STATE ESSA PLANS: Uneven Progress toward Better Assessment and Accountability

FairTest
The National Center for Fair & Open Testing
STATE ESSA PLANS:
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Contents:
Summary of Findings and Recommendations.......................................................... 2
Findings, Discussion and Analysis of State ESSA Plans ........................................... 7
Table of State ESSA Plans ..........................................................................................16
List of additional indicators .......................................................................................28

Cover photo: Mayfield High School junior Laura Cruz at a student-organized walkout to protest testing in Las Cruces, N.M. (AP Photo/Las Cruces Sun-News, Robin Zielinski.)

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I. KEY FINDINGS AND RECOMMENDATIONS

A majority of states have cut back on failed test-and-punish policies mandated by No Child Left Behind, such as firing staff or closing or privatizing schools for low standardized exam scores. Yet states have not taken sufficient advantage of opportunities in the federal Every Student Succeeds Act (ESSA) to improve assessment and accountability. Those are the key findings from a FairTest review of the first 16 state ESSA plans approved by the U.S. Department of Education. However, the review shows that if every state adopted the best practices chosen by some states, the nation could take significant steps toward ensuring that accountability becomes helpful, not harmful.

In general, states have not adopted a rich array of indicators of school progress, nor have most states given non-test indicators sufficient weight in school evaluations. As a result, states continue to define accountability primarily as scores from standardized tests. Unfortunately, ESSA itself maintains NCLB overkill: testing every child in grades 3-8 and once in high school, rather than just a few grades.

Moreover, most states say they will impose penalties, some potentially severe, on schools that do not test at least 95% of their students, an action not required by ESSA. And, though federal law now requires publication of data about school finances, state plans either fail to address funding inadequacy or are not concrete. Inadequate educational resources are a fundamental problem facing many schools serving low-income youth and communities.

Nevertheless, in the states that cut back on punitive accountability, opportunities exist for districts and schools to move away from test-centric schooling because they are now unlikely to suffer penalties. If flagged for low scores, they will receive help, not punishment.
FairTest examined five significant areas in ESSA state plans:

1. School Quality/Student Success (SQSS) indicator(s);
2. Weighting given to all indicators;
3. Number of levels of schools identified (ESSA requires three, but states can have more);
4. Approach to improving low-ranked schools, such as retaining a punitive NCLB approach or adopting a more supportive plan; and
5. Response to the federal requirement that each school test at least 95% of all students and of students in each subgroup (race/ethnicity groups, low-income, disability, English learner).

A color-coded chart flags positive and negative findings in each of the five areas. FairTest urges states to revise their plans to adopt the most supportive and least punitive approaches seen in other approved states. States should also push the envelope to develop teacher-led, classroom-based performance assessments to largely replace standardized testing – as ESSA allows. Under each topic, we offer specific recommendations. (Section II provides more detail.)

1. **School Quality/Student Success**” (SQSS). *States have selected a narrow range of indicators under SQSS,* and many of those are test scores, rather than a rich range of indicators including school climate, access to a well-rounded education/opportunity to learn, and school discipline data.

   **States should develop a richer array of indicators,** primarily ones that are not based on standardized test scores.

2. **Indicator weighting.** *Most states give much less weight to SQSS than they should.* Combined with the narrow range of indicators, this means states remain too heavily focused on reading/ELA and math test scores. As a result, schools will continue to feel pressure to focus on narrow test preparation in these two subjects, to the detriment of a richer education. More positively, many states are prioritizing growth over achievement scores, which makes it somewhat less likely that schools will be labeled and punished because of the kinds of students and communities they serve.

   **States should increase the weight of SQSS indicators,** such as those listed above, to at least 40%, as a few states have done, in addition to broadening the indicators.

3. **Improved assessment.** *Only New Hampshire intends to rely heavily on performance assessments,* expanding a pilot project in which local assessments can be used instead of state tests in all but three grades. *(See Assessment Matters: Constructing Model State Systems to Replace Testing Overkill, at [http://www.fairtest.org/assessment-matters](http://www.fairtest.org/assessment-matters).*
constrcuting-model-state-system.) (The state’s plan has been approved.) Just a few states have expressed interest in joining NH in the Innovative Assessment pilot that ESSA authorizes. This is a significant lost opportunity. Some districts are stepping forward to implement teacher-led performance assessing. (See Test Reform Victories Surge in 2017, at http://fairtest.org/fairtest-report-test-reform-victories-surge-in-2017.) Further, the federal government allows states to use ESSA funds to conduct testing audits, with an eye to cutting back the amount of testing; and it requires schools and districts to report what tests they require and who mandates them.

**States should prepare for participation in the Innovative Assessment pilot** and encourage districts to implement teacher-led performance assessing. In addition, states should use ESSA funds for state and district audits, then monitor districts and schools to ensure they publicly report all standardized tests they administer.

4. **Creating levels.** Many states have created school ranking categories beyond the three required by ESSA (schools in need of comprehensive support and improvement, CSI, those in need of targeted support and improvement, TSI, and all others\(^1\)). Of the 16 states, six require only three levels; three have four levels; and six use five levels. Most states using five levels rank schools with an A-F letter grade. One state plan has five reporting levels but only three intervention levels. Extra levels will perpetuate competition that will be educationally counter-productive because the primary factor in most states’ weightings remains standardized tests. Schools may focus narrowly on boosting test scores to “beat” other schools, thereby undermining a richer curriculum.

