

# FORESIGHT LAW + POLICY

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## The Every Student Succeeds Act (ESSA) Highlights of Final Regulations on Accountability Systems, Report Cards, and State Plans

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### Introduction

On November 28, 2016, the U.S. Department of Education published final regulations amending parts 200 and 299 of title 32 of the Code of Federal Regulations. These regulations, which are effective on January 30, 2017, establish new rules for statewide accountability systems, state and LEA report cards, state plans, and other provisions of The Every Student Succeeds Act (“the Act”, P.L. 114-95). This action is significant not only because the final rule provides crucial new detail and direction to states and LEAs about the Act’s implementation, but also because it gives states vital information required for development and submission of State Plans under section 1111 of the Act.

The regulations highlights are provided below and organized by section, beginning with State Plan requirements (section 299.13) followed by information on other sections in numerical order from section 200.12 to section 200.37. Within the section summaries, bold text is used to indicate requirements that the Department changed in a material way or clarified from what was originally proposed in the notice of proposed rulemaking.

### State Plan Requirements [part 299]

Section 299.13 of the rule provides an overview of State Plan requirements. States must submit plans, either as a consolidated plan or individual program State Plans, in order to receive a grant under any of the following programs:

- Part A of title I - Improving Basic Programs Operated by LEAs;
- Part C of title I - Education of Migratory Children;
- Part D of title I - Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk;
- Part A of title II - Supporting Effective Instruction;
- Part A of title III - English Language Acquisition, Language Enhancement, and Academic Advisement Act;
- Part A of title IV - Student Support and Academic Enrichment Grants;
- Part B of title IV - 21st Century Community Learning Centers; and
- Subpart 2 of part B of title V - Rural and Low-Income School program.

In addition to the programs listed above, an SEA may also include the Education for Homeless Children and Youths program (under subtitle B of the McKinney-Vento Homeless Assistance Act, as amended by the ESSA) in the Consolidated State Plan.

In developing a consolidated plan or individual program plan, an SEA is required to engage in “timely and meaningful consultation with stakeholders”, during plan design and development, prior to initial submission (with a public comment period of not less than 30 days), and prior to submission of any revision or amendment to an approved plan. An SEA must, under section 8540 of the Act, consult with the Governor or appropriate officials from the Governor’s office during plan development and prior to submission of a plan to the Secretary. The final rule identifies fifteen (15) categories of stakeholders, which must, at a minimum, be consulted. These include the Governor, members of the state legislature, members of the state board of education, LEAs, representatives of Indian tribes, teachers, principals, other school leaders, charter school leaders, parents and families, community-based organizations, institutions of higher education, employers, **representatives of private school students, early childhood educators and leaders**, and the public.

Section 299.14 establishes additional requirements specific to each state’s Consolidated State Plan, including requirements for the following five plan components:

- Consultation and performance management;
- Academic assessments;
- Accountability, support, and improvement for schools;
- Supporting excellent educators; and
- Supporting all students

The Department’s submission deadlines for initial state plans are **April 3, 2017 and September 18, 2017**. The regulation also provides that **the Secretary will, at a future date, establish the manner (e.g., electronic or paper) by which an SEA must submit its State plan**. It also clarifies that any State Plan received prior to the deadline established by the Secretary is **considered to be submitted on the date of the established deadline (rather than the date received)** for the purposes of the 120 day period of Secretarial review under sections 1111(a)(4)(A)(v) or 8451 of the ESEA, as amended by the ESSA.

### **Single Statewide Accountability System [§ 200.12]**

In its State Plan, each state must describe the single, statewide accountability system that it developed and will implement, consistent with requirements that the accountability system must:

- Be based on the state’s challenging academic standards and academic assessments;
- Be informed by the state’s ambitious long-term goals and measurements of interim progress;
- Include all indicators;
- Take into account the achievement of all public school students (in public elementary and secondary schools);
- Be the same system the state uses for annual meaningful differentiation of schools and to identify schools for comprehensive and targeted support and improvement; and
- Include the process the state will use to ensure the effective development and implementation of school support and improvement plans.

