UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

June 13, 2017

The Honorable Susan Bunting
Secretary of Education
Delaware Department of Education
The Townsend Building
401 Federal Street, Suite 2
Dover, DE 19901

Dear Secretary Bunting:

Thank you for submitting Delaware'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 Delaware's consolidated State plan, including those programs subject to peer review, the Department has identified in an enclosure to this letter the items that Delaware must address in order for the Secretary to approve Delaware's consolidated State plan. 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, but Delaware is required to address only those areas identified by the Department as requiring additional information or revision to obtain approval of its 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 Delaware'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 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 Delaware 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 Delaware'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.

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 Delaware's Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)	
A.4.i.a: Major Racial and Ethnic Subgroups of Students	In the Delaware Department of Education's (DDOE) list of subgroups in section A.4.i.a of its State plan, it appears that DDOE is combining individual racial/ethnic subgroups. In other sections of DDOE's State plan, DDOE lists each major racial and ethnic group separately. DDOE must list each major racial and ethnic group separately that the State includes in its accountability system, in addition to any combined or other subgroups.
A.4.i.d: Recently Arrived English Learners	DDOE proposes an option for excepting recently arrived English learners from the State's reading/language arts assessment and accountability that is not allowable under the statute. If DDOE wishes to use an exception for recently arrived English learners, it must select one of the three options identified in the revised consolidated State plan template that the Department released on March 13, 2017, and be consistent with ESEA section 1111(b)(3)(A).
A.4.iii.a: Academic Achievement Long-term Goals	In its State plan, DDOE proposes to decrease the percentage of non-proficient students in each subgroup by 50% by 2030, which would result in no more than half to two-third of certain subgroups of students achieving proficiency. Because the proposed long-term goals for academic achievement are not ambitious, DDOE must revise its plan to identify and describe long-term goals that are ambitious for all students and for each subgroup of students.
A.4.iii.b: Graduation Rate Long-term Goals	DDOE must describe how the long-term goals for each extended-year adjusted cohort graduation rates are more rigorous than the long-term goals for the four-year adjusted cohort graduation rate. DDOE provides the same methodology for its extended-year adjusted cohort graduation rate as its four-year adjusted cohort graduation rate.
A.4.iii.c.1: English Language Proficiency Long-term Goals	In its State plan, DDOE proposes a long-term goal that will result in only modest increases in the percentage of English learners making progress in achieving English language proficiency by 2030. Because DDOE's long-term goal for progress in achieving English language proficiency is not ambitious, DDOE must revise its plan to describe a long-term goal that is ambitious.

A.4.iv: Indicators	DDOE must ensure that each indicator only includes measures consistent with ESEA section 1111(c)(4)(B). Specifically, DDOE must: • For the Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I), only include proficiency on the annual assessments required under ESEA subsection (b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics); a State may include performance on assessments other than those required under ESEA subsection (b)(2)(B)(v)(I) (e.g., science and social studies) in the indicator for public elementary and secondary schools that are not high schools as required under ESEA section 1111(c)(4)(B)(ii) (i.e., the Other Academic indicator) for elementary and secondary schools that are not high schools or in the School Quality or Student Success indicator for any schools, including high schools; and • For the indicator for public elementary and secondary schools that are not high schools required under ESEA section 1111(c)(4)(B)(ii) (i.e., the Other Academic indicator), only include measures for schools that are not high schools; if DDOE wants to include a measure of growth for high schools, it may do so as part of the Academic Achievement indicator.
A.4.iv.a: Academic Achievement Indicator	DDOE must describe the weighting of reading/language arts achievement relative to mathematics achievement.
A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools	DDOE notes in its plan that the State may consider making a change to its school-level growth model in the future. Note that DDOE will need to submit an amendment for Department approval if it incorporates a different methodology in determining student-level versus school-level growth in the future.
A.4.iv.c: Graduation Rate	DDOE proposes to include in its graduation rate indicator the four-year adjusted cohort graduation rate as well as a five- and six-year adjusted cohort graduation rates, but does not describe how the four-year adjusted cohort graduation rate is combined with the extended-year adjusted cohort graduation rates. DDOE must describe how the four-year adjusted cohort graduation rate is combined with the five- and six-year adjusted cohort graduation rates that it is including within the indicator.

