

# ESSA is more than the latest acronym on education's block

By **MARIA FERGUSON**

The Every Student Succeeds Act curtails federal authority in education, but it also could be a curtain raiser for more bipartisan work that advances education.

If bet makers were remotely interested in federal policy, the 11th-hour passage of the Every Student Succeeds Act in late December would have defied most odds. After years of bickering and several close calls, Congress finally did its job and just in time for Christmas, ESSA officially became the new kid of federal education policy (and acronyms).

Already much has been written about the new law, the major highlights being the shrunken federal footprint, new power and autonomy for states and local school districts, and the end of the federal NCLB waivers. The final bipartisan effort that forever ended the era of “*fill in the blank . . . left behind*” was a testament to Sens. Lamar Alexander (R-Tenn.)

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and Patty Murray (D-Wash.), both of whom fought hard for a reauthorization by year's end.

For a law that took so long to get reauthorized, ESSA is a fairly predictable response to both NCLB and the Obama administration's efforts to make its mark despite Congressional gridlock. For example, the accountability requirements for ESSA are similar to the waivers and are starkly different from NCLB. States now have far more autonomy to determine how schools are held accountable for student performance. This change means nonwaiver states — those still operating under NCLB — now need to establish new accountability systems. Despite the many similarities, ESSA still has some key differences so waiver states, too, will need to revise their accountability systems to comply with the new requirements. With all this revising and retooling, the 2016-17 school year will be a major transition period as states adjust to the new normal.

The new law also changes the dynamics of school improvement in states and districts. Before ESSA, the U.S. Department of Education was fairly prescriptive about how states identified low-performing schools and supported improvement. (Pause here to remember the SIG models . . .

may they rest in peace.) Now, local districts will make decisions regarding support and improvement. When the state identifies schools that need help, local education agencies, in partnership with stakeholders (educators, parents, etc.), will develop plans to improve

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the performance of those schools. This power shift is a direct response to years of complaining by local educators that the school improvement models dictated by the federal government did not fit the unique needs of their communities.

The autonomy conferred upon state and district leaders with ESSA, however, does not come without challenges. While some states and school districts are well-equipped to meet the challenges of school improvement, others will feel the weight of the task. Capacity issues, the delicate nature of stakeholder engagement, and local politics can make school improvement tricky business. Although some local leaders bemoan strict federal requirements, others will admit that the feds sometimes provide the political cover they need to implement tough

plans for improvement.

Other notable changes in the new law include important shifts in how federal education policy labels and accounts for students long classified as English language learners (ELLs). ESSA classifies these students simply as English learners (ELs) and requires states to include them in their accountability plans under Title I (which governs accountability for *all* students). Previously, accountability for ELL students was part of Title III (also known as Language Instruction for Limited English Proficient and Immigrant Students). The shift to Title I conveys important symbolism: Moving ELs into the same accountability pool as all other students demonstrates the growing effect these students have on education. Educators in California, Texas, and Florida know well that changing demographics in the U.S. are making EL students a crucial part of the equation when measuring overall student performance.

Finally, in what was almost surely a tit-for-tat move by some members of Congress, ESSA also prohibits certain actions by the Secretary of Education. Secretary Arne Duncan stirred up a Congressional bee's nest when the administration started handing out waivers to NCLB in reaction to Congress' inability to get the law reauthorized. This

bold move did not go over well with certain members of Congress, and they have been chewing the bitter root ever since. The list of prohibited actions by the secretary (and the department) covers four pages of the conference report, so clearly some members have neither forgiven nor forgotten the waivers.

Specifically, the Secretary of Education and the department cannot:

- Promulgate rules on the accountability system that are inconsistent with or outside the scope of the statutory requirements, or add new criteria through regulations that are inconsistent with or outside the scope of the statutory requirements.
  - Condition state plan approval, revisions to a plan, or the approval of a waiver request by adding requirements inconsistent with or outside the scope of the statutory requirements.
  - Prescribe specific academic assessments or assessment items, including the Common Core.
- Prescribe specific long-term goals, indicators, weights of indicators, methodology, school support and improvement strategies, and exit criteria in an accountability system.
  - Prescribe any aspect or parameter of a teacher, principal, or other school leader evaluation system, or indicators or specific measure of teacher, principal, or other school leader effectiveness.
  - Issue guidance that provides a strictly limited or exhaustive list to illustrate successful implementation or that purports to be legally binding.
  - Define terms through regulations that are inconsistent with or outside the scope of the statutory requirements or to collect any data except from existing federal, state, and local reporting requirements.
- All these prohibitions make one wonder if the secretary can take lunch without first

checking statute. It will be interesting to see how these rules play out for John B. King, Jr., who became acting secretary of education in early January. King, a well-respected educator and former state chief (New York), previously served as the department's senior adviser delegated duties of deputy secretary, a title almost as awkward as acting secretary. Why a man so clearly qualified and accomplished needs to endure these half-prince titles is beyond me, but I suppose that is what it takes to avoid the hideous Senate confirmation process.

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Whether King's acting status will hinder his ability to demonstrate leadership when it comes to the rules, regulations, and guidance that will fill in the details of ESSA remains to be seen. Like Duncan, King has shown himself

to be a tough, battle-ready educator, so my bet is that he'll do everything he can to make the most of his limited time at the department.

In the end, ESSA seems to have satisfied most critics of both NCLB and the Duncan administration's hard-nosed approach to improving student performance. Writ large, education leaders, wonks, and pundits agree that while ESSA is not perfect, it is far better than its precursor. The bipartisan effort to produce ESSA (hopefully) closes the book on a particularly divisive era in education policy. The last 10 years proved that education, once an issue that united people, can now be used as a powerful tool to divide them.

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At a time when our nation is divided on so many fronts, seeing education emerge as a unifying force among us would be a good thing. The presidential campaign would, of course, provide the perfect backdrop for national leaders to reinforce the vital role education plays in the life of every American, but sadly that's not a bet worth making.

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On the contrary, many people like fast food because it is tasty, cheap and ubiquitous. Besides, fast food can be prepared and served very quickly, so going to fast food restaurants helps to save time and money. However, I still believe that we should avoid "junk" food because those who like it are facing a serious problem threatening their health. Nevertheless, not all weight loss diets are good, and only some of them are the right ones for your personal health needs and body type. I believe that healthy weight loss results from both diet and exercise. Eating out is on the rise. Some people are too tired to prepare home-cooked meals at the end of a long, busy day, so they choose to eat out. However, is it really a good idea to eat in a restaurant instead of at home? Start studying GLOSSARY Unit 8. Learn vocabulary, terms and more with flashcards, games and other study tools. someone who is hyperactive has more energy than is normal. shop assistant. a person whose job is to sell products in a shop. You will not have more than 1.5 minutes to read it. It is one thing to land instruments on Mars; however, it's quite another to establish a base for humans to explore the planet. Even if we did, we would probably freeze to death. Living on Mars would be a bit like living in a giant fridge, just colder. With the arrival of modern conveniences, the banya today is more about fun and relaxation than keeping yourself clean. But it's also a healthy use of your leisure time. What could be better than drinking tea with lemon after a hot banya and exchanging the latest gossip with your friends? Therefore, it's not surprising that there are millions of banyas in Russia. Big and small, new and old, they continue a very important tradition.