

**Comments/Recommendations in response to Department of Education Proposed
NCLB Rules in Federal Register Document E8-8700.**

Submitted by the National Youth Employment Coalition and the Center for Law & Social Policy

Thank you for the opportunity to provide feedback on the proposed rule changes to the No Child Left Behind Act. Adaptations to the law provide an opportunity to strengthen our nation's educational structure and system of services to better educate struggling students and to re-engage youth who have dropped out. By increasing graduation rate requirements, opening the door for flexible education options, and encouraging partnerships with other youth-serving systems, NCLB can empower state and local education agencies to give youth the education and skills they need to be successful.

Our comments relate specifically to giving increased attention to struggling students and disconnected youth. Local education agencies can be incentivized to pay closer attention to these populations through increasing the graduation rate requirements, and Supplemental Education Services and public school choice are potential vehicles for providing these students with the educational environments and supports to increase their academic success. We welcome the opportunity to discuss these recommendations further with you or your staff. Please feel free to contact Rhonda Tsoi-A-Fatt (202-906-8022 or rtsoiafatt@clasp.org) Jonathan Larsen (202-659-1064 or jl@nyec.org) for additional information or discussion.

Section 200.19, Other Academic Indicators

We commend the Secretary's effort to bring uniformity to the calculation of graduation rates, and to disaggregate this data to clearly identify subgroups who fail to complete high school. We also agree that local education agencies must account for each student within their cohort in an effort to accurately determine numbers of dropouts. Many youth, however, leave school and transition to workforce programs, adult basic education programs, and even directly to community colleges, and do not necessarily return to high school. These programs often offer a high school equivalent credential, as well as skills training and/or transitional support into a post-secondary program. Local education agency data systems should also document and take these transitions into account. A very large gap will continue to exist in any data system which only considers transfers between school districts.

Additionally, it is essential that local education agencies are given incentives to offer second chances to students who have dropped out of school. Current policies, which only count graduates who finish within four years, provide no reason for local education agencies to attempt to re-enroll students. In fact, there is a disincentive for local education agencies to enroll former dropouts because of the risk that their Annual Yearly Progress (AYP) will be negatively affected. Local education agencies and students alike deserve to have their success recognized for every graduation. Students who return to school and graduate demonstrate resilience that reflects not only on them but their

school district and community. Allowing States the flexibility to use a 5 and 6-year graduation rate is a positive step, which will incentivize state and local education agencies to recover and educate these struggling students.

Finally, there exists a significant risk that traditional high schools will transfer at-risk or low-performing students to alternative schools in order to maintain AYP. Traditional high schools that consistently make an effort to provide multiple educational options and pathways to low-performing or at-risk students, and by doing so avoid unnecessary transfers of students to alternative schools, should be given positive consideration for their efforts when calculating AYP. The number of students transferred from traditional high schools to alternative schools should be one measure taken into account when determining progress in this area. A high transfer rate of students from traditional high schools to alternative schools may be an indication of some students being pushed out.

Recommendations:

- Encourage States, as they develop their data systems, to integrate student tracking in traditional education programs with alternative settings which provide an equivalent credential to students, such as workforce training and post-secondary bridge programs.
- Count attainment of a GED or “GED Plus” (GED Plus defined as the attainment of a GED along with enrollment in a post-secondary program and/or successful attainment of post-secondary course credits) as having completed high school, for the purposes of calculating the graduation rate
- Include a 5-yr and 6-yr cohort graduation rate calculation to account for disconnected youth who become re-engaged in education. Require that schools show an improvement in their 5-yr and 6-yr cohort graduation rates in order to meet AYP.
- Consider the efforts traditional high schools are making to provide multiple educational options and pathways to at-risk or low-performing students. The number of students transferred from traditional high-schools to alternative schools should be one measure used to determine progress in this area.

