

April 29, 2019

U.S. Department of Education  
Office of Elementary and Secondary Education  
ATTN: Report Card Document  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Secretary DeVos,

The Every Student Succeeds Act (ESSA) provides a framework for reporting data on how students are being served and identifying what data states and districts should report. The law also provides substantial flexibility to states regarding *how* to report that data. Public reporting is a powerful tool for equipping families and communities with the information they need – and have a right to know – about how their schools are serving children. **The undersigned civil rights and education equity organizations write to provide public comments on the Department’s proposed guidance interpreting the “Opportunities and Responsibilities for State and Local Report Cards under the Elementary and Secondary Education (ESEA) Act of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015.**

While the Department’s proposed guidance provides some clarity to states and districts on what data to report and how to report the data, changes are needed to ensure families and communities have the information necessary to see how well students are being served, to easily identify areas for school improvement, and to push for change when needed. To make information more useful, the following three concerns **MUST** be addressed in the proposed guidance: 1) require disaggregation by student group; 2) provide more guidance on how to report per-pupil expenditure data; and 3) ensure report cards are practical, informational tools for families and communities.

ESSA requires that states and districts report most data elements disaggregated for different groups of students – including the major racial/ethnic groups, students from low-income families, students with disabilities, and English learners. The guidance document does **NOT** clearly outline the requirements for states and districts to report data disaggregated by student group to ensure that report cards accurately reflect information on how well schools are doing for all students, as well as for historically underserved groups of students (i.e., students from low-income families, students of color, English learners, and students with disabilities). **Final guidance should clearly outline requirements to disaggregate data by student groups for indicators included in the report cards.**

ESSA requires states to report data on per-pupil spending for each public school in the state. The proposed guidance provides a lot of information that states may use as they decide how to *calculate* per-pupil expenditure data, but it does **NOT** provide enough guidance to help states decide *how* to report the data in a way that provides all of the necessary context for families to understand spending for schools in a clear and compelling way. **The guidance should identify and direct states to more**

**resources that will help them develop understandable and concise school-level per-pupil spending reports.**

Broadly, ESSA requires that state and local report cards be concise, presented in a way that is usable and understandable, and widely accessible. While the guidance includes some resources and tips for developing report cards that are easy to access and understand, it misses one critical action that states can take to ensure that report cards meet this requirement. The guidance should direct states to produce report cards for their LEAs and schools to ensure that they are uniformly formatted and accessible. Additionally, the data should be accompanied by all the necessary context for families to understand why particular data is important and how they should interpret and use it. **The final guidance should require that all report cards are uniformly formatted, and both meaningful and accessible to families and communities, including individuals with disabilities.**

In addition to these three overarching concerns, we have identified a number of specific areas in which the proposed guidance differs from state and local report card non-regulatory guidance issued in January 2017, summarized in the attachment to this letter. While we recognize that some changes were necessary due to the resolution of disapproval of the accountability and State plan final regulations, the revised guidance goes further than necessary – omitting key clarifications and deemphasizing best practices that would support educational equity. **We urge the Department to reinsert this information into the final guidance to highlight not only what is required by ESSA, but also the value of providing report cards that are accurate, accessible, and actionable to parents.**

The Department's guidance must meaningfully advance educational equity for all students, especially for historically underserved groups, by ensuring that report cards accurately reflect data in a transparent, accessible way. We appreciate your time and consideration of our recommendations and look forward to working with you to ensure these recommendations are included in the Department's final guidance for state and local report cards under ESSA.

Signed,

Alliance for Excellent Education  
Community Center for Education Results  
Democrats for Education Reform  
Education Justice Alliance  
EveryChild Solutions  
Learning Disabilities Association - NC  
NAACP  
National Center for Learning Disabilities  
National Disability Rights Network  
National Down Syndrome Congress  
National Urban League  
Prichard Committee for Academic Excellence  
Southeast Asia Resource Action Center (SEARAC)  
Teach Plus  
Tennessee Educational Equity Coalition  
The Ari Advocacy Center, Inc.  
The Education Trust

The Leadership Conference on Civil and Human Rights  
The Opportunity Institute  
TNTP  
uCANcomplain, Inc.  
UnidosUS

Attachment: Recommendations to Strengthen Specific Questions in the Draft Guidance

