



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 14, 2017

The Honorable Julia Keleher
Secretary of Education
Puerto Rico Department of Education
P.O. Box 190759
San Juan, PR 00919-0759

Dear Secretary Keleher:

Thank you for submitting Puerto Rico'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 Puerto Rico'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 Puerto Rico's consolidated State plan and resubmit it through OMB Max by December 29, 2017. However, the Department remains ready to provide flexibility, support, and assistance as needed. 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. 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.

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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.

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.

Department staff will contact you to support Puerto Rico 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 Puerto Rico’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 Puerto Rico indicated that any aspect of its plan may change or is still under development, Puerto Rico may include updated or additional information in its resubmission. Puerto Rico 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 Puerto Rico’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.3.i: Native Language Assessments Definition	Although the Puerto Rico Department of Education (PRDE) provides a definition of a “language other than Spanish that is present to a significant extent,” the definition does not identify any specific languages that meet the definition nor does the definition include at least the most populous language other than Spanish spoken by the State’s participating student population. The ESEA and its implementing regulations require that the State provide this definition and identify the languages meeting that definition, including at least the most populous language other than Spanish spoken by the State’s participating student population.
A.4.i.d: If Applicable, Exception for Recently Arrived English Learners	In its State plan, PRDE selects the option that allows the State to apply the exception under ESEA section 1111(b)(3)(A)(i) to a recently arrived Spanish learner. However, PRDE provides a description that does not appear to align with the selected exception. As a result, it is unclear whether PRDE intended to select the first option under item A.4.i.d or whether it selected its intended option but did not accurately describe how it will choose which exception applies to a recently arrived Spanish learner.
A.4.ii.a: Minimum N-Size for Accountability	The ESEA requires that a State describe the minimum number of students it will use for accountability purposes, which must be the same number for all students and each subgroup of students. PRDE states on page 31 of its plan that it will use a minimum number of students of 5 for accountability purposes but a minimum number of 10 for subgroup-driven accountability classification, which appears not to meet the statutory requirements.
A.4.iii.b.1: Long-term goals for four-year adjusted cohort graduation rate	In its State plan, PRDE provides long-term goals for its adjusted cohort graduation rate. PRDE notes that the denominator accounts for both dropouts and transfers. The ESEA requires that a State calculate the adjusted cohort graduation rate consistent with ESEA section 8101(25), which includes adding in the students who joined the cohort after the date of determination of the original cohort and subtracting only those students who transferred out, emigrated to another country, transferred to a prison or juvenile facility, or are deceased from the cohort after the date of determination of the original cohort. Because it is not clear how PRDE accounts for dropouts and transfers, it is not clear that PRDE met this requirement.
A.4.iv.a: Academic Achievement Indicator	<ul style="list-style-type: none"> PRDE proposes to include in the Academic Achievement indicator growth in elementary school and performance on assessments other than the assessments used to meet the requirements in ESEA section 1111(b)(2)(B)(v)(I). The ESEA requires that the Academic Achievement indicator only include proficiency on the annual assessments required under

