

Advancing Equity through ESSA: Strategies for State Leaders

The Council of Chief State School Officers and The Aspen Education & Society Program

Acknowledgments:

The Aspen Education & Society Program and the Council of Chief State School Officers would like to thank the following individuals who helped to shape this report: Ross Wiener and Marisa Goldstein from the Aspen Education & Society Program led the research and writing of this report. From the Council of Chief State School Officers, Carissa Moffat Miller, Mary-Dean Barringer, Carrie Heath Phillips, and Melissa McGrath also contributed to the report's development. Melissa Junge and Sheara Kravaric of Federal Education Group generously provided guidance and insights on the opportunities to leverage ESSA for equity. Alissa Peltzman, Natasha Ushomirsky of The Education Trust, and Eve Carney of the Tennessee Department of Education also shared valuable feedback on this document. Any opinions, recommendations, or conclusions expressed in this document are those of the authors and do not necessarily reflect the views of these individuals or organizations.

The Aspen Education & Society Program

The Aspen Education & Society Program improves public education by inspiring, informing, and influencing education leaders across policy with practice, with an emphasis on achieving equity for traditionally underserved students.

www.aspeninstitute.org/education

The Council of Chief State School Officers

The Council of Chief State School Officers (CCSSO) is a nonpartisan, nationwide, nonprofit organization of public officials who head departments of elementary and secondary education in the states, the District of Columbia, the Department of Defense Education Activity, and five U.S. extra-state jurisdictions. CCSSO provides leadership, advocacy, and technical assistance on major educational issues. The Council seeks member consensus on major educational issues and expresses their views to civic and professional organizations, federal agencies, Congress, and the public.

www.ccsso.org

Suggested citation

The Aspen Education & Society Program and the Council of Chief State School Officers. 2016. Advancing Equity through ESSA: Strategies for State Leaders. Washington, D.C.

CONTENTS

- Advancing Equity through ESSA: Strategies for State Leaders.....1

- How to Use This Framework.....1

- Seizing Equity Opportunities3
 - Closing Funding Gaps3

 - Improving Low-Performing Schools6

 - Increasing Access to Effective Teachers and Leaders 10

 - Supporting English Learners 14

 - Increasing Access to Advanced Coursework..... 18

 - Addressing Disproportionate Discipline Practices22

 - Addressing Students’ Social-Emotional Learning Needs.....25

 - Improving Access to High-Quality Instructional Materials30

ADVANCING EQUITY THROUGH ESSA: STRATEGIES FOR STATE LEADERS

With the implementation of the Every Student Succeeds Act (ESSA), states have a new opportunity to lead on educational equity. Public education is fundamentally a state responsibility that is explicitly addressed by each state's constitution, and states provide the largest share of funding for public schools, which positions states to ensure equity in education remains a priority – and becomes a reality.

ESSA acknowledges this state responsibility and rebalances the federal role to allow greater state autonomy and flexibility in pursuing this equity mission, while keeping in place important guardrails. Achieving equity means that family income, race/ethnicity, English-language proficiency, and disability status no longer predict educational opportunities and outcomes. Achieving equity in public education will require addressing deep-seated inequities in funding, access to rigorous curriculum, and access to effective teachers and school leaders, among other factors.

Federal funding under ESSA can be a critical contributor to advancing the equity agenda. Whereas implementing prior federal policies has been characterized by bureaucratic oversight and a culture of compliance, ESSA offers a chance for states to be more creative and strategic in ensuring federal funding advances a state's equity agenda – and not the other way around.

To help states use ESSA to close opportunity and achievement gaps, this document identifies eight equity priorities – closing funding gaps, improving low-performing schools, increasing access to effective teachers and leaders, supporting English learners, increasing access to advanced coursework, addressing disproportionate discipline practices, addressing students' social-emotional learning needs, and improving access to high-quality instructional materials – and illustrates how states can use ESSA to improve equity in opportunities and outcomes.

HOW TO USE THIS FRAMEWORK

To take full advantage of the flexibility ESSA offers, state priorities and strategies need to guide ESSA planning. This framework treats eight issues that already are priorities in many states and identifies multiple ESSA provisions that could be purposed to address each issue; direct excerpts from the statute are included so State Education Agency (SEA) leaders know what the law requires and allows. Rather than considering each funding stream and planning requirement in ESSA as a discrete issue to address, this framework encourages states to think more holistically across titles and provisions to advance a comprehensive strategy. This framework does not attempt to catalog every opportunity to elevate and advance equity in ESSA, but highlights significant opportunities on which state leaders can focus their efforts.

For each equity priority, we describe multiple provisions in ESSA that state leaders can use to address opportunity gaps and improve achievement. The framework also identifies high-impact actions for state leaders and guiding questions to support conversations on how to make each strategy an effective lever for equity. Wherever possible, state leaders should use ESSA to strengthen and complement existing state or local equity initiatives – and to proactively address conflicts or mixed messages across programs. By assembling teams with diverse perspectives and responsibilities, state leaders can de-silo the planning and implementation processes and forge more coherence across strategies intended to advance equity.

SEIZING EQUITY OPPORTUNITIES

CLOSING FUNDING GAPS

What's the Opportunity?

One enduring inequity in education is the gap between funding levels for schools serving white, affluent students and those serving high proportions of low-income students and students of color. Equitable funding is critical to ensure that all schools and students have the opportunity to meet high standards. ESSA can shine a light on inequitable funding and target supports to the schools that need them the most.

Leveraging ESSA

- **Public Reporting:** State report cards must include “the per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual nonpersonnel expenditures of Federal, State, and local funds, disaggregated by source of funds, for each local educational agency and each school in the State for the preceding fiscal year” [Sec. 1111(h)(1)(C)(x)].
- **School Improvement Resource Review:** Each school identified under the state accountability system for comprehensive support and improvement must “locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes,” which must “[i]dentify resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan” [Sec. 1111(d)(1)(B)(iv)].
 - Additionally, schools identified for targeted support and improvement “shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan” [Sec. 1111(d)(2)(C)] if the performance of any of the student groups in those schools would place them in the lowest-performing 5 percent of schools using the state’s methodology under Section 1111(c)(4)(D).
 - State Education Agencies (SEAs) must also “periodically review resource allocation to support school improvement” for each Local Education Agency (LEA) serving a significant number of schools identified for comprehensive support and improvement and a significant number of schools identified for targeted support and improvement [Sec. 1111(d)(3)(A)(ii)].
- **Fiscal Support Teams:** Under Title VIII, Part B, SEAs may now use consolidated state administrative funds for the “implementation of fiscal support teams that provide technical fiscal support assistance, which shall include evaluating fiscal, administrative, and staffing functions, and any other key operational function” [Sec. 8201(b)(2)(l)].
- **Weighted Student Funding Pilot:** ESSA authorizes a new pilot program for 50 Local Education Agencies (LEAs) to design a school funding system that targets additional funds to groups of students with the greatest need. Although this is a grant to LEAs, there is a role for SEAs to play in enabling the pilot and supporting participating LEAs. As part of LEAs’ applications for the pilot, they will need to describe their legal authority to use state and local funds for the weighted student funding system [Sec. 1501(d)(1)(A)(ii)] so SEAs will need to ensure LEAs have this ability.

The pilot is scheduled to expand in the 2019-2020 school year [Sec. 1501(c)(3)], giving SEAs a role to surface best practices and provide technical assistance and resources for other participating districts in how they can best target funds to meet students' needs.

High-Impact State Actions

- Ensure that new funding transparency requirements elevate equity by presenting information in a clear, user-friendly format. States should solicit feedback on the utility of state report cards and adjust their format over time to make the data understandable and actionable.
- Assist LEAs in developing the accounting and financial management infrastructure needed to gather the required per-pupil spending data. This could include highlighting LEA access to state accounting or financial management tools (if available), convening LEA workgroups, or bringing in outside experts to help LEAs implement accounting and financial management systems needed to generate the required data.
- Assist LEAs with organizing and presenting financial data effectively; consider developing a template that makes data accessible to general audiences.
- Identify and honor LEAs achieving greater funding equity for schools serving high proportions of students of color and students from low-income families. Highlight their policies and practices so they can be adapted by other LEAs.
- Work with districts to connect public reporting on per-pupil expenditures with districts' resource reviews for schools identified for comprehensive support and improvement and targeted support improvement. Ensure these resource reviews are taken seriously and that LEAs address resource inequities as a condition of receiving school improvement funds.
- Design LEA-to-SEA grant applications for funding sources that do not flow by formula, such as Section 1003 School Improvement funds or Section 1003A Direct Student Services funds (if the SEA decides to implement that option) in ways that target schools with the most pressing funding gaps and the clearest plans for using grant funding to address resource inequities. Where districts with the greatest need do not have a plan or adequate capacity to target supplemental funding, states should provide support to develop a plan or connect those districts with technical assistance providers to help them address these gaps and identify the underlying causes behind inequitable funding, opportunities, and outcomes.

Guiding Questions for State Leaders

- What is the current quality and reliability of the financial data? What assistance do LEAs need to create accurate, useful data? Were there quality-assurance issues with school finance data produced under the American Recovery and Reinvestment Act of 2009 that can be addressed before ESSA reporting is required?
- What data do we need to inform decisions about funding? How can data on school-level expenditures be used to advocate for greater funding equity?
- Using these data, are we able to identify funding gaps between districts in our state, or between schools within our districts?

- How might our state prioritize or target funding to close gaps? Which students, schools, districts, and issue areas need the most attention? What state programs can augment ESSA's focus to accelerate funding equity?
- What community partners or providers can extend the reach of targeted funds and lend capacity to LEAs and schools?
- How will our state ensure that new approaches to school funding do not result in unintended inequities for other student groups?
- How will we effectively communicate an equitable funding strategy to the public and engage stakeholders in this process?

IMPROVING LOW-PERFORMING SCHOOLS

What's the Opportunity?

