



Analysis of South Carolina's First Draft ESSA Plan

December 12, 2016

This document provides an analysis of South Carolina's first draft of the Every Student Succeeds Act (ESSA) consolidated state plan to be submitted to the U.S. Department of Education (USED) in 2017. The draft plan was released on October 27, 2016 and is available at <http://ed.sc.gov/newsroom/every-student-succeeds-act-essa/draft-consolidated-state-plan/>.

The South Carolina Department of Education (SCDE) has established an ESSA webpage to provide information, resources, and ways for stakeholders to comment. To comment on any section of the ESSA plan, [use the online comment form at http://ed.sc.gov/newsroom/every-student-succeeds-act-essa/general-essa-feedback-form/](http://ed.sc.gov/newsroom/every-student-succeeds-act-essa/general-essa-feedback-form/) or send an email to essa.comments@ed.sc.gov.

The analysis and recommendations in this document focus on issues that are 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 (except where indicated).

Citations refer to final Federal regulations available [here](#).

Stakeholder engagement (page 4)

The draft plan states that SCDE "has engaged stakeholders, including civil rights organizations, community organizations, business groups, legislators, education associations, parents, and others in the development of the draft framework for the consolidated state plan. Each of the five workgroups has been developing the component parts of the plan with input from stakeholders. Stakeholder engagement will continue throughout the development of the consolidated state plan until it is submitted to the USED. The SCDE anticipates the consolidated state plan framework will be completed by December 31, 2016, and ready for submission to the USED by March 2017."

The membership of the five workgroups is not available on the SCDE ESSA website, so it is difficult to ascertain if the disability advocacy community has been adequately and meaningfully involved in the development of the draft framework.

Alternative Academic Achievement Standards for Students with Cognitive Disabilities (page 8-9)

SCDE indicates that it has adopted alternate academic achievement standards for students with the most cognitive disabilities and that the state administers the alternate assessment based on alternate academic achievement standards (AA-AAS) developed by the National Center and State Collaborative (SC-NCSC) in math and reading/English language arts (ELA). SCDE uses its own AA-AAS for science and social studies. The draft plan says: “The state administers the ELA and mathematics tests developed by the NCSC to students based on their ages commensurate with the ages of students who are typically in grades three through eight and eleven.” That is fine for students who may be enrolled in a class that spans different grades, but for students who are enrolled in a specific grade, they must take the assessment for their enrolled grade.

The draft plan does not mention the cap on the number of students who can be administered the alternate assessment as established by ESSA. This cap equals 1% of all students assessed (approximately 10% of students with disabilities). An appropriate definition of “students with the most significant cognitive disabilities” and strategies/accommodations policies to ensure the cap is not exceeded are important. Advocates should request that these issues get addressed in the second draft of the plan.

See recommendations for this definition on page 6 of the NDSC State Plan Advocacy Guide <http://www.ndsccenter.org/wp-content/uploads/ESSA-State-Plan-Advocacy-Guide.pdf>. This guide also will help you understand a wide array of issues related to ESSA state plan development.

Parameters in the federal ESSA assessment regulations for the state definition of students with the most significant cognitive disabilities are pasted below:

(The connection to grade-level state academic content standards is highlighted in bold).

“...a State definition of ‘students with the most significant cognitive disabilities’ that would address factors related to cognitive functioning and adaptive behavior, such that

- (i) The identification of a student as having a particular disability as defined in the IDEA or as an English learner must not determine whether a student is a student with the most significant cognitive disabilities;
- (ii) A student with the most significant cognitive disabilities must not be identified solely on the basis of the student’s previous low academic achievement, or status as an English learner, or the student’s previous

- need for accommodations to participate in general state or districtwide assessments; and
- (iii) Students with the most significant cognitive disabilities require extensive, direct individualized instruction and substantial supports **to achieve measurable gains on the challenging state academic content standards for the grade in which the student is enrolled.**

Although the alternate achievement standards on which the alternate assessment is based are supposed to provide “access” to the general education curriculum, ESSA also requires states that have an alternate assessment to promote involvement in and progress in the general education curriculum and not preclude students who take an alternate assessment from attempting to meet the requirements of a regular high school diploma. **This language that goes beyond “access” is very important and is a significant change from the past regulations on the alternate assessments.** It is also important to emphasize enrolled grade general education curriculum in the plan discussion of the alternate assessment. Otherwise there can be a misunderstanding that the curriculum from other grades is what is meant by “grade-level” for these students. The federal regulations clarify this point about “enrolled grade.”

