# Comments to Oklahoma
# ESSA Consolidated State Plan Draft

June 19, 2017

These comments refer to the OSDE ESSA Consolidated State Plan Draft dated May 2017 and posted at http://sde.ok.gov/sde/documents/2017-06-01/essa-plan-draft-2**.**

To assist with review by stakeholders, further changes made to this draft should appear in redline.

Our comments focus on those issues most critical to subgroup accountability and to students with disabilities (SWDs).

**Challenging State Academic Standards and Assessments (page 20)**

- 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. The next version of OSDE's draft should address this requirement.

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. Also, 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 OSDE plan should list the strategies the state will employ to not exceed the 1% cap on alternate assessments. Also, OSDE 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. (Additional information on this is available in this NCEO document at https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief12OnePercentCap.pdf.)

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 (page 25)**

- **Subgroups**

The proposed plan to assign each student to one ESEA subgroup (student group) based on a prioritized list of subgroups for accountability report cards and for comprehensive support designations is a clear violation of ESSA. The law requires students to be counted in every subgroup to which they are a member regardless of how many designations that might involve. To characterize students who belong to multiple subgroups as "over-representation" is completely incorrect. In fact, examining students with multiple designations can be a valuable tool in providing adequate services.

In school year 2014-2015, 71,677 students with disabilities were served under Title I. (Source: EDFacts/Consolidated State Performance Report, 2014-15: http://www2.ed.gov/admins/lead/account/consolidated/index.html) This represents 74 percent of IDEA-eligible students ages 6-21 in OK (n=96,752)(Source: Part B 618 2014 Child Count/ http://www2.ed.gov/programs/osepidea/618-data/index.html). Therefore, according to the proposed "one ESEA subgroup" plan, which prioritizes assignment to the economically disadvantaged subgroup over the students with disabilities subgroup, 74 percent of OK students with disabilities will not be included in the students with disabilities subgroup for purposes of accountability report cards and for school identification for Comprehensive Support and Improvement.

OSDE should eliminate the "one ESEA subgroup" approach to accountability, as it is sure to be rejected by the U.S. Dept. of Education.

- Minimum subgroup size (N-size) (page 27)

OSDE will continue to use an N-size of 10 for both accountability and reporting. This low N-size should ensure that a high number and percentage of schools and student subgroups are included in the statewide accountability system. OSDE could publish data on the impact of the

N-size for both assessment and graduation in the next draft. (See the Ohio Department of Education's N-size topic guide for examples of the data simulations for both assessment and graduation analysis at https://education.ohio.gov/getattachment/Topics/Every-Student-Succeeds-Act-ESSA/Nsize-Topic-Discussion-Guide.pdf.aspx)

Also, OSDE should clarify in the next draft the N-size that will be used for test participation – whether it is also 10 or another N-size. We recommend that the N-size for participation also be set at 10.

- **Long-term Goals (page 29)**

Academic Achievement

OSDE's plan to report academic achievement as scale scores rather than percent proficient on state assessments does not comply with ESSA. The law clearly states that the state must "Establish ambitious State-designed long-term goals, which shall include measurements of interim progress toward meeting such goals—
''(i) for all students and separately for each subgroup of students in the State—
''(I) for, at a minimum, improved—
''(aa) academic achievement, as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I)"

Furthermore, OSDE does not provide the long-term goals and measurements of interim progress as required by the ESSA template. The draft provides only a description of how the goals and interim targets will be set.

Graduation Rate

The draft plan provides no long-term goals or measurements of interim progress for graduation. It provides only a discussion of the goal.

- **Indicators (page 32)**

Academic Achievement

OSDE plans to report academic achievement as scale scores only. As mentioned above, this does not comply with ESSA. OSDE plans to include Science within the academic achievement indicator which also does not comply with ESSA. This indicator may only measure ELA and Math based on proficiency on state assessments, as the US Dept. of Education has stated in feedback to New Mexico available at
https://www2.ed.gov/admins/lead/account/stateplan17/nmprelimdetermltr.pdf
Graduation

OSDE fails to provide complete details on how it will weight the graduation rates (4 year and extended years) within this indicator.

**Weights for Elementary/Middle School.** Figure 5 on page 38 and below lists English Language proficiency progress twice. Perhaps the first listing (2a) is meant to be English Language Growth. The total of the weights in Figure 5 do not agree with the weights in the text that follows. This discrepancy should be addressed.

### Figure 5: Indicators and Weights for Elementary and Middle School Accountability Index

| Weight | Indicator | Weight |
|---|---|---|
| 1a. | English Language Arts Status | 15 |
| 1b. | Mathematics Status | 15 |
| 1c. | Science Status | 5 |
| 2a. | English Language Proficiency Progress | 15 |
| 2b. | Mathematics Growth | 15 |
| 3. | English Language Proficiency Progress | 15 |
| 4. | Chronic Absenteeism | 10 |

We would recommend adjusting the status ELA and Math weight to 20 each, eliminating Science (for a total of 40 for academic status), increasing English Language proficiency to 20 for a total of 100 overall.

