



**Comments/Recommendations to United States Department of Education
Proposed State Fiscal Stabilization Fund Rules
Docket ID ED-2009-OESE-0007**

Submitted by:
Rhonda Tsoi-A-Fatt
Center for Law and Social Policy

Thank you for the opportunity to provide feedback on the proposed rules for the second portion of State Fiscal Stabilization Fund resources. We commend the U.S. Department of Education for its unprecedented stand on education reform as a central component to our nation's economic renewal. Issues of inequities in the distribution of quality educators, lack of adequate data, and insufficient innovation and support in struggling schools have long plagued our education system. These critical American Recovery and Reinvestment Act of 2009 (ARRA) resources will pave the way for sustainable reforms that can drastically improve the educational experience and outcomes for all of America's students.

Our comments on the proposed rules derive from our concern for the nation's high school dropouts. We seek necessary reforms to prevent youth disengagement from school or to re-engage them in educational options that meet their needs. A substantial number of youth drop out every year. Absent intervention, these young people will face future poverty and struggle, and our nation will suffer tremendous talent and resource loss. A national emphasis on this population will drive states and LEAs to think more critically about and reach out more intentionally to serve the educational needs of these young people.

RECOVERING HIGH SCHOOL DROPOUTS

The addition of four-year adjusted cohort graduation rates as a part of the assessment of accountability shines additional light on high school dropouts. To be successful, states and LEAs will need to work diligently to prevent students from dropping out of school and recover those who have already dropped out. Many who drop out will not graduate with their original cohort of students. To accurately capture the number of students recovered and those who eventually complete their education, states and LEAs must exercise the option in the *34 CFR 200.19(b)(1)*, which allows them to also establish an extended-year cohort graduation rate.

In addition, many students who re-enroll in educational options do not seek a traditional high school setting, often due to age or the inflexibility of the school day. Many enroll in alternative educational options provided by the district or community-based providers in partnership with the district. These programs often allow students to earn a state recognized high school diploma or equivalent (including GED) in non-traditional supported environments. These students still matriculate to college or technical training programs that extend their education and skills. The GED credential, especially when earned as part of a program with rigorous academics, leadership development, and career exposure, is an important alternative, particularly for urban youth and youth of color¹, to reconnect to pathways leading to postsecondary success. This alternate credential should be counted as a part of high school graduation rates for states and LEAs.

Thus, we recommend the following changes:

Improving Collection and Use of Data

- Amend element (3) to read, “student-level information about the points at which students exit, transfer in, transfer out, drop out, re-enroll, or complete P-16 education programs;”
- Amend element (11) to read, “information regarding the extent to which student transition successfully from secondary school (in 4 and 6 years) to postsecondary education, including whether students enroll in remedial coursework;”

Standards and Assessments

- Amend the 5th bullet to read, “The extent to which students graduate from high school in four and six years with a regular high school diploma, or recognized equivalent, and continue on to pursue a college education or technical training.”
- Similarly, regarding the extent to which students graduate from high school and continue on to pursue a college education or technical training, amend the paragraph to read, “we propose to require that a state provide data on the following topics: The number and percentage of students, by subgroup, who graduate from high school using a four-year adjusted cohort graduation rate as required by 34 CFR 200.19(b)(1)(i). In addition, to accurately count and give states and LEAs due credit for recovering and educating dropouts, states will be required to provide data on the number and percentage of students, by subgroup, who graduate from high school using a six-year adjusted cohort graduation rate.”

Proposed Requirements

- Amend Indicator (c)(11) to read, “Provide, for the state, for each LEA in the state, for each high school in the state and, at each of these levels, by each student subgroup...the number and percentage (including numerator and denominator) of student who graduate from high school using a four-year and six-year adjusted cohort graduation rate.”

