

ESSA's Opportunities for States in Assessment, Accountability, and Turnaround

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Regardless of ideology or political persuasion, most observers agree the federal government's growing influence on education in recent years has resulted in widespread disaffection. Republicans and Democrats alike observe mounting public discontent in states and localities around issues like Common Core State Standards, testing, accountability, and teacher evaluation. Years of congressional inaction to reauthorize the Elementary and Secondary Education Act (ESEA) strengthened the U.S. Department of Education (ED) to fill the void with stopgap measures, further distancing federal law from state and congressional priorities. The 2015 passage of the Every Student Succeeds Act (ESSA) grew from all these concerns.

Many observers lauded ESSA for returning control over education to the states. *The Wall Street Journal* said the law represents “the largest devolution of federal control to the states in a quarter-century.”¹ Utah Governor Gary Herbert, speaking for the National Governors Association, said the law “is a clear example of cooperative federalism” and gives states and localities the “freedom” they need.²

But the devolution narrative fails to capture the reality that states vary tremendously in their capacity to redesign accountability systems, assess new measures of school success, and pursue evidence-based approaches to school turnaround. To fully take advantage of the possibilities ESSA provides, states will need to continue their focus on building internal resources to support system-wide school improvement.

This essay reviews ESSA's flexibilities and constraints and identifies opportunities for state education agencies (SEAs) to advance a new approach to accountability and assessment on behalf of school improvement.

OPPORTUNITY #1: MOVING TOWARD MORE USEFUL (AND USABLE) ASSESSMENTS

Beginning with the 1994 ESEA reauthorization, federal law has required states to adopt academic standards and assess student progress. But in recent years, controversy has swirled around these efforts. The No Child Left Behind Act (NCLB) required districts to intervene in schools that failed to make “adequate yearly progress,” thereby attaching high stakes to the results of annual assessments. The Obama administration's ESEA flexibility waivers relaxed some of these provisions but triggered other concerns by requiring states to evaluate teachers based on students' standardized test scores. The resulting political fallout has pressured state policymakers to roll back or modify testing requirements.

ESSA maintains the federal commitment to annual standardized tests but grants states new options for assessment design that could make required assessments more useful and usable for parents and teachers. ESSA now permits alternatives such as:

- **Computer adaptive assessments:** [Computer adaptive assessments](#) let students answer questions at an appropriate difficulty level and can improve the precision of testing results.³ The Smarter Balanced Assessment Consortium, one of two federally funded consortia designing Common Core-aligned tests, took this approach.
- **Broader types of assessments:** States can include more types of assessments in students' achievement indicator, such as [student work portfolios](#) or projects and [extended performance tasks](#), which require students to answer in more open-ended ways or engage in exercises over longer time periods (for example, drafting a memo over several hours).
- **Interim assessments:** States can use multiple interim assessments to calculate students' summative assessment results. These [types of assessments](#) give students, parents, and teachers rapid feedback on student progress at multiple points during the academic year. This enables state achievement tests to function as both a formative assessment (allowing teachers to use them to modify instruction in real time to improve student learning) and as a summative assessment.
- **(Potentially) fewer assessments for high school students:** With SEA approval, districts can use nationally recognized assessments like the SAT for high school students in lieu of other test-based accountability measures. States have an opportunity to lighten the testing load on high school students, many of whom must take Advanced Placement and college-entrance tests on top of required district and state assessments. And states could simultaneously expand access to higher education by having all high school students take college-entrance tests that then can be used for state K–12 assessment purposes.

These options carve a path for states to address parents' concerns with state achievement tests and the overall student testing burden without losing the value of annual testing. But states face technical, economic, and substantive challenges in making assessment systems more streamlined, responsive, and useful.

- **Technical:** If used for federal accountability purposes, innovative assessments must be shown to be valid (i.e., aligned with state standards) and reliable (i.e., generate predictable, consistent, and fair results).

