



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

August 9, 2017

The Honorable Rebecca Holcombe
Secretary of Education
Vermont Agency of Education
219 North Main Street, Suite 402
Barre, VT 05641

Dear Secretary Holcombe:

Thank you for submitting Vermont'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 a 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 Vermont'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 Vermont's consolidated State plan and resubmit it through OMB Max within 15 days from August 7, 2017. If you need more time than this to resubmit your consolidated State plan, please contact your Office of State Support Program Officer, who will work with you in establishing a new submission date. Please recognize that if we accommodate your request for

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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.

additional time, we may be unable to issue a written determination on your plan within the 120-day review period.

Department staff will contact you to support Vermont 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 Vermont'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 Vermont indicated that any aspect of its plan may change or is still under development, Vermont may include updated or additional information in its resubmission Vermont 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
Acting Assistant Secretary

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 for Additional Information or Revision in Vermont’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.3.i: Native Language Assessments Definition	<p>Although the Vermont Agency of Education (VT-AOE) provides a definition of “languages other than English that are present to a significant extent in the participating student population,” the definition does not encompass at least the most populous language other than English. 34 CFR § 200.6(f)(4)(i) requires that a State provide a definition of “languages other than English that are present to a significant extent in the participating student population” that encompasses at least the most populous language other than English spoken by the State’s participating student population. After revising its definition, additional State plan revisions will be necessary in response to the revised consolidated State plan requirements in A.3.ii-iv in accordance with that definition.</p>
A.4.iii.a.1: Academic Achievement Long-term Goals	<p>In its State plan, VT-AOE provides long-term goals for academic achievement based on average scale scores, rather than goals based on proficiency. The ESEA requires a State to identify and describe ambitious long-term goals and measurements of interim progress for improved academic achievement, as measured by grade-level proficiency, on the annual statewide reading/language arts and mathematics assessments, for all students and for each subgroup of students. The ESEA also requires that a State’s long-term goals and measurements of interim progress for academic achievement take into account the improvement necessary for subgroups of students who are behind in reaching those goals to make significant progress in closing statewide proficiency gaps (requirements A.4.iii.a.2 and 3).VT-AOE may use scale scores in the goal but must clarify how the use of scale scores relates to proficiency levels, including how the State ensures that a school will be able to meet the measurements of interim progress and long-term goals only by increasing the number or percentage of students who are proficient.</p>
A.4.iv.a: Academic Achievement Indicator	<ul style="list-style-type: none"> • The Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I) must be measured by proficiency on the annual assessments required under ESEA subsection (b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics) and must annually measure performance for all students and for each subgroup of students. VT-AOE proposes an Academic Achievement indicator based on scale scores. VT-AOE may use scale scores in the indicator but must clarify how the measures included in the indicator measure proficiency on the statewide reading/language arts and mathematics assessments. To clarify its consistency with the statutory requirement to include all students, VT-AOE should articulate how its approach will ensure that a school’s performance on the indicator reflects each student’s

	<p>performance (e.g., how it will ensure that the performance of each student contributes to the overall performance on the indicator, including by ensuring that no student’s performance overcompensates for the results of a student who is not yet proficient).</p> <ul style="list-style-type: none"> • In its State plan, VT-AOE proposes multiplying a school’s overall preliminary accountability score based on all indicators by the unweighted average of various subgroup participation rates, if that unweighted average participation rate across all subgroups is lower than 95 percent which is permissible. Section 1111(c)(4)(E)(ii) of the ESEA requires a State to use the greater of 95 percent of all students (or 95 percent of all students in a given subgroup) or the number of students participating in the assessments as the denominator for measuring, calculating, and reporting on the Academic Achievement indicator. Because VT-AOE averages subgroup participation rates rather than calculating the Academic Achievement indicator based on the participation rate of all students and each subgroup of students, therefore it appears the State has not met the statutory requirement.
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<p>VT-AOE proposes a School Quality or Student Success indicator that measures college and career readiness against the total number of graduates, rather than all students. 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.</p>
<p>A.4.v.a: State’s System of Annual Meaningful Differentiation</p>	<p>In its State plan, VT-AOE indicates that not all indicators will be available for use in the 2017-2018 school year and implies that it will not begin fully implementing its system of meaningful differentiation until it has been in place for three years. The ESEA requires that a State’s system annually meaningfully differentiate all public schools in the State. Consistent with the April 10, 2017, Dear Colleague Letter,¹ each State must fully implement its accountability system, including all required indicators, to identify schools by the beginning of the 2018-2019 school year. It appears that VT-AOE’s proposed timeline for fully implementing its accountability system does not meet these requirements.</p>
<p>A.4.v.c: If Applicable, Different Methodology for Annual Meaningful Differentiation</p>	<p>The ESEA requires a State to include <u>all</u> public schools in its system of annual meaningful differentiation and to describe that system in its State plan. VT-AOE indicates that it will not include P-2 schools in its accountability system at the school level, addressing them exclusively through Supervisory Union/Supervisory District (SU/SD) accountability. Because VT-AOE does</p>

¹ See: <https://www2.ed.gov/policy/elsec/leg/essa/dcltr410207.pdf>

	not describe the different methodology it will use for P-2 schools or how the methodology will be used to identify such schools for comprehensive or targeted support and improvement, it appears that VT-AOE does not meet the statutory requirements.
A.4.vi.e: Targeted Support and Improvement Schools— “Consistently Underperforming” Subgroups	The ESEA requires a State to describe in its State plan its methodology for annually identifying schools with one or more consistently underperforming subgroups, as determined by the State, if any. In its State plan, VT-AOE provides a general discussion of identifying schools for targeted support and improvement but, because it does not specifically describe how it will identify schools with one or more “consistently underperforming” subgroups of students based on all indicators or include a definition of “consistently underperforming,” therefore it is unclear whether VT-AOE meets the statutory requirements.
A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support	The ESEA requires that a State describe its methodology for identifying schools in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I) using the State’s methodology under ESEA section 1111(c)(4)(D). Although VT-AOE identifies a methodology for calculating an equity index, it does not describe a methodology to identify each school in which any subgroup of students, on its own, is performing as poorly as the lowest-performing five percent of schools receiving Title I, Part A funds. VT-AOE may identify additional schools for support and improvement under A.4.vi.g, for example, by using the equity index methodology described.
A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools	In its State plan, VT-AOE indicates that an SU/SD may choose to exit a school from comprehensive support and improvement status (the State refers to this as Comprehensive Support 1 status) if a school has made improvement but remains in the bottom 5 percent of schools. The ESEA requires that each State establish statewide exit criteria, regardless of the SU/SD in which a school resides.
A.4.viii.c: More Rigorous Interventions	VT-AOE proposes requiring schools to implement more rigorous interventions, but not within four years of the schools’ initial identification for comprehensive support and improvement. The ESEA requires more rigorous actions for schools identified for comprehensive support and improvement that do not meet the State’s exit criteria within a state-determined number of years, which cannot exceed four years.
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	The State plan includes objectives and outcomes established by the State that can be used to assess the effectiveness of the Title I, Part D program in improving the academic skills of children in the program. The State plan does not describe the program objectives and outcomes established

	<p>by the State that will be used to assess effectiveness of the program in improving career and technical skills of children in the program. The ESEA requires that each SEA establish program objectives and outcomes that can 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.</p>
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