If a charter authorizer declines to renew a school’s charter or revokes such a charter, consistent with state law and in meeting the requirements of the Act, **the actions of the authorizer supersede any notification by the state that the school must develop and implement a comprehensive support and improvement plan or a targeted support and improvement plan.**

### Long-Term Goals and Measurements of Interim Progress [§ 200.13]

In developing its statewide accountability system, each state must establish long-term goals and measurements of interim progress that use the same multi-year timelines for all students and each subgroup of students (except English language proficiency goals are required to be established only for the EL subgroup).

Long-term goals and measurements of interim progress must be established for at least the following:

- Academic Achievement – Goals and interim progress measurements for improved academic achievement must be measured by the **percentage of students attaining grade-level proficiency on the annual assessments** required under section 1111(b)(2)(B)(v)(I) of the Act (measured separately for reading/language arts and mathematics). States must apply the same academic achievement standards to all students, **except for students with the most significant cognitive disabilities who may be assessed against alternative academic achievement standards**. States must also take into account the improvement necessary for each subgroup to make significant progress in closing proficiency gaps (requiring greater rates of improvement for lower-achieving subgroups).
- Graduation Rates – States must base goals and interim progress measurements on the four-year adjusted cohort graduation rate. If a state elects to use an extended-year adjusted cohort rate as an accountability system indicator, the **state must set more rigorous long-term goals and interim progress measurements for the extended-year rate than for the four-year adjusted cohort rate**. Also, as with Academic Achievement, states must require greater rates of improvement for subgroups that graduate high school at lower rates.
- English Language Proficiency – Goals and interim progress measurements for increasing the percentage of all English learners making annual progress toward attaining English language proficiency must be measured by the state’s English language proficiency assessment (used to satisfy the requirement of section 1111(b)(2)G) of ESSA). States must describe “a uniform procedure...**to establish research-based student-level targets**” on which goals and interim progress measurements are based, taking into consideration the student’s English language proficiency level at identification as an English learner, and, at the discretion of a state, one or more of the following characteristics: time in language instruction educational programs; grade level; age; native language proficiency level; and limited or interrupted formal education, if any. States must also **determine the timeline (and a maximum number of years) during which English learners sharing particular characteristics should be expected to attain English language proficiency**.

### Accountability Indicators [§ 200.14]

In its single, statewide accountability system, each state must include four distinct indicators for each school, as follows:

- Academic Achievement must include a measure of student proficiency on the state’s **grade-level academic achievement standards** for annual reading/language arts and mathematics assessments, and be based on the state’s long-term goals, **except that students with the most significant cognitive disabilities may be assessed against alternate academic achievement standards**. This indicator must also be based on the performance of at least 95 percent of all students and 95 percent of all students in each subgroup. **A state may include measures of student performance above or below the proficient level on achievement standards so long as a school receives less credit for a student not yet proficient and the credit a school receives for**

**performance exceeding the proficient level does not fully compensate for the performance of a student who is not yet proficient.**

- Academic Progress (for elementary and secondary schools that are not high schools) must include either a measure of student growth based on annual assessments or another academic measure. **This indicator must be supported by research that high performance or improvement on such measure is likely to increase student learning (e.g., grade point average, credit accumulation, performance in advanced coursework, or – for high school indicators – graduation rates, postsecondary enrollment, postsecondary persistence or completion, or career readiness.** Must also aid in the meaningful differentiation of schools by demonstrating varied results across schools in the state.
- Graduation Rate (for high schools) must measure the four-year adjusted cohort graduation rate. May measure an extended-year adjusted cohort rate.
- Progress in Achieving English Language Proficiency must be based on English learner performance on the state’s annual English language proficiency assessment in at least grades 3 through 8 and other grades for which English learners are assessed, **comparing results from the current school year to results from the previous school year.** This indicator must also be aligned with timelines for each English learner to attain English language proficiency, within the maximum number of years set by the state. The state may include a measure of proficiency, such as an increase in the percentage of English learners scoring proficient compared to the prior year.
- School Quality or Student Success must include one or more indicators, which may vary by grade span. **This indicator must be supported by research that high performance or improvement on such a measure is likely to increase student learning (e.g., grade point average, credit accumulation, performance in advanced coursework, or – for high school indicators – graduation rates, postsecondary enrollment, postsecondary persistence or completion, or career readiness. It must also aid in the meaningful differentiation of schools by demonstrating varied results across schools in the state.**

Each state must use the same measures (calculated in the same way) within each indicator for all schools, except that measures within the indicators of Academic Progress and School Quality or Student Success may vary by grade span. Each measure must be valid, reliable, and comparable across all LEAs in the state. Student performance must be measured annually for all students and separately for each subgroup for each indicator, except that measures of English language proficiency are required to be used only for students in the English learner subgroup.

