Beyond Reading and Math Scores: Flexibility in Federal K–12 Accountability Law

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Key Points

- The Every Student Succeeds Act (ESSA), the successor to the No Child Left Behind Act of 2001, has opened the door for states to experiment with new accountability systems and improvement strategies.
- Specifically, ESSA encourages all states to think differently about how to conduct state assessments, use indicators beyond those focused on academics to rate school performance, and develop locally tailored interventions to fix low-performing schools and close equity gaps among student subgroups.
- Louisiana and Tennessee showcase how states can leverage ESSA's flexibility to move beyond No Child Left Behind, better holding schools accountable for student achievement and other metrics and improving low-performing schools.

One of the most hotly debated K–12 education issues in recent decades has been the appropriate federal role in defining how states should measure, identify, and intervene in low-performing schools. The evolving federal role in state accountability efforts has significantly affected state efforts to design and implement state accountability systems.

The No Child Left Behind (NCLB) Act of 2001 required states to develop grade-level standards in reading and math and assess student mastery of these standards.[1] Because all students were required to be proficient in reading and math (as measured by these tests) by 2014, states had to establish accountability systems to determine whether schools were making adequate yearly progress toward the 2014 goal. These accountability systems instituted specific sanctions and rewards based on a school's adequate yearly progress status.

As the 2014 deadline of 100 percent student proficiency neared, the accountability systems, which included increasingly specific federal school improvement models and sanctions, became highly controversial. Almost no schools could meet the 100 percent proficiency deadline, so they were placed into "improvement" status, thus setting off prescriptive sanctions that did not always help them improve. Having almost all schools labeled as "failing" was an untenable situation. As a result, there was widespread consensus among policymakers that NCLB—in particular, the accountability and school improvement areas of the law—needed revision. What lacked consensus was how to recalibrate the federal government's role in school accountability.

In December 2015, after more than a decade of complex debate, Congress passed the Every Student Succeeds Act (ESSA) to reauthorize the Elementary and Secondary Education Act of 1965, thus replacing NCLB.[2] ESSA enabled states to consider new ways to hold schools accountable for student achievement and other metrics and provided substantial flexibility in deciding how to improve low-performing schools.

But ESSA's passage didn't change school accountability overnight. It took time for the Department of Education to provide guidance on ESSA's implementation and for states to develop new systems and policies to implement ESSA's requirements. While ESSA passed five years ago, researchers and policymakers are just now beginning to evaluate the ways states have leveraged its flexibility to design and implement new accountability systems.

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As a senior policy adviser to Sen. Lamar Alexander (R-TN), chairman of the US Senate Health, Education, Labor, and Pensions Committee, I served as the principal drafter and negotiator for ESSA. In this report, I give a broad overview of ESSA's *new* requirements for state accountability systems and describe how two states, Louisiana and Tennessee, have leveraged the flexibility of these requirements to design distinct accountability systems.

New ESSA Accountability Requirements

ESSA maintains the fundamental NCLB requirement that states develop accountability systems that include academic performance—measured by math and reading tests given annually by states in third through eighth grade and once in high school—to identify schools for improvement. However, ESSA expanded on and changed many of the specifics in these and related requirements.

Whereas NCLB relied primarily on student test scores to evaluate school performance and included specific school improvement interventions, ESSA gives states flexibility to rethink how best to measure, identify, and intervene in low-performing schools. The following section details the *new* requirements or opportunities under ESSA that have enabled states to transition to more holistic accountability systems.

New Accountability Indicators. ESSA includes several new accountability indicators, including new testing options, an additional academic indicator for elementary and middle schools, an English learner (EL) indicator, and a school quality or student success (SQSS) indicator.

