



# Equity and ESSA

## *Leveraging Educational Opportunity Through the Every Student Succeeds Act*

Channa M. Cook-Harvey, Linda Darling-Hammond, Livia Lam,  
Charmaine Mercer, and Martens Roc



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# Executive Summary

Despite the American promise of equal educational opportunity for all students, persistent achievement gaps among more and less advantaged groups of students remain, along with the opportunity gaps that create disparate outcomes. However, the recent passage of the Every Student Succeeds Act (ESSA) represents an opportunity for the federal government, states, districts, and schools to equitably design education systems to ensure that the students who have historically been underserved by these same education systems receive an education that prepares them for the demands of the 21st century.

ESSA contains a number of new provisions that can be used to advance equity and excellence throughout our nation's schools for students of color, low-income students, English learners, students with disabilities, and those who are homeless or in foster care. We review these provisions in four major areas: (1) access to learning opportunities focused on higher-order thinking skills; (2) multiple measures of equity; (3) resource equity; and (4) evidence-based interventions. Each of the provisions can be leveraged by educators, researchers, policy influencers, and advocates to advance equity in education for all students.



## **Higher-Order Skills for All Students**

Rather than the rote-oriented education that disadvantaged students have regularly received, which prepares them for the factory jobs of the past, ESSA insists that states redesign education systems to reflect 21st-century learning. The new law establishes a set of expectations for states to design standards and assessments that develop and measure high-order thinking skills for children and provides related resources for professional learning.



## **Multiple Measures to Assess School Performance and Progress**

ESSA requires the use of multiple measures for accountability, calling upon states to evaluate student and school progress beyond test score gains and graduation rates by also including one or more indicators of “school quality or student success.” Carefully chosen measures can help shine a light on poor learning conditions and other inequities, and can provide incentives to expand access to important learning opportunities, such as high-quality college- and career-ready curriculum; effective teachers; and indicators of parent/community engagement. A skillfully designed dashboard of indicators can provide objective, measureable ways for schools, districts, and states to identify challenges and solutions to close opportunity gaps.



## **Resource Equity**

Much more than its predecessor, ESSA directly addresses the resource gaps among our nation's public schools. The law contains provisions that require states to focus on equity during the state application process; to report actual per-pupil spending on school report cards; and to evaluate and address resource inequities for schools identified as needing intervention assistance. In addition to the longstanding maintenance-of-effort, comparability, and “supplement, not supplant” provisions, ESSA establishes incentives for districts to adopt strategies that fund schools based on student needs and that enrich the curriculum opportunities available to historically underserved students.



## **Equity Strategies and Evidence-Based Interventions**

Finally, ESSA emphasizes evidence-based practices for school improvement. States and districts are required to implement evidence-based interventions in schools identified for school improvement, encouraging educators and leaders to determine which data-driven approaches are best suited for their schools and students. ESSA also provides funding streams for early childhood education and community schools, both of which are evidence-based, equity-enhancing approaches to reducing the opportunity gap.



## Introduction

In December 2015, Congress passed and President Obama signed the Every Student Succeeds Act (ESSA), which reauthorized our major federal education law. Previously called No Child Left Behind (NCLB), the law established important goals of closing achievement gaps, and required annual reporting of test scores and graduation rates for students by race, income, language, and special education status. This greater transparency, tied to expectations for progress, created important new policy ambitions for achieving equity.

However, NCLB also introduced a set of accountability strategies that led to widespread dissatisfaction and, ultimately, to the bipartisan consensus to leave it behind. Despite its noble intentions, the law did not explicitly address the opportunity gap and the widespread resource inequities that are largely responsible for leaving many children behind: It did not, for example, address the huge education funding gaps across states and among districts. Nor did it focus on providing the wraparound services low-income children need to be healthy, fed, and ready to learn, or the rich learning opportunities required for developing 21st-century skills.

In fact, NCLB may have unintentionally undermined those opportunities. To meet the demand for more frequent testing, many states abandoned their open-ended assessments of research, writing, mathematical problem-solving, and scientific inquiry in favor of very low-level multiple choice tests that narrowed the curriculum, especially in schools serving low-income children of color and new English learners.<sup>1</sup> Furthermore, these schools, where accountability pressures were most acute, often cut back subjects like science, history, writing, and the arts to focus on test prep in reading and mathematics.<sup>2</sup>

Rather than actively learning the skills to be the scientists, engineers, authors, and inventors of the future, many students spent much of the school year drilling on how best to pick one answer out of a list of five. In these circumstances, they were not being prepared for viable lives and careers in the 21st century. The true test of equity is whether our schools can provide the kind of education needed for high levels of success in a fast-paced, knowledge-based economy to all children, not just to a privileged few.

In this context, we define equity as the policies and practices that provide every student access to an education focused on meaningful learning—one that teaches the deeper learning skills contemporary society requires in ways that empower students to learn independently throughout their lives. In an equitable system, these skills are taught by competent and caring educators who are able to attend to each child's particular talents and needs, and who are supported by adequate resources that provide the materials and conditions for effective teaching and learning.<sup>3</sup> An equitable system does not treat all students in a standardized way, but differentiates instruction, services, and resources to respond effectively to the diverse needs of students, so that each student can develop his or her full academic and societal potential.

In this report, we outline the equity implications of ESSA and suggest ways in which the federal government, states, districts, and schools can optimize these opportunities to enhance educational opportunities, especially for the children historically left behind.

## ESSA and Its Implications for Educational Equity

A critical role for the federal government is to promote equity for underserved children and youth, and the nation's most prominent education laws have long had equal educational opportunity as a central mission. However, equity is still far from accomplished in the United States.<sup>4</sup> Fortunately, there is greater attention to these issues than has been true for many years.

The recent passage of ESSA is intended to address many of the shortcomings of NCLB. ESSA explicitly calls for the teaching of higher-order thinking skills, and allows states to replace the sanctions that narrowed the curriculum and caused good teachers to flee from low-performing schools with strategies for continuous improvement.<sup>5</sup> However, its emphasis on state control of accountability systems to achieve these goals has raised concerns among advocates that states may overlook the needs of low-performing schools or fail to address the achievement gap between traditionally underserved students and their peers. This has led some advocates to question if equity has been lost under ESSA.

These concerns are legitimate given the long history of unequal educational opportunity in the United States, from the time of slavery—when it was a crime to teach an enslaved person to read—through segregated systems offering dramatically different resources for learning. At the same time, it is clear that a new strategy is needed to ensure a high-quality education for all. In fact, a close examination of ESSA shows that, in many respects, it provides more leverage for equity than NCLB. For example, it is more insistent that states illuminate and address inequalities in resources, students' access to a full and rich curriculum, and the distribution of effective, properly assigned, and experienced teachers. In addition, the law offers broader opportunities for states to consider what schools and educators need to inspire the kinds of student learning outcomes that our nation's most privileged children enjoy.

