

August 1, 2016

Data Quality Campaign Comments on ESSA Proposed Regulations on Accountability, State Plans, and Data Reporting

The Every Student Succeeds Act (ESSA) preserves the most positive legacy of the No Child Left Behind era—more accurate and transparent data about the performance of all students—and helps states take their efforts to use data in support of student learning to the next level. The Data Quality Campaign (DQC) appreciates the opportunity to provide input on the Department of Education’s (ED) recent proposed regulations. While many facets of the proposed regulations should be celebrated, there are opportunities for ED to go further to help states and districts better share valuable information with families and the public, safeguard student privacy, and improve the quality of data used for decision making.

Producing Effective Public Reporting and School Report Cards

ESSA requires that states prioritize the creation of accessible, user-friendly report cards that meet the needs of educators, families, and communities. The proposed regulations include many provisions ensuring that states move beyond compliance-driven reports by adding useful data and by providing information in a way that is easy for stakeholders to access and comprehend.

In particular, DQC would like to reinforce the importance of maintaining the following reporting requirements related to and building on ESSA’s express reporting provisions:

- States should involve parents in the process of designing report cards, and must display, to the extent practicable, the information in a language that parents can understand
- Report cards should be displayed on a single page of a state education agency’s (SEA) website
- Report cards should include demographic and academic achievement data for each school authorized by a public chartering agency in the state, and that data should be compared to the community in which the charter school is located
- Report cards must have an overview section that is prominently displayed, in addition to providing more in-depth performance information for schools both overall and broken down by each indicator

In addition, DQC strongly supports ED’s proposed regulations designed to ensure greater communication with parents, including the ESSA requirement regarding notification of schools identified for comprehensive support, the public availability of school improvement plans, and information on how assessment participation rates and subgroup performance are calculated. Overall, the proposed regulations will ensure that stakeholders are engaged and that necessary data are available to parents and communities in a coherent and clear format.

However, public reporting cannot inform decisionmaking unless families have easy access to the information and their educators and school leaders have the ability to share and discuss information about their school.

DQC recommendation: Opt for providing non-regulatory guidance on best practices for disseminating local education agency (LEA) report cards, building on ESSA’s express statutory requirements, including recommendations to post the LEA report cards on each school’s website and work with school leaders to disseminate the report cards to parents and communicate with them about how to understand and use the information.

In addition, the proposed regulations should be supplemented by guidance to protect student privacy, consistent with the ESSA’s specific privacy provisions related to public reporting. Effective data use to support student achievement depends on ensuring that parents can trust schools ability to protect their student’s personally identifiable information.

DQC Recommendation: While the Family Educational Rights and Privacy Act’s regulations apply in this context, states would benefit from additional non-regulatory guidance (including resources supporting the excellent work of the Privacy and Technical Assistance Center) regarding protecting the privacy and confidentiality of student information while producing high-quality report cards. Building trust in how data are used and safeguarded requires governance bodies to protect student data, adequate administrative, physical and technical security, staff training about to meet federal reporting requirements without compromising privacy, as well as effective communication with the public detailing how data is used and secured.

To learn more, see DQC’s [Empowering Parents and Communities through Quality Public Reporting](#) and [Roadmap to Safeguarding Student Data](#).

Meeting the 95 Percent Assessment Participation Requirement

When assessments are used well, they help to inform classroom instruction and policymaking in meaningful ways by measuring skills and outcomes that matter. ESSA retains the requirement that states assess at least 95 percent of their students and 95 percent of all students in each covered subgroup, and it is crucial that states and districts work with their schools to meet this threshold. Opt-out bias is not random, and incomplete data yield incomplete results. States need reliable data in order to make policy and programming decisions that best meet all students’ needs. Incomplete data [compromises accountability ratings](#) and prevents important policy analysis such as how assessment scores correlate with college-going rates. When students miss assessments, parents and educators lose important measures of student growth and markers of performance measured outside of their own school.

DQC supports the following elements of ESSA and related proposed regulations, which will help to ensure that states meet the 95 percent requirement and that steps are taken to raise assessment participation:

- State accountability systems must include measurement of achievement for at least 95 percent of students both overall and for each subgroup
- Schools that have under 95 percent participation, and LEAs with a significant number of schools missing the 95 percent participation rate, must develop and implement improvement plans in partnership with stakeholders

DQC Recommendation: *Provide further non-regulatory guidance on examples of steps states can take to communicate effectively about the importance of assessments in improving education, raise assessment participation, and on designing plans for audits of state and local assessments.*

Disaggregating Data in New Ways

ESSA requires states to disaggregate student data in new ways so that policymakers and the public can better understand how schools are serving our students, including those from more vulnerable populations.