New Testing Options. ESSA maintains the use of annual third through eighth grade state math and reading proficiency assessments as accountability indicators. However, these tests can now be administered as computer adaptive tests; partially delivered as portfolios, projects, or extended performance tasks; or administered through multiple statewide interim assessments over the academic year that produce a single summative score rather than using a single summative test. For high school assessments, states can also use a nationally recognized college entrance or placement assessment such as the SAT, ACT, and Advanced Placement (AP) tests.

Additionally, the law includes an Innovative Assessment and Accountability Demonstration Authority that allows up to seven states to experiment with assessments that affirm whether students are ready to demonstrate mastery of a skill and allow for differentiated support based on individual learning needs, such as competency- or performance-based assessments. Since ESSA's passage, five states have been approved to develop and use these more personalized assessments in their accountability system (Georgia, Louisiana, Massachusetts, New Hampshire, and North Carolina).[3]

Additional Academic Indicator for Elementary and Middle Schools. ESSA requires an additional academic indicator for elementary and middle schools in the state accountability system. (High schools

use graduation rates as their additional academic indicator.) This can be a measure of student growth toward proficiency or another statewide academic indicator that allows for meaningful differentiation in school performance. States are exploring various new indicators to meet this requirement, including achievement on state science tests and chronic absenteeism rates, which go beyond school attendance rates to measure the percentage of students missing a significant amount of the school year.[4]

EL Indicator. For all EL students, state accountability systems must include a measurement of progress in achieving English language proficiency. English proficiency is measured using assessments such as the World-Class Instructional Design and Assessment and the English Language Proficiency Assessment for the 21st Century. Before ESSA, states were only held accountable for EL students' English proficiency in schools that received direct funding to help EL and immigrant students learn English (known as Title III funding).[5] Now, all schools are held accountable, in part, for EL students' progress in attaining English proficiency.

SQSS Indicator. States must include a new SQSS indicator in their accountability systems. This indicator can be nonacademic, enabling states to incorporate measures such as student engagement, educator engagement, and school climate and safety. It can also be an additional academic indicator, such as student access to and completion of advanced coursework, postsecondary readiness, and career readiness. This new requirement allows states to prioritize novel indicators for evaluating school performance.

Flexibility on Indicator Weighting. With several new indicators included in state accountability systems, states must now determine how best to weigh all indicators to define and differentiate each school's performance. ESSA provides flexibility to states in weighing indicators to emphasize certain areas over others. ESSA only requires that each indicator in the state's accountability system be included, each academic indicator be given "substantial" weight, and, in the aggregate, academic indicators receive "much greater weight" than the SQSS indicator.[6] This provides states with considerable latitude to consider how the combination of indicators should be weighted to differentiate school performance across the state.

New Identification Systems for Low-Performing Schools. ESSA requires three types of school identifications for improvement. Every three years, based on a state-designed index using all indicators in the state accountability systems, the lowest-performing 5 percent of all Title I schools and all public high schools in the state failing to graduate one-third or more of their students must be identified for comprehensive support and improvement (CSI).

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States also must annually identify schools that are "consistently underperforming" for subgroups of students (as defined by the state) for targeted support and improvement (TSI).[7] Among TSI schools, states must identify schools for additional targeted support (A-TSI) if any one subgroup of students meets the criteria for placing a school into the bottom 5 percent category. ESSA not only places an emphasis on a school's overall performance but also assesses how it is serving student subgroups.

State and Local Control of Interventions. Arguably, one of the most significant changes in ESSA was the amount of authority it provided to states and local educational agencies to design interventions for low-performing schools (CSI, TSI, and A-TSI). Local educational agencies and schools now play a substantial role in devising a strategy to improve identified schools with input from community stakeholders, such as teachers, principals and other school leaders, and parents. They also have the flexibility to use a needs assessment to

identify priority areas for attention and implement a strategy tailored to the school's unique challenges; a one-size-fits-all model to improve all schools is no longer the de facto solution.

