



## Analysis of Pennsylvania's Draft ESSA Plan

August 10, 2017

This document provides an analysis of Pennsylvania's (PA) draft of the Every Student Succeeds Act (ESSA) consolidated state plan to be submitted to the U.S. Department of Education (ED) on September 18, 2017. The draft plan is available at <http://www.education.pa.gov/Documents/K-12/ESSA/Resources/Pa%20ESSA%20Consolidated%20State%20Plan.pdf>. A survey to submit public comments on the draft plan is available through August 31, 2017 at [https://docs.google.com/forms/d/e/1FAIpQLScdTL1hQlfnk8q9EcYEEyB76ERhQn31ycJElD9J\\_Y2S-cmEKg/viewform](https://docs.google.com/forms/d/e/1FAIpQLScdTL1hQlfnk8q9EcYEEyB76ERhQn31ycJElD9J_Y2S-cmEKg/viewform). Comments can also be emailed to [RA-edESSA@pa.gov](mailto:RA-edESSA@pa.gov).

PA should be commended for providing the ESSA draft plan, PowerPoint Guide, and Survey in Spanish.

The analysis and recommendations in this document focus on those issues most critical to subgroup accountability and to students with disabilities. The page numbers referred to in this document reflect the page number noted on the bottom of the pages of the draft plan, not the pdf page number.

**PLAN TEMPLATE.** On March 13, 2017, the Secretary of Education released a revised template for states to use to submit their ESSA plan applications. The template can be found on this webpage, along with other explanatory materials <https://www2.ed.gov/admins/lead/account/stateplan17/plans.html>. **For some reason, PA used an earlier template from November 2016, instead of the one from March 2017. The earlier template requires more information, so this is not a bad decision, as long as ED doesn't require the state to change the template. That would result in PA removing information from the state plan after the public comment period. States are allowed to use other templates, if done in consultation with the Council of Chief State School Officers and a crosswalk is provided.** The PA draft plan states that a "Crosswalk between Pennsylvania State Plan and USDE Revised State Template for Consolidated Plans

will be added prior to final submission.” Upon submission, ED will only review information that is responsive to the Revised Template for the Consolidated State Plan.

**Long-term goals and timelines (starting on page 8):**

**Achievement.** The draft plan mentions that the current goal is “to decrease the percentage of non-proficient students by 50% by the end of the 2029-2030 school year.” ESSA clearly requires that the long-term goals provide for **faster improvement** for those subgroups that are substantially behind in order to close the achievement and graduation gaps. Decreasing the non-proficient rate by 50% for each subgroup does not necessarily close achievement gaps. However, the example provided in the chart on page 9 (and below) does appear to narrow the gap. **A larger concern is that a 50% reduction in non-proficient students over 15 years (between 2015 baseline-2030) is not acceptable, especially when the goal by 2030 is only to reach 58.6% proficiency in math and 62.7% in ELA for students with disabilities.**

**Table 1.1: Academic Achievement Baseline and Long-term Goals**

*The table below shows combined goals for all of Pennsylvania’s assessments: PSSAs, Keystone Exams, and PASAs.*

Subgroups	English Language Arts: Baseline Data 2015 Percent Proficient/Advanced	English Language Arts: Long-term Goal 2030 Percent Proficient/Advanced	Mathematics: Baseline Data 2015 Percent Proficient/Advanced	Mathematics: Long-term Goal 2030 Percent Proficient/Advanced
All Students	61.6	80.8	43.2	71.6
White	69.4	84.7	50.5	75.3
African-American/Black	35.9	68.0	17.1	58.6
Hispanic	40.0	70.0	22.7	61.4
Asian (not Hispanic)	77.9	89.0	68.4	84.2
American Indian or Alaskan Native	55.3	77.7	35.0	67.5
Multi-Racial (not Hispanic)	55.0	77.5	35.2	67.6
Hawaiian Native/Pacific Islander	70.0	85.0	50.2	75.1
Students with Disabilities	25.3	62.7	17.2	58.6
English Learners	11.7	55.9	9.3	54.7
Economically Disadvantaged	43.9	72.0	25.7	62.9

