

Re-Centering Civil Rights in the Reauthorization of ESEA: An Equitable, Ecological, Evidence-Based Framework

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Citation: DeBray, E., Finnigan, K. S., George, J., & Scott, J. T. (2023). Re-centering civil rights in the reauthorization of ESEA: An equitable, ecological, evidence-based framework. *Education Policy Analysis Archives*, 31(95). <https://doi.org/10.14507/epaa.31.7993> This article is the result of an ongoing collaboration between the National Education Policy Center (NEPC) and *Education Policy Analysis Archives* (EPAA/AAPE).

Abstract: This article considers the reauthorization of the Elementary and Secondary Education Act (ESEA) in light of current educational inequities and the impact of the pandemic. The reauthorization presents an opportunity to center equity and justice and revitalize the civil rights aspects of the law. The authors review recent studies about the myriad ways the COVID-19 pandemic affected students, teachers and school systems and situates the reauthorization within the broader political context, including federal aid to states and districts during the pandemic. The authors present overarching policy recommendations: (1) a restructuring of the law's titles to focus on students, teachers, and systems (i.e. schools and districts); (2) a focus on the principles of racial equity, an ecosystem approach to serve students' needs across policy silos (i.e., housing and health),

and a focus on research evidence; (3) policy targets for students; (4) policy targets for educators, including professional renewal and retention; (5) policy targets for the education system as a whole, including a focus on fiscal equity and facilitating regional approaches to cross-sector collaborations. The article presents a coherent conceptual framework for a redesign of ESEA with an emphasis on equity, evidence use, and ecosystems that is argued would directly address the needs of students, teachers, and systems.

Keywords: race-conscious policy; federal policy; civil rights; education politics

Centrar los derechos civiles en la reautorización de ESEA: Un marco equitativo, ecológico y basado en evidencia

Resumen: Este artículo considera la reautorización de la Ley de Educación Básica y Media (ESEA) a la luz de las inequidades educativas actuales y el impacto de la pandemia. La reautorización presenta una oportunidad para centrar la equidad y la justicia y revitalizar los aspectos de derechos civiles de la ley. Los autores revisan estudios recientes sobre las innumerables formas en que la pandemia de COVID-19 afectó a los estudiantes, maestros y sistemas escolares y ubica la reautorización dentro del contexto político más amplio, incluida la ayuda federal a los estados y distritos durante la pandemia. Los autores presentan recomendaciones generales de política: (1) una reestructuración de los títulos de la ley para enfocarse en estudiantes, maestros y sistemas (es decir, escuelas y distritos); (2) un enfoque en los principios de equidad racial, un enfoque de ecosistema para satisfacer las necesidades de los estudiantes en los silos de políticas (es decir, vivienda y salud) y un enfoque en la evidencia de la investigación; (3) objetivos de política para los estudiantes; (4) objetivos de política para educadores, incluida la renovación y retención profesional; (5) objetivos de política para el sistema educativo en su conjunto, incluido un enfoque en la equidad fiscal y la facilitación de enfoques regionales para colaboraciones intersectoriales. El artículo presenta un marco conceptual coherente para un rediseño de ESEA con énfasis en la equidad, el uso de la evidencia y los ecosistemas que, según se argumenta, abordaría directamente las necesidades de los estudiantes, los maestros y los sistemas.

Palabras clave: política consciente de la raza; política federal; derechos civiles; política educativa

Centralizando os direitos civis na reautorização da ESEA: Uma estrutura equitativa, ecológica e baseada em evidências

Resumo: Este artigo considera a reautorização da Lei do Ensino Fundamental e Médio (ESEA) à luz das atuais desigualdades educacionais e do impacto da pandemia. A reautorização apresenta uma oportunidade para centrar a equidade e a justiça e revitalizar os aspectos dos direitos civis da lei. Os autores revisam estudos recentes sobre as inúmeras maneiras pelas quais a pandemia do COVID-19 afetou alunos, professores e sistemas escolares e situam a reautorização dentro do contexto político mais amplo, incluindo ajuda federal a estados e distritos durante a pandemia. Os autores apresentam recomendações políticas abrangentes: (1) uma reestruturação dos títulos da lei para se concentrar em alunos, professores e sistemas (ou seja, escolas e distritos); (2) foco nos princípios de equidade racial, uma abordagem ecossistêmica para atender às necessidades dos alunos em silos de políticas (ou seja, habitação e saúde) e foco em evidências de pesquisa; (3) metas políticas para estudantes; (4) metas políticas para educadores, incluindo renovação e retenção profissional; (5) metas políticas para o sistema educacional como um todo, incluindo foco na equidade fiscal e facilitação de abordagens regionais para colaborações intersectoriais. O artigo apresenta uma estrutura conceitual coherente para um

redesenho da ESEA com ênfase na equidade, uso de evidências e ecossistemas que, argumenta-se, atenderia diretamente às necessidades de alunos, professores e sistemas.

Palavras-chave: política racial consciente; política federal; direitos civis; política educacional

Re-Centering Civil Rights in the Reauthorization of ESEA: An Equitable, Ecological, Evidence-Based Framework

[W]e blend time and faith and knowledge in our schools—not only to create educated citizens, but also to shape the destiny of this great Republic.

President Lyndon Johnson, signing on ESEA (1965)

[W]e have a rare moment as a country to take stock and to begin the hard work of building our schools back better and stronger—with the resolve necessary to ensure that our nation’s schools are defined not by disparities but by equity and opportunity for all students.

U.S. Dept of Education, Office for Civil Rights (2021)
in response to Biden’s Exec Order 14000 during the
COVID-19 pandemic

Federal educational policy in the United States originates in the Black-led advocacy of the mid-century civil rights movement. When former West Texas school teacher President Lyndon Johnson signed the Elementary and Secondary Education Act (ESEA) into law in 1965 (alongside his childhood teacher Kate Deadrich Loney), he remarked that the legislation was critical as public education was “our national obligation to all of our children.” Federal support to combat pervasive poverty and tackle the under-funding of public schools was a tool in his “War on Poverty.” Johnson emphasized the connection between education and citizenship, noting, “[w]e blend time and faith and knowledge in our schools—not only to create educated citizens, but also to shape the destiny of this great Republic.” (Johnson, 1965; Jeffrey, 1978). ESEA’s origin as a civil rights bill, enacted after the Civil Rights Act and the same year as the Voting Rights Act, served as a vehicle to promote federal, state, and local cooperation, support students’ civil rights, and expand access to quality educational opportunities (*Brown v. Board*, 2019).¹ ESEA enabled the federal government to support states’ efforts to address racial discrimination in public education and to provide technical assistance and other support to districts seeking to desegregate public schools.

Federal policy support to desegregate schools also involved subsequent legislation, like the Emergency School Aid Act (ESAA) of 1972, which targeted federal support to districts committed to school integration, allowing for grants to better train educators and develop inclusive curricula (P.L. 92-318, 86 Stat. 354).² An amendment to the law brought federal funding of magnet schools,

¹ ESEA enabled the federal government to support states’ efforts to address racial discrimination in public education and to provide technical assistance and other support to districts seeking to desegregate public schools. “Historically Congress has enacted laws creating federal enforcement measures to ensure access to educational opportunities, including the Civil Rights Act of 1964 (its sections IV and VI focus on specific levers to advance desegregation efforts), the 1965 Elementary and Secondary Education Act (ESEA) passed as a part of President Johnson’s ‘War on Poverty,’ and the Emergency School Aid Act that funded desegregation efforts.” [Testimony of Darling-Hammond] (*Brown v. Board*, 2019).