It is clear that a new strategy is needed to ensure a high-quality education for all. In fact, a close examination of ESSA shows that, in many respects, it provides more leverage for equity than NCLB.

ESSA offers at least four ways to strongly advance equity, if it is thoughtfully regulated and implemented.

First, Title I establishes a set of expectations for states to design standards and assessments that develop and measure **higher-order thinking skills**, and provides some of the resources in Title II for professional learning that could make these rights real. Just as W.E.B. Du Bois argued for a rich, liberal education for black children, when most wanted to relegate them to training for menial labor, so ESSA insists on a 21st-century curriculum focused on critical thinking and problem-solving for the children it is intended to serve, rather than a rote-oriented education that prepares disadvantaged students for the factory jobs of the past. This means teachers and school leaders must learn to provide that kind of education, along with the assessments that develop and measure it, and use these assessments for ongoing improvement, rather than punishment. ESSA provides a means for the nation to take up this work.

Second, ESSA requires states to use **multiple measures** to evaluate student and school progress—both overall and for subgroups of students. These could include not only measures of student outcomes—such as test score gains, English learner progress, and graduation rates—but also measures of students’ opportunities to learn. For example, how many students receive and complete a college preparatory sequence or a high-quality career technical pathway? Does the school have experienced and effective teachers well-qualified in the areas they teach? Do teachers have access to relevant, job-embedded, high-quality professional development aligned to their needs and the needs of the students? Do student and parent survey results indicate there is a safe, supportive school climate that offers high-quality learning opportunities to students? Has the school reduced high and disproportionate rates of suspension and expulsion or chronic absenteeism that impede student success? Such measures can shine a light on inequities as well as poor learning conditions and help diagnose the steps required to close the opportunity gap.

Third, for the first time, a number of features of the law directly address the **resource gaps** among our schools. States must report schools’ actual per-pupil spending on school report cards, which should raise awareness about the fair distribution of state and local dollars. ESSA maintains the “supplement, not supplant” requirement, which is intended to ensure that schools receiving Title I funds get at least as much state and local funding as they would have otherwise received were they not funded by Title I. ESSA also establishes a new weighted student-based funding pilot that would reward up to 50 districts for innovative funding based on student needs—offering more resources for students who are from low-income families, English learners, migratory, or neglected, delinquent, or otherwise at risk, such as homeless or foster youth. A new Student Support and Academic Enrichment authorization can also be used to target funds to implement strategies and supports that address some of these needs.

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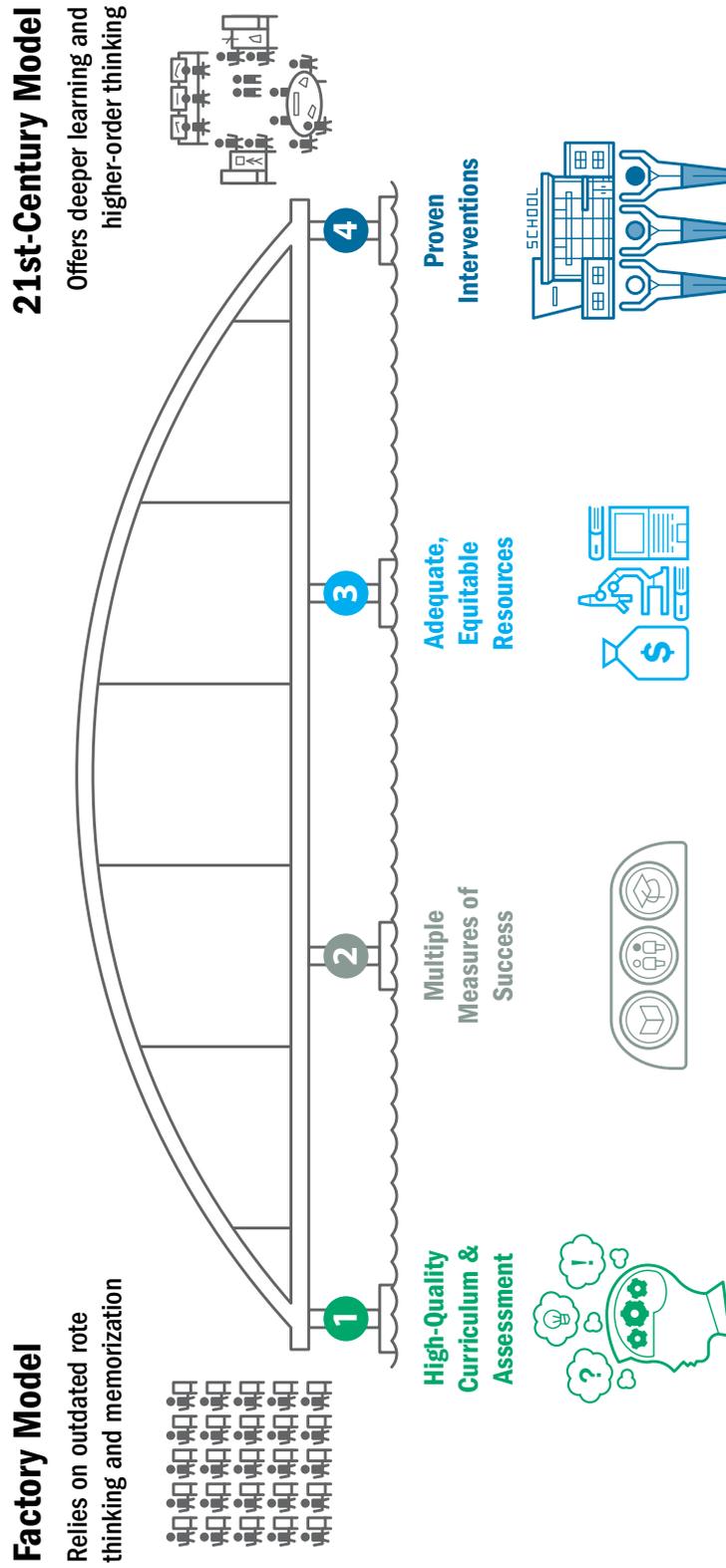
Finally, the law supports the use of **evidence-based interventions** to increase achievement generally and as strategies for improving schools that are struggling. Defining this requirement thoughtfully and treating it seriously could lead to significantly wiser investments in high-need schools and concomitantly better outcomes.

If thoughtfully leveraged, these four features of the law can serve as pillars of opportunity that help create a bridge from our inequitable, old-style, factory-models school to much more engaging and equitable learning communities (see Figure 1).

