



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 22, 2017

The Honorable Jennifer McCormick  
Superintendent of Public Instruction  
Indiana Department of Education  
115 West Washington Street  
Indianapolis, IN 46204

Dear Superintendent McCormick:

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

<b>Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)</b>	
<p>A.2.iii: Eighth Grade Math Exception: Strategies</p>	<p>IDOE does not currently administer end-of-course assessments in high school mathematics for Federal accountability purposes, but the State indicates in its plan that it is in the process of developing such assessments for 2018-2019. The ESEA and its implementing regulations only permit a State to exempt an eighth-grade student who takes the high school mathematics course associated with the end-of-course assessment the State administers to high school students for Federal accountability purposes under ESEA section 1111(b)(2)(B)(v)(I)(bb) from the mathematics assessment typically administered in eighth grade under ESEA section 1111(b)(2)(B)(v)(I)(aa). Because IDOE does not yet administer an end-of-course mathematics assessment in high school, it is not yet eligible for this exception. If IDOE does elect to administer an end-of-course assessment to meet the requirements in ESEA section 1111(b)(2)(B)(v)(I)(bb), IDOE may request to amend its plan.</p>
<p>A.4.iii.c.1: English Language Proficiency Long-term Goals</p>	<p>The ESEA requires the State to identify and describe the ambitious long-term goal and measurements of interim progress for increases in the percentage of English learners making progress in achieving English language proficiency, as measured by the statewide English language proficiency assessment. Because IDOE’s baseline data, long-term goal and measurements of interim progress do not appear to be based on the percentage of English learners making progress in attaining English proficiency, but on the percentage of students achieving English proficiency, it is unclear whether IDOE meets the statutory requirements.</p>
<p>A.4.iv.a: Academic Achievement Indicator</p>	<ul style="list-style-type: none"> <li>• 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 (ESEA section 1111(c)(4)(E)), consistent with the partial attendance rule in ESEA section 1111(c)(4)(F), which prohibits a State from including in its accountability system a student who has not attended the same school for at least half a school year. In its State plan, IDOE proposes that the Academic Achievement indicator is based on students who took the assessment and are enrolled at the school for at least 162 days, which is consistent with the partial attendance rule. However, because when factoring in the participation rate, IDOE does not consider the greater of 95 percent of all students who meet the IDOE’s partial attendance rule (or 95 percent of each subgroup of such students) or the number of such students participating in the assessments, it is not clear whether IDOE is meeting the statutory</li> </ul>

	<p>requirement for calculating the Academic Achievement indicator.</p> <ul style="list-style-type: none"> <li>ESEA section 1111(c)(4)(B)(i)(I) requires that the Academic Achievement indicator only include measures of proficiency on the annual assessments required under ESEA section 1111(b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics) and at the State’s discretion, for public high schools, student growth, as measured by such assessments. In its State plan, IDOE indicates that it will measure high school growth by looking at the change in the percentage of students passing the graduation qualifying exam between grades 10 and 12. However, it is unclear whether this is the exam administered by the State to meet the requirements of ESEA section 1111(b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics). Additionally, because it is unclear how student growth will be calculated (see page 38 of the State plan), it is unclear whether IDOE meets the statutory requirements for the Academic Achievement indicator. IDOE may include high school growth on assessments other than those required in ESEA section 1111(b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics) in the School Quality or Student Success indicator. It is unclear whether IDOE intends to include this measure of student growth as an SQSS indicator rather than the Academic Achievement indicator because, on page 48 when discussing its weighting for indicators, IDOE does not clearly describe how it is included in the State’s accountability system.</li> </ul>
<p>A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools</p>	<p>In its State plan, IDOE’s indicator for elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) measures student growth on the reading/language arts and mathematics assessments in grades 3-8 and high school. However, the indicator required under ESEA section 1111(c)(4)(B)(ii) must be limited to elementary and secondary schools that are not high schools. A State may include a measure of student growth for high schools either within the Academic Achievement indicator, consistent with ESEA section 1111(c)(4)(B)(i)(II), or as a School Quality or Student Success indicator. Therefore, it is unclear whether IDOE meets this requirement.</p>
<p>A.4.iv.c: Graduation Rate Indicator</p>	<p>The ESEA requires a State to describe a Graduation Rate indicator, which must include the four-year adjusted cohort graduation rate, as defined in ESEA section 8101(25), and which may be combined, at the State’s discretion, with an extended year adjusted cohort graduation rate. Because IDOE proposes to use both the four-year adjusted cohort graduation rate and its five-year graduation rate improvement metric in its calculation, it is unclear whether IDOE meets the statutory requirements. IDOE may include its five-year graduation rate improvement metric as a School Quality or Student Success indicator, if it so chooses. Therefore, it is unclear whether</p>

