

Highlights of final Title I regulations

Education Secretary Margaret Spellings announced Oct. 28 final [Title I](#) regulations under [NCLB](#).

Despite receiving more than 400 comments for and against proposals from various education stakeholders, the [final Title I regulations](#) have changed little from the version Spellings first proposed in April. The [Education Department](#) will allow states to propose graduation rates based on five or more years for students with disabilities or limited English proficiency, but these must be reported separately from the four-year rates. Likewise, ED will allow districts to offer two tutoring enrollment periods per year rather than open year-round enrollment, but each must still document all parent outreach in order to spend unused SES set-aside funds.

The chart below offers highlights of the final Title I regulations to be published in the Oct. 29 edition of the [Federal Register](#). The regulations will take effect 30 days from the date they are published.

Element	Former requirements	New requirements
Student subgroups (N-sizes)	Section 200.7(a)(2) requires states to develop statistically reliable minimum student subgroup sizes.	States will be required to review, revise and justify adequate yearly progress calculation method and minimum student group (N) sizes in their accountability workbooks. Districts must report the achievement of their subgroups and the disaggregated number of students not included in accountability decisions because their subgroup was too small. This must be completed and approved by ED in time for AYP determinations based on 2009-10 test results.
National Assessment of Educational Progress reporting	Section 111(c)(2) requires states -- and districts, if selected -- to participate in and report results of NAEP reading and math in fourth and eighth grades.	Annual report cards must include the following NAEP data for, at a minimum, reading and math: <ul style="list-style-type: none"> • State level: Participation rates for students with disabilities and LEP students; percentage of students at each achievement level reported on NAEP, both in the aggregate and disaggregated by each student group (economically disadvantaged, major racial/ethnic groups, LEP students and students with disabilities). • District level: Participation rates for students with disabilities and LEP; aggregate percentage of students at each NAEP achievement level.
Other Academic Indicators: Graduation rate calculations	Section 200.19(a)(1) requires states to use graduation rates as the other academic indicator for determining AYP for high schools. It is defined as the percentage of students measured from the beginning of high school who graduate with a regular diploma or another state measurement.	<p>Districts would calculate a graduation rate by dividing the number of students who graduate with a regular diploma in the standard number of years by the students in the class's "adjusted cohort" -- the group of students who entered ninth grade four years earlier, plus any students who transferred into that class from grades 9-12, minus those removed.</p> <p>Types of graduation rates allowed:</p> <ul style="list-style-type: none"> • Four-year graduation rate: Must include only students who graduate with a regular high school diploma at or before the end of the summer session following the fourth year of high school. • Extended-year adjusted cohort graduation rate: States may propose separate calculations of students who graduate with a regular diploma in more than four years, divided by the number of students who form the four-year cohort, adjusted for students transferring into the cohort minus those who emigrate, die or transfer out.

		<p>To remove a student, a district must confirm in writing that the student died, immigrated to another country, or enrolled in another education program resulting in a regular high diploma. A student retained in the grade, enrolled in a non-regular degree program, or who leaves school for another reason would still count in the cohort.</p> <p>For AYP purposes:</p> <ul style="list-style-type: none"> • The state must set a single graduation rate goal and annual targets showing "continuous and substantial improvement" that all high schools are expected to meet; schools must be held accountable for meeting these targets by 2009-10. • States and districts must report four-year graduation rates in the aggregate and disaggregated by student subgroups as of the 2010-11 school year and use these data to calculate AYP. • States and districts must report four-year and extended graduation rates separately.
Other Academic Indicators: General	Section 111(b)(2)(C)(vi) requires states to include in AYP other academic indicators, which must be the graduation rate for high school and at least one decided by the state for elementary and middle schools; these can include other state or local assessments, percentage of students completing advanced courses or retention.	<p>A state's other academic indicator must be:</p> <ul style="list-style-type: none"> • Valid and reliable. • Consistent with relevant, nationally recognized professional and technical standards. • Consistent throughout the state for each grade span. • Not used to change or reduce the number of schools that otherwise would be subject to improvement, corrective action or restructuring.
Assessment measures	Section 111(b)(3)(C)(vi) requires state assessments to include "multiple up-to-date measures that assess higher-order thinking skills and understanding."	<p>States may assess academic content knowledge by:</p> <ul style="list-style-type: none"> • A single test using multiple question formats of different levels of cognitive complexity. • Multiple assessments within a subject area. <p>States may include in AYP calculations other measures of student achievement, including local assessments, performance assessments and curriculum-embedded assessments, which have been submitted for federal peer review and approved by ED. If a state uses local assessments, it must establish technical criteria to ensure each test is valid, reliable and equivalent to each other in content, difficulty and quality.</p>
Identification for improvement	Section 1116(b)(1) requires districts to identify for improvement any Title I school that fails to meet AYP for two consecutive years.	States may identify districts for improvement, and districts identify schools for improvement, based on not making AYP for two years in the same subject. However, identification may not be limited to schools or districts in which the same student group missed AYP two years in the same subject.
School restructuring	Section 200.43 requires schools identified for restructuring to choose one of five options, including offering an "other" proposal,	A school identified for restructuring must produce a structuring plan that addresses the reasons it was identified and is "significantly more rigorous" than the school's corrective action plan, unless the school begins restructuring activities earlier in the improvement timeline. While a restructuring plan that

