



No Child Left Behind — 2008



Technical Review — Final *Title* / Regulations

Thursday, November 13, 2008

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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.

Format of the Teleconference

- First half will focus on regulations related to the graduation rate.
- Second half will focus on regulations related to public school choice and supplemental educational services (SES).
- The teleconference will be presented in segments. Each segment will be followed by an opportunity to ask questions.
- There will be time at the end of each half to answer any additional questions.

Ground Rules for Asking Questions

- Please:
 - Provide your name and where you're calling from.
 - Be succinct.
 - Be generic – questions should be applicable to other states and districts and not to a specific local situation.
 - Limit questions to those on the new regulations for graduation rate, public school choice, and SES.

Ground Rules for Asking Questions

(Continued)

- We are preparing non-regulatory guidance and hope to address more questions in that guidance.
- We intend to hold additional teleconferences when the non-regulatory guidance is issued.
- If we are not able to address your question today and you would like to see it answered or considered as part of non-regulatory guidance that the Department anticipates releasing in the future, please submit it to our e-mail inbox at nclbregulations@ed.gov.



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Regulations Regarding the High School Graduation Rate

Graduation Rate

Introduction

- 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 an aggressive graduation rate goal and annual targets.
 - Holds schools accountable for improving graduation rates for all students and student subgroups.



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Overview of the Four-Year Adjusted Cohort Graduation Rate

Definition of Graduation Rate: *Four-Year Adjusted Cohort Rate*

- The four-year adjusted cohort graduation rate is defined as the number of students who graduate in four years with a regular high school diploma divided by the number of students who form the adjusted cohort for that graduating class [§200.19(b)(1)(i)(A)].
 - Follows a cohort, or a group of students, who begin as first-time ninth graders in a particular school year.
 - For high schools that start after grade nine, the cohort is calculated based on the earliest high school grade [§200.19(b)(1)(i)(B)].

Getting into the Specifics

- A “regular high school diploma:”
 - Means a standard high school diploma that is fully aligned with the state’s academic content standards.
 - May include a higher diploma.
 - Does not include a credential from a General Educational Development (GED) program, certificate of attendance, or other alternative award [§200.19(b)(1)(iv)].

Getting into the Specifics *(Continued)*

- “Students who graduate in four years” means students who earn a regular high school diploma:
 - At the conclusion of their fourth year,
 - Before the conclusion of their fourth year, or
 - During the summer session immediately following their fourth year [§200.19(b)(1)(iii)].
- “Adjusted cohort” means students who enter ninth grade (or the earliest high school grade) and
 - Any students who transfer into the cohort in grades nine through 12,
 - Minus any students who transfer, emigrate, or die [§200.19(b)(1)(ii)].

Example of a Four-Year Adjusted Cohort Rate

- A four-year adjusted cohort for students entering ninth grade for the first time in 2008-09 would be calculated as follows:

Numerator = Number of cohort members who graduate in four years with a regular high school diploma

Denominator = Number of first-time ninth graders in fall 2008 (starting cohort), plus students who transfer into, minus students who are removed from, the cohort during school years 2008-09, 2009-10, 2010-11, and 2011-12



The National Governors Association (NGA) Rate

- The four-year adjusted cohort graduation rate is similar, but not identical, to the NGA rate. Key differences include:

| NGA Rate | 4-year Adjusted Cohort Graduation Rate |
|--|---|
| The NGA rate allows special education and recently arrived immigrants who are limited English proficient (LEP) students to be assigned to different cohorts to allow them more time to graduate. | The 4-year rate does not allow for such “cohort reassignment.” |
| The NGA rate permits students who graduate with modified high school diplomas to count as graduates. | The 4-year rate does not permit a modified high school diploma to count as a regular high school diploma. |

Extended-Year Adjusted Cohort Graduation Rate

- In addition to the four-year graduation rate, a state may propose to the U.S. Secretary of Education for approval, an extended-year adjusted cohort graduation rate (or rates) [§200.19(b)(1)(v)], which:
 - Gives credit for students who take longer than four years to graduate with a regular high school diploma.
 - Must be reported separately from the four-year rate [§200.19(b)(4)(ii)(B)].

Extended-Year Adjusted Cohort Graduation Rate *(Continued)*

- An extended-year adjusted cohort graduation rate is defined as the number of students who graduate in four years or more with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate, adjusted for in- and out-transfers by the end of the graduation year being considered [§200.19(b)(1)(v)(A)].
- If a state chooses to calculate an extended-year graduation rate, this rate should not be limited to groups of students based on their characteristics (e.g., students with disabilities or who are limited English proficient).

