



A Civil Rights Framework for ESEA

SUMMARY: As another reauthorization of ESEA approaches, experts recommend an equitable, evidence-based, and ecological approach to the landmark civil rights law.

In light of the approaching reauthorization of the Elementary and Secondary Education Act (ESEA), there is a critical need to consider a civil rights framework that builds upon the ESEA's historical standing as a civil rights law. This recommendation is one that addresses racial inequities, grounds policies in evidence-based research, and coordinates rather than fragments various policy silos through an ecosystem approach. Through a more coordinated civil rights framework, experts argue for a perspective that addresses systems, students, and staff.

The Elementary and Secondary Education Act (ESEA) was forged out of the Civil Rights movements of the 1960s and is a piece of civil rights legislation in and of itself. Since the 1990s, reauthorizations of the ESEA have placed increasing emphasis on accountability, often at the expense of targeted investments in educational

opportunity for marginalized students. For instance, the No Child Left Behind Act (NCLB) increased the role of testing and standardization, and while the Every Student Succeeds Act (ESSA) reduced the role of the federal government toward those ends it failed to adequately address issues of equity. While pandemic relief funding addressed some of these concerns, much of the support is temporary or has not been renewed.

While prior reauthorizations have addressed inequities in rather fragmented and siloed ways, Congress needs to adopt an equitable, evidence-based, ecological (EEE) framework to guide this upcoming reauthorization. The EEE framework approaches previously disjunct aspects of the law with a more holistic, cohesive, and coordinated organizational structure.

Regarding **systemic** issues, research calls for greater equity between school districts in segregated metropolitan areas, as well as the adoption of racial integration as an evidence-based practice. It also stresses the importance of high-quality early childhood

education. Focusing on **student** issues, the law should better target English learners and students with disabilities, as well as address the disparities in school discipline practices for students of color. Finally, **staff** concerns include widespread issues with teacher morale and retention, as well as a need to invest in university teacher training programs.

The global COVID-19 pandemic and the recent national reckonings around racial injustice have both greatly influenced public education in the United States. Considering these developments, a **systems** focus points to inequitable local funding structures and failing school infrastructure and facilities. For **students**, the shift to online learning during the pandemic exposed inequities in internet access, caused learning loss, and impacted students' mental health and general well-being. **Staff** burnout has also led to teacher shortages.

Systems-based recommendations include:

- Incentivize racial, linguistic, and socioeconomic diversity and integration in schools, including through regional equity enrollment strategies
- Improve targeting and equitable funding structures
- Incentivize and fund renovation to facilities and infrastructure

Student-oriented recommendations include:

- Support students' individualized learning needs
- Ensure that all families have access to high-quality early childhood care through the public education system
- Improve supports for system-involved youth
- Target federal funds to support state and district efforts to promote student well-being and mental health

Staff-oriented recommendations include:

- Provide high-quality ongoing professional development and updated and responsive pre-service education and training for teachers, counselors, and leaders
- Promote educator well-being and mental health
- Provide and ensure workforce diversity, stabilization, and capacity building

This brief is based on a publication by the National Education Policy Center: DeBray, E., Finnigan, K. S., George, J., & Scott, J. (2022). A civil rights framework for the reauthorization of ESEA. National Education Policy Center. Retrieved from

https://nepc.colorado.edu/sites/default/files/publications/PB%20DeBray_1.pdf.

AUTHOR BIOS:

Elizabeth DeBray is a professor of educational administration and policy at the University of Georgia and a Fellow with the Center for Evaluation and Education Policy (CEEP).

Kara Finnigan is a professor of education at the University of Michigan and Senior Vice President of the Spencer Foundation.

Janel George is an associate professor of law at Georgetown University and the founding director of the Racial Equity in Education Law and Policy (REELP) Clinic.

Janelle Scott is a professor and the Robert C. and Mary Catherine Birgeneau Distinguished Chair in Educational Disparities at the University of California at Berkeley and a Fellow with the Center for Evaluation and Education Policy (CEEP).

Edited by: Paul Faulkner, Center for Evaluation and Education Policy