



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 13, 2017

The Honorable Mark Johnson
Superintendent of Public Instruction
North Carolina Department of Public Instruction
301 North Wilmington Street
Raleigh, NC 27601-2825

Dear Superintendent Johnson:

Thank you for submitting North Carolina'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 North Carolina'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 North Carolina's consolidated State plan and resubmit it through OMB Max by December 28, 2017. 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

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
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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.

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

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.4.iii.c.1: English Language Proficiency Long-term goals	In its State plan, the North Carolina Department of Public Instruction (NCDPI) provides a long-term goal for the percent of English learners making progress towards achieving English language proficiency for students in grades 3-8 and 10. While the Progress in Achieving English Language Proficiency indicator must be based on students in grades 3 through 8 and at least once in high school, the ESEA requires a State to identify and describe its ambitious long-term goal and measurements of interim progress for all English learners making progress in achieving English language proficiency at all grade levels.
A.4.iv.a: Academic Achievement Indicator	In its State plan, NCDPI states that, within its Academic Achievement indicator, it will measure student growth for each public high school using its annual statewide reading/language arts and mathematics assessments. The ESEA requires a State to describe an Academic Achievement indicator, which may include a measure of student growth for high schools. Because NCDPI does not describe in its State plan how the results of the student growth measure are used in calculating its Academic Achievement indicator, NCDPI has not fully described the Academic Achievement indicator.
A.4.iv.e: School Quality or Student Success Indicator(s)	In its State plan, NCDPI describes a School Quality or Student Success indicator for high schools that includes several measures – performance on the Biology end-of-course assessment, ACT scores, ACT WorkKey scores, and passing the NC Math 3 course. However, it is not clear how each of these measures will be calculated. Specifically, the plan notes that two of the measures will be based on the number of graduates of the program. For the other two measures, NCDPI does not specify whether the measures will be calculated based on the number of students enrolled in the course, taking the assessment, or all students from a particular cohort at a common point in time (e.g., all 12 th -graders). 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, and are comparable, and statewide. Because, in its State plan, NCDPI does not describe how each measure is calculated or that each measure includes all students, it is unclear whether the State has met the statutory requirements. Additionally, regarding the NC Math 3 course measure, it is unclear if the course represents the same standards across the entire State and whether the measure meaningfully differentiates among high schools.
A.4.v.a: State’s System of Annual Meaningful Differentiation	The ESEA requires a State to describe how each indicator is calculated, and its system of meaningfully differentiating all public schools in the State based on all indicators in the State’s

	<p>accountability system. NCDPI indicates that it will use an A-F grade accountability system. However, the State does not describe how each of its indicators is calculated and how a school’s overall accountability determination is calculated to allow for meaningful differentiation or describe how an accountability determination is based on all indicators.</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 much greater weight than the School Quality or Student Success indicator or indicators. In its State plan, NCDPI does not provide individual weights for the Academic Achievement, Other Academic Indicator, Graduation Rate, Progress in Achieving English Language Proficiency, and School Quality or Student Success indicators. As a result, it is unclear whether the statutory requirements for weighting are met.</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. A different methodology for annual meaningful differentiation is permitted for schools for which an accountability determination cannot be made. NCDPI describes an alternative school model that includes three types of schools, but does not clearly describe whether the schools subject to the alternative accountability methodology are those that cannot otherwise be included in the accountability system. In addition, the plan provides those schools with four different options of participation. NCDPI does not clearly describe its different methodology for annual meaningful differentiation, including how the methodology will be used to identify such schools for comprehensive or targeted support and improvement. Accordingly, it is unclear whether NCDPI meets the statutory requirements.</p>
<p>A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support</p>	<ul style="list-style-type: none"> • NCDPI proposes to identify schools for additional targeted support and improvement based on all indicators beginning in the 2021-22 school year. However, this does not meet the requirement, consistent with the Department’s April 2017 Dear Colleague letter that provided additional flexibility for a State to identify schools for additional targeted support and improvement based on all indicators by the beginning of the 2018-2019 school year. • 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) for additional targeted support and improvement. NCDPI proposes to identify schools for Targeted Support using a two-pronged criterion: first, schools that have any of the same subgroups where, for three years, the resulting total score is lower than the highest identified Comprehensive Support and Improvement school’s All Students group; <u>and</u> 2) the school’s

	<p>growth for the identified subgroups receives a “Does Not Meet” on the State’s growth model for three years. Only the first part of this criterion meets the statutory definition. Therefore, NCDPI’s proposed methodology could result in the exclusion of some schools that meet the statutory definition that require additional targeted support and improvement.</p>
<p>A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools</p>	<p>In its State plan, NCDPI describes exit criteria that allow a school to exit comprehensive support and improvement status if the school no longer meets the criteria for identification, which may not require schools to demonstrate continued progress to improve student academic achievement and school success in the State. The ESEA requires a State to establish and describe exit criteria that ensure continued progress to improve student academic achievement and school success in the State.</p>
<p>A.4.viii.c: More Rigorous Interventions</p>	<p>The ESEA requires a State to describe the more rigorous State-determined action it will require 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. In its plan, NCDPI provides one example of a rigorous intervention but does not explain how each school identified for comprehensive support and improvement will be subject to more rigorous action.</p>
<p>A.4.viii.d: Resource Allocation Review</p>	<p>The ESEA requires a 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. NCDPI refers to a Comprehensive Needs Assessment but does not describe how its Comprehensive Needs Assessment will be used specifically to review resource allocation in each LEA in the State serving a significant number or percentage of schools identified for comprehensive or targeted support and improvement.</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<ul style="list-style-type: none"> • The ESEA requires a State to describe the extent that low-income and minority students enrolled in schools assisted under Title I, Part A are served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers. Although NCDPI provides an extensive study of Equity of Access to Educators comparing Title I and non-Title I schools, NCDPI does not describe how low-income and minority children are served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers. • The ESEA also requires a State to describe the measure(s) it will use to evaluate and publicly report how low-income and minority children in Title I, Part A schools are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers. Although NCDPI provides a description of its annual School Report Cards, it is unclear whether this annual reporting will include information on how low-income and minority children in Title I, Part A schools are not served at disproportionate rates by ineffective teachers.

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	NCDPI does not demonstrate how each of the targets and performance indicators that the plan identifies will be used to assess the effectiveness of the Title I, Part D program in improving the career and technical skills of the children in the program. The ESEA requires each SEA to describe program objectives and outcomes established by the State that will 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.3: System of Certification and Licensing	In its State plan, NCDPI provides a description of its certification and licensing system for teachers. However, NCDPI does not provide a description for principals or other school leaders. The ESEA requires each State to also provide a description of the system of certification and licensing for principals or other school leaders.
D.4: Improving the Skills of Educators	NCDPI describes in its State plan how it will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with specific learning needs and provide instruction based on the needs of such students for children with disabilities, gifted and talented students, and students with low-literacy levels. However, NCDPI does not address all required student subgroups for this requirement. Specifically, the ESEA also requires the State to describe how it will improve the skills of teachers, principals, or other school leaders in order to enable them to identify and provide instruction to students who are English learners.
Title V, Part B, Subpart 2: Rural and Low-Income School Program	
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 NCDPI provides a description about its program objectives and outcomes under the ESEA generally, NCDPI does not identify its objectives and outcomes for activities under the Rural and Low-Income School program (RLIS) (e.g., 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 NCDPI'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.