



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 20, 2017

The Honorable Frank Edelblut  
Commissioner of Education  
New Hampshire Department of Education  
101 Pleasant Street  
Concord, NH 03301-3860

Dear Commissioner Edelblut:

Thank you for submitting New Hampshire'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 New Hampshire'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 New Hampshire's consolidated State plan and resubmit it through OMB Max by January 5, 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

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contact your Office of State Support Program Officer in writing and indicate your new 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 New Hampshire 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 New Hampshire'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 New Hampshire indicated that any aspect of its plan may change or is still under development, New Hampshire may include updated or additional information in its resubmission. New Hampshire 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 New Hampshire’s Consolidated State Plan**

<b>Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)</b>	
A.3.i: Native Language Assessments Definition	Although the New Hampshire Department of Education (NH-DOE) provides a definition of “languages other than English that are present to a significant extent in the participating student population,” the definition does not include at least the most populous language other than English. 34 CFR § 200.6(f)(4)(i) requires that a State provide a definition of “languages other than English that are present to a significant extent in the participating student population” that includes at least the most populous language other than English spoken by the State’s participating student population. After revising its definition, additional State plan revisions will be necessary in response to the revised consolidated State plan requirements in A.3.ii-iv in accordance with that definition.
A.4.i.a: Major Racial and Ethnic Subgroups of Students	In its State plan, NH-DOE designates “multi-race” as one of its major racial and ethnic subgroups but indicates that it does not have graduation rate data for this student subgroup. The ESEA requires a State to include in its accountability system each major racial and ethnic group. Should NH-DOE elect to include this subgroup, the ESEA requires that NH-DOE calculate and report the performance of that group consistently for all indicators and requirements.
A.4.iii.a.1: Academic Achievement Long-term Goals	The ESEA requires a State to identify and describe ambitious long-term goals and measurements of interim progress for improved academic achievement, as measured by grade-level proficiency, on the annual statewide reading/language arts and mathematics assessments, for all students and for each subgroup of students, including baseline data. Because NH-DOE does not include baseline data for all students and for each subgroup of students, it is unclear whether NH-DOE meets the statutory requirements.
A.4.iii.b.1: Long-term Goals for Four-year Adjusted Cohort Graduation Rate	In its State plan, NH-DOE establishes long-term goals for its four-year adjusted cohort graduation rate (ACGR) for all students and all but one of its student subgroups (multi-race) using baseline data from 2006 through 2016 to establish its four-year ACGR. See A.4.i.a for additional required information on the inclusion of the multi-race student subgroup in the State’s accountability system. Further, the State does not provide the baseline data for its graduation rate long-term goals. The ESEA requires a State to identify and describe ambitious long-term goals for the four-year adjusted cohort graduation rate. Because NH-DOE does not establish a long-term goal for all student subgroups, and does not include baseline data for all students and for each subgroup of students, it is unclear whether NH-DOE meets the statutory requirements.
A.4.iii.b.2: If applicable, Long-	In its State plan, NH-DOE indicates that its graduation rate long-term goals are set using both its

