



Analysis of Wisconsin's First Draft of the Every Student Succeeds Act (ESSA) Consolidated State Plan

May 29, 2017

Wisconsin released a first draft of its ESSA state plan on April 28, 2017. The draft plan (Version 1.0, 103 pages) is available at

<https://dpi.wi.gov/sites/default/files/imce/esea/pdf/WisconsinVersion1.0.pdf>

The comment period runs through June 30, 2017. A summary of the plan and a link to the [google document](#) to submit public comment is available at

<https://dpi.wi.gov/esea/wisconsin-draft-consolidated-state-plan>

The comment form states that "State Superintendent Tony Evers is inviting stakeholders from across the state to offer their thoughts on this first draft so the Department of Public Instruction can make revisions resulting in a second draft (version 2.0) that will be sent to Governor Walker for a required review. After his review is completed, Wisconsin will submit a finalized application to the federal government on September 18, 2017." **This statement would appear to indicate that there will not be a public comment period for the second draft prior to submission to USED.**

To assist with review by stakeholders, changes made to Version 1.0 of the draft should appear in **redline** in Version 2.0.

The analysis that we provide in this document focuses on those issues most critical to subgroup accountability and to students with disabilities (SWDs).

Assessments

Universal Design for Learning

States are required to develop their assessments using the principles of universal design for learning (UDL). Unfortunately, the March 2017 state plan template provided by the U.S. Department of Education (ED) does not require a discussion on how the state is meeting this requirement. However, that does not absolve the state from its responsibility to meet the UDL requirements in the law as it develops its assessments.

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 WI plan should list the strategies the state will employ to not exceed the 1% cap on alternate assessments. Also, WI 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.

Subgroups (page 10)

Wisconsin will base calculations on the subgroups required in ESEA section 1111(c)(2)(B). They include:

- Major racial and ethnic groups: Asian, Black, Hispanic, Pacific Islander, Native American, two or more, and White;
- Economically disadvantaged students;
- Students with disabilities; and
- English learners.

N Size (page 11)

N size (minimum subgroup size) is critically important. If it is set too high many schools will be exempt from accountability 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.

WI will use an N size of 20 for accountability purposes (e.g. assessment proficiency and graduation rate) and for reporting data. It is unclear what N size will be used for participation. The final plan should make clear the N size that WI will use for accountability, reporting and participation.

ESSA requires states to describe in their plans how the N size was determined by the state in collaboration with teachers, principals, other school leaders, parents, and other stakeholders.

WI states that it went through an extensive review process with stakeholders on N size when it moved from 40 to 20 as part of its ESEA Flexibility.

The plan should provide stakeholders with an N size analysis showing the impact of various N sizes (10-15-20) for both assessment and graduation. Without this information parents and other stakeholders cannot provide meaningful consultation on N size determination, a requirement that is specifically referenced in the plan template.

Long-term goals (page 14)

ESSA requires that states set long-term goals and interim measures for all students and for each student subgroup (e.g. disability subgroup) for academic achievement, graduation rate and English language proficiency. ESSA also states that for students who are behind, the goals and interim measures of progress must take into account the improvement necessary to make significant progress on closing statewide proficiency and graduation rate gaps.

Academic Achievement

“Wisconsin has set the ambitious goal of cutting the achievement gap in half within six years. At the conclusion of the six year timeline, in the 2022-23 school year, the state can reevaluate – and potentially reset – the annual targets needed to close the achievement gaps entirely, essentially creating a second six-year term.”

However, the goals shown in the tables on pages 16 and 17 do not result in a 50% reduction in the achievement gap in six years.

For example, if the start point for proficiency in ELA for students with disabilities is 13.6% the proficiency gap is 86.4 percentage points (100 minus 13.6). Cutting that gap in half would mean an increase of 43.2 percentage

points at the end of six years – ending at 56.8% proficiency rather than 36.4% proficiency.

It is unclear how WI established the 6-year goals by subgroup. Specifically, what the state is using as the “achievement gap.” The plan should clearly indicate the methodology used to set the goals.

Additionally, WI should commit to holding the interim targets steady and not reset based on actual performance. Constantly re-setting interim targets renders the long-term goal meaningless.

Graduation Rate

“Wisconsin’s long-term graduation goals, in the interest of consistency and ambition to other long-term goals, share the objective of the achievement long-term goals, which is to halve the gaps within six years.”

As with the achievement goals, the graduation goals do not halve the gaps within six years. Here again, what is being used as the “gaps” is unclear and should be further explained in the plan.

