

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

gad-jan2021item01

# California State Board of EducationJanuary 2021 AgendaItem #04

## Subject

Update to California’s Every Student Succeeds Act State Plan: Approval of the Amendments to the State Plan and COVID-19 State Plan Addendum to the U.S. Department of Education.

## Type of Action

Action, Information

## Summary of the Issue(s)

In January 2020, 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). On December 4, 2020, the ED notified the SBE and the California Department of Education (CDE) that these amendments have been approved. The response from ED approving the amendments to California’s State Plan is provided in Attachment 4.

On October 5, 2020, the ED provided an update on the high-risk status of California’s Title I, Part A grant. During a review of the amendments submitted to ED in January, the ED reviewed the Dashboard Alternative School Status (DASS) modified methods and indicated that the ESEA does not permit different accountability systems. The letter from ED and response from California was provided to the SBE in a December 2020 Information Memorandum. Attachment 1 provides a summary of the proposed amendments to the State Plan to use modified methods for DASS for the Academic and Graduation Rate Indicators.

Additionally, this item provides an overview of the COVID-19 State Plan Addendum, which is a streamlined process offered by ED for use in the 2020–21 school year in response to the COVID-19 waivers approved by ED in March 2020. States can use the COVID-19 State Plan Addendum to amend their State Plan to account for one-year changes (e.g., changes to how California will hold schools accountable for the 2020–21 school year) and two specific long-term changes: (1) shifting forward timelines by one year for identifying schools and (2) shifting forward timelines by one year for meeting measurements of interim progress (MIPs) and long-term goals due to COVID-19. A draft COVID-19 State Plan Addendum for California is included in Attachment 2. The CDE is recommending to only take advantage of a portion of the COVID-State Plan Addendum, specifically: 1) exclude the College/Career Indicator for the 2020–21 school year because students slated to graduate in spring 2021 will not have grade 11 assessment results due to the suspension of assessments in March 2020, 2) shift forward by one-year school identifications, and 3) revise the exit criteria for schools identified for support.

According to the COVID-19 State Plan Addendum, shifting the school identifications forward by one-year requires that the CDE submit an updated State Plan that incorporates those changes. This is not required for excluding the College/Career Indicator or for revising the exit school criteria for schools identified for support.

Attachment 3 provides the proposed amendments to the State Plan, compared to the State Plan approved by the ED.

## Recommendation

The CDE recommends that the SBE approve the amendments to California’s ESSA Consolidated State Plan and COVID-19 State Plan Addendum for submission to 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 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.

## DASS Accountability

At the May 2018 SBE meeting, the SBE approved using a grade 12 graduation rate for all DASS schools instead of the four-year cohort rate. During the September 2019 meeting, the SBE approved modified the Academic Indicator Status cut scores for two levels only: “Very Low” and “Low” for DASS schools.

## COVID-19 Waiver and State Plan Addendum

On March 20, 2020, ED Secretary Betsy DeVos, pursuant to authority under section 8401(b) of the ESEA, invited states to request a waiver, for the 2019–20 school year, of the assessment requirements in section 1111(b)(2) of the ESEA, the accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in section 1111(h).

Through these waivers, states would not need to administer statewide assessments to all students, to make annual accountability determinations, to identify schools for support and improvement, or to provide data on its State and local report cards for assessment and accountability information.

On March 26, 2020, State Superintendent of Public Instruction (SSPI) Tony Thurmond and SBE President Linda Darling-Hammond submitted, on behalf of the CDE and SBE, the Assessment and Accountability Waiver for the 2019–20 school year of the following sections under ESEA Section 8401(b):

* Assessment requirements in section 1111(b)(2);
* Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D); and
* Reporting requirements related to assessments and accountability in section 1111(h).

This waiver request was approved by the SBE on May 7, 2020.

On October 20, 2020, ED offered the COVID-19 State Plan Addendum, a streamlined waiver (see Attachment 2), to allow states to modify their accountability systems described in their state plans to account for the lack of data due to the assessment and accountability waivers from the 2019–2020 school year.

The deadline to submit the COVID-10 State Plan Addendum to ED is February 1, 2020.

## Stakeholder Feedback

When presenting before the California Practitioners Advisory Group (CPAG) on December 11, 2020, there was a robust discussion about the DASS. Some CPAG members expressed support of the proposal and others were not supportive of the DASS program.

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

**December 2020:** the CDE provided the SBE with an Information Memorandum that provided information on the October 5, 2020 letter from ED which raised concerns that using modified methods to calculate state indicators for DASS 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.

**May 2020:** The SBE approved California’s Assessment and Accountability Waiver for the 2019–20 school year of the following sections under ESEA Section 8401(b):

* Assessment requirements in section 1111(b)(2);
* Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D); and
* Reporting requirements related to assessments and accountability in section 1111(h).

**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) reinsert the Academic Indicator State Level Data by Student Group tables. The plan was submitted to 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 scored for the English Learner Progress Indicator and (4) approved the methodology for using the English Learner Progress Indicator for school and LEA identification.

**September 2019**: The SBE raised the low graduation threshold to “below 68 percent.”

**July 2019:** The SBE adopted a combined (also known as an extended) four- and five-year graduation rate for the Graduation Rate Indicator.

**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.

**May 2018:** The SBE approved using a grade 12 graduation rate for all DASS schools instead of the four-year cohort rate.

**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 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 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, 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 2020–21 California Budget Act is $97.6 billion:

State: $52.8 Billion (53.4 percent)

Local: $32.8 Billion (33.1 percent)

Federal: $12 Billion (12.1 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 (2 pages)
* **Attachment 2:** California’s COVID-19 State Plan Addendum (10 pages)
* **Attachment 3:** California’s Every Student Succeeds Act Consolidated State Plan (166 pages)
* **Attachment 4:** December 4, 2020 U.S. Department of Education Letter Approving Proposed Amendments to California’s Every Student Succeeds Act Consolidated State Plan (4 pages)