**States with more than three levels should cut back to just three.**

5. **Support or sanctions?** Six of the 16 states retain some form of NCLB punitive sanctions (firing staff, closing or privatizing schools), though most of them do so only if initial improvement efforts have not succeeded after about three years. The remaining 10 states plan to provide assistance to struggling schools. If that is unsuccessful, they will intensify the assistance, rather than impose punishments as was required under NCLB’s failed mandates. *This is the most positive finding from our review.*

**States should abandon all remaining punitive NCLB mandates.** States should intensify supports if districts do not make clear progress in three years. (They should also differentiate between those on a clear positive track and those that

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\(^1\) ESSA requires that Title I schools in the lowest 5% of the state rating system, any high school that graduates fewer than 67% of its students, and any TSI school that fails to sufficiently improve, shall be assigned CSI status. States can increase the number of such schools. ESSA requires that any school in which a subgroup scores below the state threshold for being a lowest 5% school (“consistently underperforming”) or any school with a “chronically underperforming” subgroup shall be designated as needing TSI. MA proposes to combine CSI and TSI into one “intervention” category, then differentiate the interventions.
are not.) If after six years serious problems remain, states should determine the cause of the lack of progress and intervene appropriately. If the problem is largely due to inadequate funding, the first support/intervention the state takes should be providing necessary money.

6. Funding adequacy. The federal government requires schools, districts and states to report funding data, including per-student expenditures. This will shed light on inadequate resources, a major problem for many schools. However, states are not required to do anything substantive with this information. Only three of the 16 states examined incorporated financial issues into their needs assessment. ESSA does require that the state evaluate funding “resource allocation” within districts that have a significant number of CSI or TSI schools – but requires no specific steps, and an analysis of “allocation” does not require actual adequacy. While state funding is a matter for legislatures and governors, failure to address this fundamental problem leaves states off the hook for equity and adequacy. There is federal funding for improvement efforts, but too little to meet real needs. States are divided on whether that funding will be distributed to all low-performing schools by formula, through competitive grants, or a mix of the two.

States should go beyond ESSA requirements to mandate that funding data be included in a school’s needs assessment and that states commit to addressing inadequate funding. States should also distribute improvement funds on a formula basis rather than a grant competition. It is wrong to deny students needed resources if a district does not write a good proposal. States should help districts with planning if they need assistance.

7. Punishment for low test participation. ESSA requires that 95% of students take federally-mandated state exams. DoE expects states to factor participation into state plans and school ratings. This means determining school average test scores by having a denominator representing at least 95% of eligible students. The consequence is to lower average test scores for schools if more than 5% opt out. This can lead to categorizing a well-performing school at a lower level, even identification as CSI or TSI. Further, 14 of the 16 states mandate additional actions. In eight, it means only a plan to improve participation or some unspecified intervention, but in six the state will do such things as lower a school’s ranking by one level. This punishes schools for the actions of parents. It goes beyond what ESSA requires. Louisiana’s approved plan adds no actions beyond the 95% calculation.

States should do no more than report the 95% participation rate results, as required. New York and New Jersey will also calculate average scores based only on actual test takers and use that data in deciding support and interventions. States should also be as non-punitive as possible, enacting no penalties on those schools which end up in lower levels because of widespread opting out. (Note that four states that explicitly seek to not punish schools due to parental action are states with high or growing opt out rates: New Jersey, New York, Colorado and Utah.)
Education policy makers as well as assessment and accountability reform advocates can use sections of other federally approved plans to improve their own state plans. States are allowed to revise their approved plans (as some are already doing).

States should adopt a rich array of indicators, minimize the use of test scores, then weight SQSS at 40% or more. They can sort schools into three levels, perhaps only two (with one combining CSI and TSI into a “support” category that differentiates the form of support). They can include funding adequacy in needs assessments, then move their state to provide sufficient resources. States can drop punitive sanctions and focus on genuine assistance. States can also avoid adding penalties of any form for low participation. They can implement two calculations, as New Jersey and New York are doing, one with only actual test takers, and use the latter to determine support and intervention.

Some states may be reluctant to take these steps, so advocates, from parent and community organizations to unions and professional associations, will need to step forward. More states than the 16 this report explores have recently been approved; some are likely to shed more light on possibilities under ESSA.
II. FINDINGS, DISCUSSION AND ANALYSIS OF FIRST 16 APPROVED STATE ESSA PLANS

FairTest reviewed the 16 state ESSA plans submitted in spring 2017 and approved by the US Department of Education (DoE) as of the end of December 2017. On one topic, the requirement to test 95% of all students, FairTest reviewed three additional states – Colorado, New York and Utah – whose initial plans were rejected by DoE. We also reviewed New Hampshire’s now-approved proposal because it is the only state that does not require the use of standardized tests but instead builds on its pilot program to largely replace such tests with performance assessments. New Hampshire had received a waiver from No Child Left Behind for this pilot program under previous DoE Secretary Arne Duncan. (See Assessment Matters: Constructing Model State Systems to Replace Testing Overkill, at http://www.fairtest.org/assessment-matters-constructing-model-state-system.) All state plans can be found at https://www2.ed.gov/admins/lead/account/stateplan17/statesubmission.html. That page lists approved as well as unapproved submissions that are updated when approved.

