

August 1, 2016

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

Re: Notice of Proposed Rulemaking on Accountability and State Plans (Docket ID ED-2016-OESE-0032)

Dear Dr. King:

The undersigned individuals and organizations collectively submit these recommendations in response to the U.S. Department of Education's (ED) notice of proposed rulemaking (NPRM) regarding accountability systems, State Educational Agency (SEA) and Local Educational Agency (LEA) report cards, and consolidated State plans under the Every Student Succeeds Act (ESSA). These recommendations, which focus on the proposed regulations related to ESSA's "evidence-based" provisions, build on the recommendations included in the two letters several of us submitted to ED on January 21, 2016, and April 12, 2016.

One of the most consistent and significant shifts in ESSA is its commitment to the use of evidence to drive better outcomes for students. Implemented well, the evidence provisions can both improve student outcomes and increase the return on federal, state, and local education investments as more resources are spent on programs and practices likely to have a positive impact. Further, they can help develop learning systems at all levels of public education, grounded in the regular use of data, evidence, evaluation, and continuous improvement.

We applaud the many ways that the NPRM on Accountability and State Plans supports and advances the use of evidence, especially in the critical area of school improvement and support. In particular, we support the proposed regulations because they would:

- Emphasize the importance of conducting high-quality needs assessments and using the results of those assessments to inform the development of high-quality support and improvement plans that include evidence-based interventions;
- Encourage states, districts, and schools to make use of the strongest and most relevant evidence available to meet a school's particular needs;
- Treat evidence-based interventions as a central aspect of support and improvement plans, including by driving towards more rigorous and increased use of evidence-based interventions when a school identified for support and improvement does not exit improvement status;
- Infuse the use of evidence throughout the school improvement process, including, for example, in an SEA's decision whether to renew an LEA's school improvement grant;
- Require that SEAs help build capacity in LEAs and schools to access and use evidence-based interventions to improve student outcomes;

- Build the evidence base through requiring SEAs to evaluate the impact of school improvement interventions and disseminate the results and lessons learned from those evaluations; and
- Include both specific school improvement evidence provisions and a general continuous improvement approach to supporting LEAs as key parts of consolidated state plans.

We also believe that there are a number of ways to build upon these proposed regulations and have attached specific recommendations for your consideration. We are confident that these actions can lead to significant improvements in student outcomes and substantial increases in our shared understanding of what works in education.

Thank you for your ongoing commitment to leveraging evidence to improve outcomes for students, your many efforts to implement ESSA successfully, and your openness to our continued input on these issues. Please let us know if we can be of further assistance.

Sincerely,

AdvancED
 America Forward
 America's Promise Alliance
 AppleTree Institute for Education
 Innovation
 Building Educated Educators for Life
 (BELL)
 Center for Research and Reform in
 Education, Johns Hopkins
 University
 Citizen Schools
 City Year
 College Possible(TM) National
 Community Training and Assistance
 Center
 Data Quality Campaign
 EDGE Consulting Partners
 Education Northwest
 Everyone Graduates Center
 IDEA Public Schools
 Johns Hopkins University Institute for
 Education Policy
 KIPP

Learning Forward
 Lynn Cominsky, Director, Education and
 Public Outreach, Sonoma State
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 Mark Greenberg, Bennett Chair of
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 University
 McREL International
 Montgomery County Public Schools
 (NC)
 National Forum to Accelerate Middle
 Grades Reform
 New Classrooms
 New Leaders
 Research Institute for Key Indicators
 Results for America
 RMC Research Corporation
 Success for All Foundation
 Teach For America
 The Laura and John Arnold Foundation
 TNTP
 Year Up
 YES Prep Public Schools

cc: Emma Vadehra, Nadya Chinoy Dabby, Ruth Curran Neild, Amy McIntosh, Ann Whalen, Joy Lesnick, Emily Anthony, Jennifer Bell-Ellwanger, Cecilia Muñoz, Roberto Rodriguez, Bethanne Barnes

