

Standards, Assessments, and Accountability System Negotiated Rulemaking Committee
Meeting #2
Completed Action Items V5

Task	Status
BIE and / or Legal Advisor	
1. Check with ED if BIE is eligible for innovative assessments pilot.	Forthcoming - Jeff
2. How will a tribal civics standard impact graduation requirements under other existing regulations? And issuance of diplomas under a BIE system. What is the impact for students seeking post-secondary access? (Possible link to regulations?) SAAS regs need to be consistent with 25 CFR 36.32	See page 3
3. How are computer adaptive tests implemented? And testing outside the grade level, specifically under grade level. (written response)	See page 4
4. Share information on how States address exceeding the 1% cap on students with disabilities. (written response)	See page 8
5. What does the term 'relevant' mean in: With relevant career and technical education standards, where do those come from? <i>Many states have adopted relevant career and technical standards. The word relevant is important in determining what that means for schools.</i> See page 10 second bullet of meeting 1 summary.	See page 10
6. What is the timeline for states to develop state plans? (written response)	See page 12
7. Provide Extension Letter to Navajo Nation accountability workbook waiver.	See page 14
8. Provide set-aside amounts for states and BIE under Title I A (1.5%).	See page 17
9. Identify the other subgroups in BIE funded schools.	Research underway in BIE.
10. Create a chart like the AZ N slide analysis for BIE schools (possible presentation). BIE has to run the demographic.	Forthcoming – BIE/West Ed
11. If a state requests a waiver how long does that process take for ED approval?	See page 28
12. Webinar with Accountability Subcommittee to cross-walk state plans AK, IN, xx to see how	Access recording at:

they identify indicators etc. in accountability systems.	https://doilearn2.webex.com/doilearn2/ldr.php?RCID=29da570295618e2fcac46137770887e0
13. Evaluate how section 1111 paragraph b2(k) Rule of Construction on Parental Rights, applies to BIE funded schools.	See assessments language forthcoming Nov 29.
14. Clarify how Technical Assistance for Waivers is resourced.	Forthcoming from Jeff
15. AdvancED requirements – what issues are BIE funded schools facing with these requirements?	Forthcoming from Jim
16. Data for creating long term goals. How is BIE/DOI doing this?	BIE is engaging leadership on this task.
Action Item from Meeting #1	
7. Provide State plans that use portfolios	See page 29
Committee Members	
1. Contact Directors of Indian Education from states regarding standards. (Rick)	To be confirmed.
2. What are the common standards, assessments used among the states. (Mike)	See email from Sarah sent 11/28/18

Task 2: How might a tribal civics standard impact graduation requirements under other existing regulations?

Bureau of Indian Affairs, Interior 25 CFR § 36.32

§ 36.32 Standard XII—Graduation requirements for a high school diploma.

Graduation requirements contained under this section shall be applied beginning with the graduating class of the 1987–88 school year.

(a) Satisfactory completion of a minimum number of units shall be the measure for the issuance of a high school diploma.

(b) To graduate, a student shall earn 20 units in a four year high school program unless the state in which the school is located exceeds these requirements, in which case the state's requirements shall apply; fifteen (15) units shall be required as follows:

- (1) Language arts—four (4) units.
- (2) Mathematics—three (3) units.
- (3) Social studies—three (3) units.
 - (i) One (1) unit in United States history;
 - (ii) One-half ($\frac{1}{2}$) unit in civics/government;
 - (iii) One-half ($\frac{1}{2}$) unit in tribal history/government;
 - (iv) One-half ($\frac{1}{2}$) unit in Indian studies; and
 - (v) One-half ($\frac{1}{2}$) unit in any other social studies;
- (4) Science—two (2) units.
 - (i) One (1) unit in the general science area.
 - (ii) One (1) unit in laboratory science areas, i.e., chemistry, physics, biology, zoology, laboratory anatomy.

(5) Physical education—one (1) unit.

(6) Practical arts—one (1) unit. Credit in any vocational course may also be used to satisfy this required unit.

(7) Fine arts—one (1) unit. Music, art, dance, drama, theatre, and other fine arts courses may be used to satisfy this required unit. These are minimum requirements; local schools may establish academic or vocational requirements beyond those prescribed by these standards.

(c) A school with an average enrollment of fewer than 75 students may offer subjects in alternate years. If schools use this pattern, alternating pairs of subjects shall be listed and approved by the Agency Superintendent for Education or Area Education Programs Administrator, as appropriate.

(d) Credits earned through approved correspondence or extension study may be accepted if such credits are from schools approved or accredited by the state in which they are located or by a college or university which is regionally accredited for such purposes.

(e) Students who successfully complete the requirements of the High School Proficiency Examination in the State in which the school is located shall receive an endorsement so stating on their diplomas.

Task 3. How are computer adaptive tests implemented? And testing outside the grade level, specifically under grade level.

Center on Standards & Assessment Implementation

Implementation of Computer Adaptive Assessments

What is a Computer Adaptive Assessment?

Computerized adaptive testing (CAT), which was first developed four decades ago (Weiss & Betz, 1973; Weiss & Kingsbury, 1984), begins with a large pool of questions and then selects individual questions for test takers, depending on their responses as they go along. As the test taker answers questions correctly, the questions become more difficult. As the test taker does less well, the questions become less difficult. Computerized adaptive tests require the following components: a pool of questions to draw from, calibrated to a common measurement scale; a mechanism to select questions on the basis of the student's responses; a process to score the student's responses; a process to terminate the test; and reports that relate scores to the student's instructional needs.

Limitations

Even with the increased sophistication of today's adaptive testing programs, there are some limitations.

- The primary limitation to CATs is ensuring that schools have the network infrastructure to successfully implement a web-based adaptive testing model. A related issue is providing the devices to take an adaptive test, such as laptops or tablets.
- Students cannot skip questions or perform a posttest review. Conventional tests allow a student to return to a question later after completing other items while CAT requires the test questions to be answered as they appear.
- Item bank size limits application of CAT. The number of test questions required to cover all the skills taught in school over a range of difficulty renders CAT a method limited to entities with substantial resources. A large effort is required to maintain a CAT item bank and keep the item content fresh and up-to-date as well as secure.

Benefits

In a computer-based fixed-form test, students will complete a fixed number of test questions. Each student may or may not see the same questions and the item order can be randomized to discourage cheating. These computer-based tests share some benefits with CAT including immediate scoring and paper resource savings. Adaptive testing offers additional benefits compared to the computer-based fixed-form test. The following four elements of a CAT provide context to the discussion of the advantages of CAT over other testing methods.

- Item selection that adapts to performance. With a CAT, it is possible to select new items using feedback from previous responses. This means that the CAT will become easier if the student is struggling and more difficult if the student is performing well.
- Improved efficiency. Adaptive testing makes it possible to administer questions near a student's ability level and provides more information about student performance. This improves the precision of measurement and reduces the number of questions a student must answer. Students need less time in front of computer to complete the test and teachers have more time for instruction. The end result is a test that is both shorter and more accurate than a standard conventional test.
- Test security and item bank maintenance. The matching of items to students results in different item content being seen by different students and reduces the risk of cheating in the classroom. The reduced

test length for CAT also reduces item exposure and the risk of students being coached on frequently seen items.

