



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 12, 2022

The Honorable Tony Thurmond  
Superintendent  
California Department of Education  
1430 N Street  
Sacramento, CA 95814

Dr. Linda Darling-Hammond  
President  
State Board of Education  
1430 N Street, Room 5111  
Sacramento, CA 95814

Dear Superintendent Thurmond and Dr. Darling-Hammond:

In a letter dated June 3, 2019, the U.S. Department of Education (the Department) placed California's fiscal year (FY) 2018 Title I, Part A grant on high-risk status because the California Department of Education (CDE) did not identify schools for comprehensive support and improvement (CSI) and additional targeted support and improvement (ATSI) in the 2018-2019 school year based on data from the 2017-2018 school year using all indicators required by the Elementary and Secondary Education Act of 1965 (ESEA). (ESEA sections 1111(c)(4)(B), 1111(c)(4)(D), and 1111(d)(2)(C)-(D)). Specifically, CDE did not include a Progress in Achieving English Language Proficiency (ELP) indicator in its accountability system that it used to identify schools for support and improvement. The Department also placed California's FY 2019 Title I, Part A grant award on high-risk status based on this non-compliance.

On November 8, 2019, the Department amended California's FY 2019 Title I, Part A grant award's high-risk status because CDE did not calculate its Academic Achievement indicator consistent with the requirement to make adjustments based on participation rate in ESEA section 1111(c)(4)(E). Therefore, CDE did not identify schools for CSI and ATSI consistent with statutory requirements.

On May 6, 2020, CDE provided evidence to resolve some of the conditions of California's high risk status. After reviewing the evidence provided, on October 5, 2020, the Department placed the following amended conditions of high-risk status on California's FY 2020 Title I, Part A grant award:

- Within 60 days, CDE must submit to the Department a draft of its modified business rules for calculating its Academic Achievement indicator in accordance with the requirements in section 1111(c)(4)(E) of the ESEA.
- Within 60 days, CDE must either:
  - 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 (i.e., evidence that [Dashboard Alternative School Status program (DASS)] schools are held

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- 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 (i.e., accountability determinations provided in fall 2021).
- By March 1, 2022, CDE must provide evidence to the Department that CDE identified schools for comprehensive support and improvement and additional targeted support and improvement in fall 2021 based on a system of annual meaningful differentiation that meets the statutory requirements using data from the 2020-2021 school year, including calculating the Academic Achievement indicator in accordance with the requirements in section 1111(c)(4)(E) of the ESEA.

### ***Resolved Condition***

California provided the required evidence on March 12, 2021, that its modified business rules for calculating its Academic Achievement indicator are in accordance with the requirements in section 1111(c)(4)(E) of the ESEA. Therefore, I am removing the first condition of high-risk status from California’s Title I, Part A grant awards. Thank you for your efforts and the efforts of your staff in correcting this issue.

### ***Revised Conditions***

In response to the condition of its high-risk status related to its alternative accountability system, California sent a letter to the Department that provided background on the Dashboard Alternative School Status (DASS) program and the eligibility definition for schools; explained California’s rationale for using an alternative accountability system; and described the impact of these modified measures on the identification of schools. Additionally, California proposed an amendment to its ESEA consolidated State plan to describe the proposed alternative accountability system for DASS schools.

Specifically, California proposes, for DASS schools only, to use two “modified” measures of the Academic Achievement indicator and Graduation Rate indicator. For the Academic Achievement indicator, California proposes to use different cut scores for measuring the academic achievement for DASS schools than non-DASS schools such that more DASS schools have “Low” performance rather than “Very Low” performance. For the Graduation Rate indicator, the State proposes to use a one-year adjusted cohort graduation rate (ACGR) rather than the four-year ACGR and the optional extended-year ACGR. In sum, California is proposing to set lower standards for DASS schools serving high proportions of “at-risk” students (e.g., foster students, youth experiencing homelessness, students who have transferred more than twice in a school year or during high school, students who have been expelled).

The Department understands that the goal of California’s proposed alternative accountability system is to differentiate among DASS schools, and as stated in the letter, “to fairly evaluate their success, progress, or challenges.” However, ESEA section 1111(c)(4)(C) requires that a State include all public schools in its system of annual meaningful differentiation, which must be based on all indicators in the State’s accountability system under section 1111(c)(4)(B) of the ESEA. The Department has permitted a State to establish an alternative methodology only for schools for which an accountability determination cannot be made (e.g., P-2 schools) because the schools do not have the data needed to make a determination using the system put forth by the State (e.g., due to the school not having students who take the annual State assessment). The ESEA does not permit different accountability systems for

schools that have the data necessary to be included in the system put forth by the State in its consolidated State plan. Additionally, ESEA section 1111(c)(4)(B)(iii) does not permit the use of a one-year ACGR for the Graduation Rate indicator in the system of annual meaningful differentiation.

