

July 28, 2017

**Florida Association of District School Superintendents
ESSA State Plan
ESSA Waiver Request Document**

Comments

The Florida Association of District School Superintendents (FADSS) is pleased to comment on these proposed documents.

First, we appreciate Commissioner Stewart meeting with selected superintendents relating to the proposed state plan. We are pleased that she adopted many of our recommendations. Below are our comments.

ESSA Waiver Request

Recommendation: FADSS supports the ESSA Waiver Requests that are as follows:

- Report subgroup performance on the components of the school accountability system but base the calculation and grade on all students.
- Calculate the 95% tested threshold at the all students level, evaluate the individual schools' performance data if testing below 95% to determine if the school should receive a grade, and calculate achievement results based on the students tested.
- Use the English language arts assessment to measure English language learners' progress and do not add English language proficiency on the English language acquisition test (ACCESS for ELLs 2.0) measure to the school accountability calculation.
- Expansion of the 8th grade math exception from double testing to grades lower than 8th grade and to include Science.
- Waive the requirements surrounding providing native language assessments.

As is stated in the waiver request, Florida is a national leader in and has a proven track record of accountability. Education stakeholders, parents and community members understand Florida's accountability system. It serves Florida well. Without these waivers, the accountability system will become more complex and difficult for stakeholders, parents and community members to understand. These waivers ensure that Florida's accountability framework remains intact while also fulfilling the requirements of ESSA.

July 28, 2017

DRAFT ESSA State Plan

Title I – Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)

4. Statewide Accountability System and School Support and Improvement

i. Subgroups

c. Does the State intend to include in the English learner subgroup the results of students previously identified as English learners on the State assessments required under ESEA ... for purposes of State accountability...? Note that a student's results may be included in the English learner subgroup for not more than four years after the student ceases to be identified as an English learner.

The DRAFT ESSA State Plan intends to include students who have exited the English Language Learner program in the past **two years** in the English language learner subgroup.”

Recommendation: ESSA permits assessment results of an English Language Learner student to be included in the English Learner Subgroup for not more than four years after the student ceases to be identified as an English Learner. FADSS supports taking advantage of this flexibility and not limiting it to two years.

General Comments

The DRAFT ESSA State Plan does not reflect some of the input provided by superintendents earlier this year. Section 1111(c) relates to the Statewide Accountability System effective for the 2017-2018 school year. The DRAFT ESSA State Plan minimizes the differences between ESSA and Florida's accountability system but does not take advantage of or maximize the flexibility offered under ESSA. For example, superintendents generally support the extended-year adjusted cohort graduation rate and want to collaborate on setting a more rigorous long-term goal for such graduation rate, as compared to the goal set for the 4-year rate. The extended-year adjusted cohort graduation rate should be reconsidered.

In addition, ESSA requires an additional indicator that can be differentiated, related to performance, and is valid. This indicator may include student engagement, educator engagement, student access to and completion of advanced coursework, postsecondary readiness, school climate and safety, and any other indicator chosen by state. The DRAFT ESSA State Plan did not include an additional indicator such as student engagement, educator engagement, school climate and safety or another indicator. Selecting an additional indicator requires careful consideration and dialogue with stakeholders. Superintendents recommend that an additional indicator be explored with education stakeholders.

July 28, 2017

iii. Establishment of Long-Term Goals

The DRAFT ESSA State Plan establishes several aggressive goals. For English language arts and mathematics achievement, Florida's goal is to increase the percentage of students achieving grade-level or above performance by six percentage points in each subject area by 2020 from baseline performance in 2014-2015.

Florida has a goal to reduce the achievement gap by one-third between each subgroup in each subject area by 2020 from baseline performance in 2014-2015.

Florida has both an overall goal to increase its graduation rate by 7.1 percentage points and a goal to reduce the graduation rate gap among subgroups by one-third. Florida's long-term goal for the four-year adjusted cohort graduation rate is to increase the graduation rate by 7.1 percentage points from 2014-2015 to 2019-2020. An increase of 7.1 percentage points in Florida's graduation rate would raise the rate to 85 percent.

Florida has a goal to reduce the gap in graduation rates across subgroups by one-third from 2014-2015 to 2019-2020.

Florida's long-term goal for English language proficiency is closing the English language arts achievement gap between English Language Learners and non-English Language Learners by one-third between 2014-2015 and 2019-2020.

