



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 19, 2017

The Honorable Paolo DeMaria  
Superintendent of Public Instruction  
Ohio Department of Education  
25 South Front Street  
Columbus, OH 43215-4183

Dear Superintendent DeMaria:

Thank you for submitting Ohio'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 Ohio'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 Ohio'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.

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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.*

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

<b>Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)</b>	
<p>A.2.iii: Eighth Grade Math Exception: Strategies</p>	<ul style="list-style-type: none"> <li>• ESEA section 1111(b)(2)(C) and 34 C.F.R. § 200.5(b) permit the Ohio Department of Education (ODE) only 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 for Federal accountability under ESEA section 1111(b)(2)(B)(v)(I)(bb) from taking the mathematics assessment the State typically administers in eighth grade under ESEA section 1111(b)(2)(B)(v)(I)(aa). In its State plan, ODE indicates that it administers in high school four end-of-course mathematics assessments (Algebra I, Geometry, Integrated Mathematics I and Integrated Mathematics II). ODE proposes to exempt from middle school assessments any middle school student who takes an advanced high school mathematics course. ODE also proposes to exempt from middle school assessments those students who take an advanced high school reading/language arts or science course (and corresponding assessments). The ESEA only permits a State to exempt from its eighth-grade mathematics assessment those eighth-grade students who take the advanced mathematics assessment that ODE uses for Federal accountability purposes and does not permit exemption from middle-school assessments in other subjects. Because it is unclear which high school mathematics assessment(s) ODE uses for Federal accountability, which, as per 1111(b)(2)(B)(i)(I), must be the same academic assessment(s) used to measure the achievement of all public high school students in the State, it is unclear whether the State meets the requirements for applying the flexibility available under ESEA section 1111(b)(2)(C) and 34 CFR § 200.5(b). If it does, ODE may only apply that flexibility to eighth-grade students who take such assessment(s) and only in mathematics.</li> <li>• Further, 34 C.F.R. § 200.5(b)(4) requires that a State describe in its State plan, with regard to the eighth-grade mathematics exception, its strategies to provide all students in the State the opportunity to be prepared for and to take advanced mathematics coursework in middle school, which the ODE State plan does not do, as it instead defers to local decisions which may not ensure statewide opportunities.</li> </ul>
<p>A.4.iii.a.1: Academic Achievement Long-term goals</p>	<p>The ESEA requires that a State establish State-designed long-term goals and measurements of interim progress for all students and separately for each subgroup of students in the State for, at a minimum, improved academic achievement, as measured by proficiency on the annual assessments required under section 1111(b)(2)(B)(v)(I). In its State plan, ODE notes that its</p>

	<p>long-term goals are based on assessment results in grades 3-8 and the English language arts I and English language arts II or the algebra I, integrated math I, geometry and integrated math II high school end-of-course tests. Because it is not clear which assessments ODE uses to meet the annual assessment requirements, it is unclear whether ODE meets the statutory requirements.</p>
<p>A.4.iii.b.2: If Applicable, Long-term Goals for Each Extended-year Adjusted Cohort Graduation Rate</p>	<p>In its State plan, ODE describes an extended-year adjusted cohort graduation rate and a timeline for only the all students group, but does not provide baseline data or measurements of interim progress for the all students group, and provides no information for each subgroup of students. Although establishing long-term goals for an extended-year rate is optional, if a State chooses to do so, 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. Because ODE does not include baseline data for all students and for each subgroup of students or specific extended-year adjusted cohort graduation rate goals for each subgroup, it is unclear whether ODE meets the statutory requirements.</p>
<p>A.4.iv.a: Academic Achievement Indicator</p>	<ul style="list-style-type: none"> <li>• For the Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I), a State may include only student performance on the annual assessments required under ESEA subsection (b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics). ODE proposes including numerous other assessments and additional measures in the Academic Achievement indicator. ODE may include performance on science or other assessments (and other components that are not assessment-related) beyond those required under ESEA subsection (b)(2)(B)(v)(I) in the indicator for public elementary and secondary schools that are not high schools required under ESEA section 1111(c)(4)(B)(ii) (i.e., the Other Academic indicator) for elementary and secondary schools that are not high schools or in the School Quality or Student Success indicator for any schools, including high schools.</li> <li>• ODE describes a system of assessments that does not specify the high school reading/language arts and mathematics assessments that all students take to meet the requirements of section 1111(b)(2)(B)(v) of the ESEA. It is unclear whether the way the SEA administers and uses the scores of its multiple end-of-course assessments ensures that such assessments result in a statewide Academic Achievement indicator.</li> <li>• The ESEA requires that the SEA use the same assessments and academic achievement standards for all students enrolled in public elementary and secondary schools in the State. In its State plan, ODE indicates that this may not be the case and all students may not be</li> </ul>

