DELAWARECAN

ESSA STATE PLAN FEEDBACK

A SNAPSHOT OF FEEDBACK FROM THE U.S. DEPARTMENT OF EDUCATION

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What is the Every Student Succeeds Act? [1],[2]

In December 2015, President Obama signed the Every Student Succeeds Act (ESSA) into law. ESSA became the nation's major federal law governing schools, replacing what many consider the prescriptive requirements of the No Child Left Behind Act of 2001 (NCLB). ESSA is the most recent reauthorization of the federal government's K–12 law, the Elementary and Secondary Education Act (ESEA), which was passed in 1965 and is considered the first major step towards ensuring all students have a quality education, regardless of race, zip code, language proficiency or disability.

Under ESSA, much of the decision-making authority is left to states and local school districts; the law includes a number of meaningful levers that advocates can use to advance educational equity. The law allows states and local districts to develop plans addressing "challenging academic standards" (what children are required to learn), testing or assessments, school and district accountability (including school ratings) and special help for low-performing schools and specific groups of students.

Delaware submitted our state ESSA plan on April 3, 2017, after months of outreach and having received more than 1,000 comments from community members and other education stakeholders. DelawareCAN worked with more than 20 community and business organizations in Delaware to provide a series of recommendations[3],[4],[5] on the state's ESSA plan. On June 13, 2017, the state received initial feedback and peer review notes on the content of our state ESSA plan from the Department of Education ("the Department"), and was asked to re-submit their plan within 15 days (June 28, 2017).[6]

Feedback Highlights

The Department provided feedback on multiple parts of the state's ESSA plan; some highlights from their interim feedback letter[7] and peer reviewer comments appear below:

- **Unambitious long-term goals:** The Department believes Delaware's proposal to increase student proficiency across subgroups by 50 percent in the long-term is not ambitious enough, as this would result in some subgroups with less than half to two-thirds of students achieving proficiency by 2030. The Department also highlights issues with the state's proposal for long-term graduation and English learner proficiency rates.

- **Combination of subgroups:** The Department is concerned Delaware combines racial and ethnic subgroups in some parts of its plan (e.g., *"White, Hawaiian/Pacific Islander" and "Asian, Hispanic"*). Additionally, the Department is concerned about super-subgroups (which are supposed to be prohibited under the law) and whether or not the state is employing them (e.g., if a student is African American, has a learning challenge and qualifies

1 EdTrust, "The Every Student Succeeds Act: What's in It? What Does It Mean for Equity?", January 13, 2016, accessed April 26, 2017, https://edtrust.org/resource/the-every-student-succeeds-act-whats-in-it-what-does-it-mean-for-equity/.
2 Center for American Progress (CAP), "Implementing the Every Student Succeeds Act", January 29, 2016, accessed April 26, 2017, https://www.americanprogress.org/issues/education/reports/2016/01/29/130115/implementing-the-every-student-succeeds-act/.

3 ESSA Coalition Letter to former Secretary of Education Steven Godowsky, October 26, 2016, accessed June 26, 2017, https://www.scribd.com/document/329006111/An-Open-Letter-to-Delaware-s-Secretary-Godowsky-on-ESSA.
4 ESSA Coalition Letter to former Secretary of Education Steven Godowsky, January 6, 2017, accessed June 26, 2017, https://www.scribd.com/document/342079274/2nd-Letter-to-Delaware-Dept-of-Education-on-the-Every-Student-Succeeds-Act.
5 ESSA Coalition Letter to Secretary of Education Susan Bunting, March 20, 2017, accessed June 26, 2017, https://www.scribd.com/document/352277801/ESSA-Coalition-Final-Recommendations-3-20-17.
6 Delaware may request an extension to this deadline; however, the Department has indicated it could result in a delay of their written determination within the 120-day review period as outlined under ESEA.
7 United States Department of Education, "Interim feedback letter", June 13, 2017, accessed June 23, 2017, https://www2.ed.gov/admins/lead/account/stateplan17/deprelimdetermltr.pdf.

for a free lunch, then that student should be placed in 3 subgroups as well as the all student group). The concern is that this could make it harder to detect disparities and equity gaps across student subgroups.

