



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 19, 2017

The Honorable Carey Wright
Superintendent of Education
Mississippi Department of Education
P.O. Box 771
Jackson, MS 39205-0771

Dear Superintendent Wright:

Thank you for submitting Mississippi'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 Mississippi'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 Mississippi's consolidated State plan and resubmit it through OMB Max by January 4, 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 Mississippi 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 Mississippi'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 Mississippi indicated that any aspect of its plan may change or is still under development, Mississippi may include updated or additional information in its resubmission. Mississippi 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 Mississippi’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
<p>A.2.iii: Eighth Grade Math Exception: Strategies</p>	<p>ESEA section 1111(b)(2)(C) and 34 C.F.R. § 200.5(b) permit the Mississippi Department of Education (MDE) 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 under ESEA section 1111(b)(2)(B)(v)(I)(bb) from the mathematics assessment the State typically administers in eighth grade under ESEA section 1111(b)(2)(B)(v)(I)(aa). If a State takes advantage of this exception, the ESEA requires the State to use the eighth-grade student’s performance on the high school assessment in the year in which the student takes the assessment—i.e., eighth grade—for accountability purposes. Moreover, in high school, the ESEA requires the student subject to the exception to take a State-administered end-of-course or nationally recognized high school mathematics assessments that is more advanced. In its State plan, the Mississippi Department of Education (MDE) indicates that it will utilize the eighth-grade mathematics exception for eighth-grade students who take Algebra I, MDE’s high school mathematics assessment. MDE also indicates, however, that a statewide Algebra II assessment will be phased in in the future, and the score of a student who takes Algebra I in eighth grade will be banked until tenth grade. Accordingly, it is not clear that the State meets the requirement to administer a more advanced high school mathematics assessment to students who take Algebra I in eighth grade. Moreover, it is not clear that MDE needs the exception if it intends to bank the scores of eighth-grade students who take Algebra I; rather, the ESEA requires MDE to also administer the eighth-grade assessment to students who take Algebra I in eighth grade if their Algebra I scores are banked until tenth grade.</p>
<p>A.3.i: Native Language Assessments Definition</p>	<p>In its State plan, MDE does not provide a definition for languages other than English that are present to a significant extent in the participating student population or identify the most populous language. The ESEA section 1111(b)(2)(F) and 34 C.F.R. § 200.6(f)(2)(ii)(A) requires a State to provide a definition of languages other than English that are present to a significant extent in the participating student population and identify the specific languages that meet this definition, which must include at least the most populous language other than English spoken by the State’s participating student population.</p>
<p>A.4.i.a: Major Racial and Ethnic Subgroups of Students</p>	<p>The ESEA requires a State to include in its accountability system each major racial and ethnic group. MDE’s plan includes inconsistencies between the subgroups listed in A.4.i.a and the subgroups listed in other sections of the plan. In particular, MDE includes a subgroup of Asian</p>

	<p>students in some sections of its plan but not in A.4.i.a. Therefore, it is not clear whether MDE meets the requirement.</p>
<p>A.4.iii.a.1: Academic Achievement Long-term Goals</p>	<p>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 certain grade levels in mathematics do not show improved academic achievement for each subgroup of students, MDE has not met the statutory requirements for the establishment of long-term goals for academic achievement.</p>
<p>A.4.iv.a: Academic Achievement Indicator</p>	<ul style="list-style-type: none"> • In its State plan, MDE indicates that it intends to “bank” scores for those students taking the State’s Algebra I or English II end-of-course assessments and calculate the indicator based on the proficiency rate of all 10th-graders. The State does not fully describe its process for banking and how this will interact with the State’s plan, consistent with ESEA section 1111(b)(2)(C) and 34 CFR § 200.5(b), to exempt an eighth-grade student who takes the high school mathematics course in place of the grade 8 assessment; in such cases, the Algebra I results must be used in the middle school’s accountability determination and a more advanced State-administered end-of-course or nationally recognized assessment must be administered to the student in high school. Therefore, it is not clear whether the State meets this requirement. In addition, MDE indicates that when banking results for 10th-graders, it requires the student to meet the State’s full academic year (FAY) definition both in the year in which the test was administered and 10th grade, which is not consistent with ESEA section 1111(c)(4)(F). • MDE does not describe how it will measure the achievement of 95 percent of all students and each subgroup consistent with ESEA section 1111(c)(4)(E). In its State plan, MDE indicates that it will calculate proficiency by dividing the total number of FAY students meeting proficiency on the assessment by the total number of FAY tested students. 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. It is not clear that MDE meets the statutory requirement for calculating the Academic Achievement indicator.
<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"> • In its State plan, MDE proposes to include an indicator for elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) that measures student growth on the reading/language arts and mathematics assessments in grades 3-8 and in 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, at its discretion, include a measure of student growth for high schools either within the Academic