## Recommendations to Strengthen Specific Questions in the Draft Guidance

- **Disaggregation of Subgroup Data. Appendix A and Throughout.** One of the most critical equity provisions in ESSA is the requirement for States and districts to report critical information on student progress, achievement, and other outcomes separately for each subgroup. However, in its recent review of report cards for all 50 states and Washington, DC, the Data Quality Campaign found that 41 states did not include disaggregated achievement data for at least one required subgroup. Moreover, disaggregated data – where it is available – is often difficult to access and find on State websites, requiring multiple clicks or complicated navigation to access. While Appendix A includes a helpful guide for which subgroups are required to be disaggregated within each reporting element, questions discussing subgroup disaggregation throughout the document could be consolidated into a single, more prominent location and/or include links to the Appendix to reinforce this information. Suggested definitions of all required subgroups could also be added to the document for further clarity, as well as suggestions about additional subgroup disaggregation (such as data on long-term English learners, or on sub-populations of students within the Asian American/Pacific Islander group) that states could pursue to enhance the quality and depth of information they provide to parents and other users. Finally, states should be encouraged to display subgroup data prominently within the report card, avoiding the need to navigate multiple pages or documents on the SEA website to access this important information.
- **Report Card Design. Questions A-3 and A-4:** The revised guidance no longer suggests that SEAs and LEAs consider “allowing all stakeholders who are participating in meetings or hearings to provide substantive input” and whether “the report card design take into account feedback provided through the required parental consultation.” Those suggestions should be added back, as they speak to meaningful involvement in the report card design process from stakeholders, including parents. Likewise, question A-4 no longer suggests that SEAs and LEAs consider “Does the report card avoid using jargon not well known to parents?” While other areas of the revised guidance discuss how to make the information meaningful to parents, there is no clear rationale for removing this consideration from the list of questions presented in question A-4.
- **Report Card Accessibility. Questions A-6 to A-8:** The revised guidance downplays the importance of providing written translations of report cards in other languages for parents who are limited English proficient, as well as in alternate formats for parents with disabilities. Where certain practices were “strongly encouraged” previously, they are now presented as mere considerations. Given the large number of parents who may not be able to access the standard report card, due to language barriers or disabilities, it is critical that States take every step possible to provide accessible information that all parents can understand. According to a review from the Data Quality Campaign, only 15 states translate their report cards into languages other than English; these questions are a missed opportunity to highlight best practices and expand on ways that States can provide meaningful access to all report card users. It also remains unclear what, exactly, States’ and LEAs’ legal obligations are with regard to providing translations (especially written translations) of report cards to parents who are not proficient in English.
- **Disaggregation of Data. Question B-2:** The revised guidance no longer suggests further disaggregation of the Asian American/Pacific Islander (AAPI) subgroup as an area where SEAs

may want to include additional information. This suggestion should be added back, as further disaggregation of the AAPI subgroup may reveal disparities in access and outcomes among sub-populations of students within the broader AAPI group, enabling States and LEAs to present clearer, more transparent information about educational progress for AAPI students and to better target supports to underserved communities.

- **Accessibility of Cross-Tabulated Data. Question B-5:** The revised guidance no longer suggests that, when SEAs include cross-tabulated information for student subgroups on a different, publicly accessible location on its website outside of the ESSA-required report card, they include a link on the ESSA report card to the page where cross-tabulated data may be found. This suggestion should be re-inserted to enhance transparency and accountability for reporting cross-tabulated data.
- **Academic Achievement by Grade. Question D-1:** The revised guidance no longer specifies that academic achievement data must be reported overall and by grade. Grade-level information is critically important, particularly in the case of schools that span multiple grade levels (e.g., a school serving grades K-12). The performance of students in grade 3 may be quite different than the performance of students in grade 8 or 10, but these distinctions will be lost to parents and the public if only overall data are reported. The revised guidance lacks the clarity of the previously issued guidance; grade-level achievement data should be reinserted.
- **Academic Achievement for Reporting vs. for Accountability. Question D-2:** The revised guidance is silent with regard to the accountability requirements in ESSA requiring a different proficiency calculation in the Academic Achievement indicator, where the denominator is based on the total number of tested students or 95% of enrolled students (whichever is higher). Given that the reported proficiency rate in question D-2 will be based on a denominator equal to the number of enrolled students who participated in assessments, which may or may not be the same denominator used in the Academic Achievement indicator for accountability purposes, the guidance could be improved by providing suggestions to states for how to explain any differences in proficiency rates that result due to differences in the denominator used (i.e., reporting vs. accountability) to parents and the public. Helping states provide clarity on how participation rates are taken into account in various aspects of the accountability system is even more critical in light of the removal, in question E-1, of an explanation of how the 95% participation requirement factors into the state's accountability system from the required description of the statewide accountability system on each State report card. We would also suggest revising question E-1 to include an explanation of the role of assessment participation rates in the accountability system.
- **Optional Reporting of Accountability Information. Question E-4:** In light of the rescission of the accountability regulation, it is understandable that the revised guidance no longer describes a requirement for report cards to include the reason why schools were identified for support and improvement. However, question E-4 is a missed opportunity to more strongly encourage this reporting. Parents, families, and the general public deserve to know whether a school was identified for comprehensive support and improvement due to low graduation rates vs. due to being among the bottom 5% of Title I schools statewide. Likewise, the reason a school was identified for targeted support and improvement is not merely *whether* the school is consistently underserving a particular group of students, but also *which* group of students the

school is underserving. The guidance would be improved by encouraging states to also report the specific subgroups needing support (e.g., English learners or low-income students); as a result, parents would have greater information about whether the school their child attends is likely to support their needs.

