Analysis of Colorado's First Draft
Every Student Succeeds Act (ESSA) Plan

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Feedback will be accepted thru **Monday, March 13, 2017**
See http://www.cde.state.co.us/fedprograms/essastateplanfeedback

The analysis and recommendations in this document focus on those issues most critical to subgroup accountability and to students with disabilities. The page numbers referred to in this document reflect the page number noted on the bottom of the pages of the pdf version of the full draft plan (not the pdf page number). Citations are to 34 CFR Part 200.

Section 1 Goals (page 6)

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. See this paper for information on goal setting: https://edtrust.org/students-cant-wait/settinggoals-accountability.

Achievement—uses mean percentile impact, 6 years to reach 53rd percentile for all subgroups. These are ambitious goals for students with disabilities. However, ESSA requires states to establish ambitious long-term goals and measurements of *interim progress* for all students and for each subgroup of students for, at a minimum, improved academic achievement, as measured by grade–level proficiency on the annual academic assessments in reading or language arts and high school graduation rates (Section 1111 (c)(4)(A)). Use of mean percentiles does not fulfill this requirement. The state can provide such measure in addition to grade-level proficiency rates.

Graduation rate- the table shows goals over 6 years of 90.3% for all subgroups using 4-year Adjusted Cohort Graduation Rate (ACGR). There is also a mention of a 4-year plus extended ACGR (the degree to which schools are successful in moving students through the secondary education system and achieving the end-goal of college and career readiness). **The graduation goals are ambitious, but there should be clarification about the meaning of a 4-year plus extended graduation rate as it applies to the long-term goals.**

English language proficiency—CO is still working on standard setting and goals

For all the goals there should be a commitment added to the plan to hold targets steady; not reset downward when/if actual performance falls short of the targets. Constantly re-setting targets renders the long-term goal meaningless.

Section 2 Consultation and Performance Management (page 10)

Consultation: There are no disability groups on the ESSA Hub committee and on other committees. The plan mentions advocacy and civil rights groups but there is no mention of specific outreach to disability community except "email blasts to groups representing historically underserved students such as English learners and students with disabilities." CO should do better with its disability outreach.

Continuous improvement: There are only two references in the continuous improvement section to students with disabilities (SWDs). One in the context of identifying strategies/activities to improve outcomes for subgroups and another reference stating that regional networking meetings will, in the future, provide guidance and support for serving all subgroups, including SWDs. There is no specific mention of strategies e.g. Universal Design for Learning (UDL), inclusion, Positive Behavioral Interventions and Supports (PBIS), and Multi-Tiered System of Supports (MTSS) to support these groups.

The plan does not discuss coordination of the State Systemic Improvement Plan (SSIP) for SWDs and the ESSA plan.

Section 3 Academic Assessments (page 38)

ESSA requires states to define "students with the most significant cognitive disabilities" for IEP team guidance on making decisions about which students will participate 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 CO plan should address the definition of students with the most significant cognitive disabilities and list the strategies the state will employ to not exceed the 1% cap on alternate assessments. Addressing these issues in the state plan encourages stakeholder input on these provisions.

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.

Section 4 Accountability, Support and Improvement or Schools

Accountability System

Indicators (page 43)
ESSA requires states to use indicators 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 for 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 achievement, academic progress, graduation rate, and English language proficiency.

CO's indicators:
- Academic Achievement- using mean scale score for grades 3-11
- Academic progress- using median growth percentile for grades 4-9, will include growth percentiles for High School (HS) when an aligned system of HS assessments are implemented.

- Graduation rate- includes 4,5,6, or 7-year graduation rates. Since extended graduation rates appear in the indicators it is odd that they are not in the goals section. Measurements are required to be more rigorous for extended graduation year rates (regulation §200.13 (b) (2) (ii)). However, without seeing the goals we don't know if that requirement is being met.
- English language proficiency- CO is still working on metrics for this indicator.
- School quality/Student Success Indicator for Elementary Schools (ES) and Middle Schools (MS)- Reduction in Chronic Absenteeism (absent 10% or more days enrolled in school year).

We note the mention of an "unduplicated count" here (page 47):
"The definition provided by CDE to districts regarding chronic absenteeism is as follows: "the unduplicated count of students absent 10% or more of the days enrolled in the public school year during the school year."

All indicators must be disaggregated and reported by all required subgroups. CO should ensure adherence to this requirement.