# The Four Pillars of Opportunity

Bridging Equity Through the Elementary and Secondary School Act

Figure 1



# The Four Pillars of Opportunity

## I. Higher-Order Skills for All Students

### *Standards and Learning Goals*

The concept of student learning under ESSA is much broader than it was under NCLB. States are expected to adopt challenging academic standards that will serve to guide curriculum and instruction for all students. Thus, the kind of inquiry-based learning focused on critical thinking and problem-solving once reserved for a small minority in gifted and talented, “upper track,” honors, or advanced programs should be available to every student.

These abilities are critical in today’s economy, as the low-skilled jobs that were once widely available have substantially been outsourced or digitized. Indeed, more than 70% of today’s jobs require specialized knowledge beyond high school.<sup>6</sup> Equity hinges on giving all students access to these skills and has been a source of educational gap-closing in countries around the world.<sup>7</sup>

### **College- and Career-Ready Standards and Pathways**

To prepare students to be college and career ready, many states have identified the characteristics, skills, knowledge, and dispositions that their graduates will need in order to succeed in the world. This vision provides a statewide model for aligning educational experiences from kindergarten through high school.

New Hampshire, Oregon, South Carolina, and Vermont are among the states that have adopted definitions of competencies *beyond* academic knowledge and skills, sometimes called “habits of mind,” that include such skills as collaboration, communication, and complex problem-solving.

To develop these types of skills, California, Iowa, Kentucky, and South Carolina, among others, have invested in college- and career-ready standards and pathways that provide students with opportunities to engage in hands-on internships, dual enrollment, and other opportunities that can prepare them for postsecondary education success.

Source: Cook-Harvey, C.M., & Stosich, E.L. (2016). *Redesigning school accountability and support: Progress in pioneering states*. Stanford, CA: Learning Policy Institute and Stanford Center for Opportunity Policy in Education.

### **Assessments**

ESSA also requires states to implement assessments that measure “higher-order thinking skills and understanding.” The law explicitly allows the use of “portfolios, projects, or extended-performance tasks,” as well as adaptive assessments, as part of state systems.<sup>8</sup> To measure academic achievement in mathematics, reading/language arts, and science, states may use a single summative assessment or “multiple statewide interim assessments during the course of the academic year that result in a single summative score that provides valid, reliable, and transparent information on student achievement or growth.”<sup>9</sup> This strategy might allow schools to better integrate assessment into curriculum and teaching and provide timely information to inform instruction.

Performance assessments such as those mentioned in the law can be open-ended essays, complex problem solutions in math or science, research projects, or investigations. Programs like Advanced Placement and International Baccalaureate incorporate such assessments, as do many countries' examination systems.<sup>10</sup> Stanford researchers note that robust performance assessments “tap into higher-order thinking skills—such as evaluating the reliability of sources of information, synthesizing information to draw conclusions, or using deductive/inductive reasoning to solve a problem—to perform, create, or produce something with transferable real-world application”<sup>11</sup>—in other words, the skills needed to successfully survive and thrive in the 21st century.

While not a traditional focus of equity advocates, performance assessments are critically important in advancing learning for historically underserved students, because they both reflect and influence the types of teaching and learning students experience. Commonplace in high-status courses and affluent communities, this kind of instruction and assessment has often been absent from the coursework offered to low-income students, who more often have been taught rote skills disconnected from real-world contexts. This not only leads to increased disengagement, it leaves them unprepared for the higher education and career contexts that require a broader range of complex problem-solving, collaboration, and communication skills.<sup>12</sup>

A number of states are moving in this direction already. New Hampshire's Performance Assessment of Competency Education (PACE) combines common (across district) performance tasks with locally developed performance assessments and periodic statewide tests offered by the Smarter Balanced Assessment Consortium to create a competency-based system that assesses and helps develop 21st-century skills. In Kentucky, a group of districts is developing a performance-based assessment system in all core academic areas using the model developed for assessing the Next Generation Science Standards.<sup>13</sup> This model begins with teachers developing formative performance tasks that become the foundation for externally developed, locally scored “through course” assessments. In Virginia, five state-directed exams were replaced with locally developed alternative assessments, while the state is working with districts to create performance tasks as part of the remaining end-of-course examinations.

These states are building on what was learned during the 1990s, when a number of states used common performance assessments for statewide accountability and reporting systems. These included Connecticut, Delaware, Kentucky, Maine, Maryland, Nebraska, Vermont, and Wyoming, among others. In addition to the fact that these assessments could be scored reliably, a substantial body of research found positive effects of these assessments on student outcomes:

Researchers have found that the use of performance assessments can produce positive instructional changes in classrooms (Koretz et al., 1996; Matthews, 1995); increase student skill development (Spalding and Cummins, 1998); increase student engagement and postsecondary success (Foote, 2005); and strengthen complex conceptual understandings (Chung & Baker, 2003).<sup>14</sup>

Performance assessments that involve students in designing, conducting, and presenting the results of their inquiries have also been found to encourage a range of “noncognitive” skills necessary for college and work, because they require students to find and evaluate information, plan and manage complex tasks, use feedback, develop perseverance and a growth mind-set, communicate in multiple forms, and use their understanding to solve novel problems and create products or ideas.<sup>15</sup> Performance assessments provide multiple entry points for diverse learners, including English learners and students with disabilities, to access content and display learning.<sup>16</sup>

An additional benefit is that when teachers use and score performance assessments, they can develop a deeper understanding of academic standards and of student learning, which translates into more effective teaching and thereby enhances equity.<sup>17</sup> Studies have found that educators become more diagnostic, especially in working with high-needs students, when they experience professional learning organized around the work students produce in these assessments.<sup>18</sup> Further, the assessments allow teachers to know more about student learning over time so they can adjust their teaching to support greater student progress.

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As under NCLB, student outcome data must still be disaggregated within each state, local educational agency, and school by each major racial and ethnic group, economic disadvantage, disability, English proficiency status, gender, and migrant status. ESSA adds attention to the academic performance of homeless, foster, and military youth. These requirements mean that the higher-order learning stimulated by better assessments will need to be a goal for all students, rather than only a few—an important step toward curriculum equity. In all of these ways, the new ESSA expectations could help close opportunity gaps that underlie the nation’s achievement gap.

## II. Equity Measures That Assess School Performance and Progress

Another opportunity for advancing equity will arise as states choose the measures of student and school performance they will use in their accountability systems. ESSA requires each state to establish an accountability system based on multiple indicators, including:

- academic achievement, as measured by proficiency on an annual assessment in English language arts and mathematics;
- for elementary and middle schools, academic growth or another academic indicator that allows for meaningful differentiation in school performance;
- for high schools, graduation rates;
- English language proficiency gains; and
- at least one other valid, reliable, comparable statewide indicator of “school quality or student success” that allows for meaningful differentiation in school performance.

