



Comments on the Wyoming Every Student Succeeds Act (ESSA) Draft Consolidated State Plan

May 30, 2017

Public draft plan dated April 24, 2017, is available at:

<http://edu.wyoming.gov/downloads/accountability/PublicESSADraft042417.pdf>

Comments on Wyoming's draft ESSA State Plan can be submitted through June 8, 2017 through an [online survey](#), public meetings, or by mail.

Changes made to this draft of the plan should appear in **redline** in the next draft to make it easier for stakeholders to provide input on the amendments.

These comments focus on those issues most critical to subgroup accountability and to students with disabilities.

Challenging State Academic Standards and Assessments (page 9)

➤ Assessments

Universal Design for Learning

States are required to develop their assessments using the principles of universal design for learning (UDL) to the extent practicable and specifically, how the state's alternate assessments are developed using UDL ((ESEA section 1111(b)(2)(D)(i)(IV))

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

Statewide Accountability System and School Support and Improvement Activities (page 12)

Subgroups

- Minimum subgroup size (N-size) (page 13)

N size (minimum subgroup size) is critically important to accountability for students with disabilities. If it is set too high many schools will be exempt from accountable 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. 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 been met. Similarly, a high school with less than the n size of students with IEPs in the graduating class will not be held accountable for the graduation rate of the disability subgroup.

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.

Wyoming will use a minimum subgroup size of 10 for all indicators. The draft plan presents data on both the percent and number of schools that do not meet min. N-size on at least one indicator for N sizes of 10-15-20-25. While these data are not required by the revised template, the state is recognized for supplying these data to provide adequate information to the public. It would be helpful to have further details esp. regarding impact of N-size on

graduation. Additionally, WY should make clear the N-size it will use to determine test participation – whether it will use 10 or a different minimum.

The “lookback” approach that WY will use when schools do not meet the N-size is much more desirable than the averaging approach that many states propose to use. In other words, the “lookback” approach doesn’t allow schools to go for several years before recognizing subgroup performance.

Additionally, small schools may be paired in order to be included in the accountability. This is preferable to combining subgroups – a practice known as “super subgroups.”

➤ **Long-term Goals (page 18)**

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**

The WY draft plan states:

“For the All Students group, all Wyoming schools will perform as well or better than a school that performed as well or better than 65% of all Wyoming schools during the baseline year (2015-16) within 15 years.

For each subgroup, all Wyoming schools will perform as well or better than a school that performed as well or better than 80% of all Wyoming schools during the baseline year (2015-16) within 15 years.

The draft long-term goals for the All Students group in achievement are:

- Grade 3-8 Math = 59% of students Proficient or Better
- Grade 3-8 Reading = 65% of students Proficient or Better
- High School Math = 46% of students Proficient or Better
- High School Reading = 39% of students Proficient or Better “

Additional goals for specific subgroups are still being refined.

“Performing at or above 80% of all Wyoming schools within 15 years will significantly narrow the gap between the Subgroups and the All Students group in most cases. For specific subgroups where application of 80th percentile goal does not reduce the gap by at least 30%, then a different goal will be applied, such as “All Wyoming schools will narrow the gap for Subgroup X by 30% within 15 years.”

The methodology above would appear to provide significant gap closing. However, a judgement on the rigor of the goals and interim progress for the students with disabilities subgroup can not be made until WY provides subgroup information.

➤ Graduation

“For the All Students group, all Wyoming schools will perform as well or better than a school that performed as well or better than 65% of all Wyoming schools during the baseline year (2015-16) within 15 years.

For the Subgroups, all Wyoming schools will perform as well or better than a school that performed as well or better than 80% of all Wyoming schools during the baseline year (2015-16) within 15 years.

The draft long-term goal for the All Students group for graduation is:

- Four-Year, On-Time, Adjusted Cohort Graduation Rate = 89%

Performing at or above 80% of all Wyoming schools within 15 years will significantly narrow the gap between the Subgroups and the All Students group in most cases. For specific subgroups where application of 80th percentile goal does not reduce the gap by at least 30%, then a different goal will be applied, such as “All Wyoming schools will narrow the gap for Subgroup X by 30% within 15 years.”

Additional goals for specific subgroups are still being refined.

The methodology above would appear to provide significant graduation rate gap closing. However, a judgement on the rigor of the goals and interim progress for the students with disabilities subgroup can not be made until WY provides subgroup information.

It should be noted that WY has made little progress in the 4-year ACGR for students with disabilities over the 5 year period:

2010-2011: 57% ACGR

2014-2015: 59% ACGR

➤ Indicators (page 21)

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 Indicator

WY plan states:

Achievement: For grades 3-8, there is one overall school Achievement score for each school that represents student performance on the state assessment in all tested grades and content areas. The Achievement indicator score for each school is based on the percent of student scores that are “proficient or above” in all tested content areas.

