



August 1, 2016

Meredith Miller
U.S. Department of Education
400 Maryland Avenue SW, Room 3C106
Washington, DC 20202

Docket ID: ED-2016-OESE-0032

Dear Ms. Miller,

On behalf of America Forward, thank you for the opportunity to provide comments on the Department of Education's (ED's) Notice of Proposed Rulemaking (NPRM) related to accountability and state plans in the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA).

America Forward is a coalition of more than 70 impact-oriented organizations nationwide. Collectively, we are working in more than 14,500 communities every day, driving innovative, systemic improvements in teaching and learning. As a coalition, we are committed to advocating for policies that strengthen accountability and transparency, promote investment in what works, create learner-centered systems, support innovation, and expand the role of high-quality partnerships. We worked closely with lawmakers during the drafting of ESSA, and we believe the statutory language makes important progress in a number of critical areas. Building on that progress, we are pleased to see that ED's NPRM adds necessary clarification and context to the underlying statute, without significantly limiting the flexibility afforded to states and local districts.

America Forward submitted comments in response to ED's previous Request for Information (RFI) on potential Title I regulations that outlined several areas where we hoped ED would provide additional clarification and direction for states and districts. This document lays out, for the elements of ESSA covered by the recent NPRM, provisions America Forward hopes to see retained in any final regulations, as well as areas where we believe the language in the NPRM can be further strengthened.

Indicators and State Accountability

In response to ED's RFI, America Forward urged regulatory language that would reinforce the primacy of the academic indicators specifically enumerated in the statute in the creation of state accountability systems, while enabling states to apply meaningful weight to the "school quality or student success" indicator(s) (described in Section 1111(a)(4)(B)(v)(I-II) of the statute), which may provide important information on student performance. We believe ED has struck an appropriate balance by restating, in the proposed regulation, the statutory language requiring that the academic indicators, in the aggregate, be given "much greater weight" than the "school quality or student success" indicator, and also adding the requirement, in proposed § 200.18, that progress on the "school quality and student success indicator" cannot change the status of a school that would otherwise be identified for Comprehensive Support and Improvement or Targeted Support and Improvement based on school quality or student success.

However, we continue to believe that ED can be more explicit in describing what types of indicators states may use to satisfy the "school quality or student success" requirement. In the NPRM, ED writes,



the “school quality or student success indicators can provide a more holistic picture of a school’s performance.” To further emphasize this point, we believe it would be valuable for ED to explicitly clarify that the “school quality or student success” indicator(s) may include indicators of school quality that assess elements of the learning environment or school climate that have been shown to help foster students’ social, emotional and cognitive development. In addition to ensuring a more holistic picture of school performance that can aid states in meeting the statutory requirements related to meaningful differentiation, explicitly identifying these metrics also help states meet the requirement, in proposed § 200.14, that the “school quality or student success indicator is supported by research findings that performance or progress on such a measure is likely to increase student academic achievement.” Current research tells us that the best learning environments recognize that, along with cognitive skills, the development of social and emotional or nonacademic skills is inextricably linked to improved academic performance, well-being, and greater life success. We also encourage ED to add language in the preamble clarifying that when selecting an additional indicator that measures “student access to and completion of advanced coursework,” states may consider, for students in high school, access to courses that allow them to earn postsecondary credit, such as through dual or concurrent enrollment programs or Advanced Placement and International Baccalaureate courses and examinations.

Post-secondary Metrics

America Forward worked closely with lawmakers over the past year on the inclusion of post-secondary enrollment as an element on report cards through provisions in Title I, Section 1111(h)(1)(C)(xiii) of ESSA. We believe this data is essential to informing students, families, and policymakers about how well schools are preparing students to enter and succeed in post-secondary education.

We believe ED’s rationale for the regulations in proposed § 200.36, as laid out in the NPRM, provides important context for the statutory requirement. Proposed § 200.36 restates the statutory requirement cited above, defines key terms in the requirement, and clarifies that states and local educational agencies (LEAs) that cannot currently meet the proposed requirement must include, on their annual report cards, the year in which they expect to be able to meet the requirement. In explaining the reasons for the proposed regulations, ED writes, the requirements would provide “parents and other stakeholders with timely and comparable information about the ability of high schools to prepare students to enroll in post-secondary institutions.” Importantly, the NPRM also makes clear that the majority of states already collect information on high school graduates and their postsecondary outcomes; the NPRM specifically cites research from the Data Quality Campaign showing that 47 states can currently produce high school feedback reports.