<p>term Goals for Each Extended-year Adjusted Cohort Graduation Rate</p>	<p>four- and five-year adjusted cohort graduation rates. However, in describing its methodology for establishing graduation rate long-term goals, the State indicates that the four- and five-year adjusted cohort graduation rate goals are the same. If a State chooses to establish long-term goals for an extended-year rate, the ESEA requires the State to identify and describe ambitious long-term goals and measurements of interim progress for all students and each subgroup of students for the extended-year adjusted cohort graduation rate(s), which the statute requires be more rigorous than the long-term goals set for the four-year adjusted cohort graduation rate. If the State decides to set long-term goals for its five-year extended graduation rate, additional State plan revisions will be necessary in response to the revised consolidated State plan requirements in A.4.iii.b.3-4.</p>
<p>A.4.iv.a: Academic Achievement Indicator</p>	<ul style="list-style-type: none"> <li>• ESEA Section 1111(c)(4)(E)(ii) requires that a State calculate the Academic Achievement indicator by including in the denominator the greater of 95 percent of all students (or 95 percent of all students in a given subgroup) or the number of students participating in the assessments. NH-DOE proposes to establish an n size for participation rate, such that a school only has the Academic Achievement indicator calculated according to the statute if the school meets the State’s participation n size of 40 students. The ESEA does not provide flexibility for a participation n size when calculating the Academic Achievement indicator; that is, the ESEA requires that the indicator be calculated consistent with the statute in all cases where the group of students meets the State’s accountability n size.</li> <li>• In its State plan, NH-DOE describes how its proficiency index allows a student achieving the highest level of achievement to receive four points, a proficient student to receive three points, and students scoring at one of the two achievement levels below proficiency to receive one and two points, respectively. The Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I) must annually measure results for all students and separately for each subgroup of students. It is not clear that the proposed proficiency index will reflect each student’s performance (e.g., how it will ensure that the performance of each student contributes to the overall performance on the indicator, including by ensuring that no student’s performance overcompensates for the results of a student who is not yet proficient).</li> </ul>
<p>A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools</p>	<p>The ESEA requires a State to describe an indicator for public elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) that includes, at the State’s discretion, a measure of student growth or another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance. While NH-DOE provides general information on what will comprise its proposed other academic indicator, it does not</p>

	provide sufficient information regarding how the indicator is calculated, including a description of how it will use value tables to evaluate growth for schools using PACE assessments.
A.4.iv.c: Graduation Rate Indicator	The ESEA requires that the Graduation Rate indicator annually measure the four-year adjusted cohort graduation rate and, at the State’s discretion, one or more extended-year adjusted cohort graduation rates, and be based on the State’s long-term goals. The ESEA also requires that each indicator, including the Graduation Rate indicator, be disaggregated by each student subgroup. In its State plan, NH-DOE proposes a Graduation Rate indicator based on its five-year cohort graduation rate but does not include the four-year adjust cohort graduation rate. NH also indicates that it does not have graduation rate data for its multi-race student subgroup.
A.4.iv.e: School Quality or Student Success Indicator(s)	<ul style="list-style-type: none"> <li>• NH-DOE proposes a School Quality or Student Success indicator that will measure the mean student growth percentiles for the lowest quartile of achievers in elementary and middle schools, as measured by content-level assessments. The ESEA requires that each indicator annually measure results for all students and separately for each subgroup of students and that each School Quality or Student Success indicator allow for meaningful differentiation in school performance. Because NH-DOE does not include all students in the school in this indicator, and does not describe how the indicator is calculated for schools administering the PACE assessments, it is not clear whether NH-DOE has met this requirement.</li> <li>• In its State plan, NH-DOE proposes a School Quality or Student Success indicator for high schools that measures college and career readiness for graduating seniors, rather than all students or all 12<sup>th</sup>-graders. Because NH-DOE does not include all students in the school or all 12<sup>th</sup> graders, and does not describe how the indicator is valid and reliable and meaningfully differentiates among all schools, it is not clear whether NH-DOE has met this requirement.</li> </ul>
A.4.v.a: State’s System of Annual Meaningful Differentiation	In its State plan, NH-DOE proposes a system of aggregating indicators for high schools that does not include the Progress in Achieving English Language Proficiency indicator or the Graduation Rate indicator. In addition, NH-DOE’s plan does not clearly describe the methodology through which each of the State’s indicators will be included to yield its proposed summative classifications for schools. The ESEA requires a State to establish and describe in its State plan its system of annual meaningful differentiation, including a description of how the system is based on all indicators, for all students and all subgroups of students. Once the State updates its system for aggregating relevant indicators for high schools, additional State plan revisions will be necessary in response to the revised consolidated State plan requirements in A.4.v.b.
A.4.v.b: Weighting of Indicators	The ESEA requires a State to describe the weighting of each indicator in its system of annual meaningful differentiation, including:

	<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>NH-DOE’s proposed system for aggregating indicators for elementary and middle schools does not provide individual weights for the Other Academic indicator, the Progress in Achieving English Language Proficiency indicator, or the relevant School Quality or Student Success indicator. Additionally, NH-DOE does not describe how it will adjust the weighting for schools for which an indicator cannot be calculated due to the minimum number of students. Therefore, NH-DOE does not meet the statutory requirements.</p>
<p>A.4.vi.b: Comprehensive Support and Improvement Schools—Low Graduation Rates</p>	<ul style="list-style-type: none"> <li>• The ESEA requires that a State describe its methodology to identify for comprehensive support and improvement all public high schools that fail to graduate one-third or more of their students. Because, in its State plan, NH-DOE does not specify which graduation rates it uses (i.e., four-year ACGR, five-year ACGR, or both) to identify for comprehensive support and improvement all public schools that fail to graduate one-third or more of their students, it is unclear whether NH-DOE meets the statutory requirements. Further, the State plan is inconsistent as to whether the proposed methodology will result in the identification of <u>all</u> public high schools in the State failing to graduate one-third or more of their students, regardless of Title I status (see sections A.4.vi.b and A.4.v.b).</li> <li>• NH-DOE indicates that it will first identify these schools “beginning in the 2018-2019 school year” but does not indicate when during that school year it will identify these schools. Consistent with the Department’s April 2017 Dear Colleague letter that provided additional flexibility, each State must identify schools for comprehensive support and improvement based on all indicators by the beginning of the 2018-2019 school year.</li> </ul>
<p>A.4.vi.e: Targeted Support and Improvement Schools— “Consistently Underperforming” Subgroups</p>	<p>The ESEA requires each State to describe its methodology for annually identifying schools with one or more consistently underperforming subgroups as determined by the State. The ESEA also requires each State’s methodology for identifying these schools to consider all subgroups of students and all indicators in the statewide system of annual meaningful differentiation. In its State plan, NH-DOE’s proposes a methodology that does not indicate that it will identify targeted support schools, based on the presence of consistently underperforming subgroups, nor that it will</p>

	<p>do so from among all public schools in the State. Further, the definition of “consistently underperforming” proposed by NH-DOE does not include the School Quality or Student Success indicators. Finally, NH-DOE articulates inclusion in the PACE assessment pilot as a potential intervention for schools identified as needed targeted support and improvement. NH-DOE is approved through a waiver from the Department to administer PACE to a particular set of LEAs only through the 2017-2018 school year. Any request for an extension of the waiver, including to additional LEAs, would need to be submitted separately for the Department’s review and approval.</p>
<p>A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support</p>	<p>NH-DOE indicates in its plan that it will first identify schools for additional targeted assistance in the 2020-2021 school year but does not indicate the frequency with which it will thereafter identify such schools. Additionally, it is unclear whether NH-DOE’s methodology to identify those schools that were previously identified for targeted support due to consistently underperforming subgroups for two years in a row will result in the identification of all 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). 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). Consistent with the Department’s April 2017 Dear Colleague letter that provided additional flexibility, each State must identify schools for additional targeted support and improvement based on all indicators by the beginning of the 2018-2019 school year.</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 for schools identified for comprehensive support and improvement that ensure continued progress to improve student academic achievement and school success in the State. NH-DOE proposes exit criteria that only require a school identified for comprehensive support and improvement to no longer meet the criteria for which it was identified for two years in a row, which may not ensure continued progress in improved student academic achievement and school success. Further, the ESEA requires a State to provide, in its description of the statewide exit criteria, the State-determined number of years (not to exceed four years) over which schools may satisfy the exit criteria. NH-DOE does not specify the number of years by which a school must meet the exit criteria.</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. NH-DOE proposes exit criteria that only require a</p>

