Advancing Equity through ESSA:
Strategies for State Leaders

ADDRESSING DISPROPORTIONATE DISCIPLINE PRACTICES
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ADVANCING EQUITY THROUGH ESSA: STRATEGIES FOR STATE LEADERS

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.
ADDRESSING DISPROPORTIONATE DISCIPLINE PRACTICES

What’s the Opportunity?

In too many schools and classrooms across the country, students of color and students with disabilities are disproportionately the target of exclusionary discipline practices, taking these students out of the classroom and denying them access to the instruction they need. States have an important role to play in ensuring the safety of students and educators while providing alternatives to disciplinary practices that perpetuate the school-to-prison pipeline and lead to students dropping out of or disengaging from school. ESSA increases transparency around this issue and provides opportunities for State Education Agencies (SEAs) and Local Education Agencies (LEAs) to provide alternatives to exclusionary discipline practices.

Leveraging ESSA

- **Public Reporting**: Each SEA and LEA must submit information to the Office of Civil Rights on “measures of school quality, climate, and safety, including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (including both excused and unexcused absences), incidences of violence, including bullying and harassment” [Sec. 1111(h)(1)(C)(viii)(I)].

- **State Support for LEAs in Improving School Conditions**: States are required to support LEAs Title I, Part A funds to “improve school conditions for student learning, including through reducing—(i) incidences of bullying and harassment; (ii) the overuse of discipline practices that remove students from the classroom; and (iii) the use of aversive behavioral interventions that compromise student health and safety” [Sec. 1111(g)(1)(C)(i)-(iii)].

- **LEA Support for Schools in Reducing Disproportionate Discipline Practices**: LEAs receiving Title I, Part A funds must support efforts to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by student group [Sec. 1112(b)(11)].

- **State Accountability Systems**: State accountability systems must include “not less than one indicator of school quality or student success” [Sec. 1111(c)(4)(B)(v)(I)] that may include measures of “school climate and safety” [Sec. 1111(c)(4)(B)(v)(II)(VII)].

- **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 implement counseling, school-based mental health programs, specialized instructional support, mentoring, other strategies to improve students non-academic skills [Sec. 1114(b)(7)(A)(iii)(I)]. Schoolwide schools may also implement schoolwide tiered models to prevent and address problem behavior, and early intervention services coordinated with similar activities under IDEA [Sec. 1114(b)(7)(A)(iii)(III)]. Title I targeted assistance schools may also use Title I, Part A funds for specific Title I students in tiered models to prevent and address behavior problems and early intervention services coordinated with similar activities carried out under IDEA [Sec. 1115(b)(2)(B)(ii)]. Under NCLB, some states mistakenly believed that Title I funds could only be used for instructional interventions, and SEAs should ensure this misunderstanding does not carry over to ESSA.
• **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 A funds to develop programs and activities that increase the ability of teachers to effectively teach children with disabilities, which may include the use of multi-tier systems of support and positive behavioral supports [Sec. 2103(b)(3)(F)]. Title II, Part A local funds may also be used for in-service training for school personnel in “(i) the techniques and supports needed to help educators understand when and how to refer students affected by trauma, or students with or at risk of mental illness; (ii) the use of referral mechanisms that effectively link such children to treatment and intervention services […]; (iii) forming partnerships between school-based mental health programs and public or private mental health organizations; and (iv) addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism” [Sec. 2103(b)(3)(I)(i)-(iv)].

• **Title IV, Part A, Subpart 1 State Activities:** Using Title IV, Part A state set-asides, SEAs may support LEAs for a variety of activities, including those that “foster safe, healthy, supportive, and drug-free environments that support student academic achievement, as described in section 4108, which may include--coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 4108(5)(F)” [Sec. 4104(b)(3)(B)(i)].

• **Title IV, Part A, Subpart 1 Subgrants to LEAs:** LEAs must use a portion of Title IV, Part A, Subpart 1 local funds for activities that support access to a well-rounded education, which may include “programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution” [Sec. 4107(a)(3)(B)], as well as “programs and activities that promote volunteerism and community involvement” [Sec. 4107(a)(3)(H)]. LEAs must also use a portion of this funding to support activities to support safe and healthy students, which may include school-based mental health services [Sec. 4108(5)(B)(ii)] or programs that provide mentoring and school counseling, [Sec. 4108(5)(C)(v)]. This funding can also support high-quality training for school personnel, including on “effective and trauma-informed practices in classroom management” and “crisis management and conflict resolution techniques” [Sec. 4108(5)(D)(ii)-(iii)], and “designing and implementing locally-tailored plans to reduce exclusionary disciplinary practices” [Sec. 4108(5)(F)]. SEAs should ensure LEAs are aware of these spending opportunities, and support LEAs implementing these types of programs, including providing opportunities to network LEAs implementing these plans and help them explore promising practices.

• **Addressing Discipline in Charter Schools:** SEAs may apply for competitive Grants to Support High-Quality Charter Schools and subgrant these funds to open, expand, and replicate high-quality charter schools in the state. In their grant application, SEAs must describe how they will work with charter schools in “supporting all students once they are enrolled to provide retention, including reducing the overuse of discipline practices that remove students from the classroom” [Sec. 4303(f)(1)(A)(viii)(II)].
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, to address disparate disciplinary practices. Policies and practices to examine include:
  o State guidance and rules for spending federal funds (formal and informal);
  o The state-designed application for ESSA formula funds that LEAs must submit to their state annually, which typically includes asks for plans and budgets;
  o The review and approval process (including rubrics) of these LEA applications;
  o Technical assistance activities;
  o Other state oversight activities, including monitoring.

• Develop activity-focused guidance describing strategies LEAs can implement to address disproportionate discipline practices and how ESSA and other federal funding sources can be used to help pay for those strategies.

• Use data from the accountability system to lead a public conversation on the need to explore alternatives to exclusionary discipline practices and help create buy-in from stakeholders.

• Identify promising practices from LEAs’ Title I plans addressing the overuse of exclusionary discipline practices. Provide opportunities for LEA leaders to network, explore common problems of practice, and explore research on alternative behavior management strategies.

Guiding Questions for State Leaders

• How are schools and LEAs addressing school climate as part of their behavior management strategy? What metrics are they tracking internally? What supports do they need to make these connections?

• What trainings do teachers and school leaders need on behavior management and programs like restorative justice and positive behavior interventions and supports? How can we ensure our state’s educator workforce develops these skills during their preparation programs and sustains them through high-quality professional development?

• How can we effectively coordinate with other relevant state agencies, like juvenile justice or the governor’s children’s cabinet, to align our strategy? Would it be beneficial to create metrics and goals that are shared across departments?

• Can we braid funds across federal and state grants, as well as from private (e.g., foundation) funding?

• How can we support schools with high rates of out-of-school suspensions, expulsions, and other exclusionary discipline practices? What resources do we need to lead this work?
1. According to Section 1111(g)(1), state plans must describe how SEAs will support LEAs in this area. However, SEAs have the option of submitting consolidated state plans to the U.S. Department of Education based on procedures and criteria established by the Secretary of Education [Sec. 8302(a)(1)]. Under consolidated plans, “the Secretary shall require only descriptions, information, assurances […] and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application” [Sec. 8302(b)(3)]. Although SEAs may not need to describe how they will support LEAs in improving school conditions for learning in a consolidated plan, they must still ensure they are addressing this requirement.