FairTest reviewed five topic areas: the School Quality/Student Success (SQSS) indicators identified by each state, the weighting given all the indicators, how many levels of schools are identified by the state, the core approach to improving low-ranked schools (whether a state retains the punitive NCLB approach or changes to a more supportive plan), and how a state responds to the federal requirement that each school test at least 95% of all its students and of each students in a subgroup (race/ethnicity groups, low-income, disability, English learner). All are summarized in the chart below. The analysis also looked at funding adequacy, since the combination of poverty, race, disability and school funding are powerful predictors of student success in school, even though ESSA requires little in this regard.
School Quality/Student Success (SQSS). ESSA does not specify what SQSS indicators should be, but it does list some options: student engagement; educator engagement; student access to and completion of advanced coursework; postsecondary readiness; or school climate and safety. Of these, only post-secondary readiness is commonly used, and states have for the most part selected a narrow range of primarily test-based indicators on top of readiness and chronic absenteeism.

Among 16 approved states, 13 use chronic absenteeism and 12 include college/career readiness or a similar indicator.² These are far and away the most common SQSS indicators. Seven of 16 states include science test scores. IL and MI include access to arts, while CT, MI and VT include physical education or fitness. DE and LA use social studies scores, and DC specifically notes AP/IB participation and success (though other states may include that in college readiness). IL includes access to a librarian or media specialist.

School climate was included in just three states (IL, NM, ND). ND also includes student engagement. Only OR said it was considering incorporation of exclusionary discipline data (e.g., suspension and expulsion rates), while LA will use that data in determining a school’s level but not in determining subsequent accountability actions. DC listed inclusion of students with disabilities in general education and “access and opportunities,” NM included an “opportunity to learn” survey, and LA will incorporate “interests and opportunities.” Many of these terms are not described in any detail. Some states are either reporting but not weighting additional indicators, or say they are developing more indicators for future use if they are valid, reliable and differentiate among schools.

There are serious limitations with the indicators emphasized by most states. For example, college/career readiness is most often measured by scores on various tests – SAT or ACT, Work Keys, International Baccalaureate, Advanced Placement, etc. But SAT and ACT are not strong predictors of college success compared with, for example, student grades (See “Study: High school grades best predictor of college success — not SAT/ACT scores,” https://www.washingtonpost.com/news/answer-sheet/wp/2014/02/21/a-telling-study-about-act-sat-scores/?utm_term=.5528b778dba0). Access to AP and IB courses are strongly correlated with community wealth and student SES. A few states include college enrollment or intend to track actual student success in college (though this too is heavily influenced by family wealth/income). Science and social studies are measured by test scores. Chronic absenteeism is important to track and address, but it too likely correlates closely with family socio-economic status (SES),

² This is similar to what Education Commission of the States found in reviewing all plans, approved or not. ECS said 36 of 51 will use absenteeism and 35 will use readiness; available at https://www.ecs.org/50-state-comparison-states-school-accountability-systems/.
meaning once again under-resourced schools with many low-income students (often students of color) will be flagged. These schools frequently need additional assistance, but states should address that regardless of ESSA indicators. One state, IL, said it wanted few SQSS indicators because it lacked resources to support schools in these areas. A refusal to adequately fund public education (and IL has one of the weakest state funding programs) here leads to a continuing focus on reading and math test scores.

*Few states have strong, non-test indicators of opportunity to learn.* All students deserve access to a full range of academics, including the arts and advanced work options. They need nurses, librarians, media specialists and counselors. Wrap-around services (support in obtaining housing, medical and dental case, counseling, etc.), often provided by “Community Schools,” are a growing, successful practice. (See “Community Schools: An Evidence-Based Strategy for Equitable School Improvement,” [https://drive.google.com/file/d/0BzYGC6_i31OhV0VfOU51eGtTcHc/view](https://drive.google.com/file/d/0BzYGC6_i31OhV0VfOU51eGtTcHc/view).) In short, states should ensure the education of the whole child. (See *The Campaign for the Education of the Whole Child*, [http://www.citizensforpublicschools.org/wp-content/uploads/2009/08/whole_child_report.pdf](http://www.citizensforpublicschools.org/wp-content/uploads/2009/08/whole_child_report.pdf).)

*School climate surveys are sufficiently well-established that some states (IL and ND) include them while others are considering adding them.* (See “Making the Most of the Every Student Succeeds Act (ESSA) – Helping States Focus on School Equity, Quality and Climate,” [http://nepc.colorado.edu/publication/ESSA](http://nepc.colorado.edu/publication/ESSA).) Unfortunately, most do not. Surveys can include student or parent perceptions of access to a rich curriculum, quality of teaching, fairness in such things as discipline and course access, student safety, and how welcoming the school is to parents. Every state must report suspension/expulsion data under separate federal policies, but only LA and OR will use this data. These are important indicators of school quality that often affect student progress, including whether they are engaged or disengaged, or at risk for leaving or being pushed out of school. Similarly, some states have included opportunity to learn, so there is no question that DoE accepts it as an indicator. At a minimum, states should test out such factors to develop additional reliable indicators. ESSA says indicators must differentiate among schools; done well, climate and discipline data are likely to do so. If an indicator showed almost all schools were doing well or poorly, that information should be shared with the public – and if poorly, then all schools should improve.
**Weighting of indicators.** States must assign weights to each indicator, usually expressed as a percent of their weighting formula with the total equaling 100%. ESSA requires states to include:

1. **Achievement** (state test or assessment scores) in ELA and Math (often labeled “proficiency”);
2. **Progress** by English Language Learners (ELL) in schools with enough such students, measured by an English language proficiency assessment;
3. At least for elementary and middle schools, student growth or another indicator of school progress, which in most states means score gains on the state test (e.g., Student Growth Percentiles or Value Added Measurement);
4. For high schools, the four-year graduation rate and, at state choice, extended year rates; and
5. At least one other indicator of school quality or student success (SQSS). ESSA requires states to give the four core indicators “significantly” greater weighting, but does not specify what that means.

