. Lowell follows:]



Testimony before the House Committee on Education and the Workforce

ESSA Implementation: Exploring State and Local Reform Efforts

Phillip Lovell

Vice President of Policy and Government Relations
Alliance for Excellent Education

July 18, 2017

Chairwoman Foxx, Ranking Member Scott, Members of the Committee, thank you for the opportunity to testify on the implementation of the Every Student Succeeds Act (ESSA). My name is Phillip Lovell and I am vice president of policy development and government relations at the Alliance for Excellent Education, 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 develop and finalize their plans to implement ESSA. Having reviewed the state plans submitted to the U.S. Department of Education (ED), and currently working with states that plan to submit in September, I'd like to discuss with the Committee four 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 I may not agree with all of its findings, I appreciate that ED is carrying out its oversight role as required under the law in its letters to states responding to proposed ESSA plans.
3. The quality of 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.
4. Proposed funding cuts jeopardize ESSA implementation.

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 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 48–9; 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 at the School of

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—student 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 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

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. While I may not agree with all of its findings, I appreciate that ED is carrying out its oversight role as required under the law in its letters to states responding to proposed ESSA plans.

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. I have submitted the ESSA Equity Dashboards that are currently available as part of my testimony (See Appendices D–H). They are also available at <http://all4ed.org/essa/essa-in-your-state/>. The remaining dashboards for states that have submitted their plans will be available in August. In addition, Bellwether Education Partners and the Collaborative for Student Success led the Check State Plans project (www.checkstateplans.org), a non-governmental peer review process that analyzes state plans and makes information on their strengths and weaknesses available to the public in order to improve them.

I want to be clear that this is not about whether we trust states. I've worked with many education state leaders and I know they are committed to kids. 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.

That said, I believe ED's comments in several areas are insufficient, have caused confusion, and could diminish the quality of ESSA implementation. For example, ESSA allows states to use "student access to and completion of advanced coursework" as an indicator of school quality and student success [ESSA, Section 1111(c)(4)(B)(v)(V)]. However, ED criticized a state's proposal

Education at John Hopkins 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*.

to incorporate performance in Advanced Placement (AP) and International Baccalaureate (IB) exams in this indicator.

This is an example of the challenges that arise without clear regulations. ESSA explicitly states that access to and completion of advanced course work is permissible, and AP/IB are well-recognized examples of advanced coursework, yet a state was criticized for including AP/IB in their system. States should be applauded for promoting advanced course work, and I hope ED will clarify how these measures can be incorporated into state accountability systems.

An example of inadequate/confusing oversight within ED's letters to states is its review of state proposals to ensure compliance with ESSA's requirement that states identify schools for targeted support and improvement if they have a consistently underperforming subgroup of students. This is a critical equity-focused policy. In order to help states, districts, and schools implement this policy, today the Alliance is releasing a new publication that I submit to the Committee as part of my testimony titled *School Interventions That Work: Targeted Support for Low-Performing Students* (See Appendix I). While I hope this report gives policymakers and practitioners assistance as they support low-performing students, only ED can ensure compliance with the law.

One state, for example, states in its ESSA plan that "a school will be identified if it has one or more of the lowest performing subgroups in the state over multiple years." ED's letter to this state appropriately notes that the state must define "multiple years." However, ED fails to require the state to define what level of performance would constitute identification as "one or more of the lowest performing subgroups."

Several states intend to identify schools for targeted support and improvement if one or more subgroups of students demonstrate consistent underperformance in academic achievement and/or high school graduation rates. ED's response letters note that the statute requires states to consider subgroup performance on all indicators in identifying schools. ED needs to clarify that (a) while each indicator must be considered, states are not required to use a composite of all indicators in identifying schools for targeted support, and (b) there is no statutory requirement for students to be consistently underperforming on all indicators to be identified for support.

If states identify schools for targeted improvement based only on a composite of indicators, they are more likely to inadvertently overlook low-performing students because high performance on one indicator could mask low performance on another indicator.

For example, in one state, there are seventy-two high schools where 80 percent or more of the African American students graduate on time; but in these same schools, 60 percent or fewer of the African American students achieve proficiency in math. This represents 22 percent of all high schools in this state. In another state, there are 135 high schools where 80 percent or more of the Latino students graduate within four years, but 60 percent or fewer of the Latino students achieve proficiency in reading. If states aggregate the high school graduation rates, math proficiency rates, and reading proficiency rates together, the high graduation rate will mask the low proficiency rates. As a result, schools with African American and Latino students who are struggling in math and reading may not be identified for support.

Rather than aggregating the performance of student subgroups into a composite, state systems of meaningful differentiation should identify schools for targeted support based on the performance of any *single* subgroup on any *single* indicator. Moreover, states can develop such systems while also complying with ESSA's requirement that states base their system of differentiation on all indicators in the system. They can do this by considering the performance of student subgroups on all indicators when identifying schools and then allowing failure on a single indicator to trigger identification. In other words, *any* indicator can trigger identification, but students need not fail on all indicators to be identified for support.

State plans can be hundreds of pages long. The fact that ED has sent letters to states with less than twenty pages of comments should come as little surprise. This is the bare minimum required for ED to carry out its oversight duty that Congress assigned to it when passing the law. In the absence of clear guidance from ED on these critical issues, states are looking to organizations like the Alliance for Excellent Education for input and insight on best practices and evidence-based strategies to address the needs of their student population.

The Quality of ESSA State Plans Is Uneven

The quality of ESSA state plans is uneven. There are certainly some strengths, but there are missed opportunities and many weaknesses, including proposals that violate 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)].

Targeted Support and Improvement for Historically Underserved Students

ESSA very clearly requires states to identify schools for targeted support and improvement if "any subgroup of students is consistently underperforming" [ESSA Sec. 1111(c)(4)(C)(iii)]. Rather than considering the performance of each subgroup, some states aggregate subgroups together, which violates the law and masks the performance of historically underserved students. One state, for example, proposed the use of a "super subgroup" that combines the performance of black, Hispanic, and Native students. This is unfortunate because these groups of students are distinct and they do not have the same level of academic performance. For example, according to this same state's department of education, there is a 20-point difference between the percentage of Native American students (54.2 percent) and that of African American students (74.2 percent) who were below basic when tested on their Algebra I proficiency. Moreover, there is a 26.8-point difference among the same groups in Algebra II proficiency. By combining these groups of students together in violation of the law, this state runs the risk of inadequately supporting historically underserved students.

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. To my knowledge, no state is

proposing to do this in their ESSA plan. Many states propose systems that will give schools ratings, but these ratings do not specifically include the performance of student subgroups as envisioned under the law. 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 that 95 percent of students 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, yet the degree to which this is meaningfully happening varies considerably across state plans. One state, for example, explicitly states that it intends to defy the law. Specifically, ESSA is very clear about how test participation is to be calculated [ESSA, Section 1111(c)(4)(E)(ii)] and this state explicitly states that it will use a different calculation. Several other states fail to specify consequences for failing to meet the 95 percent test participation requirement for all students and each subgroup. For example, one state intends only to apply this requirement to the “all students” group and its “super-subgroup.” Another state does not address this requirement and merely states that it will await guidance from ED.

The 95 percent test participation requirement is yet another area where ED’s oversight has been lacking. Not a single letter from ED has mentioned this critical equity-focused policy.

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 specific definition for the calculation. Nonetheless, several states do not use the four-year graduation rate as a stand-alone indicator in their accountability systems as required under the law.

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

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

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:

- 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.
- 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, Vermont) propose to include measures of college and career readiness in their accountability system (e.g., access to and performance in rigorous course work).

Proposed Funding Cuts Jeopardize ESSA Implementation

Money is not magic. However, funding was promised when Congress passed ESSA. Cuts proposed by the Trump administration and House Labor-H committee will undermine the law before states have the chance to implement it. ESSA provides states with flexibility and responsibility. But responsibility without resources will not lead to results.

By freezing funding for Title I, under-funding Title IV, Part A, and proposing to eliminate or reduce funding for professional development, literacy, and after school programs—on top of proposed cuts to Medicaid that jeopardize the services schools provide to the nation’s most vulnerable children—states are being handcuffed at the exact moment they have supposedly been given freedom.

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 testify.

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.

STATE	White Students	African American Students	Percentage Point Difference (%)	STATE	White Students	African American Student	Percentage Point Difference (%)
	Rate (%)	Rate (%)			Rate (%)	Rate (%)	
Wisconsin	92.9%	64.1%	28.8	Louisiana	82.7%	71.4%	11.3
Ohio	85.7%	59.7%	26.0	Virginia	89.6%	78.8%	10.8
Minnesota	86.9%	62.0%	24.9	Arizona	83.2%	72.6%	10.6
Nevada	78.0%	55.5%	22.5	Tennessee	90.9%	80.5%	10.3
New York	88.7%	66.5%	22.2	Arkansas	87.4%	77.5%	9.9
Nebraska	92.5%	75.0%	17.5	Maryland	92.0%	82.3%	9.7
Pennsylvania	89.3%	71.8%	17.5	Rhode Island	86.6%	77.0%	9.6
South Dakota	89.5%	72.0%	17.5	Kansas	88.3%	79.0%	9.3
Utah	87.4%	70.0%	17.4	Alaska	80.0%	71.0%	9.0
California	88.0%	71.0%	17.0	Kentucky	89.3%	80.4%	8.9
Michigan	83.5%	67.3%	16.2	New Hampshire	88.9%	80.0%	8.9
Missouri	90.6%	75.6%	15.0	Texas	93.4%	85.2%	8.2
Connecticut	92.7%	78.0%	14.7	Maine	87.9%	80.0%	7.9
Florida	82.7%	68.0%	14.7	Georgia	82.8%	75.2%	7.6
Illinois	90.2%	75.5%	14.7	Vermont	88.5%	81.0%	7.5
Indiana	89.6%	74.9%	14.7	Mississippi	79.4%	72.0%	7.4
North Dakota	90.6%	76.0%	14.6	Oklahoma	84.2%	77.4%	6.8
Massachusetts	91.6%	77.5%	14.1	Montana	88.7%	82.0%	6.7
Wyoming	81.8%	68.0%	13.8	North Carolina	88.3%	82.2%	6.1
Iowa	92.4%	79.0%	13.4	South Carolina	82.7%	76.7%	6.0
Oregon	76.0%	63.0%	13.0	Idaho	80.8%	75.0%	5.8
Colorado	82.6%	69.9%	12.7	Hawaii	79.0%	74.0%	5.0
New Mexico	73.6%	61.0%	12.6	Delaware	88.0%	83.2%	4.8
New Jersey	94.0%	81.5%	12.5	West Virginia	86.7%	83.0%	3.7
Washington	80.9%	68.8%	12.1	Alabama*	90.5%	87.0%	3.5

*In December 2016, following an internal audit and US Department of Education investigation, Alabama education officials announced that graduation rates in the state had been improperly calculated and that the reported rates were inaccurate. We include the reported rates here, but note this important caveat and warn that these rates, in many cases, may be inflated.

Note: These tables are sorted by the Percentage Point Gap Differences between groups for the 2014-15 State Level ACGR.

Source: U.S. Department of Education (2016). Provisional Data File: SY2014-15 Four-Year Regulatory Adjusted Cohort Graduation Rates (ACGR); Building A Grad Nation, 2017. Pages 51-53

STATE	White Students Rate (%)	Hispanic Students Rate (%)	Percentage Point Difference (%)	STATE	White Students Rate (%)	Hispanic Students Rate (%)	Percentage Point Difference (%)
New York	88.7%	66.0%	22.7	Idaho	80.8%	71.2%	9.6
Minnesota	86.9%	65.6%	21.3	Illinois	80.2%	80.7%	0.5
Pennsylvania	89.3%	69.5%	19.8	Iowa	92.4%	83.0%	9.4
South Dakota	89.5%	70.0%	19.5	California	88.0%	79.0%	9.0
Massachusetts	91.6%	72.2%	19.4	Oregon	76.0%	67.4%	8.6
Connecticut	92.7%	74.8%	17.9	North Carolina	88.3%	80.0%	8.3
Ohio	85.7%	69.9%	15.8	Alaska	80.0%	72.0%	8.0
North Dakota	90.6%	75.0%	15.6	Maine	87.9%	80.0%	7.9
Wisconsin	92.9%	77.5%	15.4	Louisiana	82.7%	75.0%	7.7
Maryland	92.0%	76.9%	15.1	Tennessee	90.9%	83.5%	7.4
Colorado	82.6%	67.6%	15.0	Delaware	88.0%	81.0%	7.0
New Hampshire	88.9%	75.0%	13.9	Texas	93.4%	86.5%	6.9
Virginia	89.8%	76.0%	13.8	Indiana	89.6%	83.0%	6.6
Utah	87.4%	74.4%	13.0	Missouri	90.6%	84.0%	6.6
Michigan	83.5%	72.1%	11.4	New Mexico	73.6%	67.2%	6.4
Mississippi	79.4%	68.0%	11.4	Kentucky	88.3%	83.0%	5.3
Nevada	78.0%	66.7%	11.3	Florida	82.7%	76.7%	6.0
Washington	80.9%	69.6%	11.3	Montana	88.7%	83.0%	5.7
New Jersey	94.0%	82.8%	11.2	South Carolina	82.7%	77.0%	5.7
Nebraska	92.5%	81.6%	10.9	Oklahoma	84.2%	78.8%	5.4
Georgia	82.8%	72.0%	10.8	Hawaii	79.0%	75.0%	4.0
Rhode Island	86.6%	75.0%	10.6	Arkansas	87.4%	84.5%	2.9
Arizona	83.2%	72.7%	10.5	Alabama*	90.5%	90.0%	0.5
Kansas	88.3%	78.2%	10.1	Vermont	88.5%	†	†
Wyoming	81.8%	72.0%	9.8	West Virginia	85.7%	†	†

*In December 2016, following an internal audit and US Department of Education investigation, Alabama education officials announced that graduation rates in the state had been improperly calculated and that the reported rates were inaccurate. We include the reported rates here, but note this important caveat and warn that these rates, in many cases, may be inflated.

Note: These tables are sorted by the Percentage Point Gap Differences between groups for the 2014-15 State Level ACGR.

Source: U.S. Department of Education (2016). Provisional Data File: SY2014-15 Four-Year Regulatory Adjusted Cohort Graduation Rates (ACGR). Building A Grad Nation, 2017, Pages 51-53

STATE	English Language Learners (ELL)	Non-ELL	Percentage Point Difference (%)	STATE	English Language Learners (ELL)	Non-ELL	Percentage Point Difference (%)
	Rate (%)	Rate (%)			Rate (%)	Rate (%)	
New York	36.0%	81.6%	-45.6	Florida	59.5%	79.4%	-19.9
Arizona	34.0%	78.0%	-44.0	Utah	66.0%	85.6%	-19.6
Nevada	32.0%	74.9%	-42.9	Vermont	69.0%	88.1%	-19.1
Virginia	44.6%	87.5%	-42.9	Colorado	61.1%	79.4%	-18.3
Maryland	49.0%	87.7%	-38.7	Delaware	69.0%	86.3%	-17.3
Hawaii	46.0%	83.3%	-37.3	Missouri	71.0%	88.0%	-17.0
Nebraska	55.0%	90.1%	-35.1	Texas	73.3%	90.2%	-16.9
Ohio	50.0%	81.1%	-31.1	New Jersey	74.0%	90.3%	-16.3
South Dakota	56.0%	84.5%	-28.5	California	69.0%	85.1%	-16.1
North Carolina	58.0%	86.3%	-28.3	Wyoming	64.0%	79.7%	-15.7
Louisiana	50.0%	77.8%	-27.8	Alabama*	75.0%	89.4%	-14.4
Wisconsin	62.0%	89.0%	-27.0	Illinois	72.0%	86.2%	-14.2
North Dakota	62.0%	87.2%	-25.2	Tennessee	75.0%	88.2%	-13.2
Massachusetts	64.0%	89.0%	-25.0	Indiana	75.0%	87.4%	-12.4
Montana	62.0%	86.9%	-24.9	New Hampshire	77.0%	88.4%	-11.4
Oregon	51.0%	75.0%	-24.0	Maine	77.0%	87.7%	-10.7
Washington	55.8%	79.5%	-23.7	Kansas	77.0%	86.5%	-9.5
Georgia	56.4%	79.6%	-23.2	Iowa	63.0%	81.1%	-8.1
Oklahoma	60.0%	83.0%	-23.0	Michigan	72.1%	80.1%	-8.0
Pennsylvania	62.6%	85.3%	-22.7	Idaho	72.0%	79.5%	-7.5
Mississippi	53.0%	75.6%	-22.6	Rhode Island	77.0%	84.0%	-7.0
Connecticut	67.0%	88.3%	-21.3	New Mexico	64.0%	70.3%	-6.3
Kentucky	67.0%	88.2%	-21.2	South Carolina	76.0%	80.4%	-4.4
Alaska	56.0%	77.0%	-21.0	West Virginia	86.0%	86.5%	-0.5
Minnesota	63.1%	83.2%	-20.1	Arkansas	66.0%	84.8%	-18.8

*In December 2018, following an internal audit and US Department of Education investigation, Alabama education officials announced that graduation rates in the state had been improperly calculated and that the reported rates were inaccurate. We include the reported rates here, but note this important caveat and warn that these rates, in many cases, may be inflated.

Note: These tables are sorted by the Percentage Point Gap Differences between groups for the 2014-15 State Level ACGR.

Source: U.S. Department of Education (2018). Provisional Data File: SY2014-15 Four-Year Regulatory Adjusted Cohort Graduation Rates (ACGR). Building A Grad Nation 2017, Pages 51-53

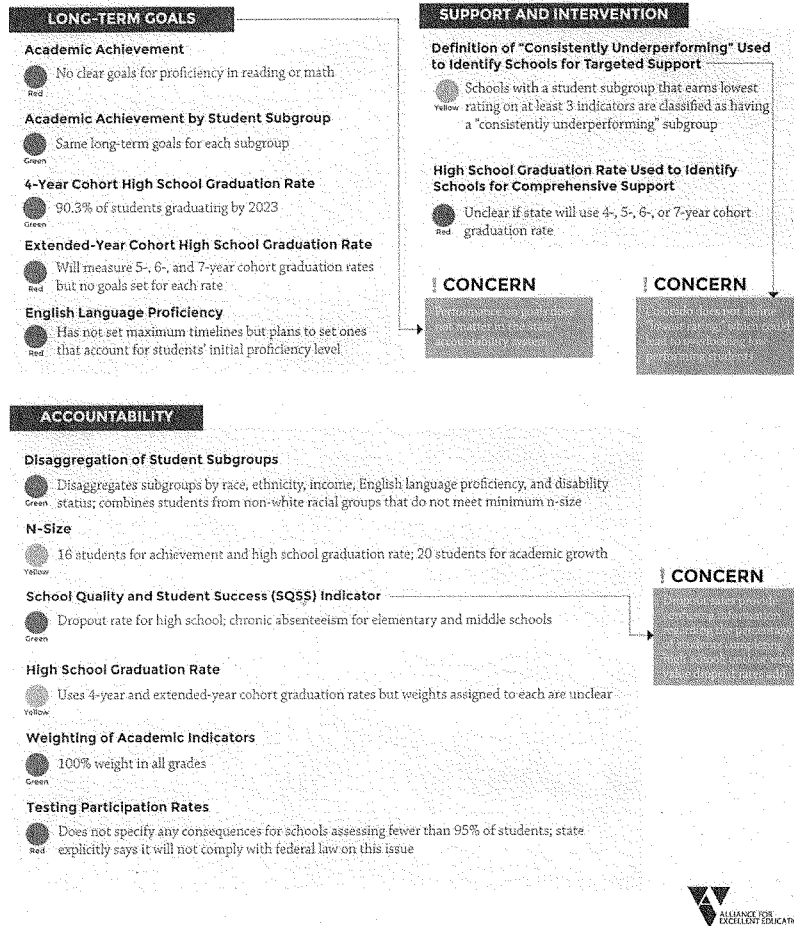
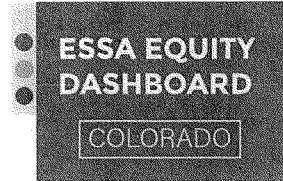
Appendix C. ESSA High Schools (100 or more students) with ACGR of 67 Percent or Below by State, 2014-15

Alabama	5
Alaska	33
Arizona	111
Arkansas	10
California	191
Colorado	92
Connecticut	10
Delaware	7
District Of Columbia	14
Florida	191
Georgia	59
Hawaii	3
Idaho	33
Illinois	48
Indiana	33
Iowa	11
Kansas	14
Kentucky	13
Maine	1
Maryland	32
Massachusetts	39
Michigan	172
Minnesota	60
Mississippi	22
Missouri	16
Montana	6
Nebraska	3
Nevada	31
New Hampshire	3
New Jersey	11
New Mexico	72
New York	265
North Carolina	14
North Dakota	7
Ohio	156
Oklahoma	22
Oregon	81
Pennsylvania	52
Rhode Island	4
South Carolina	16
South Dakota	6
Tennessee	25
Texas	89
Utah	30
Vermont	1
Virginia	10
Washington	99
West Virginia	0
Wisconsin	35
Wyoming	6
Total	2249

For more information, see Appendix L, page 62 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 at the School of Education at John Hopkins University School of Education, 2017), <https://graduation.americaspromise.org/report/2017-building-grad-nation-report> (accessed July 12, 2017).

AN ANALYSIS OF COLORADO'S ESSA PLAN

This dashboard analyzes Colorado's plan under the Every Student Succeeds Act (ESSA), specifically its commitment to equity and excellence and its compliance with the law. This analysis is not all-encompassing but rather focuses on the indicators most essential for advancing equitable educational opportunities for all students. Colorado submitted its plan on May 9, 2017; full text is available at <https://ed.gov/admins/lead/account/stateplan17/corsa2017.pdf>. View ESSA equity dashboards for other states at www.all4ed.org/essa.



Note: Some indicators do not apply to some states and, consequently, do not appear in the analysis included on the front of this document. The Alliance for Excellent Education set the parameters associated with the green, yellow, and red designations.

LONG-TERM GOALS

Academic Achievement

- Green: 75% or more of all students proficient on statewide assessments by 2030 or equivalently rigorous goal
- Yellow: 60–74.9% of all students proficient by 2030 or 75% or more proficient by 2031–39 or equivalently rigorous goal
- Red: Less rigorous goals and/or longer timeline than 2040

Academic Achievement by Student Subgroup

- Green: Same long-term goals for each subgroup or similarly ambitious commitment to closing achievement gaps
- Yellow: Less ambitious goals but requires higher rates of growth from lower-performing subgroups
- Red: Same or similar rates of academic growth for all subgroups

4-Year Cohort High School Graduation Rate

- Green: 90% or more of students graduating by 2030
- Yellow: 85–89.9% of students graduating by 2030 or 90% or more graduating by 2031–39
- Red: Less rigorous goals and/or longer timeline than 2040

Extended-Year Cohort High School Graduation Rate

- Green: At least 3 percentage points higher than 4-year cohort rate goal
- Yellow: 1–2 percentage points higher than 4-year cohort rate goal
- Red: Goals are the same or state does not set goals for each cohort rate

English Language Proficiency

- Green: Accounts for initial age/grade or proficiency level in setting student targets with maximum timeline of no more than 6 years to achieve proficiency
- Yellow: Accounts for initial age/grade or proficiency level with maximum timeline of 7 years to achieve proficiency
- Red: Does not account for initial age/grade or proficiency level and/or sets maximum timeline of 8 or more years to achieve proficiency

ACCOUNTABILITY

Disaggregation of Student Subgroups

- Green: State does not use super-subgroup or uses it only in addition to disaggregated subgroups for school ratings and/or identifying schools for support
- Red: State uses super-subgroups instead of required subgroups for school ratings and/or identifying schools for support

N-Size

- Green: N-size for accountability of 15 or fewer students
- Yellow: N-size for accountability of 16–25 students
- Red: N-size for accountability of 26 or more students

School Quality and Student Success (SQSS) Indicator

- Green: Evidence-based statewide SQSS measures are disaggregated by student subgroup
- Yellow: Inconclusive evidence for SQSS measures or significant measures are in development but still statewide and disaggregated by student subgroup
- Red: No evidence for SQSS measures and/or not statewide or disaggregated by student subgroup

High School Graduation Rate

- Green: Exclusively uses or gives more weight to 4-year cohort graduation rate
- Yellow: Uses 4- and extended-year cohort rates and weights 4-year rate equally or less than other rates
- Red: Does not use 4-year cohort rate or uses another unlawful graduation rate calculation

Weighting of Academic Indicators

- Green: 75% or more weight on academic indicators
- Yellow: 50–74% weight on academic indicators
- Red: Less than 50% weight on academic indicators or weight is unclear in plan

Testing Participation Rates

- Green: No credit for untested students or similarly rigorous consequences
- Yellow: Less rigorous consequences that have limited implications for accountability
- Red: Does not specify consequences for untested students

Inclusion of Subgroup Performance

- Green: Schools receive lower rating if they have a struggling subgroup or subgroup performance is an independent and substantial portion of rating index
- Yellow: Subgroups have lesser but still meaningful effect on a school's rating
- Red: Subgroups have little to no effect on a school's rating

SUPPORT AND INTERVENTION

Definition of “Consistently Underperforming” Used to Identify Schools for Targeted Support

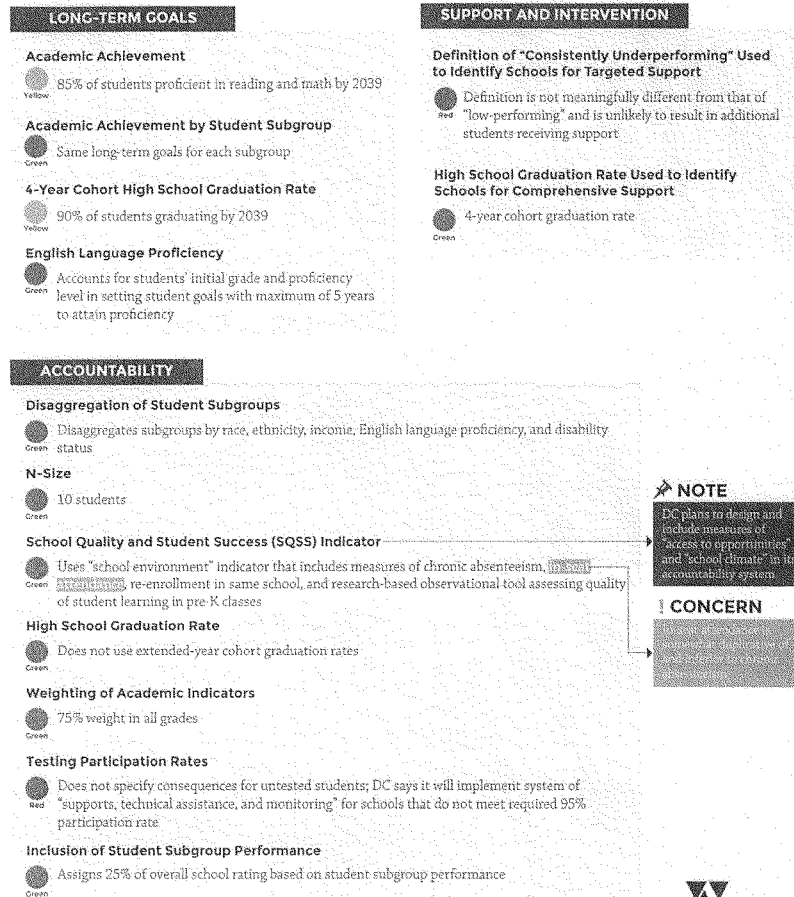
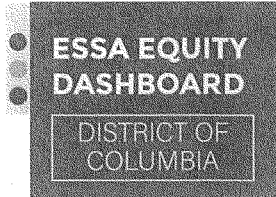
- Green: Definition is meaningfully different from “low performing” and triggers targeted intervention based on 2 or fewer indicators
- Yellow: Definition is meaningfully different from “low performing” and triggers targeted intervention based on 3 or more indicators
- Red: Definition is not meaningfully different from statutory definition of “low performing” or does not comply with ESSA

High School Graduation Rate Used to Identify Schools for Comprehensive Support

- Green: 4-year cohort graduation rate
- Yellow: 5-year cohort graduation rate
- Red: 6-year (or longer) cohort graduation rate

AN ANALYSIS OF DC'S ESSA PLAN

This dashboard analyzes the District of Columbia's (DC's) plan under the Every Student Succeeds Act (ESSA), specifically its commitment to equity and excellence and its compliance with the law. This analysis is not all-encompassing but rather focuses on the indicators most essential for advancing equitable educational opportunities for all students. DC submitted its plan on May 2, 2017; full text is available at <https://ed.gov/admins/lead/account/stateplan17/dccsa2017.pdf>. View ESSA equity dashboards for other states at www.all4ed.org/essa.



