Advancing Equity through ESSA: Strategies for State Leaders

INCREASING ACCESS TO ADVANCED COURSEWORK
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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.
INCREASING ACCESS TO ADVANCED COURSEWORK

What’s the Opportunity?
Under No Child Left Behind (NCLB), accountability focused on meeting proficiency goals for all groups of students and did not draw attention or target resources to increase advanced achievement. Low-income students and students of color are persistently under-identified for gifted and talented programs and too often do not have access to advanced coursework and other opportunities that prepare them for postsecondary success. Equity cannot only be about bringing all students to a baseline proficiency; all students must have the opportunity to realize their full potential.

Leveraging ESSA

• **Public Reporting:** Each State Education Agency (SEA) and Local Education Agency (LEA) must submit information to the Office of Civil Rights on “the number and percentage of students enrolled in—(bb) accelerated coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment programs” [Sec. 1111(h)(1)(C)(viii)(II)(bb)]. Additionally, state report cards must include the “cohort rate (in the aggregate, and disaggregated for each subgroup of students defined in subsection (c)(2)), at which students who graduate from the high school enroll, for the first academic year that begins after the students’ graduation—(I) in programs of public postsecondary education in the State; and (II) if data are available and to the extent practicable, in programs of private postsecondary education in the State or programs of postsecondary education outside the State” [Sec. 1111(h)(1)(C)(xiii)(I)-(II)]. SEAs can analyze these data points together to understand how access to advanced coursework impacts students’ preparation for and participation in postsecondary education.

• **School Improvement Funds:** In general, SEAs must reserve 7 percent of Title I funds for 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)].

  o SEAs and LEAs should consider the evidence base on expanding access to advanced coursework as a school improvement strategy when developing Section 1003 School Improvement applications and guidance, and approving school improvement plans.

• **Direct Student Services:** SEAs may reserve up to 3 percent of Title I funds to subgrant to LEAs to fund Direct Student Services. Allowable uses of these funds include but are not limited to “enrollment and participation in academic courses not otherwise available at a student’s school, including – (i) advanced courses” [Sec. 1003A(c)(3)(A)(i)] and “activities that assist students in successfully completing postsecondary level instruction and examinations that are accepted
for credit at institutions of higher education (including Advanced Placement and International Baccalaureate courses), which may include reimbursing low-income students to cover part or all of the costs of fees for such examinations” [Sec. 1003A(c)(3)(C)].

- **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 secondary students’ access to Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools [Sec. 1114(b)(7)(A)(iii)(II)]. Title I high schools that are targeted assistance schools may use Title I funds for dual or concurrent enrollment programs [Sec. 1115(f)] and should help Title I students gain access to an accelerated, high-quality curriculum [Sec. 1115(b)(2)(G)(i)]. Under NCLB, some states mistakenly believed that Title I funds could only be used for basic instruction to meet NCLB proficiency goals, and SEAs should ensure this misunderstanding does not carry over to ESSA.

- **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)]. These funds can be used for “developing, or assisting local educational agencies in developing, strategies that provide teachers, principals, or other school leaders with the skills, credentials, or certifications needed to educate all students in postsecondary education coursework through early college high school or dual or concurrent enrollment programs” [Sec. 2101(c)(4)(B)(xiv)].

- **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)]. Among many allowable uses, LEAs may use Title II, Part A funds to provide training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified, and implement instructional practices that support the education of such students, including early kindergarten entrance, enrichment and acceleration programs, and dual or concurrent enrollment programs [Sec. 2103(b)(3)(J)(i)-(ii)]. These funds may also be used for professional development and comprehensive systems of support for teachers in STEM subjects [Sec. 2103(b)(3)(M)] and high-quality professional development for teachers, principals, and other school leaders on “effective strategies to integrate rigorous academic content, career and technical education, and work-based learning,” which may include providing common planning time, to help prepare students for postsecondary education and the workforce [Sec. 2103(b)(3)(O)]. SEAs should ensure LEAs are aware of these spending opportunities, and support LEAs implementing these types of programs.

