



Analysis of Maine's First Draft Every Student Succeeds Act (ESSA) Plan

March 6, 2017

View the plan at http://www.maine.gov/doe/essa/documents/17-0528ESSADRAFTConsolidatedStatePlan_FinalCleanv7.pdf

Submit comments on the plan to ESSA.DOE@maine.gov by March 30, 2017.

The analysis and recommendations in this document focus on those issues most critical to subgroup accountability and to students with disabilities. Maine has a disproportionate number of its school age population identified as special education students – 17% vs. a nationwide rate of 13%.

Maine's draft plan is missing significant information that is required to be included in all state plans submitted to the U.S. Dept. of Education. This is particularly disconcerting because Maine has expressed its intention to send the final plan to the U.S. Department of Education for approval on April 3, 2017.

ESSA requires states to engage in timely and meaningful consultation with stakeholders in developing its state plan. That is not possible if the state plan is missing significant information on which stakeholders should be able to provide feedback.

Given the absence of information regarding key provisions of ESSA, Maine should delay submission of its Consolidated Plan until the September 18, 2017 submission date in order to complete all required information and give adequate time for stakeholders to review and comment on a completed application.

Long-term goals (page 11)

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 Goal

The Maine Department of Education (MDOE) fails to provide the required information on long-term goals and interim measures for academic achievement, stating instead: “The Advisory Workgroup established by the Maine DOE will be reviewing EmPowerME trend data to determine long term goals and interim measures of progress.” The purpose of a draft plan is to get meaningful stakeholder consultation. Stakeholders can’t be expected to comment on a plan that doesn’t provide any information about the expected academic performance of students.

Graduation Goals

The draft fails to provide goals for the 4-year graduation rate as required. The plan also mentions the use of 5 and 6-year graduation rates (extended year rates). A state MAY establish long-term goals and interim measures of progress for extended-year cohort graduation rates such as five-year cohorts (to capture students who take longer to graduate) as long as such goals are more rigorous than the goals set for the 4-year adjusted cohort graduation rate.

Maine should make a commitment to hold all goals and interim targets steady; and not reset downward when/if actual performance falls short of the targets. Constantly re-setting targets renders the long-term goal meaningless.

Meaningful Stakeholder Consultation (page 15)

ESSA requires the state to conduct outreach and get input from stakeholders, including organizations representing students with disabilities, for the development of this draft plan. The plan claims that outreach to and input from all stakeholder groups happened, but nothing on the face of the plan points to involvement by the disability community. The ESSA Advisory Work Group membership listed on page 133 is primarily comprised of school employees with only one parent (a former school board member) and no representation of civil rights or disability groups.

If you don’t believe Maine has included the disability community in meaningful stakeholder consultation in the development of the draft, you should make an issue about it in your comments on the plan.

Assessments (page 23)

States are required to develop their assessments using the principles of universal design for learning (UDL). The state should describe how this requirement is being met in this section of the plan.

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 Maine 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 (page 26)

Indicators (page 26)

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, including a summative score. 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 that measure achievement, growth, graduation rate and English language proficiency.

The academic achievement indicator described in the plan aligns with ESSA requirements. However, the plan doesn’t provide specific measures for the growth indicator or the progress in achieving English Language proficiency indicator. For graduation rate, the plan includes a 5- and 6-year graduation rate in addition to the 4 year adjusted cohort graduation rate (ACGR). ESSA only permits the 4-year ACGR to be used to identify schools for comprehensive support and improvement, so it is important to ensure the 5- and 6-year graduation rates are not used for this purpose.

For the School Quality or Student Success indicator the plan says Maine will use “Consistent Attendance.” States using attendance as an indicator generally use “chronic absenteeism.” The plan fails to define “consistent attendance,” leaving

stakeholders unable to determine if this is an appropriate measure. It will be important to understand how this indicator will be defined and measured.

Subgroups (page 27)

Maine says it is exploring the use of “Current and Former Students with Disabilities” as a subgroup and will incorporate or combine Former Students with Disabilities of up to two years and their performance. The state has to provide a definitive answer in their plan as to whether they intend to include former students with disabilities in the subgroup. Including these former students with disabilities in the subgroup makes it more difficult to ascertain how current students with disabilities are performing. MDOE should disaggregate the academic performance of “former” and “current” students with disabilities in order to provide transparency and data to understand the impact of including former students in achievement results.

Minimum Number of Students (page 28)

ESSA requires states to establish the minimum subgroup size (n-size) for two purposes: accountability and reporting. While ESSA requires the minimum subgroup size to be the same for all student subgroups and for all purposes of the statewide accountability system, it allows states to set a lower n-size for purposes of reporting.

