



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

August 23, 2023

The Honorable Sydnee Dickson
Superintendent of Public Instruction
Utah State Board of Education
P.O. Box 144200
Salt Lake City, UT 84114-4200

Dear Superintendent Dickson:

I am writing in response to Utah's request to the U.S. Department of Education (Department) on December 13, 2022, and updated on February 23, June 3, and August 3, 2023, to amend its approved consolidated State plan under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act. 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.

I have determined that the amendment request meets the requirements in the ESEA and, for this reason, I am approving Utah's amended State plan. A summary of Utah's amendment is enclosed. This letter, as well as Utah's revised ESEA consolidated State plan, will be posted on the Department's website. Any further requests to amend Utah's ESEA consolidated State plan must be submitted to the Department for review and approval.

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

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

ADA Complaint 8/26/2024

Thank you for all of the work that the Utah State Board of Education has invested in its consolidated State plan under the ESEA. If you need any assistance regarding the implementation of your ESEA consolidated State plan, please contact the Office of School Support and Accountability at: OESE.TitleI-a@ed.gov.

Sincerely,

A handwritten signature in blue ink that reads "Adam Schott".

Adam Schott
Deputy Assistant Secretary for Policy and Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

Enclosure

cc: Max Lang
Ann-Michelle Neal
Sarah Young

Amendment to the Utah’s Consolidated State Plan

The following is a summary of Utah’s amendment request. Please refer to the Department’s website <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-consolidated-state-plans/> for Utah’s complete consolidated State plan.

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

- *Native Language Assessments*
The Utah State Board of Education (USBE) updated its description of native languages spoken by students to use data from 2022 rather than 2016. Spanish continues to be the most common native language other than English spoken by students in Utah. The State also provided updates on its plans for developing assessments in languages other than English to describe recent progress in creating Spanish transadaptive mathematics and science assessments.
- *Long-Term Goals – Academic Achievement, Graduation Rate, and English Language Proficiency*
The Department acknowledges that USBE shifted forward, by two years, its long-term goals and measurements of interim progress for academic achievement, graduation rates, and progress in achieving English language proficiency, consistent with its previously approved ESEA State plan Addendum for school year (SY) 2021-2022. USBE also clarified the grade bands for measuring progress in English language proficiency to include grade 12.
- *Academic Achievement Indicator & Other Academic Indicator for Public Elementary and Secondary Schools That Are Not High Schools*
Consistent with Utah’s previously approved ESEA State plan Addendum for SY 2021-2022, USBE will continue to use only student growth percentiles (SGP) and exclude the adequate growth percentile measure (AGP) from the student growth calculations for the Academic Achievement indicator for high schools and the Other Academic indicator for elementary and middle schools that are not high schools. The State updated its index calculation to reflect this change.
- *Progress in Achieving English Language Proficiency indicator*
USBE revised its definition for English language proficiency from a composite score of 5 or greater to a composite score of 4.2 or greater and a score of 3.5 or greater on the speaking domain on the WIDA ACCESS assessment.
- *School Quality or Student Success Indicator*
Consistent with Utah’s previously approved ESEA State plan Addendum for SY 2021-2022, USBE will continue to calculate its School Quality or Student Success (SQSS) science growth indicator using only SGPs and exclude AGP from the science growth calculation for grades 4-10. USBE also modified its postsecondary readiness SQSS indicator to clarify the definition of completing a career and technical education pathway to include a student who meets the definition of either completer or concentrator.

