



## **Analysis of Mississippi's First Draft of the Every Student Succeeds Act (ESSA) Consolidated State Plan**

June 26, 2017

Mississippi (MS) released a draft of its plan dated June 16, 2017 at <http://www.mde.k12.ms.us/docs/state-superintendent/essa-consolidated-state-plan-sbe-2017-06-16.pdf?sfvrsn=2>

The comment period runs through July 14, 2017. Comments can be submitted via the survey at <https://cspr.mde.k12.ms.us/TakeSurvey.aspx?SurveyID=ms-succeeds-2017#>

The public meeting schedule is at <http://www.mde.k12.ms.us/SSE/essa/public-meetings-for-draft-essa-plan>

Changes made to this draft of the plan should appear in **redline** in the next draft to make it easier for stakeholders to provide input on the amendments.

The analysis that we provide in this document focuses on those issues most critical to subgroup accountability and to students with disabilities (SWDs).

**PLAN TEMPLATE.** On March 13, 2017, the Secretary of Education released a new template for states to use to submit their ESSA plan applications. The new template can be found on this webpage, along with other explanatory materials <https://www2.ed.gov/admins/lead/account/stateplan17/plans.html>.

### **Overall Comments:**

#### **➤ Meaningful Stakeholder Consultation**

ESSA requires the state to conduct outreach and get input from stakeholders, including parents, for the development of this draft plan.

Apparently, MS did not engage any representatives of students with disabilities in the development of its ESSA draft plan. The ESSA Advisory committee membership (at [www.mde.k12.ms.us/SSE/essa/members-of-the-mississippi-essa-advisory-committee](http://www.mde.k12.ms.us/SSE/essa/members-of-the-mississippi-essa-advisory-committee)) shows no member who would represent the interest of students with disabilities. MS should make an effort to include the disability community (the Parent Training and Information Center ([www.mspti.org/](http://www.mspti.org/)), the Protection and Advocacy agency ([www.drms.ms/](http://www.drms.ms/)), disability specific organizations, etc.

#### ➤ Assessments

##### Universal Design for Learning

States are required to develop their assessments using the principles of universal design for learning (UDL). Unfortunately, the March 2017 state plan template provided by the U.S. Department of Education (ED) does not require a discussion on how the state is meeting this requirement. However, that does not absolve the state from its responsibility to meet the UDL requirements in the law as it develops its assessments.

##### Alternate Assessments

ESSA requires states to define “students with the most significant cognitive disabilities.” This definition is to be used in IEP team guidance regarding which students meet the criteria for participation in the state’s alternate assessment aligned with alternate academic achievement standards. In addition, ESSA sets a cap on the number of students who may participate in an alternate assessment in the state at 1% of all students in the assessed grades (combined).

**While not a required part of the state plan, the MS plan should list the strategies the state will employ to not exceed the 1% cap on alternate assessments. Based on assessment participation data reported by the US Dept. of Education in the 2016 Data Display, MS is likely to exceed the 1% cap on administration of its alternate assessment. Therefore, the state should undertake a review of the current process used by IEP teams to identify students in need of an alternate assessment.** (Additional information on this is available in this NCEO document at <https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief12OnePercentCap.pdf>.)

**Also, MS should create a process for stakeholder engagement when it develops its definition of students with the most significant cognitive disabilities, including input from parents and organizations representing these students.**

It is critically important to ensure that the alternate assessment is used only for those students for whom the test was designed and field-tested and does not inappropriately lower achievement expectations for students who should take the general assessment. It is also important for the definition of students with the most significant cognitive disabilities to acknowledge that these students are working on the grade level content

standards, even though the achievement expectations are not the same as for students taking the general assessment.

## **Statewide Accountability System and School Support and Improvement Activities**

### ➤ **Subgroups (page 9)**

MS reports on the following subgroups:

- Economically disadvantaged students
- Students with disabilities
- English learners
- Alaskan Native or Native American
- Black or African-American
- Hispanic / Latino
- Native Hawaiian or Other Pacific Islander
- White
- Two or More Races

Additionally, MS reports a subgroup comprised of the lowest performing 25% of students based on statewide assessments.

