

May 1, 2020

Dr. Linda Darling-Hammond, President
California State Board of Education
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Sacramento, CA 95814

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

LCFF Equity Coalition Comments re:

- *Item 2: Update on Implementation of Integrated Local, State and Federal Accountability and Continuous Improvement System: Updated CDE Work Plan, New Color Schemes, Updates on Revisions for College and Career Indicator for CA School Dashboard*
- *Item 3: Ratifying Waiver of Federal Funding Flexibility Requirements Pursuant to ESSA*

Dear President Darling-Hammond and State Board Members:

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 seven years regarding the State Board of Education's LCFF regulatory proposals and accountability system items. We are committed to strengthening California's current K-12 school funding and accountability system to realize its promise of creating a more equitable school system.

Since the last Board meeting the COVID-19 crisis has turned a glaring spotlight on the existing inequities in California's public schools. Worse, this pandemic is exacerbating those inequities in its unequal impact on our most vulnerable students and their families, especially students of color, low-income students, English learners, foster and homeless youth, and students with disabilities. We appreciate the leadership and swift efforts of the Administration, the State Board and the California Department of Education (CDE) to provide guidance to local districts as they work to implement our "new normal" of public schooling. However, a laissez-faire approach that allows districts to decide what their priorities are and how to implement them without some measure of continued oversight and accountability risks disregarding the needs of the most vulnerable populations, those least likely to participate as active stakeholders and demand accountability under our new system. Our understanding of this reality informs our comments and recommendations below.

- **Item 2** – *Update on Implementation of the Integrated Local, State and Federal Accountability and Continuous Improvement System*

CDE's updated Work Plan

Need to Establish Priority 1 Objective Criteria by January 2021 – We note that an activity not on the work plan for 2020 concerns the establishment of objective criteria for the teacher standard under Priority 1 as well as any other local indicators with appropriate statewide data as called for in the 2019 Budget Trailer Bill (SB 75). We raised a concern over the absence of this issue from the 2020 Dashboard workplan in our March comments to the State Board. Staff, acknowledging its absence as an oversight, discussed the matter in presenting the work plan in the oral presentation to the Board. The need for further work on this piece was also

included in the Chair's summary comments at the conclusion of the item. We are currently in conversation with staff about meeting in May to begin discussion on possible ways to implement the budget trailer bill provision with respect to teacher standards under Priority 1 and look forward to supporting this effort with staff, the Board and other stakeholders. *We do not want to lose the urgency in this effort and again urge formal inclusion of work to implement SB 75 (see Educ. Code Section 52064.5(e)(2)) into the Dashboard workplan for the coming year.*

English Learner Progress Indicator (ELPI) – *We reiterate our request that the Board direct CDE to convene stakeholders to revisit the methodology and cut scores for ELPI and that this be done much sooner than November of 2021 as implied by CDE's proposed work plan. We request now that the ELPI cut scores be revisited and revised by fall of 2020 so that new, more appropriate cut scores can be adopted and expectations set by the Board as soon as possible.* The approximately 300,000 ELPI test results generated thus far this year (about one-third of the relevant population) can be used to inform this process.

We understand the need to delay the publication of the California School Dashboard overall in 2020. Indeed, the Equity Coalition submitted a letter in support of CDE's request to the U.S. Department of Education to waive state assessments for one year to meet ESSA accountability. Because the Dashboard will not be published until December 2021, there is adequate time to study this issue. We were relieved that the Board expressed interest in revisiting this at the March meeting but see no reason to delay work on this until next year in November 2021.

We have expressed our concern many times that the Dashboard appears to be identifying as consequentially low-performing (*i.e.*, potentially triggering Differentiated Assistance) only a small number of mainly outlier LEAs with few English learners and not capturing the full scope of LEAs struggling with EL progress in the state. We note that members of the Committee of Practitioners Advisory Group (CPAG) also had concerns about ELPI cut scores and the potential for masking under-performance.

It is your responsibility as the State Education Agency (SEA) under the federal Equal Educational Opportunity Act (EEOA) to take *affirmative* steps to help students overcome language barriers. Obviously, not every district with English learners deserves a Tier 2 or greater intervention simply by virtue of having ELs less than fully proficient in English and not meeting academic standards. But we remain very concerned that the proposed ELPI indicator, by failing to register lack of progress of nearly all ELs in the state, is understating the additional support needed by LEAs and falling short of the State Board's EEOA obligation.

