

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of EducationApril 2018 AgendaItem #01

## Subject

Update on the Development of the California State Plan for the Every Student Succeeds Act: Approval of the Revisions to the State Plan for Resubmission to the U.S. Department of Education.

## Type of Action

Action, Information

## Summary of the Issue(s)

After 18 months of development, with extensive outreach to, and input from, California’s education stakeholders, California submitted its Every Student Succeeds Act (ESSA) Consolidated State Plan (State Plan) to the U.S. Department of Education (ED) on September 15, 2017. ED provided an interim feedback letter on the State Plan on December 21, 2017. The State Board of Education (SBE) approved a revised State Plan for resubmission at its January 2018 meeting.

Following the January 2018 SBE meeting, staff members from the SBE and the California Department of Education (CDE) worked in close collaboration with the goal of obtaining the approval of the State Plan as expeditiously as possible so that California can focus on the work of implementing California’s new public school accountability system and system of support.

The goal throughout the plan development process was to take advantage of the flexibility that we believe Congress intended under ESSA and demonstrate that our state accountability system serves to meet the various requirements under ESSA. The SBE adopted two versions of the State Plan – the September 2017 and January 2018 versions – under this approach. California officials reached out to the ED to begin discussions related to any outstanding issues raised by the ED’s December 2017 interim feedback letter and February 2018 Resubmission Elements. CDE and SBE staff subsequently went to Washington, D.C. in February to meet in-person with Jason Botel, Principal Deputy Assistant Secretary, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary of Elementary and Secondary Education and other senior officials in order to made the case that our state approach could serve to meet ESSA’s requirements.

During the in-person meeting at the ED, as well as in subsequent conversations, ED officials clearly indicated that although they shared California’s goal of finalizing the State Plan in order to transition to the work of implementation, they continued to have concerns related to several of the proposed State Plan elements based on their interpretation of the relevant statutory provisions of ESSA. It became clear, however, that ED staff had a specific reading of certain provisions that they had applied throughout the plan approval process for all states. Through the extensive discussions with ED staff, staff from the CDE and SBE were able to identify revisions that would meet their interpretation without fundamentally altering the foundation of our accountability and support systems:

* State priorities and direction continue to lead the State Plan. The multiple measures California School Dashboard (Dashboard), the use of Status/Change, and our focus on LEAs as the primary locus of responsibility for improving opportunity and outcomes for students remain.
* Importantly, the indicators and performance standards approved for the Dashboard serve state, local, and federal accountability purposes under this State Plan.

The March 2018 SBE meeting agenda item related to the State Plan was intended to include the complete set of recommended amendments for the Board’s consideration. However, due to ongoing negotiations with the ED, the Title I accountability sections were posted only days prior to the meeting. Due to this fact, the CDE staff presented, and the SBE took action to approve sections A.5, E.1, I.7.g of the State Plan. The SBE announced plans to hold a subsequent, additional meeting in order to take action on the remaining Title I accountability sections of the revised State Plan included in Attachment 3, and summarized in Attachments 1 and 2.

The proposed revisions maintain the core principles of California’s approach to accountability and continuous improvement, which is based on the Local Control Funding Formula (LCFF) and reflects the extensive stakeholder input received over the past four years. Many of the changes are technical in nature; however, some substantive changes are necessary to address ED’s interpretation of several ESSA provisions. A detailed summary of the proposed changes is available in Attachment 1.

These revisions are necessary to obtain State Plan approval by the ED and ensure that California receives the more than $1.8 billion in Title I funding for California local educational agencies (LEA) in the upcoming fiscal year. Should these changes not be approved, California risks remaining eligible to receive Title I funding. At stake are the LEA grants, state-level activity, and state-level administration funds, which could negatively impact aspects of California’s System of Support and the implementation of the Dashboard.

Following the March 2018 SBE meeting, the CDE and SBE staffs worked with stakeholders to share further information on the proposed revisions. Following the SBE’s action on this item, the next phase of stakeholder engagement will be to discuss and seek input on how to implement these changes in a manner that enhances the approach under LCFF or, at a minimum, does not disrupt or distract from the SBE’s core focus which are the priorities reflected under LCFF.

## Recommendation

The CDE and SBE staff recommend that the SBE approve the revised State Plan for submission to the ED, pending the SBE Executive Director approval of final revisions requested by the SBE and correction of any typographical errors.

The CDE further recommends that the SBE delegate authority to CDE, subject to approval of the SBE Executive Director, to pursue, as expeditiously as possible so they can be resolved prior to release of the 2018 California School Dashboard, a waiver of ESSA statute for the English learner proficiency indicator (ESSA, Section 1111(c)(4)(C)(iv)) to allow California to maintain the current calculation that includes reclassified students and long-term English learners.