### **Participation in Assessments and Annual Measurement of Achievement [§ 200.15]**

Each state must **administer the academic assessments required under the Act to all public elementary and secondary school students.** For accountability, each state must annually measure the achievement of at least 95 percent of all students and 95 percent of all students in each subgroup, measured separately in reading/language arts and mathematics. In calculating any measure used as an Academic Achievement indicator, the state must use as the denominator the greater of: (1) 95 percent of all such students in the grades assessed who are enrolled in the school; or (2) the number of all such students enrolled in the school who participated in the assessments.

Each state must factor the 95 percent assessment participation requirement into its system of annual meaningful differentiation so that any school that misses the requirement (for all students or for any subgroup of students) is subject to at least one of the following actions:

- Assignment of a lower summative determination;
- Assignment of the lowest performance level on the Academic Achievement level;
- Identification for, and implementation of, a targeted support and improvement plan; or
- Another state-determined action(s) that is **sufficiently rigorous to improve the school's participation rate** so that it meets the participation rate requirement.

Any school that misses the requirement in any year must develop (in partnership with stakeholders, including, as appropriate, **students**) and implement an improvement plan that: (1) includes one or more strategies to address the reason(s) for low participation; (2) is reviewed and approved by the LEA prior to implementation; and (3) is monitored by the LEA.

An LEA with a significant number **or percentage** of schools that fail to assess at least 95 percent of students or 95 percent of students in each subgroup in any year must develop and implement an improvement plan that includes additional actions to support implementation of school-level plans. Any such plan must be reviewed and approved by the state.

No state, LEA, or school may systematically exclude students, including any subgroup of students, from participation in any of the required assessments of reading/language arts, mathematics, or **science**.

A student assessed based on alternate academic achievement standards may count as a participant if the state has guidelines providing for their inclusion in the participation rate calculation and ensures that LEAs adhere to such guidelines. Recently arrived English learners may count as a participant if he or she takes either the state's English language proficiency assessment or reading/language arts assessment.

### **Subgroups of Students [§ 200.16]**

For purposes of establishing long-term goals and measurements of interim progress, measuring performance on accountability indicators, annually differentiating schools, and identifying schools for support and improvement, each state must include the following categories of students consistent with the state's minimum number:

- All students
- Each of the following subgroups:
  - Economically disadvantaged students
  - Students from each major racial and ethnic group
  - Children with disabilities
  - English learners

**A state may include within the Children with Disabilities subgroup, for not more than two (2) years after the student ceases to be identified as a child with a disability, the performance of a student previously identified as a child with disabilities who has exited special education services.**

**A state may include within the English Learners subgroup, for not more than four (4) years after the student ceases to be identified as an English learner, a student previously identified as an English learner who has achieved English language proficiency.**

A state must include the assessment results of recently arrived English learners in the calculation of long-term goals and measurements of interim progress, annual meaningful differentiation, and identification of schools, except that the state may either:

- Exempt such an English learner from the first administration of the reading/language arts assessment: (1) during the student's first year of enrollment in a U.S. school, exclude results on the reading/language arts assessment in calculating indicators of Academic Achievement and Progress in Achieving English Language Proficiency; and (2) include such student's reading/language arts assessment in calculating Academic Achievement and Progress in Achieving English Language Proficiency in the second year of enrollment and every year thereafter; or
- Assess and report an English learner's result on the reading/language arts assessment in each year of enrollment in a U.S. school: (1) exclude such student's reading/language arts result in calculating Academic Achievement in the first year of enrollment; (2) include a measure of such English learner's growth on the reading/language arts assessment in the second year of enrollment; and (3) include a measure of such student's proficiency on the reading/language arts assessment in calculating the Academic Achievement indicator in the third year of enrollment and every year thereafter.

### **Disaggregation of Data [§ 200.17]**

Each state must establish a minimum number of students for the disaggregation of data used for accountability. A state's minimum number must be sufficient to:

- Yield statistically reliable information for the purpose for which it is used; and
- Ensure that, to the extent practicable, each subgroup of students is included at the school level for annual meaningful differentiation and identification, as appropriate, for Comprehensive Support and Improvement or Targeted Support and Improvement.