Example of an Extended-Year Adjusted Cohort Rate

- A five-year adjusted cohort for students entering ninth grade for the first time in 2007-08 would be calculated as follows:

Numerator = The 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 2011-12

Denominator = The denominator in the four-year adjusted cohort graduation rate, plus students who transfer in during 2011-12, minus students who are removed from the cohort during 2011-12

Extended-Year Adjusted Cohort Graduation Rate *(Continued)*

- A student who takes longer than four years to graduate with a regular high school diploma:
 - Must be included in the denominator of the four-year graduation rate, but may not be included in the numerator.
 - May not be removed from the cohort in the four-year graduation rate (i.e., cohort reassignment is not permitted).
 - May be included in an extended-year adjusted cohort rate.



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Tracking a Cohort: Walking Through an Example

Four-year adjusted cohort graduation rate for the first time ninth grade cohort of 2008-09

| School Year 2008-09 | School Year 2009-10 | School Year 2010-11 |
|--|---|---|
| First-time 9th grade students in 2008-09 = 100 | Adjusted 08-09 9th grade cohort = 105 | Adjusted 08-09 9th grade cohort = 100 |
| Dropouts = 10 | Dropouts = 5 | Dropouts = 5 |
| Transfers out = 15 | Transfers out = 10 | Transfers out = 10 |
| Transfers in = 20 | Transfers in = 5 | Transfers in = 5 |
| Diplomas earned 08-09 = 0 | Diplomas earned 09-10 = 0 | Diplomas earned 10-11 = 2 |
| Cohort end of 08-09 = $100 - 15 + 20 = 105$ | Cohort end of 09-10 = $105 - 10 + 5 = 100$ | Cohort end of 10-11 = $100 - 10 + 5 = 95$ |
| 4-year adjusted cohort graduation rate = NA | 4-year adjusted cohort graduation rate = NA | 4-year adjusted cohort graduation rate = NA |
| 5-year adjusted cohort graduation rate = NA | 5-year adjusted cohort graduation rate = NA | 5-year adjusted cohort graduation rate = NA |

School Year 2011-12

| | |
|--|--|
| Adjusted 08-09 9th grade cohort = 95 | For AYP for 2011-12: -- The 4-year adjusted cohort graduation rate is based on the cohort starting 9th grade for the first time in 2008-09 = 65% |
| Dropouts = 1 | |
| Transfers out = 5 | -- The 5-year adjusted cohort graduation rate (see next slide) is based on the cohort starting 9th grade for the first time in 2007-08 = 67% |
| Transfers in = 10 | |
| Diplomas earned 11-12 = 63 | |
| Cohort end of 11-12 = $95 - 5 + 10 = 100$ | |
| 4-year adjusted cohort graduation rate = $(2+63)/100 = 65\%$ | |
| 5-year adjusted cohort graduation rate = NA | |

Five-year adjusted cohort graduation rate for the first time 9th grade cohort of 2007-08

| School Year 2007-08 | School Year 2008-09 | School Year 2009-10 |
|--|---|---|
| First-time 9th grade students in 2007-08 = 105 | Adjusted 07-08 9th grade cohort = 110 | Adjusted 07-08 9th grade cohort = 105 |
| Dropouts = 10 | Dropouts = 5 | Dropouts = 5 |
| Transfers out = 15 | Transfers out = 10 | Transfers out = 10 |
| Transfers in = 20 | Transfers in = 5 | Transfers in = 5 |
| Diplomas earned 07-08 = 0 | Diplomas earned 08-09 = 0 | Diplomas earned 09-10 = 1 |
| $105 - 15 + 20 = 110$ | $110 - 10 + 5 = 105$ | $105 - 10 + 5 = 100$ |
| Cohort end of 07-08 = 110 | Cohort end of 08-09 = 105 | Cohort end of 09-10 = 100 |
| 4-year adjusted cohort graduation rate = NA | 4-year adjusted cohort graduation rate = NA | 4-year adjusted cohort graduation rate = NA |
| 5-year adjusted cohort graduation rate = NA | 5-year adjusted cohort graduation rate = NA | 5-year adjusted cohort graduation rate = NA |

