



To: Senate Committee on Health, Education, Labor and Pensions (HELP) and House of Representatives Committee on Education and the Workforce
From: Alliance for Excellent Education
Date: November 3, 2015
Re: Comments on the Conference to Reauthorize the Elementary and Secondary Education Act (ESEA) of 1965

The Alliance for Excellent Education (the Alliance) appreciates the opportunity to offer comments and recommendations as the U.S. Congress begins conferencing the Senate and House bills to reauthorize the Elementary and Secondary Education Act (ESEA), specifically the Every Child Achieves Act (S. 1177) and the Student Success Act (H.R. 5).

The United States recently achieved a high school graduation rate of 81 percent, the highest graduation rate on record. The Alliance recommends including several provisions within both S. 1177 and H.R. 5 to continue the nation's progress in preparing all students for postsecondary education and the workforce. For example, the Alliance appreciates the targeting of new Title I funding to high schools in S. 1177 as well as the bill's emphasis on high-quality assessments and federal funding for those assessments. Within H.R. 5, the Alliance appreciates the inclusion of an accurate calculation of the high school graduation rate as well improvements in Title II professional development policy.

As Congress finalizes an ESEA reauthorization bill, the Alliance is concerned that neither the Senate nor the House proposals adequately supports the nation's lowest-performing students and schools. This memo details the Alliance's recommendations for simultaneously providing all states and school districts with flexibility while also providing underserved students and their families with assurances of support. By striking an effective balance between local decisionmaking and federal safeguards, the final ESEA bill can ensure every student has the opportunity to become a high school graduate who is ready for college, a career, and citizenship. The Alliance's priority recommendations for achieving this goal are as follows:

- (1) Identify and support high schools that fail to graduate one-third or more of their students, regardless of whether such schools receive Title I funding.
- (2) Identify and support high schools that miss state-set achievement or graduation rate targets for one or more subgroups for two or more years.
- (3) Maintain language included in H.R. 5 that defines an accurate calculation of the high school graduation rate.
- (4) Maintain language included in S. 1177 that focuses new Title I funding on high schools by lowering the priority poverty threshold from 75 percent to 50 percent for high schools and allowing states to calculate poverty within high schools using a feeder pattern.

- (5) Maintain language included in S. 1177 that strengthens the quality of state assessments by allowing state assessments to be delivered in part in the form of portfolios, projects, and performance tasks and by providing funding for state assessments and assessment audits.
- (6) Maintain language included in S. 1177 that allows states to incorporate measures of readiness for postsecondary education and the workforce into state accountability systems.

Please find below specific recommendations for conference with accompanying legislative language and rationale. The Alliance looks forward to working with Congress to reauthorize ESEA and prepare all students for postsecondary education and the workforce.

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I. Accountability

The Alliance appreciates that the Every Child Achieves Act (S. 1177), the Senate bill to reauthorize ESEA requires states to develop an accountability system that incorporates multiple measures of performance, including high school graduation rates. Since graduation is the ultimate goal of a K–12 education system, this indicator is particularly critical. In addition, S. 1177 allows state accountability systems to include indicators of student readiness to enter postsecondary education or the workforce without the need for postsecondary education remediation (see sec. 1111(b)(3)(B)(ii)(IV)(aa), page 59, line 9–23). This language was included in a bipartisan amendment offered on the Senate floor by Senators Kaine and Portman and was approved by voice vote. S. 1177 also requires state report cards to include the rates of enrollment in postsecondary education and remediation rates for high schools, language that was originally proposed by Senators Capito and Durbin.

However, as states develop accountability systems that incorporate several important indicators, safeguards must be provided to ensure that these systems identify high schools with low performance and graduation rates. Further, these systems should identify high schools with significant gaps in performance and graduation rates among student subgroups, in order to provide locally determined and tailored intervention and support. To achieve this goal, the Alliance offers the following recommendations:

- 1. Recommendation: Require all states to identify any high school with a graduation rate at or below 67 percent for intervention and support, regardless of whether the school receives Title I funding.**

Alliance Suggested Redline to S. 1177, sec. 1114(a)(1)(A), page 164, lines 1–5: Insert new (A):

“(A) identify any public high school that has a four-year adjusted cohort graduation rate at or below 67 percent for two or more consecutive years, or an extended-year adjusted cohort graduation rate for two or more consecutive years that is at or below a rate determined by the State and set higher than 67 percent;”

NOTE: This language is similar to language included in Rep. Scott’s Substitute Amendment (Scott Substitute), page 87, lines 14–16, sec. 1116(a)(2)(B)(v). This language is also similar to Senator Murphy’s amendment submitted during HELP committee markup of S. 1177.

Rationale: There are 1,235 high schools that do not graduate one-third or more of their students.¹ These schools represent 6 percent of the nation’s high schools and enroll more than 1.1 million students.² The students attending these high schools are disproportionately students with the greatest needs. For example, 40 percent of students in these schools are African American, even though African American students make up less than 16 percent of the overall K–12 public school student population. Seventy percent are students from low-income families, even though students from low-income families make up 50 percent of the overall K–12 public school student population.³ This language would ensure that these high

schools are included within the state accountability system and make them eligible to receive funding for improvement.

Although current policy under the School Improvement Grant program and ESEA flexibility is to identify high schools with a four-year graduation rate at or below 60 percent, ***raising the floor to at or below 67 percent would almost double the number of schools and students eligible to receive support.*** Specifically, of the 1,235 high schools previously mentioned, more than 600 enroll nearly 535,000 students and are “stuck” with graduation rates between 60 percent and 67 percent. By maintaining the federal focus on improving high schools with low graduation rates and raising the threshold from 60 percent to 67 percent, the number of students eligible for support would almost double (535,000 students attend high schools with graduation rates at or below 60 percent; 1.1 million students attend high schools with graduation rates at or below 67 percent). See Appendix B for state-specific data on additional schools and students captured by raising the graduation floor that no high school should fall below.

Under this recommendation, states would have the flexibility to use a five-year, six-year, or other “extended-year” high school graduation rate. Such states would set a threshold for identification that is at or above 67 percent because they would have an extended timeline to reach this threshold. With additional time, more students should graduate. Therefore, a threshold at or above 67 percent would be increased to a threshold selected by the state.

In addition, this recommendation would provide states with the flexibility to serve high schools that do not receive Title I funding. Under current law and policy, a high school must receive Title I funding in order to be included in the state’s accountability system and eligible for school improvement funding (unless states exercise their authority under sec. 1114(a)(2), page 165, lines 11–21). This requirement should be removed because it prevents high-poverty, low-performing high schools from receiving support simply because they are not supported under Title I. In effect, current policy creates a double jeopardy for high schools. Relatively few high schools receive Title I funding. As a result, these high schools are ineligible for school improvement funding—even if the high schools have low graduation rates and serve high percentages of students from low-income families.

The recommendation for removing the requirement that high schools receive Title I funding in order to be included in state accountability systems and in order to be eligible for school improvement funding is justified by the following data:

- High schools receive only 10 percent of Title I funding yet serve almost one-quarter of the nation’s K–12 students.⁴
- There are 5,001 high schools with poverty rates 40 percent or higher that do not receive Title I funding.
- Of the 1,235 high schools with graduation rates at or below 67 percent for which Title I data is available, one-third do not receive Title I funding (see Appendix B for a state-by-state breakdown).

For additional information on Title I and high schools, see [*Title I and High Schools: Addressing the Needs of Disadvantaged Students at All Grade Levels*](#).

2. Recommendation: Ensure that state accountability systems identify and provide support to schools with low-performing student subgroups.

Alliance Suggested Redline to S. 1177, sec. 1111(b)(3)(B)(iii), page 64, line 1: Insert new (III), state accountability systems shall ...

“(III) include identification of schools with categories of students, as defined in section 1111(b)(3)(A), not meeting the goals described under section 1111(b)(3)(B)(i) for 2 consecutive years, for targeted intervention as described under section 1114(b)(3)(A)(iii)(II),

NOTE: This language is similar to language included in the Scott substitute, sec. 1111(c)(1)(E)(ii)(I), page 32, lines 11–17, and to Senator Murphy’s amendment submitted during committee markup of S. 1177.

Rationale: The nation’s high school graduation rate remained nearly flat for decades until the Bush administration issued regulations in 2008 that called on states and districts to implement interventions when student subgroups missed state-set graduation rate targets. Specifically, from 2003 to 2008, the graduation rate increased less than 1 percentage point. However, between 2008 (the year the Bush regulations were issued) and 2012, the graduation rate increased 6.3 percentage points.⁵ In order to continue increasing the nation’s high school graduation rate, subgroup accountability must be included in ESEA reauthorization.

3. Recommendation: Maintain the inclusion of an accurate measure of the high school graduation rate, specifically the adjusted cohort graduation rate (ACGR), as defined in H.R. 5.

Rationale: Based on the work of the nation’s governors to develop a common, accurate calculation of the high school graduation rate known as the 2005 National Governors Association Compact, the Bush administration issued regulations (34 CFR 200.19(b)(1)) to address the concern of inaccurate and inconsistent measures of the graduation rate. Although some states are not in full compliance with the regulation, the majority of states are implementing this regulation with fidelity and evidence suggests that the use of an accurate, comparable graduation rate calculation has contributed to the record-high high school graduation rate of 81 percent reported this year.⁶ To ensure that an accurate and comparable measure is used by every state, a complete definition of the ACGR based on the 2008 regulations should be included in ESEA. States are also accustomed to calculating and reporting data based on this measure and therefore they would not need to alter their practices were this definition codified into law.

The Alliance recommends utilizing the ACGR definition included in H.R. 5 instead of the definition used in S. 1177 because H.R. 5 includes language to create a more accurate calculation of the cohort (i.e., the number of students enrolled in the incoming class of ninth graders). H.R. 5 does this by ensuring the cohort is calculated based on the number of ninth-

grade students enrolled at the beginning of the school year, rather than the end of the school year after students may have dropped out.

4. Recommendation: Require annual state report cards to include the high school graduation rate by type of diploma awarded.

Alliance Suggested Redline to S. 1177:

- Sec. 1111(d)(1)(C)(xix) page 95, lines 8–12: “(xix) for each high school in the state, and beginning with the report card released in 2017, the cohort rate (in the aggregate, and disaggregated **by diploma or diploma pathway** and for each category of students ...)”
- Sec. 1111(d)(1)(C)(xx) page 96, lines 6–12: “(xx) ~~if available and to the extent practicable,~~ for each high school and beginning with the report card released in 2018, the remediation rate (in the aggregated, and disaggregated **by diploma or diploma pathway** and for each category of students ...)”

NOTE: This language is similar to language included in the Scott Substitute, page 63, lines 19–24.

Rationale: Including high school graduation rate by type of diploma awarded on state reports cards will help to ensure that all students have equitable access to the most rigorous college- and career-ready diploma. Several states offer multiple pathways toward a diploma and/or multiple diplomas (e.g., Indiana’s “waiver” diploma and Massachusetts’s diploma awarded with an educational proficiency plan). It is important to know of disparities by student subgroup and as to who is receiving which type of diploma.

For example, more than one-quarter of the graduates in Indianapolis Public Schools—a district with predominantly students of color and students from low-income families—received a waiver diploma. However, Carmel Clay, one of Indiana’s predominantly white and upper-income districts only 15 miles away, only awarded three waiver diplomas.⁷ Legitimate equality questions arise as to whether all students in Indiana are being held to the same high standard.

While there may be advantages to offering multiple pathways to a diploma, this approach can lead to tracking low-performing students—and other student subgroups—toward a less rigorous academic pathway, especially since higher standards are being implemented in many of these states. By disaggregating postsecondary education outcomes by diploma type, students and parents will have important information that may inform their decisions regarding what pathway/diploma should be sought.

