

# The New Every Student Succeeds Act – Progress and Promise or Retreat and Surrender

On December 10, 2015, President Barack Obama signed the *Every Student Succeeds Act* (ESSA) into law, making it the first major overhaul of the *Elementary and Secondary Education Act* in 13 years. IDRA closely followed the legislation in 2015, focusing on the impact the changes in federal law could have on what should matter most: equity and opportunity for all public school children, especially for low-income, English learner, and minority students.

While being an improvement over the original versions that passed both chambers of Congress earlier this year, the ESSA can hardly be described as policy that ensures that all underserved children will be provided “significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps,” despite the stated purpose of the act.

**“This is a critical time for our nation to map out how we will achieve the twin goals of educational equity and excellence for every child in every neighborhood and in every state. The promise of quality education is America’s promise not to the privileged few but to all our children.”**

– Dr. María “Cuca” Robledo Montecel, IDRA President & CEO

## Background

Based on more than 40 years of research, experience and expertise in educational services and policy work, IDRA released, in April, [“Key Issues in ESEA Reauthorization that Are Vital to Ensuring High Quality Education for All Students,”](#) identifying the following among the key issues:

- Title I portability should not be authorized.
- Federal policies requiring testing should discourage high-stakes testing and encourage stratified random testing.
- Restoring state control over accountability systems must be balanced with the need to ensure that all students are learning and achieving.
- The federal strategy should not divert limited federal resources from public schools to privately-run charters.



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DECEMBER 15, 2015

- Supporting teachers, rather than focusing on evaluating teachers based on high-stakes testing, is a step in the right direction.
- Ensuring access to high quality teachers and high quality teaching for students of poverty and of color must not be left to the whim of the states.
- Beware of funding “flexibility” approaches for Title dollars.
- Excluding ELL students from accountability systems and from testing should not be expanded, and native language assessments should be encouraged.

IDRA followed this work with a letter to the Senate Health, Education, Labor and Pensions Committee on June 3, 2015, identifying critical issues related to student and programmatic equity requiring greater attention. [This letter](#) analyzed the proposed *Every Child Achieves Act* (ECCA), which was the Senate’s reauthorization measure, in the areas of: accountability, randomized testing, English learners, family and parent involvement, teacher quality, privately-run charter schools and portability, and equitable distribution of federal monies.

In a [coalition letter](#) from the National Coalition on School Diversity to the chair and ranking member of the U.S. House Appropriations Committee, IDRA addressed the issue of supporting diverse school settings through continued funding for the Magnet Schools Assistance Program.

For several years, many criticized the utility of the *No Child Left Behind Act* (NCLB) and its implementation. Several groups and organizations complained about a range of issues, including: over-reliance on testing, federally-proscriptive interventions, required use of student test scores in teacher evaluations, lack of pre-kindergarten support, absence of resource equity provisions, disregard for Native American education needs, and lack of support for English learner students, among several others.

Even after action commenced in both chambers of Congress in 2015, few believed the partisan stalemate could be overcome. However, on July 8, 2015, the House of Representatives passed its *Student Success Act* in a partisan vote of 218 to 213. The Senate quickly followed suit, passing the bipartisan ECCA on July 16, 2015, by 81 to 17.

Despite clear, polarizing differences between the two measures, the chambers ironed out their differences in a conference committee in November, passing the compromise – the ESSA – by a vote of 39 to 1. The ESSA then sailed through the Senate and House with bipartisan support and President Obama signed the act on December 10, 2016.

The ESSA advances some important civil rights protections, but it also is saddled with many questionable provisions and uncertainty. Its value seems to be measured against its two predecessors as opposed to its vision and utility in carrying out the stated purpose of “significant opportunity” for all students.

### Provisions of the ESSA that are good for equity for underserved schoolchildren include...

- Continued disaggregation of test score data among various student groups for accountability purposes and further disaggregation of groups by gender (though further disaggregation of Asian/Pacific Islander student group was not approved);
- Measurement of graduation rates and other of indicators of quality or success;
- Requirements that schools identify and serve English learner students under stricter timetables;
- New reporting requirements for long-term English learner students and English learner students with disabilities;
- Elimination of the requirement to include student test scores in teacher evaluations (though states maintain the authority to include scores);
- Expansion of pre-kindergarten programs (though impact on quality Head Start programs and migrant communities is concerning);
- Incorporation of research into program evaluation and the peer review process; and
- Rejection of Title I portability funds (which would have undermined the targeting of funds to districts and schools with concentrated poverty).

## Provisions of the ESSA that may negatively affect equity for underserved schoolchildren include...

- Continues the testing regime of NCLB. 95 percent of all students are to be tested in each grade level (instead of allowing states to administer stratified random testing through validated procedures, thus removing high-stakes);
- Masking of English learner student performance by allowing states to combine current English learner test scores with the scores of former English learners who exited the program over the previous four years;
- Weakening accountability nationwide by relegating the job of designing accountability systems and intervention efforts to each individual state with little collaboration or guidance, which could likely lead to underserved students being denied the opportunities needed to succeed in the classroom;
- Adoption of ambiguous expectations of “workforce” readiness and “employment,” together with post-secondary readiness, which could lead to the creation of diverging educational programs with tracking of underserved students into less rigorous programs;
- Failure to adopt provisions that would ensure the more equitable distribution of Title I dollars, which are the chief source of federal funding to schools serving low-income children;
- Added criteria of socioeconomic integration as a vehicle for racial integration, which could be interpreted as favoring schools that use socioeconomic integration, as opposed to other constitutionally permissible racial integration methods;
- Loss of a stronger definition for qualified and effective teachers, which could result in even greater numbers of students of color and poverty and of English learner students having less access to effective well-educated, well-prepared and well-supported teachers; and
- Shifting of federal dollars from the underfunded public sector to the private sector with little accountability.

These are only a sampling of the pluses and minuses of the ESSA expected to impact students and the schools that serve them. IDRA will provide a deeper analysis of the law’s impact on

equity and opportunity for underserved school children in comparison to NCLB in the coming months.

In addition, the several discretionary provisions written into the law could provide states the opportunity and flexibility to be used in a positive manner that ensures the true intent of the ESSA is carried out. IDRA will provide equitable model proposals as the law and regulatory process unfolds. The [IDRA Quality Schools Action Framework™](#) also can be used by state education officials and policymakers as a guide for developing effective state educational policies and programs that serve all students.

## Resources

IDRA stands ready to be a resource to help build opportunities and protections for America’s underserved students through strong, efficient, and necessary federal regulations and guidance. IDRA’s strong track record in research, evaluation and policy on behalf of minority and school children in at-risk circumstances and emerging communities, together with its extensive experience in educational pedagogy and community and family engagement – among other areas – forms a strong basis for its policy perspectives and recommendations at the federal level.

Although IDRA’s historic work covers a broad range of work in education and policy, IDRA would like to bring special attention to the following areas where its experience and expertise may be helpful as federal regulations and guidance are considered:

- English learner students, programs and accountability;
- Accountability/opportunity-to-learn metrics and intervention;
- Resource equity;
- Magnet schools; and
- Family and community engagement.

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