

## Public Comment received on DC's 2022 ESEA Accountability Addendum and waiver

### Public Comment was received from the following entities/individuals:

- 1) Anne Herr on behalf of the DC Charter Alliance
- 2) Josh Boots, on behalf of EmpowerK12
- 3) DC State Board of Education
- 4) Jeff Schmidt

### [Public Comment from DC Charter Alliance](#)

#### **Public Comment on OSSE 2021-22 ESSA Addendum to the Consolidated State Plan**

The DC Charter School Alliance has reviewed the 2021-2022 ESSA Addendum and supports the changes OSSE is requesting. OSSE's approach attempts to navigate the reality of Federal requirements while seeking adjustments in light of the ongoing disruption from the COVID-19 pandemic and recurring shifts to distance learning in each of the most recent three school years. The absence of growth data in several areas (academic achievement, English Language Progress, and Attendance) makes it impossible to implement OSSE's STAR framework as it was originally intended. Federal requirements make it necessary for OSSE to designate a new set of schools for Comprehensive and Targeted Support in fall 2022, despite the unavailability of this data. By proposing a methodology for calculating "annual meaningful differentiation" using all available data from the STAR Framework, we believe OSSE has taken an approach that aims at predictability and minimizes the disruption of creating entirely new metrics and methods at such a challenging time. We encourage OSSE to continue to engage with stakeholders, including LEA leaders, to explain and explore any unexpected results from this shift in methodology, and to refine exit criteria for schools that are designated for extra support in this challenging and unusual year. Additionally, we note that the key reason for designating the lowest-performing schools is to ensure that these schools get the support and resources necessary to address their very significant needs, and this is more important now than ever.



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## Public Comment on School Accountability Addendum

March 2, 2022

The pandemic generated significant academic and social-emotional upheaval for the District's most vulnerable students with declines in wellbeing and academic progress. Our study of unfinished learning from the 2020-21 school year found that most students in DC schools fell academically behind their same-aged peers from before the pandemic. Students designated as at-risk were disproportionately impacted, declining by an average of 14 percentile points in achievement compared to a 6-point decline for students not designated as at-risk.

The DC Student Wellbeing Survey we administer in partnership with public charter schools showed the differential impact was also extended to students' social-emotional wellbeing. Students from low-income families were more likely to experience the loss of an adult they care about and have lower overall wellbeing index scores.

In 2020, DC was granted a waiver from administering the state assessment program since students were predominantly remote learning at the time. Since academic growth on the state assessment is not possible to calculate this year, we believe it inappropriate for the U.S. Department of Education to require DC to identify schools for comprehensive support. OSSE is limited to including achievement only, graduation rates, and student attendance from a wonky, quarantine-filled academic year to identify schools. Comprehensive and targeted support school calculations lack the full validity and reliability, both overall and for individual metrics, that we should expect for such designations.

Based on our 2020-21 unfinished learning study as well as a forthcoming study update using fall and winter LEA-administered assessments, we anticipate many schools will need support coming out of the pandemic. Our focus must shift to a comprehensive, bold, and systemwide support strategy, not on singling out a few schools with an identification that feels punitive and unwarranted given the unprecedented nature of the COVID-19 pandemic.

OSSE should require comprehensive improvement plans from all LEAs and schools for at least the next two academic years and provide financial support for any school with 2022 proficiency rates below the pre-pandemic 5<sup>th</sup> percentile. A handful of proficient of students based on luck of the enrollment draw should not determine which schools receive comprehensive financial support and those that do not. Monitoring and compliance of how LEAs utilize ESSER funding aligned to overall academic and social-emotional goals we have for our most vulnerable students is a more fruitful endeavor than shoehorning school accountability this year.

As we transition from COVID response to recovery, the education sector must focus on identifying bold solutions that dramatically accelerate academic progress and support the social-emotional wellbeing of our most vulnerable students. Students, parents, and teachers, especially those living and serving in high at-risk neighborhoods, must be involved in the design process from the start,

identifying root causes and crafting novel solutions that catalyze academic and social-emotional growth.

I urge OSSE to invest in an inspirational initiative that begins this fall by asking students, parents, and teachers for their innovative ideas for the next generation of schooling and supports stakeholders through a rigorous design and feedback process. Then, for FY24, we must commit to equitably investing in pilots of their boldest ideas along with a rigorous ongoing evaluation protocol that supports improvement. This public education innovation challenge will encourage creativity, increase engagement in our schools, and ensure a stronger, more collaborative start for new ideas. The unfinished learning data strongly suggests when school accountability restarts in 2022-23 that the focus must be on growth for student groups most impacted by the pandemic, which happen to be the same student groups who have historically been the furthest from opportunities they deserve. Our team looks forward to engaging in identifying new bold goals for students and schools as well as the technical aspects of a new system not based on the old star ratings of schools in the coming months.

