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ISSUE BRIEF



# THE EVERY STUDENT SUCCEEDS ACT

How to Make It Work

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## Contents

Executive Summary.....	4
1. Create Parent-Centered, Excellence-Focused, Accountability Systems.....	5
2. Don't Allow Accountability Plans to Include the Number of School Suspensions.....	7
3. Give Students the Opportunity to Take a Wider Range of Subjects.....	7
4. Leverage Teacher-Preparation Academies.....	8
5. Combine Weighted Student Funding with Public School Choice.....	9
Endnotes.....	10

## Executive Summary

The prospects for federal bipartisan cooperation on domestic policy seem dim. Indeed, the current decade has seen only one major bipartisan piece of legislation: the Every Student Succeeds Act (ESSA), which President Obama deemed a “Christmas miracle.”<sup>1</sup>

ESSA is a sharp break in federal education policy.<sup>2</sup> Under President Bush (No Child Left Behind Act) and President Obama (Race to the Top), authority over K–12 education was dramatically centralized in Washington. As education became more of a national issue, it became more polarized: debates over testing, curriculum, and teacher quality that could have been concrete and constructive at a local level became abstract and acrimonious at the national level.

On the right, limited-government conservatives were alarmed, for example, by Washington’s effort to coerce states into adopting the Common Core State Standards. On the left, teachers’ unions were unhappy about the poorly designed teacher-evaluation systems that states were pressured into adopting. This unlikely left-right alliance turned the old bipartisan consensus for an expanding federal role in education on its head, and it produced ESSA, described by the *Wall Street Journal* as “the largest devolution of federal control to the states in a quarter-century.”<sup>3</sup>

How can governors and state education leaders make ESSA work for students? This Issue Brief offers five recommendations:

- 1. Create parent-centered, excellence-focused, accountability systems.** “Accountability” should not just be about using test scores to inform the decisions of state bureaucrats; it should also be about informing parents of broader measures of school quality, such as the availability of advanced course work, extracurriculars, and the arts.
- 2. Don’t allow accountability plans to include the number of school suspensions.** If schools are punished or rewarded based on the number of suspensions issued, schools will have a strong incentive to reduce suspensions regardless of whether the reduction is warranted by student behavior. An indiscriminate reduction in suspensions will make schools less safe and orderly.
- 3. Give students the opportunity to take a wider range of subjects.** Use federal dollars to expand online course programs to unlock the potential of students who are underserved by their school’s academic offerings.
- 4. Leverage teacher-preparation academies.** Authorize “teacher-preparation academies” to bring talented professionals into the classroom as teachers. This would improve the availability and quality of career and technical education.
- 5. Combine weighted student funding with public school choice.** ESSA enables enterprising districts to shift to a funding formula where money directly follows students—“weighted student funding,” rather than line items; it also enables states to require districts to give students a choice of school. Combining both measures would give traditional districts the freedom and flexibility of all-charter districts.



## 1. Create Parent-Centered, Excellence-Focused, Accountability Systems

No Child Left Behind (NCLB) created prescriptive, federally driven school accountability systems. While there is evidence that these systems did some good in some low-performing schools in the middle of the last decade, they also created perverse incentives and unintended negative consequences. For example, schools were held accountable primarily on their “adequate yearly progress” on reading and math proficiency, leading schools to focus on the “bubble kids” at the cusp of proficiency and to narrow their curriculum to “teach to the test.”<sup>4</sup> The (well-founded) perception that narrow accountability was harming public schools bred a backlash against NCLB. Congress responded by passing the Every Student Succeeds Act, a broader, more flexible framework for promoting school accountability (see box).<sup>5</sup>

## What Is a School Accountability System?

Under ESSA, every state is required to have a school accountability system that evaluates schools by standardized test scores and nonacademic factors. In theory, an accountability system serves two functions: it provides transparency for parents and policymakers regarding school quality; and it identifies low-performing schools. Those low-performing schools are then held “accountable” by being subject to a range of turnaround interventions. Under the Bush and Obama administrations, the federal government mandated specific turnaround strategies. Under ESSA, states and localities have greater flexibility in how they hold low-performing schools accountable.

### ***Conventional Wisdom***

Numerous education-advocacy organizations exist to advise states on how to revamp their accountability systems. Such organizations often urge states to: (1) prioritize value-added test scores over base-level proficiency markers; (2) include socio-emotional measures of student performance; and (3) reward schools for helping gifted students thrive. In other words, such organizations argue that accountability should be broadened to encourage more well-rounded education, while remaining firm on identifying the lowest-performing schools.

### ***Why Conventional Wisdom Is Wrong***

No matter what metrics they emphasize, accountability systems will flag the schools that perform worst. There is no reason to believe that a wider-ranging accountability system will make decent or good schools better; but there is plenty of reason to fear that they may bring the perverse incentives and measurement corruption that we saw on reading and math in NCLB to a wider range of areas. State leaders risk implementing a vision of accountability as a tool for state bureaucrats to fix bad schools—a bad strategy, given the poor record of bureaucrats at improving such schools.

