



## Comments to New Jersey

### Draft Every Student Succeeds Act (ESSA) Consolidated Plan

March 15, 2017

#### Long-term goals.

**Academic Achievement & Graduation.** NJDOE's has established a timeline of 13 years to achieve its long-term academic achievement and graduation goals (2018-2030). Goals are the same for all subgroups. Such as approach results in significantly improvement for the students with disabilities subgroup since it is one of the lowest performing groups of students (only English Learners have lower performance in assessment proficiency and graduation rates). However, achieving these rates of improvement will require significant effort.

While NJDOE is to be commended for setting goals that result in aggressive improvement and equity across student subgroups, it is noted that the state also seems to reserve the right to change the accountability targets and long-term goals by making this statement on page 31:

*"Revising Goals:* NJDOE is committed to supporting schools and LEA to achieve New Jersey's ambitious, but achievable, long-term goals proposed in Section 1. Given the 13-year timeframe for goal attainment, NJDOE will continue to analyze actual performance, demographics shifts, changes to federal law and regulations, and the impact of new or updated assessment instruments on performance to determine whether it needs to adjust the state's long-term goals."

Adjusting accountability targets and long-term goals based on actual performance will have a disproportionately negative impact on the state's lowest performing student subgroups. Since NJDOE has elected to set extremely aggressive goals for these groups, it is highly likely that actual performance will fall short at points during the 13-year timeframe. NJDOE should make a commitment to maintaining the goals established in this plan and, in the face of performance shortfalls, look to further enhance supports to schools rather than adjusting expectations.

**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 MA plan should address the definition of students with the most significant cognitive disabilities and list the strategies the state will employ to not exceed the 1% cap on alternate assessments. Addressing these issues in the state plan encourages stakeholder input on these provisions.

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.

### **Accountability System.**

**Academic Progress Indicator.** NJDOE uses student growth percentiles (SPG) to measure academic progress. SGP describes a student's academic progress from one year to the next compared to other students with similar prior test scores (academic peers). Use of SGPs is highly questionable as reported in the research brief, *Why We Should Abandon Student Growth Percentiles*, by the Center for Educational Assessment at the University of Massachusetts Amherst ([https://www.umass.edu/remf/pdf/CEAResearchBrief-16-1\\_WhyWeShouldAbandonSGPs.pdf](https://www.umass.edu/remf/pdf/CEAResearchBrief-16-1_WhyWeShouldAbandonSGPs.pdf).) NJDOE should consider using a growth to standard measure for public reporting and as a metric in the state's accountability system. We encourage the state to move to a growth to standard measure as quickly as possible to replace the use of SGPs.

**Graduation Indicator.** NJDOE indicates that it will use both the 4-year and 5-year ACGR to calculate a school's overall graduation rate, as stated on page 45: "When calculating a school's overall graduation rate, NJDOE will weight four-year graduation rates and five-year graduation rates equally (50 percent each)."

High schools should report 4-year ACGR and extended year ACGRs separately, particularly given that the long-term goals for 4- and 5- year ACGR are different.

**School Quality or Student Success Indicator.** NJDOE proposes to use chronic absenteeism as the only measure of school quality/student success. While chronic absenteeism is considered to be one of the least corruptible measure for this purpose, NJDOE should be sensitive to the possibility of corruption. NJ has a relatively low rate of chronic absenteeism (as defined by and reported to the Civil Rights Data Collection) with a rate of 12%. Given this, consideration of other measures should be ongoing.

NJDOE should ensure that students with disabilities who experience health conditions that can impact attendance do not negatively impact a school's attendance.

**Indicator Weighting.** We are pleased to see that NJDOE has assigned equal weighting to academic achievement and academic progress (for elementary/middle schools) and academic achievement and graduation for high schools.

**Subgroups.** NJDOE draft plan consistently states that “New Jersey is focused on closing the large achievement gaps for economically disadvantaged and minority students.” Yet these groups are not the lowest performing groups of students as indicated by academic achievement and graduation data. Rather, the English learner and children with disabilities are the lowest performing groups.