| School Year 2010-11 | School Year 2011-12 | Summary of cohort as of 2011-12 |
|---|---|--|
| Adjusted 07-08 9th grade cohort = 100 | Adjusted 07-08 9th grade cohort = 105 | Of 106 students in the cohort at the end of 2011-12: |
| Dropouts = 1 | Dropouts = 5 | - 26 had dropped out; |
| Transfers out = 5 | Transfers out = 2 | - 66 had graduated on time or early (within 4 years) in 2010-11; |
| Transfers in = 10 | Transfers in = 3 | - 71 had graduated within 5 years, (by the end of 2011-12); |
| Diplomas earned 10-11 = 65 | Diplomas earned 11-12 = 5 | - and 9 were still in school. |
| $100 - 5 + 10 = 105$ | $105 - 2 + 3 = 106$ see previous slide | |
| 4-year adjusted cohort graduation rate = NA | 4-year adjusted cohort for 2011-12 AYP reporting graduation rate = NA | |
| 5-year adjusted cohort graduation rate = NA | 5-year adjusted cohort $(1+65+5)/106 = 67\%$ | |



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Questions Relating to Graduation Rate?

- Provide your name and where you're calling from.
- Be succinct.
- Be generic – questions should be applicable to other states and districts and not to a specific local situation.
- Limit questions to calculating the four-year and extended-year adjusted cohort graduation rates.





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Removing a Student from a Cohort: Documentation

Documenting Students Removed From a Cohort

- To remove a student from a cohort, a school or local educational agency (LEA) must confirm in writing that the student:
 - Transferred out,
 - Emigrated to another country, or
 - Is deceased [§200.19(b)(1)(ii)(B)].

Documenting Transfers Out

- To confirm that a student transferred out, the school or LEA must have official written documentation that the student enrolled in:
 - Another school, or
 - An educational program that culminates in the award of a regular high school diploma [§200.19(b)(1)(ii)(B)(1)].

Examples of Official Written Documentation

- Evidence of a transfer that is recorded in a state's data system.
- Request for records from the receiving high school.
- An approved application for home schooling.
- A letter from an official in the receiving high school acknowledging the student's enrollment.

Official documentation of a transfer must be in writing rather than a telephone conversation or other verbal communication with a parent, relative, or neighbor.

Written Confirmation for Students Who Emigrate or Pass Away

- A school or LEA must confirm in writing that a student has emigrated to another country or passed away, but need not obtain official documentation.
- Written confirmation that a student has emigrated to another country might include a school administrator's memo to the student's file based on a phone conversation with a parent, stating that the student is leaving the country.
- Written confirmation that a student has passed away might include an obituary or a letter from a parent.



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Questions Relating to Removing Students from a Cohort and Documentation?

- Provide your name and where you're calling from.
- Be succinct.
- Be generic – questions should be applicable to other states and districts and not to a specific local situation.
- Limit questions to removing students from a cohort and documentation.





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Setting a Graduation Rate Goal and Annual Targets

Establishing a Goal and Annual Targets

- Each state must set:
 - A single graduation rate goal that represents the rate the state expects all high schools in the state to meet.
 - Annual graduation rate targets that reflect continuous and substantial improvement from the prior year toward meeting or exceeding the state's graduation rate goal [§200.19(b)(3)(i)].

Graduation Rate Targets

- A state may establish more than one target.
- For example, a state might propose targets for schools with the lowest graduation rates that are more aggressive than targets for schools that are very close to meeting the state's goal.
- When approving a state's goal and targets, the U.S. Department of Education intends to consider the relationship between the state's goal and targets.

Goals, Targets, and Adequate Yearly Progress (AYP)

- To make AYP, any high school or LEA that serves grade 12 and the state must:
 - Meet or exceed the state's graduation rate goal, or
 - Meet or exceed the state's targets for continuous and substantial improvement from the prior year [§200.19(b)(3)(ii)].
- Each state must submit its goal and annual targets to the U.S. Secretary of Education for peer review and use its approved goal and annual targets beginning with AYP determinations based on 2009-10 assessment results [§200.19(b)(3)(ii); 200.19(b)(6)(i)(C)].



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Questions Relating to Setting a Graduation Rate Goal and Targets?

- Provide your name and where you're calling from.
- Be succinct.
- Be generic – questions should be applicable to other states and districts and not to a specific local situation.
- Limit questions to setting a graduation rate goal and targets.





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Reporting Graduation Rate and Using It in AYP

Reporting

- A state and its LEAs must report the four-year graduation rate at the school-, LEA-, and state-levels in the aggregate, and disaggregated by subgroups [§200.19(b)(4)(i)].
- States and LEAs must report graduation rate data for:
 - Economically disadvantaged students,
 - Students from major racial and ethnic groups,
 - Students with disabilities, and
 - Students with limited English proficiency [§200.19(b)(4)(i)].

