

ESSA Loosens Reins on Teacher Evaluations, Qualifications

By [Stephen Sawchuk](#)

With the signing of the Every Student Succeeds Act into law, an era of significant federal involvement in teacher licensing and evaluation has come to an end.

Most notably, the [new law does not require states to set up teacher-evaluation systems based in significant part on students' test scores](#)—a key requirement of the U.S. Department of Education's state-waiver system in connection with ESSA's predecessor, the No Child Left Behind Act.

At least symbolically, then, ESSA comes as a repudiation of one of the Obama administration's key policy pushes. But practically, it's an open question to what extent the law will embolden states to revise or abandon their new methods for grading teachers.

There are already efforts underway in states such as New York, Oklahoma, and South Carolina to reconsider evaluation policies; other states plan to hold firm.

"Some states may roll back evaluation laws in the short-term, but I think it'll be a longer discussion in the bulk of the states," said Daniel Weisberg, the CEO of the teacher-training and advocacy group TNTP, a supporter of the administration's push to overhaul teacher evaluation.

"The biggest variable is how much opposition states get for proposing to go back to days where virtually all teachers were rated good or great without any measures of student impact," he said.

Less Rigid Approaches

Largely prompted by the contrast between [sky-high evaluation scores for teachers](#) and research showing that [teachers vary significantly in their ability to raise student achievement](#), the Education Department conditioned its 2011 waivers in part on states' setting-up new systems for evaluating teachers. (Some states also committed to revamping their evaluation systems to qualify for federal Race to the Top funds.)

Most states got the NCLB waivers, but struggled mightily to get new systems in place. The focus on test scores proved to be highly unpopular with teachers, prompting more than a dozen lawsuits and helping fuel the testing "opt out" movement among parents.

Given those political stumbling blocks, will states continue to hold on to a difficult, messy policy when no longer mandated to do so?

Some state officials contacted by *Education Week* said they're committed to improving teacher evaluation, but want far less rigid approaches.

The Education Department's waiver demands "caused us to have to train all our teachers on evaluation in one year and implement it very hurriedly," said Molly Spearman, the state superintendent for South Carolina. She'll be asking her state board of education to delay for two years—until 2018-19—the requirement for all districts to use "student learning objectives," which are student-growth goals set by teachers, for evaluations. And the state would like to make those measures an artifact examined by evaluators, not a specific, weighted component of each teacher's review.

"We'll still use student progress as some part, but we're de-emphasizing the model and the weighting," Spearman said.

Georgia's current superintendent, Richard Woods, has been vocal about his concerns about the state's weighting of student achievement for 50 percent of each teacher's evaluation rating. And although it's too early to outline specific revisions, "the superintendent will be taking a very close look at this," Georgia Department of Education spokesman Matt Cardoza said.

In Oklahoma, districts have struggled to implement student-growth measures for teachers in non-tested subjects. Oklahoma Superintendent Joy Hofmeister said she'd like her state to consider an approach taken by the Tulsa school district, which uses student survey results instead. And she thinks that teachers should still receive "value added" information on students' test progress, but that it shouldn't trigger consequences like dismissals.

"We certainly need to have a system of teacher effectiveness and an evaluative tool for principals and teachers, but it needs to be focused more on self-reflection, continuous improvement, and professional growth," Hofmeister said. "We do not want to unravel or derail the work of our state ... yet I definitely think changes have to be made in order to accomplish that goal."

New York officials last month **approved plans to delay for four years the tethering of test scores to teacher evaluation**. But that could have had more to do with the state's political situation than with ESSA, contends Jenny Sedlis, the executive director of StudentsFirst NY, an advocacy group that backs the use of scores in evaluations.

The high rate of testing opt-outs in New York this past spring was unusual, as was the extent of the state's teachers' union efforts to promote the movement, she said. In taking a step back, she argued, Gov. Andrew Cuomo is trying to rebuild buy-in on evaluation and accountability.

"After a year or two of seeing 98 percent of teachers rated effective, parents and legislators are not going to be so open to claims that teachers are being held to an unfair standard," she suggested.

Still other state officials are already on the record saying they plan to hold firm to the systems they established during the waiver era.

"We absolutely intend to stay the course," said Hanna Skandera, the superintendent in New Mexico, where the new evaluation system has faced several legal challenges, in a recent press call organized by the Council of Chief State School Officers.

North Carolina's state chief, June Atkinson, said **she could envision only minor alterations to her state's system**.

Title II Shifts

One of the lesser-noticed changes in the Every Student Succeeds Act concerns the \$2.3 billion state teacher-quality grants program, also known as Title II.