- School quality/ Student Success Indicator for HS- Drop out rate

Subgroups (page 53)
The minimum subgroup size (N-size) determines whether data for the disability subgroup will be reported at each school, how many schools will not be held accountable for the disability subgroup, and how many individual students with disabilities will be left out of the accountability system. If a school does not have a number of students with disabilities equal to or greater than the N-size in the assessed grades, many requirements of ESSA for the disability subgroup won't apply. For example, if the N- size is 30 and the number of students with disabilities in the assessed grades at a school is 29, the school will not be identified for a targeted support and improvement plan if the subgroup is consistently underperforming (as would be required in schools where the N-size has been met or exceeded).

In the CO plan the subgroups used are: Free or Reduced-Price Meal Eligible, Students with Disabilities (IEPs), and English Learners, as well as students from each major race/ethnic group (White, Hispanic, Black, Asian, American Indian/Alaska Native, Hawaiian/Pacific Islander**,** Two or more races)

When N size is not met for each subgroup CO says it will use a combined group to include the students from the remaining non-white groups not represented separately, as long as the combined group also meets the minimum N. For example, if all race/ethnic groups can be included separately except the American Indian/Alaska Natives and Hawaiian/Pacific Islander, those two groups will be combined and their combined data would be used, if they meet the minimum N.

Children formerly identified as having IEPs: In the future CO plans to conduct a pilot including these students in SWD subgroup in local education agencies (LEAs).

We do not believe that ESSA allows SEAs to conduct a "pilot" of this provision. CO should decide whether it will or will not include formerly identified students in assessment results. If CO elects to include results of previously identified students it must adhere to the requirements at §200.16 (b). If CO elects not to include previously identified students and subsequently decides to do so, such a change would require a submission of a revised state plan to USED.

CO's N-Size:
- 16 for achievement, graduation rate (and reporting)
- 20 for growth indicators. **ESSA accountability regulations require the same N size for all indicators (§200.17(a)(2)(ii)).**
- There is a minimum performance level cell size of 4 with suppression across subgroups and schools-this means for each performance level (e.g. basic, proficient) the data won't be reported if there are not at least 4 students for each subgroup
- CO aggregates 3 years data when a school has too few students in subgroup.

CO claims approximately 1.8% of students with disabilities (870 students) are excluded from accountability with the N size of 16. There is no breakdown of the impact of the N size separately on assessment and graduation.

CO must provide the impact of 'n' size separately on academic assessments and graduation for all students and all required student subgroups.

Annual Meaningful Differentiation (page 58)

Weighting of indicators: CO has not determined weighting yet, but in 2016 for ES and MS Achievement was 40%, Growth 60% and for HS Academic Achievement was 30%, Growth 40% and 30% Postsecondary readiness.

When CO announces its weighting plan for indicators it must meet the ESSA requirement that the academic indicators must weigh substantially more than the indicator(s) of school quality/student success. (Regulation §200.18 (b)(1)-(2))

Participation Rate (page 59):
State plans must describe how the requirement for at least 95 percent student participation in assessments (for all students and for each subgroup) will be factored into its system of annual meaningful differentiation of schools.

We do not believe that a school should get a satisfactory rating in the accountability system if this requirement is not met. 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 ESSA).

The CO accountability participation rate removes students excused from the assessment by their parents from denominator. **This does not meet the ESSA statutory requirement that the denominator include the greater of 95 percent of all students (and students in each subgroup) in the grades assessed who are enrolled in the school or the number of all such students enrolled in the school who participated in the assessments.**

The CO plan provides for reporting on participation rate, includes participation rate as an indicator in ESSA program reviews, requires that low participation rate be addressed in improvement plans, **BUT it does not appear that failure to meet the 95 percent participation requirement has any impact on school rating. This must be addressed in the final plan.**

Including all schools in accountability system:

Small schools appear to be excluded from the CO accountability system.

ESSA does permit a state to develop a different methodology for use in annual meaningful differentiation of certain types of schools, but they cannot be excluded.

Identification of Schools (page 62)

Comprehensive Support and Improvement (CSI)

ESSA requires schools to be identified for CSI if they are the lowest performing 5% of Title I schools, high schools that graduate 67% or fewer of their students (based on 4 year ACGR rate), and Title I schools that have been identified as having one or more low performing subgroup(s) for a state-determined number of years.

