

# ASSESSING ESSA

MISSED OPPORTUNITIES FOR  
STUDENTS WITH DISABILITIES

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## ACKNOWLEDGEMENTS

The National Center for Learning Disabilities would like to extend our gratitude to the members of the Expert Advisory Council for their thoughtfulness, collaboration and expertise. Although this report represents substantial feedback from the expert panel, the views expressed in the report do not necessarily reflect the positions of the organizations listed.

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# LETTER FROM MIMI AND MELODY

**AS STATES AND DISTRICTS DIVE DEEPER** into the important work of improving schools and student outcomes, we are pleased to share our latest resource and tool for change, *Assessing ESSA: Missed Opportunities for Students with Disabilities*. This report provides the first national analysis of how state plans are including and serving students with disabilities under the Every Student Succeeds Act (ESSA), the nation's new K-12 education law.

The National Center for Learning Disabilities is committed to improving outcomes for students with disabilities, and we believe that through ESSA, states have an obligation and critical opportunity to make sure that our students are front and center in discussions about achievement, equity, school quality, accountability and improvement. States can do more to take advantage of this opportunity. To do that, they must reflect on their progress and strive to make improvements in how they serve all learners.

This report is the first of its kind, aiming to spur change and improve outcomes for the nation's 6 million students with identified disabilities. To conduct our analysis, NCLD joined with top leaders in the field, all of whom share our dedication and sense of urgency to improve outcomes for all students. We thank our Expert Advisory Council and other contributors for their expertise, commitment and high expectations for our students and schools.

Based on their many insights, we established 15 different indicators to assess ESSA plans for all 50 states, the District of Columbia and Puerto Rico, as they relate to students with disabilities. We then assigned ratings for each state in three areas—Holding Districts and Schools Accountable, Helping Struggling Schools, and Collaborating to Support all Students. To guide states to action, the report highlights bright spots as well as areas in need of improvement, while also providing concrete recommendations for policymakers and parents to make change in their communities.

The findings are concerning. While some states have made real progress in delivering the promise of ESSA to students with disabilities, many are squandering this opportunity. Our examination reveals that there is much work ahead if students with disabilities are to realize their full potential and achieve at the levels we know they can. States should be using the ESSA planning process to create a roadmap for success for all learners, yet many are failing to set high expectations or invest in improving outcomes for students with disabilities.

It is not too late for states to change course, however. It is our hope that this report can serve as a catalyst for change to improve outcomes for the millions of students with disabilities in public schools.

We look forward to working with states and districts in their efforts to use the opportunity ESSA provides to enhance the education of students with disabilities and chart a course to their success—in school and in life.

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# EXECUTIVE

# SUMMARY

## ESSA Report Card: Few States Make the Grade

### What is ESSA and why is it important?

The Every Student Succeeds Act (ESSA) is the K–12 education law that replaced No Child Left Behind. ESSA shifts power from the federal government and gives states more control in shaping their education systems.

ESSA provides each state with a fresh start toward improving educational outcomes for students, including those with disabilities such as learning and attention issues.

The National Center for Learning Disabilities (NCLD) and its Expert Advisory Council reviewed each state's plan to implement ESSA in order to better understand the degree to which states are addressing the needs of students with disabilities.



### The results of the study are troubling.

- Groups of students, including students with disabilities, low-income students and students learning English, are **frequently neglected**.
- **More transparency is needed** from states about how their plans will serve all students and specific groups of students.
- While some states have strong plans to use ESSA to help meet the needs of students with disabilities, far too many states are **squandering this opportunity**.

The bottom line: **Most states need to do more.**

## APPROACH

With guidance from its Expert Advisory Council, NCLD examined 15 specific components of the ESSA plan for each state, the District of Columbia and Puerto Rico. These components affect many students, but this analysis focuses on students with disabilities. NCLD then rated each state's plan across the 15 indicators and developed a rating system for each key area:

1. **Accountability:** Do state accountability systems under ESSA include students with disabilities in meaningful ways?
2. **Support:** Are support systems for struggling schools aligned to meet the needs of students with disabilities?
3. **Inclusiveness:** Did states meaningfully include students with disabilities throughout their ESSA plans, and coordinate effectively with ongoing efforts under the Individuals with Disabilities Education Act (IDEA)?

### The ratings system is color-coded as follows:

- **Green:** With 75 percent or more of possible points, the plan, policies or systems support students with disabilities in meaningful ways.
- **Yellow:** With 50–74 percent of possible points, the plan, policies or systems only partially support students with disabilities.
- **Red:** With 49 percent or fewer of possible points, the plan, policies or systems do not meaningfully support students with disabilities.



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## WHAT WE FOUND

### **Accountability**

Forty-six states should do more to develop inclusive accountability policies.

- Only 18 states have identical long-term goals for students with disabilities and students without disabilities.
- Thirty-three states do not include the academic performance of specific groups of students in their school rating systems.

### **Support**

- Seventeen states lack well-designed plans to address bullying and discipline issues.
- Only 10 states have detailed descriptions of interventions that will support students with disabilities.

### **Inclusiveness**

- Forty-two states have not done enough to fully address the needs of students with disabilities throughout their programs and planning.
- Half of all states did not include a description of how ESSA and IDEA goals are aligned.

### **What's Next: Putting Ideas Into Action**

We urge policymakers to take action and...

- Incorporate students with disabilities in state plans and hold schools accountable for helping all students succeed.
- Further define how your state or district will use ESSA resources to support students with disabilities.
- Engage stakeholders, including parents of students with disabilities, while moving forward in the implementation process.





# INTRODUCTION

## What is ESSA and Why is it Important?

**The Every Student Succeeds Act (ESSA)** is the primary K-12 education law in the U.S. It was enacted in 2015, replacing its predecessor the No Child Left Behind Act (NCLB). It covers every public school in the country with the goal of providing “all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.” This includes students with disabilities.

**While we have made great strides**, students with disabilities (SWDs) have historically been marginalized and segregated in our public schools. It wasn't until 1975 when Congress passed the Education for all Handicapped Children Act, which later became the Individuals with Disabilities Education Act (IDEA), that children with disabilities were able to be educated in public schools. IDEA requires that students with disabilities receive a free and appropriate public education, in the same classrooms as their nondisabled peers to the greatest extent possible. The federal law's definition of students with disabilities is broad and includes students who identify under any one of the 13 disability categories, including students with specific learning disabilities (like dyslexia), students with autism, students with physical disabilities, those with significant cognitive disabilities, and more. Later, the enactment of No



Child Left Behind reminded schools that students with disabilities are also general education students. For the first time, it required states and districts to measure the performance of subgroups of students like those with disabilities. Yet, despite an improvement in the inclusion of students with disabilities in our schools, their achievement still lags behind general education students, and many states, districts and schools continue to treat special education as a separate and parallel program to general education.

This plays out in states where special education and general education are administered separately, and in schools where too many children with disabilities are taught in separate classrooms or by a workforce that have not been trained and supported to effectively teach SWDs. ESSA's strong focus on equity and closing achievement gaps creates an opening for advocates, parents and policymakers to right historical wrongs and make sure that students with disabilities receive the education they need and deserve.

ESSA requires each state to develop an education plan to implement its requirements starting in the 2018-2019 school year. Every state education plan must be approved by the U.S. Department of Education prior to implementation.

**ESSA requires state plans to include a description of how the state will implement the following:**

- Academic standards
- Annual testing
- Goals for academic achievement
- Ways that schools will be held responsible for student achievement
- Plans for supporting and improving struggling schools, including professional development for educators and supports for English learners

ESSA gave states an opportunity to be creative, ambitious and inclusive with their new education plans to best meet the needs of students with disabilities and close achievement gaps for all students.

But did states take full advantage of this opportunity?

**Purpose and Report Structure**

In collaboration with experts from civil rights, disability and education organizations, academia, and former U.S. Department of Education officials, NCLD sought to answer that question. This report evaluates and rates plans for each state, as well as the District of Columbia and Puerto Rico, on how they propose to meet the goals of ESSA.

We identified three key areas where state plans need to be inclusive and supportive of students with disabilities to close achievement gaps: Holding Districts and Schools Accountable, Helping Struggling Schools, and Collaborating to Support all Students. We then considered how well each state addressed these key areas, based on four to seven indicators chosen in collaboration with our Expert Advisory Council. We highlight areas where states are rising to the challenge to meet the needs of all students, including those with disabilities, and areas where states could improve. The report concludes with policy recommendations for state and local policymakers and parents to use the opportunity granted by ESSA to improve the education of students with disabilities.



Many of the topics we focus on in this report are important indicators for all groups of students served under ESSA, including racial and ethnic minorities, **English learners**, and low-income students. While many of our conclusions apply to any and all **subgroups**, this report focuses solely on students with disabilities, and thus, will primarily refer to only that subgroup.

Throughout this report, we use technical terms that are defined in ESSA. To help clarify your understanding, we include a glossary starting on page 32 that defines these terms. The first time we introduce a new term in each section we emphasize it in bolded text.

## METHODOLOGY AND RATINGS STRUCTURE

NCLD and our Expert Advisory Council identified 15 indicators of state ESSA plans that are essential opportunities for ESSA to improve outcomes for students with disabilities. Using these criteria, NCLD rated states on how well their accountability systems meet the needs of students with disabilities, the quality of their proposals about how to improve schools for students with disabilities, and whether the planning and **stakeholder engagement** process was inclusive of the needs of students with disabilities. States were then given a rating of green, yellow or red for each category based on how the state planned to meet the needs of all students.

### Summative Rating Methodology

To determine the summative rating for each category, we added the total points earned by a state in that area and divided by the total points available for that area. For example, Colorado scored the following on the indicators for the Helping Struggling Schools Rating.

$10 + 5 + 5 + 10 = 30$  total points earned  
 $10 + 10 + 10 + 10 = 40$  total points possible (30/40=75%)

### STATE: COLORADO

State	Consistently Under-performing Definition	Rapid Intervention	Intervention Strategies for Targeted and Comprehensive Supports	Bullying/ Harassment/School Discipline	Helping Struggling Schools Rating
Colorado	10	5	5	10	75.00%

To determine the overall rating for each area, we converted these percentage scores to color coded categories. Red is 49% or less of possible points, yellow is 50-74% of possible points and green is 75% or more of possible points.

