Advancing Equity through ESSA: Strategies for State Leaders

IMPROVING ACCESS TO HIGH-QUALITY INSTRUCTIONAL MATERIALS

The Council of Chief State School Officers and The Aspen Education & Society Program
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With the implementation of the Every Student Succeeds Act (ESSA), states have a new opportunity to lead on educational equity. Public education is fundamentally a state responsibility that is explicitly addressed by each state’s constitution, and states provide the largest share of funding for public schools, which positions states to ensure equity in education remains a priority – and becomes a reality.

ESSA acknowledges this state responsibility and rebalances the federal role to allow greater state autonomy and flexibility in pursuing this equity mission, while keeping in place important guardrails. Achieving equity means that family income, race/ethnicity, English-language proficiency, and disability status no longer predict educational opportunities and outcomes. Achieving equity in public education will require addressing deep-seated inequities in funding, access to rigorous curriculum, and access to effective teachers and school leaders, among other factors.

Federal funding under ESSA can be a critical contributor to advancing the equity agenda. Whereas implementing prior federal policies has been characterized by bureaucratic oversight and a culture of compliance, ESSA offers a chance for states to be more creative and strategic in ensuring federal funding advances a state’s equity agenda – and not the other way around.

To help states use ESSA to close opportunity and achievement gaps, this document identifies eight equity priorities – closing funding gaps, improving low-performing schools, increasing access to effective teachers and leaders, supporting English learners, increasing access to advanced coursework, addressing disproportionate discipline practices, addressing students’ social-emotional learning needs, and improving access to high-quality instructional materials – and illustrates how states can use ESSA to improve equity in opportunities and outcomes.

**HOW TO USE THIS FRAMEWORK**

To take full advantage of the flexibility ESSA offers, state priorities and strategies need to guide ESSA planning. This framework treats eight issues that already are priorities in many states and identifies multiple ESSA provisions that could be purposed to address each issue; direct excerpts from the statute are included so State Education Agency (SEA) leaders know what the law requires and allows. Rather than considering each funding stream and planning requirement in ESSA as a discrete issue to address, this framework encourages states to think more holistically across titles and provisions to advance a comprehensive strategy. This framework does not attempt to catalog every opportunity to elevate and advance equity in ESSA, but highlights significant opportunities on which state leaders can focus their efforts.
For each equity priority, we describe multiple provisions in ESSA that state leaders can use to address opportunity gaps and improve achievement. The framework also identifies high-impact actions for state leaders and guiding questions to support conversations on how to make each strategy an effective lever for equity. Wherever possible, state leaders should use ESSA to strengthen and complement existing state or local equity initiatives – and to proactively address conflicts or mixed messages across programs. By assembling teams with diverse perspectives and responsibilities, state leaders can de-silo the planning and implementation processes and forge more coherence across strategies intended to advance equity.
Improving Access to High-Quality Instructional Materials

What’s the Opportunity?

When teachers have access to high-quality instructional materials, they can have a greater impact in raising student achievement. Materials need to present rigorous, developmentally-appropriate content that is aligned to the state’s challenging academic standards and assessments. Additionally, materials should be engaging and include a variety of student experiences and representations to avoid bias that can alienate students. To ensure other investments to achieve equity pay off, all students and teachers need access to high-quality instructional materials.

Leveraging ESSA

- **School Improvement Funds:** In general, State Education Agencies (SEAs) must reserve 7 percent of Title I funds for Local Education Agencies (LEAs) to support schools identified for support and improvement under the state accountability system. These funds can be awarded on either a formula or competitive basis [Sec. 1003(b)(1)(A)]. Among other requirements, when distributing Section 1003 funds, SEAs “shall give priority to local education agencies that— (1) serve high numbers, or a high percentage of, elementary schools and secondary schools implementing [comprehensive support and improvement or targeted support and improvement plans]; (2) demonstrate the greatest need for such funds, as determined by the State; and (3) demonstrate the strongest commitment to using funds to enable the lowest-performing schools to improve student achievement and student outcomes” [Sec. 1003(f)(1)-(3)]. Section 1003 funds can only be used to implement evidence-based strategies that are supported with strong, moderate, or promising evidence from at least one well-designed study [Sec. 8101(21)(B)].

  - SEAs and LEAs should publicize the evidence that high-quality instructional materials represent an evidence-based a school improvement strategy when developing Section 1003 applications and guidance, and developing and approving school improvement plans.

- **Public Reporting:** State report cards must include “the per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual nonpersonnel expenditures of Federal, State, and local funds, disaggregated by source of funds, for each local educational agency and each school in the State for the preceding fiscal year” [Sec. 1111(h)(1)(C)(x)]. If there are marked differences in nonpersonnel spending, SEAs can help to identify the causes of these variations and see if spending on instructional materials is a factor.