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[Public Comment from the DC State Board of Education](#)



March 2, 2022

Christina Grant  
State Superintendent of Education  
Office of the State Superintendent of Education  
1050 First Street NE  
Washington, DC 20002

Dear Superintendent Grant,

The D.C. State Board of Education (SBOE) appreciates the opportunity to provide public comment on the Office of the State Superintendent of Education (OSSE) 2022 D.C. State Plan Accountability Addendum.

Pursuant to §38–2652(a)(7), the State Board has the approval authority over the state accountability plan for the District of Columbia developed by OSSE. The State Board appreciates OSSE’s ongoing engagement in both the statewide accountability amendment and addendum process.

OSSE’s proposed 2022 D.C. State Plan Accountability Addendum addresses many of the challenges related to measuring school performance during the last two years of the COVID-19 pandemic and the State Board appreciates many of the decisions that went into the addendum, including striving for valid metrics in the annual meaningful differentiation of schools, eliminating the STAR Rating in 2022, and extending the use of 1003 funds for SY2018–19 Comprehensive Support and Improvement Schools, type 1 (CS1). The State Board also recognizes the limitations in introducing new metrics to the accountability system in 2022, and appreciates OSSE striving to identify indicators that provide valid and equitable calculations. In addition, the State Board notes a few areas that would benefit from further clarity and changes. Those areas are summarized below in order of appearance in the proposed addendum.

### Indicators

- OSSE should clarify how it intends to incorporate both 4- and 5-year Adjusted-Cohort Graduation Rates (ACGR)—and the extended year graduation metric—into the 2022

annual meaningful differentiation calculation. OSSE should further clarify how these metrics will be used in a “permanent revision” as stated under Indicators, Item 3.

- OSSE should further explain how it will use “in-seat attendance” metrics in 2022 as an indicator, considering families have continued to report familial health concerns and access barriers (i.e., access to digital devices and high-speed internet) for SY2021–22.

## System of Annual Meaningful Differentiation

- The State Board understands the limitations of using past metrics in SY2021–22 . Under the Annual Meaningful Differentiation, Item 2, it states that “*OSSE proposed to calculate the meaningful differentiation using all available metrics...*”, the State Board requests OSSE provides a bulleted list of all available metrics for elementary/middle and high schools.
- Under the “Indicator Weights” table used to identify schools meeting the designation thresholds for additional supports (i.e., comprehensive and targeted support and improvement schools), please provide the full list of metrics and their points within each indicator category for elementary/middle and high schools.

## School Improvement: Identification Timeline, Methodology, and Exit Criteria

- As growth metrics are not able to be used as a factor in SY2021–22 for annual meaningful differentiation of schools, it is more important than ever that OSSE provides a clear, concise explanation to the public on how schools were designated on the OSSE-designation website and any mention on the DC School Report Card.
- The State Board is pleased to see OSSE proposing the usage of leading indicators as part of exit criteria for schools identified for comprehensive support and improvement in fall 2022. For further clarity and transparency, please provide the list of leading indicators being considered. The State Board recommends the use of positive leading indicators (e.g., student classroom engagement, student/faculty feelings of safety, student course-taking patterns, etc.) over negative indicators (e.g., suspension and expulsion rates, educator dis- engagement, etc.). It is important to go beyond students’ presence at school and instead measure their engagement with it.

Lastly, the State Board recommends OSSE to provide transparency on how it plans to incorporate public comments into the addendum.

The State Board understands that OSSE is soliciting public comment on the D.C. State Plan Accountability Addendum through Wednesday, March 2, 2022, and is fully committed to working alongside you and your staff as these addendum requests are finalized.

Sincerely,

The D.C. State Board of Education

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DC SEEKS TO EXTEND ACADEMIC RACIAL PROFILING  
IN PUBLIC SCHOOLS

Comment on DC's revised education plan  
(2022 DC State Plan Accountability Addendum)

By Jeff Schmidt  
Washington, DC  
Author of *Disciplined Minds*  
jeffschmidt@alumni.uci.edu  
1 March 2022

United States Secretary of Education Miguel Cardona  
Department of Education  
400 Maryland Avenue SW  
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Dear Mr. Cardona:

Will the Biden administration allow District of Columbia public schools to have lower academic achievement goals for black and Latino children than for white children until the year 2041? DC officials are asking you to approve a plan to do that.[1]

Two generations of students would be victims of the unequal academic expectations: the 93,000 children now in DC public schools and, over the next two decades, a comparable number of children, most of whom haven't even been born yet.

You cannot in good conscience endorse this plan.

Background

DC's current education plan is already one of the least ambitious in the country,[2] as it allows schools to have lower academic proficiency goals for minority students than for white students until 2039. The federal government should not have approved it in 2017.