### ➤ **N-size (page 10)**

N-size (minimum subgroup size) is critically important. If it is set too high many schools will be exempt from accountability for the disability subgroup because there are not enough students with disabilities at the school (in the assessed grades for assessment proficiency and in the graduating class for graduation rate), to equal or exceed the N-size.

**MS will use an N-size of 10 for accountability purposes (e.g. assessment proficiency, graduation rate and test participation) as well as reporting.**

The MS draft notes that under NCLB the state used an N-size of 40, which resulted in 74% of the schools in the state not being held accountable for the IEP subgroup (page 11). This level of exclusion was also reported in the 2013 IES study, ([The Inclusion of Students With Disabilities in School Accountability Systems: An Update](https://ies.ed.gov/ncee/pubs/20134017/pdf/20134017.pdf) available at <https://ies.ed.gov/ncee/pubs/20134017/pdf/20134017.pdf>)

**We are pleased to see MS making a commitment to using this N-size under ESSA. Ensuring the highest level of visibility for student subgroups will help identify those students who are underperforming and will lead to needed attention for those groups of students.**

**The next version of the MS plan should provide data on the impact of the N-size for both assessment and graduation, i.e., the number and percent of students in each subgroup that will not be held accountable as well as the number and percent of schools that will not be held accountable. This information will provide maximum transparency.**

➤ **Long-term goals** (page 12)

ESSA requires that states set long-term goals and interim measures for all students and for each student subgroup (e.g. disability subgroup) for academic achievement, graduation rate and English language proficiency. ESSA also states that for students who are behind, the goals and interim measures of progress must take into account the improvement necessary to make significant progress on closing statewide proficiency and graduation rate gaps.

Academic Achievement

MS intends to set a long-term goal of 70% of students achieving proficiency in reading/language arts and mathematics. The timeline to achieve the goal is 10 years (SY 2024-2025). See tables below for baseline data and long-term goals by subgroup.

Since the SWD subgroup is by far the lowest performing student subgroup in MS, these goals are extremely ambitious.

MS provides 3 interim measures (2018-19, 2021-22, and 2024-25), as the measurements of interim progress.

**Since identification of schools for targeted support and improvement due to consistently underperforming subgroups is required to be made annually, MS must provide annual measurements of interim progress to be used for this purpose. The next draft should provide such interim measures.**

**Additionally, MS should make a commitment to maintain the long-term goal and interim measures rather than adjusting them based on actual performance. Constantly re-setting targets renders the long-term goal meaningless. MS should make a commitment not to reset goals and interim measures downward when/if actual performance falls short of the targets.**

READING/LANGUAGE ARTS PROFICIENCY		
SUBGROUPS	BASELINE DATA	LONG-TERM GOAL
	2015-16	2024-25
All students	32.6%	70.0%
Economically disadvantaged students	24.4%	70.0%
Students with disabilities	8.9%	70.0%
English learners	13.6%	70.0%
Alaskan Native or Native American	28.0%	70.0%
Asian	57.7%	70.0%
Black or African American	18.9%	70.0%
Hispanic/Latino	28.4%	70.0%
Native Hawaiian or Other Pacific Islander	48.9%	70.0%
White	47.5%	70.0%
Two or More Races	37.3%	70.0%

MATHEMATICS PROFICIENCY		
SUBGROUPS	BASELINE DATA	LONG-TERM GOAL
	2015-16	2024-25
All students	31.1%	70.0%
Economically disadvantaged students	23.1%	70.0%
Students with disabilities	9.1%	70.0%
English learners	22.9%	70.0%
Alaskan Native or Native American	26.2%	70.0%
Asian	68.3%	70.0%
Black or African American	17.4%	70.0%
Hispanic/Latino	32.9%	70.0%
Native Hawaiian or Other Pacific Islander	48.1%	70.0%
White	45.2%	70.0%
Two or More Races	36.2%	70.0%

## Graduation Rate

The MS draft sets a 4-year ACGR goal for all students at 90% by 2025 and calls out a particular focus on the SWD subgroup since it has the largest graduation rate gap among all subgroups. (This gap would be even larger if calculated between students w/o disabilities and SWDs.) The state plans to reduce the gap between all students and SWDS to 20% by 2025 (see table below).

