



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 20, 2017

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

Dear Commissioner Blomstedt:

Thank you for submitting Nebraska's consolidated State plan to implement requirements of covered programs under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), and of the amended McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).

I am writing to provide initial feedback based on the U.S. Department of Education's (the Department's) review of your consolidated State plan. As you know, the Department also conducted, as required by the statute, a peer review of the portions of your State plan related to ESEA Title I, Part A, ESEA Title III, Part A, and the McKinney-Vento Act using the Department's *State Plan Peer Review Criteria* released on March 28, 2017. Peer reviewers examined these sections of the consolidated State plan in their totality, while respecting State and local judgments. The goal of the peer review was to support State- and local-led innovation by providing objective feedback on the technical, educational, and overall quality of the State plan and to advise the Department on the ultimate approval of the plan. I am enclosing a copy of the peer review notes for your consideration.

Based on the Department's review of all programs submitted under Nebraska's consolidated State plan, including those programs subject to peer review, the Department is requesting clarifying or additional information to ensure the State's plan has met all statutory and regulatory requirements, as detailed in the enclosed table. Each State has flexibility in how it meets the statutory and regulatory requirements. Please note that the Department's feedback may differ from the peer review notes. I encourage you to read the full peer notes for additional suggestions and recommendations for improving your consolidated State plan.

ESEA section 8451 requires the Department to issue a written determination within 120 days of a State's submission of its consolidated State plan. Given this statutory requirement, I ask that you revise Nebraska's consolidated State plan and resubmit it through OMB Max by January 5, 2018. We encourage you to continue to engage in consultation with stakeholders, including representatives from the Governor's office, as you develop and implement your State plan. If you would like to take more time to resubmit your consolidated State plan, please contact your Office of State Support Program Officer in writing and indicate your new submission date.

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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.

Please recognize that if we accommodate your request for additional time, a determination on the ESEA consolidated State plan may be rendered after the 120-day period.

Department staff will contact you to support Nebraska in addressing the items enclosed with this letter. If you have any immediate questions or need additional information, I encourage you to contact your Program Officer for the specific Department program.

Please note that the Department only reviewed information provided in Nebraska's consolidated State plan that was responsive to the Revised Template for the Consolidated State Plan that was issued on March 13, 2017. Each State is responsible for administering all programs included in its consolidated State plan consistent with all applicable statutory and regulatory requirements. Additionally, the Department can only review and approve complete information. If Nebraska indicated that any aspect of its plan may change or is still under development, Nebraska may include updated or additional information in its resubmission. Nebraska may also propose an amendment to its approved plan when additional data or information are available consistent with ESEA section 1111(a)(6)(B). The Department cannot approve incomplete details within the State plan until the State provides sufficient information.

Thank you for the important work that you and your staff are doing to support the transition to the ESSA. The Department looks forward to working with you to ensure that all children have the opportunity to reach their full potential.

Sincerely,

/s/

Jason Botel
Principal Deputy Assistant Secretary,
Delegated the authority to perform the
functions and duties of the position of
Assistant Secretary, Office of
Elementary and Secondary Education

Enclosures

cc: Governor
State Title I Director
State Title II Director
State Title III Director
State Title IV Director
State Title V Director
State 21st Century Community Learning Center Director
State Director for McKinney-Vento Homeless Assistance Act: Education for Homeless
Children and Youths Program