ESSA's federal school improvement requirements, while limited, do mandate that interventions be evidence based, demonstrating at least *some* promising research to back up local intervention decisions. In CSI and A-TSI schools, improvement plans must include a review of resource inequities in the school that will be addressed. The state then has the leeway to determine the criteria for a school to exit CSI, TSI, or A-TSI status and establish the adjustments that must be made or strategies that will be put in place if interventions are not working. ESSA puts local leaders in charge of determining interventions that work best for their schools and students with buy-in from stakeholders.

State Examples of New Accountability Systems

State leaders' willingness to embrace significant changes to state accountability systems under ESSA depends on the leaders' priorities and ability to work with stakeholders at the local level, often with dissenting views, to generate support. The following examples highlight two states that have incorporated new strategies into their accountability systems.

Louisiana. Louisiana's accountability system includes a novel overall goal, diverse indicators, and a unique focus on state assessment systems.[8]

The system leverages a value-added model that tracks every child's progress, including mastery of academic skills and students' individual growth relative to their peers. In contrast to NCLB-era systems, Louisiana's approach emphasizes individual child achievement, including examining absolute proficiency against a standard *and* achievement compared to one's peers.

Louisiana's accountability system also includes two interesting indicators to evaluate school performance. The first is the "interests and opportunities" indicator, which is used in elementary, middle, and high schools and worth 5 percent of schools' overall performance scores.[9] Used as part of the school performance score starting in the 2020–21 school year,[10] schools are evaluated with an online survey completed by principals and validated by superintendents on students' access to courses across six categories: health and physical education, visual arts, performing arts, world languages, leadership development, and technology and engineering.

At the kindergarten through eighth grade level, schools are also evaluated on the percentage of students enrolled in physical education, visual arts, and performing arts courses and the number of students in fourth through eighth grade enrolled in world language courses. Additional points can be earned for students in kindergarten through third grade enrolled in world language courses. This indicator places a premium on the diversity of courses offered to students, a unique consideration that had not been included in accountability systems before ESSA.

The second is the "strength of diploma" indicator—used in high schools and worth 25 percent of their school performance scores[11]—which awards points based on the attainment of a high school diploma and postsecondary credits or credentials. It awards a range of points for students who graduate on time and who pass (with additional points for earning credit on) AP, International Baccalaureate (IB), or College-Level Examination Program (CLEP) exams; earn industry credentials (e.g., JumpStart); complete specific dual-enrollment courses; complete a High School Equivalency Test or equivalency diploma; or earn associate degrees.

Louisiana was also one of five states approved to pilot a new English assessment in five school districts under ESSA's Innovative Assessment and Accountability Demonstration Authority. The new test will combine the state English and social studies tests and measure student reading comprehension using district-selected passages from books studied during the school year. Several brief assessments will be given during the school year rather than one summative test. This pilot will provide a novel look at more personalized state assessments and how they are used in accountability systems.

Lastly, according to Louisiana's ESSA plan, schools with "excessive out-of-school discipline" (defined as twice the national average of out-of-school suspensions) will also be identified for TSI,

a unique emphasis not regularly seen in other states.[12]

Tennessee. Tennessee's accountability system includes new indicators and a plan for supporting and monitoring district and school improvement strategies that goes well beyond NCLB-era systems.[13]

The state's "ready graduate" indicator is designed to help ensure students graduate high school prepared for college, a career, or the military, making it one of the few states to highlight entrance to the military as a viable post–high school option. The indicator is calculated by multiplying a school's graduation rate by the percentage of graduates scoring 21 or higher on the ACT or 1060 or higher on the SAT, completing four Early Postsecondary Opportunities (EPSOs), completing two EPSOs and an industry certification, or completing two EPSOs and scoring the state-designated score on armed forces qualifying exams (the Armed Services Vocational Aptitude Battery or the Armed Forces Qualification Test). EPSOs include measures such as AP, IB, and CLEP exams; dual enrollment or dual credit courses; and a WorkKeys National Career Readiness Certificate. This indicator emphasizes student skill mastery beyond a high school diploma to help support post–high school success in multiple pathways.

