



Analysis of Superintendent's Recommendations for the Washington ESSA Plan

This document provides an analysis of the recommendations approved by Superintendent Dorn to be incorporated into the Washington Every Student Succeeds Act (ESSA) consolidated state plan to be submitted to the U.S. Dept. of Education. The recommendations are available at <http://www.k12.wa.us/esea/essa/pubdocs/ESSARecommendationsApprovedStateSuptDorn.pdf>. Information on commenting on the plan is available at <http://www.k12.wa.us/ESEA/ESSA/ConsolidatedPlanReview.aspx>.

A number of key topics are not addressed or finalized in these recommendations. For example there is no thorough discussion of the indicators that will be used for the accountability system, nor is there clarity on how these indicators will be weighted.

High school graduation Indicator (page 1) The Superintendent's recommendations include more than one measure for the high school graduation indicator as part of the Annual Meaningful Differentiation of schools:

1. The 4-Year adjusted cohort graduation rate as required
2. Extended-year adjusted cohort graduation rates: 5, 6, and 7-Year cohort rates

However, the statute and proposed regulations are clear that **ONLY** the 4-Year adjusted cohort graduation rate can be used in the state's system of accountability.

From proposed federal accountability regulations: (page 34558)

Low Graduation Rate High Schools

Proposed Sec. 200.19 would specify that **any high school with a four-year adjusted cohort graduation rate below 67 percent, averaged over no more than three years, must be identified due to low graduation rates, consistent with the statutory requirements in section 1111(c)(4)(d)(i)(II)**.

However, the proposed regulations also would permit a State to set a threshold that is higher than 67 percent for identifying low graduation rate high schools, in recognition of the

wide range of average graduation rates across different states.

Although the statute permits the use of an extended-year adjusted cohort graduation rate within the Graduation Rate indicator, the four year adjusted cohort graduation rate is the only measure within the Graduation Rate indicator required for all schools. Relying exclusively on the four-year adjusted cohort graduation rate for identification would provide a consistent benchmark for holding schools accountable across states and local education agencies, and signal the importance of on-time high school graduation as a key determinant of school and student success. If extended-year rates were considered in the identification of such high schools, the performance of students failing to graduate on-time could compensate for low on-time graduation rates, as calculated by the four-year adjusted cohort graduation rate, and prevent identification of high schools with low on-time graduation rates.

95% Participation rule (page 1): If less than 95% of all students (and each subgroup-including disability subgroup) are assessed, the school should not get a satisfactory rating. The Superintendent proposes that the rating should not be affected at all if a school has not met the participation rate rule but would recommend supports to help the school meet 95% participation and defined “tiered accountability” (not clear what is meant by that term) if improvement isn’t made. Advocates should keep in mind the impact of the participation rate requirement on students with disabilities. The “non-punitive” approach recommended does not comport with the proposed regulations on this issue and, if adopted, would likely led to widespread exclusion of historically underperforming subgroups-similar to the situation that existed prior to No Child Left Behind.

Identification of schools for targeted support (page 2 and 14): Schools are supposed to be identified for targeted support and improvement under ESSA if even one subgroup is consistently underperforming or low-performing. The Superintendent plans to lump subgroups together in violation of the statute to determine lowest-performing subgroups: “Identify schools for targeted support by grouping race/ethnicity subgroups together, and grouping program subgroups together. This approach will identify the lowest performing from two categories: race/ethnicity groups, and the lowest performing program groups.” Yet on page 14 the recommendations say that a school with any subgroup that is consistently underperforming will be identified for targeted support and improvement, which is how it should be done.

A positive recommendation is that if a school does not exit identification for targeted support and improvement it can be identified for comprehensive support and improvement—this goes beyond what is required in ESSA.

Long-term goals and timelines (page 5 AS11): The recommendations give short shrift to this critical element of ESSA implementation by stating only that

“Improvement every year, based on reducing the number of non-proficient students each year by a specified percent.” The statute clearly requires that the long-term goals provide for faster improvement for those subgroups that are substantially behind in order to close the achievement and graduation gaps.

AS12A states that “For elementary and middle schools, long-term goals and interim progress toward those goals be determined using a hybrid approach, based on a combination of proficiency and adequate growth.” The statute requires goal/progress setting for each of the indicators. Thus, any approach that combines indicators (such as proficiency and growth) would not comply with the Act.

State-level activities for Effective Educators (page 18): There should be a mention of UDL in teacher preparation and professional development (it is only mentioned later in the recommendations for students with disabilities.)

Minimum Subgroup (n) size (page 29): Superintendent recommends a minimum subgroup size of 20 for accountability purposes and 10 for non-accountability purposes (e.g. reporting assessment data, calculating graduation rate and participation rate). This is better than some states, but we recommend an “n” size of 10 or less, for all purposes, to ensure more schools are held accountable for the disability subgroup (which may be smaller than 20 students in the grades assessed at any given school or a school’s graduated class for adjusted cohort graduation rate purposes). There are studies supporting this recommendation at <https://nces.ed.gov/pubs2011/2011603.pdf> and <http://all4ed.org/wpcontent/uploads/2016/06/NSize.pdf>. Some states already have an n-size less than 10 (e.g. Maryland has an ‘n’ size of 5), which has been determined to address both confidentiality and statistical reliability concerns; the two reasons states argue for a higher n-size.

