



## **Analysis of the Nevada Final Plan Every Student Succeeds Act (ESSA) Consolidated State Plan**

April 17, 2017

View the plan that was submitted for approval to the U.S Department of Education (ED) on April 3, 2017.

[http://www.doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards Commission s Councils/ESSA Adv Group/ESSA Nevada Consolidated State Plan 4.3.17 Finalrev.pdf](http://www.doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commission_s_Councils/ESSA_Adv_Group/ESSA_Nevada_Consolidated_State_Plan_4.3.17_Finalrev.pdf)

The analysis and recommendations in this document focus on those issues most critical to subgroup accountability and to students with disabilities.

As it relates to the education of students with disabilities, the state of Nevada has a particularly dismal record, including:

- One of the lowest graduation rates in the country (28%). In fact, more students with disabilities drop out (48%) than leave with a diploma;
- Second highest rate of out of school suspension of secondary students with disabilities (28%) in the country (only Florida is higher) according to the Civil Rights Data Collection;
- One of only two jurisdictions in the nation to receive a “needs intervention” rating by the U.S. Dept. of Education for its implementation of IDEA.

**The Nevada plan does not clearly explain many important components of the accountability system, making it difficult for stakeholders to be informed participants in the state’s implementation of this important law.**

**Long-term goals** (page 8)

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.

Nevada sets the initial goal period for six years during which time the state says it will reduce the gap between the baseline and the academic achievement by 5% reduction in non-proficient students annually for all subgroups. Graduation goals use the same approach – a reduction of 5% each year in 4 and 5-year graduation rate by subgroup by 2022. ESSA requires more ambitious goals for graduation rates that go beyond 4 years. The Nevada 5-year graduation rate goals are slightly more ambitious than those for the 4-year graduation rate. After 2022 the state says that it will re-establish the baseline and set a common long-term goal for all subgroups by the year 2030. **ESSA requires that the plan describe the long-term goals. Nevada has not done this for the 2030 long-term goals. Also, Nevada has not made a commitment to hold all goals and interim targets steady; and not reset downward when/if actual performance falls short of the targets. Doing so will render any the goals meaningless.**

It is important to note that **60%** of Nevada students with disabilities will be expected to graduate in 4 years in 2022 yet **51%** of high school students with disabilities will be expected to be proficient in ELA and only **33%** of high school students with disabilities will be expected to be proficient in Math by 2022. This would suggest that students can earn a regular high school diploma without being proficient in reading and/or math.

#### **Meaningful Stakeholder Consultation (page 16)**

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 implies that outreach to and input from all stakeholder groups happened, but nothing on the face of the plan or the website listing information on the ESSA various committees/workgroups points to involvement by the disability community.**

**Nevada should make a clear commitment to engage the disability community in meaningful stakeholder consultation in all aspects of ESSA implementation going forward.**

#### **Assessments (page 22)**

States are required to develop their assessments using the principles of universal design for learning (UDL). Unfortunately, the state plan templates provided by ED in November 2016 and March 2017 do 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.

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, we have encouraged states to address the definition of students with the most significant cognitive disabilities in its plan and list the strategies the state will employ to not exceed the 1% cap on alternate assessments. Addressing these issues in the state plan would have allowed stakeholder input on these provisions. Since Nevada did not address these issues in its final plan it should provide another transparent process that involves stakeholders, including the disability community, in its decisions concerning these matters.

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 24)

#### **Indicators** (page 24)

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 required by the statute, which measure achievement, growth, graduation rate and English language proficiency.

Nevada describes its indicators as follows below:

Academic Achievement: The plans states that “Proficiency rate on state assessments is determined by dividing the number of proficient students by the number of students tested.” **We are concerned about what this means for students who are in the assessed grades but did not participate in a state assessment. ESSA requires that these non-tested students (below 95%) be treated as non-proficient in calculations of academic achievement**

**§1111 (c)(4)(E) states:**

“(E) ANNUAL MEASUREMENT OF ACHIEVEMENT.—(i) Annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools on the assessments described under subsection (b)(2)(v)(I).

“(ii) For the purpose of measuring, calculating, and reporting on the indicator described in subparagraph (B)(i), include in the denominator the greater of—

“(I) 95 percent of all such students, or 95 percent of all such students in the subgroup, as the case may be; or

“(II) the number of students participating in the assessments.