RECOMMENDATIONS

I. Proposed Regulation §200.21—Comprehensive support and improvement

1. Proposed §200.21(c)(4) notes that needs assessments for schools identified for comprehensive support and improvement may include, "[a]t the LEA's discretion, the school's performance on additional, locally selected indicators that are not included in the State's system of annual meaningful differentiation under §200.18 and that affect student outcomes in the identified school." We believe the quality of the improvement plan depends in great part on the quality of the needs assessment. This is especially true with respect to how well the assessment informs the selection of evidence-based interventions that authentically and effectively address the root causes of underperformance in the school. This proposed regulation provides an important opportunity for the needs assessment *itself* to be informed by evidence. For example, if there is evidence that chronic absenteeism impacts student learning, LEAs should be encouraged to select it over other, less evidence-based indicators related to student performance (e.g., average daily attendance).

Recommendation: Revise §200.21(c)(4) to read "At the LEA's discretion, the school's performance on additional, locally selected indicators that are not included in the State's system of annual meaningful differentiation under §200.18; ~~and~~ that affect student outcomes in the identified school; **and that are supported, to the extent practicable, by the strongest evidence that is available and appropriate to the identified school.**"

2. Proposed §200.21(d)(3) clarifies that the "evidence-based interventions" required by ESSA to be part of improvement plans means "one or more interventions" that meet the definition of "evidence-based." We applaud this flexible approach to the number of interventions required, given that some single interventions are "whole-school" models. But we believe this regulation can further encourage LEAs to maximize the role that evidence-based interventions play in school improvement by clarifying that ESSA does not define "interventions" in a restrictive way or otherwise indicate that the term is meaningfully different from similar terms like "activities," "strategies," "programs," or "practices" that are also used interchangeably in the legislation. This clarification will ensure the focus is on the way the plans leverage the evidence base rather than esoteric debates about what distinguishes an intervention from a strategy, etc.

Recommendation: Revise §200.21(d)(3) to read "Includes one or more interventions **(which may also include activities, strategies, programs, or practices)....**"

3. Proposed §200.21(d)(3) also includes a long list of examples of interventions. We have several concerns about the list as drafted. First, it may cause confusion about what is and is not an evidence-based intervention as required by ESSA. For example, "reorganizing the school to implement a new

instructional model" is not itself an evidence-based intervention; rather, the selected new instructional model would have to be. Second, the list is strongly weighted toward *school*-level structural reforms and may suggest to LEAs that their improvement plans should not include interventions targeted at improving *classroom*-level instructional practices. Third, lists such as this are often misconstrued in the field as being exhaustive even when they are introduced by "e.g." or "including but not limited to." Finally, as a general matter, we believe illustrative lists such as this are better suited to guidance rather than regulation.

Recommendation: Our strong recommendation is to delete the parenthetical list in §200.21(d)(3). Alternatively, ED could replace the current list with something like the following note in §200.21(d)(3)(i): "Meet the definition of 'evidence-based' under section 8101(21) of the Act, **including interventions with evidence of effectiveness that operate at the student, classroom, school, or type of school level.**" If the list remains (in regulations or guidance), ED should revise it to include only those interventions supported by strong, moderate, or promising evidence, since those three levels are required for any improvement plans funded by the school improvement set aside (Section 1003 funds).

4. Proposed §200.21(d)(3)(ii) and (iii) encourage LEAs, to the extent practicable, to select evidence-based interventions that are supported by the most relevant and strongest available evidence. We applaud this approach that views the definition of "evidence-based" as a floor rather than a ceiling and that encourages LEAs to engage with the available evidence in a thoughtful way that will increase the likelihood that the selected interventions will improve outcomes in the particular context. There are other aspects of evidence that LEAs should also consider beyond the two in the proposed regulation, including but not limited to effect sizes, sample sizes, the importance of the studied outcome, the full body of evidence about particular interventions, cost-benefit analyses, and other implementation information.

