



The Education Trust

March 18, 2016

The Every Student Succeeds Act Impact on Arizona Charter Schools

Kelly McManus

Copyright 2016 The Education Trust

Goals for Our Time Together

- Provide an overview of the key provisions of the Every Student Succeeds Act
- Discuss equity levers in the Act and how Arizona leaders can use this opportunity to advance equity and excellence for all children

ESEA Reauthorization: Some history and political context

History: The Elementary and Secondary Education Act

- Originally passed in 1965, ESEA is the primary federal education law focused on historically disadvantaged students.
- ESEA set up the Title I program, which currently provides more than \$14 billion dollars to states to support the education of disadvantaged students. The law also indicates what states have to do as a condition of receiving Title I funds.
- There have been multiple iterations of ESEA since the 1960s, and the law has changed a lot over time.
 - Initially – lots of requirements related to inputs (how money could be used, etc.)
 - Starting in 1994 – More flexibility regarding how money could be used, but an expectation of improved outcomes

History: No Child Left Behind

- No Child Left Behind reauthorized the Elementary and Secondary Education Act in 2002.
 - Fully bipartisan effort and a clear Presidential priority
- Positives and Negatives:
 - Greater focus on expectations and transparency, particularly for groups of students
 - Quickly became controversial because of funding, implementation issues, and being “too blunt an instrument” for school identification
- Three failed efforts at reauthorization: 2007, 2011, 2013

History: ESEA Flexibility, or Waivers

- In 2011, when Congress was unable to reauthorize the Elementary and Secondary Education Act, the Obama administration offered states the opportunity to apply for waivers from some of the more onerous requirements of NCLB.
- The waivers gave states more flexibility in:
 - Setting goals for schools
 - Using additional indicators (other than state assessments and graduation rates)
 - Identifying which schools need additional support/intervention
 - Defining what those supports/interventions should be

History: Challenges with Waivers

- Many states stopped using the performance of individual student groups in their accountability systems.
- Supports and interventions were largely taking place in only 15% of schools.
- There were strict policy dictates on certain issues from the Department of Education.

Political Context

- Successful reauthorization became a priority of Sen. Alexander when Republicans took over the Senate.
- Bipartisan effort in the Senate, but fully partisan in the House until conference committee
 - House Republicans struggled to get necessary votes because of their right flank.
 - Democrats on both sides sent clear signals that meaningful accountability was necessary for their support.
- Strong sense that a compromise had to be found before end of 2015
- Electing Paul Ryan as Speaker gave a bit of a honeymoon period in which several significant pieces of bipartisan legislation could be done.
- Almost everyone had the desire to say that they voted to “kill NCLB and waivers”.

ESSA: The Final Product

- More flexibility for states but not unlimited flexibility and not abdication of the federal role, as some are saying.
- There are some key equity levers and new opportunities for states to take advantage of to support all groups of students.

So what are the key provisions of ESSA and what do they mean?

Standards

What does ESSA require?

- Statewide standards that apply to all students in at least math, ELA, and science
- Standards must be aligned to
 - a) Entrance requirements for credit-bearing courses in the state's system of public higher education; and
 - b) Relevant career and technical education standards

What decisions will Arizona need to make?

- Is Arizona going to further revise the existing standards?
- If so, how will the state show alignment with postsecondary readiness?

Assessments

What does ESSA require?

- **Annual statewide assessments** in reading and math in 3rd – 8th grade and once in high school; science assessments once each in elementary, middle, and high school.
- Assessments must be **aligned with state standards** and provide information on whether a student is performing **at grade level**.
- **No more than 1 percent** of all students in the state can take an **alternate assessments** for students with the most significant cognitive disabilities.
- States or localities may create **their own laws on assessment participation**, and LEAs are required to notify parents about those, **but participation requirements still exist** (more on opt-out later).
- **Grants** for states to support **audits of LEA assessment systems** to eliminate duplicative or unaligned tests.

Assessment Options: What does ESSA require?

- **High School Assessment:** An option for states or LEAs to use a nationally-recognized assessment (e.g. SAT or ACT) at the high school level in place of the state test.
 - These assessments must be aligned to the state standards, provide results that can be used for accountability, and meet all the technical requirements that apply to statewide tests. They also have to be peer reviewed. LEA-selected assessments must be approved by the state.
- **Innovative Assessment Pilot:** Allows the Secretary to set up a pilot for states that want to experiment with other assessment formats, such as competency-based or performance-based assessments.
 - States may pilot new assessments in a subset of LEAs, but must scale up to statewide implementation if pilot is successful, or discontinue if it is not.
 - Pilot includes extensive quality criteria and safeguards, such as alignment requirements, and eventual statewide implementation.
 - Option to expand to more states over time.

What decisions will Arizona need to make?

- How will Arizona set up the menu of assessments?
- How will ED handle menu of assessments for elementary and middle schools, and how will Arizona respond to any potential roadblocks?
- How will you ensure the right safeguards are in place so these assessments are rigorous and truly comparable to statewide tests?
- At both the state and LEA levels, how will can you be sure funding is used effectively when conducting assessment audits?

Accountability

School Ratings: What does ESSA require?