² The goals of the law were to reduce, eliminate, and prevent racial isolation and promote equity. The law also provided grants to non-profit organizations to support school desegregation programs and reduce racial isolation (P.L. 92–318, 86 Stat. 354, 1972).

which originated as a compromise between conservative and liberal legislators to reduce racial isolation in school desegregation cases. By 1981, ESAA had provided \$149 million to school districts to support school diversity efforts; however, funding for ESAA was eliminated in the Reagan-backed Omnibus Budget Reconciliation Act of 1981.

In 1984, the Magnet Schools Assistance Program (MSAP) was established as a stand-alone program. Magnet schools were a compromise to full integration and allowed for the use of school composition and design to generate diversity (Scott & Wells, 2013). Many magnet schools have demonstrated effectiveness in promoting diversity and increased access to innovative instruction, but they are limited in achieving large-scale equality of opportunity.³ Over time, federal funding for the MSAP has been eclipsed by the investment in charter schools, reflecting a commitment to market-based choice over school desegregation that has characterized every administration since the Clinton presidency. By the 1990s, holding schools and districts accountable for students' test scores and expanding parental choice of schools were the dominant federal approaches for addressing students' civil rights, with civil rights narrowly framed as access to "quality" education as measured by limited outcomes. The 1994 ESEA reauthorization required states to set standards in math and English, test students regularly at multiple grades, and hold schools and districts accountable for outcomes (McGuinn, 2006). Further, the shifting of federal priorities in MSAP and in the ESEA have left many states and districts without the support needed to promote increased access to quality educational opportunities for all children as the original ESEA promised.

Next, the No Child Left Behind Act of 2001 (NCLB) required accountability for subgroup performance and identified sanctions for schools or districts not making "adequate yearly progress." NCLB used federal power to push a policy agenda further toward markets and accountability, as the federal government and courts were also turning away from race-conscious education policies (Manna, 2011). Yet it soon became apparent that accountability for outcomes without consideration of inputs and supports to schools was undermining educational opportunity—particularly for historically marginalized and under-resourced schools (Mathis & Trujillo, 2016). Standards and assessments have indeed been useful in clarifying goals and focusing attention on achievement. But the high-stakes testing accountability regime of the past 20 years, unaccompanied by sustained investments in curriculum, teaching, and school supports, has not improved schools or created educational opportunities (Cohen & Moffitt, 2009; Darling-Hammond, 2010; Jennings, 2016; Schneider, 2017; Wilder et al., 2008).

The federal government's limited but significant role in education remains vital. Nearly 60 years after enactment of ESEA, as the US continues to grapple with the aftermath of the pandemic, enduring racial and socioeconomic inequality, entrenched educational disparities, and attacks on democracy, the ESEA remains the federal government's most consequential footprint in education. The upcoming (and overdue) reauthorization of the Every Student Succeeds Act (ESSA, Pub. L. No. 114-95, 2015), the latest version of ESEA, is an opportunity to re-envision this important federal role in promoting access to quality educational opportunities, while also fulfilling the legislation's civil rights purpose.

The pandemic has created long-term challenges for public education and exposed deep, persistent inequalities (NAACP, 2020). COVID-19 resulted in the deaths of over 1 million people in the US, 6 million globally, and by April 2021, led to over 1.5 million children experiencing the death of a parent or caregiver who lived with them (Global Reference Group, 2021). Federal education

³ The MSAP was established to "support the elimination, reduction, and prevention of minority group isolation in elementary and secondary schools with substantial numbers of minority group students." See: <https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/school-choice-improvement-programs/magnet-school-assistance-program-msap/>

policy must address the toll of the pandemic on our educational system broadly, as well the racial and socioeconomic segregation that exacerbated the impact of the pandemic on students, educators, and the overarching system. In addressing these areas, the legislation must ensure that public education is a public good (Black, 2020; McGhee, 2021; Rooks, 2017). The federal government can use its resources and authority through ESEA/ESSA in strategic ways to support state capacity building in K-12 education, as it has in the past crises and challenges (DeBray & Blankenship Knox, 2023). The reauthorization is an opportunity to re-imagine a well-designed, evidence-informed effective federal role that is centered on equality of opportunity.

In this article, we first consider research on how the pandemic both exposed and worsened the effects of inequality in U.S. education. After situating ESEA within the broader context of federal politics, we then introduce a conceptual framework for thinking about the design of its next iteration: an equitable, ecological, evidence-based (EEE) framework. Finally, we apply this framework to make recommendations about both an overall proposed structure for the law as well specific policies that will address many of the disparities we have considered. We also briefly discuss some alternative proposals that have been advanced for education in the pandemic's aftermath.

Pandemic Exposes and Exacerbates Structural Racism and Deep Inequities

Since 2020, the COVID-19 pandemic has magnified and exacerbated persistent educational inequalities and created new forms of disparity. For example, the pandemic necessitated a shift to virtual learning, which exposed inequities in broadband infrastructure and equipment access to—known as the “Digital Divide” (Ifill, 2020)⁴—the impacts of which have been felt most acutely in communities of color and low-income communities (NAACP, 2021). Approximately 16.9 million children nationwide were estimated to have lacked high-speed home internet access necessary to support online learning, and one-in-three Black students did not have high-speed internet at home (Alliance for Excellent Education et al., 2020).⁵ As far as equipment, the NAACP Legal Defense and Educational Fund (2020) found that “Black students are more likely than other racial groups to lack the resources needed for online instruction” (para. 12).

Disparities in instructional time and format also emerged. For example, a Department of Education report noted that, “[r]ural and high-poverty school districts faced especially stark challenges early in the pandemic [and] ... More generally, learning time also dropped from pre-pandemic norms in many schools around the country” (U.S. Dept. of Education, Office for Civil Rights, 2021, p. 1).

The report notes that in May 2020, “only 15% of districts expected their elementary students to be receiving instruction for more than four hours per day during remote learning, while 85% of districts expected instructional time to dip under four hours—more than an hour per day less than the pre-pandemic national average of five instructional hours per day” (citing Rickles et al., 2020, p. 3). Black, Latinx, and Asian students were less likely to be enrolled in full-time in-person instruction through the spring of 2021 (U.S. Dept of Education, Office for Civil Rights, 2021).

Parental frustrations with education during the pandemic resulted in enrollment shifts away from traditional public schools, with students moving to private, charter schools, or home schools, and many families delaying kindergarten start (Meckler, 2022). Many white and middle-class families

⁴ “Access to online learning, therefore, remains one of the most pressing civil rights needs for students and families of color right now. Yet 16.9 million students and 8.4 million households lack a computer... [t]hose students and families are overwhelmingly people of color, and the disparities are staggering” (Ifill, 2020, p. 2).

⁵ Draws upon data from the 2018 American Community Survey.

moved their children to private schools to take advantage of in-person schooling, while many Black and Latinx families kept students home due to health concerns (Mussadiq et al., 2021).

As the pandemic continued into the 2021-22 academic year, students coped with deaths of family members, isolation, virtual platform fatigue, food insecurity, teacher staffing changes, challenges with internet access, ongoing changes in policies and regulations relating to in person versus remote schooling and masking, and difficulty negotiating social connections, among other things—all of which, not surprisingly, impacted academic performance for many students (Dorn et al., 2021). For example, a report of D.C. Public School (DCPS) and charter school students found that Black and Latinx students and students from low-income families experienced dramatic decreases in academic performance as reflected in student performance on local assessments (EmpowerK12, 2021).⁶ The cumulative effects on students, families, and the public education system are formidable; “[r]emote learning, the toll of illness and death, and disruptions to a dependable routine have left students academically behind ... Many students and teachers say they are emotionally drained, and experts predict schools will be struggling with the fallout for years to come” (Meckler, 2022, para 8). Unfortunately, many schools lack vital resources like school counselors. In fact, the ACLU’s analysis of civil rights data (2019, p. 4) found that 1.7 million student attended schools with police but no counselors. According to ChildTrends, in 2018, “20.7 percent of middle and high schools serving mostly black students had a greater security presence (i.e., school-based law enforcement officers and security guards) on campus than staff available to support students’ mental health needs (i.e., school counselors, psychologists, and social workers). Among largely homogenous white schools, this figure was just 2.5 percent” (Harper & Cahill 2018, para 2).