A.4.iv.e: School Quality or Student Success Indicator(s)	• DDOE proposes to include as its School Quality or Student Success indicator a College and Career Preparedness indicator. To apply that indicator, the State would permit a choice of the measure or measures that would apply from among a menu of allowable measures. This approach does not result in use of a comparable or statewide School Quality or Student Success indicator and may not result in meaningful differentiation. DDOE must therefore describe a School Quality or Student Success indicator that is comparable and statewide for the grade spans to which that indicator applies and that allows for meaningful differentiation in school performance. • In its State plan, DDOE proposes to include performance on Advanced Placement and International Baccalaureate examinations in its College and Career Preparedness indicator. If not all high schools in the State offer Advanced Placement or International Baccalaureate classes and if, within a school that does offer those courses, a significant percentage of students do not participate in the examinations, then this measure is not statewide or comparable, nor does it allow for meaningful differentiation among all high schools in the State. DDOE must 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.
A.4.v.b: Weighting of Indicators	In addition to revising the measures in each indicator as described in A.4.iv above, DDOE must clearly describe the weighting of each indicator in its system of annual meaningful differentiation, including how the weighting is adjusted for schools for which an indicator cannot be calculated due to the minimum number of students. When describing the weighting of each indicator, DDOE must ensure that the Academic Achievement, Other Academic, Graduation Rate, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually and, in the aggregate, much greater weight than the School Quality or Student Success indicator(s), in the aggregate.
A.4.v.c: If Applicable, Different Methodology for Annual Meaningful Differentiation	DDOE does not describe how all schools, including newly opened schools, are included in the accountability system every year. DDOE must describe its different methodology for annual meaningful differentiation for schools for which an accountability determination cannot be made, including indicating the types of schools for which a methodology applies and how the methodology will be used to identify schools for comprehensive and targeted support and improvement. Specifically, DDOE's plan does not provide an accountability score for a newly opened schools with a grade configuration that does not require a Statewide assessment until the grade configuration expands to grades in which students must take statewide assessments or

	students matriculate into such grades, whichever comes first, which may result in a school not receiving an accountability determination for as long as four years.
A.4.vi.a Comprehensive Support and Improvement Schools—Lowest Performing	In its plan, DDOE indicates that charter schools identified for comprehensive support and improvement are subject to a different review process. DDOE must clarify that the statewide methodology for identifying comprehensive support and improvement schools applies to all public schools in the state, including public charter schools.
A.4.vi.e: Targeted Support and Improvement Schools—"Consistently Underperforming" Subgroups"	DDOE has not provided its methodology for identifying schools with one or more consistently underperforming subgroups or its definition of "consistently underperforming." DDOE must describe its methodology for annually identifying any school with one or more "consistently underperforming" subgroups of students, including the definition the State uses for "consistently underperforming."
A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools	In its plan, DDOE states that it will negotiate exit criteria individually with each LEA. DDOE must describe statewide 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 Targeted Support	In its plan, DDOE states that it will negotiate exit criteria individually with each LEA. DDOE must describe statewide exit criteria that ensure continued progress to improve student academic achievement and school success in the State.
Title I, Part C: Education of Migratory Children	
B.1: Supporting the Needs of Migratory Children	• DDOE describes how it will identify the unique needs of migratory children. However, DDOE must describe how it will identify the unique needs of preschool migratory children. • In its description of planning its program, DDOE provides a description of the full range of services it intends to provide to migrant children. However, it must also include: o A description of how it is jointly planning among local, state, and Federal education programs, including language instruction educational programs under part A of Title III. o A description of how it is planning the integration of services available under Title I, part C with services provided by those other programs. o When DDOE describes the joint planning and integration of services, a description of how it will address the unique needs of preschool migratory children and migratory children who have dropped out of school. • In its description of implementing its program, DDOE provides a description of the full range of services it intends to provide to migrant children. However, it must also include: o A description of how it is implementing the joint planning among local, state, and

