



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 22, 2017

The Honorable Ken Wagner
Commissioner of Education
Rhode Island Department of Education
255 Westminster Street
Providence, RI 02903

Dear Commissioner Wagner:

Thank you for submitting Rhode Island'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 Rhode Island'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 Rhode Island'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 Rhode Island 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 Rhode Island'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 Rhode Island indicated that any aspect of its plan may change or is still under development, Rhode Island may include updated or additional information in its resubmission. Rhode Island 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 Rhode Island’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.4.iv.a: Academic Achievement Indicator	<ul style="list-style-type: none"> • In its State Plan, RIDE proposes to include two indices within the Academic Achievement indicator based, in relevant part, on student achievement on the RICAS, DLM, PSAT and SAT. For the Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i), a State may only include measures of proficiency on the annual assessments the State uses under ESEA section 1111(b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics) for Federal accountability purposes. Because the State proposes to use the PSAT as well as the SAT in this indicator, it does not appear that RIDE complies with this requirement. Note that a State may elect to include other assessments in its Other Academic indicator (for grades other than high school) or the School Quality and Student Success indicator. • The ESEA requires a State to describe in its State plan an Academic Achievement indicator based on the State’s long-term goals as measured by proficiency on statewide assessments in reading/language arts and mathematics under section 1111(b)(2)(B)(v)(I) and, at the State’s discretion, student growth for high schools. In its State plan, RIDE does not describe sufficiently the methodology for calculating the two proposed indices and how they comprise the Academic Achievement indicator. For example, for its Academic Proficiency index, RIDE awards a ”partial point” for students at level 2, but does not indicate the amount of that partial point. In addition, RIDE does not indicate how a school earns the points needed to calculate the school’s rating.
A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools	<p>In its State plan, RIDE proposes including the PSAT and SAT as part of its Exceeds Expectations measure 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. RIDE may, at its discretion, include a measure for high school students as a School Quality or Student Success indicator. Additionally RIDE does not describe how it calculates each measure (growth and exceeds expectations) and combines the two measures when calculating the indicator and how a school earns the points needed to calculate the school’s rating; therefore it is unclear whether RIDE meets the statutory requirements.</p>
A.4.iv.c: Graduation Rate Indicator	<p>The ESEA requires a State to include in its statewide accountability system a Graduation Rate indicator that, based on the State’s long-term graduation rate goals, measures for all students and</p>

	<p>each subgroup of students the four-year adjusted cohort graduation rate and, at the State’s discretion, an extended-year adjusted cohort graduation rate(s). Because RIDE is unclear how a school earns the points needed to calculate a school’s rating, it is unclear whether it meets the statutory requirements.</p>
A.4.iv.d: Progress in Achieving English Language Proficiency Indicator	<p>The ESEA requires a State to measure and describe in its State plan an English language proficiency indicator. In its State plan, RIDE does not describe how it calculates the indicator and awards points to a school to calculate the school’s rating; therefore it is unclear whether RIDE meets the statutory requirements.</p>
A.4.iv.e: School Quality or Student Success Indicator(s)	<p>The ESEA requires a State’s accountability system to annually measure, for all students and separately for each subgroup of students, one or more indicators of School Quality or Student Success that allow for meaningful differentiation in school performance, and are valid, reliable, comparable, and statewide. In its State plan, RIDE indicates that it collected teacher attendance data for the first time in school year 2016-2017 and that it is currently analyzing the data to determine whether it will meaningfully differentiate among schools. In addition, RIDE does not provide detail regarding how teacher chronic absenteeism is calculated, and how the teacher chronic absenteeism measure is valid, reliable, and comparable, and can be disaggregated for each student group. Lastly, RIDE does not indicate how a school earns the points needed to calculate the school’s rating. Thus, it is unclear whether this indicator is consistent with the statutory requirements.</p>
A.4.v.a: State’s System of Annual Meaningful Differentiation	<p>The ESEA requires each State to describe its system of annual meaningful differentiation. RIDE describes the indicators and point distribution for some, but not all, indicators, leaving it unclear how points are generated for the school rating for the Progress in Achieving English Language Proficiency indicator, the Academic Achievement indicator index, and others. Without this information, it is unclear whether RIDE meets this requirement.</p>
A.4.v.b: Weighting of Indicators	<p>The ESEA requires a State to describe the weighting of each indicator in its system of annual meaningful differentiation, including:</p> <ul style="list-style-type: none"> • 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 • 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.