No Child Left Behind (NCLB)-era accountability systems identified many low-performing schools, but the prescribed school turnaround strategies did not lead to consistently improved outcomes for students. New funding and programs for school improvement under ESSA provide more flexibility for Local Education Agencies (LEAs) and school leaders to craft solutions tailored to their local context.¹

Leveraging ESSA

- **School Improvement Funds:** In general, State Education Agencies (SEAs) must reserve 7 percent of Title I funds for LEAs to assist schools identified for support and improvement under the state accountability system. These funds can be awarded on either a formula or competitive basis [Sec. 1003(b)(1)(A)]. Among other requirements, when distributing Section 1003 funds, SEAs “shall give priority to local education agencies that-- (1) serve high numbers, or a high percentage of, elementary schools and secondary schools implementing [comprehensive support and improvement or targeted support and improvement plans]; (2) demonstrate the greatest need for such funds, as determined by the State; and (3) demonstrate the strongest commitment to using funds to enable the lowest-performing schools to improve student achievement and student outcomes” [Sec. 1003(f)(1)-(3)]. Section 1003 funds can only be used to implement evidence-based strategies that are supported with strong, moderate, or promising evidence from at least one well-designed study [Sec. 8101(21)(B)].⁶
- **Comprehensive Support and Improvement (CSI):** At least once every three years, SEAs must identify certain schools for comprehensive support and improvement (CSI) [Sec. 1111(c)(4)(D)(i)]. CSI schools include (1) the lowest-performing 5 percent of Title I schools, (2) high schools failing to graduate one-third or more of their students, and (3) schools with chronically low-performing groups of students that have failed to improve after implementing more targeted supports [Sec. 1111(c)(4)(D)(i)(I)-(III)]. LEAs with CSI schools must develop plans for each school that, among other things, include evidence-based interventions for the school [Sec. 1111(d)(1)(B)(ii)].
 - The SEA, LEA, and school must approve each CSI school plan and the SEA must monitor its implementation [Sec. 1111(d)(1)(B)(v)-(vi)].
- **Targeted Support and Improvement (TSI):** SEAs must annually identify certain schools for targeted support and improvement (TSI) [Sec. 1111(d)(2)(A)]. This includes any public school in which one or more groups of students is consistently underperforming as determined by the State [Sec. 1111(c)(4)(C)(iii)]. TSI schools must develop plans that, among other things, include evidence-based interventions [Sec. 1111(d)(2)(B)(ii)]. The LEA must approve TSI school plans and monitor their implementation [Sec. 1111(d)(2)(B)(iii)-(iv)].
- **School Improvement Resource Review:** Each school identified under the state accountability system for comprehensive support and improvement must “locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes,” which must “[identify] resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan” [Sec. 1111(d)(1)(B)(iv)].

- Additionally, schools identified for targeted support and improvement “shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan” [Sec. 1111(d)(2)(C)] if the performance of any of the student groups in those schools would place them in the lowest-performing 5 percent of schools using the state’s methodology under Section 1111(c)(4)(D).
- **Title I, Part A Subgrants to LEAs:** Title I schoolwide schools (where at least 40 percent of students enrolled in the school or in the school attendance area come from low-income families and all students are considered to be “Title I students”) may design Title I programs, and therefore use Title I funds, to increase opportunities for all children to meet state standards [Sec. 1114(b)(7)(A)(i)]. There are a variety of instructional strategies, non-instructional strategies, and teaching/school personnel support and professional development strategies that can be used in a schoolwide setting [Sec. 1114(b)(7)(A)(iii)(I)-(V).] Likewise, in a targeted assistance program, funds can be used to provide additional supports for Title I students. Under NCLB, some states limited how Title I, Part A funds could be spent beyond what federal law required, which limited the ability of low-performing schools to use Title I, Part A funds to meet their particular needs. SEAs can ensure that low-performing Title I schools have access to the full array of Title I spending options in order to better meet individual schools’ needs.
- **Title II, Part A State Activities:** States may retain up to 5 percent of Title II funds for state activities, with not more than 1 percent of funds being used for administration [Sec. 2101(c)(1)-(2)]. Allowable uses of these funds include but are not limited to activities to recruit, retain, mentor, and increase the effectiveness of teachers and school leaders [Sec. 2101(c)(4)(B)].
 - States have the option to retain an additional 3 percent of Title II, Part A funds (above the 5 percent reservation for state activities) to target state activities to principals and other school leaders [Sec. 2101(c)(3)]. States can elect to use the additional 3 percent allocation to prepare cadres of school leaders for the specific challenges of turning around low-performing schools and/or starting new schools to better serve these communities.
- **Title II, Part A Subgrants to LEAs:** LEA applications for Title II funds must include “a description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c)” [Sec. 2102(b)(2)(C)]. Title II, Part A local funds may be used for a variety of professional development and school personnel support activities, many of which are relevant to improving low-performing schools [Sec. 2103(b)]. SEAs should ensure LEAs are aware of the various Title II, Part A spending options and encourage LEAs to revisit current Title II, Part A spending to determine if different activities would better meet the needs of low-performing schools.
- **Teacher and School Leader Incentive Fund:** SEAs may apply for grants that would support, among other activities, “Providing principals or other school leaders with-- (i) balanced autonomy to make budgeting, scheduling, and other school-level decisions in a manner that meets the needs of the school without compromising the intent or essential components of the policies of the local educational agency or State; and (ii) authority to make staffing decisions that meet the needs of the school, such as building an instructional leadership team that includes teacher leaders or offering opportunities for teams or pairs of effective teachers or candidates to teach or start teaching in high-need schools together” [Sec. 2212(e)(2)(C)(i)-(ii)].

- **Improving Literacy:** SEAs may apply for competitive Comprehensive Literacy State Development Grants from the Secretary of Education and subgrant those funds to “(1) provide subgrants to eligible entities serving a diversity of geographic areas, giving priority to entities serving greater numbers or percentages of children from low-income families; and (2) develop or enhance comprehensive literacy instruction plans that ensure high-quality instruction and effective strategies in reading and writing for children from early childhood education through grade 12, including English learners and children with disabilities” [Sec. 2222(a)(1)-(2)].
- **Title IV, Part A, Subpart 1 Subgrants to LEAs:** In their applications for Student Support and Academic Enrichment Grants, LEAs must provide assurances to their SEA that they will prioritize funds to schools with the greatest needs (as determined by the LEA), with the highest population of students identified under Section 1124(c) of ESEA, that have been identified for comprehensive support and improvement, that are implementing targeted support and improvement plans, or that have been identified as persistently dangerous under Section 8532 [Sec. 4106(e)(2)(A)(i)-(v)]. There are many relevant allowable uses of these funds that can support low-performing schools to increase student engagement and academic achievement, such as expanding STEM-focused and accelerated learning programs and increasing access to the arts [Sec. 4107(a)(3)].

High-Impact State Actions

- Develop a strategy for how the SEA will partner with districts to build their capacity to improve schools, and how support will be differentiated to districts based on their level of need and commitment to change.
- Coordinate with LEAs on their school improvement needs and help connect them with differentiated resources and technical assistance based on the results of their resource review and their plan for implementing CSI activities.
- Design the LEA application for Section 1003 School Improvement funds in a way that is consistent with state goals and any complementary state programs for assisting low-performing schools; leverage the state’s ability to target school improvement funds to schools and LEAs with greatest needs and greatest commitment to improvement. Make funding renewal contingent on fidelity of implementation and LEA and school leaders’ commitment to improvement.
- Target state Title II funds for teachers, principals, and school leaders to schools and LEAs implementing comprehensive support and improvement activities and ensure that educators have the opportunity to build the skills they need to successfully implement those activities. Ensure that LEAs are aware of and follow new Title II requirements to target Title II funds to schools identified for improvement.
- Make the school-level needs assessment for CSI schools a priority for the SEA, through developing a model or required school-level needs assessments with guidance on including key community and school stakeholders in the process.
- Leverage the SEA’s CSI plan review process, as well as its general oversight responsibilities for LEA compliance with TSI requirements, to ensure these plans include evidence-based interventions that meet school needs and that CSI/TSI plans are aligned to other plans and strategies.
- Ensure that CSI and TSI plans incorporate alignment with other federal laws, such as the Individual with Disabilities Education Act (IDEA), the Carl D. Perkins Career and Technical Education Act, and other funding streams to strengthen the coherence and effectiveness of improvement activities. Provide guidance, technical

assistance, and flexibility for LEAs to combine multiple federal funding streams to support coherence in CSI/TSI schools. Getting this right is an important opportunity to ensure coherence in school improvement but will demand administrative expertise; the SEA can help LEA leaders in this process.

- Develop training for LEA and school staff on how they would, based on their needs assessment, create a school improvement plan that includes appropriately-matched, evidence-based interventions for their context.
- Provide LEAs with easy access to information on evidence-based interventions for low-performing schools; consider creating an evidence clearinghouse or collecting links to summaries of evidence-based interventions in other states or organizations.
- Create a framework and processes for collecting evidence to assess the efficacy of promising interventions where the current evidence base is weak.
- Make sure LEAs are aware of the evidence base regarding the positive effects of high-quality curriculum and instructional materials on student achievement and encourage LEAs to focus on providing high-quality, standards-aligned instructional materials and related professional-learning activities as central components of an evidence-based school improvement plan. Likewise, states should ensure LEAs know the evidence base on access to advanced coursework, early college high schools, and dual enrollment, and encourage these as legitimate evidence-based strategies for school improvement. Applications for Section 1003 School Improvement funds can be structured to draw attention to these options.

