

PAFPC LEGISLATIVE UPDATE 15
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In legislative update 14, reactions to Margaret Spelling's Proposed Regulations were reviewed. The staff at the USDE continues to believe the release of the regulations will occur in early November. The final regulations will have the force of law. At a recent meeting, David DeSchryver, Esquire, reviewed the proposed regulations. His review is clear and concise. I share a summary of his review with you.

ESEA PROPOSED RULES

1. **Proposed section 200.7:** Require States to revise its Consolidated State Application Accountability workbook to include explanation of components of State's AYP definition.
2. **Proposed section 200.11:** Require States and LEAs to report most recent available academic achievement results from NAEP reading and math assessments on same report card as State assessments.
3. **Proposed section 200.37:** Require LEAs to notify parents of choice options and detail their available options no later than 14 calendar days before the start of the academic year.
4. **Proposed section 200.37:** Require the SES eligibility notice to highlight the benefits of SES, and to be clear, concise, and clearly distinguishable from other information sent to parents.
5. **Proposed section 200.39:** Require LEAs to provide the public with information regarding the LEAs implementation of the public school choice and SES requirements as soon as they are available, including:
 - a. Number of students eligible and participating;
 - b. List of SES providers approved to serve the LEAs and their locations.
6. **Proposed section 200.48:** Allow an LEA to count costs for providing outreach to parent regarding choice and SES toward meeting its 20% obligation, capped at .2% of LEA's Title I Part A, subpart 2 allocation. LEA must demonstrate specific criteria before reallocating unused funds back to other purposes.
7. **Proposed section 200.19:** Uniform and accurate method of calculating graduation rate, as definition by the National Governors Association Compact (NGA)

8. **Proposed section 200.19:** Permit States to propose an alternate definition of “standard number of years.”
 - a. For limited categories of students who, under certain conditions, may take longer to graduate;
 - b. Could include certain students with disabilities, and students in “early college high schools” who earn an associate’s degree along with a high school diploma.

9. **Proposed section 200.19: Set Goals:** States would be required to (a) set a graduation rate goal that represents the rate the State expects all high schools to meet and (b) define how schools and LEAs demonstrate continuous and substantial improvements from the prior school year. Beginning in the 2008-2009 school year, a high school or LEA would have to meet the graduation rate goal, or demonstrate the continuous and substantial improvement from the prior year in order to make AYP.

10. **Proposed 200.19: Disaggregate:** No later than 2012-2013 school year (when all states must use the NGA rate), States must calculate the graduation rate at the school, LEA, and State levels, and disaggregate the data by subgroup for reporting and determining AYP. Prior to the 2012-2013 school year, States would have to disaggregate the data at the school, LEA, and State levels for reporting purposes, but only at the LEA and State levels for AYP determinations.

11. **Proposed section 200.19:** States unable to accurately track students would be required to use an averaged freshman graduation rate calculation (AFGR).

12. The proposed rules would “clarify and strengthen current regulations in the areas of assessment, accountability, supplemental educational services and public school choice.”
 - a. Issued on April 23rd;
 - b. Final rules expected on or near November 1.

According to the majority of comments on the proposed rules, these rules would add regulations that exceed the United States Department of Education’s Authority, create more confusion than clarity impose unnecessary costs on states and districts, and are far from reality. As soon as the regulations are final, they will be posted on the PAFPC website. It will be an interesting experience implementing a new set of rules in the middle of the school year while Congress and the new administration are writing a new law. And the general consensus is that the new law will be substantially different from the current law.

