



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Jeff Wulfson  
Acting Commissioner of Education  
Massachusetts Department of Elementary and Secondary Education  
75 Pleasant Street  
Malden, MA 02148

Dear Acting Commissioner Wulfson:

Thank you for submitting Massachusetts' 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 a 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 Massachusetts' 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 Massachusetts' consolidated State plan and resubmit it through OMB Max within 15 days of the date of this letter. If you need more time than this to resubmit your consolidated State plan, please contact your Office of State Support Program Officer, who will work with you in establishing a new submission date. Please recognize that if we accommodate your request for

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additional time, we may be unable to issue a written determination on your plan within the 120-day review period.

Department staff will contact you to support Massachusetts 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 Massachusetts' 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 Massachusetts indicated that any aspect of its plan may change or is still under development, Massachusetts may include updated or additional information in its resubmission. Massachusetts 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  
Acting Assistant Secretary

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 Massachusetts’ Consolidated State Plan**

<b>Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies</b>	
A.4.i.b: Additional Subgroups at SEA Discretion	<p>In its State plan, the Massachusetts Department of Elementary and Secondary Education (MA DESE) indicates that it is evaluating whether to include students who were previously identified as children with disabilities in the children with disabilities subgroup for two years after they exit that subgroup. Under the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA), MA DESE may include in its accountability system an additional subgroup of students who were previously identified as children with disabilities, in addition to all required subgroups, but may not include those students within the children with disabilities subgroup.</p>
A.4.iii.b.2: If applicable, long-term goals for each extended-year adjusted cohort graduation rate	<p>MA DESE states in its plan that, to calculate the five-year adjusted cohort graduation rate for which it is setting long-term goals, it will use a rate that is equal to the sum of the percentage of students who have graduated within five years plus the percentage of students that are still enrolled in school after an unidentified number of years. The ESEA requires that a State calculate the five-year adjusted cohort graduation rate consistent with the definition of an extended-year adjusted cohort graduation rate in ESEA section 8101(23).</p>
A.4.iv.a: Academic Achievement Indicator	<ul style="list-style-type: none"> <li>• MA DESE proposes including science in the Academic Achievement indicator. 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>i.e.</i>, reading/language arts and mathematics); a State may include performance on assessments other than those required under ESEA section 1111(b)(2)(B)(v)(I) (<i>e.g.</i>, science) in the indicator for public elementary and secondary schools that are not high schools required under ESEA section 1111(c)(4)(B)(ii) (<i>i.e.</i>, the Other Academic indicator) for elementary and secondary schools that are not high schools or in the School Quality or Student Success indicator for any schools, including high schools.</li> <li>• MA DESE bases its Academic Achievement indicator on average scale scores. The ESEA requires a State to measure and describe in its State plan an Academic Achievement indicator that is based on grade-level proficiency on statewide assessments in reading/language arts and mathematics. In its State plan, MA DESE does not describe how it calculates an Academic Achievement indicator based on proficiency, inconsistent with the statutory requirements. MA DESE may use scale scores in a School Quality or Student Success indicator, if it desires.</li> </ul>
A.4.iv.c: Graduation Rate	<ul style="list-style-type: none"> <li>• In its State plan, MA DESE includes an Annual Dropout Rate measure within the Graduation</li> </ul>

<p>Indicator</p>	<p>Rate indicator. ESEA section 1111(c)(4)(B)(iii) requires that the Graduation Rate indicator only include 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. An Annual Dropout Rate measure may be included as a School Quality or Student Success indicator, if desired.</p> <ul style="list-style-type: none"> <li>• In addition, as noted in requirement A.4.iii.b.2 above, the ESEA requires that MA DESE calculate the five-year adjusted cohort graduation rate consistent with ESEA section 8101(23).</li> </ul>
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<p>In its State plan, MA DESE proposes to include the percentage of students who successfully complete “broad and challenging coursework,” such as Advanced Placement, honors classes, and International Baccalaureate coursework, citing that it wants to incentivize participation in these courses. MA DESE states that there are varying levels of participation in and completion of advanced coursework across the State and, within school districts, there are equity gaps in participation among subgroups. The ESEA requires that a State describe a School Quality or Student Success indicator that can be measured statewide and is comparable for the grade spans to which the indicator applies and that will allow for meaningful differentiation in school performance. Because MA DESE has not described how it will calculate this indicator, it is unclear whether MA DESE meets the statutory requirements.</p>
<p>A.4.v.b: Weighting of Indicators</p>	<p>The ESEA requires that the Academic Achievement, Other Academic, Graduation Rate, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually and, in the aggregate, much greater weight than the School Quality or Student Success indicator or indicators, in the aggregate (<i>i.e.</i>, indicators within Percentile A receive substantial weight individually and, in the aggregate, much greater weight as compared to Percentiles B, C, and D). In its State plan, MA DESE provides the weight for each indicator. However, after providing these weights, the State indicates that it will combine a school’s index score based on the weighted indicators with a secondary index measuring a school’s gap closure. Therefore, it is unclear if the indicator weights that are taken into account in a school’s final summative rating meet the statutory requirements.</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. MA DESE states that it does not currently assign a summative classification to schools that do not administer the statewide assessments to any students in the school, such as P-2 schools or small schools that do not have the requisite number of assessed students, but plans to include all schools in the accountability</p>