Equally questionable is how students with disabilities performing at 36% proficiency in ELA and Math in 2022 will graduate at a rate of 81%? This would imply that many SWDs are getting diplomas when they aren’t proficient in reading and/or math. It should also be noted that WI’ 4-year ACGR for students with disabilities (67%) showed no improvement during the five years (2010-2011 through 2014-2015).

Extended cohort graduation rate goals. The draft plan says that the state will use an 8-year graduation rate although the text on page 21 refers to both a 6-year and an 8-year rate. An 8-year graduation rate would equate to students remaining in school for an additional 4 years at which point such students would be 21 or 22 years old which is far too old for students to be attending high school with students as young as 13. No state uses an 8-year graduation rate and it is totally unacceptable to institute use of such a rate. Even students with disabilities would have aged-out of their eligibility for public education prior to the end of 8 years.

Indicators (page 27)

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:

The WI plan states “The academic achievement indicator will be based on combined English language arts (ELA) and mathematics performance on the Wisconsin Student Assessment System (WSAS) for the all students group and each subgroup meeting cell size (n=20) in the current year, and will be reported as a points-based proficiency rate. The combined score equally weights ELA and mathematics results. To improve the reliability of the measure and to reduce the impact of year-to-year fluctuations that may be due to randomness and small subgroup sizes, up to three sequential years of testing data will be used to calculate the points-based proficiency rate for the all students group, and at least three years, but up to five years of testing data will be used for each subgroup.”

ESSA requires states to measure proficiency rates separately on ELA and Math. The proficiency rates should not be combined nor should they be averaged more than three consecutive years. Thus, use of five years of testing data is excessive. Technically, a school could escape scrutiny for the entire time a student attends an elementary school.

Other academic indicator:

WI plans to use student growth percentiles (SGP) as a measure of academic growth.

SGP describes a student’s academic progress from one year to the next compared to other students with similar prior test scores (called academic peers), when the tests are actually designed for comparing students to performance standards in a specific subject area. 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 (https://www.umass.edu/remppdf/CEAResearchBrief-16-1_WhyWeShouldAbandonSGPs.pdf). Growth towards the standard is a preferable measure for public reporting and as a metric in the state’s accountability system regarding student growth.

Graduation Rate:

WI draft plan states that “The graduation rate indicator will be calculated both for all students and for each student group that meets the minimum n-size of 20 students in the most recent available year. The indicator will include both four-year and eight-year adjusted cohort graduation rates; an average of the two rates will be translated into a graduation rate indicator score for the all students group and each eligible subgroup.”

WI needs to provide data on the number and percent of students and schools that will be exempt from accountability for graduation rate using an N size of 20 – for all students and each student subgroup.

As stated earlier, use of an 8-year graduation rate is unacceptable. Further, any graduation rate calculation should give more weight to the 4-year rate than to any extended-year rates in order to encourage schools to graduate students on time.

School Quality or Student Success Indicator (SQSS):

WI plans to use chronic absenteeism as its measure of SQSS. ESSA allows for more than one measure to be incorporated into the SQSS indicator. WI might consider additional measures with clear links to academic achievement.

Annual Meaningful Differentiation of Schools (page 32)

Weighting of indicators (page 33)

WI proposed indicator weighting (described below) reflects a balanced approach. However, we would recommend in non-ELP schools that the weight of that indicator be split equally between achievement and growth rather than shifting all of the weight to growth.

**Proposed weighting scenario*
for annual system of meaningful differentiation**

ESSA Index, with ELP

Academic Achievement	25
Student Growth	25 (if NA, weight splits between Achievement & Graduation)
Graduation	25 (if NA, weight splits between Achievement & Growth)
Chronic Absenteeism	15 (fixed weight)
ELP Progress	10 (fixed weight; if NA, weight shifts to Growth)

ESSA Index, no ELP (majority of schools)

Academic Achievement	25
Student Growth	35 (if NA, weight splits between Achievement & Graduation)
Graduation	25 (if NA, weight splits between Achievement & Growth)
Chronic Absenteeism	15 (fixed weight)

**Schools, based on size, demographic composition, and grade range, fall into a variety of weighting scenarios. The examples above are meant to provide an overall idea for the weighting structure.*

Identification of Schools (page 34)

Comprehensive Support and Improvement (page 34)

ESSA requires states to identify for Comprehensive Support and Improvement (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:

WI plans to rank overall scores and the schools with overall scores in the lowest five percent will be identified. This would indicate that performance of student subgroups do not factor into the CSI identification.