Recommendation: FADSS supports these long-term goals. However, as stated in the DRAFT ESSA State Plan, these are aggressive goals and will require focused resources and aggressive strategies. The Florida Legislature recently passed a provision that limits the ability of school districts to manage Title I funds.

The Florida statutory provisions:

- Freeze the threshold for identifying eligible schools.
- Limits the ability of districts to withhold funds to:
 - One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;
 - A necessary and reasonable amount for administration, which includes the district's indirect cost rate, not to exceed a total of 8 percent; and
 - A reasonable and necessary amount to provide:
 - Homeless programs;
 - Delinquent and neglected programs;
 - Prekindergarten programs and activities;
 - Private school equitable services; and
 - Transportation for foster care children to their school of origin or choice programs.

July 28, 2017

As a result of these statutory provisions, school districts may not be able to meet the goals established in the DRAFT ESSA State Plan. School districts will not be able to target funds to the lowest performing schools or the most needy schools. In addition, school districts will not be able to provide district-wide services that meet the needs of the most vulnerable students.

For example, school districts may not be able to reserve Title I funds at the districts level to attract and retain qualified and effective teachers in low performing schools.

Recommendation: The State Board of Education and the Commissioner should work with the Florida Legislature to have this language repealed. School districts need the flexibility that ESSA affords to target Title I resources to the lowest performing schools and any other areas identified in the school district's comprehensive needs assessment.

iv. Indicators

e. School Quality or Student Success Indicators – Page 17

Question: Not all combinations schools are middle and high schools. So, for a combination elementary and middle school should the total points be 1000 rather than 1100?

viii. Continued Support for School and LEA Improvement

c. More Rigorous Interventions – Page 22, etc.

According to the DRAFT ESSA State Plan (page 23), districts with schools that do not improve after two years of implementing a Turn Around Option Plan (TOP) are required to select a new turnaround option for State Board of Education approval. The remaining three options include the following:

- Reassign students to another school and monitor the progress of each reassigned student;
- Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or
- Contract with an outside entity that has a demonstrated record of effectiveness to operate the school. An outside entity may include a district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review of approval of the charter (s. 1008.33(4)(b), F.S.).

Section 1008.33(4)(a), F.S., also provides that the State Board of Education may allow a school an additional year of implementation before the school must

July 28, 2017

implement a turnaround option specified above (student reassignment, charter or contract with outside entity) if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation. This option of an additional year is not included in the DRAFT ESSA State Plan.

Moreover, schools are being forced to contract with a charter school without knowing whether the school has improved to a “C” letter grade.

Recommendation: The DRAFT ESSA State Plan should incorporate the provision in s. 1008.33(4)(a) that provides an additional year of implementation by the State Board of Education.

In addition, schools should be given a full two years to implement the TOP before being required to contract with a charter entity. The contract would occur in the third year. Otherwise, there is no incentive for the school to improve when the outcome will be a charter option or a contract with an outside entity regardless of improvement.

5. Disproportionate Rate of Access to Educators

HB 7069 prevents school districts from reserving Title I funds to attract and retain qualified and effective teachers.

Recommendation: The State Board of Education and the Commissioner should work with the Florida Legislature to have this language repealed. School districts need the flexibility that ESSA affords to target Title I resources.

B. Title I, Part C: Education of Migratory Children

Florida’s school districts will no longer be able to set aside funds on the district level to meet the needs of Florida’s migratory children. Therefore, the ability of school districts to meet the goals as set forth in the DRAFT ESSA State Plan will be made more difficult.

Recommendation: The new Title I language precludes districts from targeting resources on the district level to migrant students. Therefore, the State Board of Education and the Commissioner should work with the Florida Legislature to have this language repealed. School districts need the flexibility that ESSA affords to target Title I resources to the lowest performing schools and any other areas identified, including migrant students, in the school district’s comprehensive needs assessment.

July 28, 2017

C. Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk

Fortunately, Florida's school districts will be able to set aside funds on the district level for programs to neglected and delinquent students. However, school districts will not be able to set aside funds for at-risk students.

Recommendation: The State Board of Education and the Commissioner should work with the Florida Legislature to have this language repealed. School districts need the flexibility that ESSA affords to target Title I resources to at-risk students.

D. Title II, Part A: Supporting Effective Instruction

The DRAFT ESSA State Plan provides that Florida use its Title II, Part A funds for State-level activities to achieve its goal for educator quality, i.e., that every Florida teacher and leader is prepared, developed, supported and supervised by educators who make teaching better.