- Results delivered immediately. Another advantage of computer-based testing is the immediate calculation of ability level and feedback for both students and teachers. Additionally, when CAT is used for formative assessment, a student's past performance can be used as the starting point for subsequent exams to measure growth and target instruction to areas of weakness.

Adaptive Assessments in Practice

At Mountain View Middle School in Rio Rancho, New Mexico, educators shape teaching strategies classroom by classroom and student by student using data from the adaptive assessments. Both the school's curriculum and its adaptive assessment are aligned to existing New Mexico state standards. Mountain View teachers use a team-based, collaborative approach to instruction. Each instructional team includes four core subject teachers and one special education instructor, and computerized adaptive assessment data, along with information from other assessments, play an integral role in their decision making. School administrators have built time into the school's schedule to enable teachers to examine student data and collaboratively build responsive instructional strategies. The teachers group students in similar or intentionally mixed-level groupings for appropriate interventions. Teachers look at the strands within the test to see where students are performing the best and the worst comparatively, which helps with instructional design. Mountain View educators have also used the data from adaptive assessments to encourage students to take greater ownership of their learning. An understanding of the test data is part of the vocabulary of students, teachers, and even parents. Students know their scores—and they also quickly grasp the mechanics of an adaptive test.

When Delaware switched to computer-adaptive testing for its state assessments in 2009, officials found the results were available more quickly, the amount of time students spent taking tests decreased, and the tests provided more reliable information about what students knew—especially those at the very low and high ends of the spectrum. But the path to launching those tests involved a significant education of students, parents, and teachers, a sizeable technology investment by the state, and the development of hundreds of test items for every exam. Adaptive tests operate from a large test-item bank. For example, for a 40-question test, an adaptive test bank might contain 800 items. But in the field, implementation of computer-adaptive tests can pose problems. Much like the PARCC tests, the Smarter Balanced tests will be given online, and that means schools will have to have enough devices and bandwidth. Delaware had to allocate funds to buy additional servers for districts and the state distributed 10,000 netbooks to get schools ready; the state also had to redesign training for teachers who were going to be test administrators. Districts are raising concern about lengthy testing windows tapping out their bandwidth for long periods of time and having enough devices with the right specifications to run the test.

Policy Questions to Consider

- Will BIE schools have the technological infrastructure to support online, computer-adaptive tests?
- Will the cost of the new assessments exceed current expenditures? If so, how will the BIE pay for the new assessments?
- Will BIE schools use both summative and formative assessments?
- How will data be used to inform instruction and policymaking?
- How will new teachers, principals and administrators be trained?
- How will experienced teachers, principals and administrators be trained?
- How will the assessments affect compliance with ESSA accountability provisions?

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Out-of-Grade-Level Testing

Overview

Out-of-level testing refers to the practice of assessing a student with a test that is intended for students at a higher or lower grade level. Although the appropriateness of out-of-level testing for accountability purposes has been questioned by educators and policymakers, incorporating out-of-level items in formative assessments for accurate feedback is recommended. Studies have shown that administration of out-of-level items improved measurement accuracy and test efficiency for students who perform significantly above or below their grade-level peers. These studies have direct implications with regards to the relevance, applicability, and benefits of using out-of-level items in CAT.

Standards-Based

The goal of a standards-based, computer-adaptive test is to enact a complex blueprint that ensures breadth of coverage of the state's content standards, as well as the depth of knowledge of those standards as also defined in the standards. Within the constraint of matching the blueprint, items are selected to maximize test information at the student's estimated ability level. The difficulty of the test will adjust to each student's skills, providing a better measure of what the student knows and can do. Adaptive tests measure the same content for all students on the basis of the test blueprint.

Concerns

Figuring out an effective, equitable way to implement the exams' adaptive functions is a challenge. States need to be very careful about the use of out-of-grade level items for students who are struggling. If they are used, they should be limited. While this approach doesn't take as much advantage of the effectiveness of computer-adaptive testing as possible, it does adhere to the value that all students are assessed according to content standards.

FAQs

- Do students encounter test items that go beyond the standards or are not grade-appropriate?
 - A standards-based CAT follows the test blueprint. The blueprint determines whether administration of off-grade items is allowed. Typically, students will receive only items for their tested grade.
- Are adaptive tests are longer?
 - A CAT follows the test blueprint, which specifies the number of items to administer. Test blueprints will satisfy constraints on testing time delineated by each state.
- What if students deliberately answer items incorrectly, ensuring a test administration of easy items, and then go back and provide a correct response to all of the items in order to elevate their score?
 - The student will actually get a lower score. Overall test score is determined by difficulty of the items to which the student responded correctly and incorrectly. If the student changes responses to be correct, the items are still too easy to support a high test score
- If we are measuring ability to achieve specific benchmarks, why is there a difference in difficulty attached to the items that are given to some students and not others?

- The adaptive system selects items for each student that most accurately align with his or her performance on the test to that point. In general, students who are doing well on the test will see more difficult items, and students who are struggling will see easier items. Regardless of the difficulty of the items, all students are tested on the breadth of the grade-level content, and all students get an opportunity to demonstrate their higher-order thinking skills.
- How is a student's achievement measured from one test to another if there is also the factor of difference in difficulty of items given to students at different times?
 - Each item has a measured difficulty, so the items can be arranged along a scale. Student scores lie along that same scale. Imagine two students, one getting difficult items and the other receiving easier items. Suppose they both get half of their items correct. The student with the more difficult items will get a higher score. This is made possible through a statistical process known as equating, and it is used on virtually all contemporary tests.

Task 4. Share information on how States address exceeding the 1% cap on students with disabilities.

Center on Standards & Assessment Implementation

1% Assessment Participation Cap on Students With Significant Disabilities

Background

The Every Student Succeeds Act (ESSA) contains a requirement of a 1% cap on the participation of students with the most significant cognitive disabilities in the alternate assessment based on alternate academic achievement standards (AA-AAAS). Along with this requirement, there are challenges that states face in raising expectations for students with disabilities.

State Context

Many states are currently taking stock of where their state was in relation to the 1% cap. States also frequently consider their waiver status, and whether they were planning to apply for a waiver this year. States are also considering their initial approach to implementation, which included but were not limited to:

- focusing efforts on relatively larger districts with higher than average participation rates
- initiating stakeholder engagement on the policy
- reviewing IEP decision-making processes and guidelines
- increased communication about existing IEP decision-making processes and guidelines
- reviewing state- and district-level data
- increasing monitoring activities, including data validation monitoring and file reviews
- increasing levels of technical assistance and/or training to districts
- creating or reviewing the state definition
- updating district justification documents
- creating informational materials aimed at improving assessment participation (e.g., district best practices documents, benefits of assessment)

States also consider their pre-existing conditions that impact their ability to address the 1% cap, including being a state with high opt-out rates for assessments or a state with a legislatively imposed opt-out option, having a large number of small school districts, a lack of state education agency capacity, and a lack of existing infrastructure to work with or communicate directly with districts. Finally, states consider the importance of presenting all of this effort through a lens of instruction and learning (rather than assessment), with a focus on helping teachers improve student outcomes.

Critical Implementation Elements of a 1% Cap

The purpose of this session was to provide background information and a state perspective on three critical implementation elements that formed the structure of the 1% Convening. The three critical implementation elements in work with districts are:

- Ensuring IEP teams identify students with the most significant cognitive disabilities
- Examining data
- District oversight and monitoring.