For more details on the way we determined each indicator rating, please see the Indicator Definitions section on page 26. For more details on each state’s data and ratings, please see the appendix on page 34.





State by State Ratings

# HOLDING DISTRICTS AND SCHOOLS ACCOUNTABLE

**Under ESSA, states are required** to hold districts and schools accountable for the performance of all of their students (as a whole) and the performance of each specific subgroup of students, such as students with disabilities (SWDs). When students with disabilities are properly taught and supported, the overwhelming majority can meet rigorous academic standards<sup>1</sup>. Historically, however, many states and schools have not expected SWDs to perform as well as other students. This false perception can lead to lower student achievement and to a lack of resources devoted to students with disabilities<sup>2</sup>. Therefore, it is critically important that schools have the same high expectations for achievement for all students, no matter their race, ethnicity, income-level or disability, and for the outcomes of these groups to be properly considered in determining the overall performance of schools. Schools should not be identified as successful if they only serve some of their students well.

## KEY QUESTION

Are state accountability systems under ESSA designed to include students with disabilities in meaningful ways?

### Indicators

To rate states on their proposed accountability systems, we examined seven specific indicators focused on whether states set ambitious goals for students with disabilities, whether those goals were the same as for their general education peers and whether SWDs were meaningfully included in the accountability systems.

1. Are the state's **long-term goals** ambitious for SWDs?
2. Are long-term goals the same for SWDs and all students?
3. Is the **n-size** reasonably inclusive, or is it so large that many SWDs will be excluded from state reporting?
4. Does the state **combine subgroups** in a way that masks the performance of individual subgroups, like students with disabilities?
5. Is the state's **School Quality and Student Success indicator** (often referred to as the "5th indicator") meaningful for SWDs?
6. Does the performance of SWDs, or any subgroup, impact a school's overall rating within the state's school rating system?
7. Does the plan address how the state will implement the **alternate assessment** and abide by the **1% cap** for students with the **most significant cognitive disabilities**?

## WHAT WE FOUND

Our review of this area shows mixed performance across states, with six green, 25 yellow and 21 red. Overall, too many states set lower long-term goals for SWDs (compared to the goals for all students) and did not meaningfully include performance of SWDs in their rating systems. One bright spot in the Holding Districts and Schools Accountable Ratings area is that many states included a strong 5th indicator of school quality and student success that is inclusive and relevant for SWDs.

[Note that all words in bold are defined in the **glossary** starting on page 32.]



### GO DEEPER: INDICATORS OF POST-SECONDARY READINESS

Many states chose to include indicators of postsecondary readiness, or college and career readiness, as part of the School Quality and Student Success indicator. In our review, we looked for definitions of this indicator that envisioned multiple pathways to success, to ensure that all students could engage and succeed with the right supports. Thirty-five states included some measure of postsecondary readiness or advanced course-taking as part of the School Quality and Student Success indicator. Of those states, one state was rated red because its indicator is still in development; another 24 were rated yellow, in part because their definitions did not account for multiple routes to success, allowed multiple routes focused solely on college readiness instead of college and career readiness, or did not make clear how the indicator will include SWDs.

One example of a promising 5th indicator focused on postsecondary readiness is found in Pennsylvania's plan. The state's proposed indicator of career readiness focuses on an individualized career planning model, where success is measured based on each student's progress towards his or her postsecondary career goals, beginning early on in the student's academic career.



### GO DEEPER: 95% PARTICIPATION RATE

ESSA maintains the federal requirement that 95% of students must participate in state tests. ESSA also requires that states explain how a school's failure to assess 95% of students will affect the school's rating within the state's accountability system. NCLD supports this requirement, because non-participation in state tests can hinder a state or district's ability to identify underperforming student subgroups, provide interventions for those students and work to close the achievement gap. However, states did not consistently explain how assessment participation will be included in their accountability systems. The lack of detail made it difficult to determine what states propose to do to encourage test participation. NCLD believes it is important for states to disaggregate data on which students are opting out to ensure that SWDs are not disproportionately represented in that group.

### Too Many States have Weak Long-Term Goals

Setting low expectations for SWDs is unacceptable and suggests that the state does not believe all children can succeed at high levels. We found that many states (32) set the long-term goals for SWDs below 60% proficient for English Language Arts, Mathematics or both. Furthermore, only a small minority of states (18) set the same long-term goals for SWDs as their non-disabled peers. Decades of research show that teacher expectations for students can have a significant impact on the achievement of those students both positively and negatively<sup>3</sup>. Students who belong to a stigmatized group (e.g. major racial or ethnic groups or SWDs) may be particularly vulnerable to the expectations of their teachers, as well<sup>3</sup>. Students with disabilities should be held to the same high standards as their peers, because having different goals and expectations will only perpetuate the achievement gaps between student subgroups.

### States Ignore SWDs in their Overall Ratings

Our review showed that 33 states do not include the performance of specific subgroups (like SWDs) in their rating systems. This omission can be highly misleading for parents and teachers, because schools with very low subgroup performance or large achievement gaps -- where SWDs are doing extremely poorly or much worse than all students -- may still get high ratings overall. This occurs when states add the data for subgroups together into a large "All Students" group or a combination of subgroups



in their school rating systems. Using averages in this way can mask the performance of subgroups, such as students with disabilities, who may be left behind if the school rating system does not adequately focus on their achievement.

States can include subgroups in meaningful ways by taking a number of approaches. For example, in Georgia, the state includes a measure focused on closing achievement gaps between each subgroup and the “all students” group in its overall school rating measure. And in Illinois the state includes an average of all subgroup performance, in addition to the performance of the all students group, on each indicator in determining a school’s overall rating. Yet guaranteeing true inclusion requires even more. In both examples, the states could improve their efforts by giving more weight to subgroup performance within the system, and in the case of Georgia, including subgroup performance in the calculations for additional indicators.

Also, providing a general data display rather than summative ratings does not give parents concrete information about overall school performance. A data display is when a state merely reports data for each subgroup on every indicator in its system, whereas a summative rating takes those data points and combines them to give a school an overall score or rating. NCLD supports providing both an overall rating and information about how student groups are performing on each of the indicators. This way parents have all the information in a clear and understandable format.

### GO DEEPER: INDICATORS OF LONG TERM GOALS

NCLD recognizes that states approached setting long-term goals in different ways. States set goals for proficiency rates between 25% and 100% for SWDs, and timelines to reach those goals at varying lengths, ranging from 2 to 20 years. There are certainly ways for states to set equitable and ambitious goals in their state plan as outlined by the [Students Can’t Wait](#) partnership. The “ambitiousness” of the goals depends on where states are starting from, where they hope to end, and how quickly they hope to get there. However, because most states are not measuring progress towards meeting the goals for accountability purposes, NCLD believes this was an opportunity for states to define a vision for student outcomes in the future. For that reason, we evaluated states on how they aligned to NCLD’s vision that SWDs will succeed at high levels (at least 75% proficient) and reach the same goals as their non-disabled peers.

## STATES LEADING

### DISTRICT OF COLUMBIA

The District of Columbia’s accountability system is reasonably designed to meet the needs of SWDs. Highlights of DC’s plan include rigorous long-term goals and including the performance of subgroups as 25% of the overall rating in the accountability system. While DC could do more to address the alternate assessment by clearly explaining how DC will ensure that the assessment is only given to students with the most significant cognitive disabilities, the District did well on the rest of the indicators in this area.

