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THE EVERY STUDENT SUCCEEDS ACT: UNLEASHING STATE INNOVATION

HEARING

OF THE

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

ON

EXAMINING THE EVERY STUDENT SUCCEEDS ACT, FOCUSING ON UNLEASHING STATE INNOVATION

OCTOBER 3, 2017

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THE EVERY STUDENT SUCCEEDS ACT: UNLEASHING STATE INNOVATION

TUESDAY, OCTOBER 3, 2017

U.S. SENATE,
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS
WASHINGTON, DC

The Committee met, pursuant to notice, at 10 a.m. in room SD–430, Dirksen Senate Office Building, Hon. Lamar Alexander, Chairman of the Committee, presiding.

Present: Senators Cassidy, Young, Murray, Casey, Bennet, Whitehouse, Murphy, Warren, Kaine, and Hassan.

OPENING STATEMENT OF SENATOR ALEXANDER

The CHAIRMAN. The Senate Committee on Health, Education, Labor, and Pensions will please come to order.

This morning, we are holding a hearing to learn more about the innovative approaches states are taking in their state plans under the Every Student Succeeds Act, a law this Committee recommended and passed to fix No Child Left Behind.

Senator Murray and I will each have an opening statement. After the witnesses' testimonies, Senators will have an opportunity to ask the witnesses 5 minutes of questions. If Senators have more questions, why, we will stay for that.

On April 16, 2015—after 7 years of congressional effort, 27 hearings, many hours of work, and a 3-day markup in which we considered 57 amendments—this Committee met for a final vote on legislation to fix No Child Left Behind.

That vote started with Senator Murray and it ended with me. In the end, the Clerk read the vote, "I have 22 ayes, zero nays," he said. It was a dramatic and emotional moment. The room erupted in applause. We found Senators even applauding ourselves.

Equally dramatic, in December 2015, the Senate passed, by a vote 85–12, the Every Student Succeeds Act. When President Obama signed the Bill into law, he called it, "A Christmas Miracle."

After he signed ESSA, I said, "Today we are unleashing a new era of innovation and excellence in student achievement. One that recognizes that the path to higher standards, better teaching, and real accountability is classroom by classroom, community by community, and state by state, and not through Washington, DC."

The Nation's Governors took the extraordinary step of formally endorsing ESSA, as we call it, saying that the law is poised to transform the Federal system, return responsibility to the states,

and dramatically reduce the Federal footprint while encouraging and building on state efforts to expand educational opportunities for students who need help the most.

The Council of Chief State School Officers said, quote, "This is an historic moment. It is a trajectory that will bring stability to states, offering ground firm enough for states to innovate, and design systems that specifically meet the needs of their students."

The purpose of today's hearing is to see to what extent that has happened.

The Every Student Succeeds Act is an historic piece of legislation because it represents that we can reach a bipartisan consensus on a topic of considerable differences: elementary and secondary education.

That consensus was this: continue the law's important measurements of academic progress of students, but restore to states what to do about that progress.

I started out thinking that we should get rid of the 17 Federally required state-designed tests between grades 3 and 12 because of my aversion to Washington, DC control. I listened to those in the classrooms and those in the states.

Senator Howard Baker used to suggest to me that it was a virtue to be an eloquent listener and that sometimes the other fellow—that is what he said, the other fellow—may be right.

So I listened and I saw that the tests themselves were not the problem, but they were actually helpful. What needed to be changed was who was in charge of doing something about the results of those tests.

So we kept the 17 tests so we can know how our students are doing, and required those results to be disaggregated and reported to the public. But the law restores back to the classroom teachers, local school boards, communities, and states the responsibility for what to do about the results of those tests.

The Every Student Succeeds Act put states back in the driver's seat for decisions on how to help their students. It was also historic because we clearly wrote prohibitions on the Secretary into the law.

For example, the Secretary is specifically prohibited from telling states how to set academic standards, how to evaluate state tests, how to identify and fix low performing schools, teacher evaluation systems, and setting state goals for student achievement and graduation rates. That was true for President Obama's Education Secretary, it is true for Secretary DeVos, and it will be true for the next Education Secretary.

So here is where we are today. Under the Every Student Succeeds Act, in order to receive $15.5 billion in annual Federal Title I funding, every state must submit their Title I plans to the Department of Education that sets goals for their students, and shows how the states will hold schools accountable for their performance.

Sixteen states submitted their plans by the spring deadline of May 3rd, and so far 14 of those have been approved by the Department.

Thirty-two states submitted plans by the fall deadline of September 18, and will now go through the review and approval process to make sure they meet the requirements of the law.

The two remaining states have been given an extension because of the hurricanes, and are finishing developing their plans, and will submit them in the near future.

Despite a new law, a new Administration, and Congress overturning an Obama era accountability provision that did exactly what Congress told the Department not to do, this has been a smooth process for states.

Under the law, the Department has 120 days to review and approve state plans once they are submitted. So far, Secretary DeVos has met this deadline and provided recommendations on making the states' plans stronger, and I think the Department should be congratulated for this.

Today, we will hear from three of the first 14 states whose plans have been approved. Based upon my own review of the plans, these States—Tennessee, Louisiana, and New Mexico—have taken the most advantage of the flexibility we offered under the law in creating innovative plans.

For example, Tennessee's plan includes a Ready Graduate Indicator, which demonstrates students' readiness for more than just college after high school. If you are a student who is planning to join the military or workforce after graduation, this indicator shows the State you are prepared.

Louisiana has developed a career education initiative and a diverse course program, which means school districts will be able to offer students more career and technical preparation, advanced coursework, and dual enrollment.

After listening to teachers, school districts, and parents, New Mexico has included robust student services in their plan. If you are the parent of a child who needs early education programs or extra math help, this means they will be able to access those services.

I look forward to the hearing and to hearing more about the ways your states are taking advantage of the freedom to innovate under the Every Student Succeeds Act.

Senator Murray.

OPENING STATEMENT OF SENATOR MURRAY

Senator MURRAY. Well, thank you very much, Chairman Alexander.

I want to thank all of our witnesses for being here today. I look forward to hearing from the State Chiefs about their progress in implementing our landmark education law, and from Dr. Steiner about his observations of ESSA implementation more broadly.

But first, I do want to talk a little bit about the Every Student Succeeds Act and how we got here. As the Chairman said, in 2015, we came together with a lot of others to fix No Child Left Behind. We agreed. In fact, a lot of people around the country agreed. The law was badly broken.

No Child Left Behind relied on one-size-fits-all mandates. It failed to provide struggling schools with the resources they needed to improve. We listened to teachers, and parents, and students across the country to hear what they believed were the biggest challenges in schools today.

I am very proud to say we broke through that partisan gridlock—that plagues Washington these days—to find common ground and pass the Every Student Succeeds Act.

ESSA gives states the flexibility they asked for to innovate and educate students in the ways that work best for them. This flexibility, however, is only possible because of the strong Federal guardrails in the law, including accountability standards, to make sure that no child in this country falls through the cracks.

These guardrails are critical to ensuring that any student, regardless of where they live, or how they learn, or how much money their parents make, can receive a high quality education.

A lot of the discussion today will be focused on state flexibility and innovation, but we also do need to talk about those guardrails of ESSA and whether they are being met by states.

I fear that the totally inaccurate notion that ESSA is all flexibility, and has no role for the Federal Government, has taken over in some places. We need to be clear with states, and the Department of Education, that there are, indeed, Federal guardrails in ESSA that have to be met.

Though there was bipartisan consensus around passing ESSA in 2015, I have to say I was disappointed in March of this year when republicans in Congress did rollback a rule that simply clarified many of the important Federal guardrails in the law. Many felt this signaled to states that their plans would be approved by the Department without any scrutiny. State plans still have to comply with all the Federal guardrails in ESSA.

In April, 16 states and the District of Columbia did submit their plans to the Department and I have to say, at first, I was pleased to see the Department providing thorough feedback to those states through public letters.

Well, those letters did not catch all the violations. It was a good sign that the Department was taking its role seriously, but after harsh and unfair criticism, the Department has, unfortunately, bowed down to public pressure and changed their feedback process.

After several states received detailed feedback letters, the Department then limited public access to what should be a transparent state plan approval process.

As I said in a letter to Secretary DeVos at the time, a phone call and a verbal agreement between states and the Department prior to the release of a public letter is not a substitute for public discourse. If the Department needs more information to better understand a State's plan, so do the parents, and teachers, and civil rights advocates, Members of Congress, and all stakeholders.

This is particularly troubling to me given Secretary DeVos's recent comment openly encouraging states to, quote, "Go right up to the line, test how far it takes to get over it." Proving she was serious, the Department has approved plans that do not now comply with the guardrails contained in ESSA. To me, this is really concerning and something, I believe, that we need Secretary DeVos to address.

Given the critical role of the Department, I am disappointed that Secretary DeVos, or anyone from the Department, is not here to explain their inconsistent approval process.

I really hope, Mr. Chairman, that we can have her in front of this Committee to ask her those critical questions because it is the Department's responsibility to make sure states do understand ESSA and are fully complying with the law.

The strong Federal guardrails are in place for one reason, to make sure that students do not fall through the cracks. I have to say, I have been disappointed to see Secretary DeVos, and others, fail to acknowledge that.

So I know we are going to hear a lot about innovations, state innovation today. It is important, but I also hope that we can have a robust discussion about all the provisions of the law.

I look forward to hearing from our State Chiefs in front of us today, how their states intend to comply with the accountability standards in ESSA, and what measures you plan to take when a district or school is failing our students.

So thank you very much, Mr. Chairman, for having this hearing. I look forward to this discussion.

The CHAIRMAN. Thank you, Senator Murray.

I am pleased to welcome our witnesses today.

First is Dr. Candice McQueen, Tennessee Commissioner of Education. She has led the statewide effort to create a plan for Tennessee. She has had input from thousands of Tennesseans. I have read a lot about that when I am home in the State.

Prior to becoming Commissioner, she worked as an award winning classroom teacher and curriculum designer, and is Senior Vice President and Dean of Education at Lipscomb University.

The next witness is Mr. John White, State Superintendent of Louisiana. He was named Louisiana State Superintendent of Education in January 2012. He has worked to modernize the State curriculum in expectation to ensure that every child is on track to a college or a professional career.

He was an English teacher. He has been the Executive Director of Teach for America in Chicago and in New Jersey, and he was Superintendent of the Louisiana Recovery School District in New Orleans and Baton Rouge.

Mr. Christopher Ruszkowski is the New Mexico Secretary of Education. Mr. Ruszkowski began his career as a middle school social studies teacher and a basketball coach in Miami before working 6 years at the Delaware Department of Education.

During his time in New Mexico, he has overseen state academic priorities, as well as policy and research agenda. In 2017, he led the co-development of the New Mexico State plan for the Every Student Succeeds Act.

Dr. David Steiner is our final witness. He is at the Johns Hopkins Institute of Education Policy and Professor of Education. He is a member of the Maryland State Board of Education. He has advised policymakers at the U.S. Department of Education, the Council of Chief State School Officers, Chiefs for Change, and numerous others. He has formerly served as New York Commissioner of Education.

We look forward to your testimony and thank you for being here. But I would like to ask if you could summarize your testimony in about 5 minutes each, then that would give Senators more of a

chance to have a conversation with you about your testimony and to ask questions.

So, Dr. McQueen, let us begin with you.

STATEMENT OF CANDICE MCQUEEN

Dr. MCQUEEN. Chairman Alexander, Ranking Member Murray, and Members of the Committee.

Thank you for the opportunity to be here.

I am Dr. Candice McQueen and I serve as the Education Commissioner for the great State of Tennessee. I am honored to testify about how states are leading to improve education.

I have had the opportunity to oversee both the extensive stakeholder engagement on our plan to implement the Every Student Succeeds Act, and the ultimate development of what, I believe, is one of the country's best plans because of how it empowers our schools to serve all of our students.

I want to start by first commending your leadership in establishing a law that empowers states and keeps a strong focus on equity. In Tennessee, ESSA has allowed us to build on what is working in our schools. But through this new law, we believe we have the flexibility to do more that is best and right for our kids. But it also holds us accountable for equitable outcomes in our schools.

Shortly before you passed ESSA, we announced a new strategic plan in Tennessee called Tennessee Succeeds. It set a vision and a framework that is aligning districts with our state goals.

We used the flexibility provided in ESSA just a few months later to solidify the work in Tennessee Succeeds and to even go deeper.

With our time today, I want to briefly touch on some of highlights in Tennessee's ESSA plan.

First, we are empowering families and expanding students' opportunities through our rich accountability systems. We have created a dashboard that has a full A-through-F letter grade on every metric, and it captures the full picture of a school's performance both within the general student population and for specific student groups.

In addition to students' achievement and growth, we also look at the rates of chronic absenteeism and out of school suspensions, and we highlight and celebrate our English learners' performance.

The metric I am most excited about is the accountability system metric called the Ready Graduate Indicator mentioned earlier by Chairman Alexander. For the first time, we are able to put an innovative new emphasis on the opportunities that students have to prepare for their next step after high school.

The Ready Graduate metric looks at students' access to courses like dual enrollment, dual credit, international baccalaureate, and A.P., as well as their opportunities to earn job ready, high quality, industry aligned certifications, and their readiness for the military. This will better enable us to ensure that all schools are equipping students for what is next after high school.

Second, we are building on what we learned around school improvement in our state. We used the flexibility under ESSA to create a multi-tiered continuum that allows us to choose evidence-based interventions that make the most sense and meet the unique needs of our priority schools, or our bottom 5 percent schools.

Additionally under ESSA, we are taking a more nuanced approached to how we identify targeted support schools, which we call Focus Schools. We will identify Focus Schools based on how well each school serves English learners, students with disabilities, and economically disadvantaged students, as well as the individual performance of all six racial and ethnic groups present in Tennessee.

In addition, we will analyze the performance of a combined racial and ethnic subgroup. This allows us to capture an additional 43,000 students who would otherwise not be included in our accountability system given their small population. If schools are not serving any of these student groups well, they will receive intense, targeted support.

I will give you an example of why this combined student group is so important in our state.

We have a school in Benton County, Tennessee in a rural, western part of the State. This school has 19 African-American students, 11 Hispanic students, and one Native American student none of which alone are high enough student counts to include any of these students in our accountability system.

Because of our new approach, this school is now held accountable for the performance of these students, 31 students across three racial and ethnic groups.

We will also publicly report the performance of all our student groups, every individual racial and ethnic group will be on our report card. We believe this approach shines a light on the performance of all students and drives a conversation about the individual needs of students.

Third, we are building on a foundation so we can go deeper. This fall, we began to use Title II funds to create principal residency models to establish more pipelines for aspiring school leaders. This is all possible because of how we are using Title II funding.

Finally, we are continuing the conversation in Tennessee with our stakeholders. We had a robust stakeholder engagement process with multiple loops of feedback. We engaged with multiple folks across the State that was ultimately reported publicly almost every day, anywhere from being in "The Tennessean" to the Maryville "Daily Times".

We were making sure folks knew where we were, what we were doing, and had opportunities to give feedback in multiple settings.

I want to thank you for crafting a law that recognizes the important role that all of us play in supporting our students. We have embraced the innovation that ESSA offers in our state, and we have used it as an opportunity to ensure that we are doing more than ever for every single child.

Thank you.

[The prepared statement of Dr. McQueen follows:]

PREPARED STATEMENT OF CANDICE MCQUEEN

Chairman Alexander, Ranking Member Murray, and Members of the Committee:

Thank you for the opportunity to be here today. I am Dr. Candice McQueen, and I serve as the education commissioner for the great State of Tennessee. I am honored to be here to testify with my colleagues from Louisiana and New Mexico about how states are leading to improve education across the country.

I have had the opportunity to oversee both the extensive stakeholder engagement on our plan to implement the Every Student Succeeds Act and the ultimate development of what I believe is one of the best ESSA plans in the country because of the way it empowers our schools to serve all of our students and meet their individual needs.

I want to first start by commending your leadership in establishing a law that empowers states and keeps a strong focus on equity. ESSA will ensure that all students have a chance to receive a world-class education from their neighborhood public school. The bipartisan leadership of Tennessee's own Sen. Alexander and Sen. Patty Murray on the reauthorization of the Elementary and Secondary Education Act is an excellent example of how all of us can collaborate on making our public systems better for those we serve.

In Tennessee, ESSA has allowed us to build on what is working in our schools and provided the opportunity to maximize our efforts. Through this new law, we believe we have the flexibility we need to work with stakeholders at the State and local levels to do what is best for the kids in Tennessee, and it holds us accountable for the outcomes in our schools and how we spend every Federal dollar to achieve an equitable education for every child.

Shortly before you passed ESSA, we announced our new strategic plan, which we call *Tennessee Succeeds*, which set a vision and framework for strategic planning within our districts, so they are aligned to the goals of the state. We used the flexibility provided in ESSA as an opportunity to continue to solidify the work in *Tennessee Succeeds* and go even deeper. Now that we have an approved ESSA plan, that deeper work begins. With this background, I want to share with you four ways that Tennessee's ESSA plan is empowering innovation and equity for our 1 million students.

- First, we are empowering families and expanding students' opportunities through our accountability systems, in particular through ensuring all students are ready for their next steps when they graduate.
- Second, we are building on what we have learned about school improvement and have created a multi-tiered continuum that allows us to tailor the intervention based on the unique needs of that school.
- Third, we are affirming what has shown success in Tennessee while innovating on what we have learned so we can go deeper in key areas—ike better supporting teacher leaders and principals and recruiting a diverse workforce.
- Finally, we are continuing the conversation with Tennesseans and with our stakeholder communities so they are championing our students and collaborating with our schools on implementation.

Let me share more on each of these.

1. First, we are empowering families and expanding students' opportunities through our accountability systems, in particular through ensuring all students are ready for their next steps when they graduate.

We are providing families and community members with easy-to-understand and transparent information about their neighborhood public school, which helps everyone play a role in ensuring we are providing a high-quality education for every student that equips them to choose their path in life. We are doing that through a dashboard that will provide an A-F letter grade on several metrics that capture the fuller picture of what is happening at a school. In addition to students' achievement and growth, we are looking at their access to and success in courses like dual enrollment, dual credit, AP and IB, as well as their opportunities to earn job-ready, high-quality industry certifications. Because of ESSA, we can now provide a more complete picture of students' performance and look beyond a single test score. We are also looking at students? opportunity to learn by sharing more about chronic absenteeism and out-of-school suspensions. We are highlighting our English learners' performance. All of those metrics—and student subgroups performance on those metrics—encompass the overall accountability system for each school.

Today, I want to talk about one of these metrics in particular. While we have always focused on the whole child and rewarded both achievement and growth, our new accountability system allows us for the first time to put an innovative, new emphasis on the opportunities students have to prepare for their next step after high school. We call this the Ready Graduate indicator, and it is already changing the conversations at the district and school level. We want every school to offer a diverse portfolio of early postsecondary opportunities, including dual enrollment, dual credit, AP, IB, CLEP, Cambridge International Exams, and industry certifications. Early postsecondary opportunities allow students to earn college credits while in high school, become familiar with postsecondary and industry expectations, develop confidence and skills for success after high school, make informed postsecondary and

career decisions, and decrease the time and cost of completing a certificate or degree. Specifically, our data in Tennessee shows us that students who have access to these opportunities are more likely to be successful after graduation. Our data highlights that students who complete at least four early postsecondary opportunities look similar to the students who earn at least a 21 on the ACT—meaning, they have at least a 50 percent chance of earning at least a B in credit-bearing course work in college—and this means less remediation, less time to postsecondary completion, and a stronger likelihood of success.

The Ready Graduate indicator captures what it means to equip students for life after high school. Students can be deemed "ready" by meeting any one of four criteria: earning a 21 or higher on the ACT, taking four early postsecondary courses, taking two early postsecondary courses and earning an industry credential, or taking two early postsecondary courses and earning Tennessee's designated score on the military entrance exam. Because the Ready Graduate indicator puts a focus on ensuring all students have access to a variety of opportunities, our district and school leaders are now examining and expanding their offerings—and having deeper conversations about which students are taking these courses and how to ensure every student has access. I believe this will dramatically—and rapidly—create more opportunities and more pathways for students in high school.

We are particularly well-positioned to do this because of the strong vision Tennessee has set on having 55 percent of Tennesseans equipped with a degree or certificate by 2025. Over the past few years, there has been tremendous enthusiasm and alignment across the State to help us attain that goal—through nationally celebrated programs that expand access to college like Tennessee Promise and Tennessee Reconnect, and through deeper connections to industry and the workforce. Now, ESSA provides us with an opportunity to further that alignment through K–12—so we can make sure that students not only have access, but that they also achieve success in postsecondary because of the education they have received throughout elementary, middle, and high school. The flexibility that ESSA provides allowed us to tailor our approach to this goal so we could fully align to our state's vision.

2. Second, we are building on what we have learned about school improvement and have created a multi-tiered continuum that allows us to tailor the intervention based on the unique needs of that school.

A key change under ESSA is that Congress has empowered state and local leaders to find and use the best evidence-based practices for each unique school and community context.

Tennessee has been at the forefront of school improvement for some time, which has created a unique opportunity to learn about what turnaround efforts are most successful in our schools. With our First to the top state legislation and support from subsequent Federal grants, we created both the state-run Achievement School District and district-led Innovation Zones, which allowed for systemic changes to how we support our lowest-performing schools. Tennessee-specific case studies have shown us that our most successful turnaround schools have a high-performing leader, deep and daily focus on aligning instruction to our rigorous academic standards, and attention to school-specific wrap-around services that support the variety of students' non-academic needs.

Five years later, the overall performance of our Priority schools (those in the bottom 5 percent) has improved, the Shelby County iZone and Achievement School District both show bright spots, and the Achievement School District this year had the third largest gains in the State in its graduation rate. But we also know we have more room for improvement, and through our ESSA plan, we are doubling down on our focus in this area.

We are establishing a new office of school improvement that will oversee a continuum of various turnaround options and supports. Every school in the bottom 5 percent will receive an evidence-based intervention, which we are able to uniquely support thanks to the Tennessee Department of Education's in-house research team and our partnership with Vanderbilt University to create the Tennessee Educational Research Alliance. The school improvement continuum also provides clear criteria for entrance and exit for each intervention track. Depending on a school's unique circumstances and performance, as well as the results of our analysis about the root causes and issues at play, a school will be placed in an intervention that best meets its students' needs. Our ESSA work has created a renewed focus on our lowest performing schools across the state, and just simply reinvesting time and focus on school improvement over the past year and a half has spurred districts to action—even when we are talking about schools that have been in need of improvement for over 15 years.

Additionally, under ESSA, we are taking a more nuanced approach in how we identify targeted support schools, which we call Focus schools, given that these schools are to be identified specifically because they have consistently underperforming student groups. We will identify Focus schools based on the individual performance of all six federally recognized racial and ethnic groups present in Tennessee, including Asian, Black, Hawaiian and Pacific Islander, Hispanic, Native American, and White students, provided the student count for the specific racial/ethnic group meets the n-size of 30. Additionally, we will also analyze the performance of a combined racial/ethnic student group that allows us to capture an additional 43,000 students who would otherwise not be included in our accountability system given their low population at their school. We will also look to see how well each school serves English learners, students with disabilities, and economically disadvantaged students. If they are not serving any one of these student groups well, they will receive the most intense, tailored support from our office of school improvement.

It is important to us that we hold our schools accountable for the performance of their historically underserved student groups. We have included a combined racial/ethnic group given that we have number of schools that do not have a sufficient number of students within an individual racial/ethnic category to be held accountable for the performance of that group alone—but the school still serves a significant number of historically underserved students if we look across all racial/ethnic groups.

An example is Camden Junior High in Benton County. There are 31 total students across three individual racial/ethnic groups, so it can be held accountable for all 31 students under the combined group. But it only has 19 Black/African-American students, 11 Hispanic students, and one Native American student—none of which are high enough counts to be included in our accountability system. Because of the combined racial/ethnic group, Camden Junior High is now held accountable for the performance of these students.

Overall, there are 212 schools in Tennessee that can be held accountable for their Black/African-American students as part of a combined racial/ethnic student group but which do not have sufficient numbers of students to be eligible for a Black/African-American-*only* subgroup. Additionally, 460 schools can be held accountable for Hispanic students as part of a combined group but do not have sufficient numbers of students to be eligible for a Hispanic-*only* subgroup. However, we recognize the power that comes in unmasking the performance of individual racial/ethnic groups. In addition to disaggregating for each racial/ethnic group in identifying targeted support schools, we will also publicly report the performance of every individual racial/ethnic student group, provided it meets an n-count of 10. This will equip educators, parents, community members, and advocates to hold each school accountable for how they serve every child.

We believe all of these approaches will help to shine a spotlight on all students' performance and drive a conversation about the needs of individual students, which is our goal, and we are doing more than ever to ensure that ALL students, particularly historically underserved students, are making progress.

3. Third, we are affirming what has shown success in Tennessee while innovating on what we have learned so we can go deeper in key areas—like better supporting teacher leaders and principals and recruiting a diverse workforce.

Our ESSA plan allows us to affirm the importance of the foundation of our K–12 education system: high standards, aligned assessments, and accountability ensure every student receives a world-class education—and these are the areas of work that have made Tennessee the fastest improving state in the Nation. By doing so, we can unleash our schools' creativity and innovation to go further. Under ESSA, districts have more funding flexibilities, and we are equipping them with a coordinated spending guide to think about how they can maximize their resources to invest in their priorities and most effective programs. ESSA empowers them to explore blended learning and competency-based learning models that will allow them to further personalize learning for students, as well as micro-credentials that will allow them to personalize learning for educators. Our ESSA plan allows high-performing districts additional opportunities for innovation through our earned autonomy model, which will include incentive grants for exemplary districts that would promote expansion of promising practices at the local level.

Additionally, Tennessee's ESSA plan notes how we intend to better support our teachers and leaders in new ways, especially through our Title II resources. This fall, we announced we will use Title II, Part A funds to create principal residency models that establish more pipelines for aspiring school leaders to become equipped to effectively take the helm. We have also invested in grants for districts to think creatively about targeting efforts to recruit and educate teachers in high need licen-

sure areas and efforts to improve educator diversity and how they will better ensure students have opportunities to learn from teachers with a variety of backgrounds, including those like theirs. All of this is possible because we have a strong foundation from which to build. Ensuring that Title II is fully funded is also critical for Tennessee's ESSA plan to be successful, and I am appreciative that the Senate Appropriations Committee agreed to maintain funding for Title II next year.

4. Finally, we are continuing the conversation with Tennesseans and with our stakeholder communities so they are championing our students and collaborating with our schools on implementation.

In developing our ESSA plan, we built on what is working in Tennessee and across the country: taking the best ideas from the field, utilizing ESSA's new autonomy and flexibility where appropriate, and demonstrating how we will move forward in key policy areas. Our overarching goal was to develop a state plan through robust stakeholder engagement that reflects the great gains made in Tennessee and that outlines the path forward under the new law, so there is momentum and buy-in across the community that can ensure strong, successful implementation.

Because of the flexibility provided under ESSA, Tennesseans were able to provide feedback that could be incorporated into the plan. Over the course of a year, we conducted multiple feedback loops with dozens of stakeholder groups and thousands of community members, ranging from the Governor, the Tennessee State Board of Education, legislators, school districts, educators (including district and school administrators, principals and school leaders, charter representatives, specialized instructional personnel, classroom teachers, librarians, special education teachers, and other staff), advocates, state department staff, city and county officials, business leaders, parents, students, and the public at-large on specific policies.

We crisscrossed the State to hold dozens of in-person opportunities to learn more and share ideas, we established several working groups with representatives from every education community to help determine the content for key sections, and we provided online webinars and surveys ? including surveys in other languages ? to gather more feedback. More than 1,000 community members attended our town halls, and 2,000 comments were shared online. Representatives from every school district provided feedback. We also partnered with key community-based and advocacy organizations, like the State Collaborative on Reforming Education (SCORE), Conexion Americas, and the Tennessee Educational Equity Coalition, to ensure we conducted outreach with those communities who have historically been underserved. National organizations like the Council of Chief State School Officers and Chiefs for Change provided opportunities for us to share our experiences and learn from other states, and those forums have allowed us to model our successes and highlight Tennessee at the national level.

We continually provided public updates as we revised and refined our plan based on thousands of comments, including through creating status reports, social media moments, graphics, videos, and handouts, and we specifically pointed out how stakeholder feedback was driving our plan. Both our stakeholders and department officials conducted dozens of interviews with media outlets, so outlets ranging from the Tennessean to the Maryville Daily Times were constantly sharing what Tennessee is doing through ESSA and highlighting a variety of voices in the process.

Ultimately, we have an education stakeholder community that is uniquely engaged, informed, and excited about our ESSA plan. Our expectation is for this engagement to continue, and the department is actively planning for future opportunities to continue the conversation and developing additional resources that will support strong implementation. This will be particularly important as we now move forward on all of the work I just highlighted—rolling out a new school accountability system that provides a clear A-F grade on a variety of metrics, providing more early postsecondary opportunities for students, turning around our persistently low performing schools, highlighting the performance of our student subgroups so we can support them better, and empowering districts to go further—and much more. Even better: our stakeholders see this as their plan based on their ideas—because it is.

Thank you again for crafting a law that recognizes the important role that all of us play in supporting our students. I ask you to continue to support the Federal Government's role in ensuring that states hold high standards for all students, which is critically important to ensuring every student receives an equitable education, while also allowing states to have the autonomy to determine what that looks like. We have embraced the innovation that ESSA offers us in Tennessee—and we have used it as an opportunity to ensure that we are doing more than ever for every child.

Thank you for the opportunity to share our ESSA plan and describe how we will use it to continue to build on the success we have experienced in Tennessee while never settling but always learning, growing, and innovating.

The CHAIRMAN. Thank you, Dr. McQueen.

I am completely unbiased, but I think Tennessee has led the way in a number of areas, and that you have done it again with your plan.

Mr. White, welcome.

STATEMENT OF JOHN WHITE

Mr. WHITE. Thank you, Chairman Alexander, Ranking Member Murray, and Members of the Committee.

Thank you for the opportunity to speak with you today.

Well before Congress started debate on ESSA, Louisiana educators were implementing Louisiana Believes, the states plan to put every child on a path to a professional career and a college education.

We brought together childcare, Head Start, and prekindergarten into one unified system. We have aligned learning standards, curriculum, assessment, and professional learning.

Now, every aspiring educator in our state partakes in a yearlong residency, while they are college educated, under the mentorship of an experienced educator.

We provide all graduates a pathway to a funded next step in education by expanding early college courses, career, and technical courses, and by being the only State in the Nation that requires the completion of financial aid forms in order to graduate from high school.