FAQs

1. Should the denominator for calculating the alternate assessment participation be the number of eligible students or the number of tested students? How many decimal points do we need to report?
 - The denominator is the number of assessed students.
 - The cap is 1.0 percent, so one decimal point.
2. Please talk about the consequences if a State exceeds the 1 percent cap and does not receive a waiver?
 - USED will work with states (partnership, support, flexibility), there are a range of enforcement actions, including a grant condition, requiring corrective action, high risk status, and possibly escalating to withholding funds. USED recognizes that each State has unique circumstances and would likely start out any enforcement action by having a conversation with your State.
3. Does the U.S. Department of Education plan to produce any additional guidance....?
 - USED will continue to work with our OSEP- and OESE-funded TA Centers to continue the great work they are doing based on the needs that you identify coming out of this convening.
4. Is it required that a State publicly post its 1% cap waiver request or extension?
 - Yes. All waiver requests under 8401 require that a State go through its public comment process.
5. Is it required that States post a list of LEAs exceeding the 1% cap?
 - States are required to make publicly available the information that LEAs submit to the SEA justifying being over 1%. This is described in detail in the regulations at 34 CFR 200.6.
6. If a State exceeds the 1% cap in one subject area, does it need to address the percentages in other subject areas?
 - A State is only required to address the subjects for which it is seeking a waiver.

Task 5. What does the term ‘relevant’ mean in: With relevant career and technical education standards, where do those come from? *Many states have adopted relevant career and technical standards. The word ‘relevant’ is important in determining what that means for schools.*

Center on Standards & Assessment Implementation

Relevant Career and Technical Education (CTE) Standards

What are CTE Standards?

CTE standards can be defined as clearly articulated expectations of what students should know and be able to do at the end of a CTE program or course ([An Analysis of State CTE Standards, National Association of State Directors of Career Technical Education Consortium 2013](#)). Similar to other academic standards, CTE standards may be course specific and are created in conjunction with expert and community stakeholder input and review. What used to be termed vocational education that provided job training and incoherent elective courses, CTE is academically rigorous, coherent, and prepares students for careers. CTE standards must then include opportunities for students to acquire the knowledge and skills that are essential to today’s workplace ([How Career and Technical Education Can Help Students Be College and Career Ready: A Primer, College & Career Readiness & Success Center at American Institutes for Research, March 2013](#)).

What Should Relevant CTE Standards Do?

High quality, relevant CTE standards should be able to engage students in a coherent program of study that ultimately prepares them to enter into a career. Under the federal [Carl D. Perkins Career and Technical Education act of 2006](#), a program of study is a nonduplicative sequence of academic and technical courses that include secondary- and postsecondary-level content and opportunities for high school students to earn postsecondary credit and that culminate in industry-based credentials and/or postsecondary degrees. In order to do this, state CTE program standards should align vertically (if there is a middle school CTE program within the state and/or a postsecondary program), as well as with industry and college- and career- ready standards ([Advance CTE Policy Benchmark Tool](#)). Students engaged in CTE education at the secondary level should continue to be academically prepared to pursue a college education, if that is the route the student chooses to take. Thus, rigorous academic standards can be found embedded within relevant state CTE standards in addition to industry specific criteria.

Importance of Stakeholder Input

Given the unique nature of CTE standards and the changing workplace environment, it is imperative for stakeholders to have the opportunity to provide feedback and updates in a consistent manner to maintain relevance. Standards should be reflective of up-to-date best practices, technologies, and industry needs so students exiting a CTE program are prepared to meet workplace demands. Relevant CTE standards also articulate what students need to know and be able to do in order for students to successfully earn an industry credential or license upon completion of their course of study. The technical skills students must possess are essential for their future ability to establish a career within a particular industry, and standards must reflect the most up to date information in order to maintain relevance. Those individuals who are entrenched within an industry are often able to provide this information to ensure that a state’s CTE standards are germane to industry standards.

Regular and consistent stakeholder input ensures that state CTE standards maintain relevance within the changing economic climate of the state as well. Employability skills, opportunities for engagement with local businesses, and other experiential learning practices embedded within the standards allow for students to be engaged with real-

world situations that lead to workforce readiness skills attainment ([Association for Career and Technical Education \(ACTE\) Issue Brief, March 2008](#) and [What is "Career Ready"?](#)).

Integration of State Initiatives

Relevant CTE standards do not exist within a vacuum. As states often have a number of other important academic and economic initiatives in addition to CTE, the state's CTE standards should work in harmony to achieve the goals set out across these other initiatives, such as academic college- and career-ready standards, STEM education, and/or soft skills. For example, CTE standards may ask students to be able to demonstrate their writing abilities in a content-specific form, or to engage in mathematical problem solving appropriate for the course. Specific states, such as Nebraska and South Dakota, ([CTE on the Frontier: Catalyzing Local Efforts to Improve Program Quality](#)), have also leveraged their schools' use of CTE programs to close critical skill gaps within their rural communities.

Resources

- The [Common Career Technical Core \(CCTC\)](#), a state-led initiative to establish a set of rigorous, high-quality standards for Career Technical Education, has been developed through a multi-step process with input from 42 states, the District of Columbia and Palau. The standards have been informed by state and industry standards and developed by a diverse group of teachers, business and industry experts, administrators and researchers. The CCTC includes a set of standards for each of the 16 Career Clusters and their corresponding Career Pathways that define what students should know and be able to do after completing instruction in a program of study. The CCTC also includes an overarching set of [Career Ready Practices](#) that apply to all programs of study. The Career Ready Practices include 12 statements that address the knowledge, skills and dispositions that are important to becoming career ready.
- ACTE has created a [CTE high-quality program of study framework](#) based upon a deep review of existing program-quality materials, in addition to detailed companion documents, state policy documents and tools. One of the twelve framework elements included in this draft document refers to a standards-aligned and integrated curriculum, which should include the following:
 - The program of study curriculum is developed with employer input to prepare students for both further education and in-demand and emerging careers.
 - The curriculum is based on industry-validated technical standards and competencies.
 - The curriculum is aligned with relevant content and standards for core subjects, such as reading, math and science, including federal, state and/or local standards, as appropriate.
 - The curriculum incorporates employability skill standards that help students succeed in the workplace, such as problem solving, critical thinking, teamwork, communications and workplace etiquette.
 - The curriculum allows for student application of integrated knowledge and skills in authentic scenarios.
 - Program of study standards are publically available and accessible, as appropriate, to students, parents/guardians, partners and the community.
 - The curriculum is reviewed regularly by all relevant stakeholders and revised as necessary to reflect the latest advances in the field, evidence-based program models and evaluations of student performance.

Task 6. *What is the timeline for states to develop state plans?*

Center on Standards & Assessment Implementation

Timeline for Consolidated State Plan Submissions

Background

On March 13, 2017, the Department released a revised template for the consolidated State plan under section 8302 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). The purpose of the consolidated State plan is to provide parents with quality, transparent information about how the ESEA, as amended by the ESSA, will be implemented in their State.

Even though a State Educational Agency (SEA) submits only the required information in its consolidated State plan, a SEA must still meet all ESEA requirements for each included program. For any program not included in a consolidated State plan, the SEA must submit individual program State plans that meet the statutory and regulatory requirements of each respective program.