Likewise, while the revised guidance should no longer require that each measure within a School Quality or Student Success indicator or Other Academic indicator be reported separately (as those were requirements included in the rescinded regulations), the revised document could more strongly encourage states to report on each measure separately. For example, most states are using an indicator of college and career readiness for high schools and measure the rate of students' readiness using a number of measures, such as Advanced Placement or dual enrollment course-taking, ACT or SAT scores, participation in career and technical education (CTE), scores on assessments to enter the military, and acquisition of an industry-recognized credential. As each of these measures readiness for different postsecondary experiences, having information on the rate of students demonstrating readiness through each option individually, as well as in the aggregate, would be enormously valuable to parents, educators, advocates, and policymakers. For example, it could reveal disparities in access to advanced coursework or CTE programs and which students are, or are not, "college-ready" vs. "career-ready."

- **Annual CRDC Data Collection. Question F-6:** The revised guidance no longer suggests that SEAs and LEAs collect the required Civil Rights Data Collection (CRDC) elements for ESSA report cards annually. The guidance clarifies that because the CRDC is a biennial data collection, SEAs and LEAs may simply report duplicate information over consecutive years. However, the guidance would be improved by including a second option: to opt to collect the data each year. A state choosing this option would likely be able to include more accurate and up-to-date information on its report cards, improving transparency and data quality for parents and other report card users. This option should be added back to the revised guidance in question F-6.
- **State and LEA-Level CRDC Data. Question F-14:** The revised document indicates that states and LEAs are not required to report CRDC data at the state or LEA levels on ESSA-required report cards—a change from the previous version of the guidance; instead, data will only be reported at the school-level. Without the comparison of statewide or district-wide data, it will be more challenging for parents and other users of the CRDC data to interpret the results for their child's school and place them in context. If State and LEA-level data are not required, the revised guidance could be more encouraging to States and LEAs to voluntarily report that information. As drafted, the guidance is overly pessimistic about reporting district and statewide information due to "privacy risks" and could have a chilling effect on States and districts who would have otherwise attempted to include this information. Instead, the guidance could make it clear that it is feasible to report State and LEA-level information from the CRDC and that the Department's PTAC is a helpful resource for those planning to do so.
- **Uniform Calculation of Per-Pupil Expenditure Data. Question H-2:** The revised guidance, consistent with the statute and the move to rescind the final regulations for report cards, does not require SEAs to have a single, statewide procedure for LEAs to use to calculate and report LEA-level per-pupil expenditures of Federal, State, and local funds, nor a similar procedure that LEAs must use to calculate and report school-level per-pupil expenditures of Federal, State, and

local funds. However, the guidance could more strongly encourage states to do so and/or go into greater detail about the benefits of a consistent, statewide method of calculating these figures. The new requirement to report per-pupil expenditures of Federal, State, and local funds, including actual personal expenditures and actual nonpersonnel expenditures, was a significant step toward fiscal transparency and equity in ESSA. However, inconsistent reporting across LEAs will render the data meaningless, or even unhelpful – undermining the very intent of reporting the data in the first place. For example, instead of asking in question H-2 “Can an SEA and its LEAs follow different procedures when calculating per-pupil expenditure data for State and local report cards?” the revised guidance could ask, “Why should an SEA and its LEAs use the same procedure when calculating per-pupil expenditure data for State and local report cards?” This would better highlight the myriad benefits of uniform calculations.

- **Postsecondary Enrollment Cohort. Question J-2:** Unlike the prior guidance, the revised guidance fails to clarify that the denominator of the cohort for reporting postsecondary enrollment may not include students who receive a GED or other type of high school certificate. This clarification should be re-inserted to ensure that only students earning a regular high school diploma or, in the case of students with the most significant cognitive disabilities who were assessed using the AA-AAAS, students earning a state-defined alternate diploma are included in the denominator of the calculation.
- **Optional Reporting of Postsecondary Enrollment Information. Question J-6:** The revised guidance no longer encourages states to disaggregate postsecondary enrollment rates by institution type, by subgroup of students. While question J-1 does state that postsecondary enrollment rates must be disaggregated, there are a number of benefits of disaggregating the data by institution type – some of which are included in the response to question J-6. As historically underserved students are less likely to enroll in postsecondary education in general, greater information and nuance about these disparities would likely be revealed if the data were disaggregated by institution type, by subgroup. The revised guidance could be strengthened by encouraging States and LEAs to do so.