

THE ALLIANCE TO RECLAIM OUR SCHOOLS

“Every Student Succeeds Act” (ESSA)

An AROS Policy Brief --- January 2016

On December 10th, President Obama signed the “Every Student Succeeds Act,” or “ESSA” – a reauthorization of ESEA and replacement for No Child Left Behind.

While the bill isn’t all that we had hoped for, it does eliminate some of the most damaging components of the previous law’s high stakes testing and accountability regime and gets rid of the School Improvement Grants program, whose school closure, chartering and reconstitution requirements have destabilized Black and Brown communities across the country.

In rewriting ESEA, Congress maintained the commitment of federal funding to disadvantaged students and ended the use of standardized tests as the sole basis for accountability. But the most significant long-term change is that the new law devolves responsibility for how federal education dollars are used to the states. This provides both a threat and an opportunity for the Alliance to Reclaim Our Schools, as we push for the public schools that all our children deserve. This brief outlines some of the most critical components of ESSA for our work, and begins to identify a path forward for AROS partner groups and allies.

The Opportunity for AROS and Partners Nationwide

The era of big federal control over public education appears to be over. For better *and* for worse, the Every Student Succeeds Act brings the fight for equity and education justice closer to home. Over the next 18 months, we have the opportunity—and the responsibility—to take that fight to state and district policy-makers.

ESSA is set for full implementation for the 2017-2018 school year, although states could begin to unravel their current systems as early as next summer. Billions of federal dollars will be at stake. Together, AROS partners should use the next several months to develop plans to ensure that states use the federal funding it provides to build equitable, accessible, supportive and sustainable community schools.

AROS Demands Were Largely Unmet

In April of 2015, AROS released a letter to the House and Senate leadership, outlining 4 key recommendations for the reauthorization of ESEA. Just as a reminder, here’s a snapshot of those recommendations:

1. *\$1 Billion for 5000 Sustainable Community Schools.*

We called on Congress to offer grants to States to support the transformation of approximately 5,000 schools nationwide into Sustainable Community Schools.

2. *A moratorium on federal funding for new or expanding charter schools.*

AROS recommended a *moratorium* on federal funding for the creation or expansion of charter schools, and increased regulation on charters to halt the misuse of public dollars and ensure equitable treatment of students—particularly students of color.

3. Full funding for Title I to adequately support all students living in poverty, and targeting of those funds to the neediest schools.

Congress originally intended the Elementary and Secondary Education Act to offer federal funding amounting to an extra 40% of each state's average per pupil spending, for *every school-age child* living in poverty. We recommended that Title I be authorized for \$20 billion next year, with a 10-year goal of reaching full funding (we estimated currently this would be about \$38 billion in today's dollars).

4. \$500 million to schools to help end the School-to-Prison Pipeline.

We recommended \$500 million to provide training, staffing and supports to schools working to fully implement restorative justice and/or other programs to end the school-to-prison pipeline.

While none of these demands was fully met, the efforts of AROS and AROS partner organizations made a difference in holding on to the targeting of Title I funds and state maintenance of effort requirements. And intensive education around the costs and impact of school closings and reconstitutions, and the lack of accountability in the federal charter schools program made a difference in the final language.

Key Provisions of the Every Child Succeeds Act of 2015 (ESSA)

Here are some key features of the new law, based on the AROS interests above. The full text of ESSA is available [here](#). As mentioned above, ESSA will not take full effect until the 2017-18 school year. But some states will begin to redirect some of their education practices very quickly, and *all* states will need to legislate around significant policy areas during the spring 2017 legislative sessions.

For AROS, the key sections of the new law are mostly contained in the law's Title I and Title IV.

TITLE I

Title I is the largest component of ESSA (as always) and dedicates funding to schools with high percentages of disadvantaged students. The authorization in ESSA for Title I is \$15 billion—a far cry from the funds demanded by AROS. Republicans in Congress tried to push through so-called “portability” provisions that would have diluted the impact of Title I dollars by attaching them to students instead of schools. This would have diluted federal funding, allowing it to be spread beyond the walls of the lowest-income schools. Thankfully, the final bill does not include portability and keeps funds in schools with the highest need.