5. Recommendation: Set a minimum and consistent subgroup size for reporting and accountability.

Alliance Suggested Redline to S. 1177, sec. 1111(b)(3), page 55: Insert the following between lines 19 and 20:

“(B) Category Size.—Each State educational agency shall establish category size requirements to be used for reporting under this Act and for the State-designed accountability system under this Act, which shall—

- (i) be the same for all categories of students described in paragraph (A);
- (ii) not exceed 15 students;
- (iii) yield statistically reliable information; and
- (iv) not reveal personally identifiable information about an individual student.”

NOTE: This language mirrors language from an amendment submitted by Senator Baldwin during the HELP committee markup of S. 1177 and is similar to language from the Scott Substitute, page 37, line 16 through page 38, line 3, sec. 1111(c)(3)(B).

Rationale: Several states set their subgroup category n-sizes higher than necessary, increasing the likelihood that those states will overlook a number of student subgroups in their accountability systems. Fifteen states with approved waivers set an n-size of thirty students and five states set it at forty or more students. States can more accurately identify and support schools by lowering their n-sizes. For example, Massachusetts was able to hold 100 additional schools accountable for the performance of student subgroups by lowering its n-size. States should structure their accountability systems to expand, rather than limit, the number of student subgroups included within those systems. A bill to reauthorize ESEA should include language that requires states to set their n-size as high as needed to protect the identities of students, yet low enough to capture as many traditionally underserved students as possible.

6. Recommendation: Require the U.S. secretary of education to review and approve state high school graduation rate and achievement targets. Set targets to be continuous and substantial.

(a) Alliance Suggested Redline to S. 1177, sec. 1111(b)(3)(B)(i), page 56, lines 6–15:

“(i) Establishes **annual** measurable State-designed goals **that are continuous and substantial** for all students and each of the categories of students in the State that, take into account the progress necessary for all students and each of the categories of students **to meet these annual State-determined goals and** to graduate from high school prepared for postsecondary education or the workforce without the need for postsecondary education remediation, for, at a minimum each of the following, **as approved by the Secretary:**”

(b) Alliance Suggested Redline to S. 1177, sec. 1111(b)(3)(B)(i)(II), page 56, line 20 through page 57, line 3:

“(II) High school graduation rates, including—

- (aa) the four-year adjusted cohort graduation rate **for which:**
 - (AA) the goal shall be set at not less than 90 percent; and
 - (BB) the annual targets set shall not be less rigorous than the targets approved by the Secretary under section 200.19 of Title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008,

on the date of enactment of this Act and shall be designed to meet the goal described in subclause (AA); and
(bb) at the State’s discretion, the extended-year adjusted cohort graduation rate, which shall include more rigorous targets than those set under clause (aa) and, if applicable, are not less rigorous than the targets approved by the Secretary under section 200.19 of Title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008, on the date of enactment of this Act, and shall be designed to meet a goal that is set by the State and higher than 90 percent.”

NOTE: This language is similar to language included in the Scott Substitute, page 34, lines 12–23 and page 35, line 12 through page 36, line 12.

Rationale: The language recommended for annual targets that are “continuous and substantial” is analogous to the policy states are currently implementing. Specifically, ED’s 2008 Regulations require states to set a single high school graduation rate goal and targets that “demonstrate continuous and substantial improvement from the prior year toward meeting or exceeding the goal” (see 34 C.F.R. 200.19(b)(3)(i)). Prior to these regulations, the No Child Left Behind Act (NCLB) effectively permitted states to set their own graduation rate goals and annual targets for improving graduation rates without meaningful oversight from ED. Unfortunately, some states used this flexibility to set high school graduation rate goals as low as 50 percent and required as little annual improvement as 0.1 percentage point each year.⁸ Secretarial oversight will help to ensure that state-set goals are ambitious, yet achievable.

II. Strengthening Low-Performing and Low-Income High Schools

The Alliance supports language within S. 1177 that will support low-performing and low-income high schools. Specifically, the Alliance supports maintaining provisions within the bill that do the following:

- Addresses the needs of disadvantaged high schools:
 - ♦ Change the requirements for the allocation of Title I funds to allow more high schools to receive Title I funding. For high schools, the bill lowers the Title I priority threshold for high schools from 75 percent to 50 percent (see sec. 1113(a)(1)(C)(i)(I), page 133, lines 14–23). A hold-harmless clause is included (see sec. 1113(a)(1)(C)(ii), page 134, lines 1–13) applying this provision only to new Title I funds to ensure that this provision does not result in lower Title I allocations to elementary and middle schools.

Rationale: High schools receive 10 percent of Title I funding; however, they enroll nearly one-quarter of all students from low-income families.⁹ There are 3,102 high schools with a poverty rate of 50 percent or higher that do not receive Title I funding. Lowering the priority threshold from 75 percent to 50 percent will provide 2,670 high-poverty unfunded high schools with “priority status” for Title I funding.¹⁰ However, their “priority status” will only be in effect if new Title I funds are made available; no funds will be taken from elementary or middle schools in order to implement this provision.

- ♦ Explicitly includes the use of a feeder pattern as a measure of poverty at the secondary school level (see sec. 1113(a)(1)(E)(ii)(II), page 136, lines 12–21).

Rationale: Under current policy guidance from ED, local educational agencies (LEAs) may use “feeder pattern” data to project percentages of students from low-income families for middle and high schools based on the rates for the lower-level schools that “feed” into them. This policy was put into place in order to provide a more accurate calculation of poverty at the high school. This is necessary because eligibility for free- or reduced-price lunch, the measure typically used by school districts to measure poverty, undercounts poverty at the high school level because older students are reluctant to participate in the program. Nonetheless, this feeder pattern option is rarely implemented and survey data indicate that only 4 percent of LEAs utilize feeder pattern projections to calculate the percentages of students from low-income families in high schools.¹¹ By explicitly allowing the use of a feeder pattern calculation in law, hopefully more LEAs will use the option and the calculation of poverty within high schools will be more accurate.

- ♦ Expands eligibility for school improvement funding to high schools that have a poverty rate of 40 percent or higher (see sec. 1114(a)(2), page 165, lines 11–21).

Rationale: There are more than 2,000 high schools with a percentage of students from low-income families of 40 percent or higher that are not classified as eligible for Title I funding and therefore not eligible for school improvement funding under current policy.¹²

This change included in S. 1177 would open up school improvement funding to more than two thousand high schools, while still providing states the authority to determine which schools would receive grants.

- Allows up to 4 percent of a state’s Title I allocation to be used to support school improvement (see sec. 1003(c)(1), page 18, lines 12–19). This provision will serve to enhance states’ capacity to support low-performing schools and ensures that a portion of Title I is specifically focused on struggling schools, while allowing states to determine the most effective uses of these funds.
- Maintains a separate funding stream for school intervention and support (see sec. 1002(f), page 17, line 25 through page 18, line 2). The 4 percent set-aside for school improvement is insufficient to address the needs of low-performing schools. S. 1177 eliminates the mandates of the existing School Improvement Grant program and allows states and districts to more effectively target funding to address the specific needs of low-performing schools.

The Alliance recommends maintaining the following provisions of S. 1177 in order to sustain the nation’s progress in increasing graduation rates and making high school education more meaningful for employers and more engaging for students. These provisions are based on evidence and practice that demonstrate increased high school graduation rates and improved postsecondary education outcomes resulting from partnerships between school districts, institutions of higher education, and employers.¹³ In addition, these provisions support states and districts in establishing a positive school climate, identified by research as a central factor in an effective education at the high school level. For additional information on creating a positive school climate, see the Alliance’s [Climate Change Series](#).

- Requires states to develop a plan for ensuring dropout prevention and to support students’ successful transition from middle to high school and from high school to postsecondary education (see sec. 1111(c)(1)(M), page 75, line 7 through page 76, line 21 and sec. 1111(c)(1)(O), page 77, lines 1–9).
- Encourages states to establish partnerships between LEAs and institutions of higher education that include the integration of rigorous academics, career and technical education, and work-based learning (see sec. 1111 (c)(1)(M)(iii), page 76, lines 3–12).
- Requires LEA plans to describe how they will implement strategies to facilitate effective transitions from middle school to high school and from high school to postsecondary education (see sec. 1112(b)(14), page 119, line 17 through page 120, line 12).
- Allows states to include as part of their accountability system measures of school climate and safety, including rates of suspension, expulsion, referrals to law enforcement, school-based arrests, and transfers to alternative schools (see sec. 1111(b)(3)(B)(ii)(IV)(ee), page 62, line 12-21), which are particularly critical as the secondary school level.

- Requires state plans to describe how they will address schools discipline issues, including exclusionary discipline or disproportionality in rates of discipline (see sec. 1111(c)(1)(I), page 72, line 10–18).
- Requires public disclosure of information on indicators of school quality, climate, safety, and discipline on state report cards, including rates of chronic absenteeism. Establishes a full-service community schools grant program and to allows Title I funds to support a site-based coordinator (see sec. 1111(d)(1)(C)(v), page 88, line 1–17 and sec. (d)(5)(B)(ii), page 161, line 8).

While these provisions will help to ensure that low-performing high schools and high schools that serve a significant number of students from low-income families are supported, the Alliance believes more support is warranted given the scope of these issues. Therefore, the Alliance offers the following recommendations:

1. Recommendation: Ensure proportional accountability and timeline for school improvement depending upon the reason the school is identified for intervention.

House and Senate Language, and AEE Suggested Red-Line, sec. 1114(b)(3)(A), page 171, lines 15–23: “(iii) distinguish between—

- (I) schools that are identified under subsection (a)(1)(A)^a and are in need of comprehensive reform, and
- (II) schools that are identified under section 1111(b)(3)(B)(iii)^b and are in need of targeted intervention. ~~the lowest performing schools and other schools identified as in need of intervention and support for other reasons, including schools with categories of students, as defined in section 1111(b)(3)(A), not meeting the goals described in section 1111(b)(3)(B)(i), as determined by the review in subparagraphs (A) and (B) of paragraph (1).”~~

Rationale: The supports, expectations, and timeline for improvement should be reflective of the extent of the performance challenges of the school. Schools that have overall low performance and achievement will need a different type and degree of intervention and support compared to schools that are struggling to raise the performance and achievement levels of one or more student subgroups. The selected language would provide the flexibility to address this differentiation in need.

2. Recommendation: Include additional provisions to ensure that LEAs support comprehensive secondary school reform in schools identified for low overall performance and tailored support for secondary schools with low performance among student subgroups, such as targeted research-based interventions in feeder middle schools, increased access to rigorous academics, and implementation of early-warning indicator and intervention systems.

^a See page 3, recommendation (I)(1), for the Alliance’s recommended changes to section 1114(a)(1)(A).

^b See page 5, recommendation (I)(2), for the Alliance’s recommended changes to section 1111(b)(3)(B)(iii)(III).

- (a) **Alliance Suggested Redline to S. 1177, sec. 1114(a)(3)(A), page 165, line 24 through page 166, line 2:** Insert: “(A) make technical assistance available to local educational agencies that serve schools identified as in need of intervention and support under paragraph (1)(A), and assist local educational agencies in developing early-warning indicator systems;”

NOTE: This language is similar to language included in the Scott Substitute, sec. 1116(d)(7), page 113, lines 6–7.