**Also, it is important that PA make a commitment that interim targets toward the goals will not be adjusted based on the subgroup’s actual achievement across those years. We believe that PA should set the same long-term proficiency goals for all subgroups and should make a commitment not to reset goals and interim targets downward when/if actual performance falls short of the targets. Re-setting targets for lack of progress renders the long-term goal meaningless.**

**Graduation.** PA has developed long-term graduation rate goals based on the four-year adjusted cohort graduation rate (ACGR), and if applicable, the five-year (extended) cohort graduation rate (to capture those students who graduate high school in five years instead of four). These goals use 2015 baseline data and go through the end of the 2029-2030 school year. Schools and student groups not graduating at the state goal will have annual measurements of interim progress set toward reaching that goal by 2030.

**States may establish long-term goals and interim progress for extended-year cohort graduation rates as long as such goals are more rigorous than the goals set for the four-year adjusted cohort graduation rate.**

The goal is to reduce by half the gap between the current four-year ACGR and a rate of 100 percent by 2029-30. As you can see below, over 15 years between the 2015 baseline and the goal date, the 4- year ACGR for students with disabilities only increases to 85%, the current graduation rate for the all student group. The graduation rate goal for English learners in 2030 is even lower.

**Table 1.2: Four-Year Adjusted Cohort Graduation Rate Baseline and Long-Term Goal**

<b>Subgroup</b>	<b>Baseline (Data and Year) 2014-15</b>	<b>Long-Term Goals (Data and Year) 2029-30</b>
All students	84.8	92.4
White	89.3	94.7
African-American/Black	71.8	85.9
Hispanic	69.5	84.8
Asian (not Hispanic)	90.7	95.3
American Indian or Alaskan Native	76.2	88.1
Multi-Racial (not Hispanic)	76.4	88.2
Hawaiian Native/Pacific Islander	90.7	95.3
Students with Disabilities	71.5	85.8
English Learners	62.6	81.3
Economically Disadvantaged Students	75.9	88.0

As stated, earlier, under ESSA the goals for an extended graduation rate must be more rigorous than those for the 4-year ACGR. PA's goals are only slightly more rigorous for the 5-year extended graduation rate.

**Table 1.3: Five-Year Adjusted Cohort Graduation Rate Baseline and Long-Term Goal**

Subgroup	Baseline (Data and Year) 2014-15	Long-term Goal (Data and Year) 2029-30
All students	87.1	93.5
White	90.7	95.3
African-American/Black	76.5	88.2
Hispanic	74.2	87.1
Asian (not Hispanic)	92.1	96.1
American Indian or Alaskan Native	83.7	91.9
Multi-Racial (not Hispanic)	80.9	90.4
Hawaiian Native/Pacific Islander	84.2	92.1
Students with Disabilities	75.7	87.9
English Learners	69.4	84.7
Economically Disadvantaged Students	79.7	89.9

We believe that PA should set the same long-term graduation goals for all subgroups and should make a commitment not to reset goals and interim targets downward when/if actual performance falls short of the targets. Re-setting targets for lack of progress renders the long-term goal meaningless.

It is difficult to understand how the 4-year ACGR of students with disabilities can rise to 85% when only slightly more than half will be proficient or advanced in reading and math.

It should also be noted that PA has not improved the 4-year ACGR of students with disabilities in the five years since states began reporting ACGR to ED. See table below.

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

State	2010-2011	2011-12	2012-13	2013-14	2014-15
PA	71	70	74	71	71

Lastly, it should be noted that PA has developed a State Systemic Improvement Plan (SSIP) as required by the Individuals with Disabilities Education Act (IDEA) and has prioritized increasing the statewide graduation rate for students with disabilities as the State-identified Measurable Result (SiMR) of its SSIP. ESSA requires that the state ESSA plan coordinate with other programs, such those under the IDEA. The

SSIP is the major initiative of the PDE's Special Education Special Education division. As such, the SSIP and SiMR should be integrated with the state ESSA plan.