The indicators of “school quality and student success” may include measures of “student engagement, educator engagement, access to and completion of advanced work, postsecondary readiness, school climate and safety or other indicators that meet the requirements of this clause.” Similar to the academic outcome measures, such indicators must be valid, reliable, and comparable; be disaggregated by subgroups; and allow for “meaningful differentiation” among schools.

ESSA creates opportunities for states to design accountability systems that provide a more comprehensive picture of student outcomes and opportunities to learn. While the indicators required by ESSA reflect a minimum standard, states can take the initiative to design systems that capture more information about the factors that matter most for student success and that provide the most useful incentives for school improvement. Measures of college and career readiness, student engagement, social-emotional competency, access to a rich curriculum, school climate and organizational functioning, and access to qualified, experienced, in-field, and effective teachers all provide information about the broader set of outcomes and opportunities that shape student success.<sup>19</sup>

States can take the initiative to design systems that capture more information about the factors that matter most for student success and that provide the most useful incentives for school improvement.

Notably, for accountability and improvement purposes, ESSA requires states to select multiple measures, both academic outcomes and the conditions and opportunities that positively contribute to those outcomes. This new requirement positions states, districts, and schools to focus greater attention on students' opportunities to learn, as well as the social, emotional, and civic aspects of student learning that strongly predict student success in the long run.<sup>20</sup>

### ***Opportunities to Learn***

Under ESSA, standardized tests are still a foundational part of state accountability systems, but states must also include other indicators. These additional measures can be used to both gauge and increase students' opportunity to learn, by bringing to the fore students' abilities to access a full and rich curriculum. Furthermore, these indicators can encourage schools and other stakeholders to pay close attention to the resources and conditions that influence student learning outcomes, and address inequalities that exist.

- **Curriculum Access:** Increasing student access to a high-quality “thinking curriculum,” traditionally available to only a privileged few, is an important step toward more equitable schooling. Reporting this kind of information by group may leverage greater access, while also offering a more holistic picture of students' learning.<sup>21</sup> Indicators of access to a full, rich curriculum and rigorous coursework could include:
  - student participation in college preparatory courses or completion of a full college preparatory curriculum;
  - completion of a high-quality career technical course sequence, including work-based learning opportunities or internships;
  - access to a well-rounded curriculum that includes science, history, writing, music, physical education, and arts in addition to reading and math; and
  - student participation in and completion of Advanced Placement, International Baccalaureate courses, or dual credit college courses.

- **Access to Well-Qualified Teachers:** As the “comparability provisions” of ESSA acknowledge, the distribution of in-field, experienced, and effective teachers is often highly uneven across districts and schools. Students of color, those living in poverty, English learners, and those who have special education needs are more likely than their more advantaged peers to have teachers who are less qualified on every measure.<sup>22</sup> Indicators of equal access as part of school report cards—all of which have been linked to teachers’ effectiveness in promoting student learning<sup>23</sup>—could include the proportions of educators who (1) are fully certified for the courses they teach, (2) have more than three years of experience, or (3) have demonstrated higher levels of accomplishment through National Board Certification.
- **Access to Resources:** Looking closely at the distribution of resources across schools and districts offers important information about how they might address existing inequities in opportunities and outcomes. For schools to be held accountable for providing a rich curriculum, they need resources, such as:
  - sufficient funding;
  - safe and adequate facilities;
  - up-to-date curriculum materials, including access to computers and other technology; and
  - adequate and timely professional development opportunities for educators.

In each instance, because these indicators are disaggregated by subgroup, schools would be encouraged to provide a stronger curriculum for all students to ensure that those of all backgrounds not only have greater access to these opportunities but also are provided the support to succeed.

### **School Climate and Student Inclusion**

Another key aspect of opportunity-to-learn is the ability to attend school in a safe, supportive, welcoming school environment. ESSA suggests that states may include in their plans indicators of school climate and safety. In addition, surveys of teachers, students, and parents can provide information about curriculum opportunities, teaching practices, and school conditions that are important to learning. Among these, research suggests that strong principal leadership, coherent academic programs, responsive teaching practices, parental involvement, and safe and orderly campuses matter greatly for improving student learning.<sup>24</sup>

Research suggests that strong principal leadership, coherent academic programs, responsive teaching practices, parental involvement, and safe and orderly campuses matter greatly for improving student learning.

In addition to school climate surveys, indicators of student engagement and inclusion can illuminate conditions that affect student progress through schools. Although in some districts, attendance is high across virtually all schools, chronic absenteeism rates are more variable, and they strongly predict students’ likelihood of dropping out. Including this indicator can prompt districts to deploy requisite supports for students in danger of disengaging from school.<sup>25</sup>

Including student suspension and expulsion data as indicators can shed light on both school climate and students’ opportunities to engage with curriculum, while also creating incentives for schools to develop approaches to classroom management and school discipline that reduce the use of exclusionary discipline strategies. Evidence shows that removing students from school for disciplinary purposes has a negative impact, sharply increasing the likelihood that they will drop out of school.<sup>26</sup> This outcome also contributes to expanding the achievement gap because students of color typically are suspended out of school for the same offenses at higher rates than their white peers.<sup>27</sup>

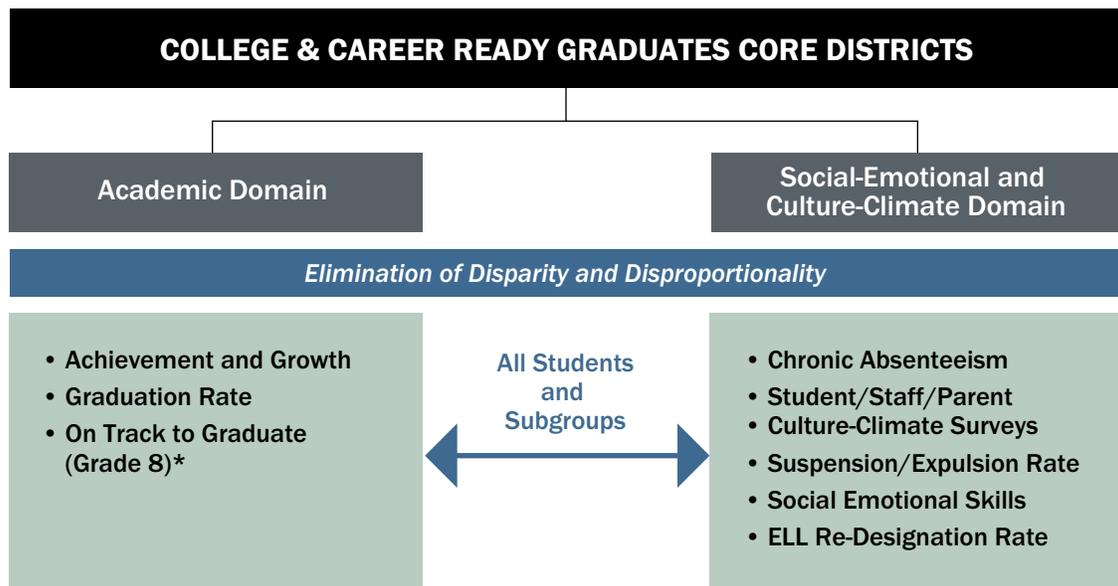
Research also indicates that tracking suspension and expulsion data by student group can help highlight racially disparate practices, and promote positive behavioral interventions that will improve student engagement and academic success.<sup>28</sup> Including these indicators in a state accountability system could encourage schools to adopt more productive social-emotional programs and restorative justice practices to improve students’ sense of belonging and self-efficacy.