- **Title IV, Part A, Subpart 1 State Activities:** States may retain up to 5 percent of their Title IV, Part A allocation for state activities which may include reimbursing the costs of exam fees for low-income students or increasing enrollment in accelerated coursework or early college high school courses [Sec. 4104(b)(3)(A)(ii)].

- **Title IV, Part A, Subpart 1 Subgrants to LEAs:** LEAs must use a portion of Title IV, Part A local funds for activities that support access to a well-rounded education, which may include college and career guidance and counseling programs [Sec. 4107(a)(3)(A)] and efforts to raise student academic achievement through accelerated learning programs. This may also include reimbursing low-
income students for accelerated learning exams and increasing the availability of and enrollment in accelerated learning courses, exams, dual or concurrent enrollment programs, and early college high school courses [Sec. 4107(a)(3)(D)(i)-(ii)]. LEAs must use a portion of this funding to support the effective use of technology, which may include “developing or using effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology” [Sec. 4109(a)(3)], and “providing students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators” [Sec. 4109(a)(6)]. SEAs should ensure LEAs are aware of these spending opportunities, and support LEAs implementing these types of programs, including ensuring that online courses are high-quality and help to address gaps in course access.

**Supporting Gifted and Talented Education:** SEAs can apply for grants under the Jacob K. Javits Gifted and Talented Students Education Program in Title IV, Part F, Subpart 4 to for any of the following uses: “(1) Conducting evidence-based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to identify and provide the opportunity for all students to be served, particularly low-income and at-risk students. (2) Establishing and operating programs and projects for identifying and serving gifted and talented students, including innovative methods and strategies […] (3) Providing technical assistance and disseminating information, which may include how gifted and talented programs and methods may be adapted for use by all students, particularly low-income and at-risk students” [Sec. 4644(c)(1)-(3)].

**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, for activities that increase equitable access to advanced coursework. 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 provide greater access to advanced coursework, and how ESSA and other federal funding sources can be used to help pay for those strategies. For example, SEAs can ensure LEA and school leaders are aware of evidence base establishing advanced coursework and dual enrollment as effective strategies for improving achievement.

- Audit course availability, course-taking patterns, pass rates, and grades earned across different groups of students and LEAs, which will facilitate strategic identification of issues and opportunity gaps and the targeting of resources to increase students’ access to these courses.
• Make sure the data on access to and participation in advanced coursework that is part of the OCR data collection is accurate, which will involve technical assistance and support to LEAs on how to ensure all students are counted.

• If the state is electing to use assessment audit funds, determine the purpose, scope, and intended use of the audit – and include an examination of assessments that restrict access to gifted and talented programs and advanced coursework.

• Target technical assistance and supports to LEAs and schools with the greatest gaps in access to advanced coursework and/or postsecondary enrollment.

• Collect information on pass rates for Advanced Placement courses to ensure schools and districts are offering students the rigorous academic experiences that will prepare them for postsecondary education.

• Ensure that LEAs implementing comprehensive support and improvement activities are not merely focusing on achieving proficiency but are also increasing the share of students achieving at the highest levels, and have plans for expanding access to accelerated and advanced coursework.

Guiding Questions for State Leaders

• Are state and LEA leaders familiar with the research on advanced courses/dual enrollment and improving achievement for disadvantaged students?

• Do current state policies and practices promote the use of federal funding for access to advanced coursework for disadvantaged students? If not, what needs to change?

• Where are there the biggest inequities and disparities in access to advanced coursework? Which students lack access to which programs (within and across schools)?

• Are assessment practices in our state leading to inequitable access to advanced coursework and enrichment programs like Gifted and Talented? How does the demography of the Gifted and Talented students proportionally relate to the size of different groups of students in the state?
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.