



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

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July 29, 2016

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

Docket ID: ED-2016-OESE-0032

Dear Ms. Miller:

As State Superintendent of the NC Department of Public Instruction, I submit the following comments and recommendations in regard to the U.S. Department of Education's (Department) Notice of Proposed Rulemaking (NPRM) on accountability and State plans under the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA). While many of the comments align closely with those from the Council of Chief State School Officers (CCSSO), it is important for you to hear directly from me because it reflects input/feedback from local school superintendents.

Section	Title	Comment	Suggested Change
§200.12	Single statewide accountability system	While it is advantageous to have one system, there is no guarantee that a "single statewide system" will be established if a State's laws on accountability are in conflict with the federal law. This will result in two systems; one for State and one for federal accountability.	Remove the word "single" from the regulations.
§200.14 (5)(c)(3)	Accountability indicators	It should not be required that all indicators of school quality or student success must be disaggregated. Some indicators could be very informative for the school as a whole but cannot be disaggregated. Example – results from parent or teacher surveys.	Only require that one indicator of school quality or student success is disaggregated but additional indicators would not have that restriction.

OFFICE OF THE STATE SUPERINTENDENT

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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Section	Title	Comment	Suggested Change
§200.14 (5)(c)(4)	Accountability indicators	States may have a good reason to use a particular measure in more than one indicator. For example, using a nationally recognized assessment as a school quality indicator for post-secondary readiness but also allowing LEAs flexibility to use the same assessment in lieu of the State required high school assessment (if the State Board of Education allows it).	Remove the reference to using “no more than once” in the draft regulations.
§200.15	Participation in assessments and annual measurement of achievement	The draft regulations are not needed and it should be up to the States to determine how to factor participation rates into the accountability system.	Remove this section of the regulations.
§200.18 (b)(1)	Annual meaningful differentiation of school performance	(b)(1) makes a reference back to §200.14, which in its current state has the requirement of disaggregation, which is referenced above and should be changed.	Change §200.14 (5)(c)(3) above.
§200.19 (d) Timeline	Identification of schools	ESSA breaks new ground in providing States with the opportunity to expand the concept of accountability by allowing a much greater use of indicators beyond test scores in the model. All States must have their new accountability systems in place for the 2017–18 school year. It makes more sense for the States, therefore, to identify schools for comprehensive support and improvement (CSI) based on the results from the 2017–18 school year so the schools are evaluated on the new accountability models put in place.	The regulations should be written to allow States to wait until they have data from the 2017–18 school year to identify the schools for CSI as long as they continue to serve schools already identified as priority or focus schools through the 2017–18 school year.
§200.24 (c)(2)	Resources to support continued improvement	The new law was crafted in the spirit of more flexibility for the States. The federal regulations should not specify minimum amounts of money that can be awarded to schools by the States. This can severely limit the ability of the States to serve more schools.	Remove the minimum amounts and leave the decisions up to the States.

Section	Title	Comment	Suggested Change
§200.13 through §200.16 and §200.30	Varied	In these sections of the draft regulations there are frequent references to “reading/language arts.” The ESSA law states “reading or language arts.” States have been told that if they have writing standards then they must assess writing. However, the law specifically references reading “or” language arts and in Section 8002 in ESSA, it states “The term ‘well-rounded education’ means courses, activities, and programming in subjects such as English, reading or language arts, writing , science, technology, engineering, mathematics...” [emphasis added] States, therefore, should have more flexibility regarding writing assessments and whether they are required.	Replace the slash (/) in “reading/language arts” and make it consistent with the law by inserting “or” in all instances.
§200.18 (b)(4)	Annual meaningful differentiation of school performance	This section makes reference to a summative rating of performance for schools. This may not be how a State envisions or designs its accountability model and the regulation should be revised.	States should determine if a summative score is to be generated or used.
§200.34 (d)(1)	High school graduation	This section makes reference to calculations of high school graduation rates including the results “during the summer session immediately following their fourth year.” Some States are not able to accommodate the inclusion of summer school graduates if it occurs after June 30 when all data must be submitted. This draft regulation needs a clarification of this problem. It also would change how some States (including North Carolina) have been calculating these rates since 2006.	The final regulation should include language that mentions that the State defines how or whether summer school following the fourth year is included in graduation rates.

Section	Title	Comment	Suggested Change
§299.13 (d)(2)		The draft regulations state that the State plans must be submitted on a date and time established by the Secretary. The information on page 34581 of the <i>Federal Register</i> mentions the intention for the dates to be March 6 and July 5, 2017. This may prevent States from getting plans approved prior to the beginning of the 2017–18 school year because of the 120-day period for Department review which is not ideal. There should be at least one other deadline in between the two proposed.	Add May 5, 2017 as another date that States could submit their plans for approval.
§299.13	Overview of state plan requirements	The draft regulations for this section include too many new requirements which will be a burden for the States.	Remove many of the added requirements that go above and beyond the intent of the Congress. CCSSO goes into greater detail about the added burdens in its comments.
§299.18 (c)	Supporting excellent educators	All States in the U.S. recently updated their respective “State Plan to Ensure Equitable Access to Excellent Teachers” (Educator Equity Plans). North Carolina’s plan was approved by the Department on November 18, 2015 (less than nine months ago!) It would be very helpful for States to simply reference in the ESSA Plans, the web link to their approved Educator Equity Plan. This also will allow easier updating of the Educator Equity Plans in the future without having to edit the completed ESSA Plan.	Add some reference in the regulations to allow States to provide a link to their Educator Equity Plans without having to include the entire plan into the ESSA Plan.

The Department is to be commended for all of its efforts to get regulations in place as quickly as possible so States can ensure that their plans are developed and approved in an expeditious manner. I also thank you for the opportunity to provide comments and hope that you will see fit to make changes in the regulations based on the feedback. If you have any questions or wish to discuss any of these issues, please contact Dr. Lou Fabrizio, Director of Data, Research and Federal Policy at 919.807.3770 or Lou.Fabrizio@dpi.nc.gov.

Sincerely,


June St. Clair Atkinson

c: Dr. Lou Fabrizio, Director, Data, Research and Federal Policy