Equity and Early Implementation of the Every Student Succeeds Act in State-Designed Plans During COVID

Jennifer B. Ayscue, Lance D. Fusarelli, and Elizabeth M. Uzzell

Abstract
The Every Student Succeeds Act (ESSA) reverses a trend toward centralization of education policy and instead provides greater authority to the states. This study explores states’ interpretation and early implementation of ESSA’s equity-related provisions. Using a qualitative case study approach, we find wide variation in the design and implementation of equity-related provisions. We provide an overview of implementation efforts and highlight states that are making significant strides and those that are lagging behind. Our findings highlight the need to build capacity at the state and district levels and to better understand the role of state education agencies in implementing ESSA.

Keywords
educational policy, federal policy, equity

In 1965, as part of President Johnson’s War on Poverty, the federal government passed the Elementary and Secondary Education Act (ESEA). ESEA, the federal government’s largest investment in education, was intended to

1North Carolina State University, Raleigh, NC, USA
*Elizabeth M. Uzzell is now affiliated to University of Virginia, Charlottesville, VA, USA

Corresponding Author:
Jennifer B. Ayscue, North Carolina State University, College of Education, Campus Box 7801, Raleigh, NC 27695-7001, USA.
Email: jayscue@ncsu.edu
promote equal access to educational opportunities. It has been reauthorized multiple times, including most recently in 2015 as the Every Student Succeeds Act (ESSA). For three decades before the passage of ESSA, education policy had gradually, albeit unevenly, become more centralized, with a push for higher (and common) standards, testing, performance-based accountability, and mandatory interventions in low-performing schools (L. D. Fusarelli & Fusarelli, 2015). This push culminated in the No Child Left Behind Act (NCLB), which represented the most substantial extension of federal power into virtually all aspects of schooling. Amidst bipartisan backlash against federal overreach and micromanagement, ESSA reversed the trend toward centralization, loosened federal oversight, and provided states and local education agencies (LEAs) substantial flexibility in redesigning systems, supports, and interventions tailored to their specific contexts.

The purpose of this study is to examine states’ efforts to implement ESSA, with a focus on how states’ efforts impact the provision of equitable educational opportunities for all children. In doing so, we explore the following research questions:

1. How do states interpret and implement equity-related provisions of ESSA?
2. How have states altered implementation of equity-related provisions of ESSA due to the COVID-19 pandemic?

We define equity as each individual receiving what they need in order to be successful (Radd et al., 2021). Based on the literature about state plans, for this study, we identify equity-related provisions of ESSA as the parts of the legislation that have the potential to result in individual students receiving the resources and supports they need to succeed in school. At a minimum, these resources and supports include provisions to ensure equal access to quality teachers and curriculum, multiple accountability metrics, continued annual testing of student performance by subgroup, greater fiscal transparency, and support for struggling schools.

We begin by examining preliminary research on ESSA, highlighting key provisions of the legislation including guardrails to ensure equity, as well as reporting the concerns of civil rights groups who fear that local control may exacerbate existing inequities. Using a qualitative case study approach, we provide an overview of implementation efforts and highlight states that are making significant equity-based strides as well as those that are lagging behind. Although passed in 2015, the law did not go into effect until 2017, and implementation was interrupted by the COVID-19 pandemic. However, as pandemic restrictions have loosened and students have returned to school,
efforts to fully implement ESSA have gained steam. This study analyzes those efforts, with particular attention paid to how relaxed federal oversight may impact states’ efforts to enhance equity.

**Overview of Literature**

When President Obama signed ESSA into law in 2015, the federal government substantively reversed nearly three decades of gradual centralization of education policy (Saultz et al., 2017), what Meyer (1983) earlier termed fragmented centralization. Originally limited to providing supplemental funding to at-risk students, the federal role gradually evolved to one of greater oversight, accountability, and control (McGuinn, 2005). As Wong (2020) notes, “Historically, equity has been a key justification for federal involvement in K-12 education” (p. 426). Under NCLB, the U.S. Department of Education (ED) ensured that states complied with mandates by auditing state policies and requiring changes where policies did not align with the legislation (Weiss & McGuinn, 2017, p. 4). Eventually, this increased involvement led to backlash among state and federal officials. In reference to restricting the federal role, Senator Lamar Alexander (R-Tennessee) stated, “You had Washington running 80,000 schools in 42 states. We got rid of all that” (Alexander, 2015). ESSA was touted, at least inside the beltline, as federal retrenchment and a return to state and local control.

**Equity Guardrails**

Although much has been written about the devolution of the federal role in education under ESSA, the law itself contains several provisions to ensure and perhaps enhance equity. These provisions include the continuance of annual testing in mathematics and language arts in Grades 3 through 8, and once at the high school level, a mandate for 95% student participation in testing, reporting of performance by subgroup, and state intervention in low-performing schools (McGuinn, 2016). According to Edgerton (2019), ESSA moved from the strict metrics of NCLB while maintaining a focus on historically underserved subgroups, such as English learners (ELs) and students with disabilities. For example, ESSA permits only 1% of students with disabilities to take alternative standardized assessments (the previous threshold under NCLB was 5%) (Edgerton, 2019). However, its continued emphasis on identity categories (class, race, gender, etc.) obscures attention to the intersectionality of these categories, for example, the disproportionate disciplinary actions leveled against Black girls (Evans-Winters et al., 2018).
Preliminary evidence of state ESSA plans indicates a movement away from student proficiency as the sole indicator of performance toward models including measures of student growth (35 states), although some states such as California permit districts to set their own performance goals and “do not specify how to weight growth, achievement, and other measures” (Edgerton, 2019, p. 15). Edgerton notes that ESSA encourages states to provide more targeted assistance to schools in need of improvement. El Moussaoui (2017) believes that ESSA will have a positive impact on minority and low-income students through its emphasis on state and local flexibility and innovation, which will allow states and districts to tailor intervention to their specific needs.

ESSA requires states to explicitly address equity concerns, such as funding disparities, in their plans (L. D. Fusarelli & Ayscue, 2019). The law is supposed to highlight per school spending and resources, and expose any inequities therein, as well as incentivize districts to fund schools based on student need (Cook-Harvey et al., 2016). A recent example is the Trump administration’s loosening of federal requirements in the “supplement not supplant” rule, giving districts more flexibility in allocating Title I funding under ESSA than they had under NCLB (Wong, 2020, p. 430). Public reporting of resource inequities through fiscal transparency may encourage states and LEAs to redress those inequities. Also, states can now define teacher effectiveness on their own and develop plans for more equitable distribution of effective teachers (subject, of course, to numerous limitations including collective bargaining agreements) (Saultz et al., 2017). Knight (2019) analyzed demographic, school-level, and district-level data from the U.S. Office for Civil Rights, the National Center for Education Statistics, the U.S. Census Bureau, and the Education Comparable Wage Index and determined that teachers with the least experience are often placed in schools with the highest needs, serving larger populations of low-income and minority students (Knight, 2019).

In a report for the Learning Policy Institute, Cook-Harvey et al. (2016) identified four areas in which the law could create more equitable school systems: (1) development of higher-order thinking skills, (2) use of multiple measures to assess school performance and student progress, (3) promotion of resource equity through fiscal transparency by including actual per pupil spending on school report cards, and (4) equity-oriented, evidence-based practices for school improvement. Jochim (2016) identified three significant opportunities for state education agencies (SEAs) to improve schooling under ESSA: (1) flexibility in creating more useful assessments, (2) improved accountability systems, and (3) crafting a smarter approach to school turnaround. The researcher notes that the success of ESSA “will largely depend
on how—and how much—states take advantage of their newfound flexibility” (p. 11).