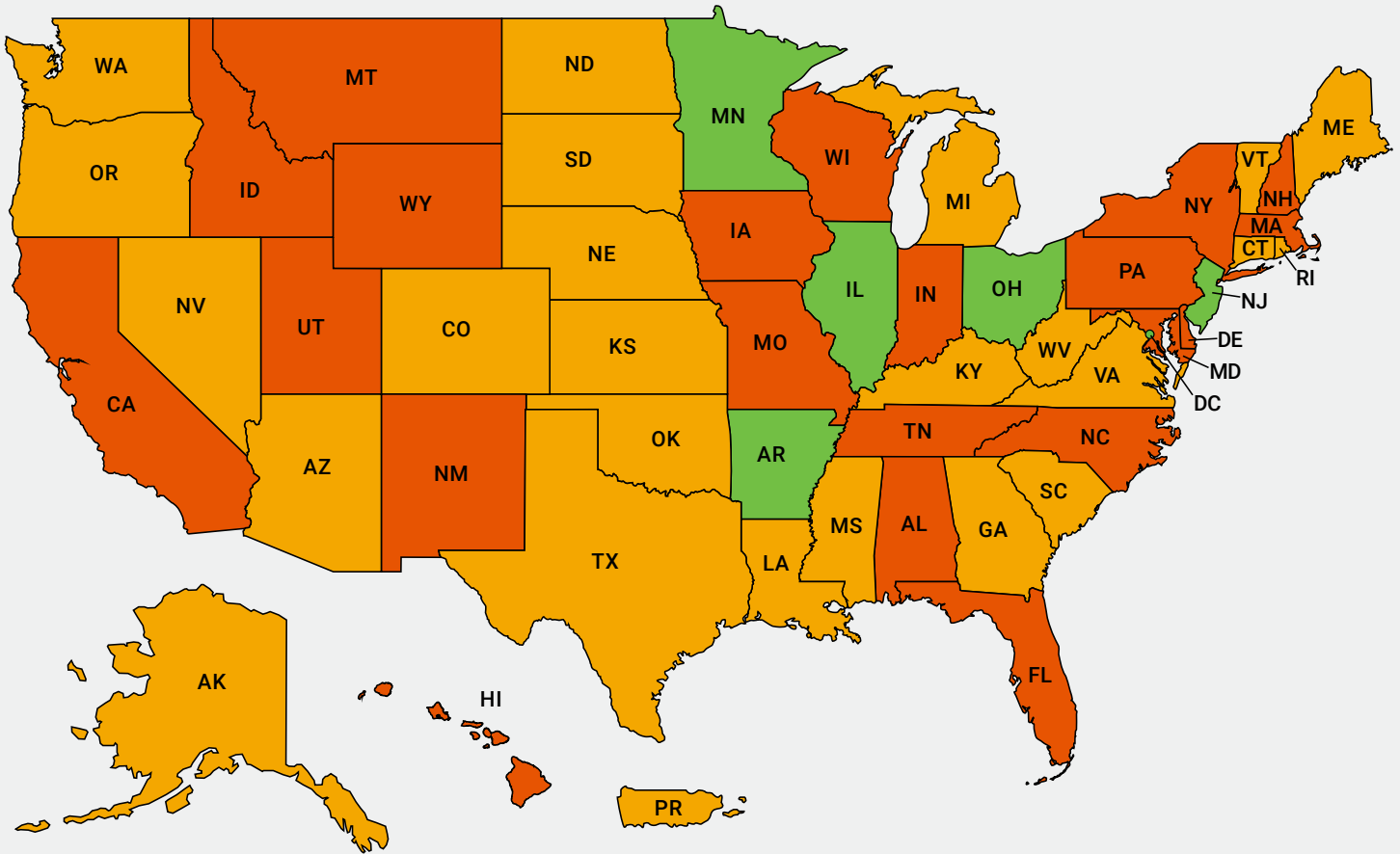
### MINNESOTA

Minnesota’s plan for accountability is strong and set up to include all students. In addition to setting ambitious long-term goals and including subgroups in the overall ratings system, MN selected a school quality and student success indicator that is meaningful for all students: consistent attendance (the inverse of chronic absenteeism). We know students with disabilities are more likely to be chronically absent than students without disabilities<sup>4</sup>. We also know that children cannot learn if they are not in school, and absenteeism is an important measure of children’s potential to succeed in school<sup>5</sup>. One critical way MN could improve its inclusion of subgroups is to lower the n-size below 20 students so more historically underserved students are accounted for. In addition, MN could have a clearer explanation of how the state will ensure that an alternate assessment, designed to only be given to students with the most significant cognitive disabilities, will not be given to more than 1% of the population as required under ESSA.

## STATES LAGGING

### NEW MEXICO

New Mexico’s plan lags in some key ways—the state’s long-term goals for SWDs are very low, and are lower than the goals set for all students. The state also has a relatively high n-size, meaning the performance of many SWDs will be less likely to count for accountability purposes. Finally, subgroups of students are not included in the state’s school A-F rating system which could mean that inequities in achievement of subgroups of students (such as SWDs) will continue to grow, while schools still receive an A or B rating from the state.



### States are Including Good 5th Indicators

Twenty-seven states have a 5th indicator of school quality and student success that is inclusive and relevant for SWDs. Measures such as chronic absenteeism, disciplinary referral rates, and postsecondary readiness (carefully constructed) are generally inclusive and revealing. We did not find indicator examples that might completely exclude some SWDs from the calculation, such as a physical fitness test. However, some states are using college readiness (but not career or other postsecondary readiness) as the 5th indicator by relying on scores on Advanced Placement, ACT, SAT or International Baccalaureate assessments with no clear description of how the state will make sure all students can be successful on the exams or how students will be accounted for who do not participate in these assessments. This raises concerns because rigid requirements of college readiness *only* may be difficult for all students to reach, particularly students with the most significant cognitive disabilities.





## CONCLUSION

States must establish strong accountability systems that truly incorporate students with disabilities and that are able to rapidly support schools that struggle to improve outcomes for SWDs. While we saw some promising practices in state plans, with some committing to establishing thoughtful accountability systems that should help schools improve and provide better supports for SWDs, those states remain the exception. States could greatly improve in this area by setting the same ambitious goals for SWDs as for all students and establishing school rating systems that include the performance of SWDs and other subgroups. Without these important elements, state accountability systems may not live up to ESSA's promise that every child should have a significant opportunity to receive a fair, equitable and high-quality education. Until states take these crucial steps, educational achievement gaps may endure, and schools and teachers will not get the support they need to help students with disabilities succeed.

### GO DEEPER: ALTERNATE DIPLOMA

ESSA allows states to issue an alternate diploma for students with the most significant cognitive disabilities who participate in the alternate assessments based on alternate academic achievement standards. This option has the potential to ensure that students with the most significant cognitive disabilities are prepared for life after high school, including postsecondary and career training options. Currently, many states offer an IEP diploma for these same students, but those diplomas are not aligned with state standards or post-school readiness for students—and operate more as a certificate of attendance or completion than as a diploma.

Under ESSA, states have the opportunity to develop a more meaningful alternate diploma, and to get credit for students with the most significant cognitive disabilities who earn this diploma. While we are very interested in this issue, states were not required to report on whether they plan to create an alternate diploma. Our review found only seven states affirmatively declared that they will develop an alternate diploma that meets ESSA requirements. This is a key area for policymakers to engage with parents and determine if this option will be useful in your state.

### GO DEEPER: ACCOMMODATIONS ON SAT, ACT AND OTHER LOCALLY SELECTED, NATIONALLY RECOGNIZED ASSESSMENTS

It is essential that states provide appropriate accommodations for SWDs on the SAT, ACT, AP, IB, and other locally selected, nationally recognized tests associated with advanced and rigorous coursework. These courses and assessments help students prepare for and gain admission to colleges and other postsecondary opportunities. For SWDs to succeed on these exams, they need to access the same accommodations that are provided for on their Individualized Education Programs (IEPs). According to our Expert Advisory Council, many states provide this information in documentation submitted for USED's State Assessments Peer Review process rather than their ESSA state plans. As a result, we were unable to consider this issue in our ratings system and analysis, but it remains an important area of focus.



A teacher and five diverse students are gathered around a table in a classroom. They are looking at a large map of the world spread out on the table. The teacher, a Black woman, is pointing at the map. The students, of various ethnicities, are looking at the map with interest. There are also some books and papers on the table.

State by State Ratings

# HELPING STRUGGLING SCHOOLS

**Under ESSA, when schools struggle to help** students achieve, states must help them improve. In fact, states are required to help schools in two cases: First, when they struggle to support all students, and next, when they struggle to support any particular group of students. Importantly, either of these cases could include students with disabilities (SWDs) who are underperforming. Even though ESSA requires states to help, it gives states a lot of flexibility to determine when they will step in, and how they will support schools that are in need of improvement. It is critically important that states identify struggling schools quickly and effectively intervene so that students receive needed supports as soon as possible. Children cannot afford to languish in schools that need to do better.



Once identified for support, schools must have access to timely and extensive, evidence-based supports so that they can improve. Proven practices, including **Universal Design for Learning (UDL)** and a **Multi-Tiered System of Supports** such as **Positive Behavioral Interventions and Supports (PBIS)** and **Response to Intervention (RTI)**, should be used to improve school outcomes and conditions. State plans should include these practices. Furthermore, states should plan to address the unique needs of SWDs in underperforming schools to ensure that intervention strategies adequately serve them. Finally, because safe learning environments are a precursor for all academic success, state plans should also address how the state will protect SWDs from bullying and harassment, and how they will ensure that districts and schools do not disproportionately discipline SWDs.

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## KEY QUESTION

Are supports for struggling schools aligned with what we know works to meet the needs of students with disabilities?

### Indicators

We looked at four different indicators to determine how states plan to intervene and support struggling schools, and how those strategies will meet the needs of students with disabilities.

1. How many years in a row will a subgroup of students within a school need to fail (also called **“consistently underperforming”** subgroups) before a state intervenes? How many years will a school be identified as needing **Additional Targeted Support and Improvement (ATSI)** interventions before the school is required to receive **Comprehensive Support and Improvement (CSI)** interventions?
2. Are the definitions of **Targeted Support and Improvement (TSI)** and ATSI written in a way that makes them meaningfully different from each other and results in a greater number of schools in need being identified and provided support?
3. Are the intervention and support strategies that will be provided to struggling schools (those identified as needing TSI, ATSI or CSI) appropriate for and inclusive of SWDs, and will these strategies meet the needs of all students?
4. How will states reduce incidents of bullying, harassment and adverse school discipline policies specifically as they relate to SWDs?

*[Note that all words in bold are defined in the **glossary** starting on page 32. See Appendix A for more detailed explanations and rationale for each indicator.]*



## STATES LEADING

### KENTUCKY

Kentucky plans to intervene quickly and, for schools that are underperforming for a particular subgroup of students, provide more comprehensive supports in a timely manner. This should ensure students are not neglected and get the support they need in low-performing schools. Furthermore, Kentucky provides a detailed description of how it plans to use PBIS, UDL, and Response to Intervention (RTI) as a part of MTSS and Culturally Responsive Teaching (CRT) for all students to adequately address bullying, harassment and negative school discipline practices.

### IDAHO

Idaho's plan will identify schools and underperforming subgroups in three distinct ways, including using an innovative achievement gap measurement between subgroups of students to identify schools requiring TSI. Idaho's plan also explicitly states that it will rely on and encourage districts to use "the expertise of the regional Equity Assistance Center funded by the U.S. Department of Education to promote greater understanding of equity and to ensure equal access to educational opportunities for all students, regardless of race, ethnicity, gender, or national origin." One way Idaho could improve in this area is to intervene more quickly when the state has identified underperforming subgroups of students, because students do not have the time to waste, nor do they deserve to spend multiple years in underperforming schools.

## STATES LAGGING

### MAINE

Maine's plan to intervene in schools needs improvement in a few key areas. First, rather than waiting three years, Maine should intervene sooner and move more quickly into comprehensive supports and interventions for schools that are underperforming for specific subgroups of students. And it should be more specific about the supports provided to low-performing schools. Overly broad descriptions of professional development for teachers and school leaders do not recognize the importance of specific evidence-based interventions for historically lower-performing subgroups of students like SWDs. These broad descriptors represent a missed opportunity for the state to provide a roadmap for districts and schools to improve their supports for SWDs.

