

August 22, 2016

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

Re: Developing Guidance to Support Implementation of the Evidence Provisions of the Every Student Succeeds Act

Dear Dr. King:

The undersigned individuals and organizations collectively submit this letter and recommendations to inform the U.S. Department of Education's (ED) implementation of the "evidence-based" provisions within the Every Student Succeeds Act (ESSA). This letter builds on the recommendations included in previous letters many of us submitted to ED on January 21, 2016, and April 12, 2016, along with more recent comments on ED's proposed regulations relating to accountability, school improvement, report cards, and state plans, submitted to the Department on August 1, 2016.

We write today to encourage ED to develop guidance and other resources to help those at the state, district, and school levels make better use of evidence to produce better outcomes for students. In each of our prior letters—especially in the attached April 12<sup>th</sup> letter—we have recommended that ED develop guidance on ESSA's evidence provisions, given their technical nature and how substantial the necessary shifts in policy and practice will be for much of the field. As we have begun working with states, districts, researchers, and advocates to support the effective implementation of ESSA's evidence provisions, we have become even more convinced of the need for such guidance and related resources from ED. Our recent work has also uncovered some additional issues we believe your ESSA implementation resources should address. The focus of this letter is to highlight those additional issues, most of which relate to the fourth level of evidence in ESSA's definition of "evidence-based."

Thank you for considering these recommendations and your continued leadership in supporting the effective implementation of ESSA's evidence provisions. With the right supports in place, including guidance on the issues highlighted below, we believe that states and districts will be able to leverage these provisions to make significant advances in student outcomes.

Sincerely,

America Forward  
AppleTree Institute for Education Innovation  
Building Educated Educators for Life (BELL)  
Center for Research and Reform in Education, Johns Hopkins University  
City Year  
Communities In Schools  
Community Training and Assistance Center (CTAC)  
Data Quality Campaign  
EDGE Consulting Partners  
Everyone Graduates Center  
Jobs for the Future  
Johns Hopkins University Institute for Education Policy

KIPP

Learning Forward

Lynn Cominsky, Director, Education and Public Outreach, Sonoma State University

Mark Greenberg, Bennett Chair of Prevention Research, Penn State University

McREL International

National Forum to Accelerate Middle Grades Reform

New Classrooms

New Leaders

Results for America

Richard Fiene, Affiliate Professor, Prevention Research Center, Penn State University

RMC Research Corporation

Success for All Foundation

Teach Plus

The Laura and John Arnold Foundation

TNTP

Year Up

YES Prep Public Schools

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

## RECOMMENDATIONS

### I. Previously Recommended Topics to Address in Guidance

As we noted in our April 12<sup>th</sup> letter (attached), we urge ED to develop guidance that both (1) articulates a big-picture vision for how the use of evidence can help states and districts solve their most pressing problems, and (2) addresses very concrete issues related to understanding and implementing ESSA's evidence provisions. Regarding the former, we stated:

"The first step in successfully implementing ESSA's evidence-based provisions is for ED to articulate a compelling vision not just of what success looks like but also of why success in this work is so important. For many state and local leaders and practitioners, taking evidence seriously will represent a substantial change to long-held assumptions and well-established policies, practices, and procedures. A compelling vision is critical to overcoming the forces of inertia and sustaining the work during the inevitable setbacks and challenges. It could inspire leaders at all levels of public education to embrace evidence-based decision-making as an integral part of how they work to better educate students, not simply as an exercise in compliance."

Our letter also included some examples of the type of value propositions that might help ED formulate a vision that will be compelling to state and district leaders. Further, we identified the following five cross-cutting themes that can help leaders translate vision into action:

1. **Develop Demand**—Everyone is using evidence to varying degrees, but it requires awareness, motivation, and capacity to make evidence a priority and then effectively integrate it into decision-making.
2. **Build Supply**—Despite marked improvement, the evidence base is not yet robust enough in all areas of education. The existing evidence is not always readily accessible in practitioner-friendly ways, including information about implementation. States and districts can help build the supply of evidence by generating ideas, evaluating their impact, and validating practices, including low-cost evaluations of existing and new programs.
3. **Drive toward the Best Evidence**—The stronger the evidence, the more confidence we can have of improving student outcomes. The body of evidence should grow and strengthen over time as we learn more about what works, for whom, and under what circumstances.
4. **Leverage Partnerships**—Whether building supply and demand or actually implementing the evidence-based provisions, ED, states, and districts should not have to do this work alone. We must help practitioners and policymakers at all levels leverage outside partners with research expertise and capacity to do this work well.
5. **Advance Learning Systems**—The evidence provisions in ESSA offer an opportunity beyond achieving mere compliance with federal requirements. ED should strive at every stage of implementation to use the opportunity presented by the law to help SEAs, LEAs, and schools become *learning systems* that regularly make effective use of data, evidence, evaluation, and continuous improvement. ESSA's evidence-based provisions present many important opportunities for ED to engender the shifts in both individual mindsets and organizational cultures necessary to develop such learning systems.

In our April 12<sup>th</sup> letter, we also raised numerous specific issues to address in guidance. We have attached that letter here for your reference. Although ED has addressed some of the topics via the proposed school improvement regulations, most would still be relevant to any guidance ED develops.

## II. New Topics to Address in Guidance

As we have continued to study ESSA and discuss implementation with state and district leaders, we have uncovered additional topics that ED should consider addressing in its guidance. Most of these are related to the fourth level of evidence (or "Level 4") in ESSA's multi-level definition of "evidence-based."

We increasingly believe that the effectiveness of ESSA's evidence provisions could depend significantly on how states and districts approach the fourth level of evidence. At worst, the fourth level could weaken the meaning of the evidence concept and fail to build the field's confidence in and commitment to using evidence-based decision-making. At best, the fourth level could serve as an opportunity for states and districts to become evidence generators, enlarge the evidence base, and promote ongoing learning and improvement. And by so doing, the fourth level could become a key bridge between evidence, innovation, and continuous improvement efforts, which are too often treated as distinct or incompatible.

Accordingly, we strongly urge ED to develop comprehensive guidance about why, how, and when states and districts should leverage the fourth level of evidence. This should begin with a strong explanation of the value of undertaking meaningful efforts to use Level 4, including its potential to create more "evidence builders" among educators and its role in promoting learning systems. Such guidance should also address the specific questions identified below related to the fourth level's two required elements:

### 1. The "Rationale" Requirement of Level 4 Evidence

The first Level 4 requirement addresses what must be shown on the *front end* to qualify as "evidence-based" under Level 4: **"Demonstrates a rationale based on high-quality research or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes."** This language would benefit from further clarification and guidance to help states, districts, and schools understand what qualifies for Level 4. Without greater explanation, the field may arrive at conflicting answers to the following questions. Having a more consistent understanding will maximize practitioners' opportunity to leverage Level 4. Further, if the answers to these questions vary from state to state, there may develop inconsistencies and the emergence of the lowest common denominator as the default standard.

- To understand Level 4 (including the term "rationale"), what attention if any should the field pay to the definition of "strong theory" as used by ED in other contexts such as the i3 program?
- What is "high-quality research" and how does it differ from the type of studies that satisfy Levels 1-3?
- What must be true of an evaluation to be "positive"? For example, is this meant to refer to a prior evaluation that identified effects that were positive but not statistically significant (as required for Levels 1-3)?

- Several people have raised the following hypothetical case—any guidance from ED should clarify how states and districts should approach situations like these:

A branded program (X) has supporting evaluations that qualify it for one of the top three levels of evidence. A district does not procure the branded program but instead seeks to implement its own version of the program (Y) that incorporates components of the X program (e.g., tutoring, but not X's tutoring program). Can the district use X's supporting evaluations as the "high-quality research" or the "positive evaluation" required to qualify Y for Level 4?

