

January 25, 2016

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

Re: Request for Information ED-2015-OESE-0130
Implementing Programs under Title I of the Elementary and Secondary
Education Act

Dear Dr. King:

The undersigned individuals and organizations collectively submit this response to the Secretary's Request for Information regarding implementing programs under Title I of the Elementary and Secondary Education Act (ESEA) (Docket ED-2015-OESE-0130). We appreciate the opportunity to provide input at this initial stage and look forward to continued engagement as the U.S. Department of Education (ED) leads this process of providing rules, regulations, guidance and other support to the field in the implementation of the Every Student Succeeds Act (ESSA).

One of the most consistent and significant shifts in the new law is its commitment to the use of evidence to inform policy and practice. To that end, it is critical that in all implementation rules, regulations, guidance and support (including technical assistance), ED interpret the law in ways that will advance this clear congressional intent. Implemented well, the evidence provisions can both improve student outcomes and increase the return on federal education investments, as more resources are spent on programs and practices known to make a positive impact.

We also recognize that shifting toward evidence-based practice will take time and support. To that end, we encourage ED to focus less on prescriptive regulations (except where necessary) and more on providing clear, practical, useful principles and guidelines of what evidence-based programs and practices are and what using evidence in decision making and spending entails. We also urge you to consider what technical assistance you can provide to help state and local leaders make this shift.

We appreciate your consideration of the recommendations below. If combined with robust technical assistance, we are confident these actions can lead to significant advances in student outcomes and substantial increases in our shared understanding of what works in education. We would be happy to provide any further information or additional assistance as ED addresses these and other issues as ESSA implementation progresses.

Sincerely,

AppleTree Institute for Education
Innovation
BELL (Building Educated Leaders for
Life)
Boys & Girls Clubs of Greater
Milwaukee
Cabarrus County Schools, NC
Center for Research and Reform in
Education, Johns Hopkins
University
The Children's Aid Society
Citizen Schools
City Year
College Possible National
Committee for Children
Communities in Schools
Connecticut Coalition for Achievement
Now (ConnCAN)
Education Analytics
Empirical Education
Everyone Graduates Center
Johns Hopkins Institute for Education
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The Mind Trust
Minnesota Coalition for Achievement
Now (MinnCAN)
National Board for Professional
Teaching Standards
National Forum to Accelerate Middle
Grades Reform
National Writing Project
New Classrooms
New Leaders
New York Hall of Science
Ounce of Prevention Fund
The Policy & Research Group
The Providence Plan
Results for America
Spurwink Services
Success for All Foundation
Teach For America
Tennessee State Collaborative on
Reforming Education (SCORE)
WestEd
YES Prep Public Schools

cc: Deborah Spitz, Ruth Curran Neild, Emma Vadehra, Nadya Chinoy Dabby, Amy
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RECOMMENDATIONS

The following are our initial recommendations regarding ED's priorities:

1. **Definition of "Evidence-Based":** For the first time in the history of the ESEA, the law includes a definition of "evidence-based" that identifies four levels of evidence that constitute an "evidence-based" activity, strategy, or intervention. ESSA treats the first three levels ("strong," "moderate," and "promising") differently than the fourth (must "demonstrate[] a rationale based on high-quality research findings or positive evaluation"). First, in both the school improvement provisions of Part A of Title I and seven of the authorized competitive grant programs,¹ ESSA restricts "evidence-based" to the top three levels. Second, activities qualifying via the fourth level must also include "ongoing efforts to examine the effects" of the activity to help strengthen the supporting evidence.

As a new requirement supported by a new definition, it is critical that ED help state educational agencies (SEAs) and local educational agencies (LEAs) understand and implement "evidence-based" approaches. This starts with ensuring a shared, clear understanding of the definition itself. For example:

- ED should clarify that the first three levels of evidence align with the treatment of those same concepts in the Education Department General Administrative Regulations (EDGAR). To the extent there are small differences between ESSA and EDGAR in these respects, ED should work to align them further and, in the interim, clarify how SEAs and LEAs should reconcile the two. Doing so will ensure that Congress's commitment to directing federal funds to evidence-based interventions is not undermined while at the same time supporting SEAs and LEAs in their desire to have clarity that they are acting within the law.
- ED should also consider articulating a set of general principles and practical guidance that can help state and local leaders understand what constitutes credible evidence of effectiveness and identify activities, strategies, and interventions that are most likely to meet ESSA's standards for "strong," "moderate," and "promising" evidence in improving student outcomes. The Institute of Education Sciences (IES) produced such a resource in 2003 that received widespread attention and helped introduce the education community to the evidence concepts in the No Child Left Behind Act of 2001 and the Education Sciences Reform Act of 2002 (ESRA) (see <https://www2.ed.gov/rschstat/research/pubs/rigorousvid/rigorousvid.pdf>). A similar, updated document could be developed to align with ESSA's definitions.