	<p>system as soon as the State is able to make a valid and reliable summative determination. Because MA DESE does not describe the different methodology it will use for P-2 schools or small schools or how the methodology will be used to identify such schools for comprehensive or targeted support and improvement, it is unclear whether MA DESE meets the statutory requirements.</p>
<p>A.4.vi.a Comprehensive Support and Improvement Schools— Lowest Performing</p>	<p>In its State plan, MA DESE indicates that it will identify the lowest-performing five percent of all public schools for comprehensive support and improvement. The ESEA requires a State to describe a methodology that will result in the identification of not less than the lowest-performing five percent of schools receiving Title I, Part A funds. MA DESE may also identify additional low-performing schools that do not receive Title I, Part A funds.</p>
<p>A.4.vi.d: Frequency of Identification</p>	<p>MA DESE does not specify the frequency with which the State will identify any of the three types of schools for comprehensive support and improvement: (1) not less than the lowest-performing 5 percent of schools receiving Title I, Part A funds; (2) all public high schools in the State failing to graduate one third or more of their students; and (3) schools that receive Title I, Part A funds that received additional targeted support and that did not meet the State’s exit criteria after a State-determined number of years. The ESEA requires a State to indicate the frequency with which it will identify each of the three types of schools for comprehensive support and improvement, consistent with ESEA section 1111(D)(i), which requires a State to identify these schools at least once every three years.</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 annually identifying schools with one or more consistently underperforming subgroups, as determined by the State. In its State plan, MA DESE indicates that a school will be identified if it has one or more of the lowest-performing subgroups in the State “over multiple years,” but does not describe what “multiple years” means. Because MA DESE does not include the number of years over which it will consider subgroup performance in identifying schools with one or more consistently underperforming subgroups, MA DESE has not fully described its methodology for identifying these schools.</p>
<p>A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support</p>	<p>The ESEA requires that a State describe its methodology for identifying schools in which 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). Although MA DESE includes information about how it will identify these schools for additional targeted support, because MA DESE does not specify the frequency with which the State will do so, MA DESE has not fully described its methodology for identifying these schools.</p>

<p>A.4.viii.b: Exit Criteria for Schools Receiving Additional Targeted Support</p>	<p>In its State plan, MA DESE indicates that it has not yet established statewide exit criteria for schools receiving additional targeted support nor has the State provided the number of years over which these schools must satisfy such criteria. The ESEA requires a State to establish and describe exit criteria for schools receiving additional targeted support that ensure continued progress to improve student academic achievement and school success in the State, including the State-determined number of years over which such schools must satisfy the exit criteria.</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>Although MA DESE describes disproportionate rates of access to educators for all schools, the State does not specifically address 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><b>Title I, Part C: Education of Migratory Children</b></p>	
<p>B.1: Supporting the Needs of Migratory Children</p>	<ul style="list-style-type: none"> <li>• The ESEA requires that MA DESE’s description of the planning of its program must include: <ul style="list-style-type: none"> <li>○ How it is joint planning among local, State, and Federal education programs including language instruction educational programs under Part A of Title III.</li> <li>○ How it will address the unique needs of preschool migratory children and migratory children who have dropped out of school.</li> </ul> </li> <li>• The ESEA requires that MA DESE’s description of the implementation of its program must include: <ul style="list-style-type: none"> <li>○ How it will implement joint planning among local, State, and Federal education programs including language instruction educational programs under Part A of Title III.</li> <li>○ How it will address the unique needs of preschool migratory children and migratory children who have dropped out of school.</li> </ul> </li> <li>• The ESEA requires that MA DESE’s description of the evaluation of its program must include: <ul style="list-style-type: none"> <li>○ How it will evaluate the joint planning among local, State and Federal programs including language instruction educational programs under Part A of Title III.</li> <li>○ How it will address the unique needs of preschool migratory children and migratory children who have dropped out of school.</li> </ul> </li> <li>• MA DESE describes the integration of services available under Title I, Part C with services that are available for migratory children from appropriate local, State, and Federal educational programs. However, the ESEA requires a State to include a description of how the identified</li> </ul>

