



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 21, 2017

The Honorable Johnny Key
Commissioner of Education
Arkansas Department of Education
Four Capitol Mall, Room 304A
Little Rock, AR 72201-1071

Dear Commissioner Johnny Key:

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

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.3.i: Native Language Assessments Definition	In its State plan, the Arkansas Department of Education (ADE) indicates that Arkansas is an English-only State and therefore does not provide a definition of “languages other than English that are present to a significant extent in the participating student population.” The ESEA and its implementing regulations require that the State provide this definition and identify the languages meeting that definition, including at least the most populous language other than English spoken by the State’s participating student population. After revising its definition, additional State plan revisions may be necessary in response to the revised consolidated State plan requirements in A.3.iii-iv in accordance with that definition.
A.4.iii.a.1: Academic Achievement Long-term goals	In its State plan, ADE provides baseline achievement data for schools by grade spans, as well as trajectories for schools at the 25 th , 50 th , and 75 th percentiles to reach the goal of 80 percent achieving grade-level proficiency but does not provide baseline data and measurements of interim progress for all students and for each subgroup. The ESEA requires a State to identify and describe, as well as provide baseline data and measurements of interim progress for, long-term goals for all students and each subgroup of students, as measured by grade-level proficiency on the annual statewide reading/language arts and mathematics assessments. The ESEA also requires that a State’s long-term goals and measurements of interim progress for academic achievement take into account the improvement necessary for subgroups of students who are behind in reaching those goals to make significant progress in closing statewide proficiency gaps (requirements A.4.iii.a.2 and 3). Therefore, ADE does not meet this requirement.
A.4.iii.b.1: Long-term goals for four-year adjusted cohort graduation rate	In its State plan, ADE only provides baseline data and measurements of interim progress for schools. The ESEA requires a State to identify and describe its long-term goals for the four-year adjusted cohort graduation rate, including baseline data and measurements of interim progress, for all students and each subgroup of students.
A.4.iii.b.2: If applicable, long-term goals for each extended-year adjusted cohort graduation rate	In its State plan, ADE only provides baseline data, and measurements of interim progress, for schools for the five-year adjusted cohort graduation rate. Although establishing long-term goals for an extended-year rate is optional, if a State chooses to do so, the ESEA requires the State to identify and describe ambitious long-term goals and measurements of interim progress for all students and each subgroup of students for the extended-year adjusted cohort graduation rate(s).
A.4.iv.b: Other Academic Indicator for Elementary and	In its State plan, ADE proposes including growth for high schools in the Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools. The ESEA requires

<p>Secondary Schools that are Not High Schools</p>	<p>that this indicator only include measures for elementary and secondary schools that are not high schools. ADE may, at its discretion, include a measure of growth for high school students in the Academic Achievement indicator or as a School Quality or Student Success indicator.</p>
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<p>In its State plan, ADE describes a series of measures that are combined to provide a school quality or student success indicator. However, the State does not fully describe each of the measures in order to understand how they are being calculated to determine whether they are valid and reliable measures. For example, it is not clear how the “chronic absence risk level,” “reading at grade level,” or “ACT/WorkKeys” measures will be calculated and points assigned.</p> <p>Additionally, the ESEA requires that each indicator annually measure results for all students and separately for each subgroup of students. It is unclear whether all the proposed ADE measures, particularly those for “grade 12 cycle 7 enrollment,” are calculated using all students as the denominator and how the “bonus for ACT readiness benchmark” is included and whether it will be applied to all students or just to students who reach the identified ACT score.</p>
<p>A.4.v.a: State’s System of Annual Meaningful Differentiation</p>	<p>In its State plan, ADE has combined the Progress in Achieving English Language Proficiency indicator and the Other Academic indicator into a combined Growth indicator. It appears that the proportion of the weights for each indicator will be correlated with the school’s English learner population but the State does not clearly describe this calculation. The ESEA requires that the Progress in Achieving English Language Proficiency and Other Academic indicator each receive substantial weight individually. As a result, it is unclear whether ADE meets the statutory requirements.</p>
<p>A.4.v.b: Weighting of Indicators</p>	<p>The ESEA requires a State to describe the weighting of each indicator in its system of annual meaningful differentiation, including:</p> <ul style="list-style-type: none"> ○ How the Academic Achievement, Other Academic for elementary and secondary schools that are not high schools, Graduation Rate for high schools, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually; and ○ How the Academic Achievement, Other Academic for elementary and secondary schools that are not high schools, Graduation Rate for high schools, and Progress in Achieving English Language Proficiency indicators receive, in the aggregate, much greater weight than the School Quality or Student Success indicator(s), in the aggregate. <p>In its State plan, ADE describes how schools have an opportunity to earn up to 25 extra points for having more students in the Exceeding/Level 4 (i.e., if all students were at Level 4, the school</p>