Universally Designed Assessments

States are required to develop assessments, to the extent practicable, using the principles of universal design for learning (UDL) and are supposed to describe these efforts in the state plan. SCDE doesn’t mention UDL at all in the draft plan.

South Carolina Long Term Goals and Interim Targets

Interim Target Criteria (pages 12-14)

SCDE’s plan for achievement goals (performance on state assessments) is as follows:

- Reduce the percentage of students in grades 3-8 who “do not meet expectations” from 2018 baseline on ELA, mathematics, science, and social studies assessments 50% by 2024.
- Reduce the percentage of high school students who score below 60% on English 1, Algebra 1, Biology 1, and United States History from the 2018 baseline 50% by 2024.

The SCDE plan makes no mention of the setting of goals and targets by subgroups of students, yet this is a requirement of ESSA. Furthermore, goals for low performing subgroups must take into account the improvement necessary for each subgroup of students to make significant progress in closing statewide proficiency gaps (§200.13).

The SCDE approach to goals and targets (reduce percentages not proficient by 50%) – *if applied to all subgroups* - falls short of what is required by ESSA. Advocates should ask

for much more detail regarding the setting of goals and targets by subgroup and ensure that the methodology will result in more progress for lower performing subgroups.

The same holds true for the graduation rate goal, stated as:

- Reduce the gap between the school or district's graduation rate and the state's target of 90% graduation by 50% in 2024.

As with proficiency rates, goals and targets for graduation rates must be set for each subgroup and must result in greater rates of improvement for subgroups of students that are lower-achieving.

These goals and targets are critically important for students with disabilities (SWD) since this subgroup is frequently the lowest performing (or one of the lowest performing) subgroups of students in a state. Unless goals and targets are calibrated toward *gap-closing* (not just a reduction in non-proficiency rates) SWDs will have much lower expectations than other subgroups and students overall. This is also critically important since identification of schools for improvement will be based on achievement of subgroups.

South Carolina Accountability Point Breakdown (page 22)

“This section of the accountability model explains the metrics for configuring points in the accountability system related to the six leading indicators: achievement, growth, graduation rate, English proficiency, prepared for success, and effective learning environment.”

Achievement (page 22)

ESSA allows states to establish academic standards for subjects other than reading/language arts and mathematics and to administer assessments in such subjects. However, the achievement measures in the statewide accountability system are to be based on reading/language arts and math. If achievement on assessments other than reading/language arts and math are administered the results could be reported but should not weigh in the accountability system.

Description of Subgroup Analysis for Achievement (page 23)

The plan states:

“The percentage of students scoring in all performance levels will be reported by all state and federally defined subgroups. The gap will be reported for all students and subgroups scoring **Level 2** and higher relative to the long term goal of 90% of students scoring Level 2 or higher by 2030 and toward the three-year interim targets. Subgroups include the following: All students, poverty, disabled,

African American, Hispanic, English Language Learners (LEP), Asian/Pacific Islander, migrant, foster, military-connected, gifted and talented, and homeless).

- Sub-groups with n sizes of 20 will count in accountability ratings for each category.”

Achievement must be reported for all levels and for all subgroups as well as the goals/targets for each subgroup. Reporting gaps only for subgroups scoring at level 2 and higher will hamper comparisons across subgroups. All achievement reporting should incorporate all achievement levels (see page 17), all required subgroups and the targets for each subgroup.

The plan indicates that the state will use a minimum subgroup size ('n' size) of 20 for accountability purposes (red indicates issues still under discussion).

The state offers no data in support of its proposed minimum subgroup size of 20. States must include information regarding the number and percentage of all students and students in each subgroup for whose results schools would not be held accountable in the system of annual meaningful accountability (§200.17).

