



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 21, 2017

The Honorable Michael W. Kirst
President
California State Board of Education
1430 N Street, Suite 5111
Sacramento, CA 95814

The Honorable Tom Torlakson
Superintendent of Public Instruction
California Department of Education
1430 N Street
Sacramento, CA 95814

Dear President Kirst and Superintendent Torlakson:

Thank you for submitting California'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 California'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

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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.

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

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
<p>A.4.iii.a.1: Academic Achievement Long-term Goals</p>	<ul style="list-style-type: none"> • The ESEA requires a State to identify and describe ambitious 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 assessments, for all students and for each subgroup of students. In its State plan, CDE provides school-level goals that include both proficiency and change from the prior year (i.e., rather than measuring only the percentage of students achieving grade-level proficiency on the annual statewide reading/language arts and mathematics assessments in the year for which accountability determinations are being made, CDE incorporates the change in school-level performance based on the school’s prior performance). Because CDE has not provided long-term goals for all students and each subgroup for improved academic achievement based only on student performance in the year for which accountability determinations are being made, CDE has not met the statutory requirements. CDE may include in its State plan separate goals for student growth or for school-level change in performance in addition to those required in ESEA section 1111(c)(4)(A). • CDE did not provide in its State plan academic achievement long-term goals that include high school; the long-term goals are only inclusive of grades 3-8. ESEA Section 1111(c)(4)(A)(i)(I)(aa) requires that a State describe the long-term goals for all students for improved academic achievement, as measured by grade-level proficiency on the annual statewide reading/language arts and mathematics assessments. • In its State plan, CDE describes a component of its long-term goals for academic achievement called “status”, which is based on average scale scores, rather than goals based on proficiency. CDE may use scale scores in the goal but must clarify how the use of scale scores relates to proficiency levels, including how the State ensures that a school will be able to meet the measurements of interim progress and long-term goals only by increasing the number or percentage of students who are proficient.
<p>A.4.iii.a.2: Academic Achievement Measurements of Interim Progress</p>	<p>CDE does not provide in its State plan measurements of interim progress toward meeting the academic achievement long-term goals for all students and each subgroup of students, indicating instead that LEAs and schools will determine the measurements of interim progress necessary to meet the statewide long-term goal. ESEA section 1111(c)(4)(A) requires that a State establish State-designed measurements of interim progress toward the long-term goals for all students and</p>

	<p>for each subgroup of students that 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.</p>
<p>A.4.iii.b.1: Long-term Goals for Four-year Adjusted Cohort Graduation Rate</p>	<p>The ESEA requires a State to identify and describe ambitious long-term goals and measurements of interim progress, including baseline data, that show improved high school graduation rates separately for the four-year adjusted cohort graduation rate and, if a State so chooses, one or more extended-year adjusted cohort graduation rates, for all students and each subgroup of students. In its State plan, CDE provides school-level goals that include both the four-year adjusted cohort graduation rate and change from the prior year adjusted cohort graduation (i.e., rather than measuring only the four-year adjusted cohort graduation rate in the year for which accountability determinations are being made, CDE incorporates the change in school-level performance based on the school’s prior year performance). Because CDE has not provided long-term goals for improved graduation rates for all students and each subgroup based only on student performance in the year for which accountability determinations are being made, and because CDE has not provided baseline data for all students and each subgroup, CDE has not met the statutory requirements. CDE may include in its State plan separate goals for the change in graduation rate in addition to those required in ESEA section 1111(c)(4)(A).</p>
<p>A.4.iii.b.3: Measurements of interim progress</p>	<p>CDE does not provide in its State plan measurements of interim progress toward meeting the four-year adjusted cohort graduation rate long-term goals for all students and each subgroup of students, indicating instead that LEAs and schools will determine the measurements of interim progress necessary to meet the statewide long-term goal. ESEA section 1111(c)(4)(A) requires that a State establish State-designed measurements of interim progress toward the long-term goals for all students and for each subgroup of students that 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.</p>
<p>A.4.iii.c.1: English Language Proficiency Long-term Goals</p>	<p>The ESEA requires a State to identify and describe ambitious long-term goals and measurements of interim progress, including baseline data, for English learners, for increases in the percentage of such students making progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G). In its State plan, CDE provides school-level goals (i.e., rather than measuring the percentage of students making progress on the annual statewide English language proficiency assessments, CDE measures the change in school-level performance based on the school’s prior performance). Because CDE has not provided long-term goals for all English learners, CDE has not met the statutory</p>