Disruptions have led researchers and journalists to focus on academic outcomes, referring to instructional time limitations and performance declines with the catch-all phrase, “learning loss.” While addressing educational needs is important, it is vital educators do not adopt remedial policies that stigmatize Black, Latinx, Asian, and other impacted students because of systemic problems. Caution is warranted especially in light of the racially disproportionate experience with COVID-19, leading some to conclude that, “[r]esearch on the science of learning and development indicates that intensive remediation alone will not meet students’ needs and—if conducted in a way that is segregating, stigmatizing, and separated from children’s real-life concerns—could even deepen inequalities and exacerbate trauma” (Bang et al., 2021, p. 1). Therefore, thoughtful and supportive policies designed to strengthen educational opportunities—consistent with the promise of ESEA are essential.

The pandemic and related racial inequalities have affected the broader health and well-being of students, with more than 35% of parents very or extremely concerned about their children’s mental health,⁷ and nearly 80% that had “some level of concern about their child’s mental health or social and emotional health and development since the pandemic began” (Dorn et al., 2021, para 18).⁸ In addition, several studies reported that students were disengaged and detached in greater numbers (Maiya et al., 2021). Recognizing and addressing the mental health impacts of the pandemic

⁶ “Students designated as at-risk are an average of 15-18 instructional months behind pre-pandemic national averages, compared [to] students who are not at-risk are about 4-5 instructional months behind. Numeracy skills lag literacy by about one instructional month.” Analyzing local assessment of nearly 30,000 students in D.C. Public Schools (DCPS) and charter schools longitudinally (EmpowerK12, 2022, p. 1).

⁷ Dorn et al. (2021) analyzed data for elementary schools, “However, data from school districts suggest that, even for older students, the pandemic has had a significant effect on learning” (para 16).

⁸ “Parental concerns about mental health span grade levels but are slightly lower for parents of early elementary school students” (Dorn et al, 2021, para 18).

and long-standing unattended issues of inequality that have been magnified by it, will be critical to helping students thrive because unaddressed mental health issues, alongside a failure to adopt policies and practices that can give students and teachers necessary supports, can compromise future well-being and education trajectories for students (Belsha, 2021; ; Chartterjee, 2022Einhorn, 2022; Pew Charitable Trusts, 2021). As we will discuss, failure to address student mental health can, in many cases, lead to behavioral issues and social interactions that lead to disciplinary referrals, with negative consequences. Chronic absenteeism started to reach higher levels in all parts of the system, with one report showing it had increased for eighth through 12th graders by 12 percentage points (Dorn et al., 2021).

Disparities in technology meant teachers and counselors were unable to connect virtually with all students (Savitz-Romer & Nicola, 2022). Stretching counselor capacity further during the pandemic was the enlistment of counselors into non-counseling work, especially in schools with staffing issues. A survey of 7,000 counselors found that one in three took on additional administrative tasks such as hall or bus duty, one in five assumed health-related duties such as temperature checks, and one in six substitute-taught (American School Counselor Association, 2021). As our systems were in crisis, counselors had to shore up different components leading to less time for direct student and broader counseling-related systemic needs.

Many of the same challenges and disruptions that have affected students have also led to teacher demoralization and burnout. In fact, the pandemic exposed and deepened the need for social and emotional supports and services for educators who faced unprecedented pressures and demands. The RAND Corporation found that 23% of teachers reported they would likely leave teaching by the end of the 2020-21 school year (Steiner & Woo, 2021). The Southern Education Foundation reported that the “overall pandemic stressors coupled with the disproportionate effect of COVID-19 on communities of color imposed an immense emotional and mental burden on teachers of color, with Black teachers also managing the psychological burden of coping racial injustice (Jones & Tinubu Ali, 2021).

And the pressures increased as issues of persistent racial inequality—most significantly the police killings of unarmed Black Americans like George Floyd and Breonna Taylor—took center stage as the pandemic raged and many across the country (and the world) participated in demonstrations in solidarity with Black Americans (Chavez, 2020; Darling-Hammond & George, 2020).⁹ Discussions of racial inequality began to take place in classrooms and educators and school leaders sought to address systemic racism in public education, many acknowledging “that our school systems have been complicit in perpetuating systemic racism” (Darling-Hammond & George, 2020, p. 3). In response to this racial reckoning, a moral panic coalesced around critical race theory (George, 2021a; Schwartz, 2021), an analytical approach developed in the legal academy to help understand the role of the law in perpetuating racial inequality—with states banning critical race theory and casting it as “divisive” and “un-American” (Anderson, 2021; Sawchuk, 2021). Republican candidates and conservative leaders are critical of the teaching about the history and reality of racial inequality in K-12 schools, and are encouraging unhappy parents to push for vouchers and charter schools. Classrooms and educators have become targets of legislative restrictions; most recently, ten states have introduced bills that would require educators to submit lesson plans for approval

⁹ “Americans were living through history in 2020 as the country was forced to reconcile the past and the present ... The COVID-19 pandemic ... paralyzed the world ... No matter where you turned, you couldn’t ignore reality. America was the epicenter of a racial reckoning.” (Chavez, 2020, para 2); “These murders and the lack of justice that has routinely accompanied them are, in turn, part of a pattern of institutionalized racism that limits the opportunities of African Americans and other people of color in every aspect of society: employment, housing, health care, and, yes, education.” (Darling-Hammond & George, 2020, p. 1).

(Whiteleather, 2022), anti-transgender youth bills have been advanced (Laviertes, 2022; Penharkar, 2022), and books (particularly addressing themes of racism or LGBTQ issues) have been banned (Harris & Alter, 2022).⁵ Such recent legislative proposals include penalties, such as allowing parents to sue individual educators or withholding of funds from districts that don't comply with restrictions—echoing restrictions imposed by policymaking bodies resistant to school desegregation in the wake of 1954's *Brown v. Board of Education* decision invalidating segregated education.

These educator, family, and student challenges have caused some to declare that public education is in a crisis (Meckler, 2022). We argue that public education needs thoughtful, strategic, and supportive federal interventions that can help states promote equal access to quality educational opportunities for all students, especially as 37 states have enacted laws that restrict access to curriculum (Schwartz, 2021). The reauthorization of ESSA can support and revitalize public education; it is an opportunity to build upon the federal government's historic initial investment in pandemic relief to education to help school systems recover and become more equitable.

ESSA Reauthorization within Context of Broader Federal Policy and Politics

Federal support to education during the pandemic has been historic. On January 21, 2021, President Biden issued Executive Order 14000 (86 Fed. Reg. 7,215, 2021), *Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers*, with the goal of ensuring that “students receive a high-quality education during the COVID-19 pandemic, and to support the safe reopening and continued operation of schools ...”

