

June 30, 2017

Superintendent of Public Instruction Tom Torlakson
California Department of Education
1430 N Street
Sacramento, CA 95814

RE: Equity Coalition Comments on California's ESSA State Plan

Dear Superintendent Torlakson:

We represent organizations working to close opportunity and achievement gaps for low-income students, students of color, English learners, and foster youth in California. We have long advocated for systems of accountability and support that will improve opportunities and outcomes for all students, particularly the most vulnerable.

We write to share our ideas about how the draft ESSA State Plan could be improved to promote equity. While many of us will submit additional comments, we are commenting today as a coalition on the following sections:

- Title I, Part A: Assessment
- Title I, Part A: Accountability
- Title I, Part A: School Support and Improvement
- Title I, Part A: Access to Educators, School Conditions, & School Transitions
- Title II, Part A: Supporting Effective Instruction
- Title III, Part A: Support for English Learner Students

TITLE I, PART A: ASSESSMENT

The state should describe the process for gathering input on assessments in languages other than English. We believe that one purpose of the California Spanish Assessment should be for accountability. This recommendation is consistent with input already provided by many advisory and stakeholder groups and it is important to identify this purpose for the assessment prior to developing the test because the uses of an assessment have implications for how the test is developed and administered.

We also recommend the state commit, in the state plan, to developing a process and procedure for gathering data on the extent to which accommodations and designated supports have been provided to and used by students on the Smarter Balanced (SBAC) assessments. The state should also study how effective these accommodations have been. Based on this information, the state should then determine whether English learners have appropriate accessibility to the assessments and whether any changes to accommodations or supports are needed.

TITLE I, PART A: ACCOUNTABILITY

Long-Term Goals and Measurement of Improvement Progress

The state needs to be clearer about the outcomes for which all schools and districts should aim. The plan doesn't yet commit to particular long-term goals. But it proposes one possible approach: The goal would be to get to the "high/maintained" Green on the Dashboard within 5 to 7 years. However, there are 5 green boxes on the state's 5x5 grid, and only 2 of those are included in the proposed goal. The Green

boxes that represent “declined,” “change” or “medium” performance wouldn’t count as meeting the goal. We think this is confusing and difficult to explain. We recommend the state set a numeric goal for each indicator. If the state insists on using colors as goals, we recommend they recolor cells on the Dashboard so that schools and districts are Green or Blue only if they meet goals. If a school earns a Green or Blue, it should come with the certainty that the school is therefore meeting the state’s goal for that indicator. To achieve this, recolor “very high”/”declined” performance so that it is Yellow, not Green. The state could also consider recoloring “medium”/”increased” and “medium”/”increased significantly” from Green to Yellow.

The state needs to better explain how the goals will matter. Currently, there are no incentives for schools or districts to reach or exceed goals, nor are there consequences or escalating supports for schools or districts that fail to progress toward goals—including those that languish in Yellow for years on end. The ways in which schools are identified for support or recognition must clearly connect to the goals and measures of interim progress. Otherwise, what purpose is served by the goals?

In addition, we strongly recommend the state commit to communicating on the Dashboard how much progress is needed to reach goals, for each subgroup, and whether that progress is being achieved. This is particularly important because ESSA clearly says that states must have “measurements of interim progress” toward goals that take into account “the improvement necessary on such measures to make significant progress in closing statewide proficiency and graduation rate gaps” for groups that start off further behind. California’s plan says that each district can calculate their own measures of interim progress. This is not the same thing and is a serious problem with the current draft. This approach presents a technical hurdle for some districts and obscures access to that information for the general public, including parents. It fails to communicate that gap closing is an expected and necessary part of our accountability system.

Meaningful Differentiation / School Identification

Under ESSA, the state is required to meaningfully differentiate schools and identify Comprehensive and Targeted schools for assistance. Under state law, it is also required to identify schools for other purposes, such as *Williams* reviews and charter renewal. However, the current color coding system does not provide enough nuanced information to accurately and fairly identify schools for these various purposes.

