

September 8, 2016

Dr. John B. King, Jr.
Secretary of Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Re: Response to the Department of Education’s Notice of Proposed Rulemaking Title I, Part A Assessments (Docket ID ED–2016–OESE–0053)

Comments submitted via Regulations.gov

Dear Secretary King:

We thank you for the opportunity to submit this comment and appreciate the work you are doing on behalf of our schools and communities. This document provides the Center for the Future of Arizona’s recommendation on the proposed rule § 200.3 and lays out the reasoning for our recommendation.

The Center for the Future of Arizona (CFA) is a nonpartisan, nonprofit “do tank” that combines research with collaborative partnerships and initiatives that drive the state’s economic prosperity, quality of life and civic health, and creates a better future for all Arizonans. CFA believes that civic engagement and education attainment are critical to the future of our state, and we focus our work accordingly. Our education initiatives innovate and redesign systems to prepare all students for success in college and career.

ED justifies regulations for § 200.3(a)(2) requiring an LEA to administer the same locally selected, nationally recognized academic assessment to all high school students in the LEA (with limited exceptions) as necessary in order to provide “meaningful within-district comparisons of student achievement.” Comparisons of student achievement are important, but the proposed regulation requiring all schools within an LEA to use the same assessment is overly restrictive.

CFA Recommendation: The proposed regulations for § 200.3(a)(2) eliminate the requirement that all schools within an LEA utilize the same assessment.

Basis for the Request:

- (1) It impedes on an existing ESSA state responsibility.** ESSA already requires the state agency to ensure that locally-selected assessments “provide comparable, valid, and reliable data on academic achievement, as compared to the State-designed

assessments, for all students and for each subgroup of students . . . , with results expressed in terms consistent with the State’s academic achievement standards.” The rationale that ED offers in the guidance – that the assessment be the same for all schools in the district in order to provide “meaningful within-district comparisons of student achievement” – is redundant and impedes the congressional intent and directive of ESSA to allow for more state and local control over assessment practices.

- (2) **It impedes on existing state law.** The proposed rule impedes on Arizona Revised Statute (A.R.S.) § 15-741.02, which grants schools the authority to choose from a menu of state approved assessments.
- (3) **It interferes with the operation of Arizona’s school choice policy.** Requiring all schools within an LEA to utilize the same assessment unduly limits the freedom of choice of schools to select assessments that meet their local needs. Arizona is an open-enrollment state, and ESSA would negatively impact students and schools in larger districts. Limiting assessment choice to only LEAs provides a competitive advantage to smaller districts and charter schools as they would have a greater ability to implement innovative assessments and attract students and families. A.R.S §15-741.02 was written with an understanding of the local context of the educational system and mitigates these local issues. ESSA’s intent is to allow for states and LEAs to address local concerns and Arizona law already does exactly that.

CFA believes that the proposed rule cannot require that all schools within an LEA utilize the same assessment. As long as the state ensures that the assessment selected by the school provides comparable, valid, and reliable data on academic achievement compared to the State-designed assessment for all students and for each subgroup of students and are in alignment with the State’s academic achievement standards, there is no reason for ESSA to encroach upon current Arizona law and limit the choice of assessment available to individual schools.

Thank you for consideration.

Sincerely,



Sybil Francis, Ph.D.
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