



August 1, 2016

The Honorable John B. King Jr.  
Secretary  
U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC 20202

**Re: Notice of Proposed Rulemaking Docket ID ED-2016-OESE-0032, Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans**

Dear Secretary King:

On behalf of the National Association of Elementary School Principals (NAESP), the National Association of Secondary School Principals (NASSP) and the undersigned state affiliate associations who collectively represent the nation's Pre-K–12 elementary, middle, and high school principals and other school leaders, we are writing to provide the following response to the Notice of Proposed Rulemaking on Accountability and State Plans, Elementary and Secondary Education Act (ESEA) of 1965 as amended by the Every Student Succeeds Act (ESSA) P.L. 114-95.

Principals and other school leaders continue to be optimistic about the passage of ESSA and the opportunities to improve policies and programs in ways that will better support educators and schools to meet the needs of students. Our associations worked with Congress to shift stifling federal one-size-fits-all accountability policies and to put in place greater support for educators, specifically principals and other school leaders. We strongly support ESSA and its provisions that afford unprecedented opportunities for states and districts to work in partnership with educators to make key decisions on these issues. Any regulations should not inhibit states, districts, and stakeholders—including teachers, principals, parents, and others—from being innovative in creating more robust accountability measures, eliminating unnecessary assessments, and building the capacity of educators to provide a well-rounded education for every student from Pre-K–12.

In addition to identifying new accountability measures that show a more complete picture of school and student success, and increased support for effective educators, NAESP and NASSP continue to focus on meaningful implementation of the law's provisions relying on a meaningful consultation process. States and districts must be supported to work in partnership with schools and stakeholders to identify challenges facing local schools based on their unique contexts and needs of their students, target resources through the utmost flexibility in use of funds, and ensure equity.

For far too long, federal regulations tied to the nation's largest federal education law, the Elementary and Secondary Education Act (ESEA), have been an impediment to school progress through inadvertent consequences and onerous rules that did not sufficiently help schools overcome challenges.

The cornerstone of ESSA is new state and local authority and flexibility to make decisions around key issues affecting policies and programs, and to work in partnership with educators to set a new direction of reform within the law's parameters. We believe Congress' vision for the law must empower policymakers and practitioners to work together on designing new accountability systems that are fair and objective, as well as free from overly prescriptive federal rules and regulations. NAESP and NASSP are concerned that several proposed regulations will stifle this landmark movement towards greater state and local flexibility, and P.L. 114-95 makes clear that the Secretary may not add requirements or criteria that are inconsistent or outside of the scope of Title I, Part A, including:

- Require a state to add unnecessary complexity to their accountability system
- Prescribe goals of progress or measurements of interim progress that are set by states under the accountability system
- Prescribe indicators that states must use
- Prescribe the weight of measures or indicators
- Prescribe school improvement strategies or exit criteria
- Prescribe minimum N-sizes
- Prescribe the way in which the state factors the 95 percent assessment requirement into their accountability system

The nation's principals are consulting with states and districts on the ESSA planning process to address many of the issues listed above in their states and local learning communities. Decisions surrounding these issues should be left to states and local communities. Many of the proposed regulations undermine this intent and would ultimately revert systems back to NCLB-era policy.

In response to the NPRM, NAESP and NASSP have collected information from the field to inform how the proposed rules raise the important concerns described below.

#### **I. §200.14 Accountability Indicators**

Principals are pleased that the proposed regulations carry out the new law's intent for states to work directly with educators to set an accountability index that considers several indicators of student and school progress instead of relying solely on student test scores.

In addition, NAESP and NASSP are pleased that the regulations codify the inclusion of student growth and school quality measures within a meaningfully differentiated system.

While ESSA rightfully maintains the requirement that states set challenging academic standards, assess the annual achievement of students in math and reading, and disaggregate data to help schools learn more about the unique needs of students, states must pay close attention to student growth as a means for measuring student progress. Moreover, we encourage states to give student growth equal weight to that of annual summative assessments, as part of any new accountability index.

NAESP and NASSP support the proposed regulations that codify the law's provisions related to setting ambitious long-term goals and measurements of interim progress for graduation rates that are based on the four-year adjusted cohort graduation rate, and encouraging states to identify other valid measures of school quality, such as kindergarten readiness and the provision of early learning opportunities. We are concerned, however, that the regulations do not prioritize how states can effectively integrate growth measures to reduce the reliance on annual summative assessments.