## 2. The "Ongoing Efforts" Requirement of Level 4 Evidence

The second Level 4 requirement establishes what is required for the *back end* of implementing something under this level of evidence: **"Includes ongoing efforts to examine the effects of such activity, strategy, or intervention."** This requirement is a critical mechanism for building the evidence base and promoting continuous improvement. The following are some questions the field will face and that ED should consider addressing in guidance and other forms of technical assistance:

- The statutory language does not indicate *who* must conduct the required examination or *where* it must occur. For a variety of reasons, we urge ED to clarify that a state or district seeking to qualify an activity, strategy, or intervention under Level 4 must be able to identify "ongoing efforts" even if those efforts are being conducted by someone else and even if the implementation being studied is taking place in a different state or district, provided the *same* activity, strategy, or intervention is being implemented in both places.
- It is often best practice with a new strategy or intervention to focus the initial evaluation efforts on the quality of the implementation. Impact evaluations—the kind that can produce evidence at the top three levels—are typically conducted after implementation is consistent enough to support a meaningful impact analysis. ED should clarify that the "ongoing efforts" requirement for Level 4 can be met at the outset with a well-articulated evaluation plan, which can include, at first, ongoing efforts to improve and examine the *implementation* of an intervention and then within a reasonable time advance to ongoing efforts to examine the intervention's *impact* on student outcomes.
- Our April 12<sup>th</sup> letter included two recommendations specifically related to how the "ongoing efforts" requirement plays a critical role in realizing the potential for Level 4 to build more evidence at the top three levels and thus strengthen the body of evidence for any particular activity, strategy, or intervention. Given the focus of this present letter, we repeat these two recommendations here:
  - ED should clarify that the "ongoing efforts to examine the effects" of these fourth-level interventions must be, at a minimum, rigorous enough to potentially move the intervention up to the third level. In other words, the "ongoing efforts" should be capable of at least qualifying the intervention as having "promising" evidence by employing a "well-designed and well-implemented correlational study with statistical controls for selection bias."
  - In doing so, though, ED should also clarify that the four levels of evidence do not necessarily establish a sequential process that an intervention must follow to strengthen its evidence base. For example, the "ongoing efforts to examine the effects" of a fourth-level intervention need not start with a correlational study to

move to the third level. Rather, whenever possible, more rigorous evaluations should be established from the outset (i.e., an intervention could go from the fourth level directly to the first level). With the increasing availability of low-cost random controlled trials (RCTs), states and districts implementing ESSA can, with some advance planning and relatively inexpensive support, help build the evidence base in meaningful ways. For example, Wake County Public School System in North Carolina is currently leveraging a relatively small grant to roll out a new intervention in such a way that supports a low-cost RCT (e.g., establishing treatment and control groups, and then staging the rollout—to the treatment group in year 1 and then to the control group in year 3).

April 12, 2016

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

Re: Implementing "Evidence-Based" Provisions under the Every Student Succeeds Act

Dear Dr. King:

The undersigned individuals and organizations collectively submit this letter and recommendations to inform the U.S. Department of Education's (ED) implementation of the "evidence-based" provisions of the Every Student Succeeds Act (ESSA). This letter builds on the recommendations included in a previous letter many of us submitted to the Department on January 21, 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 education investments as more resources are spent on programs and practices likely to have a positive impact.

We also recognize that shifting state and district policies and practices toward evidence-based approaches will take time and support. To that end, we write today to share a number of recommendations for your consideration. 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.

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 input on these issues. Please let us know if we can be of further assistance.

Sincerely,

AdvancED  
America Forward  
AppleTree Institute for Education Innovation  
Building Educated Leaders for Life (BELL)  
California League of Schools  
Center for Research and Reform in Education, Johns Hopkins University  
Citizen Schools  
College Possible National  
College Summit  
Communities In Schools  
EDGE Consulting Partners  
Education Analytics  
Institute for Child Success  
Johns Hopkins Institute for Education Policy

Laura and John Arnold Foundation  
Leading Educators  
Learning Forward  
Literacy Design Collaborative  
MinnCAN  
National Forum to Accelerate Middle Grades Reform  
National Writing Project  
New Classrooms  
New Leaders  
Ounce of Prevention Fund  
Results for America  
Success for All Foundation  
TNTP  
Uplift Education  
WestED  
Year Up  
Paul Carttar, Former Director, Social Innovation Fund and  
Senior Advisor, The Bridgespan Group  
Lynn Cominsky, Director, Education and Public Outreach,  
Sonoma State University  
Mark Greenberg, Bennett Chair of Prevention Research,  
Penn State University