	<p>administered the same assessment and be held to the same academic achievement standards.</p> <ul style="list-style-type: none"> <li>• In addition, the State proposes adjusting the points a student is assigned so that a student receives points for a different proficiency level than the one the student attained, which is not consistent with accountability and reporting requirements.</li> <li>• In its State plan, ODE includes a Gap Closing component, which it describes alternately as part of the Academic Achievement indicator, or as a separate indicator with numerous measures, which make unclear how ODE will calculate and incorporate each of these measures. It is also unclear how the Gap Closing component will be considered as part of the ODE accountability system, so it is unclear whether this approach is consistent with the requirements. The ESEA allows a State to include a measure of academic growth in the Academic Achievement indicator for high school only.</li> <li>• The ESEA requires a State, for purposes of measuring, calculating, and reporting the Academic Achievement indicator, to include in the denominator the greater of 95 percent of all students or the number of students participating in the assessments (ESEA section 1111(c)(4)(E)(ii)). In its State plan, ODE describes processes by which it exempts students from testing and removes them from calculations for accountability purposes, or assigns them points based on the type of exemption. The ESEA does not permit a State, in determining the number to be used in the denominator, to exclude students enrolled in the school except for students experiencing a medical emergency during the State’s testing window.</li> </ul>
<p>A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools</p>	<p>In its State plan, ODE’s indicator for elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) measures student growth on the reading/language arts, mathematics, science, and social studies assessments in grades 4-12. 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 include a measure of student growth for high schools either within the Academic Achievement indicator, consistent with ESEA section 1111(c)(4)(B)(i)(II), or as a School Quality or Student Success indicator. Note that, if ODE chooses to include a measure of student growth in high school in its Academic Achievement indicator, it must be measured, at least in part, on the State’s high school assessments that are used to meet section 1111(b)(2)(B)(v) of the ESEA.</p>
<p>A.4.iv.c: Graduation Rate Indicator</p>	<p>In its State Plan, ODE includes a Gap Closing component, which it applies to the Graduation Rate indicator. For the Graduation Rate indicator required under ESEA section 1111(c)(4)(B)(iii), a State may only include measures based on State-designed long-term goals for the four-year adjusted cohort graduation and, at the State’s discretion, one or more extended-</p>

	<p>year adjusted cohort graduation rates. If ODE so chooses, it may include other measures as School Quality or Student Success indicators, provided ODE still meets requirements related to the relative weight of indicators (see requirement A.4.v.b on Weighting of Indicators).</p>
<p>A.4.iv.d: Progress in Achieving English Language Proficiency Indicator</p>	<p>The ESEA requires that a State describe in its State plan the State’s Progress in Achieving English Language Proficiency indicator, based on the State’s definition of English language proficiency and measured by the State’s English language proficiency assessment. In its State plan, ODE includes its Progress in Achieving English Language Proficiency indicator within its Gap Closing component, which it describes alternately as part of the Academic Achievement indicator or as a separate indicator with four parts. Because it is unclear how ODE will calculate the Progress in Achieving English Language Proficiency indicator and how it will be considered as part of the ODE accountability system, it is unclear whether ODE meets this requirement.</p>
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<ul style="list-style-type: none"> <li>• In its State plan, ODE discusses several indicators that it may include as School Quality or Student Success indicators, but it is unclear whether ODE is proposing these indicators for use in order to identify schools in the beginning of the 2018-2019 school year. In particular, it is unclear how ODE will use discipline information and K-3 literacy improvement as indicators. The ESEA requires a State to establish one or more School Quality or Student Success indicators for all public schools in the State that are valid, reliable, comparable, and statewide.</li> <li>• 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. ODE proposes a “Prepared for Success” measure for which it is not clear whether the SEA is measuring the preparation of all students or only of graduates.</li> </ul>
<p>A.4.v.a: State’s System of Annual Meaningful Differentiation</p>	<p>In its State plan, ODE includes a Gap Closing component, which it describes alternately as part of the Academic Achievement indicator or as a separate indicator with four parts. In addition, the State describes the indicators included in the system of annual meaningful differentiation differently in various places of its State plan, and it is unclear what is included in the system or how the Gap Closing component will be considered as part of the ODE accountability system; therefore, it is unclear whether ODE meets this requirement.</p>
<p>A.4.v.b: Weighting of Indicators</p>	<ul style="list-style-type: none"> <li>• The ESEA requires that the Progress in Achieving English Language Proficiency indicator receive substantial weight individually. In its State Plan, ODE describes a Progress in Achieving English language proficiency component within another measure (Gap Closing), and the State does not specifically describe the weight that will be applied to the Progress in</li> </ul>