We focus on students stuck in persistently struggling schools through efforts like the Recovery School District in New Orleans and the Baton Rouge Achievement Zone.

No state in the Nation made greater progress on the fourth grade NAEP most recent administration than did Louisiana. Louisiana has climbed to a ranking of tenth among the states that use the ACT as its high school assessment. We have graduated more students this year than ever before in the State's history, and 75 percent of those graduates completed a FAFSA indicating their interest in a college education.

However, those accomplishments should not mask the realities of education in our state. Louisiana remains a State with an overall low level of educational attainment. Therefore the enactment of ESSA provided us an opportunity to develop a dialog regarding the most persistent challenges in our state's schools.

Our plan's foundation is the idea of academic mastery. For nearly two decades in Louisiana, the State school rating system awarded an "A" to those schools where the average performance is equivalent to a NAEP basic score, a basic command of literacy, mathematics, and content knowledge.

The most fundamental shift, therefore, in our plan is a plan to redefine quality, to make an "A" equivalent to NAEP proficiency, or as we call it, mastery. An "A" in Louisiana should be an "A" in any state in this country.

Second, we recognized that as our state moved toward higher academic expectations, gaps between historically disadvantaged student groups and their peers revealed themselves to be larger than had previously been understood. Teachers in Louisiana will now receive a growth to mastery target indicating the progress that

each student will have to make in a given year in order to be on track to achieve A-level performance.

Schools also will now receive a free set of online formative and diagnostic assessments so that school systems can get rid of the wasteful, duplicative, and costly assessments that are so pervasive in our schools today.

Third, we came to grips with the daily inequities that our students experience. Our plan, therefore, includes the development of an interests and opportunities indicator that will indicate the extent to which all schools, including rural schools, including schools in our poor urban centers, are providing and evaluating their effort at providing courses that are too rarely offered to our students.

Like New Mexico, we also made use of Title I's new direct student services provision, which expands the course offerings that students experience every day.

Fourth, we address the reality that a vast number of students in our state, predominantly African-American students, attend schools that are persistently struggling by any definition in any state's plan.

Using ESSA's evidence requirement as a foundation, we have established essential academic conditions that school systems applying for Title I funding must meet. For the most persistently struggling schools, Louisiana will require the support of external and intermediary organizations with proven track records or radical school improvement in order to drawdown Federal funding.

Finally, our plan acknowledges that the educator profession is being outcompeted for talent by fast growing professions that are better compensated, but also similarly require bachelor's degrees.

Using statewide Title II funds, Louisiana's plan includes an upward pathway for educators through the profession, but also our plan includes a groundbreaking system of evaluating and for accountability for institutions, and for programs that prepare teachers.

This system includes a regular, onsite review of preparation providers, a measurement of their graduates' effectiveness in the classroom, but also incentives for placing proven educators in the hardest to staff schools, an often under-discussed provision of ESSA.

Members, I cannot vouch for the quality of planning that has occurred in all fifty states, nor can I testify to you that Louisiana has yet achieved an education system that is excellent, fair, and just for all of its students.

However, I can testify to you that the progress our state has seen to date indicates that a plan that is backed by research, that embodies the principles enacted in the world's highest achieving education systems, and that is focused on the students who most need our attention will yield improvement in America's schools. That fact should not be up for debate.

The question, especially now in this new era of ESSA, is the willingness of leaders at every level to make it happen.

I appreciate greatly, Mr. Chairman, the opportunity to share our state's story with you this morning.

[The prepared statement of Mr. White follows:]

PREPARED STATEMENT OF JOHN WHITE

Chairman Alexander, Senator Murray, Members of the Committee, I thank you for the opportunity to speak with you today. While Louisiana is far from having achieved the educational system to which its students, educators, and citizens aspire, we are proud of improvements we have set in motion and of the accomplishments of our students. The Every Student Succeeds Act (ESSA) has provided our state a chance to take stock of our greatest challenges and to draw on evidence from across the Nation and around the world indicating how they might be solved. The children of Louisiana are as smart and as capable as any in America. They have been given gifts no lesser than those given to any child on this earth. They deserve a plan that calls on us to provide all of them an education that is excellent by any standard in the world. This is the fundamental premise of Louisiana's ESSA plan.

LOUISIANA BELIEVES

Well before Congress started debate on ESSA, educators in Louisiana were implementing Louisiana Believes, the State's plan to provide every child a path to prosperous future. This plan has five pillars, all modeled off of plans and policies in the world's highest achieving education systems:

We have brought together child care, Head Start, and pre-kindergarten in one unified system of standards, support, accountability, and parental choice.

We have aligned learning standards, curriculum, assessment, and professional development in English, mathematics, science and social studies, providing students a knowledge-rich classroom experience as challenging as any in America. This work in particular has been led by 6,000 Louisiana Teacher Leaders, all of whom I am proud to call colleagues.

We now also prepare every aspiring educator in our state by way of a year-long residency, while they are college seniors, under the tutelage of a full-time mentor educator singularly dedicated to the resident's development, so that every graduate of our colleges of education is validated as an effective teacher before his first day of full employment.

We provide all graduates a pathway to a funded next step in education, by expanding Advanced Placement and other early college courses, by revitalizing the career and technical system through the State's Jump Start initiative, and by becoming the first State in the Nation to require that all graduates choose affirmatively whether or not to apply for financial aid.

Finally, we focus on students stuck in persistently struggling schools through comprehensive improvement efforts like the Recovery School District in New Orleans and the Baton Rouge Achievement Zone, and by providing low-income families a wide array of school and course choices, all held to comparable standards of academic quality.

No State in the Nation made greater gains on the most recent 4th grade National Assessment of Education Progress in reading than did Louisiana. In mathematics, our 4th grade students made the second-greatest gains. Of the 17 states that administer the ACT to all students, Louisiana has climbed far to a rank of 10th, and more students graduated high school this year than in any year in the State's history. Perhaps most remarkably, of those graduates, more than three quarters completed Federal financial aid forms, indicating an aspiration to continue their education through workplace training and higher learning.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

These accomplishments should not mask the stark realities in our state, however. Louisiana remains a State with low overall relative levels of education attainment. If our state is to thrive and to compete, we must do more.

With the enactment of ESSA, therefore, the State Department of Education began communicating with the public about the development of a State plan that would address the most persistent challenges in our state's schools. Beginning in the summer of 2016, we held meetings with dozens of school leaders, education associations, business and community leaders, civil rights organizations, and advocacy groups to start a dialog about our ESSA State plan. We then hosted 13 regional public town hall-like meetings around the State, with individuals representing more than 200 organizations. In September 2016, in response to the feedback we received, we released a draft ESSA framework that outlined our state's most pressing challenges and opportunities to address them.

Throughout the subsequent fall and winter, the Department conducted another round of statewide meetings. The statewide Accountability Commission also held nine lengthy public meetings leading up to the drafting of the ESSA State plan to

consider detailed accountability policy options. Based on stakeholder engagement, collaboration, and feedback, we posted for comment a second, more detailed draft ESSA framework in February 2017. Later that month we posted for public comment a first draft ESSA State plan, and on March 14, 2017, after receiving updated guidance from the USDOE about required State plan components, we posted a revised draft State plan.

March 29, 2017, our state board held a special meeting for the purpose of considering the draft State plan. During a 7-hour public meeting, we received public comment from 115 individuals. The board voted to endorse the draft State plan, directing the Department to make specific adjustments in response to comment received and to submit the plan to the U.S. Department of Education. That plan was ultimately approved by the Department in August, and its provisions will be considered by the State board for placement into State regulations this October, some 18 months after the start of the process.

ESSA: ADDRESSING URGENT CHALLENGES

The research, inquiry, and dialog that launched Louisiana's plan started with a simple question: what are the greatest academic and developmental challenges facing students and educators in achieving a prosperous future? Our plan is a response to that question and a blueprint for how schools will contribute to a solution.

That plan's foundation is the idea of academic mastery. For nearly two decades, our state's school rating system had defined excellence—an "A" rating—as being one in which the average student in a school demonstrated "basic" command of literacy, mathematics, and content knowledge. While those decades saw growth in education attainment of a generation of young Louisianans, our system too often perpetuated the false promise that a basic body of knowledge, a basic ability to read, and basic reasoning skills are adequate to succeed in institutions of higher learning or in professions that offer the opportunity for upward mobility. The most fundamental and essential shift in our plan, therefore, is the difficult but necessary move to redefine an "A" school in Louisiana as one in which students typically achieve full "mastery," comparable to NAEP "proficient," making an A-rated school in Louisiana an A-rated school in any State, by any measure.

Second, we recognized that as our state moved toward higher academic expectations, gaps between historically disadvantaged student groups and their peers revealed themselves to be larger than had been previously understood. This required a redoubling of our commitment to serving struggling students of all backgrounds. To call educators toward serving the most struggling students well, we installed a calculation of annual student growth in our school rating system for the first time. Teachers in Louisiana will now receive a "growth to mastery" target for every student, indicating the progress all students will have to make in order to be on track to A-level performance. Schools may also now use a series of free, online "check-up" tests created by the State and aligned with the State's end-of-year assessment, allowing teachers and parents to take stock of student progress throughout the year, and allowing school systems to dispense with wasteful, costly, and misaligned testing. Finally, the State established a clear and unambiguous requirement for intervention when subgroups of 10 students or more persistently struggle and a framework for this process that calls on schools to partner with external organizations with track records of results.

Third, we came to grips with daily inequities in the very courses and experiences offered students across our state. Schools play an essential role in helping students to develop lifelong interests and opportunities. But even today, the options presented to students for exploration of the arts, foreign language, advanced coursework, and applied education vary widely, in ways unfair to children in rural communities and low-income urban settings. Our State plan, therefore, includes the development of an Interests and Opportunities index within the State's school rating system, evaluating the school's effort at providing all students fair access to courses too rarely offered. We further made use of the Direct Student Services provision of Title I, offering school systems statewide the chance to focus grant funding on expanding the course offerings student experience every day, and building on Louisiana's nationally recognized Course Access initiative.

Fourth, we addressed the reality that even today, more than a dozen years after the horrible events of Hurricane Katrina, a vast number of students, most African-American, attend schools that are persistently struggling by any definition. Twelve years ago, nearly half of the State's F-rated schools existed in the city of New Orleans. Today that figure is under 10 percent, but in their place are struggling schools in smaller cities and in remote regions of our state. Our plan to address this dire circumstance draws on lessons from research of the Nation's most successful efforts

at comprehensive school improvement. Using ESSA's evidence requirements as a foundation, we have established essential academic conditions that school systems applying to the State for Title I funding must meet. For persistently struggling schools Louisiana will require the support of intermediary organizations, from around the State and across the country, with proven track records of radical school improvement in diverse situations.

Finally, our plan acknowledges that the educator profession is being outcompeted for talent by fast-growing and better-compensated professions that similarly require bachelor's degrees. This competitive strain puts schools at a disadvantage and disadvantages students in low-income communities, who are least likely to be assigned a proven professional educator. Louisiana's plan seeks to restore teaching's competitive edge and to professionalize this most noble of professions. Using statewide Title II funds now available for training aspiring teachers, Louisiana's plan includes a lifelong, upward pathway for educators through the profession, including certified and compensated undergraduate resident teachers, the certified and compensated mentors who develop those residents, content experts who shape schools' approaches to curriculum, and school leaders who are proven developers of teachers and curriculum. Our plan also includes a groundbreaking system of measurement and accountability for institutions that prepare teachers, overseen by a newly created research consortium led by our colleges of education. This transparent system includes regular onsite review of preparation program quality, a measurement of graduates? effectiveness in the classroom, and incentives for placing proven educators in the hardest-to-staff schools.

CONCLUSION

I cannot vouch for the quality of planning that has occurred in all 50 states. Nor can I testify to you that Louisiana has yet achieved an education system that is fair, just, and excellent for all of its students.

However, I can testify to you that the progress our state has seen to date indicates that a plan that is backed by research, that embodies principles enacted in the world's highest achieving education systems, and that is focused on the students who most need our attention, will yield improvement in America's schools. This should not be up for debate. The question, especially now in this new era, is the willingness of leaders at every level to make it happen.

I appreciate greatly the opportunity to share our state's story with you today.

The CHAIRMAN. Thank you, Mr. White. Thank you for coming back to testify before the Committee again.

Mr. WHITE. Yes, sir.

The CHAIRMAN. Mr. Ruszkowski.

STATEMENT OF CHRISTOPHER RUSZKOWSKI

Mr. RUSZKOWSKI. Chairman Alexander, Ranking Member Murray, and members of the Committee.

On behalf of Governor Susana Martinez and the parents, families, and taxpayers of the State of New Mexico it is certainly a privilege and honor to be here today. I wanted to extend a nod to my colleagues here as well, who I respect so much, and have followed their work over the last several years. So thank you for all being here.

Certainly ESSA provided the flexibility and additional authority that many states and Governors have been asking for, for many years, but also have included some of the appropriate guardrails that we believe need to be in there in terms of student equity and student access.

New Mexico's plan was submitted on behalf of 350,000 students, 89 districts, 99 charter schools. What it allowed us to do was seek out voices that had been traditionally under represented, notably parents and families, who have not always been at the table in the

important conversations about their students' lives and about their students' education. Through our stakeholder engagement processes, what we have been able to do is bring those voices to the forefront through over a yearlong process of stakeholder engagement.

I want to thank organizations like the Collaborative for Student Success, Results for America, and the Alliance for Excellent Education who have held us to a higher standard than simply just the bare minimum of Federal approval.

For New Mexico, Federal approval is certainly the floor, not the ceiling. Our plan, very akin to Louisiana, believes New Mexico rising has set a much higher bar. Our bar is here for our kids and for our families as we move forward onto this plan.

Akin also to Louisiana and Tennessee, New Mexico has been implementing an aggressive plan for improving student achievement over the last 6 years, under Governor Martinez and under my predecessor, Secretary Skandera that, in many ways, made the Every Student Succeeds Act an opportunity to take stock, to look back, to reflect on what we have done right, how we can improve, and to talk more to our stakeholders.

Our plan is grounded in four major goals. First and foremost our Route to 66 vision which is named after our most famous roadway, which articulates that by the year 2030 more than 66 percent of our kids will have some sort of postsecondary credential in their pocket as they go out into the world.

But in order to get there in the short and medium term, we need to have more than half of our kids reading and doing math by the year 2020; many fewer of our kids having to take college remediation courses. Right now, we are at 43 percent of our students are required to take those remedial courses once they arrive and having more than 80 percent of our students earn a high school diploma.

I want to talk briefly about stakeholder engagement. We worked with an organization called New Mexico First, which was founded by the late Senator Pete Domenici and Senator Bingaman, which is nonpartisan bringing folks together in a bipartisan organization. New Mexico First helped us bring stakeholders to the table and helped us activate some of those new voices that you heard me talk about before.

In January, before we even submitted our plan to the U.S. Department of Education, we released three responses to feedback from our stakeholders; one around revising our teacher evaluation system, one around significantly reducing the amount of testing time, and one around doing more to champion our teacher leaders. So even before we submitted in April, we had already begun to respond to that stakeholder feedback.

When we then submitted in April, we worked with the Learning Alliance of New Mexico, University of New Mexico, our charter school sector to submit a plan in April. We hosted a summit for 1,000 teachers in June where we continued to have conversations with our teachers about how we move forward. Then we submitted a document both to the Federal Government and to our community called New Mexico Rising Together, which highlighted the 50

places in which New Mexico had been directly responsive to stakeholder feedback.

We are now traveling the State, visiting our 121 "A" schools. We also have a school grading system akin to the one that Secretary McQueen talked about. We have that school grading system in place and we can celebrate those schools and those beacons of excellence.

I think ESSA has created opportunities for us around teacher leadership, around innovation within our school grading system, around evidence-based approaches to school turnaround, like our Principals Pursuing Excellence program that has worked with 184 of our lowest performing schools over the last 5 years.

Continuing to build on our teacher evaluation system, New Mexico Teach, to do more around retention and compensation and, of course, direct student services, Mr. Chairman, which you mentioned and which Secretary White mentioned, as an opportunity to unlock more resources for our kids in our lowest performing schools.

Over the last 5 years, New Mexico has 30,000 more students attending "A" and "B" schools and has more than 15,000 students achieving proficiency in reading and math. That is due to the effort of everyone, from Governor Martinez in Santa Fe, to the teacher in Hatch Valley who I met a few weeks ago, to the school board members in our northwest corner of Farmington, which is one of our fastest rising school districts in the State and probably one of our fastest rising school districts in the country.

But I wanted to reiterate here this morning that for New Mexico, it has been a 6-year journey, not a 2-year journey that a lot of the foundational elements, again, akin to my colleagues in Tennessee and Louisiana, the foundational elements had been in place for several years. This is an opportunity under ESSA to build upon that.

This is a time now for us to not slow down, but to continue to accelerate that. ESSA has certainly embodied and unleashed innovation, Mr. Chair, to your points and I want to thank you again this morning for having us.

[The prepared statement of Mr. Ruszkowski follows:]

PREPARED STATEMENT OF CHRISTOPHER RUSZKOWSKI

Chairman Alexander, Senator Murray, Members of the Committee.

On behalf of Governor Susanna Martinez, and the students, parents, families, educators, and taxpayers of the State of New Mexico, I want to extend our appreciation for this invitation to testify today. As a former middle social studies teacher and now as Secretary of Education-Designate for the State of New Mexico, it certainly is an honor to be here today representing the Land of Enchantment.

It is a privilege to be here discussing how the Every Student Succeeds Act (ESSA) has captured, catalyzed, and unleashed innovation at the State-level, and to speak to the New Mexico story of progress and student success. The law has provided additional local authority that many Governors, State Chiefs and Education Departments have requested over the years, while also maintaining the appropriate guardrails and student protections, particularly around issues of equity and access, which are needed for us to move forward as a country and better prepare students for the economy that lies ahead.

New Mexico's State Plan was submitted on behalf of our approximately 350,000 students statewide, in collaboration with our 89 public school districts and 99 public charter schools, and is also a document that I believe speaks for voices that have been traditionally underrepresented in educational planning and policymaking—notably parents and families members from across the State who have fully entrusted their children's lives in our public school system.

The NM State Plan has been widely recognized as one of the best in the country by independent groups and commissions on both sides of the aisle, and I would like to extend our state's appreciation to the Collaborative for Student Success & Bellwether Education Partners, the Alliance for Excellent Education, Results For America and other leading educational organizations that have weighed in with both praise and critique in the spirit of advancing student outcomes. For New Mexico, as I'm sure is true for my colleagues here, obtaining Federal approval was the foundation, but far from the ceiling. Our goal must be to raise the bar and catalyze improved outcomes for kids, not to engage in compliance exercises. These independent organizations are asking the right question: Will this plan significantly improve outcomes for children?

For New Mexico, given the strong State-level leadership that Governor Martinez and former Secretary Hanna Skandera have shown since 2011, putting our kids first was already the norm prior to the bill signing in December 2015. Our districts, schools, educators, students, and families have risen to the challenge over these past 6 years. Thus, the transition to ESSA was an opportunity to take stock of the progress that had been made, to conduct an unprecedented statewide stakeholder engagement tour, one that continues to this day post-plan approval, and to workshop new requirements and opportunities that ESSA presents.

Before I talk about the year-long statewide listening tour and what it has meant for our policies and programs, let me first note how we grounded the discussions in how our kids are doing in school, how well they are performing, and what our goals are for their future given the demands of the 21st century economy. In our state Plan, we outline our vision for 2030 and our three big goals for 2020. In traveling the state, we asked New Mexicans to keep this vision and goals in mind as they addressed the most pressing topics.

- Vision: "Route to 66." Akin to our colleagues in Tennessee, this is a long-term post-secondary attainment goal, aptly named for our most famous roadway, that 66 percent of working age New Mexicans earns a degree or post-secondary credential by 2030.

TO ACHIEVE THIS VISION, WE HAVE ESTABLISHED THESE AMBITIOUS GOALS:

1) That more than 50 percent of New Mexico's students are proficient in math & reading by 2020, using the highest of college-ready standards & strongest of college-ready assessments
2) That more than 80 percent of our students are earning a high school diploma by 2020, and that the diploma is not simply for attending and earning credits, but rather for demonstrating competency
3) That when our students enroll in higher education, far fewer require remedial coursework—which creates an unfair cost burden for our kids and families after being in our K–12 public system. Our goal is that less than 25 percent of students require remediation by 2020 today that number is 43 percent.

With each of these goals, I must note how critical it has been to have State-level executive and legislative leadership that has closed honesty gaps head-on in the years leading up to the passage of ESSA. We can now look our students, parents, and educators in the eye and know that there is not daylight between what we are telling them about their performance and readiness and what college and career readiness actually requires. That our assessments measure college readiness in reading and math, that our diplomas not be given out without demonstration of competency, and, ultimately, that we hold ourselves and our schools accountable for year-over-year student academic performance AND long-term student academic readiness and attainment.

Our critical partner in beginning stakeholder engagement last summer was an organization called New Mexico First, a nonpartisan public policy organization that was founded by the late Senator Pete Domenici and former Senator Jeff Bingaman in 1986. NMFIRST helped the New Mexico Public Education Department plan, organize, facilitate and capture the voices of New Mexicans as part of our New Mexico Rising statewide listening tour—where we visited six major communities for multiple meetings, conducted online surveys, opened-up new avenues for stakeholders to provide input, and ultimately, in January, released, both statewide and local, community engagement summaries.

In January, New Mexico released an initial response to the three major themes of that report, which included growing initiatives that championing the teaching profession, revising the State's teacher evaluation system, and reducing time spent on statewide assessments.

I must note just how important it was to have the support of local and national organizations with expertise in different content areas where we were looking to make technical changes to our state plan. As a member of the Council of Chief State School Officers (CCSSO) and Chiefs for Change, I cannot say enough about the degree to which they helped marshal resources, unlock expertise, and facilitate collaboration amongst states. I mentioned New Mexico First as our primary State partner, but it was the Learning Alliance in New Mexico that independently gathered stakeholders and key partner organizations such as the University of New Mexico and the Charter School Coalition, and delivered a full report that my team drew heavily upon.

Central to everything was the voice of classroom teachers: Teach Plus New Mexico, for example, submitted one of the most thoughtful set of policy recommendations I've seen during my time in both Delaware and New Mexico, 11 policy recommendations in total...EIGHT were incorporated in the NM State Plan, and the others are still being workshopped to this day. The Public Education Department directly engaged with hundreds of teachers in developing the State Plan, and hosted a Teacher Summit for 1,000 teacher-leaders statewide this summer where the near-final plan was discussed and improved upon.

All of this community input was integrated into the Federal framework and the strong State foundation when submitting our first draft to US Department of Education in April. During the 30-day period prior, we posted a draft of the State Plan and solicited further survey comment.

Following that submission, New Mexico posted and shared a document entitled New Mexico Rising, Together, which captured fifty things we heard thematically during our statewide tour and how we were responding directly to those themes. This was a watershed moment for New Mexico, and launched the New Mexico Rising, TOGETHER tour—a return tour to seven of NM's largest communities that took place in April-May of this year.

Since Governor Martinez appointed me to this post this summer, I've committed to visiting and recognizing our 121 schools that earned an "A" during the 2016–17 school year, in direct response to feedback from our school boards that we celebrate success and progress and capture and share best practices across district and county lines. That "NM-True Straight-A Express Tour" is now at its halfway point. **So, in large part catalyzed by ESSA, the team at NM-PED has been traveling and listening and working with stakeholders almost continuously for the past 12–15 months, and we will continue doing so through implementation**.

Within the ESSA State Plan, there are scores of compelling opportunities that have surfaced throughout this process, including:

1) Rapidly expanding teacher leadership opportunities. Akin to our colleagues in Louisiana, we have launched multiple new pathways to amplify teacher voice and benefit from the expertise of our great educators.

2) Innovation within our school grading system, which is now heading into its seventh year. This is a place where NM had already begun to pivot away from No Child Left Behind accountability before much of the rest of the country, and build a system based predominantly on academic growth. In New Mexico, student and family surveys, student attendance, extracurricular activities, and student use of technology have already been incorporated into School Grades. The next frontier involves more stakeholder engagement around other measures of school quality—but NM already has the infrastructure to do so.

3) Building upon evidence-based approaches in school turnaround, such as our signature program, Principals Pursuing Excellence, which has served 184 historically struggling schools with intensive mentorship and support to principals and is doubling and tripling statewide averages in student growth. The first 124 schools started as C, D, & F schools...almost a third have now become A-Schools.

4) Bringing new resources and innovation to bear, such as our commitment to Direct Student Services (DSS) under Title I, which will unleash new innovation at the local level for those schools in greatest need. Districts and schools will begin to apply for this funding next month.

5) Continuing to build upon the state's commitment to educator quality, with our NMTEACH system as the fulcrum of that work, but now expanding into new avenues for teacher recruitment, preparation, compensation, and retention. For New Mexico, reforming Title IIA funding monitoring and accountability has been critical to accelerating these efforts, and member organizations like CCSSO & Chiefs for Change have been sharing best practices in reforming its usage so that every State shows a return-on-investment for those important dollars.

6) Lastly, and perhaps of greatest importance as we move forward, reaching more parents and families than ever before, through our Family Cabinet, new toolkits and websites, and partnerships with our districts around parent-teacher advisory teams.

Today, as a result of what ESSA has unleashed, there is broader recognition and understanding that significant progress still needs to be made in education in New Mexico, and that it won't happen by returning to the ways of the 20th Century.

This past year, New Mexico had 15,000 more students on grade level in reading and/or math. That's 15,000 more students and families that can be confident their child is on-track for college and career than in 2015, but it is not enough.

We have 30,000 more students attending "A" & "B" schools NOW than we did 6 years ago. More students are taking Advanced Placement (AP) exams, a number that has increased by 90 percent since 2010, and New Mexico has been a national leader with respect to minority students—particularly Hispanics—choosing to take their education to the next level. But it's not enough.

It's due to the efforts of so many—from the Governor in Santa Fe to the teacher in the Hatch Valley to the parents and School Board in the northwest corner in Farmington—to fundamentally change our education mindset and actually deliver tangible and measurable results.

But I want to re-iterate that for New Mexico it has been a 6-year journey, not a 2-year journey. We've moved away from one-size-fits-all, we've demonstrated return-on-investment to taxpayers through our targeted investments, we've increase instructional time, we've expanded Pre-K and Advanced Placement access, and we've raised the bar for standards and performance.

To achieve that type of change, ESSA has the power to move the system forward across the Nation. But for New Mexico it is the leadership of the Governor, our Superintendents, our school leaders and our teacher-leaders that have embraced change and gotten results. The next frontier is scaling that across every district, every school, every day, so that we are able to truly say that in New Mexico, Every Student Succeeds.

In New Mexico, we look to a new idea for our state we ask one simple question... "Will this help our students?" That simple focus continues to focus all of us on our mutual goal. It's been suggested by a few that some of our students don't bring skills and assets to our schools, perhaps meaning that all this work, and the tireless effort from our educators won't make a difference. In New Mexico we have rejected that premise—and it's an honor to work alongside people in New Mexico who believe that every child can learn at the highest-levels, and are doing what it takes to make that a reality.

Our students and families believe in their limitless potential and so do we. We will depend on them to ensure the safety, the security and the prosperity of New Mexico and of the United States. They are in school right now, but the day is fast approaching when their skills will be called upon to build the future.

That is why now is the time to act and to not slow down. ESSA has certainly emboldened that urgency and unleashed further innovation in New Mexico and set the table for states to take courageous action. It's an honor to be here representing the State.

Thank you again Chairman Alexander, Senator Murray, & Members of the Committee, I look forward to your questions.

The CHAIRMAN. Thank you, Mr. Ruszkowski.

Dr. Steiner, welcome.

STATEMENT OF DAVID STEINER

Dr. STEINER. Mr. Chairman, thank you, Ranking Member Murray, Members of the Committee.

I appreciate the opportunity to be with you today.

I direct the Education Policy Center at Johns Hopkins University. I also serve on the Maryland Board of Education and previously served as Commissioner of Education for New York. The opinions I will express are just my own.

I hope to convey three core messages.

First, ESSA's promise of flexibility does not provide states with a license to fail historically underserved students. They are deeply deserving; they are deeply underserved.

Second, ESSA includes several guardrails to support student success. While some student plans, such as the three represented by their chiefs here today, include very promising and highly innovative policy, it is difficult to assert that all aspects of approved State plans have fully met ESSA's requirements and the spirit of the law.

Finally, while State leadership is vital, Federal oversight of ESSA is critical and required under the law. The promise of ESSA was that it would liberate states to craft education policy sensitive to the states' different contexts and visions.

While ESSA does give states back much freedom, the law does not give the states the freedom to fail on millions of underserved students. There are critical Federal guidelines that must not be ignored.

By fail, I mean drastically reducing students' life prospects by providing an education we know to be inadequate. If every State had superb educational achievements, and only modest achievement gaps, then indeed, it would be a mistake for the Federal Government to place constraints on State policies.

Universal high performance, however, is far from the case.

An analysis from the National Center for Education Statistics found that our lowest performing states managed to provide a mathematics education essentially equivalent to those in Ukraine, Kazakhstan, and Armenia.

Because Congress has recognized this reality, you included guardrails to ensure that states, districts, and schools were held accountable for the performance of all students. You empowered and required the Secretary of Education to ensure compliance with the law.

I want to say that in several cases, the Department's feedback on ESSA's plans has helped ensure that states meet their obligations.

For instance, some states combine subgroup performance together into super-subgroups, thus potentially limiting support for the most disadvantaged students. The Department appropriately required each subgroup to be included in State plans before they were approved.

In other cases, it is difficult to assert that all aspects of approved plans have met the spirit of the law.

For example, the statute requires states to identify schools for targeted support and improvement if one or more subgroups is consistently underperforming. Some states have defined "consistently underperforming" so vaguely as to leave us wondering how they will identify them at all.

A large number of states have conflated ESSA's requirements to identify schools for targeted and additionally targeted schools into a single definition thereby limiting the number of students and schools that will receive support.

In my judgment, the Department should, in fidelity to ESSA, be scrutinizing this issue more closely.

For students of low income families and students of color, ESSA also requires State plans to describe how the State will ensure that those students not be served at disproportionate rates by ineffective, out of field, or inexperienced teachers.

All of us know that this is a critical issue, yet this is one area where far too many states are offering small, piecemeal policies and remedies, at best.

ESSA requires states to support low performing schools with evidence-based practice. Indeed, evidence-based is referenced almost 60 times in ESSA. The current Secretary of Education removed reference to evidence-based interventions from the ESSA State template, thus ending a particular signal.