Since March 2020, the federal government has provided \$190 billion in pandemic aid to schools (Griffith, 2021),¹⁰ an amount that is more than four times the usual federal K-12 annual expenditures (Associated Press, 2021; Maher, 2020).¹¹ Approximately 20% of the funds were intended to address learning setbacks resulting from the pandemic, while states had discretion to use the remaining funds for what officials determined were “reasonable and necessary” expenditures. Schools have a three-year window to spend the funds. The Coronavirus Aid, Relief and Economic Security (CARES) Act (Pub. L. No. 116-136, 2020), passed on March 27, 2020, included the Elementary and Secondary School Emergency Relief (ESSER I) Fund of \$13.5 billion.¹² While the aid was distributed to states based upon ESEA Title-IA allocations, governors had discretion as to how to spend the funds (National Conference of State Legislatures, 2022). The Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA), passed on Dec. 27, 2020, and provided \$54.3 billion in supplemental ESSER funding, known as ESSER II (U.S. Dept of Education, 2021b). An additional \$4.05 billion in the legislation was awarded in the Governor's Emergency Education Relief (GEER) Fund. Finally, the American Rescue Plan Act, passed on March 11, 2021, provided \$122.7 billion in supplemental ESSER funding, known as ESSER III (National Conference of State Legislatures, 2022).¹³

¹⁰ “This act [the American Rescue Plan Act of 2021] provides just over \$170.3 billion to education, making this the federal government's largest ever single investment in our schools ... This includes more than \$125.4 billion for state k-12 public education programs” (Griffith, 2021, March 11, para 2).

¹¹ Only a few states used a portion of Coronavirus Relief Fund (CRF) for schools. (Maher, 2020, August 5).

¹² This fund was intended to reimburse districts and charter schools for costs incurred and revenue lost due to the pandemic and aid was allocated to states in proportion to Title I aid received in 2019. The law also included the Governor's Emergency Education Relief (GEER) Fund, which totaled \$3 billion; The estimate of 13.5 billion for K12 is from National Conference of State Legislatures (2022).

¹³ The SEAs are required to reserve allocations for the following: 5% to address learning loss, 1% each for afterschool activities and summer learning programs, respectively. (National Conference of State Legislatures, 2022).

In sum, across these federal efforts, about \$22 billion was provided for student learning loss, while nearly \$88 billion was permitted to be used for any local needs and priorities. The law also provides more than \$3 billion in funding for the Individuals with Disabilities Education Act (IDEA), including \$2.58 billion to support grants for school-age children with disabilities (Griffith, 2021). Not surprisingly given the flexibility embedded in these funds, there is great variability across state plans (U.S. Dept of Education, 2021a), and the expenditures and their effects will be studied for some time.

Other federal efforts have supported students and families recovering from the effects of the pandemic in supplementary ways. For example, President Biden's expansion of the child tax credit in the American Rescue Plan provided cash benefits to most American households. Early data on the impact showed cuts to child poverty and child hunger, as well as positive effects on student learning, as many families spent funds on children's education (Barnum, 2021; Parolin et al., 2021; Stein, 2022).¹⁴ Congress discontinued the benefit and the program expired in January 2022 (Popken, 2022),¹⁵ which led to an approximately 41% increase in the child poverty rate after the program was allowed to expire.¹⁶ Since the distribution of children living in poverty is not equal across the system, this will compound many of the inequities across our segregated public schools if it is not reinstated.

In contrast to the current politically polarized political context, earlier reauthorizations of ESEA, notably No Child Left Behind (NCLB) and ESSA, were passed with bipartisan majorities. Polarization regarding public education reflects deep divisions and racist backlash to the racial injustice protests of 2020. Some of the political turmoil has also centered on mask mandates (Meckler, 2022) and federal oversight of COVID-relief expenditures (Ujifusa, 2021). Virginia Governor Glen Youngkin, for instance, issued an Executive Order for a "masks optional policy" for public school parents despite its violation of the state's constitution granting local school boards the supervision of schools in their divisions while also pledging \$150 million to quadruple the number of charter schools in the state (Lithwick, 2022).

Given the current political dynamics, characterized by deep political divisions, attacks on civil rights, and persistent poverty and racial inequality the reauthorization of ESEA should build on the recent emergency efforts to facilitate systemic, interconnected, and targeted policies to support those students and districts most disproportionately impacted by these educational inequalities and must do by reimagining the federal role in education.

ESEA Reauthorization Recommendations

¹⁴ "In the Census survey, 30% of all families (and 40% of low-income families) said they used some of the money for educational costs, including school supplies, private school tuition, transportation to school, or tutoring. Black and Hispanic parents were especially likely to use the money for education. This was among the most common things parents said they spent the money on" (Barnum, 2021, November 15); "The monthly child poverty rate fell from 15.8 percent in June to 11.9 percent in July 2021, representing a decline of 3 million children living in poverty" (Parolin et al., 2021); "The program extended payments of \$250-per-month for children ages 6 through 17 and \$300-per-month for those under 6 to almost all families in the United States, though benefits were phased out for wealthier families" (Stein, 2022, February 17, para 4).

¹⁵ "The temporary expansion of the child tax credit expired Dec. 15 and is expected to increase childhood poverty from 12 percent to 17 percent in January, the highest since December 2020, according to research by the Center on Poverty and Social Policy at Columbia University. Black and Latino children will be hit harder, with poverty rising to 1 in 4 kids" (Popken, 2022, January 25, para 2).

¹⁶ The study also found that an additional 3.7 million children are now in poverty relative to the end of December, with Black and Latino children seeing the biggest percentage point increases.

In order to address the interrelated issues that have coalesced to impact educational experiences and outcomes in the present social moment—including issues of health and well-being, poverty, and racial inequality—the ESEA reauthorization should provide a clear and coherent vision for the federal role in education that centers educational equity and civil rights with support, regulation, funding, and robust oversight (U.S. Dept of Education, 2021a). Currently, the law’s programs have become too layered and lack a clear link to improvement sciences, which makes setting and achieving coherent goals in the system elusive (Hatch & Honig, 2004). To do so, legislators must ensure that all components are grounded in an **equitable ecosystem framework** that builds on rigorous **research evidence**.

Equitable, Evidence-based Ecosystem Framework

The next ESEA must target its resources to foster racial and socioeconomic equity. Incorporating racial equity provisions into this reauthorization is consistent with President Biden’s 2020 Racial Equity Executive Order and with the original intent of ESEA as a civil rights law. This can be done in compliance with current law’s emphasis on the use of race-neutral criteria to foster student diversity (George & Darling-Hammond, 2021; *Parents Involved*, 2007).¹⁷ As Justice Anthony Kennedy noted in his separate concurring opinion in the 2007 *Parents Involved* case which struck down voluntary diversity programs in Seattle, Washington, and Louisville, Kentucky, “the decision today should not prevent school districts from continuing the important work of bringing together students of different racial, ethnic, and economic backgrounds” (Kennedy, 2007, para 37). Our equitable, evidence-based, ecological framework identifies students’ educational needs while also accounting for the systems and factors that can inhibit or enhance equality of opportunity. There exists robust evidence regarding the causes of inequality and promising solutions to mitigate it in education (Baker, 2017; Baldwin Clark, 2022; Bischoff, 2008; Holme et al., 2016; Moll et al., 1992; Oakes, 1985; Reardon, 2011). ESSA’s current framework does not emphasize racial equity as a goal overall or in its components, and as such, has not been informed by advances in research evidence on school composition, fiscal equity, instruction, and teacher and leader diversity (Black, 2017; DeBray et al., 2019).