Recommendation: Add a new §200.21(d)(3)(iv)—and renumber the current (iv) to (v)—that would read: "**Are selected after considering, to the extent practicable, additional aspects of evidence (e.g., effect sizes, sample sizes, the importance of the studied outcome, the full body of evidence about particular interventions, cost-benefit analyses, and other implementation information); and**". ED should also include references to these other aspects of evidence in the supplementary information preceding the regulations related to developing comprehensive and targeted support and improvement plans. We also encourage ED to highlight these other aspects in any future guidance, as appropriate.

5. Proposed §200.21(f)(3)(iii) establishes parameters for how LEAs must amend their improvement plans for comprehensive schools that do not meet the state's exit criteria within the required time frame. The proposed regulation notes that the revised plans must include *additional* interventions that *may* address school-level operations (e.g., budgeting, staffing, or the school day and year) and *must*

meet three additional parameters, which include (A) an increased role for the SEA in selecting the interventions; (B) a higher bar for supporting evidence; and (C) a repeated encouragement to rely on available evidence that is relevant to the school's setting. As a general matter, we support increasing the role that evidence-based interventions play in an improvement plan, especially when the original plan has not sufficiently improved student outcomes. That said, we have two concerns with the current language of §200.21(f)(3)(iii). First, it does not explicitly state that the additional interventions must be evidence-based, even though the parameters in (A)-(C) strongly suggest that ED intends them to be. Second, it could also be interpreted to mean that any additional interventions addressing "school-level operations" must be evidence-based, which in some cases may not be appropriate given the existing evidence base and challenges with connecting some operations changes to "student outcomes or other relevant outcomes" as required by ESSA. The provision can be strengthened by making clear that the revised plans *must* use the results of the new needs assessment required by §200.21(f)(2) to select more rigorous evidence-based interventions that will either supplement or replace the interventions in the original improvement plan (depending on whether those original interventions have been effective even if the overall plan has not). Further, the regulation should make clear that revised plan *may* include interventions addressing operational matters, which may or may not be "evidence-based" as defined by ESSA.

Recommendation: Break §200.21(f)(3)(iii) into two provisions as follows:

- (iii) Include, **at the LEA's discretion**, implementation of additional interventions in the school that may address school-level operations (which may include staffing, budgeting, and changes to the school day and year); and
- (iv) **Replace or supplement existing evidence-based interventions with additional evidence-based interventions** that must--".

6. Proposed §200.21(f)(3)(iii)(A), as noted above, increases the SEA's role in developing the revised improvement plan. We support the idea that a state should play an increased role when a school has not exited; however, the proposed language of §200.21(f)(3)(iii)(A) is somewhat internally inconsistent about what that increased state role must be. The beginning phrase—"determined by the State"—suggests that the SEA itself must select additional interventions for each non-exiting comprehensive school. Meanwhile, the concluding phrase—"which may include requiring an intervention from among any State-established evidence-based interventions or a State-approved list of evidence-based interventions"—suggests a more flexible approach that allows SEAs to carve out their increased roles in a number of ways. The latter more flexible approach is the wiser one. Indeed, some states may have the will and capacity to select interventions in each non-exiting comprehensive school that are responsive to the school's needs assessment. But other states may reasonably conclude that the better policy would be to constrain LEAs' choices but still leave the initial decision to the LEA (with SEA approval of the amended

plan as a backstop). To further reinforce this flexibility, we recommend replacing "State-established" with "State-approved," which is also consistent with the proposed language regarding the "list of evidence-based interventions."

Recommendation: Revise §200.21(f)(3)(iii)(A) to read "Be determined by ~~the State-established process for identifying relevant and rigorous interventions based upon the new needs assessments~~, which may include ~~the State selecting the intervention or requiring an LEA to select~~ an intervention from among any State-~~established~~approved evidence-based interventions or a State-approved list of evidence-based interventions, consistent with State law and §200.23(c)(2) and (3);".