Public high schools failing to graduate at least one-third of its students:

WI states that “Identification of schools for Comprehensive Support for graduation rate outcomes will be based upon both four-year and extended-year cohort graduation rates. The rates will be averaged for all schools, and schools with an average graduation rate below 67 percent will be identified. All high schools in the state with a graduating class meeting minimum n-size requirements are included in the calculation for purposes of this identification.

We encourage states to focus only on the 4-year adjusted cohort graduation rate for CSI, rather than including extended rates, in order to keep the focus on on-time graduation. Also, identification should be for high schools with a graduation rate AT or below 67 percent.

Frequency of Identification: ESSA states that schools must be identified for CSI at least once every three years.

WI will begin CSI identification in 2018-2019 and will occur every three years.

Chronically Low-Performing Subgroup.

WI plan states “The performance of schools identified for additional targeted support will be monitored on an annual basis. Schools receiving Title I, Part A funds that do not demonstrate performance and progress sufficient to exit additional targeted support status after six years will be converted to comprehensive support status... Schools will first be identified in the 2024-25 school year.”

Six years is far too long for monitoring of these schools before converting to CSI.

Targeted Support and Improvement (page 36)

ESSA requires states to identify for Targeted Support and Improvement (TSI):

- 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).

Consistently underperforming subgroups:

WI defines consistent underperformance as a school’s average subgroup performance that chronically and consistently places the subgroup of students in the bottom five percent of the state in more than one indicator.

Consistently underperforming subgroups are not required to perform as poorly as subgroups that are considered low performing. There is a clear and intentional statutory difference. There should be no relationship between consistently underperforming subgroups and the criteria used for identifying the lowest 5% 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 of academic indicators for that subgroup for two consecutive years. A school with even one consistently underperforming subgroup must be identified for TSI. Performing well on the non-academic indicator – chronic absenteeism in this case – cannot prevent identification of a consistently underperforming subgroup. Also, the definition of consistently underperforming must apply in the same way for all schools.

Additional Targeted Support (schools with a low-performing subgroup or subgroups): Unlike consistently underperforming subgroups, low performing subgroups are identified based on whether a subgroup or subgroups are performing as poorly as the “all student” group in the lowest 5% of Title I schools. Schools are identified for TSI for either consistently underperforming subgroups or low-performing subgroups.

WI draft plan appears to propose to use the same definition for consistently underperforming subgroups and low-performing subgroups.

For TSI identification, WI draft plan states that “Initial identification will take place in the 2018-19 school year and annually thereafter. No more than ten percent of schools will be identified as Targeted Support. This will ensure the availability of resources and technical assistance to those schools.”

Placing a limit on the percentage of schools that can be identified for TSI violates ESSA. States must identify all schools that meet the TSI criteria.

Additional Statewide Categories of Schools:

Wisconsin does not intend to identify additional categories of schools other than comprehensive support and targeted support for purposes of the federal accountability system. Wisconsin maintains a separate state accountability system for this purpose.

Annual Measurement of Achievement – (At least 95% Assessment Participation Rate Requirement (page 38)

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. States must describe how the state factors this requirement into the statewide accountability system. 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).

WI draft plan states: "Achievement calculations will be based upon the higher of 95 percent of students expected to participate in the statewide annual assessments or the number of students tested in excess of 95 percent. All calculations will be conducted both for the all students group and for each subgroup meeting minimum group size requirements (n=20)."

This is a wholly inadequate response to this question. It indicates only that WI will adhere to the proficiency calculation requirement in ESSA – that once student test participation drops below 95% all non-participants must be counted as non-proficient.

WI must provide details on how it will factor the participation rate into the statewide system of accountability. We believe the appropriate impact on the accountability system is that a school should not get a satisfactory rating for any year the participation requirement is not met for any subgroup. WI can also consider the options in the ESSA accountability regulations regarding how to factor the failure of schools to meet the participation rate requirement into the accountability system. Even though Congress repealed these regulations in March 2017, they still provide excellent guidance on many difficult ESSA implementation issues.

WI should define a strategy for dealing with schools that fail to test at least 95% of students and student subgroups (beyond the penalty resulting from proficiency calculation) in order to encourage schools to comply. For example, schools could be required to formulate and implement a plan to improve participation; schools could be labeled as failing participation on the annual report card, etc.