It is critical for the state to provide not only the number and percentage of *students* (all and each subgroup) that will not be held accountable, but also the number and percentage of *schools* in the state that will not be held accountable for the results of students in each subgroup. (Federal regulations require this information only when a state is proposing to use an 'n' size exceeding 30. However, advocates are free to ask for this information.) See the Ohio Department of Education's [Topic Discussion Guide](#) for examples of the data simulations for both assessment and graduation. SC should provide similar simulations. Decisions regarding 'n' size should be guided by these simulations and the state must attempt to use an 'n' size that will result in the most schools being held accountable, as directed by the federal regulations §200.17(a)(1)(ii). See also the AEE paper on this topic: [Ensuring Equity in ESSA: The Role of N-Size in Subgroup Accountability](#) which recommends that states use an 'n' size of 10 or less for achievement and graduation.

Description of Methodology for Meaningful Differentiation of Schools/Districts (page 23/25) Be careful of attempts by SCDE to put more weight on growth (page 25) than on proficiency (page 22). Growth that does not result in significant improvements in proficiency for low-performing subgroups will not close achievement gaps.

It is important to pay attention to how growth will be measured for students taking alternate assessments. DO NOT stand for any discussion of progress on IEP goals for this growth measure. IEP goals are designed to enable students to be involved in and make progress in the general curriculum. However, many people treat IEP goals like they are the curriculum for students with disabilities. In addition, the determination of whether there is growth on IEP goals is very subjective. It is important not to incentivize low expectations in IEP goals by rewarding schools for growth on these goals. Academic

Progress should only be determined using objective measures of progress in the general education curriculum that can be disaggregated by student subgroup.

Graduation rate (page 27)

The subgroup analysis lacks specifics about graduation rate of each subgroup compared to the target for each subgroup. The methodology described for identification (“The final designation in the graduation rate category will be determined using a normative scale.”) would not appear to comply with ESSA. The Act states that high schools with a graduation rate of 67 percent or less (or higher if defined by the state) must be identified for comprehensive support and improvement. Identification can’t involve the use of a scale.

Identification: It should be noted that for both achievement and graduation SCDE includes school districts in meaningful differentiation. However, ESSA requires the identification of schools, not districts, for improvement. If the state plans to identify districts that would need to be in addition to the identification required by ESSA.

Prepared for Success Indicators (pages 30-32))

ESSA requires that states include not less than one indicator of school quality or student success (§200.14). These indicators must be able to be disaggregated by student subgroup. It is important to ask the state for evidence linking the School Quality and Student Success indicator(s) to improved academic outcomes, evidence that the indicator(s) can be measured objectively, and evidence that the indicator(s) can be reported separately for each subgroup in each school across the state.

The SCDE apparently plans to use only two indicators: College/Career Readiness at the High School level and Student Engagement (measured by a survey). Use of one to two indicators is considered by many to be problematic inasmuch as it can lead to the creation of perverse incentives. Additionally, use of student surveys is questionable. (see page 14 of [In Search of Unicorns: Conceptualizing and Validating the “Fifth Indicator” in ESSA Accountability Systems](#)).

Ensuring 95% Tested Requirement (page 33)

“Schools and districts without the 95% tested

- May not earn highest performance level rating or receive any reward recognition.
- Will have to develop a plan to address testing all required students.
- May have reduced funds for federal programs such as Title 1, Title III, etc.

ESSA requires that at least 95% of all students in the assessed grades (and 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 (rather than preventing the highest performance level).

Advocates should keep in mind the impact of the participation rate requirement on students with disabilities. An approach that involves few consequences for failing this requirement would likely lead 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).

Weighted Point System Index (rationale)(page 35)

The plan provides only an example of possible weighting of indicators. This is an important component of the system. ESSA requires the *academic* indicators to have significantly more weight than the *non-academic* indicator(s) (the indicator(s) the state selects for school quality and student success), in this case “prepared for success and effective learning environments”. The state plan must include this breakdown. We recommend that schools that would otherwise be identified for targeted or comprehensive support and improvement on the basis of the other indicators required by the statute, should not fail to be identified as a result of the state-defined school quality and student success indicator(s). The concern is that these indicators may not be sufficiently connected to academic achievement. This draft plan does put more weight on the ESSA required indicators, but advocates should keep an eye on this issue.

The examples provided for determination of summative rating don’t provide any information regarding subgroup performance. Again, this is a critical component of the system.

Comprehensive Support & Intervention Criteria (Priority Schools) (page 38)

SCDE proposes to call the schools identified for comprehensive support and intervention (CSI) as “priority schools” – a holdover from ESEA waiver requirements. ESSA uses the term comprehensive support and improvement.

