

EDUCATION WEEK

In Some States, a Tug of War Over ESSA Plans

With plans still being drafted, rival visions vie for attention

By **Daarel Burnette II**

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Now that states are moving to take on new authority over K-12 policy under the **Every Student Succeeds Act**, skirmishes are breaking out in several states over who's in charge.

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Legislators in Colorado and elsewhere have bickered with state board members over who should oversee parts of the plans they must submit to the U.S. Department of Education next year outlining how they will put ESSA into effect, pointing to nebulous clauses buried in their states' constitutions on who calls the shots.

Even in places dominated by a single party, such as Indiana and California, state leaders are tussling with local leaders over whether to kick back some of the flexibility in areas like accountability and assessments to school board members. Louisiana Gov. John Bel Edwards, a Democrat, commissioned his own ESSA advisory committee after education groups complained that the Republican-dominated board of education didn't include their input in a draft plan.

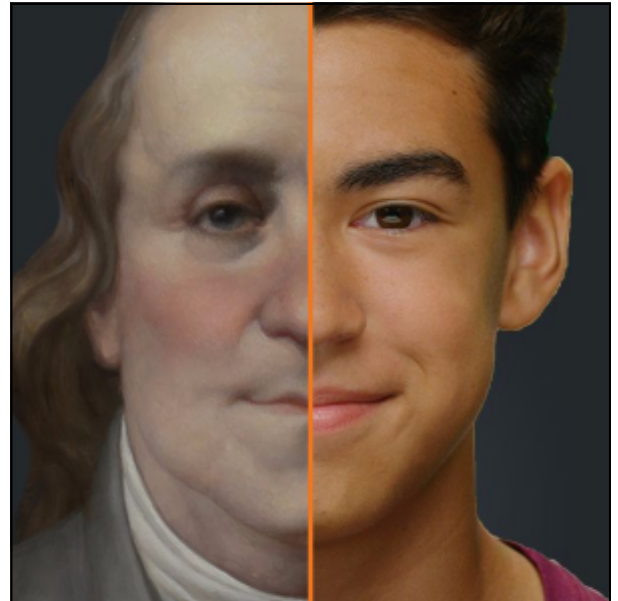
These sorts of conflicts will likely escalate and multiply as legislatures start their sessions in January and as governors unspool policy priorities in their annual State-of-the-State addresses and budget messages. ESSA goes into effect next fall.

Political scientists have long described state education oversight as a tangled web of elected and appointed technocrats and politicians, many with duplicative and conflicting roles and loyalties.

Compounding the problem is the rapidly rotating cast of characters who have taken charge of state education agencies and state Senate and House education committees in recent years. And more than a quarter of the nation's state education chiefs have been in office for less than year.

"What's going to be important is whether states have a political culture and alignment of political interests that supports a relatively coherent vision of what the role of public education will be in promoting the well-being of the state," said Jeffrey Henig, a political scientist at Teachers College, Columbia University, who has studied education governance issues.

ESSA touches on several key cornerstones of education policy such as assessments, accountability, and teacher quality. While some state constitutions put those tasks within the orbit of state boards of education, other states' constitutions are not as clear. After a series of very public battles over standardized tests, legislatures in some states either overwrote boards' policies or have stripped boards



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outright of their powers. Some governors have appointed their own education advisers, complicating the political landscape.

Consultation Required

Unlike its predecessor, the No Child Left Behind Act, ESSA dictates that legislatures and governors be "meaningfully consulted" and that governors have 30 days to review a state accountability plan before it's submitted to the Education Department. The National Conference of State Legislatures and the National Governors Association pushed for such a provision after several state boards adopted **Common Core State Standards** without legislative approval.

Any effort to push through bold education reforms under ESSA will require a savvy leader with political capital, a vision that resonates with a broad coalition, and money to spend.

National membership groups such as teachers' unions, the Council of Chief State School Officers, the National Governors Association, and the NCSL are rushing to mediate between warring factions, placing legislators, board members, and superintendents in the same rooms to work out their differences.

"It's really an opportune time for states to rethink their education visions and it'll take all the policymakers sitting at the same table to do that," said Michelle Exstrom, the education program director for the NCSL.

In such a turbulent political climate, analysts fear some states may not take full advantage of their newfound flexibilities under ESSA and instead will stick with their waivers from Race to the Top, the very plans that states griped were overprescribed by the feds.

For some states, such as Colorado, state board members and state superintendents are already resigned to the fact that their plan will look similar to the waiver they received from the federal government from provisions of the NCLB law.

Colorado's legislature six years ago wrote into their law books several key provisions in order to qualify for Race to the Top money, including that the state will participate in an "assessment consortium."

"We went beyond what we really needed to do to be eligible for Race to the Top," said Patrick Chapman, the director of the state's federal programs.

