



Ensuring a Place at the Table for Every Family

Comments to Proposed Regulations to 34 CFR Parts 200 and 299 of the ESEA of 1965, As Amended by the Every Student Succeeds Act—Accountability and State Plans

July 30, 2016

U.S. Department of Education
Office of Elementary and Secondary Education
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We thank you for the opportunity to provide comments to the U.S. Department of Education (ED) on the proposed regulations for 34 CFR parts 200 and 200 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA) – accountability and state plans, published in Vol. 81, No. 104 of the Federal Register published on Tuesday, May 31, 2016. The National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE) is a national non-profit composed of family-led organizations around the country whose mission is to empower families and family-led organizations to advocate for enhanced, meaningful parent involvement and leadership in all policy decision-making that impacts services for children and families across education, health, and other systems. Our comments will focus on how ED can – and must - include family organizations in guidance regarding ESSA and promote deep, authentic, and meaningful family engagement as an essential tool in advancing student and school success. We also support the comments submitted by the Advocacy Institute and Center for Law and Education, focused primarily on issues impacting students with disabilities and their families; the Children’s Defense Fund, focused on youth in foster care and involved in the child welfare system; and the Juvenile Law Center, National Center for Youth Law, Education Law Center, Civil Rights Project at UCLA, Open Society Policy Center, and Robert F. Kennedy Juvenile Justice Collaborative, focused on youth in the juvenile justice system. We endorse the Leadership Conference on Civil and Human Rights’ comments that, “In order for students to have greater educational opportunity and a more level playing field, we must see *accountability for the achievement of all students, parent and family engagement, easily accessible and user-friendly data, and resource equity* in the final regulations.” We start our comments with a review of the principles we stated in our initial comments submitted to ED, and then hone in on our comments on the proposed regulations.

General Comments about Family Engagement and Leadership in the Context of ESSA

While parents and families may not be research experts in child development, we are our children’s first and most important teachers and advocates. Family engagement is a crucial strategy in improving student learning and promoting healthy child development. Therefore, family engagement activities should be treated as central, and not supplemental, to policies that purport to advance children’s development, wellness, and ability to achieve academically. With this in mind, in our initial comments, we strongly encouraged ED to reference and utilize the Department’s Dual Capacity-Building Framework for Family-School Partnerships and the Head Start Parent Family and

Community Engagement Framework in moving forward with guidance on family engagement and the implementation of Title I programs.

In addition, we asked ED to remember the Principles of Effective Family Engagement Practices set out in the ED and HHS Draft Policy Statement on Family Engagement when formulating guidance for State Education Agencies (SEA) and Local Education Agencies (LEA) on this topic. These principles include: 1. Create continuity for children and families; 2. Value equal partnerships between families and professionals; 3. Develop goal-oriented relationships that are linked to development and learning; 4. Prioritize engagement around children’s social emotional and behavioral health; 5. Ensure that all family engagement opportunities are culturally and linguistically responsive; 6. Build staff competencies in engaging with families; 7. Build families’ capabilities and connections; 8. Systemically embed effective family engagement strategies within programs, schools, and with community partners; and 9. Continuously learn and improve.

Part A – Improving Basic Programs Operated by State and Local Education Agencies

Development of SEA and LEA Plans

The language of the statute specifically states that plans must be “developed with timely and meaningful consultation with...parents of children in schools served under this part.” It furthermore states that LEAs must describe “the strategy the local educational agency will use to implement effective parent and family engagement.” In our initial comments pre-regulations, we encouraged ED to define and clarify what constitutes “timely and meaningful consultation” with regard to engagement of families in the SEA and LEA planning process. We noted that ED must provide greater direction to SEAs and LEAs on how to meaningfully involve families and including concrete examples and resources to these entities on how to engage families early in the Title I planning process. *We urged ED to consult with family-led organizations in developing these definitions.*

Communication with Parents and Families

The language of the statute consistently asserts that communications between SEA/LEAs and families must be developed, to the extent practicable, “in a language that parents/family members can understand.” In our initial comments, we encouraged ED to clarify this twofold: first, that communications be provided via written translation for families with limited English proficiency and second, that communications be written using non-technical, plain language that is meaningful to those who may not be educators or legislators. This suggestion was based on one of the core principles of effective family engagement practices set out by ED and HHS to “Ensure that all family engagement opportunities are culturally and linguistically responsive” (Draft Policy Statement on Family Engagement).