Note: Some indicators do not apply to some states and, consequently, do not appear in the analysis included on the front of this document. The Alliance for Excellent Education set the parameters associated with the green, yellow, and red designations.

LONG-TERM GOALS

Academic Achievement

- Green: 75% or more of all students proficient on statewide assessments by 2030 or equivalently rigorous goal
- Yellow: 60–74.9% of all students proficient by 2030 or 75% or more proficient by 2031–39 or equivalently rigorous goal
- Red: Less rigorous goals and/or longer timeline than 2040

Academic Achievement by Student Subgroup

- Green: Same long-term goals for each subgroup or similarly ambitious commitment to closing achievement gaps
- Yellow: Less ambitious goals but requires higher rates of growth from lower-performing subgroups
- Red: Same or similar rates of academic growth for all subgroups

4-Year Cohort High School Graduation Rate

- Green: 90% or more of students graduating by 2030
- Yellow: 85–89.9% of students graduating by 2030 or 90% or more graduating by 2031–39
- Red: Less rigorous goals and/or longer timeline than 2040

Extended-Year Cohort High School Graduation Rate

- Green: At least 3 percentage points higher than 4-year cohort rate goal
- Yellow: 1–2 percentage points higher than 4-year cohort rate goal
- Red: Goals are the same or state does not set goals for each cohort rate

English Language Proficiency

- Green: Accounts for initial age/grade or proficiency level in setting student targets with maximum timeline of no more than 5 years to achieve proficiency
- Yellow: Accounts for initial age/grade or proficiency level with maximum timeline of 7 years to achieve proficiency
- Red: Does not account for initial age/grade or proficiency level and/or sets maximum timeline of 8 or more years to achieve proficiency

ACCOUNTABILITY

Disaggregation of Student Subgroups

- Green: State does not use super-subgroup or uses it only in addition to disaggregated subgroups for school ratings and/or identifying schools for support
- Red: State uses super-subgroups instead of required subgroups for school ratings and/or identifying schools for support

N-Size

- Green: N-size for accountability of 15 or fewer students
- Yellow: N-size for accountability of 16–25 students
- Red: N-size for accountability of 26 or more students

School Quality and Student Success (SQSS) Indicator

- Green: Evidence-based statewide SQSS measures are disaggregated by student subgroup
- Yellow: Inconclusive evidence for SQSS measures or significant measures are in development but still statewide and disaggregated by student subgroup
- Red: No evidence for SQSS measures and/or not statewide or disaggregated by student subgroup

High School Graduation Rate

- Green: Exclusively uses or gives more weight to 4-year cohort graduation rate
- Yellow: Uses 4- and extended-year cohort rates and weights 4-year rate equally or less than other rates
- Red: Does not use 4-year cohort rate or uses another unlawful graduation rate calculation

Weighting of Academic Indicators

- Green: 75% or more weight on academic indicators
- Yellow: 50–74% weight on academic indicators
- Red: Less than 50% weight on academic indicators or weight is unclear in plan

Testing Participation Rates

- Green: No credit for untested students or similarly rigorous consequences
- Yellow: Less rigorous consequences that have limited implications for accountability
- Red: Does not specify consequences for untested students

Inclusion of Subgroup Performance

- Green: Schools receive lower rating if they have a struggling subgroup or subgroup performance is an independent and substantial portion of rating index
- Yellow: Subgroups have lesser but still meaningful effect on a school's rating
- Red: Subgroups have little to no effect on a school's rating

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

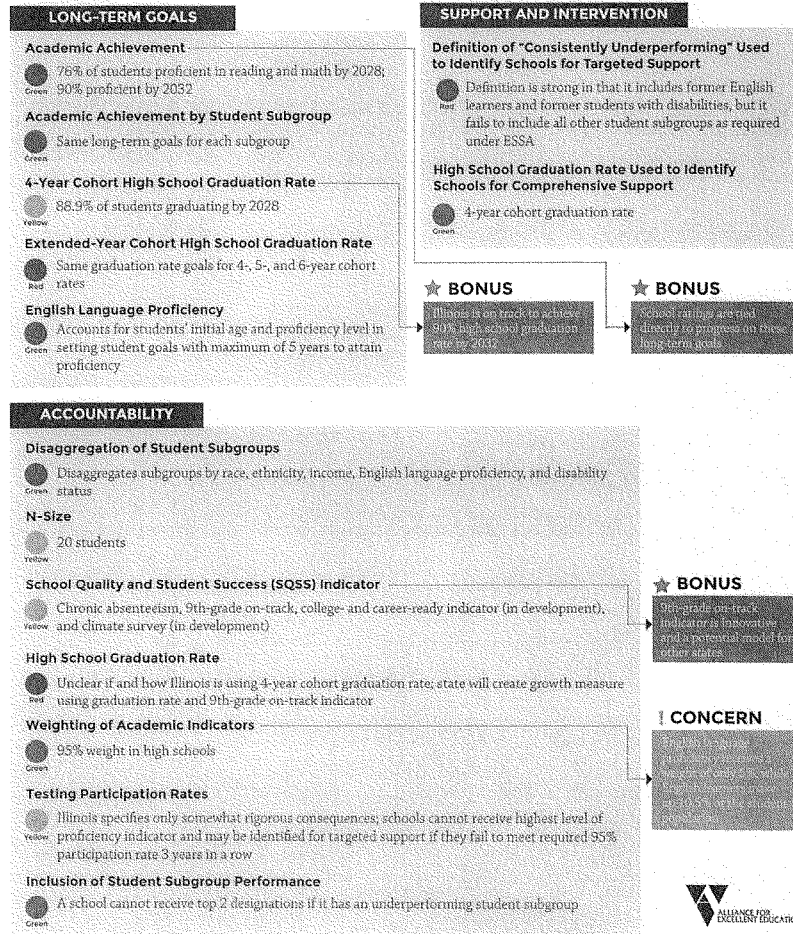
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- Yellow: Definition is meaningfully different from "low performing" and triggers targeted intervention based on 3 or more indicators
- Red: Definition is not meaningfully different from statutory definition of "low performing" or does not comply with ESSA

High School Graduation Rate Used to Identify Schools for Comprehensive Support

- Green: 4-year cohort graduation rate
- Yellow: 5-year cohort graduation rate
- Red: 6-year (or longer) cohort graduation rate

AN ANALYSIS OF ILLINOIS'S ESSA PLAN

This dashboard analyzes Illinois's plan under the Every Student Succeeds Act (ESSA), specifically its commitment to equity and excellence and its compliance with the law. This analysis is not all-encompassing but rather focuses on the indicators most essential for advancing equitable educational opportunities for all students. Illinois submitted its plan on May 2, 2017; full text is available at <https://ed.gov/admins/lead/account/stateplan17/ilcsa2017.pdf>. View ESSA equity dashboards for other states at www.all4ed.org/essa.



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LONG-TERM GOALS

Academic Achievement

- Green: 75% or more of all students proficient on statewide assessments by 2030 or equivalently rigorous goal
- Yellow: 60–74.9% of all students proficient by 2030 or 75% or more proficient by 2031–39 or equivalently rigorous goal
- Red: Less rigorous goals and/or longer timeline than 2040

Academic Achievement by Student Subgroup

- Green: Same long-term goals for each subgroup or similarly ambitious commitment to closing achievement gaps
- Yellow: Less ambitious goals but requires higher rates of growth from lower-performing subgroups
- Red: Same or similar rates of academic growth for all subgroups

4-Year Cohort High School Graduation Rate

- Green: 90% or more of students graduating by 2030
- Yellow: 85–89.9% of students graduating by 2030 or 90% or more graduating by 2031–39
- Red: Less rigorous goals and/or longer timeline than 2040

Extended-Year Cohort High School Graduation Rate

- Green: At least 3 percentage points higher than 4-year cohort rate goal
- Yellow: 1–2 percentage points higher than 4-year cohort rate goal
- Red: Goals are the same or state does not set goals for each cohort rate

English Language Proficiency

- Green: Accounts for initial age/grade or proficiency level in setting student targets with maximum timeline of no more than 6 years to achieve proficiency
- Yellow: Accounts for initial age/grade or proficiency level with maximum timeline of 7 years to achieve proficiency
- Red: Does not account for initial age/grade or proficiency level and/or sets maximum timeline of 8 or more years to achieve proficiency

ACCOUNTABILITY

Disaggregation of Student Subgroups

- Green: State does not use super-subgroup or uses it only in addition to disaggregated subgroups for school ratings and/or identifying schools for support
- Red: State uses super-subgroups instead of required subgroups for school ratings and/or identifying schools for support

N-Size

- Green: N-size for accountability of 15 or fewer students
- Yellow: N-size for accountability of 16–25 students
- Red: N-size for accountability of 26 or more students

School Quality and Student Success (SQSS) Indicator

- Green: Evidence-based statewide SQSS measures are disaggregated by student subgroup
- Yellow: Inconclusive evidence for SQSS measures or significant measures are in development but still statewide and disaggregated by student subgroup
- Red: No evidence for SQSS measures and/or not statewide or disaggregated by student subgroup

High School Graduation Rate

- Green: Exclusively uses or gives more weight to 4-year cohort graduation rate
- Yellow: Uses 4- and extended-year cohort rates and weights 4-year rate equally or less than other rates
- Red: Does not use 4-year cohort rate or uses another unlawful graduation rate calculation

Weighting of Academic Indicators

- Green: 75% or more weight on academic indicators
- Yellow: 50–74% weight on academic indicators
- Red: Less than 50% weight on academic indicators or weight is unclear in plan

Testing Participation Rates

- Green: No credit for untested students or similarly rigorous consequences
- Yellow: Less rigorous consequences that have limited implications for accountability
- Red: Does not specify consequences for untested students

Inclusion of Subgroup Performance

- Green: Schools receive lower rating if they have a struggling subgroup or subgroup performance is an independent and substantial portion of rating index
- Yellow: Subgroups have lesser but still meaningful effect on a school's rating
- Red: Subgroups have little to no effect on a school's rating

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

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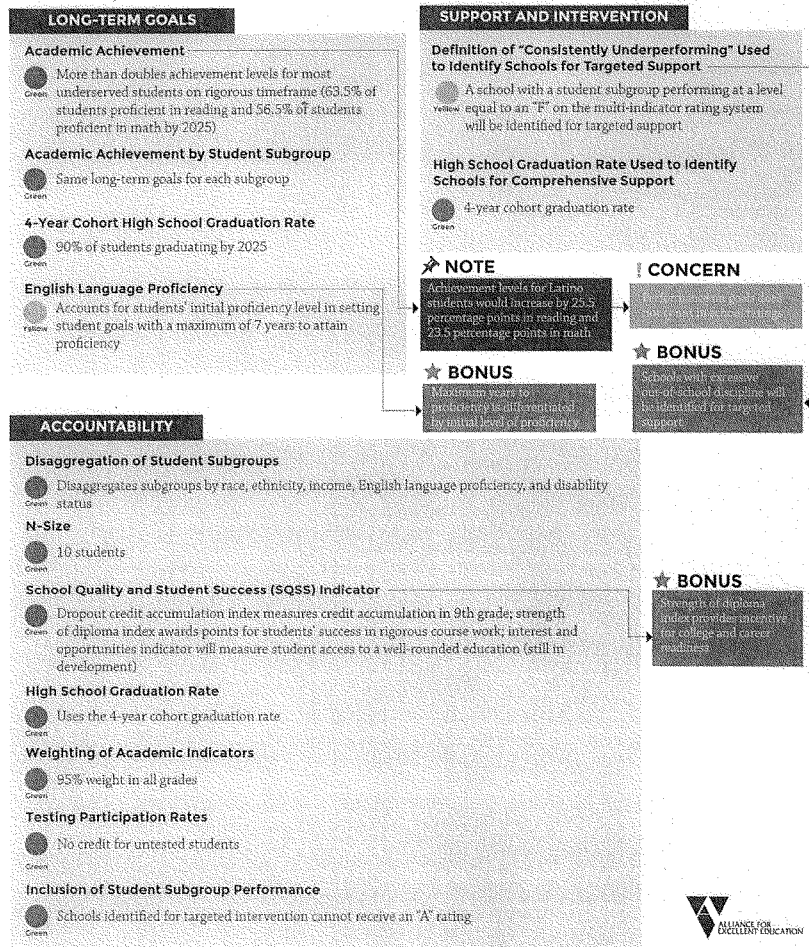
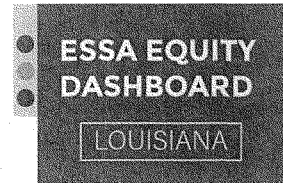
High School Graduation Rate Used to Identify Schools for Comprehensive Support

- Green: 4-year cohort graduation rate
- Yellow: 5-year cohort graduation rate
- Red: 6-year (or longer) cohort graduation rate



AN ANALYSIS OF LOUISIANA'S ESSA PLAN

This dashboard analyzes Louisiana's plan under the Every Student Succeeds Act (ESSA), specifically its commitment to equity and excellence and its compliance with the law. This analysis is not all-encompassing but rather focuses on the indicators most essential for advancing equitable educational opportunities for all students. Louisiana submitted its plan on May 3, 2017; full text is available at <https://ed.gov/admins/lead/account/stateplan17/larsa2017.pdf>. View ESSA equity dashboards for other states at www.all4ed.org/essa.



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LONG-TERM GOALS

Academic Achievement

- Green: 75% or more of all students proficient on statewide assessments by 2030 or equivalently rigorous goal
- Yellow: 60–74.9% of all students proficient by 2030 or 75% or more proficient by 2031–39 or equivalently rigorous goal
- Red: Less rigorous goals and/or longer timeline than 2040

Academic Achievement by Student Subgroup

- Green: Same long-term goals for each subgroup or similarly ambitious commitment to closing achievement gaps
- Yellow: Less ambitious goals but requires higher rates of growth from lower-performing subgroups
- Red: Same or similar rates of academic growth for all subgroups

4-Year Cohort High School Graduation Rate

- Green: 90% or more of students graduating by 2030
- Yellow: 85–89.9% of students graduating by 2030 or 90% or more graduating by 2031–39
- Red: Less rigorous goals and/or longer timeline than 2040

Extended-Year Cohort High School Graduation Rate

- Green: At least 3 percentage points higher than 4-year cohort rate goal
- Yellow: 1–2 percentage points higher than 4-year cohort rate goal
- Red: Goals are the same or state does not set goals for each cohort rate

English Language Proficiency

- Green: Accounts for initial age/grade or proficiency level in setting student targets with maximum timeline of no more than 6 years to achieve proficiency
- Yellow: Accounts for initial age/grade or proficiency level with maximum timeline of 7 years to achieve proficiency
- Red: Does not account for initial age/grade or proficiency level and/or sets maximum timeline of 8 or more years to achieve proficiency

ACCOUNTABILITY

Disaggregation of Student Subgroups

- Green: State does not use super-subgroup or uses it only in addition to disaggregated subgroups for school ratings and/or identifying schools for support
- Red: State uses super-subgroups instead of required subgroups for school ratings and/or identifying schools for support

N-Size

- Green: N-size for accountability of 15 or fewer students
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School Quality and Student Success (SQSS) Indicator

- Green: Evidence-based statewide SQSS measures are disaggregated by student subgroup
- Yellow: Inconclusive evidence for SQSS measures or significant measures are in development but still statewide and disaggregated by student subgroup
- Red: No evidence for SQSS measures and/or not statewide or disaggregated by student subgroup

High School Graduation Rate

- Green: Exclusively uses or gives more weight to 4-year cohort graduation rate
- Yellow: Uses 4- and extended-year cohort rates and weights 4-year rate equally or less than other rates
- Red: Does not use 4-year cohort rate or uses another unlawful graduation rate calculation

Weighting of Academic Indicators

- Green: 75% or more weight on academic indicators
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Testing Participation Rates

- Green: No credit for untested students or similarly rigorous consequences
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- Red: Does not specify consequences for untested students

Inclusion of Subgroup Performance

- Green: Schools receive lower rating if they have a struggling subgroup or subgroup performance is an independent and substantial portion of rating index
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- Red: Subgroups have little to no effect on a school's rating

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

- Green: Definition is meaningfully different from "low performing" and triggers targeted intervention based on 2 or fewer indicators
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High School Graduation Rate Used to Identify Schools for Comprehensive Support

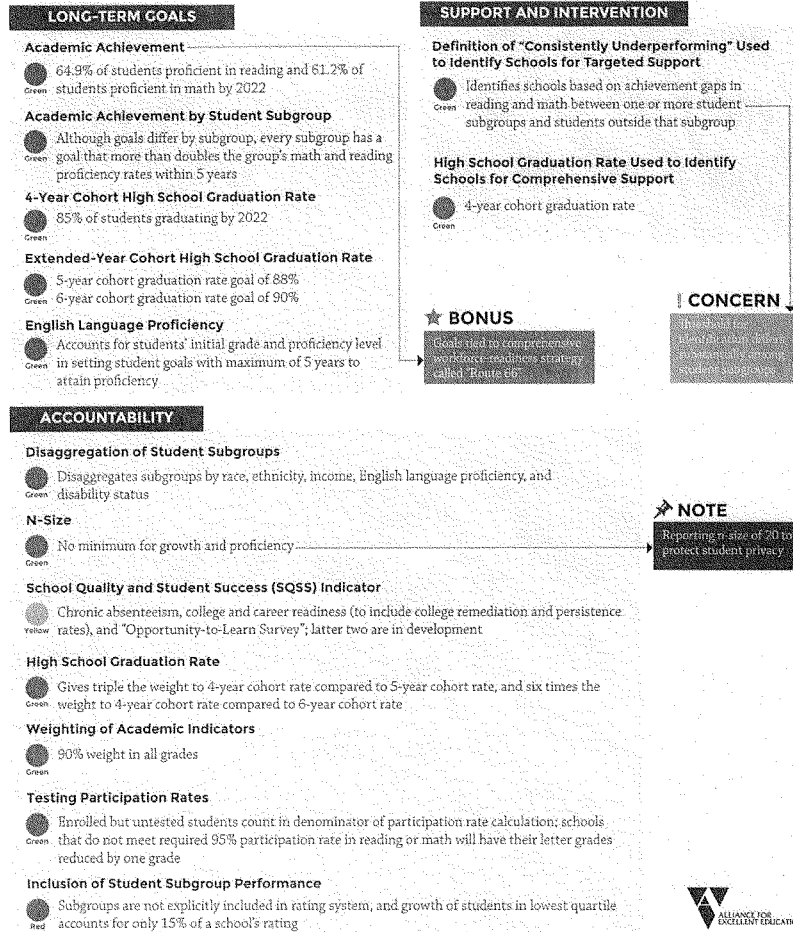
- Green: 4-year cohort graduation rate
- Yellow: 5-year cohort graduation rate
- Red: 6-year (or longer) cohort graduation rate



AN ANALYSIS OF NEW MEXICO'S ESSA PLAN

This dashboard analyzes New Mexico's plan under the Every Student Succeeds Act (ESSA), specifically its commitment to equity and excellence and its compliance with the law. This analysis is not all-encompassing but rather focuses on the indicators most essential for advancing equitable educational opportunities for all students. New Mexico submitted its plan on April 11, 2017; full text is available at <https://ed.gov/admins/lead/account/stateplan17/nmcsa2017.pdf>. View ESSA equity dashboards for other states at www.all4ed.org/essa.

ESSA EQUITY DASHBOARD NEW MEXICO



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LONG-TERM GOALS

Academic Achievement

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- Yellow: 60–74.9% of all students proficient by 2030 or 75% or more proficient by 2031–39 or equivalently rigorous goal
- Red: Less rigorous goals and/or longer timeline than 2040

Academic Achievement by Student Subgroup

- Green: Same long-term goals for each subgroup or similarly ambitious commitment to closing achievement gaps
- Yellow: Less ambitious goals but requires higher rates of growth from lower-performing subgroups
- Red: Same or similar rates of academic growth for all subgroups

4-Year Cohort High School Graduation Rate

- Green: 90% or more of students graduating by 2030
- Yellow: 85–89.9% of students graduating by 2030 or 90% or more graduating by 2031–39
- Red: Less rigorous goals and/or longer timeline than 2040

Extended-Year Cohort High School Graduation Rate

- Green: At least 3 percentage points higher than 4-year cohort rate goal
- Yellow: 1–2 percentage points higher than 4-year cohort rate goal
- Red: Goals are the same or state does not set goals for each cohort rate

English Language Proficiency

- Green: Accounts for initial age/grade or proficiency level in setting student targets with maximum timeline of no more than 6 years to achieve proficiency
- Yellow: Accounts for initial age/grade or proficiency level with maximum timeline of 7 years to achieve proficiency
- Red: Does not account for initial age/grade or proficiency level and/or sets maximum timeline of 8 or more years to achieve proficiency

ACCOUNTABILITY

Disaggregation of Student Subgroups

- Green: State does not use super-subgroup or uses it only in addition to disaggregated subgroups for school ratings and/or identifying schools for support
- Red: State uses super-subgroups instead of required subgroups for school ratings and/or identifying schools for support

N-Size

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School Quality and Student Success (SQSS) Indicator

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High School Graduation Rate

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Weighting of Academic Indicators

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Testing Participation Rates

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Inclusion of Subgroup Performance

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SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

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- Red: Definition is not meaningfully different from statutory definition of "low performing" or does not comply with ESSA

High School Graduation Rate Used to Identify Schools for Comprehensive Support

- Green: 4-year cohort graduation rate
- Yellow: 5-year cohort graduation rate
- Red: 6-year (or longer) cohort graduation rate



Chairwoman FOXX. Thank you, Mr. Lovell.
Dr. Wright, you are recognized for 5 minutes.

**TESTIMONY OF CAREY WRIGHT, STATE SUPERINTENDENT,
MISSISSIPPI DEPARTMENT OF EDUCATION**

Ms. WRIGHT. Thank you. Before I want to start I wanted to introduce people that are key to the implementation of this back in my State. I have my State board chair, Ms. Rosemary Aultman, with me; the vice chair, Dr. Jason Dean; and one of my chiefs who is responsible for legislation and communication who are here with me today. So thank you.

Chairman Foxx, Ranking Member Scott, and members of the committee, thank you for the opportunity to testify about Mississippi's work to implement the Every Student Succeeds Act or ESSA. I look forward to sharing my perspective as the state superintendent of education for Mississippi, and I am also president-elect of the board of directors for the Council of Chief State School Officers.

ESSA has given Mississippi the opportunity to create a plan specifically designed for the students of our State. At the same time, the law provides guardrails to ensure our work is appropriately targeted toward improving educational opportunities and outcomes for all students and all schools.

Our plan is called Mississippi Succeeds and we are proud that it builds upon our State board's strong strategic plan to prepare students for college and careers. This strong foundation includes a rigorous academic standards for all students, aligned assessments to track student achievement, and an accountability model that clearly measures the performance of our schools and our districts.

Our ESSA plan also builds upon the significant investments that Mississippi has made in early childhood education, literacy, career and technical education, advanced coursework opportunities for students, and professional development for all teachers. All of these initiatives have broad stakeholder support and have resulted in improved student outcomes.

To design Mississippi Succeeds we again sought raw input from stakeholders over an 18-month period to craft a plan tailored to the needs of our students. During those 18 months, we conducted a listening tour which included 15 public meetings throughout the State. We hosted targeted meetings with specific stakeholder groups, and collected feedback through an online survey.

Among our most active participants were advocates for the underserved, majority African-American communities in rural, low-income areas of the State, parents of students with disabilities, and teachers of English language learners. Mississippi has a small but growing population of English learners and most of the teachers of the English learners who participated in our feedback sessions were the only people in their schools whose work was dedicated to English learners.