## Brief History of Key Issues

ESSA was signed into law by President Barack Obama on December 10, 2015, and went into effect in the 2017–18 school year. The ESSA reauthorizes the Elementary and Secondary Education Act (ESEA), the nation’s federal education law, and replaces the No Child Left Behind Act (NCLB)

The ESSA maintains the original purpose of ESEA: equal opportunity for all students. Departing from the NCLB reauthorization, ESSA grants much more authority to states, provides new opportunities to enhance school leadership, provides more support for early education, and renews a focus on well-rounded educational opportunity and safe and healthy schools. The reauthorization of ESEA provides California with a number of opportunities to build upon the State’s new direction in accountability and continuous improvement.

### California’s Consolidated ESSA State Plan

After 18 months of developing the ESSA Consolidated State Plan, California submitted the SBE-approved State Plan to the ED on September 15, 2017. ESEA Section 8451 requires the ED to issue a written determination within 120 days of a State’s submission of its State Plan. The ED posted the interim feedback letter on December 22, 2017, to their Web site at <https://www2.ed.gov/admins/lead/account/stateplan17/map/ca.html>. California’s interim feedback letter is similar in length and scope to those received by many other states.

In January 2018, the SBE approved a revised version of the State Plan, based on the interim feedback letter. The ED provided additional comments, or Resubmission Elements, on February 14, 2018, in response to California’s January resubmitted version. The SBE approved revisions to sections A.5, E.1, and I.7.g at the March 2018 meeting, and announced plans to consider revisions to the remaining Title I accountability sections at a future meeting to be scheduled in April 2018.

Attachment 1 is an overview of the proposed revisions to the Title I accountability items and a matrix of the ED’s February 14, 2018, Resubmission Elements cross-referenced with California’s ESSA State Plans. Attachment 2 summarizes the limited impact that the proposed revisions to the Title I accountability items will have on the California School Dashboard and California’s current approach to school accountability, including specific examples illustrating how the proposed revisions will work in practice. Attachment 3 reflects the proposed changes to the State Plan, including the sections adopted by the SBE in March 2018. Attachment 4 includes information regarding the waiver submission process. Attachment 5 includes statute excerpts from the accountability sections of the ESSA.

### Ongoing Communication and Engagement

Since the ESSA became law, the state has engaged in public state board and advisory group meetings, webinars, regional stakeholder meetings, stakeholder surveys, and targeted consultation. Thousands of Californians have contributed to the State Plan. More information regarding these stakeholder engagement activities is available on the CDE ESSA State Plan Development Opportunities Web page at <http://www.cde.ca.gov/re/es/essaopptopart.asp>.

The most current information regarding California’s transition to the ESSA is available on the CDE ESSA Web page at <http://www.cde.ca.gov/essa>. Interested stakeholders are encouraged to join the CDE ESSA listserv to receive notifications when new information becomes available by sending a blank e-mail message to
join-essa@mlist.cde.ca.gov. Questions regarding ESSA in California may be sent to ESSA@cde.ca.gov.

## Summary of Previous State Board of Education Discussion and Action

**March 2018:** The revised version of the State Plan based on the February 14, 2018, feedback from the ED was posted as a part of the Item, and the Board was agenized to take action on the full revised version. However, due to ongoing negotiations with the ED, the full Item was posted only days prior to the March 2018, SBE meeting. Due to this fact, the CDE staff presented, and the SBE took action to approve the following sections of the State Plan: A.5, E.1, I.7.g. The SBE announced plans to hold an additional meeting to take action on the remaining Title I accountability sections of the revised State Plan.

**January 2018:** CDE staff presented to the SBE a revised version of the State Plan based on the content of the interim feedback letter from the ED. The SBE discussed and approved the revised ESSA State Plan for submission to the ED, with a revision to replace the proposal related to the identification of the lowest performing schools with revised language indicating the SBE will consider a proposed State Plan supplement at its March 2018, meeting for submission to the ED that further describes the approach.

**September 2017:** CDE staff presented to the SBE a summary of the feedback from stakeholders and a set of proposed revisions to the draft August 2017 State Plan. The SBE discussed and approved the ESSA State Plan for submission to the ED.

**July 2017:** CDE staff presented to the SBE a summary of feedback from the California Practitioners Advisory Group and feedback collected during the 30-day public comment period for the draft State Plan. Based on this feedback and new information regarding ED’s application of the State Plan Peer Review Criteria, staff presented a set of proposed revisions to the draft plan. The SBE discussed and approved most staff recommendations, directing staff to make additional adjustments to the State Plan.