Given the potential importance of this data to informing students, families, and policymakers, along with the fact that nearly all states already obtain this information, we urge ED to maintain the proposed regulations in the final rule, ensuring that this important information is made publicly available and easily accessible. In addition to maintaining the proposed regulations, we urge ED, when considering guidance on this requirement, to provide states with information and examples of how to make data as transparent and accessible as possible to parents, educators, students, and school and community partners.

Effective Partnerships



America Forward believes that partnerships between states, districts or schools and high-quality community partners and intermediary organizations – including non-profits, institutions of higher education, and other community-based organizations – are essential to developing the capacity and specific expertise to effectively implement programming under the new law. The statute recognized the importance of partnerships in several provisions, including the requirements in section 1111(g)(2) that state plans provide an assurance that, to the extent feasible, LEAs will work with intermediary organizations to develop and implement programs under Title I. Regarding the language in section 1111(g)(2) specifically, the proposed regulation should reemphasize its importance by explicitly requiring state plans – either consolidated plans or individual program plans – to include a description of how the state will encourage and support LEA efforts to partner with intermediary organizations.

We are encouraged that, under proposed § 200.24, ED explicitly clarifies that a state may “directly provide for school improvement activities funded under this section or **arrange for their provision in a school through external partners such as school support teams, educational service agencies, or non-profit or for-profit entities with expertise and a record of success in implementing evidence-based strategies to improve student achievement.**” By highlighting the ability of states to leverage school improvement funding to support the development of effective partnerships, the proposed provision emphasizes the important role partners may play in the delivery of educational programming, especially for underserved students. At the same time, however, we believe it is critical that any external partner engaged by the state to provide school improvement support have a demonstrable record of leveraging evidence and improving student achievement. With that in mind, we urge ED to edit §200.24(b)(5) to read: “A description of the rigorous review process the LEA will use to recruit, screen, select, and evaluate any external partners with which the LEA will partner in carrying out activities supported with school improvement funds, including how the LEA will ensure that an external provider has demonstrated success in implementing the evidence-based intervention or interventions that are based on strong, moderate, or promising evidence consistent with section 8101(21)(A) of the Act.”

America Forward also believes it is important for partners and intermediary organizations to be involved from the earliest stages of state and local planning. Proposed § 200.21 and § 200.22, respectively, outline proposed regulations related to Comprehensive Support and Improvement and Targeted Support and Improvement. Under proposed § 200.21(d)(1) the regulations would require that LEAs must develop Comprehensive Support and Improvement plans “in partnership with stakeholders (including principals and other school leaders, teachers, and parents)”; similar language is included in § 200.22(c)(1) as related to Targeted Support and Improvement plans. In both cases, considering the important role partners and intermediaries may play in implementing school improvement activities, we urge ED to explicitly require that these organizations, or a representative, be included in the development of school improvement and support plans, while maintaining the current consultation requirements covering parents and family members.

Outside of the provisions related to school improvement, America Forward is pleased that proposed §299.15, which enumerates the individuals and entities that must be consulted regarding the development of consolidated state plans, specifically identifies (1) community-based organizations, (2) civil rights organizations, (3) institutions of higher education, (4) employers, and (5) parents and families, among others. Pairing this list of individuals and entities with the requirement, expressed in proposed § 299.13(b)(2)(i-iii), that SEAs consult with the identified individuals and entities during the development of the plan, prior to submission, and prior to submitting any proposed revisions ensures that community-



based organizations and intermediaries will have a consistent voice in the development of programming at the state level. We urge ED to maintain these requirements in any final regulation.

