

THE UNIVERSITY OF NEW MEXICO
CENTER FOR EDUCATION RESEARCH
EVERY STUDENT SUCCEEDS ACT
POLICY REVIEW

for the Learning Alliance of New Mexico

August 2016



Center for Education Policy Research

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Executive Summary

Introduction

The Learning Alliance of New Mexico engaged The University of New Mexico Center for Education Policy Research (CEPR) to conduct the policy review presented in this report. The CEPR research team examined the Act, including summaries and overviews; existing research about the Act and its implications; and information collected by local committees and organizations.

What is ESSA?

On December 10, 2015, President Obama signed into law the Every Student Succeeds Act (ESSA), which replaces the nearly 14-year old No Child Left Behind Act (NCLB). ESSA represents the latest iteration of the 1965 Elementary and Secondary Education Act (ESEA), which was the first attempt by the federal government to expand educational opportunity to all American children through a series of programs providing targeted support for children and schools in low-income communities. Although the goals of NCLB were widely shared at the time of passage by both Democrats and Republicans alike, the law had become unworkable in recent years as states and local educational agencies (LEAs) struggled to come to terms with the law's requirement that 100 percent of all students be proficient by 2014. ESSA is important at this time in our nation's history because it represents a significant swing away from the strong federal control exerted by the U.S. Department of Education under its NCLB waiver policy, toward increased support for state and local control over many aspects of public education, including the development and deployment of state standards, statewide systems of accountability, and statewide assessment systems.

What does the Values Framework tell us about ESSA?

In the Policy Review that follows this Executive Summary, we unpack some of the notable provisions of ESSA through the lens of the New Mexico Learning Alliance's "Values Framework," which asserts that educational reforms should be assessed through a lens that includes the following key value-based concepts: achievement & equity, worldview, holistic, asset-based innovation, respectful, urgency. Using this framework, we assess some of the key opportunities for the Learning Alliance to leverage the new law to evaluate local, state, and federal policy proposals and to seek out opportunities to influence current policy debates at all levels of government. Although the Policy Review is organized in terms of these six concepts, this Executive Summary is organized in terms of some of the notable findings from our analysis of the new law.

Equity and Accountability

Under ESSA, many of the principles of NCLB and the previous reform efforts that led to that law are maintained. ESSA doesn't overturn the dominant paradigms in the conversations about national education reform; instead, it seeks to systematically shift the locus of control over education policy back to state and local governments. This shift in control is often described as "flexibility" among members of the press and think tanks alike, but what flexibility really describes is an expanding of the opportunities available to states to broaden systems of accountability and to innovate within some very well defined parameters – all with the goal of improving student academic achievement and closing achievement gaps.

In the end, ESSA codifies the national blueprint that has been guiding education reform efforts since the 1990s: encourage the adoption of rigorous academic standards by every state, create high-quality assessments to measure attainment of the standards, develop accountability systems that hold schools, school districts, and teachers accountable for achieving results, and provide support and/or sanctions for schools that do not make the grade.

Although the federal government does not have the authority to mandate that states, districts, or schools follow the blueprint, the federal government does have the ability to strongly shape their behaviors through the use of carrots and sticks, primarily the ability to approve or disapprove state Title I plans and to issue or withhold formula funding under different provisions of the law.

For the most part, if a state has already adopted the broad contours of the reform blueprint, there are very few levers available to non-state actors to influence state-level change. But for states that are looking for opportunities to broaden their accountability systems, the law offers a few opportunities to do so:

1. ESSA provides flexibility to states to adopt high-quality academic assessments in math, reading or language arts, and science, which “may be partially delivered in the form of portfolios, projects, or extended performance tasks.”
2. For states wanting to develop alternative, evidence-based assessment systems, ESSA creates a new Enhanced Assessment Instruments Program, which will allow up to seven states to develop pilots of innovative assessment programs that can use a variety of indicators to show how a student is performing. Multiple measures of proficiency can include projects, portfolios, and other locally designed formative assessments that, along with the standardized tests, create a summative score for a student. The program is currently accepting applications through September 22, 2016.
3. ESSA permits local educational agencies (LEAs) to choose a locally-selected assessment in lieu of the state assessment, but only if “the LEA selects a nationally recognized high school academic assessment that has been approved for use by the state.”
4. ESSA requires each state to add at least one non-academic indicator of school quality or student success as part of its statewide accountability system. This opens the door to the possibility of measuring factors such as student engagement, postsecondary readiness, school climate and safety, career readiness, and other metrics associated with student success.
5. ESSA adds new provisions to the school improvement program, namely expanding the pool of schools eligible for comprehensive support and improvement. Under the new law, public high schools with low graduation rates and public schools with consistently underperforming subgroups are now eligible for support (in addition to the lowest-performing five percent of all schools in the state).
6. ESSA moves the accountability systems for English Language Learner (ELL) students from Title III to Title I with all other subgroups and it specifies new options for how the test scores of ELL students can be incorporated into a state’s accountability system. This change represents a significant shift in the way that the federal law treats ELL students, but there has been mixed reaction from the educational reform community about the implications of these changes for the success of ELL students.

Stakeholder Involvement

One major opportunity for leverage under ESSA is the explicit reference to “stakeholder involvement” at various points in the law. For purposes of the Learning Alliance’s engagement strategy, the most immediate opportunity for stakeholder involvement is during the creation of each state’s Title I plan. As the Department of Education notes in a recent blog post, “states should engage meaningfully with a wide range of stakeholders to create a common vision of educational opportunity and accountability. This engagement can take many forms and still be successful. Regardless of the form, however, to be meaningful it must be wide-spread, inclusive, ongoing, and characterized by true collaboration. For the law to work we need all those who have a stake in our education system to have a

seat at the table as states are making their plans.”¹ In the same blog post, the Department lists several examples of stakeholder engagement guides, and we document some of the key insights from these guides at the end of this policy review.

Additionally, ESSA creates opportunities for stakeholder involvement at the local level, as LEAs develop their Title I plans, and the law also includes a number of requirements for parent and family engagement in the formulation of these LEA plans.