Timeline

- A SEA may choose to submit its consolidated State plan or individual program State plans by either April 3, 2017, or September 18, 2017. The Department will conduct a peer review following each submission deadline.
- After the Secretary approves a State plan, consistent with ESEA section 1111(a)(6)(B), a SEA may submit a request to amend its plan. In the future, the Department will provide more information on the process for submitting State plan amendments to the Department.

Amendments

- USED issued a “Dear CSSO” letter on November 14th outlining information on the process for submitting amendments to approved ESEA consolidated State plan under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA).
- The U.S. Department of Education (Department) expects that each State will revise and strengthen its consolidated State plan, as appropriate, to better address the educational needs of children in the State.
- Prior to implementing any revisions to its approved consolidated State plan, a State must submit its proposed amendments to the Department for review and approval.
- Consistent with the consolidated assurances each State submitted in June 2017 under ESEA section 8304, prior to submitting any amendment to the Department, a State must consult with the Governor on the amendment, afford a reasonable opportunity for public comment on the amendment, and consider such comments.
- When submitting an amendment to the Department for approval, please submit:
 - A redlined version of the approved consolidated State plan that reflects all proposed changes;
 - A cover letter describing the proposed changes;
 - The signature of the chief State school officer or authorized representative; and
 - A description of how the State provided the public a reasonable opportunity to comment on the plan.
- A State may not implement a change until the amendment has been approved. Therefore, we recommend that a State submit proposed amendments to the Department as much in advance of the State’s desired date of implementation as possible.

- Please submit any amendments related to accountability determinations for the 2019-2020 school year no later than March 1, 2019. Amendments must be submitted by that date in order for the Department to determine whether a requested amendment complies with all applicable statutory and regulatory requirements in time for your State to implement changes to its accountability determinations for the 2019-2020 school year based on data from the 2018-2019 school year.

Task 7. Provide Extension Letter to Navajo Nation accountability workbook waiver

11/26/2018

DEPARTMENT OF THE INTERIOR Mail - FW: DSAP Extension--Granted



Palmer, Sarah <sarah_palmer@ios.doi.gov>

FW: DSAP Extension--Granted

1 message

Hamley, Jeffrey <Jeffrey.Hamley@bie.edu>
To: "Palmer, Sarah" <sarah_palmer@ios.doi.gov>

Tue, Nov 20, 2018 at 2:18 PM

For NRM committee.

Jeffrey Hamley, Ed.D.
Associate Deputy Director
Division of Performance & Accountability
Bureau of Indian Education
U.S. Department of the Interior
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-----Original Message-----

From: Salley, Robert <Robert.Salley@ed.gov>
Sent: Tuesday, November 20, 2018 4:04 PM
To: Tommy Lewis <tommylewis@nndode.org>
Cc: Dearman, Tony <Tony.Dearman@BIE.EDU>; Hamley, Jeffrey <Jeffrey.Hamley@BIE.EDU>; Lesky, Maureen <Maureen.Lesky@BIE.EDU>; Heidi Todacheene <htodacheene@nmo.org>; Darrick Franklin <darrickfranklin@nndode.org>; Kalvin White <kalvinwhite@nndode.org>
Subject: DSAP Extension--Granted

Hi Dr. Lewis-

I hope this note finds you well!

I am reaching out as I wanted to pass along a soft copy of the DSAP extension that we are granting the Navajo Nation for one year, through SY 2018-2019. I hope that you can share this with President Begaye directly. Please note, we will be mailing a hard copy to President Begaye today.

We are working collaboratively with the BIE to arrange technical assistance so that you may draft an ESSA complaint waiver request for consideration for the Secretaries. We will be in touch shortly.

Please let myself, Jeff or Maureen know if you have any questions.

Best,
Robert

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State Support
400 Maryland Ave. SW | Rm. 3E114 | Washington, DC 20202 robert.salley@ed.gov | 202.453.5719

Navajo Nation Extension Waiver- final letter 18-011534.pdf
543K



NOV 20 2018

The Honorable Russell Begaye
President, Navajo Nation
P.O. Box 670
Window Rock, Arizona 86515

Dear President Begaye:

We are writing in response to the Navajo Nation's request that the Secretary of the U.S. Department of the Interior and the Secretary of the U.S. Department of Education (ED) permit the Navajo Nation to have a 1-year extension of its waiver of the Bureau of Indian Education's (BIE) standards, assessments, and accountability requirements so that the Navajo Nation may continue to implement the accountability system detailed in the Diné Accountability Workbook, which we approved on September 20, 2016, for school years (SY) 2015-2016 and 2016-2017, and extended for SY 2017-2018. We are granting the Navajo Nation a 1-year extension to implement through SY 2018-2019.

With this 1-year extension, the Navajo Nation will continue to implement the standards, assessments, and accountability system provisions previously approved in the Accountability Workbook through SY 2018-2019. Our decision to grant this extension is based on the determination that the Navajo Nation's ability to continue implementing its waiver will promote locally tailored strategies to improve educational outcomes for its students, close achievement gaps, and improve instruction. This extension is being granted pursuant to the academic indicator and assessment authority in section 1111(k)(2) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and the orderly transition authority under section 4(b) of the Every Student Succeeds Act (ESSA).

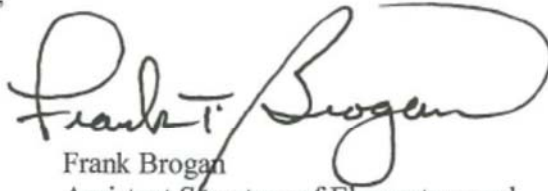
We understand that the Navajo Nation has requested technical assistance from our Departments in accordance with section 8204(c)(3) of the ESEA, so that you may develop a new request for a Department of Diné Education (DODE) accountability system to be implemented in SY 2019-2020 and beyond; note that the system described in a new waiver request submitted under section 8204(c)(2) of the ESEA must be consistent with new accountability provisions in section 1111 of the ESEA. We will be happy to provide technical assistance as you prepare an updated request.

We appreciate our continued relationship with the Navajo Nation and remain committed to working with you. Thank you for your commitment and continued focus on improving academic achievement for all of your students. If you need additional assistance please contact Dr. Maureen Lesky, BIE Program Manager, at Maureen.Lesky@bie.edu or Mr. Robert Sallie, ED Program Officer, at OSS.BIE@ed.gov.

Sincerely,



Tara Sweeney
Assistant Secretary – Indian Affairs
U.S. Department of the Interior



Frank Brogan
Assistant Secretary of Elementary and
Secondary Education
U.S. Department of Education

cc: Tommy Lewis, Superintendent, Navajo Nation Diné Department of Education
Jonathan Hale, Chairman Health, Education, and Human Services Committee

Task 8. Provide set-aside amounts for states and BIE under Title I A (1.5%)

Funding is for BIE apart from TA funding

Section 8204 (b):

(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

BIE “may” use no more than 1.5 percent for admin funds. Further, MOA says that BIE may reserve up to 1.5 for administration.

Current amounts received by BIE for SY 2018-2019. Title I is projected at \$110,283,614 for the year. Should receive the balance this month.

