



Testimony before the Senate Committee on Health, Education, Labor and Pensions

The Every Student Succeeds Act: Unleashing State Innovation

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Chairman Alexander, Ranking Member Murray, and distinguished Members of the Committee, I appreciate the opportunity to testify before you today on the Every Student Succeeds Act. My name is David Steiner, and I am the Executive Director of the Johns Hopkins Institute for Public Policy. I also currently serve on the Maryland State Board of Education and previously served as the Commissioner of Education for the State of New York. The opinions I express today are my own and do not represent the views of Johns Hopkins University or the Maryland State Board of Education.

The Promise of ESSA

The Every Students Succeeds Act (ESSA) is a response to the view that the No Child Left Behind (NCLB) Act had been overly prescriptive. The promise of ESSA was that it would liberate the states to craft educational policy sensitive to their different contexts and visions, and to work from empirically strong evidence.

ESSA thus returns significant educational freedom to the states, but this cannot be the freedom to fail historically underserved students – thus the law's critical guardrails that must not be ignored.

By "fail," I mean drastically reducing students' prospects of future employment, reasonable earnings, and active citizenship, by providing an education we know to be inadequate to those ends. If every American state had educational achievements that placed them within the top tier of nations across the globe, and merely modest achievement gaps between different sub-groups of children, then indeed it would be a mistake for the federal government to place any constraints on states' education policies.

Universal high-performance, however, is far from the case. Our NAEP performance (National Assessment of Educational Progress, the gold standard in education) is roughly equivalent to where it stood in 1992.¹ The spread of educational results across our fifty states is significant: our top-performing

¹ National Center on Education Statistics, "NAEP 2015: Mathematics and Reading Assessments on State Level Achievement in 4th Grade," *The Nation's Report Card*, n/d, https://www.nationsreportcard.gov/reading_math_2015/#mathematics/state/acl?grade=4. National Center on Education

states match the best systems in the world, but our lowest-performing states do not. One analysis from the National Center for Education Statistics found that our lowest-performing states provide a math education equivalent to that of Armenia, the Ukraine, and Kazakhstan.² Another study found that, for students in the class of 2015, four of our states score below Turkey - and thirty other industrialized countries.³

Moreover, the achievement gap between student subgroups in the United States remains tragically large. On the SAT (Scholastic Achievement Test), for example, the college-ready achievement gap between African American and Hispanic students and White and Asian students is staggering.⁴

It is because Congress recognized this reality, that they included certain guardrails in ESSA to ensure that states, districts, and schools were held accountable for the performance of ALL students.

ESSA State Plans: Shortcomings and Successes

The same learning gaps noted above underline why it is concerning that many ESSA plans have been unimaginative and, in some cases, worryingly vague about plans for raising the quality of education for students with the greatest needs. To cite independent, expert peer analysis of state plans compiled by Bellwether Education Partners:

With the exceptions of New Mexico and Tennessee, states have not yet adequately addressed how they plan to use federal funds to help increase student achievement, increase options for students, or intervene in chronically low-performing schools.⁵

ESSA requires the Secretary of Education and her staff to chart a course between the arguably overly-prescriptive federal interventions of the past and signing blank checks to the states. In several cases, the U.S. Department of Education (ED) feedback on state ESSA plans effectively ensures that states meet their ESSA obligations. This has been true, for instance, where states had put subgroup performances together into "super-subgroups" - thus potentially limiting support for the most disadvantaged students. ED appropriately required each subgroup to be included in state plans pursuant to the law before plans were approved.

In other cases, it is difficult to assert that all aspects of approved state plans have met ESSA's requirements. Below are just a few examples to illustrate my point:

Statistics, "NAEP 2015: Mathematics and Reading Assessments on State Level Achievement in 8th Grade," *The Nation's Report Card*, n/d, https://www.nationsreportcard.gov/reading_math_2015/#mathematics/state/acl?grade=8.

² National Center for Education Statistics, "U.S. States in a Global Context: Results from the 2011 NAEP-TIMSS Linking Study" (Washington DC: Institute of Education Sciences, 2013), <https://nces.ed.gov/nationsreportcard/subject/publications/studies/pdf/2013460.pdf>.

³ Eric A. Hanushek, Paul Peterson, and Ludger Woessman, "Not Just the Problems of Other People's Children: U.S. Student Performance in Global Perspective" (Boston, MA: Harvard's Program on Educational Policy and Governance, May 2014), https://sites.hks.harvard.edu/pepg/PDF/Papers/PEPG14-01_NotJust.pdf.

⁴ Scott Jaschik, "Scores on New SAT Show Large Gaps by Race and Ethnicity," *Inside Higher Ed*, September 27, 2017, <https://www.insidehighered.com/news/2017/09/27/scores-new-sat-show-large-gaps-race-and-ethnicity>.

⁵ Chad Aldeman, Max Marchitello, and Kaitlin Pennington, "An Independent Review of ESSA State Plans" (Washington DC: Bellwether Education Partners, June 27, 2017), <https://s3.amazonaws.com/online.fliphtml5.com/fncb/lhtf/index.html#p=1>.

