



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 13, 2017

The Honorable Jillian Balow
Superintendent of Public Instruction
Wyoming Department of Education
2300 Capitol Avenue, Second Floor
Cheyenne, WY 82002-0050

Dear Superintendent Balow:

Thank you for submitting Wyoming'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 Wyoming'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 Wyoming's consolidated State plan and resubmit it through OMB Max by December 28, 2017. 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 Wyoming 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 Wyoming'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 Wyoming indicated that any aspect of its plan may change or is still under development, Wyoming may include updated or additional information in its resubmission. Wyoming 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 Wyoming’s Consolidated State Plan

| Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs) | |
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| A.4.iii.a.1: Academic Achievement Long-term goals | In its State plan, the Wyoming Department of Education (WDE) provides long-term goals for all students and a number of subgroups, but states that it will not set a long-term goal or measurements of interim progress for any student subgroup at a school where the performance gap between the student subgroup and the All Students group is equal to or less than five percent. Section 1111(c)(4)(A) of the ESEA requires the WDE to identify and describe 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 in the State. |
| A.4.iii.b.1: Long-term goals for four-year adjusted cohort graduation rate | In its State plan, WDE does not provide statewide graduation rate goals for all students and each subgroup of students. The State indicates that it will not a set a long-term goal or measurements of interim progress for any student group with a graduation rate gap that is equal to or less than five percentage points from the All Student group in the baseline year. The ESEA requires each State to identify and describe long-term four-year adjusted cohort graduation rate goals and measurements of interim progress for all students and for each subgroup of students in the State. |
| A.4.iv.a: Academic Achievement Indicator | <ul style="list-style-type: none"> • The ESEA requires a State to describe in its State plan an Academic Achievement indicator that is based on statewide assessments in reading/language arts and mathematics. In its State plan, WDE does not describe how it will calculate the Academic Achievement indicator, including how it will assign performance categories for each school; as a result, it is not clear whether WDE meets this requirement. • Additionally, WY indicates in its State plan that, starting in the 2017-18 school year, the State will measure growth for all high school students using the State’s new assessment system. However, because the State is administering new assessments for the first time in the 2017-2018 school year, it is not clear how the State will measure growth in high school. Consistent with the additional flexibility provided by the April 10, 2017, Dear Colleague Letter, each State must fully implement its accountability system, including all required indicators, to identify schools by the beginning of the 2018-2019 school year. • 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. In its State plan, WDE indicates that when a school |

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| | <p>does not meet the participation “threshold” of 90 percent participation, the school cannot receive a score and is assigned to the “not meeting expectations” performance level. The State does not describe this level or how it factors into the system of annual meaningful differentiation. WDE indicates that it will reduce a school’s performance rating by one level when a school’s participation rate is between 90 and 95 percent. However, since the State does not describe its method for determining performance levels or how such levels factor into the system of annual meaningful differentiation, it is unclear what impact this approach will have. Accordingly, it is unclear if the State is calculating the Academic Achievement indicator consistent with the statute.</p> |
| <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 its other academic indicator for elementary and secondary schools that are not high schools. WDE does not describe how the indicator will be calculated, including how schools will be assigned to performance categories; as a result it is not clear whether WDE meets this requirement.</p> |
| <p>A.4.iv.c: Graduation Rate</p> | <p>The ESEA requires a State to describe a Graduation Rate indicator that is based on the long-term goals for the four-year adjusted cohort graduation rate and, at the State’s discretion, one or more extended year adjusted cohort graduation rates. While WDE provides general information on what will comprise the indicator, WDE does not describe how the indicator will be calculated, including how schools will be assigned to performance categories; as a result it is not clear whether WDE meets this requirement.</p> |
| <p>A.4.iv.d: Progress in Achieving English Language Proficiency Indicator</p> | <p>Although WDE provides a definition for English language proficiency, it does not describe its Progress in Achieving English Language Proficiency indicator in its State plan, including how schools will be assigned to performance categories. The ESEA requires the State to establish and describe an indicator of Progress in Achieving English Language Proficiency, as defined by the State and measured by the statewide English language proficiency assessments, within a State-determined timeline for all English learners.</p> |
| <p>A.4.iv.e: School Quality or Student Success Indicator(s)</p> | <ul style="list-style-type: none"> • In its State plan, WDE proposes to include an Equity Indicator that is a measure of student growth for students in the bottom quartile on reading/language arts or mathematics assessments. The ESEA requires that a State describe a School Quality or Student Success indicator that can be measured statewide and is comparable for the grade spans to which the indicator applies and that will allow for meaningful differentiation in school performance. Because this indicator does not consider the performance of all students, it does not meet the statutory requirements. • WDE also proposes to include a Postsecondary Readiness indicator for high schools. |