- **School Improvement Resource Review:** Each school identified under the state accountability system for comprehensive support and improvement (CSI) must “locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes,” which must “[identify] resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan” [Sec. 1111(d)(1)(B)(iv)]. This review could be used to help identify inequities in spending on high-quality instructional materials.

  - Additionally, schools identified for targeted support and improvement (TSI) “shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan” [Sec.
1111(d)(2)(C)] if the performance of any of the student groups in those schools would place them in the lowest-performing 5 percent of schools using the state’s methodology under Section 1111(c)(4)(D).

• **Title I, Part A Subgrants to LEAs:** Title I schoolwide schools (where at least 40 percent of students enrolled in the school or in the school attendance area come from low-income families and all students are considered to be “Title I students”) may design Title I programs, and therefore use Title I funds, to increase opportunities for all children to meet state standards [Sec. 1114(b)(7)(A)(i)]. There are a variety of strategies that can be used in this setting, including “methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum” [Sec. 1114(b)(7)(A)(ii)]. Likewise, in a targeted assistance program, funds can “help provide an accelerated, high-quality curriculum” [Sec. 1115(b)(2)(G)(i)].

• **Improving State Assessment Systems:** States may use state assessment grants to support “refining State assessments to ensure their continued alignment with the challenging State academic standards and to improve the alignment of curricula and instructional materials” [Sec. 1201(a)(2)(E)] or “developing or improving balanced assessment systems that include summative, interim, and formative assessments, including supporting local educational agencies in developing or improving such assessments,” among other activities [Sec. 1201(a)(2)(F)]. States seeking to improve the quality of their instructional materials can use these funds to help ensure that assessments are high-quality and aligned to rigorous instructional materials.

• **Title II, Part A State Activities:** States may retain up to 5 percent of Title II funds for state activities, with not more than 1 percent of funds being used for administration [Sec. 2101(c)(1)-(2)]. States may also reserve an additional 3 percent of their Title II funds for state activities that support principals and other school leaders [Sec. 2101(c)(3)]. States should consider how to effectively leverage this additional set-aside to support principals and other school leaders to identify high-quality instructional materials and lead school-based efforts to improve the quality of locally-developed materials. For example, states could integrate competencies in developing and identifying high-quality instructional materials in licensure or certification requirements [Sec. 2101(c)(4)(B)(j) or in building local capacity to develop and review these materials [Sec. 2101(c)(4)(B)(x)].

• **Title II, Part A Subgrants to LEAs:** LEA applications for Title II funds must include “a description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c)” [Sec. 2102(b)(2)(C)]. LEAs may use Title II, Part local funds for a variety of professional development and school personnel support activities, including activities that can support educators to improve the quality of instructional materials. SEAs should ensure LEAs are aware of these spending opportunities, and support LEAs that implement these types of programs.

• **Title II, Part B Comprehensive Literacy State Development Grants:** SEAs are eligible to apply for competitive grants from the Secretary of Education to subgrant funds to eligible entities and develop or improve comprehensive literacy instruction plans [Sec. 2222(a)(1)-(2)]. The Secretary will give priority to SEAs planning to use funds for evidence-based activities [Sec. 2222(e)]. Included in this section’s definition of comprehensive literacy instruction includes a reference to instruction that “makes available and uses diverse, high-quality print materials that reflect the reading and
development levels, and interests, of children” [Sec. 2221(b)(1)(D)]. In designing their applications for these funds, SEAs can elevate the importance of using high-quality instructional materials in comprehensive literacy programs, including by providing information on the evidence base, and make this a priority for grantees.

- **Title III, Part A Formula Grants to SEAs:** SEAs receiving grants under this Title may reserve up to 5 percent of funds to support state activities, which can include teacher and leader preparation, professional development, or other activities to improve educators’ ability “to implement effective programs and curricula on teaching English learners” [Sec. 3111(b)(1)(B)(ii)] or to provide technical assistance to LEAs receiving subgrants under this Title for “identifying and implementing effective language instruction educational programs and curricula for teaching English learners” [Sec. 3111(b)(1)(D)(i)]. In their applications, SEAs must describe how each eligible entity will be given the flexibility to teach English learners “using a high-quality, effective language instruction curriculum for teaching English learners” [Sec. 3113(b)(5)(A)].

- **Expanding Access to High-Quality Instructional Materials through Technology:** SEAs can use Title IV state set-asides to improve “the delivery of specialized or rigorous academic courses and curricula through the use of technology” [Sec. 4104(b)(3)(C)(iii)] to increase access to existing high-quality instructional materials and by “making instructional content widely available through open educational resources, which may include providing tools and processes to support local educational agencies in making such resources widely available” [Sec. 4104(b)(3)(C)(vi)].

