

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of Education March 2018 Agenda Item #04

## 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. California officials reached out to the ED to begin discussions related to any outstanding issues raised in the ED’s December 2017 interim feedback letter. In late February, Karen Stapf Walters, Executive Director, SBE; David Sapp, Deputy Policy Director and Assistant Legal Counsel; Glen Price, Chief Deputy, State Superintendent of Public Instruction, CDE; and Cindy Kazanis, Director, Analysis, Measurement and Accountability Reporting Division, met 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 from the ED in Washington, D.C.

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. Staff from the federal and state agencies worked together and discussed potential language that would both meet ED’s interpretation of federal statute and continue to align with the California Way.

Based on the conversations with staff from the ED over the last several weeks, the CDE proposes to make further revisions to the State Plan. 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. As described below, many of the changes are technical in nature; however, some substantive changes are necessary to address ED’s interpretation of several ESSA provisions.

The CDE will host an ESSA Accountability Stakeholder Meeting on March 7, 2018, to review the proposed changes to the State Plan included in Attachments 1 and 2.

## Accountability Issues

### Status and Change (Long-Term Goals & Indicators)

In general, ED interpreted that indicators for which states must establish long-term goals can be based on current year only. California can address this interpretation of statute by treating the Status component of the relevant indicator on the California School Dashboard (Dashboard) as the indicator for purposes of ESSA plan, with the goal set relative to Status, and with Change serving as a separate indicator. The two indicators combine to provide a color-coded performance level, such that there is no material impact on the Dashboard, any of the cut-scores for Status and Change for the five-by-five grids that are used to determine color-coded performance levels for Dashboard indicators within the California Model, or how the color-coded performance levels differentiate local education agencies (LEAs) and school performance. The Change component of the Dashboard indicator can serve as an additional academic indicator or indicator of student success, as described below.

*Academic Achievement Indicator*

In order to meet the ED’s interpretation of the federal statute, California proposes to adjust the academic achievement indicators to be inclusive of grades three through eight (3–8) for elementary and middle schools, and grade 11 for high schools. For the purposes of this Plan, the academic achievement indicator consists only of the “Status” component of California’s Academic Achievement Indicator on the Dashboard for grades 3–8. For grade 11, the Academic Achievement Indicator includes both Status and Change, as authorized by ESSA, Section 1111(c)(4)(B)(i).

The CDE proposes no changes to the College/Career Indicator (CCI); as described below, the CCI would serve as an indicator of student success.

ESSA State Plan Sections: A.4.iii.a.1, A.4.iv.a, A.4.iv.b, A.4.iv.e

Attachment 3 item number: 1, 7, 8

*Graduation Rate Indicator*

The CDE recommends that for the purposes of the ESSA State Plan, the Graduation Rate consists only of the Status component of California’s Graduation Rate Indicator on the Dashboard.

ESSA State Plan Sections: A.4.iii.b.1., A.4.iv.c

Attachment 3 item number: 3, 9

*English Learner Proficiency Indicator*

The CDE recommends that for the purposes of the ESSA State Plan, the English learner proficiency indicator consists only of the Status component of California’s English Learner Progress Indicator (ELPI) on the Dashboard.

ESSA State Plan Sections: A.4.iv.d

Attachment 3 item number: 10

*Other Academic Indicator for K-8*

The CDE recommends that for the purposes of the ESSA State Plan, the Change component of California’s Academic Indicator for grades 3-8 serve as an additional academic indicator.

ESSA State Plan Sections: A.4.iv.b

Attachment 3 item number: 8

*School Quality or Student Success Indicators*

In addition to the Suspension Rate Indicator, the CDE recommends that the “Change” component for California’s Graduation Rate and ELPI are added as additional student success indicators.

ESSA State Plan Sections: A.4.iv.e

Attachment 3 item number: 9, 10, 11

### Indicator-specific issues

*College/Career Indicator*

The CDE recommends the CCI be categorized as an indicator of student success for high schools. The calculation of the CCI will remain as adopted by the SBE, and the performance standards will be established prior to the initial year of school identification in 2018–19.

ESSA State Plan Sections: A.4.iv.e

Attachment 3 item number: 7

*English Language Proficiency Indicator*

Despite significant stakeholder input and support for the current Dashboard indicator, the CDE recommends modifying the English language proficiency indicator to meet the ED reading of the ESSA Statute, in which only students who are English learners in the current school year can be included in the calculation.

Accordingly, the updated ELPI would be based only on performance of the English language proficiency test, currently the California English Language Development Test. The component of the current ELPI calculation that accounts for students reclassified the prior year, with a weighting factor for long-term English learners who were reclassified, would be removed.

ESSA State Plan Sections: A.4.iii.c.1, A.4.iv.d

Attachment 3 item number: 5, 6, 10

### Weighting of indicators

Additional information about this section will be posted the week of March 5, 2018.

