

January 8, 2016

Mike Kirst, President
California State Board of Education
1430 N Street, Suite 5111
Sacramento, CA 95814

Via email only (sbe@cde.ca.gov)

*Re: LCFF Equity Coalition Comments re: Developing a New Accountability System/
LCFF Evaluation Rubrics/Every Student Succeeds Act (ESSA) – January 2016 Board
Meeting Items 1 and 2*

Dear President Kirst:

We represent a coalition of civil rights, advocacy, community, parent, student and other organizations who have worked diligently on passage and implementation of the Local Control Funding Formula (LCFF). LCFF creates an historic opportunity to focus resources on helping California's neediest students overcome the barriers they face in closing the achievement gap and graduating college and career ready. It also promises a new level of transparency and local engagement for parents, students, and community members in the design of their local schools. As you know, in an effort to give life to these objectives, we have commented jointly multiple times over the last year regarding the State Board of Education's LCFF regulatory proposals and evaluation rubrics/accountability system items.

On December 17th last month we sent the State Board a letter urging the Board to adopt a coherent state/federal accountability system that integrates both LCFF and ESSA requirements and avoids the dual system of accountability experienced under the prior API/AYP systems. (See attached December 17, 2015 letter.) We applaud the recommendation of staff in the above board agenda items to do exactly that—create a single, coherent state/federal accountability system—and we again urge the Board to do so.

We also set forth in our December 17th letter recommendations for how such an integration between ESSA and LCFF might be accomplished. We hope the Board and staff will consider those suggestions in the coming months as you proceed forward with this important task. We write here to reiterate a few key points and to raise a few key questions that arise from the attachments to Items 1 and 2 for the January 2016 Board meeting.

I. Include an Equity Dimension in LEA/School Performance Judgments

We continue to believe that “equity” performance must be incorporated into the high-level reflection of overall performance at the LEA and school level and not simply “outcome” and “improvement”. **No LEA's overall performance should be deemed acceptable if it is masking significant inequities in subgroup outcomes or growth.** The draft matrix in Item 2 (at Attachment 2, page 2) continues to reflect a recommendation from staff that overall performance judgments (Excellent, Good, Emerging, Issue, Concern) be based on the two dimensions of Outcome and Improvement. We understand from staff that subgroup Outcome and Improvement performance will also be displayed in the Evaluation Rubrics, but it does not appear that performance gaps between given sub-populations and the majority populations will play any part in informing the LEAs' or the schools' overall ratings in those two dimensions. Thus, we continue to believe that, in order to fulfill one of LCFF's primary goals by reducing historical achievement gaps that a third “Equity” dimension should be added to the top-level

rubrics display alongside “Outcome” and “Improvement” and included in the overall performance rating for the school or LEA. Our December 17th letter provides a sample mock-up of an Evaluation Rubrics top-level display that incorporates such a third equity dimension. (See page 6 of 9.)

II. Determine Equity Gaps in Alignment with ESSA Approach

A related point concerns how to properly measure equity gaps. We have consistently heard from presentations to the Board that equity gaps in the aforementioned subgroup displays will be determined based on how a given subgroup performs (*e.g.*, English Learners) as compared to how All students perform. However, as the “All students” group includes ELs too, this comparison may either understate or overstate the size of the gap that exists. The proper way to measure a gap is to compare the subgroup performance against a group of students who do not include the target subgroup (*e.g.*, ELs vs. non-EL performance, economically disadvantaged students vs. non-economically disadvantaged students, etc.). ESSA calls for equity gaps to be measured this way and we strongly urge the Board to follow the ESSA approach to ensure full alignment between the state and federal systems. (See, *e.g.*, Item 2 at Attachment 1, page 8 requiring State Plans that, among other things, disaggregate subgroup achievement data so that “Economically disadvantaged students [are] compared to students who are not economically disadvantaged” and “Children with disabilities [are] compared to children without disabilities”.)