The state's minimum number must be the same number for all students and for each subgroup, as well as for all purposes for which disaggregate is used in the accountability system (however, a state may use a lower minimum number for reporting purposes than is used for accountability). The minimum number is **not to exceed 30 students unless the state provides a justification for using a higher number. Such justification should explain how the state's higher minimum number promotes sound, reliable accountability determinations, and include data on the number and percentage of schools in the state that would not be held accountable for the results of students in each subgroup under the state's minimum number as compared to subgroups not held accountable if the minimum number were 30.**

If the number of students in a subgroup is not statistically sound and reliable for use at the school level, a state must include those students in disaggregated information at the district and state levels, if the number of students is statistically sound and reliable for use at that level.

### **Annual Meaningful Differentiation of School Performance: Performance Levels, Data Dashboards, Summative Determinations, and Indicator Weighting [§ 200.18]**

Each state must establish a system for the annual meaningful differentiation of public schools that:

- Includes the performance of all students and each subgroup on each indicator;
- Includes at least three distinct and discrete levels of school performance for each indicator, consistent with attainment of long-term goals and measurements and interim progress;

- Provide information on the performance level of each school and on each indicator, separately, as part of the LEA report card description of the state’s system or annual meaningful differentiation;
- Results in a single summative determination for each school from among at least three distinct categories (**which may include as two categories the required categories of improvement – Comprehensive and Targeted**) to describe each school’s overall performance on LEA report cards;
- Meet the requirement to measure the performance of at least 95 percent of all students in each subgroup; and
- Informs the state’s methodology for identifying schools for Comprehensive Support and Improvement and Targeted Support and Improvement.

Each state must also afford substantial weight to each of the following indicators:

- Academic Achievement;
- Academic Progress (for elementary and middle schools that are not high schools);
- Graduation Rate (for high schools); and
- Progress in Achieving English Language proficiency.

If a school does not meet the state’s minimum number for students the English learner subgroup, the state must exclude the Progress in Achieving English Language Proficiency indicator from differentiation for such school and assign to the other applicable indicators listed above the same relative weights for the school as are afforded to such indicators in a school that meets the minimum number for the English learners subgroup.

In the aggregate, the indicators listed above must have much greater weight than the state’s indicator(s) of School Quality or Student Success. Each indicator need not be afforded the same substantial weight; however, the same relative weight of each indicator should be used for each grade span. **Each state, in its State Plan, must demonstrate that, among other things, the state’s weighting of indicators will ensure that schools with low performance on the four “substantial weight” indicators are more likely to be identified for Comprehensive Support and Improvement or Targeted Support and Improvement.**

**A state may develop and use different methodology to include all schools in its system of annual meaningful differentiation (such as for schools with no grade level assessed, schools with variant grade configurations, small schools, schools designed to serve special populations, and newly opened schools that do not have multiple years of data).**

### **Identification of Schools [§ 200.19]**

Each state, based on its system for annual meaningful differentiation of schools, must establish methodology and a timeline for the identification of schools for Comprehensive Support and Improvement. The following types of schools are required to be included in this category:

- Not less than the lowest-performing five percent of all Title I schools in the state;
- Any public high school with a four-year adjusted cohort graduation rate at or below 67 percent, or below a higher percentage set by the state; and
- Any Title I school identified for Targeted Support and Improvement because one or more subgroups of students is performing at or below the performance of all students in one of the

lowest-performing five percent of Title I schools (described below) that has not improved over a state-determined number of years.

Each state, based on its system for annual meaningful differentiation of schools, must also establish methodology to identify schools for Targeted Support and Improvement. The following types of schools are required to be included in this category:

- Any school not identified for Comprehensive Support and Improvement with one or more consistently underperforming subgroups of students; and
- Any school not identified for Comprehensive Support and Improvement with one or more subgroups of students performing at or below the performance of all students in of the lowest-performing five percent of Title I schools.