- **Academic indicators:** The Department expressed concern over the state using social studies and science proficiency as "academic indicators" for high schools, since the Department suggests only mathematics and reading should be used. Additionally, the Department expressed concern with the state using advanced placement (AP) and International Baccalaureate (IB) courses as an indicator of college and career readiness. Not all schools offer these programs and the percentage of students participating in these classes could be quite low. The Department asked the state to chose an indicator that is applicable statewide.

- **Exit criteria for lower-performing schools:** The Department has asked the state to describe statewide exit criteria for lower-performing schools. The proposed plan states that the Delaware Department of Education (DDOE) will negotiate exit criteria with individual schools and their districts. Peer reviewers noted, "there is concern that individually negotiated exit criteria means that there isn't standardized communication or expectation for student academic performance statewide."[8] Peer reviewers also stated, "the additional interventions do not appear as if they would likely be sufficient to dramatically improve student performance," regarding Delaware's proposed plan to address lowest performing schools that fail to meet exit criteria after four years.

- **School accountability system indicators:** The Department requested additional information about Delaware's plans to change its student growth model and about how much each indicator will weigh in the state's accountability system.

Next Steps and Opportunities

ESSA continues to present opportunities for local education advocates to push for excellence, equity and transparency. In re-submitting the state ESSA plan, some of the items the DDOE should consider are below:

- Ensure all appropriate subgroups are listed and there are no super-subgroups. It is important that policymakers, families and community members have access to quality information about any disparities across student subgroups.

- The Department expressed concerns that the DDOE's goal would mean certain subgroups have less than half to two-thirds of students achieving proficiency by 2030. DDOE can strengthen the ESSA plan by articulating the year by which it expects larger proportions of students in these subgroups to reach proficiency. The DDOE can look to Washington, D.C.'s plan as an example of this. As the Delaware ESSA coalition remarked in its final letter, the DDOE can, "articulate significantly steeper growth trajectories for historically underperforming student groups such that gaps close at a specified time in the future and all students are held to the same long-term high expec-

8 United States Department of Education, "Peer Review Panel Notes: Delaware", April 5, 2017, accessed June 27, 2017, https://www2.ed.gov/admins/lead/account/stateplan17/depanelnotes.pdf.

tations and high standards." Ultimately, it is most important for the DDOE to be clear about what happens if these long-term goals are not met. Otherwise, they might simply become a compliance exercise.

- To accelerate English language proficiency, the DDOE could consider reducing the maximum number of years that students are allotted to attain proficiency from six years to four or five years. In doing so, the number of students reaching proficiency would be more ambitious per the Department's request.

- DE has articulated a plan to include social studies and science scores as academic indicators because the state recognizes students' need for a comprehensive, more well-rounded education. We support the DDOE's attempt to treat the law as a floor instead of a ceiling.

- For the state's college and career readiness indicator, the DDOE should keep the AP and IB indicators as they are widely considered college readiness benchmarks. The DDOE should provide the Department with additional context about their decision so they can stay the course in this area.

- In addition to providing the Department with more information about growth models, indicators and weights in Delaware's school accountability system, the DDOE should make sure a diverse set of stakeholders are consulted to determine these important details.

- Before the DDOE submitted its ESSA plan in April, Delaware's ESSA Coalition recommended the following about the state's exit criteria: *"Provide clear, consistent, and publicly transparent expectations for exit criteria from CSI and TSI status. For example, require schools reach their annual progress targets, based on the overall goals under ESSA, for two years in a row in order to be exited from status."*

Overall, Delaware is one of only a few states that has received feedback from the Department on their state ESSA plan. The state's actions will set a precedent for how other states will engage with the Department. There are areas where the same feedback from the Department on Delaware's state ESSA plan will likely occur with other states. The manner in which Delaware decides to hold its ground or significantly alter its state plan will provide insight into how much agency the Department will ultimately provide states.