



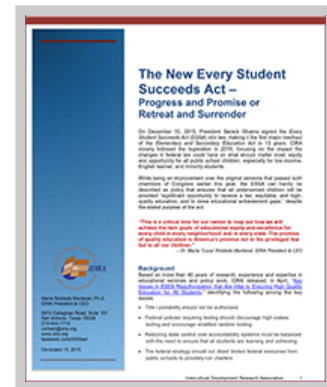
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## The New Every Student Succeeds Act – Progress and Promise or Retreat and Surrender

*December 16, 2015*

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**

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 will negatively affect equity for underserved schoolchildren include...

- Continued 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.
- 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.

See IDRA’s [ESSA policy note](#) for more information, including background and resources.

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## The New ELL Toolkit – Potentially a Great Resource... but Beware of Misuse

The U.S. Department of Education recently released a new, comprehensive English Learner Toolkit, which is a compilation of the latest research findings, current policy and resources or “tools,” such as sample surveys and assessments, for districts and schools to use in addressing the educational needs of their English learners.

When used in its entirety, the kit will be a great new resource for districts and schools to provide a quality education for English learners as required. But, the toolkit also may be misused to justify practices that do not protect the civil rights of English learners or that promote detrimental programs.

IDRA’s [letter](#) highlights potential areas for abuse of the toolkit.



## The State of Texas Open-Enrollment Charter Schools

IDRA provided written testimony of its research and analysis on charter schools in Texas. The state Senate Committee on Education met December 7 to take up interim charges regarding charters. IDRA’s testimony, [“The State of Texas Open-Enrollment Charter Schools and a Modest Proposal to Diversify and Improve Public Charter Schools,”](#) focuses on issues impacting the Texas Senate’s study of the approval, expansion, and revocation of public charter schools in Texas, including the performance of charter schools in Texas and efficiency concerns related to the expanded funding

of charter schools. We conclude with a proposal for the Senate to consider an approach to new charters that would aim to ensure high quality, equal educational opportunities in a diverse learning environment.



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The **Intercultural Development Research Association** is an independent private non-profit organization dedicated to realizing the right of every child to a quality education. IDRA strengthens and transforms public education by providing dynamic training; useful research, evaluation, and frameworks for action; timely policy analyses; and innovative materials and programs.

IDRA works hand-in-hand with hundreds of thousands of educators and families each year in communities and classrooms around the country. All our work rests on an unwavering commitment to creating self-renewing schools that value and promote the success of students of all backgrounds.

We are a small organization with a powerful mission: to create schools that work for *all* children.



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