Reporting *(Continued)*

- States and LEAs are not required to disaggregate graduation data by migrant status or gender for reporting purposes [§200.19(b)(4)(i)].
- States must ensure that in reporting graduation rate they do not reveal personally identifiable information about any student [§200.7(b)].
- States must report the four-year graduation rate beginning with report cards providing assessment results for the 2010-11 school year [§200.19(b)(4)(ii)(A)].
- If a state adopts an extended-year rate, the state and its LEAs must report, beginning with the first year for which the state calculates such a rate, the extended-year rate separately from the four-year rate [§200.19(b)(4)(ii)(B)].

Disaggregation of Graduation Rate Data for AYP

- A state must disaggregate graduation rate data for determining AYP for all high schools, LEAs, and the state beginning with determinations based on assessments administered in the 2011-12 school year [§200.19(b)(5)(i)].
- If a state chooses to use an extended-year rate, it must be disaggregated by the subgroups listed in §200.13(b)(7)(ii) for reporting and AYP determinations.

Disaggregation of Graduation Rate Data for AYP *(Continued)*

- Graduation rate data must be disaggregated for the same subgroups that are used in AYP proficiency determinations:
 - Economically disadvantaged students,
 - Students from major racial and ethnic groups,
 - Students with disabilities, and
 - Students with limited English proficiency [§200.19(b)(5)].

Statistical Measures in Graduation Rate Calculations for AYP

- In order to ensure the statistical reliability of the graduation rate for determining AYP, a state may use:
 - A minimum group size (“n size”), and
 - Multi-year averaging of data.

Statistical Measures in Graduation Rate Calculations for AYP *(Continued)*

- The use of confidence intervals would likely not be appropriate if applied to graduation rates.
 - Confidence intervals are generally used with samples of a population, rather than an entire population.
 - Graduation rates are actual counts of individual students in a cohort.
- The U.S. Department of Education will review any proposed application of statistical measures to graduation rates as part of its review of states' Accountability Workbooks.

“Lagging” Graduation Rate Data for AYP Determinations

- Including summer graduates in the four-year or extended-year graduation rates may not delay annual AYP determinations.
- A state may lag its graduation rate data in order to include summer graduates in AYP determinations.
- A state that would like to lag graduation rate data in AYP determinations may amend its Accountability Workbook for approval by the U.S. Secretary of Education.

Including an Extended-Year Graduation Rate in AYP Determinations

- If a state uses an extended-year graduation rate, the state must propose to the U.S. Department of Education how it will use that rate with its four-year graduation rate to determine whether its schools and LEAs have made AYP [§200.19(b)(6)(i)(F)].
- Examples.



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Questions Relating to Reporting Graduation Rate and Using it in AYP?

- Provide your name and where you're calling from.
- Be succinct.
- Be generic – questions should be applicable to other states and districts and not to a specific local situation.
- Limit questions to reporting graduation rate and using it in AYP.





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**Timelines, Transitional Graduation Rates,
Accountability Workbooks, and
Extensions**

Implementation Timeline

| | School Year and Regulatory Requirements | | | |
|-------------------------|---|--|--|---|
| | 2008-2009 | 2009-2010 | 2010-2011 | 2011-2012 |
| <u>AYP</u> | AYP based on 2008-2009 assessment results | AYP based on 2009-2010 assessment results | AYP based on 2010-2011 assessment results | AYP based on 2011-2012 assessment results |
| | States must calculate high school graduation rate for AYP determinations in the aggregate using an approved transitional rate or the four-year adjusted cohort graduation rate and any extended-year adjusted cohort graduation rate. | | | States must calculate high school graduation rate for AYP, in the aggregate and disaggregated by subgroup, using the four-year rate and any extended-year rate. |
| <u>Reporting</u> | States must report disaggregated graduation rate data using an approved transitional rate or the four-year rate (any extended-year rate must be reported separately). | | Beginning with report cards providing assessment results for the 2010-2011 school year, States must report disaggregated graduation rate data using the four-year rate (any extended-year rate must be reported separately). | |
| <u>Goal and Targets</u> | States may use current goals and targets. | States must have a single goal and targets that meet the criteria in the regulations. States may need to change their goal and targets when they begin using the four-year rate for AYP. | | |

Overview of Timelines

- **Reporting:** The four-year graduation rate must be reported on report cards providing assessment results for the 2010-11 school year (in the aggregate, and disaggregated by subgroups) [§200.19(b)(4)(ii)(A)].
- **AYP determinations:** The four-year graduation rate must be used in AYP determinations based on 2011-12 assessment results (in the aggregate, and disaggregated by subgroups) [§200.19(b)(5)(i)].
- If a state uses an extended-year graduation rate, or lags its graduation rate to include summer graduates, it may not delay the implementation of the four-year graduation rate.
- **Goal and targets:** Beginning with AYP determinations based on 2009-10 assessment results, states must have a graduation rate goal and annual targets [§200.19(b)(3)(ii)].

