



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 21, 2017

The Honorable Joy Hofmeister
Superintendent of Public Instruction
Oklahoma Department of Education
2500 North Lincoln Boulevard
Oklahoma City, OK 73105-4599

Dear Superintendent Hofmeister:

Thank you for submitting Oklahoma'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 initial feedback based on the U.S. Department of Education's (the 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 the 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.

Based on the Department's review of all programs submitted under Oklahoma'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 all statutory and regulatory requirements, as detailed in the enclosed table. Each State has flexibility in how it meets the statutory and regulatory requirements. Please note that the Department's feedback may differ from the peer review notes. 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 Oklahoma's consolidated State plan and resubmit it through OMB Max by January 8, 2018. We encourage you to continue to engage in consultation with stakeholders, including representatives from the Governor's office, as you develop and implement your State plan. If you would like to take more time to resubmit your consolidated State plan, please contact your Office of State Support Program Officer in writing and indicate your new submission date.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Please recognize that if we accommodate your request for additional time, a determination on the ESEA consolidated State plan may be rendered after the 120-day period.

Department staff will contact you to support Oklahoma 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 Oklahoma'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 Oklahoma indicated that any aspect of its plan may change or is still under development, Oklahoma may include updated or additional information in its resubmission. Oklahoma 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
Principal Deputy Assistant Secretary,
Delegated the authority to perform the
functions and duties of the position of
Assistant Secretary, Office of
Elementary and Secondary Education

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 Oklahoma’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.4.i.a: Major Racial and Ethnic Subgroups of Students	<p>In its plan, the Oklahoma State Department of Education (OSDE) lists major racial and ethnic student subgroups but specifies that it will include an “all remaining students group” rather than certain major racial and ethnic subgroups in its statewide accountability system (i.e., White, Hispanic/Latino, Asian, Black/African American, American Indian, Native Hawaiian/Other Pacific Islander, and Two or More Races). Use of this subgroup (the “all remaining subgroups” subgroup) is only permissible if each of the individual major racial and ethnic subgroups is also separately included in the State’s plan. The ESEA requires a State to include in its accountability system each of the major racial and ethnic groups that the State defines as major, as well as the subgroups of economically disadvantaged students, children with disabilities, and English learners.</p> <p>Clarifying this requirement in the State plan will also require OSDE to clarify this matter in related areas of its State plan to ensure all ESEA required subgroups are properly included. In particular, the ESEA requires:</p> <ul style="list-style-type: none"> • That the Academic Achievement indicator measures the performance of each individual subgroup of students in addition, at the State’s discretion, to the performance of the combined “all remaining students” subgroup. (Requirement A.4.iv.a) • That OSDE’s system of annual meaningful differentiation is based on the performance of all students and each individual subgroup of students in addition, at the State’s discretion, to the combined “all remaining students” subgroup. (Requirement A.4.v.a) • That the identification of schools with one or more “consistently underperforming” subgroups be based on the performance of each individual subgroup separately in addition, at the State’s discretion, to the performance of the “all remaining students” subgroup. (Requirement A.4.vi.e).
A.4.iii.a.1: Academic Achievement Long-term Goals	<p>The ESEA requires an SEA to identify and describe long-term goals and measurements of interim progress for improved academic achievement, as measured by grade-level proficiency on the annual statewide reading/language arts and mathematics assessment, for all students and for each subgroup of students. While OSDE has included hypothetical long-term goals, which is permissible, it is not clear from the plan that OSDE has separate goals for reading/language arts and mathematics.</p>