	<p>requirements. CDE may include in its State plan separate goals for school-level change in performance in addition to that required in ESEA section 1111(c)(4)(A)(ii).</p>
<p>A.4.iii.c.2: Measurements of Interim Progress</p>	<p>CDE does not provide in its State plan measurements of interim progress toward meeting the progress in achieving English language proficiency long-term goal, indicating instead that LEAs and schools would determine their individual measurements of interim progress necessary to meet the statewide long-term goal. ESEA Section 1111(c)(4)(A) requires that a State establish State-designed measurements of interim progress toward the long-term goal for progress in achieving English language proficiency.</p>
<p>A.4.iv.a: Academic Achievement Indicator</p>	<ul style="list-style-type: none"> • For the Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I), a State may include only proficiency on the annual assessments required under ESEA section 1111(b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics assessments administered in each of grades 3-8 and once in high school). CDE proposes to include measures in addition to grade-level proficiency on statewide assessments in its Academic Achievement indicator. In particular, for grades 3 through 8, CDE proposes to include, in addition to proficiency on the State assessments in reading/language arts and mathematics, a measure of change in school-level performance from the prior year. Additionally, for high schools, CDE proposes to include a College/Career Indicator that would include, in addition to proficiency on the State assessments in reading/language arts and mathematics, measures related to a-g completion (i.e., completion of California high school course requirements), dual enrollment, Advanced Placement, International Baccalaureate, and Career Technical pathway completion. CDE may, at its discretion, include the additional measures in a School Quality or Student Success indicator(s) or, for elementary and secondary schools that are not high schools, as an Other Academic indicator. If the State moves the CCI indicator, it must continue to include the grade 11 assessment results in reading/language arts and mathematics in the Academic Achievement indicator. Additionally, CDE’s proposed Academic Achievement indicator does not include the assessments required under ESEA section 1111(c)(4)(B)(i)(I) and, therefore, does not appear to meet the statutory requirements. • ESEA section 1111(c)(4)(E)(ii) requires that a State calculate the Academic Achievement indicator by including in the denominator the greater of 95 percent of all students (or 95 percent of students in each subgroup, as the case may be) or the number of students participating in the assessments. In its State plan CDE notes that participation rate “will not factor into the accountability system as part of the summative rating but will be included in the school review dashboard in order to provide a holistic review of the school.” This suggests

	<p>that CDE may not be calculating the Academic Achievement indicator consistent with the statutory requirement.</p> <ul style="list-style-type: none"> • If CDE chooses to include the Career/College Indicator (see A.4.iv.a) as a School Quality or Student Success indicator, ESEA requires that the State provide a sufficient description of this indicator to meet the statutory requirements that a School Quality or Student Success indicator be measured for all students and each subgroup of students, be valid, reliable, comparable, and used statewide (for the grade spans(s) to which it applies), and allow for meaningful differentiation in school performance.
<p>A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools</p>	<ul style="list-style-type: none"> • The ESEA requires a State to describe an indicator for public elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) that includes a measure of student growth, if determined appropriate by the State, or another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance. While CDE indicates that it will use chronic absenteeism as its Other Academic Achievement indicator for K-8 schools and secondary schools that are not high schools, it is not clear how this indicator will be calculated. As a result, it is unclear whether the statutory requirements are met. • Consistent with the Department’s April 2017 Dear Colleague Letter, which provided additional flexibility for a State to identify such schools by the beginning of the 2018-2019 school year, the State is required to make annual accountability determinations using a system that includes each indicator, including the Other Academic indicator, to identify schools for comprehensive support and improvement and additional targeted support by the beginning of the 2018-2019 school year. Based on the information provided in CDE’s plan, which indicates that it will not establish performance levels for this indicator until fall 2018, it is unclear whether CDE will include an Other Academic indicator in its system of annual meaningful differentiation in time to meet this requirement.
<p>A.4.iv.c: Graduation Rate Indicator</p>	<p>ESEA section 1111(c)(4)(B)(iii) requires that the Graduation Rate indicator include only measures based on State-designed long-term goals for the four-year adjusted cohort graduation rate and, at the State’s discretion, the extended-year adjusted cohort graduation rate. In its State plan, CDE proposes to include within its Graduation Rate indicator a Graduation Rate improvement measure, denoted as Change within the State’s accountability system. CDE may include the graduation rate improvement measure as a School Quality or Student Success indicator if desired, provided it meets all applicable requirements for a School Quality or Student Success indicator.</p>

