



August 1, 2016

Comments on Notice of Proposed Rulemaking: Accountability, State Plans, and Data Reporting

Docket ID: ED-2016-OESE-0032

On behalf of the Association for Career and Technical Education (ACTE), representing America’s teachers, administrators and counselors in the field of Career and Technical Education (CTE), and Advance CTE, representing the state and territory leaders of our nation’s CTE system, we write to provide comments on the proposed regulations on accountability, state plans, and state and local report cards under Title I of the Every Student Succeeds Act (ESSA). The enactment of ESSA was a major step toward ensuring that all students have access to a high-quality education, including CTE, and are prepared to graduate from high school ready for college and careers. To effectively implement and fully realize the potential of the new law for states and school districts, we offer the following suggestions for changes and clarifications to the proposed regulations.

Career Readiness Accountability Indicators

Under ESSA, state accountability systems must now include “not less than one indicator of school quality or student success,” with specific references to possible indicators of student engagement, educator engagement, school climate, postsecondary readiness or any other measure identified by the state. Additionally, states can expand on existing efforts and develop new opportunities to incorporate career readiness measures for capturing school quality and student success. A 2016 report by Achieve and Advance CTE found that 34 states already publicly report and/or include career readiness indicators in their accountability systems, including measures of student participation, concentration or completion of a CTE programs, performance on technical skills assessments, attainment of industry credentials, and completion of postsecondary credit through dual or concurrent enrollment programs among other possibilities.¹

The proposed regulations address several issues related to school quality or student success indicators with significant implications for states’ use of career readiness measures. Section 200.14(c)(2) makes clear that school quality or student success (as well as academic progress) indicators do not have to use the same measures within the indicator for all schools across the state as is required for all the other indicators. According to the proposed rule, these indicators can vary by grade span—an important clarification given that measures of career readiness, while an important tool for gaging student preparedness at the high school level, could be

¹ <https://careertech.org/sites/default/files/MakingCareerReadinessCountUpdate-2016.pdf>

inappropriate and impractical for elementary or middle grades. It is therefore critical to maintain the state's ability to tailor this measure to specific grade spans in the final regulations.

Section 200.14(d) requires states to select measures to include within the indicator of school quality or student success that are supported by research showing the measures is "likely to increase student achievement or, for measures within indicators at the high school level, graduation rates." We are concerned that requiring evidence of academic achievement or increased high school graduation rates may not be an appropriate standard for such measures, especially given that the intent of including a measure of school quality or student success in ESSA was to encourage a more holistic view of student performance that is not often captured in traditional academic indicators. While no less rigorous, measures of career readiness may not be validated by research for the same types of outcomes as academic measures. Further, this standard is not specifically outlined in the statute and as such we encourage the department to consider alternative criteria for ensuring "valid" and "reliable" measures for this indicator.

At minimum, the department must make an effort to disseminate information to states, such as providing examples of research-backed measures that would meet the standard of the proposed regulations and other related clarifications that would support states as they operationalize this measure. Ideally, the department should serve as clearinghouse for a broad range of examples for measure of student engagement, postsecondary readiness, school climate, and should make special efforts to ensure that career readiness measures are included among them. Moreover, the final regulations should maintain the option for states to adjust indicators over time. This provides an opportunity for states to incorporate emerging measures of career readiness into their accountability systems when sufficient research supporting validity and reliability becomes available.

The proposed regulations note that section 1111(c)(4)(C)(ii) of ESSA requires states to give substantial weight to the academic achievement, academic progress, graduation rate, and progress in English language proficiency indicators, and much greater weight to those indicators in the aggregate, than it does to the indicators of school quality or student success. While the proposed regulations do not prescribe how states should assign "substantial" and "much greater" weight to these indicators, it does require that states demonstrate that they are properly weighting these indicators by meeting three "checks," which are outlined in section 200.18(d). Under the proposed rule, a school identified for comprehensive or targeted support cannot be removed from identification on the basis of performance on an indicator of school quality or student success, unless it is also making significant progress on an academic indicator. Additionally, schools achieving the lowest level of performance on any academic indicator must receive a different summative rating than a school performing at the highest level on all of the indicators. The department has acknowledged that "substantial" and "much greater" are ambiguous terms in the law. However, since it is the intent of ESSA to emphasize state control in developing and implementing accountability systems, states should be provided maximum flexibility in determining how best to assign greater weight to academic indicators

and we support the approach of the department in leaving these terms undefined in the regulations.

Finally, we want to express our concern that the issues we have outlined here, and the collective approach in the regulations to the accountability system, will have the cumulative effect of signaling to states that indicators of school quality or student success, including career readiness measures, are secondary to traditional academic indicators. One of the great advances in ESSA was the recognition that a comprehensive accountability system should promote college *and* career readiness for all students. However, the additional conditions attached to school quality or student success indicators may prove an impediment to states. We urge the department to pursue policies that incentivize, not discourage the use of career-focused measures.

CTE in School Support and Improvement

Section 200.21 requires districts with schools identified for support and improvement to work in partnership with stakeholders to conduct a needs assessment, and cooperatively develop and implement an improvement plan to increase student outcomes in struggling schools. We encourage the department to make clear that, where appropriate, CTE, including educators and the business community, can provide valuable insight into preparing students for college and career success.

The proposed regulations outline the contents of improvement plans in section 200.21(d), which include identifying one or more evidence-based interventions for low-performing schools. We know that CTE can play a large role in re-engaging students and helping to increase student achievement and completion. Among individuals surveyed in a study on the high school dropout epidemic in America, 81 percent said that relevant, real-world learning opportunities would have kept school. With a 93 percent average high school graduation rate, students in CTE programs understand the importance of academic success in achieving their future career goals.

Adopting innovative instructional models that incorporate high-quality CTE, including career academies, early college high schools, linked learning, and dual or concurrent enrollment programs can be the key to an effective school reform effort. Additionally, CTE stakeholders can help to identify specific interventions, like providing opportunities for work-based learning or offering professional development focused on integrating academic and CTE content in curriculum and instruction. We urge the department to serve as a resource by disseminating these best practices and promising program models for states and school districts to utilize when addressing the needs of low-performing schools.

Reporting CTE Student Performance Data

With respect to data reporting, ESSA provides the option to include student performance on CTE accountability indicators within state and district report cards. Section 1111(h)(1)(C)(xiv) of ESSA establishes that annual report cards shall include, “any additional information that the state believes will best provide parents, students, and other members of the public with information regarding the progress of each of the state’s public elementary schools and secondary schools, which may include the number and percentage of students attaining career and technical proficiencies (as defined by section 113(b) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2323(b)) and reported by States only in a manner consistent with section 113(c) of such Act (20 U.S.C. 2323(c)).”

The inclusion of these measures, alongside other indicators of student success, will help parents and students to make informed decisions about educational goals, while ensuring that policymakers, teachers and administrators understand the important role of CTE in a well-rounded education. As outlined in ESSA, this is information that is already collected under the Carl D. Perkins Career and Technical Education Act. The department should make it clear that choosing to include this information will create no new data collection burdens for states and school districts, and should consider providing states with guidance on how to effectively integrate CTE performance measure into their public report cards.

We look forward to working with the department to help ensure a clear and consistent implementation process for ESSA that actively engages the CTE community. Please feel free to contact Mitch Coppes (mcoppes@acteonline.org), ACTE’s Legislative and Regulatory Affairs Manager, or Steve Voytek (svoytek@careertech.org), Advance CTE’s Government Relations Manager, should you have any questions about our comments.

Sincerely,



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