



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

August 4, 2017

The Honorable Robert G. Hasson, Jr.  
Commissioner of Education  
Maine Department of Education  
23 State House Station  
Augusta, ME 04333-0023

Dear Commissioner Hasson:

Thank you for submitting Maine's consolidated State plan to implement requirements of covered programs under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), and of the amended McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).

I am writing to provide feedback based on the U.S. Department of Education's (Department's) review of your consolidated State plan. As you know, the Department also conducted, as required by the statute, a peer review of the portions of your State plan related to ESEA Title I, Part A, ESEA Title III, Part A, and the McKinney-Vento Act using the Department's *State Plan Peer Review Criteria* released on March 28, 2017. Peer reviewers examined these sections of the consolidated State plan in their totality, while respecting State and local judgments. The goal of the peer review was to support State- and local-led innovation by providing objective feedback on the technical, educational, and overall quality of a State plan and to advise the Department on the ultimate approval of the plan. I am enclosing a copy of the peer review notes for your consideration. Please note that the Department's feedback may differ from the peer notes.

Based on the Department's review of all programs submitted under Maine's consolidated State plan, including those programs subject to peer review, the Department is requesting clarifying or additional information to ensure the State's plan has met requisite statutory and regulatory requirements, as detailed in the enclosed table. Each State has flexibility in how it meets the statutory and regulatory requirements. I encourage you to read the full peer notes for additional suggestions and recommendations for improving your consolidated State plan.

ESEA section 8451 requires the Department to issue a written determination within 120 days of a State's submission of its consolidated State plan. Given this statutory requirement, I ask that you revise Maine's consolidated State plan and resubmit it through OMB Max within 15 days from August 2, 2017. If you need more time than this to resubmit your consolidated State plan, please contact your Office of State Support Program Officer, who will work with you in establishing a new submission date. Please recognize that if we accommodate your request for

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additional time, we may be unable to issue a written determination on your plan within the 120-day review period.

Department staff are available to support Maine in addressing the items enclosed with this letter. If you have any immediate questions or need additional information, I encourage you to contact your Program Officer for the specific Department program.

Please note that the Department only reviewed information provided in Maine's consolidated State plan that was responsive to the Revised Template for the Consolidated State Plan that was issued on March 13, 2017. Each State is responsible for administering all programs included in its consolidated State plan consistent with all applicable statutory and regulatory requirements. Additionally, the Department can only review and approve complete information. If Maine indicated that any aspect of its plan may change or is still under development, Maine may include updated or additional information in its resubmission. Maine may also propose an amendment to its approved plan when additional data or information are available consistent with ESEA section 1111(a)(6)(B). The Department cannot approve incomplete details within the State plan until the State provides sufficient information.

Thank you for the important work that you and your staff are doing to support the transition to the ESSA. The Department looks forward to working with you to ensure that all children have the opportunity to reach their full potential.

Sincerely,

/s/

Jason Botel  
Acting Assistant Secretary

Enclosures

cc: Governor  
State Title I Director  
State Title II Director  
State Title III Director  
State Title IV Director  
State Title V Director  
State 21st Century Community Learning Center Director  
State Director for McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youths Program