Previous efforts to use innovative assessment systems, including in Vermont and Kentucky in the 1990s, floundered because evaluators found the systems failed to reliably measure school quality.⁴

- **Economic:** Traditional standardized tests became popular in large part because they offered a cost-effective solution to the challenge of assessing student learning over time and across localities. Innovative assessment systems, especially those requiring human scoring, will likely cost more.
- **Substantive:** State assessment systems serve many masters: they aim to inform parents and the public about public school system performance, help teachers improve their practice and identify students at risk, and hold schools and districts accountable for improvement. Few assessment systems are able to address all of these ends simultaneously.

Ultimately, state legislators will wind up shaping which assessment options end up on the table for any given state. According to the National Conference of State Legislatures, state lawmakers introduced some 500 assessment-related bills in the legislative session immediately following ESSA's passage.

SEAs will play a key role in educating state policymakers about assessment options and how states can best harness ESSA's flexibility to design improved systems. Lawmakers are not assessment design and implementation experts; their job is to translate constituent concerns into policy. SEAs can support improved assessment systems by deepening their relationships with legislators and their staff and identifying and communicating the advantages and disadvantages of different assessment approaches.⁵

OPPORTUNITY #2: CREATING A NEW AND IMPROVED ACCOUNTABILITY SYSTEM

Accountability systems are the glue that connect state standards to school practices. What states choose to measure will likely compel changes in the behavior of districts, schools, teachers, and even parents.

NCLB spurred substantial changes to state accountability systems. But the law's accountability requirements had unintended consequences. The exclusive reliance on standardized test scores to judge school quality led many schools to narrow their offerings and concentrate efforts on tested subjects and grades.

ESSA explicitly seeks to address what was maligned with NCLB accountability systems. Like NCLB, ESSA requires states to track student achievement across student subgroups and publicly report the results. But the law significantly broadens the set of indicators that states must include. All states will now be required to include five measures in their accountability system:

1. Proficiency on annual assessments.
2. A second measure of academic achievement for elementary and middle schools that allows for meaningful differentiation in school performance (e.g., student growth).
3. Graduation rates for high schools.
4. Progress of English language learners toward English language proficiency.
5. Another indicator of school quality or student success (e.g., access to rigorous coursework, school climate, or socio-emotional learning) that can be disaggregated by student subgroup.

While ED regulations will likely curb state flexibility around metrics design, the expansion of mandatory indicators will require many states to broaden their set of accountability measures. This presents both opportunities and risks. On the opportunity side, states can work to tailor their accountability system toward local priorities; on the risk side, not all states are equally well equipped with the assessment expertise required to design or select new, often novel, student outcomes measures.

ESSA continues to require states to measure students' proficiency on annual assessments. But the ED may give states the option to abandon tracking of proficiency rates; this tracking creates perverse incentives to focus on students near the cusp of proficiency, often at the cost of students well above or below the benchmark. Morgan Polikoff, assistant professor of education at the University of Southern California, has offered two alternatives to measuring proficiency in a letter to the ED.⁶ Regardless of where the ED lands on the regulations, SEAs could seek waivers to use alternative proficiency measures.

In the meantime, while many observers point to the law's inclusion of student growth measures as significant, this reflects an already well-established state trend. The Center for American Progress reports that 46 states already include a measure of student growth in their accountability system.⁷ These measures are likely to continue to evolve as states fine-tune their systems. Perhaps this arena's most powerful development is the chance to measure growth across the achievement spectrum (i.e., both high and low achievers), incentivizing schools to better serve students who already meet proficiency benchmarks or students who are struggling the most to get there.⁸

The fourth and fifth indicators are likely to spur the most substantial changes in state accountability systems. While NCLB required states to measure English language learners' progress toward English language proficiency, states weren't required to disaggregate data by school and tracking was divorced from states' traditional accountability systems. As a result, just six states currently use a

measure of English language proficiency in their accountability system in any way. By moving English language proficiency into their accountability systems, states will shine a new light on these students' progress.

The new law also lets states experiment with more nuanced methods of assessing school quality. Before ESSA, states varied tremendously in whether they included non-achievement-based measures of school success in their accountability systems. Some states tracked school climate or access to coursework but few disaggregated those data by student subgroup. By letting states use alternative measures of school quality, ESSA may address some of NCLB's more undesirable accountability impacts, including a narrowing of the curriculum and an expansion of time and focus on test preparation. Under ESSA, states could opt to measure students' participation in arts, music, and physical education and thereby incentivize schools and districts to provide a more well-rounded curriculum.

