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MEMORANDUM

TO: **Interested Parties**
FROM: **Penn Hill Group**
DATE: **April 3, 2017**
SUBJECT: **Criteria for Peer Review of ESEA Consolidated State Plans**

Overview: On March 28, the U.S. Department of Education (ED) released its criteria for peer review of Elementary and Secondary Education Act (ESEA) consolidated State plans. These criteria are posted on the ED website, which can be found [here](#). The purpose of this memorandum is to summarize the peer review criteria.

Process for Submission and Peer Review of Consolidated State Plans:

The ESEA, as reauthorized by the Every Student Succeeds Act (ESSA), calls for States to submit program-specific applications in order to receive allocations under each of the ESEA State formula grant programs. As an alternative, however, a State may submit a single consolidated State plan or application covering some or all of the formula programs. Previously, for ESEA plans under the No Child Left Behind Act, all States submitted consolidated plans that covered all the programs in lieu of individual program applications.

The ESEA further calls for the Secretary of Education to establish the requirements for consolidated State plans, but provides that the Secretary may require only such descriptions, information, assurances and other materials as are absolutely necessary for consideration of the plans. On March 13, Secretary DeVos released a template for submission of consolidated plans that sets forth the information that ED has determined is necessary and that States must submit¹. (This template replaces the original template issued by the Obama Administration on November 30, 2016.) Plans are due on April 3 and September 18 of this year, and State educational agencies have discretion on which deadline to meet².

ESEA also requires that ED subject the State applications for certain of the formula grant programs to external peer review; more specifically, the statute requires peer review for Title I, Part A (Improving Basic Programs Operated by Local Educational Agencies) and Title III (English Language Acquisition, Language Enhancement, and Academic Achievement). Separately, peer review is also required for the Education for Homeless Children and Youth program under the McKinney-Vento Homeless Assistance Act, a program that (pursuant to a

¹ A State may use either ED's template or an alternative template developed by the State in partnership with the Council of State School Officers that addresses the requirements in ED's template.

² Under the statute, an SEA must engage in timely and meaningful consultation with the Governor (or appropriate officials from the Governor's office) and must give the Governor 30 days to review and sign off on the plan before submitting it to ED. Because ED released the new template only a few weeks before the April 3 deadline, ED is allowing a State to submit its plan at the conclusion of the 30-day review period, but not later than May 3, and still be considered to have met the April 3 deadline.

decision by the Secretary) States may also include in their consolidated plans. In response to these statutory requirements, ED has decided that external peer reviewers will assess the elements of the consolidated plans that cover these three programs. The remaining elements will be reviewed by ED staff; the new criteria released by ED do not include criteria applicable to those elements of the plan.

ESEA also includes specific requirements for the composition of the peer-review panels that review Title I-A plans, including that they include certain types of individuals (such as parents, teachers, principals, State and local administrators, and researchers with specific areas of expertise) and that a majority of the members of each panel, to the extent practicable, be individuals who, in the two most recent years, have had practical experience in the classroom, school administration, or State and local government. Panels must also represent a regionally diverse cross-section of States. ED has determined that these peer reviewers will evaluate the plan elements that address Title I-A and Title III³. Drawing from the statute, the introductory section of the new criteria document states that the peer reviewers will conduct an objective review of State plans in their totality and out of respect for State and local judgments, with the goal of providing objective feedback on the technical, educational and overall quality of a State plan, including the validity and reliability of each of its elements.

Separately, ED, with support from the National Center for Homeless Education, will conduct an external peer review of the elements of consolidated State plans covering the Education for Homeless Children and Youth program. Consistent with the McKinney-Vento Act, reviewers will evaluate whether the State laws, policies and practices described in the plan adequately address the problems of homeless children and youth relating to access to education and placement.

While the statute in Title I prohibits the Secretary and other political appointees in ED from attempting to participate in or influence the peer review process, the purpose of the peer review process is to make recommendations to the Secretary on whether a State plan meets statutory requirements. It is the Secretary's decision whether to approve a State plan.