The extent to which SEAs have the ability and desire to promote equity depends, in part, on how they define it. In an analysis of equity principles in all 52 approved state ESSA plans, Chu (2019) found that almost all state plans addressed equitable access to resources, such as funding and effective educators, but fewer than half addressed equity in outcomes and very few included explicit definitions of equity. Because most states focus their ESSA plans on equitable access, their role is limited to resource allocation and provision of effective educators (Chu, 2019); few, if any, are concerned with how equity is operationalized in the classroom, such as through culturally and linguistically sustaining pedagogy, leaving such decisions to LEAs. However, almost half the state plans mention the need to recruit educators of color and develop culturally responsive teachers (Chu, 2019).

**Equity Concerns**

Historically, tension has existed among the competing values of excellence, equity, efficiency, and choice, manifested in various calls for either centralization or decentralization. Egalite et al. (2017) note that “one of the major concerns of civil rights advocates is that the promise of decentralization offered in ESSA will lead to greater inequity in schooling” (p. 764) (see also Gerson, 2016). States can now set their own proficiency goals and create their own definitions of low-performing schools, which could dramatically impact the number of schools that are identified as low performing and in need of improvement and intervention (Duff & Wohlstetter, 2019).

The actions of states after passage of NCLB, wherein several manipulated “their accountability systems by lowering their standards, making their tests easier, and/or decreasing their proficiency cut scores,” suggest that such concerns are warranted (Weiss & McGuinn, 2017, p. 5). A March 2016 letter from members of The Leadership Conference on Civil and Human Rights to then-Secretary John King urged consistent oversight of ESSA implementation, pointing out the “long history of state and local decisions shortchanging vulnerable students” and the need “to ensure that the implementation of ESSA eliminates, not perpetuates, persistent inequities in our nation’s public education system.” Other civil rights groups have expressed similar concerns (Saultz et al., 2017).

ESSA allows states to customize their accountability systems, leading to greater variability among states. McGuinn (2016) asserts that accountability provisions represent the most significant change from NCLB, particularly regarding how states identify underperforming schools and what and when
they need to do something about them. Although continued emphasis is placed on student performance by subgroup, states set their own timelines for subgroup improvement, which vary considerably, are long-term and distal, and thus may not convey urgency for improvement (Morita-Mullaney & Singh, 2021). Wong (2020) observes, “Given the [Trump] administration’s deference, states have exhibited significant differences in their plans for meeting ESSA requirements on accountability, use of evidence-based school improvement strategies, and commitment to equity” (p. 434). Eighty percent of states failed to provide disaggregated performance data for at least one subgroup of students and approximately 40% did not provide disaggregated data by gender (Wong, 2020). Wong notes that “most states chose simply to ignore federal feedback in finalizing their plans and still received formal approval from the U.S. Department of Education” (p. 434). This finding is consistent with a political discourse analysis by Duff and Wohlstetter (2019), who found that no punitive or corrective actions were taken by the federal government against states that ignored or defied federal feedback, even when they appeared to be in noncompliance with the law. Wong concludes that “flexibility also appears to have diminished the incentive for states to take on a more active role in addressing equity issues” (p. 437).

One generally unquestioned takeaway from the passage of ESSA is reduction in federal oversight and compliance monitoring of state accountability and improvement efforts (McGuinn, 2016). Weiss and McGuinn (2016) expect that this flexibility will lead to widely divergent levels of commitment to reform, more diverse approaches to reform, and varying levels of success. For example, although ESSA emphasizes a well-rounded education, it is left up to states to define what that means. In their analysis of college and career readiness (CCR) standards in Illinois, Malin et al. (2017) found distinct differences in the vision of what constitutes CCR at the state and federal levels and concluded that such flexibility “portends wide variation in emphasis toward, and accountability for, long-standing equity issues” (p. 810). Further, in their analysis of all 52 approved state ESSA plans, Hackmann et al. (2019) found that most states identified CCR as part of their school quality or student success (SQSS) indicators in their accountability systems, but very few developed plans to address inequities, instead adopting a colorblind approach to address CCR for all students rather than focusing on subgroups of students.

**Variation in Interpretation**

Unlike the “one-size-fits-all” approach of NCLB, ESSA recognizes that contextual factors play a role in how policies are interpreted and implemented at
the state level (Egalite et al., 2017). Several factors influence how SEAs approach compliance with a law like ESSA, including politics, local control, and the number of districts in the state (Dahill-Brown, 2019), as well as SEA capacity and state demographics. States are influenced by politics at the federal level—for example, the election of a Republican Congress and president as ESSA plans were drafted and approved—as well as state and local politics. The governance structure dictates decision-making power and influence and may be susceptible to political changes. Four models of education governance are in use by 40 states and determine if the state school chief and state board are elected or appointed and by whom; 10 states and DC use some combination of other models (Fulton, 2011). Political will, particularly state-level partisanship, influences implementation of federal policy (Dahill-Brown & Lavery, 2012).

Furthermore, if states are beholden to local control, and decision-making is mostly in the hands of the district, then whether the state is fragmented into many smaller districts or consolidated into larger districts dictates the SEA’s capacity for oversight (Dahill-Brown, 2019). Capacity, emanating from resources and knowledge, also influences an SEA’s ability to implement federal policy (Dahill-Brown & Lavery, 2012). The SEA may also be aware of its own limited capacity when it comes to school improvement, which can influence the turnaround models it chooses. VanGronigen and Meyers (2019) found that only five states manage their school turnaround without assistance from external providers, suggesting that most states solicit some kind of support in their school improvement efforts.

Demographics also determine who can be involved in policymaking and to what extent. For example, a state with a larger number of Native American students is going to be able to reach out to tribal entities during the drafting process, while a state with few Native students cannot (Dahill-Brown, 2019). Given the explicit focus in ESSA on the education of ELs, states are also influenced by the immigration landscape when crafting policy. In both new and established immigrant destinations, states must attend to the needs of the EL student population, which causes SEAs to either depart from or approach equity, such as supporting bilingual education over English-only policies (Callahan et al., 2020). Using the context of state education policy involving ELs, Sampson (2019) argues that restrictive, symbolic, or exclusionary policies can have negative impacts on students. As such, it is important that SEAs not only understand and take into account the context of their state, but also that they pursue programs and policies tailored to that context.

In sum, extant research is divided regarding whether states’ efforts to implement ESSA are likely to create a more equitable educational environment, maintain existing inequities, or make the situation worse, particularly
for students living in poverty and for students of color. Through analysis of publically available documents and interviews with key policy makers, this study seeks to expand existing research by examining states’ continuing efforts to implement equity-related provisions of ESSA amidst a pandemic.

Methods

This qualitative case study examines the interpretation and implementation of equity-related provisions of ESSA. The case study approach is appropriate because it allows us to provide an in-depth description of a current process within a bounded period of time (Yin, 2018). More specifically, we use an embedded single-case study design, which is appropriate for studying a single case with subunits (Yin, 2018). In this study, our case is defined as the process of interpreting and implementing equity-related provisions of ESSA across the country before and during the COVID-19 pandemic. Within this case, we selected four states, which are embedded units.