III. Include Community Stakeholders More Broadly in Accountability System Development as ESSA Requires

We believe that community stakeholders—since they most closely represent the prime beneficiaries of our state’s public school system—should be more involved in the development of the state’s new accountability system. This should be corrected to align with ESSA’s requirement that State Plans be developed in consultation with stakeholders. Three examples arise from the attachments to Items 1 and 2. First, the timeline documents in both agenda items reflect an overarching bias to heed feedback on the evaluation rubrics primarily from the state actors that comprise the public school system and only secondarily, if at all, from other stakeholders, including the actual students and parents who are to be served by that system. (See Attachment 1 to Item 1; Attachment 3 to Item 2, July 2016 entry for LCFF Evaluation Rubrics Development: “Finalize evaluation rubrics based on guidance from the SBE, feedback from local educational agencies (LEAs), county offices of education (COEs) and *as appropriate* input from stakeholders.”)

Second, where ESSA includes “practitioners” as one of the types of stakeholders that must be consulted in developing State Plans, Item 1 unduly narrows the practitioners to be consulted to the handful of individuals who sit on the (largely inactive) Title I Committee of Practitioners. At a minimum, representatives from the LCFF Equity Coalition should be appointed to the Committee of Practitioners. However, surely there are many more practitioners in the State who can and should be consulted in California’s ESSA State Plan development. We think the State Board should create more concrete, structured procedures for stakeholder input generally that more fully captures community and practitioner feedback than currently exists with respect to development of the state accountability system.

Third, the User Acceptance Testing (UAT) should include parent and community stakeholders and not solely LEA personnel. Parent and community input into the UAT process and the evaluation rubrics development is critical to ensure the rubrics are understandable to a lay audience, and even more importantly, to ensure that the rubrics hold schools and districts accountable in ways that make sense externally, *i.e.*, **to the broader public**, and not just internally, *i.e.*, to those who will be judged by the new system.

Questions Concerning the Recommended Integration of ESSA and LCFF Frameworks

1. How is the Proposed Quality Standard Intended to Actually Work in Practice and What Would Additional School-Level Data Reveal About Operationalizing the Standard?

We appreciate the graduation rate analysis presented in Item 2, Attachment 2. It is helpful to see the distribution of graduation rates across LEAs and a proposal for what California might consider to be “Very High,” “High,” etc. graduation outcomes.

However, it remains unclear what standard, or what graduation rate, a district or school will be expected to achieve. A standard typically implies a threshold or level that schools are encouraged to reach. Because the SBE has not yet considered a proposal for how the quality standards will be related to “meaningful differentiation” (as required under ESSA), technical assistance, or intervention, it is impossible to know whether the quality standards under consideration are reasonable or ambitious. Does the quality standard (for instance, the proposed 90% graduation rate) represent a desired target? What happens if that target is reached, or if it is not reached? At what level of performance do technical assistance and intervention kick in? If “Intermediate” or even “Low” is the range in which districts and schools escape scrutiny, does that mean that the quality standard is actually 83% or even 79%, not 90%?

We encourage the State Board to request proposals that map the quality standards to the ESSA requirements for meaningful differentiation, technical assistance, and intervention. Because ESSA demands that this happen for schools (as well as subgroups within schools), we also believe it important to see data runs conducted at the school level, not just the LEA level. In addition, we would like to see how many schools and districts would fall into each classification. Specifically, we would like to see:

- Graduation rate deciles on 3-year outcomes and 3-year improvement, by school
- Graduation rate deciles for these same measures, by subgroup
- An analysis of how many schools and districts would fall into each of the 5 classifications (Excellent, Good, Emerging, Issue, Concern)

2. Do the Performance Bands Skew Toward an Over-Inclusive Mediocrity?

As noted, more information is needed to understand precisely the staff’s current recommended proposal for setting quality standards using the graduation metric as an example. That said, we suspect that some meaningful significance will inure to LEAs and schools rated “Intermediate” as opposed to “Low.” If correct, the specific proposal raised concerns for us that the performance bands for Outcome and Improvement may skew so low as to rate performance that is substantially below average as “Intermediate” and therefore acceptable—thereby reinforcing the current status quo, including with respect to sub-group performance. Specifically, Item 2, Attachment 2 (at page 5) recommends defining “Intermediate” performance on Outcome and Improvement as graduation rates falling in the 30th to the 59th percentile range, with graduation rates as low as 83.3%.¹

¹ Indeed, it is hard to understand how a performance band could be referred to as “Intermediate” when it does not actually fall “in the middle,” “midway” or “halfway” in between the two ends of the performance continuum but, where instead, as proposed, two thirds of the band falls below the median.

