Advancing Equity through ESSA: Strategies for State Leaders

SUPPORTING ENGLISH LEARNERS

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.
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**What’s the Opportunity?**

As the share of English learners (ELs) in American public schools increases faster than any other group, it is more important than ever to ensure that they are making progress attaining English proficiency and meeting other learning goals. ESSA moves accountability for ELs from Title III to Title I to bring heightened focus to how schools are helping ELs to achieve and to ensure that serving ELs is seen as a school-wide general education priority. States must take advantage of multiple provisions in ESSA to ensure ELs receive a high-quality education.¹

**Leveraging ESSA**

- **State Accountability Systems:** Under Title I, state accountability systems must include an indicator of “progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline for all English learners” [Sec. 1111(c)(4)(B)(iv)].

- **Public Reporting:** Under Title I, state report cards must include “information on the number and percentage of English learners achieving English language proficiency” [Sec. 1111(h)(1)(C)(iv)]. English learners are also one of the groups of students for which all other information must be disaggregated [Sec. 1111(c)(2)(D)].

- **Targeted Support and Improvement:** State Education Agencies (SEAs) must annually identify certain schools for targeted support and improvement (TSI) [Sec. 1111(d)(2)(A)]. This includes any public school in which one or more groups of students is consistently underperforming – which can include ELs – as determined by the State [Sec. 1111(c)(4)(C)(iii)]. TSI schools must develop plans that, among other things, include evidence-based interventions [Sec. 1111(d)(2)(B)(ii)]. The Local Education Agency (LEA) must approve these TSI school plans, and monitor their implementation [Sec. 1111(d)(2)(B)(iii)-(iv)].

  - Additionally, schools identified for targeted support and improvement “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, including children in identified student groups, such as ELs [Sec. 1114(b)(7)(A)(i)]. There are a variety of instructional strategies, non-instructional strategies, and teaching/school personnel support and professional development strategies, that can support ELs in a schoolwide setting [Sec. 1114(b)(7)(A)(iii)(I)-(V)]. Likewise, in a targeted assistance program, funds can be used to provide additional supports for Title I students, including Title I students that are ELs. Under NCLB, some states mistakenly believed that Title I funds could not be targeted to support ELs, and SEAs should ensure this misunderstanding does not carry over to ESSA.
• **Improving State Assessment Systems:** States may use grants for state assessments to support “Ensuring the provision of appropriate accommodations available to English learners and children with disabilities to improve the rates of inclusion in regular assessments of such children, including professional development activities to improve the implementation of such accommodations in instructional practice” [Sec. 1201(a)(2)(A)] and “Developing or improving assessments for English learners, including assessments of English language proficiency as required under section 1111(b)(2)(G) and academic assessments in languages other than English to meet the State’s obligations under section 1111(b)(2)(F)” [Sec. 1201(a)(2)(C)].

• **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)]. There are a variety of allowable uses for these funds that can be used to ensure that ELs have access to effective teachers and leaders [Sec. 2101(c)(4)(B)]. 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 leading schools with high populations of ELs, like establishing mentoring programs for principals focused helping them meet ELs’ needs, or establishing principal preparation academies with an explicit focus on developing school leaders who can help ELs excel.

• **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 local funds for a variety of professional development and school personnel support activities, including helping to meet the needs of ELs [Sec. 2103(b)(2)]. In addition to many other activities that can help EL students, Title II, Part A may specifically be used to develop programs and activities that increase the ability of teachers to effectively teach ELs, which may include the use of multi-tier systems of support and positive behavioral supports [Sec. 2103(b)(3)(F)]. SEAs should ensure LEAs are aware of these spending opportunities, and support LEAs that implement these types of programs.

• **Comprehensive Literacy State Development Grants:** Under Title II, Part B, SEAs may apply for competitive Comprehensive Literacy State Development grants to “(1) provide subgrants to eligible entities serving a diversity of geographic areas, giving priority to entities serving greater numbers or percentages of children from low-income families; and (2) develop or enhance comprehensive literacy instruction plans that ensure high-quality instruction and effective strategies in reading and writing for children from early childhood education through grade 12, including English learners” [Sec. 2222(a)(1)-(2)].