In addition, under the proposed regulations governing consolidated state plans, proposed § 299.19(a) specifically requires that, in its consolidated plan, a State must “describe its strategies, its rationale for the selected strategies, timelines, and how it will use funds under the programs included in its consolidated state plan and support LEA use of funds to ensure that all children have a significant opportunity to meet challenging State academic standards and career and technical standards, as applicable, and attain, at a minimum a regular high school diploma.” We would encourage ED to make two changes to this language. First, in order to reinforce the potential role of partners in providing well-rounded educational opportunities to all students, we believe ED should add “how they will work with community partners and intermediary organizations” to the list of descriptions required § 299.19(a). Second, to specifically address “opportunity youth,” who may otherwise be excluded from state plans, we urge ED to add a new section, § 299.19(a)(viii), to require states to describe how they will support, including through partnerships, efforts aimed at the “reengagement of young people who previously left high school without a diploma.”

Innovation and Pay for Success

America Forward worked closely with lawmakers over the past year on the inclusion of Pay for Success provisions in ESSA, including in Title I, Part D and Title IV, Part A, section 4108. Pay for Success helps drive funding toward high-quality, effective programs that measurably improve student outcomes. We believe that the Pay for Success model is an important element of the shift away from focusing on inputs and outputs and, instead, placing more emphasis on ensuring positive outcomes for students. In proposed §299.19(a)(4) the regulations specifically require “each SEA to describe how it will leverage title IV, part A and part B funds, along with other Federal funds, to support its State-level strategies described in proposed §299.19(a)(1) and the process it will use to award subgrants authorized under included programs, as applicable.” Given the proven efficacy of Pay for Success in terms of driving funding towards effective models and improving outcomes for students, coupled with proposed §299.19’s focus on “supporting all students,” we believe it would be prudent for ED to specifically call out, under proposed §299.19(a)(4), that Pay for Success initiatives are a potential strategy by which SEAs may leverage Title IV funding.

With this addition, ED should consider providing specific examples of potential Pay for Success applications that could be used to help all students ‘meet challenging State academic standards and career and technical standards’. Whether in final regulations or potential guidance on this authorized use, potential application examples drawing on successful programs from around the country will be extremely helpful for states and LEAs as they consider applying Pay for Success models.

Personalized Learning

America Forward strongly supports the incorporation of personalized learning elements into the framework established by ESSA. America Forward member organizations have previously demonstrated the effectiveness of personalized learning strategies. The statute passed by Congress sets the table for the expansion of personalized learning approaches, and America Forward believes ED, through regulation, has the ability to cement this progress.



Specifically, under proposed § 200.21(d)(3), ED describes a long list of potential interventions that can be included in state plans for comprehensive support and improvement, including the use of early warning indicator systems, increasing access to high quality preschool, and redesigning instructional time. In addition to the interventions listed in the NPRM, we urge ED to explicitly clarify for states, in the final regulation, that these plans may include, and school improvement funding may be used to support, the creation, expansion, or improvement of personalized learning environments, including expanded learning opportunities that provide academic tutoring, mentoring, apprenticeships, career exploration, and family supports for learning at home.

In addition, under proposed § 299.19(a), the regulations would require consolidated state plans to describe how the state will “use funds under the programs included in its consolidated State plan and support LEA use of funds to ensure that all children have a significant opportunity to meet challenging state academic standards and career and technical standards, as applicable, and attain, at a minimum, a regular high school diploma.” The proposed regulations list several potential elements that may be included, such as equitable access to rigorous coursework, efforts to reduce exclusionary discipline, and the effective use of technology. Given the unique needs of different students who fall into the various subgroups specifically identified under the proposed regulation, ED should also include a specific reference to personalized learning strategies and expanded learning time strategies, which allow educators to meet students where they are and more effectively support their academic progress. Furthermore, in the proposed regulations, ED recognizes the importance of engaging family members in efforts to provide a well-rounded, personalized education for every child; proposed § 299.19(a)(1)(v) would require states to describe in their consolidated plans how they will use their resources to support “parent, family, and community engagement.” We urge ED to maintain this language in any final regulation.

Thank you again for the opportunity to comment on these critically important issues. Please do not hesitate to contact us if we can be of any further assistance during this process.

Sincerely,

Members of the America Forward Coalition