Guiding Questions for State Leaders

- What lessons from School Improvement Grant (SIG) and other prior efforts to support school improvement should inform ESSA implementation?
- What capacity do LEAs have to effectively support low-performing schools, administer school improvement funds, and track effectiveness? Where can we support them, and where do we need to bring in additional expertise? How can the SEA promote sustainability?
- How might we prioritize funding and services based on the biggest equity gaps in our state? Do we need different strategies for CSI/TSI schools in urban, suburban, and rural schools? How can we prioritize funding to those with the greatest commitment and sense of urgency for change? What capacity do we have to provide guidance and structure around the use of funds to support school improvement? How can we increase our capacity in this area?
- Who needs to be involved to more effectively leverage funding from IDEA, Perkins, and other sources outside of ESSA to strengthen interventions in low-performing schools?
- What evidence-based interventions have been tried in our state? Which services or practices have proven most effective for our target population(s) and closing opportunity and achievement gaps? How can we share these lessons with LEAs and schools?
- What evidence-based interventions might LEAs favor? How might we differentiate supports by LEA capacity and student need? Are there ways the state can facilitate LEA selection of interventions with stronger track records of success?
- Are we thinking about incorporating early learning as a school improvement strategy? If so, who needs to be involved in these conversations?

INCREASING ACCESS TO EFFECTIVE TEACHERS AND LEADERS

What's the Opportunity?

Teachers are the most important in-school factor influencing student success and, without a strong principal, schools cannot transform, turnaround, and retain the talent they need to support each learner. Yet too many low-income students and students of color lack access to effective educators. With ESSA, states can target funds and programs help teachers and leaders develop the skills and competencies needed to improve outcomes for disadvantaged students and ensure they teach in schools that need their talent the most.²

Leveraging ESSA

- **State Requirement to Address the Distribution of the Teaching Workforce:** State plans must describe “how low-income and minority children enrolled in [Title I schools] are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and the measures the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description” [Sec. 1111(g)(1)(B)].
- **Public Reporting:** Each State Education Agency (SEA) and Local Education Agency (LEA) must submit information to the Office of Civil Rights (OCR) on “the professional qualifications of teachers in the State, including information (that shall be presented in the aggregate and disaggregated by high-poverty compared to low-poverty schools) on the number and percentage of—(I) inexperienced teachers, principals, and other school leaders; (II) teachers teaching with emergency or provisional credentials; and (III) teachers who are not teaching in the subject or field for which the teacher is certified or licensed” [Sec. 1111(h)(1)(C)(ix)(I)-(III)].
- **School Improvement Resource Review:** Each school identified under the state accountability system for comprehensive support and improvement must “locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes,” which must “[identify] resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan” [Sec. 1111(d)(1)(B)(iv)]. To focus on inequitable access to effective teachers and leaders, this review could address disparities in teacher salaries within the district or inequitable allocation of FTEs, and/or treat access to effective teachers and school leaders directly as a resource inequity to be addressed.
- **Title I, Part A Subgrants to LEAs:** Title I schoolwide schools (where at least 40 percent of students enrolled in the school or in the school attendance area come from low-income families and all students are considered to be “Title I students”) may design Title I programs, and therefore use Title I funds, to increase opportunities for all children to meet state standards, [Sec. 1114(b)(7)(A)(i)]. Likewise, in a targeted assistance program, funds can be used to provide professional development to personnel that work with Title I students [Sec. 1115(b)(2)(D)]. Under NCLB, some states prohibited LEAs and schools from using Title I, Part A funds for teacher support activities, and therefore Title I is often overlooked as a possible resource to support increased access to effective teachers. SEAs can ensure that Title I schools have access to the full array of Title I spending options in order to improve access to effective teachers in Title I schools.
- **Title II, Part A State Activities:** States may retain up to 5 percent of Title II funds for state activities,

with not more than 1 percent of funds being used for administration [Sec. 2101(c)(1)-(2)]. States may reserve an additional 3 percent of their Title II funds (on top of the 5 percent reservation) for state activities that support principals and other school leaders [Sec. 2101(c)(3)]. There are a variety of allowable uses for these funds that can be used to support and develop effective teachers and leaders [Sec. 2101(c)(4)]. Principals are the linchpin for building effective schools and play a critical role in recruiting, developing, and retaining talented building staff with the skills needed to improve student outcomes; funding strategies to support school leader development and retention is a critical part of any initiative to increase students' access to effective educators.

- **Comprehensive Literacy State Development Grants:** SEAs applying for competitive Comprehensive Literacy State Development Grants must complete a needs assessment as part of their application that “analyzes literacy needs across the State and in high-need schools and local educational agencies that serve high-need schools, including identifying the most significant gaps in literacy proficiency and inequities in student access to effective teachers of literacy” [Sec. 2222(d)(2)(A)].
- **Title II, Part A Subgrants to LEAs:** LEA applications for Title II funds must include “a description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c)” [Sec. 2102(b)(2)(C)]. Title II, Part A local funds may be used for a variety of professional development and school personnel support activities, many of which are relevant to improving access to effective teachers [Sec. 2103(b)]. SEAs should ensure LEAs are aware of the various Title II, Part A spending options and encourage LEAs to revisit current Title II, Part A spending to determine if funds are being used strategically to improve access to effective teachers – and to ensure funds are appropriately targeted to schools implementing comprehensive support and improvement plans and targeted support and improvement plans, as well as to schools with the highest proportion of children living in poverty.
- **Teacher and School Leader Incentive Program:** SEAs may apply for Teacher and School Leader Incentive Program grants to carry out activities that may support high-need schools, including but not limited to improving recruitment, selection, placement, and retention or providing principals with school-based autonomy for budgeting and staffing decisions [Sec. 2212(e)(2)].
- **School Leader Recruitment:** SEAs (alone, with a consortium with other SEAs, or in partnership with one or more LEAs) may apply for competitive grants “to enable such entities to improve the recruitment, preparation, placement, support, and retention of effective principals or other school leaders in high-need schools.” This work may include developing and implementing programs to train educators in high-need schools or to recruit educators to schools implementing comprehensive support and improvement plans and targeted support and improvement plans, as well as a variety of other activities [Sec. 2243(a)].
- **Title III State Activities:** States may reserve up to 5 percent of funds received under Title III to be used for activities to support English learners, including “providing effective teacher and principal preparation, effective professional development activities, and other effective activities related to the education of English learners, which may include assisting teachers, principals, and other educators in – (ii) improving teaching skills in meeting the diverse needs of English learners, including how to implement effective programs and curricula on teaching English learners” [Sec. 3111(b)(B)(ii)].

High-Impact State Actions

- Ensure state policies and practices permit and promote using federal formula funds, such as Title I, Part A and other ESSA funds (in addition to Title II), to attract and retain effective teachers and leaders to Title I schools. Policies and practices to examine include:
 - State guidance and rules for spending federal funds (formal and informal);
 - The state-designed application for ESSA formula funds that LEAs must submit to their state annually, which typically includes asks for plans and budgets;
 - The review and approval process (including rubrics) of these LEA applications;
 - Technical assistance activities;
 - Other state oversight activities, including monitoring.
- Develop activity-focused guidance describing strategies LEAs can implement to attract and retain effective teachers and principals in Title I schools and how ESSA and other federal funding sources can be used to help pay for those strategies.
- Use data from OCR and Title I reporting to be transparent about the percentage of ineffective, inexperienced, and out-of-field teachers across schools and districts that serve different groups of students. Lead a public dialogue with stakeholders to create awareness and local ownership for ensuring low-income students, students of color, and other groups of students who persistently show under-performance have access to their fair share of effective teachers and leaders.
- Work with LEAs to review data on students' access to effective educators and develop human capital management strategies that attract and retain effective teachers and leaders to schools with the greatest need, or to revisit student assignment within schools.
- Coordinate with educator preparation programs and professional development providers to ensure that future teachers and leaders are trained in culturally-responsive pedagogy, literacy development, positive behavioral supports, and other evidence-based interventions that can help engage students from a variety of backgrounds.
- Use the optional Title II 3 percent set-aside to create a more robust pipeline of turnaround principals, who are critical to attracting and retaining talented teachers to low-performing schools. These funds can also be targeted to schools and districts with the greatest gaps in effective school leadership. Under Title II, states can use these funds to partner with institutions of higher education and/or private partners to develop programs tailored to their context and needs.

Guiding Questions for State Leaders

- Do current SEA policies and practices promote the use of federal funding to help increase access to effective teachers and leaders? If not, what needs to change?
- How can we use data to recruit and retain effective teachers and leaders in areas with the greatest need? What data do we need to inform these decisions? Have teachers been engaged to help develop and refine strategies?

- Where (i.e., subject areas, geographic areas, grade levels) is there the highest turnover of effective teachers and leaders? What can be done to retain them? Does the state recognize and celebrate effective teachers who are teaching in high-poverty and high-minority schools?
- What promising practices exist in our state for getting the most effective teachers in front of the most disadvantaged students? What practices can we consider from other states?
- Does state policy create barriers to recruiting and retaining effective educators in LEAs and schools that do not have an equitable share of these educators?
- How can we leverage our state teacher equity plans to strengthen opportunities to address teacher quality and access in ESSA? Are there commitments and action steps from our state equity plan that should be included in our ESSA plan?
- What is the SEA capacity to provide guidance and support to districts on these issues? Do we have an aligned talent management strategy that we can communicate to our LEAs to address these issues? Where can we build or borrow capacity?
- What is the capacity of LEAs and school leadership to address gaps in talent management? How can we support them directly or connect them with support?
- What partnerships might help our SEA to best leverage limited resources? What partnerships do we need to strengthen our efforts to improve teacher and leader quality (e.g., traditional and alternative educator preparation programs, professional development providers, LEA human capital offices)?

SUPPORTING ENGLISH LEARNERS

What's the Opportunity?