Each indicator must be able to produce data by “subgroups” and to “meaningfully differentiate” among schools. States often use complex formulas to establish these weights and translate them into school ratings.

In most states, achievement and growth/progress carry the most importance, although in a few states graduation rates or SQSS are more heavily weighted (see the table). Weighting also varies between elementary-middle (EM) and high schools (HS). Ten of the 16 states factor growth more heavily than achievement, and two weigh them equally in EM. (ESSA does not require high schools to include growth. Because most states only test one high school grade, many do not include growth as a factor.)

While both types of scores are derived from the same limited tests, growth indicators at the school level can to some extent break the extremely tight correlation between achievement scores and family socio-economic status. That is, low-scoring schools may show relatively fast score gains. Thus, increased emphasis on growth can reduce the number of low SES schools being identified as lowest-performing. This perhaps mattered more under No Child Left Behind (NCLB), when schools faced escalating punitive sanctions, than it will under ESSA, at least in states that have moved away from punitive actions toward a focus on assistance. *Overall, this is a positive step in recognizing that when it comes to test scores, progress is more important than status. However, because of the underlying limitations and dangers, heavy reliance on standardized tests remains ESSA’s primary flaw.* (See “How Standardized Testing Damages Education,” [http://fairtest.org/how-standardized-testing-damages-education-pdf](http://fairtest.org/how-standardized-testing-damages-education-pdf); and *Failing Our Children*, [http://www.fairtest.org/node/1778](http://www.fairtest.org/node/1778).)
States vary in whether they use 4-year or more than 4-year graduation rates. ESSA says the 4-year rate must count for more, so states have formulas for weighting 4-, 5-, 6- and even 7-year rates. *FairTest supports multiple-year graduation rates: Schools that keep students enrolled an extra year or two so they stay on to graduate should receive credit.* This is especially important for schools that serve transfer students who have fared poorly in other high schools or those who are returning dropouts. Fortunately, only two of the 16 states, DC and LA, rely solely on four-year rates, and DC includes an unelaborated “alternate graduation metric.” In general, the weight given graduation rates ranges widely, indicating lack of agreement about its importance. Four states weight it at 40% or higher, 10 at 20% or lower, with 2 of those at less than 10%. CT and OR use a non-percentage-based weighting formula (as is also the case for their other indicators).

*English language learners* are included in accountability formulas if a school has sufficient numbers. Thus, states will increase weights for other factors if ELL enrollment is lower than the minimum required “N-size” for counting them. Most states are weighting ELL in the 10% range; DC and IL are at only 5%, and NJ is at 20%. This factor is based on English-proficiency standardized tests. Specific inclusion of ELL progress is important, but there are many concerns about the tests, including that they are too long. In addition, some ELL teachers think it would make more sense to integrate ELA/reading into ELL tests, especially for those in earlier stages of learning English, instead of testing these students twice.

For weighting SQSS, three states (DC, NV and ND) weight it at 35% or higher, but only NV does so for both EM and HS; nine at between 20% and 34%; and six at 19% or lower. (Again, CT and OR use weighting formulas that do not reveal this information. Because states often weight SQSS differently for elementary-middle and high schools, the total exceeds 16). *FairTest thinks states should have multiple, diverse indicators that come close to 50% of the total. Having few SQSS indicators or assigning low weights to SQSS usually means even more emphasis on test results. States generally have too few indicators, too many are test-based, too few of them get at school quality in a rich or deep way, and SQSS weightings are far too low. In addition to moving quickly to include more indicators, states should increase their weighting to 40% or more.*

**School ratings/levels.** ESSA requires states to identify schools requiring Comprehensive Support and Improvement (CSI) and schools requiring Targeted Support and Improvement (TSI). A state can, at its discretion, create sub-categories of CSI or TSI (a few do) and can divide all other schools into various levels. Of the 16 states, 6 require only three levels (including MA, which intends to change its approved plan to shift from 6 to 3), 3 have 4 levels, and 6 use 5 levels, most of which rank schools with an A-F letter grade. CT has 5 reporting levels but only 3 intervention levels.
There is no good rationale for having more levels than the three required by the federal government (CSI, TSI and all others). The primary result of extra levels will be to perpetuate unhealthy competition among schools and districts aimed at boosting standardized test scores, the primary factor in most states' weighting formulas. Thus, the more levels, the more pressure to over-emphasize tested subjects, narrow the curriculum, and teach to the test. As discussed below, the primary causes of low school “performance” are community/family poverty, racial isolation/segregation, and a lack of school resources. It is certainly important to strengthen curriculum, instruction and assessment, among other school factors, to improve the daily experience and learning outcomes of students. However, labeling schools as failing largely because of factors beyond their control, as is most clearly done with “F” and “D” labels, blames the victims, including students, teachers and other school staff, as well as the impoverished communities states fail to adequately serve.

