



January 21, 2016

The Honorable John King
Acting Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Acting Secretary King:

ID: ED-2015-OESE-0130-0001

Our four organizations, KnowledgeWorks, iNACOL, the National Center for the Improvement of Educational Assessment (Center for Assessment), and the Center for Innovation in Education (CIE) appreciate the opportunity to offer recommendations to help inform proposed regulations on Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA). This new law makes a number of critical improvements to federal assessment policies that will help states build systems of assessments that support personalized, competency-based learning. Our comments will focus specifically on these provisions given our shared history of advocacy for next generation assessment systems.

Each of our organizations brings an important perspective to this work. KnowledgeWorks and iNACOL are national organizations that partner with states, districts, and educators to identify and remove policy barriers that inhibit the growth of personalized learning. The Center for Assessment works with states, districts, and other entities to improve the quality of their assessment and accountability systems. The Center for Innovation in Education helps states develop and act on new, more coherent visions of education systems capable of supporting all children. In recent years, we have witnessed an increasing number of states interested in the development of new, student-centered systems of assessments designed to support competency-based learning. But despite their potential to produce meaningful, real-time feedback on student learning, federal assessment requirements have made it challenging for states to design and implement new approaches to academic assessment.

Fortunately, the newly-enacted ESSA law includes a number of key provisions to help states interested in building next generation assessment systems. These provisions include a new Innovative Assessment and Accountability Demonstration Authority and provisions that will permit states to design assessment systems that incorporate individual student growth, use multiple measures of student learning from multiple points in time to determine summative

scores, and use adaptive assessments that can measure students where they are in their learning. These improvements will help states design more useful assessments that guide improvements in teaching and learning to ensure all students master the academic knowledge, skills, and competencies necessary for success in college and career.

While we strongly support all of these improvements to the law, the following recommendations address clarifications of intent within the Innovative Assessment and Accountability Demonstration Authority authorized in Sec. 1204 of ESSA. We provide details for each of these recommendations below and additional evidence or information in support of these comments can be provided upon request.

- 1. Clarify the Role of Accountability in the Transition Evaluation**
- 2. Ensure Participation of Competency Education Experts on Peer Review Panel**
- 3. Ensure that the Federal Approval Process for System Design Encourages Innovation and Safeguards Equity**
- 4. Issue a Technical Fix for Citation in 1204(c)(2) of the Progress Report**
- 5. Allow Additional Time to Achieve Demographic Similarity for Participating Districts**
- 6. Encourage Feedback from Students in Reporting and Progress Report**
- 7. Provide States with an Opportunity to Engage in a Planning Process to Ensure Quality Implementation**

Prior to addressing the details of the recommendations, we offer a brief comment about the ESSA's potential to transform assessment systems for K-12 students.

Systems of Assessments: What This Looks Like

The new demonstration authority authorized by Congress in Sec. 1204 of ESSA is intended to provide much needed flexibility for states interested in the establishment of innovative assessment systems. These systems, defined in Sec. 1204(a), are intended to be high-quality, rigorous assessments that are aligned to standards and validate mastery of academic knowledge and core competencies through more complex performance-based tasks. They should provide a data-rich picture of each student's level of proficiency to ensure continuous improvement of learning and inform annual determinations of student and school performance. Congress did not intend for this program to serve as a rubber stamp for any assessment system, but instead to support the development of high quality innovative, systems of assessments that document the progress of every student in the system – not just those that meet or exceed proficiency.

Interest in balanced assessment systems is on the rise as stakeholders look to transform the K-12 education system. The quality of these systems is determined by three major criteria: coherence,

comprehensiveness, and continuity, with coherence being the most challenging, yet important to achieve. An assessment system is considered coherent if the assessments in the system are compatible with the models of how students learn content and skills over time, and curriculum, instruction, and assessment are aligned to a common set of learning goals. Well-developed competency-based education systems exhibit all of these elements.

Competency-based education systems employ a variety of assessments, including formative and summative, designed to support and evaluate student learning of key competencies and to evaluate how well students have synthesized their learning over a school year or other unit of time. Performance-based assessments must be a key component of competency-based assessment systems, because they can be used to support instructional decisions to determine students' areas of strengths and needs, but can also be used summatively to certify student mastery of competencies.

Innovative assessments established under this demonstration authority must be intricately linked to the curriculum that students experience. This can only be accomplished by building the assessment capacity of local educators and by building systems that incorporate the results of local summative assessments, tied to competencies, into annual performance determinations. This does not mean that states abdicate their responsibility for ensuring that all students receive legitimate opportunities to learn, rather it means that states work in concert with districts to ensure the quality and comparability of local assessment results and to build the local assessment expertise necessary to sustain the work over time.

Access to greater evidence of student learning during the time when learning is occurring will help states enhance the productivity of their education system and strengthen both the internal and external accountability processes, fostering continuous improvement of student and school performance. These systems will also raise assessment literacy as educators become more engaged in the development and scoring of assessments that count for both student and school accountability decisions. Innovative assessment systems are critical for advancing a world-class system of continuous improvement of teaching and learning.

