



June 16, 2017

Dr. Carey Wright, State Superintendent
 Dr. Nathan Oakley, Executive Director, Office of Elementary Education and Reading
 Mississippi Department of Education
 P.O. Box 771
 Jackson, MS 39205-0771

Dear Dr. Wright and Dr. Oakley:

The Mississippi Delta Catalyst Roundtable, Southern Echo, Inc., the national Dignity in Schools Campaign (DSC), the NAACP Legal Defense and Educational Fund, Inc. (LDF), and our allies have reviewed the June draft of Mississippi's Consolidated State Plan under the Every Student Succeeds Act of 2015 (ESSA) and submit this letter as a follow-up to our October 2016 letter outlining recommendations for the state plan. We have also reviewed the ESSA state plans submitted to the U.S. Department of Education in March or April. While we are not endorsing any particular plan, we reference promising provisions from a few state plans for your consideration. As detailed in our previous letter, our key priorities are as follows:

- I. *Ensure that a diverse group of parents and community stakeholders continue to be meaningfully engaged throughout the development of the ESSA state plan;*
 - II. *Include school climate and safety in the state's accountability system, and measure this indicator by using school discipline data and school climate surveys;*
 - III. *Ensure accountability for the success of each subgroup of students, especially Black boys and girls and including students who self-identify as lesbian, gay, bisexual, transgender, and queer (LGBTQ);*
 - IV. *Provide Effective Supports to Schools and Districts to Promote Positive School Climates;*
 - V. *Ensure students involved in the juvenile justice system receive quality instruction and successfully transition back into the educational system;*
 - VI. *Develop and Implement effective strategies for addressing teacher shortages and teacher quality;*
 - VII. *Support schools and districts identified for improvement by targeting funds to assist in addressing resource inequities; and*
 - VIII. *Provide parents and families with comprehensive information that provides a complete picture of school and district performance on state and district report cards.*
- I. Ensure that a Diverse Group of Parents and Community Stakeholders Continued to be Meaningfully Engaged throughout the Development of the ESSA State Plan**

We have been pleased with Mississippi's efforts to engage community stakeholders in the development of the state plan, including by hosting regional listening tours in the afternoon and evening in several locations across the state and by inviting representatives from community organizations to

participate in ESSA working groups. To ensure transparency, we strongly urge the state to include evidence of stakeholder engagement, including a complete list of organizations and groups that the state has engaged in a revised version of the state plan. In addition, Mississippi must continue to ensure meaningful stakeholder engagement by taking feedback on the state's plan into consideration and using this input to inform revisions to the final plan before submission to the U.S. Department of Education, as required by ESSA. Finally, we urge Mississippi to include a description of the feedback received on the state plan, changes that were made based on this feedback, and changes that were not made and why in its final plan.

II. Include School Climate and Safety in the State's Accountability System, and Measure this Indicator by Using School Discipline Data and School Climate Surveys

The most recent draft of Mississippi's state plan includes the following indicators of School Quality or Student Success: academic growth of the lowest performing students for all grade levels and a College and Career Readiness indicator (measured by ACT scores) and an Acceleration indicator (measured by the number of students taking and passing accelerated courses). Tracking such indicators is an important step toward educational equity. However, we continue to urge the state to also include "school climate and safety" as an indicator of school quality. As detailed in our previous letter, according to data reported by the U.S. Department of Education's Office for Civil Rights, during the 2011-2012 school year (the most recent statewide data available), 51,030 students in the state experienced one or more out-of-school suspensions, and Black students were disproportionately impacted. Black boys, in particular, made up only 25.3 percent of the state's student population, but comprised 47.9 percent of the students who received out-of-school suspensions. Girls of color are the fastest growing population in the juvenile justice system, and national data indicate that Black girls are six times more likely to be suspended or expelled than white girls, and more likely to be suspended than most every racial and ethnic group of boys, except Black boys.¹ Such racial disparities exist in Mississippi and nationwide even though there is no evidence that Black students misbehave more than their white peers.²

School disciplinary practices impact school quality and students' educational success. There is ample research showing that positive school climates will increase several aspects of student success, including school attendance, academic achievement, and graduation rates.³ Therefore, the Department should measure school climate by using school discipline data (i.e. in- and out-of-school suspensions, expulsions, referrals to law enforcement, and school-based arrests) and student and parent school climate surveys. The Department should also develop a definition for positive school climate in consultation with parents and other stakeholders and include this definition in its state plan. For example, DSC's *Model Code on Education and Dignity* urges states and LEAs to create a climate where "students feel socially, emotionally and physically safe, ... there is mutual respect between teachers, students, parents or guardians, and ... students' self-expression and self-esteem are supported."⁴

¹ U.S. Department of Education Office of Civil Rights, *Civil Rights Data Collection: Data Snapshot (School Discipline)* (2014), www.ocrdata.ed.gov.