Items That Require Additional Information or Revision in Nebraska’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies	
A.4.ii.a: Minimum N-Size for Accountability	<p>The Nebraska Department of Education (NDE) establishes the minimum size for its accountability system as 25 assessment scores rather than selecting a minimum number of students. ESEA section 1111(c)(3) requires that the SEA provide the minimum number of students that the State determines is necessary to meet the requirements of any provisions under Title I, Part A of the ESEA that require disaggregation of information by each subgroup of students for accountability purposes, including annual meaningful differentiation. After revising its minimum n-size for accountability, additional State plan revisions will be necessary in response to the related revised consolidated State plan requirements in A.4.ii.b-e.</p>
A.4.iv.a: Academic Achievement Indicator	<ul style="list-style-type: none"> • NDE proposes including science and writing in the Academic Achievement indicator. For the Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I), a State may include only proficiency on the assessments that the State uses to meet the requirements for annual assessments under ESEA section 1111(b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics). • The Academic Achievement indicator required under ESEA section 1111(c)(4)(B)(i)(I) must be measured by proficiency on the annual assessments required under ESEA subsection (b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics) and must annually measure performance for all students and for each subgroup of students. NDE proposes an Academic Achievement indicator based on scale scores. NDE may use scale scores in the indicator but must clarify how the measures included in the indicator measure proficiency on the statewide reading/language arts and mathematics assessments. To clarify its consistency with the statutory requirement to include all students, NDE should articulate how its approach will ensure that a school’s performance on the indicator reflects each student’s performance (e.g., how it will ensure that the performance of each student contributes to the overall performance on the indicator, including by ensuring that no student’s performance overcompensates for the results of a student who is not yet proficient). • The ESEA requires a State, for purposes of measuring, calculating, and reporting the Academic Achievement indicator, to include in the denominator the greater of 95 percent of all students, or the number of students participating in the assessments (ESEA section 1111(c)(4)(E)(ii)). It is not clear that NDE is meeting this requirement. In addition, NDE includes language in its plan indicating that some students may be excluded from this

	<p>indicator if they are not tested (i.e., students who are coded as “valid reason/not tested” and that only “eligible” assessments are included). As a result, it is not clear that NDE is meeting this statutory requirement for calculating the Academic Achievement indicator.</p>
<p>A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools</p>	<ul style="list-style-type: none"> • The ESEA requires a State to describe an indicator for elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) that annually measures the performance of all students and separately of each subgroup of students. Although NDE describes three measures (improvement, growth, and reduction in non-proficiency) that comprise what it calls its Academic Progress indicator, it is unclear how these measures will be calculated individually and how they will be combined into one indicator to meet the statutory requirement for an Other Academic Indicator. In addition, for the growth measure described on page 251 of the plan, NDE has not described how the measure is a valid and reliable measure of individual student growth given that students appear only to need to make a single scale score point increase to receive credit for growth. • NDE includes high school growth as a measure within the Other Academic Indicator, and it is unclear whether NDE includes high school students within other measures intended to be included in this indicator. The indicator required under ESEA section 1111(c)(4)(B)(ii) must be limited to elementary and secondary schools that are not high schools. A State may include a measure of student growth for high schools either within the Academic Achievement indicator, consistent with ESEA section 1111(c)(4)(B)(i)(II), or as a School Quality or Student Success indicator, but the indicator required under ESEA section 1111(c)(4)(B)(ii) cannot include any measures that apply to high school students. • The Other Academic indicator must annually measure the performance of all students and each subgroup of students. NDE’s description of its proposed Other Academic indicator includes a measure of “non-proficiency” and it is unclear whether that measure includes all students (in the denominator) or only non-proficient students. As a result, it is unclear whether NDE has met the statutory requirement.
<p>A.4.iv.c: Graduation Rate Indicator</p>	<p>NDE states that its graduation rate indicator for a given school will be the higher of the four-year or seven-year adjusted cohort graduation rates. Although it is permissible to use an extended-year adjusted cohort graduation rate in addition to the four-year adjusted cohort rate, the ESEA requires that the Graduation Rate Indicator include the four-year adjusted cohort graduation rate for all students and each subgroup of students.</p>
<p>A.4.iv.d: Progress in Achieving English Language Proficiency</p>	<p>The ESEA requires a State to establish and describe in its State plan a Progress in Achieving English Language Proficiency indicator that is the same indicator across all schools in the State,</p>