An equitable, evidence-based ecosystem approach to the reauthorization recognizes the myriad challenges to learning and the strengths that students, especially those in high-poverty schools, bring to school (Weaver-Hightower, 2008). This approach to policy design centers the health and the socioemotional well-being of students/families and educators. It considers and addresses the consequences of systemic structural and environmental factors that interact with the experiences of students in their communities and schools.” (Lenhoff et al., 2022). It is designed to leverage connections within the ESEA titles themselves, such that health and mental health may be incorporated at the local level. While this approach recognizes that schools cannot solve all social ills, it recognizes that students do not discard their health, socio-economic, and social challenges at the schoolhouse door any more than they discard their talents and their potential. To the extent that schools can provide supports to foster student learning and positive educational outcomes, there is a role for ESEA to target investments in evidence-based approaches that help districts and schools

¹⁷ In the 2007 case of *Parents Involved in Cmty. Sch. v. Seattle Sch. District No. 1*, 55 U.S. 701; “The Court recognized that reducing racial isolation and achieving racial diversity were compelling government interests but divided over the circumstances under which individual student race could be considered in making student assignment. The Court concluded that districts could consider student race broadly (without relying on individual student race in making student assignment decisions) in voluntary desegregation programs if they have a compelling interest for using student race and can adopt plans narrowly tailored to achieve that interest” (George & Darling-Hammond, 2021, p. 9).

improve educational outcomes for students. ESSA can codify supports and formalize initiatives to advance an equitable and robust recovery that includes best practices for equitable schools, such as reduced reliance on exclusionary school discipline practices that remove students from the classroom and undermine their educational outcomes (Committee for Children, 2020).

This approach requires track progressing toward racial equity on multiple dimensions. As researchers at the Learning Policy Institute argued in 2020, collection of measures required range from those related to racial, linguistic, and socioeconomic integration to access to advanced courses and teachers with certification in their fields to an assessment of the adequacy of resources for schools identified for intervention and support related to comparability of funding and staffing (Learning Policy Institute, 2020). It also expands attention to measures of mental health and social-emotional development with attention to gender, disability, race/ethnicity, and other groups that have been marginalized in our school system.

Given the abundance of rigorous evidence on ensuring equality of opportunity, it is critical to connect policy design and implementation to research evidence. Research evidence can be defined as independently validated and policies programs with high levels of evidence of success – in education, they make a positive impact on any measure of student performance (Haskins & Margolis, 2014). We encourage a more expansive and inclusive consideration of rigor and reliability in evidence use, not work that necessarily adheres to the What Works Clearinghouse model of evidence, but evidence that considers questions of what works including and beyond standardized assessments or metrics, for whom, and under what conditions or in what contexts. Evidence that centers differences in processes, policies, identities, and structures should also be considered (Anderson & Scott, 2012). Research evidence on practices that can mitigate educational inequities is necessary in policy design for the reauthorization of ESSA and has not always been considered. For example, NCLB put forward a process for sanctions and restructuring of low-performing schools, which did not consider inputs, resources, or historic inequities—and exacerbated educational inequities as a result. The federal legislation should also spur states and local districts to develop strategies that are aligned with the current research base at the classroom, school, or system level.

ESSA involves nine titles, but these are often overlapping and interconnected causing challenges at the local and state level and reducing the impact through fragmentation of programs and funding. We recommend that the legislation be streamlined into the three critical domains, outlined below, to better target and impact students', teachers', and systems' needs. This is consistent with maximizing ESEA's core purpose as a civil rights law that should be responsive to racial and social inequities across systems that affect students' educational experiences and outcomes (Ifill, 2015). We propose a three-tiered approach that places students, teachers/leaders, school systems at the center of ESEA and includes cross-sector collaboration and application of research evidence.

Recommendation 1: Policy Targets for Students

After decades of reauthorizations, ESEA Titles I, III, IV, VI, and IX in particular have become confusing, unwieldy, and fragmented in targeting “disadvantaged” students, engaging parents, and focusing on groups that have been minoritized in our larger system and in need of key curricular, instructional, or socio-emotional supports such as migratory students, immigrant students and students whose first language is not English, Indigenous students, Native Hawaiian, and Alaska native students, children who are “delinquent,” and homeless youth. Our proposed adjustment to this fragmentation addresses the specific academic and socio-emotional needs of public education students. In addition to students living in poverty, this covers, multilingual students, students experiencing housing insecurity, students who are dually diagnosed as having both educational or behavioral and learning needs, and those in the foster care and/or youth justice systems. Funds here

would support continuity in instruction, ensure resources are allocated to provide wrap-around supports that include health, nutrition, counseling, and extra-curricular activities in a more holistic way, and to make sure we are measuring and tracking progress in ways that both identify areas of need and call attention to racial and socio-economic disparities.

While the law typically focuses on filling in gaps and targeting needs, much of the supports that are needed for students in schools do not fit neatly into categories of individuals in the ways that the law has developed. Framing the support around deficits for groups misattributes the problems to our students rather than the system. To improve the system, we must think about what students need more holistically and ensure resources are allocated in ways that ensure there are equitable supports for culturally responsive teachers, counselors, and support staff who can meet students where they are and better support their learning and development. For example, some students for whom English is not their first language, or students who have had high rates of absenteeism and missed out on instruction may need accelerated enrichment in specific academic areas. In addition, the inequities in our system resulting from segregation have resulted in a concentration of needs in some schools and districts that cannot be adequately addressed with the current structure and require both school-based systems of support as well as connections to parents/communities. Similarly, there are neglected strengths within high-poverty communities such as community-based organizations, advocates, and leaders whose work can be supported by ESSA through after-school programming and tutoring programs (Baldrige, 2014; Baldrige et al., 2017). The focus of this area would also be designed to interface with early childhood investments contained in the Biden infrastructure bill as it is past time to incorporate the early childhood system into this federal policy to ensure equitable access to quality early childhood care.

We identify the following key areas that are critical for the reauthorization to better support students:

Health/Mental Health Supports for Students including Prevention/Intervention.

Targeting federal funds to support state and district efforts to promote student well-being and mental health. Allowable uses of this funding could be hiring and preparing of multilingual, culturally competent school counselors and mental health professionals with expertise in the contexts in which students are living. In addition, much like we have curricular leaders in school system we need leaders who are deeply immersed in the latest research on socio-emotional development and interventions. States and districts could also use funds to implement and/or sustain evidence-based social and emotional learning programs. Importantly, this area is directly connected to school discipline as discussed above given significant racial disparities in school discipline related to larger systemic educational inequities that marginalize students and deepen racial and socioeconomic stratification in schools (George, 2016).¹⁸ Rather than assigning police or safety officers to schools, particularly those attended by students of color since these can result in devastating consequences from over-policing, such as arrests and incarceration that negatively impact educational trajectories and feed the school-to-prison pipeline, and evidence showing that they do not make schools safer (Henning, 2021),¹⁹ this area of the law should target investments in

¹⁸ “Entrenched racial biases, both implicit and explicit, have contributed to the discriminatory application of discipline measures, particularly in discipline categories that call for broad discretion, such as *insubordination* or *willful defiance*. These disparities have been apparent since the earliest days of integrated school environments” (George, 2016, p. 499).

¹⁹ “Police in schools are symbolic. They provide an easy answer to fears about violence, guns, and mass shootings. They allow policy makers to demonstrate their commitment to school safety ... But those who have studied this tell us this is a false sense of security. Schools with school resource officers are not necessarily any safer” (Henning, 2021, p. 138).

vital mental health services and supports, such as culturally appropriate mental health services and perhaps even a specific paraprofessional to counselor or social worker role is warranted. To help to aid states and districts to identify and implement alternative school discipline practices, the federal government can update and reissue the previously issued guidance on evidence-based alternatives to discriminatory school discipline practices (Cardichon & Darling-Hammond, 2019).²⁰ The federal government can also provide states and districts with support in the form of technical assistance to aid in program implementation. Finally, specific measurement tools are needed to ensure not only are students' needs being met but to address differential socio-emotional, health, and mental health outcomes by gender, disability, race/ethnicity, socio-economic status, and other areas to reallocate resources appropriately.