	<p>Achievement indicator, consistent with ESEA section 1111(c)(4)(B)(i)(II), or as a School Quality or Student Success indicator.</p> <ul style="list-style-type: none"> • In its State plan, MDE proposes including science and social studies proficiency in the Other Academic Indicator for grades 5, 8, and high school. The ESEA requires that this indicator only include measures for elementary and secondary schools that are not high schools. MDE may, at its discretion, include the science and social studies measures for high schools in the School Quality or Student Success indicator. In addition, for the Other Academic Indicator, MDE does not clearly explain how a Biology I score in a grade below 10th grade would be counted in the year the student is taking the end-of-course assessment if it intends to bank the end-of-course assessment for high school.
<p>A.4.iv.d: Progress in Achieving English Language Proficiency Indicator</p>	<p>In its State plan, MDE indicates that it is continuing to develop its Progress in Achieving English Language Proficiency indicator and proposes to include a notation (“+ or -”) for the school. The ESEA requires a State to establish and describe a Progress in Achieving English Language Proficiency indicator that is the same indicator across all LEAs in the State, is measured by the State’s English language proficiency assessment, and is aligned with the State-determined timeline described in the State’s progress in achieving English language proficiency long-term goal. The ESEA also requires the State to establish a system of meaningful differentiation on an annual basis that includes all indicators, including the Progress in Achieving English Language Proficiency indicator. Consistent with the April 10, 2017, Dear Colleague Letter that provided additional flexibility, each State must fully implement its accountability system, including all required indicators, to identify schools by the beginning of the 2018-2019 school year. It appears that MDE’s proposed timeline for fully implementing the Progress in Achieving English Language Proficiency indicator in its accountability system does not meet these requirements.</p>
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<ul style="list-style-type: none"> • In its State plan, MDE describes a School Quality or Student Success indicator, that it calls an Acceleration indicator, for high schools that allows each school to earn points for participation and performance in certain accelerated courses. However, MDE does not describe how this indicator will allow for meaningful differentiation. In addition, the State indicates that the denominator excludes students with the most significant cognitive disabilities. The State also does not provide information regarding how the participation and performance calculations are combined to calculate the indicator. Under the participation component calculation explanation for the Acceleration indicator, it is unclear whether MDE meets the statutory requirements because MDE does not provide sufficient detail, including whether the denominator includes all students and how this indicator allows for meaningful