School Improvement/Interventions in Low-Performing Schools

The punitive and counter-productive federal School Improvement Grant (SIG) program is gone. The SIG program in No Child Left Behind required states to intervene in their lowest-performing schools utilizing one of 4 mandated strategies: closing the school, firing the entire staff, converting the school to a charter, or firing the principal and adopting other interventions.

SIG gave districts permission to carry out the sweeping school closures that we've seen over the last several years (even though few of them were actually carried out under the SIG program), and helped justify the conversion of scores of public schools to charters. Instead of getting support, struggling schools got shaken up and punished.

Under ESSA, state legislatures will determine how they will use federal funds to target and intervene in low-performing schools. According to the law, states and districts will have to set their *own* definition of which schools require intervention—what constitutes “failing,” and then use *locally-developed*, evidence-based

interventions in the bottom 5 percent of schools and in schools where less than two-thirds of students graduate.

Under ESSA, states could decide that the primary intervention in struggling schools will include significant investment of both federal and state dollars to build sustainable community schools. This seismic shift in tenor and direction—away from punishment and towards support—is a viable option for state legislatures.

Alternatively, states could decide to double-down on closures, chartering and reconstitution. For example, some advocates of privatization are already suggesting that federal school improvement dollars could be used by state takeover districts like Louisiana’s Recovery School District, to sweep up more low-performing schools and convert them to charters.

The opportunity for AROS is clear: ESSA gives states the flexibility to reframe their approach to school improvement. Sustainable Community Schools are an allowable strategy—but state legislatures will need to enact legislation to that effect.

Testing and Accountability

NCLB’s Adequate Yearly Progress is gone, as are many of the high-stakes attached to NCLB’s rigid accountability system. Under ESSA, states may choose to eliminate redundant tests, and are not encouraged or required to attach things like teacher evaluation or charter conversion to student assessment scores. Many states have already implemented these types of policies – states could choose to continue them, or to dismantle them.

States will still have to test students in reading and math in grades 3 through 8 and once in high school. Data must continue to be disaggregated by subgroups of students (English-learners, students in special education, racial minorities, those in poverty).

Now, though, states—instead of the federal government—are given more discretion to decide what to hold schools and districts accountable for. While test scores and graduation rates (or, for elementary schools, student growth measures) must still be a *part* of state accountability systems, under ESSA states must add at least one additional indicator of a very different kind into the mix. Possibilities include: student engagement, educator engagement, access to and completion of advanced coursework, post-secondary readiness, school climate/safety or other measures could be included in the state’s assessment of how schools and students are doing.

This is a significant and important new direction, after the years of high-stakes accountability under No Child Left Behind.

Opt-Out

The new law maintains that states must meet a 95% participation rate for state tests. But unlike NCLB, local districts and states may decide how much *weight* to give to participation rates in their accountability system, and what should happen in schools that miss that target participation rate.

Under ESSA, parents may request information regarding state or district opt-out policies, and states may create their own testing opt-out laws (as Oregon has).

Restorative Practices and Ending Discriminatory Discipline Policies

ESSA requires states to address how they will support local districts to improve school conditions for student learning, including through reducing incidences of bullying and harassment; the overuse of discipline practices that remove students from the classroom, and the use of aversive behavioral interventions that compromise student health and safety.

But requiring this language in state proposals is a far cry from holding states accountable for persistently high rates of the discriminatory use of student discipline policy. *There is no mechanism in the law that incentivizes states, districts or schools to do the right thing.*

There is no dedicated funding for the implementation of restorative justice programs (although it is an allowed use of Title IV funds). Grassroots organizing and pressure to end the School-to-Prison Pipeline must continue!

TITLE IV

Community Schools

A new program authorized under ESSA is the “Community Support for School Success” program (Title IV, Part F, Subpart 2. p. 597 and 616). CSSS is set up as a national demonstration program for both Promise Neighborhood-type initiatives, and community schools.