\$ 452,100 RURAL

\$ 1,845,500 STATE ASSESSMENT

\$ 5,472,500 STUDENT SUPPORT ACADEMIC ACHIEVEMENT

\$ 850,000 HOMELESS

\$ 7,756,271 21ST CENTURY

\$ 34,395,375 TITLE 1

\$ 10,227,754 TITLE II

State Funding Information:

11/27/2018

FW: Revised final fiscal year 2018 Title I Allocations - sarah_palmer@ios.doi.gov

Subject: FW: Revised final fiscal year 2018 Title I Allocations



Salley, Robert <Robert.Salley@ed.gov>
to Hamley, Jeffrey, Herrin, Joe

Thu, Sep 27, 6:32 AM

You are viewing an attached message DEPARTMENT OF THE INTERIOR
Mail can't verify the authenticity of attached messages.

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State Support
400 Maryland Ave. SW | Rm. 3E114 | Washington, DC 20202
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From: Stephenson, Todd
Sent: Thursday, September 27, 2018 9:32 AM
To: 'King, GayeLeia'
Cc: Giusti, Alda; Witt, Elizabeth; OESE.OSS.BIE; Salley, Robert
Subject: BIE: Revised final fiscal year 2018 Title I Allocations

Hi GayeLeia,

Revised final fiscal year (FY) 2018 (school year 2018-2019) allocations for the Title I, Part A Grants to LEAs (Title I, Part A) program are attached. These allocations replace the final allocations that the U.S. Department of Education provided on June 6, 2018. (The BIE's FY 2018 Title I, Part A allocation did not change from the June allocations because it is based on a percentage of the total appropriation.)

Please review the information in the attachments carefully. The attachments include a:

1. Memorandum to States that describes the reason for the revised allocations;
2. State table that shows the revised final FY 2018 allocations under each Title I, Part A formula; and
3. Notification to Congress of revised final FY 2018 Title I, Part A allocations that describes how the Title I, Part A formulas operate.

Hard copies of these materials are also being mailed.

Best regards,

Todd Stephenson
Management and Program Analyst
Office of State Support
Office of Elementary and Secondary Education
U.S. Department of Education
Telephone: (202) 205-1645
[On behalf of Patrick Rooney]

3 Attachments





UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
Washington, DC 20202-6132

September 27, 2018

MEMORANDUM TO CHIEF STATE SCHOOL OFFICERS

Subject: Revised Final Fiscal Year (FY) 2018 (School Year (SY) 2018-2019) Allocations for the Title I, Part A Grants to Local Educational Agencies (LEAs) Program Authorized by the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)

The attached documents replace the final FY 2018 allocations that the U.S. Department of Education (ED) provided State educational agencies (SEAs) on June 6, 2018:

1. Revised final FY 2018 SEA and LEA allocations for the \$15.8 billion in Title I, Part A funds provided through Basic Grants, Concentration Grants, Targeted Grants, and Education Finance Incentive Grants (EFIG) that Congress made available under Public Law 115-141, the Consolidated Appropriations Act, 2018.
2. Revised final FY 2018 Title I, Part A, Part C (Migrant Education), and Part D, Subpart 1 (State Agency Neglected and Delinquent program) Title I administrative base allocations that each SEA must use to determine the maximum that it may reserve from these programs for State administration of Title I.
3. A State reservations table based on the revised final allocations that shows the amount of Title I, Part A funds that an SEA must generally reserve for school improvement and the maximum amount that the SEA may reserve for State administration and Direct Student Services.
4. Two examples of applying the school improvement reservation's special rule in FY 2018 (discussed below under the "School Improvement" heading).
5. A notification to Congress that provides more detail about the operation of the Title I, Part A formulas.

Calculation of Allocations

The revised final FY 2018 allocations differ from the final FY 2018 allocations because they incorporate corrections that some SEAs made to their SY 2015-2016 State per-pupil expenditure (SPPE) data, a data element in the Title I, Part A formulas, after July 1, 2018. Decisions and directives from the United States Comptroller General's office require that ED revise allocations set by Federal statutory formula if it determines that those allocations were based on incorrect data. The revised final allocations will be reflected in the October 2018 Title I, Part A awards to SEAs.

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To determine the revised final Title I, Part A allocations, in addition to using the updated SY 2015-2016 SPPE data, ED used the same income year 2016 Census Bureau school district poverty and population estimates (ages 5 to 17) that it used to calculate final FY 2018 allocations. The revised final allocations are also based on the same October 2017 non-Census formula children data on which the final allocations were based.

SEA Adjustments to ED's Allocations

As noted in my memorandums last year on FY 2017 Title I, Part A allocations and this year on final FY 2018 Title I, Part A allocations, ESSA made several changes to the ESEA regarding how an SEA adjusts the ED-determined Title I, Part A LEA allocations to account for differences between ED's list of LEAs and the universe of LEAs within a State and to make State-level reservations. The ESEA now includes specific language requiring an SEA to calculate a hold-harmless amount for each formula that reflects the increased enrollment for a newly opened or significantly expanded charter school LEA, and contains new and revised State-level reservations that affect the final Title I, Part A LEA allocations calculated by an SEA. These changes took effect beginning with FY 2017 Title I, Part A allocations and also apply to FY 2018 Title I, Part A allocations and to those of subsequent years.

Details on these changes, along with within-State allocation provisions that were in the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB), and that continue, such as applying the hold harmless provisions under each formula, are described in ED's November 2016 guidance on fiscal changes in the ESEA (ESEA fiscal changes guidance) [available at:

<https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>]. Please see Section I, "Title I Within-State Allocations." Information on State-level reservations under the ESEA, as amended by the ESSA, follows.

School Improvement: Special Rule that Applies to FY 2018 Allocations and Subsequent Years

Under section 1003(a) of the ESEA, and as described in Step 4a of the ESEA fiscal changes guidance, an SEA must ratably reduce, as applicable, the total Title I, Part A allocation of LEAs, consistent with the special rule described below, to reserve for school improvement activities the greater of:

- Seven percent of the SEA's FY 2018 Title I, Part A award; or
- The sum of the total amount that the SEA reserved for school improvement under section 1003(a) from its FY 2016 Title I, Part A award (generally, four percent of that award) and the amount of the SEA's FY 2016 School Improvement Grant (SIG) allocation under section 1003(g) of the ESEA, as amended by NCLB.

With respect to reserving FY 2018 (and subsequent years) Title I, Part A funds for school improvement, the special rule in section 1003(h) of the ESEA requires an SEA to ensure that no LEA receives less in total under Title I, Part A than it received in the prior year because of the school improvement reservation. This means that an SEA may only reserve funds for school improvement from LEAs that have an increase in their Title I, Part A allocation over the prior year's amount. It is possible that this provision in conjunction with an overall reduction in a State's Title I, Part A allocation may limit the ability of some SEAs to reserve the full amount for school improvement.

To assist your State with determining the amount of this reservation, the enclosed State reservations table, described in #3 on the first page of this memorandum, shows the total amount of FY 2018 Title

Page 3 – Chief State School Officers

I, Part A funds that each SEA must reserve for school improvement based on the revised final FY 2018 allocations if, consistent with section 1003(h), the SEA is able to reserve the full amount. In addition, Attachment 4 (called “Section 1003(h) special rule model”) provides two examples of reserving funds for school improvement and applying the section 1003(h) special rule. In the first example an SEA has sufficient funds to reserve the full amount and in the second example the SEA has insufficient funds to reserve the full amount. The examples correspond with the discussion of the special rule for FY 2018 in Step 4a of the ESEA fiscal changes guidance.