Academic Supports and Interventions. A key aspect of this federal legislation is to ensure that various learning needs are addressed so that all students can learn and thrive. Academic supports and interventions should be designed in partnership with families and communities, who know their students, cultures, strengths, and needs most intimately. Support for school and system redesign, through the Community Schools approach (Maier et al., 2017),²¹ or other similarly multi-faceted and multipronged approaches should be expanded and strengthened. These models, if more robustly supported would help to ensure that school is a place where all students can learn, and academic interventions and supports should be aimed at meeting students where they are and helping them to see themselves as capable learners. To accomplish this goal, family, and community engagement in shaping these approaches are vital. Attention is needed for students who have special learning needs, those who have learning needs and whose first languages are not English, and for students who need targeted academic intervention supports because they are neuro-atypical learners. These supports would be informed by the evidence from learning sciences research that rejects deficit and remedial approaches to academic interventions and supports. Allowable uses would be to expand the paraprofessionals and teacher assistants in the system and create a stronger, racially and linguistically diverse pipeline toward teaching, to invest in early childhood, special education, or multilingual experts, and to strengthen assessment systems so they are authentic, allow for ongoing diagnosis of needs and adjustments in resource allocation, and focus on improvement but for individual level performance but also for the system of supports that reach students who may fall into a variety of different categories of youth. Of particular concern is the separate system of education operating for students who are justice involved as well as the extreme challenges facing students who are migratory or housing insecure. Attention toward specific supports for these students may involve specialists in particular areas overlapping with the socio-emotional target above and requires close connection to the juvenile justice system to ensure these students are not receiving sub-part instruction in these or other alternative settings. A key goal is to ensure that students can receive the necessary academic supports to thrive in their K-12 educational system and beyond.

²⁰ On December 21, 2018, the Trump administration rescinded guidance on school discipline issued by the Obama administration. "This action denies schools and districts a research-based set of resources for creating safe, inclusive learning environments and information about how to apply these policies in a nondiscriminatory manner" (Cardichon & Darling-Hammond, 2019, p. 13).

²¹ "Community schools represent a place-based strategy in which schools partner with community agencies and allocate resources to provide an 'integrated focus on academics, health and social services, youth and community development, and community engagement ... [a]lthough this strategy is appropriate for students of all backgrounds, many community schools arise in neighborhoods where structural forces linked to racism and poverty shape the experiences of young people and erect barriers to learning and school success" Maier et al, 2017, p. v).

Early Childhood Investment. During the pandemic the disconnect between our early childhood/childcare and K-12 public school system became even more apparent and concerning as an issue of educational equity. While much attention has been paid to universal public education for 3- and 4-year-olds, and some states have legislation relating to this, others have called for having our public education system incorporate the care of all youth 0 to 4 to increase equity across this age group (Miller, 2020). When ESEA was enacted the labor market was completely different, as far as women and two-parent households. This reauthorization is the opportunity to build upon the large body of research on the positive impact of quality early childhood care and the critical need of equal access to care for the labor market. Building on the calls by President Biden and other Democratic leaders (Haberhorn, 2021; White House Briefing Room, 2021) and connecting with the efforts through the Department of Health and Human Services, the reauthorization could ensure that all families have access to high quality early childhood care through our public education system. Given our dependence on the early childhood workforce, this would also ensure that they received adequate compensation, benefits, preparation and professional supports, and support states in “building and maintaining a professional early childhood workforce: one with uniform standards for preparation and training; a clearly defined pathway for career advancement; fair compensation and comprehensive benefits; and robust supports for continuing education and training” (Ullrich et al., 2017, p. 18; see also Petersen, 2021). Two particular considerations for policy are addressing the racially and socio-economically segregated early childhood settings (Frankenberg & Piazza, 2019), and results of segregated ECE on learning and development (Greenberg et al., 2019). While there are limited resources already provided through the federal Department of Health and Human Services, the reauthorization can help to ensure there is not only additional targeted resources expanding public support for 0- to 4-year-olds, but also ensuring that there is a coherent and comprehensive cross-sector approach at the federal level. Children and families do not experience social and learning challenges in silos—these are all interconnected. Similarly, our federal policies, agencies, and programs should be interconnected in an equity oriented, evidence-based ecosystem approach.

Recommendation 2: Policy Targets for Educators and Others in the Public Education Labor Force

This domain supports the development, retention, and mental health of teachers, counselors and leaders. ESSER has permitted districts to use funds for this purpose; this proposed title expands on such efforts and recognizes teacher mental health as essential (Jones & Tinbu Ali, 2021). The domain would also provide an essential, stable source of funding for recruitment, retention, and preparation, so that the teaching, counseling and leadership force can be diverse, with up-to-date knowledge and skills, particularly around diversity, equity, and inclusion, and thrive in the current moment. Finally, this part focuses on how to strengthen and build a stable public school system workforce that not only is compensated with a living wage but has clear career pathways.

Educator Well-Being. Teachers and school leaders have experienced sustained hardship since 2020. They pivoted to remote schooling, hybrid learning, all the while contending with confusing and conflicting state and local masking mandates, and inconsistent COVID testing and tracing systems, while also working to ensure that students’ significant educational and social and emotional needs are being met. While data are still being collected about retention, many observers have predicted a mass exodus out of the profession at the very time that stability and quality teachers, counselors, and leaders are so needed. We recommend specific health and well-being investments to help teachers recover from the last two years. Allowable expenditures could include

federally funded sabbaticals for teachers to pursue specialized professional development and engage in planning. It would also include mental-health supports.²²

High Quality Ongoing Professional Development and Revamped Pre-service/Training for Teachers, Counselors, and Leaders. Overall revamped training of educators to have more eco-system, holistic and racial justice/equity understanding and perspective. Just as the Emergency Schools Aid Act funded professional development focused on multicultural awareness for preservice and practicing teachers (Hodge et al., 2016), a broader, revised approach could support an ecological orientation to racial equity that would explicitly include anti-bias training. Counselors and support staff should also be included in receiving culturally responsive training.

The reauthorization should also incentivize efforts to promote the racial diversity of the teaching force with the goal of strengthening the pipeline of well-prepared and supported teachers over the course of their professional trajectories (Hodge et al., 2016; Philip & Brown, 2020). Federal investments should flow to research-based teacher education programs with demonstrated success in preparing and certifying teachers of color, multilingual teachers, and special education teachers. Federal policy must ensure that school systems and preparation programs can support teachers, counselors, and leaders in developing and sustaining anti-racist policies, practices, and pedagogies (Scott et al., 2017).

Moreover, the pipeline of candidates into the teaching and school leadership workforce are national issues that ESSA must address. As of this writing updated data about the magnitude of teacher resignations is needed, it is clear that new retention strategies will be necessary. Federal policy can provide the scaffolding of both resources and incentives for states to address the pipeline of a diverse, competent, and well-paid teaching staff. While there are pragmatic considerations about getting instructors into the classroom on an emergency basis, this has resulted in adoption and growth of fast-track programs that lack rigor and fail to center issues of civil rights and equity.

Workforce Stabilization/Capacity Building. What the pandemic exposed is that the education labor force infrastructure is quite tenuous in part due to low pay and benefits for many workers who keep schools running—from bus drivers to custodial staff and lunch workers. In addition, as school districts faced staffing challenges the need for more career pathways and stable employment lines became quickly apparent of—from paraprofessionals and teaching assistants to teachers in a number of areas, so that schools did not have to rely on temporary or emergency staff or those without appropriate education and credentials. Finally given the tremendous mental health needs that have become apparent over the last decade but especially during and as a result of COVID-19, it is time to rethink and reimagine not only the number of social workers, counselors, and psychologists at each level of the system but also the type of courses and experiences that are part of the preparation of teachers and leaders, and the leadership roles and supports. For example, much in the way we realized decades ago that leaders needed greater instructional understanding and teachers needed coaching support, we now need those same roles and structures around counseling and mental health. ESSA needs to ensure that those who work within the public school system are paid a living wage (Long, 2019). Every job matters within the educational system to keep it functioning—and this federal policy should ensure that people working within our public school system are not having to simultaneously work multiple jobs or be on social welfare supports to support their families (Startz, 2018).

