



# Governors' and State Legislatures' Plan to Reauthorize the Elementary and Secondary Education Act

## Summary

In today's competitive global economy, our education system must prepare every student to be successful in work, in life and in a rapidly changing world. To move toward this goal, the nation's governors and state legislatures offer a bipartisan path for the reauthorization of the Elementary and Secondary Education Act (ESEA). As education leaders and innovators, governors and state legislatures have looked to state best practices and the basic principles of federalism to recommend concrete ideas to improve ESEA. The following recommendations are aligned with previous policies released by the National Governors Association (NGA) and the National Conference of State Legislatures (NCSL).

Governors and state legislatures believe that a high-quality education for all children and state flexibility can and should coexist in a reauthorized ESEA. With this in mind, they have produced recommendations that:

- Improve the ESEA governance structure to allow for more collaborative input at the state and local level;
- Integrate and align ESEA programs with state early childhood education, postsecondary education and workforce development;
- Ensure that all students – regardless of their disability, race, economic status or English proficiency – in urban and rural schools receive a high-quality education;
- Return control over K-12 education accountability and school improvement strategies back to states while providing high expectations for student success; and
- Support and incentivize state led strategies and innovations to prepare, recruit, retain, evaluate and reward high-quality teachers and school leaders.

## Governance and Educational Alignment

Governors and state legislatures believe that a student's success is determined by much more than the time spent in elementary and high school. Students need a supportive, seamless progression from preschool through college to lifelong learning and successful employment. Governors and legislatures have piloted bold educational changes through ground-breaking partnerships between school districts and various state agencies – including education, health and human services and economic development– to make certain that students are prepared for each step within the education system. However, the current ESEA governance structure fails to take advantage of this innovation and too often isolates federal education programs from state education reforms, threatens local control of education and creates fragmentation that prevents smooth transitions for children.

While the federal government has acknowledged the need to modernize ESEA governance by involving governors and other state actors in federal education policy through programs such as Race to the Top, it is time to take the next step by reforming ESEA to ensure that federal education policy supports students in all phases of life.

### ***Governors and state legislatures recommend improving ESEA governance by:***

- Changing the ESEA governance structure, definitions and state plan submission process to provide governors and state legislatures greater authority to align and leverage their early education, K-12 and postsecondary system policy and finances to achieve greater educational effectiveness and efficiency.
- Conforming ESEA governance to other federal legislation that allows states and governors to determine which state agency or agencies collaboratively implement and administer the law.
- Creating opportunities for alignment of ESEA with state and federal early childhood education, postsecondary education and workforce development.

- Allowing governors and state legislatures to break down the current silos created by ESEA governance and ensure the law’s programs are sensibly integrated with the state’s education system to serve those students who need help the most.
- Providing flexibility for public-private partnerships to enhance ESEA programs and deliver better results through technical assistance, professional development and state and local report cards.

## **Accountability and Testing**

Governors and state legislatures support an accountability system that moves away from the “label and punish” model of No Child Left Behind to a supportive framework that provides high expectations to genuinely support the unique strengths and capabilities of each student. In order for accountability to work, federal prescription must be replaced with a federal, state and local partnership that makes certain every child counts.

A reauthorized ESEA should empower states to set their own ambitious goals through an inclusive, transparent process that ensures every child is ready for college or a career. As states take on the complicated challenge of improving the quality of their state assessments while identifying any unnecessary state and local tests, the federal government should support these efforts by providing flexibility for states to use innovative new assessments.

