



February 4, 2019

Dear State Chief,

On behalf of The Leadership Conference Education Fund, a national organization that builds public will for federal policies that promote and protect the civil and human rights of all persons in the United States, and the 14 undersigned organizations, **we strongly urge you to review your current Every Student Succeeds Act (ESSA) consolidated state plan and submit to the U.S. Department of Education (ED) an education plan that advances key principles of educational equity and serves the interests of all children, especially those facing the greatest barriers to success.** The Education Fund was founded in 1969 as the education and research arm of The Leadership Conference, a coalition of more than 200 national organizations working to build an America that's as good as its ideals.

Your ESSA plan is supposed to be a declaration of your commitment to the education of *all* children. This plan should set meaningful, aggressive, consistent, and achievable goals for ensuring children are prepared for future success and explain how the state will hold schools and districts responsible for educating all students. Parents and communities send children to school every day with the expectation that the school is doing its job and preparing their children for future success and providing safe, healthy and inclusive environments for them to learn. They have the right to know that their state is committed to their children's education and has a plan for what to do when a school is not educating them well and needs help.

A state's plan for ensuring all schools and districts are educating children well is only as good as the goals it sets for schools to improve, the degree to which meeting those goals drives the accountability system, and the plans and interventions the state ensures schools develop in order to help children reach their fullest potential. Making sure that all children have a high-quality education that prepares them for the future is a responsibility that we all share—parents, grandparents, teachers, neighbors, and state officials—but the accountability plans in too many states do not hold schools and districts sufficiently accountable for their vital roles in ensuring all children can succeed.

Every child, no matter their unique challenges, their unique needs, or where they come from, should have the opportunity to grow up to be what they dream. The chances a child has to pursue their dreams of a high-quality education should not depend on their zip code or their background. ***ESSA plans that do not hold schools sufficiently accountable for their responsibility to all children, especially groups of children who have been shortchanged for too long, fail to meet the intent of the law and will undermine ESSA's purpose to "provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps."***

Overall, approved state plans lack strong enough accountability systems to provide equity and do not address key ESSA provisions critical for supporting historically marginalized groups of students. While

ED gave states feedback enumerating some of the ways in which plans were not in compliance with the law, some of those issues were insufficiently addressed and state plans were *still* approved.<sup>1</sup> Moreover, compliance with the basic requirements of the law is the floor and does not represent all that is needed to ensure historically underserved students succeed. We urge you to review your *entire* plan, not just elements you wish to change and make amendments based on the following elements to protect the civil rights of our students and provide safeguards to ensure they have the safe, healthy and inclusive schools they deserve:

**State plans must be amended to include evidence of parent and community engagement and tribal consultation in the plan’s development and an ongoing plan to engage and consult these crucial stakeholders.** Besides the student, no one has more to gain or lose from the quality of a school than a child’s parents and communities. States should have included parents at all steps along the development of plans and should demonstrate their intention to continue engaging parents and communities, especially for marginalized students. Similarly, states are obligated to consult with tribal leaders in the development of state plans to ensure that their children and citizens are supported and their needs are addressed. As you consider what amendments are needed to your approved plans, we urge you to engage with parents, communities, and tribes to ensure their input is being heard and considered in the state’s implementation of ESSA. The amendment process must also be transparent, so that it is clear to the public what changes are being made, the rationale for those changes, and how they can provide meaningful input.

**State plans must be amended to demonstrate that schools will be held accountable for disaggregated student achievement.** Data about African American students, Latino students, Asian American students, Native students, White students, low-income students, English learners, and students with disabilities should each be included separately in state accountability systems. So-called “super-subgroups” should not be included as they undermine transparency and obscure the performance of individual groups of students, who may have very different needs. N-sizes should be sufficiently small so as to include as many individual student groups as possible. School ratings, if states provide them in addition to the required determinations of schools needing support and improvement, should reflect the performance of each group of students and not rely solely on “all students” data. Your state plan should meaningfully define the term “consistently underperforming” and identify schools to receive targeted support and improvement when any group of students is consistently underperforming. The expectations for “consistently underperforming” should be clearly differentiated from “additional targeted supports” to better serve the educational needs of different student groups. State plans should also review how they will implement the alternate assessment and abide by the 1% cap for students with the most significant cognitive disabilities. The alternate assessment provisions in ESSA are designed to ensure that all students with disabilities have access to the general education curriculum for their enrolled grade and are not unjustly held to lower academic standards. State plans should be amended if they obscure how well schools are serving all groups of students.

**State plans must be amended to include accountability indicators which are consistent across the state, disaggregated for each group of students and focused on student achievement.** Statewide accountability systems will only be statewide if the indicators used to measure school quality are the same (across a grade span) for all schools and districts. Data must also be provided for each subgroup of

students in a school and therefore measures that are only available at the school or classroom level may not be used. While there is value in multiple measures of school quality, the focus on college- and career-readiness for students should not be obscured by other data that do not align to that goal of student success. States should amend their plans—adding new measures and/or eliminating others—to ensure that the accountability indicators are as rigorous and tightly aligned to this goal as possible.

