

September 9, 2016

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



Docket ID: ED-2016-OESE-0047-0001

Dear Ms. McKinney,

On behalf of The Education Trust — an organization dedicated to closing long-standing gaps in opportunity and achievement separating low-income students and students of color from their peers — thank you for the opportunity to provide comments on the notice of proposed rulemaking regarding the Innovative Assessment and Accountability Demonstration program of the Every Student Succeeds Act (ESSA).

Statewide, annual assessments aligned with state standards are an important way of measuring student progress consistently across classrooms, schools, and districts. They provide parents with objective information about whether their children are academically on-track. They help educators benchmark the performance of their students against those across the state. And they give parents and the public an objective measure of how schools are doing at improving learning for all groups of students.

We appreciate the potential of this pilot program to leverage new and ongoing advances in the assessment field. Yet this innovation cannot come at the cost of assessment rigor and comparability, which would undermine the central equity tenet undergirding assessments — the value of the common measurement.

The following are our recommendations for what to retain in the proposed rules and what to make stronger. Throughout, our focus is on ensuring rigorous standards for initial and ongoing participation in the pilot, and especially on ensuring the comparability of assessment results to the greatest degree possible.

Thank you for your attention. We look forward to continuing to work with the Administration to ensure that the new law is implemented in a way that will advance opportunity and achievement for all students.

Cordially,

A handwritten signature in black ink, appearing to read "Kati Haycock". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kati Haycock
The Education Trust

Comments on the Innovative Assessment Demonstration Authority

While we appreciate the potential of the Innovative Assessment Demonstration Authority to leverage new and ongoing advances in the assessment field, it is critical to ensure that innovative assessments continue to provide results that are comparable across districts and schools within a state. Our comments are aimed at highlighting and supporting provisions that help support this goal, and suggesting revisions to provisions that may undermine it.

We support the following provisions and believe they should remain in the final regulations:

1) Requiring states to be ready to administer an innovative assessment in order to receive authority.

As previous experience has shown, it is difficult to develop an innovative assessment to be used for the purpose of accountability. States should have to demonstrate their ability and readiness to administer these assessments prior to being granted demonstration authority. This requirement will ensure the states receiving the demonstration authority have committed the time and resources to do it well.

2) Requiring annual demonstrations of comparability between the innovative assessment and the statewide assessment - §200.77(b)(4)

It is critical for the innovative assessment to demonstrate comparability annually. This requirement is even more important for states administering the innovative assessment in a subset of LEAs. The integrity of a state's accountability system rests on a uniform evaluation of student performance, and a lack of comparability would undermine it.

3) Requiring an annual summative determination for each student that describes the student's mastery of grade-level content - §200.77(b)(7)

Parents, students, and teachers need to know if a student has mastered the content he or she is supposed to at each grade level. A summative determination is also important for comparability to the statewide annual assessment and for determining student performance for the purposes of accountability. Without a summative determination, it would be far too easy to obscure a student's performance and leave families in the dark about whether their students are actually on track academically.

4) Including experience, capacity, and stakeholder support as selection criteria - §200.78(b)

Alone, desire to develop and implement an innovative assessment system will not ensure success. And given the importance of high-quality annual assessments, this demonstration authority should not be given lightly. Setting the high bar for experience, capacity, and stakeholder support sends the message that states must be truly invested in this work. We encourage the Department to evaluate states rigorously on these criteria.

5) Clearly articulating the ability of the Secretary to withdraw demonstration authority - §200.80(b)

A statewide annual assessment is a critical tool for equity: an objective measurement that can clearly shine a light on where groups of students are not being served. If the innovative assessments are not truly comparable or are not of sufficient quality, they could instead quickly become a tool to obscure differences in student performance. These significant equity implications raise the stakes for the demonstration authority, and make rigorous oversight imperative.

6) Specifying that the one-year waiver authority is for the purpose of undergoing peer review - §200.80(c)

The purpose of the demonstration authority is to determine if an innovative assessment can be used as the statewide assessment for the purposes of Title I accountability. It is critical that the authority not be open-ended, particularly if the innovative assessment is only being used in a subset of LEAs. The waiver authority for additional time should only be granted to account for the peer review process, not to give states even more time to fully scale the system and determine whether they want to use it for Title I accountability.

There are three provisions which should be revised:

1) Require that all schools within an LEA administer the same innovative assessment during the demonstration of authority period.

The proposed regulations currently state that a state or consortium of states may initially administer the innovative assessment in a “subset of LEAs, or schools within an LEA” during the demonstration of authority period. However, administering different tests to students of the same grade within a single district sets a dangerous precedent of incomparability on state assessments. Administering comparable assessments is a critical equity lever to ensure that all students are receiving rigorous instruction, and that schools are being held accountable for the performance of all students on high-quality assessments. In order to ensure all schools within an LEA are being held to the same standard, the same assessments should be administered across an LEA.

Recommendation: Strike the clause from §200.77(b)(1)(i) below:

- (i) ... if the innovative assessments will be administered initially in a subset of LEAs, ~~or schools within an LEA,~~ provided that the statewide academic assessments ...

2) Do not permit teachers to develop test items and tasks for the assessments taken in their school, or to score assessments taken by the students in their school.

As written, the proposed demonstration authority allows teachers to develop and score the innovative assessments administered in their own schools. Allowing teachers in each school to develop assessments for their students eliminates the comparability and reliability of the assessments as discussed above. In order to prevent such variation in assessments, teachers should not be permitted to create items and tasks for assessments administered exclusively within their schools.

In addition, in order to ensure impartiality of assessment scoring, teachers should not score tests administered within their own school. We support the inclusion of effective professional development for teachers to validly and reliably score assessments, as long as they apply these strategies to scoring student assessment tasks from other schools. We recommend requiring an assurance from demonstration states or consortia that teachers or other school staff will not be allowed to score assessment items for students in their school of employment.

Recommendation:

1) Modify §200.78(d)(4) as follows:

§200.78(d)(4): If the system includes assessment items that are ~~developed or~~ scored by teachers or other school staff, the strategies (e.g., templates, prototypes, test blueprints, scoring tools, rubrics, audit plans) the SEA or consortium has developed, or plans to develop, to validly and reliably score such items, including how the strategies to engage and support teachers and other staff in ~~developing and~~ scoring high-quality assessments and how the SEA will use effective professional development to aid in these efforts, to help ensure unbiased, objective scoring of assessments.

2) Insert paragraph (d)(3) in §200.77 after existing §200.77(d)(2), and renumber the remaining paragraphs accordingly:

§200.77(d)(3): Ensure that teachers or other school staff do not score assessments, including individual assessment items or tasks, taken by students in their school of employment.

3) Strengthen the demonstration authority application requirements to ensure assessment comparability and impartial scoring

As mentioned previously, a key function of state assessments is to provide comparable, reliable data on student achievement. Allowing different schools or district to administer assessments comprised of school-specific items or tasks would greatly undermine the comparability, validity, and reliability of the data, and enable some schools to hide their failure to meet student needs. In order to ensure that all students are held to the same rigorous standards, we urge the Administration to strengthen the demonstration criteria in §200.77(b) by requiring that innovative assessments be comprised of items and tasks that are the same across all participating LEAs and schools.

Recommendation: Insert the paragraph (b)(3) in §200.77 after existing §200.77(b)(2) and renumber accordingly:

§200.77(b)(3) Ensure that items and tasks that comprise the innovative assessments are the same across all participating LEAs and schools in the State;