



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 21, 2017

The Honorable Pedro Rivera  
Secretary of Education  
Pennsylvania Department of Education  
333 Market Street, Tenth Floor  
Harrisburg, PA 17126-0333

Dear Secretary Rivera:

Thank you for submitting Pennsylvania'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 Pennsylvania'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 Pennsylvania's consolidated State plan and resubmit it through OMB Max by January 8, 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 Pennsylvania 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 Pennsylvania'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 Pennsylvania indicated that any aspect of its plan may change or is still under development, Pennsylvania may include updated or additional information in its resubmission. Pennsylvania 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 Pennsylvania’s Consolidated State Plan**

<b>Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)</b>	
A.4.i.d: If Applicable, Exception for Recently Arrived English Learners	The Pennsylvania Department of Education (PDE) proposes a method of accountability for recently arrived English learners that would exclude some of them from accountability determinations for three years and exclude them from reading/language arts, mathematics, and science assessments in the first year. The ESEA provides specific options related to including recently arrived English learners in accountability, as detailed in section 1111(b)(3)(A). Specifically, the ESEA requires a State to include a recently arrived English learner in accountability determinations like all other students no later than either: (1) his or her second year if the student was exempt from the reading/language arts assessment in his first year or (2) his third year, if the student took all assessments in his first year and was included in accountability determinations in his or her second year, based on a measure of student growth. The ESEA also requires that all students be assessed in mathematics and science each year, including in the first year as a recently arrived English learner.
A.4.iii.b.2: If Applicable, Long-term Goals for Each Extended-year Adjusted Cohort Graduation Rate	PDE proposes a long-term goal for its extended year cohort graduation rate that is less rigorous than its traditional cohort graduation rate for the Hawaiian Native/ Pacific Islander subgroup. The ESEA requires that a State identify and describe long-term goals for each extended year graduation rate for all students and separately for each subgroup of students that is more rigorous than the four year adjusted cohort graduation rate, as detailed in section 1111(c)(4)(A)(i)(I)(bb).
A.4.iii.c.1: English Language Proficiency Long-term goals	The ESEA requires a State to identify and describe its ambitious long-term goal and measurements of interim progress for English learners for increases in the percentage of such students making progress in achieving English language proficiency. In its State plan, PDE describes goals for schools, rather than English learners (i.e., students). Therefore, it is unclear whether PDE meets the statutory requirements.
A.4.iv.a: Academic Achievement Indicator	ESEA section 1111(c)(4)(E)(ii) requires that the State calculate the Academic Achievement indicator by including in the denominator the greater of 95 percent of all students (or 95 percent of students in each subgroup, as the case may be) or the number of students participating in the assessments. Although in its State plan PDE describes consequences that a school or LEA may face if the participation rate falls below 95 percent, it is not clear that PDE is meeting the requirement to calculate the Academic Achievement indicator consistent with the statutory requirements.
A.4.iv.b: Other Academic	In its State plan, PDE appears to include growth on high school assessments in Algebra,

<p>Indicator for Elementary and Secondary Schools that are Not High Schools</p>	<p>Literature and Biology in the indicator for public elementary schools and secondary schools that are not high schools (i.e. the Other Academic indicator). The ESEA requires that this indicator only include measures for elementary and secondary schools that are not high schools. PDE may, at its discretion, include a measure of growth for high school students in reading/language arts and mathematics in the Academic Achievement indicator or as a School Quality or Student Success indicator. PDE may also, at its discretion, include a measure of growth for high school students in science in the School Quality or Student Success indicator.</p>
<p>A.4.iv.c: Graduation Rate Indicator</p>	<p>The ESEA requires a State to describe its Graduation Rate indicator, which must be measured by the four-year adjusted cohort graduation rate, as defined in section 8101(25) of the ESEA and, at the State’s discretion, the extended-year adjusted cohort graduation rate, as defined in section 8101(23) of the ESEA. While PDE indicates that it intends to include an extended-year adjusted cohort graduation rate in the Graduation Rate indicator, because it does not describe how the indicator is calculated, including how the 4-year adjusted cohort graduation rate and any extended-year adjusted cohort graduation rate(s) are combined within the indicator, PDE has not fully described the Graduation Rate indicator.</p>
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<p>In its State plan, PDE generally describes a Career Readiness Benchmark as one of its School Quality or Student Success indicators. PDE has not fully described how it will calculate the Career Readiness Benchmark, including whether or not the denominator would include all students and how the indicator will allow for annual meaningful differentiation. In addition, for the Chronic Absenteeism indicator, the State has not described how the indicator will meaningfully differentiate among schools in the State. The ESEA requires that States fully describe how the indicator is calculated, and that each indicator annually measure results for all students and separately for each subgroup of students and allow for meaningful differentiation in school performance across the State. Because PDE does not describe how the Career Readiness Benchmark and the Chronic Absenteeism indicator will be statewide, comparable, valid, and reliable and how the indicator will allow for annual meaningful differentiation, it is unclear whether PDE meets the statutory requirements.</p>
<p>A.4.v.a: State’s System of Annual Meaningful Differentiation</p>	<p>The ESEA requires a State to describe its system of annual meaningful differentiation based on all indicators in the State’s accountability system. PDE’s plan identifies a three-step process for differentiating the performance of public schools. In Step 1, the performance of schools based on two indicators, Academic Achievement and the Other Academic indicator, is plotted in a graph to allow the State to identify a subset of schools exhibiting the lowest performance on both indicators. In Step 2, PDE applies additional academic (i.e., graduation rate and English language</p>