<p>A.4.iii.a.2: Academic Achievement Measurements of Interim Progress</p>	<p>OSDE highlights that each student group would have an interim target that is both statistically and meaningfully different from the previous year’s target and indicates that the student group is on track to meet Oklahoma’s long-term goal by 2025. The ESEA requires an SEA to identify and describe measurements of interim progress for improved academic achievement, as measured by grade-level proficiency on the annual statewide reading/language arts and mathematics assessment, for all students and for each subgroup of students. OSDE does not include measurements of interim progress in its State plan but indicates that it anticipates setting interim goals for academic achievement by December 2017. As OSDE does not include specific measurements of interim progress, it appears that the statutory requirement has not been met.</p>
<p>A.4.iv.a: Academic Achievement Indicator</p>	<ul style="list-style-type: none"> • OSDE describes a plan to base its Academic Achievement indicator on scale scores; however, OSDE does not clearly describe how the SEA will calculate the indicator; instead, OSDE outlines two possible methodologies it may adopt. The ESEA requires a State to measure, and describe in its State plan, an Academic Achievement indicator that is based on grade-level proficiency on statewide assessments in reading/language arts and mathematics. OSDE may use scale scores in the indicator. However, it is unclear how the measures included in the indicator measure proficiency on statewide reading/language arts and mathematics assessments. Since OSDE has not committed to a single, statewide methodology or described how it calculates an Academic Achievement indicator based on proficiency, it is unclear whether OSDE meets the statutory requirements. • OSDE indicates that, in its proposed methodologies, schools would receive additional credit for students exceeding their targets by achieving the next-highest proficiency level (i.e., proficient or advanced). The Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I) must annually measure performance for all students and each subgroup of students. Because it is not clear how OSDE’s approach will ensure that a school’s performance on the indicator reflects each student’s performance (e.g., how it will ensure that the performance of each student contributes to the overall performance on the indicator, including by ensuring that the performance of a student achieving at or above proficiency does not overcompensate for the results of a student who is not yet proficient), it is not clear whether OSDE meets the statutory requirements. • The ESEA requires a State to measure and describe in its State plan an Academic Achievement indicator that is based on grade-level proficiency on the annual statewide reading/language arts and mathematics assessments. OSDE indicates that its two proposed methodologies both appear to be based on a student’s score compared to his or her target,

	<p>which may mean that the State is not basing the indicator on the annual statewide reading/language arts and mathematics assessments for the assessment year for which accountability determinations are being made. Because OSDE does not describe how it calculates the Academic Achievement indicator based on proficiency on the annual statewide reading/language arts and mathematics assessments for the current year, it is unclear whether OSDE meets the statutory requirements.</p> <ul style="list-style-type: none">• The ESEA requires that each indicator annually measure results for all students and separately for each subgroup of students. In its State plan, OSDE indicates that only some of the State’s major racial and ethnic subgroups are included in the statewide accountability system. OSDE also proposes to measure performance on the Academic Achievement indicator by assigning each student to only one student group. It is unclear whether OSDE’s proposal would result in all of the State’s major racial and ethnic subgroups being included in the indicator, as well as whether a student will be included in each group of which the student is a member (for instance, an English learner who is also a student with a disability). As a result, OSDE has not met this requirement.• OSDE proposes including science in the Academic Achievement indicator. However, a State may only include proficiency on the annual assessments required under ESEA section 1111(b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics) in the Academic Achievement indicator; a State may include performance on assessments other than those required under ESEA section 1111(b)(2)(B)(v)(I) (e.g., science) in the indicator for public elementary and secondary schools that are not high schools as required under ESEA section 1111(c)(4)(B)(ii) (i.e., the Other Academic indicator) or in the School Quality or Student Success indicator for any schools, including high schools.• In its State plan, OSDE notes that a school will receive a minus after its overall A-D School Report Card grade based on a school’s assessment participation rate. Although this is allowable as an additional action, the ESEA requires a State to calculate the proficiency rate for the Academic Achievement indicator with a denominator of the greater of 95 percent of all students (or 95 percent of each subgroup of students) or the number of students participating in the assessments. It is not clear that OSDE is meeting the statutory requirement for calculating the Academic Achievement indicator.• OSDE proposes to allow LEAs to choose to administer either the SAT or the ACT as the high school assessment used to meet the requirements in 1111(b)(2)(B)(v)(I)(bb). The ESEA requires that the assessments used to meet the requirements in 1111(b)(2)(B)(v)(I)(bb) be the
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	<p>same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State. ESEA section 1111(c)(4)(B)(i)(I) requires that the Academic Achievement indicator only include measures of proficiency on the annual assessments required under ESEA section 1111(b)(2)(B)(v)(I). As a result, because OSDE proposes to allow LEAs to select either the ACT or the SAT as the basis for the Academic Achievement indicator, OSDE has not met the requirement for this indicator.</p>
<p>A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools</p>	<p>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 and that includes, at the State’s discretion, a measure of student growth or another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance. Because OSDE’s description of its proposed Other Academic indicator does not describe how it will calculate this indicator for each subgroup of students, or which growth model will be used to ensure the method is valid and reliable, it is unclear whether the statutory requirements are met.</p>
<p>A.4.iv.c: Graduation Rate Indicator</p>	<p>The ESEA allows students with the most significant cognitive disabilities who are assessed using the alternate assessment aligned to alternate academic achievement standards to be included in the adjusted cohort rate in accordance with the statutory requirements for a State-defined alternate diploma in ESEA section 8101(25). A State-defined alternate diploma may only be awarded to students with the most significant cognitive disabilities who are assessed using the alternate assessment aligned to alternate academic achievement standards if the State has adopted a State-defined alternate diploma that is standards-based, aligned with the State requirements for the regular high school diploma, and obtained within the time period for which the State ensures the availability of a free appropriate public education under section 612(a)(1) of the IDEA. Since OSDE indicates that students with the most significant cognitive disabilities who participate in the State’s alternate assessment program will be given full weight regardless of when they graduate, it is unclear whether OSDE will meet the statutory requirements associated with use of a State-defined alternate diploma, including whether OSDE is appropriately including students with the most significant cognitive disabilities in the numerator of the cohort consistent with ESEA section 8101(25)(A)(ii)(I)(bb).</p>
<p>A.4.iv.d: Progress in Achieving English Language Proficiency Indicator</p>	<p>The ESEA requires that each State establish and describe a Progress in Achieving English Language Proficiency indicator that is measured at the school level. OSDE does not describe such an indicator in its State plan. Further, consistent with the Department’s April 2017 Dear Colleague letter that provided additional flexibility for a State to identify such schools by the</p>