Maine is setting its n-size at 10, which is generally an n-size that will allow accountability for a high percentage of students with disabilities and hold a high percentage of schools accountability for their disability subgroups. However, states are required to provide an analysis in its plan of the specific impact of the chosen n-size on both assessment and graduation rate. **The Maine draft plan does not provide this analysis.**

Weighting of indicators (page 30)

The plan does not provide information on the weighting of the indicators, which is critically important. The academic indicators (achievement, growth, graduation rate and English language proficiency) must, in the aggregate, be given “more substantial weight” than nonacademic indicators. We also believe that growth should not be weighted more than achievement since the goal is to get all students to meet the standards.

Including all schools in the accountability system (page 32)

The draft plan does not provide the required information about how schools that are designed to serve special populations and newly opened schools will be included in the accountability system. Apparently, the MDOE plans to include this information prior to submission, but not in time for stakeholder review and comment.

95% Participation Rate Requirement (page 32)

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 assessed

annually. We do not believe that a school should get a satisfactory rating in the accountability system if this requirement is not met. It is important to keep in mind the impact of the participation rate requirement on students with disabilities. 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).

Maine’s draft plan states that failure to meet the 95% participation rate requirement will NOT be factored into the summative rating for schools but will instead be included in the school’s “dashboard of data.” **This is unacceptable.** ESSA requires the 95% participation rate to be factored into the accountability system, which means it must be part of the rating system that differentiates schools to determine which ones need targeted or comprehensive support and improvement.

Identification of Schools for Targeted and Comprehensive Support and Improvement

Maine’s plan does not reflect an understanding of the statutory requirements for school identification. The plan uses vague terms for identifying schools for comprehensive support and improvement-CSI (e.g. lowest performing schools and schools with low graduation rates). The ESSA requirements below are very specific:

The lowest performing 5% of Title I schools must be identified for CSI. If the state elects to identify additional schools beyond this requirement, i.e., non-Title I schools, it must ensure that the lowest performing 5% of Title I schools are included in those identified. Only Title I schools are to receive Title I funds for CSI

High Schools with 4-year ACGR of 67% or less must be identified for CSI. Maine should change its plan to reflect this and also ensure that all High Schools are included (including those with 67% ACGR)

Schools with chronically low-performing subgroups (these are Title I schools with low-performing subgroups, which didn’t improve enough to exit from targeted support and improvement after a state determined number of years) must be identified for CSI based upon the subgroups’ performance compared to the performance of all students at the lowest performing 5% of Title I schools, not compared to the student subgroups at those schools.

Maine also does not provide adequate information about how the state will identify schools for targeted support and improvement (TSI). ESSA requires states to identify schools for TSI if they have one or more consistently underperforming subgroup (states get to define this term) or one of more low-performing subgroup(s). A low-performing subgroup is defined as a subgroup that is performing as low as all the students at the lowest 5% of Title I schools.

Maine has not answered the question in the plan about how it will define “consistently underperforming subgroup.” We recommend that this term be defined as a subgroup that has not met (or is not on track to meet) the state’s long-term goals and interim measures of progress for two consecutive years.

Supporting Educators (page 38) and Supporting All Students (page 59)

UDL and Inclusion

The “Supporting Educators” and “Supporting All Students” sections of the plan should include strategies that will benefit all students, including students with disabilities. Universal Design for Learning (UDL) should be discussed in many places throughout the plan, but especially in these two sections where UDL implementation initiatives would have the most impact for all students. A document that discusses in greater detail how UDL can be included in ESSA state plans can be found at http://www.udlcci.org/policy-two-pagerdraft-2-4-17_vers41/.

There also should be a discussion about capacity building and implementation of best practices for inclusive education. Maine’s answer regarding how the state will improve the skills of educators and schools leaders to address specific learning needs on page 46 is overly broad with no details.

Improve conditions for student learning (page 73)

State plans are supposed 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

Maine’s plan does not provide any information on these strategies and how they will be funded.

Program-Specific Requirements

Children and Youth who are Neglected, Delinquent, or At-Risk (page 79)

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, even though they are over-represented in correctional facilities. **Maine should state specifically how it 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.**

Consolidate State Plan Assurances (page 102)

The state is supposed to assure it has coordinated its ESSA plan with other programs such as the Individuals with Disabilities Education Act. This box is checked even though the ESSA plan does not mention any coordination with the

State Systemic Improvement Plan (SSIP) for students with disabilities. There is a tool to help states align their ESSA plan and their SSIP at https://ncsi.wested.org/wp-content/uploads/2017/02/SSIP-ESSA-Alignment-Tool_NCSI-CCSSO_Winter2017.pdf.

Maine Part B SSIP State Identified Measureable Result (SIMR): “Students with disabilities in grades 3-8 will demonstrate improved math proficiency as measured by math scores on the State assessment in a subset of schools wherein the total student population demonstrates proficiency at or above the State average but where substantial achievement gaps (15-32 points) exist between students with disabilities and their general education peers.”

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

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