There appears to be no alignment of the SiMR goals for 4-year ACGR for students with disabilities and the ESSA goals. For example, the SiMR goal for the 4-year ACGR in 2018 is 67.9% compared to the ESSA goal of 72.6%. (See

<http://www.education.pa.gov/Documents/K-12/Special%20Education/PA%20FFY%202014%20IDEA%20State%20Systemic%20Improvement%20Plan%20Phase%20II.pdf>)

(More information on alignment of ESSA and 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/>)

### **Consultation (page 16)**

The March 2017 template no longer requires a discussion of the steps states have taken to meaningfully consult with stakeholders, including families of children with disabilities, in the development of this plan. However, the November 2016 template used by PA does require that information. From pages 16-22 the PA plan describes its stakeholder consultation process, but there is no mention of involving organizations that represent students with disabilities. The only mention of specific disability consultation is a meeting, held on April 8, 2017, with the Governor's Special Education Advisory Panel. There are parents of students with disabilities on this panel, but there is no way to determine whether they represent the wide range of students with disabilities in the state. As far as we can tell, no disability organizations were included in the workgroups that developed the ESSA plan. ESSA implementation requires ongoing stakeholder involvement and PA should do a better job with respect to consultation with the disability community.

### **Assessments (page 29)**

#### Universal Design for Learning

States are required to develop their assessments using the principles of universal design for learning (UDL). Unfortunately, the November 2016 and March 2017 state plan template provided by 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. 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 PA plan should list the strategies the state will employ to not exceed the 1% cap on alternate assessments. Also, PA 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.

### **Indicators (starting on page 31)**

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 indicator**

ESSA requires states to have an indicator of academic achievement as measured by proficiency on the annual state assessments required by the law (math and reading/English language arts (ELA)). **PA says that proficient and advanced scores on end of course Keystone assessments in math and ELA will be counted. There is no mention of other assessments for high schools, so we are assuming these assessments will be used to provide proficiency scores that are required for that grade span. Also, the description of the academic achievement indicator refers only to “tested students.” If a school fails to assess 95% of all students and each subgroup, non-tested students must be added to the denominator in determining the academic achievement measure.**

#### **Other Academic Indicator:**

PA plans to use an average growth index for its “other academic indicator” measure. Calculations are to be derived from the Pennsylvania Value-Added Assessment System (PVAAS), which seeks to determine whether each group of students gains, maintains, or declines in overall academic performance in Mathematics 4-8/Algebra

I, English/Language Arts 4-8/Literature, and/or Science 4 and 8/Biology. **These measures must apply to all students and each subgroup. We wonder whether every student with a disability will be enrolled and assessed in all these courses and therefore be factored into the indicator.**

**Graduation Rate:** PA's graduation indicator will include the percentage of students in a school who earn a high school diploma within four or five years. The value represented for the reported year is the graduation rate calculated for one year prior to the reported year due to availability of this data. **There is no mention of measuring this indicator by subgroup for determining school ratings. All the indicators must be disaggregated by subgroup.**

### **School Quality or Student Success indicators (SQSS)**

States are required to add at least one indicator of School Quality or Student Success (SQSS) to the indicators defined by ESSA.

PA plans to use chronic absenteeism and career readiness. **It will be important to ensure that this indicator applies to all students and student subgroups.**

**Chronic Absenteeism:** Chronic absenteeism will be calculated based on the number of students who have missed more than 10 percent of school days across the academic year; this represents roughly 18 days in a 180-day school year. Enrollment of less than 60 days of school will exclude a student from that school's calculation. PA asserts there will not have been sufficient opportunity for the school to apply intervention strategies with fewer than 60 days enrollment. A student is considered absent if they are not physically participating in instruction or instruction-related activities on school grounds or at an approved off-grounds location for at least half the school day. Each day that a student is absent for 50 percent or more of the school days to be counted as an absence.