### ***Governors and state legislatures recommend ensuring state-determined education accountability by:***

- Continuing to require public reporting on the progress of all students and disaggregation of data for at-risk students.
- Replacing the rigid structure of the current requirement of Annual Measurable Objectives and Adequate Yearly Progress with a state-led accountability system that:
  - Ensures states have set ambitious, state-designed annual, short-term and long-term goals that take into account multiple measures, including student proficiency in reading and math, individual student growth toward college and career readiness, graduation rates and any other measures as determined by the state.
  - Ensures states have set equally ambitious, state-designed annual, short-term and long-term goals for each individual subgroup of students.
  - Ensures states make annual determinations for local districts and schools on their progress to meet the state’s annual, short-term and long-term state goals for all students and individual subgroups of students.
  - Ensures formal statewide, public input from key education constituencies during the development of state educational goals.
  - Allows states to negotiate individual district goals aligned to the state’s goals.
  - Ensures that state goals are aligned, where possible, with the state’s workforce development plan and state career and technical education initiatives to ensure that students develop the skills necessary for the state’s current and future workforce needs.
  - Prohibits the U.S. Secretary of Education from influencing or dictating the state’s development of goals under ESEA.
- Creating a state-led process of intervention for districts and schools that:
  - Allows, but does not mandate that states set aside a percentage of a district’s Title I allocation for research-based, state-determined school improvement strategies (see School Improvement section) after a sustained period of low subgroup performance, failure to meet state goals or struggling districts and schools that are at risk of failing to meet state goals.
  - Allows states to partner with struggling districts and schools before they fail to reach state-determined goals or if they begin to experience low subgroup performance.
  - Requires state-led and state-determined intervention in districts and schools after a sustained period of low subgroup performance, failure to meet state goals or demonstrated declining performance that could ultimately lead to a failure to meet state goals.
- Allowing states to continue to utilize their current state accountability system in a reauthorized ESEA.

### ***Governors and state legislatures recommend providing more testing flexibility by:***

- Providing flexibility in federal law, without approval from the Secretary, for states to offer alternative forms of any federally required state assessment, including performance-, competency-, and portfolio-based assessments.

## High Quality Education for All Students

Governors and state legislatures are committed to ensuring that every student succeeds. We believe that education policy must support the belief that all students can achieve at higher levels. Disaggregated student achievement data and transparency helps governors, state legislatures, parents and educators know where to focus their efforts to increase achievement for every student.

A reauthorized ESEA should promote educational opportunity for all students and empower states to target resources to improve learning, with the greatest rate of improvement for the lowest performing students.

### *Governors and state legislatures recommend ensuring a high-quality education for all by:*

- Continuing to require states, districts and schools to disaggregate and report assessment data for each of its schools by subgroup.
- Continuing to target Title I funds to schools with the highest concentration of students living in poverty.
- Allowing districts to aggregate subgroup populations with the subgroup population of similarly situated schools within a district where the total subgroup population in any individual subgroup category in a single school is greater than one but less than 25 students. States would maintain the ability to disaggregate subgroups in a smaller size.
- Eliminating unnecessary, cumbersome reporting requirements and focusing on identifying data critical to the achievement of all students.
- Defining a “state” consistently in all of ESEA’s titles to include all U.S. territories and outlying areas, ensuring that every child in the United States can benefit from the law.

### *Governors and state legislatures recommend ensuring students with disabilities succeed by:*

- Preserving the federal commitment to support students with disabilities.
- Continuing the current practice of capping the percentage of students with disabilities that are offered alternative assessments.
- Ensuring all computer adaptive assessments and alternative forms of assessment given to students with disabilities meet the same high-quality criteria of regular assessments.

### *Governors and state legislatures recommend ensuring English language learners succeed by:*

- Preserving and enhancing resources for English language learners.
- Continuing to require that states have in place standards for English language learners.
- Ensuring that English language proficiency standards are aligned with state reading content standards and allowing alignment with state math content standards.
- Continuing to require an annual assessment of English proficiency but allowing states the flexibility to use multiple measures to determine if a student is proficient.
- Ensuring states have state-designed uniform criteria for identifying and exiting English language learners and allowing states to reserve Title III funds in the first year to develop such criteria.
- Allowing states to exclude from state accountability systems the achievement scores of English language learners for no more than two years.
- Allowing states to reserve ESEA Title III funds for early education English language proficiency instruction for English language learners enrolled in high-quality state preschool programs.

## School Improvement

States have been piloting research-based, state-led innovation to lift up schools out of failure and support schools with slipping performance before they fail. Federal school improvement policy and funding should support state efforts to identify, spread and scale these best practices in even more districts and schools. The current limited, federal menu of options for school improvement prevents states from utilizing school improvement strategies that work best for the unique needs of their students.