Data Collection

Consistent with case study research, data collection involved identifying relevant documents and conducting individual interviews. Document analysis (Bowen, 2009) is appropriate given the wide variety of approaches states took to implementing ESSA, especially in light of the pandemic. We collected documents from all 50 states and the District of Columbia. We consulted a range of sources, including websites specific to ESSA as well as state education websites and media outlets. We used primary sources (13%), including letters and press releases from federal and state departments of education, and secondary sources (87%), such as media coverage of state actions related to ESSA. We consulted state, local, and national media. For secondary sources, we included informative documents but excluded opinionated ones, since we are interested in what states are doing rather than what they should be doing. The earliest document was dated January 2018, when most (but not all) state ESSA plans had been approved. Our last document was dated April 2021, when many states were beginning to lift COVID-19 restrictions and many school districts were beginning to offer the option of returning to in-person schooling. However, states and districts were still in the midst of responding to the impacts of the pandemic in April 2021 when our data collection concluded. In total, we collected 136 documents, with at least one document from each of the 50 states and the District of Columbia.

To identify a sample of states that would serve as embedded units within our larger case study, we sought maximum variation along two dimensions. First,
we selected states with a range of equity-focused provisions based on our findings from document analysis and the National Urban League’s (2019) equity ratings of the 37 state plans that had been approved by the U.S. Department of Education at the time of their analysis. The National Urban League’s ratings include the designations of “excellent,” “sufficient,” and “poor.” We purposefully selected 12 states that would provide maximum variation along these two dimensions. While we sought participation from leaders in all 12 states, ultimately, participants from four states—North Carolina, Kentucky, Vermont, and Oklahoma—agreed to participate. Oklahoma and Kentucky were rated excellent, North Carolina was sufficient, and Vermont was not included in the National Urban League’s equity ratings. We also sought regional variation. These states are located in the Southwest (Oklahoma), Southeast (Kentucky and North Carolina), and New England (Vermont).

To identify interview participants from each state, we contacted current and former state chiefs to request their participation. We used snowball sampling to identify other participants who would be appropriate for our study. Participants from these four states included current and former state chiefs, senior state department of education officials overseeing school support, accountability, and federal programs, and knowledgeable experts involved in developing and implementing states’ ESSA plans. Ultimately, we had 17 participants from four states (Table 1). To provide confidentiality, participant roles are discussed in general terms and pseudonyms are used for all participants.

We conducted semi-structured virtual interviews that lasted approximately 1 hour. Interviews were audio recorded and transcribed. Questions focused on perceptions of ESSA and equity, how state ESSA plans address equity, implementation of equity-related provisions, and the impact of the COVID-19 pandemic on equity-related provisions of the plan. Interview data was triangulated with data from documents and used to provide a more in-depth understanding of the implementation of ESSA plans in four states.

**Data Analysis**

We used inductive analysis to allow codes to emerge from our data. We began by having each member of the research team individually analyze the same three documents, which generated 12 codes. We repeated this process two more times to construct our codebook and establish intercoder reliability. Ultimately, we generated 37 codes, which included, for example, accountability, data, interagency collaboration, school support, testing, and waivers. In total, we coded 136 documents, sorted by pre- and post-COVID onset as well as by state. We used the same coding scheme to analyze our interview data. We combined our codes into 15 broader categories, including, for
example, support for student subgroups and COVID as opportunity. Finally, we examined the relationships among our categories to develop four themes (Saldaña, 2013), which we describe below in our findings, about the interpretation and implementation of equity-related provisions of ESSA. Throughout our analysis, we sought disconfirming evidence by cross-referencing information from various sources. To strengthen the credibility of our findings, we conducted member checking with our participants.

**Limitations**

Although we systematically collected and analyzed documents related to implementation of equity-related provisions of ESSA, it is possible that we did not fully capture all aspects of all states’ early implementation efforts. Despite this limitation, we believe our analysis provides an accurate representation of early implementation efforts. We attempted to include vignettes of states identified by the National Urban League as “poor” regarding equity, but no such states agreed to participate. Although we lack detailed vignettes of such states, our documents provide data about implementation efforts in those states. Similarly, while we were successful in obtaining some regional variation among the four states, not all regions of the country are represented.

### Table 1. Participants.

| Pseudonym       | Role                  | State                |
|-----------------|-----------------------|----------------------|
| Dr. Anderson    | Former chief          | North Carolina       |
| Dr. Hall        | Former chief          | North Carolina       |
| Dr. Harris      | Former chief          | North Carolina       |
| Dr. Davis       | Department leader     | North Carolina       |
| Dr. Jones       | Department leader     | North Carolina       |
| Dr. Thomas      | Department leader     | North Carolina       |
| Dr. Wilson      | Department leader     | North Carolina       |
| Ms. Taylor      | Department staff      | North Carolina       |
| Dr. Miller      | Knowledgeable expert  | North Carolina       |
| Dr. Adams       | Chief                 | Kentucky             |
| Dr. Johnson     | Former chief          | Kentucky             |
| Dr. Walker      | Department leader     | Kentucky             |
| Dr. Smith       | Deputy chief          | Oklahoma             |
| Dr. Moore       | Department leader     | Oklahoma             |
| Dr. Williams    | Department leader     | Oklahoma             |
| Dr. Martin      | Chief                 | Vermont              |
| Dr. Cooper      | Department leader     | Vermont              |
in our vignettes. Finally, due to the timing of data collection, which occurred as SEAs were in the midst of actively responding to the COVID-19 pandemic, potential participants consistently and understandably explained the need to prioritize their work with LEAs and schools rather than participate in research interviews. Therefore, it was difficult to secure interviews, and the number of interview participants from our four selected states is not balanced. As North Carolinians, we were able to use our professional networks to connect with more participants in our state than in others. Because of this limitation, it is possible that our findings do not fully capture the interpretation and implementation efforts in each of the four states. To address this limitation, we triangulated our interview data with documents.

Findings

Rather than relying exclusively on our interpretations of what the equity-related provisions of ESSA are and how ESSA could advance equity, we asked participants to share their perceptions of how ESSA is related to equity. Participants consistently referred to aspects of their accountability systems. Therefore, many of our findings are related to promoting equity through accountability. To address our research questions regarding how states interpret and implement equity-related provisions of ESSA as well as how states have altered implementation of equity-related provisions of ESSA due to the COVID-19 pandemic, we identified four central themes. First, states vary widely in their interpretation and implementation of equity-related provisions of ESSA. Utilizing the flexibility provided in ESSA to develop their accountability plans, which many participants identified as being a key way in which they address equity, states adopted different accountability measures, some of which enhance equity and others that do little to address equity concerns. Second, for many states, new report card requirements proved problematic regarding logistics but ultimately provided greater transparency, particularly around resource equity. Third, early implementation of accountability plans and the provision of support for low-performing schools also varied widely by state, with some states advancing equity and others struggling to do so. Finally, states took different approaches to addressing inequities during the pandemic. After describing how each of these themes played out across the 50 states, we provide vignettes to illustrate these themes in four states.

