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## LESSONS FROM NCLB FOR THE EVERY STUDENT SUCCEEDS ACT

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The research for this brief is collected from the work of some of the nation's most prominent scholars. Readers wishing to delve deeper into these topics are encouraged to consult the comprehensive book.



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# LESSONS FROM NCLB FOR THE EVERY STUDENT SUCCEEDS ACT

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## Executive Summary

The No Child Left Behind Act was replaced by the Every Student Succeeds Act (ESSA) with great fanfare and enthusiasm. Granting more power to states and curbing what was seen as federal overreach was well received. Nevertheless, the new system remains a predominately test-based accountability system that requires interventions in the lowest scoring five percent of schools. The new law continues to disaggregate data by race and by wealth (and adds new sub-groups) but shows little promise of remedying the systemic under resourcing of needy students. Giving the reform policies of high-stakes assessment and privatization the benefit of the most positive research interpretation, the benefits accrued are insufficient to justify their use as comprehensive reform strategies. Less generous interpretations of the research provide clear warnings of harm. The research evidence over the past 30 years further tells us that unless we address the economic bifurcation in the nation, and the opportunity gaps in the schools, we will not be successful in closing the achievement gap. Although not strong enough to tip the balance, ESSA does provide states with a valuable new tool. School reports will now be incorporating one or more non-academic indicators that can help bring attention to the nation's broader educational purposes.

As state policymakers implement their revised programs, we offer the following recommendations on both broad and focused implementation issues:

- Above all else, each state must ensure that students have adequate opportunities, funding and resources to achieve state goals. Funds must be available in an equitable manner and must be sufficient to meet students' needs. Schools and school personnel must not be evaluated on elements where they are denied the resources and supports they need to be successful.<sup>1</sup>
- States must shift toward an assistance role and exercise less of a regulatory role. States must assure that all students have equal access to high-quality teachers, stimulating curriculum and instruction and adequate school resources (such as computers, libraries, field trips, and learning resources).<sup>2</sup>
- Under ESSA, school performance will now be measured using a system that incorporates one or more non-academic indicators—chosen separately by each state. These non-academic indicators provide states their strongest new tool for maximizing educational equity and opportunity and bringing attention to the nation's broader educational purposes.
- States and districts must collaborate with social service and labor departments to ensure adequate personal, social and economic opportunities. Without a livable wage and adequate support services, social problems will be manifest in the

schools. Public and private schools must adopt assignment policies and practices that ensure integration and that disperse pockets of poverty.<sup>3</sup>

- Although President-elect Trump has called for expanding charter schools, the research evidence does not support expansion. The number of charter schools should be reduced. On average, charter schools do not perform at higher levels than public schools, yet they segregate,<sup>4</sup> remain prone to fiscal mismanagement,<sup>5</sup> and often have opaque management and accountability.<sup>6</sup>
- Development of multiple-measure and dashboard accountability approaches must be comprehensive, balanced between inputs and outcomes, expressed clearly, and assessed. As contrasted with a convenient collection of available data, the information must accurately and validly reflect the desired learning outcomes and the input resources needed to achieve these outcomes.
- Standardized test scores must be used cautiously and only in combination with other data to avoid creating incentives for narrowed and distorted teaching and learning. Further, the weak technical strength of standardized assessments and value-added models renders these approaches invalid for use in a high-stakes context.<sup>7</sup>
- The aggregation of data into a single score or grade should be avoided. Such procedures hide valuable information while invalidly combining disparate and unrelated objects.<sup>8</sup>
- States and school districts must train educators to conduct formative and constructive self-evaluations. The current emphasis on outcome-based evaluations does not capture the diverse universe of teaching.
- States should establish, develop, train and implement school visitation teams that address both quantitative and qualitative factors. Sites most in need of improvement should be prioritized. Standardized test scores can be validly used to establish initial priorities.<sup>9</sup>
- External reviews should focus on providing guidance and capacity-building support for school development and improvement, rather than on imposing sanctions.<sup>10</sup>
- External reviewers should be qualified experts who meet prescribed standards. Robust training should be compulsory, with retraining required on a periodic basis.
- Multiple stakeholders (administrators, teachers, students, parents, community leaders, and researchers) should be involved in the design of the state's evaluation or inspectorate program.
- States should use the flexibility and the assessment pilot project alternatives in ESSA to test fewer grades. If local assessments are employed in the remaining grades, avoid attempting to equate different tools or develop growth scores with a potpourri of different instruments. The technique does not have sufficient technical power to justify such usage.<sup>11</sup>
- States and districts must apply more stringent criteria in adopting interventions. Many commercial presentations, packages, and "best practices" lack a scientific foundation. Peer-reviewed literature must be employed to vet promising practices.