**The MS draft does not set the same goal for all subgroups (as w/ academic achievement goals), but rather sets different goals for each subgroup and provides no description of the methodology used for this goal setting. The plan should provide more information on the methodology used to establish graduation goals.**

**The MS draft fails to provide measurements of interim progress for the 4-year ACGR by student subgroup. These interim progress measures must be included in the final plan for each year within the timeline. Such interim measures are used to identify schools with consistently underperforming subgroups on an annual basis.**

We discuss issues around graduation for SWDs in MS later in this analysis.

GRADUATION RATE		
SUBGROUPS	BASELINE DATA	LONG-TERM GOAL
	2015-16	2024-25
All students	82.3%	90.0%
Economically disadvantaged students	78.8%	88.5%
Students with disabilities	34.7%	70.0%
English learners	55.9%	78.9%
Alaskan Native or Native American	87.5%	92.2%
Asian	92.6%	94.3%
Black or African American	78.9%	88.6%
Hispanic/Latino	81.8%	89.8%
Native Hawaiian or Other Pacific Islander	77.8%	88.1%
White	85.8%	91.5%
Two or More Races	78.2%	88.3%

➤ **Indicators (page 19)**

Certain indicators will be used to provide meaningful differentiation between schools for the accountability system. How well or poorly schools do on the measures for these indicators (for all students and each subgroup) will determine if they are identified for **comprehensive** or **targeted support and improvement**. The indicators will also be the basis for the information that is reported for each school. Most of the indicators and their measures are required by ESSA, others are left to state discretion. These distinctions are critically important. States are required to add at least one indicator of School Quality or Student Success to the indicators defined by ESSA. These are referred to as the non-academic indicators. Although they are supposed to be linked by evidence to improved academic outcomes, they are not direct academic indicators like those required by the statute, which measure achievement, growth, graduation rate and English language proficiency.

Academic Achievement:

The academic achievement indicator consists only of performance in reading/language arts and math. It appears that MS plans to include science and US History, which is not allowed. **Including Science and US History in this indicator is inconsistent with the language in ESSA, which states that the Academic Achievement indicator is measured by proficiency rates on the annual assessments on English/language arts (ELA) and Math. Including other subjects in the determination of performance in this indicator dilutes the importance of proficiency in ELA and Math for college and career readiness. These subjects can be used in other indicators. MS should take note of the June 13, 2017 interim feedback letter sent to the Delaware Dept. of Education (DDOE) by the U.S. Dept. of Education (ED) regarding this issue. That letter states:**

“DDOE must, for the Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I), only include proficiency on the annual assessments required under ESEA subsection (b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics); a State may include performance on assessments other than those required under ESEA subsection (b)(2)(B)(v)(I) (e.g., science and social studies) in the indicator for public elementary and secondary schools that are not high schools as required under ESEA section 1111(c)(4)(B)(ii) (i.e., the Other Academic indicator) for elementary and secondary schools that are not high schools or in the School Quality or Student Success indicator for any schools, including high schools.”

(Full letter is available at

<https://www2.ed.gov/admins/lead/account/stateplan17/deprelimdetermltr.pdf>)

Calculating proficiency. The MS draft states that “Proficiency is calculated by dividing the total number of full academic year (FAY) students meeting proficiency on the

reading/language arts, math, or science assessment by the total number of FAY students testing in that school/district.” (Page 20)

**ESSA requires that in calculating proficiency rates for the Academic Achievement indicator the denominator must include every student who was supposed to be tested, even if they opted out, once the participation rate falls below 95 percent. This requirement ensures that schools do not encourage non-participation of students who may be expected to do poorly on state assessments. The MS plan should clearly articulate this requirement.**

Other academic indicator:

MS plans to use student growth as the other academic indicator. The plan states that under the “Mississippi model, the school gets as much credit for moving a student from Performance Level 1 (Minimal) to Performance Level 2 (Basic) as for moving a student from Performance Level 2 to Performance Level 3 (Pass).

**This approach to growth does not award more credit to schools getting students from Levels 1 or 2 to Level 3 (Pass). We believe growth should be more strongly associated with growth to proficiency on state assessments – in this case, getting students to Level 3.**

Graduation Rate:

MS uses only the 4-year ACGR. The state does not use any extended-year ACGRs.