A state's methodology for identifying consistently underperforming subgroups must be based on all indicators and must consider subgroup performance in the school over no more than two years, **unless the state demonstrates that a longer timeframe will better support low-performing subgroups to make significant progress in achieving state goals and measurements of interim progress.** The state must adopt a uniform definition of consistently underperforming subgroup which includes a subgroup that is not meeting at least one of the state's measurements of interim progress (or is not on track to meet at least one long-term goal) or is **performing below the state-determined threshold on an indicator for which the state is not required to establish long term goals.**

In identifying schools for support and improvement, each state must use data from **the preceding school year (e.g., data from 2017-2018 to identify schools for the 2018-2019 school year), except that a state may use adjusted cohort graduation data from the school year immediately prior to the preceding school year. A state may also use data from earlier school years.**

The timeline and frequency for the identification of schools is as follows:

- Each state must identify the lowest-performing five percent of Title I schools and low graduation rate high schools for Comprehensive Support and Improvement at least once every three (3) years, **with the first identification taking place for the 2018-2019 school year.** On this same timeline (**beginning for the 2018-2019 school year**) and at least once every three (3) years, each state must also identify schools with one or more low-performing subgroups for Targeted Support and Improvement.
- Each state must identify schools with one or more consistently underperforming subgroups for Targeted Support and Improvement annually, with the **first identification taking place for the 2019-2020 school year.**
- All identifications must be made as soon as possible, but no later than the beginning of each school year.

### **Data Procedures for Annual Meaningful Differentiation and Identification of Schools [§ 200.20]**

For purposes of annual meaningful differentiation and identifying high schools with low graduation rates for Comprehensive Support and Improvement, a state may establish a uniform procedure for averaging school level data. Such a procedure may include combining data across school years (up to three school years) and/or combining data across grades in a school.

For purposes of annual meaningful differentiation and the identification of schools for support and improvement, a state must include all students who were enrolled in the same school within an LEA for

at least half of the academic year. A state may not use the performance of a student who was **enrolled in the same school for less than half of the academic year**, except that such student must be included in the calculation of the Graduation Rate indicator, if applicable. If such student exited a high school without receiving a regular high school diploma and without transferring to another high school that grants a regular diploma during the school year, for purposes of calculating the Graduation Rate indicator, the LEA must assign the student to either the high school in which the student was enrolled for the greatest proportion of school days (while enrolled in grades 9-12) or the high school in which the student was most recently enrolled.

### **Comprehensive Support and Improvement [§ 200.21]**

As soon as possible following identification of schools for Comprehensive Support and Improvement, but no later than the beginning of the school year for which the identification was made, a state must notify each LEA serving any such school. The LEA must then promptly notify parents of each student enrolled in the school that the school has been identified for Comprehensive Support and Improvement, including the reason(s) for the identification, and an explanation of how parents can participate in the needs assessment that must be undertaken as a consequence of identification, and the development and implementation of the school's improvement plan. Parental notice must, to the extent practicable, be provided in a language that parents can understand and in an alternative format accessible to any parent who is an individual with a disability (as defined by the Americans with Disabilities Act) upon request. If a written translation cannot be provided to a parent with limited English proficiency, the notice is to be orally translated for such parent.

Each LEA serving an identified school must conduct a needs assessment for the school. The needs assessment must be conducted in partnership with stakeholders and examine, at a minimum:

- Academic achievement data on each required assessment for all students and each subgroup;
- School performance on the state's long-term goals and measurements of interim progress;
- The reason(s) for identification;
- **The school's unmet needs, including with respect to students, school leadership, instructional program quality, family and community involvement, school climate, resource distribution, and, at the discretion of the LEA, school performance on additional locally-selected measures that affect student outcomes.**

Each LEA serving an identified school is also responsible for the development and implementation of a Comprehensive Support and Improvement plan based on the needs assessment described above and including one or more evidence based strategies (**which must be selected from the state's exhaustive list of evidence-based interventions, if the state has developed such a list**). Any such plan must also identify and address resource inequities, **which may include access to advanced coursework, access to full-day kindergarten programs and preschool programs, and access to specialized instructional support personnel**. Differentiated improvement activities based on evidence-based interventions may be used for any high school that predominantly serves students who have previously dropped out of school or those significantly off track to graduate. The plan is to be developed in partnership with stakeholders including **students, as appropriate**, as well as teachers, parents, and others and must be approved by the school, the LEA, and the state.

The state is responsible for monitoring and implementing the LEA's implementation of the plan and school progress toward exit criteria established by the state. If the school does not meet the exit criteria

within the timeline set by the state, the state must: (1) require the school to conduct a new needs assessment and amend its improvement plan; and (2) increase its monitoring and support of the LEA.

