



No Child Left Behind — 2008

Discussion of Final *Title I* Regulations

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Background

- On April 23, 2008, the U.S. Department of Education released a Notice of Proposed Rulemaking (NPRM).
- The proposed regulations addressed key areas related to assessment, accountability, supplemental educational services (SES), and public school choice.
- More than 400 comments were received during the 60-day comment period.



Background

- **Based on the comments received, substantive changes were made, particularly regarding:**
 - The high school graduation rate;
 - SES; and
 - Public school choice.

- **Other changes were made regarding:**
 - Reporting data from the National Assessment of Educational Progress (NAEP) on report cards and
 - Restructuring.



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Overview of Final Regulations: Accountability for High Schools



Graduation Rate

- **The final regulations address the need for a graduation rate that:**
 - Is accurate and ensures that students who drop out are not counted as “transfers;”
 - Is comparable across states;
 - Gives credit for students who take longer than four years to graduate;
 - Ensures that states set aggressive graduation rate goals and targets; and
 - Holds schools accountable for improving graduation rates for all students and student subgroups.



Graduation Rate

■ The final regulations:

- Require the four-year adjusted cohort graduation rate to be reported for assessments administered in the 2010-2011 school year (SY) (in the aggregate, and disaggregated by subgroups).
- Permit an extended-year adjusted cohort rate for adequate yearly progress (AYP) determinations.
- Require the four-year adjusted cohort graduation rate to be used in AYP determinations in SY 2011-2012 (in the aggregate, and disaggregated by subgroups).
- Do not permit cohort reassignment (as described in the NPRM).



Graduation Rate

Four-Year Adjusted Cohort Rate

- This rate is similar to the one recommended by the National Governors' Association Task Force on High School Graduation Rate Data.
- The four-year adjusted cohort rate includes students who graduate in four years or less with a regular high school diploma.
- It does not include students who graduate with a modified diploma or certificate of attendance, or through the General Educational Development (GED) program.



Graduation Rate

Four-Year Adjusted Cohort Rate (Continued)

- **Example of a four-year adjusted cohort entering in 2002-3003:**

Numerator = Number of cohort members who earned a regular high school diploma through summer 2006

Denominator = Number of first-time ninth-graders in fall 2002 (starting cohort); plus students who transfer in; minus students who transfer out, emigrate, or die during 2002-2003, 2003-2004, 2004-2005, and 2005-2006



Graduation Rate

Extended-Year Adjusted Cohort Rate

- This rate is a state option.
- A state must propose to the U.S. Secretary of Education how it will make AYP determinations using this extended-year rate.
- This rate gives credit for students who take longer than four years to graduate with a regular diploma.
- It must be reported separately from the four-year rate.

Graduation Rate

Extended-Year Adjusted Cohort Rate

(Continued)

- **Example of a five-year adjusted cohort entering in 2002-2003:**

Numerator in the four-year adjusted cohort graduation rate, plus the number of students from the cohort who earned a regular high school diploma through summer 2007

Denominator in the four-year adjusted cohort graduation rate; plus students who transfer in during SY 2006-2007; minus students who transfer out, emigrate, or die during SY 2006-2007



Graduation Rate

- **Until the 2010-2011 deadline, states must:**
 - Use a transitional graduation rate that meets the requirements in the current regulations or the four-year adjusted cohort graduation rate.
 - Report disaggregated graduation rate data.
- **Additionally, states do not have to use the Averaged Freshman Graduation Rate (AFGR) as an interim measure, as was initially proposed in the NPRM.**



Graduation Rate

Documenting Transfers Out

To remove a student from a cohort, a school must confirm in writing that a student has:

- Transferred out,
- Emigrated to another country, or
- Is deceased.

For students who transfer out, the official written confirmation must document that the student has:

- Enrolled in another school or
- Enrolled in an educational program that culminates in a regular high school diploma.



Graduation Rate

Documenting Transfers Out (Continued)

- **Examples of official documentation for students who transfer out:**
 - Evidence of a transfer recorded in a state's data system;
 - Transcript request from another school; or
 - Approved application for a home-schooling or distance-education program.



Graduation Rate

Goals, Targets, and Making AYP

- **To make AYP, a school or district must:**
 - Meet the state's graduation rate goal, or
 - Demonstrate continuous and substantial improvement from the prior year toward meeting or exceeding that goal.
- **States must submit their goals and targets to the U.S. Secretary of Education for peer review.**



Graduation Rate

Establishing Goals and Targets

■ Each state must establish:

- A single graduation rate goal that represents the rate the state expects all of its high schools to meet.

- Annual graduation rate targets that reflect continuous and substantial improvement from the prior year toward meeting or exceeding its graduation rate goal.



Graduation Rate

Timeline for Goals and Targets

- Beginning in SY 2009-2010, states must have a single graduation rate goal as well as targets that meet the criteria in the new regulations.
- States may choose to change their goal and targets when they begin using the four-year adjusted cohort graduation rate.