However, instead of regulation, NAESP and NASSP urge the Department to offer technical assistance to states to work with districts and local school stakeholders, such as teachers, principals, and parents, to define "student growth" in a meaningful way and determine how actual student growth—as opposed to targeting "grade level" equivalency—will be factored into the state system. Basing student growth on annual grade level equivalency proficiency targets undermines the inherent definition of "growth," which must be captured on a case-by-case basis, or calibrated to a student's progress toward learning objectives. State indicators should factor the level of growth each school is making for each subgroup of students and their progress on formative assessments.

States must rely on the consultation process to identify valid, fair, and appropriate school quality measures that reflect the conditions for learning. Principals can identify effective measures of school quality and caution against the use of data that is unrelated to the learning challenges schools are working to address. The Department must instead support states through non-regulatory guidance to identify valid school quality measures that fit a variety of school contexts. Ultimately, principals believe that the best research-based school quality measures are grounded in school climate and safety measures, which reflect the conditions for learning that they are responsible for creating. Measures that show the full picture of the educational experience schools are providing, including meeting the social and emotional development of students. For example, student and teacher attendance rates, which are considered a reliable data point, may not actually reflect the level of teacher and student engagement in the overall learning community, and could mask the resources and interventions that a school may or may not be providing.

Several measures identified by principals have a research base or show evidence related to improving student outcomes. The Department should provide technical assistance for states, including compiling related research and other assistance, on school quality measures that will help them identify those that are meaningful in a robust accountability system such as:

- Adoption of early childhood education programs focused on social and emotional learning, including those that adopt early learning standards and domains, and offer an aligned curriculum to K–3 or across a Pre-K–3 continuum
- Create high-functioning instructional teams in schools and ensure that all teachers and principals are licensed, credentialed, and profession-ready
- Comprehensive, job-embedded professional learning for teachers and principals that is tailored and geared toward the individual roles that they serve in their schools related to effective classroom instruction and school leadership
- Up-to-date instructional materials, technology, and supplies, including textbooks, computers, mobile devices, and access to broadband
- School facilities and technology, including physically and environmentally sound school buildings and well-equipped instructional spaces;
- Specialized instructional support teams, including school counselors, school social workers, school psychologists, school nurses, and other qualified professionals involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services
- Effective programs for family and community engagement in education

These areas are based on research and evidence surrounding the conditions in schools that are known to directly improve outcomes for students, and states and districts can easily identify and measure related indicators. We urge the Department to identify these areas through guidance to states to inform their engagement with local districts, schools, and educators, including teachers and principals, parents, and local community stakeholders. This approach will help states create and set robust systems that will truly reflect school quality and help schools prepare all students for success after graduation.

## II. §200.18 Annual Meaningful Differentiation of School Performance

NAESP and NASSP support the regulations proposed in § 200.18(b) that would require states to establish at least three distinct performance levels for schools on each indicator and include information about how each school performed separately by indicator, and ensure differentiation of schools is meaningful. However, we oppose the proposed requirement that states provide schools with summative ratings across all indicators, and to report those ratings for each school on LEA report cards, as described in proposed §§ 200.31 and 200.32.

One of the most important lessons learned from the past decade of education reform has been the misguided placement of labels on schools and misidentifying them as “failing” or “underperforming” due to across-the-board, single snapshot-in-time test scores, and defining school progress in narrow terms, such as rankings or grades.

Taking the multi-metric approach and then producing a single summative score for each school goes against the notion of robust accountability systems that the law is prods states to create. NAESP and NASSP urge the Department to remove this proposed rule from consideration as it will take us back to NCLB-era policy and judging a school's performance based on a single data point.

### **III. §200.17 Disaggregation of Data**

NAESP and NASSP support the proposed regulations that would codify the law's requirement that state systems include long-term goals and measurements of interim progress for all students and specific subgroups of students, indicators that are applied to all students and specific subgroups of students, and a system of annual meaningful differentiation that is based on all indicators in the system. This will also require that, for all students and specific subgroups of students, states set a minimum number of students necessary to carry out disaggregation of information by subgroup and report on progress. In light of the significant considerations that states must give to local contexts and the varying numbers of students across populations, NAESP and NASSP oppose the proposed regulation in §200.17(a)(2)(iii) that places a cap on the number states may set for an n-size. Further, the law expressly prohibits the Secretary from prescribing n-sizes; therefore, we urge the Department to remove the proposed regulation altogether.