7. Proposed §200.21(f)(3)(iii)(B), as noted above, requires the additional interventions to be "more rigorous such that one or more evidence-based interventions in the plan are supported by strong or moderate evidence." Again, we support this approach of leveraging interventions that are more likely to have a positive impact in comprehensive schools that have not yet exited improvement status. But the language in the proposed revision could be confusing to the field, especially in situations where the original improvement plan already included an intervention supported by strong or moderate evidence. In such a case, the LEA might not know whether §200.21(f)(3)(iii)(B) applies at all or requires adding to the plan a new intervention supported by strong or moderate evidence. We think the better approach is the latter—if the original improvement plan is not succeeding, then the LEA should be required to replace or supplement existing interventions with additional interventions supported by strong or moderate evidence that are responsive to the results of the new needs assessment. Furthermore, we recommend including here a similar provision as we proposed in #4 above to encourage the consideration of other important aspects of supporting evidence.

Recommendation: Revise §200.21(f)(3)(iii)(B) to read "Be ~~more rigorous such that one or more evidence-based interventions in the plan are~~ supported by strong or moderate evidence, consistent with section 8101(21)(A) of the Act; and". Add a new §200.21(f)(3)(iii)(D) that would read "~~Be selected after considering, to the extent practicable, additional aspects of evidence (e.g., effect sizes, sample sizes, the importance of the studied outcome, the full body of evidence about particular interventions, cost-benefit analyses, and other implementation information).~~"

Note: Given that #5-#7 all relate to §200.21(f)(3)(iii), we have included our complete proposed revision in the footnote below.¹

¹ Taken together, our recommendations in #5-#7 would revise 200.21(f)(3)(iii) to read:
(iii) Include, at the LEA's discretion, implementation of additional interventions in the school that may address school-level operations (which may include staffing, budgeting, and changes to the school day and year); and
(iv) Replace or supplement existing evidence-based interventions with additional evidence-based interventions that must--

II. Proposed Regulation §200.22—Targeted support and improvement

8. Proposed §200.22(c)(3)(ii) mirrors §200.21(c)(4), discussed above in #1. Our comments and recommendation above apply equally in the context of targeted support and improvement.

Recommendation: Revise §200.22(c)(3)(ii) to read: "At the school's discretion, the school's performance on additional, locally selected indicators that are not included in the State's system of annual meaningful differentiation under §200.18; ~~and~~ that affect student outcomes in the identified school; **and that are supported, to the extent practicable, by the strongest evidence that is available and appropriate to the identified school.**"

9. Proposed §200.22(c)(4) mirrors §200.21(d)(3), discussed above in #2. Our comments and recommendation above apply equally in the context of targeted support and improvement.

Recommendation: Revise §200.22(c)(4) to read "Includes one or more interventions **(which may also include activities, strategies, programs, or practices)**...."

10. Proposed §200.22(e)(2)(i) interprets the "additional action" LEAs are required to take pursuant to ESSA 1111(d)(2)(B)(v) when a targeted support and improvement school does not meet the exit criteria. We believe ED's parameters can be strengthened in two ways. First, the selection of evidence-based interventions *must* be grounded in a deep understanding of the context and the particular challenge that needs to be addressed, so that, among other things, interventions address root causes, are appropriate for the populations they serve, and reflect the full body of evidence. Accordingly, LEAs should conduct a new needs assessment prior to amending the targeted plan. Second, the non-exiting targeted schools would benefit from incorporating interventions that are both supported by strong or moderate evidence and appropriate to address the problems found by the needs assessment, just like the non-exiting comprehensive schools must under §200.21(f)(3)(iii)(B) (discussed above in #7).

