Final US Department of Education Accountability, State, and LEA Report Cards and State Plans Regulations: Comparison with NASBE Recommendations and Section-by-Section Summary

On November 28, 2016, the US Department of Education published final regulations implementing provisions of the Every Student Succeeds Act (ESSA) on statewide accountability systems, state and local education agency (LEA) report cards, and state plans. NASBE had earlier submitted comments responding to the department’s notice of proposed rulemaking (NPRM). The table below compares NASBE’s recommended changes with the final regulations. In addition, a section-by-section summary of the final regulations is attached for your reference (changes from the NPRM are noted in bold text).

<table>
<thead>
<tr>
<th>NASBE Response to NPRM</th>
<th>Final Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The department should use the 2017–18 school year as the baseline for initial accountability data.</td>
<td>The department accepted NASBE’s recommendation. Each state must identify the lowest-performing 5 percent of Title I schools and low graduation rate high schools for comprehensive support and improvement (CSI) at least once every three years, with the first identification scheduled to take place for the 2018–2019 school year. On this same timeline (beginning for the 2018–2019 school year) and at least once every three years, each state must also identify schools with one or more low-performing subgroups for targeted support and improvement (TSI). 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.</td>
</tr>
</tbody>
</table>

States should determine the incentives and consequences for schools that miss ESSA’s assessment participation requirement. | The department accepted NASBE’s recommendation. States will “propose their own options for how...” |
to address school and subgroup participation rates below 95 percent on state assessments that can be differentiated based on the extent of the issue.” State actions must be “sufficiently rigorous to improve schools’ participation rates in the future. Schools missing 95 percent participation must also develop plans to improve based on their local contexts and stakeholder input.”

| The department should not displace state accountability decision making, including by requiring a single summative rating for each school. | The department defers to state accountability decision making in key respects. The final rule, however, maintained the single summative rating requirement, but it expressly permits states to use the two statutorily required categories of CSI and TSI schools.

States must establish a system for annual meaningful differentiation of public schools that results in a single summative determination for each school from among at least three distinct categories (which may include the required categories of improvement—comprehensive and targeted—as two of the three) to describe each school’s overall performance on LEA report cards. |

| The department should not expand ESSA’s requirements regarding state-selected school quality indicators. | The final rule largely defers to the statute and responded, in part, to NASBE’s recommendation regarding the law’s required school quality or student success indicator.

Under the final rule, the measure of school quality or student success must include one or more indicators, which may vary by grade span. Selection of the indicator must be supported by research that high performance or improvement on the 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 |
Section-by-Section Summary
(changes from the NPRM highlighted in bold)

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, a state education agency (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 16 categories of stakeholders who must be consulted: 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 has developed and will implement, consistent with requirements that it:

- 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
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. Selection of this indicator must be supported by research showing that high performance or improvement on the 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. The measure must also aid in the meaningful differentiation of schools, demonstrating varied results across schools in the state.

- **Graduation rate** (for high schools) must measure the four-year adjusted cohort graduation rate. It may measure an extended-year adjusted cohort rate as well.

- **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 with the prior year.
• **School quality or student success** must include one or more indicators, which may vary by grade span. *Selection of this indicator must be supported by research showing that high performance or improvement on the 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, 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 for 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 of academic achievement, 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 any subgroup) 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
- other state-determined action(s) **sufficiently rigorous to improve the school's participation rate**.

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 reasons 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 participants if they take 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 a student previously identified as having disabilities who has exited special education services, but not for more than two years after the student ceases to be so identified.

A state may include within the English learners subgroup a student previously identified as an English learner who has achieved English language proficiency, but not for more than four years after the student ceases to be so identified.
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 an English learner from the first administration of the reading/language arts assessment** during the student’s first year of enrollment in a US school, excluding results on the reading/language arts assessment in calculating indicators of academic achievement and progress in achieving English language proficiency, but including the 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 US school but** (1) exclude the student’s reading/language arts result in calculating academic achievement in the first year of enrollment; (2) include a measure of the student’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 CSI or TSI.

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 disaggregated data are used in the accountability system (however, a state may use a lower minimum number for reporting purposes other than accountability). The minimum number is **not to exceed 30 students unless the state provides a justification**. Such a justification should explain how the state’s higher minimum number promotes sound, reliable accountability determinations and should 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 with 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, discrete levels of school performance for each indicator, consistent with attainment of long-term goals and measurements and interim progress;
- provides 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 of annual meaningful differentiation;
- results in a summative determination for each school from among at least three distinct categories (which may include the required categories of improvement—comprehensive and targeted) to describe each school’s overall performance on LEA report cards;
- meets 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 CSI and TSI.

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 in the English learner subgroup, the state must exclude the progress in achieving English language proficiency indicator from differentiation for the 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 CSI or TSI.

A state may develop and use a 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 a methodology and a timeline for identifying schools for CSI. The following types of schools must be included in this category:

- not less than the lowest-performing 5 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 TSI because one or more subgroups of students is performing at or below the performance of all students in one of the lowest performing 5 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 a methodology to identify schools for TSI. The following types of schools are required to be included in this category:

- any school not identified for CSI with one or more consistently underperforming subgroups of students; and
- any school not identified for CSI with one or more subgroups of students performing at or below the performance of all students in one of the lowest-performing 5 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 help low-performing subgroups 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 measures 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 2017–18 to identify schools for the 2018–19 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 5 percent of Title I schools and low graduation rate high schools for CSI at least once every three years, **with the first identification taking place for the 2018–19 school year.** On this same timeline (beginning for the 2018–19 school year) and at least once every three years, each state must also identify schools with one or more low-performing subgroups for TSI.

- Each state must identify schools with one or more consistently underperforming subgroups for TSI annually, with the **first identification taking place for the 2019–20 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 CSI, 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 students must be included in the calculation of the graduation rate indicator, if applicable. If the 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 CSI, 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 CSI, including the reasons 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 in 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 the 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 at a minimum examine

- 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;
- reasons for identification; and
- 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 CSI 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 TSI, 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 the LEA notifies parents of the identification. Parental notice must include reasons 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 TSI 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 that 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 TSI. Using such criteria and on a timeline aligned with the number of years the LEA determines such schools need in order to meet exit criteria, the LEA must determine either that a school no longer meets the criteria for identification and will exit TSI 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 CSI.

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 how it will support 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 CSI or TSI as compared with 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 describe the technical assistance it will provide to each LEA with a significant number or percentage of schools identified for CSI or TSI, including assistance on effective implementation of evidence-based interventions and support to increase LEA capacity to develop and implement improvement plans and on development and use of tools for conducting a school-level needs assessment.

A state may also undertake the following:

- take action to improve any LEA or public chartering agency (consistent with state charter law) that serves a significant number or percentage of schools identified for CSI or TSI;

- establish an exhaustive or nonexhaustive 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 CSI; and

- require LEAs to submit amended TSI 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 CSI plans or TSI 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 CSI schools and $50,000 per year for TSI 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, academic progress, graduation rates, and school quality or student success. 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 report card should include, among other data, the summative determination of each school and whether the school is identified for CSI or TSI. 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 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, 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 who 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 who are 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 date by which membership data are 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 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 are not available or are only partially available, the state and LEA report cards must indicate the school year in which they are expected to be fully available.

**Educator Qualifications [§ 200.37]**

Each state and LEA report card must 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 they are certified or licensed.