Stability of State Indicators (Revised Color Scheme for State Indicators)

We appreciate CDE staff informing us that this item is being removed from the agenda for further analysis. That action is consistent with our recommendation at this time.

As to the issue the item is addressing, we agree with CDE that there is volatility in the number of schools that change performance colors every year often based on outcomes for a small number of students and, further, that this instability is not healthy for the accountability system and should be remedied. However, we did not see staff's recommendation as a small technical adjustment ripe for adoption at this time. While perhaps not the intended goal of the stabilization proposal, the proposed CDE modification would substantially reduce the number of schools identified as red or orange and substantially increase the number identified as yellow and green on key indicators. Similarly, these changes would impact both the number of districts identified for support and assistance based on subgroup performance and the schools identified for assistance under the federally required CSI and ATSI supports. *We are concerned that the adjustment, as proposed, may unduly lower standards and believe that, as such, it calls out for further and more detailed analysis.*

Figure 1 summarizes the impact that the suggested change in the 5x5 color rating matrix would have on what color schools would be rated by comparing the color ratings under the current methodology and the color ratings that schools would receive under the proposed new methodology. The figure shows that there would be a significant decrease in the number of schools rated red or orange, and a significant increase in the number of schools rated yellow and green. For example, for suspension rates, there would be 187 fewer schools rated red (a 26% decline in the number of schools rated red) and 993 fewer schools rated orange (a 47% decline). The color change would increase the number of schools rated yellow by an additional 771 (51% increase) and 410 additional green ratings (18 % increase).

**Figure 1. Impact of the Proposed Revision to the 5x5 Color Ratings
(The Percent Change in the Number of Schools Rated in Each Color Rating)**

Color Rating	Suspension Rates	Chronic Absence Rates	Graduation Rates	College/ Career Indicator
Red	-26%	-49%	0%	-5%
Orange	-47%	-13%	-77%	-42%
Yellow	51%	45%	6%	40%
Green	18%	20%	33%	18%
Blue	0%	0%	0%	0%

Among our concerns with the proposal is that it did not include any analysis of its implications with respect to specific student subgroups. The focus on examining and responding to inequitable impacts on specific student groups is one of the driving principles of our integrated accountability system. This data should be reviewed by stakeholders and SBE before any final vote on this item. We appreciate the fact that staff, in pulling the item, have acknowledged the need to examine the proposal’s impact on specific student subgroups. Similarly, staff should specifically analyze and share with the Board and the public the impact on specific student groups of other alternatives considered.

We would also like to see other alternatives explored and thoroughly analyzed with the objective of reducing volatility while maintaining support to truly needy schools and districts. The staff proposal considered one alternative approach – namely using the 3x5 matrices currently used for small schools and rejected that alternative. We are not surprised by this. Fundamentally, a problem with using the small schools approach here would be that the 3x5 matrix can render the “Declined” and “Increased” columns too sensitive to small changes and be highlighting what are actually statistically insignificant changes, at least for some indicators.¹

One different alternative to consider is whether the small schools 3x5 matrices eliminate the wrong columns. In other words, instead of combining columns 2 and 4 with the outer columns (1 and 5), we would encourage the Board to explore a 3x5 matrix that effectively collapses the middle 3 columns (Increased, Maintained and Declined) into a new wider Maintained column. Thus, the remaining three columns would be Declined Significantly, Maintained, and Increased Significantly.² Such an approach may well lead to greater stability in color ratings and is worthy of investigation.

¹ For example, with suspension rates, the “Declined” and “Increased” columns start at changes of 0.3% change. This small change means that for an elementary school with 333 students or less, one less suspension from the prior year will result in a school earning a “Declined” change rate and having their color rating “downgraded.” Changing a school’s color rating based on 1 additional or fewer number of suspensions is too sensitive and creates instability in the system.

² For suspension rates, this would mean that for changes less than 2% a school would be in the Maintained column, and that a school color rating would only change if there were greater than a 2% year-to-year change.