Recommendation: Revise §200.22(e)(2)(i) to read "Require the school to **conduct a needs assessment consistent with those required when amending**

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- (A) Be determined by a State-established process for identifying relevant and rigorous interventions based upon the new needs assessments, which may include the State selecting the intervention or requiring an LEA to select an intervention from among any State-approved evidence-based interventions or a State-approved list of evidence-based interventions;
 - (B) Be supported by strong or moderate evidence, consistent with section 8101(21)(A) of the Act;
 - (C) Be supported, to the extent practicable, by evidence from a sample population or setting that overlaps with the population or setting of the school to be served; and
 - (D) Be selected after considering, to the extent practicable, additional aspects of evidence (e.g., effect sizes, sample sizes, the importance of the studied outcome, the full body of evidence about particular interventions, cost-benefit analyses, and other implementation information).

comprehensive support and improvement plans under §200.21(f)(2), amend its targeted support and improvement plan to include additional actions that continue to meet all requirements under paragraph (c) of this section and address both the reasons the school did not meet the exit criteria and the results of the new needs assessment, and encourage consider including interventions that either ~~meet a higher level of evidence under paragraph (c)(4) of this section than the interventions included in the school's original plan~~ are supported by strong or moderate evidence or increase the intensity of effective interventions in the school's original plan;"

III. Proposed Regulation §200.23—State responsibilities to support continued improvement

11. Proposed §200.23(b) identifies the type of technical assistance SEAs must provide to their LEAs with a "significant number" of schools identified for improvement. Technical assistance must be a high priority to help build capacity to support and improve low-performing schools. We applaud ED for focusing this technical assistance on the "effective implementation of evidence-based interventions and support" including how to "develop and implement" improvement plans, "develop or use tools related to conducting a school-level needs assessment," and "selecting evidence-based interventions." As noted above, a critical element of evidence-based school improvement is how to connect the results of a needs assessment to the selection of the evidence-based intervention. The SEA-provided technical assistance should explicitly address that essential nexus. Furthermore, we urge ED to further define the scope of the technical assistance to include more explicit reference to implementation.

Recommendation: Revise §200.23(b)(3)(ii) to read "Selecting evidence-based interventions based on the results of the needs assessment and consistent with §§ 200.21(d)(3) and 200.22(c)(4); and". Add a new §200.23(b)(3)(iii)—and renumber the current (iii) to (iv)—that would read: "Implementing evidence-based interventions, including practices related to progress monitoring, continuous improvement, evaluation, and leveraging partnerships with Regional Educational Laboratories, Comprehensive Centers, researchers, and local, state, and national organizations that support collaboration among researchers and practitioners; and".

12. Proposed §200.23(c)(1) implements ESSA section 1111(d)(3)(B)(i), which empowers SEAs to "take action to initiate additional improvement" in LEAs with large numbers of non-exiting comprehensive schools or large numbers of schools identified for targeted support and improvement. The proposed regulation includes an illustrative list of "school-level actions" the SEA might consider taking. As noted in #3 above, we recommend including such lists in guidance rather than regulations; however if the list remains in the final regulation, it should encourage SEAs to consider the evidence base where appropriate before taking additional action, just as ESSA and ED's regulations

encourage LEAs and schools to do when developing their improvement plans.

Recommendation: Eliminate the illustrative list in §200.23(c)(1) and instead include something similar in future guidance. If ED prefers to maintain a list in this provision, then consider revising the parenthetical in §200.23(c)(1) to read "including school-level actions such as reorganizing a school to implement a new **evidence-based** instructional model; replacing school leadership; converting a school to a public charter school; changing school governance; closing a school; or, in the case of a public charter school, revoking or non-renewing the school's charter consistent with State charter school law;".

13. Proposed §200.23(c)(2) permits states to "[e]stablish an exhaustive or non-exhaustive list of State-approved, evidence-based interventions...for use in schools implementing comprehensive or targeted support and improvement plans." We hope states will take advantage of this opportunity to support LEAs (and schools) in accessing and making use of the evidence base. We believe the language can be clarified and strengthened in two ways. First, states may reasonably prefer to *adopt* existing lists of evidence-based interventions rather than *establish* their own. Second, the use of "exhaustive" and "non-exhaustive" here is confusing. One interpretation is that the proposed regulation merely suggests that a state may seek to establish a list that is a complete collection of all existing evidence-based interventions. Another interpretation could be that a state could require LEAs and schools developing improvement plans to select evidence-based interventions only from the "exhaustive" state list. The former is likely impossible given the scope and evolving nature of the evidence base. The latter may be an approach states are interested in pursuing, but the draft regulation's use of "exhaustive" may not clearly indicate this as an option to states. As discussed above in #6, requiring LEAs to select interventions from a state list is one of the options a state may pursue in the context of a non-exiting comprehensive school. Thus, for both clarity and internal consistency, §200.23(c)(2) should use similar language to describe this optional "additional improvement action" by the state.

