



Analysis of the Oregon Every Student Succeeds Act (ESSA) Consolidated State Plan for Governor's Review

April 4, 2017

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

State Plan for Governor's Review (dated April 3, 2017)
<http://www.oregon.gov/ode/rules-and-policies/ESSA/Documents/4-3-17%20Oregon%20State%20Plan%20Draft.pdf>

The revised plan does not solicit public comment.

The plan is based on an alternative template and provides cross-references to the ED revised template on page 8.

Comments are provided in order of the revised plan.

Please also see [our analysis of Oregon's March 2017 draft plan](#) which identified issues not repeated in this analysis.

Meaningful Stakeholder Consultation (page 14)

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.**

Challenging State Academic Standards and Assessments

Nationally-Recognized Assessment for High Schools (Page 27)

Oregon has stated that it intends to pursue the flexibility that allows districts to use a nationally-recognized assessment in place of the statewide summative assessment.

Advocates should become familiar with the Federal regulations regarding this option at 34 CFR Section 200.3. Specifically, 200.3 (b)(2) regarding students with disabilities and English learners, which states:

(2) Before approving any nationally recognized high school academic assessment for use by an LEA in the State—

- (i) Ensure that the use of appropriate accommodations under § 200.6(b) and
 - (f) does not deny a student with a disability or an English learner—
 - (A) The opportunity to participate in the assessment; and
 - (B) Any of the benefits from participation in the assessment that are afforded to students without disabilities or students who are not English learners;

(See [Notice of Final Regulation: Title I, Part A](#). These assessment regulations were NOT part of the Accountability regulations that were repealed by Congress on March 9, 2017 and remain in effect.)

Student Groups (page 29)

Exited students (page 29)

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.”

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 and this section should be removed from the final plan.

Minimum n-size (page 30)

Oregon has lowered the n-size for accountability from 30 to 20 and has provided data on the inclusion rates using n-size of 20 and 30 (Table 4.1). It is unclear whether this table reflects inclusion rates using 1 year or 3 years of data (which Oregon proposes to use when a school doesn't meet the n-size for one year). It is important to know the breakdown since if the majority of inclusion occurs using 3 years of data, that means that we'll need to wait 3 years before subgroups will be included.

Oregon should provide separate data on inclusion rates using 1 year of data. The state should also include data on inclusion rates using an n-size of 10.

Oregon should provide data on inclusion rates by subgroup on the graduation rate.

Long-term goals (page 34)

Oregon has provided baseline data and the long-term goals by subgroup (not included in previous version) (Table 4.4). The proposed goal year for achievement and graduation goals is 2024-2025 (9 years).

Stating the obvious, the plan says:

“Results on current statewide assessments clearly show that opportunity and systems gaps exist in Oregon for our historically underserved and underrepresented student populations with regard to result. When compared to statewide averages the following student groups have large achievement gaps in the state:

- Students with Disabilities (Special Education)
- English Learners
- American Indian/Alaska Native
- Black/African American
- Hispanic/Latino
- Native Hawaiian/Pacific Islander “

Table. 4.4 Long-term goals for English language arts and math

Student Groups	Reading/ Language Arts: Baseline Data and Year	Reading/ Language Arts: Long-term Goal	Mathematics: Baseline Data and Year	Mathematics: Long-term Goal
All students	54% * (2015-16)	80%	43% * (2015-16)	80%
Economically disadvantaged	42%	80%	31%	80%
English learners	23%	80%	17%	80%
Students with disabilities	22%	80%	18%	80%
American Indian/Alaska Native	37%	80%	26%	80%
Black/African American	32%	80%	21%	80%
Hispanic/Latino	36%	80%	26%	80%
Native Hawaiian/Pacific Islander	41%	80%	29%	80%
Asian	73%	80%	69%	80%
White	60%	80%	50%	80%
Multi-racial	58%	80%	47%	80%

*Refers to the percentage of students in grades 3-8 and 11 who took the test who were proficient.

Oregon makes no commitment to maintaining these goals during the course of the timeline. Without such a commitment it is highly likely that the state will reset the goals based on actual achievement. In other words, poor achievement will result in lowering expectations, particularly for the lowest performing subgroups, which are SWDs and ELs.

Graduation Goals

Oregon now provides 4-year ACGR graduation targets and goals for all student subgroups (table below). Oregon also proposes a 5-year ACGR goal (table 4.7) which is slightly higher than the 4-year ACGR (as required by ESSA).