## WHAT WE FOUND

The results were somewhat encouraging but questions remain. Our review shows slightly more positive planning across states to support school improvement than we see in the other two rating areas. Fifteen states earned a green rating while 28 rated yellow, and nine were rated red. One caution we have for these findings is that, while many states plan to identify struggling schools fairly quickly, for example within two years, it is not clear that their planned help will provide needed support for SWDs. This is because many states do not include the right evidence-based intervention strategies in their plans, or do not provide enough detail for NCLD to make an informed assessment. Also, we note that states still have work to do to address bullying, harassment and school discipline issues for SWDs.

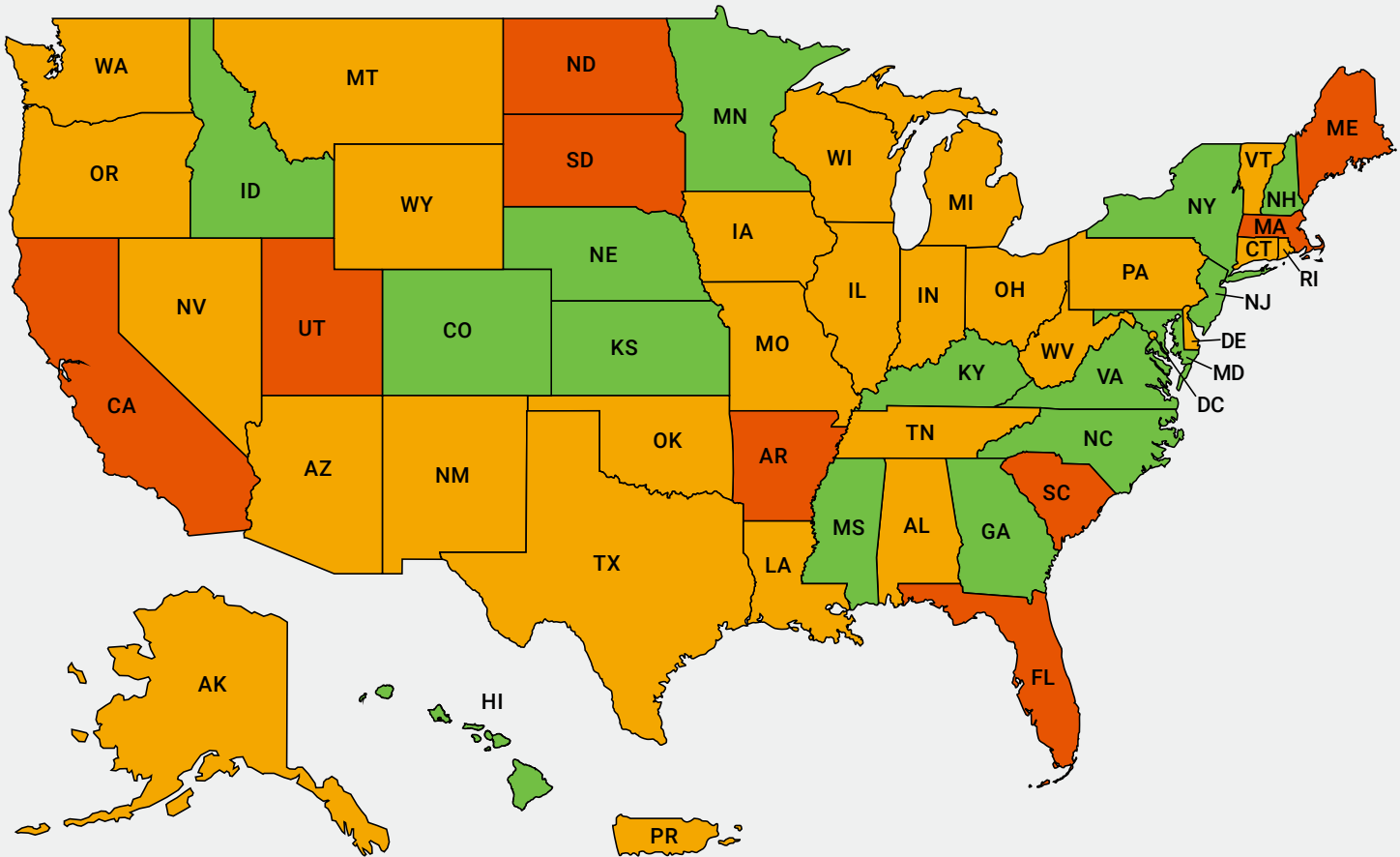
### **States Do Not Identify Struggling Schools and Intervene in a Timely Manner**

ESSA allows states to determine the number of years a school has an underperforming subgroup before it will step in to provide supports, as well as the timeline for when schools that continue to underperform will receive additional supports. NCLD firmly believes that states must identify and intervene when schools have subgroups that have been underperforming for no more than two years. In addition, states should not wait longer than three years to transition these schools to more Comprehensive Supports and Interventions when schools continue to fail specific subgroups of students. We found that more than half of states (29) don't plan to identify schools where subgroups of students are struggling until they show at least three years of underperformance and/or won't transition schools with very low-performing subgroups unless there are at least four years of low performance. More states must recognize that students do not have time to waste, nor do they deserve to spend multiple years in underperforming schools. Waiting three years or more to support schools that struggle means that students may not receive the aid they need to succeed and advance in school.



### **Many States Did Not Distinguish Between TSI and ATSI Schools**

In one area, it appears states are just avoiding the law. In addition to identifying entire schools that are low-performing, ESSA requires states to identify two types of schools based on how poorly their subgroups are performing--(1) schools in need of Targeted Support and Improvement that are “consistently underperforming” (based on the state’s definition), and (2) schools in need of Additional Targeted Support and Improvement who have subgroups of students performing as poorly as the lowest 5% of Title I schools in the state. Sadly, many states (24) either did not follow the law, did not adequately explain their approach to identifying schools, or described an approach that appears to be designed to severely limit the number of schools receiving supports. As NCLD noted in a [letter](#) to Congress, “state plans have been approved that either fail to include any criteria for TSI or that use the same criteria for TSI and ATSI. In both scenarios state plans are not meeting the law’s requirement to identify both categories of schools.” NCLD is concerned that states using the same identification criteria for both TSI and ATSI will fail to identify an important subset of underperforming schools with specific groups of students who desperately need better supports.



### It is Unclear if Interventions Included will Help Students with Disabilities

While timely identification for support is important, that alone will not help students improve. Once schools are identified for support, states need to make sure schools provide interventions that meet the needs of SWDs. Our review shows that only 10 states provide a detailed description of supports for schools identified as needing targeted or comprehensive support, including an explicit discussion of the types of supports that will help SWDs. Including a detailed description of supports like a Multi-Tiered System of Supports (MTSS), Personalized Learning initiatives, Positive Behavioral Interventions and Supports (PBIS), Response to Intervention or Universal Design for Learning is critical to meeting the needs of all students and helping schools and educators respond not only quickly but effectively when groups of students struggle.

### States Need to Pay More Attention to Protecting Students with Disabilities

SWDs are bullied, harassed and disciplined at higher rates than their nondisabled peers<sup>6</sup>. Most states (33) have relatively detailed plans to address bullying and harassment and discipline practices that may disproportionately impact students of color and SWDs. However, 19 state plans lacked important details on how they



will address these issues using proven strategies for intervention. On the positive side, Maryland described a comprehensive strategy to address bullying and harassment including PBIS, conflict resolution programs, anti-bullying interventions and technical assistance to improve school climate and engagement. But the state plans for Maine and North Dakota, for example, need more details of effective strategies to protect students. And while many states referenced PBIS initiatives to address discipline practices generally, some states did not provide clear plans to deal with the issue of disproportionate numbers of SWDs and students of color being disciplined, or to address the use of seclusion and restraint.

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## CONCLUSION

ESSA requires states to have detailed and inclusive plans for intervening in low-performing schools, and to address the needs of low-performing subgroups. These plans provide states the opportunity to develop and share a roadmap for how districts and schools can engage in this important work to increase achievement of all students, including those with disabilities. While many states did well in this area overall, there is much room for improvement. State plans should be explicit about how they will address historically low-performing groups of students by explaining strategies for technical assistance, professional development and other supports. In addition, plans must prioritize how states and districts will address incidents of bullying of our most vulnerable youth and the disproportionate rates of discipline for SWDs and students of color. States that design a strong approach to these issues are taking significant steps toward achieving the goals of ESSA and IDEA for all learners.



### GO DEEPER: EARLY CHILDHOOD INDICATORS

ESSA creates several opportunities for states to consider and support early childhood education, such as through allowable uses of funding, supports for school improvement, and coordination across programs—including IDEA Part C, which supports infants and toddlers with disabilities. Early childhood education and supports are essential to lay the foundation for student success in school. While this aspect of ESSA is beyond the scope of this report, you can learn more about how your state can support its youngest learners through ESSA in this [resource](#).

A photograph of a female teacher with dark hair, wearing a light-colored sweater, leaning over a desk. She is looking down at a young male student with dark hair, who is wearing a blue shirt and is focused on writing in a notebook. The background is slightly blurred, showing other students in a classroom setting.

State by State Ratings

# COLLABORATING TO SUPPORT ALL STUDENTS

**ESSA created an opportunity for states** to work across programs to ensure that students with disabilities (SWDs) are supported by the state's education system. To develop a clear plan that focuses on meeting the needs of all children, the law required that states work with stakeholders representing various student groups, including SWDs. ESSA also created additional opportunities for cross-program collaboration within states, particularly related to Title II, Title III, and the state's special education programs under the Individuals with Disabilities Education Act (IDEA). This planning and collaboration, when evident in a state plan, will help states support schools that struggle to help SWDs succeed.

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## KEY QUESTION

Did states meaningfully include students with disabilities throughout their ESSA plans, and coordinate effectively with ongoing efforts under the Individuals with Disabilities Act (IDEA)?

### Indicators

We looked at whether states engaged with disability stakeholders and collaborated with other programs to ensure the ESSA plan is inclusive of SWDs based on four different indicators.

1. Did the state include a substantive discussion of its **State Systemic Improvement Plan (SSIP)** under IDEA?
2. Does the state's plan propose to use **Title II** funds for training and professional development for educators on strategies that work for SWDs?
3. Does the state's plan propose to use **Title III** funds to address the needs of **English learners (ELs)** with disabilities?
4. Did the state engage with **stakeholders** representing the entire disability community, including educators, parents and advocates?