**Career Readiness:** This indicator represents the percent of students who demonstrate engagement in career exploration and preparation and implementation of individualized career plans through separate, specific measures based on grade level:

1. The percentage of students who, by the end of grade 5, demonstrate engagement in career exploration and preparation, via <https://www.pacareerzone.org/> or a locally designed career exploration and preparation program/curriculum.
2. The percentage of students who, by the end of grade 8, create an individualized career plan and participate in career preparation activities in accordance with District Comprehensive Plans required by 22 Pa Code, Chapter 339.
3. The percentage of students who, by the end of grade 11, implement their individualized career plan and participate in career preparation activities as assessed through ongoing development of a career portfolio.

## Subgroups (page 37)

The subgroups for accountability purposes in PA are:

- All students
- Economically Disadvantaged Students
- English Learners
- Race/ethnicity: African-American/Black; American Indian or Alaskan Native; Asian (not Hispanic); Hawaiian Native or Pacific Islander; Hispanic; Multi-Racial (not Hispanic); White
- Students with Disabilities

The PA plan confirms that former students with disabilities will not be counted in the disability subgroup. The template used by PA asks this question, but it is a moot point. This practice of counting former students with disabilities is no longer permitted as a result of the repeal of the ESSA accountability regulations. It is the one positive change to come out of the repeal.

## Minimum Subgroup (N) Size (page 39)

N size (minimum subgroup size) is critically important. If it is set too high many schools will not be held accountable 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. For example, if the state uses 30 for the N size, a school that has 29 students with disabilities in the assessed grades (e.g. grades 3-5 combined for an elementary schools) will not have to include the disability subgroup in any accountability determinations related to assessments. This means that the school will not be identified for targeted support and improvement for a consistently underperforming disability subgroup, even if that would have happened had the N size of 30 been met. Similarly, a high school with less than 30 students with IEPs in the graduating class will not be held accountable for the graduation rate of the disability subgroup.

PA is proposing an N size of 20 for accountability and reporting purposes. The plan includes a chart (below) showing how the N size of 20 impacts the percentage of students in each subgroup who would be excluded from accountability for assessments. The chart shows that only 4% of students with disabilities would be excluded. However, there is no such data for graduation rate. There is also no data on the percentage of schools that would not be held accountable for the disability subgroup using an N size of 20 for either assessments or graduation rate. Generally this data is more disturbing than the percentage of students who will be excluded. In addition, no comparison data is provided using the different N sizes that were considered. **Without all this data it is difficult for stakeholders, including parents, to be meaningfully included in the determination of the N size.**



Table 4.2: Subgroup Exclusion Analysis

Minimum N = 20 Analysis Based on All Schools, 2015-16				
Student Group Name	Possible Students	Excluded Students	Included Student Percentage	Excluded Student Percentage
All Students	906,859	132	99.99%	0.01%
African American (Not Hispanic)	136,639	10,577	92.26%	7.74%
Asian (Not Hispanic)	35,556	9,313	73.81%	26.19%
Economically Disadvantaged	423,295	1,850	99.56%	0.44%
English Learners – Full Year	25,222	6,932	72.52%	27.48%
English Learners – All	47,661	9,368	80.34%	19.66%
Hispanic (Any Race)	91,675	11,955	86.96%	13.04%
Multi-Racial (Not Hispanic)	29,327	14,603	50.21%	49.79%
Native American or Alaskan Native (Not Hispanic)	1,326	1,273	4.00%	96.00%
Native Hawaiian or Other Pacific Islander (Not Hispanic)	696	696	0.00%	100.00%
Students with Disabilities	151,133	6,056	95.99%	4.01%
White (Not Hispanic)	611,640	1,642	99.73%	0.27%

The PA plan states that the N size determination was based on discussions with education and other stakeholders, consultation with PA’s technical advisory committee, and review of data concerning the number of schools statewide that would be able to report subgroup information at various proposed N sizes. It is hard to understand why this data is not provided in the plan to assist stakeholders in providing public comment. We do not know whether any representatives of the disability community were involved in these discussions. Prior to the end of the public comment period PA should make public all the data it says was used in the determination.