- (b) **Alliance Suggested Redline to S. 1177, sec. 1114(b)(1), page 167, line 22 through page 169, line 11:**

(D) develop a rigorous comprehensive plan that will be publicly available and provided to parents, for schools identified for targeted intervention under section 1114(b)(3)(A)(iii)(II)^c and schools identified for comprehensive reform under section 1114(b)(3)(A)(iii)(I)^d, for ensuring the successful implementation of the evidence-based intervention and support strategies described in paragraph (3) ~~in identified schools~~, which may include—

- (i) technical assistance that will be provided to the school;
- (ii) improved delivery of services to be provided by the local educational agency;
- (iii) increased support for stronger curriculum, program of instruction, wraparound services, or other resources provided to students in the school;
- (iv) any changes to personnel necessary to improve educational opportunities for children in the school;
- (v) redesigning how time for student learning or teacher collaboration is used within the school;
- (vi) using data to inform instruction for continuous improvement;
- (vii) providing increased coaching or support for principals and other school leaders to have the knowledge and skills to lead and implement efforts to improve schools and to support teachers to improve instruction; \
- (viii) improving school climate and safety;
- (ix) providing ongoing mechanisms for family and community engagement to improve student learning;
- (x) establishing partnerships with entities, including private entities with a demonstrated record of improving student achievement, that will assist the local educational agency in fulfilling its responsibilities under this section;
- (xi) increasing personalization, including by—
 - (I) using continuous and timely student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students;
 - (II) providing a personalized sequence of instructional content and skill development informed by the student’s academic interests and learning styles that is designed to enable the student to achieve his

^c See page 11, recommendation (II)(1), for the Alliance’s recommended language for section 1114(b)(3)(A)(iii)(II).

^d See page 11, recommendation (II)(1), for the Alliance’s recommended language for section 1114(b)(3)(A)(iii)(I).

- or her individual goals and ensure he or she can graduate on time and ready for college and a career;
- (III) implementing strategies that develop caring, consistent relationships between students and adults that communicate high expectations for student learning and behavior; and
- (IV) providing individualized support to students to assist in the transition from middle school to high school and from high school to postsecondary education;
- (xii) providing targeted research-based interventions to middle schools that feed into high schools identified for school improvement under this section;
- (xiii) providing academically rigorous education options such as—
 - (I) effective dropout prevention, credit and dropout recovery and recuperative education programs for disconnected youth and students who are not making sufficient progress to graduate from high school in the standard number of years or who have dropped out of high school;
 - (II) providing students with postsecondary education learning opportunities, such as dual enrollment or early college high schools, including opportunities to earn a secondary school diploma and—
 - (aa) an associate’s degree; or
 - (bb) not more than two years of transferable credit toward a postsecondary education degree or credential;
 - (III) integrating rigorous academic education with career training, including training that leads to postsecondary education credentials for students;
 - (IV) increasing access to Advanced Placement or International Baccalaureate courses and examinations; or
 - (V) developing and utilizing innovative, high-quality digital learning strategies to improve student academic achievement;
- (xiv) identifying and implementing strategies for pairing individualized academic support with integrated student services and case-managed interventions for students requiring intensive supports which may include partnerships with other external partners;

NOTE: Some of this language is similar to language included in the Scott Substitute, sec. 1116(b)(3)(C)(iv), page 91, line 8 through page 92, line 11; sec. 1116(c)(2)(B)(ii), page 107, lines 18–21; and sec. 1116(c)(4)(B), page 108, line 24 through page 110, line 2.

(c) **Alliance Suggested Redline to S. 1177, sec. 1114(b)(1), page 169, lines 12–16:** Strike current language and replace with the following:

“(E) establish an early-warning indicator system to identify students who are at risk of dropping out of high school and to guide preventive and recuperative school improvement strategies, which includes—

- (i) identifying and analyzing the academic risk factors that most reliably predict dropouts by using longitudinal data of past cohorts of students;
- (ii) identifying specific indicators of student progress and performance, such as attendance, academic performance in core courses, and credit accumulation, to guide decisionmaking;
- (iii) analyzing academic indicators to determine whether students are on track to graduate from secondary school in the standard numbers of years; and
- (iv) identifying or developing a mechanism for regularly collecting and analyzing data about the impact of interventions on the indicators of student progress and performance.”

NOTE: This language is similar to language included in the Scott substitute, sec. 1116(c)(5)(A), page 110, line 7 to page 111, line 4.

- (d) Alliance Suggested Redline to S. 1177, sec. 1114(b), page 169, between lines 16 and 17:** Insert a new (2) and renumber accordingly: “(2) **PLANNING PERIOD.**—The LEA may use a planning period, which shall not be longer than one school year to develop and prepare to implement a school improvement plan.”

NOTE: This language is similar to language included in the Scott Substitute, page 89, line 23 through page 90, line 2.

- (e) Alliance Suggested Redline to S. 1177, sec. 1114(b), page 169, between lines 16 and 17:** Insert a new (3)^e and renumber accordingly:

“(3) **SUFFICIENT PROGRESS.**—If, after three years of implementing interventions under this subsection, a school identified for targeted intervention under section 1114(b)(3)(A)(iii)(II)^f or for comprehensive reform under section 1114(b)(3)(A)(iii)(I)^g does not demonstrate sufficient progress as defined by the State pursuant to section 1111(b)(3)(B)(i)^h, then the local educational agency, in collaboration with the State educational agency, parents, and the community, shall determine the process for modifying existing reform efforts to increase effectiveness. For schools identified for comprehensive reform, such reforms may include-

- (A) opening a new school based on a model with demonstrated effectiveness;
- (B) graduating out current students and closing the school in stages and providing opportunities such as those described under paragraph (D)ⁱ and targeted and intensive support to students and staff in the school being closed; and
- (C) enrolling the students who attended the school in other schools in the local educational agency that are higher performing, provided the other schools are within reasonable proximity to the closed school and ensures receiving schools have the capacity to enroll incoming students;

^e See page 14, recommendation (II)(2)(d), for the Alliance’s recommended language for a new sec. 1114(b)(2).

^f See page 11, recommendation (II)(1), for the Alliance’s recommended language for section 1114(b)(3)(A)(iii)(II).

^g See page 11, recommendation (II)(1), for the Alliance’s recommended language for section 1114(b)(3)(A)(iii)(I).

^h See page 7, recommendation (I)(6)(a), for the Alliance’s recommended changes to section 1111(b)(3)(B)(i).

ⁱ See page 12, recommendation (II)(2)(b) for the Alliance’s recommended changes to section 1114(b)(1)(D).

Rationale: Much has been learned since the passage of NCLB regarding effective school turnaround strategies. Any bill to reauthorize ESEA should be reflective of these strategies and best practices. This will ensure that federal resources are used in an effective and efficient manner and maximize the impact on student achievement. The following research supports specific policies within the recommendation:

- *Early College/Dual Enrollment (referenced in above recommendation (b)):* Research shows that participation in dual-enrollment courses can increase high school graduation rates and increase college enrollment and persistence. Ninety percent of students in early college high schools graduate from high school and 30 percent earn an associate’s degree or other postsecondary education credential while in high school.¹⁴ Further, a comprehensive evaluation of early college high schools finds that 22 percent of early college students earned a college degree compared to just 2 percent of comparison students who did not attend an early college high school.¹⁵
- *Personalization and Phase-in/Phase-Out:* The strategies and interventions referenced in the above recommendation (b) have been demonstrated to have significant impact on student outcomes. For example, MDRC conducted an evaluation¹⁶ of New York City’s “small schools of choice (SSCs),” which implemented these strategies. This evaluation consisted of a multiyear, “gold standard” (i.e., randomized controlled trial) study of more than 12,000 students. These SSCs implemented the strategies recommended above and the results of this reform effort are compelling. The overall graduation rate has increased by 9.5 percentage points, from 60.9 percent to 70.4 percent. Graduation rates at these schools for African American males and Hispanic females were even greater, improving by 13.5 percentage points and 10.3 percentage points, respectively.¹⁷ The increase in four-year graduation rates is equivalent to nearly half of the gap in graduation rates between white students and students of color in New York City. In addition, this initiative increased the overall college enrollment rate by 8 percentage points as well as an increase in college enrollment for African American males by 11 percentage points, a 36 percent increase relative to their peers.¹⁸ Principals and teachers at these SSCs with the strongest evidence of effectiveness strongly believe that academic rigor and personal relationships, two of the strategies described, account for the effectiveness of their schools.

Further, in reference to the “phase-in, phase-out component” referenced in above recommendation (e) at the heart of New York City’s small schools of choice and high school reform work were three interrelated changes: the institution of a district wide high school choice process for all rising ninth graders, the closure of thirty-one large, failing high schools with average graduate rate of 40 percent, and the opening of more than 200 new small high schools. Most of the small schools of choice were designed in partnership with a local nonprofit organization in response to a competitive proposal process.

- *Early-Warning Identification and Interventions Systems (referenced in above recommendations (a) and (c)):* This set of strategies is based on a broad body of research supporting the use of these systems in secondary schools and the impact on student achievement. For example, Diplomas Now, an organization supporting the successful implementation of these systems, partners with the school community and works with “administrators and teachers to sets goals based on students’ attendance, behavior and

course performance.¹⁹ They develop a strategic plan, implement an early-warning system to identify struggling student and regularly review the data ... For the neediest students, Diplomas Now helps form support groups and connects them with community resources, such as counseling, health care, housing, food and clothing.” MDRC recently conducted a first-year process evaluation²⁰ of Diploma’s Now and reports impressive results. For School Year (SY) 2013–14, Diploma’s Now reports a 62 percent reduction in student suspension; a 58 percent reduction in students failing English; and a 54 percent reduction in students failing math.

- *Use of Data (referenced in above recommendations (b) and (c))*: Chicago’s high school graduation rate rose from 47 percent in 1999 to 69 percent in 2013. This progress resulted from a focused effort to keep Chicago’s ninth-grade students on track toward graduation by using data to individualize instruction. The University of Chicago Urban Education Institute predicts that Chicago’s graduation rate will exceed 80 percent within the next few years.²¹
- *Advanced Placement (AP) and International Baccalaureate (IB) Programs (referenced in above recommendation (b))*: Research demonstrates AP students are more likely than their non-AP peers to enroll in a four-year college, perform better in college, return for a second year in college, and graduate from college.²² Students—including women and underrepresented students—who take AP math or science exams are more likely to major in science, technology, engineering, and math (STEM) fields.²³ Further, a recent study by IB Global Research on students completing IB programs demonstrates postsecondary education outcomes for students from low-income families. Specifically, diploma program (DP) students from Title I schools enroll in college at the same rate as DP students from public schools generally, at a rate of 82 percent.²⁴ Further, DP students from low-income families enroll in postsecondary education at a rate of 79 percent compared to the national average for students from low-income families, which is 46 percent.²⁵
- *Digital Learning (referenced in above recommendation (b))*: Several studies demonstrate the role of the effective use of technology for students, particularly those who are struggling.²⁶ Specifically, research demonstrates that for students who are at risk of not graduating from high school, learning new skills is aided by interactive learning, use of technology to explore, and blended instruction between teachers and technology.²⁷ Further, students with behavioral issues and low performance on tests demonstrated increased motivation through the use of technology.²⁸ Effective use engages students in projects with a high level of agency while also supporting teachers in the differentiation of instruction.²⁹

These studies highlight re-emerging themes regarding what is working to turn around low-performing schools. These advancements should be reflected in a bill intended to provide federal support to increase educational opportunity and student success.

3. Recommendation: Maintain and upgrade the High School Graduation Initiative (HGSI), currently included in ESEA.

Alliance Suggested Language from Senate and House Amendments:

(a) Baldwin/Whitehouse Amendment 2190 (see Appendix A for full language).

(b) Scott Substitute: See sec. 114, page 180, line 3 through page 182, line 24, regarding “School Dropout Prevention.”

Rationale: A high school diploma is the gateway to success and the ultimate goal of a K–12 education, yet neither S. 1177 nor H.R. 5 include a dedicated program to prevent dropouts and create graduates. Although NCLB had many flaws, it recognizes the importance of supporting high schools by authorizing a dedicated program in Part H of Title I.