Throughout these meetings and the online survey, we gathered 7,300 feedback points. We established working groups, and we established an ESSA advisory committee made up of stakeholders to provide us feedback and input throughout the entire development of our plan.

We intend to keep all of our partners engaged in our implementation of the plan through regular meetings with our stakeholders as well as with the ESSA advisory committee. The robust participation of stakeholders helped Mississippi develop a strong plan to meet the requirements of ESSA. And I am especially excited about the following aspects of our plan; providing effective teachers with the opportunities to not only teach children, but to work collaboratively to lead colleagues to improve their practice, expanding early childhood to support early childhood educators in a variety of pre-K settings to implement developmentally appropriate practices in their classrooms, improving schools by investing in the local teachers and administrators, supporting communities through P16 councils, strengthening parent engagement through school-based activities.

We appreciate the flexibility of ESSA because we intend to include subgroup performance to identify schools for school improvement support. This will have the greatest impact on African American students who make up our State's largest underperforming subgroup. We are expanding career and technical education to provide continuous computer science education in grades K through 12 and to provide our high school students with the opportunity to graduate with a career and technical diploma endorsement that is of equal value to an academic endorsement.

We are putting a strong focus on eliminating the proficiency gap between African Americans and all students entirely so that the proficiency rates for all of our subgroups will increase to 70 percent by 2025. All of these initiatives are dependent on Federal support for public education. As a State chief, I understand that Federal resources are limited and that States must be effective stewards of tax dollars.

Mississippi's ESSA plan is built around the targeted and efficient use of Federal funds to maximize the impact on student achievement, especially of our most disadvantaged students. I want to thank you for the flexibility that you have provided through the Every Student Succeeds Act, and as you can see, our Mississippi Succeeds will expand the State's education reform efforts to improve opportunities and outcomes for all students.

Mississippi's future will be shaped by the students of today and we are deeply committed to equipping them to learn, build, create, serve, and innovate. We believe in the capacity of our students to achieve and we believe in the ability of our teachers and schools to guide them to a successful future. ESSA is at the heart of our work. Thank you.

[The statement of Ms. Wright follows:]

**U.S. House of Representatives Committee on Education and the Workforce
Every Student Succeeds Act Hearing**

Carey M. Wright, Ed.D., State Superintendent of Education for Mississippi

July 18, 2017

Chairwoman Foxx, Ranking Member Scott, and Members of the Committee: thank you for the opportunity to testify about Mississippi's work to implement the Every Student Succeeds Act (ESSA). I look forward to sharing my perspective as state superintendent of education for Mississippi. I am also president-elect of the board of directors of the Council of Chief State School Officers.

ESSA has given Mississippi the opportunity to create a plan specifically designed for the students in our state. At the same time, the law provides guardrails to ensure our work is appropriately targeted toward improving educational opportunities and outcomes for all students and all schools.

In Mississippi, we sought broad input from stakeholders over an 18-month period to craft a plan tailored to the needs of our students. We approached this process as an opportunity to connect and build upon the goals and strategies that are embedded in the Mississippi State Board of Education's Strategic Plan, while leveraging the opportunities and expectations of ESSA.

Mississippi's State Board of Education's Strategic Plan maps out a targeted approach to preparing students for college and careers and provides a firm foundation on which to build a strong plan to implement ESSA. Our state plan is called *Mississippi Succeeds*. We concluded our final public comment period on July 16, and are now in the process of preparing our plan for submission to the U.S. Department of Education in September.

The Mississippi Department of Education has a history of working with a broad-based network of stakeholders who are actively engaged in policy advisement, development and implementation in our state. To gather input for our *Mississippi Succeeds* plan, we used our existing partnerships, formed new relationships and actively sought public comment from a wide and diverse range of individuals and groups.

We launched a statewide listening tour in August 2016, which consisted of 15 public meetings throughout the state, six regional meetings with district superintendents and an online survey. The public meetings were held in the afternoon and evening in rural, urban and suburban communities, and participants included parents, college students, teachers, school and district staff and administrators, college and university faculty and staff, members of educational associations and advocacy groups, business leaders, school board members and public officials. Among our most active participants were advocates for underserved, majority African-American communities in rural, low-income areas of the state, parents of students with disabilities and teachers of English learners. Mississippi has a small, but growing, population of English

learners, and most of the teachers of English learners who participated in our feedback sessions were the only people in their schools whose work was dedicated to English learners.

Through these meetings and the online survey, we gathered 7,300 feedback points through facilitated roundtable discussions about stakeholders' priorities for student achievement, school quality and effective teachers and leaders. Key stakeholders also participated in the various workgroups we formed to work out the details of each section of our state plan. The overarching themes that arose from the meetings inform the work of the Mississippi Department of Education as well as our ESSA plan.

Our ESSA advisory committee remains an active group and includes educators, policymakers and advocates, as well as the leaders of state agencies that are devoted to education, health and workforce development. This includes the community college board, Mississippi Institutions of Higher Learning, and the departments of health, mental health and human services. Other advisors include state leaders and legislators and representatives from the Mississippi Economic Council, the Mississippi Association of Educators, Parents for Public Schools and the NAACP. We also sought regular input from our Superintendents' Advisory Committee, Principals' Advisory Committee, Mississippi Teachers' Council and our state Governor Phil Bryant. Our existing collaboration with Mississippi's Workforce Investment Board ensured that our plan was aligned to our statewide effort to prepare Mississippi students for higher education, postsecondary opportunities and high-skill, high-wage jobs. We will keep all of our partners engaged in the implementation of our state ESSA plan through our regular meetings with stakeholders and the ESSA advisory committee.

The robust participation of stakeholders helped Mississippi develop a strong plan to meet the requirements of ESSA. I am especially excited about the following aspects of our plan:

- Our Teacher Leadership Initiative will provide effective teachers with opportunities to teach students and collaboratively lead colleagues to improve their practice.
- Our early childhood education expansion will support early childhood educators in a variety of pre-K settings statewide to implement developmentally appropriate practices in their classrooms. This expansion is made possible through a grant from the W.K. Kellogg Foundation.
- Our school improvement efforts will include a focus on building local capacity through professional development for teachers and administrators, improved community support through P-16 councils and other groups, and strengthened parent engagement through school-based activities. Mississippi will take advantage of the flexibility that ESSA provides by including student subgroup performance to identify schools for school improvement support. This will have the greatest impact on African-American students, who make up our state's largest underperforming subgroup.
- Our Career and Technical Education expansion will provide continuous computer science education to students in grades K-12 and provide high school students with the opportunity to graduate with a Career and Technical Education diploma endorsement that is of equal value to an academic endorsement.

- As a long-term goal, Mississippi aims to eliminate the proficiency gap between African-American students and all students entirely, so that the proficiency rate for all student subgroups increases to 70 percent by 2025.

All of these initiatives are dependent on federal support for public education. As a state chief, I understand that federal resources are limited and that states must be effective stewards of tax dollars. Mississippi's ESSA plan is built around the targeted and efficient use of federal funds to make the maximum impact on student achievement, especially for the most disadvantaged students. The proposed cuts to the federal education budget would greatly harm our ability to implement key programs under ESSA. In particular, the proposed cuts to Title II programs would devastate our efforts to improve teacher preparation and quality, particularly in high-need school districts that struggle to attract and retain qualified teachers.

Mississippi has implemented aggressive reforms in recent years, including a literacy initiative to ensure students are proficient readers by the third grade and the implementation of the state's first publicly funded pre-K program. These and other reforms, such as the implementation of high academic standards for all students, have pushed student achievement in Mississippi to improve at a faster rate than in many other states. We are excited about the opportunities that ESSA provides and continued federal support will help us build upon this momentum.

Mississippi's ESSA plan is built upon a strong foundation that includes rigorous academic standards for all students, aligned assessments to track student achievement and an accountability model that clearly measures the performance of our schools and districts. Our plan also builds upon the significant investments Mississippi has made in early childhood education, literacy, career and technical education, advanced coursework opportunities for students, and professional development for teachers. All of these initiatives have broad stakeholder support and have resulted in improved student outcomes.

Students are achieving more because Mississippi's leaders and education stakeholders are committed to a singular vision of preparing our students for the future. The Mississippi State Board of Education, state elected leaders, the Mississippi Department of Education and local school districts and communities have joined forces to enact bold education reform efforts that are producing unprecedented outcomes. The changes have been aggressive, and teachers, administrators and communities have embraced the state's vision to make major student achievement a reality.

Our *Mississippi Succeeds* plan to implement ESSA will expand the state's education reform efforts to improve opportunities and outcomes for all students. Mississippi's future will be shaped by the students of today, and we are deeply committed to equipping them to learn, build, create, serve and innovate. We believe in the capacity of our students to achieve their highest goals and in the ability of our teachers and schools to guide them to a successful future. ESSA is at the heart of our work.

Chairwoman FOXX. Thank you, Dr. Wright. Thanks again to all of our witnesses.

Mr. Wilson, you are recognized for 5 minutes for questions.

Mr. WILSON of South Carolina. Thank you, Chairwoman Virginia Foxx, for your extraordinary leadership providing for this hearing today. And I want to thank each of you for being here today. I especially appreciate your service because I am the very happy husband of a dedicated teacher. And I want to keep her happy, too, so thank you for what you are doing.

And, Dr. Wright, South Carolina students greatly benefit from career and technical education with partnerships with companies such as BMW, MTU, Michelin, and Boeing, and the South Carolina Technical Education System. South Carolina has been very fortunate with a division of technical education being promoted under the leadership of State superintendents of education from Dr. Barbara Neilsen to today with the Honorable Molly Spearman.

In your testimony you include several aspects of your State's plans to meet the requirements of the Every Student Succeeds Act, and you cited the efforts of career and technical education. Can you elaborate your promotion of career and technical education for the citizens of Mississippi?

Ms. WRIGHT. Yes, I will. About 65 percent of the jobs that are currently available in our State are requiring metal skills. And so we have formed a committee that is working not only with our State Workforce Investment Board, but also on the implementation of the Workforce Investment Act. We have four sectors in our State and what we have done is we have established groups in each of those sectors to work directly with the businesses in those sectors so that we can then come back and design CTE plans that will allow our children to go, starting in high school, graduate from high school, and go immediately into the workforce. Our State needs that immediate piece and that is what we have got planned as well.

Mr. WILSON of South Carolina. And what a meaningful and fulfilling life you help young people achieve, so thank you for what you do.

And, Dr. Pletnick, I want to thank you for your testimony on a very important issue and that is local elected school boards. And I know that my view is that they work best for our students. I learned this firsthand. My dad was a school board member in Charleston. I served in the State senate working with school boards and found out the extraordinary diversity within a single district that these school boards have to address, and they are hard work, but the extraordinary dedication of school board members.

Your testimony promotes, again, moving from one size fits all. Can you provide more detail on how the Every Student Succeeds Act will help restore local control of education and allow educators to address the unique needs of individual students?

Ms. PLETNICK. Member Wilson, thank you for that question. In the Dysart Unified School District, we utilize a strategic planning process, so our community gives us that feedback. We work with our business partners. We work with our parents to ensure that we are meeting the needs of our students in our local community. And

our school board is that connection. So they are the elected officials.

The ESSA has allowed us then to work through our State to ensure that the multiple measures that we are utilizing speak to those needs of our students, certainly our underserved population, but really for all students making certain that they are future ready.

We, too, have a very strong career and technical education program because we hear from our local community and from our business partners that there are opportunities. We have Luke Air Force Base in our backyard. We recently took a tour and it takes 2 billion lines of code to run the F-35. They have that mission. And so we are ensuring that our students have opportunities with coding and other pieces.

That is something that is a strong piece in our strategic plan as we move forward. And so again, ESSA provides us that opportunity to look at multiple indicators and those that would truly serve our underserved population, but all of our students as well.

Mr. WILSON of South Carolina. And thank you for, again, looking out for all students. As I served in the State senate, now Congress, I represent a district, Lexington 1. The diversity there, you have resort areas. You have very upscale subdivisions. You have normal middle class subdivisions. You have a small town. You have rural communities and then you have agricultural communities. That is in one district. And so the local school board is just so important.

And, Ms. Nowicki, I want to thank you for your service and your promotion of flexibility. Can you explain how flexibility of the act would provide for a different approach in adopting performance indicators?

Ms. NOWICKI. Sorry, sir. You are asking how the flexibility of the act could?

Mr. WILSON of South Carolina. Assist with performance indicators - in determining performance indicators.

Ms. NOWICKI. Sure, sure. So there were a couple of different examples in our report where States were making different decisions, I think, around performance indicators. The way they defined subgroups, how they were choosing to use summative or overall ratings versus individual ratings on indicators.

I think it provides flexibility for States to do whatever they think makes sense for them in their local context while providing sufficient guardrails to protect vulnerable populations and subgroups.

Mr. WILSON of South Carolina. Thank you very much.

Chairwoman FOXX. Thank you, Mr. Wilson.

Mr. Courtney, you are recognized for 5 minutes.

Mr. COURTNEY. Thank you, Madam Chairwoman, and thank you for holding this really important hearing, but I want to join the ranking member in saying how I think a lot of us feel frustration about the fact that the Secretary of Education has not yet appeared before this committee. It has been 6 months into this administration. We have had a budget out since May. And looking historically, we have always had the Secretary of Education appear before this committee to take questions from members about issues of the day.

And clearly, what we are talking about today for all of us listening to our commissioners back home, stakeholders who have been

working hard on implementation of ESSA, there is a lot of confusion out there, and we need people from the Department, particularly the person who is in charge, where the buck stops, to answer questions about where are we going.

The ESSA was signed into law on December 10, 2015. It was actually a really inspiring tableau to see President Obama signing that law with Senator Lamar Alexander, Republican leader in the Senate, Mr. Rokita from our committee was standing behind the president. Again, it was a lot of hard work that went into that to, again, achieve some of the goals that some of the witnesses have talked about here today.

But fast-forward and it is really not that early in the implementation of the law to where we are today in 2017. There is a lot of confusion out there about just the mixed messages and signals that are coming out of the Department as States are working hard to try and, again, achieve the goals of this legislation. It has not been helped, by the way, by the fact that the Republican majority chainsawed out of the Federal law the regulations, back in May, with the Congressional Review Act enactment that President Trump signed into law. That, again, just completely eliminated, you know, the roadmap that had been put into place by the Department.

Again, I had questions about some of those regs. But the fact is now we have a black hole in the Federal law in terms of, you know, how ESSA is structured and designed. And when you talk about confusion out there, frankly, the majority added to that confusion by, in my opinion, just indiscriminately butchering the regs that were in place.

And so that is where we are today. Again, my State of Connecticut did everything right, I think, in terms of pulling together stakeholders. They worked like, you know, very diligently in terms of coming up with a plan which was submitted. Again, it got kicked back about a month or so ago.

Talking to the folks in that Department, you know, they want to, you know, work collaboratively, but, frankly, there is tremendous confusion about, you know, which direction they are supposed to go in. And frankly, again, it is just another reason why the Secretary should be here today answering questions to all of us about where she, in fact, intends to take this Department.

We know when there's confusion in Washington going back to the infamous words of Deep Throat during the Watergate scandal, follow the money. Again, Mr. Lovell, I would just like to sort of follow up your comments. We obviously have seen a budget come out of this administration in terms of their priorities as far as title I, title II, afterschool. Again, one of the goals of ESSA was to move away from the punitive approach of No Child Left Behind and to try and help districts who had been identified as underperforming.

And again, I just would ask you to comment further about, you know, cutting these programs, in fact, removes the resources that ESSA was built around in terms of trying to help school districts that are struggling.

Mr. LOVELL. Thank you very much. I could not agree more. In fact, it is interesting. So one of the issues that came up just a few

minutes ago, Mr. Wilson, you brought up career and technical education. And I think that is a huge opportunity within this law.

And, first, let me applaud the committee for its works on the reauthorization of the Perkins law. Unfortunately, because of the levels of funding that are being proposed for things like career and technical education and the cuts therein, we are not able to implement a lot of those programs.

Right now, with States having the ability to design their plans and implement them, the integration of rigorous academics with CTE is a major opportunity. There is language specifically in the law that you wrote within title I that allows States to do this and not only that, you allowed States to use up to 3 percent of their funding for direct student services.

And one of the uses of the direct student services funding that you allowed was the provision of CTE that leads to an industry-recognized credential. Very few States are planning to use this 3 percent set-aside for direct student services. And why? Well, it is because they feel like it cuts into their title I budget.

So by level funding title I by cutting elsewhere, that means the title I dollars are going to have to go towards other things. And it means that States do not have the ability to really carry out the vision of the law that this committee set.

Mr. COURTNEY. Thank you. I yield back.

Chairwoman FOXX. Thank you, Mr. Courtney.

Mr. Walberg, you are recognized for 5 minutes.

Mr. WALBERG. Thank you, Madam Chairwoman, and thank you to the panel being here. And I would concur with Mr. Courtney as well that it would be a great opportunity and time when we have a chance to hear from our Secretary of Education. I believe my colleagues would be impressed with her as much as I am impressed with her abilities and yet, we also hope that there is a stopping of the stonewalling and blocking of confirmations that would assist her with people who can be undersecretaries, assistants, et cetera, to help in the process moving forward with something she has identified, ESSA, something she wants to implement as intended, as we intended fully. So I look forward to that as well.

But today we have these witnesses here and, Ms. Nowicki, thank you for being here. In your testimony you mentioned that the Department is considering additional areas of guidance that might be needed for States as they implement ESSA. Has the Department said what those areas might be and how will they determine if that additional guidance is, in fact, needed?

Ms. NOWICKI. Yes, sir. The Department has said that they are conducting a review of all of their current guidance that is available and looking for gaps or areas where States might need additional assistance. They have various ways to do that. They have mentioned webinars that they hold and meetings that provide a forum for States to share some concerns or some areas where they may need guidance.

In our work, stakeholders who are working directly with States developing their plans mentioned a couple of areas as well.

Mr. WALBERG. If you could highlight some of those?

Ms. NOWICKI. Surely. One is how to select evidence-based strategies and measure their efficacy in the States. It is not unusual

throughout government and in the States for there to be a lack of capacity in terms of knowing how to evaluate strategies. So that was one area.

A second area was noting that because ESSA provides much more funding flexibility than did NCLB, helping States understand the broad funding flexibilities that they do have available to them and the law would be useful for States.

Mr. WALBERG. And those flexibilities are just name a few of those? Flexibilities —

Ms. NOWICKI. Funding flexibilities to combine funding streams under the law in ways that they were not able to do under NCLB.

Mr. WALBERG. With local States, et cetera?

Ms. NOWICKI. Yes, different Federal and State local funds together.

Mr. WALBERG. Okay. Ms. Nowicki, this is obviously an initial look at early implementation of ESSA, but do you believe there is future work GAO could do on this topic as States put the law into practice over the next few years?

Ms. NOWICKI. Absolutely. I think in the shorter run two areas may be important. One, I think it will be important to pay attention to how Education's monitoring protocols are shaping up. ESSA obviously encourages a much more State-driven approach in developing their plans and we would want to see monitoring protocols reflect that. Yet developing them in a way that also holds States accountable for Federal requirements may take some doing.

Two, I think it will be important to look at how States are making the public aware of differences in school and district performance in their States and whether key stakeholders find that information useful. We like to say at GAO that data is only useful if it is used and that usefulness is in the eye of the beholder. So if stakeholders and parents are not able to access the information or do not find that it is telling them things that they would like to know, I think it would be important to know that.

Mr. WALBERG. Well, I appreciate that and, Madam Chairwoman, I appreciate the fact as we heard that testimony we talked more about stakeholders at the local and State level as opposed to Federal and that is a good thing.

Dr. Pletnick, thanks for being here. ESSA returns significant authority to school districts to determine how to intervene in and how to improve low-performing schools, which is important to consider if we are expecting education to reach the masses of our country. What initiatives are in place in your district or are you working to implement that will do just that?

Ms. PLETNICK. Member Walberg, we have put in place a number of initiatives. First of all, when we are looking at each of our schools we take a proactive approach rather than reactive approach. So we make sure that the programs that we have in place are providing that high-quality education. We use an RTI process in which we have tiered intervention. So tier 1 is that classroom. We need high-quality teachers delivering high-quality instruction.

And then if we do have our struggling students, especially in our underserved populations, we need to evaluate what it is their specific needs are. Again, I believe ESSA versus No Child Left Behind

allows us to focus on that individual student, not just the aggregate.

So we provide those interventions sometimes through interventionists. We have online programs because we really want access 24/7 for our students in order to provide the supports they need. And again, the intensity of those interventions continues to grow as we work with the individual student to fill those needs.

The other thing that we are doing across the district is personalized learning. So we are looking at what the students' strengths are, certainly their area of challenges, but also their interests because we need to engage our students in their learning. We need them to own their own learning.

So we are working on ways to really not only have them own that learning, understand about progress, but also ways that we could use space and place and pace differently.

Chairwoman FOXX. Dr. Pletnick, I am going to have to ask you to wind up.

Ms. PLETNICK. Thank you.

Chairwoman FOXX. Thank you very much.

Mr. WALBERG. Thank you. I yield back.

Chairwoman FOXX. Mr. Polis, you are recognized.

Mr. POLIS. Thank you, Chairwoman Foxx and Ranking Member Scott, for holding this important education hearing. You know, when I first ran for Congress several years ago, one of the main reasons I ran was to fix our outdated education policy, No Child Left Behind. During my time on the State Board of Education in Colorado and as a school superintendent, I saw a lot of the flaws of No Child Left Behind firsthand and I was thrilled to work on the Every Student Succeeds Act in this committee, in the conference committee. A number of bills that I wrote were incorporated into that bill and I was very excited by a step forward that I think everybody felt was better than its predecessor.

Now, I am troubled now by some of the comments I have heard from my Republican colleagues, who seem to be suggesting that since we passed the Every Student Succeeds Act, States can somehow do whatever they want. The goal of the Every Student Succeeds Act was to maintain, of course, our civil rights, guardrails, and safeguards, and, in fact, to provide school districts and States the flexibility to do what works, but not the flexibility to fail and to do nothing.

No one here voted to let States and school districts fail when we passed the Every Student Succeeds Act. So we should not be surprised the Department of Education is providing meaningful and positive feedback to the States. It helps them to develop and implement their ESSA plans and that they will only approve plans that meet the law's requirements. That was the requirements that we, as a body, you know, overwhelmingly voted to include in the actual law.

Dr. Pletnick, I wanted to thank you for being here today. Really one of the ironies that I see is while the Department of Education is trying to do a good job providing feedback to States, at the same time, both by the President's budget and the congressional Republicans', they're slashing funding for some of the key programs, and I want to highlight one in particular.

Colorado, like many other States, went through an extensive stakeholder engagement process to develop title II as part of our State plan for teacher and professional development. Last week, House Republicans moved forward with the budget that eliminates funding for title II, part A, the real significant funding stream for teacher professional development and classroom size reduction.

How can States deal with this uncertainty around the use of funds for teacher and professional development and classroom size reduction that are already included in their plans if the funding goes away?

Ms. PLETNICK. Thank you for that question. That is a problem. When there are funding cuts that means either the elimination or cutting back on programs and many of these are critical. I can tell you in the State of Arizona for title II the impact would be about \$16.9 million in professional development. That is supporting more than 34,000 educators. Class size reduction would be impacted and that would impact about 137 positions that we have. And statewide the impact of the total title II elimination would be about \$32.5 million. So it would have a devastating impact in those areas.

Mr. POLIS. And given that those education plans included the use of that money for teacher training classroom reduction, does that mean that it will send, in effect, States back to the drawing board for their title II plans and their teacher training plans?

Ms. PLETNICK. I think that would be correct because our budgets are very tight and so, again, when we have elimination of funding, that means you have to go back and look at your programs. And quite frankly, all of the programs that we have in our own district I can say are essential, including those that we provide for professional development.

Mr. POLIS. And for Mr. Lovell I wanted to ask, you know, one area where we also made progress in the Every Student Succeeds Act is early learning, the most important, the studies show, investment in early childhood education. We authorized a new preschool development grant program. The law will hopefully facilitate better collaboration between early learning and K-12. Can you talk about how States so far are taking advantage of new opportunities to support early learning under ESSA and what lessons we can learn from some of the States that have submitted their early learning components and their plan?

Mr. LOVELL. Thank you, Mr. Polis. Well, really the answer to that question goes back to your first question, which is that plans that might be in place or ideas that we might have are going to be severely undercut if there is no resources to fund them. And so you have cuts that are being proposed both by the administration, by the House Labor-H Committee, you have got cuts being pondered for Medicaid. You put all that together and it is hard for States to really envision something robust and necessary and costly like a robust early childhood program.

Mr. POLIS. Yeah, and I think, you know, to clarify what you are saying, when our committee writes the authorizing legislation, the Every Student Succeeds Act, it's only as good as the funding that actually funds those programs that we authorize.

Dr. Wright, can you briefly share more about what Mississippi is doing in early learning?

Ms. WRIGHT. Absolutely, and thank you for that. We passed a law establishing early learning collaboratives. That was the first time that we went into that foray. We are also looking and monitoring the results of that. We, with our kindergarten assessment, we realized that two-thirds of our children that were entering kindergarten were not prepared. So we knew that there was a need for pre-K.

And so now we are also reaching out to all of the pre-K, public or private, in order to provide them with professional development. We do that free of charge to anyone that teaches three- or four-year-olds in our State. And we honestly believe that it is a lever that is going to make a difference in the State of Mississippi. So we have a lot of interest in that and a lot of infrastructure that we are putting toward that.

Mr. POLIS. I thank the gentlelady. And just in brief closing, I will just inquire of the chair if we have invited or plan to invite Secretary Devos for an oversight hearing before our committee as well. And I will yield back with that inquiry.

Chairwoman FOXX. The gentleman yields back. We do plan to invite her.

Mr. Guthrie, you are recognized for 5 minutes.

Mr. GUTHRIE. Thank you, Madam Chairwoman, for yielding. I appreciate the time. And this question is actually—is based on the testimony from Dr. Wright but, Dr. Pletnick, I would like for you to answer this as well, but it is based on Dr. Wright's testimony would be applicable I am sure. It says one in Kentucky, Education Commissioner Stephen Pruitt in the Kentucky Department of Education, found similar successes in hosting town halls across the State, engaging partner organizations, and accepting public comment in order to craft a new assessment of the accountability system.