Last, under ESSA, states are required to only utilize regular high school diplomas to calculate graduation rates. Because the ESSA State plan templates do not require states to define their singular, regular diploma, different groups of students are, in fact, subject to vastly different graduation requirements within the same State.

I encourage continued oversight on the part of the Department to these issues.

Last year, in my own city of Baltimore, over one-third of last year's high school graduates received their high school diploma having failed the standard State requirements. They were given an alternative route, a bridge project that almost none of them failed. Maryland, sadly, is not alone in offering these diverse pathways with different academic rigor.

This is why ESSA matters and this is why attention to legislative detail matters.

Thank you, again, for the opportunity to testify.

[The prepared statement of Dr. Steiner follows:]

PREPARED STATEMENT OF DAVID M. STEINER

ESSA returns significant educational freedom to the states, but this cannot be the freedom to fail historically under-served students—students who are still not being given an equal opportunity to succeed.

Some of the U.S. Department of Education's (ED) feedback on State plans has effectively ensured that states do meet their ESSA obligations. This has been true, for instance, in cases in which states had put subgroup performances together into "super-subgroups"—thus potentially limiting support for the most disadvantaged students.

In other cases of ED approval, it is not clear that the State plans meet all the statutory requirements. For example:

- Some states have defined "consistently underperforming" so vaguely as to leave us wondering how they will identify them. A larger number of states have conflated ESSA's requirements to identify schools for "targeted" and "additionally targeted" schools into a single definition, thereby limiting the number of students and schools that will receive support.
- Several approved State ESSA plans do not factor subgroup performance into school ratings.
- State plans are required to describe how each State will ensure that students from low-income families and students of color are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, but several plans give little reason to expect success.
- Districts and states are required to use evidence-based interventions to assist low-performing schools, but almost no plans indicate how states will ensure the use of research-based interventions.
- Only 1% of graduating students—namely, those with the most severe cognitive disabilities—are exempt from the requirements a state sets for its "regular high school diploma," yet multiple states are using pathways to graduation

for students with disabilities that differ substantially from those embedded in the regular high school diploma.

By contrast, there are important successes within the ESSA State plans that are worth noting. Tennessee, for example, allocates 40 percent of its index to subgroup performance. New Mexico set aggressive academic achievement goals so that every student subgroup will more than double its proficiency rate on State assessments within 5 years. Louisiana is implementing an innovative college-and career-ready school-quality and student-success indicator called the "strength of diploma" index. These examples highlight the innovative practices that ESSA hoped to unleash.

Unfortunately, examples of substantive innovation are not widespread. ESSA preserves an important role for the Secretary to oversee state plans and their ongoing implementation, and I encourage continued oversight on the part of the Department of Education and this Committee.

Chairman Alexander, Ranking Member Murray, and distinguished Members of the Committee, I appreciate the opportunity to testify before you today on the Every Student Succeeds Act. My name is David Steiner, and I am the Executive Director of the Johns Hopkins Institute for Public Policy. I also currently serve on the Maryland State Board of Education and previously served as the Commissioner of Education for the State of New York. The opinions I express today are my own and do not represent the views of Johns Hopkins University or the Maryland State Board of Education.

THE PROMISE OF ESSA

The Every Students Succeeds Act (ESSA) is a response to the view that the No Child Left Behind (NCLB) Act had been overly prescriptive. The promise of ESSA was that it would liberate the states to craft educational policy sensitive to their different contexts and visions, and to work from empirically strong evidence.

ESSA thus returns significant educational freedom to the states, but this cannot be the freedom to fail historically underserved students—thus the w's critical guardrails that must not be ignored.

By "fail," I mean drastically reducing students' prospects of future employment, reasonable earnings, and active citizenship, by providing an education we know to be inadequate to those ends. If every American State had educational achievements that placed them within the top tier of nations across the globe, and merely modest achievement gaps between different sub-groups of children, then indeed it would be a mistake for the Federal Government to place any constraints on states education policies.

Universal high-performance, however, is far from the case. Our NAEP performance (National Assessment of Educational Progress, the gold standard in education) is roughly equivalent to where it stood in 1992.[1] The spread of educational results across our fifty states is significant: our top-performing states match the best systems in the world, but our lowest-performing states do not. One analysis from the National Center for Education Statistics found that our lowest-performing states provide a math education equivalent to that of Armenia, the Ukraine, and Khazakhstan.[2] Another study found that, for students in the class of 2015, four of our states score below Turkey—and thirty other industrialized countries.[3]

Moreover, the achievement gap between student subgroups in the United States remains tragically large. On the SAT (Scholastic Achievement Test), for example, the college-ready achievement gap between African American and Hispanic students and White and Asian students is staggering.[4]

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[1] National Center on Education Statistics, "NAEP 2015: Mathematics and Reading Assessments on State Level Achievement in 4th Grade," *The Nation's Report Card*, n/d, *https://www.nationsreportcard.gov/reading__math__2015/#mathematics/state/acl?grade=4*.National Center on Education Statistics, "NAEP 2015: Mathematics and Reading Assessments on State Level Achievement in 8th Grade," *The Nation's Report Card*, n/d, *https://www.nationsreportcard.gov/reading__math__2015/#mathematics/state/acl?grade=8*.

[2] National Center for Education Statistics, "U.S. States in a Global Context: Results from the 2011 NAEP-TIMSS Linking Study" (Washington DC: Institute of Education Sciences, 2013), *https://nces.ed.gov/nationsreportcard/subject/publications/studies/pdf/2013460.pdf*.

[3] Eric A. Hanushek, Paul Peterson, and Ludger Woessman, "Not Just the Problems of Other People's Children: U.S. Student Performance in Global Perspective" (Boston, MA: Harvard's Program on Educational Policy and Governance, May 2014), *https://sites.hks.harvard.edu/pepg/PDF/Papers/PEPG14-01__NotJust.pdf*.

[4] Scott Jaschik, "Scores on New SAT Show Large Gaps by Race and Ethnicity," Inside Higher Ed, September 27, 2017, *https://www.insidehighered.com/news/2017/09/27/scores-new-sat-show-large-gaps-race-and-ethnicity*.

It is because Congress recognized this reality, that they included certain guardrails in ESSA to ensure that states, districts, and schools were held accountable for the performance of ALL students.

ESSA STATE PLANS: SHORTCOMINGS AND SUCCESSES

The same learning gaps noted above underline why it is concerning that many ESSA plans have been unimaginative and, in some cases, worryingly vague about plans for raising the quality of education for students with the greatest needs. To cite independent, expert peer analysis of State plans compiled by Bellwether Education Partners:

> With the exceptions of New Mexico and Tennessee, states have not yet adequately addressed how they plan to use Federal funds to help increase student achievement, increase options for students, or intervene in chronically low-performing schools.[5]

ESSA requires the Secretary of Education and her staff to chart a course between the arguably overly prescriptive Federal interventions of the past and signing blank checks to the states. In several cases, the U.S. Department of Education (ED) feedback on State ESSA plans effectively ensures that states meet their ESSA obligations. This has been true, for instance, where states had put subgroup performances together into "super-subgroups"—thus potentially limiting support for the most disadvantaged students. ED appropriately required each subgroup to be included in State plans pursuant to the law before plans were approved.

In other cases, it is difficult to assert that all aspects of approved State plans have met ESSA's requirements. Below are just a few examples to illustrate my point:

- First, the statute requires states to establish a definition of "consistently underperforming" and to identify schools for targeted support and improvement if one or more subgroups is consistently underperforming (ESSA Sec. 1111(c)(4)(C)). Some states have defined "consistently underperforming" so vaguely as to leave us wondering how they will identify them. A larger number of states have conflated ESSA's requirements to identify schools for "targeted" and "additionally targeted" schools into a single definition, thereby limiting the number of students and schools that will receive support. In my judgment, ED should, in fidelity to ESSA, be scrutinizing this issue more closely.
- Second, there is modest emphasis on student subgroup performance in State accountability systems, even though ESSA clearly requires differentiation of schools based on all indicators in a state accountability system for all students and each subgroup of students (ESSA Sec. 1111(c)(4)(C)). Several approved State ESSA plans do not factor subgroup performance into school ratings at all.
- Third, ESSA requires State plans to describe how each State will ensure that students from low-income families and students of color are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers (ESSA Sec. 1111(g)(1)(B)). Frankly, to meet this critically important target, states would need to completely redesign their teacher pipelines, with important shifts in both the credentialing and funding of the teaching profession. No factor within a school has more impact on student academic performance than teacher quality, and yet this is one area where too many states are offering small, piecemeal policy remedies, at best.
- Fourth, ESSA requires that states must support low-performing schools with evidence-based practices (ESSA Sec. 1111(d)(1)(B)(ii) and Sec. 1111(d)(2)(B)(ii)).[6] It is unfortunately true that one can find a study to support almost any potential policy. However, states have the freedom under ESSA to insist that funded responses meet the most rigorous standards of research-based policy, using such resources as the Institute for Education Science's What Works Clearinghouse, the Best Evidence Encyclopedia, and the Evidence for ESSA tool.[7] Almost all states have, to date, declined to use this lever.

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[5] Chad Aldeman, Max Marchitello, and Kaitlin Pennington, "An Independent Review of ESSA State Plans" (Washington DC: Bellwether Education Partners, June 27, 2017), *https://s3.amazonaws.com/online.fliphtml5.com/fncb/lhtf/index.html#p=1*.

[6] The Johns Hopkins Institute for Education Policy provided the research for Evidence in ESSA: Why it Matters, a report on this subject issued by Chiefs for Change. Chiefs for Change, "ESSA and Evidence: Why It Matters" (Washington, DC: Chiefs for Change, June 2016), *http://chiefsforchange.org/wp-content/uploads/2016/07/ESSA-and-Evidence-Why-It-Matters.pdf*.

[7] See, for instance, Robert Slavin, "Evidence for ESSA and the What Works Clearinghouse," *Huffington Post*, February 9, 2017, *http://www.huffingtonpost.com/entry/evidence-for-essa-and-the-what-works-clearinghouse__us__589c7643e4b02bbb1816c369*.

• Last, under ESSA, only 1 percent of graduating students—namely those with the most severe cognitive disabilities—are exempt from the requirements a state sets for its "regular high school diploma" (ESSA Sec. 8101(25)(A)(ii)(I)(bb)), yet multiple states are using pathways to graduation for students with disabilities that differ substantially from those embedded in the regular high school diploma. A recent analysis from the Alliance for Excellent Education found that four states had specific diploma pathways for students with disabilities, and 14 states waived or modified graduation requirements for a regular high school diploma for students with disabilities.[8] More generally, states enable very different paths to what they call a single graduation standard—"a *regular diploma*." Because the ESSA templates do not require states to define the terms in their interpretations of ESSA's phrase, "a regular diploma that the *preponderance of students* take," states hold different groups of students to wildly different academic standards. In Maryland, for example, a substantial percentage of our most disadvantaged students graduate in large part due to a remedial credit program called the Bridge program, which students almost never fail.[9]

Despite these shortcomings, there are important successes within the ESSA State plans that are worth noting. Tennessee, for example, allocates 40 percent of its index to subgroup performance.[10] New Mexico set aggressive academic achievement goals so that every student subgroup will more than double its proficiency rate on State assessments within 5 years.[11] Louisiana is implementing an innovative college-and career-ready school-quality and student-success indicator called the "strength of diploma" index.[12] These examples highlight the innovative practices that ESSA hoped to unleash.

Beyond the essential role ED must play in preserving the guardrails established by ESSA, it could and should, through guidance and continued oversight, encourage states to implement innovative policies to improve education. Otherwise, we will continue to hear stories of young potential, unachieved. Recently, in my own State of Maryland, a young man walked across his high-school stage, having achieved the status of high-school valedictorian. He began study at a public college, but quickly found the freshman coursework so impossibly challenging, that he left college for the streets. Imagine the prospects of all those students who graduated with even lower academic achievement than this young man.

CONCLUSION

ED's role in approving State ESSA plans is critical and required by law. Given the performance of students and achievement gaps that remain, I encourage ED and this Committee to ensure that states comply with the statutory requirements: identify schools for improvement and support; include student subgroup performance in school ratings; redefine the teacher pipeline; implement improvement practices that are backed by strong evidence; and work toward granting high-school diplomas that truly denote college-and career-readiness.

The CHAIRMAN. Thank you, Dr. Steiner.

Senator Young.

STATEMENT OF SENATOR YOUNG

Senator YOUNG. Thank you, Mr. Chairman.

Mr. White, thanks so much to you and to the other panelists for being here today. I wanted to turn to some of the innovations you have done in Louisiana with respect to career and technical education.

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[8] M. Almond, Paper Thin? Why All High School Diplomas Are Not Created Equal, (Washington, DC: Alliance for Excellent Education, July 2017), *https://all4ed.org/wp-content/uploads/2017/08/DiplomaPathways-8–30.pdf* (accessed September 28, 2017).

[9] Division of Curriculum, Research, Assessment, and Accountability, "2015 Assessment Enrollment and Bridge Program" (Baltimore, MD: Maryland State Department of Education, September 2017). The statewide percentage of diplomas awarded via the Bridge program is 11.2%. In Prince George's County, it is 23.4%; in Baltimore City, 37%.

[10] *Tennessee's Approved ESSA Plan*, page 85.

[11] *New Mexico's Approved ESSA Plan*, pages 8-9.

[12] *Louisiana's Approved ESSA Plan*, pages 41-42.

In my home State of Indiana, we recognize the importance of CTE as part of a broader, well-rounded education, and we want every Hoosier student to have access, whether it is through a charter school or a public school, to these programs.

So our state plan, which is currently under review, emphasizes the diverse needs of all our students and that well-rounded approach to success.

In your opinion, and based on your experience, how do Career and Technical Education programs set students up for success in today's economy? If you could kindly explain the importance of preserving and increasing access to these sorts of programs, I would appreciate it.

Mr. WHITE. Well, I think the benefits of quality Career and Technical Education are manifold.

One is motivational.

Second is the ability to validate that students are leaving high school with skills that are transferable into higher education, and in some cases directly into the workplace.

Key—and I think Indiana has done quite a lot of work on this—is to make sure that, indeed, the education is verifiable and it has not sacrificed essential skills that employers also value in literacy, mathematics, and others.

Not every student needs to take calculus, but every student does need to have a fundamental understanding of calculation, algebra, and every student needs to be able to read.

If a student is educated in that way, Career and Technical Education can do wonders for creating a diverse skill set that allows them to be viable in higher education. The key is ensuring that is validated by an industry-based credential and/or college credit upon graduating.

If we do that and restore the dignity of Career and Technical Education, which has long had a stigma perpetrated against it, we can provide great opportunity for many kids.

Senator YOUNG. So what I am hearing is Career and Technical Education has not always been perceived as a rigorous discipline. It can be rigorous and embedded within it can be essential life skills and areas of knowledge that we can instill in these students that decide to go the CTE route.

That has to be the case, in fact, right?

Mr. WHITE. Yes, sir.

Senator YOUNG. Okay. In Indiana, we also, as so many other states, are focused on career pathways, making sure that there is a direct link between what you are learning and then real life experience.

So we embed in much of our educational curriculum real life work experiences and also allow our students to gain industry credentials. I know we are increasingly seeing that across the country.

In the 2014–2015 school year, over half of Hoosier students concentrating in CTE programs graduated high school with an industry credential. Again, that is over half of our students that concentrated in CTE programs.

In your view, what role do these industry credentials provide to both our students and the needs of our workforce? Do you have any ideas to help increase momentum, as it were, in this area?

Mr. WHITE. Yes. First, industry-based credentials allow us to validate the quality of the curriculum, and oftentimes, for better and for worse, we have a more rigorous, nationally normed validation of career and technical skills whether be it in the craft trades, be it in information systems than we do in the academic field.

So first, it allows us to validate that what was taught was learned.

Second, it provides a basis on which students can graduate high school and move on, hopefully with college credits. Strong industry-based credentials should be transferable into the higher education system for credit or into the system of employment.

So it provides all of us comfort that what is taught actually is measurable, and second, it provides us a basis for economic opportunity for the young person.

I would encourage industries, especially chambers as well, to strengthen the system and to make a more comprehensive system of industry-based credentials. Too often, we are using credentials that already, by their implementation, are outdated.

We need to work together—the higher education system, the K through 12 system, and industry—on ensuring that when we have a credential in the system, it truly means that students are learning skills applicable to today's day and age.

Senator YOUNG. We have a very active State-level chamber of commerce and local chambers, and I know a number of them are already involved in that area, but that strikes me as good counsel to take back home.

I wanted to focus on school improvement. I am almost out of time, so I will be submitting a question for the record to each of you to discuss some school improvement questions.

Senator YOUNG. Thank you, again, for being here today.

The CHAIRMAN. Thank you, Senator Young.

Senator Murray.

Senator MURRAY. Well, thank you very much.

Let me start with you, Dr. Steiner. We heard some testimony today from three states that have put forward relatively strong plans for ESSA implementation. They all demonstrated a strong commitment to improving academic outcomes for our Nation's most vulnerable students. These are just three states.

I wanted to ask you, based on your understanding of other states' plans, would you say the other states have put forward plans that are as strong as these three that we hear from? If not, what are you seeing in those other states' plans that concerns you the most?

Dr. STEINER. So the Chairman was correct in highlighting these three states. They are here, rightly, because they are exemplary.

There are problems across other states that are serious. Some plans that have been approved do not indicate how subgroup performances will even factor into school ratings or the criteria by which low performing schools will be exited from their improvement status. Some plans are deeply vague about consistently underperforming subgroups.

At least one State does not specify how it will comply with the very important 95 percent testing participation requirement in the law.

In multiple State plans, the plans for assisting low performing schools lack all specificity and make no mention of evidence-based practices. Multiple states use percentile or relative rankings of schools in their accountability systems. Thus, they are competing against each other, but not being judged against any external standard.

Those are some of the issues.

Independent, outside groups have generally, looking at all of the submitted plans, regarded them as somewhat mediocre.

Senator MURRAY. So in ESSA, we created three categories of schools for intervention: comprehensive, targeted, and additional targeted schools; three of them.

We felt it was important to create those three distinct categories because schools do struggle in different ways and need different levels of intervention and support.

In your review of these State plans, are states meeting that core requirement in ESSA, to have those three distinct categories?

Dr. STEINER. This is extremely important because Congress quite deliberately chose to define three categories, not two, to expand the reach of states to assist underperforming students.

It is unfortunately true that, in the case of several states, they are basically using identical definitions for both the targeted and the additionally targeted subgroups, thus potentially limiting the number of students in schools that are likely to receive support.

Senator MURRAY. So tell us again why it is important to have those three categories?

Dr. STEINER. So in the comprehensive intervention, it is the bottom 5 percent of the Title I schools. That is very clear.

In the additional targeted, if you have a subgroup that is performing at the level such that if it were the whole school, it would also be in the bottom 5 percent. Then clearly, you need to pay attention.

But "targeted" was deliberately chosen as a category by Congress to say, "Look. You may have a school in which the subgroup—all of them, one of them—has, for example, completely failed to meet a basic reading proficiency. It may not match the bottom 5 percent on all the indicators, but a parent has the right to be deeply concerned about that result."

Congress understood that, and therefore designed that category.

Senator MURRAY. Okay.

I think that is really important and one of the most troubling aspects to me of this implementation so far. Unfortunately, the people who suffer here are students.

Dr. STEINER. Right.

Senator MURRAY. Again, the law is not punitive. It is not about punishing schools. It is about providing resources to support students in those struggling schools.

So when we do not identify them, as they are required to by law, all it means is some kids are being left out.

Dr. STEINER. Right. Transparency is crucial.

Senator MURRAY. Transparency is absolutely critical. So I am concerned about that. Thank you.

Superintendent White, throughout your career, you have demonstrated a really strong commitment to improving educational opportunities for our Nation's most vulnerable students.

How important is it, in your opinion, for states to implement the equity focused guardrails that Congress included in this law?

Mr. WHITE. It is not only extremely important, but I believe it is common sense. It is what states should be doing irrespective of Congress' mandates.

Senator MURRAY. That is pretty clear. Okay. Thank you.

I just have time for one more and Dr. Steiner, I will just go back to you quickly. ESSA is basically a civil rights law. It requires the Federal Government to play a key role in the oversight of states as they implement ESSA.

Talk to us about, what are the key guardrails of ESSA that the Department needs to be making sure that states adhere to?

Dr. STEINER. I think it is several, but most importantly, first, there has to be a clear definition of "consistently underperforming," otherwise we will not reach those students.

Second, we have to be very, very clear about what constitutes the identification of intervention and not to make it opaque by excluding subgroups from your accountability system. I think those are two of the most important.

Then third, I am worried about this deep truth about our country. That you can call a standard diploma something that involves millions of children reaching a very different standard through very different routes.

As I said, I use my own State as an example in Maryland where over one-third of the children in Baltimore were given the same piece of paper as the standard diploma, but it represented something deeply different.

That is what we mean about transparency. If you allow practices like that, you are not promising equality of opportunity in the education to all children.

Senator MURRAY. Thank you.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Murray.

Dr. Steiner, you said several of the plans that you reviewed are mediocre. You are on the Maryland State Board of Education.

Dr. STEINER. Yes.

The CHAIRMAN. Would you include Maryland's plan in that?

Dr. STEINER. Speaking for myself, Mr. Chairman, I have been critical of the plan.

The CHAIRMAN. As has the Governor.

Dr. STEINER. As, indeed, has the Governor.

The CHAIRMAN. The State legislature put some limits on the plan, right?

Dr. STEINER. They did, indeed.

The CHAIRMAN. Would you recommend the Secretary reject the Maryland plan?

Dr. STEINER. I expect the Secretary to look very closely at the plan. I expect the Secretary to maintain the law. I expect the Secretary to look particularly at aspects of the plan in terms of the State's ability to help students in consistently underperforming schools.

The Secretary has a responsibility to uphold the law and I expect her to do so.

The CHAIRMAN. Thank you, Dr. Steiner.

Mr. White, you mentioned your upward pathway for teachers. Tell me a little bit more about that. I tried that as Governor. We put in a career ladder for teachers. Ten thousand teachers went up the ladder voluntarily; created a big fight with the National Education Association at the time.

What is your upward pathway for teachers like?

Mr. WHITE. We now certify every college senior who is in a college of education, Mr. Chairman, as a certified resident educator. They are paid as a resident educator and they are in the classroom as a resident teacher under the tutelage of a full time, one-to-one mentor-educator who is an effective educator on measures like the data——

The CHAIRMAN. Are they being paid more based upon their proficiency?

Mr. WHITE. There is a state minimum that the State will be paying each resident. Local districts can pay the residents additionally as they see fit, and under the law, full time teachers must be paid according to proficiency in the way that you describe.

But the resident is mentored and the mentor role, per your point about the latter, is critical. We have developed, based on models that exist in Japan or Singapore, for example, a whole class of educators called Mentor Educators and a class of educators called Content Experts. Both of those, we believe, are positions that exalt the teaching profession that allow for leadership in our system without having to become——

The CHAIRMAN. Are they paid more than other teachers?

Mr. WHITE. Yes, sir. They are. They are paid.

The CHAIRMAN. So there is differential pay between the mentor and the other teachers.

Mr. WHITE. Absolutely, and there is a different certification for those individuals as well.

The CHAIRMAN. Dr. McQueen, we heard more about tests than about anything, I guess, when we were working on the fixing No Child Left Behind.

I described how I personally went from thinking we should not even have the 17 tests required to thinking we should have, but allow states to determine how to use the results.

Talk to me a little bit about how factors other than test scores are being used to measure a school's performance and a school's quality, and why that is good rather than bad.

Dr. MCQUEEN. In our stakeholder engagement, we heard from individuals that represent lots of different organizations, how important it was for tests to continue to be part of our accountability system.

We heard that maybe most loudly from teachers who said, "It matters that I know, in a summative fashion, where students are, whether they are on track or not as they move from one content area or grade level to another." But we also heard, "We need more information."

So the Ready Graduate metric and our Chronically Out of School metric both capture other pieces that are not necessarily test score

driven. The chronically out of school metric picks up the chronic absenteeism rates of schools that are sometimes masked by the overall attendance rate at a school level.

Then, it also picks up out of school suspensions, and we had been noted as a state in several publications over the last five or 6 years for one that is, unfortunately, we have too high of an out of school suspension rate for African-American boys in particular.

So we are highlighting through our dashboards and how we are highlighting different student groups. What is the true chronic absenteeism rate? Not just, "You are not coming to school." But, "You are suspending students in certain student groups at a very high rate," and calling that out transparently through that metric.

We know being in school, whether you are getting an out of school excused absence or in school——

The CHAIRMAN. So the suspended student is not counted.

Dr. MCQUEEN. That is correct. So we count both students who are chronically absent, which means they are missing 10 percent or more of the school year plus that includes if you are out of school for a suspension, you are included in that metric as well.

The CHAIRMAN. Mr. Ruszkowski, in New Mexico, what have you done in your plan and in your work before to use something other than test scores to measure a school's performance and quality?

Mr. RUSZKOWSKI. Mr. Chairman, to Commissioner McQueen's point, we also, in New Mexico, over the last 6 years of having school grades have utilized student attendance as one of our metrics under what we call our Opportunity to Learn Indicator.

We have also had family and student surveys be a part of that indicator as well. Those comprise about 10 percent of an elementary school's school grade or a middle school's school grade.

At the high school level, high school graduation rates and college and career ready opportunities, such as dual credit, Advanced Placement access, students accessing dual credit and advanced placement opportunities are also counted for points at the high school level.

The CHAIRMAN. Mr. White, I have 30, 40 seconds.

Going back to my earlier question, how many mentors will you eventually have in Louisiana?

Mr. WHITE. We have 2,000 mentors.

The CHAIRMAN. How much more will they be paid as a result of that higher status?

Mr. WHITE. It is really local. There is local variation. The State pays a baseline of $1,000 to $2,000 per mentor per year, but then there is, of course, the ability locally.

The CHAIRMAN. So it is a way for the State to pay some and then to certify, to find a fair way to identify a teacher who might be deserving of higher pay as a way of keeping that teacher in the system.

Mr. WHITE. Yes.

The CHAIRMAN. Rather than going somewhere else.

Mr. WHITE. Yes, sir.

The CHAIRMAN. That is very helpful.

Are there other models like that around the country?

Mr. WHITE. South Dakota has implemented a similar residency for every educator, for every aspiring educator. Other than that, I am not aware of it.

But there are great models like the TAP model, for example, which is at work in your home State of Tennessee and in ours as well that do systemic efforts to promote and compensate in accordance the teacher leader role.

The CHAIRMAN. Well, good luck. That is very, very important to do.

Mr. WHITE. Thank you, Chairman.

The CHAIRMAN. Senator Bennet.

STATEMENT OF SENATOR BENNET

Senator BENNET. Thanks, Mr. Chairman.

I want to thank you for holding this hearing and for having such an excellent panel. I am well aware of the work that all of you have done and I thank you, too, for your leadership and commitment to our kids.

When I think about the conversations we have here from the perspective of a poor child living in America, I think about the fact that she is going to arrive in 2017 at kindergarten having heard 30 million fewer words than her more affluent peers because she has no access to early childhood education in general, or to quality early childhood education.

I think about the kids that are attending K–12 schools that no Senator would ever send their child, which is the nature of most schools that poor children go to in America in 2017.

I think about how we have made it so hard for children to access higher education and other equivalent pathways just in the last generation. The fact that it costs so much more for my constituents to send their kids, or to send themselves, to public universities in my State.

I see the achievement results. The 30 million fewer words, I mentioned earlier, the fact that our poor children, by the time they get to the fourth grade, only one out of five can read proficiently.

If you are born poor in the United States, your chances of getting a college degree are roughly 1 in 10.

I wonder what each of you thinks needs to change about this country so that 5 years from now or 10 years from now, that is not the reality for poor children living in the United States of America.

I suspect that it has very little to do with what we are discussing today, but I would be interested to know your views.

Why don't we start with Dr. McQueen and just work our way down?

Then if there is time, I would love to ask a question, which is, where are we going to get the next million and a half teachers we need to teach children in the 21st century in this country? But let us put that to one side.

Dr. MCQUEEN. Thank you, Senator, for the question.

I think you have hit the nail on the head. I talk a lot about how reading is the equity issue of our time and I believe that.

We have students who are coming into our pre-K and kindergarten programs with a poverty of language before they even start school.

So that is why the work that we are doing in our state, and it is totally focused from a prioritization perspective on that early childhood space, will be important to our outcomes.

We have set a campaign that 75 percent of our third graders will be reading on grade level by the end of third grade by 2025 with higher standards that are now in place.

The work that we are doing is changing the quality of our pre-K programs, as well as looking at what happens before pre-K.

We are working across our state government agencies with some pilots right now on how do we ensure all of the State government agencies that serve kids before they even get into school are actually serving them from a literacy perspective with the strong foundation because we have teachers that know how to teach reading and create those foundations of reading before kids become a school age student.

Senator BENNET. Right.

Dr. MCQUEEN. At the same time, we are looking at the effectiveness of teachers across that pathway with new portfolio and data points that will be able to tell us well before third grade, which is when State standardized testing begins, are kids on track or not?

I think all of us would agree, we have too many states that do not have any data that is of quality before third grade to know whether kids are actually on track or not. We are changing that in our state.

We have created a new second grade criterion reference test that is totally optional for districts and 120 out of 140 districts said, "I want to take that test to make sure I know whether kids are on track before that very critical third grade benchmark year."

So we are using that flexibility to gather better data, to give us better information, and to make sure kids have an effective pathway that starts even before school starts.

Senator BENNET. Mr. White.

Mr. WHITE. Senator, I think there was a time when states did not turn to Washington or to national institutions necessarily for all guidance on what they need to do in order to respond to the challenge of what you are describing.

Now has to be a time when we get back to that line of thinking. We cannot look just to the Federal law for the kind of guidance that you are requesting.

I think, therefore, we have to look at the models in both states and countries that have worked. When you look at a state like Massachusetts that, for poor and wealthy kids alike, has made such dramatic gains, or when you look at countries that across their income distribution have had great levels of education attainment, certainly then a state like Louisiana and most states, you see common principles.

You see an equitable, and fair, and high quality system of early childhood. You see a curriculum that, as Commissioner McQueen actually talks about, teaches kids to read because it is content-rich.

You see a teacher preparation system that grounds teachers in that curriculum and prepares them in the classroom.

You see pathways to the middle class as a condition of the high school diploma. You see aggressive intervention anytime one of those four goes off the rails.

I do not think this is a particularly complicated thing, but it is a long term thing on which you are not going to see immediate returns. States need to get back to custom, bipartisan policymaking oriented around best practices around the world.

Mr. RUSZKOWSKI. Senator, when I was working for Governor Markell in Delaware, one of the things that Senator Carper used to say to me when I used to bump into him was, "Let us find out what is working and let us do more of it."