As the share of English learners (ELs) in American public schools increases faster than any other group, it is more important than ever to ensure that they are making progress attaining English proficiency and meeting other learning goals. ESSA moves accountability for ELs from Title III to Title I to bring heightened focus to how schools are helping ELs to achieve and to ensure that serving ELs is seen as a school-wide general education priority. States must take advantage of multiple provisions in ESSA to ensure ELs receive a high-quality education.³

Leveraging ESSA

- **State Accountability Systems:** Under Title I, state accountability systems must include an indicator of “progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline for all English learners” [Sec. 1111(c)(4)(B)(iv)].
- **Public Reporting:** Under Title I, state report cards must include “information on the number and percentage of English learners achieving English language proficiency” [Sec. 1111(h)(1)(C)(iv)]. English learners are also one of the groups of students for which all other information must be disaggregated [Sec. 1111(c)(2)(D)].
- **Targeted Support and Improvement:** State Education Agencies (SEAs) must annually identify certain schools for targeted support and improvement (TSI) [Sec. 1111(d)(2)(A)]. This includes any public school in which one or more groups of students is consistently underperforming – which can include ELs – as determined by the State [Sec. 1111(c)(4)(C)(iii)]. TSI schools must develop plans that, among other things, include evidence-based interventions [Sec. 1111(d)(2)(B)(ii)]. The Local Education Agency (LEA) must approve these TSI school plans, and monitor their implementation [Sec. 1111(d)(2)(B)(iii)-(iv)].
 - Additionally, schools identified for targeted support and improvement “shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan” [Sec. 1111(d)(2)(C)] if the performance of any of the student groups in those schools would place them in the lowest-performing 5 percent of schools using the state’s methodology under Section 1111(c)(4)(D).
- **Title I, Part A Subgrants to LEAs:** Title I schoolwide schools (where at least 40 percent of students enrolled in the school or in the school attendance area come from low-income families and all students are considered to be “Title I students”) may design Title I programs, and therefore use Title I funds, to increase opportunities for all children to meet state standards, including children in identified student groups, such as ELs [Sec. 1114(b)(7)(A)(i)]. There are a variety of instructional strategies, non-instructional strategies, and teaching/school personnel support and professional development strategies, that can support ELs in a schoolwide setting [Sec. 1114(b)(7)(A)(iii)(I)-(V)]. Likewise, in a targeted assistance program, funds can be used to provide additional supports for Title I students, including Title I students that are ELs. Under NCLB, some states mistakenly believed that Title I funds could not be targeted to support ELs, and SEAs should ensure this misunderstanding does not carry over to ESSA.

- Improving State Assessment Systems:** States may use grants for state assessments to support “Ensuring the provision of appropriate accommodations available to English learners and children with disabilities to improve the rates of inclusion in regular assessments of such children, including professional development activities to improve the implementation of such accommodations in instructional practice” [Sec. 1201(a)(2)(A)] and “Developing or improving assessments for English learners, including assessments of English language proficiency as required under section 1111(b)(2)(G) and academic assessments in languages other than English to meet the State’s obligations under section 1111(b)(2)(F)” [Sec. 1201(a)(2)(C)].
- Title II, Part A State Activities:** States may retain up to 5 percent of Title II funds for state activities, with not more than 1 percent of funds being used for administration [Sec. 2101(c)(1)-(2)]. There are a variety of allowable uses for these funds that can be used to ensure that ELs have access to effective teachers and leaders [Sec. 2101(c)(4)(B)]. States may also reserve an additional 3 percent of their Title II funds for state activities that support principals and other school leaders [Sec. 2101(c)(3)]. States should consider how to effectively leverage this additional set-aside to support principals leading schools with high populations of ELs, like establishing mentoring programs for principals focused helping them meet ELs’ needs, or establishing principal preparation academies with an explicit focus on developing school leaders who can help ELs excel.
- Title II, Part A Subgrants to LEAs:** LEA applications for Title II funds must include “a description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c)” [Sec. 2102(b)(2)(C)]. Among many allowable uses, LEAs may use Title II, Part A local funds for a variety of professional development and school personnel support activities, including helping to meet the needs of ELs [Sec. 2103(b)(2)]. In addition to many other activities that can help EL students, Title II, Part A may specifically be used to develop programs and activities that increase the ability of teachers to effectively teach ELs, which may include the use of multi-tier systems of support and positive behavioral supports [Sec. 2103(b)(3)(F)]. SEAs should ensure LEAs are aware of these spending opportunities, and support LEAs that implement these types of programs.
- Comprehensive Literacy State Development Grants:** Under Title II, Part B, SEAs may apply for competitive Comprehensive Literacy State Development grants to “(1) provide subgrants to eligible entities serving a diversity of geographic areas, giving priority to entities serving greater numbers or percentages of children from low-income families; and (2) develop or enhance comprehensive literacy instruction plans that ensure high-quality instruction and effective strategies in reading and writing for children from early childhood education through grade 12, including English learners” [Sec. 2222(a)(1)-(2)].
- Title III State Activities:** States may reserve up to 5 percent of funds received under Title III to be used for activities to support ELs, including “establishing and implementing [...] standardized statewide entrance and exit procedures,” “providing effective teacher and principal preparation, effective professional development activities, and other effective activities related to the education of English learners,” and providing technical assistance to eligible entities receiving Title III grants [Sec. 3111(b)(2)(A)-(E)].
- Title III, Part A Subgrants to LEAs:** Under Title III, states may make subgrants to individual LEAs or to LEAs working in partnership with institutions of higher education, education service

agencies, community-based organizations, or the SEA to develop, implement, and improve the language instruction and academic content instruction for programs serving ELs and immigrant children and youth [Sec. 3115(a)].

- **Title IV State Activities:** Using Title IV state set-asides, SEAs may support LEAs for a variety of activities, which may include offering well-rounded educational experiences to children that are traditionally underrepresented in those environments, including ELs [Sec. 4104(b)(3)(A)].
- **Expanding Access to Preschool:** States may apply for Preschool Development Grants to “develop, update, or implement a strategic plan that facilitates collaboration and coordination among existing programs of early childhood care and education in a mixed delivery system” that is “designed to prepare low-income and disadvantaged children to enter kindergarten,” encourage partnerships among different agencies and organizations, and maximize parental choice [Sec. 9212(a)(1)-(3)]. States receiving funds must conduct a periodic needs assessment on “the availability and quality of existing programs in the State, including such programs serving the most vulnerable or underserved populations and children in rural areas” [Sec. 9212(f)(1)(A)]. Since nearly 60 percent of English learners come from low-income families⁴ and English learners are more concentrated in the early grades,⁵ the program could be used to expand access to high-quality preschool programs to English learners.

High-Impact State Actions

- Ensure state policies and practices permit and promote using federal formula funds, such as Title I, Part A and other ESSA funds, on activities that improve services to EL students. Policies and practices to examine include:
 - State guidance and rules for spending federal funds (formal and informal);
 - The state-designed application for ESSA formula funds that LEAs must submit to their state annually, which typically includes asks for plans and budgets;
 - The review and approval process (including rubrics) of these LEA applications;
 - Technical assistance activities;
 - Other state oversight activities, including monitoring.
- Develop activity-focused guidance describing strategies LEAs can implement to provide effective supports to EL students and how ESSA and other federal funding sources can be used to help pay for those strategies.
- Use Title II to develop or improve professional learning opportunities focused on meeting the needs of ELs. If not already in place, explore policies and incentives to ensure all educators, or an adequate supply, have advanced training or certification in meeting the needs of EL students.
- Leverage the state CSI plan review process, as well as the SEA’s general oversight responsibilities for LEA compliance with TSI requirements, to ensure plans include evidence-based interventions that address the needs of ELs where relevant, and that CSI/TSI plans are aligned to other supports offered to ELs (such as those that are part of a Title I schoolwide plan, or those that are supported with Title III). Facilitate the adoption of evidence-based interventions by identifying effective programs and providers and making it easy for LEAs to contract with them.

- Consider the creation of an “ever-EL” or former EL student group in the state accountability system to track the progress of reclassified ELs once they exit EL status.
- Use data systems to identify LEAs serving the greatest proportion of ELs and recently arrived ELs and help target funding, resources, and technical assistance to those areas.
- Coordinate state activities funded by Title II and Title III to improve ELs’ access to effective teachers and leaders. This work can be strengthened by partnering with educator preparation programs or using Title II funds to establish teacher and leader preparation academies with the goal of improving educators’ skills supporting ELs.
- Network LEA leaders who are focused on improving the effectiveness of EL support. Highlight promising practices and create a clearinghouse of artifacts and tools for continuous improvement.

Guiding Questions for State Leaders

- Do current SEA policies and practices promote the use of federal funding for ELs outside of Title III? If not, what needs to change?
- How will we set aggressive but achievable goals for ELs in our state? Who needs to be involved in the development of these goals, and how will we hold ourselves accountable for them?
- Does our state already have standardized procedures for entry and exit from EL services? If so, do they need to be revisited? If not, who do we need to engage to develop these procedures?
- Is the pace at which ELs transition to full English proficiency currently a priority? Who is responsible and what mechanisms are in place for keeping these issues on the radar of senior leaders?
- How accurate is our current data on ELs? Where are improvements needed?
- Are there senior leaders who are prioritizing English-development and improving academic outcomes for ELs within our SEA? What partners are needed in other state agencies or in community groups to help elevate ELs’ needs within the public conversation?
- Does our state have the appropriate assessments for ELs, including assessments in students’ native languages?
- How will our state ensure that ELs are being provided with the right assessment accommodations?

INCREASING ACCESS TO ADVANCED COURSEWORK

What's the Opportunity?

Under No Child Left Behind (NCLB), accountability focused on meeting proficiency goals for all groups of students and did not draw attention or target resources to increase advanced achievement. Low-income students and students of color are persistently under-identified for gifted and talented programs and too often do not have access to advanced coursework and other opportunities that prepare them for postsecondary success. Equity cannot only be about bringing all students to a baseline proficiency; all students must have the opportunity to realize their full potential.