PA says it is contemplating aggregating data across school years for the small number of schools that would fall below the minimum N for the all student group in any single year. In addition, the Department is considering additional reporting requirements in instances where individual school buildings have an insufficient number of English Learners to report accountability data, but subgroup data could be aggregated and reported across buildings (i.e., at the district or LEA level) to reach the minimum N for reporting purposes only. **These strategies would not be necessary if a lower N size were used.**

## **Annual Meaningful Differentiation of Schools (starting on page 41)**

PA states that it will use the following system for annual meaningful differentiation of schools in order to determine which schools need targeted support and improvement (TSI) or comprehensive support and improvement (CSI). **The description below explains how the state will determine which schools will get CSI, but does not explain how each school is rated so stakeholders can tell how well or poorly all schools are doing on the indicators.**

Step 1: Preliminary identification based on academic achievement and growth

“PA will categorize schools based on position on an achievement/growth plot. The achievement measure will be derived from a weighted average of the percentage of students scoring proficient or advanced on state assessments in English language arts and mathematics combined, as derived from at least two years of data. The state will examine achievement in relation to a school’s average growth index (AGI), again as derived from state achievement test data from at least two years. Achievement and growth data will be plotted to allow the state to identify schools exhibiting low performance in both achievement and growth. The resulting subset of schools may be eligible for CSI (or TSI) identification.”

Step 2. Final identification based on additional academic and non-academic indicators:

To establish the 5% of Title I schools that must be provided with CSI as required by ESSA, PA will employ “a stratified approach to identify schools with low achievement and low growth that also fall below a specific level of performance on remaining accountability indicators.”

Step 3. Identification of additional high schools with low graduation rates:

Steps 1 and 2 relate only to Title I schools; however, ESSA requires that states identify “all public high schools in the state failing to graduate one third or more of their students.” PA will identify any such high schools not already identified through Steps 1 and 2.

**The identification of the lowest performing 5% of Title I schools is separate from the identification of high schools failing to graduate one third or more students. Therefore, the statement “PA will identify any such high schools not already identified through Steps 1 and 2” should be eliminated.**

**The purpose of ESSA is to provide all students a significant opportunity for a fair, equitable and high quality education and to close educational achievement gaps. To this end, the PA plan must describe how subgroup performance factors into its differentiation of schools for both CSI and TSI.**

## **Weighting of Indicators (page 41)**

ESSA requires substantial weight be given to each academic indicator defined in the statute (Academic Achievement, Other Academic Indicator, Graduation Rate and English Language Proficiency) and that, in the aggregate, these indicators should have much greater weight than the SQSS indicator(s) selected by the state.

### **PA’s plan ignores the ESSA requirement that indicators must be weighted and makes the following statement:**

“Pennsylvania does not plan to assign specific weights to indicators, either individually or in the aggregate. Rather, Pennsylvania’s proposed approach initially considers two dimensions of academic performance, which effectively function as a substantially weighted indicator.”

**The requirement to weight each indicator- is primarily to ensure that the academic indicators are given much greater weight than the SQSS indicator(s) selected by the state. However, it is also important to know the relative weight of each academic indicator to ensure that each is given substantial weight as required by ESSA. For example, it does not appear that graduation rate is given any weight, unless a school is doing so poorly that the graduation rate is 67% or lower. Also, we don’t know how much English language proficiency will count, even though it should have more weight than the SQSS indicators.**

### **Annual Measurement of Achievement –At least 95% Participation Rate Requirement (page 43)**

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. 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).

As stated earlier, the failure to meet the 95% assessment participation rate rule for all students, and for each subgroup, is required to impact the calculation of academic achievement. **It is not clear whether PA intends to follow this requirement.** In addition, ESSA states that the failure to meet this rule must be factored into the system of annual meaningful differentiation of schools. **PA is in clear violation of this ESSA requirement.**

**The only statement the PA plan makes about this issue is below and it does not impact differentiation of schools:**

“School-level participation rates will be published within the state’s annual public-facing school report cards. Schools with rates below 95 percent will be required to develop and implement state-approved improvement plans, and may be required to complete a school- or LEA-level assessment audit.”