**Items That Require Additional Information or Revision in Maine’s Consolidated State Plan**

| <b>Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)</b>    |  |
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| A.4.iii.c.1: English Language Proficiency Long-term Goals   | The ESEA requires a State to identify and describe an ambitious long-term goal and measurements of interim progress for English learners for increases in the percentage of such students making progress in achieving English language proficiency (i.e., as distinct from the percentage of such students in achieving English language proficiency) within a State-determined timeline. In its State plan, MDE provides a long-term goal and measurements of interim progress but, in certain sections of its State plan, refers to the percentage of English learners <i>achieving</i> English language proficiency as opposed to the percentage of English learners <i>making progress in</i> achieving English language proficiency. Because MDE is inconsistent in how it describes a long-term goal and measurements of interim progress for English learner progress in achieving English language proficiency, it is unclear whether the State meets the statutory requirements. |
| A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools | The ESEA requires a State to describe an indicator for elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) that annually measures the performance of all students and separately for each subgroup of students. Because MDE’s description of its proposed Other Academic indicator does not describe it will calculate this indicator for schools and for subgroups of students, it is unclear if the statutory requirements are met.  |
| A.4.iv.d: Progress in Achieving English Language Proficiency Indicator                            | The ESEA requires that each State establish and describe a Progress in Achieving English Language Proficiency indicator that is measured at the school level. MDE describes how it will measure progress in achieving English language proficiency at the student level. However, because MDE does not describe how that information is combined to create a measure for each school in the State, it has not fully described the Progress in Achieving English Language Proficiency indicator.  |
| A.4.v.b: Weighting of Indicators  | The ESEA requires a State to describe the weighting of each indicator in its system of annual meaningful differentiation, including that the Academic Achievement, Other Academic, Graduation Rate, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually; and that those indicators receive, in the aggregate, much greater weight than the School Quality or Student Success indicator(s), in the aggregate. Because MDE does not describe how it will adjust the weighting for schools for which an indicator cannot be calculated due to the minimum number of students, it is unclear whether MDE meets the statutory requirements.  |
| A.4.vi.e: Targeted Support and  | The ESEA requires a State to describe in its State plan its methodology for annually identifying   |

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| <p>Improvement Schools—<br/>“Consistently Underperforming”<br/>Subgroups</p>                   | <p>schools with one or more consistently underperforming subgroups, as determined by the State, if any, based on all indicators in the statewide system of annual meaningful differentiation. MDE’s State plan does not describe its methodology, based on all indicators in the statewide system of annual meaningful differentiation, to identify schools with one or more “consistently underperforming” subgroups of students, nor does it include its definition of “consistently underperforming.”</p>   |
| <p>A.4.vi.f: Targeted Support and<br/>Improvement Schools—<br/>Additional Targeted Support</p> | <p>The ESEA requires a State to describe its methodology for identifying additional targeted support schools in which the performance of any subgroup of students, on its own, would lead to identification as a comprehensive support and improvement school under ESEA section 1111(c)(4)(D)(i)(I) using the State’s methodology under ESEA section 1111(c)(4)(D) (i.e., the State’s methodology for identifying for comprehensive support and improvement the lowest-performing five percent of Title I school). MDE has not described its methodology for identifying these schools, nor has it specified whether the methodology identifies these schools from among all public schools in the State or from among only the schools identified as schools with one or more consistently underperforming subgroups (either of which is permissible) and the frequency with which the State will identify such schools.</p> |
| <p>A.5: Disproportionate Rates of<br/>Access to Educators</p>                                  | <ul style="list-style-type: none"> <li>• Although MDE describes certain disproportionate rates of access to teachers for all schools, MDE does not specifically address ineffective teachers or schools assisted under Title I, Part A. The ESEA requires that MDE describe the extent, if any, that low-income children enrolled in schools assisted under Title I, Part A are served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers.</li> <li>• The ESEA requires a State to describe the measures it will use to evaluate and publicly report its progress with respect to how low-income and minority children are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers.</li> </ul>  |
| <p>A.6: School Conditions</p>  | <p>Although MDE lists several strategies on school conditions in its State plan, MDE does not specifically address how it will support schools receiving assistance under Title I, Part A to improve school conditions for student learning and support LEAs in reducing incidences of bullying and harassment, overuse of discipline practices that remove students from the classroom, and use of aversive behavioral interventions that compromise student health and safety. The ESEA requires a State to describe how it will: (1) support LEAs receiving assistance under Title I, Part A to improve school conditions for student learning; and (2) support LEAs in reducing incidences of bullying and harassment, overuse of discipline practices that remove students from the classroom, and use of aversive behavioral interventions that compromise student health and</p>  |

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|  | safety.  |
| <b>Title IV, Part B: 21st Century Community Learning Centers</b> |  |
| G.2: Awarding Subgrants  | Although MDE describes the procedures and criteria it will use for reviewing applications and awarding 21st CCLC funds to eligible entities on a competitive basis, MDE indicates that it will require applications for subgrants to be “submitted jointly by not less than one Local Education Agency (LEA) and one Non-LEA entity,” which is inconsistent with the ESEA eligibility requirements in section 4201(b)(3). The ESEA requires a State to provide information on how it will award 21st CCLC funds to eligible entities consistent with requirements in section 4201(b)(3) of the ESEA. |