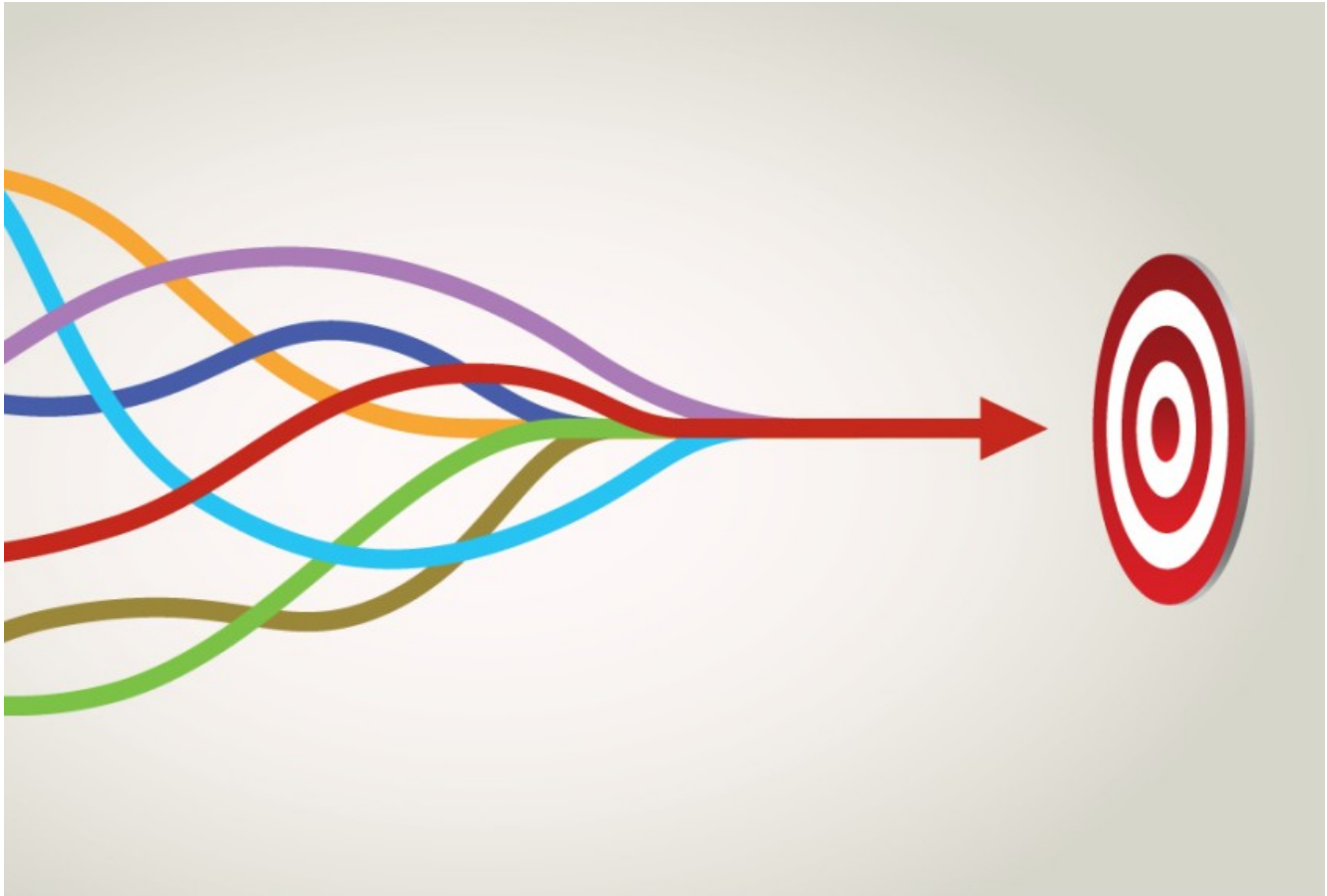


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# The Pandemic Disrupted Testing. States Should Seize Untapped Accountability Opportunities



Even now, 20 years after the passage of No Child Left Behind, educators regularly voice their frustration with the state tests and accountability systems birthed under NCLB. Teachers and school leaders fume that the tests should be more instructionally useful, that school evaluations are crude and misleading, and that this all commands too much time and energy. In response, state officials will frequently shrug and plead powerlessness; they'll insist that their hands are tied and that their state's testing-and-accountability status quo is required by federal law.

