

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of Education January 2018 Agenda Item #05

## 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 and Update on the Eligibility Criteria for the Identification of the Lowest Performing Title I Schools.

## Type of Action

Action, Information

## Summary of the Issue(s)

The Every Student Succeeds Act (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).

As part of California’s transition to the ESSA, California was required to submit an ESSA Consolidated State Plan (State Plan) to the U.S. Department of Education (ED) in 2017. After 18 months of development, with extensive outreach to, and input from, California’s education stakeholders, California submitted the State Plan to the ED on September 15, 2017. The State Plan describes the State’s implementation of standards, assessments, accountability, and assistance programs.

Representatives from the California Department of Education (CDE) and the State Board of Education (SBE) participated in a phone conference with

ED on December 21, 2017, to discuss the State Plan interim feedback letter. The interim feedback and peer review letters were published on the ED’s Web site at <https://www2.ed.gov/admins/lead/account/stateplan17/map/ca.html>. The ED provided states 15 calendar days to respond to the interim feedback by providing revisions to their State Plan; California was given the deadline of January 8, 2018. The ED indicated written requests for extensions would be permitted; however, in order to accommodate the request for additional time, a determination on the State Plan may be rendered after the statutory 120-day review period. California submitted a written extension request to the ED on January 4, 2018, requesting a revised deadline of January 26, 2018. The extension was submitted in order for the interim feedback and proposed revisions to be considered by the SBE at their January 2018 meeting.

This agenda item provides an update to inform the SBE and the public regarding the submission of the State Plan in September 2017 and the interim feedback provided by the ED on December 21, 2017.

Additionally, the ESSA requires the SBE adopt eligibility criteria for the identification of the lowest-performing five percent of Title I schools. ESSA also requires states to identify these schools at least once every three years. This item also includes updated data simulations and stakeholder feedback on the criteria and methodology used to identify the lowest-performing five percent of Title I schools.

## Recommendation

The CDE recommends 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 also recommends that the SBE discuss the methodology used to identify the lowest-performing five percent of Title I schools. Based on guidance provided by the SBE the CDE will conduct further analyses, obtain feedback from educational stakeholders, and will bring final recommendations to the SBE.

## Brief History of Key Issues

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 is committed to aligning state and federal education policies to the greatest extent possible to develop an integrated local, state, and federal accountability and continuous improvement system grounded in the Local Control Funding Formula (LCFF). This will promote coherence across programs to better serve the needs of local educational agencies (LEAs), schools, educators, and students; recognize the diverse and multidimensional characteristics of LEAs, schools, educators, and students, and provide support accordingly; and systematically and collaboratively identify and resource opportunities to build the capacity of local, regional, and state educators and leaders to better serve students and families.

At its January 2017 meeting, the SBE unanimously approved the following guiding principles as part of a framework to develop a working draft of the State Plan:

* Ensure that state priorities and direction lead the plan with opportunities in the ESSA leveraged to assist in accomplishing goals and objectives.
* Create a single, coherent system that avoids the complexities of having separate state and federal accountability structures.
* Refresh applications, plans, and commitments to ensure that LEAs are evidencing alignment of federal funds to state and local priorities.
* Use the ESSA State Plan to draw further focus to California’s commitment to the implementation of rigorous state standards, equity, local control, performance, and continuous improvement.
* Leverage state administrative funds to realign CDE operations to state priorities.
* Strategically approach state-allowed reservations from Title programs to further state priorities.

Consistent with these principles, California’s State Plan was written to meet statutory requirements in a way that furthers California’s actions to implement an effective education system that reflects a commitment to performance, equity, 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 Friday, 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. As previously stated, the ED provided 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>.

The interim feedback letter is part of the ESSA approval process, which all states are undertaking. California’s letter is similar in length and scope to those received by many other states.

Attachment 1 includes the interim feedback provided by the ED and cross-references the pages numbers for the submitted version of the State Plan with the revised versions of the State Plan. Attachments 2 and 3 show the changes made to the September 2017 submitted State Plan that appear in the January 2018 proposed revised State Plan. Attachment 2 is formatted to be fully accessible to individuals with disabilities as required by Section 508 of the federal Rehabilitation Act of 1973. The content of Attachment 3 is identical to Attachment 2, and is formatted using tracked changes to show revisions as required by the ED.