- First, the statute requires states to establish a definition of “consistently underperforming” and to identify schools for targeted support and improvement if one or more subgroups is consistently underperforming (ESSA Sec. 1111(c)(4)(C)). Some states have defined “consistently underperforming” so vaguely as to leave us wondering how they will identify them. A larger number of states have conflated ESSA’s requirements to identify schools for “targeted” and “additionally targeted” schools into a single definition, thereby limiting the number of students and schools that will receive support. In my judgment, ED should, in fidelity to ESSA, be scrutinizing this issue more closely.
- Second, there is modest emphasis on student subgroup performance in state accountability systems, even though ESSA clearly requires differentiation of schools based on all indicators in a state accountability system for all students and each subgroup of students (ESSA Sec. 1111(c)(4)(C)). Several approved state ESSA plans do not factor subgroup performance into school ratings at all.
- Third, ESSA requires state plans to describe how each state will ensure that students from low-income families and students of color are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers (ESSA Sec. 1111(g)(1)(B)). Frankly, to meet this critically important target, states would need to completely redesign their teacher pipelines, with important shifts in both the credentialing and funding of the teaching profession. No factor within a school has more impact on student academic performance than teacher quality, and yet this is one area where too many states are offering small, piecemeal policy remedies, at best.
- Fourth, ESSA requires that states must support low-performing schools with evidence-based practices (ESSA Sec. 1111(d)(1)(B)(ii) and Sec. 1111(d)(2)(B)(ii)).⁶ It is unfortunately true that one can find a study to support almost any potential policy. However, states have the freedom under ESSA to insist that funded responses meet the most rigorous standards of research-based policy, using such resources as the Institute for Education Science’s What Works Clearinghouse, the Best Evidence Encyclopedia, and the Evidence for ESSA tool.⁷ Almost all states have, to date, declined to use this lever.
- Lastly, under ESSA, only 1% of graduating students – namely those with the most severe cognitive disabilities – are exempt from the requirements a state sets for its “regular high school diploma” (ESSA Sec. 8101(25)(A)(ii)(I)(bb)), yet multiple states are using pathways to graduation for students with disabilities that differ substantially from those embedded in the regular high school diploma. A recent analysis from the Alliance for Excellent Education found that four states had specific diploma pathways for students with disabilities, and fourteen states waived or modified graduation requirements for a regular high school diploma for students with

⁶ The Johns Hopkins Institute for Education Policy provided the research for *Evidence in ESSA: Why it Matters*, a report on this subject issued by Chiefs for Change. Chiefs for Change, “ESSA and Evidence: Why It Matters” (Washington, DC: Chiefs for Change, June 2016), <http://chiefsforchange.org/wp-content/uploads/2016/07/ESSA-and-Evidence-Why-It-Matters.pdf>.

⁷ See, for instance, Robert Slavin, “Evidence for ESSA and the What Works Clearinghouse,” *Huffington Post*, February 9, 2017, http://www.huffingtonpost.com/entry/evidence-for-essa-and-the-what-works-clearinghouse_us_589c7643e4b02bbb1816c369.

disabilities.⁸ More generally, states enable very different paths to what they call a single graduation standard – “a regular diploma.” Because the ESSA templates do not require states to define the terms in their interpretations of ESSA’s phrase, “a *regular diploma* that the *preponderance of students* take,” states hold different groups of students to wildly different academic standards. In Maryland, for example, a substantial percentage of our most disadvantaged students graduate in large part due to a remedial credit program called the Bridge program, which students almost never fail.⁹

Despite these shortcomings, there are important successes within the ESSA state plans that are worth noting. Tennessee, for example, allocates 40 percent of its index to subgroup performance.¹⁰ New Mexico set aggressive academic achievement goals so that every student subgroup will more than double its proficiency rate on state assessments within five years.¹¹ And Louisiana is implementing an innovative college- and career-ready school-quality and student-success indicator called the “strength of diploma” index.¹² These examples highlight the innovative practices that ESSA hoped to unleash.

Beyond the essential role ED must play in preserving the guardrails established by ESSA, it could and should, through guidance and continued oversight, encourage states to implement innovative policies to improve education. Otherwise, we will continue to hear stories of young potential, unachieved. Recently, in my own state of Maryland, a young man walked across his high-school stage, having achieved the status of high-school valedictorian. He began study at a public college, but quickly found the freshman coursework so impossibly challenging, that he left college for the streets. Imagine the prospects of all those students who graduated with even lower academic achievement than this young man.

Conclusion

ED’s role in approving state ESSA plans is critical and required by law. Given the performance of students and achievement gaps that remain, I encourage ED and this Committee to ensure that states comply with the statutory requirements: identify schools for improvement and support; include student subgroup performance in school ratings; redefine the teacher pipeline; implement improvement practices that are backed by strong evidence; and work towards granting high-school diplomas that truly denote college- and career-readiness.

⁸ M. Almond, *Paper Thin? Why All High School Diplomas Are Not Created Equal*, (Washington, DC: Alliance for Excellent Education, July 2017), <https://all4ed.org/wp-content/uploads/2017/08/DiplomaPathways-8-30.pdf> (accessed September 28, 2017).

⁹ Division of Curriculum, Research, Assessment, and Accountability, “2015 Assessment Enrollment and Bridge Program” (Baltimore, MD: Maryland State Department of Education, September 2017). The statewide percentage of diplomas awarded via the Bridge program is 11.2%. In Prince George’s County, it is 23.4%; in Baltimore City, 37%.

¹⁰ [Tennessee’s Approved ESSA Plan](#), page 85.

¹¹ [New Mexico’s Approved ESSA Plan](#), pages 8-9.

¹² [Louisiana’s Approved ESSA Plan](#), pages 41-42.