

August 1, 2016

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U.S. Department of Education
400 Maryland Avenue SW., Room 3C106
Washington, DC 20202-2800

Re: Docket ID ED-2016-OESE-0032; Notice of Proposed Rulemaking on Consolidated Plans, Accountability, School Improvement, and Data Reporting

Partners *for* Each and Every Child (Partners *for*) is pleased to respond to the United States Department of Education's (ED) notice of proposed rulemaking (NPRM) on consolidated state plans, accountability, school improvement, and data reporting under the *Every Student Succeeds Act* (ESSA).

Partners *for* is a collaborative, nonpartisan network of education researchers, advocacy organizations and policy experts focused on advancing equity and excellence for all children in the United States' educational system. Using the recommendations in the Congressionally-commissioned Equity and Excellence Commission's final report – entitled *For Each and Every Child*¹ – as a polestar for collaborative education reform, we advance equity in education by supporting and connecting non-partisan stakeholder communities around the country.

Robust, Sustainable Partnerships Needed for Equity

In its consistent call for stakeholder engagement throughout the processes of policy development and implementation, ESSA provides the basic framework for a more locally driven – and potentially more directly democratic – paradigm for public education. Increased flexibility for states in this system, however, means raised stakes for our most vulnerable children: if states do not meaningfully engage a broad cross-section of families and community stakeholders while planning for and implementing the changes required by ESSA, it is very likely that historically underserved and underrepresented communities will be denied the full protections and benefits to which they are entitled. The success and sustainability of efforts to improve educational excellence and equity requires robust and thoughtful partnerships among federal and state and local governmental agencies and stakeholders.

¹ Available at [http://partnersforeachandeverychild.org/Final EEC Report.pdf](http://partnersforeachandeverychild.org/Final_EEC_Report.pdf)

With this in mind, we applaud ED's recognition that states should regularly, thoughtfully, and deliberately engage with a diverse base of stakeholders in the development of better, stronger state educational accountability systems, and that they should establish practices supporting shared responsibility and continuous improvement in ESSA implementation.

Meaningful Stakeholder Engagement and Equity and Excellence are Inseparable

Partners *for* believes the advancement of these robust and thoughtful partnerships depends upon the deep integration of stakeholder engagement into the multiple stages and arenas of state policy planning and implementation. Accordingly, we enthusiastically support the numerous places throughout the NPRM where regular and ongoing stakeholder engagement is identified as a key activity for State Educational Agencies (SEAs) and Local Educational Agencies (LEAs).

At the SEA and at the LEA level, affirmative consideration of the immediate and cumulative impact of educational policy and reform efforts on classrooms and on school practice is key to the improvement of programs and activities and to the advancement of equitable outcomes. In this way, Partners *for* asserts the pursuit of equity and excellence depends on the embedding of stakeholder input throughout the policy development and implementation process. We assert SEAs and LEAs must prioritize stakeholder engagement at a comprehensive, systemic level to make community feedback a central and indispensable part of policy development.

Five Core Principles for Stakeholder Engagement

Our recommendations for ways to affirm and extend opportunities for authentic and meaningful stakeholder engagement throughout the ESSA policy development and implementation process center around five core principles for stakeholder engagement, the first of which (**Principle 1**) is that **stakeholder engagement and the pursuit of equity and excellence are inseparable endeavors**. The following four principles must be prioritized at a comprehensive, systemic level to make stakeholder engagement an indispensable part of policy development at SEAs and at LEAs:

Principle 2: Prioritize the Inclusion of diverse stakeholders, with a commitment to engaging historically excluded voices;

Principle 3: Create frameworks to support stakeholder engagement that is well-informed and meaningful;

Principle 4: Focus on continuous improvement and making meaningful stakeholder engagement an ongoing process;

Principle 5: Build consensus pragmatically, through informational transparency and coordination of efforts

Principle 2: The Importance of Engaging a Broad and Diverse Base of Stakeholders

To advance equity throughout the ESSA implementation process, state education leaders will need to develop and strengthen a comprehensive system of accountability and improvement with support from local stakeholders, including: civil rights organizations, family and community groups, teachers and educator groups, early learning advocates and providers, organized labor and education personnel, school board members, researchers and advocacy organizations, faith-based organizations, elected officials, student groups, teacher educators and others from higher education, health and social services, youth development organizations, and the business community.