	which the school will implement until it meets AYP two consecutive years.	removes a majority of school staff may also remove a principal, simply removing a principal is not sufficient to count as restructuring.
SES-Choice Web reporting	Section 200.39 requires districts to notify parents about schools identified for improvement.	<p>Districts must publicly report on the district Web site:</p> <ul style="list-style-type: none"> • The number of students eligible for and participating in choice and SES. • A list of SES state-approved providers and their service locations, updated on a regular basis. • Schools available for choice transfer. <p>A district may include this information in languages other than English. If the district does not have a Web site, this information may be hosted on the state's Web site.</p>
Funding for SES parent outreach	Section 200.48 allows districts to use Title I funds to administer and implement parent outreach for SES and choice, but this cannot be counted toward the 20 percent Title I set-aside for these programs.	A district may count costs for providing outreach and assistance to parents on choice and SES toward meeting its 20 percent Title I obligation. This is capped at to .2 percent of the district's Title I, Part A, subpart 2 allocation.
State approval of SES providers	Section 200.47 requires the state to develop objective criteria to approve and withdraw approval of SES providers based on effectiveness.	<p>States must consider at a minimum that SES services are aligned with content standards and achievement goals and are research-based. States must also consider:</p> <ul style="list-style-type: none"> • Parent surveys on success of program when available. • Whether the provider has been removed from any state's provider list. • The results of any evaluation of the provider's effectiveness. <p>It may request evidence that a provider is fiscally sound. A state must also list on its Web site which providers are approved to serve LEP students and those with disabilities.</p>
State SES monitoring	Section 200.47 requires the state to develop objective criteria to approve and withdraw approval of SES providers based on effectiveness.	<p>States must develop, implement and publically report standards and techniques for monitoring SES. This monitoring must ensure the SES provider's services are:</p> <ul style="list-style-type: none"> • Consistent with the instruction and content used by the state and district. • Addressing students' needs as listed in their SES plans. • Aligned with state academic content and student achievement standards. <p>In addition, states must calculate the 20 percent set-aside from the Title I, Part A allocation of each district in improvement required to be spent on SES and choice-related transportation.</p>
Timeline for choice	Section 200.37(b)(4) requires districts to provide notice to parents of their public school choice options. Section 200.44 requires a district to offer parents in schools identified for improvement the	Districts must notify parents of their school's improvement status and their children's eligibility for school transfers no later than 14 days before the start of school, as defined by the state or district. This may mean the calendar date varies for a year-round school compared to a standard-year school. This requirement applies to districts participating in the SES pilot program.

	option to transfer before the first day of the next school year.	<p>A district may enter into interdistrict transfer agreements or provide SES early if it cannot offer transfer options because:</p> <ul style="list-style-type: none"> • The district has only one school per grade level. • The distance between schools is too great. • All district schools are in improvement.
SES provider notice	Section 200.37(b)(5) requires districts to provide notice to parents of their SES tutoring options.	Districts must provide annual notice of SES availability that includes state-approved providers, brief descriptions of them, their qualifications and demonstrated effectiveness. The descriptions must specify which providers serve LEP students and those with disabilities. Notices to parents must be clear and distinguishable from other school information sent home.
Reallocating unused SES-Choice money from the 20 percent Title I set-aside	A district may redirect funds left from the 20 percent set-aside for Title I SES-Choice.	<p>Each state must calculate and post on its Web site the minimum set-aside amount equal to 20 percent of Title I, Part A allocations that each district in improvement must spend on SES and choice transportation. Before reallocating unused choice and SES funds from Title I, the district would be required to demonstrate that it had:</p> <ul style="list-style-type: none"> • Partnered with community organizations, faith-based or other groups to reach out to parents about the programs. • Provided timely, accurate notice to parents about SES-Choice availability. • Ensured sign-up forms were available to students and parents via paper, Internet and other media. • Provided at least two tutoring enrollment periods throughout the year. • Gave fair and open access to SES providers to use school facilities.
National Technical Advisory Council	NTAC was created this year and held its first meeting this year.	The regulations confirm the creation of the new NTAC with 10 to 20 members to research and consider national standards, assessments and accountability questions, such as appropriate assessments for LEP students or methods to calculate growth. NTAC will not conduct peer reviews.
Highly qualified teachers	NCLB Section 9101(23) and IDEA Section 602(10) set criteria to determine whether a teacher is highly qualified for a given subject, grade level and student type.	Special education teachers qualified under IDEA may be counted as highly qualified under NCLB.

October 28, 2008

Copyright 2007© LRP Publications