When it was all said and done, the Department received an input of 6,000 Kentuckians on the matter. Based on the feedback you received in your town halls, what were the biggest changes stakeholders wanted to see reflected in your State plan?

Ms. WRIGHT. They wanted to see more communication between schools and districts. They also were interested in not necessarily defining teacher effectiveness by years of experience and licensure, but by linking it more to student outcomes. And that we heard loud and clear. They really viewed an effective teacher as one that produced positive outcomes in children.

And so those are two key pieces, if you will. There were several, but those were two that we take to heart. We are already in the process of designing resources that we have continued to push out to our districts and our schools to help them better engage with parents at the local level. And also we are revising our whole teacher evaluation system to really look at it as more of a professional birth system and driving that around linking it to our student outcomes, which is what we are hearing from our constituents.

Mr. GUTHRIE. Okay, Dr. Pletnick, did you have similar experiences?

Ms. PLETNICK. We did, and there was a great deal of discussion around those multiple indicators and really redefining ready, what

future-ready means. So there was discussion about the career and college index. There was discussion about what are those other significant and meaningful indicators that would keep us transparent and help our parents, our community understand the accountability system and what student success looks like.

Mr. GUTHRIE. Okay. What kind of examples of indicators did you—were you —

Ms. PLETNICK. So in the end we, as I had mentioned earlier, we do have college and career indicators. We do also have indicators around other national assessments that are utilized as kind of opening or gatekeepers into higher education. We do have advanced coursework as well.

So there really is a very long list of indicators that are now considered as part of our accountability.

Mr. GUTHRIE. How are you, once this is all implemented and moving forward, planning, like, additional town halls to try to continue to seek feedback for continuous improvement or what kind of methods are you going to try to still have stakeholder feedback? Continue what you are doing?

Ms. PLETNICK. I would hope that at our State level with our state department, and there is no reason to believe that won't be the case, that we will continue to look at what is in place, analyze the data we are collecting, and see how we can refine and improve moving forward.

Ms. WRIGHT. And that is exactly what Mississippi is planning on doing. We want to stay engaged with our stakeholders. They have invested a lot of time and energy in this. I have also got a very large ESSA advisory council that I intend to keep onboard with very diverse group of folks. So we have got to make sure that we are meeting the needs of our constituents and those are two very strong ways that we can do that.

Mr. GUTHRIE. Thank you very much. And I have one for Ms. Nowicki. I have heard concerns from the Kentucky Department of Education that the department has provided that your Department here, the Federal Department, has provided inconsistent feedback to States that submitted plans early when compared one to another. Is this something the GAO has found to be true? And if so, what is the Department doing to provide consistent guidance?

Ms. NOWICKI. Yes, sir. So GAO, as you know, does not have a statutory or other role in reviewing State plans. At the time that we did our work there were only a couple of plans that had been submitted in draft for feedback. So we did not have any information from the Department about feedback on the plans at the time we did our work.

Mr. GUTHRIE. Do you have a—well, okay. So you did your study before you would have been able to see whether there was inconsistent —

Ms. NOWICKI. Yes, sir.

Mr. GUTHRIE.—feedback, one plan against one and one plan against another? That is something that we hopefully will be able to look into as we move forward.

Mr. LOVELL. I mean, if I may?

Mr. GUTHRIE. Yeah.

Mr. LOVELL. I can provide some thoughts on this. I mean, I think that there definitely were areas where feedback was inconsistent. I think part of it has to do with the fact that without the regulations, there are fewer specific rules around some of the vague areas in the law.

So one area where—and a question came up earlier around areas that the Department could provide future guidance in. I think one area, as Dr. Pletnick was describing, the various indicators that can be selected, this is an area where the law gives States flexibility and even provides some examples of the indicators that States can use.

A number of States are interested in really prioritizing college and career readiness. So they are including things like access and performance in advanced placement, international baccalaureate, dual enrollment, early college. Feedback to one State was somewhat negative about the State's approach to this and we are fearful that feedback like that without additional guidance as to how those things can be included in the accountability could put the freeze on State innovation and doing what we all want States to be doing.

After all, the law specifically says that States can include access and performance on advanced coursework. And then when a State tried to do it, they got a little pushback from the Department.

Chairwoman FOXX. Mr. Lovell?

Mr. LOVELL. So I think that is an area where you have some additional guidance.

Chairwoman FOXX. Mr. Lovell?

Mr. GUTHRIE. Thank you. That was helpful. My time is expired and I yield back. Thank you for those comments.

Chairwoman FOXX. Yes, sir.

Ms. Bonamici, you are recognized for 5 minutes.

Ms. BONAMICI. Thank you, Chairwoman Foxx and Ranking Member Scott, for holding this important hearing about the implementation of the Every Student Succeeds Act. I want to also join my colleagues who expressed their opinion, and I agree that it would be very helpful to hear from the Secretary and the Department as we are talking about implementation.

I worked on education issues in my home State of Oregon at the local level and then in the State legislature and it quickly became clear that the real work needed to be done at the Federal level. And so at the top of my legislative agenda list when I joined Congress was rewriting No Child Left Behind. And I was thrilled to serve on the committee when we worked on Every Student Succeeds Act and on the conference committee and be there at the bill signing and it was a great day. And it was looking forward to implementation.

So needless to say, I was disappointed earlier in the year when the majority instead of talking about which regulations were problematic and which they could support, instead got rid of all of them through the Congressional Review Act and blocked important regulations related to statewide accountability systems, consolidated plans, and data reporting.

And then at the same time, the new administration, left without their implementing regulations, attempted to rush through revised guidance for peer reviewers, and there was a modified template for

State plans, and new explanatory documents, and all of this was taking place less than a month before the initial deadline for submitting the plans, and after many States were well on their way to completing their plans.

So I do not think we should be surprised that there has been uncertainty and confusion. Disappointed, yes, but not surprised. And in fact, without the ESSA regulations, now there's a conversation about which NCLB regulations are still in effect and what do we do about those.

So what we really need is for the Department to play a reliable role in enforcing compliance with the statutory requirements and the law and clearing up areas of ambiguity and helping States take advantage of the flexibility that is such an important part of the law. And I know in my home State of Oregon, I had conversations as they were working on their plan about the lack of certainty.

And they appreciate the flexibility, but do not want to go down a path and then months later be told that you can't go down that path. So Mr. Lovell, in the Department's feedback letter to my State of Oregon, the Department noted that Oregon's plan proposed to include in the students with disabilities subgroup, students who had previously been identified as students with disabilities, but have exited that status recently. The Department said Oregon cannot use that flexibility even though it was permitted in the accountability regulations that were finalized when they were writing their plan.

So can you describe other instances where a State has actually lost flexibility because of Congress's action to block important implementing regulations?

Mr. LOVELL. Sure. So one area where we lost flexibility is in the ability of States to provide credit to their schools where kids are performing above proficiency. So we would like to be able to really prioritize higher thinking skills and one way that you could that is by providing credit for students that are performing above proficiency. The law very specifically says that kids should be—that the academic achievement indicator needs to measure proficiency.

So it is questionable as to whether you can actually provide credit for students that are performing above proficient. As a result, you have some States, one in particular that I could think of, where they are not measuring proficiency at all, which is also not consistent with the law.

Ms. BONAMICI. Right.

Mr. LOVELL. So I totally agree with you, the removal of the regulation on top of a new template less than 30 days before the applications were due did cause a decent amount of confusion. And I think that had the regulation been in place, we wouldn't see some of the inconsistencies that we are seeing.

Ms. BONAMICI. Thank you. And I also want to follow up, we have heard a lot of talk about the importance of stakeholder engagement and that was a really critical component of the Every Student Succeeds Act. And, Mr. Lovell, the Department's revised template does not include explicit questions about stakeholder engagement, as well as other important requirements of ESSA, including provisions related to homeless and foster youth.

And I know you have reviewed the State plans. And how has the Department's decision to exclude those statutory requirements affected the development of State plans? And based on your review of State plans, are States actually meeting these requirements of the Every Student Succeeds Act?

Mr. LOVELL. So thank you very much for that question. You know, if it is not written, you don't know whether it is happening or not. And so I agree that especially around some of our most vulnerable kids, our homeless students, and our kids in foster care, not having specific questions for those students means that we don't know what is going to be happening. That said, just because it is not in the template doesn't mean that those requirements don't exist.

Ms. BONAMICI. Right.

Mr. LOVELL. So it is very important that we still carry out and oversee the implementation of those provisions even if the questions were not asked in the template.

Ms. BONAMICI. Thank you. More need for certainty and, Madam Chairwoman, as I yield back, I want to take just a moment to acknowledge my senior legislative assistant, Adrian Anderson, who has worked with me for several years on this committee on the Every Student Succeeds Act especially. And he is leaving at the end of the month to go to law school and I just want to thank him.

Chairwoman FOXX. Thank you, Ms. Bonamici.

Mr. Barletta, you are recognized for 5 minutes.

Mr. BARLETTA. Thank you. Dr. Pletnick, thank you for your testimony and for being here today. There are studies showing that poor attendance can impact academic achievement, ultimately leading to lower reading and math scores. We know that chronic absenteeism negatively affects students' success and this has led to some States to propose absenteeism as an additional accountability measure in their ESSA plans.

We also know there is evidence that quality afterschool and summer learning programs are cost-effective strategies in increasing student attendance at all grade levels. I have seen this firsthand through an afterschool organization in my district, the SHINE Program.

SHINE focuses on project-based learning with an emphasis on a STEM curriculum. It gets kids excited about learning again. And it is proven to work. Ninety-two percent of SHINE students had exceptionally good or satisfactory school attendance. Ninety-seven percent of students indicated they were excited about STEM and the numbers of students who said they would like to study math or science in college increased by 14 percent.

The numbers speak for themselves. When students are excited about learning, they show up for class and feel personally invested in their education, setting themselves up for success down the road. Can you speak to how State ESSA plans may be encouraging school districts to leverage title I and title IV funds to provide afterschool and summer learning opportunities to their students, and how can districts partner with community-based organizations to address problems like chronic absenteeism?

Ms. PLETNICK. Thank you for that question. And in fact, in Arizona, that was one of the indicators that we wanted to include because we do see some of those same results that you have. And I

can speak to my own district, but also neighboring districts, with our underserved populations especially, having those afterschool opportunities serve many purposes, but certainly engage students in their learning. And we, too, have opportunities to have coding, to have STEM, those really critical skills that students enjoy being a part of.

What we have also seen is through those programs we have increased parent involvement because they are able to engage with their students in those activities. So truly by using our funding, title I, title IV, those types of programs we believe are having a positive impact academically on our underserved populations.

Mr. BARLETTA. Thank you. I yield back the balance of my time, Madam Chair. Thank you.

Chairwoman FOXX. Thank you, Mr. Barletta.

Mr. Takano, you are recognized for 5 minutes.

Mr. TAKANO. Thank you, Madam Chair.

Ms. Pletnick, well, first of all, congratulations on being named president-elect of the AASA. Given the fact that you must be familiar with that organization's position on the ESSA regulations rolled back under the CRA in February, I was hoping you would be able to explain the reversal of AASA's position.

When the final regulations regarding accountability were released, your organization endorsed them, recognizing that your three major concerns were addressed. Then in February, when they were up for discussion and rollback, your organization supported the CRA. What changed between November and February and why this dramatic turnaround?

Ms. PLETNICK. Again, as an organization we truly support what is in the best interest of all of our schools. And certainly, when the regulations—I had an opportunity, in fact, to testify in front of a Senate committee about those regulations.

And again, although there were some changes that were made in terms of those, we did not feel that, indeed, as a package there weren't some issues or concerns with those. So I think AASA's position was about making certain that we have the most flexibility and autonomy as we move forward in order to implement ESSA in terms of the spirit of the law.

Mr. TAKANO. But, Ms. Pletnick, I still don't understand why the change. I mean, you have spoken in very general terms. What explains this reversal of position? You supported the regulations when they were first promulgated and then suddenly your organization turns around, does a reversal. They support the Congressional Review Act overturning those regulations.

I mean, in my mind, the regulations allowed for the implementation of ESSA. What is your—I mean, I don't have a sense of you explaining the one. Will you give an adequate explanation?

Ms. PLETNICK. I apologize for not being clear. Again, I am speaking in broader terms in terms of when you look at —

Mr. TAKANO. Is there one specific, one or two specifics you can name?

Ms. PLETNICK. Again, I would ask that I be allowed to provide that opportunity for the record going back to AASA —

Mr. TAKANO. Okay.

Ms. PLETNICK.—in order to provide that.

Mr. TAKANO. That is fine. That is fine. I would love to hear those specifics, read those specifics. Between both the President's budget proposal and the fiscal year 2018 House Labor Bill, more than \$2 billion in funding for title II-A of ESEA, the largest Federal funding stream directly supporting teachers and school leaders in 90 percent of school districts will be completely eliminated, completely eliminated. In your role as superintendent and now being president-elect for AASA, how would the elimination of title II-A funding nationwide affect your abilities to support teachers and implement ESSA?

Ms. PLETNICK. I would share that the most critical resource that we have in our schools are our human resources and that is especially true of our teachers who touch our students every day. So not having that funding in order to support the professional development that would allow them to continue to ensure that we have the strategies needed to serve our underserved populations as well as all.

Also monies are used in our districts to reduce class size. So again, an increase in class size would be an issue if title II was eliminated. And certainly, what we would find is that it would be very difficult for schools to continue programs like peer mentoring, other things that title II provides opportunities for us to do without that funding.

Mr. TAKANO. So is it fair to say that your organization would strongly support restoration of this funding?

Ms. PLETNICK. Yes.

Mr. TAKANO. Thank you. I yield back, Madam Chair.

Chairwoman FOXX. Thank you, Mr. Takano.

Mr. Allen, you are recognized for 5 minutes.

Mr. ALLEN. Thank you, Chairwoman Foxx, and thank you for being here with us today. You know, ESSA was a significant bipartisan achievement that we initiated to empower State and local education decision-making while attempting to restrain some of the authority of the Secretary of Education, particularly at the local level.

Since the law has been enacted, my State of Georgia has been diligent working with over 140 stakeholders to create a State plan. Of course, we call this the bottom-up approach rather than the Federal top-down approach. Georgia has gone to great lengths to maximize the flexibility provided by ESSA to support its vision of offering a holistic education to each and every child in the State.

Of course, I support this vision and our State's commitment to engaging Georgians in this plan development. Of course, I look forward to working with the Department and its interpretation of ESSA does not exceed the intent and limits of the law. Our goal here is to achieve every child succeeds.

So Dr. Wright, have you been encountering some of the same problems that Georgia has as far as, you know, bringing stakeholders together and then submitting the plan to the Federal Department of Education and getting pushback?

Ms. WRIGHT. We have not yet submitted our plan. We are going to be submitting in September, but we have had absolutely no problem gathering stakeholders. There is a lot of people out there that want to have their voice heard around what they consider

most important for our children. And so that has been a very exciting and invigorating process actually meeting all across the State with our stakeholders.

Mr. ALLEN. We have experienced that in Georgia as well, which, like you said, is a very good thing.

Ms. Pletnick, what has your experience been as far as working with the Department of Education, the Federal Department of Education?

Ms. PLETNICK. In terms of the Federal Department —

Mr. ALLEN. Trying to get a plan approved. Where are you in that process and —

Ms. PLETNICK. So Arizona has submitted their plan, so it would be for that submission date of September 2017. We have not yet received feedback on the plan.

Mr. ALLEN. You have not? Okay. Do you see as far as what you are trying to implement, is there any lack of interpretation of exactly what you think the law that we passed says versus what you are trying to accomplish?

Ms. PLETNICK. I think the Arizona plan reflects the ESSA law and so we feel confident in our ability then to have that approved and move forward on the implementation.

Mr. ALLEN. Okay. Ms. Wright, Dr. Wright, do you, I mean, do you feel like what you are trying to do reflects the law that we passed in every respect?

Ms. WRIGHT. Absolutely. We have had no difficulty whatsoever with working within the guardrails that are provided and with as much input as we have had, as I said, we have had over 7,000 pieces of feedback. I meet with the superintendents on a monthly basis, my advisory committee, my teacher advisory committee, the principal's advisory committee, we are meeting with those folks on a regular basis to get their input.

But when we come together then to start the formation of the plan, we have not had any difficulty whatsoever in abiding by the guardrails.

Mr. ALLEN. Well, that is great to hear because it is really exciting to see the efforts that are being put forth by the States to make sure that every student succeeds. And I want to thank you and congratulate you on what you are doing and I yield back.

Chairwoman FOXX. Thank you, Mr. Allen.

Ms. Davis, you are recognized for 5 minutes.

Ms. DAVIS. Thank you, Madam Chair, and thank you to all of you for being with us today. You know, one of the things that I have been thinking about sitting here that has not been addressed so much is just the capacity right now of the Department of Education to work with States, to work with districts in looking at all of these plans.

And, you know, so I really inquired about the number of vacancies. And when you look at that, 12 out of 15 nominees have not even been put forward or 70 percent of senior staff is vacant. Just thinking about which ones those are, the deputy secretary, there has been no nominee put forward for the assistant secretary for civil rights.

We have an acting person who has been quite under fire, as you probably know. There is no nominee for the assistant secretary for

elementary and secondary education, no nominee for the assistant secretary for planning, evaluation, and policy development. No nomination for the Assistant Secretary for Special Education and Rehabilitative Services. No nominee for the assistant secretary for career, technical, and adult education, and we have talked about that in the capacity of districts.

Ms. Nowicki, as the GAO representative here, how does that capacity affect the ability of States to move forward?

Ms. NOWICKI. Yes, ma'am. I think, you know, to the degree that there is no political leadership in place in any Federal agency, I think that does, you know, certainly play a role in the ability of the very talented and dedicated civil servants in any Federal agency. I think you are respectfully trying to not get out in front of, you know, where an administration may wish to go.

Ms. DAVIS. Yeah, I think so because, as you said, they are dedicated, but when you are in limbo, when you are waiting for leadership and direction, that is a difficult thing to do. I don't know, Mr. Lovell, do you want to comment on that as well? How much of a problem is it? Maybe it is not a problem.

Mr. LOVELL. Sure. No, I think that is definitely a problem. When you combine lack of staff capacity with lack of clarity as a result of the rescission of the regulation, it really puts a lot of pressure on the career staff to go through these hundreds and hundreds of pages of material. It is complex. It is dense. I think that there are certainly areas that warrant clarification, such as when a State submits a plan and the question in the template requires a State to define the term "consistently underperforming students."

And then when a State responds by saying we will identify low-performing students, what does that mean? Without the regulation in place you don't have a whole lot of guidance to determine what that means or what that doesn't mean, if it is consistent with the law or if it is not.

So the Department's feedback basically now is serving as that guidance and States have to—are looking at that really closely to see, well, what rules do I have to follow?

Ms. DAVIS. Sure, yeah. And I think you mentioned earlier that when it comes to some of those regulations, looking at whether career and tech, you mentioned that. We also talked earlier about the consistency about higher level thinking skills and where that is placed as well. In addition to that issue, of course, we have the budget issues that have been discussed. And I am wondering what the impact of deeper cuts to education will have on the ability of States to really serve our most vulnerable students.

And one of those areas we have included a requirement in ESSA for 95 percent of all students in each subgroup to participate in annual assessment to ensure that low-performing students are not encouraged to be absent on test day. One particular example, and if we are disaggregating data, that is going to be a very important effort that moves forward for all students.

How are States implementing this policy and how is the Department of Education going to oversee that given the situation they have?

Mr. LOVELL. So you have raised two issues, one around funding and one around the 95 percent test participation requirement, and

let me address those both. So on the funding I want to go back to actually a comment raised by Mr. Barletta. He asked about how States were being able to leverage title I and title IV dollars for afterschool programs.

Specifically, with regard to title IV it is pretty hard to leverage something that doesn't exist. Title IV has been so woefully underfunded that it is questionable how those dollars are going to be able to be used. Authorized level was \$1.6 billion. Last year \$400 million was provided. That is less than a third of the authorized amount. So being able to use those dollars for things like afterschool programs is a real problem.

The 95 percent participation rate is also a real problem. One place where the Department has not been inconsistent is in consistently not mentioning the 95 percent test participation requirement. There are a number of States that either simply say we are not going to abide by this part of the law or have too little, very little of an explanation as to how they are going to, and mum has been the word on the 95 percent test participation requirement.

Ms. DAVIS. Any other comments that you all would like to make to those questions? I know we don't have any time left hardly.

I think, you know, this is really an important hearing and I think when we look back a few years from now to sort of see how did it go, how was it implemented, I think what you have provided today, all of you, has been helpful. Thank you very much.

Chairwoman FOXX. Thank you, Ms. Davis.

Mr. Mitchell, you are recognized for 5 minutes.

Mr. MITCHELL. Thank you, Madam Chair. Upon the passage of ESSA, the Wall Street Journal noted, and this is a quote that, "It represented the largest devolution of Federal control to the States in a quarter century." Unfortunately, the previous administration apparently did not endorse that bipartisan bill.

In fact, the previous chair and the chair in the Senate submitted a letter to the Secretary, 30 pages of concerns and objections to the proposed regulations that, frankly, were largely ignored. The minority here wishes to relitigate the discussion regarding the CRA and the elimination of the rules that were put forth by the previous administration.

Let me give you some areas of concerns. The 95 percent that you referenced, however, the final rule referenced only four options and requires schools to implement a plan to address those. There is a whole series of things the Department did that overreached the intent of this Congress or the previous Congress and this committee.

I wasn't here at the time, but, frankly, voted in favor of the CRA because I am offended by the fact that a bill is put forward by this House and Senate that the administration decided it didn't meet their expectations to do as they wanted. That is not the way this government works.

So rather than spend quality time, frankly, whining about the CRA, we ought to get on and talk about the effect of the address of the needs of students of education.

Question for you, Dr. Wright, if you could, please? Could you describe some of the means by which you attained what you consider to be quality stakeholder engagement?

Ms. WRIGHT. We scheduled meetings around the State and we scheduled them at two different times. We scheduled a total of 15 initially, but that does not count all the other specific stakeholder groups that we met with. These were regional meetings. We scheduled our first one typically in the afternoon, somewhere around 3:00, so that those people that were available could be there.

But we scheduled the second one in that same area typically starting at 6 or 6:30, so that we could ensure that our parents that were working would have an opportunity to get there after they got off work. So we made sure that we tried to cover all areas of the State and also in reaching out, our ESSA advisory group is one that has a diverse group of individuals on it.

We met with them on a regular basis. As I have mentioned to you before, I have got a superintendents advisory committee that I meet with on a monthly basis. I meet with my teachers every other month. And so it gave us an opportunity to really hear from a lot of people.

Mr. MITCHELL. Thank you. Dr. Pletnick, as well, most important stakeholders, we call them stakeholders here, they are parents. Let us be honest about it. What did you do to make sure that we got effective parental engagement in this process? They felt that they were heard?

Ms. PLETNICK. In Arizona, there were a number of committees and subgroups that were established and they would have representatives from all stakeholders group. So certainly our parents are important, our business partners are important. All of those people were represented on the various committees. And in addition, we did have a survey and anyone could provide feedback, for instance, on our measures of success, those indicators that we were including.

There were also, again, meetings that were held across the State, a number of meetings, where people could come and engage, ask questions, get clarification, and provide feedback.

Mr. MITCHELL. What percentage of your parents responded to the survey approximately?

Ms. PLETNICK. I honestly do not have those numbers with me, but I know it was open and there was good participation in it. I do not have exact numbers.

Mr. MITCHELL. Well, I am sure it is open. I wasn't questioning that. My concern is that we do everything we can to maximize the engagement of parents in how this is structured and engage them in the educational process so they have every reason to participate with their children. So that is critical and I would ask, Ms. Nowicki, if we could make sure as we look at, I know you have nothing to do with the operation, but going forward in terms of the effectiveness, that we look at the effectiveness of engaging not only stakeholders, teacher groups, those types of things, but parents in the process prospectively and after it is underway. Can we assure that is going to happen?

Ms. NOWICKI. We would be happy to work with the committee on any requests that they wish to submit having us look at stakeholder and parent involvement, absolutely.

Mr. MITCHELL. Madam Chair, I would ask that we at least consider that as we go forward in assessing the effectiveness of ESSA, that we ensure parental—look at the effectiveness of engagement. Chairwoman FOXX. Thank you, Mr. Mitchell.

Mr. MITCHELL. Last question for you if we could, I guess is that it would be about the last stage of ESSA is identify and assist school districts that are low performers. Michigan has some legendary low-performing school districts, unfortunately. A variety of things have been done to try to address that.

My question for you would be, also, Ms. Nowicki, is there a process by which you are going to assess the effectiveness? Have you identified, one, whether the plans are effective at addressing low-performing school districts?

Ms. NOWICKI. Yes, sir. I think when we have an opportunity to see the monitoring protocols that the Department eventually develops, that is one of the things that we would be interested in looking at how they are approaching that.

Mr. MITCHELL. I would be curious if the other two educational witnesses, Dr. Pletnick and Dr. Wright, if we get any feedback just of how you are going to monitor that because it seems to be a plaguing problem in some States. Clearly it is in Michigan, and we need to not only talk about what we are—how we are assessing them, but how we are supporting them and are we getting improvements or are we just spinning our wheels and students are being lost?

Ms. WRIGHT. Well, actually, it is one of the goals in our strategic plan that all schools and all districts will be rated C or higher. And so our focus to do that, we have an A through F system, was to identify the lowest performing schools. We are going to be using subgroup data to do that.

We have also got a protocol in place that we have required all of our low-performing schools to come in for a personal interview, which includes their board members, their principals, et cetera. And then go through the protocol with them about what we are going to be monitoring and how frequently.

The bottom line for me as the State superintendent is, are student outcomes improving?

Mr. MITCHELL. That is right.

Ms. WRIGHT. And that is where we are coming from.

Mr. MITCHELL. Thank you and I yield back. Thank you for your patience.

Chairwoman FOXX. Thank you, Mr. Mitchell.

Dr. Pletnick, if you could respond to Mr. Mitchell in writing, I would appreciate it.