In high school, there is one overall school Achievement score for each high school that represents student performance on the subject-area tests of the college-entrance exam in grade 11. The Achievement indicator score for schools is the percent of student scores that are “proficient or above” on the subject-area tests of the college-entrance exam in grade 11. Scores are reported for All Students and Subgroups and used to make accountability determinations.”

Content areas should not be combined. Additionally, the percent of students scoring proficient or above must adhere to the participation calculation at ESEA section 1111(c)(4)(E)(ii) ESSA requires that in calculating proficiency rates for the Academic Achievement indicator the denominator must include every student who was supposed to be tested, even if they opted out, once the participation rate falls below 95 percent.

➤ Other Academic Indicator

The WY draft fails to provide details on the growth measure it will use.

➤ Graduation Rate

It appears that WY intends to use both the 4-year ACGR and extended year ACGRs for 5-6-and 7 years. However, there is no mention of long-term goals for extended year ACGRs. If WY will use extended year ACGRs, then it must establish goals for each.

➤ School Quality or Student Success Indicator (SQSS)

WY is proposing to use the following indicators:

“Grades 3-8: Equity - Equity is a measure of academic growth for students who score below the proficient standard in reading and mathematics. Students who score below proficient in reading or math or both are assigned to a consolidated subgroup*. A school’s Equity score is based upon the growth in math and reading of students identified as belonging to a consolidated subgroup at the school and is subject to a standard for academic progress that is linked to attainment of proficiency within a reasonable period of time.”

This is an academic measure. It would be more appropriately included in the Other Academic Indicator required by ESSA. Further, ESSA requires any SQSS indicator to annually measure performance for all students and separately for each subgroup of students.

“High School: Post-Secondary Readiness Schools will be evaluated based on the percentage of students who demonstrate proficiency on either the college readiness or college readiness measures. College readiness will be measured by a standardized college entrance exam and level of completion of a success curriculum. Completion of college-level courses, such as Advanced Placement, may also be included. Career readiness will be measured by the career and technical education (CTE) students who complete a career pathway (aka CTE concentrator) and pass a CTE exam or obtain an industry-recognized certification. Other career readiness indicators may be included, such as performance on the Armed Services Vocational Aptitude Battery (ASVAB) assessments or enlistment in a branch of the U.S. Military.”

WY must ensure that all students are included in these measurements, including all students with disabilities. How students with the most significant cognitive disabilities will be included should be articulated.

➤ **Annual Meaningful Differentiation of Schools (page 24)**

WY draft states: “One of four overall School Performance Levels (SPL) is assigned to each school and used to meaningfully differentiate schools: *Exceeding Expectations*, *Meeting Expectations*, *Partially Meeting Expectations*, and *Not Meeting Expectations*. Each school’s performance level determination is based upon the school’s performance on the various indicators for All Students and Subgroups. Charter schools are included in this process because they are public schools.”

➤ Weighting of indicators

WY draft does not provide the weighting of the indicators, stating that “The weight of each individual indicator for grades 3-8 and high school will be determined by the Professional Judgment Panel (PJP).”

However, the process described on pages 24-25 appears overly complex. WY should provide a more understandable description of the indicator weighting including the weighting of EACH indicator for elementary/middle schools and high schools.

➤ Different Methodology for Certain Types of Schools

WY draft states that : “Institutional Schools Students enrolled in institutional schools, including private residential treatment facilities, group homes, day treatment programs, and juvenile detention facilities, are tied to their resident school district for accountability purposes. No ratings are given to institutional schools.”

We strongly endorse this approach to dealing with schools educating special populations. Assigning the students' performance to their base school encourages those schools and districts to be accountable for such students while they are attending another school for a variety of reasons.

- **Identification of Schools (page 26)**
- Comprehensive Support and Improvement (page 27)

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:

WY Draft states: "Each year, Wyoming schools receiving Title I, Part A funds will be ranked from highest to lowest based on each school's combined score for the achievement and growth indicators. Title I schools performing among the bottom 5% of all Title I schools in the state will be identified for comprehensive support and improvement."

Combining scores on achievement and growth should be based on the weight of each indicator rather than a simple combination.

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

WY draft states: All Wyoming high schools graduating less than 2/3 of their students will be identified for comprehensive support and improvement. The WDE collects graduation data annually.

The draft fails to identify the graduation rate that will be used for this purpose. Identification should be high schools failing to graduate one third or more.

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. If extended ACGRs are used, they should be weighted less than the 4 year ACGR.