Leveraging ESSA

- **Public Reporting:** Each State Education Agency (SEA) and Local Education Agency (LEA) must submit information to the Office of Civil Rights on “the number and percentage of students enrolled in—(bb) accelerated coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment programs” [Sec. 1111(h)(1)(C)(viii)(II)(bb)]. Additionally, state report cards must include the “cohort rate (in the aggregate, and disaggregated for each subgroup of students defined in subsection (c)(2)), at which students who graduate from the high school enroll, for the first academic year that begins after the students’ graduation—(I) in programs of public postsecondary education in the State; and (II) if data are available and to the extent practicable, in programs of private postsecondary education in the State or programs of postsecondary education outside the State” [Sec. 1111(h)(1)(C)(xiii)(I)-(II)]. SEAs can analyze these data points together to understand how access to advanced coursework impacts students’ preparation for and participation in postsecondary education.
- **School Improvement Funds:** In general, SEAs must reserve 7 percent of Title I funds for LEAs to support schools identified for support and improvement under the state accountability system. These funds can be awarded on either a formula or competitive basis [Sec. 1003(b)(1)(A)]. Among other requirements, when distributing Section 1003 funds, SEAs “shall give priority to local education agencies that-- (1) serve high numbers, or a high percentage of, elementary schools and secondary schools implementing [comprehensive support and improvement or targeted support and improvement plans]; (2) demonstrate the greatest need for such funds, as determined by the State; and (3) demonstrate the strongest commitment to using funds to enable the lowest-performing schools to improve student achievement and student outcomes” [Sec. 1003(f)(1)-(3)]. Section 1003 funds can only be used to implement evidence-based strategies that are supported with strong, moderate, or promising evidence from at least one well-designed study [Sec. 8101(21)(B)].⁶
 - SEAs and LEAs should consider the evidence base on expanding access to advanced coursework as a school improvement strategy when developing Section 1003 School Improvement applications and guidance, and approving school improvement plans.
- **Direct Student Services:** SEAs may reserve up to 3 percent of Title I funds to subgrant to LEAs to fund Direct Student Services. Allowable uses of these funds include but are not limited to “enrollment and participation in academic courses not otherwise available at a student’s school, including – (i) advanced courses” [Sec. 1003A(c)(3)(A)(i)] and “activities that assist students in successfully completing postsecondary level instruction and examinations that are accepted

for credit at institutions of higher education (including Advanced Placement and International Baccalaureate courses), which may include reimbursing low-income students to cover part or all of the costs of fees for such examinations” [Sec. 1003A(c)(3)C].

- **Title I, Part A Subgrants to LEAs:** Title I schoolwide schools (where at least 40 percent of students enrolled in the school or in the school attendance area come from low-income families and all students are considered to be “Title I students”) may design Title I programs, and therefore use Title I funds, to increase secondary students’ access to Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools [Sec. 1114(b)(7)(A)(iii)(II)]. Title I high schools that are targeted assistance schools may use Title I funds for dual or concurrent enrollment programs [Sec. 1115(f)] and should help Title I students gain access to an accelerated, high-quality curriculum [Sec. 1115(b)(2)(G)(i)]. Under NCLB, some states mistakenly believed that Title I funds could only be used for basic instruction to meet NCLB proficiency goals, and SEAs should ensure this misunderstanding does not carry over to ESSA.
- **Title II, Part A State Activities:** States may retain up to 5 percent of Title II funds for state activities, with not more than 1 percent of funds being used for administration [Sec. 2101(c)(1)-(2)]. These funds can be used for “developing, or assisting local educational agencies in developing, strategies that provide teachers, principals, or other school leaders with the skills, credentials, or certifications needed to educate all students in postsecondary education coursework through early college high school or dual or concurrent enrollment programs” [Sec. 2101(c)(4)(B)(xiv)].
- **Title II, Part A Subgrants to LEAs:** LEA applications for Title II funds must include “a description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c)” [Sec. 2102(b)(2)(C)]. Among many allowable uses, LEAs may use Title II, Part A funds to provide training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified, and implement instructional practices that support the education of such students, including early kindergarten entrance, enrichment and acceleration programs, and dual or concurrent enrollment programs [Sec. 2103(b)(3)(J)(i)-(ii)]. These funds may also be used for professional development and comprehensive systems of support for teachers in STEM subjects [Sec. 2103(b)(3)(M)] and high-quality professional development for teachers, principals, and other school leaders on “effective strategies to integrate rigorous academic content, career and technical education, and work-based learning,” which may include providing common planning time, to help prepare students for postsecondary education and the workforce [Sec. 2103(b)(3)(O)]. SEAs should ensure LEAs are aware of these spending opportunities, and support LEAs implementing these types of programs.
- **Title IV, Part A, Subpart 1 State Activities:** States may retain up to 5 percent of their Title IV, Part A allocation for state activities which may include reimbursing the costs of exam fees for low-income students or increasing enrollment in accelerated coursework or early college high school courses [Sec. 4104(b)(3)(A)(ii)].
- **Title IV, Part A, Subpart 1 Subgrants to LEAs:** LEAs must use a portion of Title IV, Part A local funds for activities that support access to a well-rounded education, which may include college and career guidance and counseling programs [Sec. 4107(a)(3)(A)] and efforts to raise student academic achievement through accelerated learning programs. This may also include reimbursing low-

income students for accelerated learning exams and increasing the availability of and enrollment in accelerated learning courses, exams, dual or concurrent enrollment programs, and early college high school courses [Sec. 4107(a)(3)(D)(i)-(ii)]. LEAs must use a portion of this funding to support the effective use of technology, which may include “developing or using effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology” [Sec. 4109(a)(3)], and “providing students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators” [Sec. 4109(a)(6)]. SEAs should ensure LEAs are aware of these spending opportunities, and support LEAs implementing these types of programs, including ensuring that online courses are high-quality and help to address gaps in course access.

- **Supporting Gifted and Talented Education:** SEAs can apply for grants under the Jacob K. Javits Gifted and Talented Students Education Program in Title IV, Part F, Subpart 4 to for any of the following uses: “(1) Conducting evidence-based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to identify and provide the opportunity for all students to be served, particularly low-income and at-risk students. (2) Establishing and operating programs and projects for identifying and serving gifted and talented students, including innovative methods and strategies [...] (3) Providing technical assistance and disseminating information, which may include how gifted and talented programs and methods may be adapted for use by all students, particularly low-income and at-risk students” [Sec. 4644(c)(1)-(3)].

High-Impact State Actions

- Ensure state policies and practices permit and promote using federal formula funds, such as Title I, Part A and other ESSA funds, for activities that increase equitable access to advanced coursework. Policies and practices to examine include:
 - State guidance and rules for spending federal funds (formal and informal);
 - The state-designed application for ESSA formula funds that LEAs must submit to their state annually, which typically includes asks for plans and budgets;
 - The review and approval process (including rubrics) of these LEA applications;
 - Technical assistance activities;
 - Other state oversight activities, including monitoring.
- Develop activity-focused guidance describing strategies LEAs can implement to provide greater access to advanced coursework, and how ESSA and other federal funding sources can be used to help pay for those strategies. For example, SEAs can ensure LEA and school leaders are aware of evidence base establishing advanced coursework and dual enrollment as effective strategies for improving achievement.
- Audit course availability, course-taking patterns, pass rates, and grades earned across different groups of students and LEAs, which will facilitate strategic identification of issues and opportunity gaps and the targeting of resources to increase students’ access to these courses.

- Make sure the data on access to and participation in advanced coursework that is part of the OCR data collection is accurate, which will involve technical assistance and support to LEAs on how to ensure all students are counted.
- If the state is electing to use assessment audit funds, determine the purpose, scope, and intended use of the audit – and include an examination of assessments that restrict access to gifted and talented programs and advanced coursework.
- Target technical assistance and supports to LEAs and schools with the greatest gaps in access to advanced coursework and/or postsecondary enrollment.
- Collect information on pass rates for Advanced Placement courses to ensure schools and districts are offering students the rigorous academic experiences that will prepare them for postsecondary education.
- Ensure that LEAs implementing comprehensive support and improvement activities are not merely focusing on achieving proficiency but are also increasing the share of students achieving at the highest levels, and have plans for expanding access to accelerated and advanced coursework.

Guiding Questions for State Leaders

- Are state and LEA leaders familiar with the research on advanced courses/dual enrollment and improving achievement for disadvantaged students?
- Do current state policies and practices promote the use of federal funding for access to advanced coursework for disadvantaged students? If not, what needs to change?
- Where are there the biggest inequities and disparities in access to advanced coursework? Which students lack access to which programs (within and across schools)?
- Are assessment practices in our state leading to inequitable access to advanced coursework and enrichment programs like Gifted and Talented? How does the demography of the Gifted and Talented students proportionally relate to the size of different groups of students in the state?

ADDRESSING DISPROPORTIONATE DISCIPLINE PRACTICES

What's the Opportunity?

In too many schools and classrooms across the country, students of color and students with disabilities are disproportionately the target of exclusionary discipline practices, taking these students out of the classroom and denying them access to the instruction they need. States have an important role to play in ensuring the safety of students and educators while providing alternatives to disciplinary practices that perpetuate the school-to-prison pipeline and lead to students dropping out of or disengaging from school. ESSA increases transparency around this issue and provides opportunities for State Education Agencies (SEAs) and Local Education Agencies (LEAs) to provide alternatives to exclusionary discipline practices.

Leveraging ESSA

- **Public Reporting:** Each SEA and LEA must submit information to the Office of Civil Rights on “measures of school quality, climate, and safety, including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (including both excused and unexcused absences), incidences of violence, including bullying and harassment” [Sec. 1111(h)(1)(C)(viii)(I)].
- **State Support for LEAs in Improving School Conditions:** States are required to support LEAs Title I, Part A funds 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” [Sec. 1111(g)(1)(C)(i)-(iii)].⁷
- **LEA Support for Schools in Reducing Disproportionate Discipline Practices:** LEAs receiving Title I, Part A funds must support efforts to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by student group [Sec. 1112(b)(11)].
- **State Accountability Systems:** State accountability systems must include “not less than one indicator of school quality or student success” [Sec. 1111(c)(4)(B)(v)(I)] that may include measures of “school climate and safety” [Sec. 1111(c)(4)(B)(v)(II)(VI)].
- **Title I, Part A Subgrants to LEAs:** Title I schoolwide schools (where at least 40 percent of students enrolled in the school or in the school attendance area come from low-income families and all students are considered to be “Title I students”) may design Title I programs, and therefore use Title I funds, to implement counseling, school-based mental health programs, specialized instructional support, mentoring, other strategies to improve students non-academic skills [Sec. 1114(b)(7)(A)(iii)(I)]. Schoolwide schools may also implement schoolwide tiered models to prevent and address problem behavior, and early intervention services coordinated with similar activities under IDEA [Sec. 1114(b)(7)(A)(iii)(III)]. Title I targeted assistance schools may also use Title I, Part A funds for specific Title I students in tiered models to prevent and address behavior problems and early intervention services coordinated with similar activities carried out under IDEA [Sec. 1115(b)(2)(B)(ii)]. Under NCLB, some states mistakenly believed that Title I funds could only be used for instructional interventions, and SEAs should ensure this misunderstanding does not carry over to ESSA.