Transitional Graduation Rate

- Prior to the 2010-11 deadline to report the four-year adjusted cohort graduation rate, a state must calculate graduation rate using:
- The four-year adjusted cohort graduation rate or a transitional graduation rate that:
 - Measures the percentage of students from the beginning of high school who graduate with a regular high school diploma in the standard number of years, or
 - Another definition, developed by the state and approved by the U.S. Secretary of Education, that more accurately measures the rate of student graduation from high school with a regular high school diploma [§200.19(b)(2)(i)].

Transitional Graduation Rate *(Continued)*

- States do not have to use the Averaged Freshman Graduation Rate (AFGR) as an interim measure (as was initially proposed).

Extension of the Deadline

- If a state cannot meet the 2010-11 deadline for reporting a four-year graduation rate, the state may request an extension of the deadline from the U.S. Secretary of Education [§200.19(b)(7)(i)].
- To receive an extension, a state must submit to the Secretary by March 2, 2009:
 - Evidence satisfactory to the Secretary demonstrating that the state cannot meet the deadline, and
 - A detailed plan and timeline addressing the steps that the state will take to implement, as expeditiously as possible, the four-year graduation rate [§200.19(b)(7)(ii)].

Extension of the Deadline *(Continued)*

- Even if a state receives an extension, it must disaggregate its transitional graduation rate data at the school-, LEA-, and state-levels beginning with AYP determinations based on assessment results from school year 2011-12.
- Should a state not meet the 2010-11 deadline and not have received an extension, the U.S. Secretary of Education has the authority to take appropriate action, including, but not limited to, placing a condition on a state's Title I, Part A grant; requiring the state to enter into a Compliance Agreement with the U.S. Department of Education; or withholding Title I, Part A funds.

State's Accountability Workbook

- Each state must submit a revised “Consolidated State Application Accountability Workbook” for technical assistance and peer review in time for any changes to be in effect for AYP determinations based on assessment results from school year 2009-10 [§§200.19(b)(6)(ii); 200.7(a)(2)(iii)].
- The revised Accountability Workbook must include, among other things, information regarding graduation rate [§200.19(b)(6)].

State's Accountability Workbook: Graduation Rate Components

- A state must include in its Accountability Workbook, the following information regarding graduation rate:
 - The graduation rate definition that the state will use to determine AYP based on school year 2009-10 assessment results.
 - The state's progress toward meeting the 2010-11 deadline for calculating and reporting the four-year graduation rate.
 - The state's graduation rate goal and targets.

State's Accountability Workbook: Graduation Rate Components *(Continued)*

- A state must include in its Accountability Workbook the following information regarding graduation rate:
 - An explanation of how the state's graduation rate goal represents the rate the state expects all its high schools to meet and how the state's targets demonstrate continuous and substantial improvement from the prior year toward meeting or exceeding that goal.
 - The graduation rate for the most recent school year at the 10th percentile, the 50th percentile, and the 90th percentile in the state.
 - If a state uses an extended-year graduation rate, a description of how it will use that rate with its four-year graduation rate to determine whether its schools and LEAs have made AYP [§200.19(b)(6)].



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Any Questions on the Timeline, Transitional Graduation Rates, Extensions, States' Accountability Workbooks or Other Questions Relating to the Graduation Rate?

- Provide your name and where you're calling from.
- Be succinct.
- Be generic – questions should be applicable to other states and districts and not to a specific local situation.
- Limit questions to the timeline, transitional graduation rates, extensions, states' Accountability Workbooks, or other questions relating to the graduation rate.





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Regulations Regarding Public School Choice and Supplemental Educational Services (SES)

Public School Choice and SES

- New regulatory requirements related to:
 - Parent outreach for public school choice and SES,
 - States' responsibilities for SES, and
 - Funding for choice-related transportation and SES.
- New regulations supplement existing regulations on public school choice and SES.
- New regulations are in **bold**.