	<p>would receive 125 points on the performance index, which exceeds the stated maximum of 100 points on the Academic Achievement indicator). ADE may not award more points to a school for an indicator than the maximum described in the State’s system of annual meaningful differentiation. The indicator needs to account for the maximum number of points that could be earned on the indicator by a school.</p> <p>In addition, the ESEA also requires that the Progress in Achieving English Language Proficiency indicator receive substantial weight individually. As noted above, the ADE combines the Progress in Achieving English Language Proficiency indicator and the Other Academic indicator into a Growth indicator. It appears that the proportion of the weights for each indicator will be correlated with the school’s English learner population but the State does not clearly describe this calculation. The ESEA requires that the Progress in Achieving English Language Proficiency and Other Academic indicator each receive substantial weight individually. As a result, it is unclear whether ADE meets the statutory requirements.</p>
<p>A.4.vi.b: Comprehensive Support and Improvement Schools—Low Graduation Rates</p>	<p>In its State plan, ADE indicates it will identify all high schools with an average four-year adjusted cohort below 66.667 percent. The ESEA requires that a State describe its methodology to identify for comprehensive support and improvement all public high schools that fail to graduate one-third or more of their students. Because ADE does not specify the number of years of graduation rate data it will average to identify high schools for comprehensive support and improvement, ADE has not fully described its methodology.</p>
<p>A.4.vi.c: Comprehensive Support and Improvement Schools—Additional Targeted Support Not Exiting Such Status</p>	<p>In its State plan, ADE proposes that schools receiving support under ESEA section 1111(d)(2)(C) (Additional Targeted Support schools) that demonstrate stagnant ESSA School Index scores be <i>considered</i> for Comprehensive Support and Improvement. The ESEA requires that Additional Targeted Support schools that do not meet the State’s exit criteria within a State-determined number of years have to be identified as Comprehensive Support and Improvement schools, rather than just be considered for such support.</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 exit criteria that ensure continued progress to improve student academic achievement and school success in the State. In its State plan, ADE describes exit criteria for schools identified as comprehensive support and improvement that appear to include one exit criterion identified as “progressing towards sustainability.” It is unclear whether ADE is proposing that a school that is defined as “progressing toward sustainability” will, on its own, exit comprehensive support and improvement status. If meeting this criterion results in a school exiting comprehensive support and improvement status, it is</p>