A number of positive elements have also been illuminated and represent wise educational investments. The following five approaches are among the most important but these should not be viewed as a complete or exhaustive list.

- **Early education** – The achievement gap is already a standard deviation wide by age three or four and does not decrease as children go through school. Thus, the imperative is high-quality early education, which also has one of the highest rates of “return on investment.” Early education should concentrate on broad-based experiential learning. An emphasis on subject matter knowledge and formal assessment should be avoided until grades three or four.<sup>12</sup>
- **Extended school year and day** – Expanding learning time and using that additional time for deep, engaging enrichment, either after school or during the summer can be effective in closing the achievement gap. Again, the emphasis must be on high-quality and comprehensive programs as contrasted with low-substance and test prep approaches.<sup>13</sup>
- **De-tracking** – Tracking or “ability grouping” stratifies the learning opportunities of students inside of a school building, often segregating by race, ethnicity and socioeconomic status, thereby denying the most marginalized students a high-quality education.<sup>14</sup>
- **Class size reduction** –Smaller class sizes show great advantages, helping teachers teach and helping students learn, but these reforms invariably are revisited in times of fiscal constraint.<sup>15</sup>
- **School-community partnerships** – Particularly for children who live in places where stable housing, employment and other opportunities are largely denied, the provision of health, social, medical and dental support becomes essential.<sup>16</sup> It is also particularly important for schools in these communities to develop strong, mutually respectful partnerships with parents and other community members.

## LESSONS FROM NCLB FOR THE EVERY STUDENT SUCCEEDS ACT

If Lyndon Johnson were alive today, he would undoubtedly be discouraged to see what has become of the original Elementary and Secondary Education Act (ESEA) that he signed into law fifty years ago as a part of the War on Poverty. ESEA was deeply rooted in ideals of democracy and equity. It signified the federal government's pledge to create equal educational opportunity by increasing funding and school improvement resources for states and districts. The goal seemed simple: strengthen the capacity of our most economically impoverished schools to provide high quality public education for all students.

Despite this legislative commitment to public schools, our lawmakers have largely eroded ESEA's original intent. Moving from assistance to ever-increasing regulation, states gravitated toward test-based reforms in the minimum basic skills movement in the 1970s. A watershed event occurred in 1983 with the report, *A Nation at Risk*, which was predicated on international economic competitiveness and rankings on test scores. The report was succeeded by *Goals 2000*, the first federal act to require states to develop standards-based test goals and measure progress toward them. The stringent and reductionist *No Child Left Behind (NCLB) Act of 2001* then followed on its heels. At each step, our educational policies became more test-based, top-down, prescriptive, narrow and punitive, and federal support to build the most struggling schools' capacity for improvement faded.

Most recently, on December 10th, 2015, amid much fanfare from both sides of the aisle, President Obama signed the *Every Student Succeeds Act* (ESSA), which reauthorized ESEA. These last two revisions of the federal legislation, NCLB and ESSA, have moved the country farther and farther away from the original principle behind ESEA, which was to use federal funding to increase protections for historically underserved students. It was originally a civil rights initiative. While ESSA shifted the accountability mechanisms to the states, this latest iteration of the law does not reflect what we know and what we need to ensure equal educational opportunities for all children across the nation.

Unfortunately, ESSA preserves most of the unproductive structures and reforms that NCLB prescribed. It is true that looming threats of certain sanctions – both to schools and educators themselves – have been scaled back. Unattainable Adequate Yearly Progress targets no longer exist but are replaced by state sanctions on schools. States' flexibility has been restored to look somewhat like the first-generation,<sup>17</sup> state-level systems that preceded (and, ironically, informed) NCLB.

But at its core, ESSA is still a primarily test-based educational regime. Annual standardized testing in reading and math is still mandated in grades 3-8 and once in high school. Science testing at benchmark levels of schooling remains. The criteria for requiring schools to write improvement plans have been revised, yet standardized test scores continue to comprise the largest share of these criteria. Identification of schools in need of improvement continues to depend mostly on test scores, but now also includes one or more other academic and quality indicators. Formerly rigid prescriptions for school reforms have been relegated to districts and states, although the expanded range of potential reforms still encourages and funds charter schools and requires other NCLB-like "corrective actions." State accountability sys-

tems must be federally approved and mechanisms such as turnaround-driven layoffs, conversions to charter schools, and school closures are likely to continue even though they have not been proven to consistently improve schools in struggling communities. Punishments for continual low test-performance persist. The most substantial difference is that the power to decide which test-based consequences for under-performing schools resides once again in the states, not the federal government.

