

December 10, 2020

The Honorable Joseph R. Biden, Jr.
President-elect of The United States of America
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear President-elect Biden:

On the fifth anniversary of the signing into law of the Every Student Succeeds Act (ESSA), the undersigned organizations write to urge your support for the equity-focused, student-centered implementation of this critical civil rights law.

[Evidence suggests](#) the COVID-19 pandemic has widened opportunity gaps that have long plagued our education system. The lack of federal leadership displayed by the U.S. Department of Education (USED) over the past four years has compounded the negative impact of the pandemic on our children's education. ESSA codified vital equity guardrails that, if implemented with fidelity to the law, can serve as important tools for addressing the instructional loss and social-emotional stress or trauma caused by the pandemic, which have disproportionately affected students of color, students from low-income backgrounds, English learners, students with disabilities, Native students, students experiencing homelessness, and other historically underserved populations. Building on our [memo to the Biden-Transition team](#) that offers recommendations in many areas of education policy—particularly the need for significant, additional [COVID-19 stimulus](#) for state and local governments and for targeted relief for K-12 education—we offer the following recommendations to highlight the importance of ESSA in assuring education as a civil right during the pandemic and beyond.

1) Ensure families, policymakers, and the public have data on student learning.

One of ESSA's core commitments to families and to the public is the availability of annual, disaggregated, and comparable data on student academic achievement. Under the extraordinary circumstances of unplanned school closures caused by COVID-19, USED understandably waived ESSA's annual assessment requirement last year. With some schools fully or partially reopened, but others reliant on virtual instruction, student learning remains uneven, and [millions of students](#) may have experienced no formal instruction since March. Learning loss resulting from COVID-19 could set back a generation of students. Therefore, assessing the magnitude of the pandemic's impact on foundational academic skills is a moral imperative.

Just as it is vital for families to have information about whether their child is on-track academically, it is vital for the federal, state, and local leaders to have accurate data on student learning to drive decision making and the deployment of resources and support during the pandemic. ESSA's requirement for statewide assessments is especially important this year in light of the decision by the National Center for Education Statistics (NCES) to postpone the National Assessment of Educational Progress (NAEP). Fortunately, [as described by the NCES](#)

[Commissioner](#), the challenges associated with administering NAEP do not apply to statewide assessments. Therefore, we [call on USED](#) to ensure the annual, comparable statewide assessments required by ESSA (ESEA section 1111(b)(2)) are carried out this school year and to provide states with the support and guidance necessary to do so.

In addition to reporting individual student results to parents and families, it is also critical for assessment data – disaggregated by student groups – to be publicly reported at the school-, district-, and state-levels on state and local report cards, as required by ESSA (ESEA section 1111(h)(1)(C)(ii)). This, and most other ESSA reporting requirements, were waived for the 2019-20 school year and should not be waived again. [26 states](#) are currently missing achievement data for at least one required student group on their annual report cards. Leaders will not be able to address gaps and direct more resources to students whose learning has been most disrupted by the pandemic if we do not measure and report the data—including data on which students were not assessed. Participation data, alongside assessment data, will provide critical context about which students may have become disengaged or disconnected from school during the crisis due to lack of home internet or other critical supports and resources. USED should use its oversight authority to ensure all ESSA reporting requirements, particularly those requiring disaggregated data, are met for the 2020-21 school year.

Finally, it is critical for assessment data to be used to identify and provide additional, targeted support to schools and students, particularly those who have been disproportionately impacted by the pandemic. This data should not, and, in accordance with ESSA, cannot be the sole measure by which schools are identified for support and improvement. However, assessment data must be one of the multiple indicators used by states to determine how resources (i.e., the 7% of Title I funds set aside for school improvement) will be deployed to support student learning. These are unprecedented times, and states will need flexibility to implement ESSA’s accountability provisions. Therefore, we support the [one-year flexibilities](#) outlined by USED in its proposed guidance issued on October 20, 2020 and urge you to maintain this policy.

2) Support the implementation of ESSA’s policies focused on resource equity.