Competitive Grant Programs

Finally, although much of the focus of ESSA is on the federal formula grant programs meant to increase equity across states and localities, the law also includes a variety of competitive grant programs that the Learning Alliance may want to explore further. New Mexico has not fared particularly well in recent years with many of the competitive federal education grant programs, but these programs often reflect the values of the Learning Alliance and could do a lot to enhance local communities’ education reform efforts in New Mexico. Additionally, we recommend that tribal governments explore these competitive grant programs, as tribes are often listed as one of the categories of applicants eligible to apply. The most notable competitive grant programs include Promise Neighborhoods, Full-Service Community Schools, 21st Century Community Learning Centers, Education Innovation and Research and other grant programs pertaining to early literacy, native language schools, and teacher effectiveness.

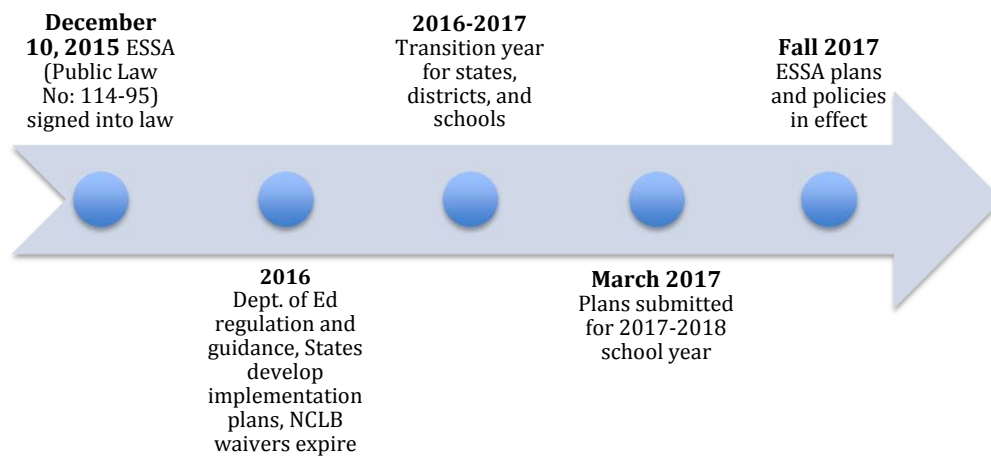
¹U.S Department of Education, Retrieved August 8, 2016, from <http://blog.ed.gov/2016/06/view-field-building-comprehensive-essa-stakeholder-engagement/>.

Introduction

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ESSA Timeline

On December 10, 2015, President Obama signed into law the Every Student Succeeds Act (ESSA), which replaces the nearly 14-year old No Child Left Behind Act (NCLB). ESSA represents the latest iteration of the 1965 Elementary and Secondary Education Act (ESEA), which was the first attempt by the federal government to expand educational opportunity to all American children through a series of programs providing targeted support for children and schools in low-income communities.



New Mexico Vote

All five members of the New Mexico congressional delegation voted in favor of the conference report accompanying the Every Student Succeeds Act (P.L. 114-95).

Member of Congress	Party/District	Vote on Conference Report (H. Rept. 114-354)	Date	Vote#
Senator Martin Heinrich	D-NM	Yea	12/9/2015	334
Senator Tom Udall	D-NM	Yea	12/9/2015	334
Rep. Michelle Lujan Grisham	D-1st	Yea	12/2/2015	665
Rep. Steve Pearce	R-2nd	Yea	12/2/2015	665
Rep. Ben Ray Lujan	D-3rd	Yea	12/2/2015	665

Background

The passage of ESSA represents a long overdue reauthorization of the Elementary and Secondary Education Act, which was last reauthorized in 2002 under the bipartisan No Child Left Behind Act. Although the goals of NCLB were widely shared at the time of passage by both Democrats and Republicans alike, the law had become unworkable in recent years as states and local educational agencies (LEAs) struggled to come to terms with the law's requirement that 100 percent of all students be proficient by 2014. Additionally, as the U.S. Senate Health, Education, Labor, and Pensions (HELP) Committee noted in the Committee Report accompanying ESSA,

The law also created a complicated system for deciding whether schools were succeeding or failing based primarily on the results of annual assessments, which did not provide a full or accurate picture of school quality and success. NCLB also prescribed a series of sanctions for schools missing annual performance targets, and a requirement that each of our Nation's 3.2 million teachers in core academic subjects meet a Federal definition of "highly qualified" by 2007–8. While accountability systems and effective interventions in struggling schools can be a successful method of improving student achievement, the one-size-fits-all nature of these mandates did not provide States with the flexibility necessary to innovate and create sustainable improvements in their education systems.²

Despite these flaws, Congress failed to take action to fix the law upon its expiration and, as a result, the Secretary of Education granted waivers to 43 states, the District of Columbia, and Puerto Rico to exempt them from many of NCLB's unworkable provisions. According to the Senate HELP Committee,

In exchange for the waivers, the Secretary has placed conditions on States related to standards, assessments, accountability and teacher evaluation not otherwise required in the law that Congress wrote. The combination of Congress' failure to reauthorize ESEA and fix NCLB and the Secretary's use of Federal competitive grants and waiver authority has produced a concerning backlash against reforms that were intended and often developed by States and local school districts themselves to improve academic achievement for our Nation's most at-risk children.³

Thus, passage of ESSA represents another significant evolution in our nation's policies concerning public education. According to the U.S. Department of Education, the new law:

- "Advances equity by upholding critical protections for America's disadvantaged and high-need students.
- "Requires—for the first time—that all students in America be taught to high academic standards that will prepare them to succeed in college and careers.
- "Ensures that vital information is provided to educators, families, students, and communities through annual statewide assessments that measure students' progress toward those high standards.
- "Helps to support and grow local innovations—including evidence-based and place-based interventions developed by local leaders and educators—consistent with our Investing in Innovation and Promise Neighborhoods initiatives.
- "Sustains and expands this administration's historic investments in increasing access to high-quality preschool.

²Senate Report# 114-231, p. 3.

³Ibid.