To advance equity, SEAs and LEAs must commit to prioritizing the engagement of historically excluded voices. Such a commitment both includes the development of more diverse invitee lists, but also goes beyond these lists to consider the structures, norms, timelines, languages, and practices that may unintentionally elevate some voices over others. To be successful, these efforts must prioritize the development of a range of mechanisms to build public awareness and solicit feedback, and must dedicate resources specifically to the engagement and support of stakeholders who represent demographic, geographic, language, and political diversity and span a broad community of perspectives and experiences.

With this in mind, Partners *for* applauds ED's June 23, 2016 "Dear Colleague" letter² on the importance and utility of stakeholder engagement in SEA and LEA transition and implementation and its inclusion of a comprehensive overview of stakeholders and resources. We have included our recommended list of relevant community groups as Appendix A in the instant letter. Partners *for's* recommendations for Key Decision Points throughout ESSA that can serve as prime opportunities to advance equity through stakeholder engagement are articulated in Appendix B in the instant letter. While our list of key decision points goes beyond the discrete topics – consolidated state plans, accountability, school improvement, and data reporting – identified by ED in the current NPRM, we applaud ED for identifying at least these key topics at the moment as areas for focused state and community collaboration. Our recommendations follow for the ways SEAs, LEAs, and community stakeholders can work together to design and implement an effective and equitable education system to best meet the needs of all students.

²Available at: <http://www2.ed.gov/policy/elsec/guid/secletter/160622.html>

Principle 3: Creating Frameworks and Mechanisms for Meaningful Engagement

We note that the notice-and-comment regulatory process in federal and state administrative law – a process reserved for agency decisions on issues like those in the current Notice of Proposed Rulemaking – is the “gold standard” for incorporating public input into agency policy making. The regulations that emerge from these procedures carry the same practical authority and weight as passed legislation, and typically involve well-represented, moneyed interests. We urge ED to recognize that the notice-and-comment process has many virtues even when – especially when – the interests at stake are not primarily those of the economically powerful but instead those of the politically underrepresented and when the legal basis for proposed actions to protect and advance the interests of under-resourced groups is in some question. We urge ED to encourage SEAs and LEAs to emulate these notice-and-comment processes as they develop and implement their ESSA plans.

Principle 4: Making Meaningful Engagement an Ongoing Process

With the interests of politically underrepresented and under-resourced groups foremost in mind, we applaud the language at the beginning of *Proposed § 299.13(b)*, requiring SEAs to timely and meaningfully consult with stakeholders in the development, revision, and amendment of a state plan. We believe, however, ED should more directly articulate a commitment to stakeholder engagement throughout the policy implementation process. Currently, the proposed Section focuses on the process up to – and including – initial submission of the state plans. To make clear that stakeholder engagement remains a responsibility of SEAs even after initial state plan submission, we would amend the language of the proposed section accordingly (edits below in bolded brackets in all caps):

Section 299.13(b) proposes specific requirements to ensure timely and meaningful consultation with stakeholders when developing, revising, or amending a State plan. The proposed regulations would clarify that timely and meaningful consultation includes both notification and outreach. The proposed regulations align with the consultation, public review, and public comment requirements in sections 1111(a)(1), 1111(a)(5), 1111(a)(8), 1111(g), 1304(c), 2101(d), and 3113(d) of the ESEA, as amended by the ESSA. Specifically, the proposed regulations would require each SEA to engage stakeholders during the design and development of the State plan, prior to the submission of the initial State plan, [~~AND~~] prior to the submission of any revisions or amendments to the State plan[, **AND AT**

MULTIPLE INSTANCES DURING THE IMPLEMENTATION OF THE STATE PLAN]. The proposed regulations would require an SEA to conduct outreach at more than one stage of State plan development[**AND AT MORE THAN ONE STAGE OF STATE PLAN IMPLEMENTATION]** because stakeholders should have an opportunity to ensure that the concerns raised during public comment are adequately considered and addressed[**BOTH]** prior to submission of a consolidated State plan or individual program State plans[**AND ALSO DURING STATE PLAN IMPLEMENTATION]**.

We agree with the organizations that have signed on to Leadership Conference on Civil and Human Rights' letter on ED-2016-OESE-0032, when they recommend an additional subsection be added to *Proposed § 299.13(b)* to ensure that agendas and written follow up to participants are required in state plans. We believe this would be of great use in establishing the role of stakeholder communities throughout the policy implementation process. We also agree with these organizations that the addition of the phrase "timely and meaningful" in § 1111 of ESSA and the state plan peer review subsection in § 8541 support this recommendation.