Equity-Related Provisions in Accountability Plans

ESSA provides for numerous accountability indicators, with some required and others that allow flexibility. All states must report student achievement
and growth as well as EL proficiency. States need to include one other academic measure for elementary and middle schools, and high schools must report graduation rates. In addition, states must include a nonacademic indicator that measures SQSS. Although accountability systems can be used to promote equity by highlighting and then addressing disparities among students’ opportunities and outcomes, prior research demonstrates that high-stakes test-based accountability systems can undermine equity (Darling-Hammond 2007; Menken 2006). Therefore, the SQSS indicator could be particularly important for measuring additional non-test-based aspects of the schooling experience in ways that will lead to greater equity. For this indicator, some states choose to report college and career readiness (CCR), chronic absenteeism, school climate, the suspension rate, or the achievement gap.

ESSA allows states to decide how much weight to give each component in their accountability system. The states that weight each indicator are listed in Table 2. However, states could also use some of these measures to identify areas of improvement without adding weight. Thirty-nine states and the District of Columbia use CCR as an accountability indicator, 36 along with the District of Columbia identify chronic absenteeism (missing 10% or more

| Indicator                        | State                                                                 | Number of states |
|----------------------------------|----------------------------------------------------------------------|------------------|
| School climate                   | NM, NV, ID, ND, IA, IL, SC, MD                                       | 8                |
| Achievement gap                   | NH, FL, MS, GA, SC, KY, OH, SD, KS, NV, UT, WY, NM                    | 13               |
| Chronic absenteeism               | WA, OR, CA, NV, AZ, NM, CO, MT, NE, OK, AR, MO, MN, WI, MI, IL, IN, OH, KY, TN, AL, GA, WV, VA, MD, DC, PA, DE, NJ, NY, CT, MA, RI, ME, AK, HI | 36 and DC       |
| Extended year graduation rates    | WA, OR, NV, UT, AZ, NM, CO, NE, OK, ND, MN, IA, WI, MI, IL, IN, OH, KY, AR, LA, AL, GA, WV, PA, MD, DE, NJ, NY, VT, NH, MA, CT, RI, ME, AK     | 35               |
| College/career readiness         | WA, OR, CA, NV, UT, ID, MT, WY, AZ, NM, TX, NE, OK, ND, SD, MI, IL, IN, OH, KY, AR, LA, TN, MS, AL, GA, FL, NC, SC, WV, PA, DC, MD, DE, NY, VT, NH, MA, CT, RI | 39 and DC       |

Note. This information compiled from Alliance for Excellent Education (2018) and Kostyo et al. (2018).
of the school year), and 35 include extended-year graduation rates (for example, calculating 5- and 6-year cohort rates along with the 4-year rate). States calculate college readiness in different ways, including scores on SAT, ACT, AP, and IB exams or completion of dual enrollment credits, and they measure career readiness based on certification completion such as career and technical education (CTE) or the Seal of Biliteracy (Kostyo et al., 2018).

Chronic absenteeism as an indicator of school quality has prompted states to address the issue differently. What was once referred to as “truancy,” and relegated to the court system, is now seen as an opportunity to address student needs. Connecticut and Pennsylvania track attendance and provide incentives for chronically absent students (Goldstein, 2020; Zahn, 2018). During the pandemic, as schools moved to a virtual platform, some school leaders began asking if they were just looking for presence or if engagement was more important. Rather than simply asking if the student was present or not, districts in Indiana explained that they were more interested in creating student-teacher connections and ensuring that students had what they needed to be successful in virtual learning (Kirkman, 2020).

School climate is an indicator that conveys whether students and staff feel safe and experience a sense of belonging. Increasing recognition of the importance of school climate has led eight states to include this indicator (Kostyo et al., 2018). States that include this indicator typically design a survey that measures elements of climate, such as students’ access to social-emotional learning. In Maryland, schools survey students and staff on four dimensions: relationships, environment, community, and safety (McCann et al., 2021). Schools use the survey results to determine areas of need in programming and professional development. Even states that do not include school climate as an indicator in their plans have signaled interest in developing students’ social-emotional learning, especially in light of the pandemic.

The use of suspension as a disciplinary measure decreases student achievement so some states include the suspension rate to flag schools needing improvement. Only California, Rhode Island, and West Virginia factor the suspension rate into their ratings.

As opposed to aggregated measures of proficiency and growth, the achievement gap refers to the gap in performance between certain subgroups of students and the whole. Attention to closing these gaps may enhance equity for student subgroups. Thirteen states include this indicator.

Several states include new indicators of school quality. For example, some states include arts education: Illinois will add an indicator that counts for 5% of a school’s grade starting in 2022–2023, and Connecticut awards 50 points in its high school rating system for arts access and participation. Connecticut and Vermont give weight to physical education in school ratings. The District
of Columbia, Georgia, Kentucky, Maryland, and Michigan include an indicator for “well-rounded education,” which can refer to course offerings in “computer science, music, career and technical education, health, and physical education” among others (United States Department of Education, 2016, p. 19).

States also determine how to report subgroups (Table 3), which became a cause for some concern. Subgroup performance is one way that schools are identified for comprehensive support and improvement (CSI) or targeted support and improvement (TSI). A higher $n$-size may lead to the exclusion of a group of students from identification for services, while a lower threshold for subgroup inclusion means that more students could be identified and provided with needed services. Some states wanted to aggregate students into “supergroups” that could include a larger number of subgroups but would potentially mask the unique needs of those groups (Ushomirsky et al., 2017). States could choose how to weight subgroup performance, and many chose not to factor subgroups into the final score, which may allow a school to receive, for example, an A grade even when certain subgroups are underperforming (Ushomirsky et al., 2017). However, a state could equally weight the performance of subgroups with the performance of all students, as is the case in Minnesota (Alliance for Excellent Education, 2018).

### Uneven Implementation of Report Card Requirements

Accountability metrics are reported to the public through school report cards. However, many states have experienced problems with new report card requirements due to delayed data and data quality. In states where report cards are fully and accurately released, data revealing per pupil funding at the school level allows for greater scrutiny of resource equity.

### Table 3. Subgroup $n$-Size.

|   | 10 | 15 | 20 | 25 | 30 |
|---|----|----|----|----|----|
| AK, DC, FL, KY, LA, ME, MD, MS, MT, NE, NH, a NV, b ND, OK, SD, UT, WY | AR, DE, GA, OH | AL, AZ, CT, CO, HI, ID, IL, IN, IA, MA, MN, NJ, NM, OR, PA, RI, SC, WA, WV, WI |

a New Hampshire reports an $n$-size of 11 students.

b Nevada uses an $n$-size of 10 for school ratings and reporting and an $n$-size of 25 to identify schools for support.
As of March 2019, Arizona and Kentucky were the only states that had made federal report cards public. In all other states, data was delayed. Vermont, for example, was 9 months late on releasing school-level test scores from 2018 and included only academic indicators, not personalization, school climate, staffing, and spending, as required by the state’s ESSA plan (Duffort, 2019). Oklahoma was 18 months behind in identifying its first cohort of schools for support and improvement due to delays in constructing a new data management system.