A reauthorized ESEA should redesign the federal school improvement program to bring it back to its original intent – to provide resources and a flexible menu of options to serve the nation’s lowest-performing schools.

***Governors and state legislatures recommend ensuring state school improvement strategies are utilized through the following:***

#### Identifying Schools

- Allowing states to identify the lowest-performing schools based on student achievement, student progress, graduation rates, achievement gaps, English language proficiency and any other factors as determined by the state.
- Ensuring funding for ESEA school improvement continues to be awarded to states on a formula basis with states allocating funds for statewide activities and to individual districts based on their individual needs.

#### State-Determined Improvement Strategies

- After a statewide needs assessment of the identified lowest-performing schools, the state would (1) develop or identify multiple research-based turnaround strategies from which local education agencies may select one or more to improve their low-performing school(s) or (2) work with high-performing districts in the state to develop individualized school improvement strategies for each school or district in need of improvement.
- States may use funding on any research-based school improvement strategy, agency or school turnaround district.
- States may use funding to develop both school-level and district-level strategies and award funds based on need as determined by the state.
- States may use funding to partner with struggling districts and schools before they fail to reach state-determined goals or if they begin to experience low subgroup performance.

#### Effective Leadership

- With the approval of the state, districts may reserve funding to recruit, retain, reward and develop high-quality school leaders and provide leaders with flexible resources to lead rigorous improvement activities.

#### Accountability

- States would identify data indicators that local districts must report to inform turnaround efforts and the state would conduct an assessment of district or school progress in improving student achievement.
- Every failing district or school receiving school improvement funding would receive, at a minimum, three years to implement and scale the selected school improvement strategy.
- If a state intervenes in a district or school before failure, the state may determine the length of time a school improvement strategy would be implemented and scaled.
- If the state determines that adequate achievement gains have not been made after the third year, within the next school year, the state would: (1) take over the school/district using a state achievement district or (2) use a more rigorous improvement strategy that may include restructuring, closure or restart.

### **Empowering Teachers and School Leaders**

Governors and state legislatures recognize that teachers and school leaders are central to the success of our nation's students. ESEA should reflect their importance while building on state efforts to support them as professionals. Teachers and school leaders should play a key role in designing and delivering professional development, and teacher and school leader evaluation systems should be collaboratively designed by states, district leaders, school leaders and teachers.

A reauthorized ESEA should empower and reward high-quality teachers and school leaders, provide growth opportunities for those educators that need improvement and accelerate state efforts to build a high-quality education workforce.

***Governors and state legislatures recommend supporting the lifelong learning of teachers and school leaders through the following:***

- In rewriting ESEA, Congress should lay the groundwork for linkages between Title II of ESEA and Title II of the Higher Education Act (HEA) to allow for and incentivize cooperative efforts between

state and local K-12 and postsecondary partners to create an effective system of teacher and school leader education, placement and professional development.

***Governors and state legislatures recommend allowing states to determine quality in the teaching profession by:***

- Rescinding the federal definition of a highly qualified teacher and requiring teachers to meet all applicable state requirements to enter and remain in the teaching profession, including a state teaching licensure.

***Governors and state legislatures recommend improving the evaluation of teachers and school leaders through the following:***

- If a state chooses to implement a teacher and school leader evaluation system that is (1) peer-reviewed or (2) meets the broad criteria below, a state may reserve Title II funds for statewide activities to provide a statewide teacher and school leader professional development system, to develop strategies for alternate career pathways to teaching and to administer the statewide teacher and school leader evaluation system.
  - The teacher and school leader evaluation system would provide:
    - Meaningful weight on
      - Multiple-measures of teacher and principal performance;
      - Evidence of student learning; and
      - Contributing factors to student growth.
    - State-determined differentiated levels of teacher and school leader performance that are clearly articulated using performance rating categories.
    - Any other measures the state determines necessary to ensure measurement of teacher and school leader quality.
- The state, in collaboration with teachers, school leaders and district leaders, would have flexibility to determine how the results of the evaluation system would be utilized to support the professional development of educators.
- The Secretary may not dictate or require any methodology as part of a state's teacher and school leader evaluation system.