Furthermore, while we commended the intent to maintain transparency and efficiency by making assessments and report cards available on an SEA or LEA’s website, we urged ED to acknowledge the reality that internet access is still not universally available in all student homes, especially in poor and rural communities. Therefore, we encouraged ED to provide guidance that ensures that SEAs and LEAs make these communications available in formats other than electronic to ensure all families are able to access them.

Shared Responsibilities for High Student Academic Achievement

While the new language of the statute regarding the school-parent compact eliminates some specific examples of parent responsibilities for providing an effective learning environment, the statute as amended still indicates that teachers, students, and parents all maintain independent and separate responsibilities in furthering student achievement. In our initial comments, we encouraged ED to approach guidance to the school-parent compact by demonstrating ways in which parents, teachers, and students must work *together*, and noted that compacts should be developed with input from all three entities and include details as to how each will contribute to achieving specific common goals.

We also noted that the addition of the language “ensuring regular two-way, meaningful communication between family members and school staff” to this section means that ED should be promoting family engagement and communication *prior* to and throughout the process of creating the compact, and that communications about progress should not and cannot be limited to one-way and end-of-term communications. Therefore, the remaining examples in the statute of annual parent-teacher conferences and one-way reports sent home to parents do not correspond with the concept of “meaningful two-way communication.”

LEAs and Parent and Family Engagement

In our initial comments, we indicated that many current school policies only make vague references to family engagement measures without providing any concrete specifics as to how engagement is to be carried out. We encouraged ED to emphasize the importance for schools to reserve *more* than the stated minimum of 1% of Title I funds to carry out family engagement activities and to provide LEAs with specific guidance on how those funds can be used. We also requested that ED stress the need for parent and family involvement in deciding how to use these funds, and to seek the input of family organizations in providing best practices in advancing these activities in schools.

Furthermore, while noting that the statute provides that LEAs must engage in at least one family engagement activity—in a list that includes professional development, home based programs, collaboration with community organizations, etc.—we asked that ED provide guidance that stresses the importance of *all* these family engagement activities and encourages LEA participation in numerous strategies to ensure robust family engagement. Again, the Dual Capacity-Building Framework for Family-School Partnerships and the Head Start Parent Family and Community Engagement Frameworks provide strong support and strategies for meaningful family engagement in early childhood and in school-age programs. We also urged ED to clarify that family engagement activities must be appropriate for ALL parents.

Furthermore, even though ED has removed the language naming “Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program” as programs for collaboration and replaces it with “other Federal, State, and local programs,” we indicated our belief in the importance of ensuring that guidance on family engagement still names programs such as Head Start, WIC, Early Intervention, and others as important for collaboration on and integration of a cohesive message on the importance of family engagement.

Specific Comments on Regulations Components Relating to Family Engagement

The National Center for Parent Leadership, Advocacy, and Community Empowerment and the other signatories to these comments strongly endorse the following comments and recommendations from the Advocacy Institute and Center for Law and Education in their submitted comments:

“§ 200.21 Comprehensive support and improvement

Comprehensive support and improvement plan. Proposed regulation §200.21(d) provides that each LEA identified for comprehensive support and improvement “must...develop and implement a comprehensive support and improvement plan for the school to improve student outcomes” that 1) Is developed in partnership with stakeholders (including principals and other school leaders, teachers, and parents)…”

Comment: Clarify that “to be developed in partnership with stakeholders” means that the process must be proactive and inclusive to develop a true partnership –i.e., a collaborative and joint endeavor with equitable participation and full voice from the stakeholders at all stages of the process. ED should not set such a minimum bar for the LEA -- merely providing evidence of having solicited early stakeholder input that was taken into account in the development of the plan. This is not enough to constitute evidence of a partnership.