**In addition, this statement does not make clear that the participation requirement applies to BOTH the all student group and to every student subgroup.**

### **Including All Schools In Accountability System (page 43)**

**We are very concerned that PA does not provide ways for small schools and schools that are designed to serve special populations to be included in the accountability system.** The state may use a different methodology for differentiation for these schools, but all public schools are required by ESSA to be part of a statewide system of meaningful annual differentiation. The PA plan’s comment about special schools is that: “Pennsylvania’s accountability system has not historically differentiated schools designed to serve special populations from other public schools. The state may evaluate whether such differentiation is appropriate.” **PA must provide a way to include these schools in meaningful differentiation of schools to avoid violating ESSA.**

### **Identification of Schools (page 44)**

#### **Comprehensive Support and Improvement (page 28)**

ESSA requires states to identify for CSI:

- The bottom 5% of Title I schools. If the state elects to identify additional (non-title I) schools, it must ensure that the bottom 5% of title I schools are included in those identified.
- High schools that fail to graduate a third or more of their students. The regulations that were repealed in March 2017 required that the 4-year Adjusted Cohort Graduation Rate be used for this purpose. Without the regulations states are permitted to use longer graduation rates (e.g. 5 year), but it should be discouraged because it removes the emphasis on on-time graduation.
- Chronically Low-Performing Subgroup. Any Title I school identified for targeted support and improvement because of low performing subgroup(s) that did not improve over a state-determine number of years.

Lowest 5% of Title I Schools: The PA plan says it will identify the lowest 5% of schools of Title I schools, which is the correct application of the law. **However, the PA plan puts most of the emphasis on Academic Achievement and Academic Progress indicators, without much information on how graduation rate and English language proficiency will be factored into this decision.**

Public high schools failing to graduate at least one-third of their students: **The PA draft plan does not describe how the 4 and 5-year graduation rates are used to make this determination. It is important to have this information in order to determine whether the emphasis is on the 4-year (on-time) graduation rate.**

Frequency of Identification: ESSA states that schools must be identified for CSI at least once every three years. **PA has decided to adhere to this minimum requirement, whereas some other states are electing to identify schools more frequently**

Exit criteria for CSI: PA has not made a final determination about exit criteria, but provides the following minimum requirements:

1. Show measurable progress on at least one accountability indicator such that the school would no longer qualify for Comprehensive Support and Improvement;
2. Submit an updated improvement plan that details building (and, as appropriate, LEA-level) activities in response to the school-level needs assessment; and
3. Participate in PDE-sponsored technical assistance activities

#### **Targeted Support and Improvement (page 45)**

ESSA requires states to identify for Targeted Support and Improvement (TSI) two distinct categories of schools:

- 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)

Schools with Consistently Underperforming Subgroups: **The PA plan does not adequately define “schools with consistently underperforming subgroup(s).” It bases the definition on the methodology used for CSI schools (as applied to subgroups). The CSI methodology does have some impact on identifying schools with low-performing subgroups. These are schools where one (or more) subgroup performs as poorly as the all student group in the lowest 5% of Title I schools. However, CSI methodology should not be relevant in identifying schools with consistently underperforming subgroups. Schools with consistently underperforming subgroups should be identified for TSI before subgroup performance gets as bad as in schools with low-performing subgroups. They are distinct categories of schools.**

**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. Schools with one or more consistently underperforming subgroup(s) must be identified annually beginning in 2019-2020.**

**Schools with Low-performing Subgroups:** The PA plan states that schools with one or more low performing student groups will be determined based on the methodology for identifying CSI schools. However, ESSA requires that the subgroups are to be compared to all student group in the lowest performing 5% of Title I schools and that is not clear in the PA plan. Also, the PA plan requires a school to be identified as a school with a consistently underperforming subgroup or subgroups for two out of three years before being considered a school with a low-performing subgroup or subgroups. Once again the distinction between these two categories of schools is being ignored.