Growth: Nevada is using two measures of student progress, a Student Growth Percentile (SGP) and an Adequate Growth Percentile (AGP). Use of SGPs is highly questionable as reported in the research brief, *Why We Should Abandon Student Growth Percentiles*, by the Center for Educational Assessment at the University of Massachusetts Amherst ([http://www.umass.edu/remppdf/CEAResearchBrief-16-1\\_WhyWeShouldAbandonSGPs.pdf](http://www.umass.edu/remppdf/CEAResearchBrief-16-1_WhyWeShouldAbandonSGPs.pdf)). Assessment experts also question the use of Adequate Growth Percentile.

Graduation rate: Points for this indicator are based on long-term goals and measures of interim progress. However, the use of anything other than the 4-year adjusted cohort graduation rate for the indicators takes the emphasis off of on-time graduation.

School quality/student success:

*Closing opportunity gaps*. For elementary and middle schools this measure determines the percentage of students meeting their Adequate Growth Percentile who did not pass the state assessment from the previous year. For HS this is a graduation gap analysis using 4-year ACGR from previous year.

*Student engagement*:

- For Elementary Schools it is a measure of student chronic absenteeism and

school climate and contributes 10% to the total index score. Chronic absenteeism will be calculated for all students missing 18 school days or more during the school year, divided by the total student population at the school.

- For Middle Schools it is a measure of student chronic absenteeism, school climate, a measure of high school readiness, and a percentage of students with academic learning plans and contributes 10% to the total index score. Chronic absenteeism will be calculated for all students missing 18 school days or more during the school year, divided by the total student population at the school [High School Readiness is determined through district submitted data consisting of the number of students at the end of grade 8 of the current school year meeting the requirements in state law about the required number of credits to be promoted to HS].
- For High Schools it is a measure for college and career readiness and student engagement. There is an additional added value for pathway diploma options for students pursuing college and career options. Specifically, standard diplomas are worth a value of 1, while college- endorsed or career-endorsed diplomas earn a value of 1.25. **There is a concern about whether both these diplomas are considered “regular high school diplomas” under the ESSA or something less.**
  - College and Career Readiness: Average ACT Composite Score, Post-Secondary Pathways Options (including AP / IB / Dual Credit and industry-aligned and state board-approved CTE credentials), Ninth and Tenth Grade Credit Sufficiency, Academic Learning Plans, and percentage of students achieving college and career readiness status on the math, science, or ELA end-of-course exams. The indicator will contribute 25% to the total index score
  - Student engagement: a measure of student chronic absenteeism and contributes 10% to the total index score. Chronic absenteeism will be calculated for all students missing 18 school days or more during the school year, divided by the total student population at the school.

### **Subgroups (page 29)**

ESSA regulations (repealed March 9, 2017) gave states the option to count students previously receiving special education (i.e., IDEA-eligible) for up to 2 years in all accountability measures relating to achievement. The Nevada plan says the state will not include former students with disabilities in its disability subgroup, but doesn't seem to realize that is no longer permitted.

### **Minimum Number of Students (page 30)**

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. N-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, to equal or exceed the n-size.

Nevada has selected an n-size of 10 for all accountability measurements, which would be acceptable except for the fact it plans to use an n-size of 25 for identifying schools for targeted and comprehensive support and improvement. **This sends a message that Nevada will exclude subgroups at certain schools when it comes to what really matters---determining whether the schools need extra funding and support. Nevada has not provided an analysis in its plan of the specific impact of an N size of 10 or 25, so we do not know how many schools will not be identified for support and improvement even though they would have been identified had their subgroups been larger. Further, this would appear to violate the ESSA requirement that n-size be the same for all students and for each subgroup.**

Annual Meaningful Differentiation of Schools (page 31)

ESSA requires states to describe the system they develop for differentiating between schools in order to determine which ones should be identified for a targeted or comprehensive improvement plan and to provide information about the schools to the community.