Section 200.20, Making Adequate Yearly Progress

The ability to use growth models to depict academic progress in schools in addition to standardized testing is a beneficial addition to No Child Left Behind, as it allows LEAs to provide more accurate, balanced portrayals of their schools. The use of growth models is particularly helpful for alternative educational settings which cater to struggling students, who otherwise may have dropped out without completing their education. The proposed rules, however, do not speak specifically to these types of educational settings. Often, students are transitioned to these alternative settings with little or no future support from the LEAs. Alternative educational settings run the risk of being penalized for failing to make adequate yearly progress as they endeavor to educate some of our most fragile students. A true partnership between LEAs and alternative educational settings should ensure continuous support and measurement of progress while students are enrolled in either environment.

Recommendation:

- Require LEAs to provide a plan for the continued measurement of student academic growth for those students who transfer or transition out of traditional high school settings into alternative educational settings, such as workforce training or post-secondary bridge programs.

Section 200.37, Notice of Identification for Improvement, Corrective Action, or Restructuring

Disconnected youth who have dropped out of high school are still entitled to a quality education. As LEAs seek to provide academic support for students in failing schools, the population of students who have dropped out of these schools, or have transferred into alternative educational settings, should also be entitled to supports which reconnect them to educational opportunities. By and large, students who drop out of school desire to complete their education. LEAs have a tremendous opportunity to re-engage youth who have dropped out of failing schools by connecting them to high-quality supplemental educational opportunities which support their path back to a high school education.

Recommendations:

- Require LEAs to notify parents of disconnected youth, whose cohort is either still in school or has graduated less than three years ago, of school choice and SES options and opportunities.
- Require LEAs to notify parents of youth who have transferred from traditional high schools into alternative educational settings of school choice and SES options and opportunities.
- Encourage LEAs to take a more active approach to informing parents and students of their SES options i.e. “Meet the Provider” fairs, SES informational sessions, SES enrollment assistance, etc.

Section 200.39, Responsibilities Resulting from Identification for School Improvement

Research has demonstrated that a majority of eligible students do not participate in school choice or supplemental educational services. Lack of timely information about options is a large factor in this phenomenon. We agree that something must be done to stimulate greater student participation. Requiring LEAs, however, to post information prominently on their websites is not a sufficient effort to ensure that parents and students receive the information in a timely manner, and are able to act upon it. Large numbers of low-income families do not have consistent access to computers or the internet, making a web posting inaccessible. In addition, many parents need more support and targeted assistance to successfully navigate educational options for their children. To truly ensure greater participation in school choice and/or supplemental education services, LEAs need to be intentional in the provision of targeted support for parents.

In addition, struggling students in failing schools need more educational options. For many, the traditional school day does not provide them with the academic structure, one-

on-one support, or skills training that is needed to complete high school and successfully transition into post-secondary options or employment. LEAs should begin to negotiate arrangements with high-quality alternative educational settings such as workforce development providers and institutions of higher education which have demonstrated effectiveness in educating and working with the disconnected youth population.

Recommendations:

- Encourage LEAs to negotiate school choice agreements with high-quality alternative educational settings which grant a credential and have a proven track record of successfully educating disconnected youth.
- Require LEAs to conduct targeted outreach to disconnected youth, whose cohort is either still in school or has graduated less than three years ago, to inform and enroll students in educational settings or SES options that are geared toward this student population.
- Require LEAs to take a more active approach to informing parents and students of their SES options i.e. “Meet the Provider” fairs, SES informational sessions, SES enrollment assistance, etc.

Section 200.47, SEA Responsibility for Supplemental Educational Services

Supplemental educational services, particularly at the high school level, should address academic skills within the context of marketable workforce skills and youth development principles. In many States, the set of approved providers represents mostly individualized tutoring options without regard for the broader set of skills needed to be successful in high school. Widening the set of activities eligible for expenditure of supplemental education services enables SEAs and LEAs to provide a more comprehensive learning experience for youth.

Recommendations:

- Require SEAs to identify a pool of SES providers who demonstrate effectiveness in engaging with disconnected youth. Particular focus should be placed on providers that develop workforce skills and can demonstrate their ability to reinforce State standards.
- Require SEAs to identify and remove barriers which hinder the approval and participation of local community-based organizations as SES providers.
- Require SEAs to include specific workforce and youth development criteria in their selection of SES providers with a demonstrated record of effectiveness.