It is noteworthy that SCDE is setting the graduation rate for identification at less than 70% graduation rate rather than the required rate of 67% or less under ESSA.

There is no provision in the law for what happens to schools that have been identified year after year for targeted support and improvement (TSI) because of a consistently underperforming subgroup. It would be helpful to suggest that SCDE add these schools (e.g. schools that have had one or more consistently underperforming subgroups for 3 years) onto the list of schools that could be identified for CSI.

SCDE also indicates how it will identify DISTRICTS as in need of CSI. (Page 45). As mentioned before, ESSA only requires identification of schools, not districts. Advocates should question why SCDE is including this designation in its plan.

Identification of Targeted Support & Intervention Criteria (Focus Schools) (page 47)

SCDE proposes to call the schools identified for targeted support and intervention (TSI) as “focus schools” – a holdover from ESEA waiver requirements. ESSA uses the term targeted support and improvement.

Identification Criteria

TSI is required for schools that have a low performing subgroup(s) and/or a consistently underperforming subgroup(s). The SCDE plans states the identification criteria for these subgroups as discussed below.

- **Low Performing Subgroups as** schools with one or more subgroups performing as poorly as “the same subgroup” in any lowest performing 5% of Title I CSI schools based on state summative ratings in **achievement, growth/graduation rate, and English language proficiency**”

ESSA requires the identification of any school for TSI in which one or more subgroups of students is low performing (which is defined as performing at or below the performance of **all students** in the lowest performing schools). This is a critical distinction to what SC is stating as the identification criteria for low performing subgroups and is particularly important for the SWD subgroup.

- **Consistently Underperforming Subgroups** – schools with one or more historically underperforming subgroups performing significantly below (more than one standard deviation) the State’s performance with “the same subgroup(s)” in **achievement, growth/graduation rate, English language proficiency** for two consecutive years.

The methodology for identification of consistently underperforming subgroups (i.e., more than one standard deviation) would appear to be consistent with the requirements of ESSA at §200.19. Advocates should, however, question the number of schools that might be identified using such a methodology. SCDE made a good decision to use “two consecutive years” as the definition for “consistently.”

See the [Timeline for identification of schools for support and improvement](http://www2.ed.gov/policy/elsec/leg/essa/essacctchart1127.pdf) at <http://www2.ed.gov/policy/elsec/leg/essa/essacctchart1127.pdf>.

Exit Methodology for CSI (page 48)

The exit methodology for CSI schools with Low Performing Subgroups again refers to students in the subgroup as compared to all students. Exit methodology should be based on all student performance not the same subgroup of students.

Exit criteria for TSI for Consistently Underperforming Subgroups is not included in the plan.

We recommend that that schools remain identified for CSI or TSI until they no longer meet the criteria for identification (or, in the case of TSI, until the schools get identified for CSI).

Skills to Address Specific Learning Needs (page 15, obviously an error in the pagination/PDF page 68)

The plan provides no details on how the state will “improve the skills of teachers, principals, or other school leaders in identifying students with specific learning needs and provide training based on the needs of such students, including strategies for teachers, and principals or other school leaders in schools with the following: low-income students; lowest-achieving students; English learners; children with disabilities; children and youth in foster care; migratory children, including preschool migratory children and migratory children who have dropped out of school; homeless children and youths; neglected, delinquent, and at-risk children identified under Title I, part D of the ESEA/ESSA; immigrant children and youth; students in LEAs eligible for grants under the Rural and Low-Income School Program; American Indian and Alaska Native students; students with low literacy levels; and students who are gifted and talented.”

Additionally, the plan provides no information on how SCDE will support UDL, which improves student outcomes by addressing learner variability for every student. UDL is important for all schools, and should be discussed in this section and in the Supporting ALL Students section, which begins on page 73 of the PDF. However, it but should also be mentioned in the charts of evidenced based interventions and technical assistance for TSI and CSI schools.

Education Equity (page 17/ PDF page 70)

The term ineffective, out of field, and inexperienced teachers and leaders are defined starting on this page. The definition for inexperienced teachers/school leaders in the draft plan refers to less than one year of experience. We recommend this definition be changed to refer to less than three years.