	<p>learner progress) and school quality or student success indicators (i.e., chronic absenteeism and career readiness). In Step 3, the State identifies any high school that failed to graduate one-third or more of its students. Because PDE is not clear how each indicator is included (e.g., in step 1, PDE indicates that cut points for inadequate school performance will be set in fall 2018; in step 2, PDE only generally describes how the other indicators may be factored into the system), PDE does not fully describe its system of annual meaningful differentiation. Specifically, PDE does not provide sufficient detail for the Department to determine how the Graduation Rate, Progress in Achieving English Language Proficiency, and the School Quality or Student success indicators affect the differentiation of schools. As a result, it is unclear whether PDE meets the statutory requirements.</p>
<p>A.4.v.b: Weighting of Indicators</p>	<p>The ESEA requires that a State describe the weighting of each indicator in its system of annual meaningful differentiation, including:</p> <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>As described with regard to requirement A.4.v.b, because PDE does not fully describe how the Graduation Rate, Progress in Achieving English Language Proficiency, and the School Quality or Student Success indicators are weighted and indicates that it will use only two indicators for initially categorizing schools within its system of annual meaningful differentiation, it is unclear whether PDE meets the statutory requirements.</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. In its State plan, PDE indicates that it will report, but may not make accountability determinations for, schools in which no grade level is assessed and graduation rate data are not available. Because PDE does not describe the different methodology it will use for schools where an accountability determination cannot be made or how the methodology will be used to identify such schools for comprehensive or targeted support and improvement, it is not clear how all public schools will be included in the State’s accountability system.</p>
<p>A.4.vi.a Comprehensive Support</p>	<p>PDE proposes that low-achievement and low-growth schools that also fall in the bottom quartile</p>

<p>and Improvement Schools— Lowest Performing</p>	<p>on one or more of the indicators may be identified for the purposes of CSI. PDE also states that if any single round of identification results in more than 5 percent of schools being identified, PDE will have the discretion to further differentiate school performance based on a statistically sound approach. The ESEA requires that a State describe its methodology for identification of its lowest-performing five percent of schools receiving Title I, Part A funds. Because PDE does not adequately describe how it will differentiate performance of schools, PDE has not fully described its methodology.</p>
<p>A.4.vi.b: Comprehensive Support and Improvement Schools—Low Graduation Rates</p>	<p>The ESEA requires that a State describe its methodology to identify all public high schools that fail to graduate one-third or more of their students. Because PDE is inconsistent in its description of how it will identify any public school for comprehensive support and improvement because of a low graduation rate (i.e. both the four- and five-year adjusted cohort graduation rates or only the five-year rate), it is unclear whether PDE meets the statutory requirements.</p>
<p>A.4.vi.c: Comprehensive Support and Improvement Schools— Additional Targeted Support Not Exiting Such Status</p>	<p>In its State plan, PDE indicates that schools that fail to satisfy the exit criteria over a four-year span will be eligible for identification as a Comprehensive Support and Improvement – Additional Targeted Support school. The ESEA requires a State to describe a methodology for identifying Additional Targeted Support schools that receive Title I, Part A funds and that have not exited such status within a State-determined number of years. Because PDE only indicates these schools will be eligible for identification, it is unclear whether PDE meets the statutory requirement.</p>
<p>A.4.vi.e: Targeted Support and Improvement Schools— “Consistently Underperforming” Subgroups</p>	<p>In its State plan, PDE proposes to identify schools with consistently underperforming subgroups based on academic achievement, academic growth, and at least one additional indicator. 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. As a result, it does not appear that PDE meets the statutory requirements.</p>
<p>A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support</p>	<p>PDE proposes to first identify schools for additional targeted support in the 2019-2020 school year; 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.</p>
<p>A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools</p>	<p>The ESEA requires a State to establish statewide exit criteria for schools identified for comprehensive support and improvement and to describe such exit criteria in its State plan, including the number of years over which schools are expected to meet such criteria. In its State</p>