I think part of what is happening now in New Mexico that we are trying to achieve is we have districts like Farmington, and Belen, and Alamogordo, and Gadsden. Those are districts that are all over the State. If you are familiar, some of them are bordering Colorado and some of them are down in the south bordering Mexico.

Then we have a charter school called Mission Achievement and Success, which is right in the heart of Albuquerque. Over 80 percent Hispanic, over 80 percent low income, right in the heart of our biggest urban center.

These districts and some of these charter schools are getting tremendous growth and tremendous gains for their kids. One of the things we are talking about right now, Senator, is why are the other districts, and the other charter schools not knocking down the door of these districts and these charter schools that are now proof points of success and saying, "What are you doing here and help us learn?"

So I would say my simple answer is let us find out what is working and let us do more of it.

Dr. STEINER. Very quickly, Senator.

Two things matter most: what we teach and how effectively teach it. This country takes neither of these things very seriously, I am afraid to say.

On curriculum, we have chaos with the wonderful exception of what is going on in a couple of states, including Louisiana, where we are privileged to work with the chief.

Teachers are pulling materials off the Internet the night before. We know this from a recent Rand study. We know that strong curriculum makes huge differences and yet we are not acting on it as a country.

Second, on teacher quality, again, all over the map. We have to get serious about pipelines, about recruitment, about quality control for teachers and supporting them with really good professional development.

Senator BENNET. Thank you, Mr. Chairman. I am sorry it went over.

The CHAIRMAN. Thank you.

Senator Whitehouse.

STATEMENT OF SENATOR WHITEHOUSE

Senator WHITEHOUSE. Let me roll right in on the subject of curriculum following up on Senator Bennet.

One of the goals that we had in this Committee in the ESSA bill was to lift the load of testing off schools as opposed to the testing of students. So that schools were not so terrorized to use so much of their class time to teach to those particular tests at the price of

curriculum like science curriculum, music curriculum, civics curriculum, history curriculum, art curriculum, and so forth.

Are any of you seeing any signs of progress?

Let me start with you, Dr. Steiner, since you raised the curriculum problem. Are you seeing signs of a resurgence in healthy curriculum in the wake of the relief from the school testing?

Dr. STEINER. Yes, actually. This is one place where Maryland is looking directly at opening up time for the arts, which is crucial for foreign languages, for science, for social studies.

We know as a Nation based on a lot of research that one of the crucial problems about reading, which was talked about earlier, is that you cannot be a good reader if you do not have a knowledge base. Yet, we are teaching reading skills in the absence of those wide curricular, rich curricular backgrounds. So the time has to be opened up.

We did not see a lot in the State plans, frankly, along those lines.

Senator WHITEHOUSE. Okay, so not a big success yet on that.

The question for everybody, one of the ways in which we tried to alleviate the burden of testing of schools was by allowing people to go to multiple measures. Some states have taken the testing and simply reduced its weighting in an array of factors, but that still requires the testing to take place and it is still a fairly dominant factor.

Are any of you aware, or have any of you in your home states, driven the school testing out of the schools and found satisfactory replacements for it, or is it too early to tell?

Let us start with Dr. McQueen and head on down the line.

Dr. MCQUEEN. Well, we drove the conversation through an assessment taskforce and an assessment taskforce 2.0. So we made this a large stakeholder engagement moment in our state to say what is working.

Senator WHITEHOUSE. What was the result in terms of the school test?

Dr. MCQUEEN. We reduced some tests. We actually reduced some duplicative tests in our state and we made some reductions at third and fourth grade and the amount of time being spent on science and social studies testing.

Senator WHITEHOUSE. Is there still a school test in most schools?

Dr. MCQUEEN. There is, correct. So we still have——

Senator WHITEHOUSE. It still goes toward the rating?

Dr. MCQUEEN. We still have tests and they still count toward the ratings, but maybe the most important thing we have done is we have made the test worth taking. That is a critical point that sometimes gets lost in this conversation.

These tests that we are now giving actually are more robust in telling us better information about readiness. That is aligned now to, "What would you see on an ACT or an SAT?" As opposed to a test that was fairly low level, like we have had, I think, in many of our states in the past.

But the rigor of the standards and the rigor of the assessment give you better information about the reality of whether you are on track or not.

Senator WHITEHOUSE. Is it timely?

In the bad old days, by the time the information came in from the school testing, the child was in another grade and the whole thing was pointless from a point of view of the well-being of the child. The whole thing was simply designed to go after the schools.

Dr. MCQUEEN. Sure. So Senator, we are in a transition phase. So asking us that question right now is hard——

Senator WHITEHOUSE. Okay.

Dr. MCQUEEN [continuing]. because we are transitioning through our new test. But absolutely, our goal is to have that information back to you while you are actually still able to make changes as you go into the next school year.

Most importantly, I think Louisiana mentioned this earlier, what are the formative assessments that you are using that give you real time information throughout the school year?

Senator WHITEHOUSE. Yes.

Dr. MCQUEEN. That ultimately helps you.

Senator WHITEHOUSE. My question is, does anybody know of anyplace where those other formative assessments have actually displaced the school testing?

Mr. WHITE. Yes.

Senator WHITEHOUSE. Mr. White.

Mr. WHITE. Yes, Senator. What the Commissioner mentions is, in my view, dead on.

As teachers, you are inundated too often with district-made, school-made, and often worst of all, vendor-made assessments that not only are wasteful and time consuming, but oftentimes do not even give you accurate or consistent information.

Senator WHITEHOUSE. Yes.

Mr. WHITE. Louisiana has created a formative assessment diagnostic and administered two other times throughout the year that aligns, for free, with our summit of assessment.

We have hired consultants to assist—professional development companies—to assist our school systems then in weeding out all other inaccurate, wasteful, time consuming assessments.

We have to end the culture of assessment, over-assessment, but we should not do it at the expense of the 1-percent of instructional minutes that is taken up by State assessment which, for the civil rights purposes we have talked about this morning, are still so important.

Senator WHITEHOUSE. Yes. I mean, it absolutely is vital that the other measures work. The purpose of the exercise is not to walk away from these kids and fail to keep track of their success.

But when you are terrorizing a school into limiting its curriculum only to what is on some test that came in from often, as you said, a vendor out of State, that is hardly serving the children, the school, or the community.

My time has expired. Thank you.

The CHAIRMAN. Thanks, Senator Whitehouse.

Senator Murphy.

STATEMENT OF SENATOR MURPHY

Senator MURPHY. Thank you very much, Mr. Chairman.

I know the focus of this hearing, at least in title, is on the question of State innovation. But I think the magic of ESSA is that this

Committee did a really wonderful job of marrying together the ability of states to do more innovation, to respect local decisionmaking with a set of guardrails to make sure we understand the history of Federal intervention in local education.

Senator Murray said it very clearly. The only reason the Federal Government is really involved in education is for civil rights purposes because there was a time, and there still are times in which there are a set of local, political influences that push funds, and resources, and time, and attention to more affluent districts and away from poorer districts.

There are some local traditions that may look innovative, but actually are not rooted in what is good for kids. Those guardrails are just as important as the innovation. I share Dr. Steiner's concern that some of these State plans, while certainly innovative, are often ignoring many of the guardrails that we put into the law.

It just so happens that one of those instances that came to my attention is from Tennessee. I will just sort of ask you about it, Dr. McQueen, and I really do not mean this to be antagonistic at all.

There is a section in ESSA that requires states to answer questions about the use of discipline practices and the use of what we term in the law, aversive behavioral interventions. Tennessee would definitely be a state that we would be interested in this information from because it is one of the few that still allows for corporal punishment, the paddling of students in schools.

When Tennessee submitted their plan, the Federal Department of Education responded by saying that the State plan will need to specifically address how the State will support local authorities to reduce the use of aversive behavioral interventions. Yet, the Department ended up approving Tennessee's plan even though this requirement was not included.

This is something that the State plan is supposed to include. Your plan did not include it. Maybe you do not have the answer for me, but why was it not in the plan?

What is Tennessee doing to try to address the requirement in ESSA that states try to crack down on what we call aversive discipline practices?

Dr. MCQUEEN. Senator, we do report out what that looks like at the local level. The locals do have a reporting process, and so, we have knowledge that, quite frankly, we just shared with media not too long ago, just a few months ago on what does corporal punishment like by local communities.

There are very few local communities across our state that actually still use any form of corporal punishment. It is a very small number. But they do have an allowance under the law in our state to be able to use that, if they so choose and then they report that out.

What we do is then also report that and make that transparent.

Senator MURPHY. But you did not respond to the requirement or the suggestion that the Federal Department of Education made to include more information about your state policy in your state plan.

Again, I might be getting a little bit too in the weeds here, but I guess I am interested to know why that would not be included in a state plan for people to look at and to take a look at from the outside?

Dr. MCQUEEN. Sure. Well, we are very clear and transparent about what is happening at the local level, and then we can pull that up at the State level, and share that. We do feel like we have complied with what the law expected.

Senator MURPHY. Thank you, Dr. McQueen.

Dr. Steiner, I was really concerned about your remarks regarding the guidance to states essentially purging any reference to evidence-based practices.

Dr. STEINER. Yes.

Senator MURPHY. That is really curious given how much we focused on evidence-based practices, how intentional we were to make sure that if you are putting interventions to try to help kids out who are underperforming, that it would be evidence-based.

What is the effect of the guidance essentially scrubbing from the law, not from the law, but scrubbing from the record evidence-based practices?

Dr. STEINER. It is extremely serious because we are talking about billions of dollars, and far more importantly, we are talking about children's lives here.

There is a research base. It is available, very easily available at the What Works Clearinghouse, at the Best Evidence Encyclopedia at my own university for those who will look at it. You can find the difference between a reading curriculum program that will rescue children from one that does nothing to assist them.

It was very clear in Congress' writing of ESSA that they put this front and central. In the original template, the reference to evidence-based was explicit and it was removed.

Now frankly, the signal that that sends to state is, "Well, maybe, maybe not. Do not take this too seriously." It can sound wonkish and coming from a university, I do not want to sound overly in the weeds or academic.

We are talking about real lives here and we are talking about the difference between a curriculum or an intervention that has major research behind it in multiple instances with randomized trials versus a piece of intervention that, frankly, is liked by some group of adults in some place and thereby gets Federal funding.

This is not at all, it seems to me, an academic point. This is a central point.

The CHAIRMAN. Thank you, Senator Murphy.

Senator Kaine.

STATEMENT OF SENATOR KAINE

Senator KAINE. Thank you, Mr. Chair.

Thanks to the witnesses for your service.

I want to talk about innovation in teaching. I was a mayor, and we had about 24,000 kids in the Richmond Public School System, a Governor with 1.2 million in the Virginia School System. My kids all came through very high poverty schools, and got great educations, and are doing fine.

I became more, over the course of it, particularly after No Child Left Behind was initially passed, that there are some real disincentives that are perceived by teachers to go into schools that are low income schools.

So many test scores still, on an average basis, equate with income that it is harder and harder to get really good teachers to say, "I want to go to that really tough school," that is less likely to be accredited than the suburban school that is higher income kids.

What do you each do in your jurisdictions, including in your role on the Board of Maryland, what do you do to really encourage great teachers to go into some of your toughest schools?

Dr. MCQUEEN. I would start by saying, first we support them.

Back to Senator Murphy's comment, we do a lot in our plan at the State level to help with restorative justice, classroom management. How do you make sure that we have consequences that are positive that support students? We are doing that at the State level, which ultimately helps support teachers, know what to do when they get into sometimes challenging situations. That is being led at the State level.

Maybe most importantly, we make sure that there is flexibility for compensation for teachers at the local level and we have districts across the State that are taking advantage of that flexibility in how they compensate teachers at different schools.

Then third, we have a real focus in our state in making sure that teachers know that their growth is being honored meaning, what they are doing to grow kids. We do that by elevating the percentage of growth in all of our accountability models.

That has been something that we have historically done in our state because, to your point, poverty can align very closely with achievement, and we have seen that in some of our schools.

You can have a school that is growing and they need to be honored for that growth if they are getting kids back on track, and you need to elevate that conversation with your teachers as well.

Senator KAINE. Thank you.

Mr. White.

Mr. WHITE. Two things, Senator.

First, we need to change the incentives for providers of educator training including colleges of education. We have an accountability system, a novel accountability system that rewards those schools for placing teachers in low income communities.

Senator KAINE. That is great.

Mr. WHITE. Rural and urban alike.

Second, the law that Congress passed, ESSA, allows us the opportunity because one research-based practice is to provide a child growing up in poverty with a highly effective teacher.

In Caddo Parish, Louisiana, which is Shreveport, unlike New Orleans, unlike Baton Rouge, our reforms go to working with their traditional school board, but that traditional school board has agreed to pay teachers in the lowest performing 12 schools in the city, the poorest ZIP Code in the State $15,000 per year more on average if they are highly effective and agree to transfer into those schools.

That is a research-based practice. It can be used under the research-based standard in ESSA and is good evidence of what you are describing.

Senator KAINE. Great. Thank you.

Mr. RUSZKOWSKI. Senator, very similar to Tennessee and Louisiana, certainly a huge emphasis on student academic growth in

all of our systems, top to bottom. Where do our kids start and where do they finish in a year, and not an overemphasis on proficiency.

I think, in fact, in New Mexico, you will find that most of our systems weight academic growth much more highly than academic proficiency. So I will start there.

Second, I will concur with Superintendent White on educator prep having to play a much more critical role in this, creating the incentives for them to place folks in their student teaching experience in high need schools under highly effective and exemplary teachers and making sure they learn. We have so many exemplary teachers that are in our highest needs schools. How do we make sure that our teacher prep candidates are learning from them?

Then, last, and again Superintendent White spoke to this in an earlier question, having systems and resources available for districts to take advantage of for compensation and career pathways.

We have right now about ten districts across the State of New Mexico that are taking advantage of additional resources that Governor Martinez and the legislature have made available so that they can create their own local compensation and career pathways.

Senator KAINE. Dr. Steiner. Maryland.

Dr. STEINER. Yes, right now we have a system in Maryland and elsewhere where essentially the entire profession is geared toward not producing excellence. There are fantastic teachers, but the system is not geared toward it at any level, at the recruitment, or at the training.

Thank goodness, we have a couple of states here who are taking seriously holding schools of education accountable; most states do not.

Third, the mentorship in the first year, our first year teachers, not their fault, but they are doing the most damage. Only one State so far, Louisiana, is really committed to a residency, clinical-based model for all teachers before they step into the classroom.

We would never think of putting a first-time surgeon into the operating room alone, but we do this with underprivileged children every single day.

Then we have to have meaningful career ladders where we seriously reward professionals for highly professional performance.

Every highest performing country in the world has a pipeline that I just described.

Senator KAINE. Can I just add, if you can nod yes or no?

Do your states provide bonuses for teachers that get national board certification? So one no, and three yeses.

All right. Thank you, Mr. Chair.

The CHAIRMAN. Thank you, Senator Kaine.

Senator Casey.

STATEMENT OF SENATOR CASEY

Senator CASEY. Thanks very much for the panel. We are grateful you are here and grateful for your work.

I live in a state that passed its first public schools law in the 1830's and we take public education very seriously. Therefore, when we pass legislation that will affect what, in our state, is

teaching and learning in 500 school districts, you can imagine how focused people are on this issue.

Even in addition to, or I should say, in addition to the great work that was done in this Committee led by Senator Alexander and Senator Murray in a process that resulted in a huge vote for the changes to elementary and secondary education, the implementation, of course, will be critical.

I wanted to focus first, Dr. Steiner, on the Universal Design for Learning and in particular in the context of children with disabilities.

I guess my first question on that question of so-called UDL in assessments, how would you answer this question? To what extent is UDL being included in the State plans that have been submitted to date?

Dr. STEINER. It is very variable.

We are deeply concerned that Congress' wisdom is shifting to keeping states to 1 percent for students with deeply serious cognitive disabilities and not over-defining that group. In the past, up to 15 percent of students have been given that pathway that seriously diminishes their academic opportunities.

We want the Secretary and the Department to really be extremely vigilant and not just as they sign these plans, but going on into the future to see the behavior of states. Your question really directs us into the future and the answer is: we will see.

I think this shift to the 1 percent is critical. It is not just a matter of accounting. The states have to work with all of those who give IEP's at the school level so that they understand their responsibility to explain to parents the consequence of classification, the consequence of being labeled in the 1 percent and make sure it is legitimate.

This is not just a state role in terms of complying with the statements of the law. It is a continuing State responsibility on behalf of some of our neediest students.

Senator CASEY. I guess more broadly, you would assess how the states are doing with regard to students with disabilities in what fashion?

Dr. STEINER. Well, we have to look at the achievement rates——

Senator CASEY. Right.

Dr. STEINER [continuing]. along with our English language learning. Students, as you know, the achievement rates are tragically low.

One of the problems has been that we treat millions of special needs students as if they are a single category. We have not done a good job in our schools of education of preparing teachers for the very different needs.

I speak as someone who is dyslexic. My needs are deeply different from a student who is autistic or who is on the Asperger's Syndrome.

It is deeply important that teachers are given the tools that they need to work effectively with these students because otherwise, if we treat it generically as a single category, students will fall through the cracks. All the data shows that they are doing so.

Part of the problem here is that we also give them different routes to graduation. I am not talking about those with severe cog-

nitive difficulties. I am talking about students who may need some accommodation and should get some accommodation. But in many states, they are given a standard that is well below the standard asked for of other students.

What kind of message does that send?

Senator CASEY. In terms of the subgroups for both race and disability, how would you assess the states in terms of the degree of transparency that they have been demonstrating?

Dr. STEINER. A number of the plans I have read basically say, "We will do better at getting better data. We acknowledge that," which is a start to acknowledge that the data is not really accurate yet.

In some plans, you see serious percentage differences of the effective teachers, for example, or teachers with more years of experience teaching those students than students of higher income backgrounds. Yet, it seems as if reporting that is an end in itself and it cannot be.

I think the big difference between the strong plans at this table and the weak plans that I have seen is there has to be a concrete plan of action to remedy those differences. Not just to say, "Well, we give the districts the data and hope that they will come up with a plan."

Senator CASEY. Thanks very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Casey.

Senator Murray, I think we are about ready to wind up.

Senator Bennet has a question, if he would like to ask.

Senator BENNET. Thank you, Mr. Chairman.

The CHAIRMAN. Of course, go ahead.

Senator BENNET. I appreciate it.

Again, really tremendous testimony today. Thank you for being here.

In Colorado, we are seeing two different things happening with teachers. In the Denver public schools, we have seen success with a residency program. It is not as comprehensive as the one in Louisiana, but it is becoming more and more comprehensive.

We have also seen that an effort to put paraprofessionals on a pathway so that they can get a college degree and they can, then, teach in the Denver Public Schools, which, I think, is an excellent idea that I had nothing to do with. That if you are concerned about diversity in our workforce, which I deeply am, that seems like a good spot to try to help some of it.

On the other hand, there are many districts in our state, rural districts, that cannot afford to pay teachers what they need to pay in order to attract people. Therefore, we have a teacher shortage of something like 2,000 or 3,000 teachers in rural Colorado.

I wonder whether you can address, Tim Kaine asked you earlier, about how to attract teachers to high poverty schools. My question is, how do we attract teachers to—people to teach in this century? What kinds of things are you doing—we have to be very brief because this is the second round—to get people in and retain people in the classroom or in the districts?

Dr. MCQUEEN. Thank you for the question.

As a former Dean of a College of Education and certainly——

Senator BENNET. So you are the problem.

Dr. MCQUEEN. I am the problem, right. David Steiner and I talk about that a lot.

Dr. STEINER. I was also a Dean, so I am the problem too.

Dr. MCQUEEN. That is right.

Our goal was to have an attractive program. To have a program that actually was preparing you on day one to be effective. That is actually what we are doing now through our data systems to ensure that educator preparation programs are being held accountable through data, real outcome data around, "Are you actually preparing folks for the realities of the classroom across multiple measures?" and then holding those programs accountable to those measures.

Quickly, what we have to do is make the profession attractive in terms of elevation of teacher leadership, ensuring that there is compensation that matches what you are actually being asked to do. Three, we have professional leaning communities that continue to engage people over that lifetime and lifespan of teaching.

Those are minimal ways that we should be elevating the conversation at the State level.

Senator BENNET. Thank you.

Mr. WHITE. I think two things.

First, states need to take more seriously how the money is being invested that they are investing in their workforce and look at international norms to see that we are spending not enough money on individual teacher's salary. Second, we are spending not enough money on the time that teachers spend together. With long term planning, states can address that issue.

We issued a report on the rural teacher shortage last week, actually, and have a plan moving forward to address it.

Senator, I am less concerned, in a way, with the rural teacher shortage than I am with the sheer volume of people who are not receiving adequate preparation and are in front of our rural students.

We can solve that problem by addressing some of the issues that you talked about which is substitutes, summer school teachers, and paraprofessionals. They are paid educators. They are in our schools. They can be trained to be teachers under the residency model and we have to find a way to invest the dollars that we have to that purpose.

Mr. RUSZKOWSKI. I think, Senator, one of the things we talk about a lot at Teach for Change is, how do we elevate the profession overall? I think that is the cultural shift that you are speaking to, Senator, here in this 21st century.

When I sit down with districts and we sort of list all of the things they are doing or not doing to do that, generally or not, robust and aggressive approaches to teacher recruitment, starting with the experience that a teacher has when they go on the Website to find a job, or to learn more about the district, or learn more about the State.

There generally are not always strong mentoring programs in those first and early years where they are actually matched with highly effective and exemplary teachers.

I will note, because New Mexico has been so committed to identifying those exemplary and highly effective teachers, that first you have to know who those folks are in order to actually match them and, sort of, pair them with those novice folks.

Then you have to have some of the compensation and career pathways things. We learned a lot about this from Tennessee, actually, as they have embarked upon that work.

Dr. STEINER. Very quickly.

Senator BENNET. Very quick.

Dr. STEINER. Washington, DC is one of the highest improving areas of education in the country. They have a very serious policy of rewarding teachers who really are outstanding and removing teachers who really should not be in front of our students.

They have managed. They are not a particularly wealthy district, but they have managed to get a signal that quality counts, and it counts all the time, and that they will reward it.

That is the kind of signal we need across the United States.

Senator BENNET. Thank you, Mr. Chairman.

Thank you.

The CHAIRMAN. Thank you, Senator Bennet.

Senator Hassan.

STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you very much, Mr. Chairman.

Thank you to all of you who are here today.

In my home State of New Hampshire, we have focused a great deal on state flexibility and competency-based assessments and we are proud of that work. But obviously, we cannot tip the balance so much toward flexibility to, I guess, forego the guardrails, is what I am really getting at.

I wanted to just check in, first, Dr. Steiner. I am proud that we have a strong tradition in New Hampshire to ensure that individuals who experience disabilities have the support and resources they need to be fully included in their communities at home, in school, and at work.

More than 30 years of educational research shows that when students with disabilities are educated in the same classroom as their peers, those students with disabilities and those without do better academically, socially, and behaviorally.

It has been a major focus of the U.S. Department of Education for years and something that Congress reinforced in ESSA by requiring states and schools to provide students the accommodations they are entitled to, improve the overall conditions for learning for all students in the schools, and limit the number of children being taught to a lower, simplified, alternative standards and tested using the alternative assessment. That was major progress in the law.

My question for you is, how should states be using this research in their state plans and is it important?

Dr. STEINER. It is extremely important in response to an earlier Senator's question. I focused on this critical issue of not placing students into that alternative assessment who do not need to be there.

While it gives you the same access to content, we know that the long term educational opportunities afforded to those students will be more diminished.

Senator HASSAN. Yes.

Dr. STEINER. Therefore, only those who truly need to be in that group should be in that group and states need to monitor that percent, which Congress restricted to 1 percent because all the data shows that it is actually less than 1 percent of students who are cognitively impaired at that level.

This does not stop, as I said earlier, at the moment when the Secretary signs the approval.

Senator HASSAN. Right.

Dr. STEINER. It starts and it should have started a while back because some of the states are putting up to 15 percent of their students into that group.

The second point I made, which I think is really important, is let us talk about the other special needs students. They are often given targets of achievement that are lower than those of other students.

In my old State of New York where I served as Commissioner, the regents' score that you require for graduation is a full 10 points lower on the local diploma and there is just a lack of transparency about work like that.

Let us be honest with ourselves about where we are placing these students. Let us make sure we are transparent about the data, and let us give the resources that are evidence-based, as I mentioned earlier, to the schools and the training to the teachers so these students are not left behind.

Senator HASSAN. Well, thank you.

I take it from that that you would see concerns about the plans and the submissions from states that put a large number of formerly separately identified subgroups into one super-subgroup.

Dr. STEINER. Yes. The Department has pushed back rightly on some of those. I think there are still concerns.

There are still concerns where the vagary of the definitions, frankly, are the worry rather than just omission and that is why vigilance is important.

Senator HASSAN. Well, thank you. I have another question too.

Dr. Steiner, as you know, ESSA requires that states use graduation rates as an indicator.

Dr. STEINER. Yes.

Senator HASSAN. The law specifies that this rate only include cohort graduation rates and not lesser credentials such as the GED. Some states have submitted plans that include modified diplomas including the GED to determine graduation rates.

Dr. STEINER. Right.

Senator HASSAN. Do you think that undermines ESSA's intent for states to measure accurate high school graduation rates?

Dr. STEINER. Yes, I do and I worry about this very much across the country.

I gave the example of Maryland where I serve, where over one-third of the students in Baltimore City are graduating thanks to something called the Bridge Project. Meaning they failed the mod-

est target of the State assessment and then they are put back into a kind of credit recovery that, frankly, almost none of them fail.

This means that the State's report of a graduation rate is not transparent. As a Board member, I am going to fight to have this changed.

This is the kind of thing we mean when we say scrutiny of a state plan matters.

Senator HASSAN. Yes.

Dr. STEINER. Right? It is not just words on a page. It is about the lives of children.

Senator HASSAN. Thank you very much.

Thank you, Mr. Chair and Ranking Member Murray.

The CHAIRMAN. Thank you, Senator Hassan.

Senator WARREN.

STATEMENT OF SENATOR WARREN

Senator WARREN. Thank you, Mr. Chairman.

Mr. Chairman, I want to ask a question.

Last year, the Committee held five hearings on the implementation of this massive K–12 education, and two of those hearings included testimony from the Secretary of Education.

Does the Committee plan to have the Secretary of Education DeVos come in and testify about implementation?

The CHAIRMAN. Senator Warren, as a matter of courtesy, if you want to talk to me about Committee business——

Senator WARREN. Okay.

The CHAIRMAN [continuing]. I will be glad to meet with you any time in my office.

I am not here to be questioned by you today.

Senator WARREN. Oh, I am sorry. I was just trying to ask.

The CHAIRMAN. Well, as a matter of courtesy——

Senator WARREN. I apologize.

The CHAIRMAN [continuing]. I am not going to question you.

Senator WARREN. I did not mean to question you. I wanted to know if we had a plan to have her in. I just, I thought it was important that we had the former Secretary of Education twice and I just hoped we were going to do that.

The CHAIRMAN. Well, we could get into a long discussion about that, if you would like to, but I would rather do that—I have a lot of respect for you—I would rather do that privately.

Senator WARREN. Well, we will do it privately then.

Let me ask a question here.

Earlier this year, congressional republicans jammed through legislation to rollback the rules written by the Obama administration to enforce this law. These are the rules that help ensure some accountability that the billions of dollars that the law sends to the states is actually used to help educate our children.

Unfortunately, the resolution took this very bipartisan achievement that everyone had worked on and made implementation of this law extremely partisan for no reason that I understand.

I just have some quick yes or no questions to help me understand what happened here.

Miss Ruszkowski, did you publicly ask Congress to pass this resolution? Mister Ruszkowski, I am sorry.

Mr. RUSZKOWSKI. I do not believe so. No, Senator Warren.

Senator WARREN. Mr. White, did you?

Mr. WHITE. No, I did not.

Senator WARREN. Miss McQueen, did you?

Dr. MCQUEEN. No.

Senator WARREN. Dr. Steiner, you are a former State Chief of Schools, do you recall if the State Chiefs urged Congress to pass this resolution?

Dr. STEINER. No, they did not, Senator.

Senator WARREN. State education leaders were fine with the rules to enforce this law. Teachers were fine with the rule. Civil Rights leaders were fine with the rules. Even the chamber of commerce thought that rolling back the rules was a bad idea.

Now, scrapping ESSA accountability rules did not unleash an evasion in flexibility. Four congressional republicans took a sledgehammer to those rules.

The conservative education policy think tank, the Fordham Institute, identified over 20 provisions in those rules that actually provided more flexibility to the states by clarifying ambiguous sections in the law.

Dr. Steiner, can I ask, what do you think is the impact of scrapping these accountability rules? What impact has it had on the states as they try to implement the law?

Dr. STEINER. Yes. It produces a lack of clarity, clearly, and in some cases it just reduces information.

For example, under those accountability regulations, states were given the assurance that they could count English language learners for several years when they became proficient, which is an achievement. It seems reasonable to count them, and states were told yes.

Now what are we going to do? What do we know? What do we not know?

I do want to say, Senator, though that the fact that this was passed should not be taken as a reason for the Department not to be vigilant with the current state law, with ESSA.

It does not mean that just because those accountability provisions in regulation were removed, much as we might regret it, that somehow there is a green light for every state plan.

Senator WARREN. Well, I very much appreciate you making that point, Mr. Steiner. I agree that even without the accountability rules that explain some of the details about how to enforce it, the ESSA is not a blank check.

Dr. STEINER. Right.

Senator WARREN. The key accountability provisions in the law that many of us fought hard for are still in the law.

Dr. STEINER. Yes.

Senator WARREN. I hope we can focus on future implementation hearings about how Secretary DeVos is enforcing these provisions to ensure that billions of education dollars are going to the schools and going to the students that need it most.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Warren.

Senator Cassidy, welcome.

STATEMENT OF SENATOR CASSIDY

Senator CASSIDY. Thank you.

John White, thanks for being here. I am sorry I was not here, I had a conflict, but I thank you for serving our state. You really have been innovative and just willing to break a paradigm every now and then, which is kind of a nice thing.

Dr. Steiner, I am told that you announced in your testimony that you are concerned that you are dyslexic.

Dr. STEINER. Yes.

Senator CASSIDY. My daughter is dyslexic. John White knows that this is a passion in my family, and a couple of things. Let me get my glasses back on.

In your testimony, you speak about under ESSA, only 1 percent of graduating students, those with the most cognitive, severe cognitive disabilities, are exempt from requirements the state sets for the regular high school diploma.

