



Analysis of the Oregon Every Student Succeeds Act (ESSA) Draft Consolidated State Plan

March 25, 2017

Oregon ESSA website: <http://www.oregon.gov/ode/rules-and-policies/ESSA/Pages/default.aspx>

Draft State Plan for Public Comments (dated March 3, 2017):
<http://www.oregon.gov/ode/rules-and-policies/ESSA/Documents/FINAL%20STATE%20PLAN%201.5%20Technical%20doc%20%28TR%20minor%20edits%29%20%283-7-2017%29.pdf>

Comments to: ESSA.Oregon@state.or.us
Website does not provide a deadline for comments.

Oregon plans to submit its Consolidated State Plan to the U.S. Dept. of Education on April 3, 2017. ESSA requires states to give the public a minimum of 30 days to comment on a proposed plan. Specifically, the law states:

PUBLIC COMMENT.—Each State shall make the State plan publicly available for public comment for a period of not less than 30 days, by electronic means and in an easily accessible format, prior to submission to the Secretary for approval under this subsection. The State, in the plan it files under this subsection, shall provide an assurance that public comments were taken into account in the development of the State plan. (Sec. 1111 (a)(8))

It would appear to be impossible for Oregon DOE to comply with this requirement having released a draft plan for public comments on March 3, 2017.

The analysis and recommendations in this document focus on those issues most critical to subgroup accountability and to students with disabilities. The page numbers referenced in this document are the page numbers noted on the bottom of the pages of the draft plan (not the page numbers displayed in the Adobe Reader).

On March 13, 2017, the Secretary of Education released a new template for states to use to submit their ESSA plan application. States can use either this template or one

that meets certain conditions that are outlined in the new template, but they can no longer use the template on which the Oregon ESSA plan was based. The new template can be found on this webpage, along with other explanatory materials <https://www2.ed.gov/admins/lead/account/stateplan17/plans.html>.

According to Secretary DeVos, this new template asks only for information that is absolutely necessary for the state to submit. However, states can and should do more, in the interests of transparency and stakeholder engagement. Some of the most important pieces are information that should still be included are:

- A description on how the state met the meaningful stakeholder consultation requirements on plan development in Title I Part A of ESSA
- An analysis of the impact of the minimum subgroup size on assessment and graduate accountability
- A description of how the state will handle schools that fail to assess at least 95% of all students and 95% of every student subgroup.

Oregon Vision (page 7): One of the points in the vision reads:

“We believe children receiving special education services are an integral part of our educational responsibility and we must welcome the opportunity to be inclusive, make appropriate accommodations, and celebrate their assets. We must directly address the overrepresentation of children of color in special education and the underrepresentation of these children in “talented and gifted” programs.”

We appreciate this explicit recognition of students with disabilities.

Long-term goals (page 4)

ESSA requires that states set long-term goals and interim measures for all students and for each student subgroup (e.g. disability subgroup) for, at a minimum, academic achievement, graduation rate and English language proficiency (Sec. 1111 (c)(4)(A)). 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 Goal

The Oregon plan provides long-term goals and interim progress targets only for all students. The plan does not provide (as required by ESSA) the baseline and long-term goal information for student subgroups. The plan states that the targets and goal will be the same for all student subgroups. The table below is found on page 110 of the draft plan.

Achievement Interim Progress Targets

	Baseline	Interim Targets								Goal
	2015-16	2016-17	2017-18	2018-19	2019-2020	2020-21	2021-22	2022-23	2023-24	2024-25
ELA	55	58	61	63	66	69	72	74	77	80
Math	41	45	50	54	58	63	67	71	76	80

The plan states “the baseline and goals are not expected to change, but ODE is reviewing whether the number of years to reach the long term goal is appropriate.” The proposed goal year is 2024-2025 (9 years).

Graduation Goals

The Oregon plan provides graduation targets and goals only for all students (table below). ESSA requires graduation rate goals to be set for each student subgroup (Sec. 1111 (c)(4)(AA)). The plan states that the targets and goal will be the same for all student subgroups. The plan also states that the goal year of 2023-2024 may change. ESSA allows states to establish goals for extended year cohorts. However, Oregon has also proposed a 5-year Completer rate which would not comply w/ ESSA definition of extended-year adjusted cohort graduation rate, as one of the indicators of school quality and student success.

Graduation Rate Interim Progress Targets

	Baseline	Interim Targets								Goal
	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
4-year Cohort	74	76	78	79	81	83	85	86	88	90
5-year Cohort	77	79	80	82	84	86	88	89	91	93
5-year Completer	82	83	85	87	88	90	92	94	95	97

English Language Proficiency (page 10)

Oregon states that it does not have sufficient data to establish goal for ELP.

