

August 1, 2016

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

RE: Docket ID ED-2016-OESE-0032: Elementary and Secondary Education Act of 1965, as Amended by the Elementary and Secondary Education Act

Dear Ms. Miller:

Thank you for the opportunity to provide comments on proposed regulations for Title I of the Every Student Succeeds Act (ESSA). Healthy Schools Campaign (HSC) and Trust for America's Health (TFAH) strongly encourage the U.S. Department of Education (ED) to develop regulations that support the whole child and promote health and educational equity for students across the country. ESSA recognizes the need to support the whole child and creates a number of important opportunities for state education agencies (SEA) and local education agencies (LEA) to support the critical connection between health and learning. HSC and TFAH wish to respectfully offer comments where we believe the proposed regulations could more explicitly support these concepts.

The link between health and learning is clear: healthy, active and well-nourished children are more likely to attend school, be ready to learn and stay engaged in class. However, the school setting often does not support health. Too many students spend their days in buildings with unhealthy air, limited opportunities for physical activity and inadequate access to fresh water, nutritious food or a school nurse. Many students come to school with one or more health problems that impact their ability to learn. According to the U.S. Centers for Disease Control and Prevention (CDC), the incidence of chronic diseases—including asthma, obesity and diabetes—has doubled among children over the past several decades. This has implications not only for children's long-term health but also for their opportunities to learn and succeed at school. Just as important, we know that students who achieve success in school are more likely to maintain better health outcomes over the long-term. These were key findings highlighted in [*Health in Mind: Improving Education through Wellness*](#), a report published by HSC and TFAH.

This challenge is especially critical in light of the nation's vast disparities in both health and education outcomes. Low-income and minority students are at increased risk of health problems that hinder learning. These students are more likely to attend schools with unhealthy environments and that do not invest in evidence-based prevention. Unless we address these

disparities in health status and school environments, efforts to close the education achievement gap will fall short.

In order to work toward addressing this challenge, HSC and TFAH are co-convening the National Collaborative on Education and Health, a national effort to improve school and student health across the country. Since its launch two years ago, the National Collaborative on Education and Health has brought more than 100 health and education leaders and catalyzed efforts at the national, state, and local levels to create healthier school environments and healthier students, including through investment in upfront prevention.

HSC and TFAH understand that healthy students are better learners and recognize that efforts to address the academic achievement gap will be significantly compromised if student health and wellness is not supported. We urge ED to explicitly address health and wellness in the final regulations to help ensure SEAs and LEAs leverage the connection between health and learning in their implementation of ESSA. Specifically, HSC and TFAH recommend ED makes the following changes to the proposed regulations:

§200.14: Accountability indicators

Provide examples of measures of school quality or student success that meet the criteria for selection.

We strongly support ED's inclusion of a measure of school quality or student success and the requirement that these indicators meet the same criteria for selection that are mandated for all other accountability indicators.

The proposed regulations indicate that measures of school quality or student success must be reported for all students and be disaggregated by required subgroup; it must apply to all students, be valid, reliable, meaningfully differentiate among schools, and have a proven impact on academic achievement); however, the proposed regulations stop short of identifying appropriate indicators. Measures such as chronic absence, defined in the proposed regulations as "(e.g., 15 or more school days or 10 percent or more of total school days)," and school climate measures directly support the connection between health and learning and meet the criteria for selection outlined by ED. While these measures are specifically listed in the rationale provided for §200.14, the proposed regulations do not include these specific examples of potential measures of school quality or student success. We also recommend that the regulations define chronic absence as missing 10 percent or more of school days for any reason – excuse or unexcused – to help harmonize any Title I efforts in this area with existing national and state initiatives to address chronic absence.

§200.19: Identification of Schools

Delay the timeline for identification of schools for comprehensive support and improvement to allow SEAs sufficient time to develop their new accountability systems.

The proposed regulations would require the identification of schools for comprehensive support and improvement by the beginning of the 2017-2018 school year. Under this proposed timeline, schools would be identified as in need of comprehensive support and improvement based on data collected by the SEA during the 2016 – 2017 school year. As a result, schools would presumably be identified based on No Child Left Behind metrics, not their new accountability systems under ESSA that incorporate at least one measure of school quality or student success.

While we want to ensure that the lowest-performing schools receive the support they need to improve in a timely manner, we also want to ensure that those schools are identified under the new ESSA accountability system and are given sufficient time to meaningfully consult with stakeholders, conduct a thorough needs assessment, and develop a robust plan for school improvement.

The proposed regulations indicate the identification of schools for targeted support and improvement must take place during the 2018 – 2019 school year. As a result, we recommend the final regulations align the timeline for identifying schools for comprehensive support and improvement with the timeline for identifying schools for targeted support and improvement.