State Administration

Section 1004(a) of the ESEA continues to authorize an SEA to reserve for State administration of Title I not more than one percent or \$400,000, whichever is greater, from funds allocated to the State under Title I, Parts A, C, and D (Subpart 1). For FY 2018, however, the administrative cap provision in section 1004(b) of the ESEA applies because the \$16.2 billion appropriated in total for Title I, Parts, A, C, and D exceeds \$14 billion. Under section 1004(b), the amount an SEA reserves for State administration may not exceed one percent of the amount it would otherwise receive if \$14 billion were allocated among the States for Title I, Parts A, C, and D. In order for an SEA to determine the maximum it may reserve for Title I State administration, the administrative base table described in #2 on the first page of this memorandum shows how much each SEA would receive under Title I, Parts A, C, and D if \$14 billion were made available. In addition, the State reservations table shows the maximum amount of Title I, Part A funds each SEA may reserve for State administration.

Direct Student Services

Finally, section 1003A(a)(1) of the ESEA authorizes an SEA to reserve not more than three percent of the funds allocated to the State under Title I, Part A for Direct Student Services (DSS). The State reservations table also shows the maximum amount an SEA may reserve for DSS if the SEA chooses to reserve funds for this purpose.

Thank you for your leadership in implementing Title I, Part A in your State. Please send any questions about the allocations to Todd Stephenson (Todd.Stephenson@ed.gov), Elizabeth Witt (Elizabeth.Witt@ed.gov), and your State contact ([OSS.\[State\]@ed.gov](mailto:OSS.[State]@ed.gov) (e.g., OSS.Utah@ed.gov)) in the Office of State Support.

Sincerely,

/s/

Patrick Rooney
Office of State Support

Attachments

cc. State Title I Directors



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
WASHINGTON, DC 20202-6132

September 26, 2018

**CONGRESSIONAL NOTIFICATION OF REVISED FINAL FISCAL YEAR 2018
TITLE I, PART A ALLOCATIONS**

Funds appropriated under Public Law 115-141, the Consolidated Appropriations Act, 2018, for activities authorized by Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA).

Recipients:

50 States; the District of Columbia; Puerto Rico; the Department of the Interior, Bureau of Indian Education; and the Outlying Areas.

Description:

Enclosed is a table that lists revised final fiscal year (FY) 2018 allocations (initially available for school year (SY) 2018-2019) for local educational agencies (LEAs) under the Title I, Part A Grants to LEAs program. Revisions to the final FY 2018 allocations that the U.S. Department of Education (ED) provided Congress on June 5, 2018 are necessary because some State educational agencies (SEAs) have since submitted corrections to their SY 2015-2016 State per-pupil expenditure (SPPE) data, a data element in the Title I, Part A formulas. (See the June 5 Congressional Notification that referenced the possibility that SEAs might submit revisions and that the final allocations would be revised, if necessary.) Decisions and directives from the United States Comptroller General's office require that ED revise allocations set by Federal statutory formula if it determines that those allocations were based on incorrect data. The revised final allocations will be reflected in the October 2018 Title I, Part A awards to SEAs.

Title I, Part A Grants to LEAs provide financial assistance to LEAs for services that improve the teaching and learning of children at risk of not meeting challenging State academic standards, especially those children who reside in areas with high concentrations of children from low-income families. ED reserves funds to meet the special educational needs of Indian children in schools supported by the Bureau of Indian Education and for the Outlying Areas. In addition, \$5 million from Title I, Part A Basic Grants supports annual updates to the Census poverty data used to calculate Title I, Part A allocations.

ED allocates Title I, Part A funds to LEAs through four statutory formulas—Basic Grants, Concentration Grants, Targeted Grants, and Education Finance Incentive Grants. The following describes the specific allocation provisions of these formulas.

Basic Grants (ESEA section 1124)

ED allocates Basic Grant funds to LEAs through a statutory formula based primarily on the number of children, ages 5 through 17, from low-income families, which the Census Bureau updates annually, and on each State's per-pupil expenditures for education. In addition, the formula includes annually collected counts of children in locally operated institutions for

Page 2 – Congressional Notification of Revised Final FY 2018 Title I, Part A Allocations

neglected or delinquent children, in foster homes, and in families above the Census poverty line that receive assistance under the Temporary Assistance for Needy Families program (non-Census formula children data). In order to receive a Basic Grant, an LEA must have at least 10 formula children and the number of those children must exceed two percent of the LEA's total population of children ages 5 through 17. The statutory formula further requires that no eligible LEA receive less than 85, 90, or 95 percent of the amount it was allocated in the preceding year. This "hold-harmless" guarantee varies according to the percentage of formula children in each LEA.

To determine the revised final FY 2018 Basic Grant allocations, in addition to using the updated SY 2015-2016 SPPE data, ED used the same income year 2016 Census Bureau school district poverty and population estimates (ages 5 to 17) that it used to calculate final FY 2018 allocations. The revised final allocations are also based on the same October 2017 non-Census formula children data on which the final allocations were based.

Because of the creation of new LEAs since SY 2015-2016 and the existence of special LEAs, such as charter school LEAs that do not have geographic boundaries, the list of LEAs used by ED to determine LEA allocations may not match the current list of LEAs for many States. Thus, each SEA must adjust ED's LEA allocations to account for eligible LEAs that did not receive a Federal allocation. The ESEA also gives SEAs the flexibility, with ED's approval, to use alternative poverty data to determine eligibility and redistribute ED-determined Title I, Part A Basic Grant allocations for LEAs with less than 20,000 total residents.

Concentration Grants (ESEA section 1124A)

ED allocates Concentration Grant funds to LEAs in which the number of children counted for Basic Grant formula purposes exceeds 6,500 children or 15 percent of the ages 5 through 17 population. The hold-harmless requirement for Concentration Grants operates in the same way as it does for Basic Grants except that an LEA is guaranteed its hold-harmless amount for four consecutive years if it is no longer eligible. Section 1122(c)(2) of the ESEA provides that an LEA failing to meet the eligibility threshold after four years is no longer protected by the hold-harmless provision. As with Basic Grants, each SEA must adjust ED's Concentration Grant allocations to account for differences between State and Federal lists of LEAs and may use alternative poverty data for LEAs with less than 20,000 total residents.

Targeted Grants (ESEA section 1125)

The Targeted Grant formula uses the same data elements as Basic and Concentration Grants. ED then adjusts the number of formula children to give greater weight to those LEAs with higher numbers or percentages of formula children. In order to receive a Targeted Grant, the number of formula children in an LEA counted for Basic Grant formula purposes must be at least 10 and equal or exceed five percent of the LEA's total population of children ages 5 through 17. As with Basic and Concentration Grants, each SEA must adjust ED's Targeted Grant allocations to account for differences between State and Federal lists of LEAs and may use alternative poverty data for LEAs with less than 20,000 total residents. The hold-harmless requirement for eligible LEAs works the same as it does for Basic Grants. The hold-harmless percentages, however, are based on the unweighted number of children used in the Targeted Grant formula.