States must annually rate schools based on the following indicators, all of which (except #3) have to be disaggregated by student group:

1. **Academic Achievement**

- a. Proficiency on annual assessments, as measured against state-set gap-closing goals
- b. May include growth for high schools

2. **Other Academic Indicator**

- a. For high schools – graduation rate, as measured against state-set gap-closing goals
- b. For non-high schools – growth or another valid, reliable, statewide academic indicator

3. **Progress toward English language proficiency** for English learners

4. Other valid, reliable, comparable and statewide **measure of school quality**

If a school is consistently underperforming for any group of students, that has to be reflected in the ratings.

Accountability for assessment participation: What does ESSA require?

Two provisions aimed at addressing participation rates, regardless of state laws:

- States have to explain how they will factor the 95 percent participation requirement, overall and for each group, into their systems; and
- Most students who are not tested will automatically count as not proficient for the purposes of accountability.

Action: What does ESSA require?

Action/intervention is required in at least the following types of schools:

- **Comprehensive Support and Improvement:**
 - The lowest performing 5 percent of Title I schools and all high schools with graduation rates below 67 percent. LEAs have the initial responsibility for improvement activity. If schools don't meet state-set exit criteria within four years, states have to intervene.
- **Targeted Support and Improvement:**
 - Schools where any group of students is consistently underperforming. Schools work with LEAs on improvement activity. If schools don't improve, the LEA has to ensure more rigorous intervention.
- **Additional Targeted Support and Improvement:**
 - Schools that are performing as badly for one or more groups of students as the bottom 5 percent of schools are for students overall. Schools work with LEAs on improvement activity. If schools don't meet state-set exit criteria in a state-determined number of years, they become comprehensive support and improvement schools.

What decisions will Arizona need to make?

- What are aggressive but achievable goals?
- Beyond tests and grad rates, what indicators will add to the picture of school performance as opposed to masking outcomes?
- How will Arizona adjust A-F to include new indicators and reflect the performance of all groups of students?
- What is a rigorous definition of “consistently underperforming” for groups, especially on the indicators for which there aren’t clear goals?
- What are appropriate supports and interventions for the lowest performers? Schools with underperforming groups?
- What are the right timelines for these support and interventions? They need time to take hold, but we can’t let students languish.

What is the responsibility of charter holders?

- “Accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.”
 - Responsibilities for school improvement fall to authorizer? Charter holder?

Charter School Program

What does ESSA require?

- Authorized at \$270M for FY17 and 18; \$300M for FY19 and 20
 - Actually appropriated \$333.2M in FY16
- 65% of funding for state grants
- States receiving CSP grants must:
 - Subgrant 90% for opening, replicating, or expanding high quality charter schools
 - Reserve at least 7% of funds to improve authorizing quality
- Other entities besides the state agency can apply for grants

What decisions will Arizona need to make?

- Will an entity besides ADE apply for a CSP grant after this cycle?
- What steps can be taken to improve Arizona's chance of winning the grant again?
 - Equitable financing
 - Better assistance in accessing facilities
 - More widely leveraging charters as a school improvement strategy

Teachers and Leaders

Teacher Quality and Equity: What does ESSA require?

- States are not required to develop or implement an evaluation system.
- States and LEAs must ensure that low-income students and students of color are not taught at disproportionate rates by ineffective, out-of-field, or inexperienced teachers
 - States must make public any methods they use to define “effectiveness”
- State and LEA report cards must include comparisons between high- and low-poverty schools on indicators including:
 - Inexperienced teachers, principals and other school leaders
 - Teachers with emergency or provisional credentials
 - Teachers not teaching in the field in which they are certified

Title II: What does ESSA require?

- States are not required to develop or implement an evaluation system. Title II funds can be used for a broad range of activities, including initiatives to improve inequities in access to effective teachers, professional development and evaluation design.
 - If state chooses to use Title II funds for evaluation, the evaluation has to be based on multiple measures, including student achievement.
- Title II also includes several competitive grant programs, including a new version of TIF that includes school leaders and programs to support the recruitment and retention of effective teachers and principals.

What decisions will need to be made at the state and local levels?

- Will Arizona use its teacher evaluation system to define “effective”?
- Will Arizona change its evaluation system?
- How will Arizona put its teacher equity plan into action in addressing inequitable distribution of teachers?

Impact on Arizona's Charters: Key Questions

- More requirements for consultation with charter leaders – how will you ensure this consultation is meaningful?
- What are charter holders responsibilities as a LEA vs. the responsibilities of authorizers?
- What role will charters play in building a new accountability system? What are your priorities?

What's next?

Implementation Timelines

- Regulations: The U.S. Department of Ed will publish regulations over the coming months
 - Our best guess: Several sets of regulations between now and November of 2016.
- All ESSA requirements, except those pertaining to accountability, go into effect in the 2016-17 school year.
 - This school year (SY 2015-16), states still have to comply with waiver requirements. Waiver plans will officially expire on August 1, 2016.
- New accountability systems must be in place by 2017-18.
 - The Department will have to clarify whether the new ratings and identification will be based on SY16-17 or SY17-18 results

Consideration for States and LEAs

- Wait until regulations are done (fall) for any legislative changes in most circumstances
- Begin conversations and building coalitions NOW
- Begin planning for other aspects of the law (grants, etc.)

For more information
kmcmamus@edtrust.org



The Education Trust

Washington, D.C.

202/293-1217

**Metro Detroit,
MI**

734/619-8009

Oakland, CA

510/465-6444