Even indicators that can be helpful can be misused in the levels-setting process. For example, Louisiana laudably includes overuse of punitive discipline as an indicator. However, punitive discipline is more prevalent in schools with large numbers of youth of color, so this can add another negative outcome to the typically lower test scores and graduation rates at such institutions. (See “Discipline Policies, Successful Schools, and Racial Justice,” https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/discipline-policies-successful-schools-and-racial-justice?searchterm=discipline.) States should use such indicators as a level to improve schools, not undermine them.

Some states use a fourth or fifth top level with the idea of rewarding the “best” schools, at least symbolically. In almost all cases, this means recognizing schools for the wealth and often whiteness of their community because most of the indicators closely track socio-economic status. If a state wants to identify schools with high-quality practices, it should look at instruction and other behaviors associated with all-around strong schools.

**Support/intervention and funding adequacy.** ESSA requires states to establish plans for providing support to schools in CSI or TSI status. Districts must prepare school improvement plans that follow ESSA and state requirements. State plans describe various forms of support. If a school does not make sufficient progress (usually after three years, occasionally two or four years), ESSA requires states to intervene in a stronger way, including by providing additional support. Most states say they will do so but provide little specificity.

Some states maintain No Child Left Behind-era forms of intervention: firing staff, privatizing school management, or closing (and perhaps reopening) the school. Six of the 16 states call for such interventions: CT, LA, MA, NV, NM and TN. Some do so from the very start of when a school is identified, more of them take this step at the start of the second cycle when a school has not sufficiently improved. But three or four years is not enough time to solve deep-rooted problems,
especially those heavily determined by poverty. States should not jump to these harsh measures after too short a time. That said, if after six years of support, including provision of adequate funding, a school does not show meaningful progress, it would be time for much stronger actions.

ESSA requires states to provide funding information, including per-student expenditures, down to the district and school levels. This can help reveal important inequities. However, ESSA does not require that this information be used to inform needs assessment and improvement plans. Only three of 16 states -- Delaware, Illinois and Oregon -- include funding adequacy or equity in their needs assessments. When it comes to ensuring adequacy for CSI/TSI schools, states plans are generally not concrete. They may require districts to address the issue, leaving often impoverished locales to solve the problem on their own.

ESSA mandates that states set aside 7% of their Title I funding to support improvement. This will help but often will not be sufficient. Moreover, there is a risk that a short-term infusion of additional money produces improvements that lead to termination of the additional funding and a recurrence of the problems. The lack of inclusion of funding adequacy in needs assessments and improvement plans is one way for states to continue ignoring this problem.

States aim to provide a variety of supports to schools. Under the law, districts design improvements for a CSI or TSI school based on the local needs assessment and any state requirements, such as having to work with approved external partners.

States can distribute ESSA Title I improvement funds via formula grants or competitive grants or a mix. Among the 16 states, two use formula grants, five use competitive grants, and three use a hybrid of the two. The remaining six are not clear in their ESSA plans. Distributing funds on a formula basis is better; it is inequitable and wrong to deny students needed resources simply because a district does not write a good proposal. States should help districts prepare high-quality plans and implement them well.³

Lastly, “improvement” efforts under NCLB and Duncan-era waiver requirements focused on firings, closings and privatization. These were ineffective, with only spotty successes in raising test scores, never mind improving anything else. As a result of NCLB’s failure, states and districts have to address anew the question of how to help schools. Many die-hard defenders of NCLB’s failed, punitive approach have charged states are not specific enough in what they will do.

Indeed, states use vague language such as ‘if a school does not improve sufficiently after three years, the state will engage in stronger interventions.’ But given the lack of proven strategies, and despite ESSA requirements to use “evidence-based” interventions, this is a rational response. Whether all the efforts will produce much genuine improvement remains to be seen, but repeating NCLB failed approaches is not a solution.

**95% participation.** ESSA mandates that 95% of all eligible students and of students in each subgroup take federally mandated state exams. DoE expects states to factor participation into state school ratings. This means determining school average test scores by having a denominator representing at least 95% of eligible students. The consequence of this mandate is to lower test scores for schools with more than 5% non-participants (most of whom will be opt outs, because other reasons such as illness are rare). This can lead to placing a school at a lower level, even to identification as CSI or TSI, which could trigger interventions. As discussed above, 14 of the 16 states will impose additional sanctions on schools in which participation does not reach 95%. Because lower-income districts are more likely to have schools in CSI or TSI, this policy is more likely to inhibit opting out on such districts, particularly in more punitive states, as people seek to avoid labels and sanctions. On the other hand, wealthier districts could end up labeled low-scoring and be eligible for federal funds they do not need, as New York State Allies for Public Education has pointed out.

LA and NJ do not specify any actions other than a zero score for non-participants. NJ and NY will maintain two lists of schools, one for the federal government plus one for state reference with a denominator that includes only the test takers. It is not clear how the separate lists will be used, but it seems the state list will be used to ensure schools are not subject to interventions based on low participation.

CO and UT also sought to protect families and schools, but their initial plans were rejected by DoE. CO now proposes to maintain two lists but will identify schools using the federal list, and if any schools end up in CSI or TSI, they “will receive differentiated support and intervention compared to those that are identified based on the actual performance of tested students.” UT essentially ignored the whole question in its application; the DoE has asked UT to respond to the issue.

Opt out opponents point to language in ESSA that suggests states need to take action in addition to the 95% denominator mandate. However, LA and NJ have not done so, and their plans were approved. Hopefully, requiring a district to develop a plan to tell parents their children should take the tests will amount to little or nothing. That may well depend on the strength of the local opt-out movement.