The promise of a high-quality education remains unrealized by many of the nation’s youth, especially students of color and students from low-income families. One-fifth of all students and nearly one-third of all students of color fail to graduate from high school on time, if at all.³⁰ Unless high schools are able to graduate their students at higher rates, nearly 12 million students will likely drop out over the next decade, resulting in an estimated loss to the national economy of \$1.5 trillion.³¹ Nevertheless, between Fiscal Years 2010 and 2015, federal funding for secondary school programs declined.³²

A dedicated and flexible high school program that supports preparing all students to enter postsecondary institutions and the workforce ready to think critically, solve complex problems, and communicate effectively must be maintained. By maintaining and upgrading the HSGI that is included in NCLB, this program would support high schools that enroll traditionally underserved students in the development and implementation of comprehensive, evidenced-based reform.

Specifically, the Baldwin/Whitehouse amendment would maintain a competitive high school redesign program within ESEA to increase the number and percentage of students who graduate from high school ready for college and a career by (1) developing and implementing comprehensive high school redesign models and strategies that personalize education for students and connect their learning to real-world experiences; (2) increasing student readiness to pursue postsecondary education STEM degrees, particularly for student groups historically underrepresented in these fields; (3) providing students with opportunities to earn college-level credit and postsecondary education credentials while in high school; (4) supporting the provision and sequencing of course work that integrates rigorous academics with career-based learning and real world workplace experiences in an effort to provide students with increased opportunities to have career-related experiences, develop career-related competencies and earn industry-recognized credentials; (5) reducing the need for remediation at the postsecondary education level and increase postsecondary education enrollment, persistence and completion; (6) establishing an early-warning indicator and intervention system; and (7) implementing supports and reform in feeder middle schools.

III. Assessments

The Alliance appreciates several key provisions included in S. 1177 and H.R. 5 to support high-quality assessments. These types of assessments are critical in providing educators and policymakers with the information they need to design instruction and create educational opportunities that fully prepare each student for postsecondary education and the workforce. Specifically, the Alliance supports maintaining provisions within the bills that:

- S. 1177 stipulates that the annual assessments required under the law “must involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding” and which may in part be delivered in the form of projects, portfolios and extended-performance tasks (see sec. (1111)(b)(2)(B)(vi), page 40, line 24 through page 41, line 6).
- S. 1177 maintains federal funding for state assessments (see sec. 1002(b), page 17, lines 6–9).
- S. 1177 provides authority for an “Innovative Assessment and Accountability Demonstration” to support comprehensive state academic assessment systems and allows funds to be used to support competency-based assessments to evaluate student academic achievement. Specifically, those such as “performance and technology-based academic assessments that emphasize the mastery of standards and aligned competencies in a competency-based education model, technology-based academic assessments, computer adaptive assessments, and portfolios, projects, or extended performance task assessments” (see sec. 1205(a)(1), page 242, line 6 and page 227, lines 1–9).
- S. 1177, H.R. 5, and the Scott Substitute include provisions to support state audits of state assessment systems.

While these key provisions need to be maintained, there are several additional provisions that should be included to ensure that the development and implementation of high-quality assessments that drive continuous instructional improvement and student achievement. Specifically, the Alliance offers the following recommendations:

- 1. Recommendation: Remove the provision in S. 1177 that requires states to set a limit on the aggregate amount of time devoted to the administration of assessments. This provision imposes an additional requirement on states as well disincentivizes states to adopt high-quality assessments, such as assessments that are performance-based or competency-based that may require additional time.**

Alliance Suggested Redline to S. 1177: Strike language on page 54, line 8 through page 55, line 9.

Rationale: The language included mandates that states limit the amount of time spent on assessments, including both district and state assessments. This requirement is likely to result in the adoption of low-quality assessments rather than supporting states and districts in

adopting higher-quality assessments, such as performance-based assessments that may take additional time. Results from a recent RAND Corporation study showed the quality of state assessments to be remarkably low. Specifically, among the seventeen states with available data, fewer than 2 percent of mathematics items and only 21 percent of reading/writing items required higher-level processing and complex analyses.³³ Also, only 3–10 percent of elementary, middle, and high school students were assessed using extended activities that called for complex analyses and the ability to synthesize complex ideas.³⁴ One of the critiques of NCLB is that it resulted in the narrowing of the curriculum and increased the focus on multiple choice test preparation rather than on the development of postsecondary education and workforce-ready skills such as critical thinking, complex problem-solving, and effective communication.

These skills will only be valued in the classroom if they are assessed, and they can only be assessed through assessments that require extended time to complete. Federal policy should facilitate high-quality assessments, however, current language in S. 1177 sets an arbitrary cap on time and mandates a focus on time rather than quality. This could result in schools moving more toward lower-quality and less diagnostic assessments, such as those heavily reliant on multiple choice responses by students, instead of more robust, diagnostic assessments, such as extended-performance tasks and project-based assessments. The use of these types of higher-quality assessments throughout the school year will focus instruction on the development of higher-order thinking skills and mastery of the full range of college- and career-ready standards more effectively than relying on a single summative assessment.

According to a recent report by Jobs for the Future, high-quality assessments in turn fall “along a continuum, ranging from those that measure bits and pieces of a students’ content knowledge and those that seek to capture student understanding in more integrated and holistic ways.”³⁵ Those that are more holistic include teacher-developed performance tasks, standardized performance tasks, and project-centered tasks. Much like performance tasks, project-centered assessment engages students in open-ended, challenging problems.³⁶ These approaches vary in the “scope, complexity, and the time and resources they require. Projects tend to involve longer, multistep activities, such as research papers, the extended essay required for the IB diploma, or assignments that conclude with a major student presentation of a significant project or piece of research.”³⁷

2. Recommendation: Maintain the requirement that at least 95 percent of students participate in statewide assessments.

Alliance Suggested Redline to H.R. 5: Strike the opt-out language within sec. 1111(b)(2)(B)(xiii) on page 31, lines 18–24:

~~“(xiii) be administered to not less than 95 percent of all students, and not less than 95 percent of each subgroup of students described in paragraph (3)(B)(ii)(II), except that State shall allow the parent of a student to opt such student out of the assessments required under this paragraph for any reason and shall not include such students in calculating the participation rate under this clause; and”~~

Rationale: During debate on the S. 1177 in the Senate, Senator Lee offered Amendment 2162 to allow parents to opt their students out of assessments. This amendment was opposed by the Alliance and several other organizations including U.S. Chamber of Commerce, Business Roundtable, Leadership Conference on Civil and Human Rights, Council of Chief State School Officers, National Council of La Raza, Foundation for Excellence in Education, Education Trust, National Alliance for Public Charter Schools, and others. While a similar amendment passed in the House, the Lee amendment failed to pass the Senate by a vote of 32–64.

Under current federal law, each school is required to have a 95 percent student participation rate for state assessments or the state or LEA could face the loss of Title I dollars.³⁸ Unfortunately, without this requirement, students who are struggling academically could be pushed to opt-out of assessments that were designed to identify student subgroups who need additional support. If only certain groups of students are tested, the performance of *all* students could be masked.

3. Recommendation: Require that all data collected and reported by states in the aggregate and disaggregate also be cross-tabulated. In addition, require that assessment data be disaggregated by the same race response categories as the decennial census for districts with more than 1,000 Asian and Native Hawaiian/Pacific Islander students.

(a) Alliance Suggested Redline to S. 1177, sec. 1111(d): On page 85, strike line 20 through page 87, line 25 and insert the following:

“(iii) **TECHNICAL ASSISTANCE.**—Upon request by a State or local educational agency, the Secretary shall provide technical assistance to States and local educational agencies in collecting, cross-tabulating, or disaggregating data in order to meet the requirements of this paragraph.

(C) MINIMUM REQUIREMENTS.—Each State report card required under this subsection shall include the following information:

(i) A clear and concise description of the State’s accountability system under subsection 1111(b)(3), including the goals for all students and for each of the categories of students, as defined in subsection 1111(b)(3)(A), the indicators used in the accountability system to evaluate school performance described in subsection 1111(b)(3)(B), and the weights of the indicators used in the accountability system to evaluate school performance.

(ii) Information on student achievement on the academic assessments described in subsection 1111(b)(2) at each level of achievement, as determined by the State under subsection 1111(b)(1), for all students and disaggregated and cross-tabulated in accordance with the following:

(I) Such information shall be disaggregated by each category of students described in subsection 1111(b)(2)(B)(xi), homeless status, and status as a child in foster care and, within each category of students described in subsection 1111(b)(2)(B)(xi), cross-tabulated by—

- (aa) each major racial and ethnic group, gender, English proficiency, and children with or without disabilities; and
- (bb) any other category of students that the State chooses to include.

(II) The disaggregation or cross-tabulation for a category described in subclause (I) shall not be required in a case in which the number of students in the category is insufficient to yield statistically reliable information or the results of such disaggregation or cross-tabulation would reveal personally identifiable information about an individual student.

(iii) For all students and disaggregated by each category of students described in subsection 1111(b)(2)(B)(xi), the percentage of students assessed and not assessed.

(iv) (I) For all students, and disaggregated and cross-tabulated in accordance with subclauses (II) and (III)—

(aa) information on the performance on the other academic indicator under subsection 1111(b)(3)(B)(ii)(II)(aa) used by the State in the State accountability system; and

(bb) high school graduation rates, including four-year adjusted cohort graduation rates and, at the State’s discretion, extended-year adjusted cohort graduation rates.

(II) The information described in subclause (I) shall be disaggregated by each of the categories of students, as defined in subsection 1111(b)(3)(A), and, within each such disaggregation category, cross-tabulated by—

- (aa) each major racial and ethnic group, gender, English proficiency, and children with or without disabilities; and
- (bb) any other category of students that the State chooses to include.

(III) The disaggregation or cross-tabulation for a category described in subclause (II) shall not be required in a case in which the number of students in the category is insufficient to yield statistically reliable information or the results of such disaggregation or cross-tabulation would reveal personally identifiable information about an individual student.”

Page 103, between lines 5 and 6, insert the following and renumber accordingly:

(5) CROSS-TABULATION PROVISIONS.—

(A) CROSS-TABULATION DATA NOT USED FOR ACCOUNTABILITY.—Nothing in this subsection shall be construed to require groups of students obtained by cross-tabulating data under this subsection to be considered categories of students under subsection 1111(b)(3)(A) for purposes of the State accountability system under subsection 1111(b)(3) or section 1114.

(B) CROSS-TABULATED DATA IMPLEMENTATION.—Information obtained by cross-tabulating data under this subsection shall be widely accessible to the public in accordance with paragraph (1)(B)(i)(III) and, upon request, by any additional public means that the State determines.

NOTE: This language is similar to language included in the Scott Substitute, page 62, line 18 through page 63, line 9, and Senator Warren and Senator Gardner Amendment 2120 submitted on the Senate floor.

(b) Alliance Suggested Redline to S. 1177, sec. 1111(b)(2)(B)(xi), page 45: Insert after line 1 and renumber accordingly: “(V) for local educational agencies with not less than 1,000 total Asian and Native Hawaiian/Pacific Islander students, the same race response categories as the decennial census of the population;”

NOTE: This language is similar to the Senator Hirono and Senator Heller Amendment 2109 submitted on the Senate floor.

Rationale: Cross-tabulation allows reported data to be segmented by more than one subgroup (e.g., by race and gender or race and disability status) while also protecting student identity. This allows for more tailored and targeted intervention. Cross-tabulating data is not burdensome and does not require the collection of new data, rather that the data currently collected and reported be presented in a format that allows for cross-tabulation. In regard to the disaggregation of data for Asian and Native Hawaiian/Pacific Islander students, in a number of states this population is made up of a diverse set of subpopulations, including Chinese, Filipino, Japanese, Vietnamese, and Korean students. Additional disaggregation of assessment data for this subgroup would prevent the masking of subpopulation performance within this broad subgroup. Further, it would impact less than 3 percent of schools districts nationwide³⁹ and apply only to reporting of data, not accountability.