In order for ESSA to achieve the kind of significant, equity-minded improvements that its original proponents imagined, state-level policymakers must be willing to significantly depart from NCLB practices and norms. They will need to adopt a set of driving principles and aims for schools that have been nearly absent from the discourse on and practice of school reform for the past thirty years. We will need to return to investing in inputs for under-resourced schools and shift away from strictly monitoring performance outputs. This is a herculean task. An extensive body of research reminds us how our norms are powerfully entrenched about which communities deserve which resources and which learners are able to achieve at consistently high levels,<sup>18</sup> and practical experiences over the last three decades have socialized entire generations of policymakers, practitioners, and even some researchers to accept the current manner of doing business in schools.

In drawing lessons from the nation's experiences, we must first examine the principles and purposes of education to see how they are reflected in the laws. The details of and changes in the statutes have been charted by a number of organizations. But stepping back from the comparative details, we must examine the broad research lessons from NCLB. The most over-arching questions surround poverty, the efficacy of reforms based on high-stakes assessment, and the effects of privatization. Also brought to the fore are topics such as the utility of multiple measures and the role of school self-evaluations. Following this comprehensive review, we derive specific lessons to guide state and local policymakers in effective practices.

## I. NCLB and ESSA: Commonalities and Contrasts

From a teacher's point-of-view, the new law continues the basic operations and principles of the previous law: It fundamentally maintains a test-driven, top-down, remediate and penalize law. Despite the "too much testing" outcry, the same tests in the same grades are required while states are "allowed" to employ more exams. The main difference is that instead of federal mandates, the states are required to redefine and implement many of the same features previously required by the federal government.

While states set standards, the law still requires the same performance levels, schools are held accountability for results, poorly performing schools are identified and schools "in need of improvement" must show progress in three years or be met with "more rigorous improvement actions."

Like NCLB, it is underfunded. Comprehensive improvement support is required but state and local willingness or capacity and the federal forecast are not promising.

With overtones of a political grudge match, much of the Washington excitement surrounding the law's passage was based on curtailing the federal department's authority. To a local district or school, however, it makes little difference whether the mandate comes from the federal government or the state government. The driving principles, sanctions and rewards

remain and, in most states, will be directed by the same people acting in much the same roles.

Note must be taken of the civil rights groups' reservations and concerns. Disaggregation of state testing data by race and socioeconomic level remains (and has been expanded) but the re-introduction of standard setting by states and accountability decision making will, over time, likely result in varied state expectations in goals, funding and technical support for improvement from one state to another.<sup>19</sup>

## II. First-Order Lessons for ESSA

“Where we sit determines what we see.” What we have learned differs by individual, organizational affiliation and ideology. Some have argued that NCLB did not work because it was not pursued aggressively. In this thinking, we should “double down” on the previous strategies. But there are few observers who say NCLB worked or is workable. (Otherwise, the federal government would not have needed to issue waivers and the achievement gap would have closed). Nevertheless, while ideologically affiliated organizations invariably find results supportive of their perspective, there is a mainstream research consensus on what we have learned:

### A. The opportunity gap - We cannot expect to close the achievement gap until we address the social and economic gaps that divide our society.

No Child Left Behind had the explicit purpose of all children achieving high standards and thereby closing the achievement gap by 2014. It did not come close.

Noting the widening academic achievement gap between rich and poor, Sean Riordan found the gap “roughly 20 to 40 percent larger among children born in 2001 than among those born 25 years earlier.”<sup>20</sup> The irony is that the very problem the law was supposed to fix became worse.

In an economic and social shift, he reports that family income is now nearly as strong a predictor as parental education. The income achievement gap, which is closely tied to the racial gap, is attributable to income inequality, the increased difficulty of social mobility, the bifurcation of wages and the economy, and a narrowing of school purposes driven by test taking.<sup>21</sup> The racial gap was closing until the early 1990s – at the same time that test-based accountability was in its ascendancy in Goals 2000 and subsequently in NCLB.<sup>22</sup> Harris and Herrington attribute the earlier gains to the pre-1990 exposure of children of color to greater learning resources and academic content.<sup>23</sup>