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



## **RECOMMENDATIONS**

### **I. Vision**

The first step in successfully implementing ESSA's evidence-based provisions is for ED to articulate a compelling vision not just of what success looks like but also of why success in this work is so important. For many state and local leaders and practitioners, taking evidence seriously will represent a substantial change to long-held assumptions and well-established policies, practices, and procedures. A compelling vision is critical to overcoming the forces of inertia and sustaining the work during the inevitable setbacks and challenges. It could inspire leaders at all levels of public education to embrace evidence-based decision-making as an integral part of how they work to better educate students, not simply as an exercise in compliance.

Specifically, a vision might articulate some of the following value propositions:

- The more we use proven approaches and interventions, the more we can improve student outcomes;
- State and local leaders must make effective use of limited public funds; by investing in what works, these leaders demonstrate good stewardship of their resources and should be able to point to higher returns on investment;
- Given how often education leaders are faced with political upheavals and transitions, leaders will be more likely to sustain a strategy if they can point to strong evidence of its effectiveness; and
- Investing in robust evaluations that help particular types of schools and districts learn what works in particular settings, and then sharing the results with stakeholders, helps increase buy in and transparency.

We strongly encourage ED to be *aspirational* in setting this vision and acting to achieve it. The mindset should be to go beyond approaches that drive compliance and instead help people at all levels of the educational systems see the possibilities of evidence-based decision-making. This might include framing the evidence-based provisions as an *opportunity* to deliver better outcomes; offering examples of what states and districts *could* do rather than just what they *must* do under the law; and modeling in ED's own decision-making, conduct, and messaging the same data- and evidence-driven learning orientation that we seek to cultivate in states and districts.

Some specific items ED should consider including in implementation documents include:

- A compelling rationale for why states and school districts should embrace building and using evidence, including but not limited to a clear statement of congressional intent in ESSA;
- Guidance demonstrating how and where federal dollars are available for evaluation, including an explicit statement that it is appropriate and allowable to use program dollars for evaluation;
- Resources and examples of how some school districts are conducting low-cost evaluations (e.g., Wake County Public School System's use of low-cost RCTs described on page 6 below);

- A description of how the four levels in the definition of “evidence-based” function as a continuum and that states and districts should seek to use the highest level of evidence available as appropriate and to “move up” the levels over time as they build a stronger evidence base for their programs and practices; and
- A description of how states and school districts can use state and local as well as federal resources to incentivize building and using evidence at the district and school levels.

These ideas are just part of the fuller vision ED should advance in its ESSA implementation. The following sections share some cross-cutting themes (Section II) and a series of specific recommendations (Section III) that are also essential components of an approach to robust and aspirational implementation of the evidence based provisions in ESSA that could help accelerate student success.

## **II. Themes**

Cutting across our recommendations are the following principles that we recommend ED embrace and advance throughout ESSA implementation, including but not limited to any regulations, guidance, technical assistance, and other support to the field.

### **A. Build supply.**

In our experience, there are significant challenges on both the supply and the demand sides of the evidence-based equation. ED should keep both in mind as it advances this work. On the supply side, despite substantial progress since NCLB was enacted, the evidence base is not yet sufficiently robust to provide evidence-based solutions in all areas. Furthermore, state and local leaders often struggle to access the evidence that does exist. There is a particularly urgent need to provide the field with much easier access to the existing knowledge base, including contextual and implementation information that will help new adopters implement programs and practices well. We need new and improved technical assistance models that connect research to practice in terms of setting useful learning agendas and building new evidence in ways that matter for practitioners. There are also important opportunities to help make “evidence-building” easier for the field by embedding rigorous evaluations in their ongoing initiatives so as to build the body of evidence-based interventions. The supply-side support should also include effectively disseminating best and promising practices (along with lessons learned) from states’ and districts’ experiences implementing the evidence-based provisions.

