



California Department of Education

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California State Board of Education

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November 18, 2020

The Honorable Frank Brogan
Assistant Secretary for Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-6100

Dear Assistant Secretary Brogan:

Re: 2020 Title I, Part A High-Risk Status

On behalf of the California State Board of Education (SBE) and the California Department of Education (CDE), we are writing to you today in response to your October 5, 2020, letter regarding California's fiscal year (FY) 2020 Title I, Part A grant award high-risk status. California is grateful for the ability to work with the U.S. Department of Education (ED) to resolve high-risk conditions.

In your letter dated October 5, 2020, ED stated that California must modify its procedure for calculating its Academic Achievement indicator in accordance with the requirements in section 1111(c)(4)(E) of the Elementary and Secondary Education Act of 1965 (ESEA). California has made the requested changes and is attaching evidence of the affected business rule to this letter.

Additionally, your letter raises concerns about California's Dashboard Alternative School Status (DASS) program. ED has asked for a response within 60 days to demonstrate how it is meeting the requirement to include all schools in its system of annual meaningful differentiation consistent with California's ESEA consolidated State plan or provide a plan to meet the requirement to include all schools in its system of annual meaningful differentiation prior to the next time it uses its accountability system.

Any changes to the accountability system will require review and approval by the SBE, per state law. To meet our obligations under law, the earliest we can bring this topic for consideration is the January 13–14, 2021, SBE meeting. As a result, the timeline laid out by ED cannot be met by California. We respectfully request an

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extension of this deadline to allow for the SBE, as the State Educational Agency, to respond to this issue.

Finally, one outstanding issue is the requirement to submit data related to the educator equity portion of California's ESEA consolidated State plan by December 15, 2020. California is in the process of collecting this information and has been working toward reporting this data for the ED*Facts* collection in February of 2021. We respectfully request an extension of this deadline to align with the ED*Facts* reporting timeline.

If you need additional information regarding this request, please contact Joseph Saenz, Federal Policy Liaison, Government Affairs Division, by telephone at 916-591-6391 or by email at jsaenz@cde.ca.gov.

Sincerely,

/s/

Tony Thurmond
State Superintendent of Public Instruction
California Department of Education

/s/

Linda Darling-Hammond
President
California State Board of Education

TT/LDH:js
Attachment

**Participation Rate Business Rules
Updated 10/29/2020**

Participation rate is the number of students who actually tested divided by the number of students who were expected to test (enrolled minus excluded students), multiplied by 100 to get a percentage.

Each student needed to bring the participation rate up to 95 percent will be assigned a DFS based on the assignment of a LOSS score. For ELA the assigned DFS is -279. For math the assigned DFS is -247. For example:

- a. The number of students enrolled at a LEA in grades three through eight and grade eleven who are eligible to participate in the ELA SBA is **326**
- b. The number of students needing to test in order to meet the 95 percent participation rate target is: $326 \times 0.95 = 308$
- c. The number of students actually tested in this example is **258**
- d. Subtract the number of students who actually tested from the number of students needing to test in order to reach the 95 percent participation rate target: $309 - 258 = 51$
- e. As noted above, each student who needed to test in order to reach the 95 percent participation rate target is assigned a DFS based on the assigned LOSS score. This assigned DFS is **-279**.
- f. Multiply the number of additional students needed (51) by the assigned DFS (-279) to calculate the adjustment score: $51 \times -279 = -14,229$
- g. Apply this penalty to the total DFS of the LEA
 - h. In the current example, the LEA had a total DFS of **4,355** (without penalty)
- i. Add the penalty to the total DFS: $4,355 + (-14,229 \text{ penalty points}) = -9,894$
- j. Divide this result by the number of students needed to meet the 95 percent target rate: $-9,894 / 309 = -32.0$
- k. The new / adjusted DFS for this particular LEA is -32.0
 - a. The DFS adjustments, when applicable, should be made for both the prior and current school years