	<p>beginning of the 2018-2019 school year, each State must fully implement its accountability system this year, including all required indicators. Because OSDE intends to revise its State plan for this indicator and only indicates that “Oklahoma will begin including this measure in accountability in 2018,” it is unclear how this indicator will be included in OSDE’s system of meaningful differentiation beginning in the 2018-2019 school year and whether the indicator will meet the statutory requirements.</p>
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<p>The ESEA requires a State’s accountability system to annually measure, for all students and separately for each subgroup of students, one or more indicators of School Quality or Student Success that allow for meaningful differentiation in school performance, and are valid, reliable, comparable, and statewide.</p> <ul style="list-style-type: none"> • In its State plan, OSDE describes a School Quality or Student Success indicator that it calls a postsecondary opportunity indicator for high schools. The indicator allows each school to earn points for a student completing specified courses. However, it is unclear whether OSDE meets the statutory requirements because OSDE does not specify that the denominator includes all students. • OSDE also includes a School Quality or Student Success indicator measuring chronic absenteeism that applies to all schools throughout the State. However, it is unclear how this indicator meaningfully differentiates among schools in the State.
<p>A.4.v.a: State’s System of Annual Meaningful Differentiation</p>	<p>The ESEA requires a State to establish and describe in its State plan its system of annual meaningful differentiation, including a description of how the system is based on all indicators, for all students and all subgroups of students. Because OSDE has not finalized its system of annual meaningful differentiation, including finalizing the rubric that it will use to assign letter grades, it is unclear whether OSDE meets the statutory requirements.</p>
<p>A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support</p>	<ul style="list-style-type: none"> • The ESEA requires a State to describe its methodology to identify schools in which the performance of any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I). OSDE states that it will use the same methodology to identify schools for additional targeted support that it will use to identify schools for targeted support and improvement based on having a “consistently underperforming” subgroup of students. Because the methodology OSDE proposes for identification of schools for additional targeted support and improvement, based on subgroup performance, is not the same as the methodology used to identify schools for comprehensive support and improvement based on low performance, it does not appear that OSDE meets the statutory requirement. • Additionally, such methodology must include identifying these schools either from among all