- “Maintains an expectation that there will be accountability and action to effect positive change in our lowest-performing schools, where groups of students are not making progress, and where graduation rates are low over extended periods of time.”⁴

Additionally, ESSA represents a swing away from the strong federal control exerted by the U.S. Department of Education under its NCLB waiver policy, toward increased support for state and local control over many aspects of public education, including the development and deployment of state standards, statewide systems of accountability, and statewide assessment systems. Indeed, according to the New Mexico Legislative Finance Committee, ESSA “provides states wider discretion in setting performance goals, determining accountability standards for schools and districts, and intervening in low-performing schools. States are allowed to set their own goals that address proficiency on tests and graduation rates with the expectations that achievement gaps will close.”⁵

Purpose

It is against this backdrop that Learning Alliance of New Mexico has commissioned this Policy Review, with the goal of better understanding the opportunities presented by the law to improve public education in New Mexico. The structure for the Policy Review will be based on the Learning Alliance of New Mexico’s “Values Framework”;⁶ and will provide an analysis of ESSA through that lens. It will address the following topics within the framework:

- Key differences between ESSA and the No Child Left Behind Act;
- Alignment of ESSA with current state law;
- Opportunities presented by ESSA to improve educational policies and practices at the state and local level; and
- School accountability system in New Mexico, including student assessments, school accountability and school design.

⁴U.S. Department of Education, <http://www.ed.gov/essa>, last accessed 6/30/2016.

⁵2017RecommendVoll.pdf. (January 2016). Retrieved July 05, 2016, from https://www.nmlegis.gov/Entity/LESC/Reports_To_The_Legislature

⁶The Values Framework includes six components: Achievement and Equity, World View, Holistic, Asset-Based Innovation, Respectful, and Urgency. See details at <http://learningalliancenm.org/values-vision/our-values>.

Policy Review within the Values Framework

Equity

ESSA's history is deeply rooted in equity. The Elementary and Secondary Education Act of 1965 was part of the War on Poverty; the focus of Title I (and most other titles) continues to be providing additional federal funds to support education for disadvantaged students. ESSA retains NCLB's strong focus on disaggregation of data and accountability for performance of all subgroups, as well as provides new opportunities for equitable distribution of state and local dollars.⁷

Accountability – State Plans

The centerpiece of ESSA is a major rewrite of the federal accountability requirements under Title I of the Elementary and Secondary Education Act. As the law notes, the purpose of Title I is “to provide children significant opportunity to receive a fair, equitable, and high-quality education, and to close achievement gaps.”⁸ Under the new law, each state must file a plan with the Secretary of Education (the Secretary) in order to receive funds. The plan must be

developed by the State educational agency with timely and meaningful consultation with the Governor, members of the State legislature and State board of education (if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents.⁹

Additionally, the state must make the plan available for public comment for a period of no less than 30 days. Under the plan, the state must provide an assurance that it has adopted “**challenging academic content standards.**” The state, however, is not required to submit the standards to the Secretary of Education for approval. The state must establish standards for math, reading or language arts, and science, and it may establish standards for any other subject determined by the state. Additionally, the law specifies that “each State shall demonstrate that the challenging State academic standards are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.”¹⁰

Reflecting the swing toward local control, the law includes strong statements about federal involvement in the adoption of state standards. Notably, the state does not have to submit standards to the Secretary for review or approval, nor does the Secretary have the authority to “mandate, direct, control, coerce, or exercise, any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.”¹¹

Alongside the requirement for adoption of challenging academic standards, each state plan must also demonstrate that the state educational agency (SEA), in consultation with LEAs, has implemented a set of **high-quality student academic assessments** in math, reading or language arts, and science. The law sets forth a number of requirements for the assessments including that they be aligned with the state's challenging academic standards; provide coherent and timely information about student attainment of the standards; are valid and reliable; are of adequate technical quality; and involve multiple up-to-date measures of student academic achievement, including measures that assess

⁷Detailed Overview of Every Student Succeeds Act. (n.d.). Retrieved June 23, 2016, from <https://edtrust.org/>

⁸20 USC 6301

⁹20 USC 6311

¹⁰Ibid.

¹¹Ibid.

higher-order thinking skills and understanding, “which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks.”

The law requires that math and reading/language arts assessments be administered in each of grades 3 through 8 and at least once in grades 9 through 12. Science assessments must be administered not less than one time in grades 3 through 5, grades 6 through 9, and grades 10 through 12. States also have the flexibility to administer the assessments through a single summative assessment or through multiple statewide interim assessments during the course of the academic year that result in a single summative score. LEAs, in turn, are granted flexibility to choose a locally-selected assessment in lieu of the state-designed assessment “if the LEA selects a nationally recognized high school academic assessment that has been approved for use by the state.”

The third pillar of each state plan (besides challenging academic standards and high-quality academic assessments) is the **statewide accountability system**, which must establish ambitious state-designed long-term goals, including measurements of interim progress toward meeting the goals. The goals must be developed “for all students and separately for each subgroup of students in the State for, at a minimum, improved academic achievement...and high school graduation rates; and for English learners, for increases in the percentage of students making progress in achieving English language proficiency.”

Under the statewide accountability system, states are required to measure the following indicators:

- Academic Indicators
 - For all public schools, **academic achievement**;
 - For elementary and middle schools, **student growth** or an alternative indicator that allows for meaningful differentiation in school performance;
 - For high schools, the **four-year high school graduation rate** and, at the state discretion, the **extended year adjusted cohort graduation rate**;
 - For public schools, **progress in achieving English language proficiency**;
- School Quality or Student Success Indicator
 - For all public schools, not less than one indicator of **school quality or student success**, such as, but not limited to, student engagement, educator engagement, students’ access to and completion of advanced coursework, postsecondary readiness, school climate and safety, and other indicators the state chooses that meets the requirements of this section of the law.

The system must also **meaningfully differentiate**, on an annual basis, all public schools in the state. Differentiation must “be based on all indicators in the State’s accountability system for all students and for each subgroup of students”; afford “substantial weight” to each academic indicator and “much greater weight” to each academic indicator as compared to the chosen indicator of school quality or student success; and “include differentiation of any such school in which any subgroup of students is consistently under-performing.” In other words, although the law allows states to bring additional indicators into the accountability system, academic indicators need to carry significantly greater weight than measures of school quality or student success.

Based on this system of meaningful differentiation, the law includes two categories of school improvement: (1) Comprehensive Support and Improvement, and (2) Targeted Support and Improvement. Beginning with school year 2017-18, and at least once every three school years thereafter, the state plan must establish a methodology to identify one statewide category of schools for **comprehensive support and improvement**, which shall include not less than the lowest-performing 5 percent of all schools in the State; all public high schools failing to graduate one third or more of their students; and public schools for which a subgroup is consistently underperforming.