### **B. Build demand.**

On the demand side, states and local districts often lack the awareness, motivation, and/or capacity to make better use of data, evidence, and evaluation. Although some of ESSA’s evidence-based provisions—particularly the school improvement requirements and the competitive grant incentives—will surely increase state and local awareness and motivation, more needs to be done in both of those areas, and none of that squarely addresses the significant capacity concerns that we see across the nation at all levels. ED can help build demand in a number of ways. Technical assistance—including but not limited to leveraging existing resources such as the Regional Educational Laboratories (RELs) and Comprehensive Centers (CCs)—must be a high priority to help build state and local capacity. ED should also explore new strategies such as providing guidance to states so they can implement competitive preference priorities to incentivize the use of proven programs in state-administered grant programs in the same way that ED will do for seven federal grant programs under ESSA. More than anything, we need the field to understand the value of using evidence to make wise

decisions with limited funds, especially in ways that specifically respond to the challenges they are facing in their particular contexts.

C. Drive towards the best evidence.

To maximize the positive impact on student success, ED should proceed according to the principle that not all evidence is created equal. Rather, the stronger the supporting evidence, the more likely any given investment will increase student outcomes. This is especially true when the evidence refers to findings that go beyond ESSA's requirement of statistical significance by also having substantial impacts (i.e., larger effect sizes) on important outcomes (e.g., a literacy program that improves literacy rather than, say, student attitudes about reading).

ESSA reflects some but not all of these views about different types of evidence. The law does prefer the first three levels of evidence ("strong," "moderate," and "promising") over the fourth level, which by definition is not yet supported by evidence of effectiveness, in areas such as school improvement and competitive preference priorities. Wherever possible, ED should demonstrate to states both how and why they should prioritize the higher levels of evidence in their choices. For example, ED could demonstrate how a state's allocation of school improvement funds might take into consideration the strength of the evidence-based interventions contained in the proposed school improvement plans. Likewise, states implementing competitive grant programs (such as 21<sup>st</sup> Century Community Learning Centers) could award more money and/or more competitive preference points to proposals using higher levels of evidence. ED can also help identify "on-ramps" to building the strongest evidence, such as through supporting the design of low-cost RCTs.

The ultimate goal should thus be to have as many states and districts as possible using interventions supported by "strong" evidence—even better if they rely on strong evidence that has also been replicated, ideally across different contexts. While such a goal is not required by ESSA, we urge ED to consider ESSA's provisions as setting the floor, not the ceiling. In sum, ED should encourage, incentivize, and celebrate the pursuit of replicated, strong evidence with substantial impacts on important outcomes.

D. Leverage partnerships.

Whether building supply and demand or actually implementing the evidence-based provisions, neither ED nor states and districts should have to do this work alone. We strongly encourage ED to consider how its approach can leverage outside partners as well as identify and incentivize partnerships at the state and local levels. The research and philanthropic communities in particular can provide much-needed expertise, support, and additional capacity in a variety of ways. Existing models include research to practice/policy partnerships such as the Chicago Consortium on School Research and other consortia, such as those coming together through the National Network of Education Research-Practice Partnerships. These types of research-practice partnerships and new approaches can help accelerate progress in this work and disseminate best practices and lessons learned across the nation as every state and district begins implementing ESSA's evidence-based provisions. Further, it will be important for states and districts to see that the ability to understand and use evidence can be supported through their existing partners such as local colleges or state universities. Encouraging outreach and engagement with these more accessible sources will make the effort to use evidence more manageable and effective for leaders in the field. Similarly, ED should consider how to use technical assistance and other tools to help states and districts build or join networks of like-

mindful organizations that help drive deeper engagement with evidence-based decision making and create the conditions necessary to make lasting change.

E. Advance learning systems.

The evidence provisions in ESSA offer an opportunity beyond mere compliance with new requirements. ED should strive at every turn of implementation to use the opportunity presented to help SEAs, LEAs, and schools become *learning systems* that regularly make effective use of data, evidence, evaluation, and continuous improvement. ESSA's evidence-based provisions present many important opportunities for ED to engender the shifts in both individual mindsets and organizational cultures necessary to develop such learning systems. Leaders of such systems have realistic expectations of what research can provide, so they see the value in building greater capacity for replications and other evaluations that support continuous improvement.