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4 In the chart, the assumption is a state uses the 95%-in-denominator requirement, though not all states explicitly state they do.
ESSA essentially demands that states penalize schools for the actions of parents and students, and does so even though the law explicitly says states can allow students to opt out, a provision DoE has completely ignored. Currently, 10 states have laws allowing some or all students to refuse to take the test. Of these, two have approved ESSA plans. Both require districts to develop plans to lower the opt-out rate, but neither proposes any other penalties.

Lastly, states have often continued to propose “ambitious” goals that tend to perpetuate the completely unrealistic NCLB mandate that 100% of all students will score proficient or higher on state tests. Fortunately, NCLB sanctions are no longer attached to these goals. However, unrealistic goals can distort other policies, often causing damage to low-income schools, their students and teachers.  

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III. CHART OF STATE ESSA PLANS

*Codes for the chart:*
SQSS: School quality, student success: the ‘other’ indicator(s) in addition to the core academic indicators.
EM: elementary and middle school (grades 3-8);
HS = high school;
ES = elementary;
MS = middle;
Ach: achievement on English Language Arts (ELA) and Math (M) tests;
Progress (Prog), usually on ELA and Math tests;
CCR: College and Career Ready;
EOC: End of Course test;
CSI: Comprehensive Support and Intervention;
TSI: Targeted Support and Intervention;
ELL: English language learners, generally a measure of English proficiency and/or growth toward it, measured by a standardized test;
FTP = firing, takeover, privatization.

*Colors:* green, yellow, red

SQSS: Particularly interesting options are highlighted in green. Some states are considering the use of additional, promising indicators, highlighted in yellow. We also provide a listing, below, of all SQSS indicators approved by at least one state.

Weighting: In most states, weighting is too test-centric. We use red to flag serious problems (e.g., 4-year only graduation rate), yellow for a potentially positive option being considered for future use, and green for a strong component.
Levels: Green indicates three levels, yellow four levels, and red 5 levels.
Support/Intervention: Green emphasizes support with stronger intervention after first period if needed, but not takeover/privatization/firings. Red means NCLB-style punitive actions within first six years.
95% Participation: Red indicates strongly punitive actions, green a state effort to avoid punishment, and yellow a requirement for an “improvement” plan potentially coupled with subsequent additional state requirements.

Note: The summaries in the chart eliminate many complex uses of the information. For example, a state that includes graduation rates over multiple years (e.g., 4-, 5- and 6-year graduation rates) will give more weight to the 4-year graduation rate, as required by ESSA, but how much weight is given to 4- vs 5- or 6-year rates varies. Also, states often use complex formulas as they turn test scores and other data into weighting systems. Therefore, people interested in a particular state’s policies will need to look at the state.⁶

⁶ FairTest compiled somewhat more detailed descriptions of each state in order to produce these summaries. We will share a state draft with advocates who request it. Use the contact box at http://www.fairtest.org.
## 16 STATES WITH ESSA PLANS APPROVED BY U.S. DEPARTMENT OF EDUCATION