	<p>public schools in the State, including both Title I and non-Title I schools, or from among the schools identified as schools with one or more consistently underperforming subgroups. It is not clear whether OSDE will identify schools for additional targeted support from among all public schools in the State or from among only the schools identified as schools with one or more consistently underperforming subgroups.</p>
<p>A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools</p>	<p>The ESEA requires a State to establish and describe statewide exit criteria that ensure continued progress to improve student academic achievement and school success in the State. In its State plan, OSDE indicates that schools can exit comprehensive support and improvement status when they improve such that student performance is no longer in the bottom five percent of schools statewide (but schools may not exit if they are no longer in the bottom five percent but have not made improvement) and increase the school’s graduation rate above 67 percent; or improve the performance of chronically low-performing student subgroups such that the student group has surpassed similarly situated student groups in the bottom five percent of schools statewide. Because it is unclear which criteria apply to which types of comprehensive support and improvement schools and because it is unclear how the final exit criterion would require a school to make continued progress, it is unclear whether OSDE meets the statutory requirements.</p>
<p>A.4.viii.c: More Rigorous Interventions</p>	<p>The ESEA requires a State to describe the more rigorous actions it will require for all schools identified for comprehensive support and improvement that fail to meet the State’s exit criteria within a State-determined number of years. In its State plan, OSDE describes the more rigorous actions it may require certain schools to take. As a result, it is unclear whether OSDE meets the statutory requirement because it is unclear whether the more rigorous actions will be required for all schools identified for comprehensive and targeted support and improvement that fail to meet the State’s exit criteria within a State-determined number of years.</p>
<p>A.4.viii.d: Resource Allocation Review</p>	<p>The ESEA requires a State to periodically review resource allocation to support school improvement in each LEA in the State serving a significant number or percentage of schools identified for comprehensive or targeted support and improvement. Although OSDE generally describes school improvement funding, OSDE’s State plan does not address this requirement.</p>
<p>Title I, Part C: Education of Migratory Children</p>	
<p>B.1: Supporting Needs of Migratory Children</p>	<ul style="list-style-type: none"> • OSDE describes how it will identify the unique educational needs of migratory children. However, the ESEA requires that a State also describe how it will identify the unique educational needs of preschool migratory children and migratory children who have dropped out of school. • OSDE describes how, in planning and implementing the Migrant Education Program (MEP),

	<p>it will address the unique educational needs of migratory children through joint planning among local, State and Federal educational programs serving migratory children, including language instructional educational programs under Title III, Part A. However, the ESEA requires that a State also describe how it will address the unique educational needs of preschool migratory children and migratory children who have dropped out of school, through such joint planning.</p> <ul style="list-style-type: none"> • OSDE describes how, in planning and implementing the MEP, it will identify and address the unique educational needs of migratory children through: <ul style="list-style-type: none"> ○ The full range of services that are available for migratory children from appropriate local, State, and Federal educational programs; ○ Joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part A; and ○ The integration of services available under Title I, Part C with services provided by those other programs. <p>However, the ESEA requires that a State also describe how it will evaluate the MEP in the areas described above, to ensure the unique educational needs of migratory children are identified and addressed.</p>
<p>Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk</p>	
<p>C.2: Program Objectives and Outcomes</p>	<p>In its State plan, OSDE includes program objectives. It is not clear, however, how these objectives will be used to assess the effectiveness of the Title I, Part D program in improving the career and technical skills of the children in the program.</p> <p>The ESEA requires each SEA to describe program objectives and outcomes established by the State that will be used to assess the effectiveness of the Title I, Part D program in improving the career and technical skills of children in the program.</p>
<p>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</p>	
<p>I.6: Policies to Remove Barriers</p>	<p>While OSDE demonstrates that there are policies related to removing barriers to the identification, enrollment, and retention of homeless children and youth that are reviewed and revised with LEAs, OSDE does not demonstrate that the SEA and LEAs have developed policies that they will review and revise to address specific to barriers to enrollment <i>due to outstanding fees or fines, or absences</i>. The McKinney-Vento Act requires the State to demonstrate that the SEA and LEAs in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in the State, including</p>

	barriers to enrollment and retention due to outstanding fees or fines, or absences.
I.7: Assistance from Counselors	While OSDE describes how the SEA provides training and professional development for school counselors and local liaisons, and describes that the SEA requires local liaisons to coordinate with school counselors to ensure that unaccompanied homeless youth are aware of the importance of their declaring independent status for financial aid purposes, it does not describe how homeless youth will receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college. The McKinney-Vento Act requires a State to describe how homeless youth will receive assistance from counselors to advise such youths and prepare and improve the readiness of such youths for college.