

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

exec-gad-nov21item01

# California State Board of Education November 2021 Agenda Item #06

## Subject

Update to California’s Every Student Succeeds Act State Plan: Approval of the Amendments to the State Plan

## Type of Action

Action, Information

## Summary of the Issue(s)

In January 2021, the State Board of Education (SBE) approved amendments to California’s Elementary and Secondary Education Act (ESEA) Consolidated State Plan (State Plan) under the Every Student Succeeds Act (ESSA) and these amendments were subsequently submitted to the U.S. Department of Education (ED). The amendments continue to be pending review and approval by the ED.

The amendments proposed in this item are a follow-up to a November 2019 action by the SBE related to the ESSA Section titled, Disproportionate Rates of Access of Educators. The SBE action in November 2019 clarified the definitions of ineffective teacher and out of field teacher. This data is matched between data collected by the California Department of Education (CDE) and the California Commission on Teacher Credentialing (CTC). For additional context, the following information was included in California’s ESSA Plan that was approved by the ED on December 4, 2020.

California is currently determining the process through which teacher misassignment data will be collected. Once the process has been clarified, and no later than spring 2019, the CDE will use data collected via the California Longitudinal Pupil Assessment System (CALPADS), data collected by the CTC, and *CalEdFacts* to create data profiles that provide information regarding the rates at which low-income and minority children are taught by teachers in the credential and assignment statuses recognized by state law, consistent with the ineffective teacher definition, out-of-field teachers, and inexperienced teachers, compared to the rates at which other children are taught by these types of teachers. The data profile will include comparisons for each of these components. To provide a more precise depiction of equity gaps, California will continue to organize data by deciles.

The CDE and CTC recently completed the initial data match based on data from local educational agencies (LEAs) in the 2019–20 school year which allows the CDE for the first time to report on ineffective teachers. This item provides the data tables for ineffective teachers as required under ESSA:

* Table 30b. 2019–20 Ineffective Teachers for Title I Schools by Minority Student Enrollment
* Table 31b. 2019–20 Ineffective Teachers for Title I Schools by Socioeconomically Disadvantaged Student Enrollment
* Table 32b. 2019–20 Ineffective Teachers by Socioeconomically Disadvantaged Student Enrollment

Additionally, in response to feedback from LEAs and advocacy groups, the CDE is proposing that Local Assignment Options (LAOs) authorized in *California Code of Regulations,* Title 5 (5 *CCR*) Section 80005(b) which allows kindergarten through grade twelve staff to teach electives within their grade level authorization be exempt from the out-of-field designation. This particular LAO is unique because appropriate certifications or authorizations for these courses do not currently exist. The CDE provided the SBE a June 2021 Memorandum on this topic (<https://www.cde.ca.gov/be/pn/im/documents/jun21memoeeed01.docx>).

Attachment 1 provides a summary of the proposed amendments. Attachment 2 provides the proposed amendments to the State Plan, compared to the State Plan approved by the ED.

Note: Since the ED has not yet approved the amendments that were approved by the SBE in January 2021, the ED directed the CDE to only provide the Section titled, Disproportionate Rates of Access of Educators of the State Plan during this amendment submission process.

## Recommendation

The CDE recommends that the SBE approve the amendments to the State Plan, 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 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 provided California with a number of opportunities to build upon the state’s new direction in accountability and continuous improvement.

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

**June 2021:** The CDE provided the SBE with an Information Memorandum that provided an overview of LAOs.

**December 2020:** The CDE provided the SBE with an Information Memorandum that provided information on the October 5, 2020, letter from the ED which raised concerns that using modified methods to calculate state indicators for Dashboard Alternative School Status schools is notpermissible under the ESSA. The Information Memorandum also included the response from the CDE asking for more time to bring the issue before the SBE.

**January 2020:** The SBE approved the adoption of the amended State Plan which (1) updated the long-term goal and revised status cut scores for the Graduation Rate Indicator, (2) approved the methodology for using the English Learner Progress Indicator (ELPI) for school identification, (3) approved status cut scores for the ELPI, (4) clarified the definitions of ineffective teacher and out of field teacher, (5) raised the low graduation threshold to below 68 percent, (6) refined a combined four- and five-year graduation rate for the Graduation Rate Indicator, and (7) reinserted the Academic Indicator State Level Data by Student Group Tables. The plan was submitted to the ED on January 31, 2020.

**November 2019:** The SBE (1) clarified the definitions of ineffective teacher and out-of-field teacher, (2) updated long-term goal and revised status cut scores for the Graduation Rate Indicator, (3) approved status cut scores for the ELPI, and (4) approved the methodology for using the ELPI for school and LEA identification.

**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 approved 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 approved a revised State Plan and directed the CDE to pursue a waiver related to the ELPI. 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 SBE was asked 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 approved, the following sections of the State Plan: A.5, E.1, and 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 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 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 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 State Plan including proposed guiding principles and recommended approach for the 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 State Plan including the ESSA Consolidated State Plan Development Draft Timeline; the first draft sections of the 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 (SSPI) 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 State Plan including an overview of ESSA programs, an overview of 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 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 SSPI 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 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.

**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 2021–22 California Budget Act is $123 billion:

* State: $67.6 billion (54.9 percent)
* Local: $36.6 billion (29.8 percent)
* Federal: $18.8 billion (15.3 percent)

ESSA funds are a portion of the total federal funding amount.

## Attachment(s)

* **Attachment 1:** Overview of the Proposed Amendments to California’s Every Student Succeeds Act Consolidated State Plan (1 page)
* **Attachment 2:** California’s Every Student Succeeds Act Consolidated State Plan Including Proposed Amendments (16 pages)

## Attachment 1: Overview of the Proposed Amendments to California’s Every Student Succeeds Act Consolidated State Plan

As part of the ongoing development of the Every Student Succeeds Act Consolidated State Plan (State Plan) and the California School Dashboard, the California Department of Education (CDE) is requesting the adoption of the following amendments.

### Summary: Disproportionate Rates of Access to Educators (Elementary and Secondary Education Act Section 1111[g][1][B])

The CDE is proposing that Local Assignment Options (LAOs) authorized in *California Code of Regulations* Title 5 (*5 CCR*) Section 80005(b) which allow kindergarten through grade twelve staff to teach electives within their grade level authorization be exempt from the out-of-field designation. This particular LAO is unique because appropriate certifications or authorizations for these courses do not currently exist. The CDE provided the State Board of Education (SBE) a June 2021 Memorandum on this topic (<https://www.cde.ca.gov/be/pn/im/documents/jun21memoeeed01.docx>).

Additionally, the State Plan is amended to add the following data tables related to ineffective teachers:

* Table 30b. 2019–20 Ineffective Teachers for Title I Schools by Minority Student Enrollment
* Table 31b. 2019–20 Ineffective Teachers for Title I Schools by Socioeconomically Disadvantaged Student Enrollment
* Table 32b. 2019–20 Ineffective Teachers by Socioeconomically Disadvantaged Student Enrollment