The California Office to Reform Education (CORE) districts in California, which secured an ESEA flexibility waiver from the U.S. Department of Education in 2013, include many of these indicators in a multiple measures system for accountability, shown in Figure 2, that focuses on two domains:

1. **Academic Achievement:** including growth and achievement on state English Language Arts and math tests, graduation rates, and an 8th grade on-track to graduate rate, including attendance and grades;
2. **Social / Emotional and School Culture and Climate:** including measures of social-emotional skills; suspension/expulsion rates; chronic absenteeism; culture/climate surveys from students, staff, and parents; and English learner redesignation rates.

These indicators are based on research about factors associated with stronger achievement and graduation, and districts have found that attending to them has improved outcomes.

**Figure 2**  
**CORE District’s Accountability System**



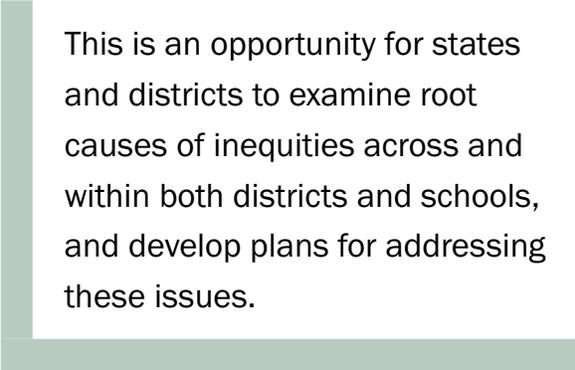
As a further measure to support inclusion, states are expected to encourage collaboration between child welfare agencies and other partners to ensure the educational stability and success of students in foster care and homeless youth who have higher rates of dropout, chronic absenteeism, and school suspensions and expulsions.<sup>29</sup> Research shows that students dealing with school instability frequently make less academic progress than their peers.<sup>30</sup>

A key provision under ESSA includes state assurances that foster youth be enrolled or remain in the same school when it is determined to be in their best interest. Immediate enrollment and transfer of school records are other ways the new law creates protections for school stability. ESSA also requires states to report graduation rates for foster and homeless youth, and adds flexibility for districts to direct more federal dollars to providing them support. These new requirements are important equity moves for our most vulnerable youth, and offer opportunities for parents, community organizations, and other advocates for these youth to help shape state plans.

### ***Equitable Access to Effective Teaching***

For many years, federal law has required that districts receiving Title I funds demonstrate “comparability” in access to qualified teachers, because schools serving concentrations of low-income students and students of color have historically been more likely to employ inexperienced and uncredentialed teachers than schools serving more advantaged students.<sup>31</sup> Furthermore, in hard-to-staff schools, with high numbers of students living in poverty and/or English learners, disproportionate numbers of underprepared, substitute, and out-of-field teachers are assigned to classrooms with the highest-needs students.<sup>32</sup> All of these factors have been found to undermine student achievement.<sup>33</sup>

Under ESSA, state plans must address disproportionate rates of ineffective, out-of-field, or inexperienced teachers in schools that serve low-income students and students of color. This is an opportunity for states and districts to examine root causes of inequities across and within both districts and schools, and develop plans for addressing these issues. Where inequities do exist, state plans will need to outline how they will evaluate access to effective teachers, address inequities, and publicly report progress.



This is an opportunity for states and districts to examine root causes of inequities across and within both districts and schools, and develop plans for addressing these issues.

For example, states and districts may use professional development funding provided under Title II of ESSA to strengthen teacher preparation, recruitment, induction, support, and advancement efforts, increasing both teacher effectiveness and rates of retention. ESSA changes the distribution of professional development formula funds by requiring that any increase in this funding must result in a greater allocation to states with high rates of students living in poverty.

These funds can be leveraged to improve access to effective teachers and leaders through recruitment initiatives, professional development and support, as well as residency programs for teachers and principals.

## Getting and Keeping Strong Teachers in High-Need Schools

Inequitable distributions of teachers are often caused by a revolving door of teachers in hard-to-staff schools, which end up with more inexperienced and uncertified teachers who leave at high rates. Teachers who are well prepared stay in teaching at rates more than twice as high as those who are not fully prepared when they enter, and the same is true for those who are well mentored.<sup>34</sup>

Teacher residency programs in high-need districts have proved particularly productive in reducing shortages and turnover, as they underwrite training for recruits in high-need fields, like mathematics, science, and special education, while providing them with a yearlong apprenticeship alongside an expert mentor teacher. Recruited by districts and partnering universities as mid-career entrants or recent college graduates, residents simultaneously complete credential coursework that is tightly integrated with their clinical placement as they are co-teaching. In exchange for tuition remission and a stipend, as well as two years of mentoring, they commit to teach for three to five years in the districts' schools, and usually stay much longer, with retention rates typically more than 80% over five years.<sup>35</sup> These programs are funded from sources such as Higher Education Act Teacher Quality Partnership grants, AmeriCorps stipends, and foundations, as well as funds from ESSA Title II. A network of more than 50 urban teacher residencies has emerged to support learning and research about these models across the country.<sup>36</sup>

States and districts can also use this money to improve within-district equity in the distribution of teachers by developing and implementing initiatives that assist in recruiting, hiring, and retaining effective teachers, particularly in low-income schools with staffing challenges. Strategies could include, among others:

- differential pay;
- class size reductions;
- engagement of parents, families, and community partners;
- coordination of services between school and community; and
- professional development to support educators in meeting the needs of students with disabilities, English learners, and young children.