***Governors and state legislatures recommend ensuring the equitable distribution of high-quality teachers and school leaders by:***

- Requiring states to develop teacher equity plans and guidelines for local education agencies to ensure students are taught by effective teachers and schools are led by effective school leaders.
- Allowing states to reserve funds allocated under Title II to support state and local strategies to ensure high-quality teachers are equitably distributed for every year after the first year the law is in effect, only if Congress appropriates Title II at or above the law's authorized levels.

***Governors and state legislatures recommend supporting high need schools' recruitment, retention and development of quality teachers and school leaders by:***

- Establishing the Teacher Incentive Fund in law with a new focus on equitable distribution of highly effective teachers and school leaders while awarding funds to states on a formula basis.
- Allowing states to use the funding for statewide activities and competitively award funding to school districts to support performance-based efforts to increase the number of high-quality teachers and school leaders in low-achieving schools.
  - States would prioritize funding to schools with the most significant achievement gaps between subgroups, with a secondary priority on the lowest-performing schools.
  - Districts would be encouraged to use innovative strategies to recruit, retain and develop high-quality teachers and school leaders.

## **State and Local Flexibility**

States and schools must be given increased flexibility to meet the individual needs of students and prepare them to compete in a highly-skilled workforce. A reauthorized ESEA should be accompanied by an increase in state authority to manage programs and have more certainty in the state plan and waiver approval process.

***Governors and state legislatures recommend improving the state plan approval process by:***

- Requiring the Secretary to establish multidisciplinary peer review teams with state representation and render a decision on the state plan within 60 days of submittal.
- Allowing states to revise and re-submit the plan within 60 days if the Secretary determines the plan does not meet the requirements of Title I.
- Making the state plan automatically approved if the Secretary does not render a decision on the initial state plan or resubmitted state plan within 60 days of receipt.
- Requiring the Secretary to ensure a peer-reviewed determination is issued on the resubmitted state plan within 60 days.
- Allowing states a hearing if their plan is denied after resubmission of the request.
- Preventing the Secretary from altering or requiring states to adopt additional academic content or achievement standards, using specific assessment instruments or prescribing specific state standards.
- Prohibiting the Secretary from disapproving any part of a state plan, including state goals, school improvement strategies or teacher equity plans, unless the U.S. Department of Education can provide substantive, research-based evidence that the plan will negatively affect children’s education or have limited effect on school improvement efforts.
- Allowing states a grace period to adjust policy if the Department determines that a state law does not meet the requirements of ESEA.

***Governors and state legislatures recommend improving funding flexibility by:***

- Increasing the percentage of funds states (or the local education agency with the permission of the state) may transfer between ESEA programs while maintaining the prohibition on funding transfers from Title I or Title III to any other program.
- Ensuring districts and schools participating in the National School Breakfast and Lunch Community Eligibility program are not impacted if data is not available on the percentage of students qualifying for free or reduced-price school meals.
- Allowing flexible use of funding to support state and district efforts to provide afterschool, summer and year-round educational programs for low-income students.
- Allowing states to leverage ESEA funds to strengthen state Science, Technology, Engineering and Math education programs for low-income students.

***Governors and state legislatures recommend improving the federal waiver process by:***

- Continuing to allow states to request a waiver for any statutory or regulatory requirement in ESEA at any time after passage of a reauthorized ESEA.
- Requiring state approval for local education agencies to request a waiver from ESEA.
- Requiring the Secretary to establish multidisciplinary peer review teams with state representation and render a decision on the state waiver request within 60 days of submission.
- Allowing states to revise and re-submit the waiver request within 60 days if the Secretary notifies that state that their waiver has not been approved.
- Requiring the Secretary to ensure a peer-reviewed determination is issued on the re-submitted waiver request within 60 days.
- Allowing states a hearing if their waiver request is denied after re-submission of the request.
- Prohibiting the Secretary from disapproving a waiver request for conditions outside of the scope of the waiver request or imposing new or additional requirements not specified in ESEA in exchange for receipt of a waiver.

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