



Public Comments  
of  
MaryLee Allen  
Director of Policy, Children's Defense Fund

U.S. Department of Education Regional Hearing on  
Implementing Title I in the  
Every Student Succeeds Act

January 11, 2016

25 E Street, NW  
Washington, DC 20001  
(202) 628-8787

[www.childrensdefense.org](http://www.childrensdefense.org)

Good afternoon. I am MaryLee Allen, Director of Policy at the Children's Defense Fund. CDF appreciates the opportunity to suggest topics for the Department of Education's Title I regulations and guidance. We believe these are necessary to ensure fair and equitable treatment for all children as state and local education agencies implement the new Every Student Succeeds Act.

CDF has been advocating for more than 40 years for closing the achievement gap for poor children, Black children and other children of color, children with disabilities, and children with other special needs. CDF has expressed our extreme concerns about the diminished federal role in the new act. However, we believe it is critically important to help states now implement meaningful state accountability systems and measures to promote achievement by vulnerable subgroups of children. The Department's remaining rulemaking and guidance authority is essential to make that happen.

I will first suggest quickly three general points relevant to Title I regulations and then, in the remainder of my five minutes, urge the Department to give heightened attention to students in foster care – a group receiving attention for the first time in federal education law to help ensure them educational stability and success.

The Department should attend to three overarching areas in regulations and guidance to help states establish meaningful accountability systems responsive to children with the greatest needs.

One is Title VI. Title VI of the Civil Rights Act continues to obligate certain behaviors and obligations to promote equity in education. There must be improvements in school quality to improve students' outcomes. This must include attention to achievement but also to reducing chronic absenteeism and exclusionary school discipline and improving access to rigorous courses and qualified and effective teachers -- all essential for school quality.

Two is resource equity. States must attend to gaps in access to state and local resources as they assess progress on behalf of all students, including specific subgroups. Meaningful compliance with the requirement for supplementing not supplanting funds to assist students depends on this.

Three is publicly available data and new partners. ESSA requires the collection and review of disaggregated data by subgroups, including in state report cards. States should make these data publicly available and accessible to parents, students and other community leaders, who must also be partners as states establish accountability systems to improve student outcomes.

In my remaining minutes, I want to urge the Department to highlight students in foster care in its early regulations and guidance. These students have been singled out by federal education law for the first time in ESSA but their risks for poor educational outcomes are well recognized. Some refer to them as invisible children. An estimated 56 to 75 percent of foster children change schools when they first enter care. More than one third of 17 or 18-year-olds in care have experienced five or more school changes. Only half of youth in foster care complete

high school by age 18. Foster children have lower test scores, high levels of grade retention and dropping out and lower high school and college graduation rates.

The new Title I assurances and protections for foster students must be addressed in the Department's first set of regulations and/or guidance. Attention to these students will be very new for many state and local education agencies and should be singled out. In addition, some of the steps for foster students required in Title I are subject to an expedited timeline; they must be in effect by December 2016 -- one year after enactment.

Each of the assurances to promote educational stability for foster children should be addressed in regulations and guidance -- remaining in the school of origin, immediate enrollment and prompt transfer of records, points of contact, a collaborative local level transportation plan and new annual data for foster children on student achievement and high school graduation rates. Definitions, processes and additional resources to assist states and LEAs will help increase educational stability and success for students in foster care as state and local education and child welfare agencies collaborate on their behalf. We will elaborate further in CDF's written comments. The benefits of school stability for foster children are clear and we are eager to see the new protections fully implemented as quickly as possible.

Thank you again for the opportunity for CDF to comment today.