1. Recommendation: Clarify the Role of Accountability in the Transition Evaluation

Congress clearly intended for states to provide comprehensive evidence on the quality of their innovative assessment systems before operating those systems for purposes of federal assessment and accountability requirements in Sec. 1111(b)(2) and (c). As such, the statute specifically defines elements of a high quality system, taking into account the completion of application requirements, the effects on measures of student success, its ability to provide coherent and timely information about student achievement, feedback from stakeholders in the State, and statewide participation.

While we strongly support this comprehensive evaluation of the system's success, we recommend the Department respect congressional intent in its interpretation of the transition evaluation language in Sec. 1204(j)(1)(B)(ii) which requires the State to examine the effects of the system on other measures of student success, including indicators in the accountability system under Sec. 1111(c)(4)(B). Congress intended for the Secretary to take into account the full picture of teaching and learning in a State as it evaluates the impact of an education system, but not to base future use of the system on accountability indicators. Measures of student learning outcomes are appropriate as a component of the evaluation of the education system as a whole. The goal of the transition evaluation must be to determine whether the assessment system produces high-quality and valid indicators of student performance.

2. Recommendation: Ensure Participation of Competency Education Experts on Peer Review Panel

Sec. 1204(f)(2) requires the Secretary to establish a peer review team that consists of practitioners and experts who are knowledgeable about the proposed innovative assessment system. We recommend the Department clarify this language through regulation to ensure proper representation of experts with experience designing and implementing assessments for competency-based education systems. The knowledge and expertise of the peer review panel is foundational to the success of the program. The Department should ensure that we leverage the perspectives of global experts and researchers on the highest performing countries' approaches to innovative assessment, including systems of assessments that integrate performance-based assessments, multiple measures, and quality assurance.

3. Recommendation: Ensure that the Federal Approval Process for System Design Encourages Innovation and Safeguards Equity

Congress intended for new innovative assessment systems to meet a high bar for quality implementation. As such, Congress decided to require any participating State to demonstrate that its innovative assessment system meets two critical standards. First, the system of assessments must be valid, reliable, and comparable to the State assessments required under Sec. 1111(b)(2). Second, the innovative assessment system must generate an annual determination of student progress on the State's challenging academic standards for each student that is valid, reliable, and comparable to measures of academic achievement under Sec. 1111(c)(4)(B)(i).

The Department should place the burden on each State to describe how its new assessment system will satisfy the above technical standards while achieving long-term goals of upholding equity and supporting every student's success. This should include significant steps to ensure the system produces meaningful data using multiple measures, monitors check points, provides an

approach for producing annual determinations, establishes quality control mechanisms and audit procedures, builds capacity among educators for sound implementation, and supports continuous improvement of the system to ensure it aligns with student-centered learning. The Department should encourage states to describe the system goals as part of a defensible theory of action; identify capacity of partners, districts, and intermediary agencies; strategies for scaling the system statewide; and provide guard rails to ensure the system meets a high bar for technical quality.

The Department should also hold states participating in the demonstration authority to the same standard as non-participating states when it comes to evaluating the comparability, reliability, and validity of the assessment system. The evaluative target for new, innovative assessment systems must be the system as a whole, just like the requirement for states under Sec. 1111(b)(2), and not the individual assessments in the system.

The Secretary should look again to New Hampshire's implementation of its Performance Assessment of Competency Education (PACE) to better understand how a State can achieve comparability, validity, and reliability for an innovative assessment system with systems of multiple assessments, including local performance assessments and auditing functions. The State has implemented a complex set of protocols and analyses to ensure comparability, for example, in the scoring of performance tasks across districts. Specifically, the State is intently focused on comparability of the annual determinations of "proficient," "on track," "competent," or any other label of the level of student learning against clearly articulated State standards and competencies. New Hampshire uses the following strategies to evaluate comparability based on methods used in the United Kingdom and Australia.

- **Consensus Scoring**—This approach is used when the same tasks are administered to all students across districts. Under this approach, New Hampshire required randomly assigned pairs of raters from different districts to review samples of student work and then to assign a consensus score to that piece of work. Monitoring inter-rater reliability is important for quality assurance and continuous improvement. If the two raters were not able to reach consensus in a relatively short time frame, they were directed to refer the work to one of the content experts for arbitration.
- **Ranking Audit**—This approach is used when the State needs to evaluate the comparability of student work when students are administered different tasks. As part of this process, the State selected independent judges to review student work grouped by average rubric score. Judges were then asked to rank the student work based on quality. Audits are an important monitoring function for quality assurance of performance-based assessments.