Consider, for example, the fact that few schools receive Red ratings across every indicator. Even if the state were to average the colors together (with Red = 1, Orange = 2, and so on), fewer than 5% of schools would receive a rating of less than Orange. Most schools would average out somewhere in the middle, and the state would have to come up with tie-breakers to determine which Oranges or Yellows are worse than others. The truth is, there is a lot of variation between schools that the color coding masks. For example, consider two schools that are both in Orange for English language arts, yet one school has far superior performance/change. In School A, the average student performs above standards (9 pts above level 3) but fell 2 points on the state’s test. In contrast, School B, the average student performs at level 1 on the state test (69 points below level 3), and fell 14 points. A more detailed methodology should select School B over School A when identifying the bottom 5 percent of schools even though both score Orange for the indicator.

When developing methods for identifying schools for Comprehensive support, Targeted support, and other state-mandated purposes like *Williams*, we recommend the state create far more differentiation between schools than the 5 color categories currently allow. For example, the state could easily develop sub-scores within a box in the 5x5 grid and use the sub-score data when combining information across indicators.

We also urge the state to consider both state and local factors in identifying schools. We have urged the state to consider a two-stage identification process for identifying Comprehensive schools. State indicators could be used to identify a preliminary set of schools, and then local indicators could be used to winnow down and finalize the list. Through the use of local indicators and local factors in the identification process, the state will increase the probability of the reforms at these schools being successful.

We urge the state to explore these types of methodologies and share lists of the potentially identified schools with stakeholders. This will allow for a robust public debate, grounded in data, around the best approach to school identification.

Regardless of the method the state chooses to identify Comprehensive and Targeted schools, we strongly believe that information should be made available through the Dashboard. This is an important part of public transparency. Stakeholders should be able to see, in one place, how their schools and districts are performing and also whether the state has determined that some level of support and assistance is warranted.

Indicators

We urge the state, in its ESSA plan, to adopt the following changes to its accountability indicators:

- **Modify the English Learner Progress Indicator (ELPI):** The state is considering options for including Long Term English Learners (LTELs) in the ELPI. We recommend that LTELs maintaining “Early Advance” or “Advance” on the CELDT shouldn’t be considered as making progress for the ELPI. This is because these students, by definition, have not made progress on the CELDT for two or more years. Our accountability system needs to create more pressure for districts and schools to focus on the needs of these students.
- **Add Student Growth Model and Other Measures Over Time.** In K-8 schools, adopt a measure of student growth as the “other academic indicator.” Chronic absence should not be considered an academic indicator. Instead, start by using chronic absence as a measure of “school quality,” in combination with suspension rates. Over time, consider broadening the school quality measures to include measures of school climate based on student, parent and teacher surveys, course access and enrollment, an 8th grade indicator of high school readiness, and measures of early learning.
- **Add 11th Grade Assessment Indicator.** In high schools, use 11th grade math and ELA results as an indicator of academic assessment as required by federal statute, and use the college and career indicator, suspension rates and chronic absence rates for the initial school quality requirements.
- **Strengthen the College and Career Indicator.** Establish and incorporate standards for high-quality, integrated college and career pathways to ensure that CTE pathways are sufficiently rigorous to prepare students for post-secondary success.

Alternative Education Schools

ESSA requires that the State’s accountability system include all schools. The current ESSA plan, in excluding alternative education schools, doesn’t meet this requirement. Excluding students at these schools from both state and federal accountability requirements creates a serious loophole in the state’s accountability system. As many as 20% of high school seniors will attend one of these schools during their senior year, and most of these students are at risk of not graduating, having low assessment results or

being suspended. For example, a large urban district reported a graduation rate of 72.2% in 2014-15. If only students in regular high schools were considered in calculating the district's graduation rate, then the graduation rate is 80.9%. Alternative education schools accounted for 13.7% of the grade cohort, and had a 4-year graduation rate of 17.5%. If a traditional high school can counsel a student with credit deficiencies to transfer to an alternative education school, that high school will improve the school's color rating.