The terms of the partnership should be decided at the front-end with full participation of representative stakeholders, so that the process begins with them all feeling that this is a partnership, rather than some stakeholders coming into a process that has already been designed and described as a partnership, but they think otherwise.

Partners must have the same full information, and the assistance needed to fully understand it, the time to develop responses, and the vehicles for responding. However, a partnership means more than “being heard” -- i.e., coming to a meeting, presenting your views, and leaving, while the real decision-makers then deliberate and decide. Partnership means shared decision-making and working together towards a common resolution.

It also means that full participation takes place from the beginning and at each stage of the process -- for example, designing a needs assessment, analyzing the results and their implications, etc. conducting a needs assessment, analyzing the needs assessment, developing a plan, there should be thorough, informed discussion before developing a draft. So that the initial drafting of a plan for that stage reflects widespread input on the front end (rather than leaving some stakeholders trying to shoe horn in major things at a later stage), thorough discussion of the initial draft and how to change it, and then thorough discussion of whether the revised document now reflects people’s expectations. This is not simply a matter of fairness and being heard. It is critical to the quality and effectiveness of what gets developed.

Specify for purposes of clarity and instruction that stakeholders are members of the school community who include, in addition to those identified, “parents and family members representative of all the subgroups, in particular, the low performing subgroup(s), secondary school students, their advocates, and other interested persons representative of the broader community.”

The explicit inclusion of students reflects that they are, of course, the biggest “stakeholders” in their own education; that student engagement is increasingly recognized as central in providing high-quality, effective education; and that, along with their teachers, they have the most intensive and direct knowledge and experience of what is happening in classrooms (and in their minds), as well as the capacity to be thoughtful and innovative in response.

Action requested: Define a “partnership” to require a planned sustained collaboration with equitable participation of diverse stakeholders working together to develop and implement the plan. After “(including principals and other school leaders, teachers, and parents,” ADD: “and family

members representative of all subgroups, in particular, low performing subgroup(s), secondary school students, their advocates, and other members of the community.” Include the following:

The way the partnership will operate should itself be discussed and developed with full participation of representatives of the stakeholders. The partnership should:

(1) Be developed in full partnership with principals and other school leaders, teachers, a broad range of parents, secondary school students, and organizations representing parents and students, including students with disabilities and English language learners [*note: We would add “or are of color, immigrant, or of low-income”*];

(2) Provide for:

(A) access to these opportunities for involvement to all parents and family members of students eligible for or participating in programs under this part and all secondary students eligible for or participating in such programs;

(B) representation in numbers sufficient to play a meaningful role in decisions;

(C) parent and student selection of their own representatives;

(D) opportunities for ongoing communication by those representatives with the parents and students they represent;

(E) full inclusion of students and parents, who have disabilities or are English learners [*note: We would add “or are of color, immigrant, or of low-income”*];

(F) at each stage **of the process, full opportunity for discussion and deliberation (i) before a draft is developed, (ii) in response to an initial draft, and (iii) in reviewing changes made as a result of the responses to the draft,**

(G) decision-making methods that ensure that the programs have the active and informed support of, and reflect the needs articulated by, such parents and students, as well as the other stakeholder groups; and

(H) provision of all information, including background information, and assistance needed to be full, equal, and effective participant;

(I) sufficient time for absorbing information, communicating with others, and development of input.

Comment: There are specific requirements in Section 1116 of the Act that apply to the engagement of parents and family members¹ in comprehensive support and improvement under this section, as well as in targeted support and improvement in § 200.22. The regulations here must make that connection, and clarify how they apply here. In regard to developing the plan in partnership with parents, the regulations should incorporate and describe specific requirements under Section 1116(a) of the Act:

At the LEA level, Sec. 1116(a)(2)(A) provides that the LEA shall “(A) involve parents and family members in . . . the development of support and improvement plans under paragraphs (1) and (2) of section 1111(d)” [i.e., comprehensive support and improvement plans and targeted support and improvement plans]. What distinguishes this from the involvement of other stakeholders however, is that *how* the parents and family members will be involved must (along with all the other LEA-level parent and family engagement provisions of Title I) must be described in the LEA’s parent and family engagement policy, which the LEA must **“jointly develop with, agree on with,** and distribute

¹ Under Title I, “parent” has been defined to include a legal guardian or other person standing in the place of the parents -- such as a grandparent or stepparent with whom the child lives, even if that person does not have legal custody of the child (as well as persons who do have legal responsibility for the child’s welfare). Under ESSSA, the law now goes further by using the term “parents and family members.”

to, parents and family members of participating children this policy. Sec. 1116(a)(2) (emphasis added).