² Russell Skiba, et al, New and Developing Research on Disparities in Discipline, The Equity Project at Indiana University, 2, (Mar. 2014), http://www.indiana.edu/~atlantic/wp-content/uploads/2015/01/Disparity_NewResearch_010915.pdf.

³ See, e.g., Emily Morgan, et al., *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System*, xii n.11, Council of State Governments Justice Center (2014), https://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf.

⁴ The Dignity in Schools Campaign, *A Model Code on Education and Dignity*, Revised October 2013, at 18, http://www.dignityinschools.org/files/Model_Code_2013.pdf.

Other states have incorporated school climate in their accountability systems. For example, Tennessee is including a “Chronically Out of School” indicator, which will be measured by the number of students missing 10 percent or more school days; students who are absent or suspended out of school will be included in this metric.⁵ The state is considering including all exclusionary discipline practices, including in-school suspensions, in an expanded “Opportunity to Learn” indicator in the future. Vermont is including “Safe and Healthy Schools” as a performance measure in its accountability framework.⁶ This indicator will include school climate data and will examine the rate of exclusionary discipline practices in schools, with an emphasis on examining the disproportionate impact on historically disadvantaged students. Finally, in its plan, North Dakota provides a definition for school climate, which states that: Students learn to their potential when learning in a safe, caring and healthy environment which promotes trusted peer and adult relationships, a climate which supports student academic and social growth and leadership, and strides to motivate students to adapt to personal and academic rigors.⁷ North Dakota’s plan includes school climate and student engagement as indicators of school quality as part of a comprehensive strategy to reduce incidents of bullying and harassment and the overuse of discipline practices that remove students from the classroom.⁸

III. Ensure Accountability for the Success of Each Subgroup of Students, Especially Black Boys and Girls and Including Students Who Self-identify as Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ)

As requested in our October letter, we are pleased that the Department has maintained an n-size of 10 for accountability purposes. This will help to ensure that as many student subgroups as possible are included in the state’s accountability system without revealing personally identifiable information about individual students. We also encourage the Department to include students who self-identify as LGBTQ as a subgroup of students whose performance is measured due to the discrimination these students often experience, which could have a strong, negative impact on their academic achievement.⁹

IV. Provide Effective Supports to Schools and Districts to Promote Positive School Climates

The Department states that it will support districts receiving Title I, Part A funds to improve school conditions for student learning, including through reducing the overuse of discipline practices that remove students from the classroom, by providing professional development for guidance counselors, administrators, and teachers as the state works to implement Positive Behavioral Interventions and Supports (PBIS). We are pleased that the Department plans to provide supports to districts to assist with implementing alternative discipline approaches that address student behavior in positive, non-exclusionary ways. We also recommend targeting additional supports to districts most in need of such resources.

⁵ Tennessee Department of Education, Consolidated State Plan Under the Every Student Succeeds Act, 71, (April 3, 2017), https://www.tn.gov/assets/entities/education/attachments/ESSA_state_plan.pdf.

⁶ State of Vermont Agency of Education, Consolidated State Plan Under the Every Student Succeeds Act, 74-75, (March 2017), <http://education.vermont.gov/sites/aoe/files/documents/edu-essa-vermont-state-plan-draft-050317.pdf>.

⁷ North Dakota Department of Public Instruction, Every Student Succeeds Act State Plan, 95, <https://www.nd.gov/dpi/uploads/1494/FinalINDESSAPlanforSubmission.pdf>

⁸ *Id.* at 95.