The formula for allocating these dollars considers both student population and poverty. As part of ESSA, Congress rewrote the formula to weight the poverty factor more heavily. It also did away with the minimum award amount guaranteed to each state since 2002.

The new formula will be phased in gradually to avoid sudden or drastic shifts. But over time, because of the changes, teacher-quality funding will move away from the Rust Belt and toward Southern states.

A Congressional Research Service analysis projects that, by the time the new formula fully takes effect in fiscal 2023, the following states' and territories' annual allocation will decrease by \$10 million or more from their fiscal 2016 grant: Illinois, Louisiana, Massachusetts, Michigan, New York, Pennsylvania, and Puerto Rico.

California, Florida, Georgia, North Carolina, Tennessee, and Texas will see an annual award of \$10 million more than they received in fiscal 2016.

Among other changes, states may now use their teacher-quality funds to support residency-based teacher-prep programs, in which teacher-candidates spend a year being guided into teaching by mentors. They can also set up teacher-preparation "academies" independent of higher education and traditional quality-control systems, but over time the academies must produce teachers with effective track records.

—Stephen Sawchuk

And though he's a critic of the Obama-era teacher evaluations, Aaron Pallas, a sociologist of education at New York University, doesn't think that ESSA's passage will necessarily change things much in states.

The ESSA law "still requires the state testing systems that provide fodder for teacher evaluations," he noted, "so I don't think that ESSA by itself is likely to alter the trajectory of statewide teacher-evaluation systems."

But the teachers' unions see an opening to change policies their members have broadly rejected. They are also far more powerful among state legislatures than in Congress.

"Over and over and over, what we heard from state officials [on teacher evaluation] was, 'The feds are making us do this. We'd like to negotiate more with you, but we can't,'" said Segun Eubanks, the director of the National Education Association's professional-supports division. "We hope for a more cooperative process if we want to revisit [evaluation]."

The American Federation of Teachers plans to bring its political clout to bear on the issue, too.

"Absolutely," AFT President Randi Weingarten said. "You can't just stop at we've gotten the law changed. You can't just stop with getting rid of bad things. You have to fight forward to craft better policy. In some ways, this step is harder, because you have to make things right now."

'Highly Qualified' Rules Cut

Winning those revisions won't necessarily be easy. Teacher-evaluation policies are set in law or regulation in some 42 states and the District of Columbia, according to the National Council on Teacher Quality, which means most states would need to rewrite legislation or regulations.

And the past decade has given rise to a slew of state-based advocacy groups that largely back evaluation reform—and that can be expected to keep the pressure on to preserve the systems.

Meanwhile, the ESSA law also abandons its predecessor's well-known requirement that states staff each core academic class with a "highly qualified" teacher. (Generally, that meant a teacher had to hold a bachelor's degree, state certification, and have demonstrated content knowledge.)

Under ESSA, teachers in schools receiving Title I funds need only fulfill their state's licensing requirements.

The NCLB teacher-quality rules were broadly unpopular because of their bureaucratic complexity and because many advocates **questioned how much they helped boost teacher quality**. Various loopholes in the law **exempted teachers-in-training** and **many veteran teachers from having to fulfill all the requirements**.

States were to have met the 100 percent mark for their teachers as far back as the 2005-2006 school year. But the law specified few consequences for states that fell behind, and the U.S. Department of Education never penalized any state financially for not meeting the goal. As of the 2014-15 school year, states reported more than 96 percent of their core academic classes were taught by "highly qualified" teachers.

Kate Walsh, the president of the NCTQ, believes that the rules nevertheless did spark some positive changes, such as encouraging several states to establish content tests for elementary teachers.

But most of those revisions took place in the first few years under the law. By now the provisions have largely run their course, she said.

"We're not holding a funeral over here," she said.

Still, other teacher-quality advocates worry that the absence of a minimum teacher-quality standard in ESSA could end up hurting poor and minority students.

For example, the NCLB law explicitly prohibited out-of-field teachers and those on emergency certificates from being considered "highly qualified." And under ESSA, parents will no longer have to be notified in writing if their children are taught by those teachers.

"Expectations regarding entry and success [in the profession] should also be set for those responsible for educating students," said the Coalition for Teaching Quality, which represents more than 100 national and state groups, including the teachers' unions and the American Association of Colleges for Teacher Education.

In a period of regional teacher shortages, the group's concerns are not merely academic. In states like Oklahoma and Nevada **lawmakers have been frantically exploring ways to hire new teachers more quickly.**

"The HQT rules put significant restrictions on how those vacancies are filled; without them, it will be interesting to see what states and districts decide to do," Eubanks of the NEA said.

Staff Writer Daarel Burnette II contributed to this article.

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