	<p>ESEA section 1111(b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics) and, for high schools, at the State’s discretion, student growth. PRDE may include elementary school growth as part of the indicator for public elementary and secondary schools that are not high schools (i.e., the Other Academic indicator). Performance on assessments other than the annual assessments required under ESEA section 1111(b)(2)(B)(v)(I) may be included as a School Quality or Student Success indicator.</p> <ul style="list-style-type: none"> • The ESEA also 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 students in each subgroup, as the case may be) or the number of students participating in the assessments. Puerto Rico states that participation rate is included in the School Quality or Student Success indicator, which is permissible. However, Puerto Rico must also calculate the Academic Achievement indicator consistent with ESEA section 1111(c)(4)(E).
<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 elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) that annually measures the performance of all students and separately for each subgroup of students. Because PRDE does not describe how this indicator is calculated, including how the score is obtained and the percentage it represents in the overall accountability indicator score, it is unclear whether PRDE meets the statutory requirements.</p>
<p>A.4.iv.c: Graduation Rate Indicator</p>	<ul style="list-style-type: none"> • 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-year adjusted cohort graduation rates. In its State plan, PRDE proposes to use a three-year adjusted cohort within its Graduation Rate indicator. Due to PRDE’s unique grade spans, a three-year cohort is allowable; however, PRDE indicates it is transitioning to a four-year adjusted cohort graduation rate but does not sufficiently describe when it will be used and how it will be calculated (and whether it will be calculated with the three-year cohort) within the indicator. As a result, it is not clear whether PRDE met this requirement. • In addition, as noted under Graduation Rate Long-term Goals, the ESEA requires that a State calculate the adjusted cohort graduation rate consistent with the definition in ESEA section 8101(25), which includes adding in the students who joined the cohort after the date of determination of the original cohort and subtracting from the cohort after that date only those students who transferred out, emigrated to another country, transferred to a prison or juvenile facility, or are deceased. Because it is not clear how PRDE accounts for dropouts and

	transfers, it is not clear whether PRDE met this requirement.
A.4.iv.e: School Quality or Student Success Indicator(s)	<ul style="list-style-type: none"> • PRDE describes teacher attendance rates as a School Quality or Student Success indicator. PRDE does not provide sufficient detail to determine how the indicator is valid and reliable or how it is disaggregated for each subgroup of students. The ESEA requires that each School Quality or Student Success indicator allow for meaningful differentiation in school performance and be valid, reliable, comparable, and used statewide in all schools. Based on the information PRDE has provided in its State plan, it is unclear whether the teacher attendance rates measure meets the statutory requirements. • As noted above in response to the Academic Achievement indicator, PRDE may include performance on assessments other than the annual assessments required under ESEA section 1111(b)(2)(B)(v)(I) as a School Quality or Student Success indicator. If PRDE chooses to do so, 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 PRDE does not describe whether the denominator for these assessments includes all high school students, it is unclear whether PRDE meets the requirements for a School Quality or Student Success indicator.
A.4.vi.a: Comprehensive Support and Improvement Schools—Lowest Performing	ESEA section 1111(c)(4)(D) requires a State to describe a methodology for identifying not less than the lowest-performing five percent of all schools receiving Title I, Part A funds in the State. PRDE indicates in its State plan that its definition includes, but is not limited to, Title I schools. With the inclusion of the non-Title I schools in its identification, it is unclear whether PRDE meets the statutory requirement to identify not less than the lowest-performing five percent of Title I, Part A schools. It is also unclear whether PRDE is requiring a school to be in the lowest-performing five percent of schools for three consecutive years, which would not be permissible.
A.4.vi.b: Comprehensive Support and Improvement Schools—Low Graduation Rates	ESEA section 1111(c)(4)(D) requires that a State describe its methodology to identify all public high schools that fail to graduate one-third or more of their students. PRDE states that it will use a four-year cohort graduation rate to identify for comprehensive support and improvement all public schools that fail to graduate one-third or more of their students. However, in previous parts of the plan, PRDE states that it uses a three-year cohort graduation rate. It is unclear whether PRDE will have the data to calculate the four-year adjusted cohort graduation rate, as indicated in its plan, to make the identification by the beginning of the 2018-2019 school year.
A.4.vi.f: Targeted Support and Improvement Schools—	The ESEA requires a State to describe its methodology to identify schools in which the performance of any subgroup of students, on its own, would lead to identification as a

