

Discussion: Section 200.3(b)(3) of the regulations requires that adequate yearly progress be defined in a manner that links progress primarily to performance on the State's assessment system under § 200.4, while permitting progress to be established in part through the use of other measures, such as dropout, retention, and attendance rates. The Secretary expects that a State, in developing its definition of adequate progress, would draw on knowledge and empirical data about the degree of progress that should be expected of effective schools.

Changes: None.

Comment: One commenter suggested that the regulations require SEAs and LEAs to make every effort to notify private schools about the SEA's definition of adequate yearly progress.

Discussion: The definition of adequate yearly progress that an SEA establishes will be the standard against which schools and LEAs will be measured as to whether they are enabling children to meet the State's challenging student performance standards. While private schools are not recipients of Title I funds, the Department will issue policy guidance that will, for the purpose of private school student Title I participants, address whether private school students served by Title I, but not private schools, are making adequate yearly progress toward meeting the standards.

Changes: None.

Comment: One commenter expressed concern regarding the statement in the preamble of the Notice of Proposed Rulemaking (NPRM) that the new Title I will shift from "an evaluation of how individual students are performing to an evaluation of how well schools and LEAs are helping students meet the challenging standards" since States will be assessing changes in the performance of different cohorts of students. The commenter argued that changes in test scores are likely to reflect differences in the groups of students instead of changes in school or LEA performance, particularly in poor urban districts with high rates of student mobility.

Discussion: The impact of the Title I program cannot be divorced from that of the regular program. This is particularly true as an increasing number of Title I schools develop schoolwide programs. Although the assessment systems operated by States and LEAs generally test only some grades, the Secretary believes that they will provide more revealing data than the current Chapter 1 testing system on the success of Title I schools and children served by Title I because they will be tied to high standards and will show how Title I

schools are doing compared to other schools in the district and State. In addition, Chapter assessments, which used gains of individual students, rather than a specified level of expected achievement, often resulted in minimal expectations of gains being set for Chapter 1 children. While the children improved, they were still performing far below a level needed for successful completion of school and employment. Classroom teachers will continue—as they do now—to assess individual children to determine their performance and improvement on an ongoing basis.

Changes: None.

Comment: One commenter requested that the regulations allow a State to define adequate progress in terms of progress made over either a one- or two-year period for the purpose of meeting the requirements of Title I accountability.

Discussion: States have the discretion to define adequate yearly progress over a one- or two-year period as long as the definition is sufficiently rigorous to achieve the goal that all children served under Part A, particularly economically disadvantaged and LEP children, meet the State's proficient and advanced levels of performance within an appropriate timeframe.

Changes: None.

Section 200.4 State Responsibilities for Assessment

Comment: One commenter suggested that the regulations inform SEAs and LEAs of their responsibilities regarding the assessment of participating private school children and specify that the expenses of conducting the assessment are allowable costs under Title I.

Discussion: The assessment requirements in the statute apply to private school students as well as public school students who participate in Title I. The Department will clarify in guidance that Title I funds may be used to assess private school children if they would not otherwise be participating in the State assessment. However, if private school children, in general, are included in the State assessment, Title I funds may not be used to pay for the assessment of those private school children participating in Title I.

Changes: None.

Comment: Many comments were received regarding the issue on which the Secretary specifically invited comments in the NPRM: whether accountability under Title I should be based on all subject areas for which a State has developed or adopted standards and assessments for all children or whether assessments in mathematics and reading/language arts

are sufficient for Title I accountability purposes as permitted in § 200.4(c)(1) of the regulations. Many commenters agreed with the regulations that accountability in math and reading/language arts was sufficient for Title I purposes. A number of other commenters, however, recommended that Title I schools be held accountable for all areas in which the State has developed standards and assessments in order to break the mold of Title I as a remedial reading and math program with lower expectations for the children served. A handful of commenters recommended a different resolution—that science be assessed in addition to reading and math to reflect the importance of that subject or that Title I accountability be based on those subject areas in which Title I services are provided.

Discussion: This issue continues to be one of the most difficult to resolve because each of the two major options has important advantages but also significant drawbacks. A major goal of the reauthorization is to redirect Title I from a low-level reading and math add-on program to a significant resource for high-poverty Title I schools to use to promote comprehensive schoolwide improvement in teaching and learning geared to the same challenging standards expected of all children. There is significant and legitimate concern that permitting Title I accountability to be limited to reading and math will stymie the shift toward comprehensive schoolwide reform, reinforce lower expectations for Title I schools, and send a message that other subjects are not important for children in high-poverty schools to learn. There is also the concern that this provision will lead States, LEAs, and schools to abrogate their responsibility for the performance of students served by Part A in all other subject areas besides reading and math. Extending Title I accountability to include all subjects in which a State has standards and assessments, including applying Title I assessment requirements to each of those subjects, however, also raises significant concerns about federal overreaching and the imposition of unwarranted and excessive burden. In addition, it risks creating additional disincentives to developing new State standards and limits the ability of States and LEAs to take advantage of innovations in performance assessments since, in the short run, many of those assessments will not be able to satisfy the Title I assessment requirements—at least in a timely and cost-efficient way.

Needing to give effect to the statutory language that a State must have