Developing the right mix of approaches to address this pressing need can substantially improve equity in the quality of teaching and schooling. Evidence points to the importance of strong, well-subsidized preparation and mentoring for beginning teachers—which strongly improve retention as well as effectiveness. Productive teaching and learning conditions are also particularly important in solving the inequitable distribution of teachers—including access to teaching materials and reasonable class sizes, as well as administrative supports and input into decision-making.<sup>37</sup> These factors reduce attrition, which not only costs districts financially,<sup>38</sup> it also negatively affects the achievement of students in schools with high turnover.<sup>39</sup>

Evidence points to the importance of strong, well-subsidized preparation and mentoring for beginning teachers—which strongly improve retention as well as effectiveness.

Through ESSA, states and districts can close equity gaps by increasing access to high-quality teacher preparation programs, ensuring that all new teachers have strong support and high-quality mentoring, and improving teaching conditions by supporting principals' ability to create productive teaching environments.<sup>40</sup>

### III. Resource Equity

Although funding equity is one of the most critical foundations for closing the opportunity gap, federal tools for addressing education resource gaps have historically been relatively weak. This issue is increasingly important as recent data show that students in poverty—who require more resources to support their learning but typically receive less—comprise more than half of the student body in U.S. public schools.<sup>41</sup> Equitable and effective distribution of funds is an “essential precondition” necessary to ensure high-quality schooling for all students, especially those whose needs are more complex and who require more supports, which should trigger additional resources.<sup>42</sup>

A recent analysis of the effects of school finance reform tracked adult outcomes for 15,000 children born between 1955 and 1985 over 40 years. The authors found that increasing per-pupil spending by 20%, for the duration of a child’s k-12 schooling, led to a 23 percentage-point increase in high school completion rates and an increase in adult earnings of almost 25% for individuals and 52% for families. Meanwhile, the incidence of adult poverty was reduced by almost 20%.<sup>43</sup>

Given the importance of rectifying current inequalities, it is noteworthy that a number of new provisions within ESSA encourage states and districts to allocate resources to schools more equitably.

#### **Reporting School Expenditures and Tracking Inequities**

For the first time since the passage of ESEA in 1965, states and districts must now report the per-pupil expenditures of federal, state, and local funds, including actual personnel expenditures and actual non-personnel expenditures, for each school and district, disaggregated by the source of funds. This will provide greater transparency in resource allocations across states and put analyses of student outcomes into a more complete perspective that considers the investments in children’s education. Furthermore, local education agency (LEA) improvement plans must identify resource inequities, and state agencies may periodically review resource allocation to support school improvement in each district.

Ideally, these data would be displayed alongside data on the characteristics of students served in the district, in relationship to the average, minimum, and maximum per-pupil expenditures in the state, so that members of the public can use the data to interpret how schools are doing and how adequately they may be resourced.

#### **Funding Schools More Equitably**

After years of cutting budgets, the 2013–14 California budget replaced the previous k–12 finance system with the Local Control Funding Formula (LCFF), while also increasing the size of the budget over an eight-year implementation timeline. The LCFF allocates funds based on student population and needs, including the percent of students who are English learners, students who qualify for free and reduced-price meals, and foster youth. Districts with concentrations of such students receive additional funding. This change is an important step toward a more equitable distribution of resources. Part of the funding package requires districts, county offices of education, and charter schools to create a three-year Local Control Accountability Plan (LCAP) that defines district goals, determines needed actions and services to reach them, and tracks progress for student groups across multiple performance indicators. Based on student progress, plans and budgets are adjusted to address needs, and county or state intervention and assistance are targeted.

### **State Plans' Focus on Equity**

State plans must describe how the state will ensure that all children receive high-quality education and close achievement gaps, provide additional educational assistance to individual students who need help, identify and implement strategies to strengthen academic programs, and improve school conditions for learning. Plans must also describe the poverty criteria that will be used to select school attendance zones to minimize schools serving concentrations of children in poverty, while others may serve mostly affluent children. They must also outline programs to be conducted that serve students living in local institutions for neglected and delinquent children.

Plans must also describe the poverty criteria that will be used to select school attendance zones to minimize schools serving concentrations of children in poverty, while others may serve mostly affluent children.

### **Ensuring that federal funds supplement state and local commitments**

Other long-standing requirements of ESEA remain. The first is the “maintenance-of-effort” (MOE) provision, which requires states, in order to receive Title I funding, to demonstrate that the per-student or the aggregate funding by the state for the preceding fiscal year “was not less than 90% of the fiscal effort or aggregate expenditures for the second preceding fiscal year.”

The second addresses “comparability,” which tracks how these resources are being used so that they provide comparable services across Title I and non-Title I schools. To establish comparability, states must report the per-pupil expenditures of federal, state, and local funds, including “actual personnel expenditures and actual nonpersonnel expenditures of federal, state, and local funds, disaggregated by source of funds, for each local educational agency and each school in the state for the preceding fiscal year.”

Finally, there is the provision previously mentioned, “supplement, not supplant” (SNS), which is intended to ensure that states maintain their investments in schools receiving federal Title I funds and use these funds in addition to, rather than in lieu of, state and local support that would have otherwise been provided. In particular, this requirement remains a critical tool to protect against the misuse of Title I funds in ways that can perpetuate inequities in state and local services.

To demonstrate compliance with this requirement, a local educational agency shall demonstrate that the methodology used to allocate state and local funds to each school receiving assistance under this part ensures that such school receives all of the state and local funds it would otherwise receive if it were not receiving assistance under this part.

Whereas ESSA maintains the language regarding MOE and comparability, the new law has revised how states and districts demonstrate compliance with SNS. Previously, states and districts were required to provide estimated figures (averages allowed) for specific categories of spending, such as for teachers or instructional programming. Now districts are required to show that the methodology used to distribute state and local funds is Title I “neutral”—an assurance that schools are receiving the amount they would receive in the absence of Title I.<sup>44</sup>

Essentially, states and districts need to demonstrate how they ensure an equitable base of school funding before federal funds can be considered supplemental. In practice, it can be difficult to determine exactly what constitutes “supplanting” without looking at the details of the many different funding mechanisms that districts use. However, there is also a growing belief that general guidelines for determining supplantation are an appropriate safeguard for ensuring that Title I money is used as federal law intended.<sup>45</sup>

During the spring 2016 Negotiated Rulemaking process for ESSA, regulations pertaining to SNS were hotly debated. The U.S. Department of Education’s (USDOE) draft regulations proposed that the methodology used by districts for compliance (1) result in each Title I school receiving an amount of state and local funds per pupil that is equal to or greater than the average amount received by non-Title I schools in the district; and (2) allocate sufficient state and local funding to each Title I school to provide a basic educational program. Representatives of districts that use approaches allocating resources to schools by function (e.g., a set number of teachers per student) and other methods not based on equal dollars voiced concerns that if their strategies did not meet this standard, there would be significant disruptions to school operations (such as transfers of teachers from school to school), and that such determinations are beyond the appropriate reach of federal regulations. These strategies, however, leave many schools that end up with much less experienced teachers with significantly lower resources overall.