**May 2017:** CDE staff presented to the SBE the first complete draft of the ESSA State Plan.

**March 2017:** CDE staff presented to the SBE an update on the development of the State Plan including a status update on issues that need to be addressed in the State Plan and stakeholder feedback regarding State Plan policy decisions. Additionally, the SBE unanimously approved the CDE recommendation to authorize the SBE President to sign and submit any required ESSA assurances to the ED by the due date established by the ED.

**January 2017:** CDE staff presented to the SBE an update on the development of the ESSA State Plan including proposed guiding principles and recommended approach for ESSA State Plan development. The SBE unanimously approved the guiding principles.

**November 2016:** CDE staff presented to the SBE an update on the development of the ESSA State Plan including the ESSA Consolidated State Plan Development Draft Timeline; the first draft sections of the ESSA Consolidated State Plan; and the communication, outreach, and consultation CDE staff conducted in September and October 2016. SBE members approved CDE staff recommendations to authorize the SBE President to submit a joint letter with the State Superintendent of Public Instruction in response to ESSA regulations for supplement, not supplant under Title I, Part A.

**September 2016:** CDE staff presented to the SBE an update on the development of the ESSA State Plan including an overview of ESSA programs, an overview of ESSA Consolidated State Plan requirements and related decision points, a preliminary status of various decisions, and areas where final regulations will be needed to address plan requirements.

**July 2016:** CDE staff presented to the SBE an update on the development of the ESSA State Plan including opportunities in the ESSA to support California’s accountability and continuous improvement system, an update on proposed ESSA regulations, and a description of stakeholder outreach and communications activities. SBE members approved CDE staff recommendations to authorize the SBE President to submit joint letters with the State Superintendent of Public Instruction in response to ESSA regulations for accountability, data reporting, submission of state plans, and assessments.

**May 2016:** CDE staff presented to the SBE an update on the development of the ESSA State Plan including Title I State Plan requirements described in the ESSA, outreach and consultation with stakeholders, and a draft State Plan development timeline. The SBE also approved the ESSA 2016–17 School Year Transition Plan and two federal ESSA waiver requests to address double testing in science and Speaking and Listening assessment requirements.

**March 2016:** The SBE approved appointments to the California Practitioners Advisory Group.

**January 2016:** CDE staff presented to the SBE an update on issues related to California’s implementation of the ESEA, including information regarding ESSA, and the implications for state accountability and state plans.

## Fiscal Analysis (as appropriate)

California’s total kindergarten through grade twelve funding from the 2017–18 California Budget Act is $92.5 billion:

| State    | $55.4 billion |
| --- | --- |
| Local  | $29.0 billion |
| Federal  | $8.1 billion |

ESSA funds are a portion of the total federal funding amount. The ESSA was implemented in 2017–18. The ESSA became effective for non-competitive formula grants in the 2017–18 school year, and for competitive grants as instructed by the ED, but largely in the 2017–18 school year as well.

The following fiscal information relates specifically to the programs included in the ESSA Consolidated State Plan. Federal allocations to states for federal fiscal year 2018 are were completed in March of 2018 after nearly six months of temporary budget measures. The majority of formula-funded programs saw an increase in national funding ranging from approximately 2 percent to 6 percent, with some outliers receiving more and others remaining level-funded. California tends to receive approximately 10 percent of federal funds for education programs, but the actual amount varies according to the allocation formula, as well as demographics in California and in other States. Individual State allocations have not yet been determined, but California is anticipating increases for most programs.

The FY 2018 amounts provided below are based on the ED’s State Tables which are based on Public Law 115-141, the Consolidated Appropriations Act of 2018. These numbers will be updated as the final numbers for the fiscal year become available.

* Title I, Part A: Improving Basic Programs Operated by State and Local Educational Agencies: California currently receives approximately $1.768 billion. The federal omnibus appropriations bill increased Title I allocations nationally by $300 million. The CDE anticipates that California will receive approximately 10 percent of the increase of Title I, Part A funds in 2017–18.

## Attachment(s)

* Attachment 1: Overview of Accountability Items and Matrix of the U.S. Department of Education’s Resubmission Elements Cross-Referenced with California’s Consolidated ESSA State Plan (15 pages)
* Attachment 2: Every Student Succeeds Act Accountability Issues: Summary of Impact on Existing State Accountability System (10 pages)
* Attachment 3: Proposed Revisions to California’s Consolidated ESSA State Plan (151 pages)
* Attachment 4: Requirements and Timeline for Approval of State Plans and Waivers Under the Every Student Succeeds Act (7 pages)
* Attachment 5: Statute Excerpts from the Title I Accountability Sections of the Every Student Succeeds Act (7 pages)