*[Note that all words in bold are defined in the **glossary** starting on page 32. See Appendix A for a detailed description of each indicator and how it is rated.]*



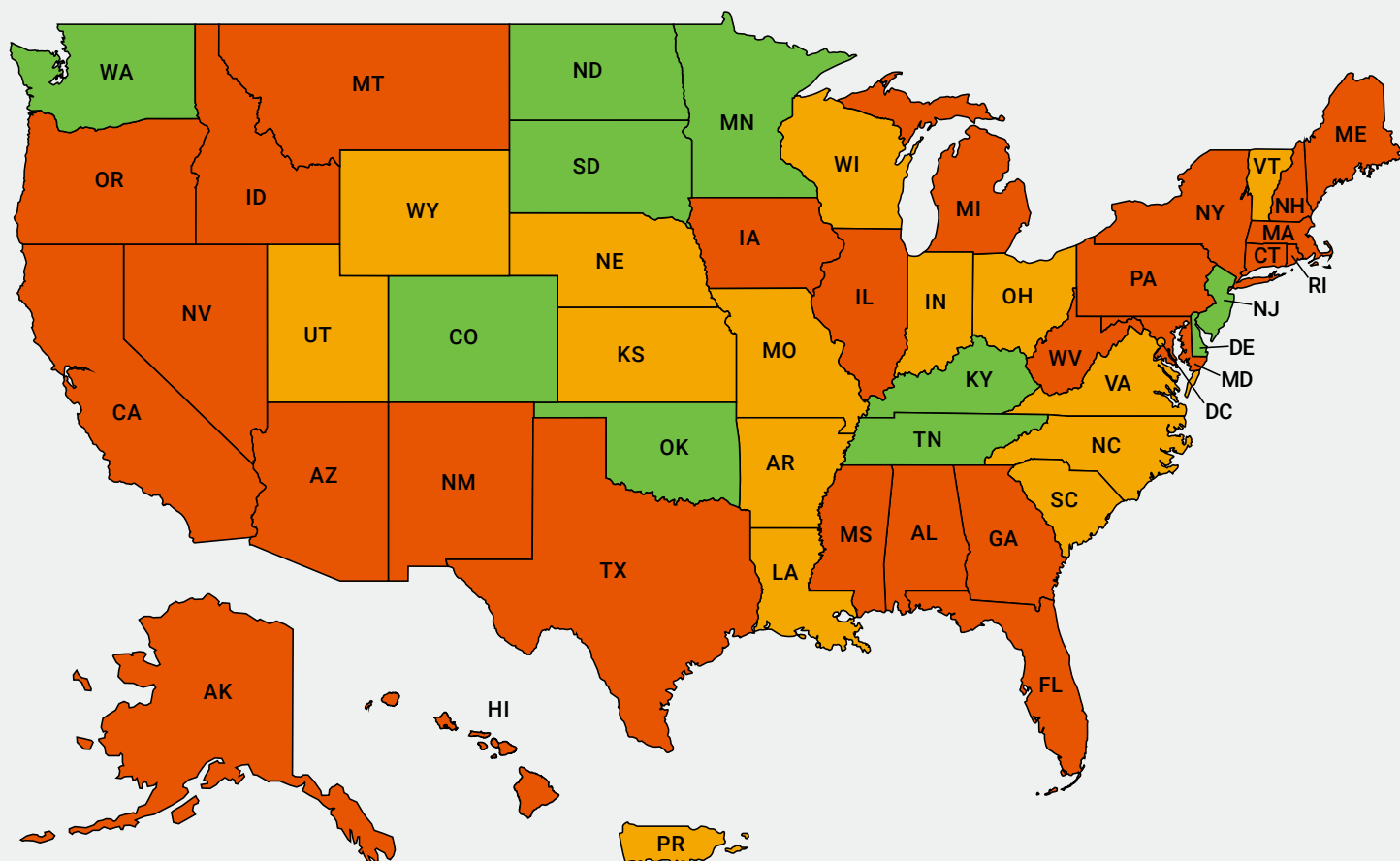
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## WHAT WE FOUND

Our review of this area shows fairly poor performance across states, with ten green, 16 yellow and 26 red states across the four indicators. Among the three summative ratings areas, Collaborating to Support All Students generated the least promising proposals for SWDs. While many states did a good job explaining how they will use Title II funds to support evidence-based strategies that work for SWDs, very few states adequately addressed the needs of ELs with disabilities.

### GO DEEPER: STAKEHOLDER ENGAGEMENT

ESSA requires states to engage with stakeholders for input on a number of aspects of its implementation, including development of the state plan. This requirement creates a major opportunity for families and advocates to contribute ideas on how their states can support SWDs. In the initial state plan template released by the U.S. Department of Education (USED) in 2016, states were asked to describe how they engaged with stakeholders. However, USED dropped the provision in a revised state plan template released the following year. States were still required to engage with stakeholders. But those that used the updated template no longer had to report on their stakeholder engagement efforts in their plans. NCLD recognizes that states using the newer template may have provided a more limited description of actions taken to engage with stakeholders. That said, due to the importance of stakeholder engagement, we chose to rate this issue in spite of the variation in detail. Even though the template changed, the requirement and opportunity to engage with parents and advocates for SWDs did not.



### States Missed the Chance to be Coordinated and Efficient

ESSA provided the opportunity to reduce duplication and align multiple existing efforts around one comprehensive plan to meet the needs of all children, including SWDs, by aligning the ESSA plan with the State Systemic Improvement Plan (SSIP). There is a very real practical benefit to bringing different plans within a state under one comprehensive umbrella. If goals and plans are not aligned, states can end up wasting resources or duplicating efforts. Roughly half of states did not provide any description of how the SSIP and state education plan will work in concert to meet the needs of all students. This may lead to states retrofitting the goals of the SSIP into the plan, which is inefficient and less likely to be effective.

### States Report Using Title II Funds to Support Strategies that Work

Within the Collaborating to Support All Schools ratings area, states did the best job of addressing how Title II funds will be used to support training in evidence-based strategies, such as a **Multi-Tiered System of Supports, Universal Design for Learning, Personalized Learning** and literacy interventions. Focusing professional development in these areas will help all students, but especially those with disabilities. Twenty-four states rated green in this area, while an additional 24 rated yellow, and only four received a red rating.



## Not Enough Information about English Learners with Disabilities

Most states provided very limited or no discussion about ELs with disabilities. Twenty-five states did not address this issue at all and received a red rating, while 17 included a limited discussion and earned yellow, and only 10 states included a robust discussion of how they support ELs with disabilities. This is a major issue for states to confront because in most states, ELs are under-identified as having disabilities in general, but over-identified as having learning disabilities, which means that many students are not receiving the supports they need to succeed<sup>7</sup>. ESSA attempts to shine a light on this underserved population by requiring states to report data on the number and percentage of ELs making progress towards English language proficiency in the aggregate and also disaggregated by ELs with disabilities. The lack of detail in state plans is a missed opportunity for states to develop a strong approach to serving these students.

## CONCLUSION

On average, states did not do a good job of incorporating SWDs throughout their ESSA plans. If included in the ESSA plan, discussions about Title II, Title III and references to the SSIP would indicate that states engaged in cross-program collaboration in developing their ESSA plans. Yet such discussions were often missing. This kind of work, while difficult, can ensure that SWDs are fully integrated throughout the plan, and not simply an afterthought. States need to be deliberate in this planning work to ensure that systems align in ways that support all our students.

The fourth indicator under this rating area is stakeholder engagement. The state ESSA plan is just the first opportunity for stakeholders, including parents and other representatives of SWDs, to engage on ESSA. Stakeholder engagement is critically important to making sure that the state is meeting the needs of SWDs. Many states missed this vital chance. Given that school districts are required to engage with stakeholders when developing local plans under ESSA, we urge states to reflect on their own processes and provide guidance to districts on how to best approach this important work.

## STATES LEADING

### COLORADO

Colorado's ESSA plan includes detailed descriptions for all four of the indicators in the Collaborating to Support All Schools ratings area. In particular, Colorado's discussion of Title II programming stands out—the state uses a coordinated approach across multiple offices to reach teachers who work with SWDs. Professional development and resources are provided on evidence-based strategies, including literacy interventions, Positive Behavioral Interventions and Supports and Response to Intervention. Colorado also did well engaging stakeholders, including the Colorado Special Education Advisory Council, in developing its plan.

### OKLAHOMA

Oklahoma's ESSA plan includes strong descriptions of each indicator in this focus area and stands out most for how the state describes the connection between its State Systemic Improvement Plan (SSIP) under IDEA and teacher professional development under Title II of ESSA. Oklahoma's SSIP is focused on early childhood literacy, and the state aligns its teacher training around six key areas, including early childhood literacy intervention strategies and IEP implementation. Oklahoma makes these trainings available both to general and special educators.

## STATES LAGGING

### FLORIDA

Florida needs to do more to incorporate the needs of SWDs throughout its ESSA plan. While the plan mentions (MTSS), it is not clear how educators will be supported to effectively implement it. Also, the plan does not make clear in its discussion of Title II and Title III whether Florida worked across programs to develop a unified ESSA plan, and it is unclear whether or how disability stakeholders were included in the process.



# RECOMMENDATIONS

## FOR STATE AND DISTRICT LEADERS

ESSA offered states an opportunity to be creative, ambitious and inclusive with their new education plans to best meet the needs of all students, including students with disabilities. Yet our review shows that many states did not take full advantage of this opportunity. Here are three important steps that states and local school districts should take to support students with disabilities, as they move to implement the education law.

### 1. Deliberately incorporate subgroups in your state plan.

Thirty-three states do not include subgroup performance in their overall school rating system. This means a school that looks great on average but has a significant achievement gap for students with disabilities may still be highlighted as a successful school. States should review their systems and make sure those systems hold schools accountable for helping all students succeed.

