



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 18, 2017

The Honorable Brenda Cassellius
Commissioner of Education
Minnesota Department of Education
1500 Highway 36 West
Roseville, MN 55113-4266

Dear Commissioner Cassellius:

Thank you for submitting Minnesota'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 Minnesota'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 Minnesota's consolidated State plan and resubmit it through OMB Max by January 3, 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.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
www.ed.gov

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

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.3.i: Native Language Assessments Definition	The ESEA and its implementing regulations require that the State provide a definition of “languages other than English that are present to a significant extent” and identify the languages meeting that definition, including at least the most populous language other than English spoken by the State’s participating student population. While the Minnesota Department of Education (MDE) indicates the three most prevalent languages among the participating student population, it does not provide a specific definition of how it determined that those languages are present to a significant extent in the participating student population.
A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools	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, MDE indicates that a school is either re-identified for Comprehensive Support and Improvement or is identified for Targeted Support and Improvement if: 1. The school remains below the 25 th percentile of Title I schools in any Stage 1 indicator (math achievement, reading/language arts achievement or progress toward English language proficiency) or 2. The school fails to show improvement on all indicators that led to its initial identification. Because MDE does not clearly explain what happens to a school if it does not meet the criteria to be moved from Comprehensive Support and Improvement to Targeted Support and Improvement or clearly describe exit criteria that ensure continued progress to improve student academic achievement and school success in the State, it is unclear whether MDE meets the statutory requirements.
A.4.viii.b: Exit Criteria for Schools Receiving Additional Targeted Support	The ESEA requires a State to establish statewide exit criteria for schools that receive Additional Targeted Support and to describe such exit criteria in its State plan, including the number of years schools are expected to meet such criteria. In its State plan, MDE indicates that any Title I, Part A school that is re-identified will become a Comprehensive Support and Improvement school. Because MDE does not clearly explain what happens to a school that is not re-identified or does not meet the criteria to stay in Targeted Support and Improvement status, and does not clearly describe exit criteria that ensure continued progress to improve student academic achievement and school success in the State, it is unclear whether MDE meets the statutory requirements.
A.5: Disproportionate Rates of Access to Educators	Although MDE describes the extent that low-income and minority children enrolled in schools assisted by Title I, Part A are served by out-of-field and inexperienced teachers, MDE does not describe the extent that such students are served by ineffective teachers. The ESEA requires that

	a State describe the extent, if any, to which low-income and minority children in schools assisted under Title I, Part A are served at disproportionate rates by ineffective teachers.
Title I, Part C: Education of Migratory Children	
B.1: Supporting Needs of Migratory Children	<ul style="list-style-type: none"> • MDE describes how it will identify the unique educational needs of migratory children. However, the ESEA requires that a State also describe how it will identify the unique educational needs of preschool migratory children and migratory children who have dropped out of school. • MDE describes how, in planning, implementing, and evaluating the Migrant Education Program, it will address the unique educational needs of migratory children, including preschool migratory children, through the integration of services available under Title I, Part C with services provided by local, State, and Federal educational programs including language instruction educational programs under Title III, Part A. However, the ESEA requires that a State also describe how it will address the unique educational needs of migratory children who have dropped out of school, through such integration of services.
B.2: Promote Coordination of Services	MDE describes how it will use Title I, Part C funds to promote interstate and intrastate coordination of services for migratory children. However, the ESEA requires that a State also describe how it will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year.
B.3: Use of Funds	MDE describes its priorities for the use of Title I, Part C funds. However, the ESEA requires that a State also describe how such priorities relate to the State’s assessment of needs for services in the State.
Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk	
C.1: Transitions Between Correctional Facilities and Local Programs	The ESEA requires a plan for assisting in the transition of children and youth between correctional facilities and locally operated programs. Although MDE includes a plan for assisting in the transition of children and youth from correctional facilities to locally operated programs, it does not include a plan for assisting in the transition of children and youth between locally operated programs and correctional facilities (i.e., the transition from correctional facilities to locally operated programs as well as the transition from locally operated programs to correctional facilities).
Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B	
I.2: Dispute Resolution	In its State plan, MDE describes procedures for the resolution of disputes regarding educational

	<p>placement. MDE 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 describe procedures for the prompt resolution of disputes.</p>
<p>I.3: Support for School Personnel</p>	<p>In its State plan, MDE describes training and outreach to school personnel by LEA liaisons, with support from the SEA, to heighten the awareness of such school personnel of the needs of homeless children and youth. It is not clear, however, how these activities will heighten the awareness of such school personnel of 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 runaway and homeless children and youth.</p>
<p>I.4: Access to Services</p>	<ul style="list-style-type: none"> • In its State plan, MDE discusses alternative education programs and services. It does not, however, describe any SEA procedures that ensure that youths separated from public schools are identified and that they and other homeless youth are accorded equal access to appropriate secondary education and support services, including removing barriers that prevent them from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. The McKinney-Vento Act requires a State to describe procedures that ensure that homeless youth and youths separated from public schools are accorded equal access to appropriate secondary education and support services, including removing barriers that prevent them from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. (<i>Requirement I.4ii</i>) • While MDE addresses a number of procedures for ensuring equal access for homeless students to extracurricular and academic support programs, it is not clear if these procedures ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to activities such as magnet schools, 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 schools, summer school, career and technical education, advanced placement, and charter school programs, if such programs are available at the State and local levels.

	<i>(Requirement I.4iii)</i>
I.6: Policies to Remove Barriers	In its State plan, MDE demonstrates the SEA trains LEA personnel to review policies and procedures to remove barriers to receiving a free and appropriate public education on a regular basis, including when new policies and procedures are being developed. MDE does not, however, demonstrate that the SEA and LEAs have developed policies that they will review and revise to address specific barriers to enrollment <i>due to outstanding fees or fines, or absences</i> . The McKinney-Vento Act requires the State to demonstrate how the SEA and LEAs in the State have developed policies that they will review and revise to remove barriers to the enrollment and retention of homeless children and youth in the State due to outstanding fees or fines, or absences.