

April 14, 2021

Acting Assistant Secretary Ian Rosenblum  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

Dear Acting Assistant Secretary Rosenblum:

Thank you for your leadership in supporting states to safely welcome students back to in-person learning and to allocate and use resources provided by the American Rescue Plan (ARP) Act. We appreciate that ED has been clear it is vitally important – and required by law – that families, educators, and the public have access to data on student opportunity and learning, including data from statewide assessments. This data will help us understand how much COVID-19 has impacted learning for students of color, students from low-income backgrounds, students with disabilities, English learners, and students experiencing homelessness. It will also help identify what resources and supports students need to accelerate learning, including those provided with the almost \$130 billion allocated to states and districts through the ARP.

Given the pandemic-specific flexibility you have provided to states in implementing the critical civil rights component of the Elementary and Secondary Education Act (ESEA) that requires states to administer high-quality, statewide assessments, we urge ED to turn now to providing the oversight needed to ensure the equitable implementation of this flexibility and to take meaningful action when states fail to meet their obligation to provide equal educational opportunity for all students. This oversight includes ensuring states: (1) make every effort to assess as many students as possible on the statewide assessment (including by communicating clearly and publicly that administering the statewide assessment is not optional); (2) provide evidence of their best efforts to administer the statewide assessment, including the challenges they are facing in specific districts and data describing the students they have been unable to reach; (3) report disaggregated data, including participation rate data, in a timely manner; and (4) meet the commitments they have made to you and to their stakeholders. Over the coming weeks, states are likely to face many of the same challenges they face annually when administering assessments, including technical challenges, and we hope and expect that ED will work with states to address those challenges as they arise and will hold states accountable if they do not work diligently to reach all students.

As you have noted, states and districts may choose to also use other, locally-administered assessments to measure student learning and progress and to provide information to parents and educators. But, as [ED recently acknowledged](#), "these interim, diagnostic, or formative assessments do not replace statewide summative assessments." As such, states must be held responsible for documenting the

efforts they have taken to administer the statewide assessment to as many students as possible before considering the use of a local assessment. Assessment data, alongside a broad array of other opportunity-to-learn data, including data on instructional model (e.g., remote, hybrid, in-person) and instructional time; student and teacher access to technology; chronic absenteeism; use of exclusionary discipline; results from student, staff, and family surveys of school climate; access to advanced coursework; and access to strong and diverse educators should be used to ensure that all resources are targeted to the students who need them most. ED should continue to provide support to states in identifying and collecting this data at the state and local level and for individual groups of students.

We need the Biden Administration's leadership to not only address the COVID-19 pandemic, but also to dismantle the systemic inequities that have denied opportunities for students of color, students from low-income backgrounds, students with disabilities, English learners, and students experiencing homelessness for generations. One component of that leadership must be enforcing federal education law and using every possible tool to challenge and correct injustices. We look forward to working collaboratively with you on behalf of underserved students across the country.

Thank you,

Alliance for Excellent Education

Education Reform Now

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National Center for Learning Disabilities

National Urban League

SchoolHouse Connection

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