Florida's school superintendents continue to experience teacher shortages, particularly in high need areas in mathematics, science, foreign language and exceptional education. In addition, providing and sustaining incentives to encourage teachers to serve in low performing schools continues to be a challenge.

2. Use of Funds to Improve Equitable Access to Teachers in Title II, Part A Schools.

The DRAFT ESSA State Plan has an "n/a" by the requirement that funds be used to Improve Equitable Access to Teachers in Title I, Part A Schools.

Recommendation: This provision should be reconsidered and funds be targeted for this purpose.

3. System of Certification and Licensing

The DRAFT ESSA State Plan provides extensive data regarding the importance of and support for teacher certification and principal and school leader quality.

Recommendation: FADSS supports the efforts to increase teacher and principal quality. However, HB 7069 created s. 2002.333, F.S., relating to persistently low performing schools. This section creates schools of hope. A hope operator does not have to employ school administrators and instructional personnel that meet certification requirements. In other words, hope operators may employ non-certified teachers and administrators. Therefore, FADSS recommends that hope operators that employ non-certified administrators and teachers must not benefit from Title II, Part A funds.

July 28, 2017

6. Teacher Preparation – Page 40

Recommendation: There is a critical need to involve institutions of higher education related to high quality teacher preparation programs.

E. Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement

Recommendation: FADSS supports the provision in this section and the waiver relating to English Language Learners.

F. Title IV, Part A: Student Support and Academic Enrichment Grants

1. Use of Funds

According to the DRAFT ESSA State Plan, Florida will reserve ninety-five percent of the Student Support and Academic Enrichment (SSAE) program allocation for subgrants to LEA to use flexibly at the local level.

The remaining five percent will be used for administrative costs (one percent) and the remaining four percent will be used to support LEA activities and program.

Florida will disburse ninety-five percent of the Title IV, Part A, Subpart 1 funds via formula grant to LEAs submitting the state developed RFA.

Local Education Agencies (LEAs) must allocate:

- At least 20 percent of funds for activities to support well-rounded educational opportunities;
- At least 20 percent of funds for activities to support safe and health students; and
- No more than 15 percent for activities to support effective use of technology.

According to ESSA, LEAs must:

- Use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under section 4107 (well-rounded educational activities);
- Use not less than 20 percent of funds received under this subpart to support one or more activities authorized under section 4108 (activities to support safe and healthy students);
- Use a portion of funds received under this subpart to support one or more activities authorized under section 4109(a) (activities to support the effective use of technology), including an assurance that the local educational

July 28, 2017

agency, or consortium of local educational agencies, will comply with section 4109(b) (SPECIAL RULE.—A local educational agency, or consortium of such agencies, shall not use more than 15 percent of funds for purchasing technology infrastructure as described in subsection (a)(2)(B), which shall include technology infrastructure purchased for the activities under subsection (a)(4)(A).

Recommendation: The DRAFT ESSA State Plan should be amended to reflect that a portion of the funds may be used to support one or more activities and that the limitation of no more than 15 percent of the funds being used only applies to the purchase of technology infrastructure.

Additional Funding Issue – Mental Health Services

Florida’s school superintendents have seen a growing need for mental health services for students. The numbers of students who are “Baker Acted” or hospitalized for mental health treatment have increased. Student mental health needs are not being met.

Recommendation: The State should use a portion of their reserved funds to take a leadership roll in the area of mental health services. The state and LEAs should provide mental health services to:

- Foster safe, healthy, supportive, and drug-free environments that support student academic achievement, as described in section 4108, which may include:
 - Coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 4108(5)(F);
- Supporting LEAs to:
 - Implement mental health awareness training programs that are evidence-based (to the extent the State determines that such evidence is reasonably available) to provide education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health or the safe de-escalation of crisis situations involving a student with a mental illness; or
 - Expand access to or coordinate resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs;

G. Title IV, Part B: 21st Century Community Learning Centers (CCLC)

The DRAFT ESSA State Plan provides that two percent of the allocation will be reserved for state activities. Five percent will be used to contract with an external

July 28, 2017

agency to provide the required monitoring and evaluation of program and activities, etc. In addition, the funds under the five percent allocation will be used to conduct an annual risk assessment to monitor the subrecipients. The state will then reserve 93 percent of the allotment for each fiscal year for awards to eligible subrecipients. The amounts shall be at least \$50,000.

