



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 12, 2022

The Honorable Matt Blomstedt
Commissioner of Education
Nebraska Department of Education
301 Centennial Mall South
Lincoln, NE 68509-4987

Dear Commissioner Blomstedt:

I am writing in response to Nebraska's request on April 12, 2022, to the U.S. Department of Education (Department) to amend its approved consolidated State plan under the Elementary and Secondary Education Act of 1965 (ESEA), using the COVID-19 State Plan Addendum (Addendum). Nebraska requested these amendments to account for short-term changes to its system of annual meaningful differentiation for school year (SY) 2021-2022 due to extraordinary circumstances related to the COVID-19 pandemic and in response to the waivers the Department granted Nebraska from the accountability requirements of the ESEA for the 2019-2020 and 2020-2021 school years and the assessment requirements for the 2019-2020 school year.

Specifically, Nebraska requested the amendments to:

- Shift forward long-term goals for academic achievement, graduation rate, and progress in achieving English language proficiency by two years.
- For its Academic Achievement and Other Academic indicators, omit one measure of student growth (Improvement) and change its methodology for another measure of student growth (Non-Proficiency) to only use two years of data rather than three.
- For its School Quality or Student Success indicators, omit two indicators (Evidence-Based Analysis (EBA) and Science Proficiency and Science Improvement) and change its methodology for its Chronic Absenteeism indicator to use an absolute measure of chronic absenteeism rather than measuring reduction from the prior year.
- Identify schools for comprehensive and additional targeted support and improvement again in fall 2023 after identifying schools in fall 2022.
- Remove language indicating that a school implementing a targeted support and improvement plan that fails to meet the State's exit criteria would be identified for comprehensive support and improvement.
- Change its methodology for identifying schools for additional targeted support and improvement, to be consistent with statutory requirements, to use the highest score, rather than the average score, on each indicator of schools that were identified for comprehensive support and improvement based on low performance.
- Not count the 2019-2020 school year towards the number of years in which a school must meet the criteria in order to exit comprehensive or additional targeted support and improvement status.
- Modify its exit criteria for schools identified for comprehensive support and improvement such that schools identified based on low performance must not be in the lowest 10 percent, rather

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than the lowest 25 percent, of Title I schools for its Academic Achievement, Progress in Achieving English Language Proficiency, and Non-Proficiency (for high schools only) indicators in order to exit such status.

- Require for exit criteria for schools identified for comprehensive support and improvement based on low graduation rate that a school must have a graduation rate above 67 percent and have two consecutive years of graduation rate improvement in order to exit such status.
- For exit criteria for schools identified for additional targeted support and improvement, retain the requirement that the subgroup that led to the school’s identification demonstrate growth and require that a school must not be identified for additional targeted support and improvement for one year, rather than two consecutive years, in order to exit such status.
- Increase the number of years schools identified for comprehensive and additional targeted support and improvement in fall 2022 have to meet the exit criteria to four years (before a school identified for comprehensive support and improvement must take a more-rigorous action and a school identified for additional targeted support and improvement is identified for comprehensive support and improvement) and allow schools to annually exit status each year if it meets the State’s exit criteria.

I am approving Nebraska’s short-term changes to its ESEA consolidated State plan. This letter and Nebraska’s approved Addendum for SY 2021-2022 will be posted on the Department’s website along with the currently approved version of Nebraska’s ESEA consolidated State plan (available at: <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-consolidated-state-plans/>). Because I am approving changes through the Addendum that are not limited to SY 2021-2022 (e.g., shifted long-term goals, modified school identification timeline, modified exit criteria), the State must submit an updated ESEA consolidated State plan that incorporates those approved changes at a later date.

Please be aware that approval of this amendment to Nebraska’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 Nebraska’s responsibility to comply with these civil rights requirements.

I know that you are doing all in your power to support your districts and schools to ensure the health and well-being of students and educators. Thank you for your dedication to this effort. If you have any questions, please contact my staff at OESE.TitleI-a@ed.gov.

Sincerely,

/s/

James F. Lane, Ed. D.
Senior Advisor, Office of the Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Beth Wooster, NDE; Lane Carr, NDE; Shirley Vargas, NDE