	<p>plan, PDE describes minimum statewide exit criteria for schools identified for comprehensive support and improvement to be finalized in the fall of 2018, but does not include the number of years over which schools are expected to meet such criteria.</p>
<p>A.4.viii.b: Exit Criteria for Schools Receiving Additional Targeted Support</p>	<p>In its State plan, PDE indicates that it has not yet established statewide exit criteria for schools receiving additional targeted support nor has the State provided the number of years over which these schools must satisfy such criteria. The ESEA requires a State to establish and describe exit criteria for schools receiving additional targeted support that ensure continued progress to improve student academic achievement and school success in the State, including the State-determined number of years over which such schools must satisfy the exit criteria.</p>
<p>A.4.viii.c: More Rigorous Interventions</p>	<p>The ESEA requires a State to describe the more rigorous actions 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 State plan, PDE describes actions the State may take to ensure supports for schools that fail to meet the State’s exit criteria. However, it is unclear whether the State will require more rigorous actions 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. As a result, it is unclear whether PDE 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. While PDE notes that it provides resource review data to LEAs serving high numbers of “distressed schools,” it is not clear whether “distressed schools” specifically includes Comprehensive Support and Improvement and/or Additional Targeted Support schools. As a result, it is unclear whether PDE meets the statutory requirement.</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<ul style="list-style-type: none"> <li>• 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 PDE describes several strategies to promote educator equity, PDE does not describe how low-income and minority students in schools assisted under Title I, Part A are not disproportionately served by such teachers.</li> <li>• The ESEA requires a State to describe the measure(s) it will use to evaluate and publicly report its progress with respect to how low-income and minority children enrolled in schools assisted under Title I, Part A, are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers. Because PDE does not describes a process for publicly</li> </ul>

	reporting on Title I, part A schools, it is not clear that PDE meets the statutory requirement.
A.6: School Conditions	The ESEA requires a State to describe how it will support LEAs receiving assistance under Title I Part A to improve school conditions for student learning. In its State plan, PDE describes strategies it will support to improve school conditions, but the State does not indicate how it will support efforts to improve school conditions in schools receiving funds under Part A of Title I. As a result, PDE does not meet the statutory requirements.
<b>Title II, Part A: Supporting Effective Instruction</b>	
D.1: Use of Funds	The ESEA requires that the State describe how it will use Title II, Part A funds for State-level activities (described in section 2101(c)). PDE does not indicate whether the three percent set-aside to which it refers in its plan is three percent of the amount reserved for LEA subgrants or three percent of the total State allocation. As a result, it is unclear whether PDE meets the statutory requirements.
D.4: Improving the Skills of Educators	In its State plan, PDE describes how it will improve the skills of teachers in order for them to provide instruction based on the needs of students with disabilities and English learners. However, the ESEA requires a State to describe 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 for such students, specifically for students who are gifted and talented, and students with low literacy levels. As a result, it appears that PDE does not fully address the statutory requirements.
D.5: Data and Consultation	In its State plan, PDE describes its process for consulting with various stakeholders during the development of its State plan. However, PDE does not describe how it will use data and ongoing consultation to continually update and improve the activities supported under Title II, Part A, as required by the ESEA. Specifically, 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. As a result, it appears that PDE does not fully address the statutory requirements.
<b>Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement</b>	
E.1: Entrance and Exit Procedures	The ESEA requires a State provide a description that includes an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State. PDE does not provide the required assurance.

<b>Title V, Part B, Subpart 2: Rural and Low-Income School Program</b>	
H.2: Technical Assistance	<p>The ESEA requires a State to describe how it will provide technical assistance specifically to LEAs eligible for funds under the Rural and Low-Income School program (RLIS) to help such agencies implement the activities described in ESEA section 5222. While PDE provides a description about 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.e., 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.</p>
<b>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</b>	
I.3: Support for School Personnel	<p>While PDE describes programs for school personnel to heighten the awareness of the specific needs of homeless children and youth, PDE 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 homeless children and youth, including runaway and homeless children and youth.</p>
I.4: Access to Services	<ul style="list-style-type: none"> <li>• In its State plan, PDE describes procedures that ensure that homeless youth are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youth from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. The plan does not, however, describe any procedures that ensure that <i>youth separated from public schools</i> are identified and accorded equal access to appropriate secondary education and support services. The McKinney-Vento Act requires a State to describe procedures that ensure that youth separated from public schools are accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent them from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. (<i>Requirement I.4ii</i>)</li> <li>• While PDE describes procedures to ensure homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular</li> </ul>

	<p>activities, including magnet school and charter school programs, the plan does not describe procedures to ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to summer school, career and technical education, advanced placement, and online learning. The McKinney-Vento Act requires the State to describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including summer school, career and technical education, advanced placement, and online learning, if such programs are available at the State and local levels. <i>(Requirement I.4iii)</i></p>
<p>I.6: Policies to Remove Barriers</p>	<p>While PDE addresses identification of homeless children and youth in I.1, PDE does not demonstrate that the SEA and LEAs in the State have developed, and shall review and revise, policies to remove barriers to the identification of homeless children and youth, and the enrollment and retention of homeless children and youth in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences. The McKinney-Vento Act requires the State to demonstrate that the SEA and LEAs in the State have developed, and shall review and revise, policies to remove barriers to the identification of homeless children and youth, and the enrollment and retention of homeless children and youth in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.</p>
<p><b>General Education Provisions Act (GEPA)</b></p>	
<p>GEPA 427</p>	<p>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 PDE’s plan.</p>