Graduation Rate

Accountability Workbooks

- **Required information includes a state's:**
 - Graduation rate goal and targets;
 - Graduation rate calculations;
 - Explanation of progress toward implementing the four-year graduation rate;
 - Definition of an extended-year rate or rates; and
 - The most recent graduation rates for the high school at the 10th, 50th, and 90th percentiles in the state.



Graduation Rate

Extension of the 2010-2011 Deadline

- **A state that cannot meet the deadline may request an extension and must:**
 - Submit its request by March 2, 2009.
 - Provide evidence that it cannot meet the deadline.
 - Provide a detailed plan to implement the four-year rate as expeditiously as possible.



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**Questions Relating to
the Graduation Rate?**



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Overview of Final Regulations: Supplemental Educational Services (SES) and Public School Choice



SES and Public School Choice

■ The final regulations:

1. Require districts to provide timely and clear notification to parents regarding public school choice and SES options.
2. Provide increased access to information on district implementation of public school choice and SES.
3. Increase states' responsibilities for ensuring the quality of SES by enhancing their approval and monitoring processes for SES providers.



SES and Public School Choice

- **The final regulations:**
 4. Allow districts to count costs for parent outreach toward their 20-percent obligation for choice-related transportation and SES.
 5. Require districts to meet certain implementation criteria before using unspent school choice and SES funds on other allowable activities.

SES and Public School Choice

Timely and Clear Notification to Parents

- **The final regulations require districts to notify parents of eligible children about:**
 - The option to transfer their child to another school as far in advance as possible, but no later than 14 days before the start of school.
 - The availability and benefits of SES in a manner that is clear, concise, and distinguishable from the other information sent to parents regarding school improvement.

SES and Public School Choice

Transparency for Parents and the Public

- **Districts must include on their Web sites:**
 - Student eligibility and participation data for SES and public school choice.
 - A list of SES providers approved to serve the district and the locations where services will be provided.
 - A list of schools to which eligible students may transfer.

SES and Public School Choice

Transparency for Parents and the Public

(Continued)

- **For each district, states must post on their Web sites:**
 - The amount of funds available for choice-related transportation, SES, or parent outreach, and
 - The maximum per-pupil amount for SES.

- **States and districts must indicate which SES providers are able to serve students with disabilities or students who are limited English proficient.**

SES and Public School Choice

SES Provider Approval Process

- **States must consider the following in approving an SES provider:**
 - Evidence that the provider's instructional methods and content are aligned with state standards, high quality, research-based, and designed to raise student achievement;
 - Whether or not the provider has been removed from any state's approved provider list; and
 - Any existing parental input or evaluation results regarding the success of the provider's program in raising student achievement.

SES and Public School Choice

SES Provider Monitoring

- **In monitoring SES providers, states must examine, at a minimum, evidence that a provider's instructional program:**
 - Is consistent with the instruction provided and content used by the district and state;
 - Addresses students' needs;
 - Has contributed to increasing students' academic proficiency; and
 - Is aligned with state standards.



SES and Public School Choice

SES Provider Monitoring (Continued)

- States must take into account parent feedback and other evaluation results, if any, regarding the success of the provider's program in increasing student achievement.



SES and Public School Choice

Parent Outreach

- **Districts may count costs for parent outreach and assistance toward meeting their 20-percent obligation**
 - Up to an amount equal to 0.2 percent of the district's Title I, Part A allocation (1 percent of the 20 percent).



SES and Public School Choice

Reallocating Unspent Funds

- **Before spending unused funds from the 20-percent obligation on other allowable activities, districts must meet the following criteria:**
 - Partner, if possible, with outside groups.
 - Provide timely, accurate notice of eligibility to parents.
 - Ensure that SES sign-up forms have been distributed directly to parents and are made widely available and accessible.

SES and Public School Choice

Reallocating Unspent Funds (Continued)

- **Before spending unused funds from the 20-percent obligation on other allowable activities, districts must meet the following criteria:**
 - Provide a minimum of two SES enrollment “windows” of sufficient length at separate points in the school year, and
 - Ensure that SES providers are given access to school facilities in the same manner as other groups.



SES and Public School Choice

Monitoring the Reallocation of Unspent Funds

■ **Districts must:**

- Maintain records demonstrating that they have met the criteria;
- Notify the state that they have met the criteria; and
- Inform the state of the amount of funds remaining from the 20-percent obligation that it intends to spend for other allowable activities.



SES and Public School Choice

Monitoring the Reallocation of Unspent Funds (Continued)

- **States must:**
 - Ensure through regular monitoring that a district that uses unspent choice and SES funds for other allowable purposes meets the criteria.