²² For example, state plans could outline how they would design, develop, and implement teacher leaves for professional renewal.

Recommendation 3: Policy Targets for Public Education Systems

This domain focuses on the systems level targets: funding, cross-district supports/strategies, school integration efforts (including regional programs), and infrastructure and facilities. It allows for large-scale design and adoption of place-based equity approaches like community schools and community school networks along with regional equity strategies to reduce segregation and its impact on access, opportunity, and outcomes. It requires states to track progress across districts and regions on measures that do not typically get collected but are critical to developing equitable systems, from funding disparities based upon concentration of poverty, to variability regarding access to qualified and diverse teachers, counselors, and administrators across metropolitan areas. This also includes attentions to facilities and other infrastructure components to reduce the digital divide and resources inequities (access to labs, sports equipment, or musical instruments). All of these provide additional aspects to the variability in conditions to support students academically and their health and well-being. States must maintain these measures and be required to address resource inequities and close opportunity gaps.

Cross-sector Coordination. Racial desegregation of schools requires coordination of education with health, public utilities, and transportation on a regional basis (Holme & Finnigan, 2018). The Obama administration's 2015 Memorandum of Understanding among the Departments of Transportation, Education, and Housing provides an initial framework that may be codified into law (U.S. Dept of Housing and Urban Development et al., 2015). Further, the new regional incentive funds in the infrastructure bill can work in tandem to reinforce such initiatives. Equity Assistance Centers, which have been critical in supporting districts in implementing school desegregation strategies should be doubled from 4 to 8 and the appropriation doubled to approximately \$13 million to account for the growth in student populations in the south, west, and northeast (Office of Elementary and Secondary Education, 2022). These centers should be funded based on their demonstrated expertise in systemic educational policies and practices, knowledge about culturally relevant pedagogies, and expertise on instruction and learning through diverse modalities.

Integration and Regional Equity Enrollment Strategies. This legislation must move beyond just voluntary efforts that operate to maintain the status quo and inequities based in structural racism and segregation and promote evidence-based innovations that promote diversity and equity. Secretary Miguel Cardona has released discretionary grant priorities, which include initiatives for fostering school-level racial and socioeconomic integration, and cross-district transfer programs (National Coalition for School Diversity, 2022). This proposal could be combined with earlier efforts to aid schools, districts, and states committed to school desegregation (Ujifusa, 2020),²³ and could be strengthened through the ESSA reauthorization and linked to other areas like regional metrics and infrastructure funding. As Muniz (2021) pointed out, "because the legal bounds are substantially limited...Recruiting students from ethnoracial minorities for educational programs require additional capacity and targeted efforts" (p. 6).

To help states and districts promote diversity, the reauthorization of ESSA can seize upon opportunities to coordinate federal strategies to promote diversity as states and districts continue to address the impacts of the pandemic. For example, the federal guidance on school diversity issued by the Obama administration can be updated and reissued to provide states and districts with

²³ Such efforts include the Obama Administration's Stronger Together proposal, a voluntary grant program designed to support the development and expansion of new and existing community-driven strategies to promote diversity in America's schools. This proposal was replicated in a legislative proposal, the Strength in Diversity Act, by Senator Chris Murphy and Representative Marcia Fudge. (Ujifusa, 2020, September 15).

evidence-based tools to promote racial equity in education within our nation's current social and political context (U.S. Dept. of Justice, 2011). In coordination with this effort, the reauthorization of ESSA can also include provisions outlining federal support. For example, because the long-standing prohibition on use of federal funds to support transportation for school integration has been removed from federal law since the last reauthorization (George, 2021b),²⁴ this version of ESSA can encourage regional inter-district school diversity programs that may include features such as the provision of free transportation to effectuate school diversity (George & Darling-Hammond, 2021).²⁵ A reauthorized ESEA can also acknowledge that racial diversity without equity in instruction, curriculum, teacher diversity, and access to extracurricular activities can do harm to students, and will provide supports for desegregation plans to learn from the evidence on racially just desegregation (Horsford, 2011; Walker, 2009). Similar to the Emergency School Aid Act, which provided vital support to districts committed to desegregation, the reauthorized ESSA can revive federal support for diversity in the form of targeted funding, technical assistance, compilation of resources, and support for strategies to reduce racial isolation.

Critically important is to not just do piecemeal or one-off strategies here and there to address segregation and regional equity, but to create comprehensive approaches at the state and local level to truly have an impact (Holme & Finnigan, 2018). The law could incentivize inter-district magnets and school assignment plans (i.e., Cobb et al., 2011); perhaps via jointly administered programs such as Choice Neighborhoods but should require that these have clear plans to disrupt segregation, strategies to ensure they are not “band-aids” for deeper issues, and that these are connected to housing policies to ensure impact and disrupt past patterns.

Funding Structures/Equity. Although school funding is largely considered a matter of state and local purview, the reauthorization of ESSA provides an opportunity for the federal government take an equity-oriented approach and promote policies that help to ensure “that every child has access to adequate school resources, facilities, and quality teachers” (Darling-Hammond, 2019, p. 23). Reauthorization presents an opportunity for the federal government to reinvent its role related to resource equity (Baker, 2017).²⁶ Not all students are similarly situated—as the pandemic so starkly laid bare—and targeted aid is needed to support students who are impacted by a variety of circumstances, including homelessness, poverty, malnutrition, trauma, and other factors that can impact their educational outcomes. We recommend attention to several high priority areas. First, equalizing allocations of ESEA resources across states will help to ensure that districts serving students with high needs (such as those serving high concentrations of students impacted by poverty) are provided with resources that are correlated with positive outcomes, such as experienced educators and access to rigorous course offerings (Darling-Hammond, 2019; Darling-Hammond,

²⁴ “Removal of these prohibitions signals a hopeful shift in federal support of voluntary local school desegregation efforts—and the availability of much-needed resources to support them. This is particularly significant as the country is experiencing rates of school resegregation that rival those that preceded *Brown*.” (George, 2021b).

²⁵ “Provision of transportation is particularly important for interdistrict magnet schools that may draw students from neighboring districts to attend schools. A 2008 study of magnet school leaders found that magnet schools that provided free transportation were less likely to be racially isolated than those did not. An earlier study of Midwestern districts found that, for parents of color, the availability of transportation was an important consideration in choosing a magnet school” (George & Darling-Hammond, 2021, p. 24).

²⁶ “The amount of state and local revenue raised drives the majority of current spending by local public school districts, because federal aid constitutes such a relatively small share—only about 9% on average” (Baker, 2017, p. 2).

2010).²⁷ Second, recent empirical work by school finance scholars has begun to show how to develop adequate and equity oriented cost-based funding formulae at the state level. This involves identifying and addressing cost factors that are most important in alleviating funding disparities (Levin & Atchinson, 2021). ESSA provides the opportunity to require that states attend to this research-based approach to state funding equity. Third, the reauthorization should incentivize equity through “challenge grants” for states that increase their equitable spending, such as the \$2 billion in grants that was proposed in the American Rescue Plan to better target equitable spending but was never approved (Olorunnipa & Ballingit, 2021).

An ecosystem approach requires the federal government to incentivize regional equity funding strategies such as regional tax levies that would be redistributed to address funding inequity (Brittain et al., 2019; Holme & Finnigan, 2018). The federal government could also ensure that local housing authorities are aligning funding strategies with educational equity approaches (Finnigan et al., 2021).