⁹ Hilary Burdge, et al., *LGBTQ Youth of Color: Discipline Disparities, School Push-Out, and the School-to-Prison Pipeline*, 2 (2014), https://gsanetwork.org/files/aboutus/LGBTQ_brief_FINAL-web.pdf.

For example, Connecticut currently requires its 30 lowest-performing school districts to identify prioritized interventions, including those that address issues related to climate and culture.¹⁰ The state will create a list of evidenced-based practices for improving school climate which will provide guidance to low-performing schools and districts regarding staffing, social-emotional supports, and restorative/non-exclusionary discipline practices.¹¹ Massachusetts will use Title IV, Part A funds to build upon its Rethinking Discipline initiative, which currently engages over 30 districts in a professional learning network to reduce the inappropriate or excessive use of long-term suspensions and expulsions, including disproportionate rates of suspensions and expulsions for students of color and students with disabilities.¹² Delaware will utilize a variety of funding sources to provide statewide professional learning and training on restorative practices, which serve as an alternative to exclusionary discipline and a strategy to address the root causes of student behavior and foster positive school climate.¹³ The state will also support districts in the schoolwide training of all teachers on conducting restorative circles. Finally, New Mexico will use ESSA funds to create a process that includes a review of school discipline policies that disproportionately impact homeless students, including students of color, students with disabilities, English language learners, and those who identify as LGBTQ.¹⁴

In addition, the Department should require districts to consider school climate in the needs assessments for schools identified for comprehensive support and improvement. Specifically, the Department should encourage districts to analyze indicators such as discipline data in these needs assessments and to include strategies to promote positive school climates in their improvement plans. Improvement plans should detail strategies to reduce exclusionary discipline practices and disproportionality across race, gender, and disability—including by requesting funding for alternative practices.

V. Ensure Students Involved in the Juvenile Justice System Receive Quality Instruction and Transition Back into the Educational System

The Department states that it will provide technical support for staff at Mississippi's correctional facilities in order to assist them with ensuring that students who are enrolled long-term show at least a five percent increase in reading and math proficiency between pre- and post-tests and to ensure that these facilities see a five percent increase in the percentage of students receiving a high school diploma or high school equivalency. We are pleased that the Department plans to use ESSA funds to assist the transition of justice-involved children and youth. We urge the Department to go further than what is currently detailed in the state plan by outlining a strategy for improving the quality of coursework offered in juvenile facilities to ensure alignment with challenging state academic standards.

¹⁰ Connecticut State Department of Education, Consolidated State Plan Under the Every Student Succeeds Act, 41, (April 3, 2017), http://www.sde.ct.gov/sde/lib/sde/pdf/essa/april_3_ct_consolidated_state_essa_plan1.pdf.

¹¹ *Id.* at 57.

¹² Massachusetts Department of Elementary and Secondary Education, Consolidated State Plan Under the Every Student Succeeds Act, 80, (April 3, 2017), www.mass.gov/ese/essa.

¹³ Delaware Department of Education, Consolidated State Plan Under the Every Student Succeeds Act, 96-97, (April 3, 2017),

¹⁴ New Mexico Public Education Department, Consolidated State Plan Under the Every Student Succeeds Act, 149, (April 3, 2017), http://ped.state.nm.us/ped/ESSA_docs/NewMexicoStatePlanDraft_ESSA.pdf.

One of Oregon’s stated goals and objectives for the use of Title I, Part D funds is to increase students’ access to quality instruction and teachers in juvenile facilities.¹⁵ The state requires educational programs in these facilities to be aligned with state standards in all content areas and students receiving diplomas must meet the same requirements as their public school peers. Michigan also states that its juvenile facilities will implement or develop a rigorous curriculum aligned with state standards and offer regular high school diplomas to the greatest degree possible.¹⁶ Colorado will use Title I, Part D funds to support transition teams that follow children and youth from facilities back to their public schools to minimize barriers to transition and to ensure consistency in coursework and course credits.¹⁷

