



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 20, 2017

The Honorable Christina Kishimoto
Superintendent of Education
Hawaii Department of Education
1390 Miller Street, Suite 307
Honolulu, HI 96813

Dear Superintendent Kishimoto:

Thank you for submitting Hawaii'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 Hawaii'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 Hawaii's consolidated State plan and resubmit it through OMB Max by January 5, 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 Hawaii 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 Hawaii'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 Hawaii indicated that any aspect of its plan may change or is still under development, Hawaii may include updated or additional information in its resubmission. Hawaii 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 Hawaii’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 Hawaii Department of Education (HIDOE) provides a definition of “languages other than English that are present to a significant extent in the participating student population;” however, the definition does not encompass at least the most populous language other than English. 34 CFR § 200.6(f)(4)(i) requires that a State provide a definition of “languages other than English that are present to a significant extent in the participating student population” that encompasses 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.b.1: Long-term Goals for Four-year Adjusted Cohort Graduation Rate	ESEA section 1111(c)(4)(a)(i)(I) requires State-designed long-term goals that show improved academic achievement for all students and separately for each subgroup of students. Because its long-term goals for graduation rate do not show improved graduation rates for each subgroup of students, HIDOE has not met the statutory requirements for the establishment of long-term goals for graduation rate.
A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools	In its State plan, HIDOE indicates that it will not include students with the most significant cognitive disabilities who take the HSA-ALT and students taking the Native Hawaiian assessment in the Ka Papahana Kaiapuni schools in the other academic indicator for elementary and secondary schools that are not high schools. The ESEA requires a State to describe an indicator for elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) that annually measures the performance of all students and separately for each subgroup of students. Since HIDOE does not intend to include all students in this indicator, it is unclear whether HIDOE meets the requirement.
A.4.v.b: Weighting of Indicators	In its State plan, HIDOE describes the weighting of its indicators in a manner that meets the statutory requirements if all indicators are included for a given school. HIDOE proposes using multi-year pooling for up to three years to represent students’ results at the school level when identifying schools for comprehensive support and improvement where the number of students for a measure is less than the minimum number of 20 students. However, HIDOE does not describe how it will adjust the weighting for schools for which an indicator cannot be calculated due to the minimum number of students. The ESEA requires a State to describe the weighting of each indicator in its system of annual meaningful differentiation, including that the Academic

	<p>Achievement, Other Academic, Graduation Rate, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually; and that those indicators receive, in the aggregate, much greater weight than the School Quality or Student Success indicator(s), in the aggregate. Because HIDOE does not describe how it will adjust the weighting for schools for which an indicator cannot be calculated due to the minimum number of students, it is unclear whether HIDOE meets the statutory requirements.</p>
<p>A.4.v.c: If Applicable, Different Methodology for Annual Meaningful Differentiation</p>	<p>In its State plan, HIDOE indicates that it will develop a methodology for identifying K-1 schools but does not describe the methodology in its plan. 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. Because HIDOE does not describe the different methodology it will use for its K-1 schools and how the methodology will be used to identify, if appropriate, such schools for comprehensive or targeted support and improvement, it is unclear whether HIDOE meets this requirement.</p>
<p>A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools</p>	<p>In its State plan, HIDOE describes exit criteria that require a school to no longer meet the identification criteria, which may not require schools to demonstrate continued progress to improve student academic achievement and school success. 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.</p>
<p>A.4.viii.b: Exit Criteria for Schools Receiving Additional Targeted Support</p>	<p>In its State plan, HIDOE describes exit criteria that require a school to no longer meet the identification criteria, which may not require schools to demonstrate continued progress to improve student academic achievement and school success. Although HIDOE indicates that such schools “must demonstrate significant improvement” to exit, it does not describe what a school must do to satisfy that criterion. 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.</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>In its State plan, HIDOE indicates that its November 2015 Equitable Access to Excellent Educators plan (Equity Plan) describes the disproportionality of teacher distribution. Although HIDOE describes disproportionate rates of access to educators for all schools, HIDOE 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>