Meaningful Stakeholder Consultation (page 13)

ESSA requires the state to conduct outreach and get input from stakeholders for the development of this draft plan. This should include organizations representing students with disabilities. The plan provides extensive information on the outreach to and input from all stakeholder groups. **However, there is no evidence that any group or organizations representing the interest of students with disabilities were included in the 4 workgroups organized by ODE. Furthermore, the Executive Director of the federally funded parent information and training center, FACT Oregon (www.factoregon.org), confirms that the participation of this important group was not solicited.**

Assessments (page 26)

UDL. States are required to develop all of their assessments using the principles of universal design for learning (UDL), to the extent practicable. The state should describe how this requirement is being met in this section of the plan, even though the current template does not require that information. At a minimum, the statute requires the plan to describe, “the steps the State has taken to incorporate universal design for learning, to the extent feasible, in alternate 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 Oregon 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.

Accountability System (page 25)

Indicators (page 19)

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.

The Oregon plan provides details on specifics about each required indicator and how the measurements will be calculated.

Growth: To calculate student growth, Oregon will use student growth percentiles (SGPs) for 4th to 8th graders on the statewide assessments in ELA and mathematics.

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-161_WhyWeShouldAbandonSGPs.pdf.)

At a minimum, a criterion-referenced adequate growth percentile (AGP) should be added to the growth calculation in order to capture whether students have met or exceeded a threshold for growth deemed necessary for them to reach or maintain proficiency.

Graduation – the plan indicates that only the Four-year adjusted cohort graduation rate will be used in the graduation indicator, **which is a decision we strongly support.**

English Language Proficiency: the plan indicates use of Student growth percentiles, or an equivalent model, applied to the domain level scores

School Quality/Student Success: Oregon will use:

- Chronic Absenteeism
- Freshman on-track (high schools)
- Five-year high school completion rate (high schools)

Weighting of Indicators.

Oregon provides the following table (page 40) regarding the weighting of indicators. This is difficult to understand. A better explanation is in order.

It would appear to weight the schools quality/student success indicators heavier than the 4-year ACGR for high schools. It would also appear to give double the weight to growth as it does to achievement in elementary and middle schools. While ESSA does not dictate the weighting of each indicator, we feel strongly that achievement should weigh as much as if not more than growth – particularly when growth is being calculated only using SGPs which only provide norm-referenced growth and not growth to proficiency.

It is also difficult to understand how the student subgroups will be valued in the system.

Table 4.10 Draft Accountability Indicator Weights

Indicator	Grade Span			
	Elementary	Middle	High	Combined
Achievement in ELA	1	1	1	1
Achievement in Math	1	1	1	1
Growth in ELA	2	2		2
Growth in Math	2	2		2
Growth on ELPA21	2	2	2	2
Four-year cohort rate			2	2
Chronic Absenteeism	1	1	1	1
Freshmen on Track			1	1
Five-year completion rate			1	1
Total	9	9	9	13

Subgroups (page 34)

The major subgroups Oregon will use are as follows: American Indian/Native American, Asian, Black/African American, Hispanic/Latino, Native Hawaiian/Pacific Islander, White, and Multiple Races. The State will also use the following required subgroups in the accountability system: Economically disadvantaged students, children with disabilities, and English learners.

In addition, Oregon will continue to report on a “combined underserved race/ethnicity” student group, which consists of American Indian/Alaska Native, Black/African American, Hispanic/Latino, and Hawaiian/Pacific Islander students. The combined student group allows inclusion of the performance of these students in the accountability system in cases where no individual student group meets the minimum n-size threshold. These four student groups were chosen because these are the four racial/ethnic groups that have achievement gaps across multiple indicators in Oregon.

Exited students: Regarding counting exited special education students, the Oregon plan states: “The state will include in the students with disabilities student group, for purposes of reporting the Achievement and Growth Indicators, those students who are currently identified as students with disabilities and those students who were exited from special education services in the previous two years.” (page 34)

This option is not included in the Act. It was allowed under the Accountability regulations, which were repealed by Congress on March 9, 2017. Therefore, this option is no longer available.

Minimum Number of Students (page 42)

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.

Oregon will use 30 as the minimum number of students for purposes of the state accountability system. (Page 35)

Schools that do not meet the minimum of 30 using one year of data will have accountability determinations made on three years of data. This effectively reduces the minimum n to 10 *students per year* for each indicator.

The data provided on the number of students included in accountability for achievement and progress (table below) does not provide information on the percentage of student subgroups meeting the one year n-size vs. three years.

Oregon will report accountability data for student groups of 10 or more students. All data for groups smaller than 10 will be suppressed.