But now, using the covid pandemic as an excuse, DC seeks your permission to move the day of racial equity in academic goals from 2039 to 2041. Thus, instead of

committing itself to getting back on track over a period of 5, 10 or even 15 years, and closing the racial proficiency gap by 2039, DC is again taking the least ambitious path and simply declaring the past two years a total loss in terms of academic gain.[3]

This is not to imply that DC's 2039 equity plan was ever acceptable. Saying that schools will practice racial equity in academic expectations in 2039 amounts to saying "never," and everyone knows that. When DC education officials chose 2039 as their target date, they knew that education frameworks don't last that long. The "No Child Left Behind Act" lasted about 14 years before Congress scrapped it and replaced it with the "Every Student Succeeds Act," under which DC's 2039 plan exists.

As you know, the federal ESSA law says that academic goals must be "ambitious." [4] Yet the plan that DC is asking you to endorse only requires schools to teach 31 percent of today's black 7th graders to do math at grade level by the time they are tested in high school three years from now.[3]

However, according to DC's plan, schools had better pay close attention to their white students, for administrators will be in trouble unless white students are proficient at almost double that rate (61 percent).

Such a system deprives minority children of their right to be treated and judged as individuals. A school with unequal academic goals tells a black student, in essence, "We don't expect as much from you, because many other black students have performed poorly." Would you explain the plan's prejudgment to a black child any differently? DC officials offer no explanation whatsoever, as you can see in their request. The closest they come is using the phrase, "historically underperforming student groups," in a different context.[5]

DC's mayor, deputy mayor for education, superintendent of education and board of education have decided in advance that tens of thousands of black and Latino children who are yet to be born will enter the classroom with a badge of inferiority -- their minority status. No matter how hard a

minority child works, her public school will see her as being in a low-expectation group until 2041, and that will undermine her education. Countless education studies and experiments have confirmed the obvious fact that expectation affects outcome.

### Alternative to academic racial profiling

If DC really wants to eliminate the racial achievement gap, then it must not engage in academic racial profiling, which undermines the necessary teacher expectations and student morale.

The Every Student Succeeds Act does not require schools to set lower academic proficiency goals for minority children than for white children. If DC wants to set different proficiency goals for different students, then it should do so according to each student's proficiency, which DC measures every year, not automatically according to the student's race. It is arguably reasonable to have a lower end-of-year proficiency expectation for a student who begins the year with extremely low proficiency -- but not simply because the student is black.

DC should shift to adaptive testing to pinpoint each student's proficiency as a grade level, such as "grade 4.6 in math" or "grade 9.2 in English."

DC could easily come up with an education plan that is free of racial prejudice, simply by replacing grouping-by-race with grouping by actual measured proficiency. Each proficiency-level group would have its own year-end proficiency goals, which would be set to require greater growth by lower-proficiency groups. Within each proficiency group, students of all races would have exactly the same academic goals, and so there would not be racial profiling.

Achieving the proficiency-group goals would also raise the scores of racial groups by amounts that could be calculated and reported. Scores of low-performing students and racial groups would increase the most.

DC could set academic goals for minority students in each



proficiency group -- the same as the goals for the white students in those groups. It could rate schools on how well they achieved those goals and on how equal were the gains of minority and white students within each proficiency group.

### Hide failure

The plan that you are being asked to endorse, with its timetable of essentially never for racial equity in education, aims to make it as easy as possible for DC officials to say that they are meeting their federally approved education goals and thereby hide their failure to make students proficient.

DC Education officials appear to give highest priority to hiding their failures. I will describe here another current example: their plan to change DC's school-rating system in a way that hides the failure of schools to make students proficient.[6]

DC schools are highly segregated racially. The Supreme Court said in 1954 that separate education is "inherently unequal." Whether or not that is true in theory, it is true in practice. Separate education is clearly not equal in DC schools or elsewhere in the country, and there is no reason to believe that separate will become equal in the future.

Yet no DC education official is calling out the problem. However, DC's current school-rating system does call out the problem and draw attention to the fact that education in DC is unequal.

DC's answer is to change its school-rating system -- in a way that will put lipstick on the pig of racial segregation. The new system will give separate, less-than equal schools higher ratings, making separate look more equal. This will help to normalize DC's separate-but-equal approach to schools.

The new school-rating system hides a school's proficiency data by putting it at the very end of a list of six measures. This hides the key question of whether the

school is keeping students up to grade level academically. Black parents are being told that "there's more to a school than just academics," and so stop trying to get your children into one of DC's few integrated schools, where the academic standards are higher.

Such bad advice reinforces DC's separate-but-equal model of education, which doesn't work, because it is not equal. The new school-rating system, like the 2041 equity plan, tries to hide the fact that the District of Columbia is not seriously pursuing racial equality in education. Both should be rejected.