### **Targeted Support and Improvement [§ 200.22]**

As soon as possible following identification of schools for Targeted Support and Improvement, but no later than the beginning of the school year for which the identification was made, a state must notify each LEA serving any such school and then ensure that each such LEA provides notification of the identification to parents. Parental notice must include the reason(s) for the identification, and an explanation of how parents can participate in the development and implementation of the school's improvement plan.

Each identified school must develop and implement a Targeted Support and Improvement plan, working in partnership with stakeholders including **students, as appropriate**. The plan must be designed to improve student performance for the lowest-performing students on each indicator that led to identification, taking into consideration the school's performance on the state's long-term goals and measurements of interim progress, and any additional, locally selected measures that the school elects to use. The plan must also include one or more evidence based strategies (**which must be selected from the state's exhaustive list of evidence-based interventions, if the state has developed such a list**). Any school which was identified for a low-performing subgroup, as described above, must also identify and address resource inequities in its improvement plan, **which may include access to advanced coursework, access to full-day kindergarten programs and preschool programs, and access to specialized instructional support personnel**. It must be approved and monitored by the LEA.

The LEA must establish uniform exit criteria for schools to be removed from Targeted Support and Improvement. Using such criteria, and on a timeline aligned with the number of years the LEA determines each such school needs in order to meet exit criteria, the LEA must determine either that the school no longer meets the criteria for identification and will exit Targeted Support and Improvement status or the school has not improved and must amend its improvement plan and be subject to increased monitoring and support from the LEA. Any school with one or more low-performing subgroups that does not satisfy exit criteria within a state-determined timeline must be identified for Comprehensive Support and Improvement.

The state is responsible for monitoring and implementing the LEA's implementation of the plan and school progress toward exit criteria established by the state. If the school does not meet the exit criteria within the timeline set by the state, the state must: (1) require the school to conduct a new needs assessment and amend its improvement plan; and (2) increase its monitoring and support of the LEA.

### **State Responsibilities to Support Continued Improvement [§ 200.23]**

Each State Plan must include a description of its plan for supporting continued improvement in two areas:

- **State Support** – The State Plan must describe how it will: (1) periodically review resources available to each LEA serving a significant number or percentage of schools identified for Comprehensive Support and Improvement or Targeted Support and Improvement, as compared to all other LEAs, and schools served by those LEAs in the state; and (2) to the extent practicable, address any identified resource inequities.

- State Technical Assistance – The State Plan must include a description of the technical assistance, including on effective implementation of evidence-based interventions and support to increase LEA capacity to develop and implement improvement plans, develop and use tools for conducting a school level needs assessment, and more – it will provide to each LEA with a significant number or percentage of schools identified for Comprehensive Support and Improvement or Targeted Support and Improvement.

A state may also:

- Take action designed to improve any LEA or public chartering agency (consistent with state charter law) that serves a significant number or percentage of schools identified for Comprehensive Support and Improvement or Targeted Support and Improvement;
- Establish an exhaustive or non-exhaustive list of evidence-based interventions for schools to use in developing and implementing improvement plans;
- Develop one or more evidence-based interventions that can be used by LEAs in schools identified for Comprehensive Support and Improvement; and
- Require LEAs to submit amended Targeted Support and Improvement plans to the state for approval.

### **Resources to Support Continued Improvement [§ 200.24]**

Each state must allocate its school improvement funds (reserved under section 1003(a) of the Act) to LEAs serving schools implementing Comprehensive Support and Improvement plans or Targeted Support and Improvement plans, on the basis of applications submitted by LEAs.

In awarding school improvement funds to LEAs, the state must use a formula or competitive basis to make awards of not more than four years, which may include a planning year. Awards must be of sufficient size – at least \$500,000 per year for Comprehensive Support and Improvement schools and \$50,000 per year for Targeted Support and Improvement schools, unless the **state determines** that a smaller award is appropriate and sufficient to support effective implementation of the improvement plan.

### **Annual State Report Cards [§ 200.30]**

Any state receiving Title I, Part A funds must prepare an annual state report card and disseminate it widely to the public. In addition to providing information from the accountability system, the report card must include, as applicable, information for each authorized public chartering agency in the state, including: (1) data comparing students in each subgroup for each charter with the same student subgroups for the LEA or LEAs from which the charter draws a significant portion or its students; and (2) data comparing the academic achievement of students in each charter and the achievement of students in the LEA or LEAs from which the charter draws a significant portion of its students.