One thing I would be concerned about, and again, I keep referencing John because John knows these concerns, is that if a dyslexic child is typically not identified until second or third grade, and has taken a LEAP test, or some sort of standardized test in grade four, every other child has learned to read—and therefore now reading to learn—but these children are still struggling to read. It seems like program failure.

Dr. STEINER. Yes.

Senator CASSIDY. Now, if 20 percent of the population is dyslexic, it is program failure for 20 percent.

What are your thoughts on that, may I ask?

Dr. STEINER. Well, if I can be personal for a moment, even this morning, I managed to confuse "undeserved" with "underserved". That is a classic dyslexic mistake and it is partly because, for all its benefits, the British education system I initially grew up in did not even recognize dyslexia as a category. I was just a terrible speller.

The deep issue here is that teachers have to be properly prepared to identify different kinds of challenges to learners; no matter whether it is dyslexia or any one of a number of other challenges, cognitive or physical or otherwise.

Until we do a better job of enabling teachers to have the expertise to do that——

Senator CASSIDY. I accept that. But let me just speak again specifically.

If you have tests which are read, and they are going to judge a school's success or a child's success, and that reading is something which a child, because of that child's particular way of learning, is delayed.

Dr. STEINER. Right, yes.

Senator CASSIDY. It does seem program failure.

Dr. STEINER. Yes.

Senator CASSIDY. Now granted, we need teachers, and we need this, we need that but nonetheless, it does seem program failure.

Dr. STEINER. Yes.

Senator CASSIDY. Would you agree with that?

Dr. STEINER. Yes, I do.

Senator CASSIDY. Now John, I know you grapple with this in Louisiana. I know on a very personal level, and in full disclosure, my wife has a public charter school for children with dyslexia, and so these are all the children who have failed other schools because they cannot read. Now they are in this school, which is specific for reading.

John, can you just kind of speak to our state's kind of grappling with this issue. Again, if you take those kids who cannot read, and you put them in a test which mandates reading in order to measure their success, it is program failure.

Any comments on how we can address that?

Mr. WHITE. Well, I think, first, the other Dr. Cassidy's school has really inspired us to understand better who is being referred to their school in the first place. Unfortunately, as your comments refer to, it is eight and 9 year olds, very often, who are coming in disproportionate numbers to the school.

The law requires that standardized testing begin in third grade and very often it is in third and fourth grade when the onset of those tests is coming that Dr. Cassidy's school is receiving kids who are referred there.

I think that calls us, most importantly, to focus on the grades before. It is about teacher acumen, but it is also about schools having a system that allows for the screening of students based on some of the science that backs the model that exists at Key Academy in Baton Rouge, and to identify kids, and to appropriately address their needs before the onset of standardized test.

Senator CASSIDY. But as I gather, and Senator Hassan from New Hampshire as Governor instituted this, but as far as I know, it is the only state that has done so.

New Hampshire might be the only state in which there is universal screening for dyslexia at grade one, even though the research indicates that it can be detected even in the pre-grade one level because I do not think our state mandates it.

Should it be a recommendation that we have universal screening? Some sort of not very expensive tests, but at least kind of find out who we should be addressing? Again, 20 percent of the population, so therefore it is going to be a wide net.

Any thoughts about that?

Mr. WHITE. I think it should be a necessity that teachers in the earliest grades have an instrument that can be used for screening and identifying for multiple needs; dyslexia being among them.

Part of the problem is that many states have passed laws over the time that mandates specific instruments for specific purposes. In Louisiana, it has been the DIBELS Assessment that has been used. It is a very specific assessment for a specific strand of skills. It is not adequate for diagnosing the full range of needs of a child in the early grades, and that needs to change.

I think Tennessee has done a lot of good work on this as well.

Senator CASSIDY. Dr. McQueen.

Dr. MCQUEEN. Let me note that we do have universal screening through our Response to Intervention for all of our students. Those early students that are coming through our program that may have some kind of dyslexic profile. Those are picked up through that universal——

Senator CASSIDY. Because the response intervention seems, the literature does not seem, in the idealized academic setting where you have all the Ph.D.'s focused on one classroom, it seems to work and otherwise not. So I say that not to accuse but just to explore.

How is Tennessee's experience different with it? Because, again, the literature I have seen just suggests that it just does not work.

Dr. MCQUEEN. Well, I would refer you to a study that just came out from Vanderbilt that actually talks about what we are doing in Tennessee being unique in terms of the response and intervention space.

Specifically, we have seen some data that we are going to be sharing this year that we have fewer students now being referred to special education based on what we are doing with Response to Intervention.

We have some really strong programs, particularly in elementary school that are changing the trajectory of students particularly in the dyslexic space because teachers are being trained about how to use that screener data to actually go back and make a difference in the classroom.

That is where this really connects. It is not just about screening data and go do something. It is how do you analyze what that means across multiple other data points? Then create a pathway in the classroom in core instruction plus intervention if you need it to make sure that student is back on track.

Senator CASSIDY. I am over time. Thank you for your indulgence and I would be remiss if I did not say that October is Dyslexia Awareness Month. So just also say that.

The CHAIRMAN. Thanks, Senator Cassidy. Thank you for your passion on the subject of dyslexia.

Senator Murray, do you have other questions or comments?

Senator MURRAY. Mr. Chairman, I do.

In the interest of time, I would like to submit them for the record and get some responses back. I have some very specific questions I want to make sure we get input on.

Senator MURRAY. Mr. Chairman, I do want to say it has been a really good hearing and I appreciate all this discussion on state innovation.

I do want to just reemphasize that I think the Department does need to improve its state plan submission feedback process so we know states are complying, and we know what the process is, and making sure that the law is being implemented as we wrote it.

Thank you very much.

The CHAIRMAN. Thank you, Senator Murray.

Dr. McQueen, and Mr. White, and Mr. Ruszkowski the late Alex Haley of Tennessee used to say, "Find the good and embrace it," and I think that is what we have done today with Tennessee, Louisiana, and New Mexico.

We commend you for your initiative which, as Dr. Steiner pointed out, is not just based upon something you cooked up in the last few months, but probably, I know, reflects work that has been done over the last several years.

Thanks for setting a good example.

Dr. Steiner, thanks for your leadership and for your perspective today. We appreciate your coming.

I will make just two closing comments. One, I want to encourage Mr. White. Again, I have thought for a long time that the Holy Grail is finding more fair ways to pay teachers more for teaching well. It is not easy to do. Differential pay is hard, but states can afford to do that.

It is hard to pay all teachers very high salaries, but it is possible to pay many teachers significantly higher salaries if we can find fair ways to do that. There are various models around.

We started 30 years ago in Tennessee to do it. The professional board of teacher standards, and I worked with that a little bit. That was some years ago.

The more state and local efforts we have for programs like mentorship or other states, which carry with them some higher salary, not just to reflect honor, but to continue to attract men and women and keep them in the profession, I think the better off we will be.

On the issue of the regulation that was overturned, just without rearguing it, because we have argued it a lot. The reason I supported overturning it was because we had specific provisions in the law which prohibited the U.S. Department of Education from issuing regulations that control the weights of indicators that states choose and the strategies that state and local school districts use to improve schools.

We had under the waiver six different ways that states could use as models to improve poor performing schools. The Government Accountability Office report showed that following those models often left schools no better off than they were before.

I was particularly frustrated because I changed the law to create a seventh way for states to do it, which would be a way that the Governor identified. The next thing I knew, the Department had issued a regulation limiting the way a Governor could identify it.

That was part of the classic argument here between whether children of low performing schools are likely to be better served by orders from Washington or by innovation from home. My feeling was the latter and that was the reason for that.

Thank you, again, for coming.

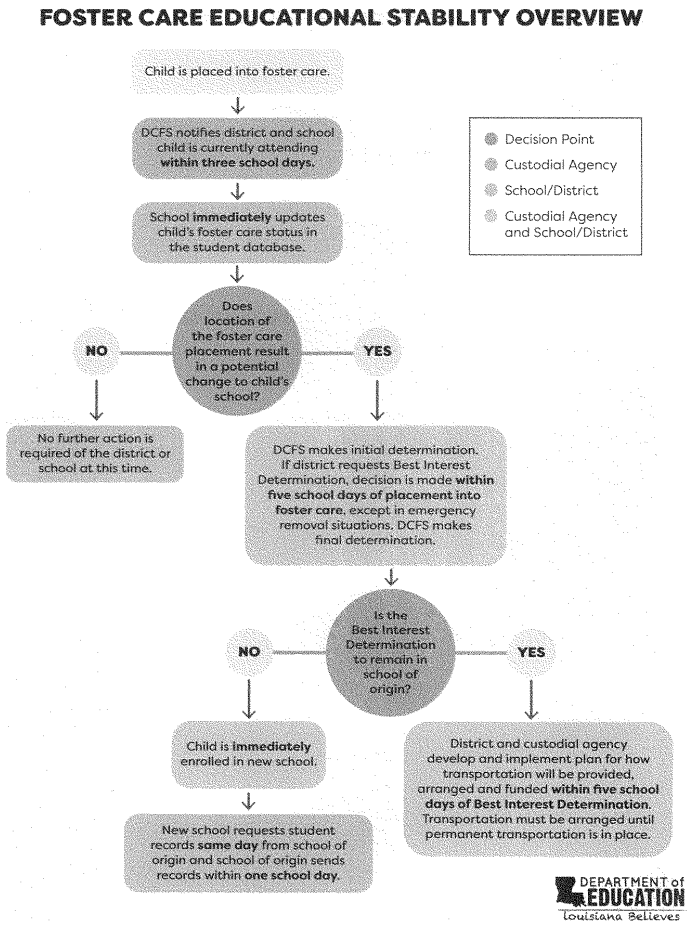
The hearing record will remain open for 10 business days. Members may submit additional information and questions to our witnesses for the record within that time, if they would like.

Thank you for being here.

The Committee will stand adjourned.

[Additional material follows]

ADDITIONAL MATERIAL



DEPARTMENT of EDUCATION
Louisiana Believes

Department of Children & Family Services
Building a Stronger Louisiana

MAKING A TRANSPORTATION PLAN: IMPLEMENTING ESSA TRANSPORTATION REQUIREMENTS TO ENSURE SCHOOL STABILITY

INTRODUCTION AND OVERVIEW

The Every Student Succeeds Act (ESSA) requires that local education and child welfare agencies develop plans to provide cost-effective transportation when needed to allow children in foster care to remain in their school of origin. This requirement for a collaborative effort to provide transportation is consistent with current state policy. Revised Statute 17:238 states: "If the foster care placement is outside the jurisdictional boundaries of the public school in which the child is enrolled, the governing authority of such school shall be responsible for providing free transportation for the child to and from a designated location which is within that School System and is located nearest to the child's residence and is determined to be appropriate by such governing authority and the Department of Children and Family Services. The Department of Children and Family Services shall be responsible for providing the child's transportation between that location and the child's residence."

In addition, Bulletin 741, Chapter 11 Student Services, Section 1109: Assignment and Transfer of Students requires that if the foster care placement is outside the jurisdictional boundaries of the public school in which the student is enrolled, the SCHOOL SYSTEM shall be responsible for providing free transportation for the student to and from a designated location which is within that School System and is located nearest to the student's residence and is determined to be appropriate by the SCHOOL SYSTEM and the Department of Department of Children and Family Services and that the Department of Department of Children and Family Services shall be responsible for providing the child's transportation between that location and the child's residence.

PURPOSE OF THIS DOCUMENT

The Louisiana Department of Education and the Louisiana Department of Children and Family Services (DCFS) jointly created this document to be used as a reference for local practice and in creating the joint transportation plan between the School System and DCFS.

DEPARTMENT of EDUCATION
Louisiana Believes

Department of Children & Family Services
Building a Stronger Louisiana

TRANSPORTATION PLAN BETWEEN SCHOOL SYSTEMS AND DEPARTMENT OF CHILDREN & FAMILY SERVICES

The following steps are recommended considerations and actions for a School System and DCFS to create the written, signed transportation plan required by ESSA (ESEA 1112(c)(5)(B).

1. **Create interagency transportation plan.** (See Sample Transportation Plan to Ensure School Stability for Students in Foster Care below.)

   Plan must include a dispute resolution procedure. While disputes over cost are pending or being addressed, the School System must ensure that the child remains in his or her school of origin, which may include providing or arranging transportation (ESEA 1111(g)(1)(E)(i) and 1112(c)(5)(B)(i).

2. **Notify the school and School System.** DCFS notifies the school and the School System's Foster Care Point of Contact (POC) when a child has entered into foster care. (See Attachment 1.) School Systems need an internal procedure in place to process the notification of foster care placement.
   - ESSA requires that the School System ensure a student's school stability when the student first enters foster care and whenever there is a change in the child's placement.
   - DCFS will notify the school and the POC of a student's placement into foster care or a change in the child's living arrangement within three days day of the event.
   - DCFS makes the determination regarding whether or not the child will attend the school assigned to his or her foster care placement or continue to attend the school of origin.
   - Initial decision triggers an inquiry about transportation needs.
   - Schools officials can present DCFS with supporting documentation should it believe it is in child's interest to attend another school (see Louisiana Best Interest Determine Form), but DCFS makes final determination.

   Methods of transportation and related costs are **NOT** to be considered when determining best interest.

3. **Create a transportation plan for the student, detailing how transportation will be provided, arranged, and funded.** (See Individual Student Transportation Plan below.)

   Considerations:

   a. The School System should arrange permanent transportation services **within five days** of the best interest determination.

   b. While the School System arranges permanent transportation, DCFS and the School System should ensure that interim transportation is in place for the child. These are meant to be short-term arrangements that are in effect while the student's best interest decision and the permanent transportation arrangements are finalized. *Interim transportation arrangements are to be used a maximum of ten school days—five school days while the best interest decision is finalized (if applicable) and five school days while the permanent transportation arrangements are finalized.*

   c. The fact that a School System does not provide transportation for children who are not in foster care does not exempt the School System from obligations to ensure transportation for children in foster care. This includes children attending public preschool.

d. Where a School System is obligated to provide transportation as part of child's IEP as a "related service" under the IDEA, this obligation is not altered by ESSA.

e. The School System must provide transportation when it can be done at "no additional" or "minimal" cost based on the School System's existing procedures. Examples may include:

- A stop added or modification made to an already existing bus route
- Drop-off at a school bus stop on the existing transportation system for the school of origin
- Public transportation, if the child is of an appropriate age and has or is able to acquire the skills to utilize such option
- Foster parents or other family member(s) to transport the child to school
- School System Preexisting bus routes or stops close to the new foster care placement that cross School System boundaries, such as bus routes for magnet schools or transportation for homeless students required by McKinney Vento Act
- Eligibility for transportation under another entitlement such as IDEA

f. The School System and DCFS must outline procedures to specify how additional costs will be covered or shared. Federal guidance clarifies that "additional costs" are the difference between what a School System would otherwise spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin. For School Systems that do not calculate average cost of transportation per pupil, additional costs may be defined as those costs above what the state reimburses the School System for pupil transportation. If the transportation would require "additional costs" from the School System, the agencies must determine the most cost-effective strategy in each case. They must specifically ask:

- Does the School System have other fiscal options to cover or share "additional costs"? (Federal guidance permits the use of Title I funds. Federal guidance also permits use of IDEA funds if the child has an IEP.)
- Are there other state or local funds available for this purpose?
- Can the DCFS recover costs through Title IV-E maintenance and/or administrative dollars for this child's transportation?
- What other options does the DCFS have to cover or share "additional costs"?
- Can the DCFS provide the youth or caretaker with bus passes or other public transportation vouchers?
- Can the agency contract with a private transportation company to provide a bus/van/car service?
- Can the School System and DCFS divide the distance and share the transportation responsibilities? Consider, for example, whether DCFS can coordinate for the child to be dropped off at a bus stop near the existing transportation system for the School System.

g. Transportation to the school of origin must be provided for the duration of the child's time in foster care when the child remains in the school of origin. If a child exits foster case before the end of the school year, in the interest of school stability, the student should remain in his or her school until the end of the academic year or until a natural juncture in the year, such as the end of a semester or quarter when possible.

h. School Systems and DCFS should consider procedures related to transportation for extracurricular activities, such as summer education programs, and other school programs or activities that are part of the school experience.

4. **Coordinate when other school systems are involved.** School Systems will determine how costs will be shared with other school systems when children are transported between them. Similar to their arrangement with DCFS, school systems should develop written procedures to address cost sharing agreements and include a default if resolution cannot be reached (i.e., the school systems will split costs evenly). School system area transportation coordinators can assist with this process.

5. **Provide for preschool students within the School System.** ESSA requires that schools ensure a child in foster care remains in their preschool of origin, unless a determination is made that it is not in the child's best interest. ESSA also requires that school systems provide transportation to the school of origin when necessary. Public preschool is defined as preschool education programs funded by tax dollars or other public funds and includes early childhood education programs for children who have not started kindergarten. These include both preschool programs operated by or funded through the school system. Children may attend preschool at a specific location or participate in a home-based program.

DEPARTMENT of EDUCATION
Louisiana Believes

Department of Children & Family Services
Building a Stronger Louisiana

SAMPLE TRANSPORTATION PLAN TO ENSURE SCHOOL STABILITY FOR STUDENTS IN FOSTER CARE

Between:

School System: _____

And

Department of Children & Family Services

Date: _____

SCHOOL SYSTEM

School System Foster Care Point of Contact (name and contact information):

_____

School System Transportation representative (name and contact information):

_____

School System Representative (name and contact information; if applicable):

_____

DEPARTMENT OF CHILDREN & FAMILY SERVICES

Educational Point of Contact (name and contact information):

_____

Department of Children & Family Services representative (name and contact information):

_____

AGREED-UPON DEFINITIONS

Best interest decision notification to School System: When a student has been placed into foster care at a residence outside of the School System, DCFS makes the initial determination regarding whether or not the student should remain in his or her school of origin. Schools officials can present DCFS with supporting documentation should it believe it is in child's interest to attend another school, but DCFS makes final determination. (See Louisiana Best Interest Determination Form.) When it is determined to be in a student's best interest to remain in his or her school of origin, School System and DCFS will collaborate under this agreement to establish the most cost-effective transportation procedures available for the student within five days of the best interest determination being made.

Identification of students who may need transportation: DCFS will notify the school and School System's Foster Care Point of Contact (POC) within three school days upon learning that a student attending the school has been placed into foster care or will be moved to a new foster care placement and it has been determined that it is in the student's best interested to remain in the school of origin.

Other available low or no additional-cost options to address transportation needs:

1. The School System will assess whether the child is eligible for transportation services under another entitlement, such as experiencing homelessness or as a related service under the IDEA or 504 Plan. The School System will provide and fund transportation if the student is eligible under the IDEA.
2. The School System will examine existing transportation options available for the student, including incorporating the student into an existing bus route, modifying an existing bus route, or other no-cost or lost-cost options. Transportation will be provided and funded by the School System if such a solution is available.

Options for addressing "additional costs": When other options are exhausted and transportation will require additional costs, the following should be considered:

1. The School System and DCFS will assess whether the child's transportation expenses may be covered by other state or local funds.
2. If the student is eligible for Title IV-E funds, DCFS will seek reimbursement for the allowable portion of those transportation costs.
3. DCFS will assess whether resources are available for:
    a. reimbursement for foster care parents or relative caretaker to provide transportation to a stop on the School System's existing bus route;
    b. provision of bus passes or public transportation vouchers; or
    c. contract with a private transportation service.
4. School System and DCFS support establishment of a fund jointly funded by the agencies [and other local jurisdiction leader] to support school stability. [Specify funding sources, amounts, dates.]

Remaining additional costs: The School System and DCFS will address additional cost with one of the following options:

1. DCFS agrees to pay additional costs.
2. School System agrees to pay additional costs.
3. DCFS and agree to share the additional costs. (Consider requiring the costs to be split evenly unless parties can agree to another cost-sharing arrangement.)

Timing of implementing transportation: School System will have five days to put needed transportation in place after the best interest determination has been finalized. In the interim, DCFS or School System will provide transportation.

Duration of transportation:

1. Transportation will be provided for the duration of the child's time in foster care as long as it continues to be in the child's best interest to remain in the school of origin.
2. If a child exits foster care before the end of a school year, the transportation arrangement will be maintained through the end of the school year in order to maintain the child's educational stability, when possible.

Dispute resolution:

1. If there is a dispute between the School System and DCFS regarding provision of transportation, the School System ensures that child in foster care remains in their school of origin while any disputes are being resolved [ESEA 1111(g)(1)(E)(i) and 1112(c)(5)(B)(i)].

   While a dispute is pending, the School System and DCFS must provide and arrange transportation for the child.
   Updates and revisions to this local transportation plan should be made as needed. ***Best practice recommends review of plan every three years.***

SIGNATURES:

SCHOOL SYSTEM FOSTER CARE POC

Printed Name: _____

Signed: _____ **Date:** _____

SCHOOL SYSTEM TRANSPORTATION REPRESENTATIVE

Printed Name: _____

Signed: _____ **Date:** _____

OTHER SCHOOL SYSTEM REPRESENTATIVE (if applicable)

Printed Name: _____

Signed: _____ **Date:** _____

DEPARTMENT OF CHILDREN & FAMILY SERVICES REPRESENTATIVE

Printed Name: _____

Signed: _____ **Date:** _____

DEPARTMENT of EDUCATION
Louisiana Believes

Department of Children & Family Services
Building a Stronger Louisiana

TRANSPORTATION TO ENSURE SCHOOL STABILITY: INDIVIDUAL STUDENT PROCEDURES

Child's Name: _____ **Date of Birth:** _____

Grade in School: _____ **DCFS ID Number:** _____ **Louisiana Unique ID:** _____

Current School System/School: _____

PARTICIPANTS

Custodial Agent (name and contact information):

_____

Caregiver (name and contact information):

_____

Educational Surrogate, if applicable (name and contact information):

_____

SCHOOL SYSTEM

School System Foster Care Point of Contact (name and contact information):

_____

DCFS

Case worker (name and contact information):

_____

Educational Point of Contact (name and contact information):

_____

The **DCFS** verifies that:

It is in the student's best interest to remain in the school of origin based on the following factors:

The child eligible under Title IV-E:

O Yes O No

If **YES**, reimbursement for some funding of transportation costs

☐ will be pursued

☐ cannot be pursued for this reason:

_____

The **School System** verifies that:

There is an existing transportation option that can serve the student's new housing placement.

O Yes O No

If **YES**, what is the option?

_____

DEPARTMENT of EDUCATION
Louisiana Believes

Department of Children & Family Services
Building a Stronger Louisiana

The following efforts were undertaken to identify a no-cost or low-cost transportation service:

NO-COST OR LOW-COST OPTIONS	SCHOOL SYSTEM	DCFS
The child may be dropped off at a school bus stop near the existing transportation system for the school of origin. Communication between the current and new school is critical.		
Public transportation options exist, if the child is of an appropriate age and has, or is able to acquire, the skills to utilize such options.		
The foster parents or other family member(s) are willing and able to transport the child to school.		
The child is already eligible for transportation covered by other programs. For example, Individuals with Disabilities in Education Act (IDEA) funds may be used to pay for transportation services if the child's IEP Team determines transportation is a related service that is required for a child with disabilities in foster care to receive Free Appropriate Public Education (FAPE).		
There are pre-existing bus routes or stops close to the new foster care placement that cross School System boundaries, such as bus routes for magnet schools and transportation for homeless students as required by the McKinney-Vento Act.		
The School System of residence, School System of origin, and DCFS may be willing to share transportation costs.		

The **School System and DCFS** agree that the most cost effective transportation procedures for this student will be:

_____

The **School System and DCFS** agree that while permanent transportation is arranged, interim transportation arrangements will be:

_____

These transportation procedures were agreed to on the following date: _____ and will be implemented within five days, by the following date: _____.

Authorized signature for DCFS: _____

Signature from School System: _____

STATE	White Students Rate (%)	African American Students Rate (%)	Percentage Point Difference (%)
Wisconsin	92.9%	64.1%	28.8
Ohio	85.7%	59.7%	26.0
Minnesota	86.9%	62.0%	24.9
Nevada	78.0%	55.5%	22.5
New York	88.7%	66.5%	22.2
Nebraska	92.5%	75.0%	17.5
Pennsylvania	89.3%	71.8%	17.5
South Dakota	89.5%	72.0%	17.5
Utah	87.4%	70.0%	17.4
California	88.0%	71.0%	17.0
Michigan	83.5%	67.3%	16.2
Missouri	90.6%	75.6%	15.0
Connecticut	92.7%	78.0%	14.7
Florida	82.7%	68.0%	14.7
Illinois	90.2%	75.5%	14.7
Indiana	89.6%	74.9%	14.7
North Dakota	90.6%	76.0%	14.6
Massachusetts	91.6%	77.5%	14.1
Wyoming	81.8%	68.0%	13.8
Iowa	92.4%	79.0%	13.4
Oregon	76.0%	63.0%	13.0
Colorado	82.6%	69.9%	12.7
New Mexico	73.6%	61.0%	12.6
New Jersey	94.0%	81.5%	12.5
Washington	80.9%	68.8%	12.1

STATE	White Students Rate (%)	African American Student Rate (%)	Percentage Point Difference (%)
Louisiana	82.7%	71.4%	11.3
Virginia	89.6%	78.8%	10.8
Arizona	83.2%	72.6%	10.6
Tennessee	90.9%	80.6%	10.3
Arkansas	87.4%	77.5%	9.9
Maryland	92.0%	82.3%	9.7
Rhode Island	86.6%	77.0%	9.6
Kansas	88.3%	79.0%	9.3
Alaska	80.0%	71.0%	9.0
Kentucky	89.3%	80.4%	8.9
New Hampshire	88.9%	80.0%	8.9
Texas	93.4%	85.2%	8.2
Maine	87.9%	80.0%	7.9
Georgia	82.8%	75.2%	7.6
Vermont	88.5%	81.0%	7.5
Mississippi	79.4%	72.0%	7.4
Oklahoma	84.2%	77.4%	6.8
Montana	88.7%	82.0%	6.7
North Carolina	88.3%	82.2%	6.1
South Carolina	82.7%	76.7%	6.0
Idaho	80.8%	75.0%	5.8
Hawaii	79.0%	74.0%	5.0
Delaware	88.0%	83.2%	4.8
West Virginia	86.7%	83.0%	3.7
Alabama*	90.5%	87.0%	3.5

*In December 2016, following an internal audit and US Department of Education investigation, Alabama education officials announced that graduation rates in the state had been improperly calculated and that the reported rates were inaccurate. We include the reported rates here, but note this important caveat and warn that these rates, in many cases, may be inflated.

Note. These tables are sorted by the Percentage Point Gap Differences between groups for the 2014-15 State Level ACGR.

Source: U.S. Department of Education (2016). Provisional Data File: SY2014-15 Four-Year Regulatory Adjusted Cohort Graduation Rates (ACGR); Building A Grad Nation, 2017, Pages 51-53

STATE	White Students Rate (%)	Hispanic Students Rate (%)	Percentage Point Difference (%)
New York	88.7%	66.0%	22.7
Minnesota	86.9%	65.6%	21.3
Pennsylvania	89.3%	69.5%	19.8
South Dakota	89.5%	70.0%	19.5
Massachusetts	91.6%	72.2%	19.4
Connecticut	92.7%	74.8%	17.9
Ohio	85.7%	69.9%	15.8
North Dakota	90.6%	75.0%	15.6
Wisconsin	92.9%	77.5%	15.4
Maryland	92.0%	76.9%	15.1
Colorado	82.6%	67.6%	15.0
New Hampshire	88.9%	75.0%	13.9
Virginia	89.6%	76.0%	13.6
Utah	87.4%	74.4%	13.0
Michigan	83.5%	72.1%	11.4
Mississippi	79.4%	68.0%	11.4
Nevada	78.0%	66.7%	11.3
Washington	80.9%	69.6%	11.3
New Jersey	94.0%	82.8%	11.2
Nebraska	92.5%	81.6%	10.9
Georgia	82.8%	72.0%	10.8
Rhode Island	86.6%	76.0%	10.6
Arizona	83.2%	72.7%	10.5
Kansas	88.3%	78.2%	10.1
Wyoming	81.8%	72.0%	9.8
Idaho	80.8%	71.2%	9.6
Illinois	90.2%	80.7%	9.5
Iowa	92.4%	83.0%	9.4
California	88.0%	79.0%	9.0
Oregon	76.0%	67.4%	8.6
North Carolina	88.3%	80.0%	8.3
Alaska	80.0%	72.0%	8.0
Maine	87.9%	80.0%	7.9
Louisiana	82.7%	75.0%	7.7
Tennessee	90.9%	83.5%	7.4
Delaware	88.0%	81.0%	7.0
Texas	93.4%	86.5%	6.9
Indiana	89.6%	83.0%	6.6
Missouri	90.6%	84.0%	6.6
New Mexico	73.6%	67.2%	6.4
Kentucky	89.3%	83.0%	6.3
Florida	82.7%	76.7%	6.0
Montana	88.7%	83.0%	5.7
South Carolina	82.7%	77.0%	5.7
Oklahoma	84.2%	78.8%	5.4
Hawaii	79.0%	75.0%	4.0
Arkansas	87.4%	84.5%	2.9
Alabama*	90.5%	90.0%	0.5
Vermont	88.5%	†	†
West Virginia	86.7%	†	†

*In December 2016, following an internal audit and US Department of Education investigation, Alabama education officials announced that graduation rates in the state had been improperly calculated and that the reported rates were inaccurate. We include the reported rates here, but note this important caveat and warn that these rates, in many cases, may be inflated.

Note. These tables are sorted by the Percentage Point Gap Differences between groups for the 2014-15 State Level ACGR.