### **IV. §200.15 Participation in Assessments**

NAESP and NASSP support the proposed regulations in §200.15 that codify statutory requirements related to the 95 percent participation rate calculations; however, principals unilaterally oppose all of the proposed regulations set forth in § 200.15(b)(2) that would require the state to take actions against schools that miss the target participation rate.

The proposed regulations overstep the Secretary's statutory authority in ESSA with regard to this provision, which is intended to allow states to determine any requirements for action against schools that miss the law's 95 percent test participation requirements. NAESP and NASSP urge states to work with principals to identify the issues surrounding low participation rates and create productive localized plans to ensure that parents and communities receive information about the purpose of all assessments and how the data will be used to improve teaching and learning. We feel strongly that states must work in consultation with principals and other education stakeholders to determine how the 95 percent participation rate will be factored into the state's accountability system as Congress intended.

The Department's proposed requirements overlook many of the reasons why schools may fall short of the law's target participation rate. As one principal respondent noted, "Schools that have continual issues with this need help with the community culture, as well as helping students and families see the relevance in the assessment for the students ... not for school accountability."

Many schools that serve students from disadvantaged households also face high mobility rates, and schools in rural areas struggle to enforce the requirement since the absence of one student can account for up to 5 percent of the total student population due to the size of the class and school.

## V. Transition to ESSA Accountability Systems and Consolidated Planning

The nation's principals and other school leaders are concerned that sufficient time is provided for policymakers and practitioners to engage in the consultation process and develop plans that have been properly vetted. Now more than ever, the direction of sound policy and practice depends on states and districts engaging in a "meaningful" process of engagement with stakeholders, including teachers and principals who know firsthand the instructional and learning needs of students.

As members of the Learning First Alliance, our organizations endorse the following principles that provide the stakeholder perspective on how the ESSA consultation process should move forward involving states, local districts, teachers, principals, parents, and other stakeholders identified in the statute. The process should be:

- An **affirmative interaction** between colleagues who have at times specific and overlapping responsibilities, while at other times different responsibilities, to ensure that each child has access to an effective education.
- A collaborative **discussion** that includes goal-setting and the development of guiding principles aimed at defining and executing policy.
- **Sustained** or ongoing discussion with stakeholders participating at each stage of decision-making and implementation. The consultative process goes beyond gathering input into an overall plan; stakeholders are also discussants for the implementation process and how and what data is used to evaluate the implementation.
- Coordinated with stakeholders who are initially convened to **define how the consultative process will be designed and what the desired outcomes are**. In addition, the initial convening should address who will act as the facilitator of the process. Early discussions should also define how decisions would be reached.
- **Representative of those named in the statute who are chosen by and accountable to their constituencies**.
- An allowance for a named stakeholder to initiate (or reinstate) the process when the stakeholder consultative process has not been initiated, or when the process is stalled.
- **Transparent and open to the public**. This must include notification of meeting times and places, and of named stakeholders and the constituency they represent.

NAESP and NASSP also propose to extend the timeline for submission of consolidated or individual state plans in § 299.13(d)(2) for all states (regardless if plans are consolidated or individual) to August 2017. In addition, from August 2017 through December 2017, states should be permitted to resubmit or make changes to their plans on a rolling basis, particularly as new accountability systems are put into place as the 2016–17 school year gets underway.

This additional flexibility will allow the consultation process to move forward in ways that allow policymakers and practitioners to come together, adjust plans as needed, and avoid having to submit plans in haste.

While ESSA requires states and districts to implement the law by the 2017–18 school year, the law does not require accountability systems to begin identifying schools on an accelerated timeline using 2016–17 academic data. Instead, ESSA directs states to begin implementation of their new school differentiation methodology at that time, starting with collection of initial accountability data drawn from the 2017–18 school year. Therefore, given the timeline suggested above related to planning and state submission of consolidated or individual plans, we strongly encourage the Department to require states to work with their districts to begin identifying schools under their new accountability systems beginning in 2018–19, using 2017–18 data collected specifically for the new system, as called for by ESSA.

