



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 15, 2019

The Honorable Pender Makin  
Commissioner of Education  
Maine Department of Education  
111 Sewall Street  
Augusta, Maine 04330

Dear Commissioner Makin:

I am writing regarding the Maine Department of Education's (MDE's) implementation of its consolidated State plan under the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA). This letter supersedes an earlier letter I sent on September 24, 2019; it covers the same material but updates the date by which MDE must submit evidence that it has identified CSI and ATSI schools.

Amendments

First, I am responding to MDE's request to the U.S. Department of Education (Department) on December 14, 2018 to amend its approved consolidated State plan. Based on feedback from the Department to ensure MDE's proposed amendments meet all ESEA requirements, MDE submitted multiple versions of its amendment request between December 14, 2018, and August 28, 2019.

Based on its most recent submission, I have determined that MDE's amended request meets the requirements in the ESEA for the 2019-2020 and future school years. For this reason, I am approving MDE's amended consolidated State plan. A summary of the amendments to MDE's consolidated State plan is enclosed. This letter, as well as MDE's revised ESEA consolidated State plan, will be posted on the Department's website. Any further requests to amend MDE's ESEA consolidated State plan must be submitted to the Department for review and approval.

In its State plan approval letter on August 30, 2017, the Department required MDE to describe how low-income and minority children enrolled in schools assisted with Title I, Part A funds are not served at disproportionate rates by ineffective teachers. MDE has not yet provided the requisite description. Therefore, the Department is continuing the condition on the State's FY 2019 Title I, Part A grant award and now requiring MDE to provide this information no later than December 15, 2019. If the information is not provided by that date, the Department may consider taking further enforcement action against MDE.

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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 be aware that approval of this amendment to MDE’s consolidated State plan is not a determination that all the information and data included in the amended State plan comply with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act. It is MDE’s responsibility to comply with these civil rights requirements.

#### School Identification

MDE did not implement, for the 2018-2019 school year, its system of annual meaningful differentiation, as described in its consolidated State plan that was approved on August 31, 2017. Specifically, MDE did not identify schools for comprehensive support and improvement (CSI) and additional targeted support and improvement (ATSI) by the beginning of the 2018-2019 school year, as required. (ESEA sections 1111(c)(4)(C)-(D), 1111(d)(2)(C)-(D), Dear Colleague letter dated April 10, 2017, available at: [www2.ed.gov/policy/elsec/leg/essa/dcltr410207.pdf](http://www2.ed.gov/policy/elsec/leg/essa/dcltr410207.pdf)) Because MDE did not implement its system of annual meaningful differentiation and identify schools for the 2018-2019 school year, pursuant to the authority in 2 C.F.R. §§ 200.207 and 3474.10, I am placing MDE’s fiscal year 2019 Title I, Part A grant award on “high-risk” status.

In order to remove the high-risk status for Title I, Part A, MDE must provide evidence that it identified CSI and ATSI schools consistent with ESEA sections 1111(c) and 1111(d) and the State’s approved consolidated State plan as soon as possible, but no later than November 30, 2019, using the most recently available data (i.e., from either the 2017-2018 or the 2018-2019 school year).

If MDE fails to meet these requirements, the Department may take additional enforcement action, including withholding a portion of the State’s Title I, Part A administrative funds, consistent with section 1111(a)(7) of the ESEA.

MDE may request reconsideration of its “high-risk” designation for Title I, Part A by submitting to me in writing, no later than 10 business days from the date of this letter, a detailed description setting forth the basis for its belief that this designation is improper, including the specific facts that support its position. If MDE chooses to request such reconsideration, that request must be submitted via e-mail to: [OESE.titlei-a@ed.gov](mailto:OESE.titlei-a@ed.gov). If I do not receive a request for reconsideration within 10 business days, MDE’s “high-risk” status for Title I, Part A will be considered final, and will be lifted only upon evidence of its completion of the actions set forth above.

Please note that MDE is required to identify schools for CSI on a timeline no longer than three years from the beginning of the 2018-2019 school year, when identification was first required. As a result, MDE must identify CSI schools again no later than the beginning of the 2021-2022 school year.