Nevada's public schools receive an index score from 1-100 and an associated 1-5 star rating under the Nevada School Performance Framework. This index score is calculated by adding the points earned in each indicator at the school. At the time the plan was submitted the performance level descriptors that will serve as the basis for establishing the point distribution for each indicator in the model had not been established. **It is not clear whether subgroup performance is included in the 1-100 index on any of the indicators. Subgroup performance does seem to affect the overall school ratings when a school is identified for targeted support. If identified, a school receives a reduction in total points on their index score, but it's not clear how many points or if this applies only to TSI identified schools.**

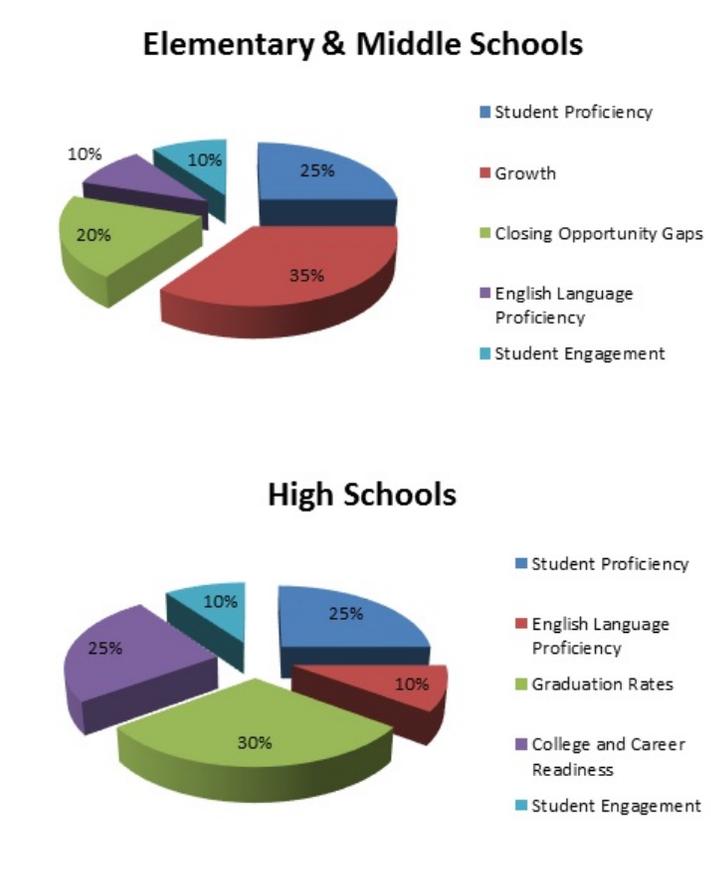
The plan states at page 33: "Targeted Support schools at all levels will be identified based on subgroup performance relative to the SEA's measures of interim progress for proficiency and graduation rate. As designed, this will be a reporting attribute of our school accountability system that will also enable the SEA to apply conjunctive triggers (i.e. a reduction in total points earned) to the total index score for any school with subgroups failing to meet the measures of interim progress or failing to reduce the number of non-proficient students by 10%."

**Weighting of indicators** (page 32)

An important decision the state must make for its rating system is the relative weight of all the indicators. ESSA requires that the academic indicators in the statute

(achievement, growth, graduation rate and English language proficiency) must, in the aggregate, be given “much greater weight” than the indicators chosen by the state.

Below are the charts depicting the weights Nevada has assigned to all of the indicators at the different school levels. **We are concerned that growth outweighs proficiency in Elementary and Middle Schools, since the goal is to get all students to meet the standards. This is particularly important when growth is measured by SGPs, which only tells how students are performing compared to academic peers.**



### 95% Participation Rate Requirement (page 33)

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).**

**Nevada has established three levels of participation rate penalties for schools that test fewer than 95% of their eligible student population: Participation Warning, Participation Penalty and Continuing Participation Penalty. Nevada's description of how these levels are determined and the consequences for each is very complex, which makes it difficult to determine whether the consequences are sufficient, especially for the Participation Warning and Participation Penalty stages. It also takes years before anything meaningful may happen as a result of failing to meet the participation requirement.**

The plan says:

“Schools failing to meet the subgroup participation rate of 95 percent and failing to meet the weighted average calculated participation rate of 95 percent over the most recent two or three years for the first year will be publically identified as failing this important metric. The NSPF school report will prominently display the “Participation Warning” with the school index score and Star Rating.” **This provides no consequence besides alerting the public. Further, we don't understand the “weighted average calculated participation rate” used to determine each level of penalty.**