Of course, the devil is in the details. The design and use of new measures requires investments in SEA capacity to use research, draw on experts, and reach out to district officials, unions, parents, school boards, and others who would use the new measures and/or be held accountable for results. SEAs that lack these capacities are likely to turn to metrics that largely mirror those in the existing accountability system. Alternatively, states may use measures that lack an evidence base and ultimately find themselves with a system that fails to reliably assess outcomes. The latter is a particular risk with the fifth indicator, which state accountability systems have not historically included and for which experts warn that assessment development is still in its nascency.

States are likely to face trade-offs between creating clear and simple accountability metrics and providing more multifaceted portraits of school quality. While draft ED regulations suggest that summative scores will be required in any retooled state accountability system, states will need to decide how they integrate those scores into accountability dashboards and school report cards. How these indicators are displayed and used to inform decision making will ultimately be more consequential than whether states calculate summative scores at all.

OPPORTUNITY #3: CRAFTING A SMARTER APPROACH TO SCHOOL TURNAROUND

NCLB was widely criticized for inaccurately deeming a large number of schools "in need of improvement" and for prescribing how districts and states must intervene when schools failed to meet targets. ESSA explicitly addresses much of what critics found wrong with NCLB's approach to school turnaround. States can now define improvement targets for all schools and student subgroups,

rather than having the federal government tell them to use an arbitrary, uniform set of goals. ESSA requires states to identify the lowest-performing schools but grants states more flexibility in how states weight the five indicators, which gives states the chance to align their accountability systems with specific priorities.⁹ And it abandons prescribed turnaround methods, favoring locally prioritized, evidence-based approaches instead.

The expanded flexibility empowers states to take a much more thoughtful approach to identifying and supporting schools in need of improvement.

- States could choose to differentiate schools based on a weighting scheme tied to state priorities, like encouraging schools to improve non-achievement-based measures of school quality or to boost achievement of English language learners. While ED draft regulations curb how states weight the indicators and identify schools, states still have significant latitude to customize their approach based on their identified problems and priorities.
- States will be better positioned to take advantage of local expertise in school turnaround work. The law continues support for school-improvement efforts by reserving 7 percent of states' Title I allocation for this purpose. But states have new freedom in how they support local districts with these funds. States can distribute these funds on a competitive or a formulaic basis; a competitive approach would let states capitalize on local work already underway and reward districts with the best proposals.
- SEAs have important opportunities (and responsibilities) to ensure that districts and schools pursue evidence-based approaches to improvement since ESSA requires states to monitor districts' school improvement plans for this.

These state roles, however, are not without challenges. Schools and districts vary significantly in how equipped they are to implement a given evidence-based turnaround strategy. Identifying whether a particular strategy will be effective in a given context takes more than simply checking evidence boxes on a form, as the law requires. It requires understanding the local schools' operating conditions and whether existing leadership and available resources are sufficient to put effective strategies into practice.

While the law's increased flexibility gives states ample opportunity to tailor their approach to school improvement, this also introduces risk. States may forgo the chance to develop local solutions to performance gaps and choose instead to do nothing. Or states could act aggressively and impose their own one-size-fits-all solutions that are just as removed from school-level realities as the old federally prescribed turnaround strategies, thereby spurring backlash.

While federal education policy debates often focus on the plight of schools serving large numbers of low-income students, ESSA could increase policymakers' attention toward schools with fewer disadvantaged students. The law requires states to identify schools in need of improvement where “any subgroup of students is consistently underperforming.” This may result in identifying schools with deep achievement gaps within otherwise strong performance overall. States' new identification process for schools needing improvement may push more districts to acknowledge achievement gaps and do more to address struggling students' needs. While the NCLB corrective action provision grew to include a broader array of schools over time, the law's prescriptive turnaround strategies helped fuel community backlash. In contrast, ESSA lets districts take the lead on identifying improvement strategies, which may help mitigate potential political opposition. Finally, for the first time, federal law will require documentation of resource inequities within districts, which will empower historically disadvantaged groups with data that may help them push for changes in school- or district-level practices.