Based on the information provided by California, the State has the necessary data to make an accountability determination based on all indicators in the State's system of annual meaningful differentiation in its approved consolidated State plan. Therefore, I am denying California's proposed amendment to its consolidated State plan. I am also amending the existing conditions of high-risk status on California's Title I, Part A grant awards to require the following:

- By April 1, 2022, CDE must provide a plan (e.g., a State plan amendment if California's plan would require changes to its approved consolidated State plan) to meet the requirement to include all schools in its system of annual meaningful differentiation (using the same Academic Achievement and Graduation Rate indicators for DASS and non-DASS schools) based on data from school year 2021-2022 and for school identifications in fall 2022.
- By January 15, 2023, CDE must provide evidence to the Department that CDE identified schools for comprehensive support and improvement and additional targeted support and improvement in fall 2022 consistent with all statutory requirements (i.e., based on a system of annual meaningful differentiation that (1) uses the same Academic Achievement and Graduation Rate indicators for DASS and non-DASS schools and (2) uses a calculation of the Academic Achievement indicator that takes into account participation rate in accordance with the requirements in section 1111(c)(4)(E) of the ESEA).

To support California in meeting the goal of its proposed alternative accountability system for DASS schools, there are several existing flexibilities afforded to States in the ESEA. We believe the following would be useful to consider in response to the concerns raised in California's letter:

- *School Identification.* A State may choose to identify the lowest-performing 5 percent of Title I schools by school type (i.e., elementary, middle, high schools, and alternative high schools) for comprehensive support and improvement.
- *Partial Attendance.* California's letter describes that students attending DASS schools are highly mobile. Section 1111(c)(4)(F)(i) of the ESEA allows that in the case of a student who has not attended the same school within a local educational agency for at least half of a school year, the State may exclude the performance of such a student on the State's indicators (except the Graduation Rate indicator) from its system of annual meaningful differentiation. However, the State must still include the performance of such student for purposes of reporting on the State and local report cards as required under section 1111(h).
- *School Improvement Activities.* While the statute does not permit different accountability systems, ESEA section 1111(d)(1)(C) allows a State to permit differentiated improvement activities for schools that predominantly serve students returning to education after having exited secondary school without a regular high school diploma or who, based on their grade or age are significantly off track to accumulate sufficient academic credits to meet high school graduation requirement. Based on California's description of DASS schools, a number of DASS schools may meet this definition for differentiated improvement activities.

For ease of reference, enclosed is an updated list of the conditions of California's high-risk status for its FY 2021 Title I, Part A grant award. If CDE does not demonstrate compliance with these requirements, the Department may take additional enforcement action.

Please reach out to my staff at [OESE.titlei-a@ed.gov](mailto:OESE.titlei-a@ed.gov) to discuss existing flexibilities, options, and any other questions you may have regarding this letter. The Department looks forward to continuing to work with you.

Sincerely,

A handwritten signature in blue ink that reads "Ian Rosenblum". The signature is fluid and cursive, with the first name "Ian" and last name "Rosenblum" clearly legible.

Ian Rosenblum  
Deputy Assistant Secretary for Policy and Programs  
Delegated the Authority to Perform the  
Functions and Duties of the Assistant Secretary

cc: Joseph Saenz, Federal Policy Liaison

## **Appendix A**

Consistent with the letter above, the U.S. Department of Education (Department) is placing California's fiscal year (FY) 2021 Title I, Part A grant award on high-risk status and imposing related conditions on its grant award as follows:

- By April 1, 2022, CDE must provide a plan (e.g., a State plan amendment if California's plan would require changes to its approved consolidated State plan) to meet the requirement to include all schools in its system of annual meaningful differentiation (using the same Academic Achievement and Graduation Rate indicators for DASS and non-DASS schools) based on data from school year 2021-2022 and for school identifications in fall 2022.
- By January 15, 2023, CDE must provide evidence to the Department that CDE identified schools for comprehensive support and improvement and additional targeted support and improvement in fall 2022 consistent with all statutory requirements (i.e., based on a system of annual meaningful differentiation that (1) uses the same Academic Achievement and Graduation Rate indicators for DASS and non-DASS schools and (2) uses a calculation of the Academic Achievement indicator that takes into account participation rate in accordance with the requirements in section 1111(c)(4)(E) of the ESEA).

If these issues are not resolved in a timely manner, the Department may request additional information, revise this high-risk status or conditions to require further action, or take further administrative action.