¹ These include: Literacy Education for All, Results for the Nation (LEARN) (Section 2221); Supporting Effective Educator Development (SEED) (Section 2242); School Leader Recruitment and Support (Section 2243); Statewide Family Engagement Centers (Section 4502); Promise Neighborhoods (Section 4624); Full-Service Community Schools (Section 4625); and Supporting High-Ability Learners and Learning (Section 4644).

- ED and IES should consider ways to align the What Works Clearinghouse (WWC) with ESSA's evidence levels, so WWC can be even more broadly useful as SEAs and LEAs across the nation increasingly search for and invest in evidence-based interventions, activities, strategies, practices, and programs. ED and IES should make clear, however, that the WWC represents a non-exhaustive list of qualifying evidence-based interventions, since IES does not have the capacity to review every experimental, quasi-experimental, or correlative study.
- ED should clarify that the fourth level of evidence allows some federal funding to help determine if promising but unproven interventions actually improve student outcomes. If they do, then these fourth-level interventions can "move up" to the top three levels—the specific level will depend on the strength of the newly-established evidence—and be used across ESSA's evidence-based provisions, including for school improvement. The legislative intent is clear on this point because Congress would not have required further evaluation only for the fourth level if, like the top three levels, it was intended to serve as a permanent justification for an intervention to qualify as "evidence-based." Accordingly, ED should clarify that the fourth level effectively means "under evaluation." This will help underscore that these interventions do not yet have a reliable evidence base and meet the statutory definition only temporarily while they are being evaluated for inclusion in the top three levels of evidence.
- ED should also clarify that the "ongoing efforts to examine the effects" of these fourth-level interventions must be, at a minimum, rigorous enough to potentially qualify the intervention as having "promising" evidence (i.e., a "well-designed and well-implemented correlational study with statistical controls for selection bias").

2. **School Improvement:** ESSA takes a significantly different approach to school improvement than either the No Child Left Behind Act (NCLB) or the ESEA Flexibility Waivers did. Instead of the federal government prescribing particular interventions or turnaround models, ESSA empowers LEAs to develop for each identified school an improvement plan that responds to achievement data, aligns to the findings of school-level needs assessments, and "includes evidence-based interventions." To that end, we think ED should take several actions that would help the field. For example:

- ED should clarify that a key focus for SEAs in approving, monitoring, and periodically reviewing school improvement plans should be on how well the plans leverage the evidence base to support school improvement. Every school improvement plan not only must include evidence-based components, but should also maximize the role that evidence-based interventions play in school improvement.
- ED should clarify that the requirements of Section 1111(d)(1)(B)(ii) (comprehensive plans) and 1111(d)(2)(B)(ii) (targeted plans) to "include[] evidence-based interventions" in school improvement plans should be broadly

applied. Indeed, Congress did not define "interventions" 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.

3. **Education Innovation and Research:** Section 4611 authorizes a federal evidence-based innovation fund, the Education Innovation and Research (EIR) Grants program. EIR not only establishes different categories of grants that align to the strength of evidence supporting the proposal, but it also explicitly requires grantees to help build the evidence base by independently evaluating the effectiveness of their grant-funded activities. We believe these field-initiated, evidence-based innovations will have an important impact on student achievement, first within the students served by EIR grantees and later across the field as EIR adds more approaches to our understanding of what works. ED should regulate and provide guidance for this new program in ways that will maximize this opportunity. For example:

- ED should clarify that in recognition of the relative strength of supporting evidence, "mid-phase" grants will be eligible for larger grants than "early-phase" grants, and "expansion" grants will, in turn, be eligible for larger grants than "mid-phase" grants. Tying levels of funding to the levels of evidence is a hallmark of the tiered evidence approach, and a critical ingredient in building incentives for increasing evidence over time.
- ED should clarify that the "rigorous evaluations" required in EIR must meet the standard set out in ESRA for "scientifically-valid education evaluation." This statutory standard has guided ED's evaluation activities since ESRA's enactment in 2002 and, consistent with ESSA's hierarchy of evidence, it signals a preference for randomized controlled trials, where feasible, and the strongest possible methods for establishing causality when random assignment is not feasible. To that end, we recognize the importance of ensuring coordination and alignment with ESRA as a whole and encourage ED and IES to do so. The ESRA standard for scientifically valid evaluation is as follows:

"SCIENTIFICALLY VALID EDUCATION EVALUATION.—The term "scientifically valid education evaluation" means an evaluation that—

- (A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;
- (B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;
- (C) provides an analysis of the results achieved by the program with respect to its projected effects;

(D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and
(E) may study program implementation through a combination of scientifically valid and reliable methods.”