In this way, we can avoid falling into the same top-down, compliance-oriented traps of many aspects of the No Child Left Behind (NCLB) Act era. Indeed, one primary reason NCLB's "scientifically-based research" never found much purchase is that the new requirement was not accompanied by a substantial, intentional effort to inspire practitioners and policymakers to want to shift some long-held approaches and viewpoints. With a different approach under ESSA, ED can help state and local leaders develop a strong intrinsic motivation to change the way they operate in pursuit of more effective solutions to persistent problems facing their communities and, ultimately, better student outcomes.

### III. Recommendations

The following recommendations build on suggestions submitted by several of us to the Department on January 21, 2016, in response to ED's Request for Information related to ESSA implementation priorities. For ease of use, the recommendations are grouped below according to the relevant category of evidence-based provisions in ESSA.

- A. **Definition of "Evidence-Based":** 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.
1. ED should clarify definitions of the first three levels of evidence. For example, ED could define which measures qualify for the evaluations under each level. In the future, ED should also work to align the Education Department General Administrative Regulations (EDGAR) with ESSA's definitions. In the interim, ED must ensure SEAs and LEAs have a clear and user-friendly understanding of the "evidence-based" definition.
  2. 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 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/rigoroussevid/rigoroussevid.pdf>). A similar, updated document could be developed to align with ESSA's definitions. Such a document would also provide a valuable opportunity for ED to articulate the aspirational vision discussed in Sections I and II above.

3. ED should provide quality criteria for determining if an underlying study is "well-designed and well-implemented" as required by ESSA's definition.
4. ED and IES should find ways to help users leverage the What Works Clearinghouse (WWC) to find programs and practices that align with ESSA's evidence levels. WWC can thus 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 correlational study.
  - a. To the extent WWC's search functions are not fully aligned with the ESSA definition, IES could provide step-by-step guidance or design an interface for navigating the database to more easily identify interventions that would satisfy ESSA.
  - b. A priority need cutting across all the evidence-based provisions is helping states and districts efficiently and effectively match their specific needs to the evidence base. Whenever possible, ED and IES should, in a practitioner-friendly way, highlight where evidence is strongest and most relevant for particular contexts, including but not necessarily limited to the WWC itself. This work must also help states and districts understand why and how to truly analyze their needs and undertake the most relevant interventions (e.g., identifying and responding to the root causes underlying a low-performing school). This is critical for increasing the likelihood that evidence-based decisions will actually deliver improved student outcomes.
5. ED should clarify that the fourth level of evidence allows some federal funding to help determine if theoretical 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 as long as they are being evaluated for inclusion in the top three levels of evidence.
  - a. 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 move the intervention up to the third level. In other words, the "ongoing efforts" should be capable of at least qualifying the intervention as

having "promising" evidence by employing a "well-designed and well-implemented correlational study with statistical controls for selection bias."

- b. In doing so, though, ED should also clarify that the four levels of evidence do not necessarily establish a sequential process that an intervention must follow to strengthen its evidence base. For example, the "ongoing efforts to examine the effects" of a fourth-level intervention need not start with a correlational study to move to the third level. Rather, whenever possible, more rigorous evaluations should be established from the outset (i.e., an intervention could go from the fourth level directly to the first level). With the increasing availability of low-cost random controlled trials (RCT), states and districts implementing ESSA can, with some advance planning and relatively inexpensive support, help build the evidence base in meaningful ways. For example, Wake County Public School System in North Carolina is currently leveraging a relatively small grant to roll out a new intervention in such a way that supports a low-cost RCT (e.g., establishing treatment and control groups, and then staging the rollout—to the treatment group in year 1 and then to the control group in year 3).
  - c. ED should share quality criteria for these fourth-level evaluations and guidance around how they can best be leveraged to produce evidence for higher levels.
6. ED should clarify that federal funds may be used for evaluations that either strengthen the support for an evidence-based intervention (i.e., moving "up" from the second or third level or replicating findings from another study) or build sufficient evidence to move an intervention out of the fourth level and into one of the top three levels. Although ESSA does not prohibit such a use, a clear affirmative statement to states and districts can have an outsized impact on their willingness and ability to allocate some federal funds for this critical purpose.
- B. 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:
1. 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. Further, SEAs should support and monitor LEAs in their efforts to use the results of the required needs assessments of the lowest-performing schools to inform their choice of evidence-based interventions. The tighter the nexus between the identified need and the evidence base for the intervention, the more likely we will see positive impacts on student outcomes and school improvement.