ESSA State Plan Sections: A.4.v.b

Attachment 3 item number: 12

### Measurements of interim progress

States must establish measurements of interim progress for the indicators with long-term goals (academic achievement, graduation rate, English learner proficiency). CDE recommends adding to the tables included in the January 2018 version of the State Plan that provide the statewide baseline data for all students and student groups on these indicators two columns that show the average annual improvement and a midway benchmark to meet the goal within the seven-year period, calculated for all students and each student group.

When staff initially proposed a seven-year period for meeting the ESSA’s long-term goals, the proposed indicators, goals, and measurements of interim progress were based on the five-by-five color-coded grids for the relevant Dashboard indicators. The SBE intends to update the color-coded grids at least every seven years to reflect overall progress statewide as LEAs, schools, and student group performance improves and more attain the Green performance level over time. The seven-year period was a natural timeframe for the ESSA goals to align with this continuous improvement framework. In light of the ED’s interpretation of the statutory provisions, the proposed approach for addressing these ESSA requirements has shifted materially. Rather than being based on Status and Change and grounded on performance standards that will be updated regularly, the current approach is based on static targets. The SBE may therefore wish to reconsider whether the seven-year period for meeting the long-term goals for these indicators remains appropriate.

ESSA State Plan Sections: A.4.iii.a.2, A.4.iii.a.3, A.4.iii.b.3, A.4.iii.b.4

Attachment 3 item number: 2, 4

### School identification

Additional information about this section will be posted the week of March 5, 2018.

ESSA State Plan Sections: A.4.vi.

Attachment 3 item number: 14, 15, 16

### Exit Criteria

CDE recommends updating the sections describing the exit criteria for comprehensive support and for additional targeted support to clarify that schools meet the exit criteria only if their Status has not declined on the relevant indicators.

ESSA State Plan Sections: A.4.vi.c, A.4.viii.a, A.4.viii.b

Attachment 3 item number: 17, 18

### N-size

CDE recommends adding language to this section identifying the ongoing support and programmatic oversight provided to small schools that have fewer than 30 students for any Dashboard indicator (and therefore receive no color-coded performance levels).

The State Plan removes the reference to the alternative school model, which is under development and subject to final SBE action. California will update, as appropriate, pending final SBE action this fall.

ESSA State Plan Sections: A.4.v.c

Attachment 3 item number: 13

## Other Issues

### Disproportionate Rates of Access to Educators

The CDE recommends that the State Plan be updated to include a number of steps outlined in Section A.5 to ensure that low-income and minority children enrolled in schools assisted under Title I, Part A are not served at disproportionate rates by ineffective, out-of-field, or experienced teachers, beyond the evaluation and public reporting of equity gaps. Further, this section will be updated to add a table to provide the most recent year of analyzed teacher data, disaggregated by Title I schools.

ESSA State Plan Sections: A.5

Attachment 3 item number: 19

**Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement, Entrance and Exit Procedures**

The CDE suggests this section of the State Plan be supplemented to add additional details of the timeline to be undertaken to standardize English Learner Entrance and Exit Criteria for English learners in California, including: the adoption by the SBE of a new English Language Proficiency Assessment for California reclassification criteria, the development of the standardized Language Observation Tool and Parent Involvement Protocol, and work with the Legislature to begin to change the reclassification criteria in California *Education Code*.

ESSA State Plan Sections: E.1

Attachment 3 item number: 22

**Title VII, Subtitle B, Education for Homeless Children and Youth Program, McKinney-Vento Homeless Assistance Act, Assistance from Counselors**

Based on feedback from the ED, the CDE suggests that the revised State Plan clarify and describe how homeless youths will receive specific assistance from counselors to advise such youths and prepare and improve the readiness of such youths for college.

ESSA State Plan Sections: I.7

Attachment 3 item number: 24

## 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 further recommends that the SBE discuss whether to pursue waivers on any areas of the State Plan that are modified to meet ED’s reading of the ESSA statute and, as appropriate, delegate authority to CDE, subject to approval of the SBE Executive Director, to pursue any such waivers as expeditiously as possible so they can be resolved prior to release of 2018 Dashboard.

## 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 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 LCFF. This will promote coherence across programs to better serve the needs of 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.

### 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. 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.

Attachments 1 and 2 reflect the proposed changes to the State Plan. Attachment 1 is formatted to be accessible to individuals with disabilities as required by Section 508 of the federal Rehabilitation Act of 1973. The content of Attachment 2 is identical to Attachment 1, and is formatted using tracked changes to show revisions as required by the ED. Attachment 3 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.

### 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).

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

**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. 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.

## 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 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: Proposed Revisions to California’s Consolidated ESSA State Plan, Section 508 of the federal Rehabilitation Act of 1973 Version   
  (This attachment will be posted the week of March 5, 2018.)
* Attachment 2: Proposed Revisions to California’s Consolidated ESSA State Plan, Tracked Changes Version (149 pages)
* Attachment 3: 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 the week of March 5, 2018.)