Further, federal policy could require states to ground their state plans to target funding and supports to schools identified in Civil Rights Data Collection (CRDC) findings as demonstrating racial disparities in discipline and advanced course-taking. Federal funding can also be tied to progress on state-level resource distribution to districts (Learning Policy Institute, 2020). Given that the research on the benefits of school integration for all students is sound, the law can explicitly include racial integration as a research-based practice for districts to adopt, as the National Coalition on School Diversity (2016) has advocated, and specify that charter schools receiving federal dollars may not maintain high levels of racial segregation (and that no charters should be in violation of federal civil rights law; Mead & Green, 2019). OCR’s administrative purview should be extended to ensure that they are working collaboratively with ED’s Office of Elementary and Secondary Education and play a larger role in approving and monitoring state plans (Kim, 2020). Furthermore, OCR should use its authority to ensure states immediately address civil right violations in their state funding formulas. For example, as identified by the NY State Advisory Commission to the USCCR (New York Advisory Committee, 2020).

Facilities/Infrastructure. The pandemic made it abundantly clear that U.S. schools require serious infrastructure and facilities upgrades, particularly in schools serving high proportions of students of color and students living in poverty (Filardo, 2021). School infrastructure renovations were dropped from President Biden’s infrastructure bill, leaving a gap that ESSA must address. School facilities clearly affect the health and performance of teachers and students alike, and healthy school buildings with ample ventilation, safe water, and upgraded technology were issues of racial equity and justice even before the pandemic hit. It is vital that no children learn in areas with unsafe or decaying buildings. Broadband internet access is not evenly distributed across communities; while ESSER funds were useful to states and districts, the ESSA’s ecological approach necessitates a continuing, targeted funding stream to expand access and upgrade quality. And in fact, many districts found it critical to spend their federal pandemic resources on meeting the immediate needs for children and family, from food to hiring staff to support students, and are still dealing with aging building and other infrastructure issues. Therefore, a clear and distinct federal funding source is necessary so that local educational agencies are not forced to choose between these needs.

Ventilated air is essential not just to ensure that children and staff do not experience worsening asthma, eye irritations, and allergies; but as the pandemic showed, to prevent circulation of viruses. Prevailing estimates note that half the nation’s school HVAC systems were replaced and

²⁷ “The law already requires that states develop policies and incentives to balance the qualifications of teachers across schools serving more-and less-advantaged students, but this aspect of the law is weakly enforced, and wide disparities persist” (Darling-Hammond, 2019, p. 23; Darling-Hammond, 2010, p. 309).

half upgraded, it would cost \$72 billion to upgrade HVAC for the nation's schools (General Accounting Office, 2020; Griffith & Pearce, 2020). We recognize that ESSA likely cannot pick up all of the costs that the infrastructure bill did not, but it can make a start at providing grants to states that make commitments to undertake major investments.

Moreover, as a report from the Twenty-First Century school campaign observed, "These site-related policies can also shift the composition of a school's population and often determine whether districts are de facto segregated or comprised of diverse student bodies that cultivate growth and understanding" (Filardo, 2021, p. 20). Recent experiences with lead poisoning and asbestos exposures in Flint, Michigan and Philadelphia also revealed a serious need for lead abatement and freedom from the harmful effects of asbestos in communities and schools (Filardo, 2021).

Discussion

Our focus on civil rights is, of course, not universally emphasized or even embraced. Some university-based researchers and think tanks or advocacy groups have argued for different next steps as far as the future direction of K-12 federal education policy through ESSA and generally. For instance, a Center for Reinventing Public Education survey documenting formidable challenges in confronting teacher and student "work discipline," and diminishing political support, recommends contracting with external entities to do the work that presumably schools cannot (DeArmond et al., 2021). Others like the Heritage Foundation have called for the allocation of federal funds for states to have wide latitude in spending, including school choice (Schwalbach, 2020). These measures are consistent with former President Trump's emphasis on school choice as a civil right, deregulation, and race-neutrality, which Secretary DeVos attempted to use the opportunity of the pandemic to further (DeBray & Blankenship Knox, 2023). We have also observed calls for an intensified focus on single-solution proposals, such as high-dosage tutoring (Sawchuk, 2020) and for scaling up of "the science of reading" (Riccards, 2021). Still others have called for proposals to merely intensify a focus on test-based outcomes or rework accountability systems.²⁸

Our equitable, ecological, evidence-based framework rejects such narrow policy or instructional focuses. While policy proposals for intensification of high-dosage tutoring or applying the "science of reading" may be incorporated in parts of the framework, they are not solutions in and of themselves.²⁹ We argue for attention to children's academic and socioemotional needs across developmental stages and across the policy silos. ESEA reauthorization should, we contend, address the broad needs within an embedded ecosystem of well-being that also accounts for civil rights and racial equity, post-pandemic issues and larger historic and structural inequities. While the state-level bans on the teaching of race-conscious versions of history proliferated through 2023, we contend that this is even more of a rationale for federal legislation, oversight, and enforcement of students' civil rights. An example of this is the Biden administration's Office for Civil Rights within the Education Department has issued rulings invoking Title IX of ESEA and Title VI of the Civil Rights Act, that school boards must follow processes that do not create discriminatory or hostile environments for students (U.S. Department of Education, 2023). Thus, the political context of the

²⁸ See, for example, Williams (2019). See on the other hand a discussion of the limitations or in essence "overselling" of public accountability systems as a policy lever, Hutt & Polikoff (2020). We agree with these authors that attention needs to be paid to how information is used and who stands to benefit in any accountability systems that are part of ESSA so that they do not exacerbate inequalities.

implementation of an eventual civil-rights based ESEA would need to be accompanied by strong and consistent oversight and implementation (Pollock, 2008; Rutherford & Meier, 2020).

Across these three areas, ESEA requires a strong base of evidence-based programs from which state plans should draw. Taking this approach, Orfield (2016) recommends a role for nonpartisan bodies such as the National Academy of Sciences and the National Academy of Education to synthesize the impacts of possible educational programs and practices. We believe that critical to this step of identifying evidence-based research is a racial equity perspective that shifts or broadens our focus to understanding how the evidence itself is embedded in political dynamics, power relations, and economic conditions (Doucet, 2019; Michener, 2022).

Beyond government, intermediary organizations³⁰ and interest groups have an important role to play in promulgating the best possible research that can ultimately influence the federal policy process. Over the past decade, philanthropies have demonstrated their effectiveness in re-framing public ideas to influence federal policy—for instance, on debates around teacher quality (Reckhow et al., 2021). Of course, policymakers must navigate the intermediary terrain carefully, with an eye to the particular partisan-ideological orientation of the organization. But researchers can aim to identify partners who are skilled in disseminating their findings widely and effectively.

Conclusion

The reauthorization of ESEA comes at a critical moment. We acknowledge that building a bipartisan consensus for a systemic strengthening of public education in Congress is an increasingly difficult project, due in particular to the strength of attacks on it as a linchpin of a strong multi-racial democracy. Nonetheless, it is our contention that the on-the-ground realities of so many teachers, administrators, and students which we have referred to herein should be the rationale for such bipartisan advocacy. Visionary policymakers can look beyond divisive rhetoric and act to revitalize the nation's public education systems, thus re-asserting and realizing their democratic and civic purpose. We have argued for ESEA to focus on developing an equitable ecosystem and cross-sector coordination, racial equity and justice, and evidence use. The trauma of the pandemic on children and families will be far-reaching. This restructured, well-funded and equitable ESEA would put health and equity at the center for students, educators, and systems.

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³⁰ Intermediary organizations are non-governmental groups that seek to shape educational policy, practice, and curriculum.

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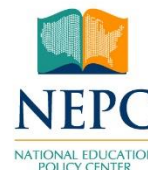
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education policy
analysis archives



Volume 31 Number 95

August 29, 2023

ISSN 1068-2341



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