### 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](mailto:join-essa@mlist.cde.ca.gov). Questions regarding ESSA in California may be sent to [ESSA@cde.ca.gov](mailto:ESSA@cde.ca.gov).

### Eligibility Criteria for the Identification of the Lowest Performing Title I Schools

Beginning in the 2018–19 school year, any state that accepts ESSA funds must identify schools for Comprehensive Support and Improvement (CSI). Such identification must occur at least once every three years and include the lowest-performing five percent of all schools receiving Title I funds. In addition, any public high school whose graduation rate has fallen below 67 percent for three consecutive years will be automatically identified for CSI, regardless of its Title I status.

In April 2017, the CDE submitted an Information Memorandum to the SBE that discussed the relationship between the SBE’s adoption of the Local Control Funding Formula (LCFF) evaluation rubrics and Title I school accountability requirements under ESSA (<http://www.cde.ca.gov/be/pn/im/documents/memo-exec-essa-apr17item02.doc>). The memorandum identified three options for identifying the lowest-performing five percent of Title I schools using the color-coded performance levels for state indicators. These options included Option 1, the “All Applicable Indicators” method, which identifies schools based on the combination of performance levels on the indicators that apply for each school. Schools that are Red (R) on all applicable indicators for that school (e.g., RRRR, RRR, RR, R) would be identified first. Schools with Red on all indicators except one, where the remaining indicator is Orange (O), (e.g., RRRO, RRO, RRO, RO) would be identified next, and so on, until five percent of schools are identified. Under this option, all state indicators receive equal weight. Option 2, the “All Applicable Weighted Indicators,” is similar to the first option but provides more or less weight to select indicators. Finally, Option 3, the “Water Fall” option arranges the state indicators in order of importance.

At the May 2017 SBE meeting, several SBE members indicated an interest to link the identification of the lowest-performing five percent of schools to LEAs identified for support under LCFF.

Based on direction from the SBE during the May 2017 meeting, additional detail for the three options and data simulations applying the LCFF criteria to identify LEAs for assistance and support were provided in an Information Memorandum to the SBE in June 2017   
(<http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-jun17item01.doc>). The simulations demonstrated that limiting the identification of schools only to those LEAs identified for support under the LCFF criteria excludes a number of the very low-performing schools (All Red/All Red except one Orange).

Following the May 2017 SBE meeting, the three options were presented to the Technical Design Group (TDG) and to stakeholders for feedback. The TDG, which provides feedback on the technical aspects related to accountability to the State Superintendent of Public Instruction, confirmed that Option 1, the “All Applicable Indicators” method, was technically sound. In addition, this option received the strongest support from stakeholders.

At the July 2017 SBE meeting, the SBE approved the “All Applicable Indicators” method to identify the lowest-performing five percent of Title I schools (<https://www.cde.ca.gov/be/ag/ag/yr17/documents/jul17item03.doc>). The SBE also approved the Baseline Methodology, which limits the color combinations of the schools identified as the lowest-performing five percent to: (1) all Red and (2) all Red but one Orange. The Baseline Methodology also adds a second criterion for LEA identification: Any LEA that has a school in the lowest five percent would be automatically identified for LCFF support; that support would focus, at a minimum, on helping the LEA to analyze the needs of the school and develop a plan to address them.

At the direction of the SBE, the CDE prepared new simulations, based on the latest data reported in the Fall 2017 California School Dashboard. These updated simulations are included in Attachment 4.

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

### ESSA State Plan Review and Adoption

**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. SBE members engaged in discussion regarding the draft and approved the draft to go out for public comment pending edits and additions to the sections regarding primary language assessment and long-term goals to be approved by the SBE Executive Director. SBE members also voiced concerns that the draft did not fully demonstrate the State’s commitment to equity and directed staff to solicit from stakeholders ways the draft could be improved to promote equity.

**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. SBE members engaged in discussion regarding the policy decisions and provided feedback to staff to consider in the State Plan draft. Additionally, CDE staff recommended that the SBE review and approve any required ESSA assurances and authorize the SBE President to sign and submit the assurances to the ED by the due date established by the ED. The SBE unanimously approved and authorized these recommended actions.