	<p>unclear whether the exit criteria will ensure continued progress to improve student academic achievement and school success. Further, if a school that is defined as “progressing toward sustainability” does not exit comprehensive support and improvement status, it is unclear how a school would receive more rigorous interventions consistent with ESEA section 1111(d)(3)(A)(i)(I).</p>
<p>A.4.viii.b: Exit Criteria for Schools Receiving Additional Targeted Support</p>	<p>The ESEA requires a State to establish and describe statewide exit criteria for schools that receive additional targeted support that ensure continued progress to improve student academic achievement and school success in the State. Further, the ESEA requires a State to identify schools in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I) as a comprehensive support and improvement school. In the State plan, ADE describes exit criteria for schools identified as Additional Targeted Support that appear to include one exit criterion identified as “progressing towards sustainability.” It is unclear whether ADE is proposing that a school that is defined as “progressing toward sustainability” will, on its own, exit Additional Targeted Support. If meeting this criterion results in a school exiting additional targeted and improvement status, it is unclear whether the exit criteria will ensure continued progress to improve student academic achievement and school success. Further, if a school that is defined as “progressing toward sustainability” does not exit targeted support and improvement status, it is unclear whether the school will be identified as a comprehensive support and improvement school consistent with ESEA section 1111(c)(4)(D)(i)(I).</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>In its State plan, ADE describes disproportionate rates of access to educators for all schools. However, ADE does not specifically address ineffective teachers or schools assisted under Title I, Part A. The ESEA requires a State to describe the extent, if any, that low-income and minority children enrolled in schools assisted under Title I, Part A are served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers.</p>
<p>Title I, Part C: Education of Migratory Children</p>	
<p>B.1: Supporting Needs of Migratory Children</p>	<p>ADE describes how, in the planning, implementation, and evaluation of the Migrant Education Program (MEP), it ensures the unique educational needs of migratory children are addressed through joint planning among local, State and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part A. However, the ESEA requires that a State also describe how it will ensure the unique educational needs of preschool migratory children and migratory children who have dropped out of school, are addressed through joint planning among local, State, and Federal educational programs serving</p>

	migratory children.
Title II, Part A: Supporting Effective Instruction	
D.4: Improving the Skills of Educators	In its State plan, ADE describes how it supports teachers in identifying and providing instruction for students generally, including English learners, students with disabilities, and gifted and talented students. However, ADE does not address all the required subgroups for this requirement. The ESEA requires a State to describe how it will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with low literacy levels.
D.5: Data and Consultation	In its State plan, ADE describes stakeholder consultation but does not specify the stakeholders that are included in that consultation. The ESEA requires a State to describe how it will use ongoing consultation with all required stakeholders consistent with ESEA section 2101(d)(3), which includes teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II.
Title V, Part B, Subpart 2: Rural and Low-Income School Program	
H.1: Outcomes and Objectives	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 ADE provides a description about its program objectives and outcomes under the ESEA generally, ADE does not identify its objectives and outcomes for activities under the Rural and Low-Income School program (RLIS) (e.g., 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 ADE’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.
Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B	
I.2: Dispute Resolution	ADE indicates in the State Plan that it has established a dispute resolution procedure and that all disputes will be handled in a timely manner. ADE does not, however, describe those procedures or demonstrate how those procedures would result in the prompt resolution of disputes. The McKinney-Vento Act requires a State to describe procedures for the prompt resolution of disputes.

<p>I.6: Policies to Remove Barriers</p>	<p>ADE demonstrates that both ADE and its LEAs in the State have developed policies to remove barriers to enrollment and retention due to outstanding fees or fines, or absences. ADE does not, however, demonstrate (1) that ADE and its LEAs have developed policies to remove barriers to the identification of homeless children and youth nor (2) that ADE or its LEAs shall review and revise policies to remove barriers to the identification, enrollment and retention of homeless children and youth. The McKinney-Vento Act requires the State to demonstrate how 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 review and revise policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State.</p>
<p>I.7: Assistance from Counselors</p>	<p>While ADE indicates there will be training of counselors and LEA liaisons on completing required forms, ADE does not describe how youth will receive assistance from counselors to advise, 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.</p>
<p>General Education Provisions Act (GEPA)</p>	
<p>GEPA 427</p>	<p>Section 427 of the General Education Provisions Act requires a State to provide a description of the steps it will take to ensure equitable access to, and participation in, the programs included in its State plan for students, teachers, and program beneficiaries with special needs, and this is not addressed in ADE’s plan.</p>