SES and Public School Choice

Monitoring the Reallocation of Unspent Funds (Continued)

- **States must separately review any district that:**
 - Spends a significant portion of its choice and SES funds on other allowable activities, and
 - Has been the subject of complaints regarding its implementation of choice and SES.

SES and Public School Choice

Monitoring the Reallocation of Unspent Funds (Continued)

- **If a state determines that a district has failed to meet the criteria, the district must:**
 - Spend an amount equal to its unspent funds in the subsequent school year, in addition to the 20-percent obligation for that year; or
 - Meet the criteria, and obtain permission from the state before spending less in the subsequent school year than it is required to spend.



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**Questions Relating to SES and Public
School Choice?**



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Overview of Final Regulations: Other Accountability Provisions



Other Accountability Provisions

- NAEP data on report cards;
- National Technical Advisory Council (National TAC);
- Minimum group size;
- Individual student growth in AYP;
- Restructuring;
- Multiple measures;
- Same subject identification for improvement; and
- Highly qualified special education teachers



Other Accountability Provisions

State and District Report Cards

- Including state-level NAEP results on state and district report cards gives parents easy access to this important information.
- The final regulations require states to include on their report cards disaggregated data for each subgroup.

Other Accountability Provisions

State and District Report Cards (Continued)

- **The final regulations require states and districts to include on their report cards:**
 - The most recent available results from the state NAEP reading and mathematics assessments.
 - The NAEP participation rates for students with disabilities and for students who are limited English proficient.

Other Accountability Provisions

National TAC

- **Establishing the National TAC in the final regulations ensures that the Department will continue to benefit from expert advice in the areas of state standards, assessment, and accountability systems.**
- **The final regulations require the U.S. Secretary of Education to establish a National TAC to advise the Department on:**
 - Key technical issues related to state standards, assessments, and accountability systems; and
 - Broader issues that affect all states.



Other Accountability Provisions

National TAC (Continued)

- **The National TAC is subject to the *Federal Advisory Committee Act (FACA)*.**
 - Meetings are open to the public.
 - Proceedings of meetings are available to the public.



Other Accountability Provisions

Minimum Group Size and Accountability

- The final regulations continue to give states flexibility to use various statistical measures as part of their AYP definitions, while also requiring that states ensure that those measures maximize the inclusion of students and student subgroups in accountability determinations.

Other Accountability Provisions

Minimum Group Size and Accountability

(Continued)

- **The final regulations require each state to submit a revised “Accountability Workbook” that includes:**
 - An explanation of how its minimum group size and other AYP components interact to provide statistically reliable information. *(States must ensure the maximum inclusion of all students and student subgroups in AYP determinations.)*
 - The number and percentage of students and subgroups excluded from school-level AYP determinations.



Other Accountability Provisions

Individual Student Growth in AYP

- The criteria in the final regulations ensure that schools continue to be held accountable for the achievement of all students, while providing flexibility for states to include a measure of individual student growth in calculating AYP.
- The final regulations set criteria that a state's proposal must meet in order for it to receive approval to incorporate individual student academic progress into its AYP calculation.



Other Accountability Provisions

Restructuring

- **It is important that states and districts take significant reform actions to improve chronically underperforming schools.**
- **The final regulations clarify that interventions:**
 - Must be more rigorous and comprehensive than the corrective action implemented by the school after it was identified as “in need of improvement;”
 - Must address why the school is in restructuring;



Other Accountability Provisions

Restructuring (Continued)

- **The final regulations clarify that:**
 - The restructuring option of replacing school staff may include replacing the principal, though that action alone is not sufficient to constitute restructuring.
 - The “other” option may include replacing the principal so long as this action is part of a broader reform effort.

Other Accountability Provisions

Multiple Measures

- **There is a misunderstanding that accountability under Title I must be based on a single measure or form of assessment.**
- **The final regulations clarify that state assessments may include:**
 - Single or multiple questions that range in difficulty within a single assessment, and
 - Multiple assessments within a subject area (e.g., reading and writing assessments to measure proficiency in English/language arts).



Other Accountability Provisions

Same Subject Identification for Improvement

- **The final regulations codify current Department policy, which provides that:**
 - A district may identify a school as “in need of improvement” if a school does not meet the annual measurable objective (AMO) in the same subject for two consecutive years.



Other Accountability Provisions

Same Subject Identification for Improvement (Continued)

- **The final regulations codify current Department policy, which provides that:**
 - A district may NOT limit identification for improvement to schools that miss AYP only because they did not meet the AMO in the same subject for the same subgroup for two consecutive years.



Other Accountability Provisions

Highly Qualified Special Education Teachers

- The final regulations clarify that a special education teacher is a “highly qualified teacher” under the *Elementary and Secondary Education Act* if the teacher meets the requirements for a highly qualified special education teacher under the *Individuals with Disabilities Education Act*.



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**Questions Related to the Other
Accountability Provisions?**



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This concludes today's webcast.

Thank you for joining in our discussion.

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