Finally, states must annually notify LEAs that have schools with consistently underperforming subgroups. Such schools are required to develop and implement a school-level **targeted support and improvement plan** to improve student outcomes based on the indicators in the statewide accountability system, for each subgroup of students that was the subject of the notification. The plan must include evidence-based interventions, be approved and monitored by the LEA, and result in additional action following any unsuccessful implementation of the plan after a number of years (determined by the LEA).

Accountability – LEA Plans

Each LEA must submit to the state a Title I plan, which is developed with “timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in a local educational agency that has charter school leaders), administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and with parents of children in schools served under this part.”¹²

LEAs are permitted to consolidate and use funds under this part of the law, together with other Federal, State, and local funds, in order to “upgrade the entire educational program of a school that serves an eligible school attendance area” (i.e., with a certain poverty level). Alternatively, for schools not eligible for a schoolwide program, funds can be used for targeted assistance.

Funding

Weighted student funding potentially promotes equity, transparency, flexibility, and school choice.¹³ ESSA includes a pilot program in which local educational agencies (LEAs) can be granted “flexibility to consolidate eligible Federal funds and State and local education funding in order to create a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.”¹⁴

Under ESSA’s weighted student funding pilot program, up to fifty LEAs can participate initially, with unlimited national expansion permitted for the 2019–20 school year. LEAs can consolidate all of their federal Title I and II dollars, as well as other funding at various levels, into one weighted formula for schools. To participate, LEAs have to submit an application to the U.S. Department of Education, demonstrate annual compliance with certain requirements, and issue yearly reports on school-level expenditures. Underfunded school choice programs in these LEAs will have the opportunity to get a fairer share of money. Under the current rules, Title I dollars are allocated by school, with the highest-poverty schools receiving money first. While the pilots are confined to spending within LEAs, implementation will facilitate future portability of funds across LEAs.¹⁵

Data

ESSA supports the notion that disaggregating data is critical to understanding trends and developing solutions. Each year, ESSA requires states and LEAs alike to publish an annual report card that includes data intended to inform the public about key indicators. According to The Education Trust, as per ESSA the reports must include:

1. Details of the state accountability system, including schools identified for Comprehensive Support and Improvement and Targeted Support and Improvement.

¹²20 USC 6312

¹³Weighted Student Formula. (n.d.). Retrieved July 05, 2016, from <http://www.nea.org/>

¹⁴20 USC 6491

¹⁵The Every Student Succeeds Act: Explained. (January 4, 2016). Retrieved July 05, 2016, from <http://www.edweek.org/ew/articles/2015/12/07/the-every-student-succeeds-act-explained.html>

2. Disaggregated results on all accountability indicators, including state assessments and graduation rates.
3. Disaggregated assessment participation rates.
4. Disaggregated results on the indicators that the state and its districts are already reporting to the Civil Rights Data Collection, including, but not limited to:
 - a. access to advanced coursework, such as AP, IB, and dual enrollment;
 - b. exclusionary discipline rates; and
 - c. chronic absenteeism.
5. The professional qualifications of educators, including the number and percentage of
 - a. inexperienced teachers, principals, and other school leaders;
 - b. teachers teaching with emergency credentials; and
 - c. teachers who are out-of-field.
6. State, local, and federal per-pupil expenditures, by funding source. These expenditures have to include actual personnel expenditures for each school, not just district averages.
7. The number and percentage of students with the most significant cognitive disabilities taking the alternate assessment.
8. At the state level, results of the National Assessment of Educational Progress, as compared with national averages.
9. Disaggregated rates at which high school graduates enroll in higher education, if available.¹⁶

Opportunity

ESSA includes language about leveraging resources through Promise Neighborhoods to address challenges specific to high-poverty communities. Promise Neighborhoods is a program offered by the U.S. Department of Education intended to improve education and developmental outcomes for children in “distressed” communities. Although the program has not been funded since 2012, the Department of Education recently issued a Notice of Funding Availability (NOFA) for a new round of competitive grants. Eligible applicants include nonprofit organizations, institutions of higher education, and Indian tribes (with additional criteria specified in the NOFA). The deadline for Notice of Intent to Apply is August 11, 2016, and the deadline to submit applications is September 6, 2016.¹⁷

Education Innovation and Research grants will be made available to support the development and expansion of evidence-based practices. Awards will be provided in the following three areas: (1) early-phase grants to fund the development, implementation, and feasibility testing of a new intervention; (2) mid-phase grants to fund the implementation or evaluation of a successful early-phase grant; and (3) expansion grants to scale up a program implementation or evaluation that was found to make a sizable impact during a mid-phase grant. A portion of these grant opportunities will be reserved for rural and tribal communities.

¹⁶What’s in the ESSA - Public Reporting. (January 13, 2016). Retrieved July 05, 2016, from <https://edtrust.org/resource/whats-in-the-every-student-succeeds-act-public-reporting/>

¹⁷Promise Neighborhoods. (n.d.). Retrieved July 18, 2016, from <http://www2.ed.gov/programs/promiseneighborhoods/index.html>

Worldview

Native Language and Culture

ESSA establishes a new grant program to support native language schools. The Native American and Alaska Native Language Immersion Schools and Programs Grant would fund the schools and programs that aim to maintain and revitalize native languages and cultures.

Assessment: Inclusion of English Learners

ESSA dramatically reworks NCLB's accountability measures and moves from federal accountability frameworks to state- and district-driven accountability goals.¹⁸ ESSA also includes significant changes for ELL students and their teachers. First, ESSA increases authorization levels for Title III funds.¹⁹ ESSA requires that English language proficiency is included in school and district accountability systems²⁰—more specifically, ESSA moves the accountability systems for ELL students from Title III to Title I, where all other student subgroup accountability systems are specified.

