

Tell the U.S. Department of Education to Rewrite its Proposed ESSA Accountability Regulations



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The Department’s proposed regulations on accountability miss the mark. Instead of remaining true to the spirit and letter of the Every Student Succeeds Act, they add and redefine goals, indicators, and interventions—in effect, restoring the discredited test, label, and punish approach of No Child Left Behind. More than 9,000 NEA members wrote the Department this summer urging it to fix the proposed regulations.

Too much focus on testing versus learning

- ▶ The Every Student Succeeds Act (ESSA) includes a list of goals for statewide accountability systems—among them, academic achievement as measured by proficiency on annual assessments—and gives states **flexibility** to set long-term and interim goals that take into account improvements made to help close performance gaps among student subgroups.
- ▶ However, the proposed regulations **narrow the concept of proficiency** on annual assessments to “grade level proficiency,” hampering comprehensive approaches to closing performance gaps that could, over time, reap larger benefits than quick fixes.

Draconian, ill-advised “solutions” for low-performing schools

- ▶ ESSA gives states **flexibility** to determine the best ways to improve low-performing schools as well as the timetable for improving them.
- ▶ However, the proposed regulations mandate a **single, summative rating** for every school based on three distinct categories; add definitions of “consistently underperforming subgroup” and “low-performing subgroup;” and require improvement within three years.
- ▶ The proposed regulations also prohibit calculating graduation rates over an extended period and list **draconian interventions** such as closing schools, converting them to charters, changing governance, and replacing school leaders—all of which should be left to districts to determine in consultation with stakeholders such as parents and community groups.

Narrowing the curriculum for disadvantaged students

- ▶ ESSA allows schools to be measured by the **opportunities they give students**, not just scores on standardized tests.
- ▶ States are given flexibility in how they use—and broad discretion to choose—**indicators of school support and student success**, which can also drive school change and serve as a dashboard that identifies reasons for shortcomings in student success.

- ▶ However, the proposed regulations add a research-based restriction on the use of opportunity indicators, limit the elementary and middle school growth indicator to math and reading tests, and define two indicators of **resource inequity**—teacher distribution and per-pupil expenditures—while leaving it to districts to determine whether to include other indicators such as access to preschool and advanced coursework.
- ▶ In addition, under the proposed regulations, schools could only exit the school improvement category based solely on academic factors instead of counting *all* elements of the broader accountability system, which include opportunity indicators as well.

Over-identifying schools in need of intervention

- ▶ No Child Left Behind's deeply flawed accountability system would eventually have led to pinning the label "failure" on **virtually every public school**.
- ▶ To avoid this preposterous result, ESSA limits **comprehensive intervention** to schools among the lowest-performing 5 percent, schools with very low graduation rates, and schools with very low-performing student subgroups that do not improve after a state-determined number of years.
- ▶ However, the proposed regulations **add elements** that could lead to identifying an unreasonable—and disproportionate—number of schools as needing comprehensive intervention.

Punishing schools if less than 95 percent of students take standardized tests

- ▶ ESSA requires states to test 95 percent of their students, but leaves it to them to determine how much weight their accountability systems give to participation rates.
- ▶ ESSA also protects parents' rights by saying, "Nothing in this paragraph [academic assessments] shall be construed as preempting a State or local law regarding the decision of a parent to not have the parent's child participate in the academic assessments under this paragraph."
- ▶ However, by requiring states to punish schools where parents choose to have their children not take standardized tests and suggesting punishments the proposed regulations violate this language—the result of careful congressional compromise.