

Why We Need Additional Accountability in ESEA



**Lanae Erickson
Hatalsky**

Vice President for the
Social Policy & Politics
Program

[@LanaeErickson](https://twitter.com/LanaeErickson)



Tamara Hiler

Deputy Director of
Education

[@TamaraHiler](https://twitter.com/TamaraHiler)



**Stephenie
Johnson**

Fellow, Social Policy &
Politics Program

This week, the Senate is considering an update to the *Elementary and Secondary Education Act* (ESEA), the most recent iteration of which was 2001's *No Child Left Behind* (NCLB). The bill was crafted as an extensive bipartisan compromise by Senators Lamar Alexander (R-TN) and Patty Murray (D-WA) and passed out of the Senate Health, Education, Labor, and Pensions (HELP) Committee in a unanimous 22-0 vote. While there is wide agreement on many aspects of the bill, business and civil rights leaders alike have expressed concern with one particular provision—the lack of clarity around what kind of schools must be identified by a state as in need of intervention & support.

Under the current language of the bill, states could potentially identify only a tiny handful of schools to target for improvement, or ignore schools that are doing an adequate job on average but allowing certain groups of students to fall through the cracks year after year. Several Senators have crafted an amendment to address this problem. It would require states to 1) identify at least 5% of their schools as low performing and in need of intervention; 2) identify for intervention any high school with a graduation rate of less

than 67%; and 3) provide targeted and locally-driven support to schools that fail to meet their goals among specific groups of students, like students with disabilities, low-income students, English Language Learners, or Latino or African American students, for 2 or more years in a row. There are three big reasons to support this amendment:

1. **We shouldn't go back to a time when the most vulnerable students fall through the cracks.** At its core, ESEA is a civil rights bill designed to guarantee that *all* students have access to a quality education. NCLB required states and districts for the first time to monitor the performance and progress of historically marginalized groups of students, like students of color, students with disabilities, and English Language Learners. This amendment stays true to the principle that has put student progress on the right track for the first time in decades: ensuring that schools cannot fail any group of students year after year without taking action.
2. **We cannot count on states to hold themselves accountable.** Before NCLB, 17 states had no accountability system at all for their schools. Things were even worse for high-needs groups of students, as even the systems that did exist too often hid the progress of certain groups of students within school-wide averages. In other areas where we allow states to be their own arbiter, like for teacher preparation programs, we find that political pressure provides a powerful impetus for them to identify as few schools as in need of improvement as possible. This bill gives approximately \$25 billion in federal tax dollars to states—and we should be sure we are getting more for it than a mere handful of improving schools.

3. **It strikes the right balance between maintaining state flexibility and upholding crucial federal guardrails.** Like many of the other provisions of the bipartisan bill, this amendment fixes the biggest complaints about NCLB. It allows states to use a multi-measure approach when identifying schools that are in need of improvement, rather than relying on the testing-only methods of the past. And it would put states and districts in the driver's seat in both setting the goals schools must meet and designing and implementing locally-tailored interventions for those that fall short. NCLB's test and punish strategy would be relegated to the history books without diminishing our country's commitment to ensuring that every student is equipped to succeed.