At the school level, there are parallel requirements. Under Sec. 1116 (c)(3), the school must “involve parents and family members, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part. Under Sec. 1116(b)(1), the school “shall jointly develop with, and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f) [which includes the requirement for involvement in program review and improvement]. Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

In other words, not only must parents and family members be, as indicated in the proposed regulation, partners in developing the comprehensive support and improvement plan, but it is not for the LEA and the school to determine unilaterally how that partnership will be formed and used to develop the plan. Instead, the Title I parents and family members of students in the LEA and in the school must *jointly develop with and agree upon*, as part of the parent and family engagement policy, the way that the LEA and the school will together develop the support and improvement plan.

While the LEA-level and school-level provisions of Sec. 1116 run in parallel – each with its own set of requirements for family and parent engagement at either the LEA level or the school level and then requiring an LEA or school parent and family engagement policy, respectively, to be jointly developed with and approved by the participating parents at the LEA or school level that describes how those LEA or school level engagement requirements will be carried out – school program review and improvement is one area where the two levels overlap. That is not surprising, given that both the LEA and the school are involved in support and improvement plans. We believe that the most sensible interpretation, consistent with the Act is that:

Consistent with Sec. 1116(a)(2), parents and family members district-wide are engaged with the LEA in jointly developing and approving district-wide parameters for development of support and improvement plans, as part of the LEA engagement policy, and that they would also, under terms agreed to in the LEA policy, be engaged with the LEA in LEA’s role in developing particular school plans. (In the latter role, they, with a district-wide perspective with knowledge of other schools and often as leaders, could complement the role of the school’s families, in a way that is not unlike the relationship of district staff resources and school staff.)

Consistent with Sec. 1116(b)(1) and (c)(3), the parents and family members of the school address the methods for engagement in program review and improvement plans in their particular school (consistent with district-wide parameters), as part of school engagement policy that they jointly develop and approve, and that they also, under terms agreed to in that school policy, be engaged in the program review and improvement process. They, on behalf of their children, are of course the biggest “stakeholder” in this process.

Reference should also be made here to other relevant, supporting provisions of Sec. 1116. At both the LEA level and the school level, there are provisions to ensure that parents and family members have the full capacity to participate effectively as full partners across their various roles (including in this

one regarding program support and improvement), and that schools and staff have the capacity to work effectively with families – including providing information, training, and other assistance, professional development, effective vehicles for communication with staff and with other parents and family members, ensuring access to full participation for family members with disabilities or limited English proficiency, and for annually reviewing and revising as necessary the effectiveness of the parent and family engagement policy etc. As with other requirements, how these provisions will be carried out must be spelled out in the parent and family engagement policy that is jointly developed with and approved by the parents. Similarly, parents and family members must be meaningfully involved in “annual evaluation of the content and effectiveness of the parent and family engagement policy *in improving the academic quality* of all [Title I] schools,” including, inter alia, barriers to participation in Sec. 1116 activities, and use the evaluation findings to design evidence-based strategies for more effective involvement and to revise if necessary the engagement policies. Sec. 1116(a)(2)(D) and (E) (emphasis added). As with the other provisions, how the evaluation will be done must be spelled out in the jointly developed and approved parent and family engagement policy. Evaluating and improving the parent and family engagement in the comprehensive and targeted assistance support plans should be part of this annual evaluation.