ELL students have two options for their accountability test scores. The first option, which is the same as the current ESEA law, allows students to be excused from testing during their first year, and their scores can be included after they have been in the country for a year. The new option requires that students take the assessments and have their scores reported during the first year, but the scores are not included in calculations for accountability. During the second year, schools must incorporate a growth measurement, and, in their third year, students' scores are all fully counted.²¹ Additionally, according to The Education Trust's ESSA overview, "districts may assess English learners in reading/language arts using assessments in the student's native language for up to three years from a student's arrival in the U.S. They may extend this time period by two more years on a case-by-case basis if a native language assessment is likely to yield more valid and reliable information about what the student knows and can do."²²

Reaction to ESSA with regard to ELL has been mixed from the educational community. From one vantage point, some argue that schools must work to support their ELL students to make their success a priority.²³ Others contend that states will continue to fail to prioritize ELL success without more federal guidance.²⁴ Some believe that education agencies simply don't have the capacity to handle the accountability role given to them by ESSA.²⁵ Even those advocates who are excited about the potential for prioritizing ELL success note that accountability and tests are not enough to actually ensure that successful programs will improve student outcomes.²⁶ The implementation on a state and district basis will be hugely important for how these changes actually impact classroom teachers.

¹⁸ESEA Reauthorization: The Every Student Succeeds Act Explained. (November 30, 2015). Retrieved July 05, 2016, from http://blogs.edweek.org/edweek/campaign-k-12/2015/11/esea_reauthorization_the_every.html

¹⁹U.S. Department of Education, <http://www.ed.gov/essa>, last accessed 6/30/2016.

²⁰U.S. Department of Education, <http://www.ed.gov/essa>, last accessed 6/30/2016.

²¹ESEA Reauthorization: The Every Student Succeeds Act Explained. (November 30, 2015). Retrieved July 05, 2016, from http://blogs.edweek.org/edweek/campaign-k-12/2015/11/esea_reauthorization_the_every.html

²²Detailed Overview of Every Student Succeeds Act. (January 2016). Retrieved June 23, 2016, from <https://edtrust.org/>

²³ESSA Brings New Hope for ELL. (January 13, 2016). Retrieved July 05, 2016, from <http://www.usnews.com/opinion/knowledge-bank/articles/2016-01-13/every-student-succeeds-act-brings-new-hope-for-english-language-learners>

²⁴The Every Student Succeeds Act and Dual Language Learners. (December 2, 2015). Retrieved July 05, 2016, from <https://www.newamerica.org/education-policy/edcentral/essadlls/>

²⁵ESSA Poses Capacity Challenges for State Education Agencies. (January 20, 2016). Retrieved July 05, 2016, from <http://www.edweek.org/ew/articles/2016/01/20/essa-poses-capacity-challenges-for-state-education.htm>

²⁶New federal law puts spotlight on English learners. (January 19, 2016). Retrieved July 05, 2016, from <https://edsources.org/2016/new-federal-law-puts-spotlight-on-english-learners/94222>

Holistic

Soft Skills

ESSA “includes the opportunity for a broader measure of accountability,”²⁷ emphasizing the need to develop noncognitive skills in students nationwide. The law reflects the need for personalized learning through an expanded outcome framework for school accountability that fully addresses academic achievement and social/emotional development.²⁸ Under ESSA, school performance must now include at least one nonacademic measure (as discussed above).²⁹

While ESSA allows for a great amount of flexibility in how states design these nonacademic measures, there are some cautions arising in the education community. Critics of the inclusion of testing for soft skills warn about the difficulty in measuring and defining such skills. Additionally, there is little consensus on what skills should be tested. Despite research indicating a link between social-emotional learning and academic achievement, testing such measures against school performance is subject to “superficial parroting” instead of “real changes in mind-set.”³⁰ The results might not accurately report student success in those areas.

After-School Programs

ESSA reauthorizes the 21st Century Community Learning Center program, which is the major source of federal funding for before- and after-school and summer learning programs. According to the Afterschool Alliance, the reauthorized law:

- “Strengthens school-community partnerships to include sharing of data and resources, the ability to better leverage relationships within the community and provide an intentional alignment with the school day.
- “Encourages innovative new ways to engage students in learning that looks different from a traditional school day, with an emphasis on hands-on, experiential learning; science, technology, engineering, and math (STEM); financial literacy, workforce development, environmental literacy; and physical activity and nutrition education. Supports approaches that focus on individualized learning that provide a variety of ways for students to master core skills and knowledge.
- “Provides accountability measures that are connected to college- and career-readiness goals and shows student progress over time towards meeting indicators of student success including school attendance, grades and on-time grade level advancement.
- “Increases quality and accountability through parent engagement, better alignment with state learning objectives and coordination between federal, state and local agencies.
- “Gives additional flexibility to state education agencies to dedicate more resources to training, professional development and quality improvement for programs and program staff. Also allows states to work with external organizations to provide training and support to grantees.

²⁷U.S. Department of Education, <http://www.ed.gov/essa>, last accessed 6/30/2016.

²⁸Murphy, M., & Redding, S. (2016). Handbook on Personalized Learning for States, Districts, and Schools. Retrieved July 12, 2016, from http://www.centeril.org/2016handbook/resources/Personalized_learning_entirehandbook.pdf

²⁹ESSA Law Broadens Definition of School Success. (January 5, 2016). Retrieved July 05, 2016, from <http://www.edweek.org/ew/articles/2016/01/06/essa-law-broadens-definition-of-school-success.html>

³⁰Zernike, K. (2016, February 29). Testing for Joy and Grit? Schools Nationwide Push to Measure Students’ Emotional Skills. Retrieved July 05, 2016, from http://www.nytimes.com/2016/03/01/us/testing-for-joy-and-grit-schools-nationwide-push-to-measure-students-emotional-skills.html?_r=0

- “Includes language that would allow 21st CCLC funds to be used for specific ‘afterschool-like’ activities as part of expanded learning programs in cases where at least 300 hours are added during the year; schools work with community partners; and activities do not supplant existing programs.
- “Does not prioritize any one model of expanded learning opportunities over another.
- “Maintains formula grants to states that then distribute funds to local school-community partnerships through a competitive grant process.
- “Authorizes the program at \$1 billion for FY2017, and \$1.1 billion for FY2018 through FY2020 however exact funding levels will be determined by Appropriations Committees.”³¹

In New Mexico, the 21st Century Community Learning Center program is the largest source of funds available for after-school programs.

Early Childhood Education

ESSA includes a number of provisions related to early childhood education. Under Title I, the law requires LEAs to report on how they will support, coordinate, and integrate services with early childhood education programs at the LEA or individual school level (including the use of school transition plans).