DQC believes that the following proposed regulations will help to ensure consistency of high-quality data across states while protecting the rights of historically underserved students:

- Each student subgroup must be considered separately, without the combination of “super subgroups”
- States who choose to set their n-size at larger than 30 students are required submit a justification for this number
- State’s chosen indicators for school quality/student success must be comparable across subgroups
- Clarifications regarding the meaning of the terms “migrant status,” “homeless status,” “child in foster care status,” and “student with a parent who is a member of the Armed Forces on active duty”

States should look to research such as the recent [Alliance for Excellent Education report](#), as well as the [Privacy Technical Assistance Center \(PTAC\)](#) to examine how to set appropriate n-sizes that protect student privacy, ensure statistical reliability, and illuminate any achievement gaps between subgroups.

DQC recommendation: *Consider providing non-regulatory guidance on additional methods states can use to identify comprehensive and targeted support school, in order to make more meaningful comparisons to all other students in the school, rather than only to those students in the bottom five percent of schools for performance.*

Reporting Per-Pupil Spending and Funding Equity

ESSA implementation is an opportunity for states to increase the amount of high-quality education data that is available to families and other stakeholders. Financial data, when viewed in context with other education information, can illustrate how different investments in education affect student achievement.

ESSA, and the related proposed regulations, contain a number of provisions ensuring transparency and uniformity in school funding reporting that should be maintained in the final rules, including:

- States and local education agencies (LEAs) must develop a single system for calculating and reporting per pupil expenditures of federal, state, and local funds
- This information must be provided on state report cards, with a link to a description of this uniform calculation procedure
- LEAs must report the per pupil expenditure of funds not allocated to the state’s public schools

- The requirement that states consider and address resource inequities when forming improvement plans for schools identified for comprehensive or targeted support

To learn more, see DQC's [Using Financial Data to Support Student Success](#).

Calculating Indicators of Postsecondary Success and Governing (P-20/W) Data Systems

Indicators about students' postsecondary success are among some of the most valuable information for families and communities, and states already have the capacity to report postsecondary enrollment, persistence, and remediation information. The proposed regulations are a strong first step in clarifying for states how postsecondary enrollment and other related rates should be calculated while also reaffirming the crucial commitment to reporting rates disaggregated for each student subgroup.

ESSA's requirement to report data about enrollment in private and out-of-state postsecondary institutions "where available" highlights how important it is for states to understand their students' pathways and their state's economic and education needs. However, most states would benefit from assistance in developing the capacity and data systems needed to calculate these informative indicators.

DQC recommendation: *Publish further non-regulatory guidance regarding strategies to help states build the internal capacity to create and maintain the linkages between K-12 and postsecondary data systems needed to calculate these critical enrollment indicators. In addition, states need non-regulatory guidance on establishing P-20/Workforce governance bodies capable of making informed and thoughtful decisions about data linkages, use, privacy, and public reporting.*

For example, [Maryland](#) provides a strong example of how to implement P-20/W data systems, and [Kentucky](#) is a model for sharing postsecondary success information with schools and the public.

To learn more, see DQC's [Pivotal Role of Policymakers as Leaders of P-20/Workforce Data Governance](#).

Calculating High School Graduation Rates

High school graduation rates provide an important measure of how well schools are preparing their graduates for college and career success. However, there is additional work to be done to improve the quality of graduation rate data within and across states. For example, states should select a ninth grade cohort assignment date early enough in the school year to most accurately define the incoming cohort group before attrition begins. States may also need to accommodate their calculations for different diploma types and alternative schools. These definitional decisions can ensure that the cohort graduation rate is a reliable measure of student outcomes and provides a path forward to support individual students.

DQC Recommendation: *Provide further related guidance on calculating accurate, comparable high school graduation rates.*

To learn more, See DQC's [Sealing the Cracks: Using graduation data, policy, and practice to keep all kids on track](#)

Chronic Absence Data

The inclusion of chronic absence data on state report cards will provide valuable and meaningful information to school leaders and families. Chronic absence information can often help uncover health, transportation, safety, and other challenges facing students.

DQC recommendation: Provide additional non-regulatory guidance on how to use chronic absence data to identify and address challenges facing students and schools.

[Attendance Works](#) provides numerous resources and information on calculating, understanding, and using chronic absence data to improve attendance and student outcomes.

Conclusion

DQC staff welcome the opportunity to further discuss these topics with ED staff. We are optimistic about the opportunity that ESSA creates for states to employ data to meet education goals, and overall this proposed guidance is a step toward pursuing these goals.

The Data Quality Campaign is a nonprofit policy and advocacy organization leading the effort to bring every part of the education community together to empower educators, families, and policymakers with quality information to make decisions that ensure that students excel. For more information, go to www.dataqualitycampaign.org and follow us on Facebook and Twitter (@EdDataCampaign).