- Amend Indicator (c)(13) to read, “Provide, for the state, for each LEA in the state, for each high school in the state and, at each of these levels, by student subgroup (consistent with section 1111(b)(2)(C)(v)(II) of the ESEA), of the students who graduate from high school consistent with 34 CFR 200.19(b)(1)(i) who enroll in a public IHE, the number who complete at least one year’s worth of college credit (applicable to a degree or **industry recognized equivalent**) within two years.”

Proposed Definitions

- Add the following statement to this section: **“With respect to the requirement that a state collect and report the number of high school graduates who enrolled in a public IHE who complete at least one year’s worth of college credit (applicable to a degree or industry recognized credential) within two years, the term ‘college credit (applicable to a degree or industry recognized credential)’ is used as defined by the IHE granting such credit.”**

ALIGNMENT ACROSS YOUTH-SERVING SYSTEMS AND ORGANIZATIONS

Youth, particularly those most likely to struggle academically, are served by multiple youth systems, which each have a vested interest in the overall development and success of that young person. This includes, for example, child welfare and juvenile justice agencies, Temporary Assistance for Needy Families, workforce organizations, and nonprofit, community-based organizations. To maximize effectiveness, reduce duplication, and ensure that youth receive the supports they need, state education agencies should incorporate these entities into their planning efforts and seek opportunities for partnership.

Thus, we recommend the following:

State Plans

- Amend the following paragraph to read, “In developing a plan as proposed in this notice, the state is **required** to consult with key stakeholders such as superintendents, educators, and parents as well as teacher union, business, community, civil rights leaders, **workforce organizations, child welfare and juvenile/criminal justice agencies, and child and youth serving CBOs non-profit community**. Such consultation would ensure that these stakeholders are aware of the State’s current ability to meet the proposed requirements, can provide input on the means the state will develop to comply with the requirements, and can prepare to assist the State in implementing those means.”

ENSURING INVESTMENTS AT MIDDLE SCHOOL AND SECONDARY SCHOOL LEVEL

A long-standing concern of many education advocates has been the LEA’s disproportionate use of Title I resources to elementary schools, while placing less emphasis on struggling middle and secondary schools. While prevention in early years is key, additional investments in education must also be made along all points of the educational continuum to ensure that gains made in the early years remain, and that struggling students in middle and high school have access to additional resources and supports.

Thus, we recommend the following changes:

Proposed Requirements

- Add the following indicator: ***“Indicator (d)(10) Provide, for the State and for each LEA in the state, the dollar amount and percentage of ARRA Stabilization Fund resources that was spent in middle schools and secondary schools.”***

THE ROLE OF DISCIPLINE IN STUDENT ACHIEVEMENT

Research has shown that the cross-section of attendance, behavior, and coursework completion is a predictor of dropoutⁱⁱ. Poor behavioral interventions push youth out of school. Many high poverty school districts have a higher prevalence of negative behavioral policies that impede school participationⁱⁱⁱ. While documenting academic achievement is clearly portrayed in data collection components, documenting and making improvements to disciplinary policy in schools is necessary to address the nation’s dropout problem.

Thus, we recommend the following changes:

Improving Collection and Use of Data

- Add a 13th element to the minimum components of a data system: ***“Collect and make publicly available information on the rates of out-of-school suspension and expulsion (by sub-group). To the extent that the reporting of this data is already required by the Department’s Office of Civil Rights, the Department may opt to make existing data available to the State for confirmation and public reporting.”***

ⁱ “2008 GED Testing Programs Statistical Report,” General Education Development Testing Service, American Council on Education, July 2009, http://www.acenet.edu/Content/NavigationMenu/ged/pubs/GED_ASR_2008.pdf

ⁱⁱ Robert Balfanz & Lisa Herzog, *“Keeping Middle Grades Students On Track to Graduation: Initial Analysis and Implications,”* May 2006, www.philaedfund.org/powerpoint/dropoutresearch_4.06.ppt

ⁱⁱⁱ *Opportunities Suspended: The Devastating Consequences of Zero-Tolerance and School Discipline*, Advancement Project, 2006, <http://www.advancementproject.org/publications/opportunity-to-learn.php>