### 2. Be explicit about how your state or district will use ESSA resources to support students with disabilities.

In describing how the state will intervene in schools that struggle, only 10 states provided clear and detailed descriptions of interventions that work for SWDs. To improve in this area, states and districts should consider ways to align ESSA initiatives, like professional development under Title II, with other statewide initiatives focused on students with disabilities, such as the State Systemic Improvement Plan under IDEA. Make sure that Title II and III funds are used in ways that support all students, including those with disabilities. Use these resources to implement proven strategies and interventions that help SWDs succeed. And be deliberate about collaboration within your state.

### 3. Engage with all stakeholders.

Forty states provided limited (19) or no (21) discussion about engaging with stakeholders representing the disability community. States should work with stakeholder groups representing all children and families in making any changes to their ESSA plans. Districts should review all standing stakeholder committees to make sure families and advocacy groups representing students with disabilities, including ELs with disabilities, are represented.

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## FOR PARENTS

ESSA also creates an opportunity for parents to get involved, to help your school district understand how to effectively serve students with disabilities, and to be your child's best advocate.

### 1. Learn more about what ESSA requires.

NCLD and Understood worked together to develop an [ESSA Advocacy Toolkit](#) that offers useful information to help parents get involved and support their children.

### 2. Advocate for teacher training that will help your child succeed.

Learn about the kinds of [strategies](#) that help teachers support students with disabilities. Ask your child's teacher about the kinds of professional learning opportunities he or she receives to help children with learning and attention issues. ESSA provides funding to support teacher professional learning in areas like Universal Design for Learning, Multi-Tiered Systems of Supports, Personalized Learning and [Strengths-Based IEPs](#).

### 3. Get involved in ESSA's stakeholder engagement.

Ask your school principal how to get involved in the school improvement process. Contact your district office or school board to learn how to participate in district level education plans under ESSA. Learn more about [what to expect at a school board meeting](#) so you can make a difference in your child's education.



# INDICATOR DEFINITIONS

## STATE BY STATE RATINGS: HOLDINGS DISTRICTS AND SCHOOLS ACCOUNTABLE

### LONG-TERM GOALS FOR SWDS INDICATOR

#### Scoring

- **10 points** - goal of 75% proficiency or higher.
- **5 points** - goal of 60-74.9% proficiency rate.
- **0 points** - goal of 59.9% or below proficiency rate.

#### Rationale

States must have rigorous long-term goals for SWDs if they want to close gaps in achievement between SWDs and all other students. Setting a long-term goal that results in more than 25% of SWDs failing to achieve proficiency demonstrates that the state is not prioritizing the needs of these students.

### SAME GOALS FOR ALL INDICATOR

#### Scoring

- **10 points** - achievement and graduation rate goals were the same across groups.
- **5 points** - goals for either achievement or graduation rate were the same across groups, but not both.
- **0 points** - goals were different across groups.

#### Rationale

Students with disabilities should be held to the same high standards as their peers. Setting different goals and expectations for students with disabilities does not adequately address the achievement gaps between student subgroups. We rated plans on whether the long-term goals set for the “Students with Disabilities” subgroup were the same as long-term goals set the “All Students” subgroup. Some states set goals that sound like they are the same for all groups but may not be.

For example, states proposed closing the achievement gap between each subgroup and the “All Students” group by 50% as a long-term goal. While this may appear to be the same goal, because each subgroup is at a different starting place, the actual long-term proficiency goals for subgroups are different. We did not consider goals that aim to improve proficiency levels at the same rates across subgroups to be the same goals.

### N-SIZE INDICATOR

#### Scoring

- **10 points** - n-size of less than 20 students.
- **5 points** - n-size of 20 students.
- **0 points** - n-size of more than 20 students.

#### Rationale

States must balance reliability and inclusiveness when determining what n-size to use for accountability purposes. However, n-sizes that are too large can mask the performance of student groups and can result in schools not being identified for support, especially in small or rural schools where there are only small concentrations of students with disabilities. NCLD believes having an n-size of fewer than 20 students will capture the right number of student subgroups while maintaining reliability and validity of the results, as well as protecting student privacy. Plans were rated on how large a subgroup had to be in order to count the students within it.

### COMBINED SUBGROUP INDICATOR

#### Scoring

- **10 points** - state did not propose including a combined subgroup for accountability.
- **5 points** - state proposed a combined subgroup in cases where subgroups alone did not meet an n-size of less than 20, or used a combined subgroup in addition to reporting on separate subgroups. States also received 5 points if the state included a low performing subgroup.
- **0 points** - plans used a combined subgroup in lieu of individual subgroups for accountability purposes.

#### Rationale

Subgroups should not be combined for accountability purposes, unless all subgroups are also included individually in the accountability system. This is because “using supergroups takes attention away from individual groups of students, and with it, action on behalf of groups that need it” and allows for “schools and districts not to distinguish the histories and educational injustices these students have historically experienced”<sup>8</sup>. However, in cases where the n-size is reasonable (less than 20), a combined subgroup may allow for the inclusion of more students within the accountability system. Plans were rated on whether the state proposed combining subgroups for accountability purposes.



## SCHOOL QUALITY AND STUDENT SUCCESS INDICATOR (SQSSI)

### Scoring

■ **10 points** - SQSSI indicator is applicable to SWDs and is connected to achievement (e.g. chronic absenteeism, discipline rates, well-defined postsecondary readiness).

■ **5 points** - mixed indicators, some valid some not. If the High School indicator is framed in a way that all students cannot attain it (college and career readiness defined as passing an AP exam, for example), the state cannot get higher than yellow. If the state uses a climate survey, it will be rated yellow, as there is variability in whether those are valid measures.

■ **0 points** - invalid or N/A indicators for SWDs, or indicators still under development.

### Rationale

Plans were rated on how inclusive and applicable the additional indicator for school quality and student success was for students with disabilities, and if the indicator was connected to achievement.

## INCLUSIVENESS OF SCHOOL RATING SYSTEM INDICATOR

### Scoring

■ **10 points** - subgroups are included in the school rating system resulting in one or more summative or categorical ratings (not a data display).

■ **5 points** - subgroups are included in the rating system in limited ways, such as in combination with other subgroups or as a barrier to the highest performance rating. States cannot be rated higher than yellow if their system does not result in some sort of summative rating.

■ **0 points** - subgroups are not included, and/or only uses subgroup data for TSI determination in their system or uses a data display instead of one or more summative ratings.

### Rationale

Plans were rated on whether states included subgroup performance in determining the rating for a school. Points were awarded based on whether plans included subgroup performance in the identification method, used subgroup performance in some cases, or if subgroup performance was not included.

## DISCUSSION OF 1% ASSESSMENT INDICATOR

### Scoring

■ **10 points** - plans listed the assessment and discussed how the state will address either staying under or getting under the 1% cap.

■ **5 points** - the plan listed the assessment but did not address the 1% cap.

■ **0 points** - the plan did not discuss alternate assessments or the 1% cap.

### Rationale

Students with the most significant cognitive disabilities should be given an opportunity to showcase their skills and growth using an alternate assessment. However, we know that most children with disabilities can be successful on the general assessment. ESSA requires that states assess no more than 1% of the total student population using alternate assessments, a percentage that amounts to less than 10% of students with disabilities. This cap is important because it is “meant to avoid inappropriate inclusion of students with disabilities in an assessment based on different achievement expectations”<sup>9</sup>.

Not discussing how the state plans to administer the alternate assessment, or not addressing how the state plans to stay under the cap, shows that the state does not prioritize the needs of these students. Plans were rated on how adequately the state addressed these issues.

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## STATE BY STATE RATINGS: HELPING STRUGGLING SCHOOLS

### RAPID INTERVENTION INDICATOR

#### Scoring

■ **10 points** - schools will experience two years or less of failure before they will be identified for TSI and three years or less of failure before moved to CSI.

■ **5 points** - schools will experience three years of failure before they will be identified for TSI or four or five years of failure before moved to CSI.

■ **0 points** - schools will experience more than three years of failure before they will be identified for TSI or more than five years of failure before moved to CSI.

## INDICATOR DEFINITIONS

### *Rationale*

ESSA allows states to determine how quickly they will identify schools with “consistently underperforming” subgroups to receive targeted supports and interventions. ESSA requires that any schools identified as needing Additional Targeted Support (ATSI) must be labeled as needing Comprehensive Support and Intervention (CSI) when they fail to improve after a certain number of years. In both instances, it is essential that the states intervene quickly to help schools that struggle to support students with disabilities. Students do not have the time to waste, nor do they deserve to spend multiple years in underperforming schools. Plans were rated on the number of years a subgroup had to be “consistently underperforming” before states will intervene with supports, and the number of years of ATSI supports before a state proposed to move those schools into the CSI category of schools.

### DEFINITION OF “CONSISTENTLY UNDERPERFORMING” INDICATOR

#### *Scoring*

■ **10 points** - States define “consistently underperforming” in a way that will allow schools where subgroups lag behind other student groups to be identified as TSI and receive supports. This definition will also include more schools than just those doing as badly for a student group as CSI schools.

■ **5 points** - The state’s definition may lead to additional schools being identified for supports, but they are identified based on comparisons within a single subgroup, rather than across an objective metric for all groups.

■ **0 points** - The state’s definition will lead to identifying schools for TSI if they are doing as badly – or worse -- for a group of students as CSI schools are doing for all students. In other words, the state defines TSI and ATSI schools the same way. States also received a red rating if the definition for ATSI is either unclear or stricter than what is in the law.

### *Rationale*

ESSA requires states to identify entire schools that are low-performing, as well as two different groups of schools based on the performance of subgroups--(1) schools in need of Targeted Support and Improvement based on the state’s definition of “consistently underperforming,” and (2) schools in need of Additional Targeted Support and Improvement based on a subgroup performing as poorly as the lowest 5% of Title I schools in the state. If states do not have definitions of “consistently underperforming” that lead them

to identify and support schools doing poorly for individual subgroups, too many children will continue to attend schools that do not know how to meet their needs.

### INTERVENTION STRATEGIES AND SUPPORTS INDICATOR

#### *Scoring*

■ **10 points** - the plan provided a detailed description of supports for schools including specific supports for SWDs and planned to utilize strategies like PBIS, RTI, MTSS, personalized learning, and/or UDL.

■ **5 points** - the plan mentioned supports for students with disabilities and/or the listed strategies above.