Resource inequity is at the heart of many opportunity and achievement gaps. Unfortunately, budget cuts resulting from COVID-19 threaten to exacerbate the inequitable distribution of resources throughout the education system. ESSA includes several policies intended to strengthen resource equity, including the reporting of per-pupil expenditures, teacher and school leader qualifications, measures of school quality, climate, and safety (i.e., rates of in-school and out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism, incidences of violence), and student enrollment in preschool programs and accelerated coursework (ESEA section 1111(h)(1)(C)(xiii)-(x)). ESSA also requires states and school districts to identify resource inequities in schools identified for Comprehensive Support and Improvement (CSI) and Additional Targeted Support (ATS) (ESEA sections 1111(d)(1)(B)(iv) and 1111(d)(2)(C)), and states to review resource allocation in districts serving

a significant number of schools identified for support (ESEA section 1111(d)(3)(A)(ii)). Finally, the law promotes resource equity in state and local education funding, including through flexibility for districts with weighted per-pupil funding formulas and fiscal requirements like supplement not supplant.

We call upon the Biden administration to maximize the tools provided in ESSA as part of a larger resource equity agenda to close the opportunity gaps that undercut the ability of historically underserved students to excel in school. Specifically, USED should conduct oversight and update guidance to ensure states include all of ESSA's resource equity indicators on their state and local report cards for the 2020-21 school year and issue new guidance encouraging states to: (1) ensure that inequities identified in previously approved CSI and ATS school improvement plans are updated to reflect resources inequities created or exacerbated by the pandemic (ESEA sections 1111(d)(1)(B)(iv) and 1111(d)(2)(C)); (2) update and/or conduct new reviews of district resource allocation and adopt a timeline for more frequently conducting such reviews (ESEA section 1111(d)(3)(A)(ii)); and (3) take action at the state- and district- level to address any inequities identified. USED should also issue regulations to ensure districts implement ESSA's supplement-not-supplant requirements faithfully and in a manner that protects high-poverty schools and districts, and create a competitive grant program to promote fairer, more equitable state and local funding systems (which could include expanding and funding ESSA's current weighted student funding flexibility).

3) Conduct ongoing oversight of state and district ESSA implementation.

Federal support and oversight are critical to realize the potential of ESSA. Unfortunately, oversight by USED under Secretary of Education Betsy DeVos has been lax, and [evidence suggests](#) that ESSA implementation has been uneven. This stems—in part—from the rescission of ESSA regulations and non-regulatory guidance for accountability, data reporting, and consolidated state plans in 2017. For example, USED has not reissued comprehensive guidance on state accountability systems or school support and improvement under Title I—leaving many questions unanswered and providing little clarity to state leaders. In addition, to date, USED has completed program monitoring and posted [performance reviews](#) of state ESSA implementation for fewer than half of states over the last four years. Over \$26 billion is allocated through ESSA, warranting rigorous oversight from USED.

We call upon your administration to issue and update existing frequently asked questions and other guidance documents related to ESSA's core Title programs and to conduct regular, ongoing, and more frequent oversight of the policies described above and many others, including ESSA's requirements for accountability (ESEA section 1111(c)) and school support and improvement (ESEA section 1111(d)), for all states. Further, USED's oversight and program monitoring should prioritize those states that have not yet had any performance review under ESSA.

COVID-19 has raised the visibility of inequities that have mired our education system for decades. While federal leadership beyond ESSA implementation is required to address the biases, disparities, and racism facing many of our children, ESSA’s equity guardrails--largely overlooked and underutilized for the past four years--offer your administration some existing critical tools for addressing our students’ educational needs. This unprecedented time calls for strong federal leadership. With accurate data, a focus on resource equity, and consistent oversight, we can effectively support student success. Our organizations look forward to working with your administration to ensure every student receives an equitable and excellent education during the pandemic and beyond.

Sincerely,

Alliance for Excellent Education
America Succeeds
Association of Latino Administrators
and Superintendents
Collaborative for Student Success
Data Quality Campaign
Education Reform Now
Educators for Excellence
IDEA Public Schools
KIPP
Learning Heroes

National Alliance for Public Charter Schools
National Center for Learning Disabilities
National Parent Teacher Association
National Parents Union
National Urban League
Results for America
Stand for Children
Teach Plus
The Education Trust
TNTP
UnidosUS

CC: The Honorable Robert C. Scott
The Honorable Virginia Foxx
The Honorable Lamar Alexander
The Honorable Patty Murray