Source: U.S. Department of Education (2016). Provisional Data File: SY2014-15 Four-Year Regulatory Adjusted Cohort Graduation Rates (ACGR). Building A Grad Nation, 2017, Pages 51-53

STATE	English Language Learners (ELL) Rate (%)	Non-ELL Rate (%)	Percentage Point Difference (%)
New York	36.0%	81.6%	45.6
Arizona	34.0%	78.0%	44.0
Nevada	32.0%	74.9%	42.9
Virginia	44.6%	87.5%	42.9
Maryland	49.0%	87.7%	38.7
Hawaii	46.0%	83.3%	37.3
Nebraska	55.0%	90.1%	35.1
Ohio	50.0%	81.1%	31.1
South Dakota	56.0%	84.5%	28.5
North Carolina	58.0%	86.3%	28.3
Louisiana	50.0%	77.8%	27.8
Wisconsin	62.0%	89.0%	27.0
North Dakota	62.0%	87.2%	25.2
Massachusetts	64.0%	89.0%	25.0
Montana	62.0%	86.9%	24.9
Oregon	51.0%	75.0%	24.0
Washington	55.8%	79.5%	23.7
Georgia	56.4%	79.6%	23.2
Oklahoma	60.0%	83.0%	23.0
Pennsylvania	62.6%	85.3%	22.7
Mississippi	53.0%	75.6%	22.6
Connecticut	67.0%	88.3%	21.3
Kentucky	67.0%	88.2%	21.2
Alaska	56.0%	77.0%	21.0
Minnesota	63.1%	83.2%	20.1

STATE	English Language Learners (ELL) Rate (%)	Non-ELL Rate (%)	Percentage Point Difference (%)
Florida	59.5%	79.4%	19.9
Utah	66.0%	85.6%	19.6
Vermont	69.0%	88.1%	19.1
Colorado	61.1%	79.4%	18.3
Delaware	69.0%	86.3%	17.3
Missouri	71.0%	88.0%	17.0
Texas	73.3%	90.2%	16.9
New Jersey	74.0%	90.3%	16.3
California	69.0%	85.1%	16.1
Wyoming	64.0%	79.7%	15.7
Alabama*	75.0%	89.4%	14.4
Illinois	72.0%	86.2%	14.2
Tennessee	75.0%	88.2%	13.2
Indiana	75.0%	87.4%	12.4
New Hampshire	77.0%	88.4%	11.4
Maine	77.0%	87.7%	10.7
Kansas	77.0%	86.5%	9.5
Iowa	83.0%	91.1%	8.1
Michigan	72.1%	80.1%	8.0
Idaho	72.0%	79.5%	7.5
Rhode Island	77.0%	84.0%	7.0
New Mexico	64.0%	70.3%	6.3
South Carolina	76.0%	80.4%	4.4
West Virginia	86.0%	86.5%	0.5
Arkansas	86.0%	84.8%	-1.2

*In December 2016, following an internal audit and US Department of Education investigation, Alabama education officials announced that graduation rates in the state had been improperly calculated and that the reported rates were inaccurate. We include the reported rates here, but note this important caveat and warn that these rates, in many cases, may be inflated.

Note: These tables are sorted by the Percentage Point Gap Differences between groups for the 2014-15 State Level ACGR.

Source: U.S. Department of Education (2016). Provisional Data File: SY2014-15 Four-Year Regulatory Adjusted Cohort Graduation Rates (ACGR). Building A Grad Nation 2017, Pages 51-53

Appendix C. ESSA High Schools (100 or more students) with ACGR of 67 Percent or Below by State, 2014-15

Alabama	5
Alaska	33
Arizona	111
Arkansas	10
California	191
Colorado	92
Connecticut	10
Delaware	7
District Of Columbia	14
Florida	191
Georgia	59
Hawaii	8
Idaho	33
Illinois	48
Indiana	33
Iowa	11
Kansas	14
Kentucky	13
Maine	1
Maryland	32
Massachusetts	39
Michigan	172
Minnesota	60
Mississippi	22
Missouri	16
Montana	6
Nebraska	9
Nevada	91
New Hampshire	3
New Jersey	11
New Mexico	72
New York	265
North Carolina	14
North Dakota	7
Ohio	156
Oklahoma	22
Oregon	61
Pennsylvania	52
Rhode Island	4
South Carolina	16
South Dakota	6
Tennessee	25
Texas	89
Utah	30
Vermont	1
Virginia	10
Washington	99
West Virginia	0
Wisconsin	35
Wyoming	6
Total	2249

For more information, see Appendix L, page 62 in J. DePaoli, J. Bridgeland, and R. Balfanz, *Building a Grad Nation: Progress and Challenge in Raising High School Graduation Rates*, (Washington, DC: Civic Enterprises and Everyone Graduates Center at the School of Education at John Hopkins University School of Education, 2017), https://gradnation.americaspromise.org/report/2017-building-grad-nation-report (accessed July 12, 2017).

AN ANALYSIS OF COLORADO'S ESSA PLAN

This dashboard analyzes Colorado's plan under the Every Student Succeeds Act (ESSA), specifically its commitment to equity and excellence and its compliance with the law. This analysis is not all-encompassing but rather focuses on the indicators most essential for advancing equitable educational opportunities for all students. Colorado submitted its plan on May 9, 2017; full text is available at https://ed.gov/admins/lead/account/stateplan17/cocsa2017.pdf. View ESSA equity dashboards for other states at www.all4ed.org/essa.

ESSA EQUITY DASHBOARD

COLORADO

LONG-TERM GOALS

Academic Achievement

Red — No clear goals for proficiency in reading or math

Academic Achievement by Student Subgroup

Green — Same long-term goals for each subgroup

4-Year Cohort High School Graduation Rate

Green — 90.3% of students graduating by 2023

Extended-Year Cohort High School Graduation Rate

Red — Will measure 5-, 6-, and 7-year cohort graduation rates but no goals set for each rate

English Language Proficiency

Red — Has not set maximum timelines but plans to set ones that account for students' initial proficiency level

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

Yellow — Schools with a student subgroup that earns lowest rating on at least 3 indicators are classified as having a "consistently underperforming" subgroup

High School Graduation Rate Used to Identify Schools for Comprehensive Support

Red — Unclear if state will use 4-, 5-, 6-, or 7-year cohort graduation rate

! CONCERN

! CONCERN

ACCOUNTABILITY

Disaggregation of Student Subgroups

Green — Disaggregates subgroups by race, ethnicity, income, English language proficiency, and disability status; combines students from non-white racial groups that do not meet minimum n-size

N-Size

Yellow — 16 students for achievement and high school graduation rate; 20 students for academic growth

School Quality and Student Success (SQSS) Indicator

Green — Dropout rate for high school; chronic absenteeism for elementary and middle schools

High School Graduation Rate

Yellow — Uses 4-year and extended-year cohort graduation rates but weights assigned to each are unclear

Weighting of Academic Indicators

Green — 100% weight in all grades

Testing Participation Rates

Red — Does not specify any consequences for schools assessing fewer than 95% of students; state explicitly says it will not comply with federal law on this issue

! CONCERN

ALLIANCE FOR EXCELLENT EDUCATION

Note: Some indicators do not apply to some states and, consequently, do not appear in the analysis included on the front of this document. The Alliance for Excellent Education set the parameters associated with the green, yellow, and red designations.

LONG-TERM GOALS

Academic Achievement

- Green: 75% or more of all students proficient on statewide assessments by 2030 or equivalently rigorous goal
- Yellow: 60–74.9% of all students proficient by 2030 or 75% or more proficient by 2031–39 or equivalently rigorous goal
- Red: Less rigorous goals and/or longer timeline than 2040

Academic Achievement by Student Subgroup

- Green: Same long-term goals for each subgroup or similarly ambitious commitment to closing achievement gaps
- Yellow: Less ambitious goals but requires higher rates of growth from lower-performing subgroups
- Red: Same or similar rates of academic growth for all subgroups

4-Year Cohort High School Graduation Rate

- Green: 90% or more of students graduating by 2030
- Yellow: 85–89.9% of students graduating by 2030 or 90% or more graduating by 2031–39
- Red: Less rigorous goals and/or longer timeline than 2040

Extended-Year Cohort High School Graduation Rate

- Green: At least 3 percentage points higher than 4-year cohort rate goal
- Yellow: 1–2 percentage points higher than 4-year cohort rate goal
- Red: Goals are the same or state does not set goals for each cohort rate

English Language Proficiency

- Green: Accounts for initial age/grade or proficiency level in setting student targets with maximum timeline of no more than 6 years to achieve proficiency
- Yellow: Accounts for initial age/grade or proficiency level with maximum timeline of 7 years to achieve proficiency
- Red: Does not account for initial age/grade or proficiency level and/or sets maximum timeline of 8 or more years to achieve proficiency

ACCOUNTABILITY

Disaggregation of Student Subgroups

- Green: State does not use super-subgroup or uses it only in addition to disaggregated subgroups for school ratings and/or identifying schools for support
- Red: State uses super-subgroups instead of required subgroups for school ratings and/or identifying schools for support

N-Size

- Green: N-size for accountability of 15 or fewer students
- Yellow: N-size for accountability of 16–25 students
- Red: N-size for accountability of 26 or more students

School Quality and Student Success (SQSS) Indicator

- Green: Evidence-based statewide SQSS measures are disaggregated by student subgroup
- Yellow: Inconclusive evidence for SQSS measures or significant measures are in development but still statewide and disaggregated by student subgroup
- Red: No evidence for SQSS measures and/or not statewide or disaggregated by student subgroup

High School Graduation Rate

- Green: Exclusively uses or gives more weight to 4-year cohort graduation rate
- Yellow: Uses 4- and extended-year cohort rates and weights 4-year rate equally or less than other rates
- Red: Does not use 4-year cohort rate or uses another unlawful graduation rate calculation

Weighting of Academic Indicators

- Green: 75% or more weight on academic indicators
- Yellow: 50–74% weight on academic indicators
- Red: Less than 50% weight on academic indicators or weight is unclear in plan

Testing Participation Rates

- Green: No credit for untested students or similarly rigorous consequences
- Yellow: Less rigorous consequences that have limited implications for accountability
- Red: Does not specify consequences for untested students

Inclusion of Subgroup Performance

- Green: Schools receive lower rating if they have a struggling subgroup or subgroup performance is an independent and substantial portion of rating index
- Yellow: Subgroups have lesser but still meaningful effect on a school's rating
- Red: Subgroups have little to no effect on a school's rating

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

- Green: Definition is meaningfully different from "low performing" and triggers targeted intervention based on 2 or fewer indicators
- Yellow: Definition is meaningfully different from "low performing" and triggers targeted intervention based on 3 or more indicators
- Red: Definition is not meaningfully different from statutory definition of "low performing" or does not comply with ESSA

High School Graduation Rate Used to Identify Schools for Comprehensive Support

- Green: 4-year cohort graduation rate
- Yellow: 5-year cohort graduation rate
- Red: 6-year (or longer) cohort graduation rate

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AN ANALYSIS OF DC'S ESSA PLAN

This dashboard analyzes the District of Columbia's (DC's) plan under the Every Student Succeeds Act (ESSA), specifically its commitment to equity and excellence and its compliance with the law. This analysis is not all-encompassing but rather focuses on the indicators most essential for advancing equitable educational opportunities for all students. DC submitted its plan on May 2, 2017; full text is available at https://ed.gov/admins/lead/account/stateplan17/dccsa2017.pdf. View ESSA equity dashboards for other states at www.all4ed.org/essa.

ESSA EQUITY DASHBOARD

DISTRICT OF COLUMBIA

LONG-TERM GOALS

Academic Achievement

Yellow — 85% of students proficient in reading and math by 2039

Academic Achievement by Student Subgroup

Green — Same long-term goals for each subgroup

4-Year Cohort High School Graduation Rate

Yellow — 90% of students graduating by 2039

English Language Proficiency

Green — Accounts for students' initial grade and proficiency level in setting student goals with maximum of 5 years to attain proficiency

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

Red — Definition is not meaningfully different from that of "low-performing" and is unlikely to result in additional students receiving support

High School Graduation Rate Used to Identify Schools for Comprehensive Support

Green — 4-year cohort graduation rate

ACCOUNTABILITY

Disaggregation of Student Subgroups

Green — Disaggregates subgroups by race, ethnicity, income, English language proficiency, and disability status

N-Size

Green — 10 students

School Quality and Student Success (SQSS) Indicator

Green — Uses "school environment" indicator that includes measures of chronic absenteeism, [illegible], re-enrollment in same school, and research-based observational tool assessing quality of student learning in pre-K classes

High School Graduation Rate

Green — Does not use extended-year cohort graduation rates

Weighting of Academic Indicators

Green — 75% weight in all grades

Testing Participation Rates

Red — Does not specify consequences for untested students; DC says it will implement system of "supports, technical assistance, and monitoring" for schools that do not meet required 95% participation rate

Inclusion of Student Subgroup Performance

Green — Assigns 25% of overall school rating based on student subgroup performance

NOTE

DC plans to design and include measures of "access to opportunities and "school climate" in its accountability system

! CONCERN

[illegible]

ALLIANCE FOR EXCELLENT EDUCATION

Note: Some indicators do not apply to some states and, consequently, do not appear in the analysis included on the front of this document. The Alliance for Excellent Education set the parameters associated with the green, yellow, and red designations.

LONG-TERM GOALS

Academic Achievement

- Green: 75% or more of all students proficient on statewide assessments by 2030 or equivalently rigorous goal
- Yellow: 60–74.9% of all students proficient by 2030 or 75% or more proficient by 2031–39 or equivalently rigorous goal
- Red: Less rigorous goals and/or longer timeline than 2040

Academic Achievement by Student Subgroup

- Green: Same long-term goals for each subgroup or similarly ambitious commitment to closing achievement gaps
- Yellow: Less ambitious goals but requires higher rates of growth from lower-performing subgroups
- Red: Same or similar rates of academic growth for all subgroups

4-Year Cohort High School Graduation Rate

- Green: 90% or more of students graduating by 2030
- Yellow: 85–89.9% of students graduating by 2030 or 90% or more graduating by 2031–39
- Red: Less rigorous goals and/or longer timeline than 2040

Extended-Year Cohort High School Graduation Rate

- Green: At least 3 percentage points higher than 4-year cohort rate goal
- Yellow: 1–2 percentage points higher than 4-year cohort rate goal
- Red: Goals are the same or state does not set goals for each cohort rate

English Language Proficiency

- Green: Accounts for initial age/grade or proficiency level in setting student targets with maximum timeline of no more than 6 years to achieve proficiency
- Yellow: Accounts for initial age/grade or proficiency level with maximum timeline of 7 years to achieve proficiency
- Red: Does not account for initial age/grade or proficiency level and/or sets maximum timeline of 8 or more years to achieve proficiency

ACCOUNTABILITY

Disaggregation of Student Subgroups

- Green: State does not use super-subgroup or uses it only in addition to disaggregated subgroups for school ratings and/or identifying schools for support
- Red: State uses super-subgroups instead of required subgroups for school ratings and/or identifying schools for support

N-Size

- Green: N-size for accountability of 15 or fewer students
- Yellow: N-size for accountability of 16–25 students
- Red: N-size for accountability of 26 or more students

School Quality and Student Success (SQSS) Indicator

- Green: Evidence-based statewide SQSS measures are disaggregated by student subgroup
- Yellow: Inconclusive evidence for SQSS measures or significant measures are in development but still statewide and disaggregated by student subgroup
- Red: No evidence for SQSS measures and/or not statewide or disaggregated by student subgroup

High School Graduation Rate

- Green: Exclusively uses or gives more weight to 4-year cohort graduation rate
- Yellow: Uses 4- and extended-year cohort rates and weights 4-year rate equally or less than other rates
- Red: Does not use 4-year cohort rate or uses another unlawful graduation rate calculation

Weighting of Academic Indicators

- Green: 75% or more weight on academic indicators
- Yellow: 50–74% weight on academic indicators
- Red: Less than 50% weight on academic indicators or weight is unclear in plan

Testing Participation Rates

- Green: No credit for untested students or similarly rigorous consequences
- Yellow: Less rigorous consequences that have limited implications for accountability
- Red: Does not specify consequences for untested students

Inclusion of Subgroup Performance

- Green: Schools receive lower rating if they have a struggling subgroup or subgroup performance is an independent and substantial portion of rating index
- Yellow: Subgroups have lesser but still meaningful effect on a school's rating
- Red: Subgroups have little to no effect on a school's rating

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

- Green: Definition is meaningfully different from "low performing" and triggers targeted intervention based on 2 or fewer indicators
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- Red: Definition is not meaningfully different from statutory definition of "low performing" or does not comply with ESSA

High School Graduation Rate Used to Identify Schools for Comprehensive Support

- Green: 4-year cohort graduation rate
- Yellow: 5-year cohort graduation rate
- Red: 6-year (or longer) cohort graduation rate

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AN ANALYSIS OF ILLINOIS'S ESSA PLAN

This dashboard analyzes Illinois's plan under the Every Student Succeeds Act (ESSA), specifically its commitment to equity and excellence and its compliance with the law. This analysis is not all-encompassing but rather focuses on the indicators most essential for advancing equitable educational opportunities for all students. Illinois submitted its plan on May 2, 2017; full text is available at https://ed.gov/admins/lead/account/stateplan17/ilcsa2017.pdf. View ESSA equity dashboards for other states at www.all4ed.org/essa.

ESSA EQUITY DASHBOARD

ILLINOIS

LONG-TERM GOALS

Academic Achievement

Green — 76% of students proficient in reading and math by 2028; 90% proficient by 2032

Academic Achievement by Student Subgroup

Green — Same long-term goals for each subgroup

4-Year Cohort High School Graduation Rate

Yellow — 88.9% of students graduating by 2028

Extended-Year Cohort High School Graduation Rate

Red — Same graduation rate goals for 4-, 5-, and 6-year cohort rates

English Language Proficiency

Green — Accounts for students' initial age and proficiency level in setting student goals with maximum of 5 years to attain proficiency

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

Red — Definition is strong in that it includes former English learners and former students with disabilities, but it fails to include all other student subgroups as required under ESSA

High School Graduation Rate Used to Identify Schools for Comprehensive Support

Green — 4-year cohort graduation rate

★ **BONUS**

Illinois is on track to achieve 90% high school graduation rate by 2032.

★ **BONUS**

School ratings are tied directly to progress on these long-term goals.

ACCOUNTABILITY

Disaggregation of Student Subgroups

Green — Disaggregates subgroups by race, ethnicity, income, English language proficiency, and disability status

N-Size

Yellow — 20 students

School Quality and Student Success (SQSS) Indicator

Yellow — Chronic absenteeism, 9th-grade on-track, college- and career-ready indicator (in development), and climate survey (in development)

★ **BONUS**

9th-grade on-track indicator is innovative and a potential model for other states.

High School Graduation Rate

Red — Unclear if and how Illinois is using 4-year cohort graduation rate; state will create growth measure using graduation rate and 9th-grade on-track indicator

Weighting of Academic Indicators

Green — 95% weight in high schools

! **CONCERN**

Only 5% weight to college- and career-ready indicator, which is only 0.5 grade level in high school. Low weight of this indicator creates perverse incentives.

Testing Participation Rates

Yellow — Illinois specifies only somewhat rigorous consequences; schools cannot receive highest level of proficiency indicator and may be identified for targeted support if they fail to meet required 95% participation rate 3 years in a row

Inclusion of Student Subgroup Performance

Green — A school cannot receive top 2 designations if it has an underperforming student subgroup

ALLIANCE FOR EXCELLENT EDUCATION

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LONG-TERM GOALS

Academic Achievement

- Green: 75% or more of all students proficient on statewide assessments by 2030 or equivalently rigorous goal
- Yellow: 60–74.9% of all students proficient by 2030 or 75% or more proficient by 2031–39 or equivalently rigorous goal
- Red: Less rigorous goals and/or longer timeline than 2040

Academic Achievement by Student Subgroup

- Green: Same long-term goals for each subgroup or similarly ambitious commitment to closing achievement gaps
- Yellow: Less ambitious goals but requires higher rates of growth from lower-performing subgroups
- Red: Same or similar rates of academic growth for all subgroups

4-Year Cohort High School Graduation Rate

- Green: 90% or more of students graduating by 2030
- Yellow: 85–89.9% of students graduating by 2030 or 90% or more graduating by 2031–39
- Red: Less rigorous goals and/or longer timeline than 2040

Extended-Year Cohort High School Graduation Rate

- Green: At least 3 percentage points higher than 4-year cohort rate goal
- Yellow: 1–2 percentage points higher than 4-year cohort rate goal
- Red: Goals are the same or state does not set goals for each cohort rate

English Language Proficiency

- Green: Accounts for initial age/grade or proficiency level in setting student targets with maximum timeline of no more than 6 years to achieve proficiency
- Yellow: Accounts for initial age/grade or proficiency level with maximum timeline of 7 years to achieve proficiency
- Red: Does not account for initial age/grade or proficiency level and/or sets maximum timeline of 8 or more years to achieve proficiency

ACCOUNTABILITY

Disaggregation of Student Subgroups

- Green: State does not use super-subgroup or uses it only in addition to disaggregated subgroups for school ratings and/or identifying schools for support
- Red: State uses super-subgroups instead of required subgroups for school ratings and/or identifying schools for support

N-Size

- Green: N-size for accountability of 15 or fewer students
- Yellow: N-size for accountability of 16–25 students
- Red: N-size for accountability of 26 or more students

School Quality and Student Success (SQSS) Indicator

- Green: Evidence-based statewide SQSS measures are disaggregated by student subgroup
- Yellow: Inconclusive evidence for SQSS measures or significant measures are in development but still statewide and disaggregated by student subgroup
- Red: No evidence for SQSS measures and/or not statewide or disaggregated by student subgroup

High School Graduation Rate

- Green: Exclusively uses or gives more weight to 4-year cohort graduation rate
- Yellow: Uses 4- and extended-year cohort rates and weights 4-year rate equally or less than other rates
- Red: Does not use 4-year cohort rate or uses another unlawful graduation rate calculation

Weighting of Academic Indicators

- Green: 75% or more weight on academic indicators
- Yellow: 50–74% weight on academic indicators
- Red: Less than 50% weight on academic indicators or weight is unclear in plan

Testing Participation Rates

- Green: No credit for untested students or similarly rigorous consequences
- Yellow: Less rigorous consequences that have limited implications for accountability
- Red: Does not specify consequences for untested students

Inclusion of Subgroup Performance

- Green: Schools receive lower rating if they have a struggling subgroup or subgroup performance is an independent and substantial portion of rating index
- Yellow: Subgroups have lesser but still meaningful effect on a school's rating
- Red: Subgroups have little to no effect on a school's rating

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

- Green: Definition is meaningfully different from "low performing" and triggers targeted intervention based on 2 or fewer indicators
- Yellow: Definition is meaningfully different from "low performing" and triggers targeted intervention based on 3 or more indicators
- Red: Definition is not meaningfully different from statutory definition of "low performing" or does not comply with ESSA

High School Graduation Rate Used to Identify Schools for Comprehensive Support

- Green: 4-year cohort graduation rate
- Yellow: 5-year cohort graduation rate
- Red: 6-year (or longer) cohort graduation rate

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AN ANALYSIS OF LOUISIANA'S ESSA PLAN

This dashboard analyzes Louisiana's plan under the Every Student Succeeds Act (ESSA), specifically its commitment to equity and excellence and its compliance with the law. This analysis is not all-encompassing but rather focuses on the indicators most essential for advancing equitable educational opportunities for all students. Louisiana submitted its plan on May 3, 2017; full text is available at https://ed.gov/admins/lead/account/stateplan17/lacsa2017.pdf. View ESSA equity dashboards for other states at www.all4ed.org/essa.



LONG-TERM GOALS

Academic Achievement

Green — More than doubles achievement levels for most underserved students on rigorous timeframe (63.5% of students proficient in reading and 56.5% of students proficient in math by 2025)

Academic Achievement by Student Subgroup

Green — Same long-term goals for each subgroup

4-Year Cohort High School Graduation Rate

Green — 90% of students graduating by 2025

English Language Proficiency

Yellow — Accounts for students' initial proficiency level in setting student goals with a maximum of 7 years to attain proficiency

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

Yellow — A school with a student subgroup performing at a level equal to an "F" on the multi-indicator rating system will be identified for targeted support

High School Graduation Rate Used to Identify Schools for Comprehensive Support

Green — 4-year cohort graduation rate

NOTE

Achievement levels for Latino students would increase by 25.5 percentage points in reading and 23.5 percentage points in math

CONCERN

Performance of Black students would increase at a slower rate

BONUS

Maximum years to proficiency is differentiated by initial level of proficiency

BONUS

Schools with excessive out-of-school discipline will be identified for targeted support

ACCOUNTABILITY

Disaggregation of Student Subgroups

Green — Disaggregates subgroups by race, ethnicity, income, English language proficiency, and disability status

N-Size

Green — 10 students

School Quality and Student Success (SQSS) Indicator

Green — Dropout credit accumulation index measures credit accumulation in 9th grade; strength of diploma index awards points for students' success in rigorous course work; interest and opportunities indicator will measure student access to a well-rounded education (still in development)

BONUS

Strength of diploma index provides incentive for college and career readiness

High School Graduation Rate

Green — Uses the 4-year cohort graduation rate

Weighting of Academic Indicators

Green — 95% weight in all grades

Testing Participation Rates

Green — No credit for untested students

Inclusion of Student Subgroup Performance

Green — Schools identified for targeted intervention cannot receive an "A" rating

ALLIANCE FOR EXCELLENT EDUCATION

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LONG-TERM GOALS

Academic Achievement

- Green: 75% or more of all students proficient on statewide assessments by 2030 or equivalently rigorous goal
- Yellow: 60–74.9% of all students proficient by 2030 or 75% or more proficient by 2031–39 or equivalently rigorous goal
- Red: Less rigorous goals and/or longer timeline than 2040

Academic Achievement by Student Subgroup

- Green: Same long-term goals for each subgroup or similarly ambitious commitment to closing achievement gaps
- Yellow: Less ambitious goals but requires higher rates of growth from lower-performing subgroups
- Red: Same or similar rates of academic growth for all subgroups

4-Year Cohort High School Graduation Rate

- Green: 90% or more of students graduating by 2030
- Yellow: 85–89.9% of students graduating by 2030 or 90% or more graduating by 2031–39
- Red: Less rigorous goals and/or longer timeline than 2040

Extended-Year Cohort High School Graduation Rate

- Green: At least 3 percentage points higher than 4-year cohort rate goal
- Yellow: 1–2 percentage points higher than 4-year cohort rate goal
- Red: Goals are the same or state does not set goals for each cohort rate

English Language Proficiency

- Green: Accounts for initial age/grade or proficiency level in setting student targets with maximum timeline of no more than 6 years to achieve proficiency
- Yellow: Accounts for initial age/grade or proficiency level with maximum timeline of 7 years to achieve proficiency
- Red: Does not account for initial age/grade or proficiency level and/or sets maximum timeline of 8 or more years to achieve proficiency

ACCOUNTABILITY

Disaggregation of Student Subgroups

- Green: State does not use super-subgroup or uses it only in addition to disaggregated subgroups for school ratings and/or identifying schools for support
- Red: State uses super-subgroups instead of required subgroups for school ratings and/or identifying schools for support

N-Size

- Green: N-size for accountability of 15 or fewer students
- Yellow: N-size for accountability of 16–25 students
- Red: N-size for accountability of 26 or more students

School Quality and Student Success (SQSS) Indicator

- Green: Evidence-based statewide SQSS measures are disaggregated by student subgroup
- Yellow: Inconclusive evidence for SQSS measures or significant measures are in development but still statewide and disaggregated by student subgroup
- Red: No evidence for SQSS measures and/or not statewide or disaggregated by student subgroup

High School Graduation Rate

- Green: Exclusively uses or gives more weight to 4-year cohort graduation rate
- Yellow: Uses 4- and extended-year cohort rates and weights 4-year rate equally or less than other rates
- Red: Does not use 4-year cohort rate or uses another unlawful graduation rate calculation

Weighting of Academic Indicators

- Green: 75% or more weight on academic indicators
- Yellow: 50–74% weight on academic indicators
- Red: Less than 50% weight on academic indicators or weight is unclear in plan

Testing Participation Rates

- Green: No credit for untested students or similarly rigorous consequences
- Yellow: Less rigorous consequences that have limited implications for accountability
- Red: Does not specify consequences for untested students

Inclusion of Subgroup Performance

- Green: Schools receive lower rating if they have a struggling subgroup or subgroup performance is an independent and substantial portion of rating index
- Yellow: Subgroups have lesser but still meaningful effect on a school's rating
- Red: Subgroups have little to no effect on a school's rating

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

- Green: Definition is meaningfully different from "low performing" and triggers targeted intervention based on 2 or fewer indicators
- Yellow: Definition is meaningfully different from "low performing" and triggers targeted intervention based on 3 or more indicators
- Red: Definition is not meaningfully different from statutory definition of "low performing" or does not comply with ESSA

High School Graduation Rate Used to Identify Schools for Comprehensive Support

- Green: 4-year cohort graduation rate
- Yellow: 5-year cohort graduation rate
- Red: 6-year (or longer) cohort graduation rate

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AN ANALYSIS OF NEW MEXICO'S ESSA PLAN

This dashboard analyzes New Mexico's plan under the Every Student Succeeds Act (ESSA), specifically its commitment to equity and excellence and its compliance with the law. This analysis is not all-encompassing but rather focuses on the indicators most essential for advancing equitable educational opportunities for all students. New Mexico submitted its plan on April 11, 2017; full text is available at https://ed.gov/admins/lead/account/stateplan17/nmcsa2017.pdf. View ESSA equity dashboards for other states at www.all4ed.org/essa.