We also suggest the addition of specific language in *Proposed §299.15: Consultation and Coordination*, to underscore how SEAs must commit to a continuous improvement model premised on the consultation of stakeholders not only during initial policy development but also during implementation (edits below in bolded brackets in all caps):

SEAs that submit a consolidated State plan would address how they consulted with stakeholders [**DURING PLAN DEVELOPMENT]** for the following components of the consolidated State plan: Challenging Academic Standards and Assessments; Accountability, Support, and Improvement for Schools; Supporting Excellent Educators; and Supporting All Students. [**SEAS WOULD ALSO ADDRESS HOW THEY PLAN TO CONSULT WITH STAKEHOLDERS ON MULTIPLE OCCASIONS DURING PLAN IMPLEMENTATION TO MONITOR PLAN EFFECTIVENESS AND DETERMINE ANY NECESSARY AMENDMENTS TO THE PLAN.]**

Principle 5: Building consensus through informational transparency and coordination of efforts

We applaud the language in *Proposed §299.15: Consultation and Coordination* requiring SEAs to engage in timely and meaningful consultation with relevant stakeholders across all included programs in programs under the ESEA, as amended by ESSA, as well as to coordinate efforts across

other Federal programs such as the IDEA, and believe it is appropriate and critically necessary for ED to clarify these expectations apply as well to the stakeholder engagement efforts of Local Education Agencies. Such direction on stakeholder engagement would be helpful to districts and schools in *Proposed § 200.21: Comprehensive Support and Improvement*, requiring LEAs, “in partnership with stakeholders,” to design and implement comprehensive support and improvement plans, and in *Proposed § 200.22: Targeted Support and Improvement*, requiring schools, upon notification by the LEA, to design a school-level targeted support and improvement plan “in partnership with stakeholders.” In both *Proposed § 200.21* and in *Proposed § 200.22*, as throughout the *Proposed Rule*, it should be specified that LEA and school “partnerships” with stakeholders are to include a deliberately broad cross-section of community-level stakeholders,³ and should prioritize engagement with historically underrepresented groups.

The effectiveness and vitality of these partnerships depend on a shared sense of procedural and informational transparency, as well as on the expectation of an iterative plan development process. ED should state directly that LEAs are to keep stakeholder groups well informed by developing and distributing necessary background information and by providing an analytical framework for key decision points. Like SEAs, LEAs should be directed to focus on continuous improvement as an essential paradigm for stakeholder engagement. This includes not only designing the stakeholder engagement process so that community-based voices are consulted in early design and initial planning stages, but also incorporating stakeholder feedback into ongoing implementation decisions.

Partners *for* holds that directing LEAs to engage with a broader subset of stakeholders in this way will enable the development of better, more comprehensive needs assessments and will also encourage deeper and more fruitful collaboration between schools and their communities. With this in mind, while we largely agree with the organizations who have signed on to the Coalition for Community Schools’ letter on ED-2016-OESE-0032, when they assert the list of stakeholders articulated in *Proposed § 200.21* should be expanded to include a broader list of community representatives, our sense of the community representatives who should be engaged is a bit more expansive⁴ than articulated in the Coalition for Community Schools’ letter. This position is explained in greater detail above, in our discussion of Principle 1, and is further articulated in Appendix A of the instant letter. We do agree with the signatories to the Coalition for Community Schools’ letter that the community schools strategy shows these groups are uniquely well positioned to contribute to a school-level

³ For a more comprehensive list of stakeholders, please see Appendix A: Stakeholder Categories and Groups

⁴ To be clear, we do not disagree with the list of organizations - community-based organizations, local government officials, public health institutions, institutions of higher education, United Way chapters, businesses, and faith-based organizations - put forth in the Coalition for Community Schools’ letter on ED-2016-OESE-0032. Our intent is to expand this list even further.

needs assessment, with many community-based organizations having previous experience with conducting similar kinds of assessments.

Conclusion

The advancement of educational equity requires not only fluid collaboration among and between SEAs, LEAs, and stakeholders, but also the prioritization of the interests of historically underrepresented groups. Accordingly, ED should explicitly direct SEAs and LEAs to develop frameworks for stakeholder engagement that consider the structures, norms, timelines, and practices, including translation and interpretation services, needed to enable full community participation throughout ESSA planning, transition, and implementation. These kinds of considerations are at the core of two *Partners for* publications: *A Handbook for Meaningful Stakeholder Engagement*⁵, and *In Consultation With... The Case for Meaningful Stakeholder Engagement*.⁶ Both of these publications explore the benefits of SEA and LEA engagement with broad cross-sections of the stakeholder community and illustrate the helpful role third-party intermediaries can play in facilitating dialogue between and among SEAs, LEAs, and stakeholder groups.