Page 3 – Congressional Notification of Revised Final FY 2018 Title I, Part A Allocations

Education Finance Incentive Grants (ESEA section 1125A)

The Education Finance Incentive Grant (EFIG) formula, in addition to using the number of Title I, Part A formula children and each State's per-pupil expenditures, distributes funds to States based on (1) an effort factor that measures a State's effort to provide financial support for education compared to its relative wealth as measured by its per capita income, and (2) an equity factor that measures the degree to which education expenditures vary among school districts within a State. The EFIG formula benefits States that spend more money on education relative to their wealth and States that have a greater degree of equalized education expenditures among their LEAs. Once a State's EFIG allocation is determined, ED allocates funds among LEAs within the State using a weighted formula that is similar to the Targeted Grant formula. The within-State weights used for determining LEA allocations, however, vary among States according to the degree to which each State's expenditures are equalized across its school districts. The eligibility criteria used to determine whether an LEA qualifies for an EFIG allocation are the same as for Targeted Grants. The hold-harmless requirement for eligible LEAs works the same as it does for Targeted Grants and is based on the unweighted number of children used in the EFIG formula. As with Basic, Concentration, and Targeted Grants, each SEA must also adjust ED's EFIG allocations to account for differences between State and Federal lists of LEAs and may use alternative poverty data for LEAs with less than 20,000 total residents.

ESEA section 1125A(e) further requires that, for the preceding fiscal year, each State maintain either an aggregate or a per-pupil expenditure level for providing free public education that is at least 90 percent of the amount spent on education within the State in the second preceding fiscal year. If a State fails to maintain effort and also failed to maintain effort for one or more of the five immediately preceding fiscal years, ED must reduce the State's EFIG allocation in the exact proportion by which the State failed to maintain effort. ED may waive this reduction (the consequence of a State's failure to meet the maintenance of effort requirement in the EFIG formula) if a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the State; or a precipitous decline in the financial resources of the State.

Additional Information

Under section 1003(a) of the ESEA, from the funds allocated to the State under Title I, Part A, the SEA must generally reserve for school improvement activities the greater of:

- Seven percent of the SEA's FY 2018 Title I, Part A award; or
- The sum of the total amount that the SEA reserved for school improvement under section 1003(a) from its FY 2016 Title I, Part A award and the amount of the SEA's FY 2016 School Improvement Grant allocation under section 1003(g) of the ESEA, as reauthorized by the No Child Left Behind Act of 2001.

Starting with FY 2018 allocations, section 1003(h) of the ESEA requires an SEA to ensure that no LEA receives less in total under Title I, Part A than it received in the prior year because of the school improvement reservation. It is possible that this provision in conjunction with an overall reduction in a State's Title I, Part A allocation may limit the ability of some SEAs to reserve the full amount for school improvement.

Page 4 – Congressional Notification of Revised Final FY 2018 Title I, Part A Allocations

Section 1004(a) of the ESEA also allows an SEA to reserve for State administration not more than one percent or \$400,000, whichever is greater, from funds allocated to the State under Part A, Part C (Migrant Education), and Part D (Subpart 1—State Agency Neglected and Delinquent program) of Title I. However, because the total FY 2018 appropriation for Title I, Parts A, C, and D (Subpart 1) exceeds \$14 billion, the cap on State administration in section 1004(b) of the ESEA applies. As a result, the maximum amount each SEA may reserve for the administration of Title I programs this year is based on the amount it would have received if \$14 billion were appropriated for Title I, Parts A, C, and D. As it has in prior years, ED will provide SEAs with a table showing how much would be allocated to each State under Title I, Parts A, C, and D if \$14 billion were appropriated for FY 2018 so that each SEA has a base on which to determine the maximum it may reserve for State administration.

Section 1003A(a)(1) of the ESEA further provides that an SEA may reserve not more than three percent of the funds allocated to the State under Title I, Part A for Direct Student Services.

Additional information on these allocations is available from the Office of State Support (OSS), Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-6100. Specific inquiries may be referred to Patrick Rooney, Deputy Director, OSS, at (202) 260-0826.

**REVISED FINAL FISCAL YEAR 2018 TITLE I ALLOCATIONS FOR SCHOOL YEAR 2018-2019
(BASED ON THE CONSOLIDATED APPROPRIATIONS ACT, 2018)**

	(Col 1)	(Col 2)	(Col 3)	(Col 4)	(Col 5)
	LEA GRANTS				
	<u>BASIC GRANTS *</u>	<u>CONCENTRATION GRANTS *</u>	<u>TARGETED GRANTS *</u>	<u>EDUCATION FINANCE INCENTIVE GRANTS *</u>	<u>TOTAL LEA GRANTS</u>
UNITED STATES	\$6,383,402,589	\$1,347,315,689	\$3,925,390,450	\$3,925,390,450	\$15,759,802,000
ALABAMA	102,627,615	23,453,821	60,886,681	65,013,428	251,981,545
ALASKA	17,196,648 **	2,766,016	12,033,271 **	11,996,747 **	43,992,682
ARIZONA	147,031,290	31,871,781	92,053,293	88,635,170	359,591,534
ARKANSAS	66,234,718	15,085,919	35,516,605	42,476,132	159,313,374
CALIFORNIA	815,549,837	176,114,022	528,884,542	467,607,655	1,988,156,056
COLORADO	65,324,611	11,710,668	36,058,695	39,605,698	152,699,672
CONNECTICUT	56,725,643	8,652,809	25,861,053	33,980,820	125,220,325
DELAWARE	19,251,021	4,470,780	13,738,867 **	13,738,867 **	51,199,535
DISTRICT OF COLUMBIA	18,434,478	4,445,029	14,455,270	13,611,395 **	50,946,172
FLORIDA	320,164,539	76,147,159	246,235,209	211,132,963	853,679,870
GEORGIA	212,416,788	48,999,580	137,885,827	134,365,751	533,667,946
HAWAII	18,617,571	4,324,741	13,469,846 **	13,398,942 **	49,811,100
IDAHO	25,715,931	5,372,248	13,738,867 **	14,665,606	59,492,652
ILLINOIS	288,829,067	57,190,596	174,036,321	158,317,077	678,373,061
INDIANA	114,591,658	23,560,049	59,137,362	71,075,503	268,364,572
IOWA	43,837,081	7,120,424	18,565,593	28,099,748	97,622,846
KANSAS	44,479,181	8,279,159	21,236,932	24,758,888	98,754,160
KENTUCKY	96,555,498	22,288,472	56,954,932	62,713,769	238,512,671
LOUISIANA	134,304,843	32,386,384	86,979,885	85,239,226	338,910,338
MAINE	22,990,494	4,569,433	13,738,867 **	13,738,867 **	55,037,661
MARYLAND	94,741,390	18,929,155	63,720,095	61,671,535	239,062,175
MASSACHUSETTS	105,741,236	18,288,446	51,923,781	61,583,776	237,537,239
MICHIGAN	204,263,352	41,692,199	114,822,590	127,421,346	488,199,487
MINNESOTA	77,013,456	10,775,293	35,670,336	46,152,848	169,611,933
MISSISSIPPI	83,550,724	19,501,290	51,953,774	54,575,155	209,580,943
MISSOURI	105,747,034	22,010,720	53,266,683	62,667,891	243,692,328
MONTANA	17,744,098 **	3,490,169	13,738,867 **	13,738,867 **	48,712,001
NEBRASKA	32,262,673	5,755,567	16,318,332	19,517,453	73,854,025
NEVADA	47,874,725	11,249,218	40,323,308	30,222,925	129,670,176
NEW HAMPSHIRE	15,770,375 **	2,273,601	10,540,393 **	11,173,345 **	39,757,714
NEW JERSEY	160,727,527	27,349,224	78,194,860	96,047,211	362,318,822
NEW MEXICO	50,511,147	11,834,781	32,635,630	34,116,655	129,098,213
NEW YORK	478,308,904	102,214,090	348,478,247	284,915,583	1,213,916,824
NORTH CAROLINA	180,887,453	42,444,041	112,330,844	115,556,468	451,218,806
NORTH DAKOTA	14,949,357 **	2,128,089 **	10,643,129 **	10,640,488 **	38,361,053
OHIO	235,135,677	47,525,926	128,292,727	145,691,614	556,645,944