ESSA EQUITY DASHBOARD

NEW MEXICO

LONG-TERM GOALS

Academic Achievement

Green — 64.9% of students proficient in reading and 61.2% of students proficient in math by 2022

Academic Achievement by Student Subgroup

Green — Although goals differ by subgroup, every subgroup has a goal that more than doubles the group's math and reading proficiency rates within 5 years

4-Year Cohort High School Graduation Rate

Green — 85% of students graduating by 2022

Extended-Year Cohort High School Graduation Rate

Green — 5-year cohort graduation rate goal of 88%
6-year cohort graduation rate goal of 90%

English Language Proficiency

Green — Accounts for students' initial grade and proficiency level in setting student goals with maximum of 5 years to attain proficiency

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

Green — Identifies schools based on achievement gaps in reading and math between one or more student subgroups and students outside that subgroup

High School Graduation Rate Used to Identify Schools for Comprehensive Support

Green — 4-year cohort graduation rate

BONUS

Goals tied to comprehensive, evidence-based strategy called "Route 66"

! CONCERN

Reporting for [illegible] subgroups, [illegible] underperforming schools, and [illegible] schools [illegible]

ACCOUNTABILITY

Disaggregation of Student Subgroups

Green — Disaggregates subgroups by race, ethnicity, income, English language proficiency, and disability status

N-Size

Green — No minimum for growth and proficiency

NOTE

Reporting n-size of 20 to protect student privacy

School Quality and Student Success (SQSS) Indicator

Yellow — Chronic absenteeism, college and career readiness (to include college remediation and persistence rates), and "Opportunity-to-Learn Survey"; latter two are in development

High School Graduation Rate

Green — Gives triple the weight to 4-year cohort rate compared to 5-year cohort rate, and six times the weight to 4-year cohort rate compared to 6-year cohort rate

Weighting of Academic Indicators

Green — 90% weight in all grades

Testing Participation Rates

Green — Enrolled but untested students count in denominator of participation rate calculation; schools that do not meet required 95% participation rate in reading or math will have their letter grades reduced by one grade

Inclusion of Student Subgroup Performance

Red — Subgroups are not explicitly included in rating system, and growth of students in lowest quartile accounts for only 15% of a school's rating

ALLIANCE FOR EXCELLENT EDUCATION

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LONG-TERM GOALS

Academic Achievement

- Green: 75% or more of all students proficient on statewide assessments by 2030 or equivalently rigorous goal
- Yellow: 60–74.9% of all students proficient by 2030 or 75% or more proficient by 2031–39 or equivalently rigorous goal
- Red: Less rigorous goals and/or longer timeline than 2040

Academic Achievement by Student Subgroup

- Green: Same long-term goals for each subgroup or similarly ambitious commitment to closing achievement gaps
- Yellow: Less ambitious goals but requires higher rates of growth from lower-performing subgroups
- Red: Same or similar rates of academic growth for all subgroups

4-Year Cohort High School Graduation Rate

- Green: 90% or more of students graduating by 2030
- Yellow: 85–89.9% of students graduating by 2030 or 90% or more graduating by 2031–39
- Red: Less rigorous goals and/or longer timeline than 2040

Extended-Year Cohort High School Graduation Rate

- Green: At least 3 percentage points higher than 4-year cohort rate goal
- Yellow: 1–2 percentage points higher than 4-year cohort rate goal
- Red: Goals are the same or state does not set goals for each cohort rate

English Language Proficiency

- Green: Accounts for initial age/grade or proficiency level in setting student targets with maximum timeline of no more than 6 years to achieve proficiency
- Yellow: Accounts for initial age/grade or proficiency level with maximum timeline of 7 years to achieve proficiency
- Red: Does not account for initial age/grade or proficiency level and/or sets maximum timeline of 8 or more years to achieve proficiency

ACCOUNTABILITY

Disaggregation of Student Subgroups

- Green: State does not use super-subgroup or uses it only in addition to disaggregated subgroups for school ratings and/or identifying schools for support
- Red: State uses super-subgroups instead of required subgroups for school ratings and/or identifying schools for support

N-Size

- Green: N-size for accountability of 15 or fewer students
- Yellow: N-size for accountability of 16–25 students
- Red: N-size for accountability of 26 or more students

School Quality and Student Success (SQSS) Indicator

- Green: Evidence-based statewide SQSS measures are disaggregated by student subgroup
- Yellow: Inconclusive evidence for SQSS measures or significant measures are in development but still statewide and disaggregated by student subgroup
- Red: No evidence for SQSS measures and/or not statewide or disaggregated by student subgroup

High School Graduation Rate

- Green: Exclusively uses or gives more weight to 4-year cohort graduation rate
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Weighting of Academic Indicators

- Green: 75% or more weight on academic indicators
- Yellow: 50–74% weight on academic indicators
- Red: Less than 50% weight on academic indicators or weight is unclear in plan

Testing Participation Rates

- Green: No credit for untested students or similarly rigorous consequences
- Yellow: Less rigorous consequences that have limited implications for accountability
- Red: Does not specify consequences for untested students

Inclusion of Subgroup Performance

- Green: Schools receive lower rating if they have a struggling subgroup or subgroup performance is an independent and substantial portion of rating index
- Yellow: Subgroups have lesser but still meaningful effect on a school's rating
- Red: Subgroups have little to no effect on a school's rating

SUPPORT AND INTERVENTION

Definition of "Consistently Underperforming" Used to Identify Schools for Targeted Support

- Green: Definition is meaningfully different from "low performing" and triggers targeted intervention based on 2 or fewer indicators
- Yellow: Definition is meaningfully different from "low performing" and triggers targeted intervention based on 3 or more indicators
- Red: Definition is not meaningfully different from statutory definition of "low performing" or does not comply with ESSA

High School Graduation Rate Used to Identify Schools for Comprehensive Support

- Green: 4-year cohort graduation rate
- Yellow: 5-year cohort graduation rate
- Red: 6-year (or longer) cohort graduation rate

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ALLIANCE FOR
EXCELLENT EDUCATION

Statement for the Record
to the
Senate Committee on Health, Education, Labor and Pensions
Hearing on
The Every Student Succeeds Act: Unleashing State Innovation
October 3, 2017

Chairman Alexander, Ranking Member Murray, and distinguished Members of the Committee:

The Alliance for Excellent Education (the Alliance) appreciates the opportunity to provide this written statement for the record of the October 3, 2017, hearing on *The Every Student Succeeds Act: Unleashing State Innovation.* The Alliance is a nonprofit organization dedicated to ensuring that every child graduates ready for college, a career, and citizenship.

This is an important hearing to hold as states submit and finalize their plans to implement ESSA. Staff at the Alliance have reviewed the state plans submitted to the U.S. Department of Education (ED) during the April submission deadline and are currently reviewing the plans submitted in September. In light of that review, we would like to highlight three core themes that are important to reflect upon as ESSA implementation is analyzed:

1. ESSA is a civil rights law with equity-focused requirements that must be implemented and enforced.

2. ESSA preserves the limited but critical role of the federal government. While the Alliance would like to see ED go further in enforcing the equity guardrails included in ESSA, we appreciate that ED is carrying out its oversight role as required under the law when responding to proposed ESSA state plans.

3. The quality of approved ESSA state plans is uneven. There are certainly some strengths, but there are missed opportunities and many weaknesses, including proposals that are inconsistent with the law.

ESSA's Equity-Focused Requirements

ESSA is fundamentally a civil rights law with many federal requirements designed to promote educational equity and prepare all students for postsecondary education and the workforce. ESSA provides states with significant flexibility when it comes to *how* they achieve equity and excellence, but ESSA is not a blank check. Both states and ED must implement and enforce all of ESSA's equity-focused requirements. See Appendix A for specific examples of these requirements.

There have been positive results when the federal government has focused on equity in education. For example, ED has been a driving force in the improvement of the nation's high school graduation rate by implementing federal regulations issued under the administration of President George W. Bush to get schools, districts, and states to focus on the problem, set graduation rate goals, and hold themselves accountable over time for achieving them. According to the 2017 *Building a Grad Nation* report, the national high school graduation rate is at an all-time high. All told, 2.8 million more students have graduated from high school since 2001 and gaps in graduation rates between groups of students have narrowed.[1]

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[1] For more information, see Figure 1, page 15; Appendix C, pages 48–9; Appendix D, page 50; and Appendix F, page 54 in J. DePaoli, J. Bridgeland, and R. Balfanz, *Building a Grad Nation: Progress and Challenge in Raising High School Graduation Rates* (Washington, DC: Civic Enterprises and Everyone Graduates Center at the School of

While this is promising, the nation will be unable to continue this trend without doubling down on efforts to close gaps among the students who have historically faced the greatest challenges—students from low-income families, African American and Hispanic/Latino students, students with disabilities, Native students, and English learners. This is critical because, although progress has been made, substantial gaps remain. (See Appendix B for information on graduation rate gaps in each state.)

In addition, the nation must improve the low-graduation-rate high schools that disproportionately enroll historically underserved students (see Appendix C for the number of low-graduation-rate high schools in each state).[2] As states move forward with ESSA implementation plans, it is essential that ED ensures states implement ESSA's requirement for comprehensive support and improvement in high schools that fail to graduate one-third or more of their students.

ESSA Preserves the Limited but Critical Role of the Federal Government

There are many organizations working to decipher what is in state plans and provide the public with digestible information about them. The Alliance for Excellent Education, for example, produced ESSA Equity Dashboards that provide a red, yellow, or green determination on thirteen equity-focused requirements. We have submitted the ESSA Equity Dashboards that are currently available as part of this written testimony (See Appendices D–H). They are also available at http://all4ed.org/essa/essa-in-your-state/. The remaining dashboards for states that submitted their plans in April and have had their plans approved by ED will be available in October. In addition, Bellwether Education Partners and the Collaborative for Student Success led the Check State Plans project (www.checkstateplans.org), a non-governmental peer review process that analyzes state plans and makes information on their strengths and weaknesses available to the public. In the absence of regulations and guidance from ED, states are looking to organizations like the Alliance for input and insight on best practices and evidence-based strategies to address the needs of their student population.

The Alliance wants to be clear that this is not about whether we trust states. The Alliance is fortunate to be working with many education state leaders and we know they are committed to kids. The fact remains that, while many people and organizations outside of government are reviewing and commenting on ESSA plans, only ED has the statutory authority and responsibility to review the plans and ensure they comply with the law that this committee wrote.

When Congress enacted ESSA, it preserved the limited but critical role of the federal government in ensuring all children have access to a high-quality education. Again, while the Alliance would like to see ED go further in its feedback to states, we appreciate that ED is carrying out its oversight role as required under the law and in some cases, this oversight has resulted in improved state policies.

Education at John Hopkins University School of Education, 2017), https://gradnation.americaspromise.org/report/2017-building-grad-nation-report (accessed July 12, 2017).

[2] For more information, see Figure 6, page 28 in J. DePaoli et al., *Building a Grad Nation.*

For example, in two states, their original ESSA plans proposed combining student subgroup performance together into "supersubgroups" for the purposes of identifying schools with "consistently underperforming" subgroups for targeted support and improvement. This proposal, however, could limit support for historically underserved students. As required by ESSA, ED appropriately required each subgroup to be included in these state plans before they were approved. Additionally, states must annually measure the achievement of 95% of all students and 95% of all students in each subgroup and must provide a clear and understandable explanation of how the states will factor this requirement into their statewide accountability system (ESSA Sec. 1111(c)(4)(E)). One state's original ESSA plan stated the participation rate would not factor into a school's summative rating. ED also appropriately required this state to include the participation rate in their accountability system before their plan was approved.

The Quality of Approved ESSA State Plans Is Uneven

ED has approved ESSA state plans for sixteen states and the District of Columbia. The quality of these approved ESSA state plans is quite uneven. There are certainly some strengths, but there are missed opportunities and many weaknesses, including proposals that violate the statute and spirit of the law:

Goals

While states have set high goals for achievement and high school graduation rates, performance against these goals is rarely included in their accountability systems as required under ESSA (ESSA Sec. 1111(c)(4)(B)(i)). Moreover, while goals must be set for student proficiency in reading and math (ESSA Sec. 1111(c)(4)(A)(i)(I)(aa)), at least one state uses an index that does not specify a goal for the percentage of students to be proficient in reading and math.

Supporting Historically Underserved Students

ESSA requires states to identify three sets of schools for support and improvement: schools with overall low performance (i.e., bottom 5 percent and high schools with a graduation rate at or below 67 percent; ESSA Sec. 1111(c)(4)(D)); schools with one or more "consistently underperforming" subgroup (ESSA Sec. 1111(c)(4)(C)(iii)); and *additional* schools with one or more subgroup performing at or below the state's lowest-performing 5 percent of schools (ESSA Sec. 1111(d)(2)(C)). Yet, when it comes to defining schools with one or more consistently underperforming subgroup and additional schools with one or more subgroup performing at or below the state's lowest-performing 5 percent of schools, four states use essentially the same definition for both sets of schools, thereby liming the number of students and schools that will receive support. Moreover, two states set very vague definitions for "consistently underperforming," leaving it unclear how schools will be identified for support.

Student Subgroup Performance in Accountability Systems

ESSA also requires states to measure each of their indicators "separately for each subgroup of students" (ESSA, Sec. 1111(c)(4)(B)) for accountability purposes. The annual differentiation of schools must be based on all indicators in a state accountability system for all students and for each subgroup (ESSA Sec. 1111(c)(4)(C)). Many states propose systems that will give schools

ratings, but subgroup performance does not factor into these ratings as envisioned under the law in at least three states. What this means is that schools can receive an "A," even though African American students, Latino students, or other historically underserved groups are under-performing.

To be very clear, this is not a hypothetical situation. A report from The Education Trust provides an example of a state where, in schools that received an "A," only 58 percent of African American students were proficient in reading.[3]

95 Percent Test Participation Rate

Additionally, ESSA requires 95 percent of all students and 95 percent of all students in each subgroup to participate in statewide assessments so that low-performing students are not encouraged to be absent on test day. States are required to incorporate this policy into their accountability systems (ESSA Sec. 1111(c)(4)(E)), yet the degree to which this is meaningfully happening varies considerably across state plans.

High School Graduation Rates

ESSA requires states to include the four-year graduation rate in their accountability systems because the ultimate goal of the K–12 education system is for students to graduate from high school prepared for postsecondary education and the workforce. There is a long history of inaccurate calculations being used to mask low graduation rates, which is why ESSA is explicit about the use of the four-year adjusted cohort graduation rate, even going so far as to provide a definition for the calculation that specifies that GEDs or similar "lesser credentials" are not to be included in the graduate rate calculation (ESSA Sec. 8101(43)). Nonetheless, at least two states include other measures of high school graduation within their accountability systems.

Innovation

While ESSA's flexibility was intended to unleash creativity and innovation, this by and large has not happened. We hoped to see policies that promote critical thinking and problem solving, what some refer to as "deeper learning," not just memorization and test-taking skills. However, state plans thus far would be more accurately characterized as cautious, not courageous. That said, there are a few notable exceptions:

- Tennessee allocates 40 percent of its accountability index to student subgroup performance. This is considerably more than most states.
- Louisiana is raising expectations for its students and ensuring that an "A" rating reflects the level of performance that one would expect of an "A" school. Louisiana also incorporates a "strength of diploma" indicator in its accountability system to incentivize preparation for postsecondary education and the workforce.

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[3] N. Ushomirsky, D. Williams, and D. Hall, *Making Sure All Children Matter: Getting School Accountability Signals Right* (Washington, DC: Education Trust, 2014), https://edtrust.org/resource/making-sure-all-children-matter-getting-school-accountability-signals-right/ (accessed July 14, 2017).

- Delaware and Illinois are examples of states that incorporate the percentage of ninth-grade students who are on track for on-time graduation. This is an indicator demonstrated by research to accurately predict high school graduation rates and will incentivize early intervention to increase graduation rates.[4]
- Several states (Arizona, Connecticut, Delaware, Illinois, Louisiana, Massachusetts, Michigan, New Mexico, Vermont) propose to include measures of college and career readiness in their accountability system (e.g., access to and performance in rigorous course work).
- New Mexico has the most aggressive academic achievement goals of any state that has submitted a state plan thus far. Every subgroup will more than double its proficiency rate on state assessments within five years, and some subgroups will grow much faster.

Conclusion

It is paramount that we work together to support states in developing their ESSA plans because these plans are more than just a bureaucratic exercise in compliance. State ESSA plans outline a state's vision, strategy, and commitment to children, parents, teachers, school leaders, employers, and the public writ large regarding how they will ensure all students have access to an education that is characterized by equity and excellence.

Considering that nearly two-thirds of the nation's jobs will require at least some postsecondary education by the year 2020,[5] it is not hyperbole to suggest that ESSA implementation is at the heart of the nation's economic success. We can either step on the gas or put on the brakes. By maintaining a commitment to equity, enforcing ESSA's requirements, and strengthening the investment in education, the nation can ensure that every child in America graduates from high school prepared for the competitive economy that lies ahead.

Thank you again for the opportunity to submit this testimony.

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[4] For more information see the University of Chicago's To & Through Project at https://toandthrough.uchicago.edu/.
[5] A. Carnevale, N. Smith, and J. Strohl, *Recovery: Job Growth and Education Requirements Through 2020* (Washington, DC: Georgetown University Center on Education and the Workforce, 2013), https://cew.georgetown.edu/wp-content/uploads/2014/11/Recovery2020.ES_.Web_.pdf.

Appendix A: Equity-Focused Requirements in the Every Student Succeeds Act

Long-term goals and measurements of interim progress

Section 1111(c)(4)(A) requires each State to establish ambitious long-term goals and measurements of interim progress toward those goals for academic achievement and high school graduation rates for all students and *each subgroup of students*.

Accountability indicators

Section 1111(c)(4)(B) requires each state to include multiple indicators of student performance in its statewide accountability system. These indicators must be annually measured for all students and separately for *each subgroup of students* for each school in the state. The required indicators include: student scores on annual assessments; English language proficiency; at least one indicator of school quality or student success; for elementary and middle schools, a measure of student growth or other academic indicator; and for high schools, graduation rates.

Participation in assessments

Section 1111(c)(4)(E) requires each State to annually measure the achievement of not less than 95 percent of all students and 95 percent of all students in *each subgroup of students* on the statewide assessments in reading/language arts and mathematics. Each State must also factor this requirement into its statewide accountability system.

Subgroups of students

Section 1111(c)(2) *requires the following subgroups of students to be included* in a statewide accountability system: economically disadvantaged students; students from major racial and ethnic groups; children with disabilities; and English learners.

Disaggregation of student data (n-size)

Section 1111(c)(3) requires each State to determine, in consultation with stakeholders, a minimum number of students ("n-size") to be used for accountability and reporting purposes. The n-size must be the same for all students and for *each subgroup of students*.

Comprehensive support and improvement schools

Section 1111(c)(4)(D) requires each State to establish a methodology based on the system for annual meaningful differentiation to identify public schools for comprehensive support and improvement beginning with the 2017-18 school year, and at least once every three years thereafter. Comprehensive support and improvement schools include: the lowest-performing five percent of all Title I schools in the State; any public high school in the State failing to graduate one-third or more of its students; and Title I schools with a consistently underperforming student subgroup performing at the level of the lowest-performing five percent of Title I schools that has failed to improve after implementation of a targeted support and improvement plan.

Targeted support and improvement schools

Section 1111(c)(4)(C)(iii) and Section 1111(d)(2)(A)(i) require each state to use its system for annual meaningful differentiation to identify public schools in which *any*

subgroup of students is consistently underperforming, as determined by the state, for targeted support and improvement.

In addition, Section 1111(d)(2)(C) requires the identification of public schools with a subgroup performing at the level of the lowest-performing five percent of Title I schools for targeted support and improvement.

RESPONSES BY DR. CANDICE MCQUEEN TO QUESTIONS OF SENATOR MURRAY, AND SENATOR FRANKEN

SENATOR MURRAY

Question 1. I have heard concerns about ED's inconsistent implementation of ESSA from stakeholders around the country. I would like each of you to name one thing that the Department of Education could be doing better during the state plan approval process and as the implementation process continues.

Answer 1. Throughout the plan development process, ED, and in particular the Office of State Support, offered assistance and demonstrated a willingness to provide clarifications and address Tennessee's specific questions. This support was focused on the components of the plan that were peer reviewed. Subsequently, we were contacted separately by individual program leads at ED to provide and/or request additional information on other sections of the plan, including McKinney-Vento and Migrant Education.

One way in which ED could provide more consistent support for the implementation of ESSA would be to host scheduled calls with states to address questions or concerns with the aforementioned sections collectively—rather than states receiving piecemeal feedback from individual offices. In Tennessee's ESSA plan, these components were integrated in multiple parts of our plan, and receiving more systematic feedback would have been beneficial to Tennessee, as well as for other states.

Additionally, Tennessee would like to commend the OSS as being most helpful as we neared the end of the approval process. We appreciated their outreach and commitment to moving our plan through the final steps of approval.

SENATOR FRANKEN

Question 1. To the Panel, foster kids will sometimes change homes and schools 10, 11, 12 times-or even more times throughout their childhood. Very often, school may be the only constant in a child's life. They might have a teacher they love, a sport they play, or club they're involved with. Or maybe, maybe they have these things called friends. If a kid wants to stay in the same school, he/she should be able to.

That's why I wrote a bipartisan provision with Republican Senator Chuck Grassley from Iowa in the new education reform law-the Every Student Succeeds Act-to require school districts to work with child welfare agencies to make sure that foster children who are changing homes are not forced to change schools. After 6 years, I'm pleased that we were able to get this done and help foster kids stay in the same school if it's in their best interest.

Now, in ESSA, school districts and child welfare agencies were required to collaborate and develop a plan to pay for transportation by December 10, 2016. I am concerned about implementation with this important requirement that affects our Nation's most vulnerable young people.

Can you please update me on your state's implementation of this requirement, including how school districts and child welfare agencies are collaborating to pay for transportation for children in foster care?

Answer 1. During the 2016–17 school year, all districts across Tennessee were notified on multiple occasions and through multiple channels of the changes surrounding children in foster care and educational stability requirements. The modes of delivery included official memos from the department and several in-person trainings. After the initial notification, each district identified its foster care point of contact and submitted written procedures for ensuring that a child has the opportunity to remain in his or her school of origin. These plans were submitted via the department's online planning and grants management system as part of the district's consolidated application for Federal funds. Tennessee's foster care point of contact participated in the review process and approved each district's submission.

Districts were required to include specific procedures within their plan for collaborating with the Department of Children Services (DCS) to determine how additional transportation costs will be funded. Many districts have opted to set aside a portion of their Title I funds to cover such costs. Districts were required to indicate this, and the corresponding set aside amount, in their funding application which was reviewed at multiple levels by TDOE personnel. In addition, in a memo sent by the Commissioner of DCS, the child welfare agency agreed to provide transportation during the five school days from the time the Educational Specialist notifies the LEA's point of contact until the Best Interest Determination meeting is held and up to five additional days after the meeting.

Formal monitoring conducted by the Office of Consolidated Planning and Monitoring at the TDOE includes an examination of the foster care requirements. To date, there have been no findings of non-compliance related to foster care. TDOE has also assigned regional consultants across the State to support districts in the development and implementation of their foster care plans to ensure quality practices are utilized. These regional consultants collaborate frequently with DCS to provide stability for students in foster care and to ensure students receive educational services that are in their best interest. Further, the department will be identifying and sharing best practices to districts across our state. Tennessee has demonstrated its commitment to All Means All in our ESSA state plan, which includes a commitment to serve students in foster care.

RESPONSES BY MR. JOHN WHITE TO QUESTIONS OF SENATOR MURRAY, AND SENATOR FRANKEN

SENATOR MURRAY

Question 1. I have heard concerns about ED's inconsistent implementation of ESSA from stakeholders around the country. I would like each of you to name one thing that the Department of Education could be doing better during the State plan approval process and as the implementation process continues.

Answer 1. The U.S. Department of Education provided Louisiana with specific citations from ESSA to support any feedback during the process of developing the State plan. This has been helpful to our state in ensuring that applications are complete and meet the requirements of the law in order to obtain approval. We would encourage this practice to continue.

SENATOR FRANKEN

Question 1. To the Panel, foster kids will sometimes change homes and schools 10, 11, 12 times-or even more times throughout their childhood. Very often, school may be the only constant in a child's life. They might have a teacher they love, a sport they play, or club they're involved with. Or maybe, maybe they have these things called friends. If a kid wants to stay in the same school, he/she should be able to.

Answer 1. That's why I wrote a bipartisan provision with Republican Senator Chuck Grassley from Iowa in the new education reform law-the Every Student Succeeds Act-to require school districts to work with child welfare agencies to make sure that foster children who are changing homes are not forced to change schools. After 6 years, I'm pleased that we were able to get this done and help foster kids stay in the same school if it's in their best interest.

Now, in ESSA, school districts and child welfare agencies were required to collaborate and develop a plan to pay for transportation by December 10, 2016. I am concerned about implementation with this important requirement that affects our Nation's most vulnerable young people.

Can you please update me on your state's implementation of this requirement, including how school districts and child welfare agencies are collaborating to pay for transportation for children in foster care?

In summer 2016, the Louisiana Department of Education (LDOE) appointed a designated Foster Care Point of Contact to work with the Louisiana Department of Children and Family Services (DCFS) and local education agencies in support of foster care children across Louisiana. The two state agencies met several times to review and interpret ESSA, draft a data sharing memorandum of understanding, jointly present at state educational conferences, and jointly created guidance documents for LEAs to better support foster care children as they work to implement the new Federal law. That guidance addressed transportation plans as well as other decision points that need to be made as foster care children transition.

The LDOE compiled a list of Foster Care Points of Contact for each LEA in December 2016 and shared that list with DCFS, which also provided to LDOE and LEAs a listing of regional state agency contacts for foster care throughout the State. Going forward, in order for LEAs to complete their state application for Federal funding each year, they will be required to update their foster care point of contact information and provide assurance that the LEA has developed, jointly with their local DCFS contact, a transportation plan for foster care children.

Attached please find two documents:

1. Foster Care Educational Stability Overview
2. Louisiana Transportation Plan Guidance for Foster Care Students

[The following information can be found on pages 54 and 55]

RESPONSES BY MR. CHRISTOPHER RUSZKOWSKI TO QUESTIONS OF SENATOR MURRAY, AND SENATOR FRANKEN

SENATOR MURRAY

Question 1. ESSA contains many Federal guardrails that states must comply with to receive Title I funding. To help ensure states meet these guardrails, the Department of Education must engage in robust monitoring of states' implementation of their ESSA plans. What do you think are the most important things for the Department to look at as they undertake this monitoring in order to ensure states are meeting their obligations under Federal law?

Answer 1. There will be states that abuse the flexibility that ESSA has provided, both short-term and long-term, and notably when entrenched special interest groups put state or district leaders in a stranglehold on issues of accountability.

It is a critical function of the U.S. Department of Education to ensure that states are meeting both the letter and spirit of the Federal law, particularly for states without a strong track record of higher standards and meaningful accountability. Without strong oversight and monitoring the State Plans submitted and approved by the Department could easily fall off-track. USED should closely monitor the things we know drive student achievement: school accountability, teacher quality, and standards/assessments.

In the monitoring of all states, the Department should be looking to see that each State Plan is being fully implemented with fidelity and that student achievement and student growth are on the rise as a result. If not, feedback should be given and adjustments made.

Question 2. I have heard concerns about ED's inconsistent implementation of ESSA from stakeholders around the country. I would like each of you to name one thing that the Department of Education could be doing better during the State plan approval process and as the implementation process continues.

Answer 2. For those of us that have worked I States under multiple administrations at the Federal level, the plan approval process felt like business as usual. States should see their colleagues at USED as co-collaborators. The review and feedback process is par for the course-there's always a back-and-forth.

Given that New Mexico has built a strong foundation over the past 6 years that goes well beyond the legal requirements of ESSA, our process was relatively smooth. The only thing that comes to mind is to have received notification directly about our plan feedback before it was posted publicly. That said, New Mexico was one of the first states to submit a plan and we understand the process has evolved.

Feedback from USED is important-especially when it pushes states to raise the bar for kids. New Mexico believes the feedback received was fair and that there were places in our plan that required more specificity to fully comply with Federal law. Overall, this feedback strengthened our state's plan.

SENATOR FRANKEN

Question 1. To the Panel, foster kids will sometimes change homes and schools 10, 11, 12 times-or even more times throughout their childhood. Very often, school may be the only constant in a child's life. They might have a teacher they love, a sport they play, or club they're involved with. Or maybe, maybe they have these things called friends. If a kid wants to stay in the same school, he/she should be able to.

That's why I wrote a bipartisan provision with Republican Senator Chuck Grassley from Iowa in the new education reform law-the Every Student Succeeds Act-to require school districts to work with child welfare agencies to make sure that foster children who are changing homes are not forced to change schools. After 6 years, I'm pleased that we were able to get this done and help foster kids stay in the same school if it's in their best interest.

Now, in ESSA, school districts and child welfare agencies were required to collaborate and develop a plan to pay for transportation by December 10, 2016. I am concerned about implementation with this important requirement that affects our Nation's most vulnerable young people.

Can you please update me on your state's implementation of this requirement, including how school districts and child welfare agencies are collaborating to pay for transportation for children in foster care?

Answer 1. The New Mexico Public Education Department (PED) and New Mexico's Child Welfare Agency, Children, Youth and Families Department (CYFD) collaboratively developed a best interest determination (BID) process and form to be

utilized by the schools and CYFD when making the BID regarding the student's school of origin.

The BID addresses transportation and CYFD will be the final decisionmaker. Consequently, if the disagreement cannot be resolved at the local level, the PED has drafted guidelines for foster parent(s) regarding the dispute resolution process for resolving differences, including transportation.

During the state's 2017 legislative session, the state passed legislation to allow school districts to utilize SUVs to transport students to and from school. The State issued an emergency rule to allow this process to begin immediately and is updating the state regulation to incorporate the provisions regarding students in foster care and the dispute resolution process. The final rule is set to be in place in December 2017.

Attachments

Educational Stability Memorandum of Agreement

This Memorandum of Agreement (Agreement) is entered into by the Department of Human Services, _____ Department of Social Services (CWA) and _____Public Schools (LEA), collectively referred to as the "Parties" and individually as "Party". The Parties agree as follows:

I. PURPOSE

The purpose of this Agreement is to establish joint procedures by which the Parties will support the educational stability, school enrollment, transportation, and opportunity for school success of students in foster care, consistent with the requirements set forth in federal and State laws and regulations.

II. STATUTORY AUTHORITY

A. Every Student Succeeds Act, 20 U.S.C §6301 (ESSA)
B. Fostering Connections to Success and Increasing Adoptions Act, 20 U.S.C. §6312(c)(5) (Fostering Connections)
C. Family Educational Rights and Privacy Act, 20 U.S.C. §1232g (FERPA)
D. Education Article §7-101(b)(2)(ii)
E. Human Services Article §1-201(c)

III. BACKGROUND

Whereas, ESSA, Fostering Connections, FERPA, and related State laws and regulations require public school systems and local departments of social services to work together to support the educational stability and success of children in foster care; and

Whereas, these laws provide that when a student is initially placed in foster care or changes out-of-home placements, the student may remain in the school of origin and receive transportation to that school, unless changing schools is in the student's best interests; and

Whereas, if there is a determination that it is in the student's best interests to change schools, the student is entitled to enroll immediately in the school serving the out-of-home placement's geographic attendance area; and

Whereas, these laws also direct public school systems and local departments of social services to monitor and support the educational stability and success of students in foster care in other ways, including ensuring the prompt transfer of school records and the maintenance and sharing of school records in accordance with FERPA.

IV. DEFINITIONS

A. **Academic school year** – The period beginning on the first day of school for students in August or September and ending with the last day of school for students in June.

B. **Additional transportation costs** – The difference between what an LEA otherwise would spend to transport the student to the school serving the geographic attendance area of the out-of-home placement and what an LEA must spend to transport the student from the out-of-home placement to the school of origin.

C. **Best interests determination** – The CWA's decision regarding whether or not it is in the best interests of the student to remain in the school of origin or to transfer to a new school, taking into consideration the multiple factors specified in COMAR 07.02.11.12.

D. **Child welfare agency (CWA)** – Includes a local department of social services created or continued in a county or in Baltimore City under §3-201 of the Human Services Article, the Montgomery County government under §3-402 of the Human Services Article, and a local department of juvenile services.