The U.S. Department of Education, in conjunction with the Peer Review panel, must play a key role in managing the quality of State applications, using its approval authority to ensure states provide sufficient evidence that their innovative assessment systems satisfy these important technical requirements. Measurement professionals with a narrow definition of “comparable” or “reliable” would not be appropriate for evaluating an innovative assessment approach, nor consistent with legislative intent. Therefore, we urge the U.S. Department of Education to select measurement professionals as peer reviewers who have a breadth of measurement experience beyond state or norm-referenced standardized tests. For example, assessment professionals who have worked on complex performance assessments, competency-based systems of assessments, international models of systems of assessments in the highest performing countries globally, assessment for students with disabilities and English language learners, gaming and other innovative assessment models, and competency-based assessment will have a better understanding of the context under which demonstration authority states will operate.

In order to design new models of innovative assessments, states and districts need room to co-design and then to apply to the U.S. Department of Education for approval – placing the burden of expressing the ways these systems are of high technical quality upon the states.

4. Recommendation: Issue a Technical Fix for Citation in 1204(c)(2) of the Progress Report

Congress intended the progress report to provide preliminary information about implementation to help current and future participants improve their planning and implementation process. Sec. 1204(c)(2) states that the progress report “*shall be based on the annual information submitted by participating States described in subsection (e)(2)(B)(ix).*” Congress must have intended to cite (e)(2)(B)(x) which references the annual data that states must report to the Secretary regarding the progress of implementation. The language in (e)(2)(B)(ix) references the process by which states must solicit regular feedback from stakeholders and make necessary changes based on the results of each year of the program.

5. Recommendation: States Requesting an Extension of Demonstration Authority May Use Additional Time to Achieve Demographic Similarity for Participating Districts

Congress rightfully intended for states to carefully evaluate the impact of innovative assessment systems on their diverse populations of students to ensure that new assessment systems produce high quality results for all students, regardless of their demographic status. This is an essential element of effective implementation. Specifically, Sec. 1204(e)(2)(D)(iii)(II) requires states that plan to start implementation with a subset of school districts to ensure that participating districts, as a group, are demographically similar to the State as a whole by the end of the demonstration authority. The Department of Education should ensure states have the opportunity to show

evidence of how they are demographically similar. Specifically, states must be expected to define how they are interpreting the demographic similarity of the pilot districts and to outline the steps they are taking to ensure that the pilot districts appropriately represent the state population.

The language could be further strengthened to clarify that states may seek additional time through the extension provision in Sec. 1204(g) to achieve this goal. The extension language gives the Secretary the authority to extend an authorization of demonstration authority for an additional two years if a State can produce evidence that its assessment system is continuing to meet application requirements and has the capacity to transition to statewide use by the end of the extension period. We recommend the Department issue regulations to ensure that states with a strong implementation track record have the opportunity to request an extension if they are not able to meet the demographically similar threshold by the completion of the demonstration time period proposed in their initial application. The Department should allow for some reasonable flexibility of this requirement within certain allowances, since full statewide implementation may require an extension of the original implementation timeframe.

This improvement to the language will provide states with the necessary flexibility to implement these assessment systems in a high quality manner. An effective implementation strategy usually begins with high capacity districts so implementers develop a strong foundation for the identification of best practices and training of new participants. States may find it more strategic to start with capacity-building efforts in at-risk districts while they refine the implementation process. The Department should not penalize a State with a thoughtful approach to implementation only because it has yet to attain full demographic similarity of participating districts. Instead, it should ensure that each State requesting an extension has a high quality plan for satisfying this requirement by the end of the extension period.

6. Recommendation: Encourage Feedback from Students in Reporting and Progress Report

Congress clearly intended for states to solicit feedback from a wide range of stakeholders throughout implementation of the demonstration program. The progress report in Sec. 1204(c)(2)(A)(i) asks states to incorporate feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system. The application in (e)(2)(B)(x)(III) requires interested states to report this information annually. We recommend the Department through guidance encourage states to also solicit feedback from students since their satisfaction is integral to the success of the system.

7. Recommendation: Provide States with an Opportunity to Engage in a Planning Process to Ensure Quality Implementation

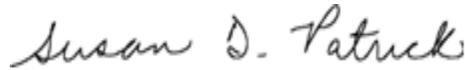
The new demonstration authority in Sec. 1204(b) permits a state to propose in its application its implementation time period so long as the time period does not exceed five years. It is important to provide states with the opportunity to engage in up to two planning years before the beginning of the five year implementation period since it will require significant leadership, stakeholder buy-in, capacity building, model design and potentially state and local policy changes prior to implementation to engage in effective systems change. The Department should permit states that are interested in this opportunity, but require significant planning time to develop an application, the opportunity to apply for a planning period of up to two years in the application process prior to the start of their implementation period.

Thank you for the opportunity to provide input on the Department's regulatory processes for Title I of ESSA. Please do not hesitate to contact KnowledgeWorks, iNACOL, the Center for Assessment, and the Center for Innovation in Education if we may be of further assistance.

Sincerely,



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