

From: Whalen, Ann
Sent: Thursday, June 13, 2013 8:36 AM
To: Fletcher, Jane
Cc: McKinney, Jessica
Subject: Request for clarification

Dear Jane,

In response to a June 11, 2013, request for clarification on the Race to the Top Assessment grant conditions and requirements, the Race to the Top Assessment program does not create any new data collection requirements to the U.S. Department of Education (Department) or any other federal entity from Florida or any other State participating in the grant. Furthermore, the Department does not collect individual student-level assessment data as part of the grant program from any State. The Department does not collect personally-identifiable information (PII) from education records at all outside of its duties that require it, such as administering student loans and grants, conducting surveys, and investigating individual complaints. The Department is not legally authorized to create a national, student-level database, and the Department has no desire or intention to create a student record data system at the national level. Moreover, neither the Elementary and Secondary Education Act of 1965, as amended (ESEA) nor the Higher Education Act of 1965, as amended (HEA) provides the Department with the authority to establish a Federal database of PII from education records. Specifically, “[n]othing in [ESEA] ... shall be construed to authorize the development of a nationwide database” of PII from education records. 20 U.S.C. 7911. Likewise, “nothing in [HEA] shall be construed to authorize the development, implementation, or maintenance of a Federal database” of PII from education records. 20 U.S.C. 1015c(a). The Department does encourage, through such initiatives as the Race to the Top Assessment program, the responsible use of data by States and researchers to evaluate and improve education programs, in accordance with all applicable privacy statutes and regulations.

The purpose of the Race to the Top Assessment grant conditions in appendix E of the grant award notice is to help the Department work with the grantee and evaluate its progress during the life of the grant. This includes sharing research to ensure that the assessment system is valid for its intended uses; research to ensure that the assessment system fairly measures the skills and knowledge of all students, including students with disabilities and English learners; and program information to ensure taxpayer funds are spent appropriately, which are uses that are consistent with our discretionary grants practice. The Race to the Top Assessment program is voluntary and provides funding for the consortium of states to design and develop its assessment system but cannot be used for the operational assessment administration. States may choose to use the resulting operational assessments after the Race to the Top Assessment grant period for the purposes they have previously used other State assessment systems and to meet the requirements of the ESEA.

In responding to another question, we also note that neither Race to the Top nor any other federal grant program in our agency required the use of the Common Core State Standards (CCSS). While the Department has encouraged States to increase the rigor of their content standards in order to prepare students for college and career, no State is required to adopt a particular set of content standards. Furthermore, the Race to the Top Assessment program arose in direct response to requests from governors and chief state school officers for support in the development of the next generation of assessments aligned to new rigorous standards. The Race to the Top Assessment program required a consortium of States applying for a grant to create or establish a common set of college- and career-ready content standards (which are necessary for the consortium to develop an assessment system

aligned to those standards), but the consortium had discretion to select the content standards it would use.

Similarly, through ESEA flexibility, the Department offered flexibility from certain provisions of the ESEA in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. A key component of each State-developed plan is a State's demonstration that, among other actions, it has adopted college- and career-ready standards and has a plan to implement those standards and statewide, aligned, high-quality assessments. However, ESEA flexibility also does not require that such standards and assessments be related to the CCSS. A State has the option of adopting and implementing its own college- and career-ready standards that are approved by a State network of institutions of higher education (IHEs), which must certify that students who meet the standards will not need remedial course work at the postsecondary level. Virginia and Minnesota, both of which were approved for ESEA flexibility in 2012, have selected that method of establishing that they have adopted college- and career-ready standards in order to take advantage of ESEA flexibility. Similarly, a State can meet the ESEA flexibility assessment requirement by demonstrating that it has a plan to develop and administer annually statewide, aligned, high-quality assessments. In addition, no State was required to request ESEA flexibility.

Again, the Department is not changing any data collection requirements through the Race to the Top Assessment program. If you have any additional questions, please let us know.

Sincerely,

Ann Whalen

Director, Policy and Program Implementation

Implementation and Support Unit, Office of the Deputy Secretary U.S. Department of Education