



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 13, 2017

The Honorable Ed Richardson
Superintendent of Education
Alabama Department of Education
50 North Ripley Street
Montgomery, AL 36104

Dear Superintendent Ed Richardson:

Thank you for submitting Alabama'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 Alabama'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 Alabama's consolidated State plan and resubmit it through OMB Max by December 28, 2017. 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.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
www.ed.gov

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 Alabama 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 Alabama'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 Alabama indicated that any aspect of its plan may change or is still under development, Alabama may include updated or additional information in its resubmission. Alabama 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 Alabama’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.4.iii.b.2: If Applicable, Long-term Goals for each Extended-year Adjusted Cohort Graduation Rate	<p>Although the Alabama State Department of Education (ALSDE) indicates that its long term goal is to increase the State’s five-year adjusted cohort graduation rate to 95 percent by school year 2030 and provides baseline data and measurements of interim progress, it is not clear whether this is for all students and/or each subgroup of students and whether this is more rigorous than the four-year adjusted cohort graduation rate. As such, it is unclear whether the long-term goal and measurements of interim progress take into account the improvement necessary for subgroups of students who are behind in reaching those goals to make significant progress in closing statewide graduation rate gaps, such that the State’s long-term goals require greater rates of improvement for subgroups of students that graduate from high school at lower rates. Although establishing long-term goals for an extended-year rate is optional, if a State chooses to do so, the ESEA requires that a State identify and describe the long-term goals and measurements of interim progress, including baseline data, for the extended-year adjusted cohort graduation rate for all students and each subgroup of students, which the statute requires be more rigorous than the long-term goals set for the four-year adjusted cohort graduation rate.</p>
A.4.iv.a: Academic Achievement Indicator	<ul style="list-style-type: none"> • ALSDE indicates that in addition to proficiency on statewide reading/language arts and mathematic assessments for high schools, the State will include high school growth in the Academic Achievement indicator. However, ALSDE does not provide a description of the growth measure or how the State will calculate the Academic Achievement indicator for high schools. The ESEA requires a State to describe how the Academic Achievement indicator is calculated and if, at the high school level, the indicator includes a measure of student growth, a description of the growth measure. • In its State plan, ALSDE indicates that schools not meeting the 95 percent participation rate will be required to complete a plan after one year and after two years the school accountability rating will be reduced by 2 percent, which is permissible. However, 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 ALSDE is meeting the statutory requirement for calculating the Academic Achievement indicator.
A.4.iv.b: Other Academic	Although ALSDE indicates that it will use growth as its Other Academic Achievement indicator

<p>Indicator for Elementary and Secondary Schools that are Not High Schools</p>	<p>for K-8 schools and secondary schools that are not high schools by determining the percent of students who demonstrated annual growth, it is not clear how this indicator will be calculated; for example, ALSDE could include a description of the growth model and what constitutes a year’s worth of growth. In addition, as ALSDE has previously noted that it has changed assessments, it is not clear how the State will calculate this indicator for the 2017-2018 school year. The ESEA requires that a State describe how it calculates the Other Academic indicator for all elementary and secondary schools that are not high schools.</p>
<p>A.4.iv.d: Progress in Achieving English Language Proficiency Indicator</p>	<p>Although ALSDE indicates that it will calculate the percentage of growth that English learner students have made on the State English language proficiency assessment, it is not clear how this growth measure will be calculated or how student-level progress will translate into a school-level indicator. The ESEA requires a State to establish and describe in its State plan a Progress in Achieving English Language Proficiency indicator that is the same indicator across all schools and LEAs in the State, based on the State’s definition of English language proficiency, and measured by the State’s English language proficiency assessment.</p>
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<p>The ESEA requires that a State describe a School Quality or Student Success indicator that can be measured statewide, is comparable for the grade spans to which the indicator applies, and will allow for meaningful differentiation in school performance. Although ALSDE provides information on what will comprise its College and Career Ready indicator, it does not provide information regarding how the indicator is calculated. Specifically, it is not clear if the calculation for high schools will include all twelfth grade students in the denominator or only students who graduate. Therefore, it is not clear that the State meets this requirement.</p>
<p>A.4.v.b: Weighting of Indicators</p>	<p>Although ALSDE describes the weighting of each indicator, the State does not describe how the weighting is adjusted for schools for which an indicator cannot be calculated due to not having the minimum number of students. The ESEA requires that a State describe how the weighting is adjusted for schools for which an indicator cannot be calculated due to not having the minimum number of students.</p>
<p>A.4.vi.a Comprehensive Support and Improvement Schools—Lowest Performing</p>	<p>Although ALSDE indicates that it will identify schools for comprehensive support and improvement beginning in 2018-2019, it is not clear that the SEA will identify schools in the beginning of the 2018-2019 school year (based on data from the 2017-2018 school year for all indicators in the ALSDE accountability system). The ESEA requires that a State include the year in which it will first identify schools for comprehensive support and improvement, consistent with the Secretary’s April 2017 Dear Colleague letter that included additional flexibility for a State to identify schools for comprehensive support and improvement by the beginning of the</p>