ESSA allows funds to be provided for “D” and “F” schools as well as for students who are in need of intervention and support. The DRAFT ESSA State Plan takes a more narrow approach and limits funding to only “D” and “F” schools. Therefore, whole categories of students and schools are being eliminated.

Section 4203 of ESSA states that in order to receive 21st CCLC funds the State must assure that it will make awards under this part to eligible entities that serve students who primarily attend (I) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d); **and** (II) other schools determined by the local educational agency to be in need of intervention and support; and (ii) the families of such students; Section 4204 states...will give priority to eligible entities that propose in the application to include schools which enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models.

By narrowly defining eligibility as only D and F schools, it appears that DOE is not complying with the ESSA Title IV assurance.

The following are concerns with the eligibility requirements established by DOE for the new cycle of 21st CCLC programs:

1. ESSA allows for the eligibility of any school the LEA deems is in need of intervention and support. However, DOE is limiting applications to only those that serve D and F schools. Assuming D and F designation relates to schools implementing comprehensive support and improvement activities or targeted support and improvement activities, this completely eliminates another allowable category of schools.
2. This narrow approach does not take into account ESSA’s emphasis on the whole child, supported by the language in Title I, Part A and in Title IV; which specifically allows for the consideration of:
 - Other schools determined by the LEA to be in need of intervention and support to improve student academic achievement and **other outcomes**;
 - Schools which enroll students who may be at risk for academic failure, **dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models.**
3. By allowing LEAs to only apply for D and F schools, DOE is limiting the ability of the local Boards and Superintendents to access a fund source that has been effective in their schools and communities. LEAs know their communities and their schools. They have much more data than DOE and are better suited

July 28, 2017

to determine schools that would meet one of the two criteria mentioned above and which is not even addressed with a narrow eligibility requirement of D or F.

4. By limiting the pool of eligible schools to only D and F, DOE excludes all other schools and students from consideration. Schools, other than D and F, which the LEA identifies as in need should be included and are a part of the ESSA Title IV State Education Agency (SEA) assurance.
5. The State has created a barrier to sustainability and stability by limiting the schools which can be served to only D and F schools. Where is the safety net for schools that improve to a C after 3 years? DOE has indicated that at the end of the guaranteed 3 year grant period, all schools that have improved their school grade to an A, B or C grade must be dropped from the grant. This would not provide sufficient time to notify the community by the time school grades are released. This would interrupt services, cause confusion to students and the community, and remove a safety net for an already fragile school. Rather than saying, "Congratulations for a job well-done and we will keep your safety net there for two more years", the State would be penalizing programs for doing a good job and improving student and school performance.

This change in eligibility requirements for 21st CCLC came as a surprise to all of the current program providers, especially to those that are in their fifth year and up for renewal. ESSA shifts control from the federal level to the state **and local** level. This is a loss of local control at the local level.

Recommendation: FADSS recommends that district be afforded the flexibility that ESSA allows so that more students who are in need of intervention and support services receive such services.

H. Title V, Part B, Subpart 2: Rural and Low-Income School Program

The DRAFT ESSA State Plan states that Florida ensure that districts serving high concentrations of students below the poverty line and who reside in eligible rural districts use these funds to meet program objectives and outcomes such as increased graduation rates, increased student performance and increased industry certifications. The DRAFT ESSA State Plan also includes as satisfying technical assistance the provision of tiered assistance. In addition, the High Impact Teacher Corps is identified as a professional development opportunity for teachers. The High Impact Teacher Corps is not defined and described.

Recommendation: Generally, the provisions are supported. However, as stated earlier under iii. Establishment of Long-Term Goals, these are aggressive goals and, as a result, will require resources and aggressive strategies. The Florida Legislature recently passed a provision that limits the ability of school districts to manage Title I funds. As a result of these statutory provisions, school districts may not be able to meet the goals establish in the DRAFT ESSA State Plan for all schools including those

July 28, 2017

rural and low-income schools (see earlier comments under iii. Establishment of Long-Term Goals).

The High Impact Teacher Corps should be defined and described. The Teacher Corps should not be the only professional development opportunity. Other proven options should be included and/or the Teacher Corps expanded to include additional teachers. All teachers need professional development to assist students in increasing performance. Another challenge is to provide professional development in ways that do not take teachers from the classroom.

The access to programs that lead to industry certification are especially needed in rural and low-income schools and are a challenge. In addition to providing additional programs, strategies to introduce the programs in earlier grades should also be considered.

I. Education for Homeless Children and Youth program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B

Recommendation: FADSS supports the ESSA Draft Plan.