Continued Support for School and LEA Improvement (page 38)

Exit Criteria for CSI and TSI Schools (page 38)

The period of time that WI intends to use for a school to exit CSI (4 years) and TSI (6 years) are excessive and defeat the intended purpose of these improvement activities. Using these periods of time, students could languish in poor performing schools for the entire time they are attending the school. These timelines provide inadequate incentive for schools to improve to the point of exiting.

More Rigorous Interventions for CSI Schools that Fail to Meet the Exit Criteria (page 39)

WI draft plan states: “*Coordinated school improvement*

To reduce the impact of competing federal requirements on school improvement planning, technical assistance and support will be coordinated with local educational agencies (LEAs) identified under the Individuals with Disabilities Education Act (IDEA) as having disproportionate representation of racial and ethnic groups in special education and related services and/or based on IDEA determination status. Therefore, this support and technical assistance is also described in the State Systemic Improvement Plan (SSIP) required under Results-Driven Accountability (RDA).”

The IDEA requirements regarding disproportionate representation of racial and ethnic groups in special education are spelled out in Federal regulations promulgated in December 2016 and effective January 18, 2017. Adherence to these requirements is separate and distinct from ESSA requirements. As such, it is not appropriate to suggest here that such activities are in any way associated with CSI Schools that Fail to Meet the Exit Criteria.

Further, the WI SSIP is focused on this SiMR: “The State will increase the performance of students with IEPs on the statewide literacy assessment, grades 3-8.” (Source: <https://dpi.wi.gov/sites/default/files/imce/sped/pdf/rda-wi-phase-ii-SSIP.pdf>)

Coordinating activities of the WI SSIP should be addressed in aspects of this plan to address academic performance of students with disabilities in ELA. More information on aligning ESSA plan and SSIP is available at:

Technical Assistance (page 43)

WI draft plan states: “Wisconsin will provide additional technical assistance and support for each LEA serving a significant number or percentage of schools identified for comprehensive or targeted support and improvement. This technical assistance and support will be coordinated with LEAs identified under the IDEA as having disproportionate representation of racial and ethnic groups in special education and related services and/or based on IDEA determination status. Therefore, this technical assistance is also described in the State Systemic Improvement Plan (SSIP) required under results driven accountability (RDA).”

As stated earlier, we fail to understand why this is being included in the state’s ESSA plan. We also point out that WI has been identifying few LEAs as having disproportionality in special education. In the 2014-2015 school year, WI

identified eight LEAs (out of 451) as having significant disproportionality

(Source:

<http://www2.ed.gov/programs/osepidea/618-data/static-tables/2014-2015/part-b/ceis-and-moe/1415-bmaintenancedistrict-4.xlsx>)

School Conditions (page 48)

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

WI draft plan states: “WDPI has established in-depth supports for professional development and technical assistance to implement Positive Behavioral Interventions and Supports (PBIS). PBIS involves a multi-level system of supports that provides a foundational framework within which additional interventions may be implemented in schools. Wisconsin has found this system to be effective. Schools with a sustained 3 year PBIS implementation saw a 41 percent decrease in the number of suspensions, compared to a 3 percent decrease in those schools without PBIS. This trend was particularly stark for students with disabilities and black students.”

WI has a number of policies in place to reduce/minimize the use of aversive behavioral interventions including those directed by state law. These efforts are to be commended.

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. According to data from the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (<http://www.neglected-delinquent.org>) 44% of students served under Subpart 1 in 2013-14 had IEPs (compared to 31% nationally) and 56% of students served under Subpart 2 had IEPs (compared to 24% nationally).

Given this significant over-representation of students with disabilities in Part D programs, the WI 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.

Supporting Effective Instruction (page 60)

Improving Skills of Educators

This section provides information on WI's SSIP SiMR as well as RTI.

WI's plan should provide a commitment to critically important strategies such as promoting UDL implementation and significantly improving the capacity of educators to implement inclusive best practices.

For more information on UDL and ESSA state plans see

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

Student Support and Academic Enrichment Grants (page 78)

The purpose of this program is to improve students' academic achievement by increasing the capacity of states, local educational agencies (LEAs), schools, and local communities to:

- Provide all students with access to a well-rounded education;
- Foster safe, healthy, supportive, and drug-free environments that support student academic achievement; and
- Increase access to personalized, rigorous learning experiences supported by technology.

**WI's draft plan lists activities related to UDL under this section, stating:
"Regional and statewide support for districts to understand the principles of Universal Design for Learning and how those principles support equitable access to connectivity, digital devices, information, resources, programming, and services that support teaching and learning."**

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

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