**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. The first draft sections of the ESSA Consolidated State Plan included the sections addressing Consultation and Coordination, Challenging State Academic Standards and Academic Assessments, and program specific requirements. 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. The update included information regarding use of federal funds and a description of stakeholder outreach and communications activities. Further, CDE staff reviewed Phase I of stakeholder engagement around ESSA, which was provided to the SBE as an August Information Memorandum. In addition, CDE and SBE staff presented to the SBE an update regarding the development of a new accountability and continuous improvement system, which led to the SBE approval of key elements of the system that will be used to evaluate schools and districts in ten areas critical to student performance, including graduation rates, readiness for college and careers, academic achievement, and progress of English learners.

**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. Additionally, CDE and SBE staff presented to the SBE an update regarding the development of a new accountability and continuous improvement system, which led to the SBE approval of a measure of college and career readiness, a methodology for establishing standards for state priorities, inclusion of a standard for use of local climate surveys, an Equity Report within the top-level summary data display, and the development of a timeline through the 2017 calendar year addressing upcoming developmental work.

**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. CDE and SBE staff presented to the SBE an update regarding the development of a new accountability and continuous improvement system, which led to the SBE approval of specific design elements of the LCFF evaluation rubrics and direction to staff to prepare recommendations and updates concerning standards for the LCFF priority areas and feasibility of incorporating additional indicators. 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. The SBE also heard a presentation of the Final Report from the State Superintendent of Public Instruction’s Advisory Accountability and Continuous Improvement Task Force.

**March 2016:** CDE and SBE staff presented to the SBE an update regarding development of a new accountability system including information regarding the Local Control and Accountability Plan and annual update template, evaluation rubrics, the ESSA State Plan, and the revised timeline for transitioning to a new accountability and continuous improvement system. 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.

### Identification of the Lowest Performing Title I Schools

In addition to the updates on the ESSA State Plan and Accountability System, several SBE items and memorandum have focused on the identification of the Lowest Performing Title I schools. A summary of those items and memorandum are summarized below:

In September 2016, the SBE approved LCFF criteria to identify LEAs for assistance and support (<https://www.cde.ca.gov/be/ag/ag/yr16/documents/sep16item01.doc>).

The April 2017 Information Memorandum to the SBE (<http://www.cde.ca.gov/be/pn/im/documents/memo-exec-essa-apr17item02.doc>) presented three options for identifying the lowest-performing five percent of Title I schools. All three options use the color-coded performance levels for state indicators in the identification process.

The June 2017 Information Memorandum (<http://www.cde.ca.gov/be/pn/im/documents/memo-dsib-amard-jun17item01.doc>) included data simulations applying the LCFF criteria to identify LEAs for assistance and support that the SBE approved at its September 2016 meeting.

In July 2017, the SBE approved the “All Applicable Indicators” method and the Baseline Methodology for identifying the lowest-performing five percent of Title I schools (<https://www.cde.ca.gov/be/ag/ag/yr17/documents/jul17item03.doc>)

## 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 U.S. Department of Education (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 fiscal years 2016–17 and 2017–18 are preliminary estimates based on currently available data. Allocations based on new data may result in significant changes from these preliminary estimates. The 2016–17 amounts provided below are based on actual grant awards, but are also subject to change.

The 2017–18 amounts provided below are based on the ED’s State Tables which are based on Public Law 115-31, the Consolidated Appropriations Act of 2017. These numbers may be updated as the final numbers for the fiscal year become available, but we do not anticipate significant changes to funding levels at this time. There are, however, a number of changes to various formulas that may impact funding as ESSA goes into effect this year.

* For Title I, minor changes to the amount of Title I funds that flow through each of the four parts will be made, but the state grant formula overall is unchanged.
* Title I, Part A: Improving Basic Programs Operated by State and Local Educational Agencies: California currently receives approximately $1.768 billion. The CDE anticipates that California will receive $1.831 billion in Title I, Part A funds in 2017–18.

## Attachment(s)

Attachment 1: Matrix of the U.S. Department of Education’s Interim Feedback Cross-

Referenced with California’s Consolidated ESSA State Plans (This attachment will be posted next week.)

Attachment 2: Proposed Revisions to California’s Consolidated ESSA State Plan,

Section 508 of the federal Rehabilitation Act of 1973 Version (This attachment will be posted next week.)

Attachment 3: Proposed Revisions to California’s Consolidated ESSA State Plan,

Tracked Changes Version (This attachment will be posted next week.)

Attachment 4: Color Combinations Using Fall 2017 California School Dashboard Data

(This attachment will be posted next week.)