- Title II, Part A Subgrants to LEAs:** LEA applications for Title II funds must include “a description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c)” [Sec. 2102(b)(2)(C)]. LEAs may use Title II, Part A funds to develop programs and activities that increase the ability of teachers to effectively teach children with disabilities, which may include the use of multi-tier systems of support and positive behavioral supports [Sec. 2103(b)(3)(F)]. Title II, Part A local funds may also be used for in-service training for school personnel in “(i) the techniques and supports needed to help educators understand when and how to refer students affected by trauma, or students with or at risk of mental illness; (ii) the use of referral mechanisms that effectively link such children to treatment and intervention services [...]; (iii) forming partnerships between school-based mental health programs and public or private mental health organizations; and (iv) addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism” [Sec. 2103(b)(3)(l)(i)-(iv)].
- Title IV, Part A, Subpart 1 State Activities:** Using Title IV, Part A state set-asides, SEAs may support LEAs for a variety of activities, including those that “foster safe, healthy, supportive, and drug-free environments that support student academic achievement, as described in section 4108, which may include--coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 4108(5)(F)” [Sec. 4104(b)(3)(B)(i)].
- Title IV, Part A, Subpart 1 Subgrants to LEAs:** LEAs must use a portion of Title IV, Part A, Subpart 1 local funds for activities that support access to a well-rounded education, which may include “programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution” [Sec. 4107(a)(3)(B)], as well as “programs and activities that promote volunteerism and community involvement” [Sec. 4107(a)(3)(H)]. LEAs must also use a portion of this funding to support activities to support safe and healthy students, which may include school-based mental health services [Sec. 4108(5)(B)(ii)] or programs that provide mentoring and school counseling, [Sec. 4108(5)(C)(v)]. This funding can also support high-quality training for school personnel, including on “effective and trauma-informed practices in classroom management” and “crisis management and conflict resolution techniques” [Sec. 4108(5)(D)(ii)-(iii)], and “designing and implementing locally-tailored plans to reduce exclusionary disciplinary practices” [Sec. 4108(5)(F)]. SEAs should ensure LEAs are aware of these spending opportunities, and support LEAs implementing these types of programs, including providing opportunities to network LEAs implementing these plans and help them explore promising practices.
- Addressing Discipline in Charter Schools:** SEAs may apply for competitive Grants to Support High-Quality Charter Schools and subgrant these funds to open, expand, and replicate high-quality charter schools in the state. In their grant application, SEAs must describe how they will work with charter schools in “supporting all students once they are enrolled to provide retention, including reducing the overuse of discipline practices that remove students from the classroom” [Sec. 4303(f)(1)(A)(viii)(II)].

High-Impact State Actions

- Ensure state policies and practices permit and promote using federal formula funds, such as Title I, Part A and other ESSA funds, to address disparate disciplinary practices. Policies and practices to examine include:
 - State guidance and rules for spending federal funds (formal and informal);
 - The state-designed application for ESSA formula funds that LEAs must submit to their state annually, which typically includes asks for plans and budgets;
 - The review and approval process (including rubrics) of these LEA applications;
 - Technical assistance activities;
 - Other state oversight activities, including monitoring.
- Develop activity-focused guidance describing strategies LEAs can implement to address disproportionate discipline practices and how ESSA and other federal funding sources can be used to help pay for those strategies.
- Use data from the accountability system to lead a public conversation on the need to explore alternatives to exclusionary discipline practices and help create buy-in from stakeholders.
- Identify promising practices from LEAs' Title I plans addressing the overuse of exclusionary discipline practices. Provide opportunities for LEA leaders to network, explore common problems of practice, and explore research on alternative behavior management strategies.

Guiding Questions for State Leaders

- How are schools and LEAs addressing school climate as part of their behavior management strategy? What metrics are they tracking internally? What supports do they need to make these connections?
- What trainings do teachers and school leaders need on behavior management and programs like restorative justice and positive behavior interventions and supports? How can we ensure our state's educator workforce develops these skills during their preparation programs and sustains them through high-quality professional development?
- How can we effectively coordinate with other relevant state agencies, like juvenile justice or the governor's children's cabinet, to align our strategy? Would it be beneficial to create metrics and goals that are shared across departments?
- Can we braid funds across federal and state grants, as well as from private (e.g., foundation) funding?
- How can we support schools with high rates of out-of-school suspensions, expulsions, and other exclusionary discipline practices? What resources do we need to lead this work?

ADDRESSING STUDENTS' SOCIAL-EMOTIONAL LEARNING NEEDS

What's the Opportunity?

Learning science establishes that social-emotional development is integrally related to meeting rigorous academic goals and succeeding in school, work, and life. All students, and disadvantaged students in particular, need opportunities to develop self-awareness, self-management, social awareness, relationship skills, and responsible decision making.⁸ Integrating a focus on students' social-emotional learning needs in conjunction with academic instruction is critical, and ESSA provides multiple opportunities to authorize and fund programs that holistically address students' social, emotional, and academic learning needs.

Leveraging ESSA

- **State Accountability Systems:** State accountability systems must include “not less than one indicator of school quality or student success” [Sec. 1111(c)(4)(B)(v)(I)] that may include measures of “student engagement” or “school climate and safety” [Sec. 1111(c)(4)(B)(v)(II)(III, VII)].
- **Public Reporting:** Each State Education Agency (SEA) and Local Education Agency (LEA) must submit information to the Office of Civil Rights (OCR) on “measures of school quality, climate, and safety, including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (including both excused and unexcused absences), incidences of violence, including bullying and harassment” [Sec. 1111(h)(1)(C)(viii)(I)].
- **Title I, Part A Subgrants to LEAs:** Title I schoolwide schools (where at least 40 percent of students enrolled in the school or in the school attendance area come from low-income families and all students are considered to be “Title I students”) may design Title I programs, and therefore use Title I funds, to increase opportunities for all children to meet state standards, including programs and activities that provide a well-rounded education [Sec. 1114(b)(7)(A)(i)-(ii)]. Title I schoolwide programs can implement “counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students’ [non-academic skills]” [Sec. 1114(b)(7)(A)(iii)(I)]. Schoolwide schools may also implement schoolwide tiered models to prevent and address problem behavior, and early intervening services coordinated with similar activities under IDEA [Sec. 1114(b)(7)(A)(iii)(III)], and can also implement strategies to assist in the transition from preschool to elementary school [Sec. 1114(b)(7)(A)(iii)(V)].
 - Additionally, Title I targeted assistance schools may use Title I, Part A funds to provide Title I students a well-rounded education [Sec. 1115(b)(2)(A)], for certain transition programs [Sec. 1115(b)(2)(C)], for parent involvement strategies [Sec. 1115(b)(2)(E)], and for tiered models to prevent and address behavior problems and early intervention services coordinated with similar activities carried out under IDEA [Sec. 1115(b)(2)(B)(ii)].
 - Under NCLB, some states mistakenly believed that Title I funds could only be used for instructional interventions, and SEAs should ensure this misunderstanding does not carry over to ESSA. It is particularly important to ensure alignment between the new school quality indicator for accountability and SEA spending policies so that Title I funds can be used to support the state’s accountability decisions.

- **Funding for At-Risk Students:** Under Title I, Part D, Subpart 2, SEAs can apply for funds to support children and youth who are neglected, delinquent, or at-risk, including “providing targeted services for youth who have come in contact with both the child welfare system and juvenile justice system” [Sec. 1415(a)(2)(A)(iii)].
- **Title II, Part A Subgrants to LEAs:** LEA applications for Title II funds must include “a description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c)” [Sec. 2102(b)(2)(C)]. As part of this, LEAs may use Title II, Part A funds to develop programs and activities that increase the ability of teachers to effectively teach children with disabilities and English learners, which may include the use of multi-tier systems of support and positive behavioral supports [Sec. 2103(b)(3)(F)]. Title II, Part A local funds may also be used for in-service training for school personnel in “(i) the techniques and supports needed to help educators understand when and how to refer students affected by trauma, or students with or at risk of mental illness; (ii) the use of referral mechanisms that effectively link such children to treatment and intervention services [...]; (iii) forming partnerships between school-based mental health programs and public or private mental health organizations; and (iv) addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism” [Sec. 2103(b)(3)(I)(i)-(iv)].
- **Title IV, Part A, Subpart 1 State Activities:** Using Title IV, Part A state set-asides, SEAs may support LEAs for a variety of activities, including those that “foster safe, healthy, supportive, and drug-free environments that support student academic achievement” or that support LEAs to implement school-based mental health interventions [Sec. 4104(b)(3)(B)(ii)(I)-(II)].
- **Title IV, Part A, Subpart 1 Subgrants to LEAs:** LEAs must use a portion of Title IV, Part A local funds for activities that support access to a well-rounded education, which may include “programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution” [Sec. 4107(a)(3)(B)], as well as “programs and activities that promote volunteerism and community involvement” [Sec. 4107(a)(3)(H)]. LEAs must also use a portion of this funding to support activities to support safe and healthy students, which may include school-based mental health services [Sec. 4108(5)(B)(ii)] or programs that provide mentoring and school counseling, [Sec. 4108(5)(C)(v)]. This funding can also support high-quality training for school personnel, including on “effective and trauma-informed practices in classroom management” and “crisis management and conflict resolution techniques” [Sec. 4108(5)(D)(ii)-(iii)]. SEAs should ensure LEAs are aware of these spending opportunities, and can work with LEAs to ensure their strategies are aligned and that the SEA is providing appropriate technical assistance and guidance on best practices.
- **21st Century Community Learning Centers:** Under Title IV, Part B, SEAs competitively award grants to LEAs, community organizations, non-profits, and other eligible entities to establish 21st Century Community Learning Centers. Funds can be used to establish or expand centers offering academic and supplemental services to students, family members, and community members [Sec. 4204(a)(1)-(2)]. SEAs may reserve up to 5 percent of the allotment to fund state activities that may include providing training and technical assistance to subgrantees or conducting evaluations to examine the effectiveness of programs assisted under this section [Sec. 4202(c)(3)].
 - Under Title IV, Part F, Subpart 2 (Community Support for School Success), non-profits, Indian tribes, institutions of higher education, and other eligible entities (non-SEA) may apply for

competitive grants to establish promise neighborhoods and full-service community schools [Sec. 4621(1)-(2)]. Although SEAs do not apply for these funds directly, they could play a role in supporting local entities to effectively implement these programs and align them with other state initiatives to address the whole child.