Parent Outreach for Public School Choice and SES

- Public school choice notification
- SES notification
- LEA Web site
- Allowance for parent outreach and assistance costs

Public School Choice Notification

- **LEAs must notify parents of eligible students about public school choice options sufficiently in advance of, but no later than 14 calendar days before, the start of the school year [§§200.37(b)(4)(iv); 200.44(a)(2)].**
- Requirement applies beginning with the 2009-10 school year.

SES Notification

- The notice of the availability of SES must:
 - Explain how parents can obtain SES for their child [§200.37(b)(5)(i)],
 - Identify each approved SES provider available within the LEA or in its general geographic location, including providers that are accessible through technology, such as distance learning [§200.37(b)(5)(ii)(A)],
 - Describe briefly the services, qualifications, and evidence of effectiveness for each provider [§200.37(b)(5)(ii)(B)],

SES Notification *(Continued)*

- **The notice of the availability of SES must:**
 - **Include an explanation of the benefits of receiving SES [§200.37(b)(5)(ii)(C)];**
 - **Be clear, concise, and clearly distinguishable from other information sent to parents on school improvement [§200.37(b)(5)(iii)]; and**
 - **Include an indication of those providers who are able to serve students with disabilities or LEP students [§200.37(b)(5)(ii)(B)].**
- **New requirements apply beginning with the 2009-10 school year.**

SES Notification *(Continued)*

- An LEA's notice should describe the procedures and timelines that parents must follow in selecting a provider to serve their child. For example:
 - Where and when to return a completed application,
 - When and how the district will notify parents about enrollment dates and start dates, and
 - Whom to contact in the LEA for more information.
- If an LEA anticipates that it will not have sufficient funds to serve all eligible students, it should also include information on how it will set priorities in order to determine which eligible students receive services.

SES Notification *(Continued)*

- What are examples of information regarding the benefits of SES that an LEA might include in the notice to parents?
 - Benefits substantiated by research conducted by the U.S. Department of Education or by states, LEAs, or other entities.
 - SES is available at no cost to parents and makes productive use of a student's out-of-school time in a safe environment.
 - Parents may select the approved provider that best meets their child's needs.
 - SES has the potential to improve a student's academic proficiency.

SES Notification *(Continued)*

- What does it mean for the SES notice to be clear and concise?
 - Be as straightforward and easy for parents to understand as possible.
 - Be readable by parents and avoid legal and professional education terms.

SES Notification *(Continued)*

- What does it mean for the SES notice to be clearly distinguishable?
 - If the SES notice is included in the same mailing with other information about school improvement, information about SES must be easily recognizable.
 - An LEA is not required to send an SES notice that is separate from its school improvement notice.

LEA Web Site

- An LEA must prominently display on its Web site, in a timely manner:
 - The number of students who were eligible for and the number of students who participated in public school choice and SES, beginning with data from the 2007-08 school year and each subsequent school year.
 - For the current school year, a list of SES providers approved by the state to serve the LEA and the locations where services are provided.
 - For the current school year, a list of available schools to which students eligible to participate in public school choice may transfer [§200.39(c)(1)].

LEA Web Site *(Continued)*

- If an LEA does not have its own Web site, the state must include the information for the LEA on its Web site [§200.39(c)(2)].

Allowance for Parent Outreach and Assistance Costs

- An LEA may count in the amount the LEA is required to spend for choice-related transportation and SES (“20 percent obligation,” i.e., an amount equal to 20 percent of its Title I, Part A allocation) its costs for parent outreach and assistance.
- An LEA may count up to an amount equal to 0.2 percent of the LEA’s Title I, Part A allocation (one percent of the 20-percent obligation) [§200.48(a)(2)(iii)(C)].
- Provision takes effect immediately.

Allowance for Parent Outreach and Assistance Costs *(Continued)*

- What costs for parent outreach and assistance may an LEA count toward meeting the 20-percent obligation?
 - An LEA has discretion in determining the most effective means of providing outreach and assistance to parents of eligible students.
- Examples of allowable costs:
 - Parent notices,
 - Communication through the media, Internet, and community partners,
 - Displaying information on the LEA's Web site, and
 - Parent fairs.



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Questions Relating to Parent Outreach for Public School Choice and SES?

- Provide your name and where you're calling from.
- Be succinct.
- Be generic – questions should be applicable to other states and districts and not to a specific local situation.
- Limit questions to parent outreach for public school choice and SES.