- Chronically Low-Performing Subgroup

WY draft states: “Each year, Wyoming schools receiving Title I, Part A funds will be ranked from highest to lowest based on each school’s combined score for the achievement and growth indicators for each subgroup. When the combined score for achievement and growth for a particular subgroup(s) would place the school *below* the 20th percentile of all Title I schools for that subgroup, and the school does not meet the state-defined exit criteria for schools in comprehensive support as described in subsection (viii)(b) below, the school is identified for additional targeted support (comprehensive support).”

WY appears to be confused regarding the requirement for identification in this category with identification for targeted support and improvement for several reasons:

- **Achievement and growth should not be combined.**
- **Comparison should not be to the performance of the same subgroup.**
- **Comparison should be to the performance of all students in the lowest performing schools.**
- **Schools are those Title I schools that have been identified for TSI and have failed to improve in the state-determined number of years.**

WY should address these issues and reformulate its response to this question.

➤ Targeted Support and Improvement (page 28)

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

WY draft states: “Each year, Wyoming schools receiving Title I, Part A funds will be ranked from highest to lowest based on each school’s combined score for the achievement and growth indicators for each subgroup. Title I schools that have subgroups performing among the bottom 20% of all Title I schools in the state for three consecutive years will be identified for targeted support and improvement.”

WY’s plan as stated above is incorrect for several reasons:

- **This category is not limited to schools receiving Title I Part A funds**
- **Achievement and growth should not be combined for this purpose**
- **Identification is not limited to achievement and/or growth but rather is made on performance across academic indicators including graduation.**
- **There should not be a comparison to the performance of the same subgroup in other schools**

- **"Consistently underperforming subgroup" is a distinct category in the law that is meant to have a higher bar than a low-performing subgroup.**
- **This category of schools must be identified ANNUALLY.**

We recommend that consistently underperforming subgroup be defined as a subgroup that has not met, or is not on track to meet, all of the state defined long-term goals or interim measures for that subgroup for two consecutive years.

WY needs to reformulate its methodology for identification of "consistently underperforming" subgroups to conform to ESSA.

➤ **Additional Targeted Support (schools with a low-performing subgroup or subgroups):** WY draft plan states: "Each year, Wyoming schools receiving Title I, Part A funds will be ranked from highest to lowest based on each school's combined score for the achievement and growth indicators for each subgroup. When the combined score for achievement and growth for a particular subgroup(s) would place the school *below* the 20th percentile of all Title I schools for that subgroup, and the school does not meet the state-defined exit criteria for schools in comprehensive support as described in subsection (viii)(b) below, the school is identified for additional targeted support (comprehensive support)."

WY's plan as stated above is incorrect for several reasons:

- **This category is not limited to schools receiving Title I Part A funds.**
- **Achievement and growth should not be combined for this purpose.**
- **Identification is not limited to performance on achievement and/or growth. Determination should be made on the academic indicators including graduation.**
- **This category does not require that the schools have not met exit criteria for CSI. In fact, this is exactly the opposite of the ESSA requirement.**

WY needs to reformulate its methodology for identification of "low-performing" subgroups to conform to ESSA.

➤ **Annual Measurement of Achievement – (At least 95% Assessment Participation Rate Requirement (page 28)**

WY Draft plan states: "There is a participation requirement of 95% and a participation threshold of 90%. When a school does not meet the participation threshold, the school is not able to be scored and is assigned to the not meeting expectations performance level. When a school meets the participation threshold but does not meet the participation requirement, the school is docked one school performance level. The participation rate is computed for all students with an active enrollment in the school during the test window."

Imposing a participation "threshold" violates the requirements of ESSA. The requirement for at least 95% test participation for all students and all student subgroups may not be tempered by establishing a lower threshold below which specific actions occur. Participation

rates must be computed for all students and for each student subgroup. The assessment proficiency must be calculated as required by ESSA, i.e., when participation fails below 95% non-participants must be counted as non-proficient on state assessments. Exactly what is meant by “school is not able to be scored and is assigned to the not meeting expectations performance level” is unclear.

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. WY 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, they still provide excellent guidance on many difficult ESSA implementation issues.

➤ **Continued Support for School and LEA Improvement (page 29)**

➤ Exit Criteria for CSI Schools

WY draft plan states: “Title I schools whose combined score on achievement and growth places them *above* the bottom 10% of all Wyoming Title I schools for two consecutive years will be exited from comprehensive support and improvement.”

Achievement and growth should not be combined.

There is no exit criteria for high schools identified for CSI due to graduation rate.