	<p>Achieving English Language Proficiency indicator. As a result, it is unclear whether ODE meets the statutory requirement.</p> <ul style="list-style-type: none"> <li>• In making adjustments related to previously identified issues, ODE must ensure that the resulting system meets the statutory requirements. 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> </li> </ul>
<p>A.4.v.c: If Applicable, Different Methodology for Annual Meaningful Differentiation</p>	<ul style="list-style-type: none"> <li>• The ESEA requires a State to include all public schools in its system of annual meaningful differentiation and to describe that system in its plan. ODE states that it will apply a different method for making accountability determinations for those community (charter) schools focused on dropout prevention and recovery. However, ODE does not specify that its different methodology is limited to schools for which an accountability determination cannot be made.</li> <li>• ODE’s plan is unclear with regard to accountability determinations for schools serving students under a contract or cooperative agreement. Specifically, ODE states that the “sending district” will maintain accountability determinations. The ESEA requires a State to include all public schools in its system of annual meaningful differentiation and to describe that system in its plan. States are not required to have district-level accountability, though a State may include district-level accountability in its system in addition to school-level accountability. Because ODE only includes district-level accountability for some types of schools, it is unclear how students in such schools are included in school-level accountability.</li> </ul>
<p>A.4.vi.b: Comprehensive Support and Improvement Schools—Low Graduation Rates</p>	<p>ODE does not specify the year in which it will begin identifying schools for comprehensive support and improvement based on low graduation rates. Because ODE does not indicate that it will first identify schools for comprehensive support and improvement by the beginning of the 2018-2019 school year, it is unclear whether MSDE meets the requirement, consistent with the</p>

	<p><a href="#">Department’s April 2017 Dear Colleague letter</a> that provided additional flexibility for a State to identify such schools by the beginning of the 2018-2019 school year.</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 schools that have not satisfied the statewide exit criteria for such schools. In its State plan, ODE states that it will identify schools that were previously identified for targeted support, where the subgroup performing at a level similar to the lowest 5 percent of schools that did not show improvement at the end of the three-year period. It is unclear from this description whether these schools would have met the State’s exit criteria for additional targeted support.</p>
<p>A.4.vi.e: Targeted Support and Improvement Schools— “Consistently Underperforming” Subgroups</p>	<ul style="list-style-type: none"> <li>• The ESEA requires a State to describe a methodology for identifying schools with one or more consistently underperforming subgroups that considers performance on all indicators in the statewide system of annual meaningful differentiation. It is unclear whether the methodology ODE proposes considers each indicator, so it is unclear whether ODE meets this requirement.</li> <li>• In its State Plan, ODE states that it will consider a school “consistently underperforming” that has one economically disadvantaged group two consecutive years with performance below a specific threshold. However, ODE also identifies targeted support and improvement schools using “other criteria applied to various report card measures,” such as “schools that have one or more student subgroups that fail to meet specific locally determined criteria” (page 43). The ESEA requires that a State describe the methodology it will use to annually identify for targeted support and improvement schools with one or more “consistently underperforming” subgroups, including the definition used by the State for “consistently underperforming.” Because ODE includes locally determined criteria, it is unclear whether these criteria meet the statutory requirements to be statewide identification criteria.</li> </ul>
<p>A.4.vi.f: Targeted Support and Improvement Schools—Additional Targeted Support</p>	<p>Since ODE is planning to use an already-existing “Focus Schools” list, it is unclear whether the universe of schools from which additional targeted support schools will be identified is consistent with the ESEA; that is, either from all schools, or from all “consistently underperforming” targeted support and improvement schools in the State. The ESEA requires that the State describe the methodology for identifying targeted support and improvement schools in need of additional target support from the State’s “consistently underperforming” targeted and improvement schools or from all the schools in the State.</p>
<p>A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools</p>	<p>In its State plan, ODE describes exit criteria for comprehensive support and improvement schools identified based on low performance that may not require schools to demonstrate continued progress to improve student academic achievement and school success in the State,</p>