A few states have experienced problems with data quality. Kentucky’s financial data has been criticized as being not very useful because it only breaks spending into “personnel” and “non-personnel,” without identifying teacher salaries or other spending avenues. Furthermore, Kentucky lumps together state and local spending, making it impossible for taxpayers to determine their contribution to local schools. Kentucky’s first attempt at reporting school funding also contained some incorrect numbers, leading to the conclusion that the state fell “way short of what is needed” (Waters, 2020). Similarly, Mississippi’s data on attendance and CTE enrollment has been inaccurate: The state auditor pointed to “too much room for human error” in attendance reporting, which might negatively affect school funding that is based on attendance (White, 2020).

In some states, recent report cards have included complete and accurate information on per pupil funding at the school level, which was not required prior to ESSA. Such data has revealed discrepancies in funding among schools in many states, including Alabama, Missouri, and Wisconsin. In some instances, these disparities may be promoting equity because schools with large shares of high-needs students need more funding to meet students’ needs, as is the case in Alabama (Crain, 2019). In other cases, high-wealth schools may be able to generate more funding, which could exacerbate inequities among schools. Providing this data through state report cards allows for greater transparency and the opportunity to address resource equity more effectively (Benzschawel, 2020).

During the pandemic, many state report cards did not include testing data because tests were suspended during the 2019–2020 school year. In South Carolina, for example, report cards did not include assessment data but instead included information about the state’s other accountability metrics such as safety, finance, and classroom environment (Bean, 2020).

Variation in Implementation of Accountability Systems and Support for Low-Performing Schools

Many states have faced similar challenges in implementing their newly modified accountability systems and providing support for low-performing schools. However, just as there was great variability in the design of state
plans, the early implementation of equity-related provisions also has varied widely by state.

In some instances, federal and state requirements conflicted. For example, dual accountability systems have created confusion and complications, in clear violation of federal law. In 2018, without input from stakeholders during a lame duck session, Michigan lawmakers passed a new state A-F reporting system that conflicted with federal law, in part because alternative education systems were omitted from the state system even though ESSA requires that all schools be included in a single accountability system (Chambers, 2019). North Carolina identifies two different sets of schools for support through federal and state systems. North Carolina officials shared that inconsistencies, and sometimes conflicts, in federal and state accountability systems can confuse the public and hinder the capacity of SEAs to provide support for school improvement.

An analysis of early implementation across 10 states by the Alliance for Excellent Education (2020) found significant variation in how well states are serving vulnerable students and closing the achievement gap. Some states such as Florida identified nearly 70% of their schools for either CSI or TSI, while others such as Connecticut identified fewer than 5%. Michigan failed to identify 80% of schools in the bottom 5% in its accountability system, while Washington identified all of its low-performing schools for support. These discrepancies indicate state divergence in support for low-performing schools and have important equity implications as states fully implement ESSA.

Unlike NCLB, which required certain corrective actions and school improvement strategies to support low-performing schools, ESSA allows states to develop their own plans and timelines for supporting such schools. Therefore, variation also exists in how states are providing support to schools identified as CSI and TSI. SEAs often conduct needs assessments to identify the supports that would be most effective for schools identified as CSI and TSI. In Iowa, federal funds devoted to CSI and TSI schools are used for professional development, site visits, and frequent check-ins to make sure schools are on track to improvement (Maki, 2021). Nevada is moving away from an Achievement School District, which would take over low-performing schools, and working instead to help schools try new evidence-based practices that may lead to turnaround (Valley, 2019). The recognition that identified schools are often rural prompted Georgia to offer Rural Resource Grants to support struggling rural schools (Georgia Department of Education, 2019). In these instances, rather than fear of state takeover, schools identified for improvement are receiving support.

However, lack of clarity around this process has been problematic for some school leaders whose schools were identified as CSI or TSI. In
Minnesota, school leaders were unsure of what it meant to be identified as needing support and improvement or what state support would be offered (Hinrichs, 2018). While the process sometimes lacks clarity, the identification of CSI and TSI has led states to develop plans for supporting their low-performing schools.

**Addressing Inequities During the COVID-19 Pandemic**

The move to remote learning presented many challenges for schools throughout the country. Students who typically had one or two meals a day at school needed to be fed. Students needed access to devices to be able to participate in online learning, which for some districts meant distributing these devices. Students also needed access to the internet, another challenge especially in rural areas without sufficient broadband. In some cases, state plans already addressed these concerns and states utilized existing structures when the pandemic hit. For example, Oklahoma’s plan addresses nutrition so they were able to provide meals not only to students but also to families during the pandemic. In other cases, these issues had long been in discussion but were omitted from ESSA plans. With no existing plan to address these inequities, many states had difficulty adapting to the new challenges. Often, local districts took responsibility for addressing these needs. Just as the pandemic highlighted these needs for states, the federal government paid attention too, providing multiple rounds of funding from the Elementary and Secondary School Emergency Relief (ESSER) fund, which was designed to alleviate inequities.

Even with those hurdles cleared, schools worried about the effect of remote learning on mental health for both students and teachers as well as the potential for learning loss. School districts in California responded to mental health concerns by ensuring that students had access to counselors and social workers, and that teachers could provide social-emotional support. Chicago schools prepared to provide trauma-informed care through support teams and additional funding (Kunichoff, 2021). In Colorado, results from a needs assessment indicated that teacher mental health concerns ranked alongside student concerns (Breunlin, 2021).

Learning loss was a concern among educators and parents. Furthermore, concerns arose over having students come into school to take exams during the pandemic, along with potential issues with taking exams remotely. States responded by implementing different approaches to testing and accountability. In spring 2020, states allowed schools to cancel end-of-year tests completely, meaning that data on student growth is unavailable for that time period. When the Biden administration clarified that such waivers would not be available again for spring 2021 (Rosenblum, 2021), states either tried to
minimize the impact of testing on students, or welcomed the opportunity to measure what learning had occurred through a standardized assessment.

Initially, some states indicated a preference for locally designed assessments, with Georgia and South Carolina requesting a waiver from mandated testing similar to the waiver that all states had received the previous spring. However, ED’s first move under the Biden administration made its stance clear: States would not receive blanket waivers again and, barring mitigating circumstances, would be required to administer statewide standardized assessments (Rosenblum, 2021). Only the District of Columbia was relieved completely from testing, as 88% of students were still in remote learning at the end of the year. New York and Georgia uncoupled their test results from graduation or grade promotion requirements and were not required to weight the results on school report cards (Amin, 2021; Downey, 2020). Colorado received a rare waiver from ED to administer its mathematics assessments to students in fourth, sixth, and eighth grades, and its reading/language arts assessments to students in third, fifth, and seventh grades, rather than giving both exams to all students in Grades 3 through 8 (Blad, 2021). Many states also sought to alleviate concerns over how students would take the test. Texas opened alternative testing sites to permit greater social distancing, and Georgia offered evening testing. Maryland, New Jersey, New York, and Washington extended the testing window into the fall, while California shortened its exam and extended the window. To bolster validity, states supplemented summative assessments with formative assessments. For example, Georgia provided a formative assessment tool at no cost to all its districts (Downey, 2020).

Findings of the document analysis led to the above themes, namely that in all 50 states and the District of Columbia, the approach to equity-related provisions in ESSA plans was varied, and there was uneven implementation of report cards as well as variation in accountability systems, leading to variegated support for low-performing schools. The fourth theme addressed how states handled inequities during the COVID-19 pandemic, which was ongoing at the time of writing. In the following four vignettes, we describe these themes in North Carolina, Kentucky, Vermont, and Oklahoma.