➤ Exit Criteria for TSI Schools

WY draft plan states: “Title I schools whose combined score on achievement and growth place them *above* the bottom 25% of all Wyoming Title I schools for the particular subgroup(s) for two consecutive years will be exited from additional targeted support and improvement.”

Achievement and growth should not be combined.

Identification is not limited to Title I schools. Therefore, exit criteria should not be associated with performance of Title I schools.

➤ More Rigorous Interventions for CSI Schools that Fail to Meet the Exit Criteria

WY draft plan states: “Schools that fail to meet the exit criteria will be required to use only those interventions that meet the requirements of either the strong evidence or the moderate evidence as outlined in Section 8101(21)(A), and conduct an annual review of the effectiveness of the interventions led by the WDE for the areas that are preventing the school from exiting the comprehensive support and improvement category.

Additionally, schools that fail to improve on self-selected interventions will be asked to fully implement Multi-Tiered System of Support (MTSS). The fidelity of implementation will be determined using the Wyoming [MTSS checklist](#).”

WY might want to consider requiring implementation of MTSS long before schools reach this level of poor performance. This is listed as a requirement for LEAs serving a significant number or percentage of schools identified for comprehensive or targeted support and improvement under Technical Assistance. We also point out the close connection between Universal Design for Learning and MTSS. UDL is not mentioned in the MTSS checklist.

➤ School Conditions

ESSA 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

The WY draft plan provides no specific information regarding students with disabilities, which are often the subgroup that receives disproportionate use of these actions.

➤ School Transitions

The WI Draft Plan states:

“Dropout Rates:

- A number of WDE initiatives focus on supporting schools and LEAs to lower dropout rates and improve graduation rates of all students including the most at-risk. A competitive grant intended to support at-risk students has provided schools with resources to implement research-based strategies to retain at-risk students and earn a diploma.”

The dropout rate for students with disabilities in WY is 30% - one of the highest in the nation. WY should expand upon this section to include specifics regarding how it will support LEAs in reducing the dropout rate of students with disabilities.

Children and Youth who are Neglected, Delinquent, or At-Risk (page 38)

The WY draft plan includes 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>) 41% of students served under Subpart 1 in WY in 2013-14 had IEPs (compared to 31% nationwide) and 22% of students served under Subpart 2 had IEPs.

The WY 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 40)

- Use of Funds to Improve Equitable Access to Teachers in Title I, Part A Schools

The WY draft plan states:

“Recruitment and Retention Strategies to Increase Numbers of Special Education Teachers

Recently, both survey data and highly qualified educator data showed Wyoming experiences difficulty in recruiting and retaining excellent special education teachers. The root cause analysis pointed to four major contributing causes for the equity gap: fewer job applicants, less desirable job, high number of students with behavioral disorders, and parents with children with behavioral issues may not be as supportive. Several strategies have been identified to support educators and increase the number of special education teachers across the state.

Although these are strategies to eliminate equity gaps around special education educators, these strategies are funded through sources other than Title II.

- a) Training building-level administrators in knowledge of the Individuals with Disabilities Act (IDEA) and support for special education educators.
- b) Support paraprofessional staff to become highly effective special education teachers.
- c) Address parental and family participation in clarifying and supporting their children with special needs at home and in school.
- d) Develop compensation programs for the additional mandated time to comply with meetings, forms, dealing with various factions of special education students’ plans and transitions, and overall case management.
- e) Develop a statewide strategy to support recruitment of highly effective special education teachers.”

We are pleased to see this specific focus designed to address the need for special education teachers in the state.

- Improving Skills of Educators

WY draft plan states this strategy: “Specific Learning Needs (children with disabilities): wyominginstructionalnetwork.com/ and www.uwyo.edu/wind/echo/”

The WY plan should provide a commitment to critically important strategies such as promoting Universal Design for Learning 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/> .

Coordination with Other Programs

ESSA requires that the state plan coordinate with other programs, such those under the Individuals with Disabilities Education Act.

The WY plan should address how the state will coordinate the State Systemic Improvement Plan (SSIP) with ESSA activities. Wyoming’s SSIP has selected the following as its State Identified Measurable Result (SIMR): increase in the percentage of third grade students with disabilities who spend 21 to 60% of their school day outside the general education environment who score proficient or advanced on the statewide reading assessment. On the FFY13-14 statewide reading assessment (PAWS) only 4.4% of the students in the SIMR subgroup scored proficient or advanced. Wyoming’s SSIP goal is to increase that percentage to 8.4% by 2018. A tool for aligning ESSA state plan and SSIP is available at <https://ncsi.wested.org/news-events/tool-checking-for-alignment-in-every-student-succeeds-act-plans-and-state-systemic-improvement-plans/>

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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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