Overview of Final Regulations: Accountability and State Plans

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Please Note: All lines are muted on entry; please enter any questions in the chat box feature of WebEx or email Peter Zamora: Peter.Zamora@ccsso.org

Slides and forthcoming summary memo will be made available at: www.ccsso.org/ESSA
Overview of Final Regulations:
Accountability and State Plans
Overview of Regulations and Related Issues

- The U.S. Department of Education (ED) officially published the final rule in the Federal Register on November 29, 2016.
- The rule covers accountability provisions included in Title I and consolidated state plan requirements of ESEA.
- The rule is effective (i.e. officially included within the Code of Federal Regulations) on January 28, 2017.
- The effective date of this regulation could subject to delay under the incoming Administration or the regulation could be subject to repeal under the Congressional Review Act. While nothing is certain, the future outlook for the applicability of this regulation is presently unclear.
- With a few notable exceptions, the final rule follows the same structure as the NPRM.
## Major Changes: NPRM versus Final Rule

<table>
<thead>
<tr>
<th>Issue</th>
<th>NPRM</th>
<th>Final Rule</th>
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<tbody>
<tr>
<td>Identification Start Date</td>
<td>States start identification of schools using new accountability system requirements before the start of the 2017-2018 school year</td>
<td>States start identification of schools using new accountability system requirements before the start of the 2018-2019 school year</td>
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<tr>
<td>Plan Submission Dates</td>
<td>Two windows of submission – March 6, 2017 and July 5, 2017</td>
<td>Two submission windows maintained with delayed dates – April 3, 2017 and September 18, 2017</td>
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<tr>
<td>Academic Achievement and 5th Indicator</td>
<td>States required to select indicators that are supported by research that shows connection to student achievement.</td>
<td>Expands NPRM requirement to include research showing student learning, such as grades, advance coursework, persistence, etc.</td>
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<td>95% Assessment Participation</td>
<td>State option to be “equally” rigorous to options spelled out in the regulation</td>
<td>State option to be “sufficiently rigorous” to options spelled out in regulation</td>
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<td>Years needed to identify consistently underperforming subgroups</td>
<td>States must base determinations of consistently underperforming subgroups on 2 years worth of data</td>
<td>States may use more than 2 years worth of data based on demonstration of how longer timeframe will support low-performing students</td>
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<td>School Improvement minimum grant amounts</td>
<td>States required to make grants of $500,000 to comprehensive support schools and $50,000 to targeted support schools</td>
<td>States permitted to adjust grant sizes based on school’s size, identified needs, and selected interventions</td>
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<tr>
<td>Indicator</td>
<td>Regulatory Requirement(s)</td>
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<tr>
<td>Academic proficiency as measured through assessments</td>
<td>• Must equally weight reading or ELA and math</td>
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<td>High school graduation rate</td>
<td>• 4 year cohort rate/or extended rate based on state discretion</td>
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<tr>
<td>Elementary/Middle school indicator</td>
<td>• Growth or another academic measure</td>
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| Progress towards English language proficiency (ELP)                      | • Must use objective and reliable measure of progress;  
• Not included for schools with number of English learner students below state’s N size                                                                                                                        |
| School quality or student success                                        | • Does not have to be different from other indicators in state’s accountability system;  
• Cannot change the status of identified schools w/o significant progress on at least one other indicator (mechanism for ensuring other indicators have “much greater weight,” as required in statute);  
• Progress must be likely to increase student learning;  
• Must aid in the meaningful differentiation of schools.                                                                                                           |

**Note:** all indicators must include at least 3 levels of performance
“Super subgroups” are not permitted to replace use of individual subgroups;
N size must be less than 30 or must be approved by ED. Lower N sizes are permitted for reporting purposes;
Students formerly identified as students with disabilities may be counted in such subgroup for up to 2 years; and,
Former EL students and students with disabilities who continue to be counted in the EL subgroup must be included as part of subgroup N size.
States may use one of four methods to respond to test participation rates that fall below the 95 percent threshold:

- Lower summative performance rating
- Lowest performance level on academic indicator
- Identified for targeted support and improvement
- State determined action that is "sufficiently" rigorous and described in the State’s plan

Schools not meeting the 95 percent participation requirement are required to develop an improvement plan that is approved and monitored by the local educational agency.
Questions (so far)?
# Identification

<table>
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<th>Timing</th>
<th>Comprehensive Support and Improvement</th>
<th>Targeted Support and Improvement</th>
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<tr>
<td>• Identification under new accountability structure must take place for 2018-19 school year, based data available in 2016-2017 and 2017-2018 school years.</td>
<td>• Data can be averaged over a period of up to 3 years</td>
<td>• Requires the establishment of a uniform, statewide methodology for identification of consistently underperforming subgroups that meets all of the following:</td>
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<td>• Identification of chronically low-performing subgroups does not have to take place until 2019-20 school year.</td>
<td>• Identification must take place at least once every 3 years</td>
<td>• Considers performance among the subgroup for no more than 2 years, or longer timeframe if State demonstrates this will enable attainment of State’s long term goals;</td>
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<td>• Requires that states use four-year adjusted cohort graduation rate (excludes use of extended year graduation rate)</td>
<td>• Is based on all the accountability indicators, consistent with weighting requirements.</td>
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<td>• Defines such subgroups in a uniform manner across all LEAs in the State through a statewide definition, or whether the subgroup is (1) meeting at least one of the State’s interim progress measures, (2) not on track to meet at least one of the long-term goals, or (3) performing below a State determined threshold on an indicator without long-term goals.</td>
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**Note:** all schools must receive a single, summative rating among at least 3 categories
State-determined interventions in schools must be supported “to the extent practicable” by the strongest level of evidence.

States may provide a state-approved list of intervention strategies.

The implementation of school improvement plans may provide for a planning year.
State Report Cards

- Regulation provides “data dashboard” as one example of how to report data.
- In addition to the reporting requirements included in the statute, states must also include, for each authorized public chartering agency in the state:
  - The percentage of students in each subgroup in each charter school, compared to the percentage in the LEA from which the school draws a significant portion of its students;
  - Academic achievement for each charter school, compared with the achievement in the LEA
- State report cards must be disseminated by December 31 of each year
- Student achievement data must be presented in two ways:
  - Based on either the 95 percent of students or the number of students actually assessed; and
  - Based on the number of students with a valid test score
- States must report postsecondary enrollment data by high school if obtaining it. If states are not collecting and reporting this data, they must say when they will start reporting.
Questions (so far)?
Consolidated State Plans

Components

- Consultation and Performance Management
- Academic Assessments
- Accountability, Support, and Improvement for Schools
- Supporting Excellent Educators
- Supporting All Students

Submission and Review

States have the option to submit by either April 3 or September 18, 2017.

Review (and any necessary revision) of state plans is required to take place at least every four years.
Description of state strategies for ensuring the low-income and minority children are not taught disproportionately by ineffective, out-of-field, or inexperienced teachers.

Description of state strategies for supporting:
- The continuum of a child’s education from preschool through grade 12;
- Equitable access to a well-rounded education and rigorous coursework;
- School conditions for learning; and,
- The effective use of technology.

Description of the process a state will use to waive the 40 percent schoolwide threshold.

Description of the entrance and exit procedures for EL students.

Key Content
Questions?
Overview of Final Regulations: Accountability and State Plans

Please send any additional questions to Peter.Zamora@ccsso.org

ESSA resources available at www.ccsso.org/ESSA