

January 21, 2016

John B. King, Jr.
Acting Secretary of Education
U.S. Department of Education
400 Maryland Avenue SW., Room 3E306
Washington, DC 20202
VIA Regulations.gov

Dear Secretary King:

We, the undersigned leaders of schools and programs serving and advocating for over-age and under-credit youth, are concerned about the negative impact of current graduation rate policy on schools which reengage dropouts. Together we reengage thousands of former dropouts across America. We wish to highlight an issue that is critical to compile accurate education data, to create relevant school accountability, and to increase the development of schools like ours which provide significant gains to the national economy. With the passage of the Every Student Succeeds Act, you have the opportunity to address the inequities in the use of 9th grade cohorts. We ask that you allow states to authorize schools serving dropouts and other over-age and under credit students to use a one year rate for calculation of their graduation rates in lieu of the 4-, 5- or 6- year adjusted cohort rates (hereafter the 9th Grade Cohort).

Regulatory or non-regulatory guidance is necessary to ensure that states allow an alternative to the 9th grade cohort disincentive for dropout recovery schools. An alternative cohort for dropout recovery schools is consistent with ESSA that for the first time specifically recognizes a federal emphasis of the creation and support of high quality dropout recovery schools. Under ESEA many of our schools failed to meet the Adequate Yearly Progress (AYP) graduation metric because it excludes a majority of our graduates. This is unfair to the young men and women who reengage in public school and to the school staff who diligently serve them.¹ Use of a one year cohort for dropout recovery schools will not only eliminate one of the disincentives for reengaging out of school youth, but will help States to demonstrate their actual progress toward the 90% graduation rate goal.

The current graduation rate formula is intended to include only those students that began high school in a given year and then graduate four years later. In the interest of a more fair and flexible calculation, the Secretary has allowed states by waiver to develop five and six year aggregations. However, even a six-year calculation fails to include hundreds of thousands of reengaged but over-aged youth. A student

¹ This issue affects all programs that reengage dropouts and has been addressed specifically in three recent publications: Berliner, B. and Van Houten, L., Policy Forum Proceedings, Alternative Accountability Policy Forum (2014) WestEd; Rock, K., Rath, B., Dawson, L., and Silva, E. (2014), Over-Age Under-Credited Students and Public Charter Schools, National Alliance for Public Charter Schools; and National Association of Charter School Authorizers (2013), Anecdotes Aren't Enough.

who drops out and stays out of school for 18 months and then reengages to graduate 12 months later will fall outside of even the 6 year cohort.

Use of a graduation rate to reach these students is consistent with the recent adoption of the Workforce Innovation and Opportunities Act which emphasizes reengaging out of school youth between the ages of 16 and 24. Without the Department's formal guidance or regulation, each of those out of school youth who graduate at or over age 20 will be outside of the 9th grade cohort. We will have no graduation data at the Federal level about the effectiveness of WIOA or ESSA for these youth.

The School for Integrated Academics and Technologies in California is one telling example. Fully 526 reengaged students graduated from SIATech in 2010-2011. However, the California Department of Education release failed to include 371 of them in the AYP data. Failing to include 70% of SIATech's graduates is not only bad math, it results in the school being identified as failing to meet its' Target Graduation Rate.

The High School for Recording Arts in Minnesota also missed its Target Graduation Rate due to inappropriate AYP graduation metrics. Fully 29% of its 6-year cohort had been enrolled at the school for fewer than 30 days at the time that graduation rate was calculated. A traditional school would have had 6 years to work with those students. This dropout recovery school had fewer than 30 days. There are glaring injustices in the use of the 4, 5 and 6 year cohorts because they serve as disincentives for schools to reengage out of school youth.

For schools emphasizing dropout recovery, data reported should include all of the students who earned a diploma in a given year regardless of when they entered Ninth grade. What's important for reengagement is that a dropout has returned – not that he was on-time for graduation. This data is not just important to the schools whose graduation rates are under-reported, it should be of great importance to Workforce Investment Boards, State Departments of Education, Correction Agencies and other institutions focused on the economic and social wellbeing of out of school youth. Accurate data about the capacity and economic success of these young men and women is vital to building America's future.

An alternative for dropout recovery schools will not weaken the Federal accountability focus. We are asking for a narrow exception to allow for a full accounting of schools serving to reengage dropouts. While there are other accountability issues relevant to alternative schools, the graduation rate solution that we seek is specific to "dropout recovery schools". We offer to work with you to ensure that a "dropout recovery school cohort" is limited to schools which serve a majority population of reengaged dropouts and which issue public school diplomas to their students. This focus will maintain the progress that has been made in increasing the overall graduation rate without creating an overly broad exception for other schools.

Some Districts, including Chicago and Portland, have developed one year graduation rates where the relevant cohort in a dropout recovery school is the reengaged students who will earn sufficient credits to graduate in a calendar year. Others have proposed a cohort that includes all former dropouts who have reenrolled for at least 180 days demonstrating a realistic commitment to their education. The

problem is not the lack of a solution. The problem is the lack of Federal authority to utilize the solution. We ask that the Department authorize dropout recovery schools to collect and report one year graduation rates in lieu of the 4-, 5- or 6-year adjusted cohort graduation rates.

Sincerely,



Linda Dawson, Superintendent School for Integrated Academics and Technologies, Arkansas, California and Florida



Phil Matero, Founder and CEO, YouthBuild Charter Schools of California



Tony Simmons, Executive Director, High School for Recording Arts, Minnesota



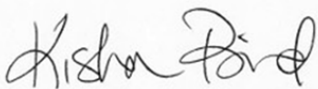
Matthew LaPlante, Founding Editor, NoDropouts.org, Utah



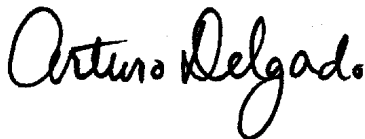
Alice A. Huffman, President, California State Conference, NAACP




Bob Rath, President, Our Piece of the Pie, Connecticut



Kisha Bird, Director Youth Policy, Center for Law and Social Policy, Washington D.C.



Arturo Delgado, Superintendent, Los Angeles County Office of Education



Nina Rees, President and CEO, National Alliance of Public Charter Schools

A handwritten signature in blue ink, appearing to read 'R.J. Guess', with a long horizontal stroke extending to the right.

R.J. Guess, CEO, John Muir Charter School, California

/Signed/

Carla Gay, Vice Principal, Reconnection Services, Multiple Pathways to Graduation, Portland Public Schools, Oregon