	<p>unique educational needs of preschool migratory children and migratory children who have dropped out of school are addressed through the integration of services of these programs.</p>
<p><b>Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk</b></p>	
<p>C.2: Program Objectives and Outcomes</p>	<p>MA DESE identifies a goal of preparing all students, including those in Title I, Part D programs, for success after high school. It also identifies the five primary strategies that support this goal. This goal and the five supporting strategies are too broad to meet the ESEA requirement to describe objectives and outcomes that can 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. The plan also indicates that facilities are required to establish and describe measurable academic and other objectives; however, in order to satisfy the ESEA requirement, the objectives and outcomes must be established by the State. The ESEA requires a State to include objectives and outcomes established by the State that can 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><b>Title IV, Part A: Student Support and Academic Enrichment Grants</b></p>	
<p>F.1: Use of Funds</p>	<p>In Section 6, the plan describes how it will use funds from Title IV, Part A and <i>other programs</i> (emphasis added) to support many State-level activities related to Title IV, Part A. It is not clear which of these State-level activities will be supported in whole or in part by Title IV, Part A funds. The ESEA requires a State to describe how it will use funds received under Title IV, Part A, Subpart 1 for State-level activities, and the plan should clarify which of the State-level activities in Section 6 will be supported in whole or in part by Title IV, Part A funds.</p>
<p>F.2: Awarding Subgrants</p>	<p>Note: The Consolidated Appropriations Act, 2017 (Pub. L 115-31) provides States with a new option of awarding the Title IV, Part A subgrants to LEAs competitively. Please consider whether MA DESE wishes to revise this response in light of this new flexibility.</p>

<b>Title V, Part B, Subpart 2: Rural and Low-Income School Program</b>	
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 MA DESE provided a description about its program objectives and outcomes under the ESEA generally, MA DESE failed to identify its objectives and outcomes for activities under the Rural and Low-Income School program (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 the MA DESE’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
H.2: Technical Assistance	The ESEA requires that a State to describe how it will provide technical assistance specifically to LEAs eligible for funds under the RLIS program to help such agencies implement the activities described in ESEA section 5222. While MA DESE provides a description about how it will provide technical assistance to LEAs generally, this description does not specifically address technical assistance for RLIS-eligible LEAs. In particular, The ESEA requires a State to include information about how the SEA will provide technical assistance to RLIS-eligible LEAs ( <i>i.e.</i> , the methods and strategies). Additionally, the ESEA requires that the description specifically address how the SEA’s technical assistance will assist RLIS-eligible LEAs’ implementation of RLIS activities.
<b>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</b>	
I.4 i: Access to Services	While MA DESE’s State plan describes procedures for monitoring LEAs and provides examples of different collaborative activities by the State Coordinator, such as serving on the Early Learning Working Group, to ensure that homeless children have access to education, the State plan does not describe procedures that ensure that homeless children have access to public preschool programs, administered by the SEA or LEAs, as provided to other children in the State. The McKinney-Vento Act requires the State to describe procedures that ensure that homeless children have access to public preschool programs, administered by the SEA or LEAs, as provided to other children in the State.
I.4 iii: Access to Services	MA DESE’s State plan refers to actions that have been taken by the State Education for Homeless Children and Youth (EHCY) program to ensure that homeless students do not face barriers and have access to academic and extracurricular activities, such as summer school and all school courses. The State plan, however, does not describe procedures that ensure that homeless

	<p>children and youth who meet relevant eligibility criteria do not face barriers to accessing 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, and charter school programs, if such programs are available at the State and local levels.</p>
<p>I.5: Strategies to Address Other Problems</p>	<p>MA DESE’s State plan does not provide strategies to address problems resulting from enrollment delays that are caused by guardianship issues. The McKinney-Vento Act requires the State to describe strategies to address problems resulting from enrollment delays that are caused by, among other things guardianship issues.</p>
<p><b>General Education Provisions Act (GEPA)</b></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 MA DESE’s plan.</p>