We believe that the ESSA plan can meet the spirit of federal law by pursuing two policies. First, for purposes of the main accountability system, count students attending alternative education schools as part of the traditional high school from which the student transferred. This would ensure a better integration of traditional and alternative education schools and ensure that these students aren't forgotten. Such an approach has been recommended by both the LAO and PPIC. In addition, the state should continue to pursue alternative measures that can be used to measure the quality of alternative education schools. This will take investing in additional data collection efforts, for example, collecting credit recovery data and developing Common Core aligned pre/post assessments to be part of the SBAC support tools.

TITLE I, PART A: SCHOOL SUPPORT AND IMPROVEMENT

The draft plan offers far too few details regarding how school improvement will happen in either Comprehensive or Targeted schools. It describes some elements that it "may include" without any firm commitments. We recommend the CDE develop a clear plan for how the state will deliver support and what assistance will look like. At minimum, it needs to tell stakeholders when to expect that plan.

From what we do see in the plan, the state does not plan to implement "rigorous interventions" until schools have been stuck in the bottom 5% for an undefined number of years. Even then, the plan offers a list of light-touch, general improvement strategies, such as conducting a needs assessment and identifying evidence-based practices. The state "may offer" additional assistance "such as customized planning support, coaching, participation in cohort networks, and COE mandatory planning and embedded coaching." While these are important continuous improvement strategies for most schools, they do not strike us as the intensive intervention that is warranted in our most struggling schools. This may be too little, too late.

We would like to see a list of meaningful improvement options that *will be* available to schools identified for Comprehensive and Targeted support. We would like to see a list of assurances for parents whose children attend schools identified for Comprehensive support. This information should be accessibly written and made available in multiple languages. This list should outline resources and options available to parents—particularly the parents of English learners, students with disabilities, and other vulnerable populations. It should also outline opportunities for parents to engage in the school improvement process. There were many comments about this from parents at the Los Angeles and Coachella input sessions we organized with CDE staff and SBE member Straus and staff. And to ensure that every Comprehensive school is located in a district that is also receiving adequate support, we recommend that any district with one or more schools identified for Comprehensive support receive technical assistance from its county and/or the California Collaborative for Educational Excellence (CCEE).

One of the most important things California can do to close opportunity gaps is address disparities in resources—including the dollars, personnel, courses, materials, facilities, early learning programs, extracurriculars, and other opportunities afforded to students. We recommend that if a district has one or more schools identified for Comprehensive or Targeted support, that district be required to modify its LCAP to show data on how it is allocating resources (including, at minimum, quality teachers, broad

course access and rigorous courses, and overall dollars) to school sites, and how it will improve the allocation of resources to be more equitable. The plan starts to address this when it says that California will “review resource allocation to those LEAs and schools” identified for Comprehensive and Targeted support. However, it does not define what it means by resources, nor does it make any firm commitments. It mentions a list of things that this process “may include,” including a review of improvement plans, program monitoring, and differentiated assistance. The language is vague and noncommittal. We believe the state needs to define “resource equity” in the state plan. We also strongly urge the state to explain how school site expenditure data will be made publicly available, as required by ESSA, and explain how this data, in combination with other state and local information, can be used by districts with Comprehensive and Targeted schools to ensure resource equity.

TITLE I, PART A: ACCESS TO EDUCATORS, SCHOOL CONDITIONS, & SCHOOL TRANSITIONS

The state says that it will annually track statewide data on equitable access to ineffective, out-of-field, and inexperienced teachers, and it will annually report on the state’s progress toward eliminating teacher equity gaps at a statewide level. This is a fine start, which could be improved by tracking this data at the school and district level so that stakeholders can see which schools and districts have equity gaps. The plan also says that districts with self-identified gaps will use their LCAPs to address these equity issues.

However, the plan does not yet define ineffective teaching. The state should define “ineffective” or “effective” teacher and revise the CDE’s core principles guiding the development of this definition to emphasize the needs of students, and to align with SBE’s guiding principles which focus on the creation of a single, coherent system led by the state’s system and focus on rigorous standards and equity.

The state must identify and describe the data California will gather to regularly measure and publicly report whether ineffective (or effective) teachers are equitably assigned to school sites and students and how LEAs will be asked to address disparities. We recommend the CDE draw upon multiple measures of students’ access to effective teaching.

