



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 20, 2017

The Honorable Tony Evers
Superintendent of Public Instruction
Wisconsin Department of Public Instruction
125 South Webster Street
Madison, WI 53707-7841

Dear Superintendent Evers:

Thank you for submitting Wisconsin'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 Wisconsin'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 Wisconsin's consolidated State plan and resubmit it through OMB Max by January 5, 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.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
www.ed.gov

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

| Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs) | |
|--|---|
| A.4.iii.c.1: English Language Proficiency Long-term Goals | <p>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, WDPI provides a formula for the calculation of annual growth targets on page 32; however, the example the State provides on page 33 appears inconsistent with that formula. Therefore, it is unclear whether WDPI meets the statutory requirements.</p> |
| A.4.iv.a: Academic Achievement Indicator | <ul style="list-style-type: none"> • The ESEA requires that the Academic Achievement indicator annually measure performance for all students and for each subgroup of students. In its State plan, WDPI proposes, for its Academic Achievement indicator, to use a performance index in which a student achieving the highest level of achievement will receive 1.5 points while a student achieving at the Basic level of achievement will receive 0.5 points. WDPI does not describe how its proposed proficiency index will ensure that a school’s performance on the indicator reflects each student’s 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). • The ESEA requires that a State describe an Academic Achievement indicator that is measured by proficiency on the annual assessments required under ESEA subsection (b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics). WDPI indicates that it will use up to three years of data to calculate the proficiency rate for the all students group and for each subgroup and that the averaging process gives greater weight to more recent years’ data but does not describe under what circumstances or how it will average the data. In addition, WDPI indicates that the Academic Achievement indicator will be converted to a scale standardized with the other indicators in the system but does not describe how it will make this calculation. Accordingly, WDPI has not fully described the Academic Achievement indicator. • ESEA section 1111(c)(4)(E)(ii) 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. WDPI states that achievement calculations will be based “upon the higher of 95 percent of students expected to participate in the statewide annual assessments or the number of students tested in excess of 95 percent.” Because WDPI has not described “achievement calculations” nor whether “expected to participate” represents all |

| | |
|---|---|
| | enrolled students, it is unclear whether WDPI meets the statutory requirements. |
| A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools | The ESEA requires a State to describe an indicator for public elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) that includes, at the State’s discretion, a measure of student growth or another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance. While WDPI provides general information on what will comprise the indicator, it does not provide sufficient information regarding how the indicator is calculated and a clear description of the State’s averaging techniques in order to determine whether WDPI meets the statutory requirements. |
| A.4.iv.c: Graduation Rate Indicator | The ESEA requires a State to describe its Graduation Rate indicator. While WDPI provides general information on what will comprise the indicator, because it does not describe how scores will be converted to a scale standardized with other indicators in the system, it has not fully described its Graduation Rate indicator. |
| A.4.iv.d: Progress in Achieving English Language Proficiency Indicator | The ESEA requires a State to establish and describe in its State plan a Progress in Achieving English Language Proficiency indicator that is the same indicator across all LEAs in the State, is based on the State’s definition of English language proficiency, is measured by the State’s English language proficiency assessment, and includes the State-determined timeline for students to achieve English language proficiency. In its State plan, WDPI provides general information on what will comprise the indicator, but it does not describe how each school’s mean student growth percentile score will be converted to a scale standardized with other indicators in the system; thus it has not fully described its Progress in Achieving English Language Proficiency indicator. |
| A.4.iv.e: School Quality or Student Success Indicator(s) | The ESEA requires that a State describe one or more School Quality or Student Success indicators. In its State plan, WDPI indicates that it will use chronic absenteeism as its School Quality or Student Success indicator but does not describe how it will calculate this indicator, including how it will average data or how the indicator will be standardized to align with the scale of the other indicators. Because WDPI does not describe how it will calculate chronic absenteeism, it has not fully described the indicator. |
| A.4.v.a: State’s System of Annual Meaningful Differentiation | The ESEA requires a State to describe its system of meaningfully differentiating all public schools in the State. WDPI generally describes its system for annually meaningfully differentiating among all schools, including by using performance on every subgroup that meets the State’s minimum n size for each indicator; however, it has not described how a school’s accountability determination is calculated to allow for meaningful differentiation, including how points are awarded and aggregated across all indicators in the system. Therefore, WDPI has not fully described its system of annual meaningful differentiation. |
| A.4.v.c: If Applicable, Different | The ESEA requires a State to include all public schools in its system of annual meaningful |