IV. Postsecondary Education and Workforce Readiness

The Alliance appreciates several key provisions included within S. 1177 intended to ensure that all students graduate from high school fully prepared for postsecondary education and the workforce. These provisions within S. 1177 include:

- Requiring states to demonstrate that they have adopted standards that are aligned with entrance requirements for a system of institutions of higher education within the state (see sec. 1111(b)(1)(D)(i), page 34, lines 15–21).
- Allowing states to include indicators of college and career readiness within the state accountability system, including “measures that integrate preparation for postsecondary education and the workforce, including performance in course work sequences that integrate rigorous academics, work-based learning, and career and technical education” (see sec. 1111(b)(3)(B)(ii)(IV)(aa), page 59, line 9 through page 61, line 23).
- Requiring state report cards to include rates of enrollment in postsecondary education, and remediation rates (where available) for high schools (see sec. 1111(d)(1)(C)(xix) and (xx), page 95, line 8 through page 96, line 23).
- Including career and technical education as a “core academic subject” (see sec. 9101(11) page 883, lines 6–14).
- Encouraging states and LEAs to support early college high schools and dual or concurrent enrollment through Title II professional development and state and local Title I plans.
- Including the Accelerated Learning (Title V, Part E) and the American Dream Accounts programs (Title X, Part C).

However, there are several key provisions that should be included to ensure that all students are well-positioned and fully prepared to make a successful transition into postsecondary education and the workforce.

Recommendations:

- 1. Recommendation: Provide clarity regarding what it means for all students to graduate from high school fully prepared for college and a career. Specifically, a new ESEA should articulate that all students should graduate with the skills and competencies to successfully transition into and succeed in postsecondary education and the workforce.**

Alliance Suggested Language from House Amendments:

- (a) Scott Substitute**, page 6, lines 3–9, sec. 1001(4), Statement of Purpose: “(4) holding schools, local educational agencies, and States accountable for improving the academic achievement for all students including the mastery of content knowledge and the ability

to think critically, solve problems, and communicate effectively, ensuring all students graduate ready to succeed in college and the workforce;”

(b) Scott Substitute, page 10, lines 13–17, sec. 1111(b)(2)(C)(ii), State Plans, College and Career Ready Content Standards, Elements: “(ii) be rigorous, internationally benchmarked, and evidence-based, requiring students to demonstrate the ability to think critically, solve problems, and communicate effectively;”

(c) Scott Substitute, page 15, lines 1–5, sec. 1111(b)(3)(B)(vi), State Plans, High-Quality Assessments, Elements: “(vi) allow for complex demonstrations or applications of knowledge and skills including the ability to think critically, solve problems, and communicate effectively;”

Rationale: In 2012, the National Research Council (NRC) of the National Academies issued a report analyzing the range of college- and career-ready skills and competencies needed by students in the twenty-first century.⁴⁰ These recommendations embed the broad range of competencies discussed by the NRC into the following components of the bill: purpose of Title I, requirements of standards, and assessments.⁴¹ These sections of the bill have been selected because, together, they are high-leverage policy levers that drive toward a robust college- and career-ready education experience for all students.

Today’s increasingly complex world requires that young people learn more, process more, and produce more, but the nation’s education infrastructure is not currently designed to support these increasing demands. American schools tend to offer a two-tiered curriculum. Too many students—primarily those from low-income families and students of color—have been focused almost exclusively on basic skills and knowledge, while primarily white and relatively affluent students have had opportunities for content mastery as well the ability to develop the crucial competencies of critical thinking, problem solving, communication, and collaboration. These “deeper learning” competencies, combined with mastery of rigorous academic content, comprise the outcomes of a K–12 education system focused on college and career readiness.

2. Recommendation: Support the Fast Track to College Act (included within the Scott Substitute, pages 575–595, Title V, Subtitle E) to increase access to dual-enrollment and early college high school programs for students from low-income families and other students underrepresented in higher education.

Rationale: The recognized goal of K–12 education is to prepare all students fully for college and a career. Research shows that participation in dual-enrollment courses can increase high school graduation rates and increase college enrollment and persistence. Ninety percent of students in early college high schools graduate from high school and 30 percent earn an associate’s degree or other postsecondary education credential while in high school.⁴² Further, a comprehensive evaluation of early college high schools finds that 22 percent of early college students earned a college degree compared to just 2 percent of comparison students who did not attend an early college high school.⁴³

V. Access to Effective Teaching

The Alliance appreciates several provisions included within S. 1177 and H.R. 5 that support effective teaching. Specifically:

- S. 1177 includes several provisions to build teacher and principal capacity through improved preparation, performance assessments, residency and induction programs, and continued opportunities for professional learning, growth, and leadership (see sec. 2101(c)(4), page 321, line 17 through page 332, line 14).
- S. 1177 requires LEAs to identify and address any disparities that result in students from low-income families and students of color being taught at higher rates than other students by ineffective, out-of-field, and inexperienced teachers (see sec. 1111(c)(1)(F), page 71, line 3–11).
- S. 1177 allows for state activities related to professional development to include training teachers, principals and other schools leaders in the effective use and integration of technology into curricula and instruction (see sec. 2101(c)(4)(B)(ix), page 328, line 23 through page 329, line 7 and sec. 2103(b)(4)(E)(i), page 350, lines 4–9).
- S. 1177 allows for state activities and local use of funds related to professional development to support the integration of career and technical education into instructional practice including advanced course work and initiatives under the Workforce Innovation and Opportunity Act (see sec. 2101(c)(4)(B)(xix), page 331, lines 4–25 and sec. 2103(b)(4)(U), page 354, line 20 through page 355, line 3).
- S. 1177 allows for district-level professional development to support the understanding and use of data and assessments to improve student learning and classroom practice (see sec. 2102 (b)(2)(B)(vi), page 341, lines 3–5) and assist with selecting, designing, and implementing classroom-based assessments and using data from such assessments to improve instruction and student achievement (see sec. 2103(b)(4)(H), page 351, line 23 through page 352, line 7).
- S. 1177 ensures increased access to STEM-related fields for underrepresented students (see sec. 2504(b)(3)(C), page 425, lines 4–12).
- H.R. 5 includes as an allowable use of Title II funding professional development that includes specialized knowledge about child development and learning, developmentally-appropriate curricula and teaching practices (see sec. 2123(6)(I), page 249, lines 3–10).
- H.R. 5 includes as an allowable use of Title II funding for professional development on restorative justice and conflict resolution (see sec. 2123(6)(L), page 249, lines 19–20).
- H.R. 5 includes as an allowable use of Title II funding professional development based on the current science of learning, which includes research on positive brain change and cognitive development (see sec. 2123(6)(E), page 248, lines 8–11).

- H.R. 5 includes as an allowable use of Title II funding professional development on integrated, interdisciplinary, and project-based teaching strategies, including for career and technical education teachers and STEM teachers (see sec. 2123(6)(G), page 248, lines 15–22).

However, the Alliance also recommends including the following provisions to ensure that all students, particularly those who are traditionally underserved, have access to the effective teaching that fully prepares them for the challenges of postsecondary education and the workforce.

- 1. Recommendation: Expand the S. 1177 provision, which requires LEAs to identify and address any disparities that result in students from low-income families and students of color being taught at higher rates than other students by ineffective, inexperienced, and out-of-field teachers to include students with disabilities and English language learners.**

Alliance Suggested Redline to S. 1177, sec. 1112(b)(3)(B), page 116, lines 10–16:

“(B) identify and address, as required under State plans as described in section 1111(c)(1)(F), any disparities that result in low-income students, ~~and~~ minority students, **students with disabilities, and English language learners** being taught at higher rates than other students by ineffective, inexperienced, and out-of-field teachers;”

Rationale: Research indicates that teacher quality is the most important school factor impacting student achievement. Yet students from low-income families and students of color are far less likely to have access to effective, experienced, and in-field teachers, as are students with disabilities and English learners.

In California, state data shows that English language learners and students with disabilities are less likely to be taught by fully-prepared, experienced, or effective educators. Specifically, nearly 60 percent of intern teachers in California are teaching in special education settings.⁴⁴ Research further demonstrates that English language learners are negatively impacted by shortages of bilingual teachers.⁴⁵ In addition to being in-field, disparities exist in regard to experience. For example, in Alaska, Mississippi, and Montana, the gap between the percentages of English learners and non-English learners attending schools where more than 20 percent of the teachers are in their first year of teaching, is more than 5 percentage points.⁴⁶

- 2. Recommendation: Emphasize in Title II that teachers should be assigned within their license/certification area, particularly at the high school level.**

Alliance Suggested Language from House Amendments:

(a) Scott Substitute, page 239, lines 4–20:

“(1) With respect to the State overall and for each local educational agency in the State, disaggregated by poverty quartile and minority quartile—

(A) the number and percentage of teachers and principals, for each grant year, who—

(i) are classified as qualified;

(ii) are effective, where applicable;

(iii) have taught for less than one full school year; and

(iv) have demonstrated content knowledge in the subject or subjects the teachers are assigned to teach;

(B) with respect to middle and high schools, the percentage of core academic courses taught by teachers who have met State licensure requirements for that course;”

(b) Scott Substitute, page 231, lines 11–14:

“(3) Progress toward meeting the equitable distribution requirements under section 2112(b)(5).”

Rationale: The implementation of rigorous and advanced curriculum requires, in part, teachers with strong content knowledge. Schools serving students from low-income families and students in urban communities are more likely to employ teachers who are not certified in the subject they teach.⁴⁷ Students in these schools have only a 50 percent chance of being taught math and science by a teacher who holds a degree and a license in the field they teach.⁴⁸ One study of teacher assignment shows that only 8 percent of public school teachers in wealthier schools teach without a major or minor in their main academic assignment, compared to 33 percent of teachers in high-poverty schools.⁴⁹ Title II funding should support increasing student access to teachers with the strong content knowledge in the content area assigned and have met the full certification requirements as well.

3. **Recommendation: Require states and LEAs to evaluate the effectiveness of professional development in improving instructional practice and be based on ambitious standards for teaching and student learning. Require states and LEAs to set clear goals for improvement in teacher practice, use validated measures to assess effectiveness, and provide teachers with specific and actionable feedback of their own performance and progress.**

Alliance Suggested Redline to S. 1177 and H.R. 5:

- (a) **S. 1177, sec. 2101(d)(2), page 335, line 4, insert new subparagraph (I) and renumber accordingly; or H.R. 5, sec. 2112(a), page 234, line 24, insert a new subparagraph (4) and renumber accordingly:**

“A description of how the State educational agency will support local educational agencies in setting clear goals for the improvement of instructional practice, use validated measures to assess the effectiveness of activities under this Title in meeting those goals, evaluate the effectiveness of the professional development activities in improving instructional practice, and provide teachers with specific and actionable feedback of their own performance and progress.”

(b) S. 1177, sec. 2102(b)(4), page 344, line 4, insert new subparagraph (C) and renumber accordingly; or H.R. 5, sec. 2122(1), page 245, line 11, insert a new subparagraph (C) and renumber accordingly:

“(C) A description of how the local educational agency will set clear goals for the improvement of instructional practice, use validated measures to assess the effectiveness of activities under this Title in meeting those goals, evaluate the effectiveness of the professional development activities in improving instructional practice, and provide teachers with specific and actionable feedback of their own performance and progress.”