E. **Enroll/Enrollment** – Attending classes and participating fully in school activities.

F. **Foster care** –

   a. 24 hour substitute care for children placed away from their parents or guardians and for whom the CWA has placement and care responsibility.
   b. Foster care includes, but is not limited to, placements in foster family homes, homes of relatives through kinship care, group facilities, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.
   c. Foster care does not include placement of a child in any of the following placements: a detention facility; a forestry camp; a training school; a State-owned and State-operated facility that accommodates more than 25 children; or any other facility operated primarily for the detention of children who are determined to be delinquent.

G. **Immediate** – As promptly as possible, without delay.

H. **LEA Foster Care Liaison** and **CWA Point of Contact (POC)** – The LEA and CWA staff people designated to work with the CWA and LEA, respectively, in connection with the identification, enrollment, and provision of support to students who are in foster care.

I. **Local education agency (LEA)** – Any of the 24 local public school systems in the State.

J. **Local zoned school** – School serving the catchment area of the student's out-of-home placement.

K. **Out-of-home placement** – Location where CWA places the child when in foster care.

L. **School of origin** – The school the student attended prior to placement or change of placement in out-of-home care or the school in which the child was last enrolled. School of origin also includes feeder schools the student has not yet attended, but was zoned to attend, public prekindergarten, and public charter schools.

V. DETERMINATION AND NOTIFICATION OF BEST INTERESTS DECISION

A. Basic Procedure

1. The CWA point of contact or caseworker will immediately notify the LEA Foster Care Liaison for the school of origin and also the LEA Foster Care Liaison of the local zoned school when a student is placed in foster care or a student's out-of-home placement changes.

2. This notification prompts the need for a best interests determination by the CWA in accordance with the provisions set forth below regarding whether the student will remain at the school of origin or whether the student will change schools.

3. For every student in an out-of-home placement, the presumption is that the student will remain in the school of origin so that the student may benefit from school stability and educational continuity.

4. The best interests determination must occur within five (5) business days of the student's placement in foster care or the change of the out-of-home placement.

5. The CWA shall seek the LEA's input in the best interests decision through the LEA Foster Care Liaison or other school of origin representative, such as a school counselor, classroom teacher, school social worker, school psychologist, pupil personnel worker, special education coordinator, coach, or other representative from an extracurricular activity in which the student is involved.

6. The CWA shall consider the student's preference in making the best interests decision, if appropriate.

7. The CWA shall make all reasonable efforts to include additional persons who are able to contribute relevant information to the best interests determination made under this section, unless doing so would create undue delay in placement. Individuals who have knowledge of the student may include, but not be limited to: the parent; current and prior custodians; the student's attorney; parent surrogate for educational decisions, if applicable; and any other significant person who has knowledge of the student.

8. Participation in the best interests determination process may occur through in-person meetings, phone calls, teleconferences, emails, or other electronic means.

9. The student shall remain enrolled in the school of origin until a best interests determination is made. The transportation of the student to the school of origin during that time period is the responsibility of the CWA.

B. Factors to Assess to Determine the Student's Best Interests for School Placement

In determining the student's best interests for school placement, the CWA shall, in consultation with the LEA, consider the factors set forth in COMAR 07.02.11.12, and as set forth in the **Best Interests Determination Form, School Enrollment of Student in Out of Home Placement (Best Interests Form)**, which is attached hereto.

C. Documentation and Notification

1. The caseworker shall document the best interests determination on the Best Interests Form and include a copy in the student's case file in the statewide automatic child welfare information system. Additional documentation in the case file should include the best interests factors considered, participants involved in the collaborative process, and the school placement decision.

2. Documentation of the best interests determination shall be maintained in both the CWA case file and the LEA student record.

3. Once the CWA makes the best interests determination, the CWA POC must notify the LEA Foster Care Liaison in the LEA serving the school of origin and the LEA serving the local zoned school (if different) of the decision.

D. Best Interests Determinations Made by the LEA Prior to December 10, 2017

1. If the LEA determined prior to December 10, 2017, that it was in the student's best interests to continue to attend the school of origin, the decision will remain in effect until the CWA determines that it is no longer in the student's best interests to attend the school of origin.

2. The LEA and CWA will follow the transportation procedures set forth in Section VII of this Agreement.

VI. SCHOOL ENROLLMENT IF IN THE STUDENT'S BEST INTERESTS TO ENROLL IN THE SCHOOL SERVING THE OUT-OF-HOME PLACEMENT'S GEOGRAPHIC ATTENDANCE AREA

A. After receiving notification from the CWA that it is not in the best interests of the student to remain at the school of origin, the LEA Foster Care Liaison of the local zoned school will alert the new school of the pending enrollment of the student.

B. The CWA caseworker, or another person who is authorized to enroll the student, must enroll immediately the student in the local zoned school serving the out-of-home placement.

C. The LEA serving that area must enroll the student immediately, even if the student does not have the entire school record at the time of enrollment. Only the following documentation is required at the time of enrollment:

1. Documentation that the child is in foster care, including:
   (a) The parts of the most recent court order establishing legal custody or a letter on the letterhead of the placement agency that has custody of the child explaining that the child is in foster care; and
   (b) A written statement of the address of the out-of-home placement. The written statement need not be in the form of a lease, utility bills, etc.

2. Identification of the person who is authorized to enroll the student, including:
   (a) Documentation that identifies the person as a CWA caseworker, or someone else authorized to enroll a child; and
   (b) Photo identification.

D. The local zoned school is responsible for promptly obtaining the student's education record from the school of origin. The CWA shall promptly present any additional required documentation after enrolling the student.

VII. TRANSPORTATION TO THE SCHOOL OF ORIGIN IF THE STUDENT REMAINS ENROLLED IN THE SCHOOL OF ORIGIN

A. The LEA will provide transportation to the student's school of origin during the academic year for the duration of the student's time in an out-of-home placement, as long as the CWA finds that it continues to be in the student's best interests to attend the school of origin. The LEA shall establish the most appropriate and cost-effective transportation for the student to remain enrolled there.

B. For students whose out-of-home placement is in a group facility, the CWA will advise the LEA if transportation to school is provided and funded by the facility.

C. Within two (2) school days of learning that, pursuant to the best interests decision, a student in foster care will remain enrolled in the school of origin, the LEA will advise the CWA of the transportation plan for the student.

D. The LEA will arrange and implement the student's transportation to the school of origin within five (5) school days of learning of the best interests decision.

E. The LEA will examine existing transportation options available for the student, including incorporating the student into an existing bus route, modifying an existing bus route, use of public buses, use of transportation routes provided through other school systems, and private transportation services.

F. The LEA will assess whether the student is entitled to transportation services under another entitlement, including as a related service under Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act, or some other locally funded program. If the student is entitled to receive transportation services through another entitlement, the LEA will provide and fund such transportation services.

G. When the LEA has exhausted all appropriate no-cost options and transportation of a student to the school of origin will require "additional costs," the CWA will assess and notify the LEA if resources are available for foster parents or other custodians to provide transportation with mileage reimbursement or other adult ride share to the LEA or to a stop on an LEA existing route.

H. The LEA will verify to the CWA that the transportation plan for a particular student is the most appropriate and cost-effective by completing the **Transportation Plan Form, Attending School of Origin form Out of Home Placement (Transportation Plan Form)**, which is attached hereto.

I. If the CWA determines that it is more cost effective for the CWA to arrange and implement transportation, and it chooses to assume such responsibility, the CWA will notify the LEA in writing of its decision. The LEA will document the arrangement on the Transportation Plan Form, which is attached hereto, and include the written notification from the CWA. The CWA will request reimbursement from the LEA for monies that the LEA would have otherwise spent on transportation.

J. In the five (5) school days during which the LEA is developing and implementing a transportation plan for the student to attend his or her school of origin, interim

transportation will be provided by the CWA. Interim transportation should be addressed during the best interests determination.

K. The CWA will reimburse the LEA for any additional costs incurred for the transportation of each student to that student's school of origin provided that the LEA produces a receipt proving such additional costs associated with each student, indicating clearly the period of time each student was transported to that student's school of origin.

L. The CWA will reimburse the LEA within thirty (30) calendar days of receipt of a proper invoice and supporting documentation.

M. The CWA will provide a contact for billing purposes, including a name, address, telephone number, and email address to ensure that invoices are directed to the proper individual and are paid promptly.

N. The LEA's superintendent or designee may allow a student who exits foster care (through adoption, guardianship, or reunification with a parent) before the end of an academic year and relocates to a home outside of the school of origin's catchment area to remain in the school of origin until the end of the academic year if requested by the student's parent or guardian, and so long as transportation is provided by the parent or guardian, or the LEA or CWA agrees, in writing, to provide and pay for the student's transportation.

VIII. INFORMATION SHARING AND CONFIDENTIALITY

Consistent with the requirements of FERPA, the LEA will provide information to the CWA relating to the school enrollment and school performance of students in foster care, including information relating to attendance, grades, and school disciplinary action. Such information sharing ensures that each student's educational needs are met and also improves the academic outcomes for these students. Pursuant to FERPA, the CWA has the authority to access the student's information without obtaining consent from the student in question or the student's parent. The CWA will re-disclose information only to the extent necessary to address the student's educational needs as provided in FERPA. Pursuant to §1-201(c) of the Human Services Article, all information shared between the Parties is strictly confidential and shall not be re-disclosed, divulged, nor made known to any other party, without appropriate authorization. Violation of this provision is subject to prosecution.

IX. TERM OF AGREEMENT

This Agreement shall be effective on the date it is fully executed and shall be effective for five (5) years from that date. The Parties may agree to modify the Agreement at anytime by written consent.

X. AMENDMENTS OR MODIFICATIONS

Each Party expressly reserves the right to alter, vary, modify or waive any provision of the Agreement provided that such alteration, variation, modification, or waiver shall be valid when reduced to a writing which has been duly signed by each and every signatory to the original of this Agreement or the successor in office.

XI. TERMINATION

Either Party may terminate this Agreement on sixty (60) calendar days advance written notice to the other.

Authorization by LEA:

_____

(Signature) (Date)

_____

(Printed Name) (Title)

Authorization by CWA:

_____

(Signature) (Date)

_____

(Printed Name) (Title)

BEST INTERESTS DETERMINATION FORM
SCHOOL ENROLLMENT OF STUDENT IN OUT-OF-HOME PLACEMENT

A copy of this document shall be kept in the student's education record and uploaded to the statewide automated child welfare information system.

Student's Name: _____

State Assigned Student Identifier (SASID):_____ DOB: _____

Current School:_____Grade:_____

Previous School(s): _____

Date of Best Interests Determination Meeting:_____

Best Interests Determination: A Checklist for Decision Making

Remaining in the School of Origin Considerations

- ❑ **Social/emotional considerations** – *the student's social and emotional wellbeing will be negatively affected if transferred to a new school (considerations include age of the student, location of siblings, etc.)*
- ❑ **Length of anticipated stay in an out-of-home placement location** – *in light of the anticipated short duration of the stay, the student would benefit from the continuity offered by remaining at the school of origin where meaningful relationships exist.*
- ❑ **Continuity of instruction** – *the student has experienced frequent school changes or has attended the school of origin for an extended period of time, and would be best served by remaining at the school of origin (considerations include credits necessary for graduation and preparation for future instruction).*
- ❑ **Academic performance** – *the transfer will significantly and adversely affect the student's academic performance.*
- ❑ **Unique educational needs or academic and extracurricular interests** – *the student's special educational needs (IEP or 504 Plan) or unique academic and extracurricular interests cannot be met at the potential receiving school.*
- ❑ **Safety of the student** - *the school of origin is a safe environment for the student.*
- ❑ **Transportation considerations** – *the advantages of remaining in the school of origin outweigh any potential disadvantages presented by the length of the commute.*

Transferring to a New School Considerations

- ❑ **Social/emotional considerations** – *the student's social and emotional wellbeing will be positively affected or will not be substantially affected if transferred to the potential receiving school (considerations include age of the student, location of siblings, etc.)*
- ❑ **Length of anticipated stay in an out-of-home placement location** – *the student's current living situation appears to be stable and unlikely to change suddenly, so the student will benefit from establishing new relationships with school peers in the potential receiving school.*
- ❑ **Continuity of instruction** – *the student has not attended the school of origin for very long and will be best served at the potential receiving school (considerations include credits necessary for graduation and preparation for future instruction).*
- ❑ **Academic performance** – *the transfer will not significantly and adversely affect the student's academic performance.*
- ❑ **Unique educational needs or academic and extracurricular interests** – *the student's special educational needs (IEP or 504 Plan) or unique academic and extracurricular interests can be met at the potential receiving school.*
- ❑ **Safety of the student** – *the new school will be a safer environment for the student.*
- ❑ **Transportation considerations** – *the length of the commute to the school of origin is excessive and may adversely affect the student's concentration, attitude, or readiness for school.*

Attach all documents relevant to the student's best interests determination. Check any that apply.

- ❑ Report Cards/Progress Reports
- ❑ Achievement Data (test scores)
- ❑ Attendance Data
- ❑ IEP Plan or 504 Plan
- ❑ Correspondence from individuals consulted.
- ❑ Other:_____

TRANSPORTATION PLAN FORM
ATTENDING SCHOOL OF ORIGIN FROM OUT-OF-HOME PLACEMENT

Once completed, a copy of this document shall be kept in the student's education record and uploaded to the statewide automated child welfare information system.

Student Name:_____

Student DOB:_____Student School ID No.:_____Current Grade: _____

Local Department of Social Services (CWA):_____

The LEA is responsible for implementing the Transportation Plan that will be in place within five (5) school days of the LEA learning of the student's Best Interests Determination. In the interim, the CWA is responsible for implementing the student's interim transportation plan.

The LEA verifies that:

1. The following efforts were taken to identify a no-cost or low-cost transportation service from the student's out-of-home placement to the school of origin (i.e., transportation provided by foster resource; use of existing bus routes, other public transportation) (check all that apply):
   - ☐ Exploration of existing school bus routes and public transportation to determine if feasible to add a stop or make some other low/no-cost request.
   - ☐ Discussion with CWA regarding whether a foster parent or custodian can assist in transporting student and receive reimbursement from CWA for mileage.
   - ☐ Other:_____.
2. After reviewing possible low-cost and no-cost transportation options for the student, the LEA has determined (check the applicable option):
   - ☐ No existing transportation option can be reasonably modified to maintain the student in the school of origin from the new living placement.
   - ☐ An existing transportation option can be reasonably modified to maintain the student in the school of origin from the new living placement. The modification consists of: _____
     _____
     _____
   - ☐ An existing transportation option that can maintain the student in the school of origin from the new living placement exists. The existing option is: _____
     _____
     _____

STUDENT'S TRANSPORTATION PLAN

1. The most cost effective, appropriate transportation option for maintaining the student in the school of origin is:
   _____.
2. Additional costs for this transportation will be covered according to previously agreed upon procedures set by the LEA and CWA in the Educational Stability Memorandum of Agreement.
3. These transportation procedures will be implemented on_____, within five (5) school days of the LEA learning of the Best Interests Determination. (date)

_____
LEA Authorization (signature) (printed name) (title) (date)

_____
CWA Authorization (signature) (printed name) (title) (date)

THE MARYLAND STATE DEPARTMENT
OF EDUCATION
AND
THE MARYLAND STATE DEPARTMENT OF HUMAN SERVICES

FOSTER CARE LIAISON-POINT OF CONTACT CONFERENCE

OCTOBER 4, 2017	OCTOBER 10, 2017	NOVEMBER 9, 2017
WOODS MEMORIAL CHURCH SEVERNA PARK, MD	CHESAPEAKE COLLEGE WYE MILLS, MD	WASHINGTON COUNTY PUBLIC SCHOOLS 10435 DOWNSVILLE PIKE HAGERSTOWN, MD 21740
ANNE ARUNDEL BALTIMORE CITY BALTIMORE COUNTY CALVERT CHARLES HARFORD HOWARD MONTGOMERY PRINCE GEORGE'S ST. MARY'S	CAROLINE CECIL DORCHESTER KENT QUEEN ANNE'S SOMERSET TALBOT WICOMICO WORCESTER	ALLEGANY CARROLL FREDERICK GARRETT WASHINGTON

ALL REGIONAL MEETINGS WILL BE HELD FROM 10:00 A.M.-2:30 P.M. YOU MAY WISH TO BRING YOUR LUNCH OR GO TO A LOCAL RESTAURANT WITH YOUR TEAM TO DISCUSS THE INFORMATION PROVIDED DURING THE MORNING, BUT RETURN TO THE MEETING BY 2:00 P.M.

ATTACHED YOU WILL FIND THE AGENDA, MAPS, TRAVEL DIRECTIONS AND DRAFTS OF EDUCATIONAL STABILITY INTERAGENCY AGREEMENT TEMPLATE, BEST INTEREST DETERMINATION FORM AND TRANSPORTATION PLAN.

THE MARYLAND DEPARTMENTS OF HUMAN SERVICES AND THE STATE DEPARTMENT OF EDUCATION LOOK FORWARD TO BEING WITH YOU TO ASSIST IN PROVIDING EDUCATIONAL STABILITY TO THE FOSTER CHILDREN OF MARYLAND.

Best Interests Determination Meeting Participants

In reaching the best interests determination, the CWA should make all reasonable efforts to include or consult individuals with knowledge of the student (student's attorney, parent, parent surrogate, and legal guardian) in addition to representatives of the LEA and any other person with information relevant to the best interests determination, including the student, if appropriate. The following individuals provided input in determining the school placement.

Relationship to Student	Name	Contact Information

Best Interests Determination

❑ It is not in the student's best interests to remain enrolled in the school of origin. The student will be enrolled in the school serving the current residence.
Name of School: _____

NOTE: If a change in enrollment is in the student's best interests, enrollment should take place immediately at the new school. To enroll the student in the new school, all that is needed is documentation showing that the student is in out-of-home placement, the address of the out-of-placement, proof of authorization to enroll the student in school, and identification of the person enrolling the student. All other educational records will be provided to the new school promptly and in accordance with state and federal law.

❑ It is in the student's best interests to remain enrolled in the school of origin.
Name of School: _____

Interim Transportation Plan

Complete only if the student will remain in the school of origin.

While the LEA works to develop and establish a Transportation Plan for the student to attend the school of origin from the out-of-home placement, a period of time that could be up to five (5) school days, the student will be transported to the school of origin in the following manner:

_____
_____.

Considerations for the LEA in Establishing a Transportation Plan for the Student

Complete only if the student will remain in the school of origin.

In developing a Transportation Plan, the LEA should consider the following needs of the student:

_____
_____.

_____
Case Worker Name Case Worker Signature Date

RESPONSES BY DR. DAVID STEINER TO QUESTIONS OF SENATOR MURRAY, SENATOR FRANKEN, AND SENATOR KAINE

SENATOR MURRAY

Question 1. I have heard concerns about ED's inconsistent implementation of ESSA from stakeholders around the country. I would like each of you to name one thing that the Department of Education could be doing better during the State plan approval process and as the implementation process continues.

Answer 1. ED needs to scrutinize states' definitions of "consistently underperforming" and "additional targeted schools" much more carefully. ED must ensure that each subgroup is included in these definitions, and ED must ensure that states have clear and distinct definitions of each term.

For your reference, here are examples of State definitions of "consistently underperforming" that should not have been approved:

- *Arizona:* Arizona states that consistently underperforming is defined as a school with "one or more significant achievement gaps between subgroups and any low-achieving subgroups for three consecutive years." "Significant achievement gaps" is not defined nor is "low-achieving." Therefore, it is not clear when a subgroup will be identified as "consistently underperforming" *(AZ Approved ESSA Plan,*. page 37).
- *Massachusetts:* Massachusetts states that "a school will be identified if it has one or more of the lowest performing subgroups in the State over multiple years." "Lowest performing subgroups" are not defined, nor is "over multiple years." Therefore, it is not clear when a subgroup will be identified as "consistently underperforming" (*MA Approved ESSA Plan,* page 62).

SENATOR FRANKEN

Question 1. To the Panel, foster kids will sometimes change homes and schools 10, 11, 12 times-or even more times throughout their childhood. Very often, school may be the only constant in a child's life. They might have a teacher they love, a sport they play, or club they're involved with. Or maybe, maybe they have these things called friends. If a kid wants to stay in the same school, he/she should be able to.

That's why I wrote a bipartisan provision with Republican Senator Chuck Grassley from Iowa in the new education reform law-the Every Student Succeeds Act-to require school districts to work with child welfare agencies to make sure that foster children who are changing homes are not forced to change schools. After 6 years, I'm pleased that we were able to get this done and help foster kids stay in the same school if it's in their best interest.

Now, in ESSA, school districts and child welfare agencies were required to collaborate and develop a plan to pay for transportation by December 10, 2016. I am concerned about implementation with this important requirement that affects our Nation's most vulnerable young people.

Can you please update me on your state's implementation of this requirement, including how school districts and child welfare agencies are collaborating to pay for transportation for children in foster care?

Answer 1. The following is the response of the Maryland State Department of Education to your question:

Under the Every Student Succeeds Act (ESSA), Maryland is one of four (4) states considered to be a 'covered' State by the Federal Government because Maryland already had a regulation in place covering children "awaiting foster care placement." As a covered State, Maryland is allowed until December 10, 2017 to implement the requirements of ESSA for foster care children.

This past year, collaboration among the Maryland Department of Human Services (MDHS), the Maryland State Department of Education (MSDE), Local Education Agencies (LEAs) and Local Departments of Social Services (LDSS) has been extensive. During this period, many meetings, phone conversations, and conferences have been held with the DHS, the MSDE, and the Office of the Attorney General in the development of an educational stability interagency agreement template, best interest determination form template, and transportation plan form template. These templates are to be used between the LEAs and the LDSSs to determine the best transportation plan and best interest form for foster children.

The MSDE is working with the LEAs and the LDSSs to facilitate these agreements. Specifically, two of three Regional Conferences have been held with LEA Directors of Student Services, LEA Foster Care Liaisons, LEA Transportation representatives, LDSS Directors, LDSS Foster Care Points of Contact, and other LDSS representatives to review and explain the agreement template and accompanying documents. The third Regional Conference is scheduled for November 9, 2017 in Washington County.

In addition, the MSDE staff are presenting information on these templates to individual groups of interest. For example, on October 25, 2017 a presentation was made to the Maryland Supervisors of School Counseling to present information on the agreement template, best interest form template, and transportation form template for use with the LEA and LDSS. This information will also be presented at the Maryland Directors of Student Services on November 7, 2017.

Attached is a copy of the three templates as well as the schedule of regional meetings.

SENATOR KAINE

- According to the biennial Civil Rights Data Collection (CRDC), approximately 2.8 million students received one or more out of school suspensions from public schools in the 2013–14 schoolyear.
- African American students and students with disabilities are more likely to be subjected to exclusionary measures than their same age peers for relatively minor, non-violent offenses. Suspended students are at a significantly greater risk of academic failure, dropping out, and becoming involved in the justice system. These discipline practices also harm school climate and safety.
- Despite this knowledge, many public schools continue to suspend and expel students of color and students with disabilities at alarmingly disproportionate rates.
- Through inclusion of provisions in Title I-A of ESSA, State educational agencies are, for the first time, required by Federal law to describe in their Title I State plan, how they will support local education agencies to "improve school conditions for student learning including through reducing—(i) incidences of bullying and harassment; (ii) the overuse of discipline practices that remove students from the classroom; and (iii) the use of aversive behavioral interventions that compromise student health and safety.
- In spite of these statutory requirements to address school conditions, many approved State plans have been vague in how they plan to reduce exclusionary discipline practices and improve school conditions. More specifically, of the 15 approved plans, less than half adequately met the requirements of language guidance. I sent a letter with Congressman McEachin and 62 of my colleagues to Secretary DeVos expressing concern and the need to ensure states provide high-quality descriptions of how they will reduce of the use of exclusionary discipline practices in their plans.

Question 1. What impact do you believe this will have on student learning and life outcomes for those in states without a concrete plan in place?

Answer 1. State and local efforts to support systems of continuous improvement for all students, particularly those who have been historically underserved, will be significantly hampered without a concrete plan in place to reduce the overuse and disparate use of exclusionary discipline policies. This includes plans to make the necessary changes in State and local policy, practices, and training for educators and others who come into contact with students, such as school resource officers.

Research clearly demonstrates that the overuse and disparate use of suspensions and expulsions, encouraged by zero-tolerance policies and evidenced by the referenced CRDC data, are significant contributors to low graduation rates and preserving the school-to-prison pipeline.[1] Exclusionary discipline practices result in lost instructional time, lower academic success, higher rates of grade retention, lower graduation rates, and an increased likelihood of involvement in the juvenile justice system.[2] Students who are regularly removed from the classroom fall behind in

[1] *Skiba, R., & Rausch, M. K. (2006). Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness. In C. M. Evertson & C. S. Weinstein (Eds.), Handbook of classroom management: Research, practice, and contemporary issues (pp. 1063–1089). Mahwah, NJ: Lawrence Erlbaum Associates.*

[2] *Steinberg, M. P., & Lacoe, J. (2017). What do we know about school discipline reform? Education Next, 17(1), 1–23.*

their classwork, experiencing a social and emotional distancing and disengagement from school.[3] This distancing promotes disengaged behaviors, such as chronic absenteeism, in turn contributing to the widening achievement gap. Research also suggests that a relatively lower use of out-of-school suspensions, after controlling for race and poverty, correlates with higher test scores, not lower.[4]

The disparities in suspensions and expulsions evidenced by the CRDC data are often a result of subgroups of students being treated and punished differently despite engaging in similar behaviors as their peers. Studies show that African American students receive harsher suspensions for more subjective and less serious behavior than their White peers.[5] African American female students are more likely than White female students to be suspended for subjective infractions such as defiance and dress code violations.[6]

Further, in some states and districts, "school discipline becomes criminalized through its extension into the juvenile court"[7] regardless of the severity of the behavior, including for truancy or willful defiance rather than causing some damage or injury, "erod[ing] the traditional boundaries between the two institutions."[8] As states plan their educational tracks for college and career under ESSA, they must also purposefully and simultaneously plan for the removal of the school-to-prison track and any policies or conditions that perpetuate its existence.

The Department should be looking for evidence in State ESSA plans that include, for example:

a. A commitment to removing zero-tolerance policies and the use of suspensions and expulsions for lower-level offenses.
b. A description of strategies for replacing these practices with supportive, inclusive, and effective strategies to address student misbehavior, including restorative justice.
c. The provision of model school discipline policy and agreements that clarify the distinction between educator discipline and law enforcement discipline, eliminating referrals to law enforcement for all nonviolent, noncriminal offenses.
d. The provision of professional development that includes strategies for classroom management, conflict resolution, and mediation.
e. A description of how district, school, and classroom-level data will be used to provide targeted professional development for teachers and interventions and support at the student, classroom, school, or district level as needed.
f. The provision of training on implicit bias and asset-based youth development for teachers and administrators, school resource officers, police, juvenile judges, and others dealing with youth.[9]

Question 2. How do you think the Department should hold states accountable to meet this legal requirement? Do you think the Department should be approving plans that don't meet the requirement?

Answer 2. The Department should be looking for evidence of State efforts in their ESSA plans, including in State descriptions of how they will support schools identified for intervention and support and how they will leverage any funding under Titles II, IV, and VI to support these efforts. Gaps in subgroup performance will not be closed without a concerted effort to address disparities in student expectations

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[3] *Hirschfield, P. J. (2008). Preparing for prison? The criminalization of school discipline in the USA. Theoretical Criminology, 12(1), 79–101; Arum, R., & Beattie, I. (1999). High school experiences and the risk of adult incarceration. Criminology, 37(7),515–540; Skiba, R., Simmons, A., Staudinger, L., Rausch, M., Dow, G., & Feggins, R. (2003). Consistent removal: Contributions of school discipline to the school-prison pipeline. Paper presented at the School to Prison Pipeline Conference, Cambridge, MA.*

[4] *Losen, D., & Gillespie, J. (2012). Opportunities suspended: The disparate impact of disciplinary exclusion from school. Los Angeles, CA: The Center for Civil Rights Remedies at The Civil Rights Project, 8..*

[5] *Finn, J. D., & Servoss, T. J. (2014). Misbehavior, suspensions, and security measures in high school: Racial/ethnic and gender differences. Journal of Applied Research on Children: Informing Policy for Children at Risk, 5(2), 1–50.*

[6] *Losen, D. J. (2014). Closing the school discipline gap: Equitable remedies for excessive exclusion. New York, NY: Teachers College Press.*

[7] *Hirschfield, P. J. (2008). Preparing for prison? The criminalization of school discipline in the USA. Theoretical Criminology, 12(1), 79–101.*

[8] *Hirschfield, P. J. (2008). Preparing for prison? The criminalization of school discipline in the USA. Theoretical Criminology, 12(1), 79–101.*

[9] *Staats, C. (2015). Understanding implicit bias: What educators should know. American Educator, 39(4), 29–33.*

and treatment, including how students are disciplined, perceived, and excluded from learning opportunities.

Question 3. What additional steps do you think the Department should take to support schools in reducing exclusionary discipline practices and identifying disproportionate and discriminatory policies related to discipline?

Answer 3. The Department has a number of resources that it should be actively sharing with states (and encouraging states to share with LEAs as they develop their plans) to support these efforts. These include the "U.S. Department of Education and the U.S. Department of Justice, Rethink School Discipline: School District Leader Summit on Improving School Climate and Discipline Resource Guide for Superintendent Action."[10] This resource provides evidence-based action steps at the LEA and school level to create safe, supportive school climate, discipline systems, and practices in collaboration with local stakeholders.

There are additional resources the Department could share through technical assistance and other outreach efforts to states and districts, including:

- Boccanfuso, C., & Kuhfeld, M. (2011). *Multiple responses, promising results: Evidence-based, nonpunitive alternatives to zero tolerance.* Washington, DC: 0Child Trends.
- The Dignity in Schools Campaign provides several resources for policies that remove police from schools, replacing them with effective staff-led strategies for classroom management, conflict resolution, and mediation. Resources also include model school discipline codes and a school discipline code comparison tool.
- Resources on Implicit Bias
    - Implicit Bias Awareness Assessment: *https://www.tolerance.org/professional-development/test-yourself-for-hidden-bias*
    - Understanding Implicit Bias: What Educators Should Know (AFT): *https://www.aft.org/ae/winter2015–2016/staats*
    - When Implicit Bias Shapes Teachers Expectations (NEA): *http://neatoday.org/2015/09/09/when-implicit-bias-shapes-teacher-expectations/*

The opinions expressed in this memo are the author's own and do not necessarily reflect the views of The Johns Hopkins University or The Johns Hopkins Institute for Education Policy.

[10] *U.S. Department of Education. (2015). Rethink school discipline: School district leader summit on improving school climate and discipline. Resource guide for superintendent action. Washington, DC: U.S. Department of Education.*

[Whereupon, at 11:48 a.m., the hearing was adjourned.]

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