Recommendation: Revise §200.23(c)(2) to read "Establish **or adopt a an** ~~exhaustive or non-exhaustive~~ list of State-approved, evidence-based interventions consistent with the definition of evidenced-based under section 8101(21) of the Act **that can or, at the State's discretion, must be used for use** in schools implementing comprehensive or targeted support and improvement plans under §§ 200.21 and 200.22."

14. Proposed §200.23(c)(3) is similar to §200.23(c)(2) discussed in #13 above, except that it is limited to the context of comprehensive schools. We believe this proposed regulation can be clarified and strengthened in the same way. Also, as discussed in #6 above, we recommend avoiding the use of "determined," which may be confusing to the field.

Recommendation: Revise §200.23(c)(3) to read "Consistent with State law,

establish **or adopt** evidence-based State-~~determined~~**approved** interventions consistent with the definition of “evidenced-based” under section 8101(21) of the Act that can **or, at the State's discretion, must** be used by LEAs in a school identified for comprehensive support and improvement under § 200.19(a), which may include whole-school reform models.”

IV. Proposed Regulation §200.24—Resources to support continued improvement

15. Proposed §200.24(b) outlines the LEA application for school improvement funds (Section 1003 funds). Although it may be unclear at this point when LEAs will submit these applications, the draft regulation is somewhat confusing about what must be included. On one hand, §200.24(b)(2) requires the LEA to describe how it will develop improvement plans for its comprehensive schools and helps its targeted schools develop their improvement plans. On the other hand, §200.24(b)(1) requires that the LEA describe which evidence-based interventions “will be implemented” in those schools. Because we believe it is so critical for the selection of interventions to be based on the needs assessment of individual schools, we encourage ED to clarify that LEAs will never have to identify interventions before conducting a needs assessment and developing a plan on the basis of the results of that assessment.

Recommendation: Revise §200.24(b)(1) to clarify that, if an LEA is applying for school improvement funds *before* conducting the needs assessment or developing the improvement plan, the LEA does *not* have to identify which interventions will be implemented. In that case, the LEA application should require instead a description of how the LEA will ensure the improvement plans include “one or more evidence-based interventions that are based on strong, moderate, or promising **evidence and are appropriate to address the results of the needs assessment.**”

16. Proposed §200.24(b)(2)(i), as noted above, requires the LEA application for school improvement funds to describe how the LEA will develop comprehensive support and improvement plans. This could be strengthened by adding a reference to the needs assessment to encourage and empower SEAs to examine the caliber of the needs assessment the LEA plans to use.

Recommendation: Revise §200.24(b)(2)(i) to read “Develop and implement a comprehensive support and improvement plan that meets the requirements of §200.21, **including a description of how the LEA will conduct the needs assessments required by §200.21(c)**, for each school identified under § 200.19(a), for which the LEA receives school improvement funds to serve;”.

17. Proposed §200.24(b)(5) requires the LEA application for school improvement funds to include “[a] description of the rigorous review process the LEA will use to recruit, screen, select, and evaluate any external partners with which the LEA will partner in carrying out activities supported with school improvement funds.” Although not all such external providers will be supporting the implementation of

evidence-based interventions, many likely will. Accordingly, we believe LEAs should be encouraged to consider the track records of potential partners in implementing such evidence-based interventions, in the same way that §200.24(d)(2)(ii)(B) proposes that SEAs do when considering their own external partners.