Under Title II, ESSA establishes a grant program, which enables states to make targeted subgrants to early childhood education programs and LEAs and their public or private partners to implement evidence-based programs that ensure high-quality comprehensive literacy instruction for students most in need. Such subgrants can be used to carry out professional development activities, to train providers and personnel to develop and administer evidence-based early childhood education literacy initiatives, and to coordinate the involvement of families, early childhood education program staff, principals, and others in literacy development of children. Additionally, the program allows the Secretary of Education to make grants to eligible entities to support early literacy services, effective school library programs, and programs that provide high-quality books to children from low-income communities.

Under Title VI, pertaining to Indian Education, the Secretary may make grants to eligible entities for a variety of activities, including early childhood and family programs that emphasize school readiness.

Full-Service Community Schools

ESSA continues support for the Full-Service Community Schools program. The program is included alongside the Promise Neighborhoods program under Title IV. An entity eligible to apply for a grant under the program must consist of a consortium of (1) one more or LEAs or the Bureau of Indian Education, and (2) one or more community-based organizations, nonprofit organizations, or other public or private entities. The Department of Education has not yet released a Notice of Funding Availability for this program, which was last funded in FY 2015 at the level of \$10 million.³² Under the new law, at least 10 grants per year are authorized to be awarded, and the minimum award for each grant is \$75,000 per year (up to five years).³³

³¹Afterschool Alliance. Retrieved July 07, 2016, from http://www.afterschoolalliance.org/afterschoolSnack/Senate-passes-ESEA-21stCCLC-sends-to-President-for_12-08-2015.cfm.

³²U.S. Department of Education. Retrieved July 18, 2016, from <http://www2.ed.gov/programs/communityschools/index.html>

³³Every Student Succeeds Act Preserves Full-Service Community Schools Program to Help Students, Families Succeed. (December 2, 2015). Retrieved July 18, 2016, from <https://www.democraticwhip.gov/content/every-student-succeeds-act-preserves-full-service-community-schools-program-help-students-fa>

Asset-Based Innovation

Data

ESSA outlines the new reporting requirements for data, which are explained in this report (see Equity: Data section above). Best practices around data should include more effectively engaging stakeholders (parents, teachers, policymakers, community leaders, and students) to ensure information is used to empower decision-making. Subgroup data will be used to identify gaps and potential areas for improvement within schools. The Data Quality Campaign has developed recommendations for states to enact policies for effective data use.³⁴

Assessment

ESSA establishes an “innovative assessment pilot” in which states can develop evidence-based alternative assessment systems to demonstrate growth and competency across academic categories. Seven states will be able to apply to develop pilots of innovative assessment programs that can use a variety of indicators to show how a student is performing. Multiple measures of proficiency can include projects, portfolios, and other locally designed formative assessments that, along with the standardized tests, create a summative score for a student. According to Ed Week, the pilot was inspired by the work of New Hampshire, which has developed local performance assessments in a small number of LEAs (with approval from the U.S. Department of Education under NCLB). One major challenge for states interested in the pilot is the requirement that the system be scaled statewide by the end of the pilot period.³⁵ On August 8, 2016, the Department of Education issued a Notice Inviting Applications for the “Enhanced Assessment Instruments Program.” The deadline for Notice of Intent to Apply is August 29, 2016, and the deadline to submit an application is September 22, 2016. Only State Educational Agencies or consortia of SEAs are eligible to apply.³⁶

Best Practices

States and local educational agencies must use evidence-based interventions and assessments to improve teaching, learning, and schools. Schools targeted for support and improvements will be required to engage stakeholders (i.e., school leaders, teachers, parents) in the development of an improvement plan that includes evidence-based or other effective interventions and strategies.

Respectful

Stakeholder Involvement

ESSA specifically names several groups that should be consulted while developing state and local Title I and Title IV planning, including teachers, principals, representatives of Indian tribes located in the State, parents and local government representatives (among others).³⁷ Many non-profit organizations have developed reference guides to help state and district leaders, as well as advocates, navigate the opportunities. Important to New Mexico, many of the reference guides offer language specific to engaging with tribal education stakeholders.³⁸

³⁴Time to Act: Making Data Work for Students. (2016, April). Retrieved July 05, 2016, from <http://dataqualitycampaign.org/>

³⁵How Will ESSA’s Innovative Assessment Pilot Work? (2016, June 30). Retrieved July 05, 2016, from http://blogs.edweek.org/edweek/campaign-k-12/2016/06/how_will_essas_innovative_asse.html

³⁶U.S. Department of Education. Retrieved July 18, 2016, from <http://www2.ed.gov/programs/eag/applicant.html>

³⁷Stakeholder Engagement in ESSA. (March 3, 2016). Retrieved July 05, 2016, from <http://www.parentcenterhub.org/repository/stakeholder-engagement-in-the-every-student-succeeds-act-essa/>

³⁸CCSSO Stakeholder Engagement Guide. (June 2016). Retrieved July 05, 2016, from <http://www.ccsso.org/>

ESSA emphasizes engagement with regard to comprehensive support and intervention. Under ESSA, states must notify LEAs of any schools that require intervention, as well as set criteria that the distressed schools must meet. LEAs are then required to develop and implement improvement plans that will meet the criteria needs and do so in consultation with stakeholders.³⁹ The plans must be “informed by all indicators in the accountability system,” as well as “include evidence-based interventions.”⁴⁰

As ESSA creates new room for state and local innovation, it also increases pressure for states and LEAs to ensure they have the capital or capacity to lead and continuously improve outcomes. ESSA assumes that transparency of data will empower stakeholders in all places, again putting the onus on state and local capacity and on potent, constructive advocacy and stronger systems of stakeholder engagement.⁴¹ Stakeholder engagement will prove to be a critically important ESSA addition in New Mexico.

Stakeholder Guides

Many organizations and agencies are releasing stakeholder guides designed to support SEAs as they transition and implement ESSA and offer step-by-step instruction on developing strategies for stakeholder involvement. They suggest questions to consider throughout ongoing, iterative, and meaningful engagement as well as recommendations for meaningful action and tips as the strategy for stakeholder involvement is developed. While the universe of ESSA stakeholder guides is expansive and continues to grow, below is a description of the guides most relevant to this policy review and the work of the New Mexico Learning Alliance.