Defining the 30th, 35th, or 40th percentile of the distribution as acceptable is the antithesis of a continuous improvement model. Instead, we believe that **the SBE should establish quality standards that are aspirational yet achievable, i.e., that establish expectations for performance above the average and certainly above the 30th percentile in ways which will productively spur LEAs toward continuous improvement.**²

3. What Improvements in Reporting and Data Systems Are Needed in California if the New LCFF Accountability System is also to Comply with ESSA?

In order to comply with ESSA for use in the statewide accountability system, metrics must be based on data that is: (a) collected statewide, (b) comparable statewide, and (c) capable of being disaggregated by subgroup. A great many of the metrics required by LCFF under the eight state priorities and which have been discussed as possible Key Indicators in the Evaluation Rubrics do not meet this standard. Attendance data, for example, cannot currently be disaggregated by subgroup in California. The State Board should ask staff to do a systematic analysis of what additional reporting and data systems would be needed and for which metrics in order to fully operationalize the desired coherent LCFF/ESSA state accountability system.

4. How Will the State Articulate Its New Role in Identifying Schools in Need of Comprehensive Support and in Approving & Monitoring LEA Interventions?

We feel it imperative to highlight a significant new State role in the accountability system that ESSA requires but which LCFF and current state legislation do not. As acknowledged by staff in Item 2 (Attachment 1 at page 6), ESSA requires states to annually notify LEAs of schools that are identified for comprehensive support because they are low-performing and requires that LEAs develop and implement a comprehensive and support improvement plan for each such school. Further, states must approve each of these LEA improvement plans and then monitor the intervention. How schools will be identified as in need of comprehensive support using the evaluation rubrics, by what standards and processes the State will review and approve LEA plans, and how the State will effectively monitor LEA interventions (and, presumably, improve deficient interventions) are major new questions for the State Board and the Legislature to address in the coming months with the input of key stakeholders.

Thank you for the opportunity to comment. We look forward to continuing working with the State Board of Education to realize the full promise of LCFF for our neediest students.

Sincerely,

John T. Affeldt
Managing Attorney
Public Advocates inc.

² Note, this suggestion is not meant to equate the failure to obtain the aspirational standard with automatic intervention and adverse consequences. The most serious interventions and consequences should be reserved for those LEAs that are the furthest from the quality performance standards and have the most issues of concern for multiple subgroups. The remaining LEAs who have yet to achieve a standard should be focused on what they need to do to improve to attain that level of performance.

Marvin Andrade
Leadership Development Director
Asian Americans Advancing Justice | Los Angeles

Jan Gustafson Corea
CEO
The California Association for Bilingual Education (C.A.B.E.)

Oscar E. Cruz
President and CEO
Families In Schools

Nayna Gupta
Racial Justice Fellow/Staff Attorney
ACLU of California

Jesse Hahnel
Executive Director
National Center for Youth Law

Taryn Ishida
Executive Director
Californians for Justice

Brian Lee
State Director
Fight Crime: Invest in Kids California

Bill Lucia
President & CEO
EdVoice

Kenneth Magdaleno, Ed.D.
Executive Director
CLEAR (Center for Leadership, Equity and Research)

Pecolia Manigo
Associate Director
Parent Leadership Action Network

Katy Nunez-Adler
OCO Organizer
PICO California

Luis Santana
Executive Director
Reading and Beyond

Araceli Simeón
Project Director
Parent Organization Network

Ryan J Smith
Executive Director
The Education Trust – West

Shelly Spiegel-Coleman
Executive Director
Californians Together

Samantha Tran
Senior Managing Director, Education Policy
Children Now

David Valladolid
President & CEO
Parent Institute for Quality Education (PIQE)

cc: Members, California State Board of Education
Karen Stapf Walters, Executive Director, California State Board of Education
Judy Cias, Chief Counsel, California State Board of Education
David Sapp, Deputy Policy Director and Assistant Legal Counsel
Nancy Brownell, Senior Fellow, Local Control and Accountability
Michelle Magyar, Local Control Funding Formula
Jeff Bell, Department of Finance
Cathy McBride, Governor's Office
Jannelle Kubinec, Director of National, State and Special Projects, WestEd