The report card must include an overview section with statewide information on all students, as well as disaggregated data for each subgroup (including for students by migrant status, homeless status, and status as a child in foster care) on academic assessments, the Academic Progress indicator measures, graduation rate data, and the School Quality or Student Success indicator. It must also include the number and percentage of English learners achieving English language proficiency.

State report cards may be used to meet the cross-tabulation requirements under section 1111(g) of the Act.

### **Annual LEA Report Cards [§ 200.31]**

Any LEA receiving Title I, Part A funds must prepare an annual LEA report card and disseminate it widely to the public. Each such report card should include, among other data, the summative determination of each school and whether the school is identified for Comprehensive Support and Improvement or Targeted Support and Improvement. As with the annual state report card, each LEA report card must include an overview section that can be distributed to parents.

### **Description and Results of a State's Accountability System [§ 200.32]**

Each state and LEA report card is required to include a clear and concise description of the state's accountability system, including the minimum number of students established by the state for use in the accountability system; the state's long-term goals and measurements of interim progress; indicators used to annually meaningfully differentiate among public schools and information on indicator weighting, the inclusion of 95 percent student participation on assessments, and the methodology used to differentiate and assign a summative determination.

### **Calculations for Reporting on Student Achievement and Progress Toward Meeting Long-Term Goals [§ 200.33]**

Each state and LEA report card must include the percentage of students (overall and by each grade) performing at each level of achievement on the state's academic assessments required under section 1111(b)(2) of the Act. LEA report cards must present a comparison of such student achievement results for students served by the LEA with students in the state as a whole, and a comparison of such data for each school served by the LEA with the LEA and the state as a whole.

State and LEA report cards must include data for all students and disaggregated by the following:

- Each student subgroup required to be reported;
- Migrant status;
- Gender;
- Homeless status;
- Status as a child in foster care; and
- Status as a student with a parent who is a member of the Armed Forces on active duty or serves on **full-time National Guard duty**.

Data on the percentage of students at each level of achievement must be presented two ways: (1) the denominator includes the greater of 95 percent of all students, or 95 percent of each subgroup, enrolled in the school, LEA, or state, respectively; or the number of all students enrolled who participate in assessments; or (2) the percentage of students at each level of achievement in which the denominator includes all students with a valid test score.

### High School Graduation Rate [§ 200.34]

Each state must calculate a four-year adjusted cohort graduation rate such that the numerator consists of the sum of all students who graduate in four years with a regular diploma and all students with the most significant cognitive disabilities in the cohort, assessed on alternate assessments aligned to alternative academic achievement standards and awarded a state-defined alternate diploma. The denominator must consist of the number of students who form the adjusted cohort of entering first-time students in grade 9 enrolled in the school no later than the data by which membership data is collected for submission to the National Center for Educational Statistics. The regulation provides additional requirements for adjusting the cohort, calculating extended-year adjusted cohort rate, and determining partial school enrollment.

### Per-Pupil Expenditures [§ 200.35]

In addition to the requirements described above, each state report card must include: (1) current expenditures per pupil from Federal, state, and local funds, for the preceding fiscal year, for each LEA and school; and (2) for each LEA, the amount of **current expenditures per pupil that were not included in school-level per-pupil expenditure data for public schools** in the LEA.

LEA report cards must include the same current expenditure information, plus the amount of **current expenditures per pupil that were not included in school-level per-pupil expenditure data for each school**.

### Postsecondary Enrollment [§ 200.36]

Each state and LEA report card must also include information at each level – SEA, LEA, and high school – on postsecondary enrollment, where available. For each high school, reporting must include the cohort rate at which students who graduate from high school enroll in programs of postsecondary education. If postsecondary enrollment data is not available or is only partially available, the state and LEA report cards must indicate the school year in which such information is expected to be fully available.

### Educator Qualifications [§ 200.37]

Each state and LEA report card must also include information on the professional qualifications of educators, in the aggregate and disaggregated by high-poverty and low-poverty schools, including the number and percentage of the following:

- Inexperienced teachers, principals, and other school leaders;
- Teachers teaching with emergency or provisional credentials; and
- Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

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