

At Long Last, Congress Replaces No Child Left Behind



Almost 14 years after the much-criticized federal No Child Left Behind (NCLB) Act took effect and nearly eight years beyond its due date for reauthorization, NCLB has been replaced.

The No Child Left Behind Act was a 2001 reauthorization of the Elementary and Secondary Education Act (ESEA), originally enacted in 1965. The ESEA includes Title I, the federal government's flagship aid program for disadvantaged students. NCLB established the lofty goal that all students should be proficient on state tests by 2014 and mandated stiff sanctions on schools if their students failed to make "adequate yearly progress" toward that goal based on student achievement tests.

Numerous congressional attempts to replace NCLB were turned back ... until now. The bipartisan-backed replacement, known as the Every Student Succeeds Act (ESSA), gives states the right to decide what constitutes adequate performance and how to intervene in schools that don't measure up. It also sends back to states and local districts major policy-making authority on issues such as standards and teacher evaluation.

Under ESSA, schools must still test students in English and math every year from third to eighth grade, and once in high school, and states are still required to intervene in the lowest-performing schools. However, in addition to test scores, schools will be judged on measures like graduation rates, student and teacher engagement and student participation in advanced coursework.

For Wisconsin (and other states with waivers from many of the law's most burdensome mandates), NCLB has already been a thing of the past for a while, at least in some important ways. However, because ESSA renders

moot those waivers, Wisconsin will once again be bound by the statutory provisions of the new federal law.

■ Testing

What stays the same: States must continue to test students in reading and math in grades 3-8 and once in high school, and break out the data for whole schools, plus different "subgroups" of students (*e.g.*, English learners, students in special education, racial minorities, those in poverty). Science testing is required at least once during grade spans 3-5, 6-9 and 10-12.

What's different: The ESSA provides for an assessment pilot in which up to seven states (or consortia of states, each of no more than four states) can try out local tests. Separately, the ESSA gives local school districts an option to use a nationally recognized test at the high school level (*e.g.*, the SAT or ACT) in place of the state assessment, provided this is approved by the state's education agency (*e.g.*, the Wisconsin Department of Public Instruction). (This will not be much of a change for Wisconsin, which administers the ACT suite of tests to high school students in grades 9-11.) The ESSA also allows for the use of computer adaptive assessments.

The ESSA also encourages the development of richer, performance-based assessments through the use of multiple measures, and "may include" portfolios and projects. The ESSA authorizes a pilot program for states that want to demonstrate competency-based learning.

To address concerns about over-testing, the ESSA permits states to set targets for total time spent on testing. In addition, states and school districts may use federal funds to audit their testing systems and eliminate redundant or unnecessary tests.

■ Test Participation

What stays the same: Under the ESSA states will still have to test at least 95 percent of students each year.

What's different: States can craft their own opt-out laws. Test participation must be included in the accountability framework as a stand-alone factor, not an indicator. States have to figure out how they will include participation in their accountability plan, including how to respond to school districts that do not reach the threshold.

■ Standards

What stays the same: Under the ESSA, states must adopt challenging academic standards in mathematics, reading or language arts and science, and set proficiency levels.

What's different: Under ESSA, the U.S. Department of Education may not mandate or give states incentives to adopt or maintain any particular set of academic standards. However, each state must provide an assurance that its challenging academic content standards are aligned with entrance requirements for higher education in the state and with relevant state career and technical education standards.

■ Accountability

What stays the same: Under the ESSA, states must submit state-developed accountability plans to the U.S. Department of Education. These new ESSA plans will start in the 2017-18 school year.

What's different: Gone from NCLB is the unrealistic (and unmet) expectation that states get all students to proficiency by the 2013-14 school year and make adequate yearly progress (AYP) toward that goal. Under ESSA, existing state waivers from NCLB expire on Aug. 1, 2016, and AYP is replaced by state-defined,

long-term goals that are “ambitious” and include measures of interim progress. The goals and interim measures will continue to apply to all students and individual subgroups of students. At minimum, goals will be set for:

- improved academic achievement based on proficiency on assessments and may include measures of student growth;
- high school graduation based on the adjusted four-year cohort formula (states may also include goals for extended year adjusted cohort);
- another academic indicator for elementary and middle schools;
- increased English proficiency for English language learners; and
- at least one indicator that allows for “meaningful differentiation” among schools and is valid, reliable, and comparable across the state, such as student engagement, high-level course completion, school climate, etc.

Each state must also design an index for weighting the indicators it chooses for accountability purposes, in which academic indicators (in aggregate) must receive “significant” weight.

■ Data Reporting

What stays the same: The ESSA maintains annual reporting of achievement test data disaggregated by subgroups of children, including

low-income students, students of color, students with disabilities and English-language learners.

What’s different: Under ESSA, states must now also disaggregate data by migrant status, homeless status, and for children in foster care. States must also report on the performance of students from military-connected families; this is a reporting requirement only, and will not be part of the state’s accountability system.

■ Required Interventions

What stays the same: States have to identify and intervene in the bottom five percent of performers, an idea borrowed from NCLB waivers. These schools have to be identified at least once every three years.

What’s different: Gone are the NCLB-defined sanctions and prescribed interventions. Instead, states must identify schools in need of “comprehensive support and improvement.” These include performance in the bottom 5 percent of Title I schools; high schools that fail to graduate 67 percent of students; and schools with consistently underperforming subgroups. Once identified, a school improvement plan will be developed by the district in collaboration with community stakeholders. The plan will be approved by the school, the district, and the state education agency and will be monitored and reviewed. States and districts must use locally developed and locally approved

‘evidence-based’ interventions in identified schools.

■ Teachers

What’s different: ESSA eliminates the highly qualified teacher requirements of NCLB, and in a switch from the NCLB waivers under which Wisconsin is operating, there is no mandate tying teacher evaluations to student test results. This change will likely have little impact here as Wisconsin statutes allow 50 percent of a teacher or principal’s evaluation to be based upon measures of student performance, including but not limited to performance on state assessments.

Under the new ESSA, states and districts may use Title II funds to design and implement teacher and principal evaluation systems. States may also use funds for training and capacity-building for local districts as well as a range of other activities, including differential pay systems for high-need subjects, induction, and mentoring programs.

In addition, ESSA will fund matching grants to enable states and local districts to explore or implement performance-based compensation systems for teachers, principals, or other school leaders. ■

For a more detailed look at the ESSA, please check the WASB Legislative Update Blog (wasblegupdate.wordpress.com)

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