“If the school fails to meet the ESEA subgroup participation rate of 95 percent and fails to meet the weighted average calculated participation rate of 95% over the most recent two or three years for a second consecutive year, the Status Indicator will be reduced by a significant number of points and the NSPF school report will prominently display the “Participation Penalty” designation with the school index score and Star Rating.” **This may or not be a meaningful consequence; depending on how many points the state considers “a significant number of points.”**

“If a school fails to meet the subgroup participation rate of 95 percent and fails to meet the weighted average calculated participation rate of 95 percent over the most recent two or three years for a third consecutive year, the school will be identified as and subjected to a “Continuing Participation Penalty.” Schools designated as such will earn zero points for the Student Proficiency indicator.” **Finally, at this point there is a consequence that is meaningful.**

The plan also states that schools failing to meet the 95% participation rate will be required to review, approve, and monitor an improvement plan developed in partnership with stakeholders and that the Nevada Department of Education will work with districts with a significant number of schools missing the 95% goal, to determine the process for improvement. **These are important statements (and reflective of the requirements imposed in the Federal accountability regulations, which were repealed by Congress).**

### **Including all schools in the accountability system (page 35)**

Nevada appears to exclude many schools designed for special populations from the accountability system even when n-size is met, **in violation of ESSA**. The plan says:

“[S]ome special Nevada schools may have a sufficient population of students but the system would not accurately reflect the achievement of the school. Schools that exclusively serve special education students are examples of this type of school. In these instances, the SEA will assign a rating of Not Rated to these schools.”

**Systematically excluding these schools from the accountability system does not comply with ESSA.**

### **Identification of Schools (page 36)**

#### **Comprehensive Support and Improvement (CSI) Schools (page 36)**

The ESSA requirements about which schools must be identified for CSI are very specific:

- The lowest performing 5% of Title I schools
- High Schools failing to graduate one-third or more of their students must be identified for CSI. **Nevada only uses the 4-year ACGR when identifying schools for CSI. This was a requirement before the regulations were repealed and we are glad to see Nevada is still following it to emphasize on-time graduation.**
- 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.

The Nevada plan says:

“Schools will be identified every year, starting with the identification for the 2017-2018 school year. Schools will be placed in rank order by index score, and elementary and middle schools in the lowest 5%, all 1-star schools and downward-trending 2-star schools will be identified for comprehensive support and improvement. All high schools in the state with a four-year adjusted cohort graduation rate below 67% will be identified for Comprehensive Support and Improvement. In addition, all schools that receive the lowest ranking in accordance with the SEA system of school accountability or the second-lowest ranking that has not demonstrated improvement will be identified as CSI. Any school previously identified for Targeted Support and Improvement because of low-performing subgroup(s) performance, and has not shown improvement after implementing a 3-year improvement plan, will be identified for Comprehensive Support and

Improvement based on chronically low-performing subgroups. This process will identify new schools each year for inclusion in the three-year improvement process. CSI schools will remain as part of a cohort for three years, beginning in their year of identification.”

“The exit criteria for Comprehensive Support and Improvements will be based on sustained improvements in total index score. Schools must achieve a rating of 3 stars on the NSPF to exit. High schools must have a graduation rate above 67% for two consecutive years and a three star rating in order to exit.”

**Elements of these two paragraphs should be applauded. Nevada plans to identify schools for CSI annually, which is more often than the statute requires (at least every three years). Nevada will be using only the 4-year ACGR, not the 5-year graduation rate, for identifying these schools, which emphasizes the importance of on-time graduation. Also, the exit criteria are quite strong. However, based on the description of schools that will be identified for CSI, it would appear that Nevada will identify a significant number of schools for this level of attention. While it may be admirable to expand upon the ESSA requirements for CSI schools, particularly given the poor performance of students with disabilities in the state, caution should be exercised when expanding the pool of CSI schools to a level that may exceed the state and district capacity to carry out the activities for such schools.**

#### **Targeted Support and Improvement (TSI) Schools (page 36)**

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 the “all student group” in a school that is one of the lowest 5% of Title I schools. In the state

The Nevada description of consistently underperforming subgroups says:

“On an annual basis the Nevada Department of Education identifies consistently underperforming subgroups of students as those schools failing to meet measures of the interim progress for ELA and mathematics performance as described in Section 1 of this plan, or those schools with subgroups who failed to reduce the number of non-proficient students by at least 10% over the previous year. Schools identified for additional targeted supports are those not already identified for comprehensive support and improvement. Consistently underperforming will be identified as those subgroups that demonstrate underperformance for two consecutive years. In order to be identified as consistently underperforming, the same subgroup must be identified as such within the same content area for two consecutive years. Additionally, high schools with consistently underperforming subgroups in 4-year graduation rate will be identified for additional targeted supports.”