Oregon has also proposed a 5-year Completer rate, which will be used as one of the indicators of school quality in the accountability system. **It is important to understand the difference between the 5 year ACGR and the 5 year Completer rates.**

Table 4.5 Four-year cohort graduation rate

Student Group	Baseline (Data and Year)	Long-term Goal (Data and Year)
All students	74% (2015-16)	90% (2024-25 proposed)
Economically disadvantaged	66%	90%
English learners	51%	90%
Students with disabilities	53%	90%
American Indian/Alaska Native	55%	90%
Black/African American	63%	90%
Hispanic/Latino	67%	90%
Native Hawaiian/Pacific Islander	63%	90%
Asian	87%	90%
White	76%	90%
Multi-racial	73%	90%

Regulatory Adjusted Cohort Graduation Rate (ACGR), Children with Disabilities					
	2010-2011	2011-12	2012-13	2013-14	2014-15
OR	42	38	37	51	53

Regarding SWDs, it should be noted that Oregon’s 4-year ACGR has improved by 11 percentage points in 5 years (see table above). The state proposes to improve the 4-year ACGR of SWDs by 37 points in 9 years. How the state will achieve such significant improvement is not addressed in the plan. As with achievement goals, advocates should watch closely for adjustments to the graduation goals during the timeline.

English Language Proficiency (page 39)

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

Accountability System (page 39)

Indicators (page 39)

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

Growth (page 42): 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/remf/pdf/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 on state assessments.

The use of SGPs is particularly troubling given the significant weighting of the Academic Progress indicator in the overall accountability system (see below).

School Quality/Student Success (page 45):

Oregon will use:

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

When using chronic absenteeism as an indicator, advocates should be careful to make sure that students with disabilities that may lead to absenteeism are not penalized for such absences.

Weighting of Indicators (page 54)

Oregon provides the following table (page 54) 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 4.16 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
EL Progress	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

Identification of Schools (Page 56)

The Oregon plan provides this information regarding identification of schools in need of improvement:

Comprehensive Support and Improvement (CSI) Schools:

- Level 1 in at least half of the rated indicators (including weights, as described below), or
- Level 1 or Level 2 on all academic indicators, or
- High schools with graduation rates at or below 67%.
- Title 1 schools with student groups that show opportunity for growth along multiple measures.
 - Schools with a student group performing at the “targeted” level for three or more years and that has not shown improvement.

There is a significant difference between the above identification criteria and what was published in the March 2017 draft plan for public comment.

Specifically, the March plan criteria was as follows:

- **Title 1** schools that are rated as Level 1 in 4 or more indicators (including weights, as described above), or
- **Title 1** schools at Level 1 or Level 2 in all rated indicators, or
- All high schools with graduation rates at or below 67%.
- **Title 1 schools with chronically low performing student groups.**
 - Schools with a student group performing at the “targeted” level for three or more years and that has not shown improvement.

The criteria in the April 3, 2017 plan raises several questions:

- **Does the state now plan to identify schools not receiving Title I funds as CSI schools? If so, the state must ensure that the state’s lowest performing Title I schools are included in the CSI group (as required by ESSA)**
- **Can the school quality/student success indicators prevent a school from being identified as CSI regardless of performance on the academic indicators? The criteria would suggest that this is possible.**
- **How will the state define Title I schools that “show opportunity for growth?” This is not the requirement articulated in ESSA and should be revised to comply.**

The criteria for Targeted Support and Improvement also differs:

April 2017:

Targeted Support and Improvement (TSI) Schools:

- Any school where at least one student group meets the criteria listed above for comprehensive support and improvement school identification, or
- Meets the criteria for the school as a whole or for an individual student group.

March 2017 draft:

Targeted Improvement Schools:

- Identify schools where at least one student group meets the criteria listed in the comprehensive improvement school definition, or
- **Does not** meet the above criteria for the school as a whole or for an individual student group.

The criteria in the April 3, 2017 plan raises several questions:

- **How is Oregon defining “Consistently Underperforming Subgroups?” The criteria appears to define the term as schools in which at least one student subgroup is at Level 1 in 4 or more indicators, or schools in which at least one student subgroup is at Level 1 or Level 2 in all rated indicators. This definition would invoke the same questions as those above, most importantly; can performance on the school quality/student success indicators prevent a school from being identified for TSI?**
- **What is the meaning of the second bullet? If a school meets the criteria for the school as a whole why isn’t it identified as CSI?**

ESSA is quite clear about the schools that must be identified for CSI and TSI. See [Timeline for identification of schools for support and improvement](#) The Oregon plan offers unclear and overly restrictive criteria for both.

95% Participation Rate Requirement (page 58)

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.”

Oregon appears to be creating an additional category of schools – those identified for “targeted improvement for participation” which is completely separate and distinct from schools identified for Targeted Support and Improvement. The plan should clarify the following:

- **What is the N-size used for participation;**
- **What, if any, data averaging will be used for participation;**
- **How will the public be notified of schools failing the participation requirement and required to formulate a “targeted improvement” plan,” including the specific student subgroups that were not assessed at 95% or above;**
- **Students not assessed below 95% will be counted as non-proficient as required by ESSA. This includes students who are opted out of testing by their parents.**

Program-Specific Requirements:

Children and Youth who are Neglected, Delinquent, or At-Risk (page 114)

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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