**Exit Criteria for TSI:**

PA has not made a final determination about exit criteria, but provides the following minimum requirements for schools with low-performing subgroups to exit TSI:

1. Show measurable progress on at least one accountability indicator;
2. Submit an updated improvement plan that details building (and, as appropriate, LEA-level) activities in response to the school-level needs assessment; and
3. Participate in PDE-sponsored technical assistance activities

**It is not acceptable for schools to exit TSI by making progress on one accountability indicator, unless that is sufficient for the school to no longer meet the criteria for being a school with a low-performing subgroup or subgroups.**

**Supporting Excellent Educators (page 55)**

In this section of the plan PA discusses numerous initiatives and processes for seven pages without ever mentioning students with disabilities. **It is important for the PA plan to articulate how the initiatives it describes in these pages will address the needs of students with disabilities and special educators.** The first time students with disabilities are mentioned is on page 62 in the subsection called “Skills to Address Specific Learning Needs” where a few initiatives are discussed. **There is no mention of the need to improve the capacity of educators to implement inclusive best practices, in spite of decades of research that support inclusion.**

**According to the PA 2017 IDEA Part B Data Display for students age 6-21, the percentage of students with multiple disabilities who are in the general education classroom 80% or more of their school day is only 4.5% (with 48.6% in the general education class less than 40% of the day and 28.6% in separate schools) and the percentage of students with intellectual disabilities who are in the general education classroom 80% or more of their school day is only 11.6% (with 44.9% in the general education class less than 40% of the day and 9.9% in separate schools). A National Center and State Collaborative study shows that when students are being segregated from their non-disabled peers they have limited access to the grade-level general education**



curriculum.

<http://www.ncscpartners.org/Media/Default/PDFs/Resources/NCSC%20LRE%20Article%20Exceptional%20Children%20EC%201670%20APA.pdf>

Also, UDL is not discussed at all in this plan. There are many ways UDL can be used to improve PA's state plan so that it supports a fair, equitable and high quality education for all students. UDL is recognized as a best practice in ESSA. In addition, it is an important element in implementing multi-tiered systems of supports, which is a strategy described in the plan.

#### **Supporting ALL Students (pages 66-94)**

There are nearly 30 pages of strategies that PA says it will use to support all students. However, there are only a few places where strategies reference students with disabilities. This section of PA's plan should include a discussion of inclusive best practices to specifically improve school conditions for students with disabilities. In addition, a discussion of UDL should be added because it is aimed at accessible learning opportunities and reducing frustration that can lead to suspension and aversive behavioral intervention. There are many ways UDL can be used to improve the PA state plan so that it supports a fair, equitable and high quality education for all students. For more information on UDL and ESSA state plans see

<http://www.udlcci.org/policytwo-pagerdraft-2-3-17-update2/>.

#### STEM Education (page 72)

The plan says: "Nine STEM communities of practice – along with other LEAs, IUs, and communities working to advance innovation and opportunity for students in STEM – are working in collaboration with the Pennsylvania STEM Coalition to curate and share high quality STEM practices with a particular focus on equitable access to STEM opportunities for all students, especially English learners, students with disabilities, girls, and students of color."

#### Supporting Successful Secondary Transition for Students with Disabilities (page 85)

This section talks about actions that are already required under the Individuals with Disabilities Education Act (IDEA) and then lists some professional development goals.

#### School Conditions (page 92)

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

**PA doesn't mention specific strategies for reducing bullying and harassment or exclusionary discipline practices. The plan merely indicates it will work on these issues and mentions the use of school climate surveys. The plan says nothing at all about reducing the use of aversive behavioral interventions such as restraint and seclusion, which disproportionately impacts students with disabilities**

### **Children and Youth who are Neglected, Delinquent, or At-Risk (page 109)**

**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 (<https://www.neglected-delinquent.org/>) **27%** of students served under Subpart 1 in PA in 2014-15 had IEPs and **26%** of students served under Subpart 2 had IEPs. The PA plan 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.

### **Contact information**

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)

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