**Given that MS has elected to focus on improving the graduation rate of SWDs (Special Education), the state would be wise to consider using extended-year ACGRs since under IDEA, SWDs are entitled to remain in school through age 21 if needed. Should MS begin use of extended ACGRs, the focus should remain on the 4-year ACGR particularly when identifying high schools for comprehensive support and improvement.**

**The 2016 report, Building a Grad Nation (<https://gradnation.americaspromise.org/report/2016-building-grad-nation-report>), found that 5-year ACGR led to a three percent increase in overall graduation rates (page 42).**

**How MS proposes to accomplish the dramatic increase in graduation for SWDs as proposed in its draft plan is unclear. The draft plan includes no specific activities that will be undertaken to improve grad rate of SWDs.**



We point out that MS has accomplished NO increase in the 4-year ACGR of SWDs over the 5 years that states have been required to report ACGRs. In fact, the 4-year ACGR has declined (see table below).

**Regulatory 4-Year Adjusted Cohort Graduation Rate (ACGR)  
Children with Disabilities**

State	2010-2011	2011-12	2012-13	2013-14	2014-15
MS	32	32	22	28	31

(A five-year history of 4-year ACGR for all states is available at <http://www.advocacyinstitute.org/resources/SWD.ACGR2010-11-2014-15.pdf>.)

The graduation rate of SWDs in MS is the second lowest in the nation (only NV has a lower rate). No other state has a larger gap between SWDs and non-SWDs. Graduation of SWDs has been the subject of several recent studies. Important among these is a 2015 study by the National Center on Educational Outcomes, *Graduation Policies for Students with Disabilities Who Participate in States' General Assessments*, which looked at graduation requirements across states and rated them relative to the requirements for non-disabled students. The Advocacy Institute used this report to compare state ACGRs and policies (<http://www.advocacyinstitute.org/resources/GradRates-Policies2015.shtml>) and found that while MS is one of several states that has the same graduation requirements for SWDs as for all students it has the lowest ACGR for SWDs among those states. Yet a 2016 report, *Diplomas That Matter: Ensuring Equity Of Opportunity For Students With Disabilities* (<https://www.achieve.org/publications/diplomas-that-matter-achieve-nceo>), asserts that 85 to 90 percent of students with disabilities can earn a regular diploma by meeting the same requirements as their peers without disabilities, as long as they receive the specially designed instruction and appropriate access, supports, and accommodations required by IDEA.

Thus, in order to achieve the proposed dramatic improvements in graduation with a regular diploma in 4 years for SWDs, MS will need to undertake a serious and thorough review of its current policies and practices for SWDs.

**Alternate Diploma.** MS provides information regarding students with the most significant cognitive disabilities (page 23), stating that such students will be assessed using the state's alternate assessments and the state will develop an alternate diploma for students who complete the requirements for such a diploma (as allowed and defined by ESSA). MS states that "Students may either take a modified version of any general education course that counts towards a traditional diploma or courses aligned to the alternate achievement standards adopted by the State Board of

**Education.” We are assuming the first option is a general education class and the second option should only be utilized if the student cannot get a satisfactory education in a general education class even with supplementary aids and services. Also, courses are not “aligned to the alternate achievement standards.” The alternate assessment is aligned to the alternate achievement standards, but instruction should be aligned to grade-level content standards.**

**ESSA allows students with the most significant cognitive disabilities who are awarded the state’s alternate diploma to be counted in the state’s 4-year ACGR. It should be noted, however, that this group of students is extremely small (states may not access more than 1% of all students using an alternate assessment), therefore, there will be limited impact on the state’s 4-year ACGR for SWDs. We also point out that the availability of the alternate diploma does not change the ESSA requirement that students who take an AA-AAS cannot be precluded from attempting to complete the requirements of a regular HS diploma.**

#### School Quality or Student Success Indicator (SQSS):

Mississippi uses the academic growth of the Lowest Performing Students subgroup as its additional Student Success Indicator across elementary, middle, and high schools.

A College & Career Readiness (CCR) indicator is included for high schools. This indicator is calculated from performance on the ACT.

