



To: U.S. Department of Education

From: America Forward Coalition

Date: 4/21/2016

Re: Every Student Succeeds Act (ESSA) Regulation and Guidance Priorities

America Forward – a coalition of organizations dedicated to driving innovative, systemic improvements in teaching and learning – is strongly supportive of the provisions included in the Every Student Succeeds Act (ESSA) that elevate effective external partnerships, emphasize investing in what works, support learner-centered systems, and ensure strong accountability and transparency.

As the focus turns to implementation of the new law, America Forward believes specific, clear regulations, guidance and application language can help cement and build on the progress embodied in the statute. Specifically, America Forward urges the US Department of Education (ED) to consider the following actions during the regulatory, guidance, and application process:

Title I Provisions

- **Effective Partnerships.** High-quality community partners and intermediary organizations – including non-profits and other community-based organizations – can provide states and local districts with the capacity and specific expertise to help them effectively implement programming under the ESSA and meet new requirements. In order to strengthen effective partnerships under ESSA, ED should include strong regulatory language to ensure that state educational agencies (SEAs) are fulfilling the requirement under 1111(g)(1)(H) to provide an assurance that local educational agencies (LEAs), in developing and implementing Title I programs, are working with outside intermediary organizations, to the extent feasible.
- **Additional Indicator.** For the requirement in Section 1111(c)(4)(B)(v)(I) that all statewide accountability systems include “not less than one indicator of school quality or student success,” ED should provide examples of specific indicators that would meet the requirement, while not limiting the flexibility of states to select the most appropriate indicator(s).

Maintaining critical flexibility will allow states to incorporate innovative, evidence-based metrics in their accountability systems, potentially including scientific measures related to students’ social-emotional skills, which America Forward member Turnaround for Children has used, in partnership with schools, to dramatically increase engagement and decrease incidents of exclusionary discipline.

- **Innovative Assessments.** Regarding the “Innovative Assessment and Accountability Demonstration Authority,” authorized by Section 1204, ED should extend the opportunity to states to participate in the pilot program, as well as clarify that states submitting applications under the program may do so in partnership with organizations that have demonstrated expertise in developing, administering, and/or evaluating such innovative assessments. In



addition, ED should provide clarity regarding the use of competency-based and other innovative assessments to meet the requirements of the broader assessment provisions included in ESSA.

- **Report Card Data.** Pertaining to the new requirement under Section 1111(h)(1)(C)(xiii) that state report cards include data on postsecondary enrollment, ED should assist states in determining whether or not their current practices already make “available” the data specified in the statute; specifically, we urge ED to include relevant information from the Data Quality Campaign fact sheet, “State Capacity to Link K-12/Postsecondary Data Systems and Report Key Indicators,” which indicates that 48 states already generate so-called “high school feedback reports,” and 45 states already include information on post-secondary enrollment. In addition, ED should provide guidance that identifies specific examples of states and/or school districts that have implemented methods for displaying data that make it readily accessible and easily understandable for students, families, educators, and other stakeholders.
- **Personalized Learning.** In promulgating regulations and guidance, ED should ensure states and local districts are aware that funding under Titles I and II can be leveraged to support personalized learning programming, and that personalized learning is an allowable use of funds under the new school improvement set-aside in Title I.

The positive impact of personalized learning approaches on achievement has been clearly demonstrated by America Forward member New Classrooms. In 2012, New Classrooms implemented the *Teach to One: Math* approach it developed in middle schools in Chicago, New York and Washington, DC. A recent, independent study found that the personalized learning approach enabled students to make math gains at 1.5 times the national average—equivalent to an additional half year of learning, and that students who saw the most significant gains were those who had started with the weakest math skills. Given this, and other, evidence of success, ED should ensure that states and local districts are made aware of the potential role of personalized learning in school improvement.

Other ESSA Provisions

- **Effective Partnerships.** As noted above, partnerships can help provide states and districts with capacity and specific expertise to support the implementation and operation of programming under ESSA. In addition to emphasizing the partnership language in Title I and elsewhere in the legislation, we specifically urge ED to ensure the partnership priority under the 21st Century Community Learning Center (CCLC) program, Section 4204(i)(1)(B), is emphasized as part of the new program application.
- **Education Innovation and Research (EIR).** This new program, authorized in Title IV, Part F, Subpart 1, is critical to driving investment in policies and practices that have shown a positive impact on student achievement. To drive additional innovation, ED should:
 - Include a priority for projects focused on personalized learning in the application for grants under this program;
 - Explicitly clarify the potential role of intermediary organizations and community partners as eligible entities under the EIR program.

- Clarify that nonprofit organizations applying for an EIR grant must identify the types of LEAs and/or schools with which the organization will partner to implement the grant, as opposed to the actual schools/LEAs. When creating or piloting new innovations, partnerships are not always fully established at the point of application. As a result, the ability to name specific partners later in the process in order to secure funding is a more effective way of ensuring effective partnerships are included and innovative programs are eligible to apply under this program; and,
 - Emphasize rigorous implementation and impact studies. To successfully implement and improve a model across a range of diverse district settings, one must pay close attention to implementation data and treat that as a priority just as we should continue to treat impact data as a priority.
- **Comprehensive Center.** For the new Comprehensive Center authorized by Section 2244, which will focus on students at risk of not attaining full literacy skills due to a disability, ED should emphasize the importance of effective, timely dissemination of the tools and research developed by the Center, and should clarify the potential role of community partners and intermediary organizations, both in helping to disseminate information and in supporting the delivery of programming based on the Center’s work.
- **Title IV Block Grant.** The “Student Support and Academic Enrichment Block Grants” authorized by Section 4101 provide states and local districts considerable flexibility. ED could help ensure this grant funding is used efficiently by explicitly identifying Pay for Success proposals as an allowable use of funding under the Section, and by establishing a priority for grant applications that intentionally include Pay for Success elements.
- **Pay for Success and Evidence-Based programs.** For the authorized use of Pay for Success included in both Title I, Part D and Title IV, Part A, section 4108, ED should provide specific examples of the potential use of Pay for Success to support States and school districts in the development and effective implementation of Pay for Success initiatives. For example, Pay for Success could be used to address the opportunity cost associated with high school dropout – cutting the dropout rate in half would generate \$45 billion annually in new tax revenue – by targeting middle-school students and basing payments on improvements of a class of students against early warning indicators (such as poor attendance, disruptive behavior, and course failure) known to be precursors for dropout.

In addition, the Department should provide information and clarification on the elements of the comprehensive definition of Pay for Success included in ESSA in Section 8101. Specifically, ED should consider allowing the utilization of federally funded feasibility studies in place of new studies to determine how Pay for Success initiatives could be implemented, so as to avoid duplication, and should provide guidance to ensure that third-party evaluation methods are as rigorous as needed to determine causal inference, but are not limited to randomized control trials.