Low test scores are indicators of our social inequities, argue Berliner and Rothstein. Otherwise, we would not see our white and affluent children scoring at the highest levels in the world and our children of color scoring equivalent to third-world countries.<sup>24</sup> We also would not see our urban areas, with the lowest scores and greatest needs, funded well below our higher scoring suburban schools.<sup>25</sup>

With two-thirds of the variance in test scores attributable to environmental conditions, the best way of closing the opportunity gap is through providing jobs and livable wages across the board. We must also deal with governmentally determined housing patterns that segre-

gate our children. As Richard Rothstein observed and Heather Schwartz noted in Maryland, integrated housing breaks up patterns and pockets of concentrated poverty and has positive effects on children and schools.<sup>26</sup>

As for school resources, the Education Trust determined that children in low-income districts receive 10% less per pupil (or \$1200) and children of color receive 15% less (or \$2000) per year.<sup>27</sup> While Rebell has noted that 60% of the school funding court cases result in decisions in the plaintiff's favor, that does not mean they win a solution in the legislature.<sup>28</sup> In terms of compensatory funding, the national average is to provide an extra 19% of funding but some 70 adequacy studies from across the nation show that an additional 40% to 100% is needed. The needs of English learners show that 76% to 118% more is needed, depending on the state.<sup>29</sup> Furthermore, in 2015, seven years after the recession, 31 states were still spending less than what they were in 2008.<sup>30</sup>

One effective compensatory approach is to combine social, educational and health services such as Valli *et. al.* outline. These approaches have proven successful (and are encouraged in ESSA), but they represent a difficult management conundrum as different domains and funding sources must live under one roof.<sup>31</sup> The Harlem Children's Zone has been highlighted as a model of such interagency support and collaboration but has been subject to controversy regarding costs and questions about sustainability.<sup>32</sup>

One of the frequently heard phrases used to justify annual high-stakes disaggregated assessment is that "shining a light" on deficiencies of particular groups will prompt decision-makers to increase funding, expand programs, and ensure high quality. This has not happened. Shining a light does not provide the social and educational learning essentials for our neediest children. It merely establishes the convenient illusion of doing something productive (at little cost), while blaming the schools and the victims. It is an excuse for avoiding legal and moral obligations.

## **B. High-stakes, test-based accountability does not improve learning.**

Since B.F. Skinner's work sixty years ago, it has been repeatedly confirmed that negative reinforcement has unpredictable and undesirable consequences. While NCLB promised help for schools "in need of assistance," this phrase became an Orwellian euphemism. Schools so classified were portrayed popularly and in the media as "failing" schools. Needless to say, the schools with the lowest scores tended to have the largest social and economic challenges.

After their review of test-based accountability, the independent and prestigious National Academies reported that "*...the measured effects to date tend to be concentrated in elementary grade mathematics and the effects are small compared to the improvements the nation hopes to achieve.*"

The federal strategy under NCLB was based on four strategies (transformation, turnaround, restart, and closure). Under ESSA, the design of the accountability system devolves to the states. Given the prior investment of states in the federal models, coupled with the passage of enabling state laws and regulations, it is likely that many will continue to employ the same intervention strategies—at least over the short term.

Throughout the past decade, a number of test-based accountability mechanisms have been tried with generally weak results:

### *Test-Based Teacher Evaluation*

This was the most popular of the turnaround strategies, employed by 74% of the schools in the now defunct School Improvement Grants.<sup>33</sup>

Evaluating teachers by test scores breaks down in several logical and empirical ways. First, students must be randomly assigned, which is demonstrably not the case in school practice. Some teachers teach remedial classes while others teach advanced placement students. Further, a given teacher could be (and has been) rated a success in one year and a failure in the next simply based on the students assigned. Second, the error rate inherent in this approach is so high that it simply precludes its use in high-stakes circumstances.<sup>34</sup> Third, there is no general teaching factor that is universally applicable to all cases. This renders the model invalid for general application. Fourth, alternative explanations of gains (or losses) caused by factors outside the teacher's control have typically not been properly considered.<sup>35</sup>

The use of value-added measures provoked the unusual response of a cautionary statement by the American Educational Research Association as well as a warning from the American Statistical Association. Their concerns are that VAM ratings are highly unstable, unduly influenced by class composition, and do not disentangle the many other influences on student scores.<sup>36</sup>

While much good research continues, the use of this technique in broad scale, high-stakes circumstances is not warranted and raises compelling ethical questions.