#### ➤ **Annual Meaningful Differentiation of Schools** (page 26)

#### Weighting of indicators (page 29)

MS plans to give equal weight to academic achievement and growth at all school levels.

**We believe that achievement on assessments should be weighted more heavily than other academic indicators, particularly at the high school level, since they are the academic indicators most directly aligned to positive post-school outcomes.**

A weight for English language proficiency is not assigned, which is a requirement of ESSA.

#### Identification of Schools (page 31)

#### Comprehensive Support and Improvement (CSI) (graphic page 34)

The MS plan for identification of schools for CSI appears to align with the requirements of ESSA. The exit criteria allows for ample time for improvement (3 years).

Targeted Support and Improvement (TSI) (graphic page 34)

ESSA requires states to identify for Targeted Support and Improvement (TSI):

- Any school with one or more consistently underperforming subgroups
- Any school in which one or more subgroups of students are performing at or below the performance of all students in the lowest performing schools (referred to as low-performing subgroups).

**We see the following issues with the identification method for TSI (box below):**

- **#1 appears to add an additional group of schools. However, there would not be any schools in the bottom 5% of Title I schools that are not identified for CSI since that is the requirement for CSI.**
- **#2 does not clearly define “consistently underperforming subgroups” as required by ESSA. MS should clearly define the indicators that will be used to identify consistently underperforming subgroups. Identification of consistently underperforming subgroups is to occur annually beginning in 2019-2020. We recommend that a consistently underperforming subgroup be defined as a subgroup that has not met, or is not on track to meet the state defined long-term goals or interim measures for that subgroup for no more than two consecutive years.**

**SCHOOL IDENTIFICATION METHOD**

1. Bottom 5% of Title I A schools not identified for CSI in which 3-year average growth in school subgroup proficiency is less than the target proficiency growth rate projected for the same statewide subgroup; **AND**
2. School subgroup proficiency rate is less than statewide target proficiency rate for the same statewide subgroup in any of the 3 years being calculated (identification in 2018-19 based on 2015-16, 2016-17, and 2017-18 data; subsequent annual identification based on most recent 3-year data trend)

## **Additional Statewide Categories of Schools:**

MS is not identifying any additional categories of schools.

### ➤ **Annual Measurement of Achievement – (At least 95% Assessment Participation Rate Requirement (page 38)**

ESSA requires that at least 95% of all students in the assessed grades (and at least 95% of each subgroup - including the disability subgroup) must be included in the state's annual assessments. It is important to keep in mind the impact of the participation rate requirement on students with disabilities. States must describe how the state factors this requirement into the statewide accountability system. A "non-punitive" approach would likely led to widespread exclusion of historically underperforming subgroups- similar to the situation that existed prior to the No Child Left Behind Act (which was replaced by the Every Student Succeeds Act).

The MS draft states:

"If a school/district does not meet the 95% minimum participation rate, the school/district will automatically be dropped a letter grade on the accountability system. Although subgroup participation rates will be reported in addition to all students participation on State and LEA report cards, this penalty in school/district grades will apply to the overall, all students participation rate only. (A 94.5% participation rate will not be rounded to 95%."

**This is an unsatisfactory way to address schools that fail the test participation requirement. Lowering a school's grade by one letter still allows schools to get a letter grade that would indicate acceptable performance while failing to include the requisite 95% of students in testing.**

**Further, failing to include subgroup participation in any penalty will lead to schools gaming the system since it would be quite easy for a school to maintain 95% or better test participation for all students and fall far short of the test participation requirement for a particular subgroup, such as the students with disabilities subgroup.**

ESSA requires the state to take the following actions regarding test participation:

Proficiency calculations: ESSA requires that once student test participation drops below 95%, all non-participants must be counted as non-proficient. **MS should include recognition of this requirement in its plan. Additionally, MS should provide actions it will take when schools fail to meet the test participation requirement beyond what is in the current draft.**

**We recommend the appropriate penalty for failing to meet the test participation requirement-either for the all student group or any student subgroup- is to prevent the school from receiving a satisfactory rating for any year the participation requirement is not met. MS can also consider the options in the ESSA accountability regulations regarding how to factor the failure of schools to meet the participation rate requirement into the accountability system. Even though Congress repealed these regulations in March, they still provide excellent guidance on many difficult ESSA implementation issues.**