Recommendation: Revise §200.24(b)(5) to read "A description of the rigorous review process the LEA will use to recruit, screen, select, and evaluate any external partners with which the LEA will partner in carrying out activities supported with school improvement funds, including where appropriate whether the external partner has demonstrated success in conducting needs assessments, selecting appropriate evidence-based interventions that match the results of the needs assessment, and implementing the evidence-based intervention or interventions that are based on strong, moderate, or promising evidence consistent with section 8101(21)(A) of the Act that it will implement."

18. Proposed §200.24(c)(4)(iii)(A) includes "[t]he proposed use of evidence-based interventions that are supported by the strongest level of evidence available" among the list of factors an SEA must prioritize in awarding school improvement funds, in the event the state does not have sufficient funds to support each LEA that applies. We applaud this priority because the stronger the supporting evidence, the more likely the chosen intervention will improve student outcomes. This is always important but especially so in the context of limited public funds. That said, there are aspects to an LEA's proposed use of evidence that merit priority beyond the strength of evidence. For example, a state may reasonably want to give more priority to an LEA that maximizes the use of evidence-based interventions in all appropriate aspects of its improvement plans than to an LEA that includes one discrete intervention that is limited in its scope even though it is supported by strong evidence.

Recommendation: Revise §200.24(c)(4)(iii)(A) to read "The degree to which the LEA maximizes the appropriate use of evidence-based interventions or ~~proposed-proposes~~ to use ~~of~~ evidence-based interventions that are supported by the strongest level of evidence available and appropriate to address the results of each school's needs assessment."

19. Proposed §200.24(c)(4) appears to contain a typographical error that should be clarified so states understand the four parameters that apply in the event there are insufficient funds. §200.24(c)(4)(i)-(iv) should be listed as a series, but §200.24(c)(4)(ii) and (iii) both end in periods.

Recommendation: Revise §200.24(c)(4)(ii)(C) to replace the concluding period with ";" and revise §200.24(c)(4)(iii)(B) to replace the concluding period with ";" and".

20. Proposed §200.24(d)(1)(iii) requires states to evaluate the use of school improvement funds including at least "engaging in ongoing efforts to analyze the

impact of the evidence-based interventions" and "disseminating on a regular basis the State's findings." We applaud this focus on evaluation and dissemination as a key mechanism for growing the evidence base and making it more likely that others will access and use interventions that are more likely to improve student outcomes. We encourage ED to expand this requirement to include studying the *implementation* of evidence-based interventions as well, because no matter how strong the evidence is supporting an intervention, LEAs and schools will not see improved outcomes absent strong implementation. Finally, the requirement should also include state support for continuous improvement as part of its evaluation work.

Recommendation: Revise §200.24(d)(1)(iii) to read ""(iii) Evaluate the use of school improvement funds by LEAs receiving such funds including by, at a minimum-- (A) Engaging in ongoing efforts to analyze the **implementation and** impact of the evidence-based interventions implemented using funds allocated under this section on student outcomes or other relevant outcomes; ~~and~~(B) Disseminating on a regular basis the State's findings on **implementation and** effectiveness of the evidence-based interventions to LEAs with schools identified under § 200.19; **and (C) Supporting ongoing efforts to promote learning and continuous improvement;** and".

V. Proposed Regulation §299.14—Requirements for the consolidated State plan

21. Proposed §299.14(c)(2) requires SEAs to describe their plans for collecting data; using them to assess implementation, progress, and compliance; and continuously improving strategies that are not making sufficient progress. We applaud this approach to building learning systems that regularly leverage data, evidence, and evaluation to continuously improve student outcomes. The current draft language can be interpreted as only requiring SEAs to engage in continuous improvement when data suggests a strategy has failed. To the contrary, continuous improvement should be an *ongoing* practice that helps improve *all* strategies and activities, including but not limited to those failing to produce satisfactory outcomes. SEAs that engage in routine evidence-based continuous improvement will not only be able to improve struggling interventions but also better sustain and scale effective ones.

Recommendation: Revise §299.14(c)(2)(iii) to read "Continuously improve implementation of SEA and LEA strategies and activities, **including but not limited to those** that are not leading to satisfactory progress toward improving student outcomes and meeting the desired program outcomes; and".