- **Supporting Gifted and Talented Education:** SEAs may apply for grants under the Jacob K. Javits Gifted and Talented Students Education Program, which can be used to fund training on “gifted and talented services, materials, and methods for all students” [Sec. 4644(b)(1)]. In their applications, SEAs must describe how “gifted and talented services, materials, and methods, can be adapted, if appropriate, for use by all students” [Sec. 4644(b)(2)(A)].

**High-Impact State Actions**

- Ensure state policies and practices permit and promote using federal formula funds, such as Title I, Part A and other ESSA funds, on activities that improve access to high-quality instructional materials. Policies and practices to examine include:
  - State guidance and rules for spending federal funds (formal and informal);
  - The state-designed application for ESSA formula funds that LEAs must submit to their state annually, which typically includes asks for plans and budgets;
  - The review and approval process (including rubrics) of these LEA applications;
  - Technical assistance activities;
  - Other state oversight activities, including monitoring.

- Develop activity-focused guidance describing strategies LEAs can implement to improve the quality of instructional materials and increase access to those resources, including how ESSA and other federal funding sources can be used to help pay for those strategies.

- Review the existing procurement process and determine if the process and criteria reflect a commitment to high-quality and aligned materials. If the process does not reflect this commitment,
consider changing the procurement process for instructional materials to incentivize (i.e., through preferential rates or lower barriers) LEAs and schools to purchase high-quality instructional materials. If SEAs do not have this authority, leadership teams should explore other ways to incentivize high-quality materials or provide information for LEAs and schools, like publicly posting ratings of materials.

• Partner with LEAs to develop a multi-dimensional strategy to build internal capacity and implement processes to identify, review, select, and/or develop high-quality instructional materials.

• Work with LEAs, particularly those implementing CSI plans, to examine their existing instructional materials and determine where there are gaps in quality or where LEAs have insufficient resources to develop or purchase high-quality instructional materials as determined by the resource review and public per-pupil expenditure reporting on nonpersonnel costs. SEAs can also consider how to develop clear criteria on how LEAs can evaluate the quality of existing instructional materials or materials they may purchase to determine its quality and evaluate it for bias.

• Coordinate with teacher and leader preparation programs to ensure they teach candidates how to develop and identify high-quality instructional materials.

• Create feedback loops to monitor teacher use of and satisfaction with instructional materials. Where appropriate, consider student surveys to evaluate their engagement with materials.

• Connect state-led or sponsored professional development with high-quality instructional materials and explore how to incentivize LEAs to do the same.

• In designing applications for competitive grants and awarding funds, ensure that winning LEAs have a plan for how to improve the quality of instructional materials and provide guidance and/or evidence to support applicants in meeting these standards.

Guiding Questions for State Leaders

• Who is responsible for the adoption of curriculum and instructional materials? What does this process entail? Does the criteria used to evaluate materials during the adoption process include an emphasis on alignment to the state’s academic standards?

• Does our state’s procurement process reflect a commitment to high-quality and aligned materials? If not, what needs to change?

• What evidence does (or should) the SEA use itself or provide to LEAs to assess the alignment and quality of curricular resources and instructional materials across all grades and subjects? Is there any evidence about existing resources currently available?

• What capacity and expertise do we have to review the quality and alignment of instructional materials? Where can we build capacity internally, or partner with outside organizations, like technical assistance providers, research organizations, and institutions of higher education, to support this work?

• Where are there the greatest inequities in access to high-quality instructional materials?

• Do we have the data we need to identify these gaps?
• How are schools and LEAs currently adopting instructional materials? What authority or influence do we have to connect them with better instructional materials, or incentivize the adoption of high-quality materials?

• If our state develops or purchases any instructional materials, are these resources high-quality? Free of bias? Representative of all students?

• How can we develop feedback loops with practitioners and students on the quality and relevance of instructional materials used in our state?

• What is the quality of instructional materials used in our state in languages other than English? How do we currently monitor their quality? How can this be improved?

• Are online and open education resources (OERs) being used in our state? Are there criteria to guide selection and determine quality and alignment? Can cost-savings be achieved by using OERs?

• How can we make the case to the public and local stakeholders about the importance of high-quality instructional materials?

• How can we engage our state board (if applicable) and/or state legislature in this process?
ESSA defines three levels of evidence that may be used to fund school improvement activities outlined in Section 1003: “an activity, strategy, or intervention that (i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on (I) strong evidence from at least 1 well-designed and well-implemented experimental study; (II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or (III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias” [emphasis added, Sec. 8101(21)(A)(i)(I)-(III)]. There is an additional fourth tier of evidence that applies to other evidence-based provisions under ESSA, defined as an activity, strategy, or intervention that “(I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and (II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention” [Sec. 8101(21)(A)(ii)(I)-(II)]. Interventions funded under Section 1003 cannot include strategies that fall under this fourth tier of evidence.