Table 4.7 Students Included in Accountability

Student Group	Achievement Indicator		Academic Progress Indicator	
	% Included	% Included in Underserved Race/Ethnicity group	% Included	% Included in Underserved Race/Ethnicity group
All Students	100.0	-	99.9	-
Econ. Disadvantaged	99.8	-	99.7	-
English Learner	95.9	-	93.3	-
Students with Disabilities	97.7	-	94.2	-
Underserved Race/Ethnicity	98.8	-	97.4	-
American Indian/Alaska Native	36.9	96.0	33.6	91.7
Black/African American	69.6	99.0	64.3	97.6
Hispanic/Latino	98.0	98.8	96.2	97.5
Native Hawaiian/Pacific Islander	29.9	98.7	20.3	97.0
Asian	82.6	-	78.4	-
White	99.9	-	99.8	-
Multi-racial	84.6	-	74.6	-

The state should supply information on the number and percent of students who will be excluded from the accountability system by subgroup. This information should be provided for both assessment and graduation. Oregon has not provided information on the impact of n-size on graduation.

95% Participation Rate Requirement (page 29)

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).

The Oregon plan states: “Schools with one or more student groups missing participation targets will be identified for targeted improvement for participation and will be required to create and implement a plan for improving participation rates.”

This is an aggressive approach (assuming that this means such schools will be identified for Targeted Support and Improvement as opposed to some other “targeted improvement” designation. The plan should clarify this designation. It should also clarify that Oregon will apply the 95% proficiency calculation required by ESSA. This is a critically important provision designed to deter schools from excluding students in order to avoid low performers.

Regarding including schools with students living in local institutions for neglected or delinquent children, including juvenile justice facilities; students enrolled in State public schools for the deaf or blind; and recently arrived English learners enrolled in public schools for newcomer students Oregon states “Alternative schools and youth corrections schools will be included in the accountability system; however, the indicators used for their designation for comprehensive or targeted improvement will be based on their five-year completion rate, rather than the four-year graduation rate. Many of these students are not on track when entering these schools, and basing accountability determinations on the five-year high school completion rate will provide a better measure of the effectiveness of these schools.

This is an inadequate response to the question. It fails to provide information regarding schools for the deaf and blind, and other schools that may serve primarily special education students, if such schools exist.

Identification of Schools for Targeted and Comprehensive Support and Improvement (page 43)

The Oregon plan focuses on identification of districts rather than schools for targeted and comprehensive support. It is unclear how the identification process for schools will occur. See table on page 44.

Supporting Educators (page 52)

Skills to Address Specific Learning Needs (page 56)

The plan should include information on how the state will improve services to students with disabilities.

Universal Design for Learning (UDL)

The Oregon draft plan provides no information regarding Universal Design for Learning. A document that discusses how UDL can be included in ESSA state plans in greater detail can be found at [http://www.udlcci.org/policy-two-pagerdraft-2-4-17-vers41/.](http://www.udlcci.org/policy-two-pagerdraft-2-4-17-vers41/))

There should be a discussion regarding how Oregon will ensure that students with disabilities are provided access to the general education curriculum including but not limited to the use of standards-based IEPs. (see U.S. Dept. of Ed Dear Colleague Letter at <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-fape-11-17-2015.pdf>.)

There should also be a meaningful discussion about capacity building and implementation of best practices for inclusive education.

Supporting All Students (page 59)

In this section, Oregon makes note of its efforts regarding personnel development through its State Personnel Development Grant, as well as its work with the SWIFT project (<http://www.swiftschools.org/>) and its ever-expanding Response to Intervention work.

Improve conditions for student learning (page 81)

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

In response, Oregon provides an overview of several existing systems and programs.

The Oregon plan should specifically recognize the disproportionate use of disciplinary removals and restraint and seclusion on students with disabilities and present strategies specific to addressing this population.

Program-Specific Requirements

Children and Youth who are Neglected, Delinquent, or At-Risk (page 98)

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), 33% of students served under Subpart 1 in OR have IEPs. **The Oregon 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.**

Coordination with other programs

The Oregon plan should address how its State Systemic Improvement Plan (SSIP) is integrate with the ESSA plan and, specifically, how the State Identified Measurable Result (SIMR) will be included in improvement activities. The SSIP is a major initiative of the Office of Special Education Program in conjunction with its Results-driven Accountability initiative (See <http://www.ode.state.or.us/search/page/?=5547>)

The Oregon Part B State-Identified Measurable Result (SIMR), for students with disabilities kindergarten through age 21, is to increase the percentage of third grade students with disabilities reading at grade level, as measured by state assessments.

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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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