



TESTIMONY

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WHAT EVERY STUDENT SUCCEEDS ACT MEANS FOR MISSOURI

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Testimony Before the Appropriations-Elementary
and Secondary Education Committee

TO THE HONORABLE MEMBERS OF THIS COMMITTEE:

Thank you for the opportunity to testify. My name is Michael McShane, and I am Director of Education Policy for the Show-Me Institute, a nonprofit, nonpartisan, Missouri-based think tank that advances sensible, well-researched, free-market solutions to state and local policy issues. The ideas presented here are my own. This testimony is intended to summarize the Every Student Succeeds Act (ESSA), a recently passed piece of federal legislation, and its effect on Missouri's education system.

ESSA, the most recent iteration of the Elementary and Secondary Education Act, was signed into law by President Obama on December 10, 2015. The law had passed the House

359-64 and the Senate 85-12, a rare bipartisan accomplishment in our age of polarized politics.

ESSA replaced No Child Left Behind, the previous version of the Elementary and Secondary Education Act that was passed by similarly large bipartisan majorities in 2001. In the testimony that follows, I'd like to walk through what is new and what is different, and what ESSA means for us here in Missouri.

HOW DID WE GET HERE?

The Elementary and Secondary Education Act was first passed as part of President Johnson's War on Poverty in 1965. It was designed to provide additional funding for schools with large numbers of low-income students. However, as with most programs, its mandate grew over time, increasing the influence of the federal government on local education policy.

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Legislatively, No Child Left Behind represented the peak of federal involvement in our nation's schools.

No Child Left Behind required schools that received federal dollars (which is now almost all of them) to test their students and determine if they were reading and doing math at grade level. It established a goal of 100% proficiency in these two subject areas by the year 2014, and schools and districts were evaluated according to their progress toward that goal. Schools were making "adequate yearly progress" if they were advancing toward 100 percent proficiency according to schedule. States were free to create their own standards, both for the content that they taught and the definition of what made a child "proficient," and design their own tests to measure proficiency, but the federal government mandated the "remedies" that schools were subject to should they fail to make adequate progress.

Perhaps predictably, as time ticked by, schools found it increasingly difficult to hit their adequate yearly progress targets. While ESEA is designed to be reauthorized every 7 years (meaning that reauthorization would have been required long before states approached 100 percent proficiency), No Child Left Behind stretched far beyond its authorization timetable, and the requirements for schools reached closer and closer to perfection (100% proficiency). Across the country and across the political spectrum there was outcry that the law was outdated and that too many schools were being classified as "failing."

In response, the Obama Administration intensified federal involvement in America's schools by offering conditional waivers to some of the more onerous accountability provisions in the law to states that would agree to reforms the administration preferred. These included "college and career ready standards" (that most states interpreted as the Common Core), new statewide teacher evaluation systems driven in part by student test scores, and revamped school-level accountability systems.

Many of these reforms were controversial and drove a bipartisan group of senators, led by Lamar Alexander of Tennessee and Patty Murray of Washington (a state that lost its waiver when it failed to meet the conditions set by the Obama administration), to craft a replacement bill that shrank the role of the federal government and returned control of education to the states.

WHAT IS IN THE EVERY STUDENT SUCCEEDS ACT?

At its core, ESSA has 3 key provisions:

1. It requires that states test all students in grades 3 through 8—and once again in high school—in reading and math, and that the test results be made public.
2. It eliminates Adequate Yearly Progress and returns standard-setting and evaluation of students to the states. States must create accountability systems for schools

and must identify and intervene in the lowest performing schools, but beyond those incredibly broad contours they have the freedom to create the system that they think is best.

3. It dramatically curtails the ability of the Secretary of Education and the U.S. Department of Education to set policy for states. As summarized by the National Conference of State Legislatures, there is specific language limiting the secretary's role in approving accountability systems, requiring data to be collected outside what is explicitly spelled out in the law, mandating particular elements of curriculum and teacher and principal evaluation, or creating national tests not specifically authorized by law.¹

In a welcome development, ESSA also clearly forbids the federal government from pushing the Common Core Standards, stating specifically, "The Secretary shall not attempt to influence, incentivize, or coerce State adoption of the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, or assessments tied to such standard."²

As most observers have noted, this represents a U-turn in federal education policy. In almost all spheres, but particularly in education, federal involvement has historically been a one-way ratchet. Very rarely does the federal government actually relinquish power over a major policy area to

the states, but ESSA is a significant exception.

THE PATH FORWARD

So where does this leave Missouri? In thinking about it, I'm reminded of the Irish Republican Leader Michael Collins, who described the controversial Anglo-Irish Treaty (that ended Ireland's War of Independence but kept Ireland as a self-governing dominion of the British Crown) as giving Ireland "not the ultimate freedom...but the freedom to achieve it." The ultimate freedom for Missouri's education system would be empowered parents and communities creating the schools that best fit the unique needs of their children. No federal law can grant that. What laws can do is create conditions under which our state can create a world-class education system. And this law did that.

Going forward, Missouri has the freedom, but also the responsibility, to rethink its academic standards (a process already underway), the tests that it uses to measure those standards, the other indicators that parents and the public could use to track the performance of schools in domains outside of reading and mathematics, and how we want to intervene in the lowest performing schools in the state. We also have the freedom to license, support, and evaluate our teachers in the way that best fits our state's needs, not the priorities of a presidential administration. Our future is in our own hands.

I hope that this increased freedom trickles down into our districts and

schools. I hope that we can recognize that parents should have more say in where their children attend school, and that teachers and leaders should have more autonomy in their classrooms and buildings. I hope that we can reduce the amount of testing that students are subject to, and the control that testing has over the day-to-day operation of schools. I hope that we can remove barriers that keep good teachers out of classrooms, good leaders out of principal's offices, and needy kids out of good schools.

The future is ours to create. Let's work together toward one that provides a world-class education to every child in the state.

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NOTES

¹ National Council on State Legislatures. Summary Of The Every Student Succeeds Act, Legislation Reauthorizing The Elementary And Secondary Education Act. Available at: http://www.ncsl.org/documents/capitolforum/2015/onlineresources/summary_12_10.pdf

² Korte, Gregory. "The Every Student Succeeds Act vs. No Child Left Behind: What's changed?" *USA Today*, December 11, 2015. Available at: <http://www.usatoday.com/story/news/politics/2015/12/10/every-student-succeeds-act-vs-no-child-left-behind-whats-changed/77088780/>



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