**State plans must be amended to meaningfully incorporate the four-year graduation rate in state accountability systems.** The goal of K-12 education is for students to graduate from high school, college- and career- ready. It is therefore critical that states use an accurate four-year adjusted cohort rate to hold schools accountable for student success. The four-year rate must be used when setting goals, as an indicator in state accountability systems, and when identifying high schools with a graduation rate below 67 percent for comprehensive support. State plans may use an extended year graduation rate to support students who take longer than four years to graduate from high school; however, state plans should emphasize graduation within four years. State plans should be amended if they do not weigh the four-year adjusted cohort graduation rate more heavily in the state’s accountability system.

**State plans must be amended to include a measure of English language proficiency for English learners in state accountability systems.** The inclusion of English language acquisition in ESSA’s accountability requirements was one of the most important changes made to this reauthorization of the law. Identified English learners are entitled to civil rights protections and accommodations. The new attention to whether or not students are making progress toward English fluency will help to ensure that English learners receive the supports and services to which they are entitled. Because this was a new ESSA requirement, states should carefully review implementation of their new long-term goals and indicators of English language proficiency—including which schools are held accountable for English learner’s progress—and make amendments if the measures are not sufficiently rigorous and to ensure that the schools serving the state’s English learner population are indeed being held accountable for their progress.

**State plans must be amended if the state accountability systems do not meaningfully hold schools accountable when fewer than 95 percent of all students or of any subgroup of students are not included in the state’s assessment.** Inclusion in the state’s assessment is important to ensuring that a student’s learning matters to a school and that the school is attending to the educational needs of that student. Weak or meaningless consequences for failing to meet the participation rate requirement, or loopholes exploited by schools, districts, or states, could lead to a repeat of past practice in which historically marginalized students were purposefully excluded from the assessment in order to obscure student outcomes. Low assessment participation also threatens the transparency and validity of assessment data, leaving parents and families without essential information about their children’s academic progress and undermining the ability of schools to identify students’ needs and support their academic growth. States should ensure that their plans include meaningful incentives to include all students in state assessments, consequences for schools and districts that do not, and required actions and steps to improve assessment participation rates.

**State plans must be amended to include requirements to make annual report cards accessible and user friendly, and include newly required data (stated below).** Newly required data should include information on resource equity (such as access to advanced coursework and preschool and per-pupil spending), educator quality, college and career readiness, and critical outcomes for students who are homeless, in foster care, or who are connected to the military. In addition, report cards must clearly indicate whether schools have been identified for comprehensive support and improvement, additional targeted support and improvement, or targeted support and improvement, so that parents and the community knows whether their school is low-performing, why it has been identified, and what plan of action is being taken to improve. It is also essential that all accountability data, including academic achievement, growth, graduation rates, and measures of school quality, be reported for each individual subgroup of students, separately. Data about individual students lets parents and educators know how well a child is doing in school and where they need to be challenged or supported more. Data about classrooms, schools, districts, and states or data about groups of students based on identity allow us to know where systems are excelling and where they are falling short.

**State plans must be amended if the plan does not include effective strategies for supporting districts to improve conditions for student learning.** ESSA requires states to describe how they will assist districts to reduce: bullying and harassment, the overuse of exclusionary discipline practices (e.g. suspensions, expulsions, school-based arrests), and seclusion and restraint. Marginalized students, including students of color, students with disabilities and LGBTQ students, are disproportionately affected by bullying and harassment and exclusionary or overly punitive discipline, which can negatively impact academic progress. States must take meaningful steps to address these issues by providing districts with funding and other resources. State plans should be amended if they do not describe stronger specific actions the state will take to support positive conditions for student learning, especially for historically marginalized students. In addition, annual school discipline data should be included on school, district, and state report cards each year.

Failure to amend your state plans to include these elements will only undermine ESSA's potential and continue to confine the millions of historically marginalized children to a low-quality education. The civil rights community has vigorously fought to ensure that ESSA include requirements that states, districts, and schools meet the needs of historically underserved students in all schools, not just those students in the poorest performing schools. Ensuring that all our children are safe and welcomed in schools is incredibly important to our organizations, our partners and the communities we represent. Our children deserve better than this. We strongly urge you to amend your state education plan to be more reflective of **advancing educational equity and serving the interests of all children, especially those facing the greatest barriers to success.** We appreciate your attention to our concerns.

If you have any questions, please contact Leadership Conference Education Fund K12 Program Analyst Anum Malik at [malik@civilrights.org](mailto:malik@civilrights.org) or 202.548.7171.

Sincerely,

The Leadership Conference Education Fund



Alliance for Excellent Education  
American-Arab Anti-Discrimination Committee (ADC)  
Democrats for Education Reform  
NAACP  
National Association of Councils on Developmental Disabilities  
National Center for Learning Disabilities  
National Down Syndrome Congress  
National Urban League  
Southeast Asia Resource Action Center (SEARAC)  
Teach Plus  
The Education Trust  
The Opportunity Institute  
TNTF  
UnidosUS

*A version of this letter was sent to the state education chiefs in all 50 states, Washington D.C., and Puerto Rico. To request a specific state letter, please contact Leadership Conference Education Fund K12 Program Analyst Anum Malik at [malik@civilrights.org](mailto:malik@civilrights.org)*

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<sup>i</sup> U.S. Department of Education. "ESSA State Plan Submission." Last modified November 2017.  
<https://ed.gov/admins/lead/account/stateplan17/statesubmission.html>