



September 9, 2016

Jessica McKinney
U.S. Department of Education
400 Maryland Avenue SW., Room 3W107
Washington, DC 20202

Docket ID: ED-2016-OESE-0047

Dear Ms. McKinney,

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 the Innovative Assessment Demonstration Authority 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 believe the Innovative Assessment and Accountability Demonstration Authority authorized by ESSA creates a tremendous opportunity for states, districts, educators, students, families, and community partners to work together to design and implement assessment systems that are focused on mastery rather than seat time, and which allow students to pursue interest-driven education at their own pace, both in and out of school.

America Forward believes the proposed regulations build on the progress embodied in the statutory language in several ways, including:

- By specifically enumerating, in proposed § 200.76(b)(2), the types of assessment systems that would fall within the definition of "innovative assessment system" – including competency-based assessments – while still maintaining the flexibility for states to pilot systems beyond what is listed in the proposed regulatory language.
- Requiring that, as part of their application, states (or a consortia of states) must provide "evidence that the SEA or consortium has developed an innovative assessment system in collaboration with partners, including experts in the planning, development, implementation, and evaluation of innovative assessment systems," among others.

We believe this language is essential to ensuring that states and school districts leverage the expertise and capacity of high-quality community organizations and intermediaries to both design the assessment systems themselves, and to begin thinking about how partnerships can be created to offer connected, high-quality learning experiences outside of the traditional school day.



- Proposed § 200.77(b)(5), which would require that the innovative assessment provide for the participation of all students, including children with disabilities and English learners.
- Proposed § 200.77(b)(8) and § 200.77(d)(4), which, respectively, ensure that the innovative assessments produce “timely data for teachers, principals and other school leaders, students and parents” consistent with the report card requirements in ESSA, and that states inform parents about the innovative assessments before the beginning of each school year in which the innovative assessment will be administered.

America Forward worked closely with policymakers to ensure that report cards include information on postsecondary enrollment, and we believe it’s important that any innovative assessment system continue to provide this essential information to students and families.

- Proposed § 200.78(b)(1), which allows states, as part of their application to describe the prior experience of any external partners that will be participating in or supporting its demonstration authority, thereby allow partners to help states bolster their credentials in terms of prior experience.
- Proposed § 200.78(e)(2)(i), which establishes as one of the selection criteria the SEA’s or consortium’s plan to use “data feedback, evaluation results and other information from participating LEAs and schools to make changes to improve the quality of the innovative assessment.”

Throughout Federal policy, America Forward consistently advocates for expanding the use of evidence to guide decision making related to practice and funding. When piloting new approaches like those authorized under the Demonstration Authority, it is essential that participating entities are intentional about generating evidence, responding accordingly, and sharing best practices.

Along with maintaining the provisions noted above, America Forward believes ED can further strengthen the proposed regulation by providing additional clarity and/or specificity in certain areas, as well as highlighting for states strategies they may pursue to utilize this Authority as effectively as possible. These areas include:

- We encourage ED to emphasize the potential role of external partners and intermediary organizations throughout the proposed regulations. While we applaud the consultation and application language noted earlier, we believe effective partnerships could also be highlighted in other provisions, including proposed §§ 200.78(a)(2)(ii), 200.78(b)(1)(ii)(A-B), 200.78(d), and 200.78(e)(2). We believe the role of intermediary organizations, specifically, should be highlighted in § 200.78(b)(3).
- In order to recognize the importance of social and emotional learning and development in the overall achievement of students, we encourage ED to amend the definition of Innovative Assessment system in proposed § 200.76(b)(2) to read, “...an annual summative determination relative to such alternate academic achievement standards for each such student, **which may**

assess other factors critical to student achievement, including social, emotional, and cognitive development and learning, and that may include one or more of the following types of assessments...

- With regard to the definition of “demonstration authority period” in proposed § 200.76(b)(1), we urge ED to be cognizant of the fact that it often takes time for states (or consortia) to design and implement such innovative assessment systems. As a result, the requirement in the definition that the state or consortia administer the innovative assessment “in each year of the demonstration authority period,” without allowance for any planning time, may dissuade certain states or groups of states from applying.
- The proposed regulations would clarify that any innovative assessment system must “generate an annual summative determination for each student in a school participating in the demonstration authority that describes the student’s mastery of the States grade-level academic content standards.” We believe the proposed regulation should also state that – consistent with the statutory language regarding academic assessments – states or consortia engaged in the demonstration authority may design assessment systems that also measure each student’s current performance level.
- The proposed regulations would require that, in order for a state to adopt an innovative assessment for statewide use, it would need to demonstrate that both the system and each individual assessments meets the statutory requirements under 1111(b)(2), which lays out the general requirements for assessments. However, we believe that requiring each individual assessment to meet these criteria is unrealistic and would stifle innovation; the individual assessments that comprise an innovative assessment system are likely to measure certain elements of student knowledge and ability, and would not be well-suited to producing the comprehensive information detailed in the statutory language. We would encourage ED to clarify that only the overall system, not each individual assessment, must meet the requirements laid out in 1111(b)(2).
- Finally, the proposed regulations would require that, as part of the transition to statewide use, each SEA provide “satisfactory evidence that it has examined the statistical relationship between student performance on the innovative assessment in each subject area and student performance on other measures of success, including the measures used for each relevant grade-span within the remaining indicators ... in the statewide accountability system under section 1111(c)(4)(B) of the Act, and how the inclusion of the innovative assessment in its Academic Achievement indicator affects the annual meaningful differentiation of schools.” While we support efforts to develop evidence related to correlation between innovative assessments and other indicators in the statewide accountability system, we urge ED to be cognizant that assessments are not solely determinative of student performance on other indicators and to remind reviewers that statistical correlation with improvement on other indicators should not be the only metric by which they decide whether a state may continue its innovative assessment beyond the demonstration authority.



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