One of the most robust guides was produced by The Council of Chief State School Officers (CCSSO).⁴² The **CCSSO Stakeholder Engagement Guide** provides tables, graphics, checklists, and flow charts that highlight the opportunities ESSA offers with multiple stakeholder groups at various stages in the process (see examples below). The CCSSO guide suggests platforms and appropriate forums for which to consult with stakeholders as well as snapshots of what other states have done in an effort to formulate their approach to stakeholder involvement. The **National Summer Learning Association’s Guide for Stakeholders**⁴³ provides insight through a summer learning lens that promotes the cultivation of ESSA-supported education services with stakeholders throughout the summer months. The Learning First Alliance has developed a comprehensive stakeholder guide⁴⁴ that suggests following a set of primary principles while navigating the consultative process including affirmative interactions; a collaborative and sustained discussion process; desired outcome designs; engagement with representatives who will be accountable to their constituencies; a process for initiating or re-initiating the consultative undertaking; and an emphasis on transparency. The use of these stakeholder guides should assist with providing a framework for New Mexico in taking full advantage of engagement opportunities.

³⁹Detailed Overview of Every Student Succeeds Act. (January 2016). Retrieved June 23, 2016, from <https://edtrust.org/>

⁴⁰U.S. Department of Education, <http://www.ed.gov/essa>, last accessed 6/30/2016.

⁴¹Using Accountability to Drive Equity - Risks and Opportunities. (March 11, 2016). Retrieved July 05, 2016, from <https://edtrust.org/resource/using-accountability-to-drive-equity-risks-and-opportunities-in-essa/>

⁴²CCSSO Stakeholder Engagement Guide. (June 2016). Retrieved July 05, 2016, from <http://www.ccsso.org>

NSLA’s Guide for Stakeholders. (June 2016). Retrieved August 4, 2016, from www.summerlearning.org

⁴³Learning First Alliance Principles on Stakeholder Engagement as Required in ESSA. (June 2016). Retrieved August 4, 2016, from www.learningfirst.org

Stakeholder Engagement Checklist

This guide contains a detailed roadmap for engaging with a range of different stakeholder groups. Use this checklist as a reminder for key elements to incorporate into your work, to assess your current engagement approach, and to document your evidence.

	Engagement Strategy	Strategy Checklist	Evidence	✓
Part I: Getting Started	1. Clarify your goals.	▪ Have you used your state’s education vision to drive your approach to stakeholder engagement?		
		▪ Do stakeholders know why they are being engaged?		
		▪ Who are the key communities you want to reach?		
		▪ Have you shared your broad policy views with stakeholders in advance so they can come prepared?		
		▪ Have you identified a member of the SEA staff to oversee the state’s engagement efforts?		
	2. Work with partner organizations to identify and engage with your stakeholders.	▪ Have you built an internal system to ensure that input is reviewed and that decision makers know what input is received?		
		▪ Have you reached out to diverse partner organizations, community leaders and the legislature to discuss how they can help?		
		▪ Have you compared who is required to be at the table under ESSA regulations against who has and has not been actively engaged in the past?		
▪ Have you leveraged national and state organizations to reach out to new stakeholders?				
		▪ Have you talked to the governor’s office about ways they can help, such as hosting a convening?		

	Engagement Strategy	Strategy Checklist	Evidence	✓
Part II: Engagement Best Practices	3. Speak to your audience.	▪ Have you created different, accessible materials for different stakeholder groups aligned to their interests, needs and expertise?		
		▪ Have you had your materials translated into multiple languages?		
		▪ Have you had your materials reviewed by advocacy or community organizations at the state or national level to check for cultural competency?		
	4. Use multiple vehicles.	▪ Have you identified the best way to reach and stay in touch with each stakeholder group?		
		▪ Have you identified locations that are easy for your stakeholders to reach and will keep them at ease?		
		▪ Have you identified locations in diverse geographic locations?		
		▪ Have you identified an array of vehicles and tools you can use to connect with different stakeholder groups?		
		▪ Have you scheduled meetings at times when your stakeholders will be able to attend?		
	5. Identify your best ambassadors.	▪ Have you identified trusted, well-respected community members to serve as ambassadors for some stakeholder groups?		
		▪ Have you provided your ambassadors with training, guidance and tools so they know to help you and their community?		
		▪ Have you thought about how best to engage with stakeholder groups that have been traditionally under-represented?		
	6. Ask for input before decisions are made, and use it.	▪ Have you identified some specific areas on which input from stakeholders will be helpful?		
		▪ Have you documented specifically what is—and is not—on the table for discussion?		
		▪ Have you developed a system or set of tools to allow easy reporting back to your stakeholders?		
▪ Have you built in time to revisit decisions along the way to ensure that new information and feedback can be used to inform them?				

	7. Keep your materials simple and brief.	▪ Have you created materials to help your stakeholders hold conversations with their peers?		
		▪ Have you built visuals, graphics and/or animation into your materials?		
		▪ Have you solicited feedback from stakeholder organizations to check for clarity and cultural relevance?		
	8. Communicate early and often.	▪ Have you created a timeline you can update regularly and use to ensure your outreach is consistent and built around key milestones and decision points?		
		▪ Have you created vehicles to continue to provide your stakeholders with substantive updates on where you are in the planning process, key decisions and next steps?		
		▪ Have you created a stakeholder communications advisory group to continually gauge the effectiveness of your outreach strategy?		
Part III: Sustaining Engagement	9. Keep your team informed.	▪ Does your staff know how to access internal and external ESSA materials or where to direct their questions?		
		▪ Have you scheduled meetings to update all internal offices on ESSA planning and to solicit their input?		
		▪ Have you provided your staff with talking points and guidance on ESSA so they can be prepared to answer questions when working in the field?		
	10. Turn these new connections into long-term relationships.	▪ Do you have a regular schedule for meetings with stakeholders during the development of your state's ESSA plan and after the state begins implementing it?		
		▪ What steps have you taken to reassure stakeholders that this engagement effort will differ from previous, unsuccessful attempts to engage with them?		
		▪ How frequently will you review your engagement strategies to ensure you are still getting input from and working with a representative array of stakeholder groups?		

Source: CCSSO Stakeholder Engagement Guide. (June 2016). Retrieved July 05, 2016, from <http://www.ccsso.org>

If you're engaging...