So despite the antitesting fervor that's sparked one of the country's largest opt-out movements—a large part of it in response to Colorado's use of the common core—those issues won't likely be addressed in its ESSA plan, department officials concede.

Colorado is also dealing with leadership turnover. The state's last education commissioner resigned earlier this year after just four months in the job, citing stress on his out-of-state family.

Who Calls the Shots?

The Every Student Succeeds Act requires a number of state entities to be involved in the drafting of state accountability plans for submission to the U.S. Department of Education. But who has final say at the state level depends on the state and what political powers its constitution has granted leadership bodies when it comes to education policy.

Legislatures

ESSA requires that state departments of education consult with legislators before sending their state plans to federal Education Department. Lawmakers likely would have to approve any major changes to state policy—and since they hold the purse strings, that gives them significant policy sway. And in recent years, many legislatures have passed laws that decrease the power that state boards in key areas, such as setting learning standards and writing state accountability systems.

Governors

States' chief executives will have 30 days to review ESSA plans. And in many states, governors already have added clout on the education front through the ability to appoint state board of education members, secretaries of education, and state superintendents who oversee drafting plans.

State Boards of Education

Board members, who may be appointed or elected depending on the state, will be among those to sign off on ESSA plans sent to the Education Department. Board members typically have a key role in setting state learning standards and crafting accountability systems and

And in this year's election, the state's Democrats seized control of the board, which appoints the superintendent.

"We're in a little bit of a difficult situation," Chapman said, pointing out that the state's constitution places education policy under the direction of the state board and that the superintendent is a member of the governor's cabinet, even though the state board appoints that person. "We will write our state ESSA plan, but what the legislature does is up to the legislature."

California lawmakers, like those in other states in recent decades, have reduced the power of local school officials and placed more of it in the hands of the state legislature, the elected superintendent, and governor-appointed board members. After years of infighting between Democratic and Republican officials, the state's Democrats this year are using the budget and ESSA to devolve many powers back to local officials.

"If you don't know who's in charge, then who's held accountable?" said Mike Kirst, the chairman of the state's board of education. "Everyone points their fingers to the other person. I think power got overtilted to the state level. California is too big and too complex and too multiethnic for the state to be running the details of education for what we were trying to do."

That's upset accountability hawks in the state who don't trust local officials to follow through on turnaround strategies to close achievement gaps between black and Latino students and their white peers.

Indiana, which is dominated by Republicans, has taken the exact opposite approach.

Under the state's 2012 NCLB waiver, lawmakers sidestepped Glenda Ritz, the state's Democratic superintendent, to usher in a bold accountability agenda heavily reliant on the state's standardized test known as iSTEP. (Ritz lost her re-election bid in November.)

But a series of technical glitches and botched test scores led Gov. Mike Pence to place a statewide moratorium on the accountability system. The legislature earlier this year appointed a task force made up of 23 education leaders and two state legislators to determine the future role of assessments under ESSA.

A night before the final meeting, however, a group of eight principals, local superintendents, and teachers defected from the group, creating their own plan that would, among other things, empower teachers to grade the state standardized test and that would replace the exam within the next year.

The plan was passed, but now it will have to go to the legislature for approval.

"Most of the legislators would agree that I would find it very difficult as superintendent to write legislation on health care in this state," said Scot Croner, the superintendent of Blackford Schools. "I think it's the same situation for our legislators, with not having the intricate knowledge of day-to-day activities of the best practice for student learning, it's very difficult to try to legislate those things. We need to delegate some of that work to the state department and the state school board and allow the rulemaking process to get down to specifics."

Crafting Legislation

State Sen. Dennis Kruse, a Republican, who chairs the Indiana Senate's education committee, said he will likely draft legislation with broad statements and leave it up to Jennifer McCormick, the Republican who

teacher-evaluation systems, many of the key areas of flexibility under ESSA.

State Chiefs

State school chiefs are in charge of the state education agencies that are drafting the ESSA plans and which will have to execute those plans once they're approved. In many states, they've also been playing an aggressive role in building public consensus on what those plans should include.

Source: *Education Week*

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Patrick Chapman
Colorado Department of
Education

will take office as the new state superintendent, to make final decisions over how the exam is administered.

"What we passed was too detailed to have the legislature pass it," Kruse said. "As legislators, we ... can't get into the weeds. We've got 500 bills we will process here. "

In Louisiana, local educators said they attempted to work with the state's Republican-dominated board of education and its appointed superintendent during the ESSA engagement process, overseen partly by an accountability commission created by the state's legislature several years ago.

Frustrated about not being heard, they appealed to the governor, who soon commissioned his own ESSA advisory board.

Earlier this month, the superintendent presented his ESSA plan to the board. It's unclear how or whether the governor and state board will merge their plans.

"I think that there's a view by many that there's not much flexibility being afforded," said Scott M. Richard, the executive director of the Louisiana School Boards Association. "There's just going to be more of the same."

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