#### School Support and Improvement

In addition, because MDE did not require that supports or interventions be provided to identified schools in the 2018-2019 school year, I am placing a condition on MDE’s Title I, Part A grant. In order to remove the condition, MDE must provide evidence, by no later than March 1, 2020, that all CSI and ATSI schools in the State are implementing support and improvement plans

consistent with the requirements in ESEA section 1111(d) (e.g., including needs assessments, evidence-based interventions, and resource inequity reviews) in the 2019-2020 school year (i.e., schools identified for the 2019-2020 school year are not permitted to have a planning year).

If you have any questions regarding this letter, or the implementation of MDE’s Title I, Part A program, please contact my staff at: [OESE.titlei-a@ed.gov](mailto:OESE.titlei-a@ed.gov).

Finally, thank you for your commitment and continued focus on enhancing education for all of Maine’s students.

Sincerely,

/s/

Frank T. Brogan  
Assistant Secretary  
Elementary and Secondary Education

Enclosure

cc: Janette Kirk, Chief of Learning Systems, Office of Learning Systems

### **Amendment to the Maine’s Consolidated State Plan**

The following is a summary of Maine’s amendment request. Please refer to the U.S. Department of Education’s website <https://www2.ed.gov/admins/lead/account/stateplan17/map/me.html> for Maine’s complete consolidated State plan. The following amendments are aligned with the statute and regulations:

#### **Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)**

- *Academic Achievement Long Term Goals*  
MDE revised its long-term goals and measurements of interim progress (MIPs) for academic achievement. The prior goals decreased by 50 percent the gap in the percentage of students scoring proficient or above between the baseline data and 90 percent by 2030. The new goal is to decrease that gap by 20 percent between the baseline data and 90 percent by 2030 for all students and most student groups and by 40 percent for economically disadvantaged students, children with disabilities and English learners (ELs).
- *Graduation Rate Long Term Goals*  
MDE updated the language in its plan to clarify that its long-term goals for graduation rates for any subgroup that exceeds the State’s long-term goal of 90 percent must increase its graduation rate over its baseline data.
- *English Language Proficiency Long Term Goals*  
MDE revised its progress in achieving English language proficiency (ELP) long-term goal of 85.9 to 81.18 percent of English learners reaching at least 80 percent of their annual growth target by 2030 and revised its MIPs based on this goal. MDE revised its timeline for English learners to achieve ELP, such that English learners are expected to reach English language proficiency in no more than six years (within a range of 3-6 years), depending on their initial levels of proficiency. In addition, MDE also revised how it calculates each English learner’s annual target for progress in achieving ELP according to his/her initial level of proficiency and the number of years within which he/she is expected to exit English learner status. Finally, MDE revised its definition of English language proficiency from a score of 5.0 to a score of 4.5 based on the WIDA ACCESS 2.0.
- *Academic Achievement Indicator*  
MDE revised its Academic Achievement indicator from a combined measure of student proficiency in reading/language arts and mathematics to two separate measures for the indicator, specifically a measure of student proficiency in reading/language arts and a measure of student proficiency in mathematics.
- *Other Academic Indicator*  
MDE revised its Other Academic indicator for elementary and secondary schools that are not high schools to use a value table/performance index approach to measure individual

student growth. A student group in a school will have met its target if the average progress score based on MDE’s Academic Progress Transition Table is 100 or greater.