*Factoring subgroups into accountability.* NJDOE draft plan states, “To ensure the meaningful inclusion of student subgroups in accountability calculations, NJDOE will give each subgroup for which a school meets the n-size (at least 20 students) equal weight in a school’s “subgroup score” for applicable indicators. The subgroup score, which will be the average of all individual subgroup scores, will be weighted equally with a school’s overall score for all students to determine the final score for each indicator (with the exception of the English language progress toward proficiency indicator). By weighting all subgroups equally in the subgroup score and weighting overall and subgroup scores equally in indicator calculations, NJDOE is committed to ensuring its ESSA accountability system does not unintentionally ignore school-level gaps in performance by one or more subgroups.”

Averaging all subgroup scores is unlikely to foster improvement for the lowest performing subgroups. Another approach could be to place more weight on the subgroups with the largest gaps.

*Counting former special education students.* NJDOE draft plan states that “Beginning in 2016-2017, the special education subgroup will include students for two years after they are no longer eligible for services or their parents have revoked consent for special education and related services. Previously, students were not included after exiting school.”

This option was made available through the ESEA Accountability regulations, which were repealed on March 9, 2017. No such provision exists in the ESSA law, so NJDOE should delete this from its final plan.

*Students with the most significant cognitive disabilities.* The NJDOE draft plan states “Beginning with the 2018 graduating cohort, students with the most significant disabilities who are being assessed on alternate achievement standards through the Dynamic Learning Maps assessment, and who are remaining in school for more than four years as determined by their IEP teams, will be included in the graduation cohort for the year in which they graduate and not be represented as not graduating in prior years. This provision will enable students to graduate when appropriate without negatively impacting their school’s four-year graduation rate.”

This does not comply with ESSA or the Federal regulations on Assessment. Students with the most significant cognitive disabilities can only be counted as having graduated with a regular diploma if they receive an Alternate Diploma as defined by ESSA. Additionally, such students do not in the

denominator for graduation calculations until they exit. NJDOE should revise this statement to comply with ESSA. The state should also indicate whether it plans to develop an Alternate Diploma that complies with ESSA.

*Minimum subgroup size.* NJDOE plans to use an n-size of 20 for accountability and 10 for reporting. The draft plan provides data on the impact of the n-size by subgroup for achievement, progress, and graduation. Those data indicate that the vast majority of students with disabilities will be included in NJ's accountability system.

*Participation Rate.* NJDOE correctly states that "Pursuant to 1111(c)(4)(E) of ESSA, all states are required annually to measure the achievement of at least 95 percent of all students in each student subgroup. When measuring, calculating, and reporting proficiency rates, states are required to include either a denominator equal to 95 percent of all students (and of each student subgroup as the case may be) or the number of students participating in the assessments. For schools that fail to achieve 95 percent participation, any student below the 95 percent threshold will therefore be counted as "not proficient" in the calculation of proficiency rates even though they did not take the exam."

Beyond this "penalty" for failing to test at least 95% of students, NJDOE proposes "New Jersey's recommended secondary penalty is as follows: Failure to meet the 95 percent participation rate requirement will be publically reported on school performance reports."

Public reporting of failure to meet this very critical element of ESSA's accountability system is inadequate. Schools should be required to develop and implement a plan of how to correct the problem. Furthermore, schools should not be able to achieve a satisfactory rating if the participation requirement is not met. NJDOE should also develop additional penalties when schools fail to meet the participation requirement for the same student subgroup or subgroups over consecutive years as this would be a clear indication that student participation is being tampered with.

*Including all public schools in accountability system.* NJDOE states that "Special education students served in proprietary (private) schools will be counted in the sending schools' accountability system, which will ensure placement decisions are reviewed closely at the sending school and LEA levels for optimum student academic performance."

This is a particularly effective way to include such students and we commend NJDOE for this approach!

### **Identification of Schools.**

NJDOE's proposed criteria for schools with "consistently underperforming subgroups" sets a very high bar. The state should review these criteria on a regular basis.

**Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk.** The NJDOE plan should address how it will ensure that students with IEPs

are provided with the special education, supports and related services as required by their IEPs. Services should not be hampered by inadequate/untrained staff. Additionally, NJ should ensure that IDEA Child Find procedures are carried out in correctional facilities.

**McKinney-Vento Act.** NJ has an extremely high percentage of its homeless children and youth who have IEPs. This should be addressed explicitly in NJ's plans to implement changes to McKinney-Vento included in ESSA.

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