#### Hide academic racial profiling from public scrutiny

George Bush called it the bigotry of low expectations, and DC education officials do not want to be seen as bigots. So it is no surprise that they diligently hide from the public the fact that they have written lower academic achievement goals for black and Latino children than for white children.

DC officials have done many things to hide their low academic expectations for minority children, including the following...

1. Thirty days is traditionally taken to be the absolute minimum time for a public comment period, and so it was no surprise when DC education officials told the school board that they would give the public no more than 30 days to comment on their 2041 equity plan.[7]

However, the officials then set the comment cutoff time less than 30 days after they revealed the plan on 2 February 2022.[7] So no stakeholder had even the minimum 30 days to formulate a response. (2 February 2022 to 2 March 2022 is counted as 28 days, because the first full day was 3 February 2022.)

2. They completely ignored your recommendation that they "seek public input through consultation that is broad." [8]

3. They completely ignored your recommendation that they seek input from "stakeholders that represent the diversity

of the community.”[8]

4. They completely ignored your recommendation that they conduct “targeted stakeholder outreach.”[8]

5. They completely ignored your recommendation for “holding focus groups.”[8]

6. They completely ignored your recommendation for “prominently listing the proposed amendments on the SEA’s website.”[8] The proposed plan is not mentioned at all on the DC OSSE (state education agency) home page. To see the plan, you have to already know that it exists, as you have to click on something and then on something else and then on another thing, most of which are not at all obvious choices.

7. They have not “provided the public a reasonable opportunity to comment” on the plan, mainly because they made sure that almost no one even knew about the odious plan.[8]

Hiding their racially unequal academic goals is nothing new for DC education officials. In 2016 and 2017, they spent a year developing in a very public way the education plan called for by the Every Student Succeeds Act. Very public except for one thing: the plan’s academic goals, which are arguably the heart of an education plan. They developed their racially unequal academic goals in secret, without the knowledge or participation of parents or other stakeholders. They revealed the goals as late in the process as possible, and only because federal rules required a public comment period of at least 30 days.[9]

Another clear sign that DC officials do not sincerely want stakeholders to be involved in the development of DC’s education plans is the tiny amount of time they allotted for making changes in response to public comment. They allotted only three working days to revise the plan after the end of the truncated public comment period. Obviously, that is insufficient time to make any substantial revision, such as the changes called for in this letter.

That, and DC’s long history of ignoring public input, is

why this comment on DC's revised education plan takes the form of a letter addressed to you. DC education officials can and should seriously consider the comments here, but only a fool would think that they will.

What a mockery of rule-by-law it would be if for political reasons you threw DC children under the school bus and certified that DC officials met the legal requirements that their plan be "ambitious"[4] and that they "afford a reasonable opportunity for public comment." [8] You can't do that with a straight face.

-- Jeff Schmidt

## References

1. DC's 2041 racial equity plan is referred to as the "2022 DC State Plan Accountability Addendum" and is written using the "2021-2022 Addendum Template for the Consolidated State Plan due to COVID-19 under the Elementary and Secondary Education Act of 1965." The draft plan is posted at...

[https://osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/2022%20DC%20State%20Plan%20Accountability%20Addendum.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2022%20DC%20State%20Plan%20Accountability%20Addendum.pdf)

The plan's racially profiled academic achievement goals are in a document called, "2022 DC State Plan Long Term Goals Two-Year Shift," posted at...

[https://osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/2022%20DC%20State%20Plan%20Long%20Term%20Goals%20Two-Year%20Shift%20%28Per%20Accountability%20Addendum%29.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2022%20DC%20State%20Plan%20Long%20Term%20Goals%20Two-Year%20Shift%20%28Per%20Accountability%20Addendum%29.pdf)

2. <https://www.edweek.org/policy-politics/approved-essaplans-explainer-and-key-takeaways-from-each-state>

3. See, for example, the page of high-school math goals appended below.

4. ESSA (2015): "Establish ambitious State-designed longterm

goals”

5. 2022 DC State Plan Accountability Addendum, page 16.

6.

<https://simbli.eboardsolutions.com/Meetings/Attachment.aspx?S=9000&AID=252591&MID=9250>

7. 2 February 2022 OSSE presentation to the DC State Board of Education, page 15,

<https://simbli.eboardsolutions.com/Meetings/Attachment.aspx?S=9000&AID=253653&MID=9308>

8. 2022 DC State Plan Accountability Addendum, page 3.

9. This 28 August 2017 document describes DC’s work on the original ESSA plan...

[https://osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/OSSE%20ESSA%20State%20Plan\\_%20August%2028\\_Clean.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/OSSE%20ESSA%20State%20Plan_%20August%2028_Clean.pdf)