<table>
<thead>
<tr>
<th>State</th>
<th>Additional Indicators (SQSS)</th>
<th>Weighting of Indicators</th>
<th>School Ratings/Levels</th>
<th>Support/Intervention</th>
<th>95% Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARIZONA</td>
<td>All: “Acceleration Readiness” (AR): Grades 5,6,7,8 &amp; HS EOC; EM: decrease Gr 3 ELA % minimum proficient; chronic absenteeism; inclusion of students with disabilities in general education; improved subgroup scores. HS: CCR.</td>
<td>EM: Proficient ELA/Math 30%; Growth ELA/Math 50%; ELL Proficiency and Growth 10%. AR 20%; HS: Proficient ELA/Math 30%; Growth ELA/Math 20%; ELL Prof and growth 10%; CCR 20%; Grad rate 4-, 5-, 6-,7-yrs 20%.</td>
<td>Five levels via A-F letter grades. In addition to the weighting system, each indicator is given a points value. The points value is converted into a letter grade.</td>
<td>Range of monitoring and support for local plans and actions. If not successful in four years, more intense support. No firing, takeover, privatization.</td>
<td>Schools testing less than 95% of students will have denominator increased to reach 95%, thereby lowering average student score. A factor in school improvement considerations. If multiple years under 95%, unspecified interventions.</td>
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<tr>
<td>CONNECTICUT</td>
<td>As applicable: All: Chronic absenteeism; physical fitness. HS: On track to grad; post-secondary enrollment.</td>
<td>Substantially more weight to required indicators, but not specified. Weighting varies by ES, MS and HS. In HS, graduation factor requirement includes 4- and 6-year graduation cohorts.</td>
<td>Points assigned to indicators on sliding scale; are maximum number of points at E, M, H and M/H schools. All students weighted 59%, subgroups total 41%. <strong>Only 3 intervention levels</strong>, but five identification levels: top (1), middle two (2), and bottom quartile (3); targeted (4) and comprehensive support (5).</td>
<td>3 intervention levels: 1) “performing adequately,” 2) 30 “alliance” districts of which, 3) 10 are “opportunity districts,” with differentiated required activities and supports. If insufficient progress, then firings, required partners, private control (decided by LEA), or other similar requirements. Schools in levels 1 or 2 that do not reach 95% participation are lowered a level (1 to 2, 2 to 3).</td>
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<tr>
<td>DISTRICT OF COLUMBIA</td>
<td>All: Chronic absenteeism; In-seat attendance; “Re-enrollment” (return to same school); “Access and opportunities.” EM: Pre-K metrics. HS: “Alternate Graduation Metric”; AP/IB participation and performance. Each factor has a weight.</td>
<td>EM: Ach 30%; Prog 40%; ELL 5%; SQSS total 25%. HS: Achieve 40%; ELL 5%; 4-year grad rate 11%; SQSS total 44%.</td>
<td>5 levels (quintiles). Separate identification of comprehensive and targeted interventions. Also 3 categories of CSI and 2 categories of TSI.</td>
<td>CSI and TSI: Plan, implement, monitor for improvement. CSI: If insufficient progress by year 4 or 5, then “state directed intervention” and “significant additional action.” No specified actions for other 3 levels.</td>
<td>Support and monitoring. If still do not reach 95%, then unspecified additional actions.</td>
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<tr>
<td>DELAWARE</td>
<td>All: Science, social studies, chronic absenteeism. HS: College and career readiness; on track to graduate. Will report, not weight, 8 other indicators, including discipline, class size, teacher-parent surveys.</td>
<td>E/M: SQSS 20%; Ach 30%; Prog 40%; ELL 10%. HS: SQSS 35%; Ach 40%; Grad rates 4-, 5-, 6-yr 15%; ELL 10%.</td>
<td>3 levels: targeted intervention, comprehensive intervention, and ‘other.’</td>
<td>Provide tools, analysis. Review and monitor local plans. If does not improve, more rigorous interventions.</td>
<td>Submit an improvement plan if participation rate less than 95%; unspecified actions if rate does not improve.</td>
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<td>ILLINOIS</td>
<td>Starting 2019-20: All: Chronic absenteeism, school climate, arts. EM: Unspecified EM and P-2 indicators. HS: 9th grade on-track, CCR.</td>
<td>Starting 2019-20: All: Ach 15%; ELL 5%; science* 5%; SQSS 25%. EM: Prog 50%. HS, grad 50% (4-, 5- &amp; 6-year). SQSS: differs EM &amp; HS; greater arts weight means lower absenteeism weighting.</td>
<td>Four tiers: exemplary, commendable, underperforming (targeted) and lowest performing (comprehensive).</td>
<td>Work with partner provider, plan, then 3 years implementation. If insufficient progress, then “more rigorous intervention” leading to a state plan for improvement.</td>
<td>If do not test at least 95% of student population, including relevant subgroups, for three years in a row, becomes “chronically underperforming.”</td>
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<tr>
<td>LOUISIANA</td>
<td>All: Science and social studies. HS: ACT work keys, “Strength of Diploma credentials” (success in rigorous course work). All, 2019-20, add “Interests and Opportunities indicator.”</td>
<td>All: ELL folded into Ach. EM: Growth 25%. E: Ach 50%; Science + social studies 25%. M: Ach 47%; Sci + soc st 28%; HS: Ach 21%; graduation 42% (4-yr only); science + social studies EOC 4%; ACT work keys 25%; strength of diploma = 8%.</td>
<td>5 levels, A-F grades. Title I D or F schools = comprehensive support. All schools with F for two years = comprehensive support. Targeted includes subgroups scoring at D or F, schools with excessive discipline (EM: out of school suspension; HS, suspension over 20% for 3 years). School choice (private, public) offered to students in D, F-level schools. LEA plans. Extra funding for plans that include an external partner. 4 years of insufficient progress, could be takeover, or other stronger state interventions. Score of zero for those who opt out, factored into school performance score. No other action specified.</td>
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<tr>
<td>MAINE</td>
<td>Consistent attendance/chronic absenteeism. Considering CCR indicators.</td>
<td>All: ELL 10%; Attendance 10%. EM: Ach 42%; Prog 38%. HS: Ach 40%; Grad rate (4-,5-,6-yr) 40%;</td>
<td>Three levels: comprehensive support, targeted support, all others. Three tiers of differentiated support. Planning, implementation, supports, monitoring. If insufficient progress after three years, then increased support and assistance. No punitive actions. Will have at least 95% students in calculating achievement. Actions required in addition for schools with 75-95% participation and those with less than 75%.</td>
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### Massachusetts

All: Chronic absenteeism; HS: Advanced coursework. (Revised after DoE plan approval, awaiting approval by state Board of Ed.)

EM: Ach 60% (includes science*); Prog 20%; ELL 10%; absenteeism 10%.

HS: Ach 40%; growth 20%; grad rate 20% (4-yr + dropout + “extended engagement”); ELL 10%; SQSS 10% (Bd of Ed still determining final weights.)

Bd of Ed planning revision, to have 3 levels: recognition, intervention [CSI & TSI, all others.] Approved plan has 6 levels. Bottom 5% of schools and high schools with 4-year grad rates below 67% = comprehensive support. Schools with very low-performing subgroups = targeted.

Continues NCLB era “Turnaround” plans including state takeovers. Direct technical assistance, competitive funding, annual monitoring, professional development, turnaround partners. If insufficient progress, takeover, privatize management, alternative governance. Level lowered if school assesses less than 95% of students in the aggregate or for a subgroup. (New draft plan under Bd of Ed consideration is to put in intervention level, based on 2 year average, tailor intervention to participation issue.)

### Michigan

All: Absenteeism (29% of SQSS).

EM: Access to arts, phys ed (29%), access to librarian, media (7%).