Mr. Grijalva, you are recognized for 5 minutes.

Mr. GRIJALVA. Thank you, Madam Chair. Dr. Pletnick, welcome, and I am glad you are here. I want to talk—ask some questions about some mitigating factors in terms of how the State plan is approved, when it is approved and the implementation of ESSA in Arizona in the public school districts.

Mitigating plans points being, you know, Arizona, along with Mississippi, are at the five lowest States in terms of per person expenditures to the public schools; Arizona is about \$3,300 under the

national average. So that lack of State support in terms of public instruction is a constant in Arizona.

It has been litigated. It has been referendumed. It continues to happen yearly at the State level. But now let me ask, so that is a constant. And you couple that with the cuts that are being proposed in the education budget and that is an additional layer of lack of support upon the public schools in Arizona and across the country.

But then you have also the threat of public funds going to private school vouchers, for-profit charter schools; they are very real now given President Trump and Secretary DeVos' singular focus on that concept. Under the repealed regulation charter schools are going to be held accountable through an authorizer's reporting. Now, without that regulation that has been repealed, they will be even less accountable because of that.

And the proliferation of for-profit charter schools in Arizona, charter schools in general, don't you think that regulatory requirement would help to improve the transparency of the State's charter sector, Doctor?

Ms. PLETNICK. So what I would say is I truly do believe in accountability. So I do believe if any school system receives Federal or State funding that they should be held to the same accountability as every other because I think that is about transparency.

Mr. GRIJALVA. And, you know, I also mentioned the Affordable Care Act, \$26 million goes to the State of Arizona for Medicaid to work with children with disabilities. That is \$26 million that if the repeal scenario is what we are talking about now, then that would be, again, another layer of nonsupport that would not be there particularly for disabled kids.

During the discussion, I am assuming that the discussion of a national voucher tax credit proposal, probably using a tax reform vehicle probably, that is modeled after State programs like the one we have in Arizona, do you feel that Arizona's voucher program is indeed helping students? And would you recommend as a national policy that we model a national policy after Arizona's voucher program?

Ms. PLETNICK. I am here at the invitation of Chairperson Foxx to speak on ESSA implementation. And so I am not as prepared for this hearing to speak to that. Certainly, I could provide additional information regarding it, but there is certainly an impact when we have expansion of those programs. And we know that at the State level.

Mr. GRIJALVA. And if it is public money that is being diverted to those programs, as a consequence it is less another layer of nonsupport from the public schools in Arizona.

Ms. PLETNICK. There is an impact on it.

Mr. GRIJALVA. So we have those mitigating factors. Where is the State plan at this point? Waiting for review? What is the story on that?

Ms. PLETNICK. Yes. It was submitted so that it was submitted I believe in May, which would make it for that deadline in September for review.

Mr. GRIJALVA. And you heard the complaints, I am sure. Many parents, stakeholders, educational groups relative to the fact that

the access and the lack of real dialogue in terms of what that plan was going to be that was, I think, essentially run out of the governor's office, that there was some opposition and discomfort with the way the plan was put together, correct?

Ms. PLETNICK. So again, I think that there are components in the plan, as I had shared. I do not think that it is a perfect plan. So I believe there needs to be continued dialogue as we look at what we need to do to continue to drive improvement, especially for our underserved populations in Arizona.

Mr. GRIJALVA. And thank you very much. I appreciate that. But without resources, asking public school systems to meet any benchmark and we see eroding support at the State level, at the national level, and at all levels for our public schools, I think you are putting not only the school system in a bad place. You are putting parents in a bad place and you are jeopardizing a lot of children. And with that, I yield back.

Chairwoman FOXX. Thank you, Mr. Grijalva.

Mr. Smucker, you are recognized for 5 minutes.

Mr. SMUCKER. Thank you, Madam Chairwoman.

Dr. Wright, in your testimony you mention the opportunities to expand career and technical education to the classrooms of our elementary and secondary students. And I know there has been some discussion about this. I apologize if it is a duplicate question.

But, you know, it is a top priority of this committee and a top priority of mine as well. Pennsylvania is working on developing their own State plan in response to ESSA and just wonder what ideas you may have for Pennsylvania and other States to integrate career and technical education into those plans.

Ms. WRIGHT. Well, that is one thing that we have been very proud of is working with our businesses around the State. We serve on the State's Workforce Investment Board and I think having a seat at the table, I think, has a very powerful reality for us. We then separate the State into the local workforce boards and have been working directly with them.

They have been very receptive to our work. We are intending to create, as I said earlier, those CTE plans in high school, but we are also looking to see how early we can start some of these plans in middle school because I think some of our children, we realize that not everybody wants to go to college.

But everybody deserves the right to have a wonderful job as soon as they, you know, walk across our stage. And so our job is to ensure that all of our children are career and college ready. We are also redoing our diploma options, to be honest with you. We have got one that is going to have a CTE endorsement and that is going to be a nationally recognized endorsement that children will be able to go right to work if that is what they so choose.

But I think the key for us is the developing in our economy and that the way to do that is to ensure that we have got a strong workforce out there that can do that. And the children that are in our classrooms are the ones that are going—we are going to be depending on. So we have got to ensure that they have got the academic skills to do that, but they also have to have the career and technical skills to do that as well.

Mr. SMUCKER. You mentioned a national endorsement? What is that?

Ms. WRIGHT. Yeah. We are looking at the number of national endorsements that students can have, certifications that they can have. We have got a large number of different manufacturing companies. Toyota has a big presence. Nissan has a big presence. Ingalls Shipbuilding has a presence. The Stennis Space Center has a big presence.

So we have got a huge medical area as well, as well as some of the smaller businesses that are looking for people to come to their employment. As I said earlier, about 65 percent of the jobs that are available are children that are going to need middle schools.

Mr. SMUCKER. So that certification or endorsement would be part of their diploma as well?

Ms. WRIGHT. Yes.

Mr. SMUCKER. Okay.

Ms. WRIGHT. Yes, sir.

Mr. SMUCKER. Interesting idea. Next question. This would be for both Dr. Wright and Dr. Pletnick. Yesterday I had the honor of welcoming Chairwoman Foxx to my district and we had a round-table discussion with education leaders from across the district and industry stakeholders as well. And a topic came up that I have heard a lot about in the State senate in my State, and chair of the education committee.

I am just curious what your States are doing in regards to standardized testing. Superintendents who were there and who have heard from the past few years have felt that there has been sort of an undue or too much emphasis, I guess, on having all students achieve a certain standard as opposed to, I think today we have technology or we have education available to provide more individualized learning to meet a student exactly where they are, and help all students achieve to their full potential.

So I guess I am curious how both of your States are responding to that?

Ms. WRIGHT. Well, in Mississippi, we have established and adopted a set of very rigorous standards pre-K through grade 12. And I think we owe it to our parents and our community to be very transparent about what our children should know and be able to do by the time they leave 12th grade. It is going to be they depend on us each and every day to ensure that their children are getting what they deserve.

And so I feel very strongly that you have got to have a strong set of standards in place that are going to enable children to be successful when they leave us. And so that is how—that is the approach that we have and that is the approach that we are sticking to.

Mr. SMUCKER. Dr. Pletnick, could you respond?

Ms. PLETNICK. So in Arizona, we do have what is called the Arizona Merit and that is aligned to our standards. Our standards, too, are very rigorous, but as a superintendent, I also believe that there are many other skills and dispositions that we have to ensure students have before they leave us if they are to be future ready.

I think about the fact that I really didn't have to think about coding when I was in elementary, yet that is a skill that is a fu-

ture-ready skill. When we talk about the four Cs, communication and critical thinking, all of those things, so I think there have to be multiple measures and that is what we have worked towards in Arizona in terms of our CC&R indicators.

So one test can give us some feedback, but we need multiple indicators to get the true picture of student success and school success.

Mr. SMUCKER. Thank you.

Chairwoman FOXX. Thank you, Mr. Smucker.

Ms. Blunt Rochester, you are recognized for 5 minutes.

Ms. BLUNT ROCHESTER. Thank you, Madam Chairwoman and also Ranking Member Scott, and also thank you to the panel. I was really pleased to hear that our chairwoman has invited Secretary Devos to our committee. Education and ESSA implementation is probably one of the things that I have heard most from Delawareans, whether it is the champions in civil rights that I talk to, those people who are interested in lifting people out of poverty, to the corporations in my State which we have many, and all of the small businesses.

This is probably one of the top issues. And so my question, I first want to start with Ms. Pletnick. You stated in your testimony that, "Consistency in how ESSA is interpreted and regulated is critical. Uncertainty created by shifting interpretations of the ESSA law continues to be a concern."

Given that there is currently no regulatory scheme for ESSA interpretation, what position do you think that this puts States in developing and implementing their plans?

Ms. PLETNICK. So I believe in whether we are talking at the Federal level, we are talking at the State level, again, it is important to have that consistent feedback because then, in turn, we can move on with the implementation of ESSA, and make certain that we are directing all our efforts to that implementation, and checking those outcomes.

So it is critical as we move forward that we make certain that we know exactly what our targets are, that we can get to work, and get the work done. So my concern is really about consistency across the board at all levels.

Ms. BLUNT ROCHESTER. Across the board. I want to follow that up and, Mr. Lovell, if you could also join in. What impact would the lack of regulation have on underserved populations?

Mr. LOVELL. That is a monumentally important question. The concern is that the lack of the regulation will result in too few children being identified and then receiving the support that they need to succeed. We want to make sure that States, when they are proposing to identify students for additional support, that while we want to use all the indicators in the system to support them, we don't want them to make—we want to make sure that kids don't have to fail on everything before they are actually identified.

I think that is a major concern considering that a few States have been very clear that they want to look at are kids performing on grade level, and if they are not, then let us do something about that. The Department has pushed back on that a little bit and that is very unfortunate because, frankly, if students are not performing at grade level, or if they are not graduating, I don't need to know much else to know that something needs to happen.

I need to know a lot more to know what to do about it, but I don't need to know a lot more to know that there is a problem. And then back to your, again, question around the regulations.

That, you know, the role of the regulation is to provide a lot of clarification and there was a comment earlier around the 95 percent requirement and whether the regulation is being overly prescriptive. Four options were presented.

One of those options in the regulation around the 95 percent was essentially States choose your own adventure. Come up with your own option. So to say that it was only four options is actually not entirely the case.

And as a result, we have States when it comes to how are they going to be implementing this very important provision of the law, either not being clear about it or not doing it at all.

Ms. BLUNT ROCHESTER. You know, I really want to touch a little bit on both regulation and also on capacity. We were talking about undersecretaries and the positions not being filled. I had the opportunity in Delaware to serve as a deputy secretary of health and social services.

And while I—I was also secretary of labor, and secretaries do have an important role. They are external. They are visionary and all of that. But a lot of the detail gets done at that undersecretary level. A lot of the administrative things, a lot of the—there is so much importance also to that level.

And so my concern about filling positions is I share Ms. Davis' concern. Also about regulations, I guess, having come from State government, I believe there is a place for regulations. Can we over-regulate things? Yes. But there is a real place and I think what we are hearing from all of your testimony across the board is consistency, clarity—that helps people to be able to do their jobs better. It helps us to be able to get better outcomes.

So I have no more questions. I am just going to yield the balance of my time.

Chairwoman FOXX. Thank you very much, Ms. Blunt Rochester. Mr. Grothman, you are recognized for 5 minutes.

Mr. GROTHMAN. Thank you. I guess I will ask a question to either Dr. Pletnick or Dr. Wright, who is best able to answer it. Could you first of all just give us a general overview? I mean, we wanted to get around, we passed Student Success Act, get around this top-down approach to how you run your schools. Do you feel we have succeeded in that? Are you happy with that or would you like further things done along those lines? We will start with Dr. Pletnick.

Ms. PLETNICK. As I had shared earlier, I think there are still some things even at our State level that were legislation that was tied more closely to the No Child Left Behind era than to what currently is in place with ESSA law.

So I think there is still room for improvement and we need to work on that. Teacher evaluation is an example of that, some other pieces. So, yes, ESSA has provided us with some of that autonomy and flexibility, but at the State level, I think we still have some things that we will need to do.

Mr. GROTHMAN. Okay. Are you satisfied with what you are getting out of Washington, though?

Ms. PLETNICK. Yes. Again, I will tell you that we have submitted our plan. We have not gotten any feedback on that plan at this point.

Mr. GROTHMAN. Okay. Same question for you, Dr. Wright.

Ms. WRIGHT. Yeah, I think the State's role, at least in Mississippi, is, you know, setting the long-term goals per subgroup area so that we know what we want for our children 10 years out. But I think it is really the local districts and the local schools that need to be developing their own respective plans on how they meet the needs of their individual children.

I wouldn't presume to know. I have got 144 districts, all the needs of that, so I trust my superintendents and the principals and the teachers of that school.

Mr. GROTHMAN. You are satisfied with the Student Success Act, though?

Ms. WRIGHT. Yes.

Mr. GROTHMAN. And we say we were pushing things out.

Ms. WRIGHT. Yes, I am, very much so.

Mr. GROTHMAN. You were saying so. Okay. A little while ago, you kind of were talking very positively about kind of more preschool. Have you ever read anything indicating the preschool is not necessarily much of a benefit?

Ms. WRIGHT. No, quite to the contrary. Preschool, there is too much research out there now for us to not be paying attention to our three- and four-year-olds. Quite honestly, we are going to be starting to look to how can we start helping children, you know, birth through grade three. I think that has been one of the things that we have been pushing out across our district is the amount of research that is being conducted recently and the long-term effects, even in Mississippi, that we can verify by research that has been done by Mississippi State on Mississippi children.

Mr. GROTHMAN. Okay. You have never read anything to the contrary to that? Never read anything —

Ms. WRIGHT. Long time ago, but not within the past I would say 5 years. Not to my knowledge.

Mr. GROTHMAN. Okay. Next question. One of the metrics that is supposed to show a quality school—well, I will go to this one. What is an underserved population? Mr. Lovell just used that as a phrase, but could anybody describe what you consider an underserved population?

Mr. LOVELL. Well, the law stipulates that States are supposed to disaggregate data for accountability and reporting purposes for major racial and ethnic groups, for English learners, for low-income students, and for students with disabilities. So those are the categories of students that, generally speaking, when we speak to underserved populations that we are referring to.

Mr. GROTHMAN. Does underserved mean lack of money? Does it just mean poor outcomes? Is —

Mr. LOVELL. Well, it also refers really to both when you look at schools that predominantly serve those populations of students specifically —

Mr. GROTHMAN. Sometimes in Wisconsin, some of the most underperforming districts have the most money and that is why I wondered what you meant by underserved.

Mr. LOVELL. Well, so I think that we would present data that would suggest otherwise.

Mr. GROTHMAN. Nationwide or —

Mr. LOVELL. Oh, sure, across the country.

Mr. GROTHMAN. Okay. Okay. Final question. Sometimes one metric used to measure a quality school district is graduation rates. I know graduation rates are overall up. On the other hand, a lot of times you hear from employers today, people who teach in secondary education that they feel the kids aren't doing as well or as prepared as they used to be. Could you comment, say, Ms. Nowicki, on the contradiction there? Is it possible we are lowering the standards on what it takes to graduate? Or how can graduation rates be up, but employers and people in secondary education sometimes feel the kids graduating aren't doing as well?

Ms. NOWICKI. GAO has not done any recent work around graduation rates, so I can't comment from that perspective. I know that the Department of Education's IG has done some work looking at graduation rate statistics and what they mean and don't mean in particular States.

Mr. LOVELL. So our organization has looked at this, and actually, we are going to be releasing a report in the next few weeks because that contradiction definitely exists. And States in their ESSA plans have the opportunity to address this by including items in their accountability system that prioritize not just that you get a diploma, but that you get a diploma that really represents that you know something.

And to your questions earlier around early childhood, while I haven't seen anything that shows that early childhood is ineffective or isn't necessary, I have read research that shows that early childhood on its own is insufficient.

So in other words, you can't—early childhood is not an inoculation. You have to continue to invest and support kids throughout their development.

Mr. GROTHMAN. Yeah, I would hope Dr. Wright would Google early childhood education and criticism and she will have no problem finding other things. Thanks much.

Chairwoman FOXX. Thank you, Mr. Grothman.

Dr. Adams, you are recognized for 5 minutes.

Ms. ADAMS. Thank you, Chairwoman Foxx and Ranking Member Scott, for convening this hearing, and thank you to those of you who testified today. I want to reemphasize one of the main points that Mr. Lovell mentioned in his testimony that ESSA is, at heart, a civil rights law.

The Federal Government has an important role to play in ensuring equity in education for our children. And while States have wide discretion and flexibility to determine how success is measured, the Federal Government sets the standard for success.

So it is especially true in historically underprivileged groups. So Mr. Lovell, States have the discretion to create and define the metric used for consistent underperformers. In your analysis of State ESSA plans, how are States defining consistently underperforming, and do you think this equity guardrail in the law is being executed as intended to ensure schools struggling to meet the needs of underserved students are identified and supported to improve?

Mr. LOVELL. Thanks very much for your question. I think this is one of the most important provisions in the law. If we are not identifying kids who are continually underperforming, then what are we here for? And if we are not supporting them, then we are certainly not doing our jobs.

A number of States have proposed ways to do this that ensure that if you are—if a student is not performing at grade level in math or reading, or if there are low graduation rates, those children are identified and something will happen as a result of it. They will receive some sort of support.

Unfortunately, a number of States are also putting together these sort of indexes where you are including a whole bunch of different factors to determine whether a kid is low performing or not. And what we are concerned about is that if you are performing well in one area, that might mask if you are performing less well in another area.

And so when you combine all these things together, you come up with not a whole lot that is actually usable. So we want to be sure that States have the flexibility to, as I believe it is being proposed in Mississippi, to look at if you are performing at grade level in math or reading. If you are not, then you should be able to receive targeted support.

You don't have to—you need to look at each indicator in the system, but you don't have to fail on all of them in order to receive support.

Ms. ADAMS. Thank you.

Dr. Wright, you mentioned in your testimony that Mississippi is including students' subgroup performance in identifying schools for support and improvement. And I know that your plan is only in draft form, but how is Mississippi planning to measure subgroup performance and factor subgroup performance into the school's rating?

Ms. WRIGHT. So we have the data that we collect on our statewide assessment that we have just redone grades three through eight and then, once again, in high school. Those data will be disaggregated by subgroup and then monitored at not only at the State level, but at the district level and at the school level.

So we will be able to track that data over time to determine whether or not those subgroups of children are continuing to underperform or are making progress.

Ms. ADAMS. Okay, thank you very much.

Madam Chair, I yield back.

Chairwoman FOXX. Thank you.

Mr. Garrett, you are recognized for 5 minutes.

Mr. GARRETT. Thank you, Madam Chair.

A wiser man than me said, probably 35 years ago, the nine most frightening words in the English language are, "I am from the government and I am here to help." I might amend that to 10 words and submit that I am from the Federal Government and I am here to help, pretty frightening in their own right.

ESEA is a 50-year-old precursor to ESSA and arose during the Johnson administration along with the war on poverty. And we have seen as Federal dollars spent on local education rose, a re-

verse correlation in the performance of United States students versus students across the globe.

And candidly, from a State where we rank anywhere between fourth and sixth as it relates to educational outcomes of the 50 States on a regular basis, I wonder why we are competing against 49 other States as opposed to a world of other nations. Because that is the playing field upon which our children will ultimately compete.

It is often said that the road to hell is paved with good intentions and I have seen all too often people attack aspirants to serve in political capacities based on what program they supported or didn't support. If you don't support this, you don't care, or if you don't support this, you don't like children. If you don't support this, you are not interested in finding solutions to poverty and expanding opportunity. It is all horse feathers.

What we need to be focused on as opposed to intentions is outcomes, results, what happens. And I will tell you speaking with frustration that vents back to 6, 7 years ago, as I was serving in the State legislature, where we identify failing schools and leave students in these failing schools without an option for the parents who lack the socioeconomic and financial wherewithal to vote with their feet, we doom those children to inferior outcomes and inferior educational opportunity.

If you ask me whether I believe in nature or nurture, I will tell you I believe in nurture every single time and that the color of a young person's skin or the job of their parents isn't so much a precursor on their success as to what they are exposed to. But we run into the institutional educational monopoly all the time as we try to create escape hatches for students in places, like the five, whopping five, schools that we had the courage to identify as failing in Virginia, to find a way out for these young people who have just as much fundamental entitlement to the single birthright of Americanship, and that is opportunity as every other kid.

I am sick of watching kids fail based on their ZIP Code. But Jefferson said wisely, and I will paraphrase, the government closest to home is most effective, most accountable, and governs best.

My colleague from Oregon states that she thinks the solution to our educational problems has to be at the Federal level. And then in the same paragraph lamented that ESSA prevented Oregon from including particular standards that she felt might help best effect good outcomes for students in Oregon. Dr. Pletnick, do smart people work with you?

Ms. PLETNICK. I have very intelligent people working with me.

Mr. GARRETT. And they are professional and trained people?

Ms. PLETNICK. Yes, they are.

Mr. GARRETT. And they care, they care about the children and the district that you serve?

Ms. PLETNICK. They do.

Mr. GARRETT. And you are the superintendent, correct?

Ms. PLETNICK. I am.

Mr. GARRETT. How many students does your district have?

Ms. PLETNICK. Approximately 25,000.

Mr. GARRETT. And can you name one or two of those kids who might have special needs who you are trying to overcome the challenges yourself?

Ms. PLETNICK. I could, but I will not confirm —

Mr. GARRETT. I am not asking you to, but you could. Yeah, right, but nobody in this room could, right? You could and you care, and you have smart people, and we don't have a monopoly on good ideas. And you want what? What is best for the outcomes for the students that you serve, is that correct?

Ms. PLETNICK. Absolutely.

Mr. GARRETT. Okay. Ms. Nowicki, you are familiar with the United States student ranks versus their global peers as it relates to academic performance in ratings like math and science? Are you familiar with the historical data?

Ms. NOWICKI. Not specifically.

Mr. GARRETT. Okay. Are you familiar with how we were doing say in 1950, 1960, 1970 versus 1990, 2000, 2010 versus our global peers?

Ms. NOWICKI. Are you talking about the PISA ratings?

Mr. GARRETT. And surveys of outcomes educationally. I would submit by way of brevity, because I have a minute and 9 seconds, that as we have spent more, we have actually gone down versus the competition. Now, I am not arguing against spending more. Let me be clear. We need to spend money on education. But I got an idea that folks in a county in Arizona and the State of Mississippi know better what is needed.

Dr. Wright, we talked about CTE. Is it good in CTE to align the training that we give students with the needs of the job providers in the communities?

Ms. WRIGHT. Absolutely.

Mr. GARRETT. Okay. And who knows better the needs of the job providers in Tupelo or Biloxi, the people in Tupelo or Biloxi, the people in Jackson, or the people in Washington, D.C.?

Ms. WRIGHT. The people in Tupelo and Biloxi.

Mr. GARRETT. Correct, thank you. I mean, I just am a little biased here. And so I guess what I am driving at here is that this is great and I think ESSA is a step in the right direction. It doesn't have—like anything from Washington, it has warts and pimples, but you are good, smart people who give a damn, pardon me, about the outcomes for the children in your communities. And the way we arrive at the best solutions is by letting loose 50 laboratories for democracy and finding out what works. And our role, since we have already co-opted so much of the resources at the Federal level, should be to power those down to States and localities, would you agree, to let you all do what you think works best, and then let others fall in on the plans that succeed? Thank you. That is rhetorical. I am out of time.

Chairwoman FOXX. The gentleman's time has expired.

Mr. GARRETT. Hey, I was only 12 seconds over, Madam Chair. That is a new record.

Chairwoman FOXX. Mr. DeSaulnier, you are recognized for 5 minutes.

Mr. DESAULNIER. Thank you. Thank you, Madam Chair. Thank you for having this hearing.

And, Mr. Lovell, I am always taken when I look at the achievement gap by a comment I heard by a Stanford researcher, Linda Darling, some years—well, it wasn't that long ago, a few years ago, that if we had just continued to do what we knew is the right things to invest in 30 years ago for the past 30 years, we wouldn't have an achievement gap.

So when we look at the difficulties in people, whether they are in Mississippi or in Concord, California, where I am from, in achievement gap, could you talk to that a little bit about where accountability comes? That, yes, we want local jurisdictions to decide, but, on the other hand, there is a benefit to this research that applies across all 50 counties and the Federal Government affording that to local communities so they can be informed on what is happening around the country. And why it is important for consistency that there is some accountability there .

Mr. LOVELL. Thank you very much for the question. I actually think that Chairwoman Foxx said it very well at the beginning of this hearing when saying that ESSA provides a balance between accountability and autonomy. And the reality is that everyone needs to have a role in this and there is a Federal role to be played. So ESSA is a civil rights law and what ESSA does is provide a broad framework for the accountability and ensures that those kids who have the least have a shot of success.

So it also needs, I think, to be well understood that we have seen improvements in educational outcomes over the last decade. Look at the graduation rates as an example. Back in 2000, 2001, if you were going to draw a line between the graduation rate in 2000 and 2007/8, basically you have got a straight line.

But then in 2008, something happened. The U.S. Department of Education under President George W. Bush issued a regulation around graduation rate accountability because apples were not being compared to apples across States if you compared graduation rate calculations. One State was using one calculation, another State was using another.

After the Federal Government issued the regulation in 2008, you saw something pretty remarkable happen. Graduation rates started increasing. As a result, since 2000, 2.8 million more kids have graduated. That is a big deal. It is a big deal for them and it is a big deal for the Nation's economy considering that by 2020, two-thirds of jobs are going to require at least some postsecondary education and a high school diploma is the first step to getting there.

Mr. DESAULNIER. And the second part of my questions are coming from the Bay Area and I appreciate the fact that we had really robust field hearings that the chairwoman and the ranking member were part of, and I was lucky enough to be part of those. But particularly, as you will remember, Madam Chair, the last part of that field hearing at Stanford University, the Harvard of the West Coast, I might add, to the Ranking Member, I get this all the time in the Bay Area, is from tech people.

We have our challenges on housing and transportation. But the thing that comes up all the time from employers is we need to provide a workforce for global economy that is changing at warp speed. So accountability is a big part in the business sector. And

again, a lot of these companies will move. I don't want them to move from the Bay Area, but they are.

