

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of Education November 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.

## Type of Action

Action, Information

## Summary of the Issue(s)

After more than two years of development, including extensive outreach to, and input from California’s education stakeholders, California’s Every Student Succeeds Act (ESSA) Consolidated State Plan (State Plan) was approved by the U.S. Department of Education (ED) on July 12, 2018. California’s State Plan approval came just one day after the State Board of Education (SBE) approved the final State Plan for submission to the ED at the July 2018 meeting. Previous SBE agenda items summarize the State Plan development process and include earlier drafts of California’s State Plan approved by the SBE.

The California Department of Education (CDE) and California’s local educational agencies (LEAs) are currently beginning to implement the ESSA requirements, as well as taking advantage of new opportunities to partner with stakeholders to improve education for all students. In August 2018, the CDE provided the SBE with an information memorandum detailing California’s ESSA implementation timeline for 2018–21, key ESSA implementation activities, and information related to LEA and school identification under the Local Control Funding Formula and the ESSA, <https://www.cde.ca.gov/be/pn/im/infomemoaug2018.asp>.

On October 5, 2018, approximately 300 individuals participated in an ESSA Stakeholder meeting, which provided updates and summarized previous board actions related to the ESSA State Plan. Additional ESSA Stakeholder meetings are scheduled for November 2, 2018, and December 10, 2018. The initial meeting was well attended, and the CDE will continue to offer stakeholder meetings in this format. Similar information was discussed in depth at the Local Control Funding Formula Stakeholder Meeting on October 18, 2018.

The CDE recommends that several sections of the State Plan be amended to reflect the changes to California’s accountability and continuous improvement system that are described in previous SBE agenda items and Board action, including the July, September, and November 2018 meetings. A summary of the proposed amendments is included in Attachment 1. Pending Board action, the CDE plans to submit the requested amendments to the State Plan following the November 2018 meeting.

This agenda item includes the following Attachments:

* Attachment 1 is an overview of the proposed amendments to California’s Consolidated ESSA State Plan, approved by the ED on July 12, 2018.
* Attachment 2 reflects the proposed amendments to the State Plan, compared to the State Plan approved by the ED.
* Attachment 3 is the ESSA State Plan approval letter from the ED.

### Request for a Waiver Under Title I, Part A, Section 8401 to Align the State and Federal English Learner Progress Indicator

In April 2018, the SBE directed the CDE to request a four-year waiver from the ED that, if granted, would allow California to include recently reclassified fluent English proficient (RFEP) students in measuring the progress of English learners (ELs) to achieve English language proficiency and provide additional weight for long-term English learners (LTELs).

The CDE and the SBE received an initial denial letter related to California’s waiver request on October 9, 2018. Pursuant to Section 8401 of the Every Student Succeeds Act, the Secretary of Education may issue an initial determination of disapproval, but must offer the State Education Agency 60 days to revise and resubmit the waiver request. California resubmitted the waiver request on October 17, 2018. The content of the waiver request is unchanged; rather California’s arguments in support of the request have been updated based on the content of the ED’s initial determination of denial letter dated October 9, 2018. The Secretary has 30 days to reconsider her initial determination of the waiver request.

The CDE provided an update and detailed summary to the SBE on the ELPI waiver in the October 2018 information memorandum, <https://www.cde.ca.gov/be/pn/im/infomemooct2018.asp>. This memorandum includes copies of the correspondence between the CDE and the ED.

Proposed amendments to the State Plan included in this item do not include any changes based on the pending ELPI waiver request.

## Recommendation

The CDE recommends that the SBE approve the amendments to California’s ESSA 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.

California’s ESSA State Plan was approved by the ED on July 12, 2018.

### Ongoing Communication and Engagement

Since the ESSA became law, California 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 <https://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 <https://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

**July 2018:** The revised version of the State Plan based on theJune 11, 2018, feedback from ED was posted as a part of the Item. The SBE took action to approve a revised State Plan. The revised State Plan was submitted to the ED on July 11, 2018.

**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 the 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:** The 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:** TheCDE 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:** TheCDE 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:** TheCDE staff presented to the SBE the first complete draft of the ESSA State Plan.

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

**November 2016:** TheCDE 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:** The 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:** The 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:** TheCDE 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:** The 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 2018–19 California Budget Act is $96 billion:

State $56.3 billion

Local $31.0 billion

Federal $8.7 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.

## Attachment(s)

* **Attachment 1:** Overview of the Proposed Amendments to California’s Consolidated ESSA State Plan, approved by the ED on July 12, 2018 (6 pages)
* **Attachment 2:** Proposed Amendments to California’s Consolidated ESSA State Plan (164 pages)
* **Attachment 3:** Letter from the ED Approving California’s Consolidated ESSA State Plan (2 pages)