**REVISED FINAL FISCAL YEAR 2018 TITLE I ALLOCATIONS FOR SCHOOL YEAR 2018-2019
(BASED ON THE CONSOLIDATED APPROPRIATIONS ACT, 2018)**

	(Col 1)	(Col 2)	(Col 3)	(Col 4)	(Col 5)
	LEA GRANTS				
	<u>BASIC GRANTS*</u>	<u>CONCENTRATION GRANTS*</u>	<u>TARGETED GRANTS*</u>	<u>EDUCATION FINANCE INCENTIVE GRANTS*</u>	<u>TOTAL LEA GRANTS</u>
UNITED STATES	\$6,383,402,589	\$1,347,315,689	\$3,925,390,450	\$3,925,390,450	\$15,759,802,000
OKLAHOMA	78,646,538	16,876,421	43,229,237	49,257,425	188,009,621
OREGON	63,768,938	13,424,404	31,294,137	38,544,023	147,031,502
PENNSYLVANIA	274,375,312	52,637,094	159,122,772	158,500,300	644,635,478
RHODE ISLAND	21,491,943	3,913,240	13,738,867 **	13,738,867 **	52,882,917
SOUTH CAROLINA	98,667,289	23,209,833	58,617,565	63,293,094	243,787,781
SOUTH DAKOTA	17,744,098 **	3,350,727 **	13,738,867 **	13,738,867 **	48,572,559
TENNESSEE	125,024,728	28,845,260	77,548,274	78,328,831	309,747,093
TEXAS	599,401,806	133,079,726	394,341,120	384,363,382	1,511,186,034
UTAH	35,123,399	5,828,542	19,001,994	21,423,711	81,377,646
VERMONT	14,149,355 **	2,371,052 **	10,052,827 **	10,113,660 **	36,686,894
VIRGINIA	116,877,654	21,940,858	62,640,146	64,955,587	266,414,245
WASHINGTON	101,432,197	18,676,704	47,289,839	60,628,319	228,027,059
WEST VIRGINIA	40,475,304	9,258,673	20,355,310	26,988,828	97,078,115
WISCONSIN	88,059,031	15,575,552	45,792,606	57,923,765	207,350,954
WYOMING	13,958,811 **	1,913,111 **	10,014,519 **	10,002,265 **	35,888,706
PUERTO RICO	158,098,546	40,143,593	94,290,856	103,724,114	396,257,109
AMERICAN SAMOA					19,322,731
GUAM					20,936,271
NORTHERN MARIANA ISLANDS					11,679,646
VIRGIN ISLANDS					10,080,560
BIE					110,283,614
PALAU					1,000,000
CENSUS SET-ASIDE					5,000,000

* State amounts do not represent the amounts available for distribution to LEAs within the State. As provided in the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA), each State reserves from its allocation funds for school improvement activities and State administration. States also have the option to reserve funds for Direct Student Services in accordance with the ESEA. A State must also distribute funds generated by children residing in local Minimum States.

**

Task 11. If a state requests a waiver how long does that process take for ED approval?

11/27/2018

DEPARTMENT OF THE INTERIOR Mail - [EXTERNAL] RE: Neg Reg committee question



Palmer, Sarah <sarah_palmer@ios.doi.gov>

[EXTERNAL] RE: Neg Reg committee question

1 message

Salley, Robert <Robert.Salley@ed.gov>

Tue, Nov 27, 2018 at 2:46 PM

To: "Hamley, Jeffrey" <Jeffrey.Hamley@bie.edu>

Cc: "Palmer, Sarah (sarah_palmer@ios.doi.gov)" <sarah_palmer@ios.doi.gov>, "Mendoza, Juanita" <Juanita.Mendoza@bie.edu>, "Bement, Anita" <sue.bement@bie.edu>

Hi Jeff

Please see my responses below in red.

I hope this is helpful.

Best,
R

Robert Salley
 Program Officer
 U.S. Department of Education
 Office of Elementary and Secondary Education | Office of State Support
 400 Maryland Ave. SW | Rm. 3E114 | Washington, DC 20202
robert.salley@ed.gov 202.453.5719

From: Hamley, Jeffrey [mailto:Jeffrey.Hamley@BIE.EDU]**Sent:** Tuesday, November 27, 2018 12:51 PM**To:** Salley, Robert**Cc:** Palmer, Sarah (sarah_palmer@ios.doi.gov); Mendoza, Juanita; Bement, Anita**Subject:** Neg Reg committee question**Importance:** High

Robert – The question was asked in the rulemaking meeting and I was tasked to forward these questions to you.

1. If a state requests a waiver, how long does that process take for ED approval?

The Secretary's waiver authority is detailed in section 8401 of the ESEA as amended by ESSA. Statutorily, the Department has 120-days to respond in writing to a State's waiver request of statutory and regulatory requirements.

2. What is the ED approach for reviewing?

In section 8401(b)(4) details the Department's approach for reviewing such a request. In general,

- The Secretary shall issue a written determination regarding the initial approval or disapproval of a waiver request.
- Initial disapproval of such request shall be based on the determination of the Secretary that—
 - the waiver request does not meet the requirements of this section of the law;
 - the description required provides insufficient information to demonstrate that the waiving of such requirements will advance student academic achievement consistent with the purposes of this Act.

Further, in section 8401(b)(4)(B) describes the rights of States to revise denied waiver requests within 60 days, and further, appellate rights via a hearing if a State's request is still denied within 30 days of the determination.

If possible, could we have a response before the Dec. meeting (4-6)?

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Task 7 from Meeting #1: Provide State plans that use portfolios

Regarding the use of portfolios in academic assessments, the statute declares:

The assessments under subparagraph (A) shall—

(vi) involve multiple up-to-

date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding,

which may include measures of student academic growth and **may be partially delivered** in the form of portfolios, projects, or extended performance tasks;

I talked to the ED today to confirm our understanding. No state, to date, has sent forth, for peer review, a General Education assessment (math, language arts, or science) with portfolios as part of its test design. However, two states, to date, Georgia and Maine, have provided for peer review, their alternate assessments that consisted entirely of portfolios. Both of these states received a Not Approved status and will need to redesign their alternate assessments, ensuring that portfolios are only a portion of the test design. As I said yesterday, ED does not define "partial" but instead relies on assessment peer reviewers to evaluate the test design's and blueprint's ability to meet the technical requirements and industry expectations of reliability and validity. A challenge of using portfolios in a state system is the lack of standardization which brings reliability into question. Therefore, when peer reviewers evaluate a test, there must be an adequate number of additional item types to ensure the total test will produce a reliable score and valid interpretation.

Let me know if you have questions.

Best,
Deb

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