| | |
|---|---|
| <p>Methodology for Annual Meaningful Differentiation</p> | <p>differentiation and to describe that system in its State plan. WDPI provides information that suggests that it uses a different methodology for annual meaningful differentiation for, among other types of schools, schools serving exclusively at-risk students, but does not clearly describe the different methodology, including how the methodology will be used to identify such schools for comprehensive or targeted support and improvement or whether the different methodology is limited to schools for which an accountability determination cannot be made. Accordingly, it is unclear whether WDPI meets the statutory requirements.</p> |
| <p>A.4.vi.d: Frequency of Identification</p> | <p>The ESEA requires a State to identify each category of comprehensive support and improvement schools at least once every three years. WDPI states that it will identify schools that do not meet the exit criteria for additional targeted support schools as comprehensive support and improvement schools every six years, which does not meet the statutory requirement.</p> |
| <p>A.4.vi.e: Targeted Support and Improvement Schools— “Consistently Underperforming” Subgroups</p> | <p>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, WDPI discusses the identification of schools using its definition of “consistently underperforming” subgroups but does not clarify in its definition how many years a subgroup must be “consistently underperforming” before being identified. It is also unclear whether a school must have a subgroup in both the bottom 10 percent of statewide performance for all students <i>and</i> in the bottom 10 percent of statewide subgroup performance across all indicators to be classified (rather than one or the other). Therefore, it is unclear whether WDPI meets the statutory requirements.</p> |
| <p>A.5: Disproportionate Rates of Access to Educators</p> | <p>In its State plan, WDPI provides definitions for ineffective, out-of-field, and inexperienced teachers and references a previously approved educator equity plan that addresses disproportionate rates of access to educators generally. However, WDPI does not specifically address low-income students, minority students, and schools assisted under Title I, Part A. 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 C: Education of Migratory Children</p> | |
| <p>B.1: Supporting Needs of Migratory Children</p> | <ul style="list-style-type: none"> • WDPI describes how it will identify the unique educational needs of migratory children. However, the ESEA requires that a State also describe how it will identify the unique educational needs of preschool migratory children and migratory children who have dropped out of school. • WDPI describes how, in planning, implementing, and evaluating the Migrant Education Program (MEP), it will address the unique educational needs of migratory children, through |

| | |
|--|---|
| | <p>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.</p> <ul style="list-style-type: none"> • WDPI 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. • WDPI 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. |
| <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>WDPI identifies goal and objectives that are too broad to meet the ESEA requirement to describe objectives and outcomes 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. The ESEA requires the State plan to describe the program objectives and outcomes established by the SEA 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.</p> |
| <p>Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement</p> | |
| <p>E.1: Entrance and Exit Procedures</p> | <p>The ESEA requires a State to describe how it will establish and implement statewide entrance and exit procedures for English learners. In its State plan, WDPI states that when English learners reach an overall composite of 5.0 or greater on the ACCESS for English learners, they are eligible for reclassification. Districts weigh student performance on ACCESS with other indicators of English proficiency and academic success, and make a determination whether or not the student is fully English proficient; but WDPI does not describe what other indicators the districts will take</p> |

| | |
|---|---|
| | <p>into account or how the district determination is consistent with a standard, statewide procedure for exiting English learners. Therefore, it is unclear whether WDPI meets the statutory requirement for statewide entrance and exit procedures.</p> |
| <p>Title IV, Part A: Student Support and Academic Enrichment Grants</p> | |
| <p>F.2: Awarding Subgrants</p> | <p>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). In its response to this requirement, WDPI mentions that it will, as required by statute, allocate funds to LEAs based on Title I, Part A allocations. WDPI should clarify that it is referring to the prior year’s Title I, Part A allocations, as required by ESEA section 4105(a)(1).</p> |
| <p>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</p> | |
| <p>I.4: Access to Services</p> | <ul style="list-style-type: none"> • In its State plan, WDPI provides an assurance that children experiencing homelessness have access to public preschool programs by providing transportation and through LEA compliance monitoring. It does not, however, describe the procedures WDPI will use to ensure that homeless children have access to public preschool programs, administered by the SEA or LEAs, as provided to other children in the State. The McKinney-Vento Act requires a State to describe procedures that will ensure that homeless children have access to public preschool programs, administered by the SEA or an LEA, as provided to other children in the State. <i>(Requirement I.4i)</i> • In its State plan, WDPI provides an assurance that LEAs will develop policies and procedures to so that children and youths experiencing homelessness and youths separated from public schools are identified and accorded equal access to appropriate secondary and education services, including eliminating barriers to receive appropriate credit for full or partial coursework satisfactorily completed. WDPI does not, however, <i>describe procedures</i> that WDPI will follow to ensure that homeless youth and youths separated from public schools are afforded 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. The McKinney-Vento Act requires a State to describe procedures that ensure that homeless youth and youths separated from public schools are afforded 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> |

| | |
|--|--|
| | <ul style="list-style-type: none"> • While WDPI indicates that LEAs will be monitored for compliance, WDPI does not 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. 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 magnet schools, summer school, career and technical education, advanced placement, 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, WDPI provides strategies such as monitoring LEAs to ensure that they have policies, including dispute resolution policies, and procedures in place to ensure that disputes regarding eligibility can be promptly resolved. The WDPI also hosts a data system and immunization registry to address problems resulting from enrollment delays that are caused by immunization and school records. It is unclear, however, whether the strategies provided address problems resulting from enrollment delays that are caused by—(i) other required health records; (ii) residency requirements; (iii) lack of birth certificates or other documentation; (iv) guardianship issues, and (v) 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—(i) 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.7: Assistance from Counselors</p> | <p>While WDPI indicates that stakeholder feedback helped to specify and enhance technical assistance and training provided to LEA staff to support school counselors in advising youths experiencing homelessness and prepare them for college and career readiness, WDPI does not describe how youths will receive assistance from counselors to advise, prepare, and improve readiness for college. The McKinney-Vento Act requires a State to describe how homeless youths will receive assistance from counselors to advise such youths and prepare and improve the readiness of such youths for college.</p> |