

Congress of the United States

Washington, DC 20515

May 1, 2023

Secretary Miguel A. Cardona
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Cardona,

We are writing in response to the U.S. Department of Education's (the Department's) Request for Information Regarding the Innovative Assessment Demonstration Authority (IADA) [Docket ID ED-2023-OESE-0043]. IADA provides an important opportunity to support states in their efforts to develop high-quality and innovative assessments that measure the full depth and breadth of the State's challenging academic standards, allow students to demonstrate their learning in multiple ways, and accurately recognize student academic growth and progress. As you consider rulemaking to support the effective implementation of IADA, we strongly encourage you to incorporate the following priorities in your efforts:

Provide greater clarity as to how “comparability” in the context of the IADA can be defined.

Effective statewide assessments must provide comparable standards-aligned tasks that produce comparable student data across districts, schools, students, and groups of students. Comparability is fundamental to the efficacy of statewide assessments because it helps policymakers at the local and state level make decisions that ensure all students, regardless of background and geography receive the educational services and supports they need and deserve. Toward this effort, the Every Student Succeeds Act (ESSA) requires that states participating in the IADA demonstrate that their assessment systems “generate results that are valid and reliable, and comparable, for all students and for each subgroup of students described in Section 1111(b)(2)(B)(xi), as compared to the results for such students on the State assessments under Section 1111(b)(2).” Although “comparable” is not defined in ESSA, the IADA regulations issued by the Department ask state education agencies to determine comparability of assessment results in one of five defined ways. The fifth definition option is “an alternative method for demonstrating comparability that an SEA can demonstrate will provide for an equally rigorous and statistically valid comparison between student performance on the innovative assessment and the statewide assessment, including for each subgroup of students...”.

We have heard from state leaders that the lack of clarity around this fifth option results in significant barriers for states to participate in the IADA and utilize flexibilities authorized under ESSA to develop and implement high-quality and innovative assessments to support student learning and school accountability. Therefore, we ask that any new guidance or regulations clearly articulate additional approaches to demonstrate comparability in accordance with ESSA's

requirements, by specifying that assessments may produce comparable results across all students and each subgroup of students described in section 1111(b)(2)(B)(xi) of ESSA and local educational agencies within a state through the following approaches: (1) comparability of assessments with respect to the standards measured; (2) comparability of tasks and scores across students and schools; and (3) comparability of task scoring.

For many states, they have interpreted comparability to mean that new assessments generate the same results as the pre-existing assessments they are trying to replace. Given that interest in IADA is driven by a desire to move away from ineffective ways to assess students found within current assessment systems, we ask that an option be available to states that asks them to demonstrate that they will provide for a rigorous and valid comparison between a state's innovative assessment and the state's statewide assessment, such that the innovative assessment is demonstrated to be of equal or higher quality than the state assessment in terms of measurement of academic standards, and all tasks and scoring processes on the innovative assessment generate valid and reliable measures of student performance that are comparable across students and each subgroup of students, schools, and local educational agencies engaged in the innovative assessment. This approach meets the intended purpose under ESSA that statewide annual assessments are more fully aligned to state standards and core content and supports accountability for improving the educational opportunities and outcomes for underserved students.

Extend the IADA timeline for participating states.

Under ESSA, states must scale innovative assessment systems statewide within 5 years (with an option for an additional up to three years). However, the Department's regulations do not indicate whether this 5-8 year period allows for a planning year. States need time to develop, pilot, strengthen, and scale up new assessments. It is also critical that there is strong engagement and collaboration among educators, school leaders, parents, civil and disability rights organizations, and other partners in these efforts in the early stages of design and development, as required under section 1204(e)(2)(v) of ESSA. To support this collaboration and the necessary professional development, the Department should explicitly allow for a planning year, which may occur at either the start of the demonstration period or in addition to the demonstration period.

Align efforts to improve the quality of assessments across ESSA implementation.

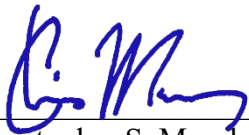
ESSA allows for projects, portfolios, and extended performance tasks to be included as part of annual statewide summative assessments. IADA is an opportunity for more states to take advantage of that provision through the development of these more innovative assessments. This approach for measuring deeper learning should be emphasized and encouraged through any potential rulemaking.

For future grant competitions under the Competitive Grants for State Assessment (CGSA) program, the Department should maintain the Secretary's Supplemental Priorities that were applied to the 2022 competition. Specifically, future CGSA notices inviting applications should prioritize applicants that (1) demonstrate how they will use grant funding to measure student

academic achievement using multiple measures of student academic achievement from multiple sources; and (2) evaluate student academic achievement through the development of comprehensive academic assessment instruments (such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments) that emphasize the mastery of standards and aligned competencies in a competency-based education model. We also recommend that CGSA award amounts be significantly higher for states that apply as a consortium, to incentivize broader interstate collaboration. Finally, the Department should wait to consider including any priorities under CGSA related to IADA until after any regulatory action is completed.

We appreciate your efforts to support effective implementation of this authority under ESSA and to support states working to create high-quality assessment systems that are designed to more effectively measure and improve teaching and learning for our educators, students, and families.

Sincerely,



Christopher S. Murphy
United States Senator



Bernard Sanders
United States Senator