While the disposition of the SNS regulations is not yet known as of this writing, a path toward a more equitable future has been forged by a number of states and districts that have initiated more equitable funding strategies based on students’ needs. States such as California and Massachusetts, and districts like San Francisco, have adopted weighted funding formulas that fund schools based on the number of students, applying a “weight” based on the number and, often, the concentration of students from low-income families, designated English learners, foster youth, homeless youth, and / or students with disabilities. Rather than funding specific personnel slots, these approaches expect schools to spend their funds in ways that best meet the needs of their students. In systems like California’s, districts are accountable for tracking data that illustrate the results, and revising their plans and funding allocations each year accordingly.<sup>46</sup> Examples like these provide opportunities for leaders and policymakers to learn about how these provisions might be addressed by districts and what options may be available to produce more equitable outcomes.

A path toward a more equitable future has been forged by a number of states and districts that have initiated more equitable funding strategies based on students’ needs.

### ***Incentives for Equitable Funding Approaches***

ESSA provides incentives for districts to consider new, more equitable approaches to funding like those described above. A pilot provision in the law—the Flexibility for Equitable Per-Pupil Funding program—allows the Secretary of Education to grant flexibility in the use of federal funds to 50 school districts nationwide that demonstrate funding equity through a weighted student funding model. Using such student-based budgeting, districts have the opportunity to consolidate eligible federal, state, and local education funding into a single school formula based on students with a range of

## How Equity Policy Can Leverage Success for New Immigrant Students

This report outlines four policy pillars needed to change outcomes for students who are historically underserved: (1) high-quality curriculum and assessments; (2) measures of school success that attend to the right levers in support of equitable practices and outcomes; (3) adequate resources that are wisely invested; and (4) evidence-based practices that support strong outcomes.

The four pillars outlined in this report can be seen in action—operating at the school, district, and state levels—in the San Francisco International High School (SFIHS), which serves a population of new immigrants who are English learners. In 2015, 82% of students were classified as newcomers, and 35% were classified as non-readers in their native languages because of their history of interrupted formal education. Nine out of 10 qualify for free or reduced-price lunches (a federal indicator of poverty). About 30% are unaccompanied minors who live with relatives or in group homes.

Despite these odds, more than three-quarters of students in each of the school’s first two graduating classes met the rigorous requirements for admissions to California’s state university system—a rate about double that of students in the state as a whole—and 83% of SFIHS graduates from 2013–14 (all English learners) were enrolled in college in the fall semester of 2014—a higher rate than the 77% of all students in San Francisco Unified School District. Nearly half (47%) of those graduates were enrolled in four-year universities.<sup>47</sup>



**High-Quality Curriculum and Assessments.** As part of the Internationals Network for Public Schools, which operates 19 schools serving newcomers in four states, SFIHS requires students to engage in an “activity-based curriculum” that features projects involving inquiry and communication, and internships in local organizations and businesses to develop applied knowledge and skills. Unlike many high schools that track English learner students out of the college preparatory curriculum and keep them in a separate set of courses, all of these students are in the college curriculum from day one, and they are supported to learn concepts and communication skills simultaneously.

Like the other Internationals schools, SFIHS evaluates students through a portfolio of their work that students showcase and defend twice per year. All student portfolios require students to write about what they have learned, revise the work to meet a standard, and present their knowledge before teachers, staff, peers, and community members. At the 9th- and 10th-grade levels, students learn how to synthesize and evaluate their own learning by working with peers and teachers to reflect on their progress in content classes. In 11th grade, students engage in the synthesis and evaluation process more deeply by reflecting on their knowledge from each of their content classes and how that connects to their experiences in the world and society. Finally, in 12th grade students apply their synthesis and evaluation skills to real-world issues (e.g., the California drought, immigration reform, school discipline). Under ESSA, these kinds of projects and portfolio assessments are encouraged if states choose to incorporate them.



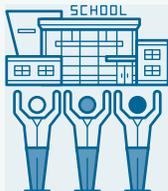
**Measures of School Progress Supporting Equity and Improvement.** As part of the San Francisco School District, SFIHS also benefits from the support and accountability system created by the group of CORE districts to which the district belongs. This network of 10 districts secured an ESEA flexibility waiver from the U.S. Department of Education for a multiple measures system that looks at progress from a whole child/whole school perspective. Along with academic indicators including English language proficiency gains, reclassification rates, and extended graduation rates, which recognize and incentivize the work that SFIHS does, measures of social-emotional learning, suspension rates, and school climate encourage supportive school environments.

These measures are organized into a dashboard on a school report card that allows schools, parents, and the district to evaluate their progress each year and plan for ongoing improvements. When a school is identified as needing additional assistance, CORE supports a diagnostic school quality review in which experts and peers look at school practices to provide insights about what kinds of changes may be most productive; it also supports professional development and pairs schools in need of assistance with successful schools serving similar students who share their practices. Thus, other schools serving English learners could be paired with SFIHS to learn their successful, innovative approaches.



**Adequate Resources.** California’s recently enacted Local Control Funding Formula dramatically equalized school resources by allocating almost all funds based on pupil needs. As encouraged by ESSA, the new weighted student formula provides additional “weights” for students who are low-income, English learners, or in foster care, and multiplies these further in districts with large proportions of such students. Thus, schools like SFIHS in districts like San Francisco are better supported with resources to meet the needs of their students.

Part of the funding package requires districts, county offices of education, and charter schools to create a three-year Local Control and Accountability Plan that defines district goals, determines the actions and services needed to reach them, and tracks progress for student groups across multiple performance indicators.



**Evidence-Based Interventions.** SFIHS is an example of an evidence-based approach—documented in the successes of the earlier-founded Internationals schools in supporting higher graduation, college going, and college success rates.<sup>48</sup> These outcomes are associated with experiential learning and the integration of challenging academic content and language development, coupled with strong relationships, restorative discipline practices, and social and emotional supports.

needs receiving additional weights that drive funding. Pilot funding under this provision will enhance equity by encouraging funding targeted to student needs and giving school leaders the autonomy to design investments best suited for their communities.