### ***A Better Way***

The question should not be: How can policymakers design this system to improve schools? Instead, it should be: How can we help parents understand the schools? Ultimately, parents are in a better position to hold schools accountable than state education agencies, and the goal of accountability systems should be to give parents information, insight, and leverage. A parent-centered accountability system would be modest about what it attempts to grade, but it would proactively do the following:

- **Encourage reporting on measures of excellence.** While parents certainly care about proficiency in reading and math, they also know that there is much more to education than standardized test scores. Schools should also report on other metrics that make for a well-rounded education, including the availability of college-level advanced placement (AP) courses; and the quantity and quality of music, art, and sports programs.
- **Make data available to third parties.** Even if all data are perfectly collected, there is no guarantee that the state education agency would display the data to parents in a comprehensible manner. Instead, make all data available to third parties (such as GreatSchools.org) that are more likely to display the information intuitively and to be trusted by parents.
- **Encourage schools to adopt school-climate surveys.** While accountability systems that inform state bureaucrats might not necessarily advance school quality, policymakers should use ESSA to encourage schools to adopt low-stakes school-climate surveys (i.e., they’re not an official part of a state’s accountability system). Asking students, teachers, and parents about what’s working well and what’s working poorly would give school leaders the information—and parents the leverage—to advance constructive, school-level reforms.<sup>6</sup>

## 2. Don't Allow Accountability Plans to Include the Number of School Suspensions

In January 2014, the U.S. Department of Education (ED) issued a “Dear Colleague” letter, advising districts that they would be subject to federal investigation for unlawful discrimination, even if their discipline system was written and administered fairly, if they suspended students of different races at different rates. Partly in response to the ED’s letter, 50 of America’s largest districts, serving 6.35 million students, have implemented efforts to lower school suspensions, as have 27 states.

### **Disastrous Results**

In a recent paper, I evaluated changes in school climate in New York City, America’s largest school district, under Mayor de Blasio’s suspension reforms.<sup>7</sup> According to surveys of students and teachers, the mayor’s indiscriminate reduction in suspensions unleashed a surge in school disorder and violence. The Trump administration is widely expected to rescind the ED’s Dear Colleague letter. But if states include suspensions in their accountability systems, that federal incentive will be replaced by state-level pressure to make the worst schools less orderly and safe.

## 3. Give Students the Opportunity to Take a Wider Range of Subjects

Traditionally, federal education funding came with so many strings attached that it stifled innovation and flexibility. However, ESSA’s architects designed the law with an eye toward enabling states to utilize federal funds to promote a promising innovation: course access. A course-access system creates a central, statewide bank of online accredited courses, and it gives districts the opportunity to allow students to take courses that are not offered in person. Course-access programs have been piloted in a handful of states, but the start-up expense to the state, as well as the ongoing expense to districts, has inhibited their growth. ESSA enables savvy state leaders to defray these costs by putting them on the federal government’s tab.

### **How to Do It**

States can leverage several federal funding streams to launch and sustain a course-access program. ESSA allows states to set aside 3% of Title I funds for “direct student services” (extra academic classes for students in struggling schools). Title IV of ESSA contains an “academic enrichment” block grant of \$400 million that states can use for a raft of initiatives. States may use 5% of their Title IV block grant and 1% of their Title I funds to build a statewide online course “bank” stocked with accredited classes. States can then create competitive grants for districts, telling districts that they’ll receive those federal funds so long as they give students the option of taking those online courses. If states want to offset more of the initial state appropriation necessary to establish the course-access program—or want to defray any continuing costs—they can transfer Title II funds to Title IV and direct that money toward course access.

### **What’s Possible**

The promise to allow every student to take every course should not only be an academic winner; it should also be a political winner. Governors could leverage course access to launch a range of initiatives, such as:

- **Rural excellence.** In many states, rural high schools frequently do not offer physics, much less the college-level AP course work offered in many suburban schools. Strapped for resources and left behind in most discussions about education reform, rural schools could enjoy tangible benefits from course access.
- **Uplifting urban achievers.** Most discussion of low-performing urban schools revolves around raising the achievement of the worst students. But many intellectually gifted students also underachieve because they are insufficiently challenged. Course access would help them maximize their potential.
- **AP for all.** Expanding AP programs has long been a priority for state policymakers. Under a course-access program, students could take any AP course, thereby providing sizable learning gains for students as well as financial benefits for families, who would potentially save on future college tuition.
- **Career and technical instruction.** Courses need not be limited to those of the traditional academic variety: courses in, say, coding, engineering, and robotics could be sponsored by businesses and would give students a valuable micro-credential in the workforce.