- **Statewide Family Engagement Centers:** Title IV, Part E (Family Engagement in Education Program) authorizes the Secretary of Education to award grants to statewide organizations “to establish statewide family engagement centers that-- 1) carry out parent education, and family engagement in education, programs; or (2) provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out such programs” [Sec. 4502(a)(1)-(2)]. Applications must describe how the SEA will support statewide family engagement centers [Sec. 4503(b)(2)].
- **Supporting Homeless Students:** SEAs must use funds under the McKinney-Vento Homeless Assistance Act to support the Office of the Coordinator for Education of Homeless Children and Youths [Sec. 9102(f)]. The Office of the Coordinator is responsible for a variety of activities, including coordinating with the SEA, social services agencies, and other relevant agencies to provide services for homeless children and youth and collaborating with educators, LEAs, and other entities to improve education and related services to homeless children and youth [Sec. 9102(f)(4)(A)-(E)]. SEAs should ensure that these services address the social-emotional learning needs of homeless children and youths as a part of this initiative.
- **Expanding Access to Preschool⁹:** States may apply for Preschool Development Grants that includes a needs assessment on “the availability and quality of existing programs in the State, including such programs serving the most vulnerable or underserved populations and children in rural areas” [Sec. 9212(f)(1)(A)] and the development of “a strategic plan that recommends collaboration, coordination, and quality improvement activities (including activities to improve children’s transition from early childhood education programs into elementary schools) among existing programs in the State and local educational agencies” [Sec. 9212(f)(2)].
 - LEAs may also reserve Title I funds to support early childhood education programs for eligible children [Sec. 1113(c)(5)].

High-Impact State Actions

- Ensure state policies and practices permit and promote using federal formula funds, such as Title I, Part A and other ESSA funds, to support social-emotional learning. Policies and practices to examine include:
 - State guidance and rules for spending federal funds (formal and informal);
 - The state-designed application for ESSA formula funds that LEAs must submit to their state annually, which typically includes asks for plans and budgets;
 - The review and approval process (including rubrics) of these LEA applications;
 - Technical assistance activities;
 - Other state oversight activities, including monitoring.

- Develop activity-focused guidance describing strategies LEAs can implement to strengthen social-emotional learning in Title I schools and how ESSA and other federal funding sources can be used to help pay for those strategies.
- Evaluate the quality of school climate/culture indicators and how they can be used most appropriately to improve student learning, including social-emotional learning. Consider introducing new or additional measures that can provide other important indicators of student success that may inform school improvement strategies and help LEAs understand how this work supports students' social-emotional learning.
- Ensure that state guidance on spending federal funds clarifies that federal funds can be used for social-emotional learning.
- Leverage public reporting on discipline, attendance, and bullying/harassment to elevate the need for attending to students' social and emotional development.
- Ensure that LEAs are familiar with evidence-based social-emotional learning interventions that are eligible for funding under Section 1003 for School Improvement activities.
- Ensure alignment between the SEA's and LEAs' in-school and out-of-school initiatives to address students' social, emotional, and academic learning needs.
- Direct funds to LEAs and schools with the greatest need and help them build capacity to design and implement social-emotional learning programs, including wraparound services and community schools.
- Coordinate with educator preparation programs and professional development providers to ensure that future teachers and leaders are trained in social-emotional learning competencies.
- Support LEAs implementing programs to improve students' social-emotional learning by providing them with opportunities for networking, thought partnership, and technical assistance.
- Target slots for preschool programs to the most vulnerable students to help them develop school readiness skills and address achievement and opportunity gaps that begin before the start of formal schooling.
- Lead a public conversation on the importance of social-emotional learning and the evidence that it improves school climate/culture, student achievement, and positive life outcomes.

Guiding Questions for State Leaders

- What is the SEA capacity and level of expertise to provide guidance and support to districts on social-emotional learning? Where can we build or borrow capacity and expertise?
- Are SEA staff familiar with research establishing social-emotional learning as an effective way to improve school climate/culture and increase student achievement? Are there effective ways to disseminate this information to LEA and school leaders?
- What is the capacity of LEAs and school leadership to address social-emotional learning?
- How can we elevate social-emotional learning within state-developed instructional frameworks or other tools to gauge educator effectiveness?

- What is the evidence base on social-emotional learning? How can we connect districts and schools with evidence-based interventions and programs?
- What is the quality and effectiveness of current early childhood education and Pre-K programs? Where are there gaps in quality and access? How might our state target the expansion of early childhood education slots to leverage new funding?
- Do we have guidance, tools, or images on high-quality social-emotional learning that we can share with LEAs? Do we have the capacity to develop these resources? Can we partner with outside organizations to produce these tools?
- What other state agencies will we need to coordinate with to holistically support students' social-emotional learning needs? What capacity do we need to create and sustain those partnerships, and where can other agencies lend capacity to deepen our work in this area?

IMPROVING ACCESS TO HIGH-QUALITY INSTRUCTIONAL MATERIALS

What's the Opportunity?

When teachers have access to high-quality instructional materials, they can have a greater impact in raising student achievement. Materials need to present rigorous, developmentally-appropriate content that is aligned to the state's challenging academic standards and assessments. Additionally, materials should be engaging and include a variety of student experiences and representations to avoid bias that can alienate students. To ensure other investments to achieve equity pay off, all students and teachers need access to high-quality instructional materials.

Leveraging ESSA

- **School Improvement Funds:** In general, State Education Agencies (SEAs) must reserve 7 percent of Title I funds for Local Education Agencies (LEAs) to support schools identified for support and improvement under the state accountability system. These funds can be awarded on either a formula or competitive basis [Sec. 1003(b)(1)(A)]. Among other requirements, when distributing Section 1003 funds, SEAs "shall give priority to local education agencies that-- (1) serve high numbers, or a high percentage of, elementary schools and secondary schools implementing [comprehensive support and improvement or targeted support and improvement plans]; (2) demonstrate the greatest need for such funds, as determined by the State; and (3) demonstrate the strongest commitment to using funds to enable the lowest-performing schools to improve student achievement and student outcomes" [Sec. 1003(f)(1)-(3)]. Section 1003 funds can only be used to implement evidence-based strategies that are supported with strong, moderate, or promising evidence from at least one well-designed study [Sec. 8101(21)(B)].⁶
 - SEAs and LEAs should publicize the evidence that high-quality instructional materials represent an evidence-based a school improvement strategy when developing Section 1003 applications and guidance, and developing and approving school improvement plans.
- **Public Reporting:** State report cards must include "the per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual nonpersonnel expenditures of Federal, State, and local funds, disaggregated by source of funds, for each local educational agency and each school in the State for the preceding fiscal year" [Sec. 1111(h)(1)(C)(x)]. If there are marked differences in nonpersonnel spending, SEAs can help to identify the causes of these variations and see if spending on instructional materials is a factor.
- **School Improvement Resource Review:** Each school identified under the state accountability system for comprehensive support and improvement (CSI) must "locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes," which must "[identify] resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan" [Sec. 1111(d)(1)(B)(iv)]. This review could be used to help identify inequities in spending on high-quality instructional materials.
 - Additionally, schools identified for targeted support and improvement (TSI) "shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan" [Sec.

1111(d)(2)(C)] if the performance of any of the student groups in those schools would place them in the lowest-performing 5 percent of schools using the state’s methodology under Section 1111(c)(4)(D).

- **Title I, Part A Subgrants to LEAs:** Title I schoolwide schools (where at least 40 percent of students enrolled in the school or in the school attendance area come from low-income families and all students are considered to be “Title I students”) may design Title I programs, and therefore use Title I funds, to increase opportunities for all children to meet state standards [Sec. 1114(b)(7)(A)(i)]. There are a variety of strategies that can be used in this setting, including “methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum” [Sec. 1114(b)(7)(A)(ii)]. Likewise, in a targeted assistance program, funds can “help provide an accelerated, high-quality curriculum” [Sec. 1115(b)(2)(G)(i)].
- **Improving State Assessment Systems:** States may use state assessment grants to support “refining State assessments to ensure their continued alignment with the challenging State academic standards and to improve the alignment of curricula and instructional materials” [Sec. 1201(a)(2)(E)] or “developing or improving balanced assessment systems that include summative, interim, and formative assessments, including supporting local educational agencies in developing or improving such assessments,” among other activities [Sec. 1201(a)(2)(F)]. States seeking to improve the quality of their instructional materials can use these funds to help ensure that assessments are high-quality and aligned to rigorous instructional materials.
- **Title II, Part A State Activities:** States may retain up to 5 percent of Title II funds for state activities, with not more than 1 percent of funds being used for administration [Sec. 2101(c)(1)-(2)]. States may also reserve an additional 3 percent of their Title II funds for state activities that support principals and other school leaders [Sec. 2101(c)(3)]. States should consider how to effectively leverage this additional set-aside to support principals and other school leaders to identify high-quality instructional materials and lead school-based efforts to improve the quality of locally-developed materials. For example, states could integrate competencies in developing and identifying high-quality instructional materials in licensure or certification requirements [Sec. 2101(c)(4)(B)(i)] or in building local capacity to develop and review these materials [Sec. 2101(c)(4)(B)(x)].
- **Title II, Part A Subgrants to LEAs:** LEA applications for Title II funds must include “a description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c)” [Sec. 2102(b)(2)(C)]. LEAs may use Title II, Part local funds for a variety of professional development and school personnel support activities, including activities that can support educators to improve the quality of instructional materials. SEAs should ensure LEAs are aware of these spending opportunities, and support LEAs that implement these types of programs.
- **Title II, Part B Comprehensive Literacy State Development Grants:** SEAs are eligible to apply for competitive grants from the Secretary of Education to subgrant funds to eligible entities and develop or improve comprehensive literacy instruction plans [Sec. 2222(a)(1)-(2)]. The Secretary will give priority to SEAs planning to use funds for evidence-based activities [Sec. 2222(e)]. Included in this section’s definition of comprehensive literacy instruction includes a reference to instruction that “makes available and uses diverse, high-quality print materials that reflect the reading and

development levels, and interests, of children” [Sec. 2221(b)(1)(D)]. In designing their applications for these funds, SEAs can elevate the importance of using high-quality instructional materials in comprehensive literacy programs, including by providing information on the evidence base, and make this a priority for grantees.