But one of the things that determines where they are moving are things like housing costs, but it is also the education system. So while it is important, I think, and I very much support local control and what Dr. Wright, you have said, there are things that in this economy require, I think, the Federal Government and the business community to inform us at a local level this is what we are looking for, and this is what we have to invest in. So I will let any of you respond to that.

And I think the urgency to that is really the predominant thing for me is how do we maintain our preeminence in innovation in this country and I'll say specifically for Northern California? The answer to that is investing in not just in education, but doing it smartly, but doing it in a way that is informed given how quickly the workforce is changing and the demands on that workforce.

So Mr. Lovell, if you could start any of the other —

Mr. LOVELL. No, I would be happy to. You know, ESSA asserts that when there is low-performing schools or low-performing students something has to happen. It doesn't prescribe what happens and there is the balance. The Federal Government ensures that we are taking care of our lowest-performing kids and leaves it to States and to districts and to schools and to my colleagues to my right and my left as to how to do that best. Because the Federal Government can't do that, but what the Federal Government can do is ensure that we are all playing by the same rules. And I also say that we see a lot of really effective innovation taking place at the local level and pick on California in a positive way in this regard.

CTE has come up on a number of occasions. And in California, through the Linked Learning Initiative there is a lot of really great work going on to integrate rigorous academics with CTE. And there is an important Federal role to play and this committee has played that role by reauthorizing the Carl Perkins Career and Technical Education Act. So there is a role for everyone to play, but I appreciate you raising this need to really acknowledge that the Federal role here is important.

It doesn't displace the local role, but it is two different roles. One is to ensure that our lowest-performing kids are being supported when they need it, and then the State and local role is to actually implement that.

Mr. DESAULNIER. Thank you, Mr. Lovell.

Thank you, Madam Chair.

Chairwoman FOXX. Thank you, Mr. DeSaulnier.

Mr. Scott, you are recognized for 5 minutes.

Mr. SCOTT. Thank you, Madam Chair.

Ms. Nowicki, did the GAO conduct a compliance review on plan components or policy decisions made by States, like Ohio or California, or did GAO make any value judgments concerning the plan development or did you just make an observation of those plans?

Ms. NOWICKI. It was just an observation of those plans, sir. We did not make a compliance judgment.

Mr. SCOTT. Thank you. And we heard complaints from some representatives of civil rights groups that flexibility could result in an

abuse of, really, equity compliance. Your plan didn't comment on equity as I understand it. Did you contact representatives of parents, State-level advocates, advocates of children with disabilities, or civil rights groups?

Ms. NOWICKI. Generally not for this work, sir. We were primarily engaged with national stakeholder groups who were working with States.

Mr. SCOTT. Thank you.

Mr. Lovell, the whole point of ESEA and ESSA is to eliminate achievement gaps providing equal educational opportunities. Can you, you have kind of gone around this, but can you show how subgroups so far have addressed equity?

Mr. LOVELL. How States have addressed equity?

Mr. SCOTT. Yeah, within terms of —

Mr. LOVELL. The separate accountability? Thank you for the question. So there is a spectrum, right? So you have got some States that, as I have said, are looking at are students performing at grade level? And if they are, let us do something about it. You have some States that will be looking at a whole bunch of different indicators. And as I have said, I fear that in doing that, what we will be doing is providing the chance for low achievement to be masked by higher achievement.

So if you say—so actually to the conversation that was taking place earlier around graduation rates, you can have a high graduation rate, which means that kids are actually getting a diploma, but they may not be reading or doing math at grade level. Right? If you combine those two things together, then you are not getting the right read on what is happening in the school.

Another thing that I fear is happening with regard to the role of subgroups in these plans is that when States have report cards, so if your school gets an A, B, C, D, F, they are not adequately incorporating the performance of each group within their grades. So you can have a high letter grade, but you can have low performance for historically underserved kids.

Mr. SCOTT. And if you have a subgroup that is not doing well in the school system, what support do members of those subgroups get in schools that are otherwise doing well?

Mr. LOVELL. Well, it is really up to the States, the districts, and the schools to determine that. The law stipulates that they are to receive evidence-based intervention, but the schools, the districts, and the States will determine what those interventions are.

Mr. SCOTT. And, well, how is that a credible plan? Who decides whether there is a credible strategy to address achievement gaps?

Mr. LOVELL. Well, that is a great question. The template that's distributed by the Department of Education and the questions around school improvement, there really aren't a lot of questions. And so what is really going to be happening is fairly unclear.

Mr. SCOTT. Why is the 95 percent testing rule important?

Mr. LOVELL. For a few reasons. One, we have to have accurate data. And two, we want to make sure that low-performing kids are not intentionally or unintentionally encouraged to not be present on test day.

Mr. SCOTT. And what happens if you don't get 95 percent tested? What happens to the data?

Mr. LOVELL. The data becomes unreliable.

Mr. SCOTT. And, Dr. Wright, you indicated that your credentials are nationally recognized. What happened, what is wrong with credentials that are not nationally recognized?

Ms. WRIGHT. There may be some CTE. I assume you are referring to the CTE programs. I think some of our local businesses, those CTE programs are going to be developed specifically for them, so they may not be a national credential. Having the CTE endorsement on the diploma is a student's option. And so they can either go for the traditional diploma or to go for a CTE endorsement on their diploma. That is their option, but the local businesses may not have a national certification. But they will have a certification that will allow them to assume a job in the local business.

Mr. SCOTT. But what is the value of the national certification?

Ms. WRIGHT. They can go anywhere in the United States. I mean, I think that is the power of having national certification is that children are mobile and families are mobile. So this will allow them to really look around the Nation to see where their certification could earn them, say, the most money or where their family wants to move to.

Mr. LOVELL. And if I could run an example of this really quickly? There is the National Academy Foundation. Students that participate in a NAF academy and they get the NAF track certification, they are graduating from high school with their diploma. They get the NAF track certification and 13 companies, and big companies like AT&T, Cisco, JP Morgan Chase, give those students preferential hiring treatment when they are done with postsecondary education.

So there are ways that we can really incentivize integration of CTE in academics and make sure that when kids are graduating, they are graduating with something that will help them down the road.

Mr. SCOTT. Thank you, Madam Chair.

Chairwoman FOXX. Thank you very much, Mr. Scott.

It is now my turn to ask questions of the panels. Dr. Wright, you talk about how Mississippi's State plan is related to the State board's strategic plan in Mississippi.

Ms. WRIGHT. Yes, ma'am.

Chairwoman FOXX. And we hope that ESSA allows you the flexibility to integrate the plan you are developing under ESSA with the work the State is already doing. Do you and your department, the State board, and other stakeholders around the State see that integration as possible and desirable? Or is your ESSA work something that is happening separate from the other reform work going on in the State?

Ms. WRIGHT. That is a great question. And we look at it as very much integrated. We feel very strongly that our State's strategic plan is a strong one and we looked at ESSA as a way to strengthen that plan and refine that plan, and give us the opportunity to add other components that we may not have had in that. But that has been our message right from the very beginning.

Chairwoman FOXX. Dr. Pletnick, could you respond to that same question in terms of what is happening in Arizona?

Ms. PLETNICK. As a matter of fact, there was an effort, again, to establish goals at our State level. And I had the privilege of serving on the long-term goal committee that established the goals as part of ESSA. And we were certain to align those goals to make certain that what the State had developed was also reflected in the State plan when the State forward—when the agency submitted those.

Chairwoman FOXX. Great, thank you.

Dr. Wright, we have heard criticisms which continue throughout the process for what became ESSA that States can't be trusted to hold schools accountable and intervene in low-performing schools. And certainly Mr. Garrett touched on this in his comments. You talked about school improvement being an important element in the plan that Mississippi is developing. Obviously, this is something that States and districts must do and should do.

But ESSA largely puts the actual strategies back in your hands. Could you tell us more about how your State and school districts are thinking about improving low-performing schools under ESSA?

Ms. WRIGHT. Absolutely. As I mentioned earlier that is our goal 6 of our strategic plan around ensuring that our districts and our schools are rated C or higher. I feel very strongly that everybody needs to be held accountable and that starts with me, my team, and I think we owe it to our parents to ensure that we are looking out for all children across the State regardless of ZIP Code, as someone mentioned earlier.

We are putting together protocols for our low-performing schools to follow. And as I mentioned earlier, we have even got a totally different process that we are using about having them coming in and justify even their spending. And to ensure that they do have evidence-based interventions that they are spending their money on and not just interventions that do not have any evidence of working. And so that is going to be something that we are doing on an ongoing basis.

I feel very strongly that the children of our State deserve nothing less than the best and we have to ensure, as a State, that we are monitoring that very closely because not only our children depend on it, but our parents depend on it, and they trust us to make sure that happens.

Chairwoman FOXX. Thank you. Another question, Dr. Wright.

Ms. WRIGHT. Sure.

Chairwoman FOXX. Dr. Pletnick has talked about how she applauds the planning approach in Arizona even though she doesn't agree with everything in the plan. And you have talked about the stakeholders you have engaged with and how your State plan reflects the view of these stakeholders. And by the way, it is an impressive process that you have talked about.

I am sure that not every stakeholder, though, agrees with everything that is in the draft plan so far. So how have you engaged with critics to at least ensure everyone has the opportunity to be heard?

Ms. WRIGHT. I think it is really important that everybody's voice is heard. I am a big believer in advocacy and I think that anybody that is in front of you that is advocating or advocating for a reason, and we have been very forthright about what we can and cannot do.

We went through a series of three different assessments in three different years. And that kind of drove my teachers and superintendents a little crazy. So I said we are going to hold tight on an accountability system at least for three straight years under the same assessment so that they did not feel I was continuing to change the target.

So when we have got stakeholders coming in and saying, well, we would love to have a school climate survey embedded into our accountability system, I have said if you can just press pause, we are putting a taskforce together now at the end of our third year to take a look at our entire accountability system and say are there any unintended consequences or are there other things we can add.

So we have acknowledged what they have wanted, but we have also tried to provide a reason why we either can or cannot include that in our plan.

Chairwoman FOXX. Great. Thank you very much for that. I want to thank all of our witnesses for taking time to testify before the committee today and even though most of our members have left, I really appreciate members on both sides coming and asking good questions, sometimes pontificating, but participating in what is going on as everybody has indicated, we have an important subject here.

I would now like to recognize Ranking Member Scott for his closing remarks.

Mr. SCOTT. Thank you, Madam Chair. Madam Chair, we have heard the necessity to get the Department of Education before us to respond to some of the concerns about inconsistencies in terms of responding to the State plans and other priorities by the Department, particularly in terms of the funding priorities.

We have heard the real necessity for having many of the programs within ESSA actually funded because if we are asking them to get the job done, we have identified technical assistance to teachers, afterschool programs, and other things that can be very helpful. And if we don't fund them, it just complicates their life.

The Elementary and Secondary Education Act passed in 1965 was designed as a civil rights law to guarantee equal educational opportunities. We have gone through many iterations. The last, of course, is ESSA. It has two major requirements. One is a requirement that localities assess to ascertain whether or not there are achievement gaps and where they find achievement gaps, having a meaningful strategy to eliminate those.

Dr. Wright has indicated what a meaningful strategy may look like and I think it is significant that it wasn't just one program and reaction. It is a long-term strategy that starts with early childhood education and following the students to ascertain whether or not the strategy is working and making sure that you actually address the achievement gap.

There is flexibility in how to assess and in the strategy to eliminate the achievement gaps, but there is no real flexibility on the requirement that the assessment be done and that the accountability, doing something about it, is credible. And if a State fails to adequately explain how they are going to assess for achievement gaps or fails to outline a credible strategy to address those achieve-

ment gaps, it is the responsibility of the Department of Education to intervene.

Madam Chair, we have letters from several organizations that I would like to submit for the record. They are letters from advocacy organizations and stakeholders about their engagement in ESSA approval so far. The letters are from the Advocacy Institute, the Council of Parent Attorneys and Advocates, NAACP Legal Defense and Education Fund, and the National Down Syndrome Congress.

Chairwoman FOXX. Without objection.

Mr. SCOTT. I yield back.

Chairwoman FOXX. Thank you very much, Mr. Scott.

I have found this to be very, very interesting hearing today. And I think that a lot of what it boils down to is a subject we deal with a lot in this committee and that I talk about a fair amount, and that is the role of the Federal Government in education.

I think it was very important that both Dr. Wright, Dr. Pletnick brought up the fact that ESSA is not your entire educational program in your States. I think that many times people tend to think that what the Federal Government is providing in terms of funding or what we are providing in terms of law is it, that is all you are doing.

And I think we have done a disservice in many cases to the American people in many things that the Federal Government has done to make it appear as though the Federal Government is the savior. We have a big program and all of a sudden everybody thinks it is the answer.

I think my own experiences as a member of a board of education tell me a lot about what Mr. Garrett was talking about. My experiences since then in visiting schools all over the country, we have a lot of wonderful teachers, principals, superintendents, custodians who want to provide a great educational experience for the students in their schools.

And I think in many cases the Federal Government has a very limited role in that and that for us to always look to the Federal Government to solve every problem that exists out there is a mistake. And we have to understand the limitations, I think, that we have.

I think ESSA was a big step forward in giving the flexibility that the locals and the States need to be able to provide that education. My colleague said what we should be about is providing equal educational opportunities and I certainly believe that.

I believe that education is the answer to so many things that so many challenges facing people in this country from getting out of poverty, to finding meaningful work, to having a successful life. So I want those opportunities.

But I think too many times what we say to the American people is that we can have equality in outcomes. And having taught for 15 years I know that just isn't going to happen.

I was shocked. When I taught I said to my students everybody in here can make an A and I really meant that. And I gave unlimited opportunities to students to do that. But I had a Bell-shaped curve every semester and I was truly shocked by that because I didn't believe—I thought everybody would take every opportunity

to make the best grade that he or she could make and it didn't happen.

So I believe in equal educational opportunities, but I don't think we are going to have equal results. And I think we have to temper what we do, but we have to trust people at the local level. And I appreciate very much those people who are out there every day teaching, committing themselves to helping students. And for those of you who are administrators, bless you for what you do. Particularly bless you if you listen to your teachers, you listen to your parents, and you listen to the stakeholders.

The other thing that we hear a lot about, and I am really glad Mr. DeSaulnier brought this up because it is true again on both sides of the aisle, in most cases we think of education as preparation for the workforce. We don't have many people who can go through an educational system and then not do anything to provide for themselves. And we are all hearing about this. And so I think emphasis on what we are doing out there, whether people end at the secondary level and don't go on for any other formal education, they are going to get educated whether it is a formal process is really important.

But I think we are moving in the right direction with ESSA and I am, again, particularly glad to hear our two administrative people talk about how this is one piece of the answer, not all of it because I think we have to understand the proper role of the Federal Government.

So thank you all very much. There being no further business, the committee stands adjourned.

[Additional submission by Mr. Lovell follows:]



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School Improvement Under the Every Student Succeeds Act

The Every Student Succeeds Act of 2015 (ESSA) gives states and districts much more flexibility in determining how to turn around their lowest-achieving schools. ESSA stipulates that states must identify schools for improvement based on the performance of all students and student subgroups. However, the U.S. Department of Education (ED) no longer may specify particular school intervention models, as it did under ESSA's predecessor, the No Child Left Behind Act (NCLB). Moreover, funds previously set aside for School Improvement Grants (SIGs), a federal program that provided states with funds to support persistently low-achieving schools, now flow through the regular Title I formula.¹

For state and district leaders faced with the challenges of low-performing schools, not much has changed. It is not as if a new intervention strategy now has become available for district and state use. Once states identify the bottom-performing 5 percent of Title I schools, high schools with a graduation rate at or below 67 percent, and those schools with continually underperforming subgroups of students, as stipulated in ESSA, leaders of schools, districts, and states must act. In the case of the bottom 5 percent of schools and high schools with low graduation rates, districts must lead "comprehensive" interventions. In the case of underperformance of student subgroups, schools must lead "targeted" interventions. In both cases, the intervening agent must adopt one or more "evidence-based" strategies, where evidence is defined as a practice supported by the findings of one of three categories of research: randomized control trials (known as Tier 1 research), quasi-experimental (Tier 2 research), or correlational (Tier 3 research).²

ESSA also outlines a broad process for intervening in schools with underperforming student subgroups that references "targeted support and improvement plans," referred to throughout this report as "school improvement plans":³

- Schools, in partnership with stakeholders, must develop and implement an improvement plan for each underperforming student subgroup. This plan must be informed by all data indicators and include evidence-based interventions.⁴

The plan must be approved and monitored by the local education agency (LEA).

- The improvement plan also must identify resource inequities for student subgroups performing at the same level as the lowest-performing 5 percent of schools.
- If the student subgroup fails to improve within a state-determined number of years, the state steps in with additional action.



Photo by Alison Sharkey/The Verbatim Agency for American Education: Images of Teachers and Students in Action

Essentially, ESSA envisions targeted intervention to be the purview of schools and districts. Under the law, states outline the parameters used to identify schools with consistently underperforming student subgroups and identify schools for intervention. But schools, in partnership with stakeholders, develop the improvement plans that districts must approve. Districts can apply to the state for funding to support school-level intervention.

There are several key elements of this process for identifying and intervening in schools that likely are required to raise the performance of under-achieving student subgroups. This report explores those steps, starting with a discussion of effective school needs assessments and school improvement plans (SIPs). The appendix offers examples of evidence-based interventions for historically underserved students.

School Needs Assessments

Just as a doctor's prescribed course of treatment fails if the patient's condition has been diagnosed incorrectly, a school intervention will fail if it addresses the wrong problem. The school needs assessment is the diagnosis, and the SIP sets out the treatment. ESSA requires that the "thermometer" used to identify a low-performing student subgroup includes indicators of student academic proficiency and growth or another academic indicator (for elementary and middle schools), high school graduation rates (for high schools), and English language proficiency, together with at least one state-selected indicator of school quality or student success. For instance, data that shows poor performance in a student subgroup's math scores does not alone identify the cause for those low scores, which could range from poor instruction, poor curriculum, chronic absenteeism, poor morale in the school with attendant discipline issues, wrong professional development, lack of timely and disaggregated data, and more.

ED's nonregulatory guidance makes the essential link between the needs assessment and the schoolwide improvement program explicit:

Comprehensive improvement plans must be based on a school needs assessment, include evidence-based interventions, and identify resource inequities. Stakeholders must be involved in planning. In schools identified for

comprehensive support and improvement, ESSA guidance emphasizes the importance that improvement plans address all learners in the school, especially the lowest-achieving students.⁵

The nonregulatory guidance issued by ED further specifies that the school needs assessment must address how the selected school improvement methods and strategies will

- strengthen the academic program in the school;
- increase the amount and quality of learning time; and
- provide an enriched and accelerated curriculum, which includes programs and activities needed to provide a well-rounded education.

States and districts can follow this same process for implementing targeted interventions to ensure that the interventions are matched properly to the specific challenges encountered by the relevant schools. But how should a school develop its needs assessment to ensure, to the greatest degree possible, maximum accuracy and that the needs of all learners are met?

Current Needs-Assessment Practice and Its Limitations

Schools have been doing needs assessments for years, and there is no shortage of guidance on how best to conduct them. Several proprietary tools enable districts to organize data to facilitate analysis and presentation. One example is the "Adaptive System of School Improvement Support Tools™" (ASSIST™)⁶ from AdvanceEd; a second is from Indistar.⁷ Some states have created resources to guide districts in constructing their needs assessments. Virginia,⁸ Arkansas,⁹ and Colorado¹⁰ are among the most comprehensive.¹¹

Unfortunately, while these various tools and state resources help with the needs-assessment process, they cannot get "inside the school" to ensure that the process diagnoses the correct problem. The directions for completing the needs assessment include such phrases as, "Develop the priorities, goals, benchmarks based on disaggregated data, which focuses on student needs," and "Design evidence-based action geared towards enhancing student achievement."¹² These tools also suggest methods for setting priorities without helping districts or states do the prioritizing.

The question at the heart of the process is this: *What exactly is causing the problematic results in student achievement?* This is no mean task. For instance, identifying a general misalignment in eighth-grade math results between the curriculum and the state assessment does not tell a school leader if the problem occurs across the entire academic skill set or within a particular domain such as algebraic reasoning. A remedy that involves a full-scale curriculum replacement might not only be unnecessary, but it also could cause general disruption and a further lowering of student outcomes.

In short, the evidence-based intervention supplied by the district and supported by the state can be effective only if the diagnosis of the problem is accurate at a sufficiently granular level to distinguish one or more root cause(s) for students' poor academic performance.

It is true that general data points are a key starting point. For example, high levels of student and/or teacher absences strongly correlate with weaker student results, so finding high levels of either is a warning sign. But the next stage means digging deeper: Is there an especially high rate of absenteeism among certain grade levels, or certain student subgroups, and/or at certain times of the year? Different findings point to different interventions.

In the end, a strong needs assessment should produce a fine-grained analysis of what is happening in student learning and an effort to correlate that analysis with adult behaviors. Such an assessment can enable the school to select the intervention that has the best chance of changing adult behavior that research has shown will increase student performance where that performance is most seriously challenged.

Elements of an Effective School Needs-Assessment Tool¹³

Based on the theory of action outlined above, an effective school needs-assessment tool would include at least these four critical elements: (1) organized display of data; (2) granular performance data; (3) theory of action for data collection; and (4) crosswalk between adult actions and student achievement data.

Organized Display of All High-Level, Reliable Data Available to the School

No accurate school needs assessment can be done without relevant empirical information. An effective tool will generate a data-rich profile of students' academic performance with accurate school climate indicators included. All the ESSA-required data, as interpreted by the state, and additional data will be here: (1) multiple indicators of student academic achievement and growth; (2) history of gap-closing results for student subgroups (if available); (3) comparisons to other schools; and (4) full transparency on student subgroup achievement. There is no single "best in class" example needs-assessment tool, but schools in Ohio,¹⁴ New Jersey,¹⁵ and Colorado¹⁶ offer promising examples that require rich data sets to inform the starting point of the needs assessment.

Granular Performance Data

Beyond excellent school-level assessment and climate data, chief state school officers and superintendents need to understand what is going on *inside* the numbers. For instance, what aspects of English language arts or math, exactly, cause students to struggle and how many students struggle with them? What percentage of students belongs to one or more student subgroup? Louisiana offers one example of how a state education agency (SEA) uses additional descriptors to provide schools with information beyond basic performance categories, which SEAs provide to schools in template form. Schools in other states that have access to diagnostic, formative, and interim assessment data can use Louisiana's example as a model or create their own template. The key principle is the same: schools cannot intentionally improve what they cannot identify.¹⁷

Theory of Action for Data Collection

Once a school has basic student-performance data on hand, the school can dig into the crucial aspects of adult behavior that potentially impact student achievement results. Because there is a potentially unlimited universe of possible data, schools need to set organizing and operating assumptions at the front end to guide their inquiry. The New York State Education Department (NYSED) offers a self-diagnostic tool that contains useful elements to guide this work; however, the tool is purely qualitative. A more helpful model would include a Likert scale

to weight the level of performance in each domain. This would enable a school needs assessment to prioritize the areas for evidence-based interventions.

Instruction is at the core of this school-based adult behavior diagnostic. What are teachers teaching and how effectively are they teaching it and, in both cases, why? An effective needs-assessment tool will prompt granular consideration—by teacher, subject, and grade level—of what school leaders know and do not know about enacted curriculum; degree of alignment horizontally across grades; and extent of vertical alignment (from one grade to the next) in subject matter. The tool also can answer questions about teacher effectiveness. For example, have the principal's observation results been correlated with student academic growth data? What has changed in the last year in terms of instruction—content in subject or grade level, teaching or leadership personnel, key mandates, professional development, and parental outreach and involvement—and what has *not* changed in these domains?

An effective needs-assessment tool will set out what the school thinks it is doing in these domains but restrict the reporting to areas in which data supports the findings.

Crosswalk: Adult Actions and Student Results

The final operation the tool will prompt and support is the crosswalk—the school's best effort to link specific adult behaviors to specific problematic student academic outcomes. With the

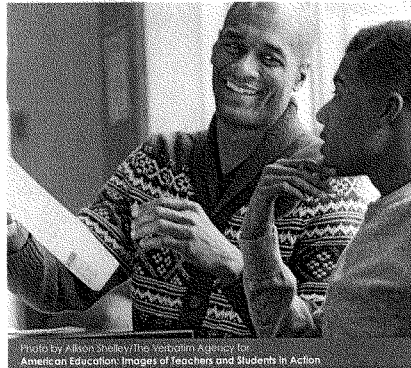


Photo by Allison Shelley/The Verbatim Agency for American Education: Images of Teachers and Students in Action

assistance of a theory of action/best practices metric, the school will define adult action both positively and negatively, as in "X is doing, or is not doing, A" [where X is one or more adults and A represents a specific action]. The key is to avoid impressionistic evaluation, such as "X is not doing A very well." This is a limitation of the NYSED diagnostic tool, which describes teacher actions with words such as "beginning to" rather than in concrete terms such as "in eighth grade, teachers meet for two and one-half hours a week to share their standards-aligned lesson plans for the following week and make modifications to ensure alignments and subject-matter coherence across grade" or "teachers in eighth grade do not share their lesson plans with each other."

No needs-assessment tool fully focuses on the granular data in areas that research shows matter the most for effective instruction, which requires the close alignment of the following critical factors:

- Formal curriculum supported by research that shows a strong student impact (see the next section about research-based practices)
- Evidence that teachers teach that curriculum and share best practices and challenges regularly (ideally weekly) with granular data on student performance as their key input
- Alignment between regular in-class assessments embedded in that curriculum and more formal formative, interim, and state-mandated summative assessments

District Action: Link to Research-Based Practices

When the needs assessment is done effectively, districts, with possible assistance from their SEAs and regional educational laboratories (RELs), can match research-based interventions to the most critical challenges identified by a low-performing school, following these broad steps:

- **Literature review.** Find relevant, research-based literature that identifies strategies to address the weakness that showed up in the data. Keep in mind that context matters for strategies to succeed. School leaders should compare the research settings to those in their state or district.
- **Benchmarking.** Examine how similar states or districts implemented solutions to handle similar needs.