<p>A.4.vi.b: Comprehensive Support and Improvement Schools—Low Graduation Rates</p>	<p>2018-2019 school year.</p> <p>ALSDE indicates that it will identify all Title I public high schools with a graduation rate more than ten percentage points below the State average which would currently result in identifying more schools than just those with graduation rates below 67 percent; however, this method may not always result in the identification of all high schools with a graduation rate below 67 percent. In addition, although ALSDE indicates that it will identify schools for comprehensive support and improvement beginning 2018-2019, it is not clear that the SEA will identify schools in the beginning of the 2018-2019 school year. The ESEA requires that a State include the year in which it will first identify schools for comprehensive support and improvement and identify all public high schools failing to graduate 67 percent or more of their students for comprehensive support and improvement, consistent with the Secretary’s April 2017 Dear Colleague letter that included additional flexibility for a State to identify schools for comprehensive support and improvement by the beginning of the 2018-2019 school year.</p>
<p>A.4.vi.f: Targeted Support and Improvement Schools—Additional Targeted Support</p>	<p>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) using the State’s methodology under ESEA section 1111(c)(4)(D) (i.e., “Additional Targeted Support” schools). Such methodology must include identifying these schools either from among all 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. In its State plan, however, ALSDE indicates that only Title I schools that are considered low-performing will be identified for Additional Targeted Support.</p>
<p>A.4.viii.b: Exit Criteria for Schools Receiving Additional Targeted Support</p>	<p>Although ALSDE provides exit criteria for schools identified for Additional Targeted Support, it is not clear the number of years over which schools will have to exit identification. The ESEA requires that a State establish the State-determined number of years over which schools identified to receive Additional Targeted Support must satisfy the exit criteria.</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>Although ALSDE describes disproportionate rates of access to teachers for all high-poverty and high-minority schools compared to low-poverty and low-minority schools for inexperienced and out-of-field teachers, ALSDE does not specifically address ineffective teachers or schools assisted under Title I, Part A. The ESEA requires that a State 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. Additionally, the ESEA requires a State to describe the measure(s) 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</p>

	<p>ineffective, out-of-field, and inexperienced teachers. ALSDE states that it will report data related to out-of-field and non-certified teachers, but does not describe how it will publicly report its progress with respect to how low-income and minority children are not served at disproportionate rates by ineffective and inexperienced teachers.</p>
<p>Title I, Part C: Education of Migratory Children</p>	
<p>B.1: Supporting Needs of Migratory Children</p>	<p>ALSDE describes how, in planning and implementing the Migrant Education Program (MEP), it will identify and address the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, through:</p> <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; • The integration of services available under Title I, Part C with services provided by those other programs; and • Measurable program objectives and outcomes. <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>The program objectives and outcomes that ALSDE includes in its State plan are the statutory purposes of the Title I, Part D program. These purposes do not constitute the program objectives and outcomes established by ALSDE that will be used to assess the effectiveness of the Title I, Part D program in improving the academic, career, and technical skills of children. The ESEA requires that each SEA establish program objectives and outcomes that will be used to assess the effectiveness of the Title I, Part D program in improving the academic, career, and technical skills of children in the program.</p>
<p>Title V, Part B, Subpart 2: Rural and Low-Income School Program</p>	
<p>H.1: Outcomes and Objectives</p>	<p>The ESEA requires a State to provide information on program objectives and outcomes for activities under Title V, Part B, Subpart 2, including how the SEA will use funds to help all students meet the challenging State academic standards. While ALSDE provides a description about its program objectives and outcomes under the ESEA generally, ALSDE does not identify its objectives and outcomes for activities under the Rural and Low-Income School program</p>