For community schools, the program promises a minimum of 10 grants of at least \$75,000 per year (for up to 5 years) to states and districts to establish community schools. The grants are competitive. Funded schools would have to include at least 3 out of 7 listed services, including:

- high quality early childhood education programs;
- high quality school and out-of-school time programs and strategies;
- support for a child’s transition to elementary school, from elementary to middle school, from middle school to high school, and from high school to and through post-secondary education and into the workforce;
- family and community engagement and supports including engaging or supporting families at school or at home;
- activities that support workforce readiness, including job training, internship opportunities and career counseling;
- social, health, nutrition and mental health services and supports, and
- juvenile crime prevention and rehabilitation programs.

Grants made under this section for community schools must be matched with other dollars, or with in-kind contributions.

This program, though small, clearly would allow funding for sustainable community schools. The authorization for this program is convoluted, but appears to be about \$160 million (for both community schools and Promise Neighborhoods) in 2017 and 2018.

Title IV also includes “21st Century Community Learning Centers,” (page 489), a formula grants program that provides funding, primarily for afterschool programming. Because afterschool is almost always one component of sustainable community schools, this program is also a key source of support for community schools initiatives.

Title IV also explicitly allows funds to be used to help implement positive behavioral interventions and supports (p 484) and/or to hire a resource coordinator for a community school (p. 485).

Congress authorized \$1 billion for 21st Century Community Learning Centers.

Together with Title I dollars available for school improvement, this means that *there is the opportunity to cobble together federal funding for community schools*. State legislatures and districts, though, will have to be pushed to consider community school transformations as an intervention strategy, and to access all available funds for targeted schools.

Federal Charter Schools Program

Under ESSA, the federal charter schools program (p. 518) continues to be the single largest source of start-up and expansion funds for the charter industry. Despite concerns raised by the Center for Media and

Democracy, AROS and even the Department of Education's Office of the Inspector General (OIG), the new law includes only minor additional accountability measures, and *increases* spending.

The program has three components: (1) grants for new start-ups, (2) grants to charter management organizations for the expansion or replication of schools, and (3) expanding access to credit for acquiring and renovating charter school facilities. One key (and insidious) change in the program is that the start-up grants, which up until now have been given only to state departments of education, may now be given not just to state DOEs, but to independent state charter boards, governors or private charter school support organizations. Given the challenges that we have faced getting information from the public sector (state DOE's), the fact that *private* entities may now win grants through the largest component of the program is troubling.

The new law does establish that states have the responsibility to monitor charter authorizers (this has been an excuse in the past, for states not knowing how the federal money was spent). In addition, the law requires (p. 913) the Department of Education submit a report to the U.S. Senate HELP Committee, detailing their response to the recommendations included in the OIG's critical audit of the program. That report is due within six months of enactment of ESSA – or around May of next year.

The new law *increases* the authorization from \$231 million in 2015 to \$270 million in 2017, and jumps up to \$300 million in FY 2019 and 2020. It is clear that charter expansion continues to be a federal priority.

The Next Steps? Organize, Organize, Organize

Congress is now debating budget language that will determine the actual allocations for all of these programs (in ESSA, Congress set target funding amounts, but those are subject to approval as part of the budget discussions).

The positioning around how federal education funding will be spent under ESSA is already starting among state policy makers and advocacy organizations. As these debates move forward, a number of programs that AROS members care deeply about will be at the forefront:

- ✓ How will the state define, and then intervene in low-performing schools? Can we win legislation establishing sustainable community schools as the default intervention in a number of states?
- ✓ Will states continue, enact, or dismantle punitive high stakes requirements encouraged under NCLB?
- ✓ Will the softening of high stakes requirements lead to schools/districts/states backing off the zero-tolerance, "perform-or-you're-out" school cultures that have resulted from assessment-mania?
- ✓ What can states do to beef up accountability when it comes to the use of federal charter expansion money? Will charter expansion continue to be imposed on districts without input or collaborative planning? Will the program be transparent, so that its results on districts can be tracked and monitored?

Billions of federal dollars will be at stake. The answers to some of these questions will depend on how well we mobilize. AROS is mounting a national campaign for the schools all our children deserve. How can AROS partners use the next several months to reframe the purpose of the federal Elementary and Secondary Education Act to ensure that states use the funding to build equitable, accessible, supportive and sustainable community schools?

Over the next few months, AROS partners will be coming together to develop plans and begin engaging state policymakers. And we'll be taking action locally, as well as at the state and federal level! Join us.