Rationale: States and LEAs invest heavily in professional development based on assumptions about which approaches work best without collecting evidence of its demonstrated impact on improving teachers’ practice and student learning. Funds are most often spent on models that are *known to be ineffective*.⁵⁰ Furthermore, states and LEAs too often fail to use well-validated observational systems that provide data on teacher behaviors that can be (1) applied across all content areas and grades and (2) used for purposes of feedback and continuous improvement.⁵¹

- 4. Recommendation: Allow Title II funding to be used to support teachers in developing instructional strategies that create opportunities to develop college- and career-ready skills, such as critical thinking, complex problem-solving, effective communication, peer collaboration, and self-direction.**

Alliance Suggested Language:

**(a) S. 1177, sec. 2103(b)(4)(E), page 350, line 21, insert new subclause (vi); or
(b) H.R. 5, sec. 2222(a)(2), page 267, line 17, after subparagraph (G), insert:**

“effectively provide strong content knowledge and support student acquisition of critical thinking, complex problem solving, and effective communication and collaboration skills, including through implementing innovative practices, such as project-based learning and applied learning.”

Rationale: See rationale from section IV, recommendation 1 (page 25). It is critical that teachers receive the professional development and support needed to create classroom environments that provide ongoing opportunities for all students to develop the deeper learning competencies previously described and graduate ready for college and a career.

VI. Digital Learning

The Alliance appreciates several provisions included within S. 1177 and H.R. 5 to support digital learning. Specifically,

- S. 1177 includes the Innovative Technology Expands Children’s Horizons (I-TECH) program (see sec. 5008, pages 651–676) and H.R. 5 includes the Schools of the Future Act (see Title IX, pages 639–654);
- State I-TECH funds and Schools of the Future grants may be used to support the learning needs of children with disabilities and English learners (see S. 1177, sec. 5705(c)(2)(B), page 663, lines 10–14 and H.R. 5, sec. 906(b)(3), page 649, lines 18–20);
- Schools of the Future grants support opportunities for credit recovery for students who are not on track to graduate from high school or who have already dropped out (see sec. 906(a)(4)(B), page 647, lines 19–22);
- Rural and remote areas, persistently lowest-achieving schools, and low-income schools are prioritized for I-TECH grants (see sec. 5706(a)(2)(B)(iii), page 668, line 21 through page 669, line 11);
- S. 1177 supports educator training to effectively integrate technology into instruction (see sec. 2101(c)(4)(B)(ix), page 328, line 23 through page 329, line 7 and sec. 2103(b)(4)(E), page 349, line 22 through page 350, line 9);
- S. 1177 includes a Student Privacy Policy Committee (see sec. 1018, pages 302–307); and
- S. 1177 includes an Institute of Education Sciences report on students’ home access to digital learning resources (see sec.1019, pages 307–311).

In an increasingly digital world, students’ access to digital learning will prepare them for a modern workforce. Moreover, educators need professional development on how to use digital resources in order to fully realize the potential of those tools for their students. It is also important for educators to be able to support their students in using technology. As educators’ and students’ use of technology in the classroom increases, access to digital resources outside of the school day and ensuring student privacy when using technology become critical to learning. Therefore, the Alliance recommends the following additions to strengthen the aforementioned policies:

1. Recommendation: Include individuals with expertise in student data privacy in I-TECH teams and Schools of the Future partnerships.

Alliance Suggested Redline to S. 1177, sec. 5706(b)(4), page 670, lines 15–23: Edit as follows:

“(4) a description of the team of educators who will coordinate and carry out the activities under this section, including individuals with responsibility and expertise in instructional technology, **individuals with responsibility and expertise in student data privacy**, teachers who specialize in supporting students who are children with disabilities and English learners, other school leaders, school librarians and media personnel, technology officers, and staff responsible for assessments and data;”

Alliance Suggested Redline to H.R. 5, sec. 904(1), page 642, lines 3–5: Edit as follows:

“(1) A description of the eligible partnership, including the name of each of the partners and their respective roles and responsibilities, **including which partner has expertise in student data privacy.**”

Rationale: Educators need guidelines to follow regarding school district policies on data privacy. Districts need to develop strong privacy protection policies, data breach response plans, and designate a single point of contact on privacy. Policies and contracts regarding student data should be transparent and easy for parents and guardians to understand and access.⁵² In an increasingly digital world and classroom, districts need to update their policies to meet these new learning environments.

2. Recommendation: Align LEA I-TECH grantee activities with school improvement plans.

Alliance Suggested Redline to S. 1177, sec. 5706(b), page 671, line 5: Insert new (6) and renumber accordingly:

“(6) a description of how the local educational agency will align activities funded under subsection (a) with the local educational agency plans described under section 1112 and the school improvement plans described under section 1114(b)(1)(D), when applicable;”

Rationale: Broadband access, digital resources, data platforms, and personal internet devices will not achieve the desired results without proper district- and school-level planning which includes appropriate professional development to personalize learning. A systematic implementation plan for technology should include curriculum planning, teacher training, technology planning, and the reallocation of resources aligned with the goal for personalized, student achievement.⁵³

Technology plans and I-TECH grantee activities should be created in coordination with other school improvement plans to ensure that LEAs are thinking strategically about how technology can be used to accelerate teaching and learning to further support student learning goals.

3. Recommendation: Include examples of how funds *may* be used to provide specific professional development in digital learning. Examples of educator and leader professional development strategies regarding technology literacy, data analysis, and technology coaches in the Scott Substitute should be included.

Alliance Suggested Redline to S. 1177, sec. 5706(c)(1), page 671, lines 15–25: At the end, add the following:

“(1) Professional Development in Digital Learning.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 50 percent of such funds to carry out professional development in digital learning for teachers, principals, other school leaders, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, technology coordinators, and administrators, in the use of technology to support student learning, **such as—**”

- (A) ongoing professional development in the use of educational technologies to ensure every educator achieves and maintains technology literacy, including processing and maintaining the knowledge and skills to use technology—
 - (i) across the curriculum for student learning;
 - (ii) for real-time data analysis and online or digital assessment to enable individualized instruction; and
 - (iii) to develop and maintain student technology literacy;
- (B) ongoing professional development for school leaders to provide and promote leadership in the use of—
 - (i) educational technology to ensure a digital-age learning environment, including the capacity to lead the reform or redesign of curriculum, instruction, assessment; and
 - (ii) data through the use of technology in order to increase student learning opportunity, student technology literacy, student access to technology, and student engagement in learning; and
- (C) use of technology coaches to work directly with teachers, including through the preparation of teachers as technology leaders or master teachers—
 - (i) who are provided with the means to serve as experts and to create professional development opportunities for other teachers in the effective use of technology;
- (D) review of the effectiveness of the professional development and regular intervals of learner feedback and data;”

Alliance Suggested Redline to H.R. 5, sec. 906(b)(4), page 649, lines 21–23: At the end, add the following:

“(4) provide technology-based professional development or professional development on how to maximize the utility of technology, **such as—**

- (A) ongoing professional development in the use of educational technologies to ensure every educator achieves and maintains technology literacy, including processing and maintaining the knowledge and skills to use technology—
 - (i) across the curriculum for student learning;
 - (ii) for real-time data analysis and online or digital assessment to enable individualized instruction; and
 - (iii) to develop and maintain student technology literacy;

- (B) ongoing professional development for school leaders to provide and promote leadership in the use of—
 - (i) educational technology to ensure a digital-age learning environment, including the capacity to lead the reform or redesign of curriculum, instruction, assessment; and
 - (ii) data through the use of technology in order to increase student learning opportunity, student technology literacy, student access to technology, and student engagement in learning; and
- (C) use of technology coaches to work directly with teachers, including through the preparation of teachers as technology leaders or master teachers—
 - (i) who are provided with the means to serve as experts and to create professional development opportunities for other teachers in the effective use of technology;
- (D) review of the effectiveness of the professional development and regular intervals of learner feedback and data;”

NOTE: This language is similar to language included in the Scott Substitute, page 539, line 10 through page 540, line 24.

Rationale: According to a recent report by TNTP, *The Mirage: Confronting the Hard Truths About Our Quest for Teacher Development*, school systems are largely failing to help teachers understand how to improve their instruction with or without technology.⁵⁴ A report from the Alliance for Excellent Education, *Creating Anytime, Anywhere Learning for All Students: Key Elements of a Comprehensive Digital Infrastructure*, also reinforces this point by urging that schools move toward more continuous and comprehensive professional learning models as opposed to episodic, hours-based, “sit-and-get” approaches that fail to change instructional practice in meaningful ways.⁵⁵

These findings underscore the importance of ensuring that schools and districts are designing professional development activities and programs that improve teachers’ instruction and fully leverage the potential of digital learning. Regular evaluation of professional development activities is highly encouraged and ensures that funding does not continue to be used for activities with minimal impact on instructional practice.

Effective school leadership is also a vital part of ensuring that schools are providing high-quality digital learning environments. Allocating professional development funds specifically for the purpose of building the capacity of school leaders is also highly encouraged.

4. Recommendation: Require the inclusion of information on student outcomes in the grant report/evaluation.

Alliance Suggested Redline to S. 1177, sec. 5707(c), page 676, lines 4–5: Insert new (5):

- “(5) information on the impact of the grant on students and student outcomes, such as—
 - (A) number of and demographic information about students who are served under this subpart;
 - (B) student achievement, student growth, and high school graduation rates of students;

- (C) college readiness data about such students, including rates of credit accumulation, course taking and completion; and college enrollment and persistence;
- (D) student attendance and participation rates;
- (E) student engagement and discipline;
- (F) school climate and teacher working conditions; and
- (G) increases in inclusion of students with disabilities and English learners.”

Alliance Suggested Redline to H.R. 5, sec. 907(a)(3), page 651: Delete lines 9–15 and insert the following:

- “(3) information on the impact of the grant on students and student outcomes, such as—
- (A) number of and demographic information about students who are served under this subpart;
 - (B) student achievement, student growth, and high school graduation rates of students;
 - (C) college readiness data about such students, including rates of credit accumulation, course taking and completion; and college enrollment and persistence;
 - (D) student attendance and participation rates;
 - (E) student engagement and discipline;
 - (F) school climate and teacher working conditions;
 - (G) increases in inclusion of students with disabilities and English learners; and”

NOTE: This language is similar to language included in the Scott Substitute, page 543, line 17 through page 544, line 15.

Rationale: Although equitable access to technology is an important first step in closing the digital divide and the “homework gap,” the extent to which technology is used effectively to support the needs of at-risk students varies considerably between schools and districts. Furthermore, a variety of learning outcomes is possible, ranging from affective/emotional and behavioral—which can be measured by indicators such as attendance, engagement, and discipline rates—to skills-based outcomes that result in improvements in student achievement, high school graduation rates, and college readiness.⁵⁶ Including information on student outcomes in the I-TECH and Schools of the Future report will ensure a continued focus on implementing high-quality digital learning strategies that are not only closing the digital divide but are part of a comprehensive plan focused on closing achievement gaps between subgroups.

5. Recommendation: Ensure that professional development funding supports the effective use of technology to create blended learning environments and support school leaders in developing systemic implementation plans.

(a) Alliance Suggested Redline to S. 1177, sec. 2101(c)(4)(B)(ix), page 328, line 23 to page 329, line 7: Edit as follows:

- “(ix) Supporting efforts to train teachers, principals, and other school leaders to effectively integrate technology into curricula and instruction, which may include—

(I) blended learning projects that include an element of online learning, combined with supervised learning time and student-led learning, in which the elements are connected to provide an integrated learning experience; and
(II) development of a systemic implementation plan that considers the availability of community partnerships, protecting and sharing data, digital infrastructure available, and sustainability of programming.”