## 4. Leverage Teacher-Preparation Academies

Title II of ESSA permits states to use up to 2% of their funds to establish “teacher, principal, or other school leader preparation academies.” In many states, licensure requirements keep talented adults outside the classroom. Whereas previous (failed) efforts to improve teacher quality, such as NCLB’s “highly qualified teacher” provision, focused on raising barriers to teacher certification, ESSA allows governors to build talent pipelines directly into the classroom by designating a state authorizer of teacher-preparation academies. Guided by the governor’s vision, the authorizer would accredit academies to fast-track teaching talent into the classroom and emphasize hands-on apprenticeship, rather than the accumulation of university course credits.

### ***What’s Possible***

The architects of ESSA envisioned teacher-preparation academies as a means to encourage alternative, high-quality teacher-training programs, such as the Relay Graduate School of Education. That is one valuable use; there are other promising uses:

- **Charter network.** High-quality charter networks often must contend with onerous state-licensure requirements—a burden that discourages the growth of such networks. Charter networks that prove that they can teach kids effectively should be given greater flexibility to train their teachers, too.
- **State STEM initiative.** In each state, thousands of talented adults with STEM degrees might consider becoming teachers. Yet licensure requirements make it hard for someone with, say, a Ph.D. in biology to teach high school biology. States could leverage teacher-preparation academies to get more talented STEM teachers into the classroom.
- **Career and technical education.** Teacher-preparation academies could partner with local businesses and high schools to get employers into high schools to offer career and technical education. Such partnerships could help build employable skills for students who are less likely to attend a four-year college.
- **Teach for [your state here].** Teach for America need not be the only game in town for getting talented college students into teaching. States could also use teacher-preparation academies to establish state versions of Teach for America—thereby encouraging talented youth to serve high-needs urban and rural districts.



## 5. Combine Weighted Student Funding with Public School Choice

Under ESSA, governors will be responsible for shaping interventions for low-performing schools and districts. When it comes to major urban districts, governors have few good options: a decade of school interventions hasn't yielded any magic bullet, and aggressive urban interventions to expand charter schools have been met with fierce political backlash. Perhaps the most promising approach to improving low-performing districts—while minimizing political risk—is to combine weighted student funding with public school choice (see box), essentially transforming a public school district into a charter school district.

### Weighted Student Funding and Public School Choice

Financing for schools is typically determined by layer upon layer of line items and other complex formulas. It would be more fair—and more efficient—for money to follow a student directly, via “weighted student funding” (extra money for students in poverty and those with learning disabilities). Making funding follow students has two salutary consequences: it increases financial flexibility for school leaders to use money in more creative and intentional ways; and it forces all school leaders to attract and retain students.

Most of the discussion of school choice revolves around charter or private schools; but some districts also offer students a choice of public schools. NCLB attempted to encourage public school choice by giving students in failing schools the option to transfer to a better school. However, this reform never fulfilled its promise: failing schools often did their best to ensure that parents remained unaware that they could transfer their children.

#### **How to Do It**

ESSA enables governors, in partnership with mayors or school boards, to implement weighted student funding and public school choice, thereby creating a more flexible district where money follows students to schools of their choice. The first step: apply to the ED to be part of the Pilot Program for Weighted Student-Funding Formulas, which allows up to 50 cities in 2017–18 to combine local, state, and district funding into a flexible, student-based formula. The second step: use ESSA's Title I set-aside funding as a competitive grant to the given school district—contingent on faithful implementation of public school choice, as proactively monitored by the state's education agency.

#### **What's Possible**

Making money follow students and giving families a meaningful choice about what school to attend is a promising way to turn a bad public school district into a thriving charter school district. Given the budgetary and operational flexibility enjoyed by charter school leaders, public school leaders would need to use that flexibility to attract and retain students. If a governor worked together with a district's school leaders, the district could reap all the benefits of an all-charter district while avoiding the zero-sum financial and political struggle between traditional schools and charter schools.



## Endnotes

- <sup>1</sup> “Remarks by the President at Every Student Succeeds Act Signing Ceremony,” [ObamaWhiteHouse.archives.gov](https://obamawhitehouse.archives.gov), Dec. 10, 2015.
- <sup>2</sup> See Frederick M. Hess and Max Eden, eds., *The Every Student Succeeds Act: What It Means for Schools, Systems, and States* (Cambridge: Harvard Education Press, 2017).
- <sup>3</sup> “No Child Left Behind’s Successor,” *Wall Street Journal*, Nov. 29, 2015.
- <sup>4</sup> See, e.g., “Adequate Yearly Progress,” *Education Week*, July 18, 2011.
- <sup>5</sup> “Every Student Succeeds Act (ESSA),” U.S. Department of Education.
- <sup>6</sup> See, e.g., Michael J. Petrilli, “ESSA Accountability Design Competition: The Contenders,” Thomas B. Fordham Institute, Jan. 28, 2016.
- <sup>7</sup> Max Eden, “School Discipline Reform and Disorder: Evidence from New York City Public Schools, 2012–16,” Manhattan Institute, Mar. 14, 2017.

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