Thank you for your attention to this. We look forward to continuing to partner with ED on matters pertaining to equity and ESSA implementation. If you have any questions, please contact Guy Johnson, our Senior Program Director for Strategy, at guy@theopportunityinstitute.org, or (510) 214-6786.

Sincerely,



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⁵ Available at: partnersforeachandeverychild.org/P4_EngagementHandbook_ESSA_0616.pdf

⁶ Available at: partnersforeachandeverychild.org/P4_EngagementCase_ESSA_0616.pdf



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Appendix A: Considering the Landscape of Stakeholders at a Local and at a State Level

Stakeholder engagement is a commitment and a process that, in order to be done well, incorporates dedicated leadership, thoughtful preparation, and adequate authority. Once an SEA/LEA has identified a team of key staff with the capacity and authority to develop and project-manage a comprehensive approach to stakeholder engagement, the team should be tasked with conducting an initial assessment and mapping of current and potential engagement opportunities, and with developing a preliminary understanding of the major areas of consensus and disagreement across a diverse group of perspectives.

As an LEA/SEA develops a more nuanced understanding of stakeholder categories, subgroups, and interests, the LEA/SEA stakeholder engagement team should begin to identify key decision points around which to engage various stakeholder groups based on organizational interests and/or level of focus (i.e. state, legislature, local). We offer the following as a comprehensive list of the groups that should be engaged throughout this process:

Civil rights organizations

- Those that expressly support underserved students or advocate on their behalf
- Local affiliates of national civil rights groups
- Local alliances
- School-based support centers/providers
- Youth development organizations

Educators

- National union affiliates
- Teacher networks

Philanthropy

- Local, state, and national-level foundations
- Collaborative organizations with interest in state, district, or policy-based funding

Business Community

- Corporations
- Health and social service providers
- Local business organizations
- Faith-based organizations
- GED and workforce

Elected Officials

- Governors
- Members of the state board of education
- Mayors
- City/County council members
- School boards

State Agencies

- Departments of Housing
- Health/Human services providers
- Charter management operators

- Local union chapters
 - Childcare providers
 - Early learning practitioners
 - Charter teacher alliances
 - Teacher preparation programs
- Advocacy Organizations**
- “Think Tanks” and statewide policy organizations
 - Education lobbying organizations
 - Community-based organizations
 - Families and family organizations
 - Early learning advocates
 - Students and student organizations
 - School-based personnel
- programs
- Higher Education**
- Accreditation institutions for K-12 and higher education
 - Teacher certification programs
 - State university systems
 - Historically black colleges and universities
 - Postsecondary minority institutions
 - Community college systems
- Professional Associations**
- School boards
 - School business officials
 - School administrators
 - Superintendents
 - Principals
- Local Agencies**
- Districts
 - School leadership
 - Mental and physical health providers
 - Alternative and transitional education providers
- Student groups**
- Youth and student groups that operate at a state level and/or locally

Appendix B: Key Decision Points for Equity in ESSA

This is an outline of the **Key Decision Points** in ESSA that – based on their high-stakes nature, implications for equity, and opportunity to influence state policy – serve as prime opportunities to advance equity through stakeholder engagement. Each of the Key Decision Points in this list presents an opportunity for states to work with communities to design and implement an effective and equitable education system. Partners *for* encourages SEAs to assess each Key Decision Point carefully and determine how to prioritize the following issues for engagement:

- Accountability: Goals for Student Achievement; Accountability Indicators; N-Size, Report Cards and Data Reporting
- School Improvement Supports: School Improvement Funding; Identification of Schools, Interventions and Supports for Struggling Schools
- Assessment: Assessment Audits
- English Learners: English Language Proficiency; English Learners & Assessments English Language Testing
- Innovative Pilots: Innovative Assessment Pilot; Weighted Student Funding Pilot

- Teacher and Leader Quality: Educator Equity; Teacher and Leader Evaluation Systems – Professional Development
- Charter Schools: Charter School Organization and Accountability
- Early Childhood Education: Early Childhood Education and Preschool Development Grants.