
Resource Equity Provisions in the Every Student Succeeds Act (ESSA)

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.

A History of Resource Inequity

Students, parents, and teachers have long recognized, and court cases at every level have repeatedly held, that schools and districts educating a larger share of low-income students and students of color have less access to the educational resources needed to support student success than their more affluent peers. For example, the Education Trust found in their “Funding Gaps 2015” report that the highest poverty districts receive about \$1,200 less per student than the lowest poverty districts.¹ Further, the U.S. Department of Education found that a quarter of high schools with the highest percentage of Black and Latino students do not offer Algebra II and fewer than half of American Indian and Native Alaskan high school students have access to the full range of math and science courses in their high school.² The implementation of ESSA provides advocates with an opportunity to address these longstanding inequities in order to protect the futures of children in underserved communities.

Requirements in the New Law

Addressing Resource Inequities in School Improvement and Support

Holding schools and districts accountable for the performance of students of color, low-income students, students with disabilities, and English Learners is crucial to ensuring educational equity. Meaningful accountability is crucial to ensuring resources are allocated to the schools that need them the most. State accountability systems are a set of policies that states use to measure how schools well schools are doing at educating groups of students, and to identify schools in need of supports and interventions when all students or any group of students is behind or is not making academic progress.

Within the accountability systems required under ESSA, there are certain categories of schools that must receive support and improvement from the district when they are underperforming. The first category, Comprehensive Support and Improvement Schools, includes the lowest performing 5 percent of Title I schools and all high schools with graduation rates below 67 percent (“dropout factories”). The second category, Targeted Support and Improvement Schools, includes schools where any group of students is “consistently underperforming” (e.g. Black children, Asian American students learning English as a second language). For both categories of schools,

¹ “Funding Gaps 2015.” The Education Trust.

² <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-college-and-career-readiness-snapshot.pdf>

Resource Equity Provisions in the Every Student Succeeds Act (ESSA)

districts must develop improvement plans and the state is in charge of setting levels of performance that schools have to reach to exit this category.

Additionally, there is also a category of schools that must address resource disparities in order to be in compliance with the law. These schools, the Additional Targeted Support and Improvement Schools, are schools where one or more groups of students performance is so low that they would be identified as a Comprehensive Improvement School, if all of the children in that group or those groups were their own school. Once identified for this category, these schools must put together district-approved improvement plans that have to fix resource inequities.

Access to Equitable Funding

The first step in advocating for equitable funding is to know where money is being spent. Transparency in funding is essential to identifying how money should be allocated and can be used as a tool to advocate for increased funding for schools with high concentrations of students of color or low-income students. Under the law, valuable new reporting requirements shed greater light on how and where funds are spent.³ For the first time, states must report to the U.S. Department of Education, and publish on state and district report cards (which parents and communities can obtain from their child’s school), the real amount of money spent per student at the school- and district-level (referred to as the “per-pupil expenditure”). This data must include the different sources of funds, so it will be possible to compare which schools and districts are receiving more or less funding per student from federal, state and local sources.

Access to Effective, In-Field, and Experienced Teachers

Equal access to quality instruction is essential to ensuring educational equity for all students. Low-income students and students of color are especially susceptible to receiving low-quality instruction. Under ESSA, states are barred from serving low-income students and students of color at disproportionately higher rates by out-of-field (or not trained in the subject they are teaching), ineffective, and inexperienced teachers. If this happens, states and districts must describe how they will make progress to fix the inequity. Also, under Title II of ESSA, grant money is available to states and districts that can be used on programs that would improve access to effective teachers for students of color and low-income students.

Access to Rigorous Courses

Rigorous courses prepare our students for success in college and careers. However, far too often, students of color, English Learners, students with disabilities, and low-income students are not given access to the courses that will allow them to compete with students across the globe. Under ESSA, access to advanced courses is an indicator that states can add to their accountability systems to identify schools for support and improvement. While access to advanced courses is not

³ The law preserves the “comparability” requirement in which districts must demonstrate that the services provided in high-poverty schools are at least comparable to those in low-poverty schools. This provision, however, does not take into account real teacher salaries as the per-pupil expenditure requirement does.

Resource Equity Provisions in the Every Student Succeeds Act (ESSA)

a required accountability indicator under ESSA, states are required to report this data every year on the state and district report cards.⁴

In addition, under Title IV of the law, states are eligible to receive grants that can be used to aid districts in improving access to foreign language, arts, music, history, civics, economics, geography, and environmental education, as well as science, technology, engineering and math (STEM) courses. For STEM courses, grants under Title IV can be used to improve the quality and effectiveness of such programs and expand access to girls, students of color, low-income students, English Learners, and students with disabilities. Grant money under Title IV can also be used to expand access to Advanced Placement (AP) and International Baccalaureate (IB) courses, dual or concurrent enrollment programs, and early college high schools. This includes reimbursing low-income students all of or part of the cost of AP and IB exams.

Conclusion

While public schools have made significant progress in recent years, many students are still left behind, due to inadequate and inequitable resource allocation. This alarming fact threatens our economy and our nation's future—and impacts all of our communities. Our students will not be prepared to compete with students across the globe unless we first focus our attention on fixing resource disparities that have plagued many of our schools for generations. Provisions in ESSA regarding resource equity open the door for meaningful reform in how resources are allocated to our communities. The role of advocates is critical to ensure that through ESSA, no matter where students live, they receive the resources necessary to gain an excellent education.

⁴ Every two years, states are required to submit data to the Civil Rights Data Collection (CRDC). The CRDC is a survey of every school in the nation required by the U.S. Department of Education that allows the public to analyze student equity and opportunity. It includes data at the school and district level on indicators such as school discipline, teacher pay, per-student spending and access to advanced courses. The data is disaggregated by race, sex, disability status, and English Learner status. You can access it at ocrdata.ed.gov.