CONCLUSION: HOW STATES CAN MAKE THE MOST OF ESSA'S OPPORTUNITIES

ESSA grants states and localities substantial new latitude to pursue reform grounded in local priorities and evidence-based best practices. Gone are many of the prescriptive elements of NCLB and the Obama administration's flexibility waivers.

Requirements for multiple accountability measures and more customized interventions in low-performing schools are likely to spur changes to K–12 education and its politics. How ESSA shapes education policy going forward will largely depend on how—and how much—states take advantage of their newfound flexibility. ESSA may be an instance of the dog catching the car: states wanted more flexibility. Now that they have it, the burden falls on them to define their K–12 education priorities and act on them.

If recent history is any measure, state action to exploit the newfound latitude is not a given. The Obama administration gave states the option to use multiple measures in their accountability systems through its waiver program, but just 18 states did so.¹⁰ We know states often fail to take full advantage of the power they already have to improve conditions for schools and districts. Providing flexibility creates a window of opportunity, but it does not guarantee that states will open that window.

To fully maximize ESSA's possibilities, state policymakers and chiefs must double down on enhancing capacity in SEAs, which will lead much of the tough work to craft new accountability systems and oversee school and district improvement efforts.

As states capitalize on their new flexibility to craft a different approach to K–12 improvement, they should take stock of the lessons learned from the last decade of school reform. The federal government's efforts to improve public schools have always been limited by the fact that the feds do not (and cannot) directly control the individuals whose behavior they seek to influence. States are often no better positioned. They can provide data, flexibility, and the ownership over student results that encourages local educators to improve. But the success of state efforts ultimately depends on the cooperation of teachers, principals, administrators, families, and others. This means states must work closely with local school systems to find and support solutions that make sense to the communities they aim to help.

ENDNOTES

1. "No Child Left Behind's Successor: Congress Rewrites the Bush-Era Law by Giving More Power to States," *Wall Street Journal*, November 29, 2015.
2. National Governor's Association, "Nation's Governors Endorse Every Student Succeeds Act," news release, November 30, 2015.
3. The impact of computer adaptive testing is an evolving area of research. See G. Gage Kingsbury, Edward H. Freeman, and Mike Nesterak, "The Potential of Adaptive Assessment," *Educational Leadership* 71, no. 6 (March 2014). Some studies document increased precision, but others suggest that this type of assessment can increase test anxiety, thereby undermining validity for certain students. See Nicole Makas Colwell, "Test Anxiety, Computer Adaptive Testing, and the Common Core," *Journal of Education and Training Studies* 1, no. 2 (2013): 50–60.
4. National Research Council, *State Assessment Systems: Exploring Best Practices and Innovations: Summary of Two Workshops* (Washington, DC: The National Academies Press, 2010).
5. For recommendations on how to engage legislators on education issues, see Kristen Soltis Anderson and Marisa Goldstein, *Engaging Legislators: Lessons for the Education Sector* (Washington, DC: The Aspen Institute Education and Society Program, 2015).
6. Morgan Polikoff, "A letter to the U.S. Department of Education," *On Education Research* (personal blog), July 12, 2016, accessed October 20, 2016.
7. Carmel Martin, Scott Sargrad, and Samantha Batel, *Making the Grade: A 50-State Analysis of School Accountability Systems* (Washington, DC: Center for American Progress, 2016).
8. Michael Petrilli, "ESSA Accountability: Don't Forget the High Achievers," *Flypaper* (blog), March 28, 2016.
9. The law requires states to identify (a) the lowest 5 percent of schools statewide based on the five indicators, (b) high schools with graduation rates below 67 percent, and (c) schools with consistently underperforming subgroups. Each of the required indicators must carry "substantial" weight, and the academic indicators must be given a weight "much greater" than either the school quality or student success indicator. See Andrew Ujifusa and Alyson Klein, "Your Cheat Sheet for the Proposed ESSA Accountability Rules," *Politics K–12* (blog), *Education Week*, June 7, 2016.
10. Michele McNeil, "Many States Left Key NCLB Flexibility on the Table," *Education Week*, April 10, 2014.