Title I, Part C: Education of Migratory Children	
<p>B.1: Supporting Needs of Migratory Children</p>	<ul style="list-style-type: none"> • HIDOE describes how, in planning, implementing, and evaluating the Migrant Education Program (MEP), it will identify the unique educational needs of migratory children, including preschool migratory children. However, the ESEA requires that a State also describe how, in planning, implementing, and evaluating the MEP, it will identify the unique educational needs of migratory children who have dropped out of school • The ESEA requires that a State describe how, in planning, implementing, and evaluating the MEP, it will address the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, through joint planning among local, State, and Federal educational programs, including language instruction educational programs under Title III, Part A. HIDOE does not provide sufficient information addressing this requirement. • HIDOE describes how, in planning, implementing, and evaluating the MEP, it will address the unique educational needs of migratory children, including preschool migratory children, through measurable program objectives and outcomes. However, the ESEA requires that a State also describe how, in planning, implementing, and evaluating the MEP, it will address the unique educational needs of migratory children who have dropped out of school, through measurable program objectives and outcomes.
Title II, Part A: Supporting Effective Instruction	
<p>D.4: Improving the Skills of Educators</p>	<p>In the HIDOE plan, HIDOE describes how it will improve the skills of teachers, principals, and other school leaders to identify students with specific learning needs to include children with disabilities, English learners, and gifted and talented students. However, HIDOE does not specifically address students with low literacy levels. ESEA section 2101(d)(2)(J) requires a State to provide a description of how the State educational agency will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with specific learning needs, particularly children with disabilities, English learners, students who are gifted and talented, and students with low literacy levels, and provide instruction based on the needs of such students. Because HIDOE does not specifically address students with low literacy levels, it is not clear whether HIDOE meets this requirement.</p>
<p>D.5: Data and Consultation</p>	<p>Although HIDOE comprehensively describes how it will use data to continually update and improve Title II, Part A activities, the State describes consultation with some stakeholders but does not describe how it will include charter schools leaders, parents, and community partners in its ongoing consultation to continually update and improve Title II, Part A activities, consistent</p>

	with ESEA section 2101(d)(3).
Title IV, Part A: Student Support and Academic Enrichment Grants	
F.1: Use of Funds	The ESEA requires an SEA to describe, in its plan, how State-level Title IV, Part A will be used. In its State plan, HIDOE Hawaii refers to transferring State-level Title IV, Part A funds to Title II, Part A, but also describes activities under Title IV, Part A. Therefore, HIDOE must clarify whether it plans to use any of its Title IV, Part A funds for State-level Title IV, Part A activities and, if so, what activities will be supported with Title IV, Part A funds.
Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B	
I.3: Support for School Personnel	In its State plan, HIDOE describes outreach, planning, and training it conducted on the unique needs of homeless students, and HIDOE’s processes for implementation of these activities. HIDOE does not, however, describe programs for school personnel (including the LEA liaisons for homeless children and youth, principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel on the specific needs of <i>runaway and homeless</i> children and youth. The McKinney-Vento Act requires the State to describe programs for school personnel (including the LEA liaisons for homeless children and youth, principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of homeless children and youth, including runaway and homeless children and youth.
I.4: Access to Services	<ul style="list-style-type: none"> • While HIDOE describes there will be information sharing on available options for preschool that homeless children may access, it does not describe procedures that ensure that homeless children have access to public preschool programs, administered by HIDOE or its 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>) • HIDOE describes the training of athletic directors, transportation options, and that McKinney-Vento funds can be used to cover fees associated with participation in activities. It does not, however, 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. The McKinney-Vento Act requires the

	<p>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. <i>(Requirement I.4iii)</i></p>
<p>I.5: Strategies to Address Other Problems</p>	<p>In its State plan, HIDOE provides information on the State’s immediate enrollment requirement and notes that no previous records are required for enrollment. HIDOE does not, however, provide strategies to address problems resulting from enrollment delays that are caused by—(ii) residency requirements; (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— (ii) residency requirements; (iv) guardianship issues; or (v) uniform or dress code requirements.</p>
<p>I.6: Policies to Remove Barriers</p>	<p>While HIDOE demonstrates that it has strategies to remove barriers to the “full participation and success in school” of homeless children and youth, it does not demonstrate that HIDOE and its LEA 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. 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>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 Hawaii does not address this in its plan.</p>