(b) Alliance Suggested Redline to S. 1177, sec. 2103(b)(4)(E)(ii), page 350, lines 8–9: Edit as follows:

“(ii) collect, interpret, and use data from such technology to inform instructional practice and improve student achievement;”

Rationale: A report from the Alliance for Excellent Education, *Creating Anytime, Anywhere Learning for all Students: Key Elements of a Comprehensive Digital Infrastructure*, urges that adequate broadband access and digital tools be accompanied by a comprehensive “digital infrastructure” that unlocks the potential of technology to enhance student learning.⁵⁷ The report adopts a broader definition of digital infrastructure that includes professional learning, changes in pedagogy, parent and community engagement, and assessment and data systems.⁵⁸ This notion of a digital infrastructure is also supported by the Aspen Institute’s report on student-centered learning in a digital world.⁵⁹

Specifically, educators need professional development on how to use digital resources and student data in order to fully realize the potential of those tools and information. In a study of the implementation of student information systems (SIS) and learning management systems (LMS), Gartner, Inc. found that almost 70 percent of information technology (IT) professionals reported that the use of data by the teacher was not a focus of the systems implementation plan.⁶⁰ Therefore, providing educators with professional development on strategies for utilizing digital resources while effectively using student data is extremely important.

6. Recommendation: Require that the Institute of Education Sciences (IES) report on student home access to digital learning resources in S. 1177 evaluates student ability to participate in online opportunities to earn secondary and postsecondary education credits.

Alliance Suggested Redline to S. 1177, sec. 1019(a)(6)(A), page 309, line 9–11: Edit as follows:

“(A) student participation in the classroom, including the ability to complete homework, earn secondary and postsecondary education credits, and participate in innovative learning models;”

Rationale: Both research and practice demonstrate how digital learning strengthens the ability of high schools to prepare students for postsecondary education and allows them to earn postsecondary education credit while in high school. Such outcomes should be included

in the proposed IES report. For example, in Eminence Independent Schools (EIS), a single-school district located in central Kentucky, serving approximately 650 students predominantly from low-income families, internet access is supporting several key initiatives. Students are taking self-paced courses online, providing the flexibility to advance upon demonstration of competency in a subject area. EIS has a partnership with Bellarmine University that provides students with the opportunity to earn up to twenty-five credits within two years. EIS provides students with transportation to the University and has equipped its buses with internet access to allow students to use the 1-hour commute each way to complete course work. Prior to the restructuring and integrated use of technology, only 39 percent of EIS graduates were college and career ready based on a Kentucky rubric. Two years later, 100 percent of graduating seniors are ready for both college and a career.⁶¹

VII. Literacy

The Alliance strongly supports that S. 1177 includes a version of the Literacy Education for All, Results for a Nation (LEARN) Act, which would provide federal funding to states for comprehensive literacy programs across the continuum from early childhood through high school. LEARN focuses on broad improvement by supporting all teachers in improving the quality and consistency of their literacy instruction (in reading and writing). A key component of LEARN, and a priority of the Alliance, is the focus on literacy improvement at each level of the education system—early education, elementary, middle, *and* high school. Funding for the program is distributed so that each individual grade span gets their fair share: 15 percent to early childhood; 40 percent to elementary schools; and 40 percent to secondary schools (split evenly between middle and high schools).

A paper recently released by the Alliance for Excellent Education, *The Next Chapter: Supporting Literacy Within ESEA*, reports recent results from the National Assessment of Educational Progress (NAEP) showing that more than 60 percent of fourth graders and 60 percent of eighth graders struggle with reading and require targeted instructional support.⁶² The paper examines why students struggle to read and highlights LEARN as a solution to this issue.

The Alliance recommends that the LEARN Act provisions included in S. 1177 (sec. 2004, page 395, line 18 through page 418, line 5) are maintained in conference.

VIII. Focusing on Traditionally Underserved Students

The primary purpose of Title I of ESEA is to improve the educational opportunities and outcomes for traditionally disadvantaged students. Several key additions to S. 1177 support this purpose. For example, under S. 1177, states' report cards are required to include performance and achievement data, such as high school graduation rates, for two subgroups of traditionally disadvantaged students, which includes those who are homeless or in foster care (see page 86, lines 9–23 and page 87, lines 4–25). However, there are several provisions within S. 1177 that should be strengthened to provide a greater assurance that traditionally underserved students receive the resources and support they need to graduate fully prepared for postsecondary education and the workforce. The Alliance recommends the following changes to programs that serve neglected and delinquent students as well as provisions regarding resource equity:

- 1. Recommendation: Maintain provisions in current law under Part D, Prevention and Intervention Programs For Children and Youth who are Neglected, Delinquent, or At-Risk that (1) require state plans to describe the performance measures of the program and (2) include meeting program evaluation requirements as an allowable use of funds.**

Alliance Suggested Redline to S. 1177:

(a) Page 281, strike lines 1–6 (striking the language that strikes the requirement that the content of the state plan describe the performance measures of the program).

(b) Page 286, strike lines 9–10 (striking the language that removes as an allowable use of funds the cost of meeting program evaluation requirements).

Rationale: Removing these two provisions as proposed by S. 1177 will inhibit the ability to assess program outcomes and support and replicate best practices. Developing and utilizing meaningful performance measures regarding demonstrated effective practices ensures that programs with successful performance outcomes are funded. Because there is such limited information regarding effective practices among this particularly challenging population to serve, it makes it even more critical to establish clear performance measures and determine which programs are the most effective.

- 2. Recommendation: Ensure that the provision included in S. 1177 under Part D (Prevention and Intervention Programs For Children and Youth who are Neglected, Delinquent, or At-Risk) to support a “pay-for-success” initiative (see page 285, lines 6–10 and page 291, lines 1–4) does not provide a disincentive for programs to serve individuals with the greatest need.**

Alliance Suggested Redline to S. 1177, sec. 1401, page 291, lines 1–4: “(7) pay-for-success initiatives that produce a measurable, clearly defined outcome, **that establish metrics to serve students with the greatest need, and** that results in social benefit and direct cost savings to the local, State, or Federal government.”

Rationale: Part D funding is intended to serve students with the greatest need. To ensure that programs are incentivized to serve students with the greatest need, for example, students who are significantly over-aged and under-credited or with multiple risk factors, the metrics established for pay-for-success need to support and reflect progress made in serving these students and their successful outcomes.

3. **Recommendation: Ensure that only high-poverty schools have access to Title I funding. Under S. 1177, LEAs, rather than the Secretary as required under current law, can waive the requirement that a school must have at least 40 percent of their students be from low-income families in order to implement a Schoolwide Program.**

Alliance Suggested Redline to S. 1177, sec. 1113(c)(1)(B), page 144, lines 3–19:

“(B) EXCEPTION.—A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or a school for which less than 40 percent of the children enrolled in the school are from such families, may operate a schoolwide program under this section if—

- (i) the ~~local~~ **State** educational agency in which the school is located allows such school to do so; and
- (ii) the **school is identified as in need of intervention and support under section 1114 results of the comprehensive needs assessment conducted under subsection (b)(2) determine a schoolwide program will best serve the needs of the students in the school served under this part in improving academic achievement and other factors.**

Rationale: The purpose of Title I is to serve traditionally underserved students. Use of Title I funds for schoolwide programs should be reserved for schools serving a significant number of students from low-income families. The proposed language change in S. 1177 would allow LEAs to use limited federal resources in schools that do not serve a significant number of students from low-income families. The intent of Title I funding should be preserved and any attempt to waive this requirement should require both state approval and be reserved for schools that may be slightly under the 40 percent requirement, yet are identified for intervention and support.

4. **Recommendation: Encourage states to use resource and other equity indicators within their accountability and improvement system for *diagnostic*, not accountability purposes.**

Alliance Suggested Redline to S. 1177, sec. 1111(b)(3)(B)(ii)(IV), page 58, line 24 through page 63, line 8: Strike language and replace with the following:

“(IV) **equity indicators to diagnose school challenges and measure school progress, including for all students and each subgroup described in paragraph (3)(A)—**

- (aa) **academic learning, such as—**
 - (AA) **percentage of students successfully completing rigorous course work that aligns with college- and career-ready standards described under subsection (b)(2), such as**

- dual enrollment, Advanced Placement (AP), or International Baccalaureate (IB) courses;
 - (BB) percentage of students enrolled in music and the arts courses;
 - (CC) student success on State or local educational agency end-of-course examinations; and
 - (DD) student success on performance-based assessments that are valid, reliable, and comparable across a local educational agency and meet the requirements of paragraph (3)(B);
 - (bb) student engagement, such as—
 - (AA) student attendance and chronic absenteeism rates;
 - (BB) student discipline data, including suspension and expulsion rates;
 - (CC) incidents of bullying and harassment; and
 - (DD) surveys of student engagement and satisfaction;
 - (cc) student advancement, such as—
 - (AA) student on-time promotion rates;
 - (BB) on-time credit accumulation rates;
 - (CC) course failure rates; and
 - (DD) postsecondary education and workforce entry rates;
 - (dd) student health and wellness;
 - (ee) student access to instructional quality, such as—
 - (AA) number of qualified teachers and paraprofessionals;
 - (BB) number of specialized instructional support personnel;
 - (CC) instructional personnel attendance, vacancies, and turnover; and
 - (DD) rates of effective teachers and principals, as determined by the State or local educational agency;
 - (ff) school climate and conditions for student success, such as—
 - (AA) the availability of up-to-date instructional materials, technology, high-speed internet access, and supplies;
 - (BB) measures of school safety;
 - (CC) the condition of school facilities; including accounting for well-equipped instructional spaces; and
 - (gg) family and community engagement in education;
- (VII) use the equity indicators established under section 1111(b)(3)(B)(ii)(IV), to diagnose school challenges and measure school progress in carrying out the school improvement activities under this section.”

NOTE: This language is similar to language included in the Scott Substitute, page 28, line 13 through page 31, line 5 and page 86, lines 3–7.

Rationale: Consensus among policymakers and educators is that strong state accountability and improvement systems are ones that include a broad set of indicators, including student achievement and attainment, attendance, access to early education, effective teaching, and rigorous course work, school climate and postsecondary education outcomes. However, each of these indicators serve distinct purposes with some much better suited to measure *how* student are performing, meaning the “outcomes,” and other indicators much better suited to measure the reasons *why* students are not achieving, such as “inputs” and “opportunities.”

Specifically, indicators of student achievement and attainment (as measured by high school graduation rates) are clear “outcome” indicators, demonstrating how well students are performing. Indicators such as attendance, retention, and access to rigorous course work are clear indicators of why students reached a certain performance level. School identification should be the result of “how” students, overall and by subgroup, perform. Once a school is identified, a comprehensive set of “why” indicators should be used for diagnostic and intervention purposes.

The two-fold purpose of ESEA is to (1) ensure that traditionally underserved students receive the resources and opportunities they need to succeed, and (2) set a bar for success that is equally high for all students. The latter requires accurately measuring whether this goal is being met for individual subgroups. Indicators of achievement and attainment clearly and objectively reflect whether this goal is being met. To combine these outcome indicators with other indicators that are better suited for diagnostic purposes would be counterproductive to meeting this goal.

Appendix A: S.A. 2190

Senators Baldwin and Whitehouse filed the following amendment to S. 1177:

PART J—IMPROVING SECONDARY SCHOOLS

SEC. 5910. PURPOSES

The purposes of this part are to support student dropout prevention, intervention, and recovery and increase the number and percentage of students who—

- (1) successfully matriculate from middle school to high school;
- (2) graduate from high school college and career ready with the ability to use knowledge to solve complex problems, think critically, communicate effectively, collaborate with others, and develop academic mindsets;
- (3) successfully complete sequencing of coursework that integrates rigorous academics with career-based learning and workplace experiences, and earn college credit and postsecondary credentials, including industry-based credentials, such as through early college high school courses and dual or concurrent enrollment while in high school; and
- (4) graduate from high school prepared to pursue postsecondary degrees in science, technology, engineering, and mathematics (referred to in this part as ‘STEM’), particularly for student groups historically underrepresented in these fields.