We are spelling this out at some length here because years of experience suggests that ED needs to do so in the regulations, rather than rely on a terse cross-reference, with the expectation that it would result in implementation. These provisions have been in the law, with modest changes, since 1994, but they and their meaning have gotten relatively little attention. The result, with limited understanding by schools or families, is that it is very common to find that schools have had parent involvement policies that neither were jointly developed with and approved by the Title I parents of the school nor spell out how each of the requirements will be carried out in the school, let alone developed and spelled out in a way likely to result in the effective, informed engagement called for by those provisions.

Action requested: Spell out the applicability of both the LEA-level and school-level requirements of Sec. 1116 of the Act to this school support and improvement provisions in this section and § 200.22, with full explanation of their content, significance, and relevance to the concept of “partnership” that is central to this section, as discussed above, at least as it relates to the parent and family member stakeholders. This should include emphasis on the requirements for ensuring that the terms of the engagement are spelled out in the LEA and school parent and family engagement policies that are truly jointly developed with, and approved by, the Title I parents and family members of the LEA and of the school, and that, consistent with those requirements, the parents and family members have the vehicles, information, training, and assistance to be fully and effectively participate in those processes as equal partners.

§ 200.22 Targeted support and improvement

At § 200.22(b)(2) The LEA, after being notified by the State of those schools requiring targeted support and improvement, must promptly and effectively notify the parents of each student enrollee of the school’s identification, and such notice must include the reason(s), (i.e., which subgroup or subgroups are consistently underperforming), including any subgroup(s) identified if the State chooses to require such schools to implement targeted support and improvement plans, or which subgroup(s) are low-performing, and an explanation of how parents might be involved in developing such targeted support and improvement plan.

Comment: Because some schools have limited enrollment by grade assessed and subgroup, ED might add yet another caveat about the need to protect personally identifiable information in this instance when the required notice contains sensitive subgroup information. *[Note: National PLACE and the signatories to these comments also recommend that (a) states should develop draft notices, in collaboration with their Parent Center(s) (PTIs and Community Parent Resource Centers, if there are funded CPRCs in the state) and with Statewide Family Engagement Centers, once funded, and share them with LEAs; (b) LEAs should pilot or test their parent notices with parents representative of underserved populations in their schools and district and parent organizations who represent and/or are composed of these parents, and modify them as needed to make them easily understandable by diverse parents; (c) specifically, in these regulations, require the translation of those notices as required under the Civil Rights Act of 1964 and presidential Executive Order; and (d) include a review of these notices as part of federal and state monitoring of ESSA implementation.]*

Action requested: Cross reference to provision establishing “n” size for protection of personally identifiable information.

Proposed regulation §200.22(c)(1) provides that each school having been notified by the LEA of its identification, “must develop and implement a school-level targeted support and improvement plan to address the reason or reasons for the identification and improve student outcomes. The plan is to be developed in partnership with stakeholders (including principals and other school leaders, teachers, and parents). . . .”

Comment: Clarify that “to be developed in partnership with stakeholders” means that the process is inclusive and to be undertaken collaboratively and jointly with equitable participation and full voice from the stakeholders. Specify for purposes of clarity and instruction that stakeholders are members of the school community who include, in addition to those identified, “parents and family members representative of all the subgroups, in particular, the low performing subgroup(s), students (if appropriate), their advocates, and other interested persons representative of the broader community.”

Action requested: ADD: “developed in partnership with stakeholders shall mean. . . .” After “(including principals and other school leaders, teachers, and parents,” ADD: “and family members representative of all subgroups, in particular, low performing subgroup(s), students, as appropriate, their advocates, and other members of the community.” *Include the same additional language we are requesting for §200.21 to ensure full partner, addressing representation, decision-making, information and assistance, back-and-forth processes, etc.*

Comment: The terms for parent and family member engagement in developing the targeted support and improvement are governed by the same requirements in Section 1116 as apply to the comprehensive plans under §200.21.

Action Requested: Provide the same changes addressing parent and family member engagement as requested in under §200.21.

§ 200.30 Annual State report card.

Minimum number of students. The proposed regulations require annual state report cards to include the minimum number of students that the state determines are necessary to be included in each of the subgroups of students for use in the accountability system (1111 (h)(1)(C)(i)(1)).

