

November 20, 2020

Ms. Ruth Ryder, Deputy Assistant Secretary, Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

RE: Frequently Asked Questions: Impact of COVID-19 on Accountability Systems Required under the Elementary and Secondary Education Act of 1965 (ESEA) and Addendum to the ESEA Consolidated State Plan due to the COVID-19 National Emergency

Dear Ms. Ryder:

We hope this finds you and your family well during this unprecedented time. We write to you today in response to your October 20, 2020 letter sent to Chief State School Officers regarding the U.S. Department of Education (USED) creation of an addendum process, and related FAQs, for state ESEA Consolidated State Plans regarding assessments, data reporting, and school accountability due to the impacts of the coronavirus.

As you note in your letter to state chiefs, this global coronavirus pandemic has created the need for additional flexibility in order to continue meeting the requirements of federal law and, more importantly, for states to continue supporting students and schools in the best ways possible. We write today to comment on your draft guidance and to share our commitment and perspectives regarding how we can best support students, families, educators, and states this year in collecting, reporting, and using assessments and other data in appropriate, meaningful ways. This data should target resources and support student recovery and learning, particularly with regard to marginalized students who are rightly the focus of ESEA and are being most affected by the current pandemic.

This past Spring, the Department offered the opportunity for states to request a one-time, one-year waiver of federal assessment and accountability requirements for the 2019-20 school year, which was understandably needed due to the sudden closure of schools throughout the country and the seismic impact of the pandemic. As a result, states were not able to gather much of the data necessary to inform their current accountability systems and may be unable to make their usual determinations this fall for school improvement and support.

The addendum process outlined in your October 20 letter accounts for this disruption and provides states the flexibility needed by allowing for expedited, one-time, one-year addendums to their consolidated state plans. This process allows for states – which face different and uniquely challenging circumstances – to maintain their current identifications and support systems for Comprehensive Support and Improvement (CSI) schools, rather than to create new lists of such schools. Given the statutory limits on identifying more than the lowest 5 percent of schools overall and the challenge these schools likely face during the pandemic, maintaining

identification and support of these schools seems appropriate and reasonable. Further, given the expected continued impact of the pandemic, the Department provides states with an accelerated process to adjust their current systems of annual meaningful differentiation for one year and permits those adjusted systems to be used to identify schools for Targeted Support and Improvement (TSI) next year. Using data this year to identify gaps in student group performance such as through Targeted Support and Improvement identifications is both critical to responding effectively to the current pandemic and to ensuring that all student groups, regardless of their school, are provided equitable support and opportunities – the crux of federal education law.

As organizations that have long advocated for the importance and improvement of well-designed statewide systems of assessment, data reporting, and accountability to disrupt systemic inequities, target supports, and improve student outcomes, **we support the maintenance of federal expectations regarding state assessments and data use, and the one-year flexibilities and pathways you propose.**

To ensure systems are operating equitably for the most marginalized students, states must use data to identify gaps, highlight supportive and effective interventions, and target resources to where they are most needed. Now, during a time of a global pandemic, a national reckoning on racial injustice, and growing economic challenges, it is even more critical that we gather as much information as possible to inform how schools, districts, states, and our nation recover from these crises.

We recognize the reality of this pandemic and how it is impacting our schools and states differently – and that some may be better equipped to account for the challenges than others. State and education leaders across the country have faced these challenges head-on and have made great efforts to rise to the task on behalf of their communities and students. This is even more remarkable knowing that most are doing so with severely limited financial, staff, and other critical resources.

As we enter the next phase of this pandemic and ultimately a period of recovery, it will be imperative that state and local leaders ensure that they monitor and support the well-being and progress of all students with a focus on students of color, students from low-income backgrounds, English language learners, students in immigrant families, students with disabilities, students experiencing homelessness and housing insecurity, and other marginalized students who, together, comprise a majority of our public school population.

As the Department continues to identify how best to support states during this challenging time, the Department may consider the following questions and how states may benefit from the provision of additional guidance accordingly:

- How might a state modify or adapt its definition of Targeted Support and Improvement (TSI), this year, to account for the compounding effects of the coronavirus, especially on students from marginalized identities and communities?

- What additional data might a state want to consider gathering and using to inform its approach to recovery? And what existing data collection activities (such as the Civil Rights Data Collection) could be leveraged for this purpose?
- How can states appropriately account for likely reduced participation rates due to the pandemic? And how can this include capturing and making transparent information about the reasons why students were unable to participate in assessments?
- How states can leverage their existing school improvement plans to address resource inequities that may have been exacerbated by the pandemic?
- How might states meaningfully engage stakeholders in their education communities to gather input on what additional data may be collected to inform the approach to recovery?

We would be happy to answer any questions or to provide any additional information that may be helpful.

Sincerely,

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