<p>Indicator</p>	<p>is based on the State’s definition of English language proficiency, and is measured by the State’s English language proficiency assessment. The ESEA also requires the State to establish a system of meaningful differentiation on an annual basis that includes all indicators, including Progress in Achieving English Language Proficiency indicator. NDE indicates that it will combine its Progress in Achieving English Language Proficiency indicator with results from its reading/language arts and mathematics assessments within a growth measure that is part of the Other Academic indicator but does not describe its distinct Progress in Achieving English Language Proficiency indicator. NDE also states that the maximum timeline for English learners to attain English language proficiency will not exceed six years but does not provide its definition of making progress in English language proficiency. As a result, NDE does not meet the statutory requirements for establishing a Progress in Achieving English Language Proficiency indicator and including such indicator in its system of annual meaningful differentiation.</p>
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<p>The ESEA requires that a State describe one or more School Quality or Student Success indicators that annually measure results for all students and separately for each subgroup of students and allow for meaningful differentiation in school performance, and that are valid, reliable, comparable, and used statewide in all schools (for the grade span(s) to which they apply). Although NDE proposes to use several School Quality or Student Success indicators (chronic absenteeism, evidence-based analysis (EBA), and science achievement), NDE has not provided sufficient detail regarding the indicators and how they are calculated, particularly with regard to the EBA indicator, to determine whether NDE has met the statutory requirements. In particular, it is unclear whether each School Quality or Student Success indicator annually measures the results for all students and separately for each subgroup, how each is valid and reliable, and how each meaningfully differentiates among schools.</p>
<p>A.4.v.a: State’s System of Annual Meaningful Differentiation</p>	<ul style="list-style-type: none"> • The ESEA requires a State to describe its system of annually meaningfully differentiating all public schools in the State based on all indicators in the State’s accountability system. NDE has not sufficiently described how its system will result in the meaningful differentiation of schools. • Because NDE indicates that there are years in which its AQuESTT system classification does not occur, it is unclear whether the State’s system meaningfully differentiates on an annual basis, as required by the statute. • It is also not clear whether NDE will include all public schools in the State, as it begins its classification by looking at every eligible school and district rather than all schools, and it excludes certain categories of schools (e.g., special education schools, schools with

	<p>alternative programs) from its statewide system. The ESEA requires that a State include all public schools in its accountability system.</p> <ul style="list-style-type: none"> • The ESEA requires a State to base its system of annual meaningful differentiation on all required indicators. Because NDE does not include the Progress in Achieving English Language Proficiency indicator, the State’s accountability system is not based on all indicators. Further, it is unclear how NDE’s proposed Evidence-Based Analysis (EBA) indicator is utilized in annual meaningful differentiation.
<p>A.4.v.b: Weighting of Indicators</p>	<p>The ESEA requires a State to describe the weighting of each indicator in its system of annual meaningful differentiation, including:</p> <ul style="list-style-type: none"> • How the Academic Achievement, Other Academic for elementary and secondary schools that are not high schools, Graduation Rate for high schools, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually; and • How the Academic Achievement, Other Academic for elementary and secondary schools that are not high schools, Graduation Rate for high schools, and Progress in Achieving English Language Proficiency indicators receive, in the aggregate, much greater weight than the School Quality or Student Success indicator(s), in the aggregate. <p>In its State plan, NDE has not described how it is meeting these requirements. Although a State is permitted to develop a system of differentiating among schools by adjusting classifications based on performance on individual indicators, it must still demonstrate how such a system meets the statutory weighting requirements. In addition, NDE has not described how the Progress in Achieving English Language Proficiency indicator, in particular, receives substantial weight, and has not described how it will meet these requirements for schools for which an indicator cannot be calculated due to the minimum number of students.</p>
<p>A.4.v.c: If Applicable, Different Methodology for Annual Meaningful Differentiation</p>	<p>The ESEA requires a State to include all public schools in its system of annual meaningful differentiation and to describe that system in its State plan. NDE indicates that it will develop a methodology for identifying Special Purpose Schools for which assessment results have not been reported, but does not describe the methodology in its plan. Because the NDE does not describe the different methodology it will use for Special Purpose Schools, how the methodology will be used to identify such schools for comprehensive or targeted support and improvement, or whether the different methodology is limited to schools for which an accountability determination cannot be made, it is unclear whether NDE meets the statutory requirements. In addition, the ESEA requires the State to provide an annual determination for each school; it is unclear whether NDE is meeting this requirement or whether it is providing a determination for grade spans within a</p>