**It is positive that “consistently” is defined as two consecutive years, instead of longer, and that the 4-year ACGR is used for graduation rate. However, subgroups should not be required to fail to meet interim progress targets for BOTH ELA and Math to be identified as consistently underperforming.**

**Also, the sentence about schools getting TSI that haven’t been identified for CSI seems to confuse schools with consistently underperforming subgroups with schools with low-performing subgroups (only schools with low-performing subgroups may eventually get identified for CSI).**

Nevada description of low-performing schools is highly problematic. The plan states:

“The SEA will rank order the student proficiency rates for each designated Comprehensive Support and Improvement School in ELA and mathematics and will identify the lowest proficiency rates in each content area. These rates will establish the cut points at which additional targeted supports schools will be identified.”

**This language seems to be saying that a school is only considered to have low-performing subgroups if their performance is as low as the LOWEST proficiency rates in the lowest performing CSI school. The statute says low performing subgroup(s) are those that perform as low as the all student group in the lowest 5% of Title I schools. To fall in that category Nevada should be looking at the top school in the lowest performing 5% of Title I schools, not the worst performing Title I school in the state.**

In order for schools to exit TSI the identified subgroup must meet the interim progress measure for which they received failing scores for two consecutive years or must reduce the number of non-proficient students in that subgroup by 10% in each of two consecutive years and meet the specific expectations of state monitoring.

### **Supporting Excellent Educators (page 40)**

#### **Skills to Address Specific Learning Needs (page 43)**

Nevada does not discuss any specific efforts to improve educator skills for instruction of students with disabilities. It is unfortunate that this section did not include strategies that will benefit all students, including students with disabilities, such as Universal Design for Learning (UDL). UDL should have been discussed in many places throughout the plan, but especially here and in the Supporting All for Students section where implementation initiatives would have the most impact for all students. A document that discusses in greater detail how UDL intersects with ESSA can be found at <http://www.udlcci.org/policy-two-pagerdraft-2-4-17-vers41/>. Also, there should be a meaningful discussion about capacity building and implementation of best practices for inclusive education. **Nevada should make a commitment to implement both UDL and best practices for inclusion to support educators as it moves forward to implement this plan.**

## **Supporting All Students (page 48)**

### **Well-rounded and Supportive Education for All Students (page 48)**

Here again, as with the section for Supporting Excellent Educators, it is unfortunate that the Nevada plan for Supporting All Students does include strategies that will benefit all students, including students with disabilities, such as UDL. There is also no mention of best practices for inclusive education. The only specific section regarding students with disabilities is about special education weighted funding. **Nevada should make a commitment to implement both UDL and best practices for inclusion to support all students as it moves forward to implement this plan.**

### **Improve conditions for student learning (page 53)**

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

**The Nevada plan does not provide many details as to how it will reduce these activities, which create poor conditions for student learning, especially with respect to students with disabilities. Nevada should make a commitment to addressing these issues more thoroughly as it moves forward to implement this plan. This is particularly imperative since Nevada ranks 2<sup>nd</sup> in the nation in out-of-school suspension of secondary students with disabilities according to the Civil Rights Data Collection.**

## **Program-Specific Requirements (page 54)**

### **Children and Youth who are Neglected, Delinquent, or At-Risk (page 58)**

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. According to data from the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth ([www.neglected-delinquent.org](http://www.neglected-delinquent.org)), 20% of students served under Subpart 1 have IEPs and 17% of students served under Subpart 2 have IEPs. **Nevada 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 65)**

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](https://ncsi.wested.org/wp-content/uploads/2017/02/SSIP-ESSA-Alignment-Tool_NCSI-CCSSO_Winter2017.pdf).

Nevada's Part B SSIP State Identified Measureable Result (SIMR): "Improve the performance of third-grade students with disabilities in Clark County School District on statewide assessments of reading/language arts through building the school district's capacity to strengthen the skills of special education teachers in assessment, instructional planning, and teaching."

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