	<p>differentiation.</p> <ul style="list-style-type: none"> • MDE also proposes a college and career readiness indicator but does not clearly describe what benchmark scores are used, how the indicator is calculated, and how the indicator allows for meaningful differentiation. In its State plan, MDE includes, in the college and career readiness indicator, only seniors who have been enrolled in a MDE public school for three full years, 10th through 12th grade. Accordingly, it is unclear whether MDE meets the statutory requirements. • Finally, MDE proposes a growth indicator for the lowest-performing 25% of students. 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 this indicator does not consider the performance of all students, it does not meet the statutory requirements.
<p>A.4.v.b: Weighting of Indicators</p>	<p>As discussed in A.4.iv.d above, the ESEA requires a State to establish and describe a Progress in Achieving English Language Proficiency indicator in its accountability system. The ESEA also requires that the Progress in Achieving English Language Proficiency indicator receive substantial weight individually. MDE does not describe the weighting of Progress in Achieving English Language Proficiency indicator nor does it describe how the weighting is adjusted for schools for which an indicator cannot be calculated due to the minimum number of students (e.g., for the Progress in Achieving English Language Proficiency indicator). Therefore, MDE has not met the statutory requirements.</p>
<p>A.4.vi.c: Comprehensive Support and Improvement Schools— Additional Targeted Support Not Exiting Such Status</p>	<p>The ESEA requires a State to describe its methodology to identify a school for comprehensive support and improvement that has received additional targeted support under ESEA section 1111(d)(2)(C) because it has a subgroup of students that, on its own, would lead to identification of the school as needing comprehensive support and improvement and has not satisfied the statewide exit criteria within a State-determined number of years. In its State plan, MDE does not clearly identify from which type of targeted support and improvement schools (i.e., those with consistently underperforming subgroups or those that have received additional targeted support under ESEA section 1111(d)(2)(C)) it will identify schools for comprehensive support and improvement based on not having met the State’s exit criteria within a State-determined number of years.</p>
<p>A.4.vi.e: Targeted Support and Improvement Schools— “Consistently Underperforming”</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 that considers performance on all indicators in the statewide system of annual meaningful</p>

<p>Subgroups</p>	<p>differentiation. In its State plan, MDE discusses the identification of schools with consistently underperforming subgroups but does not include a definition of “consistently underperforming.” Additionally, MDE indicates it will identify schools every three years. Based on this description, it is unclear if MDE is annually identifying schools with a consistently underperforming subgroup from among all schools (not just Title I, part A schools) and if MDE is considering all indicators when identifying schools with consistently underperforming subgroups. Accordingly, it is unclear whether MDE meets the statutory requirements.</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) (i.e., “Additional Targeted Support” schools). Such methodology must include identifying these schools either from among all public schools in the State, including both Title I and non-Title I schools, or from among the schools identified as schools with one or more consistently underperforming subgroups. While MDE includes some details of its methodology, by stating that it will identify a school at which “3-year average subgroup performance is at or below that of all students in the lowest performing schools (bottom 5% of Title IA schools),” MDE has not fully described its methodology for identifying these schools, including how MDE averages data for identification purposes and whether MDE is identifying additional targeted support schools from all public schools or only schools with one or more consistently underperforming subgroups.</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 that ensure continued progress to improve student academic achievement and school success in the State. In its State plan, MDE indicates that a school will exit Comprehensive Support and Improvement status when it no longer meets identification criteria, (e.g., the school’s summative score is no longer in the bottom five percent of all Title I schools). However, it is unclear whether no longer meeting the identification criteria ensures 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>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. MDE proposes an exit criterion that requires subgroup performance above that of all students in the lowest-performing schools (bottom five percent of Title I schools) based on identification year data, which does not ensure continued progress to improve student academic achievement and school success.</p>