Action requested: Regulations should expand this requirement to include the following information related to the minimum subgroup size:

- The number and percentage of all students and students in each subgroup for whose results schools are not held accountable in the State accountability system for annual meaningful differentiation;
- The number and percentage of schools not held accountable for one or more subgroup of students in the state accountability system.

Charter schools. We strongly support the proposed subsection (a)(2)(ii) regarding requirements for reporting charter school enrollment and academic achievement. Such data is critical to ensuring that students seeking to enroll in publicly funded charter schools are not subject to discrimination, in particular, on the basis of their type and level of disability, and their level of limited English proficiency. Data concerning their academic achievement consistent with other public schools in the State is also critical for purposes of accountability.

§ 200.31 Annual LEA report card.

Minimum number of students. The proposed regulations require annual LEA report cards to include the minimum number of students that the state determines are necessary to be included in each of the subgroups of students for use in the accountability system (1111 (h)(1)(C)(i)(1)).

Regulations should also state that the report cards must include the following information related to the minimum subgroup size:

- The number and percentage of all students and students in each subgroup for whose results schools in the LEA are not held accountable in the State accountability system for annual meaningful differentiation;
- The number and percentage of schools in the LEA not held accountable for one or more subgroup of students in the state accountability system.

The proposed regulations require the LEA report card to include:

- o For the LEA, how academic achievement under § 200.30 (b)(2)(i)(A) compares to that for students in the State as a whole; and
- o For each school, how academic achievement under § 200.30 (b)(2)(i)(A) compares to that for students in the LEA and the State as a whole.

Action requested: Final regulations should make clear that this information must be provided for all students and for each subgroup of students required under § 200.16 (a)(2).

[Note: National PLACE and the signatories to these comments strongly believe that parents of children who face the greatest challenges to academic success and the greatest discrimination and lack of access to the supports, services and resources needed for such success, will be the drivers of school improvement and thus must have full knowledge and understanding of whether or not the subgroup(s) representing their children are being “counted” in the state’s accountability system, as well as how the subgroup(s) representing their children are performing overall within their district and within the state. Thus, these report cards are critical to enhancing accountability for, and performance of, students who fall into the subgroup categories (i.e, disability, race, language, socio-economic status, etc.)]

General comment on web site accessibility.

The proposed regulations include numerous references to the Web site of SEAs and LEAs as an acceptable means by which to meet the requirement to disseminate information to the public. For example, SEAs may provide their proposed state plan (for public comment), approved state plan and annual state report cards on their Web sites. LEAs may post annual report cards on their Web sites.

It is noteworthy that ED's Office for Civil Rights (OCR) has recently reported receiving numerous complaints regarding the inaccessibility of Web sites operated by SEAs and LEAs, indicating that serious problems exist for people with disabilities. In a press release dated June 29, 2016, OCR announced agreements to resolve web site accessibility complaints made against seven states and one territory (see <http://www.ed.gov/news/press-releases/settlements-reached-seven-states-one-territory-ensure-website-accessibility-people-disabilities>).

Given the growing body of evidence that SEA and LEA web sites are, with rare exceptions, not accessible to people with disabilities, ED should include in its final regulations a provision that SEA and LEA Web sites used for dissemination of information required under ESSA must meet minimum accessibility standards, such as the W3C's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 for web content. These guidelines have been referenced by OCR in recent resolution agreements.

It is clear from the language in proposed regulations to 34 CFR Parts 200 and 299 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act—Accountability and State Plans that ED is failing to recognize the nature, scope and critical importance of Web site accessibility issues being reported to its Office for Civil Rights. ED must assume its oversight and enforcement responsibility. It is not sufficient to suggest by merely cross referencing the proposed notice requirements of §§200.21(b)(1) through (3) that States, LEAs, and schools, as recipients of federal funds, are meeting the legal requirements for ensuring any information disseminated via their Websites is accessible to all individuals, including those with disabilities and who have limited English literacy consistent with their obligations under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, the Americans with Disabilities Act, and Title VI of the Civil Rights Act of 1964.