<p>A.4.iv.d: Progress in Achieving English Language Proficiency Indicator</p>	<p>CDE includes in its Progress in Achieving English Language Proficiency indicator not only students who were reclassified in the current year but also in the prior year (i.e., former English learners). Because the ESEA requires a State to include only those students currently classified as English learners in this indicator, CDE’s approach appears inconsistent with the statutory requirement.</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. In its State plan, CDE indicates that it will use suspension rate as its School Quality or Student Success indicator but does not describe how this indicator will be calculated. As a result, it is unclear whether this measure 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: (1) how the Academic Achievement, Other Academic, Graduation Rate, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually; and (2) how the Academic Achievement, Other Academic, Graduation Rate, 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. CDE describes a system of annual meaningful differentiation in which any one indicator can wholly impact school identification (i.e., a non-red rating on any indicator could prevent a school from being identified for comprehensive or targeted support and improvement). As a result, it appears that the School Quality or Student Success indicator(s) could greatly outweigh all of the other indicators, in the aggregate. Therefore, CDE has not sufficiently described how the academic indicators receive much greater weight, in the aggregate, than the School Quality or Student Success indicator(s).</p>
<p>A.4.v.c: If Applicable, Different Methodology for Annual Meaningful Differentiation</p>	<p>The ESEA requires a State to include all public schools in its system of annual meaningful differentiation and to describe that system in its State plan. CDE provided information that suggests it uses a different methodology for annual meaningful differentiation for alternative schools but does not clearly describe the different methodology, including how the methodology will be used to identify such schools for comprehensive or targeted support and improvement or whether the different methodology is limited to schools for which an accountability determination cannot be made. Accordingly, it is unclear whether CDE meets the statutory requirements. Additionally, CDE indicates that it will not make an accountability determination for schools with fewer than 30 students. Accordingly, it appears CDE has not met the statutory requirements to</p>

<p>A.4.vi.a: Comprehensive Support and Improvement Schools—Lowest Performing</p>	<p>include all public schools in its system of annual meaningful differentiation.</p> <ul style="list-style-type: none"> • The ESEA requires a State to describe its methodology to identify for comprehensive support and improvement not less than the lowest-performing five percent of all schools receiving Title I, Part A funds in the State. CDE indicates in its State plan that, based on the most recent data, its proposed methodology for identifying the lowest-performing five percent of Title I schools for comprehensive support and improvement will not result in the identification of five percent of Title I schools within the State and that it will finalize its methodology in January 2018 to ensure that the appropriate number of schools are identified by the beginning of the 2018-2019 school year. Because CDE has not described a methodology to identify the lowest-performing five percent of Title I schools, it is unclear whether it meets the statutory requirement. • CDE notes in its State plan that it will focus the identification of comprehensive support and improvement schools on Title I schools in the greatest need of support within LEAs identified for support under the Local Control Funding Formula (LCFF) and that these LEAs will receive preference as it pertains to school identification. However, it is unclear whether some of the lowest-performing Title I schools in the State may fall outside LEAs identified for support under the LCFF. As a result, it is unclear whether CDE’s proposed method of identification meets the statutory requirement to identify the lowest-achieving five percent of Title I schools in the State.
<p>A.4.vi.b: Comprehensive Support and Improvement Schools—Low Graduation Rates</p>	<p>CDE indicates that it will identify for comprehensive support and improvement all public high schools with a graduation rate of less than 67 percent over the three consecutive years prior to identification. The ESEA requires that a State identify all public high schools failing to graduate one-third or more of their students for comprehensive support and improvement. CDE’s proposed methodology could result in a school not being identified if its graduation rate was above 67 percent in any one of the three years prior to identification.</p>
<p>A.4.vi.e: Targeted Support and Improvement Schools—“Consistently Underperforming” Subgroups</p>	<p>The ESEA requires a State to describe in its State plan its methodology for identifying schools with one or more consistently underperforming subgroups, if any, as determined by the State. In its State plan, CDE discusses the identification of schools with consistently underperforming subgroups but does not include the number of years a subgroup must meet that definition to be identified.</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 for schools identified for comprehensive support and improvement that ensure continued progress to improve student academic achievement and school success in the State. CDE proposes exit criteria that only</p>