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State Responsibilities Regarding Supplemental Educational Services (SES)



State Responsibilities Regarding SES

- Transparency for Parents and the Public
- SES Provider Approval Process
- SES Provider Monitoring
- Monitoring LEAs
- Implementation Timeline

Transparency for Parents and the Public

- **For each LEA, states must post on their Web sites [§200.47(a)(1)(ii)(B)]:**
 - **The amount of funds available for choice-related transportation and SES as required in §200.48(a)(2) (the 20 percent obligation; i.e., an amount equal to 20 percent of the LEA's Title I, Part A allocation).**
 - **The per-child amount for SES as calculated under §200.48(c)(1).**
- **States must indicate on the list of approved providers those SES providers that are able to serve students with disabilities or who are limited English proficient [§200.47(a)(3)(ii)].**

SES Provider Approval Process

- A state must ensure that each provider it approves:
 - Has a demonstrated record of effectiveness in increasing student academic achievement.
 - Is capable of providing instructional services that are:
 - Consistent with the instruction provided and the content used by the LEA and the state,
 - Aligned with state **academic content** and student academic achievement standards,
 - **Of high quality, research-based, and designed to increase student academic achievement,** and
 - Secular, neutral, and non-ideological [§200.47(b)].

SES Provider Approval Process *(Continued)*

- A state must ensure that each provider it approves:
 - Is financially sound [§200.47(b)(1)(iii)], and
 - Will provide SES consistent with applicable federal, state, and local health, safety, and civil rights laws [§200.47(b)(2)(iii)].

SES Provider Approval Process *(Continued)*

- **Additionally, a state must consider, at a minimum:**
 - **Information from the provider on whether it has been removed from any state's approved provider list [§200.47(b)(3)(i)],**
 - **Parent recommendations, or results from parent surveys, if any exist, regarding the success of the provider's instructional program in increasing student achievement [§200.47(b)(3)(ii)], and**
 - **Evaluation results, if any exist, demonstrating that the provider's instructional program has improved student achievement [§200.47(b)(3)(iii)].**

SES Provider Monitoring

- **To monitor the quality and effectiveness of services offered by an approved provider in order to inform the renewal or the withdrawal of provider approval, a state must examine, at a minimum, evidence that the provider's instructional program:**
 - **Is consistent with the instruction provided and content used by the LEA and state [§200.47(c)(1)(i)],**
 - **Addresses students' individual needs, as described in students' SES plans [§200.47(c)(1)(ii)],**
 - **Has contributed to increasing students' academic proficiency [§200.47(c)(1)(iii)], and**
 - **Is aligned with the state's academic content and student academic achievement standards [§200.47(c)(1)].**

SES Provider Monitoring *(Continued)*

- **A state also must consider information, if any exists, regarding:**
 - **Parent recommendations or results from parent surveys regarding the success of the provider's instructional program in increasing student achievement [§200.47], and**
 - **Evaluation results demonstrating that the instructional program has improved student achievement [§200.47(c)(2)].**

Monitoring LEAs

- **A state is required to develop, implement, and publicly report on the standards and techniques it will use to monitor LEAs' implementation of SES [§200.47(a)(4)(iii)].**

Implementation Timeline

- Post data on each LEA's 20-percent obligation and per-pupil cap for SES.
 - Before the start of the 2009-10 school year.
- Approve providers using the new criteria.
 - Beginning with the state's next approval cycle.
- Monitor providers using the new criteria.
 - Beginning with the state's next monitoring cycle.
- Develop, implement, and publish standards for monitoring LEAs.
 - Before the start of the 2009-10 school year.



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Questions Relating to State Responsibilities for SES?

- Provide your name and where you're calling from.
- Be succinct.
- Be generic – questions should be applicable to other states and districts and not to a specific local situation.
- Limit questions to state responsibilities for SES.





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Funding for Choice-Related Transportation and SES

Funding for Choice-Related Transportation and SES

- Criteria that an LEA Must Meet to Spend Less than its 20-Percent Obligation
- LEA Responsibilities to Document and Notify the State
- State Responsibilities
- Consequences for Non-Compliance
- Availability of Funds

Criteria that an LEA Must Meet to Spend Less Than its 20-Percent Obligation

- **To spend less than the amount needed to meet its 20-percent obligation, an LEA must meet, at a minimum, the following criteria:**
 -  **Partner, to the extent practicable, with outside groups, such as faith-based organizations, other community-based organizations, and business groups, to help inform eligible students and their families of opportunities to transfer or to receive SES [§200.48(d)(2)(i)(A)].**

Criteria that an LEA Must Meet to Spend Less Than its 20-Percent Obligation *(Continued)*



Ensure that eligible students and their parents have a genuine opportunity to sign up to transfer or to obtain SES, including by:

- **Providing timely, accurate notice to parents.**
- **Ensuring that sign-up forms for SES are distributed directly to all eligible students and their parents, and are made widely available and accessible through broad means of dissemination, such as the Internet, other media, and communications through public agencies serving eligible students and their families.**


Criteria that an LEA Must Meet to Spend Less Than its 20-Percent Obligation *(Continued)*



Ensure that eligible students and their parents have a genuine opportunity to sign up to transfer or to obtain SES, including by:

- **Providing a minimum of two enrollment “windows,” at separate points in the school year, that are of sufficient length to enable parents of eligible students to make informed decisions about requesting SES and selecting a provider [§200.48(d)(2)(i)(B)].**



Criteria that an LEA Must Meet to Spend Less Than its 20-Percent Obligation *(Continued)*

-  Ensure that eligible SES providers are given equal access to school facilities, using a fair, open, and objective process, on the same basis and terms as are available to other groups that seek access to school facilities [§200.48(d)(2)(i)(C)].

LEAs' Responsibilities to Document and Notify the State

- To spend less than the amount needed to meet its 20-percent obligation, an LEA must :
 - Maintain records demonstrating that it has met the criteria in §200.48(d)(2)(ii), and
 - Notify the state that it:
 - Has met the criteria in §200.48(d)(2)(i); and
 - Intends to spend the remainder of its 20-percent obligation on other allowable activities, specifying the amount of that remainder [§200.48(d)(2)(iii)].

States' Responsibilities

- **Each state must, through its regular monitoring process, ensure that an LEA that spent less than its 20-percent obligation on choice-related transportation and SES met the criteria in §200.48(d)(2)(i).**
- **In addition to its regular monitoring process, a state must, by the beginning of the next school year, review any LEA that:**
 -  **The state determines has spent a significant portion of its 20-percent obligation for other allowable activities; and**
 -  **Has been the subject of multiple complaints, supported by credible evidence, regarding implementation of public school choice or SES [§200.48(d)(3)].**

Consequences for Non-Compliance

- **If a state determines that an LEA has failed to meet any of the criteria in §200.48(d)(2)(i), the LEA must:**
 - **Spend an amount equal to the remainder of its 20-percent obligation in the subsequent year, in addition to its 20-percent obligation for that year, on choice-related transportation costs, SES, or parent outreach and assistance, or**
 - **Meet the criteria and obtain permission from the state before spending less than the required amount in that subsequent school year. The state must confirm the LEA's compliance with the criteria before granting such permission [§200.48(d)(4)].**

Impact on Availability of Funds

- The U.S. Department of Education does not believe that these regulations will likely lead to the loss of Title I funds due to the 15-percent carryover limitation or other fiscal accounting requirements.
- LEAs have considerable flexibility in managing their federal allocations.
- The regulations focus on the amount that must be spent for choice-related transportation and SES, not the specific funds or source of funds.
- Thus, an LEA may use any choice-related transportation and SES funds (that otherwise might lapse) for other allowable activities as long as an identical amount is added to its 20-percent obligation in the subsequent year.

Impact on Availability of Funds *(Continued)*

- LEAs may avoid lapsing prior-year funds due to the end of the period of availability by following the “first-in, first-out” practice of spending any carried-over funds before using current-year funds.
- An LEA may apply to the state for a one-year exemption (available once every three years) from the 15-percent Title I carryover limitation.
- Concerns regarding the availability of funds may be avoided by meeting the criteria in §200.48(d)(2)(i) .



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Any Other Questions Relating to Funding for Public School Choice-Related Transportation and SES?

- Provide your name and where you're calling from.
- Be succinct.
- Be generic – questions should be applicable to other states and districts and not to a specific local situation.
- Limit questions to public school choice-related transportation and SES, and any additional questions on public school choice and SES.



Resources

- Final Regulations
- Press Release
- Remarks from U.S. Secretary of Education Margaret Spellings
- Fact Sheets
 - *Accountability, Assessments, and Transparency*
 - *Public School Choice and SES*
 - *A Uniform, Comparable Graduation Rate*
- Web Cast
- Email additional questions to: nclbregulations@ed.gov



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The information presented during this teleconference represents the U.S. Department of Education's current thinking on these topics. We are providing this information to assist the field in understanding the *Title I* regulations that were published on October 29, 2008.

The information provided is not intended to impose any requirements beyond those that are necessary to comply with the applicable laws and regulations.



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This concludes today's conference call.

Thank you for joining in our discussion.

*For further information, please visit the Department's
Web site at: www.ed.gov.*