- **Title III, Part A Formula Grants to SEAs:** SEAs receiving grants under this Title may reserve up to 5 percent of funds to support state activities, which can include teacher and leader preparation, professional development, or other activities to improve educators’ ability “to implement effective programs and curricula on teaching English learners” [Sec. 3111(b)(1)(B)(ii)] or to provide technical assistance to LEAs receiving subgrants under this Title for “identifying and implementing effective language instruction educational programs and curricula for teaching English learners” [Sec. 3111(b)(1)(D)(i)]. In their applications, SEAs must describe how each eligible entity will be given the flexibility to teach English learners “using a high-quality, effective language instruction curriculum for teaching English learners” [Sec. 3113(b)(5)(A)].
- **Expanding Access to High-Quality Instructional Materials through Technology:** SEAs can use Title IV state set-asides to improve “the delivery of specialized or rigorous academic courses and curricula through the use of technology” [Sec. 4104(b)(3)(C)(iii)] to increase access to existing high-quality instructional materials and by “making instructional content widely available through open educational resources, which may include providing tools and processes to support local educational agencies in making such resources widely available” [Sec. 4104(b)(3)(C)(vi)].
- **Supporting Gifted and Talented Education:** SEAs may apply for grants under the Jacob K. Javits Gifted and Talented Students Education Program, which can be used to fund training on “gifted and talented services, materials, and methods for all students” [Sec. 4644(b)(1)]. In their applications, SEAs must describe how “gifted and talented services, materials, and methods, can be adapted, if appropriate, for use by all students” [Sec. 4644(b)(2)(A)].

High-Impact State Actions

- Ensure state policies and practices permit and promote using federal formula funds, such as Title I, Part A and other ESSA funds, on activities that improve access to high-quality instructional materials. Policies and practices to examine include:
 - State guidance and rules for spending federal funds (formal and informal);
 - The state-designed application for ESSA formula funds that LEAs must submit to their state annually, which typically includes asks for plans and budgets;
 - The review and approval process (including rubrics) of these LEA applications;
 - Technical assistance activities;
 - Other state oversight activities, including monitoring.
- Develop activity-focused guidance describing strategies LEAs can implement to improve the quality of instructional materials and increase access to those resources, including how ESSA and other federal funding sources can be used to help pay for those strategies.
- Review the existing procurement process and determine if the process and criteria reflect a commitment to high-quality and aligned materials. If the process does not reflect this commitment,

consider changing the procurement process for instructional materials to incentivize (i.e., through preferential rates or lower barriers) LEAs and schools to purchase high-quality instructional materials. If SEAs do not have this authority, leadership teams should explore other ways to incentivize high-quality materials or provide information for LEAs and schools, like publicly posting ratings of materials.

- Partner with LEAs to develop a multi-dimensional strategy to build internal capacity and implement processes to identify, review, select, and/or develop high-quality instructional materials.
- Work with LEAs, particularly those implementing CSI plans, to examine their existing instructional materials and determine where there are gaps in quality or where LEAs have insufficient resources to develop or purchase high-quality instructional materials as determined by the resource review and public per-pupil expenditure reporting on nonpersonnel costs. SEAs can also consider how to develop clear criteria on how LEAs can evaluate the quality of existing instructional materials or materials they may purchase to determine its quality and evaluate it for bias.
- Coordinate with teacher and leader preparation programs to ensure they teach candidates how to develop and identify high-quality instructional materials.
- Create feedback loops to monitor teacher use of and satisfaction with instructional materials. Where appropriate, consider student surveys to evaluate their engagement with materials.
- Connect state-led or sponsored professional development with high-quality instructional materials and explore how to incentivize LEAs to do the same.
- In designing applications for competitive grants and awarding funds, ensure that winning LEAs have a plan for how to improve the quality of instructional materials and provide guidance and/or evidence to support applicants in meeting these standards.

Guiding Questions for State Leaders

- Who is responsible for the adoption of curriculum and instructional materials? What does this process entail? Does the criteria used to evaluate materials during the adoption process include an emphasis on alignment to the state's academic standards?
- Does our state's procurement process reflect a commitment to high-quality and aligned materials? If not, what needs to change?
- What evidence does (or should) the SEA use itself or provide to LEAs to assess the alignment and quality of curricular resources and instructional materials across all grades and subjects? Is there any evidence about existing resources currently available?
- What capacity and expertise do we have to review the quality and alignment of instructional materials? Where can we build capacity internally, or partner with outside organizations, like technical assistance providers, research organizations, and institutions of higher education, to support this work?
- Where are there the greatest inequities in access to high-quality instructional materials?
- Do we have the data we need to identify these gaps?

- How are schools and LEAs currently adopting instructional materials? What authority or influence do we have to connect them with better instructional materials, or incentivize the adoption of high-quality materials?
- If our state develops or purchases any instructional materials, are these resources high-quality? Free of bias? Representative of all students?
- How can we develop feedback loops with practitioners and students on the quality and relevance of instructional materials used in our state?
- What is the quality of instructional materials used in our state in languages other than English? How do we currently monitor their quality? How can this be improved?
- Are online and open education resources (OERs) being used in our state? Are there criteria to guide selection and determine quality and alignment? Can cost-savings be achieved by using OERs?
- How can we make the case to the public and local stakeholders about the importance of high-quality instructional materials?
- How can we engage our state board (if applicable) and/or state legislature in this process?

(Endnotes)

1. For programmatic teams looking to explore this issue in greater depth, see the Council of Chief State School Officers, "Critical Area Outline: School Improvement Supports, available from http://www.ccsso.org/Documents/2016/ESSA/CCSSOCriticalAreaOutline_SchoolImprovementSupports.pdf.
2. For programmatic teams looking to explore this issue in greater depth, see the Council of Chief State School Officers, "Critical Area Outline: Teacher and Leader Quality," available from <http://www.ccsso.org/Documents/2016/CriticalAreaOutlineTeacherandLeaderQuality.pdf>.
3. For programmatic teams looking to explore this issue in greater depth, see the Council of Chief State School Officers, "Critical Area Outline: English Language Learners/Title III Transition," available from <http://www.ccsso.org/Documents/2016/CriticalAreaOutlineELL.pdf>.
4. Grantmakers for Education, "Educating English Language Learners: Grantmaking Strategies to Close America's Other Achievement Gap, April 2013, p. 7, available from https://edfunders.org/sites/default/files/Educating%20English%20Language%20Learners_April%202013.pdf.
5. National Center for Education Statistics, "English Language Learners in Public Schools," May 2016, p. 4, available from https://nces.ed.gov/programs/coe/pdf/coe_cgf.pdf.
6. ESSA defines three levels of evidence that may be used to fund school improvement activities outlined in Section 1003: "an activity, strategy, or intervention that (i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on (I) **strong evidence** from at least 1 well-designed and well-implemented experimental study; (II) **moderate evidence** from at least 1 well-designed and well-implemented quasi-experimental study; or (III) **promising evidence** from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias" [emphasis added, Sec. 8101(21)(A)(i)(I)-(III)]. There is an additional fourth tier of evidence that applies to other evidence-based provisions under ESSA, defined as an activity, strategy, or intervention that "(I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and (II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention" [Sec. 8101(21)(A)(ii)(I)-(II)]. Interventions funded under Section 1003 cannot include strategies that fall under this fourth tier of evidence.
7. According to Section 1111(g)(1), state plans must describe how SEAs will support LEAs in this area. However, SEAs have the option of submitting consolidated state plans to the U.S. Department of Education based on procedures and criteria established by the Secretary of Education [Sec. 8302(a)(1)]. Under consolidated plans, "the Secretary shall require only descriptions, information, assurances [...] and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application" [Sec. 8302(b)(3)]. Although SEAs may not need to describe how they will support LEAs in improving school conditions for learning in a consolidated plan, they must still ensure they are addressing this requirement.
8. For more information on these competencies, see the Collaborative for Academic, Social, and Emotional Learning, "Social and Emotional Learning Core Competencies," available from <http://www.casel.org/social-and-emotional-learning/core-competencies/>.
9. Expanding access to early childhood education could certainly be addressed as its own equity priority. For more information on early learning and ESSA, see the First Five Years Fund, "Analysis: Early Learning Provisions of the Every Student Succeeds Act," available from <http://ffyf.org/resources/eceinessa2015/>.



One Massachusetts Avenue, NW, Suite 700
Washington, DC 20001-1431
voice: 202.336.7000 | fax: 202.408.8072



One Dupont Circle, NW, Suite 700
Washington, DC 20036-1133
voice: 202.736.5800 | fax: 202.467.0790