**More Rigorous Interventions for CSI Schools that Fail to Meet the Exit Criteria (page 38)**

**This question is answered only by “The MDE will take a more prescriptive approach to activities conducted in the school” which does not satisfy what is required.**

➤ **School Conditions (page 43)**

State plans are required to describe strategies to reduce

- Incidents of bullying and harassment;
- The overuse of discipline practices that remove students from the classroom; and
- The use of aversive behavioral interventions that compromise student health and safety

To this question, MS simply states “Professional development for guidance counselors, administrators, and teachers will remain a focus, as the MDE works to implement Positive Behavior Interventions and Supports.”

**While MS is to be applauded for its focus on implementation of PBIS, this requirement calls for a much more substantial response, including specifically how MS will reduce bullying, harassment, overuse of discipline and use of aversive behavioral interventions (e.g., use of restraint and seclusion) for students with disabilities.**

**According to the 2015 report, *Are We Closing the Discipline Gap?***

**(<https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/are-we-closing-the-school-discipline-gap>), MS has one of the highest rates of out-of-school suspension of students with disabilities in the nation. At the secondary level, 24% of MS students with disabilities received one or more out-of-school suspensions compared to 18% nationwide according to the 2011-2012 Civil Rights Data Collection.**

**Also, MS should provide specific strategies to reduce the use of aversive behavioral interventions of students with disabilities.**

## **Children and Youth who are Neglected, Delinquent, or At-Risk (page 50)**

In the section on Title I, Part D (Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk) there is no mention of students with disabilities. According to data from the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (<http://www.neglected-delinquent.org>) **16%** of students served under Subpart 1 in MS in 2013-14 had IEPs and **8%** of students served under Subpart 2 had IEPs. The MS plan should state specifically how the state will ensure that students in such facilities are provided with special education and related services as needed, as well as how child find will be carried out.

## **Supporting Effective Instruction (page 52)**

### **➤ Improving Skills of Educators**

**We recognize the extensive work that MS is engaging in regarding MTSS and PBIS as well as its focus on literacy.**

**We note that these initiatives are enhanced by the implementation of Universal Design for Learning.** (For more information on UDL and ESSA state plans see <http://www.udlcci.org/policytwo-pagerdraft-2-3-17-update2/>.) On page 79 the MS plan talks about a REACH-Ms UDL initiative, the focus of which is the implementation of UDL in select kindergarten through third grade classrooms. We strongly encourage MS to expand this initiative.

**Additionally, efforts to significantly improve the capacity of educators to implement inclusive best practices should be included in this section.**

### **Coordination with Other Programs**

ESSA requires that the state plan coordinate with other programs, such as those under the Individuals with Disabilities Education Act.

The MS plan makes no mention of the state's State Systemic Improvement Plan, which is a core component of the Results Driven Accountability initiative of the Office of Special Education Programs at the U.S. Dept. of Education. The MS plan should include information about integration of the state's State Identified Measureable Results (SiMR) into the ESSA plan. The MS SiMR is to increase the percentage of third grade students with Specific Learning Disability and Language/Speech rulings in targeted districts who score proficient or higher on the regular statewide reading assessment to 68 percent by FFY 2018. (More information on ESSA and SSIP alignment is available at <https://ncsi.wested.org/news-events/tool-checking-for-alignment-in-every-student-succeeds-act-plans-and-state-systemic-improvement-plans/>)

Ricki Sabia

Senior Education Policy Advisor

National Down Syndrome Congress

PH: 301-452-0811

Email: [ricki@ndscenter.org](mailto:ricki@ndscenter.org)

See ESSA resources at <https://www.ndscenter.org/political-advocacy> (click on policy documents and webinar archives)

Candace Cortiella

Director

The Advocacy Institute

PH: 540-364-0051

Email: [Candace@advocacyinstitute.org](mailto:Candace@advocacyinstitute.org)

See ESSA resources at [www.advocacyinstitute.org/ESSA](http://www.advocacyinstitute.org/ESSA)

© 2017 National Down Syndrome Congress and The Advocacy Institute