### *School Turnarounds*

The rationale is that under fear of being fired, teachers and principals will be motivated to improve student test scores. Used in at least 16% of the intervention cases,<sup>37</sup> the limited high-quality research in this area tells us that massive staff changes almost always harm rather than help struggling schools. The systemic disruption, decreased efficiency, human capital and organizational commitment losses argue against using such an approach. Turnaround schools must also have sufficient resources, time and adequate support structures to be effective and to attract and retain qualified personnel.<sup>38</sup> Replacing administrators and staff in urban and rural areas is a major obstacle and qualified people are often not available.<sup>39</sup>

The research literature in this area is littered by (1) the pervasive use of advocacy and journalistic "case studies" and (2) the abundance of unscientific "guides" setting forth unsubstantiated general principles for successfully implementing turnarounds.<sup>40</sup> One researcher found a modest but positive 0.10 standard deviation gain for turnaround schools in California, but recognized the presence of added social services in the selected schools, smaller class sizes (five students less per class), and possible selection effects in his "fuzzy" regression discontinuity model. He raised the questions of whether these gains were sustainable and whether the method is cost-effective at scale.<sup>41</sup>

All in all, there is no compelling evidence base showing the viability of this approach.<sup>42</sup> In reviewing the literature, AIR reported the somewhat universal finding that "success rates for school turnarounds are low and many such turnarounds are short-lived."<sup>43</sup>

## *Closing the School and Enrolling the Students in a Higher Performing School*

Limited research is available on this least common turnaround strategy. Some researchers find that school closures deepen divides and actually harm achievement while others show limited effects on test scores.

In Chicago, a small proportion of displaced students who attended significantly higher performing schools mildly improved their test scores. However, 82% did not attend a higher performing school and, therefore, gleaned no such advantage. The problem, of course, is that higher performing schools are not always conveniently available.<sup>44</sup> Unfortunately, displaced students were less likely to attend summer schools and were more likely to transfer again.<sup>45</sup> Overall, following an initial drop, Chicago students did no worse and no better as a result of school closures. In Washington DC, the results were similar.<sup>46</sup>

Kemple found a similar pattern in studying 29 closed schools in New York City. The displaced students performed no better than before but newly incoming students did better than their predecessors, particularly in graduation rates. Nevertheless, this performance was quite low. Since closures were only one of a constellation of concurrent reforms, sorting out causality was problematic. Kemple concludes that closure of poorly performing schools was positive but a broader array of reforms is needed.<sup>47</sup>

In following the experiences of predominantly economically disadvantaged, high school children of color who were relocated through a school closure, Kirshner and his colleagues found relocated students registered lower test scores, lower graduation rates, increased dropouts, and increased signs of stress. These are unfortunate effects for a program designed to remedy, not aggravate, these very same problems.<sup>48</sup>

Overall, the early and limited research shows little to suggest that school closure is a practical or effective vehicle for eliminating the achievement gap or for providing equality. The major strategies used in our persistently lowest performing schools, individually and collectively, failed to provide more than limited gains. In some cases, the effects were negative, particularly as they relate to equity goals.

## **C. Privatizing schools has not produced across-the-board or meaningful learning gains. It leads to social segregation and is harmful to society.**

Reflected in federal policy in ESSA as well as NCLB is the underlying reform belief that a competitive market will solve school problems. Under NCLB, this predominantly took the form of charter schools. Fortunately, there is an abundant research literature available. The relevant question is “Can charter schools close the achievement gap?” Rhetorical and advocacy claims set aside, even the most optimistic findings provide little promise of achieving this goal.

### *Achievement*

Perhaps the most prominent study of charter schools is the 27-state CREDO study.<sup>49</sup> It has been repeatedly cited by pro-charter advocacy organizations. The report states, “While much ground remains to be covered, charter schools in the 27 states are outperforming their TPS peer schools in greater numbers than in 2009.” However, this carefully crafted sentence

obscures the finding that gains were only found in reading. There was no difference in math scores. Reviewers then noted:

“...the study overall shows that less than one-hundredth of one percent of the variation in test performance is explainable by charter school enrollment. With a very large sample size, nearly any effect will be *statistically* significant, but in *practical* terms these effects are so small as to be regarded, without hyperbole, as trivial.”<sup>50</sup>

In an exhaustive meta-evaluation of the charter school research, Miron and Urschel concluded, “...cumulative results from charter school research indicate, that, on the whole, charters perform similarly to traditional public schools.”<sup>51</sup>

### *Segregation*

More troubling than the lack of gains in test scores is the mounting evidence that charter schools segregate students by race, income, language, and handicap.<sup>52</sup> This is a particularly problematic finding for a law whose express purpose is to advance equality and close performance gaps.