The state should provide the public with data simulations using various ‘n’ sizes (e.g., 10-15-20) that shows both the number of schools that will be held accountable in each ‘n’ size and the number and percentage of students in each subgroup that will be held accountable (see the Ohio Dept. of Education’s [Topic Discussion Guide](#) for examples of the data simulations for both assessment and graduation). Decisions regarding ‘n’ size should be guided by these simulations and attempt to use an ‘n’ size that will result in the most schools being held accountable, as directed by the proposed regulations.

The Superintendent recognizes it may be hard to meet the ‘n’ size of 20 and recommends combining the most recent two or three years of data if that results in reaching the 20 student minimum. The better approach is to lower the ‘n’ size to 10, rather than make the data more confusing by using averaging. In the recommendation to use 10 for non-accountability purposes it says “The Report Card should if possible, instruct and allow users to ‘bundle’ sub-groups until the minimum ‘n’-size is achieved,” Bundling subgroups makes it difficult to determine how students with disabilities are doing and an 'n' size below 10 should be used if it

is anticipated that schools will not be able to report data on the report cards for a subgroup if the 'n' size is 10.

Culturally Responsive and Inclusive schools (page 29): There are a few mentions of these issues in language about family engagement including a recommendation that “OSPI must recruit, hire, train, and retain all staff for this commitment to cultural responsiveness, inclusion, and family community-school engagement.” It is important to ensure that this reference to inclusion goes beyond a “school climate” issue to academic inclusion.

UDL (page 48-50): The Superintendent recommendations say the state will “apply the core principles of universal design for learning (UDL) to build capacity within the general education core curriculum to promote equitable and meaningful access, engagement, and representation of students with disabilities in the least restrictive environment for each student.” It is good that the state wants to focus on LRE issues using UDL but it is best if UDL is recognized as an initiative to benefit all students and that teachers must build capacity to use UDL. Would recommend the following edits:

apply the core principles of universal design for learning (UDL) to build capacity within the general education core curriculum **and in teacher preparation and staff development** to promote equitable and meaningful ~~access academic instruction,~~ and engagement, ~~and representation of each student and to support~~ students with disabilities in the least restrictive environment ~~for each student.~~

The recommendations also talk about UDL in the development of the alternate academic achievement standards. Again, UDL is not just for students with disabilities and should be mentioned more broadly, but it is good that Washington is recognizing its importance. The students in this recommendation should be those with the “most significant cognitive disabilities” as stated in ESSA, not those “significant cognitive challenges,” which represents a broader group of students with disabilities. See additional discussion of this term in the next section.

“Consistent with the application of the core principles of Universal Design for Learning (UDL) in Recommendation 1, recommend development and adoption of Alternate Achievement Standards using the Links for Academic Learning (LAL) process on behalf of students with significant cognitive challenges and ensure that a student’s need for an alternate assessment is not the result of a lack of the student’s access to appropriate instruction, or the need for assistive technology”

Definition of the term “cognitively challenged” (page 49): This is a term the Superintendent recommends using with reference to students with the most significant cognitive disabilities. The term “cognitively challenged” is misleading since there are many students with cognitive challenges who are not students with the MOST significant cognitive disabilities-the term used in ESSA for those students

who may take alternate assessments. The definition proposed by the Superintendent for this group of students is in the following statement:

“(i.e., Those students who require intensive or extensive levels of direct support that is not of a temporary or transient nature. Students with significant cognitive challenges also require specially designed instruction to acquire, maintain or generalize skills in multiple settings in order to successfully transfer skills to natural settings including the home, school, workplace, and community.)”

This definition is very concerning because the primary purpose of state assessment is to measure student achievement on the State’s academic content standards for the grade in which the student is enrolled. This definition has no mention of academic achievement. The Superintendent’s definition also does not meet the parameters put forth in the proposed federal regulations, pasted below. The connection to grade-level state academic content standards is highlighted in bold.

“...a State definition of ‘students with the most significant cognitive disabilities’ that would address factors related to cognitive functioning and adaptive behavior, such that

- (i) The identification of a student as having a particular disability as defined in the IDEA must not determine whether a student is a student with the most significant cognitive disabilities;
- (ii) A student with the most significant cognitive disabilities must not be identified solely on the basis of the student’s previous low academic achievement, or status as an English learner, or the student’s previous need for accommodations to participate in general state or districtwide assessments; and
- (iii) Students with the most significant cognitive disabilities require extensive, direct individualized instruction and substantial supports to achieve measurable gains on the challenging state academic content standards for the grade in which the student is enrolled.”**

Contact information

Ricki Sabia
Senior Education Policy Advisor
National Down Syndrome Congress
PH: 301-452-0811
Email: ricki@ndscenter.org

Candace Cortiella
Director

The Advocacy Institute
PH: 540-364-0051
Email: Candace@advocacyinstitute.org