Tennessee prioritizes the performance of student subgroups and will identify any school in which any subgroup is performing in the bottom 5 percent of all schools as a "focus school." However, Tennessee goes beyond many states in the depth of the subgroup achievement data collected and considered as part of its accountability system. The state reports and incorporates not just individual racial or ethnic subgroup performance but also a Black, Hispanic, and Native American combined subgroup. This choice enables the state to include more students in the state's accountability system and hold as many schools as possible accountable for subgroup performance since, on their own, each subgroup may have too low a concentration in Tennessee schools to be reported.

Tennessee has also implemented a comprehensive plan to empower district and school leaders to improve low-performing schools, built on evidence-based solutions tailored to local contexts. One unique aspect of this customizable service model is the state support given to schools to conduct needs assessments and data analyses to determine underlying challenges and align intervention and larger school strategies to address the identified problems.

For focus schools, the needs assessment focuses on the state's five strategic priorities: early foundations and literacy, high school and the bridge to postsecondary education, equity, teacher and leader support, and district empowerment. Based on the assessment results and regional trends, Tennessee proposes bringing together districts and schools in conferences, trainings, and other networking opportunities to learn from one another and receive technical assistance from the state.

In addition to examining Tennessee's strategic priorities, the needs-assessment tool considers the efficacy of existing community-based resources and support and determines gaps in programs and services. The results guide local strategies aimed at closing identified gaps in collaboration with partners. State staff also facilitate deep data dives with school and district staff to involve them in the data analysis process rather than simply providing the results. Tennessee's approach of assessing individual school data to determine custom interventions with local buy-in and support directly addresses a central criticism of NCLB's uniform approach to school improvement.

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For the lowest-performing schools in the state ("priority schools"), Tennessee adapts a service model to take on a larger role in helping schools improve, requiring turnaround plans to be based on strong leadership, effective instruction, and student support. However, the state still defers considerable intervention decision-making to local

leaders. Under this framework, Tennessee has tiered interventions for priority schools that need substantial, yet differentiated, support.

- *Achievement School District.* This is a statewide school district run by partnerships with charter school operators with increased school-level autonomy.
- *Partnership Model.* Districts with at least five priority schools collaborate with the state, yet schools remain under district, rather than state, control. A governing board of state and local leaders or a joint state- and district-appointed advisory board helps the district make strategic decisions.
- *District-Led Interventions* (*Innovation Zone Model*). This provides districts with flexible funds to help multiple priority schools in the district implement evidence-based strategies coupled with state oversight. The innovation zone model provides increased autonomy to principals and teachers by exempting them from specific district-level policies and procedures.
- *School-Level Grants.* All priority schools can competitively apply to the state for three-year federal school-improvement funds. The school's plan for improvement must use needs-assessment results and address the state's three focus areas for improvement planning (as mentioned earlier).

Finally, Tennessee has established technical assistance and monitoring processes to help support school improvement statewide. Notably, the state uses a risk analysis tool to target resources to schools most in need. The tool examines more than 60 indicators, including federal funding, student achievement, human capital, number of federal discretionary grants received, audit findings, and predictive performance indicators. It then assigns a score to each district to determine appropriate monitoring, identify risks, and even assess whether district improvement strategies are working. Tennessee's focus on monitoring progress throughout the year helps support continuous improvement by providing ongoing feedback and support to schools.

Conclusion

ESSA has opened the door for states to experiment with new accountability systems and improvement strategies. The law encourages all states to think differently about how to conduct state assessments, use indicators beyond those focused on academics to rate school performance, and develop locally tailored interventions to fix low-performing schools and close equity gaps among student subgroups.

It will not be possible to know the true impact of the enhanced flexibility allowed under ESSA for a few years; it remains to be seen if and how many schools will make measurable improvements. For most states, the 2021–22 school year would have been the first year the law required an examination of whether school improvement strategies were working. However, given the pandemic's impact on state testing and accountability systems, conclusions about the effectiveness of ESSA's flexibilities will be delayed further.

