



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

June 30, 2017

The Honorable Salam Noor
Deputy Superintendent of Public Instruction
Oregon Department of Education
255 Capitol Street NE
Salem, OR 97310

Dear Deputy Superintendent Noor:

Thank you for submitting Oregon'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 Oregon'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 Oregon's consolidated State plan and resubmit it through OMB Max within 15 days of the date of this letter. 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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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 Oregon 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 Oregon'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 Oregon indicated that any aspect of its plan may change or is still under development, Oregon may include updated or additional information in its resubmission. Oregon 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 That Require Additional Information or Revision in Oregon’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.4.i.a. Additional Subgroups	In its State plan, the Oregon Department of Education (ODE) indicates that students who were previously identified as children with disabilities who have exited that status within the last two years will be included in the children with disabilities subgroup for accountability purposes. ODE may include in its accountability system an additional subgroup of students who were previously identified as children with disabilities who have exited that status within the last two years, in addition to all other required subgroups, but the ESEA does not permit a State to include those students within the children with disabilities subgroup.
A.4.vi.d: Frequency of Identification	In its State plan, ODE proposes to identify schools for comprehensive support and improvement every four to five years. The ESEA requires a State to identify schools for comprehensive support and improvement at least once every three years and to describe the frequency with which the State will identify schools for comprehensive support and improvement, consistent with that requirement.
A.4.vi.e: Targeted Support and Improvement Schools— “Consistently Underperforming” Subgroups	In its State plan, ODE proposes to identify schools with one or more “consistently underperforming” subgroups of students for targeted support and improvement every four to five years. A State may define “consistently underperforming” as underperforming over four to five year. However, the ESEA requires a State to annually identify schools with one or more “consistently underperforming” subgroups of students, if any.
A.5: Disproportionate Rates of Access to Educators	<ul style="list-style-type: none"> • Although ODE describes the extent that low-income and minority children enrolled in schools assisted by Title I, Part A are served by out-of-field and inexperienced teachers, ODE does not describe the extent that such students are served by ineffective teachers. The ESEA requires that a State describe the extent, if any, to which low-income and minority children in schools assisted under Title I Part A are served at disproportionate rates by ineffective teachers. • The ESEA requires that ODE 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 and this is not addressed in ODE’s State plan.
Title I, Part C: Education of Migratory Children	
B.1: Supporting Needs of Migratory Children	<ul style="list-style-type: none"> • ODE describes how it will identify the unique educational needs of migratory children, including preschool migratory children. However, the ESEA requires a State to describe how

	<p>it will identify the unique educational needs of migratory children who have dropped out of school.</p> <ul style="list-style-type: none"> • The ESEA requires that ODE’s description of the planning of its program include: <ul style="list-style-type: none"> ○ How it is joint planning among local, State, and Federal education programs, including language instruction educational programs under Part A of Title III. ○ How it will address the unique needs of preschool migratory children and migratory children who have dropped out of school. • The ESEA requires that ODE’s description of the implementation of its program include: <ul style="list-style-type: none"> ○ How it will implement joint planning among local, State, and Federal education programs, including language instruction educational programs under Part A of Title III. ○ How it will address the unique needs of migratory children who have dropped out of school. • The ESEA requires that ODE’s description of the evaluation of its program include: <ul style="list-style-type: none"> ○ How it will evaluate the joint planning among local, State, and Federal programs, including language instruction educational programs under Part A of Title III. ○ How it will address the unique needs of migratory children who have dropped out of school.
<p>B.2: Promote Coordination of Services</p>	<p>The ESEA requires a State to describe how it will use Title I, Part C funds to provide for educational continuity through the timely transfer of pertinent school records, including information on health and this is not addressed in the State plan.</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>ODE’s 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, however, include 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 career and technical skills of children in the program. The ESEA requires a State to include 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 career and technical skills of children in the program.</p>

Title II, Part A: Supporting Effective Instruction	
D.2: System of Certification and Licensing	Although, ODE identifies the specific positions that must be licensed, ODE’s State plan does not provide a description of the licensing system for teachers, principals or other school leaders. The ESEA requires a State to describe the State’s system of certification and licensing of teachers, principals, or other school leaders.
D.4: Improving the Skills of Educators	In its State plan, ODE provides a description of how it will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with specific learning needs and provide instruction based on the needs of such students for children with disabilities and students with low literacy levels. However, ODE did not address all required subgroups. Specifically, the ESEA requires a State to describe how it will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with specific learning needs and provide instruction based on the needs of such students, specifically for students who are gifted and talented and English learners.
D.5: Data and Consultation	In its State plan, ODE describes its process for consulting with various stakeholders during the development of its State plan. However, ODE does not describe how it will use data and ongoing consultation to continually update and improve the activities supported under Title II, Part A. The ESEA requires a State to describe how it will use ongoing consultation to continually update and improve the activities supported under Title II, Part A. Additionally, the ESEA requires a State to describe 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 (in a State 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.
Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement	
E.1. Entrance and Exit Procedures	While ODE describes how it will establish and implement standardized statewide entrance and exit procedures, the ESEA also requires a State to assure that all students who may be English learners are assessed for such status within 30 days of enrollment.

<p>E.2: SEA Support for English Learner Progress</p>	<p>Although ODE’s State plan includes a description of the State-designed long-term goal for progress towards English language proficiency, the plan does not include specific actions the State plans to take to support English learner progress towards meeting that goal. The ESEA requires a State to describe how it will assist Title III eligible entities in meeting State-determined long-term goals, including measurements of interim progress towards meeting such goals, based on the State’s English language proficiency assessments.</p>
<p>Title IV, Part A: Student Support and Academic Enrichment Grants</p>	
<p>F.1: Awarding of Subgrants</p>	<ul style="list-style-type: none"> • The ESEA requires SEAs to make Title IV, Part A allocations to all eligible LEAs under the specific statutory formula in section 4105(a)(1), and indicates in section 4105(a)(3) that LEAs “may” form consortia. ODE indicates that it will require LEAs with preliminary allocations of under \$10,000 to form consortia with other LEAs if they wish to apply for funds, which is inconsistent with the ESEA requirements. • Note: The Consolidated Appropriations Act, 2017 (Pub. L. 115-31) provides a State with a new option of awarding the Title IV, Part A subgrants to LEAs competitively. Please consider whether ODE wishes to revise this response in light of this new flexibility.
<p>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</p>	
<p>I.6: Policies to Remove Barriers</p>	<p>While ODE’s State plan demonstrates that the SEA and LEAs have developed policies, which they will review and revise, to remove barriers to the identification of homeless children and youth, and the enrollment and retention of homeless children and youth in schools in the State, including barriers due to outstanding fees or fines, the State plan does not demonstrate that those policies address removing barriers to the enrollment and retention of homeless children and youth due to absences. The McKinney-Vento Act requires the State to demonstrate how the SEA and LEAs in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in the State due to absences.</p>