- *Graduation Rate Indicator*  
MDE revised its graduation rate indicator. Rather than calculate a combined graduation rate including the four-, five-, and six-year rates, MDE will calculate the four-year rate separate from the five- and six-year rates, with the extended-year rate for a school calculated as the weighted average of the five- and six-year graduation rates.
- *Progress in Achieving ELP Indicator*  
MDE made a revision to the ELP growth index scores it assigns to English learners for purposes of calculating its Progress in Achieving ELP indicator, specifically reducing the maximum obtainable growth index score for a student from 1.4 to 1.2.
- *AMD/ Weighting*  
MDE replaced its previously approved system of annual meaningful differentiation with a new approach that defines school performance levels for each indicator and applies a set of business rules based on all indicators and includes the performance of all students and subgroups to identify schools for comprehensive support and improvement (CSI), targeted support and improvement based on having one or more consistently underperforming subgroups (TSI), and additional targeted support and improvement (ATSI).
- *Alternate Methodology*  
MDE revised its plan to specify that, corresponding to its revised methodologies for school identification, newly opened schools will not be identified for CSI or ATSI until three years of data are available and that schools will not be identified for TSI until four years of data are available.
- *CSI-Lowest 5%*  
MDE revised its plan to base school identification for CSI-lowest 5 percent on the performance of each subgroup, as well as the all students group.
- *CSI-ATSI schools that do not meet Exit Criteria*  
MDE revised its timeline for identifying for CSI any ATSI school that does not meet the ATSI exit criteria; MDE will now identify those schools after three years of being an ATSI school (rather than four years).
- *TSI-Consistently Underperforming Subgroups*  
MDE revised its methodology for identifying a school for TSI based on having one or more consistently underperforming subgroups. Specifically, MDE will identify a school for TSI when a subgroup in the school (considering each individual student group, including the all student group) performs at the “emerging” level for three years within any given indicator (except if the only indicator on which the subgroup is emerging is chronic absenteeism).

- *Additional Targeted Support and Improvement (ATSI) Schools*  
MDE revised its methodology for identifying a school for ATSI to align with its revised methodology for identifying schools for CSI so that a school will be identified if a subgroup of students performs at the “emerging” level across all indicators. MDE will identify ATSI schools from among TSI schools (i.e., schools with consistently underperforming subgroups) every six years.
- *CSI Exit Criteria*  
MDE added an additional criterion to its exit criteria that at least one student group must not be “emerging” across all indicators at the next identification cycle. MDE also added that a school must meet its exit criteria for two consecutive years during the four years following its identification in order to exit.
- *ATSI Exit Criteria*  
MDE revised its ATSI exit criteria to require that the performance of the student group(s) on which the school was identified for ATSI not be “emerging” across all indicators over a three-year period.
- *Disproportionate Rate of Access to Educators*  
MDE revised its definitions of an out-of-field teacher and unqualified teacher and added to its description of how low-income and minority children enrolled in schools assisted with Title I, Part A funds are not served at disproportionate rates by out-of-field or inexperienced teachers. MDE added detail about reporting data regarding disproportionate rates of student access to educators and supporting instructional leadership in school, as well as teacher effectiveness and teacher quality.

### **Title I, Part C: Education of Migratory Children**

- *Supporting Needs of Migratory Children*
  - Maine specified that differentiated plans and activities to meet individual student needs will be designed annually and updated as needed.
  - Maine added specific locations and the frequency with which parent advisory council (PAC) meetings occur.
  - Maine added an example of a priority concern from the recently completed service delivery plan and added examples of services provided to migratory children.
  - Maine added more detail to its description of joint planning and integration of services, noting community partnerships and meetings with specific organizations and a consortium of local agencies. The State also revised its description of how the Migrant Education Program (MEP) engages in joint planning within the SEA, including with Title III, Part A.
  - Maine added a list of six measurable program objectives and outcomes (MPOs) from the comprehensive needs assessment and service delivery plan completed in 2017 and clarified that a separate list of measures are the State’s performance targets for migratory children.

- Promote Coordination of Services  
Maine added examples of interstate coordination through two MEP consortium incentive grants (CIGs).
- Use of Funds  
Maine provided an updated version of the MEP priority for services (PFS) form for 2018-19.

### **Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk**

- Program Objectives and Outcomes  
ME amended its State plan by changing proficiency - based projects to standards-based learning opportunities as a performance measure to assist in the students' readiness to transition to local schools, postsecondary education, or employment as a performance measure for Title I, Part D.

### **Title II, Part A: Supporting Effective Instruction**

- Title II, Part A  
MDE clarified and updated its plan for the Title II, Part A program. For example, MDE updated its plan to reflect final legislation that had not been approved at the time of original State plan approval and updated its list of activities to support educators.

### **McKinney-Vento Homeless Education Program**

- Dispute Resolution  
ME amended its State plan by stating that the SEA revised Maine rules on the education of homeless children and youth, to ensure that disputes regarding the placement of homeless children and youths are promptly resolved. The proposed language related to this revision was removed from ME's plan to reflect this change.