CO's plan says "Colorado will annually identify all public schools with a four-year, plus the extended year, graduation rate below 67% for Comprehensive Support and Improvement, in alignment with the graduation rates used in the statewide accountability system. Colorado honors and recognizes high schools that continue to work with students that need additional time to graduate (for example, students with disabilities, dually enrolled students) as well as high schools that are based on a five-year plan, where students graduate with an associate's degree. Therefore, Colorado will utilize the discretion afforded states to add the use of extended year graduation rates in the accountability system."

This violates the ESSA requirement that only the 4-year ACGR is to be used to identify CSI schools.

Schools stay on the CSI list for three years, even if student performance improves. Exit from CSI can happen after 3 years if school no longer meets identification criteria, otherwise there are more rigorous interventions.

These are strong exit requirements.

Targeted Support and Improvement (TSI)

ESSA requires schools to be identified for TSI if one or more subgroups are "consistently underperforming" (a term not defined in statute) or are low-performing (with performance at or below that of all students in the lowest performing 5 percent of Title I schools in the state).

CO's plan says "Consistently underperforming is defined as earning the lowest rating on all specified indicators for a given student group based on aggregated three year performance, when the student group meets the minimum N for that indicator."

We recommend "consistently" mean two years, not three. In addition, students should be considered underperforming before the subgroup earns the lowest rating on all indicators. In addition, CO should clarify what it means when it says the subgroup must meet the minimum N size for the indicator. As we stated earlier, Federal regulations state that the N size must be the same for all indicators. The chart on page 54 does not comply with this requirement.

Low-performing subgroups: three years data will be used for identification because of N size issue. Schools that continue to have low-performing subgroups will be identified for additional targeted support after 3 years. After 4 years of additional targeted support, the schools that still have low-performing subgroups will be identified for CSI (if they are Title I schools).

This is a long time for students in these subgroups to wait for their school to be identified for CSI, which comes with far more funding for support and improvement activities than TSI schools receive.

State Support and Improvement Resources and Technical Assistance (page 65)

We could find nothing specifically about students with disabilities in this section of the plan. Nor is there any mention of Universal Design for Learning (UDL), which could benefit all students. (www.udlcenter.org).

Section 5 Supporting Excellent Educators (page 70)

Skills to Address Specific Learning Needs (page 72)

CO's plan states: "Based on stakeholder input on the needs in this area, CDE will provide virtual and in-person professional development for LEAs, teachers, and school leaders on culturally responsive instructional practices, whole child supports, effective practices for developing teacher cadet programs, **effective inclusion models**, and developmentally appropriate practices for children in preschool through third grade."

The plan also says: "Additionally, CDE will provide technical assistance and support to districts in meeting the individual needs of students with disabilities **in the least restrictive environment** through efficient master scheduling and strategic student assignment. This support is provided on an on-going basis through targeted outreach and by district request. The theory of action is that if we know what a student needs and we place the student in a skilled educator's classroom with consistent, and appropriate, supports, the student will thrive."

CO should be applauded for recognizing the importance of inclusive practice in implementing ESSA and should be encouraged to ensure these provisions are implemented. However, it is not clear how scheduling and student assignment without other key initiatives will improve inclusion. This section of the plan should also include a focus on capacity to use Universal Design for Learning in instruction across subject areas. UDL supports effective inclusion and benefits all students.

Educator equity (page 72)

In the interests of equity, CO should consider data collection for SWDs regarding out of field, inexperienced and ineffective teachers, even though this data is only required under ESSA for minority and low-income students.

Section 6 Supporting All Students (page 80)

The section on SWDs consists merely of a description of the Exceptional Student Services Unit (page 91).

CO should consider adding a discussion of plans for UDL implementation and efforts to increase inclusive opportunities in the Supporting All Students part of the plan.

On page 93, the plan discusses Title I, Part D (Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk).

There is no mention of SWDs, even though they are over-represented in correctional facilities. CO 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.

On page 94, in the section where CO is supposed to say how it will reduce bullying, expulsions and aversive behavioral interventions all it says is: "Colorado will use funds to support a portion of an FTE to provide supports to LEAs regarding evidence-based practices to reduce incidents of bullying, overuse of discipline practices that remove students from the classroom and the use of aversive behavioral interventions that compromise student health and safety."

This is an overly broad answer with no specificity regarding SWDs who are disproportionately impacted by bullying, harassment, discipline practices and aversive behavioral interventions.

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