	school.
A.4.vi.a Comprehensive Support and Improvement Schools— Lowest Performing	The ESEA requires a State to describe a methodology that will result in the identification of not less than the lowest-performing five percent of schools receiving Title I, Part A funds. While NDE describes identifying Title I schools as “Needs Improvement” under the AQuESTT classification system, which will “qualify” to be designated as in need of comprehensive support and improvement, it is not clear that such schools will in fact be identified for comprehensive support and improvement. NDE also provides that additional schools “potentially qualify” to be identified, including those in which “the LEA is in the lowest 5 percent of overall performance of Title I schools” (pg. 109). Because NDE proposes to identify schools based on the LEA’s performance, rather than each Title I school’s performance, and because it is unclear whether NDE will actually identify these schools (in light of the “potentially qualify” language), it is unclear whether NDE meets the statutory requirement.
A.4.vi.c: Comprehensive Support and Improvement Schools— Additional Targeted Support Not Exiting Such Status	The ESEA requires a State to describe its methodology to identify a school for comprehensive support and improvement that has received additional targeted support under ESEA section 1111(d)(2)(C) because it has a subgroup of students that, on its own, would lead to identification of the school as needing comprehensive support and improvement based on being among the lowest-performing five percent of Title I schools and has not satisfied the statewide exit criteria within a State-determined number of years. In its State plan, NDE does not clearly identify from which type of targeted support and improvement schools (i.e., those with consistently underperforming subgroups or those that have received additional targeted support under ESEA section 1111(d)(2)(C)) it will identify schools for comprehensive support and improvement based on not having met the State’s exit criteria within a State-determined number of years. The ESEA requires NDE to describe its methodology to identify for comprehensive support and improvement schools receiving Title I, Part A funds that have received additional targeted support under the ESEA and that have not satisfied the statewide exit criteria for such schools within a State-determined number of years.
A.4.vi.d: Frequency of Identification	NDE explains that it will classify schools for comprehensive support and improvement “up to” every three years. The ESEA requires a State to identify schools for comprehensive support and improvement at least once every three years and to describe in its State plan the frequency with which the State will identify schools for comprehensive support and improvement, consistent with that requirement.
A.4.vi.e: Targeted Support and Improvement Schools—	<ul style="list-style-type: none"> • The ESEA requires each State to describe its methodology to identify schools with one or more “consistently underperforming” subgroups of students, including its definition of

<p>“Consistently Underperforming” Subgroups</p>	<p>“consistently underperforming,” which NDE does not do.</p> <ul style="list-style-type: none"> • The ESEA also requires a State’s methodology for identifying these schools to consider all subgroups of students and all indicators in the statewide system of annual meaningful differentiation. However, in its State plan, NDE states that it will identify schools as consistently underperforming based only on the performance of a subgroup of non-proficient students and using only the Academic Achievement and Progress in Achieving English Language proficiency indicators. • In addition, NDE indicates that “reclassification of schools and districts occurs every three years” (p. 113), although the ESEA requires annual identification of schools with one or more consistently underperforming subgroups.
<p>A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support</p>	<p>The ESEA requires that a State describe its methodology for identifying for additional targeted support any school in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I), using the State’s methodology under ESEA section 1111(c)(4)(D). In its State plan, NDE does not describe a methodology for identifying such schools, including the year it will first identify such schools and the frequency with which it will, thereafter, identify such schools.</p>
<p>A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools</p>	<p>The ESEA requires a State to establish statewide exit criteria that ensure continued progress to improve student academic achievement and school success for schools identified for comprehensive support and improvement. NDE proposes to use school-level SMART goals, but it is unclear whether NDE’s strategy is statewide and whether it will ensure that schools make continued progress to improve student academic achievement and school success.</p>
<p>A.4.viii.b: Exit Criteria for Schools Receiving Additional Targeted Support</p>	<p>The ESEA requires a State to establish and describe statewide exit criteria for schools receiving additional targeted support that ensure continued progress to improve student academic achievement and school success, including the number of years over which schools are expected to meet such criteria. NDE does not have statewide exit criteria, but rather applies school-level SMART goals within a three-year timeframe, requiring schools to complete all goals and no longer have low performing subgroups. It is not clear whether this methodology will ensure continued progress to improve student academic achievement and school success.</p>
<p>A.7: School Transitions</p>	<p>In its State plan, NDE describes general support for LEAs in meeting the needs of students at all levels of schooling. However, the ESEA requires a State to also describe how it will support LEAs receiving assistance under Title I, Part A to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out.</p>

