

LEGISLATIVE UPDATE 12
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1. Secretary of Education Margaret Spellings has used her administrative power in an attempt to make significant changes to NCLB. It is action that intends to change the way the law is implemented. The Secretary has proposed new regulations that would require state and local agencies to change the way they are collecting information for graduation rates and student test performance, and implementing supplementary education services.
2. The proposed rules would require states to use graduation rates that track cohorts as they progress through high school. For graduation reports in 2008 -09, states and school districts must publish data for every sub group of students tracked under the law. The rules also require the states to adopt goals that demonstrate “continuous and substantial progress”. AYP would be determined by districts and high schools meeting these state goals.
3. The proposed rules would require states to reevaluate the minimum number of students in a school subgroup to be held accountable for that sub group. The states will have to validate that its “n” size ensures privacy and also allows statistically reliable results of aggregate performance.
4. The proposed rules would require states to publish the reading and math scores on the National Assessment of Education Progress (NAEP) with the reading and math scores from their state tests.
5. The proposed rules change the way that schools currently use the unexpended funds reserved for choice and supplemental services. Changes would include: coordinating with community groups; informing parents of their eligibility for school choice and SES; extending the time students can sign up for school choice; and permitting tutoring vendors to access public schools so they can provide services in the schools.
6. The proposed rules change pertaining to restructuring. Schools would have to prove that its restructuring plan was “significantly more rigorous and comprehensive than the corrective action plan that the school implemented after it was identified for corrective action.”
7. The timing of these proposed rules is interesting to say the least. The public has 60 days to comment which means the last day for comment is June 23, 2008. At its best, it usually takes the USDE 60 days to review the comments and propose the final rules. That means final rules would be optimally published on August 23, 2008 after many schools have started. And the states and school would be required to implement these regulations.

8. The speculation by some persons is that Secretary Spellings believes the law will not be reauthorized in her tenure, and these regulations once adopted, will be in place until a new law is passed – probably not until a new President appoints new staff at the USDE. It is believed that if the regulations are in place prior to the new law, Secretary Spellings will have influenced reauthorization even after her departure.

9. Incidentally, Senator Kennedy and his staff continue to state that they will have a NCLB reauthorization bill this completed this year.

If you have concerns about Title I, become involved. Read the proposed rules and comment. The Federal registers 34 CFR Part 200, Title I – Improving the Academic Achievement of the Disadvantaged; Proposed Rule can be found at <http://www.ed.gov/news/fedregister/proprule/index/html>. Click on Proposed Regulations and then click on April 23, 2008.

You may want to discuss the proposed rules with your Congressman or his Education Staffer. Names, addresses and phone numbers of Pennsylvania Congressmen can be found on this website at Legislative Updates. It is the first bullet on that link..