	<p>require a school identified for comprehensive support and improvement to no longer meet the criteria for which it was identified, which may not ensure continued progress in improved student academic achievement and school success. CDE states in its plan that “The statewide exit criteria are whether the school has improved performance so that it no longer meets the criteria used to initially identify these schools for comprehensive support.” It is unclear what constitutes “improved performance” in the State accountability system (i.e., could changing from a rating of red “declined significantly” to a rating of red “declined” or red “maintained” be considered improvement by the State such that a school could exit additional targeted support and improvement status?).</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 the statewide exit criteria for schools receiving additional targeted support that ensure continued progress to improve student academic achievement and school success in the State. CDE proposes exit criteria that require a school identified for additional targeted support to no longer meet the criteria for which it was identified, which may not ensure continued progress in improved student academic achievement and school success. In particular, it is possible that a school might exit because other schools began performing worse (i.e., the identification criteria for CSI-lowest-performing 5 percent of schools are normative so a school could exit identification based on the school’s relative standing without demonstrating improved student academic achievement). It is unclear constitutes “improved performance” in the State accountability system (i.e., could changing from a rating of red “declined significantly” to a rating of red “declined” or red “maintained” be considered improvement by the State such that a school could exit additional targeted support and improvement status?).</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>In its State plan, CDE provides the definitions and data for unqualified, out-of-field, and inexperienced teachers that it used to meet requirements under the ESEA as amended by the No Child Left Behind Act of 2001, but does not describe the extent, if any, to which low-income and minority children enrolled in schools assisted under Title I, Part A are served at disproportionate rates by ineffective, unqualified, and out-of-field teachers under the ESEA as amended by ESSA. ESEA section 1111(g)(1)(B) requires a State to describe how low income and minority children enrolled in schools assisted under Title I, Part A are not 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>CDE describes how, in planning, implementing, and evaluating the Migrant Education Program (MEP), it will address the unique educational needs of migratory children through joint planning</p>

	<p>among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part A; and through the integration of services available under Title I, Part C with services provided by those other programs. 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 and integration of services.</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 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 academic, career, and technical skills of children in the program. In its State Plan, CDE includes a general plan for increased pre- and post-testing of youth in Title I, Part D programs in the enrollment of students in career-related programs and in programs to continue their education. CDE does not, however, describe what specific objectives and outcomes it will test for in order 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>Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement</p>	
<p>E.1: Entrance and Exit Procedures</p>	<p>In its State plan, CDE describes statewide exit criteria that include teacher evaluation and parent opinion. The ESEA requires a State to develop standardized statewide entrance and exit procedures for English learners. Because the requirements for teacher evaluation and parent opinion may not constitute standardized statewide exit procedures, it is unclear whether CDE meets the statutory requirement.</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 CDE provides a description about its program objectives and outcomes under the ESEA generally, CDE 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 the CDE’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>

Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B	
I.7: Assistance from Counselors	While CDE describes how counselors will be trained, it is not clear how homeless students will 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.