
What's In The Every Student Succeeds Act (ESSA): An Overview

The Every Student Succeeds Act (ESSA) serves as the latest reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA), which was last reauthorized in 2002 as the No Child Left Behind Act (NCLB). Since its inception, the intent of the law has been to raise achievement for low-income and otherwise disadvantaged children. The civil rights community has long recognized equal educational opportunity as central to our struggle to achieve equality for all Americans. Without a robust and thoughtful implementation of ESSA over the next decade, we will have missed a crucial opportunity and the students we represent will continue to be denied the full protections they need and are entitled to under federal law.

Whether African-American, Latino, Asian American, Native American students, students with disabilities, those who speak English as a second language, or those from low-income families—the challenges are different than they were in the 1960s, but the stakes are at least as high. This law, and its implementation, creates new opportunity for advocates to fight for educational equity and equal opportunity for all students.

Accountability

Accountability systems are a set of policies that states use to measure how schools are performing and to identify schools for support and improvement when all students or groups of students are behind or are not making academic progress. This is especially important to the civil rights community because without meaningful accountability, students can continue to fall behind without any changes made in the school to meet their needs. While it is valuable to report on the performance of students and schools, our responsibility to support all students, and our stewardship of the significant federal investment, require an expectation of action, not just reporting.

Under ESSA, states must set goals every year to increase the performance of students in reading and math and to raise high school graduation rates. These goals have to be set for all students, as well as students from major racial/ethnic groups, students with disabilities, English learners and low-income students. After setting goals, each state must rate schools based on how they perform on the goals for all students and for each group of students. The school's rating must reflect if a group of students in a school is consistently underperforming, which will trigger that school for targeted support and improvement. (see below).

These systems of school ratings must include multiple factors (or “indicators”) at the school level and are used to indicate how well schools are doing overall and for all groups of students. The ratings system design must ensure individual groups of students matter in the ratings given to schools.

The factors/indicators states must include in their school rating system are:

1. Scores on the statewide annual assessment in reading/language arts and math for all students and each group of students compared to the state's goals. For high schools, states can also include student growth.

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2. For high schools, an indicator of graduation rates for all students and groups of students compared with state goals.
3. For K-8, an indicator that may include individual student growth or another statewide, valid, and reliable indicator of student learning.
4. A measure of the progress that English learners in a school are making toward English proficiency.
5. Another valid, reliable, and statewide indicator of school quality. This indicator may include school climate and safety, college readiness, student engagement, or access to advanced courses, such as Advanced Placement. The indicator must measure these results for all students and each student group.¹

Under ESSA, there are two categories of schools that must receive support and improvement:

- **Comprehensive Support and Improvement Schools:** This category includes the lowest performing 5 percent of Title I schools and all high schools with graduation rates below 67 percent (“dropout factories”). For schools in this group, districts must develop improvement plans, which may include a review of the school and district budgets. The state is in charge of reviewing these improvement plans and setting levels of performance that schools have to reach to exit this category. If a school fails to exit the category within four years or a state-set shorter timeframe, the state must intervene.
- **Targeted Support and Improvement Schools:** This category includes schools with a “consistently underperforming” group of students. These schools must develop improvement plans which must be approved by the district. There is another category of schools called “Additional Targeted Support and Improvement Schools”. In these schools there are one or more groups of students whose performance is so low that they would be identified as a Comprehensive Improvement School, if they were their own school. These schools must put together district-approved improvement plans, but these improvement plans also have to address resource inequities. States must set levels of performance for these schools that schools have to reach to exit this category. If a school is unable to exit in a state-determined number of years, they are added to the Comprehensive Support and Improvement schools category.

Academic Standards

One way to ensure high-quality education is through creating challenging academic standards for education. Academic standards set clear, consistent goals for what students should know and be able to do by the end of each grade. Under ESSA, states must demonstrate that they’ve adopted challenging academic standards for all public school students in math, reading/language arts, and science. These standards must be aligned with entrance requirements for credit-bearing

¹ States get to determine the weight each indicator in school ratings, but the first four indicators must carry substantially more weight than the additional measure of school quality.

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coursework in the state's public universities and the state's career and technical education standards.

States can use alternate academic achievement standards for students with the most significant cognitive disabilities. However, the standards must promote access to the general education curriculum and be aligned to ensure readiness for postsecondary education or employment. States must also show that they've adopted standards for English-language proficiency that are aligned with the state's academic standards for English Learners.

Assessments

Statewide annual assessment, as required under ESSA, provides valuable data about how much students know and are able to do. In order to measure student progress toward meeting the grade level standards, states must test all students in reading/language arts and math every year from third through eighth grade and once in high school. They must also test students in science once between grades three and five, once between grades six and nine, and once again between 10 and 12.

Every year, states also have to measure English Learners' progress toward English-language proficiency on statewide assessments. In their first year in U.S. schools, states may choose to excuse English learners from taking the reading/language arts assessment. Starting in their second year in U.S. schools, all English learners have to participate in all statewide annual assessments.

Almost all students with disabilities must take the general assessment and there is a 1 percent cap on the percent of students with the most significant cognitive disabilities who can be given the alternate assessment aligned to alternate achievement standards. In order to ensure the performance of all students is taken into account, the law requires states to ensure the participation of 95 percent of all students, and all groups of students, in the assessment.

Reporting

Access to data is an important advocacy tool to advance educational equity and it's essential for the public to identify areas where schools or districts need to improve. ESSA requires states and districts to publish annual report cards with information about the state as a whole and all districts and schools within the state. Most of this information must be disaggregated by student characteristics including major racial and ethnic groups, family income, disability status and language status. Some data must also be disaggregated by gender, foster care status, homeless status, military connected status and migrant status. This information must be made available in a language that parents can understand.

The data that must be reported includes:

- Details of the state accountability system, including which schools were identified for Comprehensive Support and Improvement and Targeted Support and Improvement;

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- Results on all accountability indicators (such as student achievement and high school graduation); and
- Important opportunity measures (including AP/IB/dual enrollment, suspension and expulsion, chronic absenteeism, educator qualifications, and per-pupil expenditures).

Parental Engagement and Consultation

Parent and family engagement and consultation have been key components of the law since it was first passed in 1965, although these requirements haven't always, or even usually, been meaningfully implemented or enforced. The new law creates a new opportunity to make these provisions meaningful and use them as leverage to influence the way the law is implemented and the way children are educated.

School districts are required to “set aside” at least one percent of their Title I funds to carry out parent and community engagement activities. Parents and family members of low-income students must be included in decisions regarding how these funds are spent. There is also a new grant program in ESSA for statewide organizations to establish family engagement centers.

In addition to funding for regular engagement, there are also provisions which require consultation with parents and other stakeholders when states or districts are making decisions. These requirements apply to the development of: state and district plans, state report cards, school support and improvement plans and the use of Title I funds. Consultation requirements create the most obvious entry point for advocates seeking to influence planning in their state, district and school. Even when consultation is not explicitly required, advocates should continue to press for a focus on equity whenever decisions are made.

For Additional Resources

There are several other resources online that dive deeper into specific issue areas. A few helpful sites are listed below:

To view the actual law: www.congress.gov/bill/114th-congress/senate-bill/1177/text

For detailed summaries of particular issue areas, see The Education Trust at www.edtrust.org/essa

For short videos on provisions of the bill, see the Alliance for Excellent Education at www.all4ed.org/essa/