	<p>school identified for additional targeted support to no longer meet the criteria for which it was identified, which would not ensure continued progress in improved student academic achievement and school success. The ESEA requires a State to provide, in its description of the statewide exit criteria, the State-determined number of years over which schools are expected to meet such criteria. NH-DOE does not specify the number of years by which a school must meet the exit criteria.</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>While NH-DOE describes initiatives the State has taken to address equity gaps for students in poverty, based on its 2015 educator equity plan, NH-DOE not specifically address the extent to which low-income and minority students in schools assisted under Title I, Part A are served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers. 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. The ESEA also requires a State to describe the measures it will use to evaluate and publicly report its progress with respect to how low-income and minority children are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers and this is not addressed in NH-DOE’s State plan.</p>
<p><b>Title I, Part C: Education of Migratory Children</b></p>	
<p>B.1: Supporting Needs of Migratory Children</p>	<ul style="list-style-type: none"> <li>• NH-DOE describes how, in planning, implementing, and evaluating the Migrant Education Program, it will address the unique educational needs of migratory children through joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part A; and through the integration of services available under Title I, Part C with services provided by those other programs. However, the ESEA requires that a State also describe how it will address the unique educational needs of preschool migratory children and migratory children who have dropped out of school, through such joint planning and integration of services.</li> <li>• NH-DOE describes how, in planning, implementing, and evaluating the Migrant Education Program, it will address the unique educational needs of migratory children, including migratory children who have dropped out of school, through measurable program objectives and outcomes. However, the ESEA requires that a State also describe how it will address the unique educational needs of preschool migratory children, through measurable program objectives and outcomes.</li> </ul>

<b>Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk</b>	
C.2: Program Objectives and Outcomes	The ESEA requires the State plan to describe the program objectives and outcomes established by the SEA 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. NH-DOE identifies a goal and three objectives to improve the assessment process for Title I Part D program, but does not provide objectives and outcomes that could be used (in the improved process) to adequately assess the effectiveness of the Title I, Part D program in improving the academic, career, and technical skills of children in the program.
<b>Title II, Part A: Supporting Effective Instruction</b>	
D.4: Improving the Skills of Educators	In its State plan, NH-DOE generally discusses how it will improve the skills of educators for all students, but does not address each of the required subgroups of students. The ESEA requires a State to describe how it will improve the skills of teachers, principals, or other school leaders to enable these educators to identify students with specific learning needs and provide instruction based on the needs of such students, specifically for: children with disabilities, English learners, students who are gifted and talented, and students with low literacy levels.
D.5: Data and Consultation	<ul style="list-style-type: none"> <li>• In its State plan, NH-DOE indicates that it will work with several stakeholder groups to consider the efficacy of the activities supported under Title II, Part A. The State’s description does not include all required stakeholder groups, including paraprofessionals (including organizations representing paraprofessionals), specialized instructional support personnel, parents, and community partners. The ESEA requires a State to describe how it will use ongoing consultation with 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.</li> <li>• In its State plan, NH-DOE indicates that it will require “written evaluations” for projects funded under Title II, Part A. However, it is unclear whether these written evaluations will contain data that will help the State continually update and improve activities supported under Title II, Part A. The ESEA requires a State to describe how it will use data to continually update and improve activities supported under Title II, Part A.</li> </ul>

<b>Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement</b>	
E.1: Entrance and Exit Procedures	ESEA section 3113(b)(2) requires States to describe how they will establish and implement standardized statewide entrance and exit procedures for English Learners, with timely and meaningful consultation with LEAs representing the geographic diversity of the State. In its State plan, NH-DOE indicates that it will publish its entrance and exit procedures for English learners as part of its <i>State ESOL Guidance</i> . The State does not describe its consultation with LEAs regarding the entrance and exit procedures for English learners.
<b>Title IV, Part B: 21st Century Community Learning Centers</b>	
G.2: Awarding Subgrants	NH-DOE states that grant proposals are peer reviewed but it does not describe the procedures or criteria it will use for reviewing applications and awarding subgrants. The ESEA requires that each SEA describe how it will implement a rigorous peer review process.
<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 NH-DOE provides a description about its program objectives and outcomes under the ESEA generally, NH-DOE does not 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 NH-DOE’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 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 NH-DOE provides a description for 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>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 NH-DOE's plan.
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