VI. Develop and Implement effective strategies for addressing teacher shortages and teacher quality

According to the state’s recent equitable access plan, students in districts with high minority and high poverty populations are disproportionately taught by inexperienced teachers and by teachers who are inappropriately licensed.¹⁸ We are pleased that the Department includes a comprehensive strategy for addressing this issue in its state plan. The state has committed to ensuring that every school has effective teachers and leaders in its five-year strategic plan by strengthening teacher/leader preparation programs, improving the state’s licensure/certification process, ensuring that all districts provide induction and mentoring programs for new teachers and leaders, and ensuring that educators are provided with opportunities for continuous professional development. The Department also states that it will provide technical assistance to districts to support the implementation of Grow-Your-Own programs to help create a sustainable pipeline of teachers and leaders who are members of the community in which they teach. We applaud the Department for providing support to districts to achieve this important goal. In addition, we are also pleased that the Department plans to use a combination of student outcomes, classroom observations, and student surveys (scheduled to be implemented during the 2018-2019 school year) for teacher evaluations. We also strongly support the inclusion of school site observations that consider school culture and climate in administrator evaluations.

We recommend ensuring that funding and supports, such as teacher training and technical assistance related to recruiting and retaining qualified teachers, are targeted to low-performing schools and districts with the worst teacher shortages (e.g. Focus School Districts, Achievement Schools, and Consolidated School Districts).

¹⁵ Oregon Department of Education, Consolidated State Plan Under the Every Student Succeeds Act, 116, (May 3, 2017), http://www.oregon.gov/ode/rules-and-policies/Documents/OR_consolidatedStateplan.pdf.

¹⁶ Michigan Department of Education, Consolidated State Plan Under the Every Student Succeeds Act, 50, (April 3, 2017), http://www.michigan.gov/documents/mde/Michigan-ESSA-Consolidated-Plan_558370_7.pdf.

¹⁷ Colorado Department of Education, Consolidated State Plan Under the Every Student Succeeds Act, 117 (May 1, 2017), <https://www.cde.state.co.us/fedprograms/essa>.

¹⁸ Mississippi Department of Education, *State Plan to Ensure Equitable Access to Excellent Teachers*, 19-20, available at http://www.mde.k12.ms.us/docs/teacher-center/equity-plan-3-4-16_20160307095246_422084.pdf?sfvrsn=2.

VII. Support Schools and Districts Identified for Improvement by Targeting Funds to Assist in Addressing Resource Inequities

The Department states that it will support schools and districts identified for support and improvement by providing: funding to support evidenced-based interventions for improving student academic achievement, access to technical assistance, and access to professional development that is focused on key areas of improvement and aligned to comprehensive needs assessments. The state should also support districts in addressing resource inequities in schools identified for improvement by targeting additional resources specifically for ensuring that students in these schools have equitable access to challenging academic curricula, technology, Arts programming, and adequate building facilities. Additionally, because parent and family engagement is a critical factor in student achievement, the Department should encourage schools and districts identified for improvement to include strategies in their improvement plans for supporting and engaging parents, including:

- Trainings and workshops for parents on supporting students' academic and socio-emotional success (including strategies for assisting students with homework and information on child development);
- Effective and timely communication methods that utilize both hard copy documents and technology to keep all parents, including working parents, informed (e.g. handouts sent home with students and text messages about student performance); and
- Making a range of school resources, such as libraries and computer labs, available to parents and families after school hours.

VIII. Provide parents and families with comprehensive information that provides a complete picture of state and district performance on report cards

Finally, ESSA requires states to annually publish and distribute to the public, in a language that is understandable to parents, a report card that includes a variety of components, including (but not limited to) the names and numbers of schools identified for improvement, results on all accountability indicators, school discipline data, educator qualifications, and per-pupil expenditures of federal, state, and local funds disaggregated by source. In order to provide a complete picture of how schools and districts are performing on other indicators that impact students' academic achievement and socio-emotional development, we urge the Department to also include the following:

- Staff to student ratio for support staff (e.g. counselors and social workers);
- The number of police officers assigned to schools;
- The use of evidence-based restorative practices, PBIS and other positive approaches;
- Data on teacher recruitment, retention, and teacher absenteeism;
- The school-level and district-wide poverty rate;
- Access to extra-curricular activities;
- Data indicating teacher and school leader diversity.

We hope you will take these recommendations into consideration as you continue to develop and refine Mississippi's ESSA state plan. We look forward to continuing to work with you and other stakeholders to support the successful implementation of ESSA in Mississippi and to ensure that the strategies outlined in the state's plan promote inclusion, achievement, and equity for all students.

Sincerely,

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