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| | <p>Although WDE indicates that each school will be assigned to one of three performance levels, WDE did not describe how the indicator will be calculated, including how schools will be assigned to the three categories. Because WDE has not described how this indicator is calculated, it is unclear if the statutory requirements are met.</p> |
| A.4.v.a: State’s System of Annual Meaningful Differentiation | <p>WDE does not explain in its plan how it uses its system of annual meaningful differentiation to identify schools. The ESEA requires a State to establish and describe in its State plan its system of annual meaningful differentiation, including how the system is based on all indicators, for all students and all subgroups of students, and how such system will allow the State to identify schools for comprehensive support and improvement and targeted support and improvement.</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 that the Academic Achievement, Other Academic, Graduation Rate, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually; and that those indicators receive, in the aggregate, much greater weight than the School Quality or Student Success indicator(s), in the aggregate. It is unclear how WDE will apply the weights it mentions in order to meaningfully differentiate schools. In addition, because WDE does not describe how it will adjust the weighting for schools for which an indicator cannot be calculated due to not having the minimum number of students, it is unclear whether WDE meets the statutory requirements.</p> |
| A.4.v.c: If Applicable, Different Methodology for Annual Meaningful Differentiation | <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, WDE indicates that small schools will receive technical assistance when the school receives a rating on only one, or zero, indicators due to a small n-size. Additionally, WDE indicates that it will not give a rating to institutional schools. Because WDE does not describe the different methodology it will use for small schools or institutional schools, 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, it is unclear whether WDE meets the statutory requirements.</p> |
| A.4.vi.a Comprehensive Support and Improvement Schools—Lowest Performing | <p>As discussed above regarding Annual Meaningful Differentiation, although WDE discusses a system of differentiation, it does not clearly describe that system, the basis on which schools are differentiated through that system, or how the system will be used to identify the lowest-performing five percent of Title I schools. The ESEA requires that each State describe a methodology that will result in identification of not less than the lowest-performing five percent of all schools receiving Title I, Part A funds for comprehensive support and improvement based</p> |

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| | on its system of annual meaningful differentiation. |
| A.4.vi.d: Frequency of Identification | WDE inconsistently addresses the frequency with which the State will identify any of the three types of schools for comprehensive support and improvement: (1) not less than the lowest-performing 5 percent of schools receiving Title I, Part A funds; (2) all public high schools in the State failing to graduate one third or more of their students; and (3) schools that receive Title I, Part A funds that received additional targeted support and that did not meet the State’s exit criteria after a State-determined number of years. The ESEA requires a State to indicate the frequency with which it will identify each of the three types of schools for comprehensive support and improvement, consistent with ESEA section 1111(D)(i), which requires a State to identify these schools at least once every three years. |
| 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 for targeted support and improvement schools with one or more “consistently underperforming” subgroups of students, as determined by the State using a methodology that is based on all indicators in the statewide system of annual meaningful differentiation. In its State plan, WDE states that it will identify all schools that have subgroups performing in the bottom 10 percent based on a ranking of schools based on each school’s combined score on the indicators for each subgroup. However, because WDE does not clearly describe how a school’s combined score is determined, it is unclear whether the State meets the statutory requirement. Further, WDE indicates it will identify these schools every three years rather than annually. |
| 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). Because WDE does not clearly describe its methodology for identifying these schools, including how a school’s combined score is calculated, either at the all students or subgroup level, it is unclear whether WDE meets the statutory requirement. |
| A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools | WDE proposes exit criteria that may permit a school identified on the basis of being among the lowest-performing five percent of Title I schools to exit status based on the decline in the performance of other schools rather than its own continued progress in improved student academic achievement and school success. The ESEA requires the State to establish and describe exit criteria that ensure continued progress to improve student academic achievement and school success in the State. |
| A.4.viii.b: Exit Criteria for Schools Receiving Additional | WDE proposes exit criteria for schools identified for targeted support and improvement that may permit a school to exit status based on the decline in the performance of other schools rather than |

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| Targeted Support | its own continued progress in improved student academic achievement and school success. The ESEA requires a State to establish and describe the statewide exit criteria for schools receiving additional targeted support that ensure continued progress to improve student academic achievement and school success. |
| A.5: Disproportionate Rates of Access to Educators | 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. The ESEA also 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 are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers. Based on the information WDE provided, it is unclear whether the State meets these requirements. |
| 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 | WDE identifies a broad goal of Wyoming’s public education system and five supporting strategies. WDE does not, however, 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 that each SEA establish program 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. |
| Title V, Part B, Subpart 2: Rural and Low-Income School Program | |
| H.1: Outcomes and Objectives | The ESEA requires a State to provide information on program objectives and outcomes for activities under Title V, Part B, Subpart 2, including how the SEA will use funds to help all students meet the challenging State academic standards. While WDE provides a description about its program objectives and outcomes under the ESEA generally, WDE does not identify its objectives and outcomes for activities under the Rural and Low-Income School program (RLIS) (e.g., which of the objectives and outcomes under the ESEA programs in 5222(a) are the objectives and outcomes for RLIS; or objectives and outcomes tailored specifically to WDE’s plans for RLIS). The ESEA requires a State to include a description of how it will use RLIS funds to help all students meet the challenging State academic standards. |
| 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, WDE describes comprehensive training for homeless liaisons and school personnel to heighten the awareness of such school personnel of the needs of homeless children and youth. The WDE State plan does not, however, describe programs to heighten the awareness |

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| | <p>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 (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.4: Access to Services</p> | <ul style="list-style-type: none"> • In its State plan, WDE makes clear that WDE does not have public preschool programs in the State and will work with other programs to increase identification of homeless children eligible for preschool. However, it is not clear from the WDE State plan whether any LEAs in the State operate public preschool programs and how WDE ensures that homeless children have access to LEA public preschool programs, 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, WDE includes procedures to ensure homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities in magnet school, summer school, career and technical education, online learning, and charter school programs. WDE does not, however, describe procedures to ensure homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities that include advanced placement. 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 advanced placement if such programs are available at the State and local levels. <i>(Requirement I.4ii)</i> |