



August 1, 2016

Meredith Miller  
U.S. Department of Education  
400 Maryland Avenue SW, Room 3C106  
Washington, DC 2020-2800

Dear Ms. Miller,

On behalf of the Arizona Chamber of Commerce and Industry ("Arizona Chamber"), thank you for the opportunity to provide comment on the proposed rulemaking for the reauthorization of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act ("ESSA").

The Arizona Chamber was pleased to see the spirit of the reauthorization focused on protecting states' rights and restoring state flexibility while protecting our nation's most vulnerable students. Establishing these shared goals created the energy and consensus necessary to achieve the passage of ESSA in a challenging political environment. Honoring these shared goals will be key to sustaining the progress and innovation already occurring in Arizona, and to preserve the optimism around ESSA's potential.

Though we provide comment on specific areas of the proposed rulemaking, we strongly encourage a full inspection of the draft rules in the context of the intent of ESSA.

#### Regulations Should Stand the Test of Time

An area of common concern for Arizona education stakeholders is the ability of these regulations to stand the test of time. The rules must create opportunities to take advantage of effective innovations and not trap states in a time warp of strategies captured in rule. Some of the rules requirements are very detailed and represent a *current* consensus or vision of what is doable now. However, we know that sooner and later things will change.

In Arizona, the collaboration across schools to share best practices and to help each other improve will continue to spark and inspire our teachers and schools to change and improve their practice. This means the way we measure and assess will change as well. We respectfully ask that the changes requested herein be considered in this light.

The mark of the modern era is rapid evolution. Government regulations tend to not be sensitive to this reality. Though a great deal of work has already been done to guide states on ESSA compliance, we strongly believe much of the mandated advice in the NPRM can be converted to optional technical assistance. This will position the rules to stand the tests of time and as support to development of State Plans.

## Allowing Growth is Critical to Fair and Accurate School Rating Systems

The reality for many students living in poverty, learning a new language or in the middle of a disruptive life transition is that they come to school behind. The work of schools and educators who help students catch up, accelerate, and stay on-track for postsecondary success is a critical piece of today's educational mission and must be reflected in modern-day school accountability.

As such, we enthusiastically applaud the agency's decision to retain the law's original flexibility on how to use growth in our school rating systems. No additional mandates or instructions should be included in the rule so that states can work with their communities on appropriately balancing proficiency with growth. This work can be intertwined with our State Goals to ensure schools grow not just towards proficiency but to proficiency.

By measuring, rewarding and highlighting growth, we can recognize those schools, make them transparent to parents, and develop a success culture to replicate their practices.

## The Importance of Fair Management of Supplement v. Supplant

From border towns to the urban core, a cohort of Arizona's public schools is outperforming their peers and helping students who start very far behind catch up. Giving these students the same opportunity as their higher wealth peers is what Title I has strived to do for decades. These schools are providing that opportunity every day.

Consistently these effective leaders ask for more control over their budgets. Additionally, like many states, we have begun to pivot our attention to outcomes and not prescriptive inputs. In fact, our state dollars no longer have highly defined assignments in school budgets. We want dollars to be nimble so our leaders can be as well.

*A for Arizona*, a local initiative to expand the reach of the most effective schools in our poorest communities, surveyed their participating schools. These high performers reported the following challenges in putting Title I dollars to their highest and best use:

- More than 90% of our highest performing, high poverty school respondents report the inability to "smoothly re-allocate dollars to priority and effective programs" as a problem.
- This is especially challenging when they attempt to manage wildly fluctuating special education costs.
- A third of our schools say the audits are too numerous, particularly for those in long-term compliance, and cost the schools thousands of dollars and hundreds of hours.
- Another time consuming regulation is the detailed time-and-effort reporting. The effort to reduce costly bureaucracy and increase time with students should start here. Eliminate this excessive reporting and give teachers back time for their students.

Existing compliance mechanisms for monitoring supplement versus supplant are not reflective of today's school finance environment and special effort should be made while the rule is open to make them so. We appreciate your attention to this matter and believe it aligns nicely with the President's call to reduce costly regulation.

## School Ratings: Assessment

Though there is a separate comment period for assessment, we believe there are some implications for Rating Systems as well. The use of both End-of-Course (EOC) and Summative Assessments should be clarified in the Nationally Recognized High School Assessments regulations. Exams that

multi-task student proficiency but that also provide postsecondary benefit *and* that meet the laws requirements for validity, comparability and alignment with challenging state standards that all students are expected to learn should be allowed. We interpret the combination of law and NPRM to allow both. However, the language is quite dense and there is confusion in the field for which clarification would be welcome.

This is consistent with the direction to “refine state assessments to ensure their continued alignment with the challenging state academic standards ***and alignment of curricula and instructional materials.***” Many of our schools, included those closing achievement gaps, are ‘Opting Up’ their curricula and assessments. This robust environment achieves and surpasses the goals of ESSA. This is a mutual opportunity to do right by these students and reduce the time spent on standardized testing without compromising rigor, accountability or comparability.

Further, for grades 3-8, a single or same assessment that meets the quality standards of the law should be interpreted broadly to allow assessment choice that empowers the principles of aligning with the statewide challenging standards and local curricula as long as comparability and validity are preserved. We are confident this evaluation can be done during state review ***as outlined in the attached Arizona law.*** Allowing parents, schools and LEAs to have some engagement on which tests matter to them is a strategy “to address the reason or reasons for low participation rates” in assessment and to avoid lower participation rates altogether.

In other words, a single assessment that is comparable, valid and aligned with standards and local curricula but not necessarily the same assessment statewide is key to parent empowerment. Allowing interim assessment is one way suggested under the law to do that. It should not be the only way, as this strategy may have value but can also increase testing time.

Modern day assessments will always advance and the law should be deployed to stand the test of time and not commit all partners to an assessment strategy reflecting a point in time in our country’s assessment experience.

We strongly believe that Arizona and others can make the case for Assessment Choice plans and policies that meet the letter of ESSA. We simply ask that the Rules not clutter the possibilities we will present in our State Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Hamer", with a stylized, looping initial "G".

Glenn Hamer  
President and CEO