

TO: Superintendents of Schools

FROM: Mark K. McQuillan
Commissioner of Education

DATE: January 22, 2009

SUBJECT: New Title I and Title III Regulations

In October 2008, the United States Department of Education announced new regulations for Title I of the No Child Left Behind Act (NCLB). A summary of these regulations and the responsibilities for school districts follows.

New Regulations for Districts Related to NCLB Public School Choice and Supplemental Education Services (SES)

Timely and Clear Notification

The final regulations require districts to provide timely and clear notice to parents regarding public school choice and:

- the option to transfer their child to another public school not identified for improvement; and
- the details regarding the available options as far in advance as possible, but no later than 14 days before the start of the school year. Districts should base their notification on preliminary Adequate Yearly Progress (AYP) results if final AYP results are not available in advance.

Access to Information

The final regulations require districts to include the following information on Public School Choice and Supplemental Education Services (SES) on the district Web site:

- the number of students who were eligible for and participated in Public School Choice and SES, beginning with the 2007–08 school year and for each subsequent year;
- a list of available schools to which eligible students may transfer for the current school year; and
- a list of SES providers approved to serve the district, as well as locations where services are provided for the current school year.

Costs for Parent Outreach

The final regulations allow districts to include costs for parent outreach related to Public School Choice and SES (up to an amount equal to 0.2 percent of its Title I, Part A allocation) toward meeting its 20 percent obligation.

Use of Funds for Public School Choice and SES

The final regulations require districts to do, at a minimum, the following before they use unspent funds from their 20 percent Public School Choice and SES obligation for other allowable activities:

- Partner, to the extent practicable, with outside groups to help inform students and parents of the opportunities to transfer to another public school or receive SES.
- Ensure that students and their parents have a genuine opportunity to sign up for transfer to another school or sign up for SES by:

- providing timely and accurate notice to parents;
 - ensuring that sign-up forms are made widely available and accessible and that they have been distributed directly to eligible students and their parents;
 - providing a minimum of two enrollment windows at separate points in the school year that are sufficient in length to enable parents of eligible students to make informed decisions about requesting SES and selecting an SES provider.
- Ensure that SES providers are given access to school facilities on the same terms as are available to other groups that seek to use school facilities.
 - Maintain records demonstrating that the district has met these criteria and has notified the Connecticut State Department of Education (CSDE) that it has met the criteria.
 - Inform the CSDE of the amount of funds remaining from the 20 percent obligation that it intends to spend on other allowable activities.

Supplement Not Supplant Provision of Title III of the ESEA

Title III funds may not be used for the development and administration of English language proficiency assessments. Furthermore, any reduction in the amount of State funds a Local Education Agency (LEA) receives to implement language instruction educational programs based on the receipt of Federal funds for its limited English population under Title III violates the non-supplanting provision of Title III. An LEA may be able to rebut this presumption, however, if it can demonstrate, through contemporaneous documentation, that it would not have continued to provide those services for LEP students with State, local or other Federal funds because, for example of budgetary constraints or competing educational priorities.

New Regulations Related to the Data Requirements Under NCLB

National Assessment of Educational Progress (NAEP) Data on State and District Report Cards

The final regulations require states to include on their district and school report cards the most recent NAEP reading and mathematics results for the state and to also include the participation rates for students with disabilities and for limited English proficient students. For state report cards, the data must be disaggregated for each subgroup (i.e., data must be broken down by student subgroups).

Graduation Rates Within NCLB

The final regulations mandate the method for calculating the graduation 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 entered high school four years earlier (adjusting for transfers in and out, émigrés and deceased students). Students who graduate in four years include students who earn a regular high school diploma at the end of their fourth year, before the end of their fourth year and, if a state chooses, during a summer session immediately following their fourth year. To remove a student from a cohort, a school or district must confirm in writing that a student has transferred out, emigrated to another country, or is deceased. For students who transfer out of a school, the written confirmation must be official and document that the student has enrolled in another school or in an educational program that culminates in a regular high school diploma.

Connecticut has been calculating a graduation rate similar to the four-year adjusted cohort rate. The primary difference is Connecticut's rates have been based on aggregate data collected from school districts, and have not followed individual students as part of a cohort. With the introduction of the State Assigned Student Identifier (SASID), Connecticut is poised to adopt the federal calculation beginning with the class of 2010.

Timeline to Implement the Four-year Adjusted Cohort Graduation Rate

The four-year adjusted cohort graduation rate must be reported at the high school, district and state levels in the aggregate, as well as disaggregated by subgroups, beginning with report cards providing results of assessments administered in the 2010-11 school year. For AYP decisions, states must use the four-year adjusted cohort graduation rate at the state, district and school levels, including disaggregated graduation rates for all required subgroups based on assessments administered in the 2011-12 school year. *Currently only the school-level graduation rate is factored into AYP decisions, NOT the graduation rate for each subgroup.*

Option to Use an Extended-Year Adjusted Cohort Graduation Rate or Rates

An extended-year adjusted cohort graduation rate will give states, districts and schools credit for students who take longer than four years to graduate with a regular high school diploma. The final regulations permit states to propose, for approval by the secretary, one or more extended-year adjusted cohort graduation rates that take into account students who graduate in more than four years. Any extended-year adjusted cohort graduation rate must be reported separately from the four-year adjusted cohort graduation rate.

Graduation Rate Goal, Targets and AYP

The final regulations provide that for a school or district to make AYP, it must meet or exceed the state's graduation rate goal or demonstrate continuous and substantial improvement from the prior year toward meeting that goal. Each state must submit the following for peer review and approval by the secretary: 1) A single graduation rate goal that represents the rate the state expects all high schools in the state to meet; and 2) Annual graduation rate targets that reflect continuous and substantial improvement from the prior year toward meeting or exceeding that goal. *Currently the graduation rate goal in Connecticut is 70 percent, or improvement over the previous year. The final regulations will require Connecticut to resubmit its graduation rate target and definition of improvement for approval.*

Disaggregating Graduation Rate Data

The final regulations require the following:

1. Prior to school year 2010-11, reporting the graduation rate in the aggregate, and disaggregated by subgroups, at the high school, district and state levels using either the four-year adjusted cohort graduation rate or a transitional graduation rate.
2. Reporting the four-year adjusted cohort graduation rate in the aggregate, and disaggregated by subgroups, at the high school, district and state levels on report cards providing results of assessments administered in the 2010-11 school year.

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3. Using the four-year adjusted cohort graduation rate in the aggregate, and disaggregated by subgroups, for school, district and state AYP determinations, beginning with those determinations based on school year 2011-12 assessment results.

As the dates for implementation draw nearer, the CSDE will provide additional information and guidance. A complete copy of the final Title I NCLB regulations can be found at <http://www.ed.gov/legislation/FedRegister/finrule/2008-4/102908a.html>. Please contact Michelle Rosado, Education Consultant, at michelle.rosado@ct.gov if you have any questions regarding the regulations for NCLB Public School Choice or SES. Please contact George Michna, Education Consultant, at george.michna@ct.gov if you have questions regarding the regulations for NAEP or Graduation Rates. Thank you for your attention.

MKM:mr

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