



Every Student Succeeds Act

## School Improvement Under ESSA

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While we can put No Child Left Behind (NCLB) behind us, it is important to understand that we still have a tremendous amount of work to do to make sure that traditionally underserved students get the supports they need. The Every Student Succeeds Act (ESSA) has shifted the responsibility of developing local improvement plans for low performing schools from the federal government back to states and local educational agencies (LEAs), which is the legislative term for school districts, vocational schools, charter schools, and county or regional education service centers. As with many parts of ESSA, the new law creates the opportunity for stakeholders, including educators, parents, families, and community leaders to participate in school improvement plan development and implementation.

### KEY PROVISIONS

ESSA **requires** that LEAs develop and implement an evidence-based comprehensive support and improvement plan to improve student outcomes in identified schools in *“partnership with stakeholders (including principals and other local leaders, teachers, and parents).”*

- ▶ Requires states to focus on:
  - not less than the lowest-performing 5 percent of all schools in the state;
  - high schools that fail to graduate one-third or more of their students; and
  - schools with subgroups (e.g. racial/language/economically disadvantaged) of consistently underperforming students (in these cases, improvement plans must be targeted to these underperforming groups). These designations must be made at least every three years.
- ▶ Requires that improvement plans be informed by all indicators, including:
  - student performance against state-determined, long-term goals;
  - evidence-based interventions;
  - school-level needs assessment;
  - the identification of resource inequities, which may include a review of LEA and school-level budgeting, to be addressed through plan implementation; and
  - approval by the school, LEA, and the state educational agency (SEA).
- ▶ Permits an LEA to provide all students enrolled in a school identified by the state for comprehensive support and improvement with the option to transfer to another public school served by the LEA (which may include a charter school), unless such an option is prohibited by law.

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- ▶ Requires states to establish exit criteria for schools identified for comprehensive support and improvement. Each state determines the number of years schools have to improve, not to exceed four years. If a school has not met the exit criteria in the improvement plan, the state can implement more rigorous state-determined action, such as the implementation of interventions (which may include addressing school-level operations).

## BARGAINING/ADVOCACY IMPLICATIONS

- ▶ The law requires that LEAs work in partnership with educators, parents, and other stakeholders when developing and implementing improvement plans. While this is an important opportunity, it does not provide specifics on what this process looks like and exactly who gets a seat at the table. It is vital that your association take proactive steps to solidify a fair development and implementation process. To do so, consider working with the district to develop contract language or a memorandum of understanding (MOU). Also, take steps to engage parents, families, and community stakeholders who share the same interests as the association and get them involved in the process. As highlighted in our bargaining guidance document, educator rights through state law, board policy, and collectively bargained agreements are protected by the savings clause provisions within ESSA. Specifically, rights pertaining to School Improvement under Section 1111(d), all of Title II which includes teacher preparation, training, and recruitment provisions, and Title IV Section 4625 (h) Community Schools are covered. This means that you can assert your rights by issuing a demand to bargain; file a grievance or unfair labor practice charge (ULP); file a complaint with the U.S. Department of Education; or potentially address the issue in court or in front of an administrative body. (See third bullet point for more information on the savings clause.)
- ▶ The partnership language presents an opportunity to discuss issues that may otherwise be permissive or prohibited bargaining subjects. For example, educators can use the plan development process to advocate for policies and practices that management may not be willing to bargain over during formal negotiations.
- ▶ The savings clause provision in Title I is a “rights-preserving” provision, not “rights-creating” provision. If you did not have the right to bargain school improvement plans or the implications of those plans (either as a mandatory or permissive subject of bargaining) before the enactment of ESSA, the savings clause in Title 1 does not give you that right. Likewise, if you didn’t have a state law covering a topic before the enactment of ESSA, the savings clause does not give you that protection. Rather, the savings clause protects against ESSA interference with existing rights under state and local law, board policies, and association agreements. Therefore it is especially important for locals in nonbargaining districts to familiarize themselves with their employment rights that are memorialized in statute or policy.
- ▶ The law requires a needs assessment and the identification of resource inequities which may include a review of the school budget. Again, while this is an excellent opportunity to address inequities, the law does not lay out specifics on the process and exactly what is included. It is important for the association to get involved early in establishing what this looks like. This is another area in which parent and community engagement could make a difference.

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- ▶ As discussed above, each state determines the number of years a school has to improve. This is an opportunity for the association to advocate for the full four years to maximize the school's potential
- ▶ For success and to avoid punitive measures such as school closure, charters, or dismissal of staff. While there is no mandate for association or stakeholder involvement in the development of exit criteria, there is also no regulation barring such involvement. At the very least, pushing the state to provide the maximum four-year timeline can mean the difference between actual performance improvement and an unknown state-determined action.
- ▶ Considering improvement plans require needs assessments and addressing resource inequities, looking at community schools as a strategy to deal with struggling schools can be a good alternative. In fact, full-service community schools are a part of ESSA under Title IV with grants available for funding. Visit [www.nea.org/communityschools](http://www.nea.org/communityschools) and contact the NEA Collective Bargaining and Member Advocacy (CBMA) and Teacher Quality (TQ) departments for more information and resources.
- ▶ As with many parts of ESSA, incorporating strong, enforceable language into a collective bargaining agreement or MOU is the best means to ensure fairness and protect member rights. While the potential ramifications of a state/local improvement plan under ESSA will differ from state to state and local to local, obtaining solid language on issues such as transfers (whether voluntary or involuntary) and assignment is important. Contact CBMA for examples of model or existing contract language to use in collective bargaining or board policy in nonbargaining states.

## ADDITIONAL RESOURCES

### NEA Guide to Educator-Led School Improvement and the GPS Indicators Framework

This guide, published by the NEA Education Policy and Practice (EPP) department, was designed for leaders striving for excellence in their schools and aims to assist educators in their efforts to transform their schools into great public schools. The guide demonstrates how to apply the GPS Indicators Framework in the school improvement process. It also shows how the Framework informs other strategic planning tools such as the SWOT grid and Logic Model. Further, although not the focus here, the guide can be used to inform and develop a student-centered campaign. The school improvement process closely resembles the student-centered campaign process.

The NEA Collective Bargaining and Member Advocacy (CBMA) department provides resources and guidance on all aspects of collective bargaining and advocacy without bargaining rights. For additional information contact CBMA at 202-822-7080 or [collectivebargaining@nea.org](mailto:collectivebargaining@nea.org).

The NEA Teacher Quality (TQ) department provides expertise in the areas of school transformation, school improvement strategies, and family-community engagement/collaboration strategies. This includes the parent-teacher home visit program, community schools, and union-led school improvement strategies. For more information, contact TQ at 202-822-7169.

The NEA Education Policy and Practice (EPP) department provides expertise in the areas of equity, school performance/school closures, parent and family engagement, and state academic standards. For more information, contact EPP at 202-822-7409.

Contact the NEA cross-department Charter School team for information and resources on charter schools at [charters@nea.org](mailto:charters@nea.org).