**North Carolina**

Officials in North Carolina were optimistic that the flexibility offered through ESSA would improve equity through the provision of targeted assistance and support. Dr. Jones, a department leader in the N.C. Department of Public Instruction, commented, “We are ‘boots on the ground,’ working with those schools, and trying to figure out what kinds of strategies need to be
implemented to ensure that all subgroups are successful.” The state provides support through a regional model with a program administrator overseeing each of eight regions “to provide a continuum of services for districts.” State officials repeatedly referred to the flexibility under ESSA to consolidate funds to best meet students’ needs, unlike NCLB and its predecessors, which placed tighter restrictions on categorical spending and by so doing created silos within SEAs. Dr. Davis, a senior SEA official, stated, “I think the flexibility is a good thing. I think equity is about making sure everybody involved [has] the support that they need in order to serve their population” as opposed to the “hard-core mandates” of NCLB.

The flexibility to modify and improve the state accountability system by incorporating more measures of school performance was viewed as an equity-based improvement by some participants. Dr. Hall, a former chief, believes that ESSA will advance equity through: (1) the flexibility to create an improved accountability system, (2) less prescriptive mandates (“the authority to move away from the ‘all or nothing’ of No Child Left Behind”), and (3) the required focus on teacher assignment. Dr. Hall noted that ESSA elevates the role of SEAs and allows them to serve “as a bully pulpit for equity.” This former chief believes that many of the equity concerns expressed by various groups fearing a return to state control are overblown, stating, “On a scale of one to ten, I would say that that’s about a three, with ten being the worst” because ESSA still requires public reporting of school performance and actually expands performance reporting with its requirements for reporting on the distribution of teachers.

Both current and former SEA officials commented that lack of staffing due to repeated budget cuts constrains the capacity of the agency to provide support to schools in need of improvement. In 2017, when ESSA went into effect, the SEA experienced a Reduction in Force (RIF); another RIF occurred a year later. Dr. Davis commented that it “drastically changed the services we could provide . . . so all of those personnel that we had to actually go into schools—we call them instructional coaches and school transformation coaches—they were cut.” Dr. Wilson, another SEA official, agreed, stating, “It’s hard to scale up efforts when you don’t have staff. I think it’s hard to make a difference at the impact we need with some of our lowest performing schools without having capacity to really be there and to work with them over time.” Dr. Hall lamented that rapid turnover among state chiefs and staff produced a lack of continuity, which can hinder consistent efforts at promoting equity. That said, renewed attention to equity appears to be a focus of both the SEA and the State Board of Education (SBE): The new state superintendent created an equity office and the SBE included equity as a major component of its strategic plan.
Participants acknowledged that the pandemic brought ESSA implementation to a standstill, since nearly everyone’s focus shifted to responding to the ever-changing conditions of the pandemic. However, participants recognized that the pandemic starkly exposed inequities in the existing delivery system, particularly with respect to access to broadband internet and the key role played by schools in partially remediating food insecurity. While state officials recognized that these issues already existed, the pandemic “just laid them bare.”

**Kentucky**

While officials in North Carolina appreciated the increased flexibility of ESSA and used it to implement new supports, the sentiment in Kentucky was different. In reflecting on Kentucky’s ESSA plan, Dr. Adams, the state chief, explained, “There has been a real sense of, ‘If it ain’t broke, don’t fix it. Let’s keep giving them the same thing that passed last time.’” In addition, a former chief, Dr. Johnson, explained that the lack of regulations and inconsistencies in ED’s interpretations of the legislation led to less innovative efforts to promote equity. He stated, “States tended to go safe.” While his perspective is that “the flexibility was overstated” because “ESSA is still primarily a test-based accountability system,” he acknowledged that “there’s greater flexibility to think about how kids are performing in some of the ‘quote, unquote’ non-academic measures.” To promote equity, Kentucky included the achievement gap as an accountability measure as well as multiple measures of CCR. In addition, Dr. Walker, a senior SEA official, highlighted the allocation of funding to enhance equity. She emphasized the importance of ESSA’s balance between funding that supports school-wide programs broadly and funding that targets specific student populations that need additional support. Although the plan was rated “excellent” regarding equity, Dr. Johnson acknowledged, “We could have done more. I think that would be the sentiment of quite a few chiefs around the country.”

Early implementation of the equity-related provisions of Kentucky’s plan was challenging for several reasons. First, the accountability system is written into state law, which has advantages and disadvantages. One disadvantage, Dr. Johnson explained, is that “when you’re talking about stuff that is in the legislature, it goes through a political process. It’s not necessarily the result of folks sitting down and figuring out what’s best for kids and what’s best for schools.” Regarding logistical challenges, he continued,

When there’s disagreement between . . . what the legislature ultimately decides and what U.S. ED decides was the intent of the legislation, rather than the department being able to turn on a dime and make those adjustments, it can
require, not just having to go back to the state board of education to revise regulation, but having to go back to the state legislature to revise policy.

The definition of TSI is one such example where the state’s legislation was in conflict with the federal law and had to be revised. Another challenge related to TSI arose because the state’s definition of TSI led to many schools being designated due to their achievement gaps. Dr. Johnson explained,

As you might imagine, superintendents don’t like that very much. The big pushback was [that] we need to change the law so that not nearly as many schools are identified as TSI. And you need to change this achievement gap thing so that not as many schools are designated as having gaps.

Through negotiations with the General Assembly and the Superintendents Association, a compromise was reached that resulted in “fewer schools being designated as TSI, and some changes that led to some recalculation in the achievement gap indicator.” The identification of CSI and TSI schools can lead to the state providing increased support, so the suggestion that Kentucky backed off from TSI designation could limit equitable resources and support for students in those schools.

Finally, the capacity of Kentucky’s state department to fully implement the plan was limited. Dr. Johnson explained,

Because of decreased state funding, I saw a shift in what we were able to do as a department of education, versus what [the department] was able to do 10 years prior. It was just a much smaller agency with a much smaller footprint.

During the COVID-19 pandemic, Kentucky experienced challenges related to adhering to testing requirements, for which Kentucky received a waiver, and tracking attendance. For example, it was especially difficult to locate students who were homeless during the pandemic. Dr. Walker emphasized,

It’s during these times of crisis that it becomes even more important to follow the law the best you can. . . . Before, school meals were important, of course, but now, even more. It’s important to find those kids and get them their academic work so they can participate because this is the time when they’re really going to fall through the cracks.

To help address some of the challenges associated with the pandemic, Dr. Walker explained that ESSER funds were well aligned with ESSA and helped
to address inequities. Although no longer chief during the pandemic, Dr. Johnson expressed concern that

COVID will set any progress we were making toward greater equity back significantly because, to put it bluntly, it gives a new excuse. The reality is, and it’s well documented, that we had incredible equity challenges in schools pre-COVID. But with COVID, now everybody kind of gets a blank slate. It’s like, ‘What were we supposed to do? There’s COVID’.

Conversely, Dr. Adams stated that equity “is a central value for us.” Although not part of the state’s ESSA plan or directly in response to COVID, a new Division of Diversity, Equity, Inclusion, and Belonging was established in 2020 within the Office of Teaching and Learning in Kentucky’s Department of Education, with the goal of building capacity and addressing equity. Concurrently, in the wake of the murders of George Floyd and Kentucky’s Breonna Taylor, Kentucky’s Board of Education passed a resolution “affirming its commitment to racial equity.” According to Dr. Adams, “Remarkable capacity building [has occurred] in two years” through the creation of a five-person team to support school districts, and Kentucky may develop a revised state plan that is better aligned with their current strategic direction. However, Dr. Adams explained, “That invites the U.S. Department of Education scrutinizing it more, which is not something that we really relish.”