Title I, Part C: Education of Migratory Children	
B.1: Supporting Needs of Migratory Children	The ESEA requires that a State describe how, in planning, implementing, and evaluating the Migrant Education Program, it will address the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, through joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part A; and through the integration of services available under Title I, Part C with services provided by those other programs. NDE does not provide any information addressing these requirements.
Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk	
C.1: Transitions Between Correctional Facilities and Local Programs	Although NDE includes a plan for assisting in the transition of children and youth from correctional facilities to locally operated programs, it does not include a plan for assisting in the transition of children and youth between locally operated programs and correctional facilities (i.e., the transition from correctional facilities to locally operated programs as well as the transition from locally operated programs to correctional facilities). The ESEA requires States to provide a plan for assisting in the transition of children and youth between correctional facilities and locally operated programs.
Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement	
E.1: Entrance and Exit Procedures	<ul style="list-style-type: none"> • NDE describes how the State’s entrance and exit procedures are included in its State Rules, and how the SEA intends to convene a stakeholder group to complete revisions to State rules. However, NDE does not describe how it conducted timely and meaningful consultation with LEAs representing the geographic diversity of the State on these entrance and exit procedures as required under ESEA section 3113(b)(2). • NDE suggests that future State Rules will contain the timeline required in ESEA section 3113(b)(2), under which States must assure that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State. However, because there does not appear to be such an assurance in the State plan or current State Rules, it does not appear that NDE is currently meeting the statutory requirement. • On page 201, NDE mentions convening a stakeholder group to consider revising its English learner (EL) exit criteria to exclude using the state language arts assessment as a primary means of exit, without indicating whether a passing English language proficiency (ELP) assessment score is currently required to exit. These exit criteria appear inconsistent with Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act,

	<p>which require a valid and reliable assessment of the four language domains (speaking, listening, reading, and writing) for the purpose of ensuring that English learners have achieved English language proficiency before exiting such students from EL services (See ED/DOJ Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (2015); Policy Update on Schools’ Obligations Toward National-Origin Minority Students with Limited-English Proficiency (September 1991)).</p> <ul style="list-style-type: none"> ○ Please note that the Department only reviewed information provided in Nebraska’s consolidated State plan that was responsive to the Revised Template for the Consolidated State Plan that was issued on March 13, 2017. The Department’s review of consolidated State plans is not a determination that all the information and data included in the 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 NDE’s responsibility to comply with all civil rights requirements.
<p>Title IV, Part A: Student Support and Academic Enrichment Grants</p>	
<p>F.2: Awarding Subgrants</p>	<p>In its State plan, NDE indicates that it will ensure that the distribution of funds will cover the three content areas as follows: “a) At least 20% for well-rounded education b) At least 20% to improve school conditions for learning c) Remaining funds for the use of technology to improve student achievement.” The ESEA and Consolidated Appropriations Act require a State that chooses to make competitive grants to distribute the total amount of funds such that: 1) At least 20 percent of funds are used for activities to support well-rounded educational opportunities (ESEA section 4107); 2) At least 20 percent of funds are used for activities to support safe and healthy students (ESEA section 4108); and 3) A portion of funds are used for activities to support effective use of technology (ESEA section 4109).</p>
<p>Title V, Part B, Subpart 2: Rural and Low-Income School Program</p>	
<p>H.1: Outcomes and Objectives</p>	<p>The ESEA requires a State to provide information on program objectives and outcomes for activities under Title V, Part B, Subpart 2, including how the SEA will use funds to help all students meet the challenging State academic standards. While NDE provides a description about its program objectives and outcomes under the ESEA generally, NDE does not identify its objectives and outcomes for activities under the Rural and Low-Income School program (RLIS) (e.g., which of the objectives and outcomes under the ESEA programs in 5222(a) are the objectives and outcomes for RLIS; or objectives and outcomes tailored specifically to NDE’s</p>