<p>Additional Targeted Support</p>	<p>comprehensive support and improvement school under ESEA section 1111(c)(4)(D)(i)(I) using the State’s methodology under ESEA section 1111(c)(4)(D) (i.e., “Additional Targeted Support” schools). Such methodology must include identifying these schools either from among all public schools in the State, including both Title I and non-Title I schools, or from among the schools identified as schools with one or more consistently underperforming subgroups. It is unclear if PRDE’s proposed methodology, which states it will identify the “10% of accountability schools with the lowest-performing subgroups,” could result in the exclusion of some schools that meet the statutory definition for receiving additional targeted support and improvement.</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>In its State plan, PRDE provides definitions for ineffective, out-of-field, and inexperienced teachers and references a previously approved educator equity plan. However, PRDE does not specifically 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 requires a State to describe the extent, if any, to which low-income and minority children enrolled in schools assisted under Title I, Part A are served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers.</p>
<p>Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk</p>	
<p>C.2: Program Objectives and Outcomes</p>	<p>In its State plan, PRDE includes plans to improve education services and recruit resources (i.e. alliance with workforce) for juvenile-correctional facilities and provide tools that help youth in employment searches or to further education. 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. PRDE does not provide sufficient detail to demonstrate whether each of the targets and performance indicators that the plan identifies can 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.</p>
<p>Title II, Part A: Supporting Effective Instruction</p>	
<p>D.1: Use of Funds</p>	<p>In its State plan, PRDE states, “Additionally, 4% is used for capacity building leadership academies for school principals, teachers, and other academic leaders...” The ESEA requires a State to describe how it intends to use funds for State-level activities described in ESEA section 2101(c)(4), including how the activities are expected to improve student achievement. Under ESEA section 2101(c), each State may reserve up to five percent of its allocation for State activities. Under ESEA section 2102(c)(3), each State may reserve not more than three percent of</p>

	LEA subgrant funds for activities for principals or other school leaders. It is unclear whether PRDE is using the four percent from its SEA State activities fund or from the LEA subgrants (due to PRDE’s unique structure as a unitary SEA/LEA) to support the capacity building leadership academies.
D.3: System of Certification and Licensing	In its State plan, PRDE provides a full description of its certification and licensing process for teachers and a list of certificates and licenses available for teachers, principals and other school leaders. However, it does not describe the State’s system of certification and licensing for principals and other school leaders. ESEA section 2101(d)(2)(B) requires each State to provide a description of the system of certification and licensing for principals and other school leaders.
D.5: Data and Consultation	In its State plan, PRDE does not address the statutory requirements regarding use of ongoing consultation. The ESEA requires each State to describe how it will use ongoing consultation, as described in ESEA section 2101(d)(3), to continually update and improve activities supported under Title II, Part A. Additionally, the ESEA requires each State to describe how it will use 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, 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.
Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement	
E.1: Entrance and Exit Procedures	In its State plan, PRDE describes its statewide exit procedures as a student exiting based on attaining proficiency on the Spanish language proficiency assessment plus fulfilling one of the additional requirements: a grade of C or better in Spanish, math, and science; an exit recommendation letter from the school director; or an exit recommendation letter from the parent. The ESEA requires a State to develop standardized statewide entrance and exit procedures for (in the case of Puerto Rico) Spanish learners. Based on the description provided, it is unclear whether PRDE meets the statutory requirement for standardized statewide exit procedures for Spanish learners.
Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B	
I.3: Support for School Personnel	In its State plan, PRDE describes training and outreach by LEA liaisons, with support from the SEA, for school personnel to heighten the awareness of such school personnel of the needs of homeless children and youth. It is not clear, however, how these activities will heighten the awareness of such school personnel of the specific needs of <i>runaway and homeless children and youth</i> . The McKinney-Vento Act requires the State to describe programs for school personnel

	<p>(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>
<p>I.6: Policies to Remove Barriers</p>	<p>While PRDE indicates there are policies to remove barriers to identification and enrollment, PRDE does not demonstrate the SEA and LEAs have developed policies, which they will review and revise, to remove barriers to the enrollment and retention of homeless children and youth <i>due to outstanding fees or fines, or absences</i>. In its State plan, PRDE does reference a Scholar Retention Program to impact those students who showed patterns of absenteeism, but this does not appear to be a policy or program specifically for the retention of homeless children and youth. The McKinney-Vento Act requires the State to demonstrate how the SEA and LEAs in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in the State, including barriers due to outstanding fees or fines, or absences.</p>