SEC. 5911. DEFINITIONS.

In this part:

- (1) Eligible entity.—The term ‘eligible entity’ means a State or local educational agency or a consortium of local educational agencies—
 - (A) in partnership with—
 - (i) 1 or more institutions of higher education; and
 - (ii) 1 or more employers, which may be a nonprofit organization, community-based organization, State or local government agency, business, or an industry-related organization; and
 - (B) that may include 1 or more external partners, such as a qualified intermediary.
- (2) Eligible high school.— The term ‘eligible high school’ means a high school that—
 - (A) does not receive funding under section 1114(c);
 - (B) serves a student population of which not less than 40 percent are from low-income families as determined by the local educational agency serving such school; and
 - (C) has a 4-year adjusted cohort graduation rate for all students or for multiple subgroups of students at or below 67 percent, except in the case of a high school that, at the time of applying for the grant under this part, is a new high school, as determined by the Secretary.
- (3) Eligible middle school.—The term ‘eligible middle school’ means a middle school—
 - (A) that does not receive funding under section 1114(c);

- (B) that serves a student population of which not less than 40 percent are from low-income families as determined by the local educational agency serving such school; and
- (C) from which a significant number or percentage of students go on to attend an eligible high school.

SEC. 5912. GRANTS AUTHORIZED

- (a) Program Authorized.—The Secretary shall award grants to geographically and regionally diverse, including rural and remote areas, eligible entities to achieve the purposes of this part.
- (b) Grant Duration.—Grants awarded under this part shall be for a period of 5 years, including 1 year which may be used for planning purposes, and may be renewable based on performance on indicators described in section 5913(b)(5).

SEC. 5913. APPLICATIONS

- (a) In General.—In order to receive a grant for any fiscal year, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.
- (b) Contents.—Each application submitted under subsection (a) shall include, at a minimum, the following:
 - (1) A description of how the eligible entity will use funds awarded under this section to carry out the evidenced-based activities described in subsection (c) and provide personalized learning experiences, applied learning opportunities, and student-centered learning approaches, that are accessible and developmentally appropriate to all students.
 - (2) A description of how the eligible entity will sustain the activities proposed, including the availability of funds from non-Federal sources and coordination with other Federal, State, and local funds.
 - (3) A plan to use current regional labor market information and engage employers and community-based organizations in the development of work-based learning opportunities, particularly those in STEM-related fields, including computer science, and other curriculum revisions under subsection (c).
 - (4) A plan to address the needs of students with disabilities, English language learners, and students who are significantly over-aged and under-credited, in the activities under subsection (c).
 - (5) The performance indicators and targets the eligible entity will use to assess the effectiveness of the activities implemented under this section disaggregated by the categories of students described in section 1111(b)(2)(B)(xi), including —
 - (A) the number and percentage of students who successfully transitioned from 8th to 9th grade;

- (B) student achievement data, including the number and percentage of students performing at a proficient level on State academic assessments required under section 1111(b)(2);
 - (C) the number and percentage of students earning credit toward a postsecondary education credential, an industry-based credential, or a postsecondary credential; and
 - (D) the number and percentage of students who are on-track to graduate from high school, high school graduation rates, and dropout recovery (re-entry) rates.
- (6) A description of the articulation agreement that will be entered into with each institution of higher education that will receive funding under this part that requires postsecondary education credit earned as a result of the successful completion of a dual or concurrent enrollment course funded under this part to be treated as credit earned at the institution in the same manner as such credit would otherwise be earned at such institution.
- (c) Required Uses of Funds.—An eligible entity that receives a grant under this section shall use funds to—
- (1) provide college and career pathways through such activities as—
 - (A) implementing a college- and career-ready curriculum that integrates rigorous academics, career and technical education, and work-based learning for high school, including in STEM-related subject areas, including computer science;
 - (B) in the case of eligible high schools, providing dual or concurrent enrollment courses, early college high school courses, or accelerated learning courses and other opportunities to earn transferable postsecondary education credit and industry-based credentials; and
 - (C) designing curricula and sequences of courses so that students may simultaneously earn credits toward a high school diploma and earn an associate degree or at least 12 transferable postsecondary education credits toward a postsecondary education degree at no cost to students or their families;
 - (2) implement an early-warning indicator system in eligible middle schools and eligible high schools to promote the continuous use of student data that results in actionable steps to inform and differentiate instruction and support and improve school climate, which may include the use of timely data reports that measures attendance, course performance, disciplinary actions, secondary and postsecondary education credit accumulation, and other on-track indicators for all students;
 - (3) in the case of an eligible middle school, provide all students with the prerequisite course work necessary to prepare students for participation in rigorous and advanced course work at the high school level, including in STEM-related areas of course work, including computer science;
 - (4) provide credit recovery and dropout recovery programs;
 - (5) provide evidence-based middle school to high school, and high school to postsecondary education, transition programs and supports; and
 - (6) provide teachers, principals, and other school leaders with ongoing high-quality professional development to support the activities described under this subsection.

(d) Supplement Not Supplant.—An eligible entity shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from other Federal and non-Federal sources for the activities described in this section, and not to supplant such funds.

SEC. 5914. REPORTS.

Each eligible entity receiving a grant under this part shall collect and report annually to the public and the Secretary such information on the results of the activities assisted under the grant as the Secretary may reasonably require, including performance on the indicators described in section 5913(b)(5) disaggregated by each of the categories of students, as defined in section 1111(b)(3)(A).

SEC. 5915. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 2016 through 2021.

Appendix B: Low-Graduation-Rate High Schools

State	High Schools with Grad Rates at or Below 67 Percent	High Schools with Grad Rates at or Below 67 Percent Not Receiving Title I Funding	High Schools with Grad Rates at or Below 67 Percent Not Identified as Priority/Focus
Alabama	54	18	46
Alaska	4	0	2
Arizona	41	12	20
Arkansas	6	3	4
California	105	9	98
Colorado	24	14	18
Connecticut	13	4	7
Delaware	3	2	3
District of Columbia	13	0	5
Florida	60	24	40
Georgia	115	32	61
Hawaii	3	2	0
Illinois	51	5	15
Indiana	19	6	†
Kansas	5	5	5
Louisiana	37	7	24
Maine	1	0	0
Maryland	17	15	15
Massachusetts	24	2	2
Michigan	30	3	10
Minnesota	10	5	6
Mississippi	51	9	30
Missouri	11	3	9
Montana	1	0	†
Nebraska	1	1	†
Nevada	35	33	21
New Hampshire	1	1	†
New Jersey	26	2	3
New Mexico	22	6	18

New York	199	†	89
North Carolina	16	6	12
North Dakota	1	†	†
Ohio	47	10	9
Oregon	35	32	32
Pennsylvania	46	7	15
Rhode Island	9	1	3
South Carolina	23	15	19
South Dakota	1	0	0
Tennessee	14	0	3
Texas	9	2	8
Utah	10	4	6
Vermont	2	0	0
Virginia	9	7	6
Washington	12	8	11
West Virginia	6	6	3
Wisconsin	13	5	5
TOTAL	1,235	326	683

† Insufficient data (no Title I status codes provided or no/unclear information about number of schools not identified as Priority/Focus).

Note: The total count of low-performing high schools with a 2012 adjusted cohort graduation rate (ACGR) at or below 67 percent was provided by Everyone Graduates Center at Johns Hopkins University. Figures include regular and vocational high schools with 300 or more students with an ACGR below 67 percent. State waivers and state department priority and focus lists were used to obtain the count of schools identified as priority or focus within each state. Among states, the graduation years used to identify ESEA high schools may vary and may result in under- or over-identification of priority and focus schools in this table.

Due to a waiver granted from the U.S. Department of Education, Idaho, Kentucky, and Oklahoma have not reported School Year (SY) 2011–12 ACGR data; therefore, ACGR figures cannot be calculated for these states to determine the schools with an ACGR at or below 67 percent.

End Notes

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- ¹ J. Cardichon and P. Lovell, *Below the Surface: Solving the Hidden Graduation Rate Crisis* (Washington, D.C.: Alliance for Excellent Education, 2015).
- ² Ibid.
- ³ Ibid.
- ⁴ J. Chambers et al., *State and Local Implementation of the No Child Left Behind Act, Volume IV—Targeting the Uses of Federal Education Funds* (Washington, DC: U.S. Department of Education, 2009), p. 49, <http://www2.ed.gov/rschstat/eval/disadv/nclb-targeting/nclb-targeting.pdf> (accessed September 28, 2015).
- ⁵ J. L. DePaoli et al., *Building a Grad Nation: Progress and Challenge in Ending the High School Dropout Epidemic* (Washington, DC: Civic Enterprises, Everyone Graduates Center at the School of Education at Johns Hopkins University, America’s Promise Alliance, and Alliance for Excellent Education, 2015), http://gradnation.org/sites/default/files/18006_CE_BGN_Full_vFNL.pdf (accessed September 28, 2015).
- ⁶ Twelve states with ESEA flexibility waivers were approved by ED to utilize a measure of high school completion that is inconsistent with the requirements of the 2008 regulations. Specifically, the regulations stipulate that only the adjusted cohort graduation rate (ACGR) be used for accountability purposes to measure the percentage of students graduating from high school. For example, under current waivers two states are permitted to include General Education Diplomas (GEDs) in their accountability systems. Under the 2008 regulations, only a regular high school diploma may be included in the accountability system. In addition, four states are allowed to combine dropout rates with the ACGR, two states, the leaver rate, and one state the completer rate, for accountability purposes. This is problematic, because methods for determining dropout status and the leaver and completer rate are often inconsistent or may not be completely accurate. For additional information, see P. Lovell, J. Cardichon, and F. Jones, *The Effect of ESEA Waiver Plans on High School Graduation Rate Accountability* (Washington, DC: Alliance for Excellent Education, 2013), <http://all4ed.org/reports-factsheets/the-effect-of-esea-waiver-plans-on-high-school-graduation-rate-accountability/> (accessed September 10, 2015).
- ⁷ S. Elliot, “Waivers Allow Graduation for Nearly 27% in IPS Who Failed State Tests,” *Indystar.com*, July 1, 2012. Indianapolis Public Schools is an urban school district; 82 percent of its students are from low-income families, and 77 percent of its students are nonwhite. Carmel Clay School District is an affluent suburban school district, with 9.7 percent of its students from low-income families and just 21.7 percent nonwhite students. See “Indianapolis Public Schools Fact Sheet 2011–12,” <http://archive.indystar.com/article/20120630/NEWS04/207010353/Waivers-allow-graduation-nearly-27-IPS-who-failed-state-tests> (accessed August 24, 2015); “Carmel Clay District Dashboard,” <http://www1.ccs.k12.in.us/uploads/attachments/0001/1059/dashboard.pdf> (accessed August 24, 2015).
- ⁸ 15. U.S. Government Accountability Office, *No Child Left Behind Act of 2001*.
- ⁹ Chambers et al., *State and Local Implementation of the No Child Left Behind Act, Volume VI*.
- ¹⁰ Unpublished data analysis of public school data from the 2012–13 Common Core of Data by the Alliance for Excellent Education, 2015.
- ¹¹ Chambers et al., *State and Local Implementation of the No Child Left Behind Act, Volume VI*, p. 133.
- ¹² Unpublished data analysis of public school data from the 2012–13 Common Core of Data by the Alliance for Excellent Education, 2015. Under current law, local educational agencies must identify as eligible schools that have a percentage of students from low-income families that is greater than the district average. They may also deem schools with a percentage of students from low-income families that exceeds 35 percent. As a result, many high-poverty high schools are not classified as eligible for Title I funding.
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