Vermont

Vermont, an SEA with even fewer staff than North Carolina or Kentucky, expressed a lack of capacity. In addition to the low number of employees, the passage of ESSA and the writing of Vermont’s plan came at a time of transition, when state legislation had redesignated the education chief from an elected position to an appointed position. In order to complete the plan before the gubernatorial transition, the state chief worked mainly with other members of the agency to write the plan, while also receiving some stakeholder input from school districts. Dr. Cooper, a department leader in the Vermont Agency of Education who participated in the initial drafting of the plan, described the stakeholder involvement:

We had a group of folks from the field who were serving as a sounding board. . . . At one point, we counted over 500 different people in the state. . . . As a percentage of our state, it was a pretty significant group.
From these initial conversations, stakeholders then provided input on what should be included in the plan: “[We] worked with superintendents, worked with principals, others in the field to say, ‘Here’s the thing that we’re trying to find out. Which one of these indicators is the one that is the best to address that?’” In this way, the state narrowed the number of indicators down to eight.

The agency took the opportunity to include many SQSS indicators; however, the state chief, Dr. Martin, regarded ESSA as an activity in compliance. In his view, the state plan is not a beginning but a continuation of the equity work that was already being implemented in Vermont, including a continuous improvement framework, an equalized funding system, and flexible pathways to student learning. He stated, “We have a political problem, then we have educational problems. This is a political problem; it’s not really about education or improving outcomes.” He added that ESSA is “not the primary vehicle by which we would achieve equity.” Dr. Cooper concurred that ESSA was a continuation of the state’s equity work:

> We wanted to use the law . . . not to punish and shame schools, but to draw attention to where there are equity gaps. That’s why we made that really intentional use of the term equity supports for those schools.

Dr. Cooper believed their plan “asks schools to focus on where those gaps are and to make a serious intentional plan to address the reason why those gaps exist, why they persist.”

The plan did provide an opportunity to create an equity index of aggregated subgroups and a new way to visualize data in the report card, but Dr. Martin believes it requires “someone with an inside perspective to make sense of those indicators” and is not sustainable: “We’re a very small state and we’ve built a monster that we can’t operate or pay for in the future.” Some miscalculations in the original plan prompted the agency to draft an amendment that would simplify their indicators and “keep it within the scale of our capacity and . . . operations as a state.” The amendment would approach ESSA requirements “from a doability standpoint,” creating a data model that balances student achievement and growth, economic efficiency, and a perception of the learning environment. This amendment was in preparation before the pandemic, but according to Dr. Martin, “We were hearing from other states, ‘Be careful about submitting an amendment; it opens a can of worms.’ You’re not sure what the response would be from the U.S. Department of Education.” However, now that the department is under a new Secretary, Vermont will submit an amendment to its plan.

According to Dr. Martin, the pandemic unveiled inequities similar to those that other states faced, with online learning being a particular concern.
Regardless of how the pandemic changes education, he said it is important to attend to equity issues, because “it’s not too hard to imagine schools—physical schools, in-person learning—becoming only for the poor kids who need free meals at schools and the wealthy kids being educated someplace else.” The state required schools to write a COVID recovery plan that identified challenges in the areas of academics, social-emotional wellness, and student engagement. The logic, Dr. Cooper said, was “not that one was better than the other, more important than the other, it’s that all three of them work in concert with each other.” The SEA plans to provide supports to address the challenges that schools identify.

Oklahoma

While Vermont did not receive a rating, Oklahoma was rated “excellent” by the National Urban League, and the SEA clearly took ESSA as an opportunity to advance equity. Dr. Smith, a deputy chief who co-authored the state plan, explained their process of stakeholder engagement, which involved “not just educators, but parents and families, community nonprofits, tribal entities, [and] legislators” as well as “a superintendent advisory, a teacher advisory, and a student advisory. We were very intentional about getting and hearing student voices.” She noted that ESSA presented an opportunity to pursue grant funding for early childhood education, as well as ensure equitable resource funding and distribution. Dr. Moore, a department leader in the Oklahoma State Department of Education (OSDE), noted the value in using indicators other than academics to assess schools. Dr. Williams, another OSDE department leader, appreciated the chance to provide support for struggling schools, what she referred to as a “coaching, improvement, ‘boots on the ground’ model,” a stark contrast to the “compliance model” required by NCLB.

Oklahoma was noteworthy for its smaller subgroup n-size and priority subgroups of economically disadvantaged students, students with disabilities, ELs, and race and ethnicity groupings, which Dr. Smith celebrated as avoiding “double and maybe even triple counting” students. However, Dr. Moore described a pitfall of this system:

The distribution of [scores for] students who are White and have a disability is roughly equivalent to the distribution of [scores for] Black students with no disability. [For] Black students with a disability, that distribution is shifted even further to the left.
This system could mask inequity for students who fall into more than one category, so he would like to improve the system to “highlight inequity, help us work towards equity even further, by being able to display and accommodate that nuance.”

Oklahoma has faced chronic funding shortages for the last 20 years. Because of increased funding and flexibility of allocation, COVID actually expanded the capacity of the SEA and LEAs to provide resources to students, including nutrition, internet, and devices. Dr. Williams explained that the pandemic also helped states address underfunding because the allowables are so wide open. . . . So when we think about equity and children attending schools that might be falling apart, or that don’t have ventilation, we’re able to fix those things, and those things will remain for our students.

Oklahoma is a local control state, which can limit the SEA’s ability to manage districts’ choices. According to Dr. Williams, this approach makes them even more reliant on good leadership, a necessity for advancing equity: “A good leader will address equity naturally. A manager probably won’t. And the difference between that leadership and that manager is pretty stark.” Along with local control, the equity conversation in Oklahoma was limited by its political leanings. As Dr. Williams noted, “We are an incredibly conservative state. How are we going to maneuver around that, to get these conversations going?” As difficult as promoting equity for all students is, it is further complicated by the politics surrounding such efforts.

Summary of Vignettes

The vignettes of these four states illustrate the variation in their interpretations and implementation of equity-related provisions of ESSA. Kentucky, North Carolina, and Vermont approached ESSA with a compliance mentality. They included efforts to promote equity; however, uncertainty about ED’s response to state plans led to their reluctance to innovate or to amend their plans. In contrast, Oklahoma viewed ESSA as an opportunity to ensure equity and to support struggling schools. All four states underscored the difficulty of implementing their plans due to limited capacity and funding shortages. Kentucky, North Carolina, and Oklahoma highlighted the significance of the increased funding provided to states due to COVID, the flexibility it allows, and the possibility of using it to promote equity. Participants in all four states noted the impact of politics on their state plans, and in Kentucky, conflict between state and federal systems created challenges for early implementation. Having
begun implementation, both Kentucky and Vermont expressed the need to file amendments due either to political pressure or to limited capacity to fully implement their plans. While all four states indicated desires to promote equity, they expressed clear limitations in their abilities to do so.