- **Multi-attribute utility technique (MAUT).** Develop criteria against which each solution strategy is rated. MAUT results in a summary of ratings for each solution strategy, which school leaders can translate into a list of strategies with the highest potential for addressing their specific need. This is a helpful approach because it requires that school leaders identify the most important criteria for addressing each of their identified needs.
- **Quality function deployment.** Identify key components of program design features and determine the likelihood that they will resolve the needs the school has identified.¹⁹

The capacity of schools and districts to research best-evidenced interventions will vary immensely. Below are some of the best resources to use.

What Works Clearinghouse

What Works Clearinghouse (WWC) offers a summary of pre-K–12 educational interventions that have been the subject of strong research that matches Tier 1 (randomized control trial) or Tier 2 (quasi-experimental) as defined by ESSA. WWC recently redesigned its web pages to be user-friendly.²⁰ Readers can home in on subject areas, and the site will rank-order interventions according to the research strength that supports them.²¹

Unfortunately, the research base is very thin, or even non-existent, for some student subgroups, including English language learners (ELLs) and students with disabilities. It is only when one turns to interventions that apply to a specific racial group that the WWC becomes helpful. For example, a search for the topics of literacy, high school grades, and “black,” yields ten programs listed as “fully relevant” to this student population. However, drilling down into the actual research studies shows that even this promising list turns out to be modest, with interventions included in which the impact is so minor that one could hardly adopt them with confidence.

Best Evidence Encyclopedia

Best Evidence Encyclopedia (BEE) is similar to WWC in using a high bar to identify strong research studies. It has launched a user-friendly tool, *Evidence for ESSA*, that explicitly links the research base for a variety of interventions to the ESSA evidence

requirements. Readers can search for interventions using the same filters as with WWC—subject, grade level, evidence rating, and population served—but with new filters that will enable users to further narrow their search. New filters include objectives (e.g., phonics or reading comprehension), community (i.e., rural, urban, suburban), and distinctive features (e.g., technology, professional development, family focused, or textbook/curriculum).

More importantly, the enhanced BEE includes research findings that qualify for Tier 3 of ESSA’s research standards—interventions defined as “promising,” those correlational studies that cannot generate causal claims but indicate that student outcomes moved in a particular direction after the intervention was introduced. When interpreted with due caution, such studies could result in the inclusion of far more research-based interventions, thus offering users a more real-world tool, especially in domains such as special education and ELL where a paucity of research makes evidence-based interventions difficult to identify. For specific research studies that identify interventions targeted to these student subgroups, see Appendix: Studies on English Language Learners, Students with Disabilities, and Students from Low-Income Families.

Evidence from Best Practices

Finally, school leaders might turn to evidence from best practices in addition to the major clearinghouses and to individual studies for examples of promising targeted interventions. For instance, Claude Goldenberg’s “Teaching English Language Learners: What the Research Does and Does Not Say” lays out the findings from two meta-analyses of research on teaching ELLs.²² However, it is difficult for readers to know how much to rely upon the stated findings, since the level of rigor is variable and would not be included in WWC or BEE.

On the other hand, the fact that an instructional approach has not yet been subjected to rigorous study does not mean it is not worth considering. Schools rightly hesitate to implement an intervention where a study finds a connection between that intervention and gains in scores or high school graduation rates without having controlled for other factors. Nevertheless, when faced by an almost empty ESSA Tier 1 or Tier 2 research record, studies showing robust, multi-year demonstrations of success make the practices worth considering. A few examples follow.

English Language Learners

One such example comes from the record of the Internationals Network for Public Schools (Internationals schools) in New York, where each school is comprised of 100 percent ELLs. Findings from a 2005 study show extremely positive evidence of increased high school graduation rates and low drop-out rates. Among the best practices the researchers report are language and content integration; language skills are most effectively learned in context and emerge most naturally in purposeful, language-rich, experiential, and interdisciplinary study. At the Internationals schools, all learners—faculty and students—experience the same model, which maximizes their ability to support each other.²³

Students with Disabilities

A meta-analysis by Thomas Scruggs from George Mason University and his colleagues²⁴ examines seventy experimental and quasi-experimental studies involving interventions for secondary-grade students with special needs. Their analysis shows that both explicit and mnemonic instruction have positive effects on student achievement.²⁵

Explicit instruction uses practices such as teaching in small steps, rules-based instruction-guided practice, and independent practice to convey learning. Two studies show positive achievement for students' learning under this model. Each study employs a different explicit-instruction technique.

- One study of rules-based instructions for teaching the scientific method finds that students with disabilities receive higher achievement gains than those using more constructivist instructional methods.²⁶
- A separate study²⁷ finds learning gains when students with learning disabilities are taught social studies using smaller instructional units, following each unit with student practice and teacher feedback.

Mnemonic instruction has a more robust research base of twenty-one studies that show potential effectiveness. Mnemonic instruction links new information to prior knowledge through visual and/or acoustic cues. Keyword and peg word are two commonly used approaches within mnemonic instruction. Keyword uses familiar sounds to the word being taught, then uses pictures to link the two words; peg word uses rhyming words to help students remember sequential order.

Both techniques are effective in teaching English vocabulary words,²⁸ characteristics of animals,²⁹ and U.S. history.³⁰ Scruggs and his colleagues note that mnemonic instruction "is target[ed] specifically to verbal associative learning and does not address all aspects of content area learning."³¹

Putting It All Together: The School Improvement Plan (SIP)

As is the case for schools' needs assessments, SIPs are, in themselves, nothing new. Under NCLB, the federal government required that schools officially designated as "in need of improvement" use SIPs. ESSA requires the use of SIPs as well, as outlined at the beginning of this report.³²

However, in the absence of the needs-assessment steps outlined previously, the SIP is only of modest use. Without an exacting, granular self-assessment, a check by an external visiting team, and the careful matching of strongly researched interventions to the specific identified needs of schools, SIPs will capture best intentions but will fail to improve student learning.

Given this, the evidence on SIPs is not surprising: the quality of the SIP and its relationship to ongoing school improvement correlate to student outcomes. There is little overall evidence about the effects of SIPs on student learning.³³ However, there is some evidence of a positive correlation between high-quality SIPs and student learning. A study of Clark County School District (CCSD) in Nevada, at the time the fifth largest school district in the country, finds a consistently significant relationship between the quality of the SIP and student learning in math and reading, even after controlling for many school characteristics. SIP quality in this study was determined by a rubric created by CCSD and Nevada's Leadership and Learning Center,³⁴ which graded SIPs on seventeen indicators³⁵ on a scale of 1 to 3 (the highest rating). The study finds that "how frequently the SIP was monitored" and "the timeliness of SIP plan goals" are the two dimensions of SIPs most strongly associated with increased student learning.³⁶

Another study finds that higher-quality SIPs positively correlate with student achievement, but once student and school factors are controlled for, there is no statistically significant relationship between higher-quality SIPs and student achievement.³⁷ Meanwhile, a separate study examines the relationship between SIP quality and plan implementation by studying a school

improvement initiative in the Los Angeles Unified School District (LAUSD) that relies on formal school planning. The researchers' findings show that the average SIP quality was low throughout the initiative. They did, however, find a positive correlation between the relative quality of particular SIPs and reported implementation outcomes in the first phase of LAUSD's initiative.³⁹

The effects of a high-quality SIP are compounded when the school undertakes an ongoing improvement process. Research findings show more powerful effects from ongoing school improvement processes, rather than from SIPs alone.⁴⁰ For example, a four-year evaluation of schools' experiences in implementing the Scaffolded Apprenticeship Model (SAM)⁴¹ for inquiry-based school improvement in New York City finds that schools that heavily invested in SAM developed a culture of inquiry and that student achievement improved. For example, schools with continued teacher involvement in the SAM credentialing program had a significantly larger proportion of students on track for high school graduation and college readiness, and a smaller proportion of students off track for high school graduation by their junior year, than other schools with similar student populations.⁴²

Site Visits

In many instances, the issuance of the SIP is the last formal requirement of the school-reform process until interim and/or summative performance data must be produced. However, there are two critical steps in the process of which an external, on-site review of the workings of the school could add important quality assurances to what otherwise is an entirely local effort: (1) when the school is finalizing its needs assessment, and (2) after a reasonable number of months have passed and the implementation of the selected intervention(s) is well underway.

The site visit is an idea borrowed in part from the inspection process conducted by the Office for Standards in Education, Children's Services and Skills (OFSTED) in the United Kingdom.⁴³ In the British case, the purpose of sending a carefully prepared team into a school is partly for accountability and partly for diagnostic purposes. New York adopted a somewhat similar model but strictly for the diagnostic purpose. The key value-add in holding such a visit prior to completing the needs assessment is to enable an outside analysis of the degree to which the school accurately has self-diagnosed its unique challenges. The

purpose of the second visit is to evaluate the degree to which the selected interventions are being implemented effectively, with the requisite support and leadership from the school. In both cases, the aim is to maximize the potential for the entire school improvement effort to show positive impact on student learning.

NYSED states that "[e]ach year, the Commissioner will appoint an Integrated Intervention Team (IIT) to conduct an on-site diagnostic district review and school reviews of selected Priority and/or Focus Schools within the district to inform the development of the District Comprehensive Improvement Plan and School Comprehensive Education Plan"⁴⁴ NYSED also provides the following guidance:

The review will be carried out over a period of one, two, or three days by an Integrated Intervention Team (IIT) composed of NYSED staff; an Outside Educational Expert selected by the district and approved by NYSED; a district representative; and in some instances experts in the education of English language learners and/or students with disabilities. The length of the review will depend on the size of the school and its accountability status. The process of conducting the reviews will focus on collecting and assessing low-inference data, [data of what is actually observed and heard, absent of added meaning, assumptions, conclusions and beliefs] to evaluate school and district practices based on six tenets. The six tenets are:

*Tenet 1: District Leadership and Capacity
Tenet 2: School Leader Practices and Decisions
Tenet 3: Curriculum Development and Support
Tenet 4: Teacher Practices and Decisions
Tenet 5: Student Social and Emotional Developmental Health
Tenet 6: Family and Community Engagement⁴⁵*

NYSED provides a set of high-level guiding questions to orient its visiting teams prior to their school visits.

Conclusion

Too often, the approach to improving underperforming schools resembles a doctor trying to treat a patient's condition without an accurate thermometer and with little knowledge of medical research. While school districts know which schools are struggling to bring students to grade level, they often lack the fine-grained knowledge that would give them a truly accurate "reading" of the school among the many factors that can impact student performance. But when armed with accurate granular data instruments supported by on-site analysis from experienced teachers and school administrators, school and district leaders can identify and prioritize the most critical causes of students' poor performance. Once equipped with an accurate diagnosis, leaders can vet potential interventions. In each case they can consider whether the intervention has been compared to alternatives based on the best available research in terms of its relevance to the school's population and context, intervention impact, implementation challenges, and costs.

Finally, because top-down interventions so easily can alienate those adults (namely teachers and school leaders) whom the interventions are intended to support, district leaders have the opportunity, with the support of the state, to embed the process of diagnosis and intervention selection in a comprehensive structure involving school personnel and parents, among others. The time has come for transparency, research, and commitments from schools, districts, and states to work together to bring the most effective assistance possible to those who are, every day, trying to make a difference for students who need it the most.

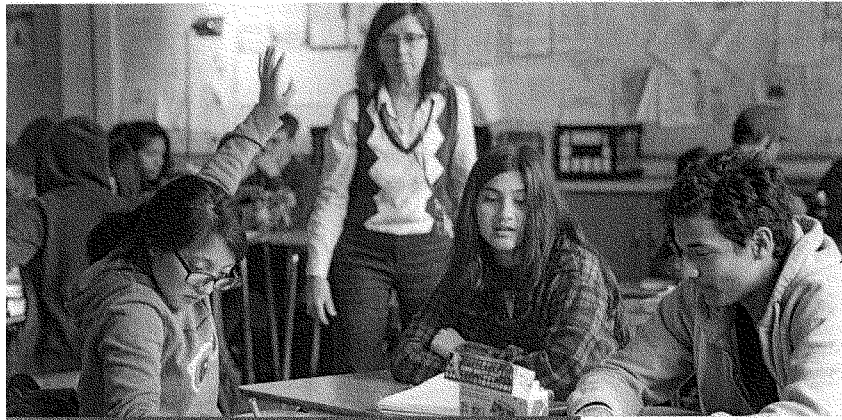


Photo by Allison Shaker/The Verbatim Agency for American Education: Images of Teachers and Students in Action

Appendix

Studies on English Language Learners, Students with Disabilities, and Students from Low-Income Families

It is possible for education leaders to carry the What Works Clearinghouse (WWC) and Best Evidence Encyclopedia (BEE) further by investigating individual studies the clearinghouses reviewed. The research cited from these two sources is not, however, exhaustive of all that is available. In particular, the redesigned BEE tool (Evidence in ESSA) uses selection criteria that are narrower than the pre-existing BEE database from which the tool is drawn. The researched interventions included in the following sections boosted learning for English language learners (ELLs), students with disabilities, and low-income-status middle and high school students. While this list prioritizes those studies that find a statistically significant impact and large effect size for a given intervention, it also includes examples of high-quality studies that do not reach statistical significance.⁴¹ Statistical significance is tied to such things as sample size, and there are well-designed research studies with modest sample sizes that are nevertheless worthy of attention.

English Language Learners

TABLE 1: Pathway Project

Study	Intervention ^a	Research Design	Context	Students Studied	Effect Size ^b
Olson et al. (2017) ⁴²	Pathway Project (professional development) Whole school (2 years)	Cluster randomized	16 secondary schools in Anaheim, CA 68% Latino, 18% Asian, 12% white, 21% ELL, 71% free or reduced-price lunch	575 10th-grade students (313 experimental group, 262 control group)	+ .19

Pathway Project is a professional development program for teachers whose students include ELLs who can participate in standard English classes. Pathway focuses primarily on writing but includes reading comprehension strategies.⁴³ In this study, teachers received forty-six hours of training each school year (via six, six-hour released days scattered throughout the school year and five, two-hour after-school sessions) over a two-year period.

Researcher Carol Booth Olson, director of the UCI Writing Project at the University of California, Irvine, and her colleagues employed a multi-site, cluster, randomized field trial design. They selected sixteen secondary schools and randomly assigned the teachers to either the Pathway Project or the control group. The research team randomly selected one of each teacher's classes to participate in the study, and randomly assigned students to that class for each teacher. Using the California High School Exit Examination English language arts (ELA) scores as a measure, Pathway students scored non-significantly higher at the cluster level (+.19), controlling for California Standards Test pretests. This effect size suggests that the average student, starting at the 50th percentile, would move to roughly the 58th percentile after his or her teacher received Pathway professional development. An effect size of .19 also translates into roughly 143 days of additional ELA learning among tenth graders. This means that these students gained an additional 143 days of learning beyond what they would have learned had their teachers not received Pathway professional development. These findings largely replicated another randomized control trial of the Pathway Project that took place in California's Santa Ana Unified School District.⁴⁴

TABLE 2: Academic Language Instruction for All Students (ALIAS)

Study	Intervention	Research Design	Context	Students Studied	Effect Size ²⁷
Lesaux et al. (2010) ²⁸	Academic Language Instruction for All Students (ALIAS) Whole class/school (18 weeks)	Cluster quasi-experimental	7 middle schools in an urban southwestern district 49% Latino, 73% ELL	476 6th-grade students (296 experimental group, 180 control group) 21 classes (13 experimental group, 8 control group)	+ .15 ¹

ALIAS is a vocabulary intervention designed to be used forty-five minutes a day in standard English language arts classrooms with significant numbers of ELLs. Each series of lessons is based on one informational text. From that text, students work on small numbers of high-utility and abstract words. The intervention includes whole-group, small-group, and independent activities. Students have opportunities for listening, speaking, reading, and writing with the targeted words.

Lead researcher Nonie Lesaux of the Harvard University Graduate School of Education and her colleagues pre- and post-tested students using the Gates MacGinillie Reading Test (GMRT) Reading Comprehension exam. The effect of treatment on GMRT scoring was significant (effect size= .15/ $p < .06$) and suggests that the students gained an additional eighty-four days of learning by using ALIAS.

Students with Disabilities

TABLE 3: READ 180

Study	Intervention	Research Design	Context	Students Studied	Effect Size ²⁷
Sprague et. al (2012) ²⁹	READ 180 Targeted (1 year)	Student randomization	9th-grade students from 5 Title I high schools in western Massachusetts who tested between a 4th- and 6th-grade reading level 73% students of color, 19% students with disabilities, 72% free or reduced-price lunch	456 9th-grade students in 5 cohorts (231 experimental group, 225 control group)	+ .18 ¹

READ 180 is a supplemental program for struggling readers in which instructors conduct ninety-minute sessions each day with students. The program combines thirty-minute whole-group instruction with one hour of rotating twenty-minute activities that focus on independent reading, small-group direct instruction with the teacher, and use of READ 180's adaptive software. Teachers receive content-focused workshops and video instruction to develop pedagogical knowledge and skills.

Researcher Kimberley Sprague and her colleagues from the Education Alliance at Brown University compared READ 180 targeted interventions to control groups to determine effectiveness. The research team randomized cohorts of struggling-readers across five high schools serving predominantly students of color from low-income families. One-fifth of students in the study sample received special education services. Statistically significant, positive effects (+.18/ $p < .03$), or roughly 135 days of additional learning, were found for ninth-grade students in the READ 180 treatment cohort as compared to the control group.

TABLE 4: Butterfly Phonics

Study	Intervention	Research Design	Context	Students Studied	Effect Size ⁴²
Merrell and Kasim (2015) ³⁵	Butterfly Phonics Targeted, small group tutoring [4 months]	Student randomization	7th-grade students from 6 secondary schools in London, England, reading at least one year below grade level 78% white, 16% African American, 35% students with disabilities, 64% ELL, 51% free or reduced-price lunch	310 7th-grade students in 6 cohorts (161 experimental group, 149 control group)	+ .30***

Butterfly Phonics is a small-group phonics instruction program for struggling readers. The program uses formal phonics instruction, comprehensive understanding of text, and class discussion of textual meaning to improve reading comprehension.³⁴ The program is delivered through a formal instruction style to small groups of six to eight students by a trained practitioner and an assistant.

Students who read at least one year below grade level were randomly assigned within schools. The control-group students continued to receive regular English lessons. The treatment-group students received two hours of Butterfly Phonics lessons per week and were withdrawn from English lessons, although they continued to receive lessons in classes that were taught in the English language. The New Group Reading Test (NGRT) measured effectiveness outcomes. The analysis by Christine Merrell and Adelayo Kasim, both from Durham University in the United Kingdom, found a significant effect size of +.30,³⁵ or an additional 235 days of learning, in favor of the treatment group on the NGRT test. Additionally, these findings were statistically significant at the $p < .001$ level.

TABLE 5: REACH

Study	Intervention	Research Design	Context	Students Studied	Effect Size ⁴³
Sibieta (2016) ³⁶	REACH (20 weeks)	Student randomization	Lowest readers in 27 disadvantaged secondary schools in or near Leeds, England 63% students with disabilities, 68% white, 32% students of color, 24% ELL, 31% free or reduced-price lunch	202 (70 REACH, 69 REACH-LC, 63 control group)	+ .42*

REACH is a program from the United Kingdom that provides early-secondary school struggling readers with one-to-one tutoring. Students receive thirty-five-minute sessions once a week for twenty weeks with specially trained paraprofessionals. During these sessions, students read aloud from books at their level while tutors keep notes on student performance, which serves as the basis for remedial teaching. A variation of REACH, REACH-LC, adds a language comprehension element that emphasizes metacognitive skills, reading comprehension, inference, and writing.³⁷

Luke Sibieta, program director at the Institute for Fiscal Studies in London, evaluated REACH and REACH-LC in twenty-seven secondary schools in and around Leeds, England. The research team randomly assigned students who scored poorly on the Single Word Reading Test to REACH, REACH-LC, or control treatments. They were pre- and post-tested using NGRT. Post-test analysis found statistically

significant, positive effects with both the REACH cohort (effect size=+.33, $p<.001$) and the REACH-LC cohort (effect size=+.51, $p<.001$) over the control group. Averaging across the two variations, the mean effect size was +.42, which would translate into roughly 280 days of additional learning in the United States. Such translations should be regarded with caution, given that this intervention occurred in the United Kingdom.

Students from Low-Income Families

TABLE 6: Talent Development High School

Study	Intervention ^a	Research Design	Context	Students Studied	Effect Size ^d
Balfanz, Jordan, and Legters (2004) ³⁸	Talent Development High School (strategic reading and student team writing) Whole class/school (1 year)	Cluster quasi-experimental	6 nonselective high schools in Baltimore 69% African American; 9% white, >90% free or reduced-price lunch	457 9th-grade students (257 experimental group, 200 control group)	+.32

Talent Development High School (TDHS) is a whole-school reform model. Within the model, the strategic reading component aims to develop reading and writing comprehension skills. Teachers provide "read-aloud/think-aloud" demonstrations and mini-lessons on comprehension strategies. Time also is allocated for students to self-select reading and writing activities.

The research team of Robert Balfanz, Nettie Legters, and Will Jordan from Johns Hopkins University selected three well-matched schools. Eight teachers used strategic reading in twenty classes. The control schools provided double-dose classes in English and math but followed the district curriculum.³⁹ Post-test analysis, controlling for pretests and demographic factors, showed an effect size of +.32, which is equivalent to roughly 240 days of learning.

TABLE 7: One-to-One Laptop Use

Study	Intervention ^a	Research Design	Context	Students Studied	Effect Size ^d
Dunleavy and Heinecke (2007) ⁴⁰	1:1 Laptop use Whole school (2 years)	Cluster randomized	Middle school students (grades 6–8) in an urban school district in a mid-Atlantic state ⁴¹ 81% African American, 2% Asian, 3% Latino, 13% white, 59.6% free or reduced-price lunch	163 students in 14 classes in grades 6–8 (52 experimental group, 111 control group)	+.24*

Matt Dunleavy of Radford University and Walter Heinecke of the University of Virginia conducted a randomized trial to test the impact on student test scores of giving students individual laptops as opposed to their using school computers. The study randomly assigned 163 middle school students to one of two conditions: (1) treatment students received a laptop (Apple iBook/128MB hard drive/OS 10.2.8) loaded with online mathematics and science textbook access and laptop-based instruction, and (2) the control group had access to the same resources in the school's computer lab. Researchers used the state standardized test (SST) to measure outcomes. Analysis revealed statistically significant positive effects were found on the SST scores favoring the treatment group ($E5=.24/p<.03$), or roughly an additional 160 days of learning.

Endnotes

National Conference of State Legislatures, "Summary of the Every Student Succeeds Act: Legislation Reauthorizing the Elementary and Secondary Education Act" (Washington, DC: National Conference of State Legislatures, n.d.), http://www.ncsl.org/documents/educ/ESSA_summary_NCSL.pdf [accessed March 30, 2017].

For an analysis of these research standards and what they might mean in practice, see Chiefs for Change, "ESSA and Evidence: Why It Matters" (Washington, DC: Author, June 2016), <http://chiefsforchange.org/wp-content/uploads/2016/07/ESSA-and-Evidence-Why-It-Matters.pdf>.

ESSA states the following about the "targeted support and improvement plan": "[B] TARGETED SUPPORT AND IMPROVEMENT PLAN.—Each school receiving a notification described in this paragraph, in partnership with stakeholders (including principals and other school leaders, teachers and parents), shall develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system established under subsection (c) (4), for each subgroup of students that was the subject of notification that—(i) is informed by all indicators described in subsection (c) (4)(B), including student performance against long-term goals; (ii) includes evidence-based interventions; (iii) is approved by the local educational agency prior to implementation of such plan; (iv) is monitored, upon submission and implementation, by the local educational agency; and (v) results in additional action following unsuccessful implementation of such plan after a number of years determined by the local educational agency. (C) ADDITIONAL TARGETED SUPPORT.—A plan described in subparagraph (B) that is developed and implemented in any school receiving a notification under this paragraph from the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(ii) using the State's methodology under subsection (c)(4)(D) shall also identify resource inequalities which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan." U.S. Department of Education, "Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans" (2016), <https://www.federalregister.gov/documents/2016/11/29/2016-27785/elementary-and-secondary-education-act-of-1965-as-amended-by-the-every-student-succeeds-act>. For further details and discussion, see J. Poirer, "School Identification and Intervention in the Age of ESSA," *flypaper* (blog), Thomas B. Fardham Institute, June 21, 2016, <https://edexcellence.net/articles/school-identification-and-intervention-in-the-age-of-essa>.

⁴ ESSA defines "evidence-based" activity, strategy, or intervention as either (i) demonstrating a statistically significant impact on student achievement based on evidence from at least one well-implemented (ii) experimental study (iii) quasi-experimental study, or (iii) correlational study that controls for selection bias; or (2) demonstrating a rationale based on high-quality research that such an activity will likely improve student achievement and includes an ongoing evaluation of the effect of the activity, intervention, or strategy. This report refers to research that meets the first standard using experimental study as Tier 1; research that meets the standard using quasi-experimental research as Tier 2; and research that meets the standard using a correlational study as Tier 3. Research that meets the second standard is referred to as Tier 4.

⁵ See U.S. Department of Education, "Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program: Non-Regulatory Guidance" (Washington, DC: Author, September 2016), <https://ed.gov/policy/efedec/leg/essafedstatewpguidance9192016.pdf>.

⁶ AdvancEd, "ASSIST™ school improvement tool," <http://www.advanced.org/services/assist> [accessed March 30, 2017].

⁷ Indistar, Homepage, <http://indistar.org>. See tabs at <http://indistar.org/howto/> for further details about the tool, [accessed March 30, 2017].

⁸ K. Bond and L. Sodat, "Conducting a Comprehensive Needs Assessment for the Title I, Part A, Schoolwide Plan," (Richmond, VA: Virginia Department of Education, Office of Program Administration and Accountability Coordinators' Academy, July 2014), http://www.doe.virginia.gov/federal_programs/eseo/tech_assistance_academy/2014/Conducting_a_Comprehensive_Needs_Assessment.pdf.