	<p>plans for RLIS). The ESEA requires a State to include a description of how it will use RLIS funds to help all students meet the challenging State academic standards.</p>
<p>H.2: Technical Assistance</p>	<p>The ESEA requires that a State describe how it will provide technical assistance specifically to LEAs eligible for funds under the RLIS program to help such agencies implement the activities described in ESEA section 5222. While NDE provides a description about how it will provide technical assistance to LEAs generally, this description does not specifically address technical assistance for RLIS-eligible LEAs. In particular, the ESEA requires a State to include information about how the SEA will provide technical assistance to RLIS-eligible LEAs (<i>i.e.</i>, the methods and strategies). Additionally, the ESEA requires that the description specifically address how the SEA’s technical assistance will assist RLIS-eligible LEAs’ implementation of RLIS activities.</p>
<p>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</p>	
<p>I.3: Support for School Personnel</p>	<p>In its State plan, NDE indicates there is training and outreach by LEA liaisons, with support from the SEA, for school personnel to heighten the awareness of such school personnel of the needs of homeless children and youth. It is not clear, however, whether these activities will heighten the awareness of such school personnel of the specific needs <i>of runaway and homeless children and youth</i>. The McKinney-Vento Act requires the State to describe programs for school personnel (including the LEA liaisons for homeless children and youth, principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of homeless children and youth, including runaway and homeless children and youth.</p>
<p>I.4: Access to Services</p>	<ul style="list-style-type: none"> • In its State plan, NDE does not include any SEA procedures that ensure that homeless youth and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent them from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. The McKinney-Vento Act requires a State to describe procedures that ensure that homeless youth and youths separated from public schools are accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent them from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. (<i>Requirement I.4ii</i>) • While NDE addresses ensuring equitable access for homeless students to extracurricular and

	<p>academic support programs, it is not clear whether these procedures ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to activities such as magnet school, summer school, advanced placement, online learning, career and technical education, and charter school programs, if such programs are available at the State and local levels. The McKinney-Vento Act requires the State to describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, advanced placement, online learning, career and technical education, and charter school programs, if such programs are available at the State and local levels. (<i>Requirement I.4iii</i>)</p>
<p>I.6: Policies to Remove Barriers</p>	<p>While NDE indicates that training and guidance related to the enrollment and retention barriers to homeless children and youth are provided to LEAs, NDE does not demonstrate that the SEA and LEAs have developed policies that they will review and revise to address specific to barriers to enrollment and retention <i>due to outstanding fees or fines, or absences</i>. The McKinney-Vento Act requires the State to demonstrate that the SEA and LEAs in the State have developed, and shall review and revise, policies to remove barriers to the identification, enrollment and retention of homeless children and youth in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.</p>
<p>General Education Provisions Act (GEPA)</p>	
<p>GEPA 427</p>	<p>Section 427 of the General Education Provisions Act requires a State to provide a description of the steps it will take to ensure equitable access to, and participation in, the programs included in its State plan for students, teachers, and program beneficiaries with special needs, and this is not addressed in NDE’s plan.</p>