	Federal education programs. o A description of how it is implementing the integration of services. o When DDOE describes the joint planning and implementation of the integration of services, a description of how it will address the unique needs of preschool migratory children and migratory children who have dropped out of school. • DDOE's description of the evaluation of its program must include: o How it evaluates the full range of services provided by the State and the integration of those service against measurable program objectives and outcomes. o How it includes an evaluation of the joint planning among local, State, and Federal programs. o How it will address the unique needs of preschool migratory children and migratory children who have dropped out of school.
Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk	
C.1: Transitions Between Correctional Facilities and Local Programs	While the State includes a plan for assisting in the transition of children and youth from correctional facilities to locally operated programs, it does not include a plan for assisting in the transition of children and youth *between* locally operated programs and correctional facilities (i.e., the transition from correctional facilities to locally operated programs as well as the transition from locally operated programs to correctional facilities). DDOE must include a plan for assisting in the transition of children and youth from locally operated programs to correctional facilities.
Title II, Part A: Supporting Effective Instruction	
D.4: Improving the Skills of Educators	DDOE describes 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, DDOE did not address all required student subgroups. Specifically, DDOE must describe how the SEA 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 English learners and students who are gifted and talented.
D.5: Data and Consultation	• DDOE must describe how it will use 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. • DDOE describes how it will use data and ongoing consultation to continually update and improve activities related to ensuring equitable access to effective educators. DDOE must describe how it will use data and ongoing consultation to continually update and improve all activities supported under Title II, Part A not just activities related to ensuring equitable access to effective educators.
Title IV, Part A: Student Support and Academic Enrichment Grants	
F.1: Awarding Subgrants	• DDOE indicates that it would comply with ESEA section 4105(a)(2); however the methodology it described may not result in the statutorily required outcome. DDOE must revise its State plan to clarify the steps it will take to comply with ESEA section 4105(a)(2), and the Department is available to provide technical assistance. • Note: The Consolidated Appropriations Act, 2017 (Pub. L 115-31) provides States with a new option of awarding the Title IV, Part A subgrants to LEAs competitively. Please consider whether DDOE wishes to revise this response in light of this new flexibility.
Title IV, Part B: 21st Century Community Learning Centers	
G.2: Awarding Subgrants	DDOE describes several selection criteria and priorities it will include in its local subgrant competition and states that independent reviewers will use a rubric to score the applications, but does not describe the procedures it will use to ensure that community learning centers will help participating students meet challenging State and local academic standards. Therefore, DDOE must provide more detailed information about: 1) how DDOE will ensure that proposed community learning centers will target their activities to students' academic needs; and 2) how DDOE will implement a rigorous peer review process.
Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B	
I.3: Support for School Personnel	The State plan describes programs for LEA and school personnel to heighten the awareness of the specific needs of homeless children and youth. It is not clear that these activities include heightening the awareness of school personnel of the specific needs of runaway and homeless children and youth. DDOE must revise the State plan to clarify that the awareness programs for school personnel include heightening the awareness of such school personnel of the specific needs of runaway and homeless children and youth.
I.4.i: Access to Services	The State plan indicates that element i. of the I.4 requirement will be addressed through training, technical assistance, collaboration (including collaboration with Early Childhood and Head Start programs), and monitoring. Without further information about the training, technical assistance,

	collaboration, and monitoring activities (e.g., the audience and topics for the training and technical assistance, the purpose of the collaboration(s), and the monitoring indicators), it is not clear how these activities will ensure that homeless children have access to public preschool programs in the State. DDOE must revise its State plan to clarify how the planned collaboration, including the collaboration with Early Childhood and Head Start programs, will ensure that homeless children have access to public preschool programs in the State and provide information about the training, technical assistance, and monitoring activities, including how these activities will ensure that homeless children have access to public preschool programs in the State.
I.4.ii: Access to Services	The State plan indicates that element ii. of the I.4 requirement will be addressed through training, technical assistance, collaboration, and monitoring, and states that a "liaison committee will draft a sample LEA policy for awarding credit to prior coursework." Without further information about the LEA policy, as well as the training, technical assistance, collaboration, and monitoring activities, it is not clear how these activities will ensure that homeless youth and youth separated from public schools are identified and afforded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youth from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. DDOE must revise its State plan to clarify how the sample LEA policy, as well as the training, technical assistance, collaboration, and monitoring activities, will 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.4.iii: Access to Services	The State plan indicates that element iii. of the I.4 requirement will be addressed through training, technical assistance, collaboration, and monitoring. Without further information about the training, technical assistance, collaboration, and monitoring activities, it is not clear how these activities will ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, or specifically address activities such as magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs. DDOE must revise its State plan to clarify how the training, technical assistance, collaboration, and monitoring activities will ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing in 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.5: Strategies to Address Other Problems	While the State plan provides a strategy for addressing uniform or dress code requirements, the plan does not provide strategies to address problems resulting from enrollment delays that are caused by requirements of immunization and other required health records; residency requirements; lack of birth certificates, school records, or other documentation; and guardianship issues. DDOE must revise its State plan to provide strategies to address other problems from enrollment delays that are caused by requirements of immunization and other required health records; residency requirements; lack of birth certificates, school records, or other documentation; and guardianship issues.
I.6: Policies to Remove Barriers	The State plan does not indicate if the SEA and LEAs in the State have developed policies to remove barriers to the identification of homeless children and youth, and the enrollment and retention of homeless children and youth. In addition, while the plan indicates that policy review and revision will be addressed with training, technical assistance, collaboration, and monitoring, without further information about the training, technical assistance, collaboration, and monitoring activities, it is not clear how the policies will be reviewed and revised. DDOE must revise its State plan to demonstrate that the SEA and LEAs in the State have developed policies 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 to enrollment and retention due to outstanding fees or fines, or absences. In addition, DDOE must revise its State plan to clarify how the training, technical assistance, collaboration, and monitoring activities will be used to review and revise the policies.
General Education Provisions Act (GEPA)	
GEPA 427	DDOE must provide a description of the steps it will take to ensure equitable access to, and participation in, the programs included in its State plan for students, teachers and program beneficiaries with special needs consistent with the requirements in section 427 of the General Education Provisions Act.