[As family-led organizations many of whom serve families of and youth with disabilities and special healthcare needs, issues of web accessibility are particularly important to ensure that our constituencies are able to understand information that is found on state, district, and school websites.]

Specific references to use of SEA and LEA Web sites:

§ 200.30 Annual State report card.

(c) *Accessibility.* Each State report card must be in a format and language to the extent practicable, that parents can understand in compliance with the requirements under § 200.21 (b)(1) through (3).

(d) Dissemination and availability.

(1) A State must—

(i) Disseminate widely to the public the State report card by, at a minimum, making it available on a single page of the SEA's Web site; and

(ii) Include on the SEA's Web site—

(A) The report card required under § 200.31 for each LEA in the State; and

(B) The annual report to the Secretary required under section 1111(h)(5) of the Act.

§ 200.31 Annual LEA report card.

(c) *Accessibility.* Each LEA report card must be in a format and language, to the extent practicable, that parents can understand in compliance with the requirements under § 200.21(b)(1) through (3).

(d) *Dissemination and availability.*

(1) An LEA report card must be accessible to the public.

(2) At a minimum the LEA report card must be made available on the LEA's Web site, except that an LEA that does not operate a Web site may provide the information to the public in another manner determined by the LEA.

§ 200.32 Description and results of a State's accountability system.

(b) *Reference to State plan.* To the extent that a State plan or another location on the SEA's Web site provides a description of the accountability system elements required in paragraph

(a)(1) through (5) of this section that complies with the requirements under § 200.21(b)(1) through (3), a State or LEA may provide the Web address or URL of, or a direct link to, such State plan or location on the SEA's Web site to meet the reporting requirement for such accountability system elements.

§ 299.13 Publication of State plan.

(f) After the Secretary approves a consolidated State plan or an individual program State plan, an SEA must publish its approved consolidated State plan or individual program State plan on the SEA's Web site in a format and language, to the extent practicable, that the public can access and understand in compliance with the requirements under § 200.21 (b)(1) through (3).

§ 299.18 Supporting excellent educators.

(v) The information required under paragraphs (c)(4)(i) through (iv) of this section in a manner that is easily accessible and comprehensible to the general public, available at least on a public Web site, and, to the extent practicable, provided in a language that parents of students enrolled in all schools in the State can understand, in compliance with the requirements under § 200.21(b)(1) through (3). If the information required under paragraphs (c)(4)(i) through (iv) is made available in ways other than on a public Web site, it must be provided in compliance with the requirements under § 200.21(b)(1) through (3)."

§ 200.21 (b)(1) through (3) – referenced in all of the above sections, reads as follows:

- (1) Be in an understandable and uniform format;
- (2) Be, to the extent practicable, written in a language that parents can understand or, if it is not practicable to provide written translations to a parent with limited English proficiency, be orally translated for such parent; and
- (3) Be, upon request by a parent or guardian who is an individual with a disability as defined by the Americans with Disabilities Act, 42 U.S.C. 12102, provided in an alternative format accessible to that parent.

[Note: National PLACE and the signatories to these comments note that merely posting information including state plans, report cards, etc. on a state, district or school website can NEVER meet the requirements of being truly accessible to all families, especially those families whose children are the most likely to be in low-performing subgroups. While increasing numbers of families do access the web, there is still a tremendous digital divide and there are still many families – particularly those with limited English proficiency, immigrants, and those who are low-income – who do not access the web. Thus, we recommend that states, districts and schools must make these critical documents available, and in multiple languages as required by the Civil Rights Act of 1964 and presidential Executive Order, to families. Written notices in multiple languages should be shared with all families indicating that they will be provided copies of all of these documents, at no charge, at their request.]

Part C – Education of Migratory Children

In our initial comments, we noted that was especially important to ensure that guidance is provided regarding engagement of parents and families of migratory children according to the same standards used under Part A. Migratory children are at particular risk for experiencing the effects of disparities between state curriculums, and it is crucial that the families of these children are effectively and meaningfully engaged by SEA's to ensure their children receive the same opportunities for high academic achievement. Meaningful engagement here particularly pertains to ensuring that families are engaged in ways that are culturally and linguistically responsive.