Outside the pandemic, the perceived success of ESSA will also be marred by political realities. Whether the current federal role in education is maintained or revamped will depend on how the parties that control Congress and the White House (currently the Democrats control both) want to frame ESSA's accomplishments (or lack thereof). As previously noted, the federal role in K–12 education ebbs and flows over time.

When considering the future of state accountability systems, there are a few interesting trends to watch: Will the next iteration of the Elementary and Secondary Education Act embrace the new, innovative tests that some states are adopting? Or will tests, even requiring them annually, become an outdated component of accountability systems altogether? Will other indicators emerge as crucial in determining a school's ability to prepare students for success after high school, such as the mastery of tangible skills? Lastly, beyond academics, should social and emotional skills be measured and included in a state accountability system?

As ESSA is being implemented now, it is also being researched, judged, questioned, and contextualized by the political, social, and educational realities of the moment. These early lessons will greatly influence the post-ESSA era on state accountability systems.

About the Author

Lindsay Fryer previously served as a senior education policy adviser to Sen. Lamar Alexander (R-TN), chairman of the US Senate Health, Education, Labor, and Pensions Committee, and she was the principal negotiator for Sen. Alexander on the Every Student Succeeds Act.

Notes

1. No Child Left Behind Act of 2001, Pub. L. No. 107-110, https://www.govinfo.gov/content/pkg/PLAW-107publ110/pdf/PLAW-107publ110.pdf.
2. Every Student Succeeds Act, Pub. L. No. 114-95, https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf.
3. US Department of Education, Office of Elementary and Secondary Education, "Innovative Assessment Demonstration Authority (IADA)," https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/iada/.
4. For an overview of the types of indicators states are using, see Education Commission of the States, "States' School Accountability Systems Accountability and Reporting: ESSA Plans," January 2018, https://reports.ecs.org/comparisons/states-school-accountability-systems-02.
5. No Child Left Behind Act of 2001, § 3001–304.
6. Every Student Succeeds Act, § 1111(c)(4)(C)(ii).
7. Every Student Succeeds Act, § 1111(c)(4)(C)(iii).
8. Louisiana Department of Education, *Louisiana's Elementary & Secondary Education Plan Pursuant to the Federal Every Student Succeeds Act (ESSA)*, August 8, 2017, https://www.louisianabelieves.com/docs/default-source/louisiana-believes/louisianas-essa-state-plan.pdf.
9. Louisiana Department of Education, "Louisiana's K–12 Accountability System," https://www.louisianabelieves.com/docs/default-source/key-initiatives/louisianas-key-initiatives_k-12-accountability-system.pdf.
10. The "interests and opportunities" indicator was supposed to be implemented in Louisiana's School Performance Scores (SPS) for the 2019–20 school year, but SPS were not calculated in 2019–20 due to COVID-19. For the 2020–21 school year, Louisiana had a "hold harmless" policy for the interests and opportunities indicator, wherein if use of the score resulted in a lower SPS, the SPS would be calculated without it. The state has proposed removing this policy for the 2021–22 year while also making some changes to the indicator. See Louisiana Department of Education, "Accountability Commission," May 3, 2021, https://www.louisianabelieves.com/docs/default-source/accountability/2021-accountability-commission---presentation-05-03-2021.pdf?sfvrsn=913c6718_2.
11. Louisiana Department of Education, "Louisiana's K–12 Accountability System."
12. Louisiana Department of Education, *Louisiana's Elementary & Secondary Education Plan*, 61.
13. Tennessee Department of Education, *Every Student Succeeds Act: Building on Success in Tennessee*, August 13, 2018, https://www.tn.gov/content/dam/tn/education/documents/TN_ESSA_State_Plan_Approved.pdf.