As the return to in-person learning presages a series of debates about the best use of testing and accountability, educators may be surprised to learn that there's a lot more flexibility than they've oft been told—and has been since the Every Student Succeeds Act (ESSA), crafted by the Obama administration and a Republican Congress, replaced NCLB in 2015.

Now, those who've poked around ESSA's hundreds of pages of single-spaced legalese would probably not be surprised that its newfound flexibility has largely escaped notice, especially after 15 years of routines forged by NCLB. The problem, though, is not that state leaders *can't* do things differently; it's that most *haven't*. Most have just shrugged at ESSA's eye-glazing text and added a few new ESSA-compliant directives. Meanwhile, they've frequently ducked responsibility for this inertia by urging educators and parents to blame Washington.

Recently, though, uber-analyst and veteran D.C. hand Lindsay Fryer, the principal negotiator for former Senate education committee Chairman Lamar Alexander during the writing of ESSA, got tired of hearing states say they wished they could do things that *they're already free to do*. So, in a new

[report](#) for AEI Education, she set out to explain what states are already permitted to do when it comes to retooling K-12 testing and accountability. (Full disclosure: I'm the director of AEI Education.)

As Fryer notes, “Whereas NCLB relied primarily on student test scores to evaluate school performance and included specific school improvement interventions, ESSA gives states flexibility to rethink how best to measure, identify, and intervene in low-performing schools.” In particular, ESSA allows states to employ a variety of strategies “to hold schools accountable for student achievement and other metrics” and also gave them “substantial flexibility in deciding how to improve low-performing schools.” Whereas NCLB was highly prescriptive about performance measures, proficiency targets, and corrective action for low-performing schools, ESSA remanded much of this authority to states.

Where NCLB focused narrowly on reading and math scores, ESSA expands the number of indicators of student success to five. As Fryer notes, one of these indicators can be nonacademic, “enabling states to incorporate measures such as student engagement, educator engagement, and school climate and safety. It can also be an additional academic indicator, such as student access to and completion of advanced coursework, postsecondary readiness, and career readiness.” Of course, the fact that states *can* use such measures doesn't mean they *should*—especially given reasonable [concerns about the](#)

[validity](#) of many of these nonacademic measures. But, for better or worse, states have a green light to experiment.

While ESSA still requires states to test students in reading and math and to incorporate those results into accountability, it offers more flexibility in what these tests can look like—beyond the traditional state exam. Fryer explains: “Tests can now be administered as computer adaptive tests; partially delivered as portfolios, projects, or extended performance tasks; or administered through multiple statewide interim assessments over the academic year that produce a single summative score rather than using a single summative test.” And, at the high school level, states can use the SAT, ACT, or AP exams in place of traditional state tests, which offer little utility to students.

ESSA also gives states flexibility on how much each indicator should “count” in determining schools' performance. In other words, states are free to weigh some measures more than others. Fryer explains that the only requirement is that “each indicator in the state's accountability system be included, each academic indicator be given ‘substantial’ weight, and, in the aggregate, academic indicators receive ‘much greater weight’ than the [nonacademic] indicator.” Moreover, if a school is found to be a low performer, state and local leaders have substantial freedom to determine how to intervene. As Fryer

writes, NCLB's "one-size-fits-all model to improve all schools is no longer the de facto solution."

More generally, as I noted many years ago in *Cage-Busting Leadership*

, education is often constrained by inertia, uncertainty, and misinformation about what is and isn't allowed. Fryer's report can help combat that by illuminating the many levers state policymakers can pull to make testing and accountability better meet the needs of their students and schools—a frustration that's taken on new salience during the past 18 months. As we consider the role of testing and accountability in the wake of the pandemic, here's hoping that educators take a lead role in helping state officials put their untapped freedom to work.