### *Student Support and Academic Enrichment Grant*

ESSA also authorizes a new grant program under Title IV, the Student Support and Academic Enrichment Grant, to help states and local school districts address opportunity gaps by targeting additional funding to better serve disadvantaged students. The funds are intended to help states and districts with identifying and addressing local needs. The funding under this grant focuses on three areas: safe and healthy students, promoting a well-rounded education, and effective use of technology.

ESSA also authorizes the Student Support and Academic Enrichment Grant to help states and local school districts address opportunity gaps by targeting additional funding to better serve disadvantaged students.

- **Safe and Healthy Students:** This area addresses the environmental factors that can negatively impact students' ability to learn. Activities under this section include school-based mental health services provided by qualified health professionals, bullying prevention, mentoring, dropout recovery and re-entry programs, and drug and violence prevention.
- **Well-Rounded Education:** This area aims to combat the narrowing of curriculum. At a time when only tested subjects have dominated the time and resources once used for other areas of the curriculum, the law references access to arts, physical education, and science, technology, engineering, and math (STEM) subjects, among others, as important to an enriched educational experience and eligible for funding under this program.
- **Effective Use of Technology:** This area seeks to improve the use of technology to bolster academic achievement and digital literacy. Spending areas under the law include (1) purchasing professional learning tools and devices; (2) developing strategies for integrating technology into curricula; and (3) implementing blended learning. Improving the use of technology can impact personalized learning by allowing educators to better tailor instruction to students' needs, while also improving teachers' ability to monitor growth and understand when to use intervention strategies. This is particularly helpful for rural schools to bridge gaps in the teaching force by offering specialized courses online.

### *School Improvement Funding*

Although ESSA eliminates the School Improvement Grant program, the new law requires each state to reserve 7% of its Title I-A allocation to serve high-need schools' comprehensive and targeted support and improvement. It further allows states to use 3% of their Title I funding to provide "direct student services," which may include increasing access to advanced coursework; career and technical education that leads to industry-recognized credentials; credit recovery; and personalized

learning. These types of direct services could be used to enhance equity as they help to engage students in their learning by increasing relevancy, rigor, and support.

A critical component of the improvement funding under ESSA is the requirement that state and local districts report resource inequities for schools receiving this funding and support. This provision can help drive more equitable distribution of state and local dollars, and allow for meaningful community and stakeholder monitoring.

#### **IV. Equity Strategies and Evidence-Based Interventions**

Under ESSA, states and districts must implement evidence-based interventions in struggling schools identified by their accountability and improvement system. Further, states have flexibility to allow schools and districts to determine which evidence-based interventions are most likely to work in which contexts and with which students. These provisions can enhance state, local, and school-level capacity for equity-oriented learning for all students by allowing interventions to be personalized and responsive to identified needs, rather than the previous one-size-fits-all approach under NCLB.

ESSA also provides funding streams for a number of equity-enhancing approaches that are evidence-based. These may be important targets for expanded appropriations to support more equitable outcomes. We note several of these below.

##### ***Early Childhood Education***

High-quality, early childhood education is foundational to equity. Early childhood and k-12 systems need to collaborate to increase and enhance opportunities for more students to enter kindergarten ready to learn. While there are early childhood education equity opportunities throughout ESSA, Title IX authorizes \$250 million annually for a new Preschool Development Grant program that is administered by the Department of Health and Human Services in conjunction with the Department of Education. This grant assists states to develop, update, or implement a strategic plan to foster collaboration among early childhood education programs and child care in an effort to fully prepare children from low-income families to enter kindergarten.

##### ***Community Schools***

ESSA includes the Community Support for School Success program, which funds Full-Service Community School grants aimed at improving the integration and effectiveness of services for families and students. Community school models and wraparound services in schools serving low-income students have been found to improve student outcomes.<sup>49</sup> Eligible programs under the law include:

- quality early education and out-of-school strategies;
- family and community supports;
- job training and career counseling;
- social, health, nutrition, and mental health services; and
- juvenile justice and rehabilitation services.

ESSA also encourages results-focused school-community partnerships through:

- use of Title II professional development funds to prepare educators to more effectively engage families and communities, and connect school and community resources;
- consultation with families and community partners to plan for use of funds; and
- partnerships with nonprofits, community-based organizations, businesses, and institutions of higher education to support student learning.<sup>50</sup>

### ***Integration and School Diversity***

ESSA encourages integration and school diversity via magnet schools and will support them as a Title I intervention for low-performing schools, as it meets the criteria for evidence-based interventions. The evidence demonstrating academic, cognitive, and social benefits for all students attending racially and socioeconomically integrated schools is well established.<sup>51</sup> Much of the k-12 research on the impact of school racial and socioeconomic composition on academic outcomes shows that racially segregated, high-poverty schools have a strong negative association with students' academic achievement (often measured through grade-level reading and math test scores), whereas racially diverse schools often report stronger results for historically underserved groups and positive or neutral results for other groups.<sup>52</sup> Further, studies consistently show an association between school diversity and a range of short- and long-term benefits for all students, including gains in math, science, reading, and critical-thinking skills, and improvement in graduation rates.<sup>53</sup> Based on the research summarized above, states and districts might consider programs designed to foster greater integration as evidence-based interventions.

Racially segregated, high-poverty schools have a strong negative association with students' academic achievement, whereas racially diverse schools often report stronger results for historically underserved groups and positive or neutral results for other groups.

An increasing number of schools are pursuing integration strategies. After a long decline in desegregation efforts, the number of school districts pursuing such strategies more recently has more than doubled from 40 districts in 2007 to 83, plus nine charter schools or networks in 2016, resulting in more diverse classrooms for up to a total of 4 million students.<sup>54</sup> This could be expanded with the leverage provided by ESSA.

## Conclusion

As states, districts, and schools prepare to transition from an NCLB era of prescriptive federal oversight to one in which they will have increased flexibility to determine the goals, targets, interventions, and supports used to improve schools, it is imperative that communities and stakeholders be informed and engaged. Under ESSA, communities and stakeholders serve as the safeguards for ensuring that states, districts, and schools provide high-quality, educational opportunities that prepare students equitably for the 21st century. The opportunities identified in this report are intended to encourage states, districts, communities, and schools to leverage ESSA to provide more equitable teaching and learning opportunities.

If federal and state officials approach ESSA through an equity lens, and if communities and stakeholders are informed and engaged, we could make serious progress toward the values of fairness and equity we espouse as a nation, but have had so much difficulty realizing. Just as the Elementary and Secondary Education Act of 1965 institutionalized the federal commitment to improving schooling for disadvantaged students, ESSA has the potential to make the education of these young people—students of color, low-income students, English learners, students with disabilities, and foster and homeless youth—a top priority for states, districts, and schools in the 21st century.

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