In sum, more analysis of alternatives and implications needs to be done before making such a major change to the state's school accountability system. Given the certain delay of the next operative Dashboard until the Fall of 2021, there is ample time for the Board and the CDE to give further consideration to this important change. We appreciate CDE staff pulling this item from the agenda at this time to pursue further analysis. *We hope that further analysis will consider both alternative approaches and detailed analysis of the impacts of any proposal on specific student subgroups in addition to the overall implications for schools and LEAs.*

We want to reinforce here that we see the System of Support as providing LEAs with resources to better support struggling students, not as penalizing LEAs. As such, we are keenly interested in seeing the system properly identify the districts and schools in need of support and providing that support. Before we redefine accountability to fix one problem, let us make sure we are not creating another by unduly undermining the System and reducing the support available.

Updates on Revisions for College and Career Indicator

First, we reiterate our concern that the CCI is being referred to as the "College/Career Indicator." This ambiguity departs from our last understanding that the intent is for this to be a College *and* Career Indicator. We appreciate the work by staff in collecting, analyzing and reporting additional measures for career readiness. However, similar to members of the CPAG, we look forward to additional information that clarifies the level of rigor and consistency in what is reported by this additional data.

To our minds, a food handling certificate is not an expectation that our public school system should be setting for an indicator that is intended to support students in preparing for *both* careers and college. We agree with the Alternative Schools Task Force and the CCI Subcommittee that the Food Handler certificate is not rigorous enough for inclusion in the CCI. We also did not see information in this agenda item that describes how these new career measures may be incorporated into the methodology and whether and how they provide readiness to a career *path*, for example if the plan is to weight them in the indicator. We are very concerned that some of the additional metrics do not set high expectations and look forward to more information presented at the Board meeting.

- ***Item 3: Ratifying Waiver of Federal Funding Flexibility Requirements Pursuant to ESSA***

Item 3 asks the Board to ratify the waivers that CDE and SBE have applied for and received from the U.S. Department of Education under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). We comment on the waiver allowing for flexibility in the (1) use of Title I funds, specifically allowing LEAs to carry over more than 15% of their Title I funds beyond the current 3-year limitation; and (2) definition of professional development. We offer these comments in the hope that they could be used to guide the implementation of these waivers.

Carry Over Title I Funds. We appreciate that this waiver would preclude any penalty LEAs might incur for not using their Title I funds this year because of the health crisis and their need to change their programs quickly. With the flexibilities that have been granted through these waivers and the general practice of allowing flexibility so LEAs can be responsive to the current needs of the health crisis, *we recommend that LEAs be reminded that Title I funds, whenever used, are subject to a "supplement not supplant" rule in the Every Student Succeeds Act (ESSA) section 1114(a)(3)(B).* The US Department of Education's waiver approval letter did not waive the "supplement not supplant" rule.

Understanding that many LEAs use LCFF supplemental and concentration funds for services and actions similar, but in addition, to those funded by Title I underscores the importance of keeping true to this requirement so that students in Title I schools receive state and local funds they would otherwise be entitled to if the school were not

receiving Title I assistance. This flexibility of using Title I funds should not be used as an excuse by LEAs to reduce their state spending on high-need students.

In addition, it is important that parents and the public understand the amounts of Title I funding that LEAs are not spending and carrying over into the next year. We recommend that CDE collect this information from LEAs and present it to SBE for transparency purposes. This will be informative and is now more important than ever for policymakers and the public to know how much Title I funding is being carried over as LEAs and the state address the fiscal downturn as a result of the health emergency.

Definition of professional development. The waiver of the definition of professional development in section 8101(42) of ESSA is for the 2019-2020 school year. We appreciate that this can allow LEAs to conduct time-sensitive, one-time or stand-alone professional development focused on supporting educators to provide effective distance learning, as the agenda item states. However, we recommend reinforcing that the majority of professional development should still meet the current definition—sustained, intensive, collaborative, job-embedded, data-driven, and classroom-focused. At this time, when we are redefining the roles of teachers in many ways, it is important to look to the educators themselves to help identify gaps in learning and strategies for addressing those gaps. In addition, professional development should be informed by communication with families and understanding of family circumstances in this very difficult time. We recommend that CDE provide guidance for LEAs for how they approach professional learning using many of the elements of the waived definition, particularly collaborative, job-embedded and data-driven, when possible.

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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,

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