Part D – Prevention & Intervention Programs for Neglected, Delinquent, At Risk Children and Youth

In our initial comments, we also indicated that we found it to be particularly important that guidance be provided regarding the responsibilities of LEAs receiving funds to serve youth who are neglected, delinquent or at risk to engage families of children who are involved in the child welfare/child protection/foster care and juvenile justice systems. We encouraged ED to seek the input of family organizations that provide parent programs in this area, such as the Statewide Parent Advocacy Network's Education & Health Rights of Children & Youth with Special Needs in the Child Welfare & Juvenile Justice Systems project, Parents Anonymous, the National Federation of Families for Children's Mental Health, and others, in order to develop proper guidance on how best to engage this special subset of families.

We noted that ESSA created in federal education protections aimed at preventing students in foster care from needlessly changing schools, requiring the immediate enrollment in school and transfer of records if a child does change schools, and creating points of contact who are in charge of ensuring effective implementation of the new provisions. While most of the broader ESSA provisions go into effect in 2017-2018, the new Title 1 protections for students in foster care have a speedier timeline and go into effect in December 2016. Due to this expedited timeline, it is critical that the Department include these new requirements in its early regulations and guidance since many state and local education agencies will need to get ready to implement these changes earlier than other ESSA provisions. It is also important that the initial regulations and guidance from the Department include – and clarify – these new protections because of the dual-agency responsibility for the educational success of students in foster care.

We also note that new provisions in ESSA will help improve the success of youth involved in the juvenile justice system and strengthen their re-entry outcomes by providing increased access to quality education in facilities and education and other supports upon re-entry. Under ESSA, states

receiving Title 1, Part D funding for prevention and intervention programs for children and youth who are neglected, delinquent or at risk, must promote: smoother education transitions for youth entering juvenile justice facilities; stronger reentry supports for youth returning to the community; opportunities for youth to earn credits in secondary, postsecondary, or career/technical programming, and requiring transfer of secondary credits to the home school district upon reentry; prioritizing achievement of a regular high school diploma not just a GED; and supportive services for youth who have had contact with both the juvenile justice and child welfare systems. These critical provisions fill significant gaps in the existing education law, and we urge the Department of Education to enact regulations to ensure the provisions described above in Title I, Part D of ESSA are robustly implemented and enforced to help ensure ready access to quality education for young people involved in and returning from the juvenile justice system.

While we support certain aspects of ED's proposed regulations governing children involved in the child welfare/foster care and juvenile justice systems, we agree with other commenters that additional language is required in order to fully meet the needs of these specialized and significantly at risk populations. Thus, as noted in the introduction to our comments, we strongly endorse and have signed onto the comments of the Children's Defense Fund relating to children in the foster care/child welfare system, and the comments of the Juvenile Law Center, National Center for Youth Law, Education Law Center, Civil Rights Project at UCLA, Open Society Policy Center, and Robert F. Kennedy Juvenile Justice Collaborative, focused on youth in the juvenile justice system.

Conclusion

In conclusion, we thank ED for the opportunity to provide these comments on the proposed regulations. We also respectfully request that, as ED moves forward with revising these regulations, you meet with diverse parents/families and family organizations including in particular Parent Training and Information Centers and Community Parent Resource Centers as well as youth and young adults with disabilities and their national leadership organizations such as the Autistic Self Advocacy Network, Youth MOVE, and Kids As Self Advocates, among others. Families and family organizations as well as youth/young adult leadership organizations should be recognized as key stakeholders in public education and should be explicitly included in developing policies that affect their children – or themselves - as students.

Very truly yours,



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National Organizations:

National Center for Parent Leadership, Advocacy, and Community Engagement
Parent to Parent USA

Founding Members, National PLACE

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Statewide Parent Advocacy Network

Connie Hawkins, Executive Director
Exceptional Children's Assistance Center

Debi Tucker, Executive Director
Parent to Parent of Georgia

Courtney Salzer, Executive Director
Wisconsin FACETS

Barb Buswell, Executive Director
PEAK Parent Center

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Angela Abdul, Director
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