

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of EducationJuly 2018 AgendaItem #02

## 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, 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.

As summarized in greater detail in the April 2018 agenda item on the ESSA plan, <https://www.cde.ca.gov/be/ag/ag/yr18/agenda201804.asp>, SBE and CDE staff traveled to Washington, D.C. in February to meet in-person with Jason Botel, Principal Deputy Assistant Secretary, and other senior officials to resolve outstanding concerns that ED had with the revised State Plan. Through the extensive discussions with ED staff, staff from the CDE and SBE were able to identify revisions that would meet ED’s statutory interpretation without fundamentally altering the foundation of California’s accountability and support systems.

The SBE considered and approved proposed revisions to the State Plan at its March 2018 meeting and at an additional meeting scheduled in April 2018 to consider proposed revisions to the Title I accountability sections that had been not resolved until shortly before the March 2018 meeting due to ongoing negotiations with the ED. At the April 2018 meeting, the SBE also directed the CDE to pursue a waiver related to the English Learner Progress Indicator. The revisions maintained 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. The revised State Plan approved by the SBE at their April 2018, meeting was submitted to the ED the week of April 16, 2018.

In early June, the ED advised CDE and SBE staff that they had identified additional issues in the April 2018 resubmission of the State Plan and, on June 11, 2018, formally requested additional clarifying information about California’s State Plan. The CDE and SBE were surprised and disappointed to receive this request as California was advised by ED in March that all outstanding ESSA issues had been resolved. The CDE and SBE staff have worked closely with the ED to once again provide revised language to address the remaining comments and concerns. At the CDE’s request the ED provided a letter notifying California that the latest version of the State Plan met all federal requirements.

Attachment 1 is an overview of the proposed revisions to the accountability items and a matrix of the ED’s June 11, 2018, Items That Require Additional Information or Revision
in California's Consolidated State Plan cross-referenced with California’s ESSA State Plan. Attachment 2 reflects the proposed changes to the State Plan, compared against a clean version of the State Plan that the SBE approved at its April 2018 meeting. Attachment 3 includes statute excerpts from the accountability sections of the ESSA. The letter provided by the ED is included in Attachment 4.

A stakeholder Webinar to review the proposed revisions is scheduled for July 3, 2018, prior to the SBE meeting. Pending Board action, the CDE plans to resubmit the State Plan immediately following the July 2018 meeting, and staff are optimistic California’s State Plan will be approved shortly thereafter.

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, correction of any typographical errors, and necessary, non-substantive clarifying edits.

## 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.

### 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

**April 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. The SBE took action to approve a revised State Plan and directed the CDE to pursue a waiver related to the English Language Progress Indicator. The revised State Plan was resubmitted to ED the week of April 16, 2018, and the waiver request was submitted on May 16, 2018.

**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 Comments Cross-Referenced with California’s Consolidated ESSA State Plan (12 pages)
* **Attachment 2:** Proposed Revisions to California’s Consolidated ESSA State Plan (148 pages)
* **Attachment 3:** Statute Excerpts from the Title I Accountability Sections of the Every Student Succeeds Act (8 pages)
* **Attachment 4:** Letter from the U.S. Department of Education (1 page)