	<p>(RLIS) (<i>e.g.</i>, which of the objectives and outcomes under the ESEA programs in 5222(a) are the objectives and outcomes for RLIS; or objectives and outcomes tailored specifically to ALSDE’s plans for RLIS). The ESEA requires a State to include a description of how it will use RLIS funds to help all students meet the challenging State academic standards.</p>
<p>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</p>	
<p>I.2: Dispute Resolution</p>	<p>In its State plan, ALSDE describes procedures for the resolution of disputes regarding the educational placement of homeless children and youth. The plan does not, however, include procedural timelines or any other information that indicates that these procedures would result in the <i>prompt</i> resolution of disputes. The McKinney-Vento Act requires a State to describe procedures for the prompt resolution of disputes.</p>
<p>I.4: Access to Services</p>	<ul style="list-style-type: none"> • While ALSDE describes homeless children as being a named, targeted subgroup in various preschool programs, it is not clear how this ensures that homeless children have access to public preschool programs, administered by the SEA or LEA, as provided to other children in the State. The McKinney-Vento Act requires a State to describe procedures that ensure that homeless children have access to public preschool programs, administered by the SEA or an LEA, as provided to other children in the State. (<i>Requirement I.4i</i>) • In its State plan, ALSDE describes the SEA’s requirement that all students, including homeless children and youth, have equal access to educational programs and support services that are needed to meet the same challenging State academic achievement standards as other students. ALSDE does not, however, include <i>procedures</i> that ensure that homeless youth and youth separated from public schools are accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent them from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. The McKinney-Vento Act requires a State to describe procedures that ensure that homeless youth and youth separated from public schools are accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent them from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. (<i>Requirement I.4ii</i>) • While ALSDE indicates that information is disseminated and training is provided for Response to Intervention to address inclusion and provision of appropriate educational and support services for homeless children and youth, it is not clear how this ensures that

	<p>homeless children and youth do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels. The McKinney-Vento Act requires the State to describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels.</p> <p><i>(Requirement I.4iii)</i></p>
<p>I.5: Strategies to Address Other Problems</p>	<p>In its State plan, ALSDE provides a strategy (a comprehensive monitoring system) to address problems resulting from enrollment delays that are caused by (i) requirements of immunization and other required health records and (ii) residency requirements, and indicates the monitoring system has been revised to reflect ESSA amendments. It is unclear, however, if this monitoring system addresses problems resulting from enrollment delays that are caused by (iii) lack of birth certificates, school records, or other documentation; (iv) guardianship issues; or (v) uniform or dress code requirements. The McKinney-Vento Act requires a State to provide strategies to address problems resulting from enrollment delays that are caused by— (iii) lack of birth certificates, school records, or other documentation; (iv) guardianship issues; or (v) uniform or dress code requirements.</p>
<p>I.6: Policies to Remove Barriers</p>	<p>In its State plan, ALSDE demonstrates that the State Coordinator will work with the State Advisory Committee to review LEAs’ existing policies and practices for the enrollment and retention of homeless children and youth and that ALSDE will facilitate approval of a revised homeless State plan, as well as provide ongoing training related to barriers to enrollment and retention due to outstanding fees, fines or absences. It is not clear, however, that the SEA and LEA <i>shall review and revise</i> policies to remove barriers to the identification of homeless children and youth, and the enrollment and retention of homeless children and youth in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences. 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 identification of homeless children and youth, and the enrollment and retention of homeless children and youth in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.</p>
<p>I.7: Assistance from Counselors</p>	<p>While ALSDE describes that liaisons will be trained, it is not clear how homeless students will</p>

	receive assistance from school 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 youths will receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college.
--	---