In examining the counter-claim that charter schools do not segregate, Miron and his colleagues observed “While the aggregate percentage of minority students in charter schools is similar to that of the sending districts...Charter school enrollment tends to fall into a bimodal distribution, with either high concentration minority or high concentration white. (T)hree quarters of the charter schools were either segregative white, segregative black, or segregative Hispanic.”<sup>53</sup>

## III. Lessons for State Accountability Systems

While the concept of accountability has been a necessary feature for as long as we have provided universal public education, policymakers have struggled to find a successful approach given the broad and changing purposes of education. The use of student testing, with published teacher and student test scores, can be traced to the 1870s.<sup>54</sup>

Despite the prescriptiveness of NCLB, considerable variation in school approval systems took place as a result of the federal waiver process and other interpretations in the law.<sup>55</sup> Nonetheless, much of this variation is in small points. The core of test-based accountability remains.<sup>56</sup>

The new ESSA law, while erasing waivers, provides some additional latitude in the number and types of measures states and local districts may use. Yet, the state-designed accountability systems are still subject to federal approval.

Two paramount issues require consideration: (a) combining multiple measures in such a way as to validly reflect the goals and purposes of education, which includes inputs as well as outputs; and (b) developing assessment systems beyond traditional tests and empirical indicators that consider necessary climate and cultural features of a sound education system. These will require different mechanisms such as inspectorate systems, self-evaluations and site visits conducted by qualified disinterested visitors representing the state or an accred-

itation group.

### What is to be Measured: Multiple Measures

The ESSA requires “substantial weight” be placed on a combination of four variables (academic achievement, student growth, graduation rates and English proficiency). At least one “school quality” indicator must be included and 95% of students must be tested.<sup>57</sup> The school quality indicators allow states (and in turn districts and schools) to bring in a whole variety of measures beyond standardized tests. While these might be limited in how much they can be weighted, they can nevertheless be placed on the public table and included.

This is a positive development in that a more comprehensive set of measures will be more likely to validly capture the broader set of cognitive and affective learning goals of schooling.<sup>58</sup> Unfortunately, “multiple measures” is an elastic term that includes an eclectic variety of elements. Depending upon the speaker and whatever pre-existing data are at hand in a given state, the term can mean many different things and thus result in many different policy approaches.

This elasticity is exemplified in its use as a bridging concept between dramatically different policy camps. Linda Darling-Hammond and Paul Hill, for instance, released coordinated reports addressing elements to be included in the next generation of school evaluation systems.<sup>59</sup> Agreement on what should be measured has been characterized by vague generalities such as the need for assessment of “college and career ready” standards, the use of evaluation consequences at the school level, that outside intervention be required and available, the proper role of government and the like. These agreements are at such a high level of abstraction that “multiple measures” is more a rhetorical consensus than a verifiable accountability model.

In looking at the pre ESSA federal “waivers,” 24 of 27 applying states proposed a wide variety of multiple measures.<sup>60</sup> In 2009, individual states identified from four to 22 different measures, which were characterized by a strong collection of outcome measures and a virtual absence of opportunity, input, or process measures.<sup>61</sup>

In order to have consistency across schools, the proposed “dashboards” are composed almost exclusively of empirical measures with data elements such as truancy, graduation rates, and disciplinary referrals.<sup>62</sup> These have the advantage of being highly reliable because they have a standard meaning across schools. But their validity, as a measure of school quality, is open to question.

ESSA requires a composite “report card” grade be constructed from a broad array of common measures. It also requires a single score for each school. Both of these concepts have difficulties.

For multiple measures, a particular problem is the assignment of weights to the various measures.<sup>63</sup> For example, can 70% passing a math test be added to a 10% decrease in disciplinary referrals, and should this be adjusted for socioeconomic factors and school history? While a number of statistical techniques (such as factor analysis) show promise for addressing these concerns, current decisions appear to be based on the judgment of individuals or working groups.<sup>64</sup> Schools do not have a single purpose and there is no rational way of developing a composite that will be uniformly satisfactory. Deciding on what measures will be used and how they will be combined is one of the most critical decisions states may make.

Whether they are narrow and limited or multidisciplinary and higher order will determine schools' goals and directions. Carefully developed, the selection, use and publicity given to non-academic indicators can provide states with a more valid and accurate picture of their state's educational system.