• **Title III State Activities:** States may reserve up to 5 percent of funds received under Title III to be used for activities to support ELs, including “establishing and implementing […] standardized statewide entrance and exit procedures,” “providing effective teacher and principal preparation, effective professional development activities, and other effective activities related to the education of English learners,” and providing technical assistance to eligible entities receiving Title III grants [Sec. 3111(b)(2)(A)-(E)].

• **Title III, Part A Subgrants to LEAs:** Under Title III, states may make subgrants to individual LEAs or to LEAs working in partnership with institutions of higher education, education service...
agencies, community-based organizations, or the SEA to develop, implement, and improve the language instruction and academic content instruction for programs serving ELs and immigrant children and youth [Sec. 3115(a)].

- **Title IV State Activities:** Using Title IV state set-asides, SEAs may support LEAs for a variety of activities, which may include offering well-rounded educational experiences to children that are traditionally underrepresented in those environments, including ELs [Sec. 4104(b)(3)(A)].

- **Expanding Access to Preschool:** States may apply for Preschool Development Grants to “develop, update, or implement a strategic plan that facilitates collaboration and coordination among existing programs of early childhood care and education in a mixed delivery system” that is “designed to prepare low-income and disadvantaged children to enter kindergarten,” encourage partnerships among different agencies and organizations, and maximize parental choice [Sec. 9212(a)(1)-(3)]. States receiving funds must conduct a periodic needs assessment on “the availability and quality of existing programs in the State, including such programs serving the most vulnerable or underserved populations and children in rural areas” [Sec. 9212(f)(1)(A)]. Since nearly 60 percent of English learners come from low-income families and English learners are more concentrated in the early grades, the program could be used to expand access to high-quality preschool programs to English learners.

**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 services to EL students.** 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 effective supports to EL students and how ESSA and other federal funding sources can be used to help pay for those strategies.**

- **Use Title II to develop or improve professional learning opportunities focused on meeting the needs of ELs.** If not already in place, explore policies and incentives to ensure all educators, or an adequate supply, have advanced training or certification in meeting the needs of EL students.

- **Leverage the state CSI plan review process, as well as the SEA’s general oversight responsibilities for LEA compliance with TSI requirements, to ensure plans include evidence-based interventions that address the needs of ELs where relevant, and that CSI/TSI plans are aligned to other supports offered to ELs (such as those that are part of a Title I schoolwide plan, or those that are supported with Title III).** Facilitate the adoption of evidence-based interventions by identifying effective programs and providers and making it easy for LEAs to contract with them.
• Consider the creation of an “ever-EL” or former EL student group in the state accountability system to track the progress of reclassified ELs once they exit EL status.

• Use data systems to identify LEAs serving the greatest proportion of ELs and recently arrived ELs and help target funding, resources, and technical assistance to those areas.

• Coordinate state activities funded by Title II and Title III to improve ELs’ access to effective teachers and leaders. This work can be strengthened by partnering with educator preparation programs or using Title II funds to establish teacher and leader preparation academies with the goal of improving educators’ skills supporting ELs.

• Network LEA leaders who are focused on improving the effectiveness of EL support. Highlight promising practices and create a clearinghouse of artifacts and tools for continuous improvement.

Guiding Questions for State Leaders

• Do current SEA policies and practices promote the use of federal funding for ELs outside of Title III? If not, what needs to change?

• How will we set aggressive but achievable goals for ELs in our state? Who needs to be involved in the development of these goals, and how will we hold ourselves accountable for them?

• Does our state already have standardized procedures for entry and exit from EL services? If so, do they need to be revisited? If not, who do we need to engage to develop these procedures?

• Is the pace at which ELs transition to full English proficiency currently a priority? Who is responsible and what mechanisms are in place for keeping these issues on the radar of senior leaders?

• How accurate is our current data on ELs? Where are improvements needed?

• Are there senior leaders who are prioritizing English-development and improving academic outcomes for ELs within our SEA? What partners are needed in other state agencies or in community groups to help elevate ELs’ needs within the public conversation?

• Does our state have the appropriate assessments for ELs, including assessments in students’ native languages?

• How will our state ensure that ELs are being provided with the right assessment accommodations?
(Endnotes)

1. For programmatic teams looking to explore this issue in greater depth, see the Council of Chief State School Officers, “Critical Area Outline: English Language Learners/Title III Transition,” available from http://www.ccsso.org/Documents/2016/CriticalAreaOutlineELL.pdf.