■ **0 points** - the plan did not discuss specific strategies listed above or mention supporting students with disabilities.

### *Rationale*

Intervention strategies should support all students and be inclusive for students with disabilities. Strategies such as MTSS, PBIS, RTI, UDL, and personalized learning are effective in meeting the needs of SWDs. States should make a concerted effort to address the needs of students with disabilities when determining intervention strategies. It is impossible to see how a state will close the achievement gap without having a description of how the state plans to address struggling students with disabilities. Plans were rated on how detailed and inclusive their description of supports for schools identified as needing targeted or comprehensive support.

### BULLYING/HARASSMENT/DISCIPLINE INDICATOR

#### *Scoring*

■ **10 points** - plan provided a detailed description of supports and strategies to address bullying, harassment and negative school discipline practices for students with disabilities.

■ **5 points** - plan included a description of support and protections against bullying, harassment and includes strategies to improve school discipline practices but no specific mention of students with disabilities.

■ **0 points** - plan did not discuss how it will address bullying, harassment and negative school discipline practices.

## INDICATOR DEFINITIONS

### *Rationale*

Students with specific learning disabilities (such as dyslexia) and other health impairments (such as ADHD) are 31% and 43%, respectively, more likely to be bullied than their nondisabled peers<sup>10</sup>. Plans should address how the state will protect our students and how they will not disproportionately discipline students with disabilities. Detailed descriptions of strategies to address this issue, specifically as it relates to students with disabilities, demonstrate that states are taking concrete steps to improve outcomes. Plans were rated on how detailed and inclusive the description of preventing bullying, harassment and negative school discipline practices were for students with disabilities.

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## STATE BY STATE RATINGS: COLLABORATING TO SUPPORT ALL STUDENTS

### SSIP INCLUSION INDICATOR

#### *Scoring*

- **10 points** - the plan includes a detailed discussion of the SSIP and how it is connected to the state's education plan.
- **5 points** - the state plan only briefly mentions the SSIP.
- **0 points** - the plan does not discuss the SSIP.

### *Rationale*

State education plans and the state's Systemic Improvement Plan should be aligned and work in collaboration with each other. Separate goals, expectations and supports between the two plans will lead to confusion and inefficiencies in supporting students with disabilities. A lack of discussion about the connection between the two plans may indicate that the state did not seriously consider the needs of students with disabilities as they relate to the overall education plan.

### TITLE II DISCUSSION INDICATOR

#### *Scoring*

- **10 points** - the plan provided a detailed description of how the state proposed to use the funds, including using the funds specifically to address the needs of students with disabilities.
- **5 points** - the plan included a limited discussion of how states proposed to use the funds to address the needs of students with disabilities.

**0 points** - the plan did not discuss how the state proposed to use the funds to address the needs of students with disabilities

### *Rationale*

ESSA requires states and local school districts to use Title II funding to invest in professional development to build and hone the skills of educators, including educators of students with disabilities. This is a critically important opportunity for states because the majority of students with disabilities are spending most of their day in the general education classroom, yet their educators often have had little formal preparation in addressing their needs. Teachers of students with disabilities require additional support and training to serve them effectively. Having a structure in place recognizes the responsibility states and districts have to support these educators. Plans were rated on how detailed and inclusive the description of how the states proposed to use Title II funds to support strategies for students with disabilities.

### TITLE III DISCUSSION INDICATOR

#### *Scoring*

- **10 points** - the plan provided a detailed description of how the state proposed to use the funds, including using the funds specifically to address the needs of English language learners with disabilities.
- **5 points** - the plan included a limited discussion of how states proposed to use the funds to address the needs of students with disabilities.
- **0 points** - the plan did not discuss how the state proposed to use the funds to address the needs of students with disabilities.

### *Rationale*

Under ESSA, states must disaggregate data on English learners (ELs) with disabilities from the English learner population as a whole. It is important to know whether ELs with disabilities are receiving adequate services. Plans were rated on whether the state provided a detailed and inclusive description of how the states proposed to use Title III funds to support strategies for English language learners with disabilities.



### STAKEHOLDER ENGAGEMENT INCLUDES SWDS INDICATOR

#### *Scoring*

■ **10 points** - the plans described engaging with representatives of students with disabilities, teachers and parents of students with disabilities, and disability advocacy groups.

■ **5 points** - the plan described engaging with some but not all of the disability community.

■ **0 points** - the plan did not include a description of engaging the disability community.

#### *Rationale*

Congress made clear throughout the law that stakeholders should be involved in developing and implementing state education plans. While the first state plan template required states to describe how they engaged with different stakeholders, the revised template removed this requirement. However, education plans should still demonstrate that states take stakeholder engagement seriously. A lack of description or no mention of engaging with the disability community indicates that the state does not sufficiently take their needs into consideration. Plans were rated on how detailed and inclusive the descriptions of stakeholder engagement efforts were.



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# GLOSSARY

**Additional Targeted Support and Improvement (ATSI):**

In addition to identifying schools with subgroups that are consistently underperforming as defined by the state for Targeted Support and Improvement, states must also identify schools that have one or more student subgroups performing at or below the lowest-performing 5% of the state's Title I schools. See also "Comprehensive Support and Improvement" and "Targeted Support and Improvement."

**Alternate Assessment and 1% Cap:** Alternate assessments aligned to alternate academic achievement standards are designed to measure the knowledge, skills and abilities of students who are unable to take the regular assessment, even when appropriate accommodations are provided. These tests are only given to students with the most significant cognitive disabilities. Additionally, ESSA limits states to testing only up to 1% of the student population using alternate assessments, unless the state is granted a waiver from the U.S. Department of Education. See also "Most Significant Cognitive Disabilities."

**Combined Subgroup:** States create a combined subgroup, sometimes called a "super-subgroup," when they merge multiple groups of students together for reporting or accountability purposes. This can happen in two different ways: (1) when a state takes two groups specifically defined in ESSA, such as SWDs and ELs, and adds them together; and (2) when a state creates a new category that is not defined in ESSA to use for accountability or reporting, such as the bottom 30% of all students in a state.

**Comprehensive Support and Improvement (CSI):** CSI schools are the lowest-performing 5% of Title I schools in a state and all schools graduating less than 67% of students. States must identify these schools at least once every three years. States must also explain how a school identified for Additional Targeted Supports due to a consistently underperforming subgroup will be moved into the CSI category, if that school fails to make progress. After a school is identified for support, it must create a plan to improve. These plans must be developed with parents and other stakeholders. ESSA requires evidence-based interventions and includes funding to support this work.

**Consistently Underperforming Subgroup:** Under ESSA, every state must define "consistently underperforming" and identify any schools that meet that definition for a particular subgroup of students. The state also must require districts to provide targeted supports and interventions for that subgroup.

**English Learner (EL):** A student whose native language is a language other than English or who comes from an environment where a language other than English has had a significant impact on the student's English language proficiency, and whose difficulty understanding the English language may impact their ability to succeed in school.

**IDEA State Systemic Improvement Plan (SSIP):** A plan developed by states under IDEA to improve specific outcomes for students with disabilities, based upon a needs assessment, resource review and input from stakeholders.

**Long-term Goals:** States are required to identify long-term goals for all students and subgroups of students. States can pick their own goals, and how long a state has to meet those goals, but they must address proficiency on achievement tests in English and mathematics, English language proficiency and graduation rates. Goals must set an expectation that groups that are furthest behind close or narrow gaps in achievement and graduation rates.

**Most Significant Cognitive Disabilities:** Students with the most significant cognitive disabilities are a small number of students who have a disability under IDEA and whose cognitive abilities may prevent them from attaining grade-level achievement standards, even with the best instruction. This group of students is eligible to take the Alternate Assessment, as defined above.

**Multi-Tiered System of Supports (MTSS):** A framework that many schools use to provide targeted support to struggling students. MTSS uses data-based progress monitoring to respond to students' needs by providing evidence-based interventions that increase in intensity from tier to tier. MTSS covers academic as well as social and emotional supports. The MTSS model can help general education students receive interventions sooner. It can also help identify sooner which students need special education.

**ESSA Definition:** MTSS is a comprehensive continuum of evidence-based, systemic practices to support a rapid response to students' needs, with regular observation to facilitate data-based instructional decision-making.

**N-Size:** The minimum number of students that must be in a group before that group is counted for accountability purposes.

**Personalized Learning:** Learning that aligns with each student's interests, needs and skills and takes place in an

engaging environment where students gain a better understanding of their strengths. Personalized learning enables students to learn at their own pace and to receive support in challenging areas. Personalized learning can take place online or offline. Technology can be helpful but is not required. Personalized learning strategies are helpful for all students, but especially for students with disabilities.

**Positive Behavioral Interventions and Supports (PBIS):**

A schoolwide approach that is designed to create a social culture and system of support that makes misbehavior less attractive and that rewards desired behavior. PBIS is an example of MTSS. See also Multi-Tiered Systems of Supports (MTSS).

**Response to Intervention (RTI):** A comprehensive, multi-step process that closely monitors how a student is responding to different types of services and instruction. RTI is an example of MTSS. See also Multi-Tiered Systems of Supports (MTSS).

**School Quality and Student Success Indicator:** ESSA requires each state to choose a minimum of five ways to measure school performance. The first four are academic indicators that are mandatory:

- Academic achievement
- Academic progress
- English language proficiency
- High school graduation rates

The fifth measure, sometimes called the “5th indicator,” must be a way to measure school quality or student success, and states can select more than one way to do this.

**Stakeholder Engagement:** Stakeholder engagement is a way for states to bring together individuals with an interest in schools, including organizations and institutions representing educators and families, as well as representatives of the community who have a stake in the education law (e.g. community members representing students with disabilities). ESSA requires stakeholder engagement in developing state and local ESSA plans. Required stakeholders to engage include the governor, members of the state legislature and the state board of education, LEAs, representatives of Indian tribes located in the state, teachers, principals, other school leaders, charter school leaders, specialized instructional support personnel, paraprofessionals, administrators, other staff and parents.

**Subgroups:** States are required to disaggregate data on economically disadvantaged students, students with disabilities,

English language learners and students from major racial and ethnic groups. Performance data from these subgroups are also used to identify schools for support.