<p>A.4.viii.c: More Rigorous Interventions</p>	<p>The ESEA requires more rigorous actions for schools identified for comprehensive support and improvement that do not meet the State’s exit criteria within a State-determined number of years. In its State plan, MDE indicates that it will require certain schools to take as a “more prescriptive approach” by MDE to activities conducted in those schools. However, it is unclear whether the “more prescriptive approach” will be required for all schools identified for comprehensive support and improvement that fail to meet the State’s exit criteria within a State-determined number of years and what will be required of a school if identified for a “more prescriptive approach.” As a result, it is unclear whether MDE meets the statutory requirement.</p>
<p>A.4.viii.d: Resource Allocation Review</p>	<p>The ESEA requires each State to periodically review resource allocation to support school improvement in each LEA in the State serving a significant number or percentage of schools identified for comprehensive or targeted support and improvement in a timely manner. MDE indicates that it will meet with school teams annually to examine expenditures, student performance data, and other relevant data, to further develop or refine plans for improvement, but does not describe how it will review the allocation of resources to support each LEA in the state serving a significant percentage of schools identified for comprehensive or targeted support and improvement.</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>MDE describes a process for evaluating and publicly reporting on whether low-income and minority students are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, but it does not describe how those children are not served by such teachers. The ESEA requires a State to 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, 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>MDE describes how, in planning and implementing the Migrant Education Program (MEP), it will identify and address the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, through:</p> <ul style="list-style-type: none"> ○ The full range of services that are available for migratory children from appropriate local, State, and Federal educational programs; ○ Joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part A; ○ The integration of services available under Title I, Part C with services provided by those other programs; and ○ Measurable program objectives and outcomes.

	However, the ESEA requires that a State also describe how it will evaluate the MEP in the areas described above, to ensure the unique educational needs of migratory children are identified and addressed.
Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk	
C.2: Program Objectives and Outcomes	In its State plan, MDE includes objectives and outcomes that can be used to assess the effectiveness of the Title I, Part D program in improving the academic skills of children in the program. MDE does not, however, include objectives and outcomes that can be used to assess the effectiveness of the Title I, Part D program in improving the career and technical skills of children in the program. The ESEA requires each SEA to describe program 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.
Title II, Part A: Supporting Effective Instruction	
D.5: Data and Consultation	MDE does not describe how it will use ongoing consultation to continually update and improve the activities supported under Title II, Part A. The ESEA requires a State to describe how it will use ongoing consultation to continually update and improve the activities supported under Title II, Part A. Additionally, the ESEA requires a State to describe ongoing consultation for all required stakeholders consistent with ESEA section 2101(d)(3), which includes teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II.
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, MDE describes that training sessions and resources will be provided, as well as encouragement from the SEA to LEAs to develop local advisory councils so that LEAs can collaborate on specific local needs and resources. It is not clear, however, how these activities will heighten the awareness of such school personnel of the specific needs of runaway and homeless 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.
I.4: Access to Services	In its State plan, MDE states that the SEA will ensure that LEAs develop procedures to award

	<p>credit to homeless youths who satisfactorily complete full or partial coursework at a prior school. MDE does not, however, describe SEA procedures that ensure that youth separated from public school and homeless youth who are still in school are identified and accorded equal access to appropriate secondary education and support services, nor does it include a description of SEA procedures that ensure that homeless youth and youth separated from public schools receive 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 youth separated from public school are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youth described in this clause 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 1.4ii)</i></p>
<p>I.5: Strategies to Address Other Problems</p>	<p>While MDE indicates that professional development will be provided on how to identify homeless students and how to address their most common needs, MDE does not provide strategies to address problems resulting from enrollment delays caused by—(i) requirements of immunization and other required health records; (ii) residency requirements; (iii) lack of birth certificates, school records, or other documentation; (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—(i) requirements of immunization and other required health records; (ii) residency requirements; (iii) lack of birth certificates, school records, or other documentation; (iv) guardianship issues; or (v) uniform or dress code requirements.</p>
<p>I.6: Policies to Remove Barriers</p>	<p>While MDE demonstrates that both State and local policies must be reviewed and revised to reflect changes to the McKinney-Vento Act under the ESSA, MDE does not demonstrate that the SEA and LEAs have developed policies, which they will review and revise, to remove barriers to the identification, enrollment, and retention of homeless children and youth, including barriers to enrollment and retention due to outstanding fees or fines, or absences. The McKinney-Vento Act requires the State to demonstrate how the SEA and LEAs in the State have developed, and shall review and revise, policies to remove barriers to the identification, enrollment, and retention of homeless children and youth in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.</p>

General Education Provisions Act (GEPA)	
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 MDE's plan.