⁹ M. Smith and L. Spain, "Conducting a Comprehensive Needs Assessment In Your School," (Arkansas Department of Education, Department of Learning Science, July 2014) <http://centerforschoolturnaround.org/wp-content/uploads/2014/10/AR-Conducting-a-Needs-Assessment.pdf>.

¹⁰ WestEd, "A Guide for Comprehensive Needs Assessment" (Washington, DC: Author, April 4, 2008), http://www.cde.state.co.us/files/default/files/documents/fedprograms/dl/consops_na_guide.pdf.

¹¹ See also K. E. Fernandez, "Evaluating School Improvement Plans and Their Effect on Academic Performance," *Educational Policy* 25, no. 2 (2011): 338–367, 347, for a list of seventeen research-based indicators of high-quality SIPs for additional components to include.

¹² Such language appears across many of the school needs assessments. The second phrase comes from Arkansas's school needs assessment.

¹³ Elements of this section are drawn from material prepared for an internal memo to Chiefs for Change. The Institute is grateful to Chiefs for Change for permission to use this material.

¹⁴ Ohio Department of Education, Horace Mann Pre-K-8 School Report Card 2015–16, <http://reportcard.education.ohio.gov/Pages/SchoolReport.aspx?SchoolRN=016840> <http://reportcard.education.ohio.gov/Pages/SchoolReport.aspx?SchoolRN=016840> [accessed March 31, 2017].

¹⁵ State of New Jersey Department of Education, Alexandria Township Middle School: School Report Card 2014–15, <http://www.state.nj.us/education/pr/1415/190020005.pdf> [accessed March 31, 2017].

¹⁶ Colorado Department of Education, "SchoolView: Data & Accountability," <http://www.cde.state.co.us/schoolview> [accessed March 31, 2017].

¹⁷ The Louisiana data was provided by the Louisiana Department of Education in a private correspondence.

¹⁸ New York State Education Department (NYSED), "Office of Accountability: Diagnostic Tool for Effectiveness," <http://www.p12.nysed.gov/accountability/diagnostic-tool-institute/home.html> [accessed March 31, 2017]; NYSED, "Diagnostic Tool for Schools and District Effectiveness FAQ," June 2015, <http://www.p12.nysed.gov/accountability/diagnostic-tool-institute/DTSDEFAGS>.

- ¹⁹ J. W. Altschuld and B. R. Witkin, *From Needs Assessment to Action: Transforming Needs into Solution Strategies* (Thousand Oaks, CA: Sage Publications, 2000).
- ²⁰ U.S. Department of Education, Institute of Education Sciences, "What Works Clearinghouse: Welcome Page," <https://ies.ed.gov/iwcc/welcome> (accessed March 31, 2017).
- ²¹ WWC combines the quality of research, sheer number of research studies that made it over the bar for inclusion, and actual impact on learning that the research suggests occurs due to the intervention. Only by digging into the supporting materials can the user disentangle these elements.
- ²² C. Goldenberg, "Teaching English Language Learners: What the Research Does—and Does Not—Say," *American Educator*, Summer 2008.
- ²³ M. Fine, B. Slouff, and V. Futch, *The International Network for Public Schools: A Quantitative and Qualitative Cohort Analysis of Graduation and Dropout Rates* (New York, NY: The Graduate Center, City University of New York, June 2005), <http://internationalnips.org/wp-content/uploads/2012/10/Fine-Report-for-Web-and-Print.pdf>.
- ²⁴ T. E. Scruggs et al., "Do Special Education Interventions Improve Learning of Secondary Content? A Meta-Analysis," *Remedial and Special Education* 31, no. 6 (November 1, 2010): 437–49, <https://journals.sagepub.com/doi/abs/10.1177/0741932508327465>.
- ²⁵ The mean effect for explicit instruction was 1.68 and the mean effect for mnemonic instruction was 1.47. The mean effect size indicates the magnitude of the effect an intervention had on the group that received the treatment versus a comparison group. Researchers do not usually translate effect sizes involving special education students into additional days of learning.
- ²⁶ J. A. McCleery and G. A. Tindal, "Teaching the Scientific Method to At-Risk Students and Students with Learning Disabilities Through Concept Anchoring and Explicit Instruction," *Remedial and Special Education* 20, no. 1 (January 1, 1999): 7–18, <http://journals.sagepub.com/doi/abs/10.1177/07419325990200102>.
- ²⁷ P. Hudson, "Using Teacher-Guided Practice to Help Students with Learning Disabilities Acquire and Retain Social Studies Content," *Learning Disability Quarterly* 20, no. 1 (1997): 23–32, <http://journals.sagepub.com/doi/abs/10.2307/1511090>.
- ²⁸ M. A. Mastropieri, T. E. Scruggs, and C. Whedon, "Using Mnemonic Strategies to Teach Information about U.S. Presidents: A Classroom-Based Investigation," *Learning Disability Quarterly* 20, no. 1 (1997): 13–21, <http://journals.sagepub.com/doi/abs/10.2307/1511089>.
- ²⁹ T. E. Scruggs et al., "Effects of Mnemonic Reconstructions on the Spatial Learning of Adolescents with Learning Disabilities," *Learning Disability Quarterly* 15, no. 3 (August 1992): 154–62, <http://journals.sagepub.com/doi/abs/10.2307/1510240>.
- ³⁰ T. E. Scruggs and M. A. Mastropieri, "Mnemonic Instruction of LD Students: A Field-Based Evaluation," *Learning Disability Quarterly* 12, no. 2 (1989): 119–25, <http://journals.sagepub.com/doi/abs/10.2307/1510727>.
- ³¹ Scruggs et al., "Do Special Education Interventions Improve Learning of Secondary Content?"
- ³² SIPs are required in ESSA. See endnote 3 for details.
- ³³ R. S. Ellinger, "Shifting from Plan to a Process: School Improvement Plans in Cambridge Public Schools" (doctoral dissertation) Harvard University, 2015.
- ³⁴ The rubric was designed to be used across the United States and Canada and was created by examining SIP templates in use in the United States and Canada and by reviewing the literature on best practices of SIPs.
- ³⁵ Example indicators include (1) comprehensive, which measures if goals are connected to concerns and causes identified in the SIP; (2) measurable goal, which measures if goals are quantifiable and include a baseline and target measure; and (3) monitoring plan, which measures if there are monitoring steps in places that explicitly describe what will be done to assess progress toward each goal.
- ³⁶ K. E. Fernandez, "Evaluating School Improvement Plans and Their Effect on Academic Performance."
- ³⁷ D. J. Huber and J. M. Conway, "The Effect of School Improvement Planning on Student Achievement," *Planning and Changing* 46, no. 1/2 (2015): 56.
- ³⁸ K. O. Strunk et al., "The Best Laid Plans: An Examination of School Plan Quality and Implementation in a School Improvement Initiative," *Educational Administration Quarterly* 52, no. 2 (2016): 259–309.
- ³⁹ V. Bernhardt, *Data Analysis for Continuous School Improvement* (New York, NY: Routledge, 2013); G. J. Langley, *The Improvement Guide: A Practical Approach to Enhancing Organizational Performance*, 2nd ed. (San Francisco: Jossey-Bass, 2009).
- ⁴⁰ SAM is a well-defined model of school change that emphasizes collaborative inquiry and teacher leadership in which a team of teachers uses student data to identify specific learning gaps and develop targeted interventions.
- ⁴¹ J. E. Talbert et al., *Inquiry-Based School Reform: Lessons from SAM in NYC* (Center for Research on the Context of Teaching: Stanford University, 2012).
- ⁴² "OFSTED Home Page," Government of the United Kingdom, <https://www.gov.uk/government/organisations/ofsted> (accessed March 31, 2017).
- ⁴³ NYSED, "Diagnostic Tool for School and District Effectiveness (DTSDE)" (Albany, NY: Author, October 2015), <http://p1232.nysed.gov/accountability/diagnostic-tool-institute/documents/DTSDEOrientationtoSchoolBasedTeamsandLeaders-SeptemberandOctober2015.pdf>.
- ⁴⁴ ———, "Office of Accountability: Diagnostic Tool for Effectiveness."
- ⁴⁵ X. Fan, "Statistical Significance and Effect Size in Education Research: Two Sides of a Coin," *Journal of Educational Research* 94, no. 5 (2011): 275–82, <http://www.jstor.org/stable/27542335?seq=1#ftnref-1>.
- ⁴⁶ Duration of the intervention appears in parenthesis.
- ⁴⁷ Statistical significance: * $p < .10$, ** $p < .05$, *** $p < .001$.

- ⁴⁰ C. B. Olson et al., "Reducing Achievement Gaps in Academic Writing for Latinos and English Learners in Grades 7–12," *Journal of Educational Psychology* 109, no. 1 (2017): 1–21, <http://dx.doi.org/10.1037/edu0000295>.
- ⁴¹ A. Baye et al., "Effective Reading Programs for Secondary Students" (Baltimore, MD: Johns Hopkins University School of Education's Center for Data-Driven Reform in Education, December 2016), <http://www.hsrevidence.org/word/Secondary-Reading-12-06-16.pdf>.
- ⁴² C. B. Olson and R. Land, "A Cognitive Strategies Approach to Reading and Writing Instruction for English Language Learners in Secondary School," *Research in the Teaching of English* 41, no. 3 (2007): 269–303, <http://www.jstor.org/stable/40171732>.
- ⁴³ N. K. Lesaux et al., "The Effectiveness and Ease of Implementation of an Academic Vocabulary Intervention for Linguistically Diverse Students in Urban Middle Schools," *Reading Research Quarterly* 45, no. 2 (2010): 196–228, <http://www.jstor.org/stable/20697183>.
- ⁴⁴ K. Sprague et al., "Springfield-Chicopee School District Striving Readers (SR) Program Final Report Year 1–5: Evaluation of Implementation and Impact" (Providence, RI: Research & Evaluation Division of the Education Alliance of Brown University, March 2012), <https://www2.ed.gov/programs/strivingreaders/springfieldyeofsevalrpt.pdf>.
- ⁴⁵ C. Merrill and A. Kasim, "Butterfly Phonics: Evaluation Report and Executive Summary" (London, UK: Education Endowment Fund, February 2015).
- ⁴⁶ This study was included in the original research view using resources in BEE. This material is not included in the ESSA-related tool as this is international research.
- ⁴⁷ Effect size is a pooled effect size. The effect size for all students was .43. Separate analysis was conducted for students who qualify for free or reduced-price lunch. Effect size for this group was .16.
- ⁴⁸ L. Sibiela, "REACH Evaluation Report and Executive Summary" (London, UK: Education Endowment Foundation, February 2016), https://educationendowmentfoundation.org.uk/public/files/Support/Campaigns/Evaluation/Reports/FEE_Project_Report_REACH.
- ⁴⁹ Baye et al., "Effective Reading Programs for Secondary Students."
- ⁵⁰ R. Balfanz, N. Legters, and W. Jordan, *Catching Up: Impact of the Talent Development Ninth Grade Instructional Interventions in Reading and Mathematics in High-Poverty High Schools* (Baltimore, MD: Johns Hopkins University Center for Research on the Education of Students Placed at Risk, December 2004), <https://eric.ed.gov/?id=ED464524>.
- ⁵¹ Baye et al., "Effective Reading Programs for Secondary Students."
- ⁵² M. Dunleavy and W. F. Heinecke, "The Impact of 1:1 Laptop Use on Middle School Math and Science Standardized Test Scores," *Computers in the Schools* 24, no. 3–4, 7–22 (2007): 7–22, http://www.tandfonline.com/doi/abs/10.1300/J025v24n03_02.
- ⁵³ Researchers in this study chose not to identify the state and district.

[Additional submissions by Mr. Scott follow:]



A not-for-profit organization dedicated to services and projects that work to improve the lives of children, youth and adults with disabilities

STATEMENT ON IMPLEMENTATION OF THE EVERY STUDENT SUCCEEDS ACT

July 18, 2017

U.S. House of Representatives
Education and the Workforce Committee

The Advocacy Institute is watching with interest the implementation of the Every Student Succeeds Act (ESSA) with a particular focus on how the law's new provisions can be used to improve services and outcomes for the nation's 6 million students with disabilities. Our organization, in collaboration with the National Down Syndrome Congress, has reviewed more than 30 state plans (drafts or submitted) and provides detailed analyses at www.AdvocacyInstitute.org.

The purpose of ESSA—to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps—can only be realized for students with disabilities if states and districts do the following:

- Ensure the interests of students with disabilities are represented in all levels of planning and implementation in respectful, meaningful ways. Many states have not included representatives of students with disabilities in plan development activities.
- Place a high level of both importance and urgency on improving results for historically underperforming groups of students in order to close achievement gaps. Students with disabilities are most frequently the lowest performing student group on state assessments and the National Assessment of Educational Progress (NAEP). Too many states seek to merely continue past trends or accelerate only slightly.
- The improvement activities already underway through State Systemic Improvement Plans (SSIP) and the Results-Driven Accountability (RDA) initiative are integrated with ESSA plans and implementation. Few state ESSA plans reflect any coordination with the SSIP and RDA.
- Adopt policies that ensure maximum accountability for performance of student groups. Key among these are establishing a minimum subgroup size (N-size) that ensures that, to the extent practicable, each subgroup of students is included at the school level for annual meaningful differentiation and identification of schools in need of improvement and rigorously enforcing the annual measurement of achievement requirement. Many states are adopting N-sizes that will leave far too many schools unaccountable for historically underperforming student subgroups and are not fully adhering to the requirements regarding annual measurement of achievement.

In addition, the U.S. Dept. of Education (ED) must continue to fulfill its critical role of monitoring ESSA planning and implementation through statutorily required Peer Review and Secretarial Approval. To date, ED interim feedback letters and peer review notes reflect valid finding in some respects but should be more consistent across states. Further, as this is within the Secretary's authority, it should also scrutinize each plan for adherence to ESSA's equity requirements.



The Council of Parent Attorneys and Advocates, Inc.
Protecting the Legal and Civil Rights of Students with Disabilities and Their Families

Statement on the Implementation of the Every Student Succeeds Act (ESSA)

Submitted as testimony to the House Education and Workforce Committee

"ESSA Implementation: Exploring State and Local Reform Efforts"

July 18, 2017

The Council of Parent Attorneys and Advocates (COPAA) is committed to the effective implementation of the Every Student Succeeds Act (ESSA). Our longstanding work with the Congress, the Department of Education, our national membership and key partners in the disability, civil rights and business communities has consistently focused on improving the educational outcomes of the 6.4 million school-age children with disabilities and other disadvantaged students. COPAA views ESSA as vital and necessary to helping states provide the resources, training and guidance that schools and districts need so that ESSA's purpose – to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gapsⁱ may be achieved. COPAA understands that states now have more discretion to carry out the provisions of ESSA, however, as many prominent Members of Congress, witnesses before this committee and leaders of major organizations across the political spectrum have said, 'with new flexibility comes new responsibility'.ⁱⁱ It is this important balance – between flexibility and responsibility that we wish to address.

When Congress used its authority under the Congressional Review Act to rescind final regulations on ESSA's accountability provisionsⁱⁱⁱ earlier this year, this action placed the Secretary of Education in the role of full interpreter and arbiter of the statute. While COPAA preferred the situation where final federal regulations prevailed, as compared to a raw-statute-implementation situation, this is now the circumstance under which the law will be carried out. Therefore, we urge Congress to fully support the Secretary in doing what is required – to oversee full implementation of the statute, as it is written. States must be held to every obligation therein.

In February 2016, COPAA's legal director, Selene Almazan, Esq., testified to the House Subcommittee on Early Education, Elementary and Secondary Education and said:

...states' provisions that restrict entitlements established by federal statutes are void under the Supremacy Clause of the Constitution. The Supreme Court has applied this principle in cases regarding benefit programs in which the federal government provides funding to states on the condition that they comply with the terms of the federal program, the same arrangement that exists for special education under IDEA. The Court held that the state was not free to adopt a definition that restricted benefits in a way the federal statute did not specifically authorize.^{iv}

To this point, COPAA is appreciative of the most recent feedback from the U.S. Department of Education (ED) provided to states. The current efforts by ED to assure states submit plans consistent with the statute are important and must continue. With only sixteen states having submitted plans, the bulk of ESSA state plans are yet to come. Therefore, it is imperative as ESSA plans are formally peer reviewed that the Secretary uphold the statutory requirements of ESSA, communicate any incongruities found after initial

review, and require strict adherence to the law as written. This will help guide states still developing and finalizing plans to adhere to the requirement of the law.

It's clear from COPAA's review of state plans – both submitted and those still in draft form that states do not understand the full obligations of ESSA, or if they do, are choosing to blatantly ignore its requirements. We have seen very troubling provisions in state plans thus far that:

- reduce or limit expectations of students (e.g. by setting low achievement goals);
- avoid full transparency in the data (e.g. by selecting a high N size or not using data disaggregated by student subgroup for differentiation and identification of schools in need of improvement);
- diminish the importance of honest measures of the academic progress of all children (e.g. proposing low proficiency or graduation rates); or,
- delay interventions when any group of students is struggling academically.

Additionally, ESSA requires that states describe how they will support districts

...to improve school conditions for student learning, including through reducing—(i) incidences of bullying and harassment; (ii) the overuse of discipline practices that remove students from the classroom; and (iii) the use of aversive behavioral interventions that compromise student health and safety.^v

And, the ESSA Conference Report clarifies that the term “aversive behavioral interventions” means seclusion and restraint.^{vi} In 2013-2014, 70,000 students with disabilities were subjected to seclusion and restraint and students with disabilities had more than double the suspension rate of students without disabilities.^{vii} Clearly every state needs to include strategies to work with districts on reducing and eliminating the use of aversive behavioral interventions such as seclusion and restraint in its ESSA plan. We do not see this adequately addressed in any of the plans reviewed so far. Given the number of students subjected to restraint, seclusion, and other means of removal from the learning environment, and the growing occurrence bullying, this is one of the most important provisions of the law and it must be upheld.

ESSA was passed with bipartisan support and is the nation's plan for how to improve public education so all students have an equal opportunity to learn and to succeed. States wanted to be in the driver's seat and now must take seriously the responsibility they've been given under ESSA to reimagine, re-design and rework accountability systems so that all kids count and are making progress according to state designed criteria. When reliable school and student subgroup data show that any students are not; such data need to be used to strategically and meaningfully inform teaching, academic and behavior intervention, professional learning and the allocation of staff and resources. ESSA's accountability provisions were intentionally designed to provide transparency for parents and the public about how all public education students are faring and to help districts identify which schools need intervention and support. The two priorities in the law are complementary and one must not overshadow the other; state ESSA plans must allow for and include both. Therefore, COPAA urges Congress to remain consistent in its request of ED that state ESSA plans follow the law. Our kids deserve and we will settle for nothing less.

COPAA is a national a nonprofit organization of parents, attorneys, advocates, and related professionals who work to protect the civil rights and secure excellence in education on behalf of the 6.4 million children with disabilities attending public school across the United States.

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¹ P.L. 114-95

² With Greater Power Under ESSA, State Education Officials Commit to an Era of Greater Responsibility, (2016) the74. Retrieved at: <https://www.the74million.org/article/with-greater-power-under-essa-state-education-officials-commit-to-an-era-of-greater-responsibility>

³ P.L. 113-15

⁴ Almazan, Selene S., (2016), Testimony before the House Subcommittee on Early Education, Elementary and Secondary Education. Retrieved at: https://edworkforce.house.gov/uploadedfiles/testimony_almazan.pdf

⁵ P.L. 114-95. Every Student Succeeds Act. § 1111(g)(1)(C)(iii).

⁶ Every Student Succeeds Act (2015) Conference Report to Accompany S.1777. <https://www.congress.gov/114/crpt/hrpt354/CRPT-114hrpt354.pdf>

⁷ U.S. Department of Education, “Data Snapshot: School Discipline,” Civil Rights Data Collection, March 2014. <https://www2.ed.gov/about/offices/list/ocr/docs/crde-discipline-snapshot.pdf>

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July 17, 2017

Representative Virginia Foxx
2262 Rayburn House Office Building
Washington, DC 20515

Representative Bobby Scott
1201 Longworth House Office Building
Washington, DC 20515

RE: Hearing Regarding ESSA Implementation: Exploring State and Local Reform Efforts

Dear Chair Foxx and Ranking Member Scott:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. ("LDF"), we write to express our strong support for the robust implementation of the Every Student Succeeds Act (ESSA) of 2015, including the U.S. Department of Education's ("the Department") thorough review of state plans submitted under the law.

Founded in 1940 by Thurgood Marshall, LDF is the nation's oldest civil rights law organization. For 76 years, LDF has relied on the Constitution and federal and state civil rights laws to pursue equality and justice for African-Americans and other people of color. LDF litigated and won the historic U.S. Supreme Court case *Brown v. Board of Education*, which established the principle of equal access to education for all students and outlawed racial segregation in our nation's schools.¹ Since *Brown*, LDF has continued to represent students in school districts, primarily in the South, to ensure they receive quality and equitable educational opportunities.²

¹ 347 U.S. 483 (1954).

² See, e.g., *Thomas, et al. v. St. Martin Parish School Dist., et al.*, Civil Action No. 6:65-cv-11314, Doc. 178 (W.D. La., Jan. 25, 2016) (approving a school desegregation plan designed to racially integrate St. Martin Parish School District and ensure African-American students have equal access to quality educational opportunities), <http://www.naacpldf.org/update/df-announces-consent-decree-thomas-v-school-board-st-martin>; see also *LDF Urges Robust Implementation of Every Student Succeeds Act (ESSA) to Close Achievement Gaps and Promote Student Success*, <http://www.naacpldf.org/case-issue/ldf-urges-robust-implementation-every-student-succeeds-act-essa-close-achievement-gaps-an>; Br. for the Black Student Alliance at the University of Texas at Austin, the Black Ex-Students of Texas, Inc., and the NAACP Legal Defense & Educational Fund, Inc. as Amici Curiae, *Fisher v. University of Texas at Austin*, 2015 WL 6690039 (Nov. 2, 2015), http://www.naacpldf.org/files/case_issue/14-981%20hsac%20The%20Black%20Student%20Alliance%20at%20the%20University%20of%20Texas%20at%20Austin%20et%20al._1.1.pdf.



ESSA was intended to address a key issue our country has been grappling with for decades—equitable education for every child. The Elementary and Secondary Education Act, the original version of the law, is a civil rights law created to ensure that historically underserved children and youth receive the resources and supports they require to succeed.³ That important creed remains the goal of ESSA today. Despite gains made to close achievement gaps among marginalized student subgroups—students of color, low-income students, students with disabilities, and English learners—persistent inequality remains.

The Department of Education is responsible for ensuring that state plans under ESSA detail effective policies and practices that enable states and districts “to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”⁴ We understand that the Department has provided interim feedback to several states that submitted their plans in March or April. The Department has a responsibility to thoroughly review and provide feedback on each state plan and to refuse to approve any plan that does not comply with this bi-partisan law passed by Congress.

We understand there have been inconsistencies in the Department’s feedback and that some of this feedback has failed to address all areas where state plans have not met the requirements of the law. We urge the Department to carry out its responsibility to ensure that the feedback states receive is thorough and consistent to ensure the effective implementation of the law. We will continue to monitor the state plan approval process.

We also urge you to ensure that states and districts have the resources they need to meet the goals of ESSA by ensuring that the budget for the Education Department for FY 2018 includes adequate funding for programs that support teacher quality, as well as programs that provide other critical supports, including those under Title I and Title IV.

Thank you for considering this request. If you have any questions, please contact us at 202-682-1300.

Sincerely,

Todd A. Cox
Director of Policy

³ 79 Stat. 27-58.

⁴ Every Student Succeeds Act, Public Law No. 114-95, S. 1177, 114th Cong. §1001 (Dec. 10, 2015) (hereinafter, ESSA).



Monique L. Dixon
Deputy Director of Policy

Elizabeth Olsson
Senior Policy Associate



**STATEMENT OF THE
NATIONAL DOWN SYNDROME CONGRESS ON ESSA STATE PLANS**

House Education and Workforce Hearing July 18, 2017

The National Down Syndrome Congress and the Advocacy Institute have reviewed more than 30 Every Students Succeeds Act (ESSA) state plans (drafts or submitted) and provide detailed analyses at <http://www.advocacyinstitute.org/ESSA/ESSA-StateDraftPlanAnalysis.shtml>.

While we applaud some decisions made by states in these plans, there are none that completely lived up to the requirements and the purpose of the law: “to provide all children significant opportunity to receive a fair, equitable and high quality education, and to close educational achievement gaps.” In fact many of the states did not develop these plans with meaningful stakeholder consultation as required by the law and released drafts for public comment that were incomplete. Some states have yet to release a draft of their plan to the public, even though the deadline for submission is fast approaching.

NDSC is also troubled by the way many states are addressing two gateway issues regarding accountability: minimum subgroup (N) size and the failure of schools to assess 95% of all students and each subgroup. Both of these issues, must be handled in way that ensures maximum accountability for students with disabilities, as well as other student subgroups, in order for the purpose of the law to be fulfilled.

There are many other issues in the submitted and draft state plans that are of great concern to NDSC. The three most critical issues impacting student subgroups, including students with disabilities, are:

- Definitions of consistently underperforming subgroup that would allow students to fall too far behind, for too long, before schools are identified for targeted support and improvement plans
- Long-term goals and interim targets goals that are not ambitious enough to close achievement gaps
- A failure to factor subgroup performance into the school rating system that determines how schools are treated in the accountability system

The U.S. Department of Education (ED) has been reviewing state ESSA plans and providing feedback on critical issues. This federal oversight is a key responsibility of ED and is critically important to ensure that ESSA funds will be used to meet the purpose of the law. NDSC urges Congress to support ED in these efforts.

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About the National Down Syndrome Congress

Founded in 1973, the National Down Syndrome Congress is the country's oldest organization for people with Down syndrome, their families, and the professionals who work with them. A 501(c)(3) non-profit advocacy organization, the NDSC provides support and information about issues related to Down syndrome throughout the lifespan, as well as on matters of public policy relating to disability rights. The National Down Syndrome Congress is committed to creating a national climate in which all people will recognize and embrace the value and dignity of people with Down syndrome. For more information about the NDSC, please visit our website at www.ndsccenter.org.

[Whereupon, at 12:32 p.m., the committee was adjourned.]