ESSA eliminated the highly qualified teacher requirements in IDEA for special educators. The statute only requires them to have a Bachelor’s degree, which can be in any subject. To address this issue “special education teachers” who are not prepared for such roles with research-based instructional strategies in special education teacher preparation programs should be considered “out of field teachers.” Also, there should be data collected on the degree to which students with disabilities are taught by ineffective, out of field, or novice teachers. This data is only required by ESSA for poor and minority students, but your state can go further

Students with Disabilities (page 22/PDF page 74)

The draft plan should clearly articulate the connection between the plan for Title I of ESSA and SCDE’s State Systemic Improvement Plan (SSIP) as required under IDEA.

Particular attention should be given to SCDE's State Identified Measureable Result (SiMR) in the SSIP: "Increase the percentage of students who are deemed proficient or higher on the statewide reading accountability assessment"

Advocates should ask for data on the effectiveness of the use of IDEA funds for Early Intervening Services since SCDE indicates its intent to continue to use IDEA funds in this way.

Advocates would also be wise to encourage SCDE to articulate how it will improve the 4-year graduation rate for students with disabilities. The latest Adjusted Cohort Graduation Rate (ACGR) data indicates that SC has a 4-year grad rate of 49% for SWDs. It will be impossible for SC to get to an overall grad rate of 90% in 2030 without significant improvement in the grad rate for SWDs. See <http://www.advocacyinstitute.org/resources/SWD.ACGR2010-11-2014-15.pdf> for ACGR data by state.

In addition, there is no discussion about building capacity for inclusive education in the draft plan, in spite of decades of research linking inclusion to improved student outcomes for SWDs and their peers.

Homeless Children and Youth (page 24/PDF page 77)

The list of responsibilities for McKinney-Vento- district liaisons should include those that pertain specifically to SWDs. See the non-regulatory guidance from USED: [Homeless Student Guidance](#) and the webinar presentation on [ESSA provisions regarding homeless children and youth: Implications for students with disabilities](#). Specifically, district liaisons are charged with ensuring children eligible for IDEA Part C services are enrolled and receive such services. Information on the number and percent of homeless students who also have IEPs can be found at <http://www.serve.org/nche>

Foster Care Students (page 25/PDF page 78)

As with Homeless children, ESSA made significant changes regarding foster care children, many of whom have disabilities. Advocates should request specific information regarding SWDs be added to the listing of strategies.

See the non-regulatory guide: [Foster Care Guidance](#) and the webinar on [ESSA: Advancing School Stability for Children in Foster Care](#) for details.

School Conditions for Student Learning (page 27/PDF page 80)

Comments on activities listed:

"Districts are provided funds to operate alternative school programs to serve students who for behavioral or academic reasons are not benefitting from the regular school program or may be interfering with the learning of others." It is distressing to see a willingness to fund segregated programs for students with behavioral issues, many of whom will be IDEA eligible students. Furthermore, such schools may escape identification under ESSA due to exceptions for small high schools (\$200.21).

“Training related to classroom management and positive behavior interventions is provided annually to Alternative School Program educators.” Such training should not be restricted to educators in alternative school programs.

According to the 2011-2012 Civil Rights Data Collection, South Carolina has one of the highest rates of out-of-school suspensions in the country. See www.AdvocacyInstitute.org/resources/SWDOut-of-SchoolSuspension2011-2012.pdf for state-level data.

There is no mention of activities related to limiting the “use of aversive behavioral interventions that compromise student health and safety” as required by ESSA. This refers specifically to restraint and seclusion.

Supporting Students Through the Use of Technology (page 27/PDF page 80)

it is important to comment on the statement: “Virtual SC provides South Carolina students with flexible and rigorous online learning opportunities that help them acquire the knowledge, skills and characteristics necessary for college and career readiness.” Advocates should study the findings of the Center on Online Learning and Students with Disabilities 2016 report, Equity Matters 2016: Digital and Online Learning for Students with Disabilities at <http://centeronlinelearning.org/equity-matters-2016/> and specifically the findings for South Carolina, which can be found on page 151 of the report.

Contact information

Ricki Sabia
Senior Education Policy Advisor
National Down Syndrome Congress
PH: 301-452-0811
Email: 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
See ESSA resources at www.advocacyinstitute.org/ESSA

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