	RIDE provides information in its plan about the points assigned for each indicator in a school, but does not describe how the weighting is adjusted for schools for which an indicator cannot be calculated due to the minimum number of students (e.g., for the Progress in Achieving English Language Proficiency indicator). Therefore, it is unclear whether RIDE meets the statutory requirements.
A.4.vi.a Comprehensive Support and Improvement Schools— Lowest Performing	The ESEA requires a State to describe a methodology for identifying not less than the lowest-performing five percent of Title I schools for comprehensive support and improvement that considers performance on all indicators. RIDE proposes a methodology to identify schools for comprehensive support and improvement based on having a one-star rating and being the lowest-performing five percent of all schools in terms of growth and achievement on reading/language arts and mathematics State assessments. This may lead to less than five percent of Title I, Part A schools identified for comprehensive support and improvement.
A.4.vi.c: Comprehensive Support and Improvement Schools— Additional Targeted Support Not Exiting Such Status	The ESEA requires a State to identify as a comprehensive support and improvement school any public school in the State receiving Title I, Part A funds that has received additional targeted support under section 1111(d)(2)(C) based on identification as a school in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I) and has not met the State’s exit criteria within a State-determined number of years. RIDE’s proposed methodology requires two subgroups to be identified as in need of additional targeted support and improvement or any subgroup comprising at least 50 percent of the total school population identified for additional targeted support. This methodology is inconsistent with the statutory requirements and therefore may result in not identifying the required schools.
A.4.vi.e: Targeted Support and Improvement Schools— “Consistently Underperforming” Subgroups	The ESEA requires a State to identify annually schools identified for targeted support and improvement for consistently underperforming subgroups. Because the process for identifying consistently underperforming improvement schools adds additional parameters, it is unclear whether the methodology RIDE is applying to Targeted Support and Improvement schools meets the statutory requirements. Additionally, the ESEA requires identification to be conducted annually. It is unclear whether RIDE will annually identify these schools, if any.
A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support	The ESEA requires that a State describe its methodology for identifying additional targeted support and improvement schools in which any subgroup of students, on its own, would lead to identification as a 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). See above in A.4.vi.a.
A.4.viii.a: Exit Criteria for	The ESEA requires a State to establish and describe exit criteria that ensure continued progress to