### **How it is Measured: School Self-Evaluations and Inspection Teams**

While empirical outcome measures are required for the “substantial weight” in the federal evaluation system, and despite the problems noted directly above, that does not mean that other vital information should be ignored by state and local officials. A simple expedient may be to provide the federal government with their data while simultaneously conducting a more useful process within each state.

While eclipsed by test-based models in the United States, self-evaluations (frequently combined with inspectorate systems) continue to be the norm in most OECD countries. The closest U.S. parallels are regional accreditation organizations that guide self-evaluations and organize visiting teams. The method is particularly used in higher education. Basically, the school conducts a structured self-evaluation. Then, in many cases, a visiting review team validates the self-evaluation report.<sup>65</sup> Through interviews and data review, the team seeks to verify such non-quantifiable yet vital things as express student expectations, the comprehensiveness of assessments, curricular adequacy, professional development, available supports and the quality of interventions for high-needs children.<sup>66</sup>

Thus, school evaluations can be broader and more inclusive, and are less likely to distort school goals for teaching and learning. Also, a self-evaluation can be more revealing of needs than a staged show for visitors.<sup>67</sup>

Yet, such self-evaluations are no panacea. “Despite its long history and ubiquity, inspection has existed until comparatively recently in an a-theoretical limbo with practices and procedures assessed on little more than the commonsense of those who commend or criticize them.”<sup>68</sup> The evaluation problem is that cause and effect are hard to nail down.<sup>69</sup> For example, did the new textbooks recommended by the team result in better teaching and learning? Would the school have purchased the materials anyway? One clear finding, however, is that interviews of participants show a positive view of self-evaluations and inspectorates, with 90% of Great Britain principals and teachers reporting satisfaction with the system.<sup>70</sup>

## **IV. Recommendations for Policymakers and School Practice**

It is a daunting, if not impossible, task to reduce all major ESSA decisions to a short set of recommendations. Nonetheless, it is a necessary task. The recommendations are grouped by level, beginning with state policies, then assessment and accountability systems, instructional improvement and, finally, effective school practices.

### **A. State Policy**

- Above all else, each state must assure that students have adequate opportunities, funding and resources to achieve state goals. Funds must be available in an equi-

table manner and must be sufficient to meet students' needs. Schools and school personnel must not be evaluated on elements where they are denied the resources and supports they need to be successful.<sup>71</sup>

- States must shift toward an assistance role and exercise less of a regulatory role. States must assure that all students have equal access to high-quality teachers, stimulating curriculum and instruction and adequate school resources (such as computers, libraries, field trips, and learning resources).<sup>72</sup>
- Under ESSA, school performance will now be measured using a system that incorporates one or more non-academic indicators—chosen separately by each state. These non-academic indicators provide states their strongest new tool for maximizing educational equity and opportunity and bringing attention to the nation's broader educational purposes.
- States and districts must collaborate with social service and labor departments to ensure adequate personal, social and economic opportunities. Without a livable wage and adequate support services, social problems will be manifest in the schools. Public and private schools must adopt assignment policies and practices that ensure integration and that disperse pockets of poverty.<sup>73</sup>

## **B. Assessment and Accountability**

- Charter schools should not be expanded, and state caps on their approval should be reduced. On average, charter schools do not perform at higher levels than public schools, yet they segregate,<sup>74</sup> remain prone to fiscal mismanagement,<sup>75</sup> and often have opaque management and accountability.<sup>76</sup>
- Development of multiple-measure and dashboard accountability approaches must be comprehensive, balanced between inputs and outcomes, expressed clearly, and assessed. As contrasted with a convenient collection of available data, the information must accurately and validly reflect the desired learning outcomes and the input resources needed to achieve these outcomes.
- Standardized test scores must be used cautiously and only in combination with other data to avoid creating incentives for narrowed and distorted teaching and learning. Further, the weak technical strength of standardized assessments and value-added models renders these approaches invalid for use in a high-stakes context.<sup>77</sup>
- The aggregation of data into a single score or grade should be avoided. Such procedures hide valuable information while invalidly combining disparate and unrelated objects.<sup>78</sup>

## **C. Instructional Improvement**

- States and school districts must train educators to conduct formative and constructive self-evaluations. The current emphasis on outcome-based evaluations does not capture the diverse universe of teaching.