	<p>since they are exclusively relative measures. 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><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>• ODE describes how it will identify the unique educational needs of migratory children, including preschool migratory children. However, the ESEA requires that a State also describe how it will identify the unique educational needs of migratory children who have dropped out of school.</li> <li>• ODE describes how, in planning, implementing, and evaluating the Migrant Education Program (MEP), it will address the unique educational needs of migratory children through the full range of services that are available for migratory children from appropriate local, State, and Federal educational 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 the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs.</li> <li>• ODE describes how, in planning, implementing, and evaluating the MEP, 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 instructional 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>• ODE describes how, in planning, implementing, and evaluating the MEP, it will address the unique educational needs of migratory children 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 and migratory children who have dropped out of school, through measurable program objectives and outcomes.</li> </ul>
<p><b>Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement</b></p>	
<p>E.1: Entrance and Exit Procedures</p>	<p>The ESEA requires that the SEA describe how it will establish and implement, with timely and meaningful consultation with LEAs representing the geographic diversity of the state, standardized, statewide entrance and exit procedures, including an assurance that all students</p>

	<p>who may be English learners are assessed for such status within 30 days of enrollment in a school in the State. It is unclear in ODE’s State plan whether students are assessed for English learner status within 30 days of enrollment in a school in the State, and that ODE engaged in timely and meaningful consultation with LEAs representing the geographic diversity of the State to determine statewide, standardized entry and exit procedures.</p>
<p><b>Title IV, Part A: Student Support and Academic Enrichment Grants</b></p>	
F.2: Awarding Subgrants	<p>If the awards are to be made by formula, the ESEA requires a State plan to include a description of how the SEA will ensure that awards made to LEAs under Title IV, Part A, Subpart 1 are in amounts that are consistent with ESEA section 4105(a)(2). If the awards are to be made competitively, the State plan must indicate how the SEA will award grants in accordance with the Consolidated Appropriations Act of 2017. ODE has not clearly identified the process for awarding subgrants.</p>
<p><b>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</b></p>	
I.2: Dispute Resolution	<p>In its State plan, ODE describes procedures for the resolution of disputes and indicates that appeals will be responded to promptly. The plan does not, however, provide procedural timelines or any other information that indicates that these procedures will result in the prompt resolution of those disputes. The McKinney-Vento Act requires a State to describe procedures for the prompt resolution of disputes.</p>
I.3: Support for School Personnel	<p>While ODE describes programs for State and school personnel to heighten the awareness of the specific needs of homeless children and youth, ODE does not describe programs for school personnel to heighten the awareness of 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>
I.4: Access to Services	<p>In its State plan, ODE addresses ensuring equitable access for homeless students to summer school, career and technical education, advanced placement, and online learning, and indicates the policies and procedures ensure there are no barriers to all academic and extracurricular activities. It is not clear, however, if these procedures include magnet schools 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</p>

	activities, including magnet schools and charter school programs, if such programs are available at the State and local levels. ( <i>Requirement I.4iii</i> )
I.5: Strategies to Address Other Problems	While ODE provides a list of strategies to address enrollment delays caused by requirements of immunization and other required health records; residency requirements; lack of birth certificates, school records, or other documentation; and guardianship issues, the plan does not describe strategies to address enrollment delays based on 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 (v) uniform or dress code requirements.
<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 ODE’s plan.