Comprehensive Support and Improvement Schools	improve student academic achievement and school success in the State. RIDE states that schools can exit once the school falls above the parameters, but without defining the parameters, it is unclear whether the State meets this requirement.
A.4.viii.b: Exit Criteria for Schools Receiving Additional Targeted Support	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. It is not clear from RIDEs plan whether an additional targeted support school must demonstrate continued progress to exit status, if, for example, the statewide performance for a particular group decreases.
A.4.viii.d: Resource Allocation Review	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. RIDE states it will conduct a review for comprehensive support and improvement schools, but does not describe the process for such review.
A.5: Disproportionate Rates of Access to Educators	Although RIDE describes disproportionate rates of access to educators for all schools, RIDE does not specifically address ineffective teachers in schools assisted under Title I, Part A. 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.
Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk	
C.2: Program Objectives and Outcomes	RIDE does not provide enough details to clearly demonstrate how each of the targets and performance indicators that the plan identifies will be used to assess the effectiveness of the Title I, Part D program in improving the career and technical skills of the children in the program. The ESEA requires each SEA to describe program objectives and outcomes established by the State that will be used to assess the effectiveness of the Title I, Part D program in improving the academic, career, and technical skills of children in the program.
Title II, Part A: Supporting Effective Instruction	
D.5: Data and Consultation	In its State plan, RIDE describes how it will use data to continually update and improve the activities supported under Title II, Part A. However, the ESEA also 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 local educational agency 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, in order to continually update and improve the activities supported under Title II, Part A.
Title IV, Part A: Student Support and Academic Enrichment Grants	
F.1: Use of Funds	RIDE indicates that it will reserve 5% of its Title IV, Part A funds for administrative costs and State-level activities. However, under Student Support and Academic Enrichment, SEAs may reserve up to 1% for administrative costs.
F.2: Awarding Subgrants	RIDE does not specifically indicate that it 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).
Title IV, Part B: 21st Century Community Learning Centers	
G.2: Awarding Subgrants	While RIDE indicates that a new Request for Proposal process was developed and two new state priorities are being used to ensure compliance with ESSA, RIDE does not discuss its rigorous peer review process. The ESEA requires that each SEA describes: 1) how it will ensure that proposed community learning centers will target their activities to students’ academic needs; and 2) how it will implement a rigorous peer review process.
Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B	
I.2: Dispute Resolution	In its State plan, RIDE describes procedures for the resolution of disputes regarding the educational placement of homeless children and youth. The plan does not, however, include procedural timelines or any other information that indicates that these procedures would result in the <i>prompt</i> resolution of disputes. The McKinney-Vento Act requires a State plan to describe procedures for the prompt resolution of disputes.
I.3: Support for School Personnel	In its State plan, RIDE describes training and outreach for school personnel conducted by LEA liaisons, with support from the SEA, to heighten the awareness of such school personnel of the needs of homeless children and youth. It is not clear, however, if these activities will heighten the awareness of such school personnel on 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 (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.
I.4: Access to Services	<ul style="list-style-type: none"> In its State plan, RIDE does not describe procedures that ensure that <i>homeless and youth separated from public schools</i> are identified and accorded equal access to appropriate secondary education and support services, including removing barriers that prevent them from receiving appropriate credit for full or partial coursework satisfactorily completed while

	<p>attending a prior school, in accordance with State, local, and school policies. The McKinney-Vento Act requires a State to describe procedures that ensure that homeless and youth separated from public schools are accorded equal access to appropriate secondary education and support services, including 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></p> <ul style="list-style-type: none"> • In its State plan, RIDE describes how liaisons are responsible for ensuring that homeless students have equal access to extracurricular programs and that the liaisons collaborate with other Federal, State, and local supported programs to enroll homeless students in academic and extracurricular programs. It is unclear, however, how these activities ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels. The McKinney-Vento Act requires the State plan 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 magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels. <i>(Requirement I.4iii)</i>
<p>I.5: Strategies to Address Other Problems</p>	<p>In its State plan, RIDE does not provide State strategies to address problems resulting from enrollment delays that are caused by—(i) requirements of immunization and other required health records; (ii) residency requirements; (iii) lack of birth certificates, school records, or other documentation; (iv) guardianship issues; (v) uniform or dress code requirements. The McKinney-Vento Act requires a State plan to provide strategies to address problems resulting from enrollment delays that are caused by—(i) requirements of immunization and other required health records; (ii) residency requirements; (iii) lack of birth certificates, school records, or other documentation; (iv) guardianship issues; or (v) uniform or dress code requirements.</p>
<p>I.6: Policies to Remove Barriers</p>	<p>While RIDE demonstrates that policies related to the enrollment and retention barriers to homeless children and youth are developed, reviewed, and revised with LEAs, RIDE does not demonstrate that the SEA and LEAs have developed policies that they will review and revise to address barriers to enrollment <i>due to outstanding fees or fines, or absences</i>. The McKinney-Vento Act requires the State plan 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</p>

	of homeless children and youth in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.
General Education Provisions Act (GEPA)	
GEPA 427	Section 427 of the General Education Provisions Act requires a State to provide a description of the steps it will take 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 RIDE's plan.