- *Frequency of Identification – Comprehensive Support and Improvement (CSI)*
Consistent with Utah’s previously approved ESEA State plan Addendum for school year 2021-2022, USBE clarified that it will identify schools for CSI based on having been an additional targeted support and improvement (ATSI) school that did not meet exit criteria (i.e., schools identified for CSI-Not Exiting ATSI) beginning in the 2024-2025 SY, based on accountability data from SY 2023-2024.
- *School Identification Methodology – Targeted Support and Improvement-Consistently Underperforming Subgroups (TSI)*
USBE will identify any school for targeted support and improvement due to consistently underperforming subgroups in which any of its student subgroups fall below the percentage of points associated with the lowest-performing five percent of Title I schools for two consecutive years. USBE also clarified a school must have a total n-size of 10 enrolled students each year to be considered for TSI identification.
- *School Identification Methodology – ATSI*
USBE will identify a school for ATSI if a student subgroup’s three-year average performance is below the highest-performing five percent of Title I schools identified for CSI (which is also based on a three-year average) and the school is currently identified as a TSI school. The State also indicates that the school must have at least 10 students in each year to be identified for ATSI.
- *Additional Statewide Categories*
USBE establishes two additional statewide categories for school identification: Elevate and Springboard. Only non-Title I schools are eligible for these State designations and will not be identified until after the State has completed the Federally required school identifications for CSI, TSI, and ATSI.
- *Exit Criteria – CSI*
USBE changed the number of years that a school identified for CSI has to meet the exit criteria to four years. USBE also modified its exit criteria for CSI schools identified based on either low performance or not exiting ATSI status. In order for a CSI school to meet the exit criteria, it must (1) reduce the gap by one-third in performance between the school’s baseline performance (either overall for CSI low performing schools or for the subgroup or subgroups that led to identification for CSI schools identified based on not exiting ATSI status) and 55 percent of all points possible if a school is an elementary, middle, or junior high school or 57 percent of all points possible if the school is a high school; and (2) the school (or subgroup that led to identification) performance must exceed the lowest performing five percent of Title I schools from the year the school was identified.
- *Exit Criteria – ATSI*
USBE modified the number of years that a school identified for ATSI has to meet the exit criteria such that the school may now exit in the fourth year of identification rather than looking at two consecutive years of performance over a four-year period.

USBE also modified its exit criteria such that a school identified for ATSI must reduce the gap by one-third in performance between the baseline performance for the student subgroups that led to ATSI identification and 55 percent of all points possible if a school is an elementary, middle, or junior high school or 57 percent of all points possible if the school is a high school on the accountability indicators. In order to exit, the ATSI school's student subgroup performance must also exceed the lowest performing five percent of Title I schools from the year the school was identified.

- *Other Continued Support*
USBE modified its description of technical assistance it will provide to support identified schools to clarify that it will provide a tool for a local educational agency-level (LEA) comprehensive needs assessment and that it has revised the components included in the LEA-level comprehensive needs assessment.
- *Disproportionate Rate of Access to Educators*
USBE updated its description to include information from school year 2020-2021 rather than school year 2016-2017. The State also revised its definition of ineffective teacher to those who are not professionally licensed and fully qualified for the student's course.

Title I, Part C: Migrant Education

- *Supporting Needs of Migratory Children*
USBE added details to its description of the State's Title I, Part C – Migrant Education Program comprehensive needs assessment, including its concern statements and specificity regarding which State standards connect to each concern statement. USBE also stated that the needs assessment is evaluated by a third-party vendor. The State added clarifying text to its performance targets and measurable program objectives and outcomes (MPOs) and reduced its performance target and MPO percentages, ranging from 3 to 10 percent reductions.
- *Promote Coordination of Services*
USBE added to its description of the Migrant Parent Empowerment Consortium (MPEC), a Consortium Incentive Grant (CIG) for which Utah is the lead State. USBE also added the name of the database it uses to transfer migratory student records.
- *Use of Funds*
USBE added specificity to its priorities for use of Title I, Part C funds, such as naming its MPEC CIG and clarifying a previous reference to the mathematics subject area.

Title II, Part A: Supporting Effective Instruction

- *Use of Funds*
USBE has revised its Title II, Part A-funded activities to focus on supporting its new licensure system, improving equitable access to effective teachers, and supporting activities to improve professional learning and growth.
- *Use of Funds to Improve Equitable Access to Teachers*

USBE has revised the text to match equitable access activities discussed earlier in its amended consolidated State plan.