Content of the Peer Review Criteria:

The criteria for peer reviewers are framed as a series of yes or no questions generally aligned with the information called for in the ED template. As an example, the template asks the SEA to "Identify any existing assessments [that the State makes available] in languages other than English, and specify the grades and content areas [in which] those assessments are available." The relevant criterion in turn asks reviewers, "Does the SEA identify any existing assessments that it makes available in languages other than English, and specify for which grades and content areas those assessments are available?"

Many of the questions, such as that one, ask the peer reviewers simply and objectively to determine whether a State's plan includes information required in the template. Other examples: "Does the SEA list each major racial and ethnic group that the SEA includes as a subgroup in its

³ Note, however, that this peer review (and the consolidated State plans) will not cover most of the Title I requirements for State assessment systems. Those systems will be peer-reviewed separately under the provisions of the Title I assessment regulations.



accountability system?” “Does the SEA describe its system of meaningfully differentiating, on an annual basis, all public schools in the State?”

Other questions, however, are more subjective, requiring reviewers to make value judgments, (e.g., “Are the [State’s] long-term goals ambitious?”), or to draw on content expertise, (e.g., “Is the selected minimum number of students [the State’s ‘N size’] statistically sound?”). The criteria document does not provide additional guidance on how reviewers are to address these questions, for instance on how reviewers who do not have training in such areas as statistics are to address questions that require some content expertise.

In a few cases, the criteria appear to be tied to the recently repealed Title I accountability regulations and thus to hold States to an obsolete standard. Specifically:

- Under the statute, a State’s long-term goals and interim measures of progress must take into account the improvement necessary for the lowest-performing subgroups of students to make significant progress in closing statewide academic proficiency and graduation-rate gaps. The repealed regulations added to this requirement by calling for a State’s interim progress measures to “require greater rates of improvement for subgroups of students that are low-achieving,” or in the case of the graduation-rate measures, subgroups “that graduate high school at lower rates”. Although the ED revised template does not include this additional language, it is incorporated into the peer review criteria.
- Under the statute, SEAs must establish criteria that schools must meet in order to exit comprehensive support and improvement (CSI) status, but the statute does not set limitations on the content of those criteria. The repealed regulations would have required that, in order to exit CSI status, a school demonstrate improved student outcomes and no longer meet the State’s criteria for CSI identification. The new peer review criteria incorporate those requirements, asking “Do the [State’s] exit criteria ensure continued progress to improve student academic achievement and school success in the State, (e.g., do the exit criteria improve student outcomes and ensure that a school that exits no longer meets the criteria under which the school was identified)?”
- Similarly, the statute requires that SEAs establish exit criteria for targeted support and improvement (TSI) schools receiving “additional targeted support” but does not set limitations on the content of those criteria. The repealed regulations would have required a State’s exit criteria to ensure that each school improves student outcomes for its lowest-performing students (including the subgroups that led to the school’s identification) and no longer meets the criteria for TSI identification. The new criteria incorporate this policy.

A number of additional criteria appear to ask reviewers to examine information that ED’s template does not call for States to include in their plans. A few examples:

- The original (November 30) template instructed SEAs to include baseline data for all students and each subgroup for each of the State’s long-term goals. The revised template removed this requirement, but the peer review criteria ask the reviewers whether the State has provided baseline data.



- The criteria ask the peer reviewers whether a State’s English language proficiency indicator is valid and reliable, but the template does not call for the inclusion of evidence of validity and reliability in the plan.
- The criteria ask whether, if a State averages data, the plan describes its procedures for averaging, but, the template does not explicitly call for a discussion of averaging.

ED will train the peer reviewers prior to commencement of the reviews, and it is possible that the training will address how the reviewers are to deal with these issues. Consistent with a statutory requirement, ED will make publicly available all peer review guidance, training documents, final peer review notes and names of the peer reviewers at the completion of the review.