- States should establish, develop, train and implement school visitation teams that address both quantitative and qualitative factors. Sites most in need of improvement should be prioritized. Standardized test scores can be validly used to establish initial priorities.<sup>79</sup>
- External reviews should focus on providing guidance and capacity-building support for school development and improvement, rather than on imposing sanctions.<sup>80</sup>
- External reviewers should be qualified experts who meet prescribed standards. Robust training should be compulsory, with retraining required on a periodic basis.
- Multiple stakeholders (administrators, teachers, students, parents, community leaders, and researchers) should be involved in the design of the state’s evaluation/inspectorate program.
- States should use the flexibility and the assessment pilot project alternatives in ESSA to test fewer grades. If local assessments are employed in the remaining grades, avoid attempting to equate different tools or develop growth scores with a potpourri of different instruments. The technique does not have sufficient technical power to justify such usage.<sup>81</sup>
- States and districts must apply more stringent criteria in adopting interventions. Many commercial presentations, packages, and “best practices” lack a scientific foundation. Peer-reviewed literature must be employed to vet promising practices.

A number of positive elements have also been illuminated and represent wise educational investments. The following five approaches are among the most important but should not be viewed as a complete or exhaustive list.

- **Early education** – The achievement gap is already a standard deviation wide by age three or four and does not decrease as children go through school. Thus, the imperative is high-quality early education, which also has one of the highest rates of “return on investment.” Early education should concentrate on broad-based experiential learning. An emphasis on subject matter knowledge and formal assessment should be avoided until grades three or four.<sup>82</sup>
- **Extended school year and day** – Expanding learning time and using that additional time for deep, engaging enrichment, either after school or during the summer can be effective in closing the achievement gap. Again, the emphasis must be on high quality and comprehensive programs as contrasted with low substance and test prep approaches.<sup>83</sup>
- **De-tracking** – Tracking or “ability grouping” stratifies the learning opportunities of students inside of a school building, often segregating by race, ethnicity and socioeconomic status, thereby denying the most marginalized students a high-quality education.<sup>84</sup>
- **Class size reduction** – Smaller class sizes show great advantages, helping teachers teach and helping students learn, but these reforms invariably are revisited in times of fiscal constraint.<sup>85</sup>
- **School-community partnerships** – Particularly for children who live in places where stable housing, employment and other opportunities are largely denied, the

provision of health, social, medical and dental support becomes essential.<sup>86</sup> It is also particularly important for schools in these communities to develop strong, mutually respectful partnerships with parents and other community members.

## V. The Moral Imperative: Adequate Inputs and the Opportunity Gap

*Laws for the encouragement of virtue and the prevention of vice and immorality ought to be constantly kept in force, and duly executed; and a competent number of schools ought to be maintained . . .*

Vermont Constitution, 1777

In these eighteenth century words, “ought” meant “shall.” “Virtue” meant civic virtue and contributing to your society, while vice meant actions antithetical to the common good. Within this phrase lies the purpose of education in a democratic society. No words are spent on international threats or on “being competitive in a global economy.” Though often parroted, these latter rationales have only a dubious connection to either education or the economy.<sup>87</sup>

The nation has become a majority of minorities and the common good requires all students to be well educated. Yet, we have embarked on economic and educational paths that systematically privilege only a small percentage of the population.<sup>88</sup> In education, we invest less on children of color and the economically impoverished.<sup>89</sup> At the same time, we support a testing regime that measures wealth rather than provides a rich kaleidoscope of experience and knowledge to all.

And we do not hold ourselves responsible for the basic denial of equal opportunities.

*[I]f schools are being held accountable for improving teaching and student learning, policymakers at all levels of the educational system, regional and state levels as well as the national level, should also be expected to support the capacity required to produce improved teaching and learning (p. 21).<sup>90</sup>*

The greatest conceptual and most damaging mistake of test-based accountability systems has been the pretense that poorly supported schools could systemically overcome the effects of concentrated poverty and racial segregation by rigorous instruction and testing.<sup>91</sup> This system has inadequately supported teachers and students, has imposed astronomically high goals, and has inflicted punishment on those for whom it has demanded impossible achievements. It stands in stark contrast to what Lyndon Johnson envisioned over fifty years ago when lawmakers first crafted the Elementary and Secondary Education Act.

Public schools can only succeed in achieving their democratic purpose of educating all children with all-around support and accountability.<sup>92</sup> This means holding state and federal governments accountable for ensuring that children have legitimate, adequate and equitable opportunities to learn. Ultimately, a child denied opportunities will arrive at school with high needs, and a school without adequate resources cannot effectively address those needs. No amount of testing and improvement plans can succeed absent a strong support system.

In a nation that prides itself on its achievements, the lack of opportunities provided to our neediest children is not morally justifiable. If we earnestly want to grasp the slipping-away

American Dream, we must invest simultaneously in our economy, our society and our schools.

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