2. 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. Of all the evidence-based provisions in ESSA, the school improvement ones are arguably the most significant for a number of reasons. They are new; they are an explicit requirement using formula funds; they are in a high-priority, high-visibility, high-stakes portion of the law; and they potentially involve large amounts of federal funds. ED should thus prioritize providing significant and timely implementation resources, including technical assistance, to states, districts, and schools on how best to leverage evidence-based interventions in designing, implementing, improving, and evaluating school improvement plans.

**C. 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 among 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:

1. 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 it is a critical ingredient in building incentives for increasing evidence over time.
2. 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.
3. 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 subsequent efforts to replicate the most proven approaches.

4. 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.”
5. 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.
  - a. ED should consider whether it could allow for-profit companies to participate in EIR competitions. Doing so could help further increase the quantity and perhaps the quality of EIR applications. It would also provide additional incentives for the intervention developer market to shift its own practices towards more rigorous (and independent) evaluations.
6. If the FY17 appropriations process will allow it, ED should publish a new Request for Proposals by the end of 2016 that establishes the expectation for how the new EIR program should be implemented.
7. ED should develop a short, clear guide for state and local officials on how to use federal and state funds to set up “tiered-evidence” grant programs or other financial incentives for schools to use and build evidence about what works. With sufficient guidance and technical assistance (including assistance in judging the evidence submitted in support of proposals), the EIR model could proliferate in some states and possibly accelerate the process of building a more robust evidence base.

**D. Competitive Grants:** ESSA requires ED to give priority to applicants with evidence-based proposals in seven competitive grant programs.<sup>1</sup> 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:

1. 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

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<sup>1</sup> 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).



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.

2. ED should strive to apply ESSA's definition of evidence-based and the suggested tiered points approach to any competitive program with a priority for evidence, including but not limited to the seven programs authorized in ESSA.
3. ED should clarify that SEAs should 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.

E. **"Reasonably Available" Determinations:** In fifteen provisions requiring or encouraging "evidence-based" use of federal funds—including many significant Title II allowable uses—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:

1. 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.
  - a. Helping states make these determinations is one of many examples of where RELs and/or CCs should play an important role in augmenting and (we hope) building state capacity to implement evidence-based provisions well. Each REL's or CC's analysis of the strength and/or availability of evidence in a particular area must be made transparent to the field and given default approval by other RELs and CCs around the nation. This type of coordination and reciprocity will accelerate the urgent work to fully catalogue and make available the evidence base to all the states and districts that will soon be making more evidence-based decisions and investments.
2. 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 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.

## **F. Technical Assistance and Other Recommendations**

1. ED and IES should consider new ways to leverage existing technical assistance resources, including but not limited to the CCs and the RELs. Whenever new competitions for REL or CC contracts take place, for example, ED/IES should to the extent possible prioritize support for the considerations described in this document. These centers, with dramatically higher expectations for how they support SEAs and LEAs to use and build evidence, can make significant contributions to this work.
2. ED should clarify various ways for states to encourage the use (and building) of evidence, including the highest level. States could benefit from guidance on allocating their school improvement set aside to higher evidence; leveraging their new Title II set aside for principals to support evidence-based applications; and allocating funds for Direct Student Services to LEAs in part on the basis of their use of evidence-based supports.
3. ED, and IES in particular, should help form and participate in a consortium of research organizations that set rigorous quality standards for education research clearinghouses and for technical assistance providers. The consortium could also devise a process for designating what clearinghouses and providers meet those standards. This would minimize the proliferation of poor quality clearinghouses and TA providers offering their services to state and local decision-makers responsible for implementing ESSA's evidence requirements.