§200.21 – Comprehensive support and improvement

Proposed §200.21 requires that a school district with a school identified for comprehensive support and improvement complete, in partnership with stakeholders, a needs assessment for the school. In order to better understand how inclusion of health and wellness in school-level needs assessments could impact academic achievement, the Pew Health Impact Project is conducting a rapid Health Impact Assessment (HIA) on the proposed Title I regulations 200.21(c). The preliminary findings indicate that school level needs assessments conducted under the proposed Title I regulations 200.21(c), and the resulting comprehensive support and improvement plans, could be strengthened by explicitly examining important health determinants and health issues that can contribute to student academic achievement and school performance. The following recommendations reflect the findings of this HIA.

Explicitly encourage LEAs to examine social determinants of health and education as a part of their needs assessment and use the findings to inform resulting support and improvement plans and local partnerships.

The proposed regulations primarily require LEAs to capture and document metrics related to student achievement and school performance. The rule does not require or encourage LEAs to examine other factors that influence student learning and academic indicators. Without those data, the resulting comprehensive support and improvement plans may fail to address these

contributing factors, thereby limiting the effectiveness of the plans in creating meaningful improvement for students. ED can guide LEAs to examine a broad range of potential contributing factors, while maintaining local flexibility, by:

- Explicitly emphasizing the importance of collecting data on health determinants and health indicators as part of school-level needs assessments in alignment with SEA and LEA indicators, where possible; and
- Encouraging this analysis to examine factors in key areas such as absenteeism; school climate; student physical and behavioral health; neighborhood factors; student household factors; and resources, such as infrastructure and staffing capacity, to address identified needs.

Broaden the list of stakeholders that schools will engage in developing the school-level needs assessment and resulting comprehensive support and improvement plan to include, at a minimum, relevant groups identified in Sec. 111(a)(4) of ESSA such as specialized instructional support personnel, community representatives, and individuals knowledgeable about how to meet the needs of specific subgroups of students.

We applaud ED's efforts to ensure that school-level needs assessments are conducted in partnership with key stakeholder groups, such as principals, teachers, parents, public health, hospitals and health care professionals, and believe that the final rule can be strengthened by encouraging LEAs to partner with a broader array of stakeholder groups that can help them to identify and address social determinants of health and education. Engaging these additional stakeholders can strengthen partnerships and help identify and leverage additional community assets and resources to effectively address the needs raised in the assessment.

By explicitly highlighting these important stakeholders in the final rule-making, ED could encourage LEAs to include, as part of their school-level needs assessments, perspectives regarding a broad range of social and economic factors that may be contributing to student learning and key academic metrics.

§200.31: Annual State Report Card

Articulate the specific indicators, including measures of school climate and safety, SEAs are required to include in their report cards.

Title I of ESSA requires state report cards to include the following measures of school climate and safety: in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism and incidences of violence. While the proposed regulations indicate that a "state receiving Title I, Part A funds must prepare and disseminate widely to the public an annual state report card which must include at a minimum the information required under section 1111(h)(1)(C)" of ESSA, these requirements are not specifically mentioned in the proposed regulations.

We recommend the final regulations articulate the specific indicators, including chronic absenteeism and incidences of violence, required for inclusion in state report cards.

Section §299.19 – Supporting All Students

Adopt a broad definition of “school conditions to support student learning” that goes beyond bullying and school safety and recognizes the need to support the whole child.

Proposed 299.19 (a)(1)(iii) emphasizes school conditions for student learning consistent with the requirement in section 1111(g)(1)(C) of ESSA to ensure all students have access to a safe and healthy learning environment. Section 1111(g)(1)(C) of ESSA specifically focuses on bullying and school safety. While we strongly support this emphasis on the school conditions to support student learning, we recommend the final regulations expand the proposed definition of school conditions to support student learning and better reflect ESSA’s emphasis on the whole child.

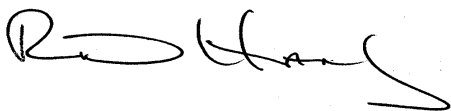
Specifically, we encourage ED to provide a definition of school conditions to support student learning that reflects the Centers for Disease Control and Prevention’s Whole School, Whole Community, Whole Child model. This will help ensure students have access to the programs, services and supports needed to ensure they are healthy and ready to learn. These programs and services include improved access to healthy school meals, social-emotional learning, physical activity opportunities, school health services and access to a healthy indoor environment.

Thank you again for the opportunity to submit comments on the proposed regulations for ESSA’s Title I. HSC and TFAH look forward to working with you to ensure the nation’s children are healthy and ready to learn. If you have any questions, please contact Jack Rayburn at Trust for America’s Health (jrayburn@tfah.org) or Alex Mays at Healthy Schools Campaign (alex@healthyschoolscampaign.org).

Sincerely,



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