Legislators	Reach out to the legislative leaders and education committee chairs and ask which lawmakers have a special interest in ESSA-related issues. Use that outreach to get the conversation started with the leadership and interested lawmakers.
American Indian Tribes	Engaging tribal education stakeholders is different than other stakeholder groups. Tribes are sovereign governments, so start with a government-to-government relationship. Many tribes have an agency for education and a director who can connect you to the parents and community members you need to engage.
Parents	Work with state and local parent groups identify parents to involve in the process.
Principals	The issues at play will impact schools so it will be critical to engage with principals as a key stakeholder group. They can bring a unique school-based perspective on programs and policies that address the most compelling challenges in schools.
Educators	Some educators may need convincing to participate, based on past experience. Work with unions and associations to engage with educators, and consider ways to address potential barriers to their involvement by providing compensated release time or reimbursement of expenses for school staff.

If you're engaging...

Parents	<ul style="list-style-type: none"> ▪ Parents will be more likely to engage in this process if they see the importance of getting involved and feel like their voices will be heard and valued. Frame the issues around how the changes could impact their children and community. ▪ Provide parents with background materials in advance and keep all presentation materials clear and concise. ▪ Anticipate language barriers. Have materials available in person and online in multiple languages and arrange for translators at public events. ▪ Ask what has and has not been working well in their child's schools. ▪ Try not to use acronyms and educational jargon; define complex words and phrases when they cannot be avoided.
Educators	<ul style="list-style-type: none"> ▪ Explain how this level of flexibility and state control is different from the way the state operated under No Child Left Behind and what that will mean for them.

Source: CCSSO Stakeholder Engagement Guide. (June 2016). Retrieved July 05, 2016, from <http://www.ccsso.org>

Parent and Family Engagement

ESSA makes a shift from the term “parental involvement” to “parent and family engagement,” and throughout the new law, family members are now listed alongside parents as a critical stakeholder group. Aside from the change in language, the law requires each LEA to:

- Involve parents and family members in “jointly developing” the Title I LEA plan and the support and improvement plans described above;
- Provide coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools with the LEA in planning and implementing effective parent and family involvement activities;
- Conduct, with meaningful involvement of parents and family members, an annual evaluation of content and effectiveness of the LEA’s parent and family engagement policy in improving academic quality of all schools served under Title I;
- Involve parents in the activities of the schools served under Title I of the law, which may include “establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the LEA...for purposes of developing, revising, and reviewing the parent and family engagement policy”;
- Reserve at least one percent of its funding under Title I, subpart 2 for family involvement activities, with 90 percent of such funds required to be distributed directly to schools (down from 95 percent under NCLB).⁴⁵

Such funds must be used for at least one of the following activities:

- Professional development for LEA and school personnel regarding parent and family engagement strategies;
- Programs that reach parents and family members at home, in the community, and at school;
- Disseminating information on best practices focused on parent and family engagement;
- Collaborating with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement; or
- Engaging in any other activities and strategies that the LEA determines are appropriate and consistent with the LEA’s parent and family engagement policy⁴⁶

Although the law emphasizes the importance of conducting parent and family engagement in the family members’ home language, it still only requires LEAs and schools to “provide opportunities for the informed participation of parents and family members...**to the extent practicable**, in a language such parents understand.”⁴⁷

Urgency

Supporting and Spreading Innovation

ESSA offers several opportunities for New Mexico to support and spread innovation, in ways that often bypass the “red tape.” For example, ESSA permits states to reserve up to two percent of their Title I funds to distribute to LEAs interested in providing direct student services.⁴⁸ In their analysis of ESSA, the Foundation for Excellence in Education argues that the direct student services provision is an ideal opportunity for states to create or supplement

⁴⁵20 USC 6318

⁴⁶Ibid.

⁴⁷Ibid.

⁴⁸Summary of the Every Student Succeeds Act | NASSP. (2016). Retrieved July 08, 2016, from [https://www.nassp.org/advocacy/learn-the-issues/elementary-and-secondary-education-act-\(esea\)-reauthorization/summary-of-the-every-student-succeeds-act?SSO=true](https://www.nassp.org/advocacy/learn-the-issues/elementary-and-secondary-education-act-(esea)-reauthorization/summary-of-the-every-student-succeeds-act?SSO=true)

a statewide course access policy.⁴⁹ ESSA language explicitly mentions career and technical education (CTE) courses as an option in this section. Students with greater exposure to CTE are more likely to graduate from high school, enroll in a two-year college, be employed, and earn higher wages. Students taking more CTE classes are also just as likely to pursue a four-year degree as their peers.⁵⁰

Through ESSA Title II formula funds, states can expand alternative routes to teacher preparation such as teacher residency programs and create new “teacher preparation academies.” States can use up to two percent of their funds to devise new programs that operate outside state regulations and colleges of education. These academies would receive state authorization as long as their program candidates receive “significant clinical training” under an effective teacher and demonstrate their effectiveness prior to graduating, including their ability to raise student achievement.⁵¹ If the academies produce effective teachers over time, then the state may recognize their graduates’ certificates of completion as equivalent to master’s degrees for teacher pay and promotion.⁵²

Additionally, US Department of Education issues grants such as the Charter Schools Program State Educational Agencies (SEA) Grant and the Innovative Approaches to Literacy Program in an effort to increase high-quality schools and programs by replicating and expanding existing programs.⁵³

⁴⁹Foundation for Excellence in Education. (n.d.). Retrieved July 05, 2016, from <http://www.excelined.org/>

⁵⁰Career and Technical Education in High School: Does It Improve Student Outcomes? (April 7, 2016). Retrieved July 05, 2016, from <https://edexcellence.net/publications/career-and-technical-education-in-high-school-does-it-improve-student-outcomes>

⁵¹Teacher Prep in ESSA. (n.d.). Retrieved July 08, 2016, from <http://www.aft.org/>

⁵²ESSA unlocks teacher prep innovation. (2016, January 28). Retrieved July 08, 2016, from <http://www.brookings.edu/blogs/brown-center-chalkboard/posts/2016/01/27-essa-teacher-prep-innovation-arnett>

⁵³Grants | U.S. Department of Education. (n.d.). Retrieved July 05, 2016, from <http://www2.ed.gov/fund/grants-apply.html?src=pn>