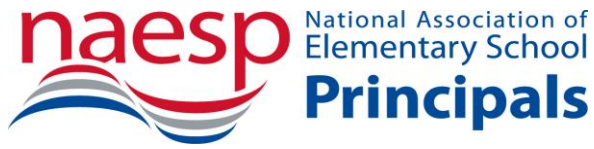
#### **VI. §299.18 Supporting Effective Educators**

NAESP and NASSP support the proposed regulation in § 299.18(b) for states to describe how they intend to use Title II, Part A, funds, as well as funds from other included programs, to develop, retain, and advance excellent educators, including how to improve principal preparation programs. NAESP and NASSP note that ESSA’s funds to develop or improve educator evaluation systems are an allowable, not required, use of funds. Any regulations should be clear about the permissive state use of funds. In addition, NAESP and NASSP encourage the Department to offer guidance to states when considering definitions that would be required under proposed § 299.18(c)(2) to ensure that calculations of disproportionality will be conducted and reported statewide using data that is similar across districts. Such guidance should:

- Clarify that an “inexperienced principal” is a principal with less than three years of experience in the role.
- Clarify that any state definition of a “school leader” is consistent with Section 8001(44) of ESSA, or a principal, assistant principal, or other individual who is—

“(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

“(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.” This definition must be consistently used by states as it relates to use of the term in Title I and applicable programs, as well as state and local activities.



Thank you for your consideration of these recommendations. We look forward to our continuing work to ensure successful implementation of ESSA, providing principals' feedback on other sections of ESSA, and supporting great leaders in every school who are working to improve learning outcomes for every student.

Sincerely,

A handwritten signature in black ink that reads "Gail Connelly".

Gail Connelly  
Executive Director  
NAESP

A handwritten signature in black ink that reads "JoAnn D. Bartoletti".

JoAnn D. Bartoletti  
Executive Director  
NASSP

**Alabama Association of Elementary School Administrators**

**Alabama Association of Secondary School Principals**

**Alaska Association of Secondary School Principals**

**Arkansas Association of Elementary School Principals**

**Arkansas Association of Secondary School Principals**

**Colorado Association of School Executives**

**Connecticut Association of Schools**

**Delaware Association of School Administrators**

**District of Columbia Secondary School Principals Association**

**Florida Association of School Administrators**

**Georgia Association of Elementary School Principals**

**Hawaii Elementary and Middle School Administrators' Association**

**Idaho Association of School Administrators**

**Indiana Association of School Principals**

**Illinois Principals Association**





**School Administrators of Iowa**

**Kansas Association of Secondary School Principals**

**Kentucky Association of Elementary School Principals**

**Louisiana Association of Principals**

**Maryland Association of Elementary School Principals**

**Massachusetts Elementary School Principals Association**

**Massachusetts Secondary School Administrator Association**

**Michigan Elementary and Middle School Principals Association**

**Michigan Association of Secondary School Principals**

**Minnesota Elementary School Principals' Association**

**Minnesota Association of Secondary School Principals**

**Missouri Association of Elementary School Principals**

**Missouri Association of Secondary School Principals**

**New Hampshire Association of State Principals**

**New Jersey Principals and Supervisors Association**

**New Mexico Association of Elementary Principals**

**New Mexico Association of Secondary School Principals**

**School Administrators Association of New York State**

**North Carolina Association of School Administrators**

**North Dakota Association of Elementary School Principals**

**North Dakota Association of Secondary School Principals**

**Ohio Association of Elementary School Administrators**

**Ohio Association of Secondary School Principals**

**Oklahoma Association of Elementary School Principals**

**Oklahoma Association of Secondary School Principals**



**Confederation of Oregon School Administrators (COSA)**

**Oregon Elementary School Principals Association (OESPA)**

**Oregon Association of Secondary School Administrators (OASSA)**

**Pennsylvania Principals Association**

**South Carolina Association of School Administrators**

**School Administrators of South Dakota**

**Texas Elementary Principals and Supervisors Association**

**Texas Association of Secondary School Principals**

**Texas Association of Secondary School Principals**

**Utah Association of Secondary School Principals**

**Vermont Principals' Association**

**Virginia Association of Elementary School Principals**

**Virginia Association of Secondary School Principals**

**Association of Washington School Principals**

**West Virginia Association of Elementary and Middle School Principals**

**Wyoming Association of Elementary and Middle School Principals**

**Wyoming Association of Secondary School Principals**