**Weights for High School.** Weights in Figure 6 (below) do not add up to 100 and do not agree with the text that follows. This discrepancy should be addressed. In addition, Science may not be included in the academic achievement indicator.

### Figure 6: Indicators and Weights for High School Accountability Index

| Weight | Indicator | Weight |
|---|---|---|
| 1a. | English Language Arts Status | 15 |
| 1b. | Mathematics Status | 15 |
| 1c. | Science Status | 15 |
| 2. | English Language Proficiency Progress | 15 |
| 3. | Graduation Rate | 10 |
| 4. | Chronic Absenteeism | 10 |
| 5. | Postsecondary opportunity (AP, IB, dual enrollment, internship, apprenticeships, industry certification) | 10 |

- **Identification of Schools (page 39)**

**Comprehensive Support and Improvement Schools (CSI)**

The methodology described for identifying schools for CSI does not comply with ESSA.

The state is required to identify the lowest 5% of Title I schools for CSI, regardless of the grade received in the Oklahoma A-F accountability system. The methodology should be adjusted to ensure compliance with ESSA.

**Targeted Support and Improvement (TSI)**

The OSDE methodology for identification of schools for TSI shows a lack of understanding and confusion regarding "consistently underperforming subgroups" and "low-performing subgroups."

Specifically, the state must provide a definition for **"consistently underperforming subgroups"** and identify schools with subgroups meeting that definition **annually**.

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 two consecutive years. 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 two consecutive years.

**Low-performing subgroup** is defined as any schools in which one or more subgroups is performing at or below the performance of all student in the lowest-performing schools.

Only Title I schools identified as having low-performing subgroups that fail to improve over a state-determined number of years are to be identified for CSI. The OSDE does not make this distinction in its draft.

The methodology for identifying high schools for TSI should not differ from the methodologies described above. Therefore, the OSDE plan to identify "schools that have at least one student group with a graduation rate of 67% or lower" does not comply with ESSA. The state may, in addition to the above methodologies, identify additional high schools using this methodology but not in place of.

- **Annual Measurement of Achievement**

The OSDE draft states only that "Schools with participation rates for all students lower than 95% will be given a minus after their overall report card grade." This is an unsatisfactory way to address schools that fail the test participation requirement. It is particularly important to address failure at the student subgroup level, not just the all student level since it would be

quite easy for a school to maintain 95% or better test participation overall 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. OSDE should include recognition of this requirement in its plan.

Additionally, OSDE 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. OSDE 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.

**Evidence-Based Interventions (page 45)**

The OSDE plan to support LEAs in the implementation of evidence-based activities, strategies and interventions to improve student academic achievement should include the identification of evidence-based interventions for specific student subgroups.

**School Conditions (page 54)**

We compliment OSDE on the thorough and detailed information presented in the draft plan regarding school conditions.

**Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk**

We are confused by the information presented in this section regarding children of incarcerated parents. The purpose of Title I, Part D is to help provide education continuity for children and youths in state-run institutions for juveniles and in adult correctional institutions so that these youths can make successful transitions to school or employment once they are released. The connection to children with incarcerated parents is unclear.

According to the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (http://www.neglected-delinquent.org) 30% of students served

under Title I, Part D, Subpart 2 in OK have IEPs. The ODSE plan should state specifically how it will ensure that students in correctional facilities are provided with special education and related services as needed, as well as how child find will be carried out.

**Title II, Part A: Supporting Effective Instruction (page 77)**

- **Improving Skills of Educators**

The plan should provide a commitment to critically important strategies such as promoting Universal Design for Learning implementation and significantly improving the capacity of educators to implement inclusive best practices.

**Coordination with Other Programs**

ESSA requires that the state plan coordinate with other programs, such those under the Individuals with Disabilities Education Act. Of particular importance would be to include how the State Systemic Improvement Plan (SSIP) activities will be aligned with ESSA. The state identified measureable result for OK is to achieve an "increase in Reading proficiency among all students, including students with disabilities. Oklahoma's goal is that 60% of these students in FFY 2018 will be proficient in Reading by the time they complete 3rd grade." A tool for aligning ESSA and the SSIP is available at https://ncsi.wested.org/news-events/tool-checking-for-alignment-in-every-student-succeeds-act-plans-and-state-systemic-improvement-plans/

Submitted by:

Ricki Sabia
Senior Education Policy Advisor
National Down Syndrome Congress
PH: 301-452-0811
Email: ricki@ndsccenter.org

Candace Cortiella
Director
The Advocacy Institute
PH: 540-364-0051
Email: Candace@advocacyinstitute.org