HS: Advanced coursework (21%), post-secondary enrollment (14%).

All: Ach 29%; Prog 34%; ELL 10%; 95% participation 2%; ELL test participation 1%; SQSS 14%.

EM: weights for Ach, Prog increase as no grad rate, HS: grad rate (4-,5-,6-yr) 10%.

Ach, prog increase if no ELL or test participation bonus.

3 levels: CSI, TSI, all others; plans to create additional tier of “reward schools.”

Plan with 3-5 benchmarks and outcomes. State list of approved improvement interventions. Assigned an implementation facilitator. If do not exit CSI in 3 years, unspecified further actions, to be determined case by case.

Rewards schools having 95%+ general participation, counts as 2% of index, ELL participation as 1%. Schools with consistently less than 95% participation “eligible for additional supports.”
<table>
<thead>
<tr>
<th>NEVADA</th>
<th>NEW JERSEY</th>
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<tbody>
<tr>
<td>All: Absenteeism, science. MS: HS matriculation, academic plans. HS: academic plans, ACT scores, EOC, 9th &amp; 10th grade credits.</td>
<td>Chronic absenteeism</td>
</tr>
<tr>
<td>All: ELL 10%; E5: Ach 15-20%; read by gr 3, 5%; prog 35%; gap closing 20%; absenteeism + science 10-15%. MS: Ach 20-25%; prog 35%, gap close 20%; other 10-15%. HS: Ach 20-25%; 4-yr grad 20%; 5-yr grad 10%; SQSS total 35-40%</td>
<td>After 2019: All: Ach 30%; ELL 20%; Chronic Absenteeism 10% EM: Growth 40%. HS: Grad Rate (4-, 5-yr) 40%.</td>
</tr>
<tr>
<td>Five tiers (‘stars’). CSI includes one-star, lowest 5%, low grade rate HS, low and declining score, not-improved TSI. Exit by reaching 3-star level and for HS 67% grad rate.</td>
<td>Four levels. 1) CSI. 2) TSI. 3) Consistently underperforming subgroup (but not TSI). 4) All others.</td>
</tr>
<tr>
<td>Plan evaluation. Competitive grants. Can be in “achievement district” (6/yr) or ‘turnaround’ status (replace principal). If not improvement, stronger intervention, can be closure, redesign, restart, privatize control, partnerships, professional development.</td>
<td>Three levels of support: CSI, TSI, all other. Needs assessment, plan, monitor, evaluate. Esp. for CSI, state assistance teams and data analysis. If CSI does not improve in 2 years, more detailed analysis, possible external providers and state interventions.</td>
</tr>
<tr>
<td>Improvement plan. If 3-4 years, “participation warning.” If another year, ‘status indicator’ lowered. In another year, earn zero points for proficiency rating.</td>
<td>Two calculations: 1) with at least 95% of students; 2) without participation rate, or based on the actual number of tested students. This “creates a more balanced depiction of assessment results.” Unclear which will be used for accountability.</td>
</tr>
<tr>
<td>NEW MEXICO</td>
<td>All: Science; opportunity to learn (OTL: absenteeism + survey). HS: College-career readiness, growth in 4-yr grad rate.</td>
</tr>
<tr>
<td>NORTH DAKOTA</td>
<td>All: Student engagement. HS: College and career Ready, GED, school climate (includes engagement).</td>
</tr>
<tr>
<td>OREGON</td>
<td>All: Chronic absenteeism; HS: 9th grade academic progress (on track) and five-year grad rates. Planning to include other indicators: Exclusionary discipline, well-rounded education, parent/family engagement.</td>
</tr>
<tr>
<td>TENNESSEE</td>
<td>All: Chronic absenteeism, science. Provides info on a range of other indicators, and is considering adding additional indicators to accountability index.</td>
</tr>
<tr>
<td>VERMONT</td>
<td>All: Science, phys ed, HS: career-college readiness test and college-career outcomes.</td>
</tr>
</tbody>
</table>

* ESSA does not include science as an option under “achievement” and DoE rejected numerous plans that listed science under Achievement instead of SQSS. However, both IL and MA include science under Achievement and were approved.
STATE ESSA PLANS:
Uneven Progress toward Better Assessment and Accountability

IV. APPROVED SQSS INDICATORS

There are 22 approved SQSS indicators from the 16 states analyzed in this study. The most common is chronic absenteeism, which is used by 14 states. On-Track to Graduate and College and Career Readiness (CCR) measures are employed by 5 states each, though other states have indicators similar to CCR (e.g., high school matriculation and average ACT score) so that more general category is used in 12 states. The next most common SQSS indicators are Science Proficiency and School Climate Surveys, each used by 4 states. States, on average, have 3.5 SQSS indicators; Nevada has 7, the most of any state.

The List of 22 Approved SQSS Indicators from 16 states:

1. Chronic absenteeism
2. In-seat attendance
3. School climate survey
4. Re-enrollment in same school
5. Access and opportunities
6. Inclusion of special education students
7. Pre-Kindergarten metrics
8. Fine Arts
9. K-8 access to a librarian or media specialist
10. Physical fitness
11. Proficiency in science
12. Proficiency in social science
13. Percentage with academic learning plans
14. On-track to graduate
15. Graduation rate growth
16. Drop-out rate
17. Advanced coursework
18. College and career readiness
19. Meeting college & career readiness cut score on end-of-course exams
20. Meeting high school matriculation requirements
21. Average ACT composite score
22. Postsecondary entrance