**Discussion**

Although ESEA began as a piece of civil rights legislation, our findings reveal that states’ interpretations and implementation of ESSA provisions can either promote or hinder equity. We find that state plans include a range of equity-related provisions, which are often related to identifying inequities through accountability systems and providing support to schools identified as CSI and TSI schools. Prior research documents the many ways in which high-stakes test-based accountability systems can undermine equity. These practices include, for example, a focus on low-level skills and a narrowed curriculum that primarily covers tested subjects, particularly in low-performing schools with large shares of students of color and ELs (Darling-Hammond, 2007; Menken, 2006; Nichols & Berliner, 2007). Acknowledging these serious and inequitable outcomes, our data demonstrates the ways in which states do and do not use their accountability systems and other provisions of the law to enhance equity.

Without regulatory guidance and with uncertainty about what ED would approve, many states sought to adhere to the legislation and, as Dr. Johnson of Kentucky acknowledged, “could have done more.” SEAs differ considerably in “their ability to provide professional development, curricula, and other assistance” (Edgerton, 2019, p. 16; Jochim, 2016) and are often guided by a compliance-driven mentality (C. G. Brown et al., 2011). This has been particularly evident in efforts to turn around low-performing schools (VanGronigen & Meyers, 2019). VanGronigen and Meyers wonder whether many SEAs will have the capacity to manage oversight and leadership of school improvement efforts, particularly when faced with “an increasing caseload of low-performing schools” (p. 441). Similarly, we find that capacity among states varies, with several states highlighting the difficulty of supporting CSI and TSI schools due to decreased budgets and smaller staff. Former Undersecretary of Education Eugene Hickok’s (2003) comments about NCLB seem particularly pertinent to ESSA: The law made it “more difficult to close one’s eyes to persistent underperformance by students and schools” (p. 22). Under ESSA, how difficult it is to close one’s eyes to persistent underperformance largely rests with individual states (L. D. Fusarelli & Ayscue, 2019). As the current study suggests, some states are more proactive in addressing equity while others may avert their eyes.
One likely outcome of ESSA is that states will devolve decision-making power to the district level, which would contrast sharply with the 1990s movement toward more centralized control at the state level (B. C. Fusarelli & Cooper, 2009), effectively punting responsibility for equity and school improvement to the local level. Sampson and Horsford (2017) comment that this may not be a bad outcome. In their study of community advocacy in three school districts in the Mountain West, school board members were able to analyze data, identify inequities, and make decisions to address those inequities in their districts. In their examination of CCR standards in Illinois, Malin et al. (2017) conclude that decentralization of power to districts under ESSA “may affect educational equity in ways that advantage and disadvantage” (p. 810). Based on our analysis, results among states seem to be mixed regarding attention to equity concerns.

Desimone et al. (2019) assert that ESSA marks a return to local control over standards and curriculum, and that “states are being less prescriptive in their policies surrounding the standards and are including fewer or less forceful rewards and sanctions” (p. 167). Consistent with this assertion, our findings demonstrate various ways in which some SEAs are striving to promote equity and support low-performing schools through data dashboards, individualized needs assessments, and subsequent support services. While Desimone et al. (2019) believe this approach might be more successful than previous, more heavy-handed federal and state reform efforts, they caution that local control presents its own challenges, including district capacity to support schools, particularly in under-resourced districts. Our study shows that, in some cases, without strong federal oversight, some states have relaxed their own monitoring and oversight of disparities, such as staffing inequities in the highest need schools. Drawing upon surveys, interviews, and site visits regarding implementation of ESSA, Edgerton (2019) concurs, stating, “We cannot exclude the possibility that less federal- and state-driven accountability will result in less attention paid to the neediest districts” (p. 17). The state response to COVID-19 was encouraging in many cases, as the pandemic required schools to provide online resources, including broadband internet and devices, and provided increased funding to do so. However, it remains to be seen if this attention and concern will carry into the future.

Implications

Given the shift of authority back to the state and district levels, the importance of building capacity at these levels cannot be overstated. As noted earlier, SEAs differ considerably in their capacity to facilitate school improvement and support students who have the greatest needs. Building capacity and
having effective equity-focused leadership at the state level would create opportunities for states to substantially improve their school systems. Failure to do so would leave SEAs in an all-too-familiar position of being primarily “check the box” bureaucratic institutions that provide little support for improvement. Further, in many small, rural districts, teachers, and administrators wear many hats and lack the capacity to engage in systemic improvement. To effectively implement ESSA and create more equitable school systems, state and district leaders will need to work collaboratively to identify needed areas of support, build capacity and provide targeted support, and ensure that the equity provisions contained in ESSA are fully implemented, monitored, and executed with fidelity.

ESSA presents researchers with an opportunity to re-engage with the politics of education at the state and local levels. A dearth of research exists on SEAs (C. G. Brown et al., 2011), which play a significant role in implementing ESSA and in facilitating systemic school improvement. SEAs differ in organization, management, staffing, and expenditures (Hanna, 2014), although Brown and other researchers found that staffing and funding data on SEAs is remarkably difficult to obtain. The Council of Chief State School Officers (CCSSO), in conjunction with Policy Studies Associates, conducted a survey of SEA efforts to implement ESSA and support school improvement. Seventy-one percent of respondents reported that SEA capacity to assist LEAs with comprehensive and targeted support and improvement was a moderate or major challenge. A slightly higher percentage (76%) identified “insufficient LEA capacity to collect, analyze, or use data as a moderate or major challenge” (Council of Chief State School Officer [CCSSO], 2019, p. 38). More research is needed on capacity building at the state and local levels to better understand these challenges.

As states diverge in equity-based strategies in implementing ESSA, more comparative state-level research is needed to explain these differences, including demographic and political trends (Callahan et al., 2020). Given their importance under ESSA, SEAs merit much more detailed attention. More research on district-level implementation and school improvement also needs to be conducted, given that many SEAs may punt reform to the local level. In particular, additional research is needed to investigate how SEAs and districts promote equity for ESSA’s newly identified subgroups and students who were disproportionately impacted by the pandemic.

In their analysis of SEA websites, VanGronigen and Meyers (2019) observed that states’ implementation of ESSA has already produced divergent paths toward accountability, assessment, and school turnaround. Preliminary evidence suggests that this increased state autonomy will magnify “the already fragmented nature of America’s education system, which is
essentially 50 systems working [more or less] in parallel” (Duff & Wohlstetter, 2019, p. 306). Our study demonstrates that the ability to promote equity through ESSA largely depends on the design and implementation of state plans, resulting in wide variation among states regarding political will and capacity to promote equitable educational opportunities and outcomes for students across the country.

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**ORCID iDs**

Jennifer B. Ayscue https://orcid.org/0000-0002-2900-5417  
Elizabeth M. Uzzell https://orcid.org/0000-0002-9835-1938

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Author Biographies

Jennifer B. Ayscue is an assistant professor in the Department of Educational Leadership, Policy, and Human Development at North Carolina State University. Her research focuses on school integration in K-12 schools and federal education policy.

Lance D. Fusarelli is Distinguished Professor of Educational Leadership and Policy at North Carolina State University. His research focuses on equity and the politics of education at the federal and state level.

Elizabeth M. Uzzell is a postdoctoral research associate with the Partnership for Leaders in Education at the University of Virginia. Her research focuses on inequities in K-12 education, program evaluation, and systems change.