	<p>IDOE meets the requirements.</p>
A.4.iv.e: School Quality or Student Success Indicator(s)	<p>In its State plan, IDOE indicates that its College and Career Ready indicator will measure college and career readiness against the total number of graduates, rather than including all students. 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. Because IDOE has not described how it will calculate this indicator to include all students, and how it will allow for meaningful differentiation, it is unclear whether IDOE meets the statutory requirements.</p>
A.4.v.a: State’s System of Annual Meaningful Differentiation	<p>The ESEA requires a State to establish and describe in its State plan its system of meaningfully differentiating all public schools in the State. In its State plan, IDOE proposes to use an A-F grading system. However, IDOE does not describe the methodology for determining a school’s letter grade in its system. Because IDOE has not described how it will calculate its letter grades, it has not fully described its system of meaningful differentiation.</p>
A.4.v.b: Weighting of Indicators	<p>In its State plan, IDOE indicates that schools have the opportunity to earn extra points for very high levels of achievement, progress, and achievement gap closure. However, IDOE does not describe how the extra points will be factored into the system of annual meaningful differentiation, including how those points will impact the weighting of any indicator. 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"> <li>○ 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</li> <li>○ 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.</li> </ul> <p>By providing extra points in its system of annual meaningful differentiation, it does not appear that IDOE has met the requirement in ESEA section 1111(c)(4)(C)(ii) to describe the weighting of its indicators.</p>
A.4.v.c: If Applicable, Different Methodology for Annual Meaningful Differentiation	<p>The ESEA requires a State to include all public schools including small and alternative schools in which a letter grade cannot be assigned in its system of annual meaningful differentiation and to describe that system in its State plan.</p> <ul style="list-style-type: none"> <li>• IDOE indicates that small schools will not be assigned an accountability determination</li> </ul>

	<p>when none of the established indicators can be calculated. Because IDOE does not describe the different methodology it will use for small schools when no indicators are available or how the methodology will be used to identify such schools for comprehensive or targeted support and improvement, it is unclear whether IDOE meets the statutory requirements.</p> <ul style="list-style-type: none"> <li>• IDOE provides information that implies that it uses a different methodology for annual meaningful differentiation for its Schools for Deaf and Blind students 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 (including doing so by the beginning of the 2018-2019 school year) or whether the different methodology is limited to schools for which an accountability determination cannot be made. Accordingly, it is unclear whether IDOE meets the statutory requirements.</li> </ul>
<p>A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools</p>	<p>The ESEA requires a State to establish and describe statewide exit criteria that ensure continued progress to improve student academic achievement and school success in the State. In its State plan, IDOE indicates that a school must no longer meet the eligibility criteria for comprehensive support and improvement as demonstrated by attainment of a “C” letter grade or higher on the statewide accountability system for two consecutive school years. However, it is unclear whether no longer meeting eligibility criteria ensures that a school has made 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>The ESEA requires a State to 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. Although IDOE describes disproportionate rates of access to educators for all schools by comparing low-income and non-low-income students as well as schools serving minority and non-minority students, it is not clear whether the State addresses schools assisted under Title I, Part A.</p>
<p>A.6: School Conditions</p>	<p>The ESEA requires a State to describe how it will support LEAs receiving assistance under Title I, Part A to improve school conditions for student learning including through reducing: 1) incidences of bullying and harassment, 2) overuse of discipline practices that remove students from the classroom, and 3) use of aversive behavioral interventions that compromise student health and safety. In its plan, IDOE provides a general description of its strategies for improving school conditions; however, IDOE does not specifically address how it would support LEAs receiving assistance under Title I, Part A to improve school conditions. Therefore, it is unclear from the State’s description whether it meets the requirements.</p>

<b>Title I, Part C: Education of Migratory Children</b>	
B.1: Supporting Needs of Migratory Children	The ESEA requires that a State describe how, in planning, implementing, and evaluating the Migrant Education Program (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 serving migratory children, including language instruction educational programs under Title III, Part A. IDOE does not provide any information addressing this requirement.
<b>Title IV, Part A: Student Support and Academic Enrichment Grants</b>	
F.2: Awarding Subgrants	The ESEA requires the SEA to indicate how it will comply with the priorities outlined in the Consolidated Appropriations Act of 2017, that these subgrants shall be made “with priority given to local educational agencies, or consortia of local educational agencies, with the greatest need based on the number or percentage of children counted under section 1124(c), in a manner that ensures geographic diversity among subgrant recipients representing rural, suburban and urban areas...” While IDOE does indicate that awards to LEAs will be made on a competitive basis, it is not clear whether IDOE plans to award competitive subgrants in accordance with the requirements of the Consolidated Appropriations Act, 2017.
<b>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</b>	
I.2: Dispute Resolution	IDOE describes procedures for the resolution of disputes regarding educational placement. IDOE 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 include information about how the procedures described will result in the prompt resolution of disputes.
<b>General Education Provisions Act (GEPA)</b>	
GEPA 427	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 IDOE’s plan.