- ED should clarify that the requirement for EIR evaluations to be independent means that these rigorous evaluations must be designed and carried out independently of, but in coordination with, any employees of the entities who develop a process, product, strategy, or practice and/or are implementing it. A clear and rigorous standard of "independence" is necessary for the field to have confidence in the results of the EIR program and subsequently work to replicate the most proven approaches.
 - ED should clarify that the “sizable, important impacts” required by ESSA to qualify for an EIR expansion grant meet the standard that ED has set out in prior evidence-based grant solicitations: “statistically significant, substantial, and important effects on improving student achievement or student growth, closing achievement gaps, decreasing dropout rates, increasing high school graduation rates, or increasing college enrollment and completion rates.”
 - ED should clarify that nonprofit organizations applying for an EIR grant must identify the types of LEAs and/or schools with which the organization will partner to implement the grant. This requirement, which ED has also used in prior solicitations, will help ensure EIR applications from these organizations are focused on student outcomes, make transparent which schools and communities are the target population, and increase the likelihood that a successful implementation can be replicated in schools across the country.
4. **Competitive Grants:** ESSA requires ED to give priority to applicants with evidence-based proposals in seven competitive grant programs. As with the school improvement provisions described above, ESSA applies the stricter version of the evidence-based definition (only strong, moderate, or promising levels of evidence) to these competitive priorities. ED should implement this congressional mandate to privilege evidence in such a way as to maximize the impact of these competitive funds on student success. For example:
- ED should clarify that it will implement the evidence-based priority by awarding competitive preference points in a tiered manner. In other words, proposals supported by promising evidence receive preference points, but those supported by moderate evidence receive more points and those with strong evidence even more. This approach will—without mandating that applicants use evidence-based programs—help direct more federal funds to proposals with the greatest likelihood of significantly improving student outcomes.

- ED should clarify that SEAs use the same "tiered priority points" approach described immediately above when they are required by ESSA to implement an evidence-based priority in awarding subgrants to LEAs.

5. **Evaluation:** Congress further demonstrated its commitment to building the evidence base of what works in education by newly allowing ED to set aside up to 0.5% of Title III funds and \$710,000 of Title I funds for program evaluations, in addition to the existing authority to set aside up to 0.5% of other ESEA program funds. Given how often ESSA requires or encourages the use of evidence in spending federal funds, the more ED can help build the evidence base, the more impactful these evidence-based provisions will be. For example:

- ED should plan to take full advantage of its evaluation authority by answering the most pressing and useful questions about what works, for whom, and in what circumstances.²
- ED should be transparent in how it uses this authority, making public its annual level of investment in evaluation, a list of programs evaluated each year, and the results of each evaluation.

6. **"Reasonably Available" Determinations:** In twelve provisions requiring or encouraging "evidence-based" use of federal funds, ESSA permits an SEA to determine if relevant evidence is "reasonably available." These provisions presumably are intended to address concerns that, in some areas, there is not yet a sufficient evidence base or that, even where evidence does exist, SEAs and LEAs may not readily access it. The various forms of guidance and technical assistance discussed above can go a long way to addressing these concerns, but ED should also address how SEAs implement this caveat to the evidence-based requirements to avoid providing a loophole for not requiring or encouraging the use of evidence. For example:

- ED should place the burden on SEAs to justify any determination that evidence is not reasonably available including providing information regarding the process the SEA used to make its determination. At a minimum, SEAs must be transparent about their determinations in each area.
- ED should clarify how it will share one SEA's determination that evidence in a particular area *is* reasonably available with other SEAs. Relatedly, ED should clarify whether and how such a determination by one SEA will play a role in ED's review of another SEA's contrary determination in the same area. Further, when ED is aware that relevant evidence is readily available, such as within the WWC or elsewhere, it should share that information with SEAs, including in any related requests for proposals or applications. Finally, ED should make clear the

² For a fuller description of this approach, see Robert Balfanz, "The Power of a Penny: Building Knowledge to Invest in What Works in Education" (Washington, DC: Results for America, 2014), accessed at <http://results4america.org/policy-hub/power-penny/>.

circumstances in which SEAs that had previously determined evidence is not reasonably available would have to revisit that determination in light of changed circumstances in the existing evidence base.