From the current draft, it is unclear how the state plans to help districts and schools improve equitable access to teachers. The plan only says: “Upon request, the CDE will provide technical assistance regarding resolving issues of disproportionate access.” We believe the state needs to take a far more active role in monitoring access, requiring improvements in districts with significant disproportionality, providing technical assistance to districts around workforce and teacher quality issues, and working to improve the breadth and quality of the teacher pipeline so that students have better access to effective educators. We urge the state to articulate its plan for monitoring equitable access to teachers, publicly reporting progress, and supporting schools and districts that have significant disproportionality.

One way it can do this is by strengthening LCFF Priority Area #1, which includes students’ access to properly assigned *and* fully-credentialed teachers. However, the current Priority #1 “met/not met” standard focuses solely on teacher misassignments. California can more closely integrate federal educator equity requirements with its state LCFF priorities by collecting and reporting more robust data on ineffective, inexperienced and out-of-field teaching within Priority #1 on the Dashboard. Further, it can include more data from standardized teacher surveys on conditions and climate and teacher chronic absentee rates. This data should be used as part of the state system for identifying districts in need of assistance. This will ensure that LCFF technical assistance and district LCAPs more substantially focus on quality teaching, which is a prerequisite to school improvement.

Finally, given the teacher shortages California faces, particularly in high-need schools and for high-need students, including in bilingual education, special education and STEM, we think it is important that California's plan describe the steps it will take to improve the statewide supply and retention of effective teachers, in these areas.

TITLE II, PART A: SUPPORTING EFFECTIVE INSTRUCTION

The State's Title II plan provides an opportunity for the state to invest a small amount of funds to support California's continued implementation of state standards. Because these funds are limited, the state should focus on investing them in areas of the greatest need and shortage areas. For example, the state currently faces teacher shortages in STEM fields, special education and bilingual education. Thus, as the state uses these funds to address training and shortage areas, it should focus the funds in these shortage areas.

There is also an opportunity to target funding for support to improve retention, specifically at schools serving our most disadvantaged students. This could include providing additional induction and professional development support to novice and struggling teachers, as required in state law. These teachers are most often found in schools serving predominantly disadvantaged students, so supporting these teachers will help support the closure of opportunity and achievement gaps.

Further, for any professional development programs that the state supports, the program should consider the development needs of its early learning teachers as well. There are few funds that support the professional development in the early learning space, and the needs to improve quality of instruction in these areas are significant. For example, professional development could support better alignment and coordination of preschool/transitional Kindergarten instruction with K-3, and improve supports for dual language learners in the early learning space.

TITLE III, PART A: SUPPORT FOR ENGLISH LEARNER STUDENTS

English Learner Exit Criteria

In discussing reclassification criteria, the draft State Plan mischaracterizes California's reclassification procedures by calling them "standardized," which is indeed what ESSA requires. Instead, California Code of Regulations (5 CCR § 11303) outlines four required criteria but then also offers LEAs wide discretion to include additional criteria. These four required criteria are also applied quite differently from LEA to LEA. Research has shown that indeed these procedures are not consistently applied (Laura Hill, Margaret Weston, and Joseph Hayes, *Reclassification of English Learner Students in California*, Public Policy Institute of California, 2014). Those differences impact the rate of reclassification from district to district and in many cases the services that students receive and the opportunities they are offered in school.

California is currently consulting with stakeholders on changes to the reclassification criteria. We believe the state should continue to use multiple measures. To support measures related to teacher and parental input, the state should develop standardized tools and templates to support a standardized process for teacher and parental input. The state should also include a study of validity and reliability for the ELPAC including documenting language proficiency and academic growth using the ELPAC with a correlation to SBAC scores. Finally, we believe the state needs to ensure there is thorough discussion of how reclassification procedures will be consistently applied across LEAs.

Title III Technical Assistance and Support

The plan should convey that the state will continue the current technical assistance process through the county offices of education, with Title III English learner leads working directly with districts to help develop their Title III plans and to offer support in the delivery of services for English learners.

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Thank you for the opportunity to offer this input on the state’s draft plan. We welcome the opportunity to speak with you about any of this feedback in greater detail.

Sincerely,

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