**Targeted Support and Improvement:** States must identify schools where one or more student groups are “consistently underperforming” for targeted support. After a school is identified for support, it must create a plan to improve. These plans must be developed with parents and other stakeholders. Interventions included in improvement plans must be evidence-based. ESSA includes funding to support this work.

**Title I:** The Title I program is designed to:

- Provide financial assistance to districts and schools with high numbers or high percentages of children from low-income families;
- Focus educators on the needs of specific student populations; and
- Reduce performance gaps between advantaged and disadvantaged students.

**Title II:** The Title II program is designed to:

- Improve the quality and effectiveness of educators through professional development on evidence-based strategies;
- Increase the number of teachers, principals, and other school leaders who are effective; and
- Provide low-income and minority students with greater access to effective educators.

**Title III:** The Title III program is designed to:

- Ensure that English learners attain English proficiency and develop high levels of academic achievement; and
- Assist educators to provide effective instructional programs for ELs.

Under Title III of ESSA, states are now required to disaggregate data on English learner students with disabilities from the English learner population as a whole.

**Universal Design for Learning (UDL):** UDL is a set of principles for curriculum development that is designed to create an environment where diverse learners can be successful. These principles provide multiple ways for information to be presented and for students to engage with the material and demonstrate what they know. These principles are helpful for all students, but especially for students with disabilities.

# APPENDIX

## Holding Districts and Schools Accountable Rating

State	Long Term Goals for SWD	Same Goals for All	N-Size	Combined Subgroup	5th Indicator	Inclusiveness of School Rating System	Discussion of 1% Assessment	Accountability Rating
Alabama	0	0	5	10	5	0	5	35.71%
Alaska	0	5	10	10	10	0	0	50.00%
Arizona	10	10	5	10	10	0	5	71.43%
Arkansas	10	10	10	10	10	0	5	78.57%
California	0	10	0	10	10	0	0	42.86%
Colorado	0	0	10	10	10	10	5	64.29%
Connecticut	10	10	5	0	10	5	0	57.14%
Delaware	0	0	10	10	10	0	0	42.86%
District of Columbia	10	10	10	10	10	10	5	92.86%
Florida	0	0	10	5	5	0	0	28.57%
Georgia	0	0	10	10	10	10	10	71.43%
Hawaii	0	0	5	10	10	0	5	42.86%
Idaho	0	0	5	10	5	0	0	28.57%
Illinois	10	10	5	10	5	10	5	78.57%
Indiana	0	0	5	10	5	0	5	35.71%
Iowa	0	5	5	10	0	0	5	35.71%
Kansas	10	10	0	10	5	5	5	64.29%
Kentucky	0	0	10	5	5	10	5	50.00%
Louisiana	0	10	10	10	10	5	5	71.43%
Maine	0	5	10	10	10	5	0	57.14%
Maryland	0	0	5	10	10	0	5	42.86%
Massachusetts	0	0	5	0	10	5	0	28.57%
Michigan	0	10	0	5	5	10	5	50.00%
Minnesota	10	10	5	10	10	10	5	85.71%
Mississippi	5	5	10	5	5	0	5	50.00%
Missouri	0	0	0	10	10	0	0	28.57%
Montana	0	0	10	10	5	0	0	35.71%
Nebraska	5	0	10	10	5	0	5	50.00%
Nevada	0	0	0	10	10	5	10	50.00%
New Hampshire	0	0	10	10	5	0	5	42.86%
New Jersey	10	10	5	10	10	10	10	92.86%
New Mexico	0	0	5	5	5	0	0	21.43%
New York	0	0	0	10	10	0	5	35.71%
North Carolina	0	5	0	10	5	0	5	35.71%
North Dakota	0	5	10	10	5	0	5	50.00%
Ohio	5	0	10	10	10	10	10	78.57%
Oklahoma	0	10	10	5	5	5	10	64.29%
Oregon	10	10	5	5	10	0	0	57.14%
Pennsylvania	0	0	5	10	10	0	5	42.86%
Puerto Rico	5	0	10	10	5	0	10	57.14%
Rhode Island	5	0	5	10	5	5	5	50.00%
South Carolina	5	10	5	5	5	0	5	50.00%
South Dakota	10	10	10	5	10	0	5	71.43%
Tennessee	0	0	0	0	5	5	5	21.43%
Texas	5	5	0	10	5	10	0	50.00%
Utah	0	0	10	5	5	0	0	28.57%
Vermont	5	10	0	5	10	0	5	50.00%
Virginia	5	10	0	10	10	0	5	57.14%
Washington	10	10	5	10	5	0	5	64.29%
West Virginia	0	5	5	10	10	0	5	50.00%
Wisconsin	0	0	5	10	10	0	0	35.71%
Wyoming	0	0	10	5	5	0	5	35.71%



State	Definition of "Consistently Underperforming"	Rapid Intervention	Intervention Strategies and Supports	Bullying/ Harassment/Discipline	Support for Improvement Rating
Alabama	0	5	5	10	50.00%
Alaska	0	10	5	5	50.00%
Arizona	0	5	10	10	62.50%
Arkansas	0	5	5	5	37.50%
California	0	5	0	10	37.50%
Colorado	10	5	5	10	75.00%
Connecticut	0	5	5	10	50.00%
Delaware	0	10	5	10	62.50%
District of Columbia	0	10	5	10	62.50%
Florida	0	0	5	5	25.00%
Georgia	10	10	5	5	75.00%
Hawaii	10	10	5	10	87.50%
Idaho	10	5	10	10	87.50%
Illinois	10	5	5	5	62.50%
Indiana	0	10	5	10	62.50%
Iowa	0	5	10	10	62.50%
Kansas	10	10	5	10	87.50%
Kentucky	10	10	10	10	100.00%
Louisiana	0	10	0	10	50.00%
Maine	5	5	0	0	25.00%
Maryland	10	10	0	10	75.00%
Massachusetts	0	0	0	10	25.00%
Michigan	0	5	5	10	50.00%
Minnesota	10	5	5	10	75.00%
Mississippi	10	10	5	10	87.50%
Missouri	0	10	5	10	62.50%
Montana	0	5	5	10	50.00%
Nebraska	10	10	0	10	75.00%
Nevada	10	10	0	5	62.50%
New Hampshire	5	5	10	10	75.00%
New Jersey	10	10	10	10	100.00%
New Mexico	5	10	0	5	50.00%
New York	5	10	5	10	75.00%
North Carolina	10	5	5	10	75.00%
North Dakota	0	5	5	0	25.00%
Ohio	5	10	5	5	62.50%
Oklahoma	0	10	10	5	62.50%
Oregon	0	10	0	10	50.00%
Pennsylvania	0	5	10	5	50.00%
Puerto Rico	5	10	0	5	50.00%
Rhode Island	10	5	0	10	62.50%
South Carolina	10	0	0	5	37.50%
South Dakota	0	5	5	5	37.50%
Tennessee	10	5	5	5	62.50%
Texas	10	5	0	5	50.00%
Utah	0	5	0	5	25.00%
Vermont	5	10	0	5	50.00%
Virginia	10	10	5	10	87.50%
Washington	0	5	10	10	62.50%
West Virginia	0	5	5	10	50.00%
Wisconsin	5	0	10	10	62.50%
Wyoming	5	5	5	10	62.50%

State	SSIP Inclusion	Title II Discussion	Title III Discussion	Stakeholder Engagement Includes SWDs	Inclusive and Collaborative Planning Rating
Alabama	0	5	5	0	25.00%
Alaska	0	5	0	0	12.50%
Arizona	0	10	0	0	25.00%
Arkansas	10	10	5	0	62.50%
California	0	5	0	0	12.50%
Colorado	10	10	10	10	100.00%
Connecticut	0	10	0	0	25.00%
Delaware	5	10	5	10	75.00%
District of Columbia	10	5	0	10	62.50%
Florida	0	0	0	0	0.00%
Georgia	5	5	0	0	25.00%
Hawaii	0	10	0	5	37.50%
Idaho	0	5	5	0	25.00%
Illinois	0	5	0	0	12.50%
Indiana	5	10	10	0	62.50%
Iowa	0	5	0	10	37.50%
Kansas	5	5	0	10	50.00%
Kentucky	10	10	5	10	87.50%
Louisiana	0	10	0	10	50.00%
Maine	0	5	0	5	25.00%
Maryland	0	5	0	5	25.00%
Massachusetts	5	5	0	5	37.50%
Michigan	0	5	5	5	37.50%
Minnesota	5	10	10	5	75.00%
Mississippi	0	5	0	0	12.50%
Missouri	5	5	10	5	62.50%
Montana	0	10	0	5	37.50%
Nebraska	5	10	0	5	50.00%
Nevada	0	10	5	0	37.50%
New Hampshire	0	5	0	0	12.50%
New Jersey	10	10	5	10	87.50%
New Mexico	10	0	0	0	25.00%
New York	0	0	5	5	25.00%
North Carolina	10	10	5	0	62.50%
North Dakota	10	10	5	5	75.00%
Ohio	10	5	10	0	62.50%
Oklahoma	10	10	10	10	100.00%
Oregon	0	10	0	5	37.50%
Pennsylvania	5	0	0	10	37.50%
Puerto Rico	0	5	5	10	50.00%
Rhode Island	5	5	0	5	37.50%
South Carolina	5	10	5	5	62.50%
South Dakota	10	10	10	0	75.00%
Tennessee	10	5	10	10	87.50%
Texas	0	5	5	0	25.00%
Utah	10	5	5	5	62.50%
Vermont	5	10	5	5	62.50%
Virginia	0	10	10	0	50.00%
Washington	5	10	10	5	75.00%
West Virginia	0	5	0	0	12.50%
Wisconsin	10	5	5	5	62.50%
Wyoming	5	10	0	5	50.00%

The mission of NCLD is to improve the lives of the 1 in 5 children and adults nationwide with learning and attention issues—by empowering parents and young adults, transforming schools and advocating for equal rights and opportunities. We're working to create a society in which every individual possesses the academic, social and emotional skills needed to succeed in school, at work and in life.



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