- *System of Certification and Licensure*
USBE has revised its State licensure requirements and has revised the plan to accurately reflect revised requirements.
- *Improving Skills of Educators*
USBE has revised its plan to ensure that professional learning aimed at improving teachers' ability to serve the needs of diverse student groups meets the requirements of the State's Professional Learning Standards.
- *Data and Consultation*
USBE commits to consulting with the full range of stakeholders required under section 2101(d)(3) of the ESEA in determining how State-level Title II, Part A funds will be used and has added additional data sources that it will examine as part of the consultation process.
- *Teacher Preparation*
USBE has engaged stakeholders to clarify the competencies that educators need so the preparation programs can better meet the competencies. USBE is also revising its educator evaluation system to provide individualized professional learning and is providing mentoring support for new teachers.

Title III, Part A: English Language Acquisition and Enhancement

- *Standardized Statewide Entrance and Exit Procedures*
USBE updated its EL entrance procedures to clarify that potential ELs enrolling at the start of the school year must be assessed for EL status and parents notified of language instruction educational program (LIEP) placement within 30 days of the first day of school, unless the students have a Utah-administered WIDA screener or ACCESS score from the same school year, in which case they do not need to be rescreened. Potential ELs enrolling after the first month of school must be assessed for EL status and parents notified of LIEP placement within the first 10 days of enrollment.

USBE made several updates to the description of its English learner entrance procedures. First, USBE revised the questions required on the home language survey. USBE also clarified that potential ELs enrolling during the first semester of kindergarten will only be assessed in the speaking and listening domains of the WIDA Screener for Kindergarten, while potential ELs enrolling during the second semester of kindergarten must be assessed in all four domains. In addition, USBE now requires potential ELs in kindergarten, in addition to grades one through twelve, who receive a composite score of 5.0 or higher on the WIDA Screener to be identified as English language proficient.

USBE amended its exit procedures for English learners to require a student to achieve a composite score of 4.2 and a speaking domain score of 3.5 on the State's English language proficiency assessment to be considered proficient in English and to exit English learner

status. Previously, USBE’s exit criteria included a composite score of 5.0 on the WIDA ACCESS and an exit rubric.

- *Monitoring LEAs and Providing Technical Assistance*
USBE made changes to the description of how it monitors and provides technical assistance to eligible entities receiving Title III funds in order to help English learners achieve English language proficiency and changes to its description of how it monitors former ELs.

McKinney-Vento Education for Homeless Children and Youth

- *Student Identification*
USBE’s revised description meets the requirement to describe the procedures it will use to identify homeless children and youth and to assess their needs. It will provide professional development to local liaisons to assist them in assessing the unique needs and to remove barriers faced by each student.
- *Support for School Personnel*
USBE deleted a reference to the development of online modules as a means of professional development, but it will offer individual consultation sessions to liaisons and other school personnel upon request. USBE will continue to offer other forms of professional learning and technical assistance to meet this requirement.
- *Access to Services*
USBE has included language on the need to collaborate with community-based organizations as a means to provide access to preschool in (i) and assisting students experiencing homelessness in completing the FAFSA in addition to credit recovery and GED preparation in (iii).
- *Strategies to Address Other Problems*
USBE will be offering in-person learning opportunities for homeless liaisons twice a year in which these strategies to address other problems will be addressed. USBE deleted references to the future development of a state Board Rule on McKinney-Vento requirements regarding documentation waivers for enrollment.
- *Policies to Remove Barriers*
USBE and LEAs will continue to review and revise policies to remove barriers for students experiencing homelessness to meet this requirement.
- *Assistance from Counselors*
Utah’s school counselors will continue to support students experiencing homelessness with “appropriate services” to meet this requirement to prepare and improve the readiness of such youths for college.