



The Education Trust

Closing the gaps in opportunity and achievement, pre-k through college.

October 7, 2013

Deborah Delisle
Assistant Secretary for Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Delisle:

I write regarding the U.S. Department of Education's August 2013 guidance on ESEA Flexibility renewal.

Given the overarching purpose of federal involvement in education — and, in particular, of ESEA Title I, whose provisions are the focus of this flexibility — The Education Trust believes any waiver process should be aimed at securing advances in opportunities and outcomes for our nation's large and growing population of low-income students and students of color *beyond those attained in current law*.

The original waiver criteria represented a missed opportunity to put equity front and center and, in some critical places, a significant step backward from current law. Although current law demands that low-income students and students of color have fair access to quality teachers, the Department chose not to ask states and districts to get serious about this matter in their plans for improving educator effectiveness. Nor did it require that performance against state goals for raising achievement and closing gaps be meaningful factors in states' accountability systems, even though group performance is essentially the *only* thing that matters under current law.

We appreciate that the renewal criteria try to correct these problems. But those corrections simply don't go far enough.

Given most states' tepid track records on closing gaps in opportunity and achievement, the Department must be specific and ambitious in its waiver renewal requirements. The current guidance, however, is anything but. Often vague, the renewal guidelines do not require states to give serious, immediate attention to equity.

We've identified areas where the Department can and should go further in prompting equity through the renewal process, and we have specific recommendations for each. We hope these recommendations will inform the Department's technical assistance to states and its renewal decisions.

Equitable Access to Strong Teachers

The initial waiver guidelines maintained the long-ignored ESEA provision that low-income and minority students cannot be disproportionately assigned inexperienced, out of field, or unqualified teachers, and gave states the option to use evaluation results to meet these requirements once their new, more rigorous evaluation systems were up and running. But states did not have to address equitable access in their plans; indeed, there was no attention to this absolutely critical matter in the waiver process. As a result, states continue to ignore the current equity requirements. And even as they move toward implementing more rigorous evaluation systems, very few states have concrete plans for using these systems to ensure that low-income students and students of color do not continue to be disproportionately assigned to the weakest teachers.

We are encouraged that the renewal criteria ask states to identify their current strategies to meet the ESEA teacher equity requirements. The criteria also ask states to submit detailed timelines for developing a specific teacher equity plan, one that includes evaluation results as well as inexperience and out of field data, by 2015. However, given states' past track records — including providing laundry lists of work related to teachers rather than specific, equity-focused strategies and defining teacher experience and qualifications in a way that masks distribution issues — the current criteria do not guarantee attention to this issue.

Without clear guidance and expectations from the Department, states will not take this new requirement seriously. Therefore, the Department should make the following expectations explicit:

- **Disallow the use of highly qualified teacher (HQT) data in reporting on teacher equity.** States have defined HQT in a way that enables nearly all teachers to meet the criteria, and it is now a minor bureaucratic hurdle rather than a serious measure of quality. The Department should make it clear that when looking at current patterns, the use of HQT data is insufficient and inappropriate. States must instead look at imbalances in teacher experience, teacher in-field status, and, where appropriate, teacher evaluation ratings.
- **Define “inexperience” as less than one year as the teacher of record.** Research shows that teachers' improvement trajectory is steepest in the first three years in the classroom, but even third year teachers tend to be stronger overall than brand new teachers. If states define inexperience as less than 5 years, as many have done, it will likely mask distribution issues and not address the fact that poor students and students of color are disproportionately taught by first year teachers who are still learning their craft.

- **Require states to collect and report evaluation data at the school level by the percent of teachers falling in each evaluation category.** In some of the early statewide releases of teacher evaluation data, few teachers are being rated as ineffective. So it is important to look deeper and ensure not just that low-income students and students of color aren't disproportionately taught by low-performing teachers, but that they have their fair share of top teachers, as well.

- **Prompt states to articulate strong, detailed strategies to increase equitable access to effective teachers.** This should include the strategies that states will undertake, as well as the strategies they will expect districts to undertake based on context and need. Examples could include:
 - Including teacher quality and equity data on district-level public report cards and developing meaningful consequences, such as limited access to state funding, for districts that consistently fail to narrow gaps.
 - Modifying staffing policies, such as compensation schedules and lay-off rules, to align with evaluation outcomes and to prioritize attracting and holding effective teachers in high-need schools.
 - Working on supply-side problems by:
 - Identifying regions of the state — for example, isolated rural areas with concentrated poverty — where the supply of quality teachers is limited and building stronger pipelines for that region.
 - Developing accountability systems for teacher preparation programs, both traditional and alternate route, and using the results of those to grow the more effective programs and improve or close those producing the weakest teachers.
 - Prioritizing improvements in conditions for teaching and learning in low-performing schools, such as quality of school leadership, site-based teacher induction, and focused professional learning opportunities.
 - Developing distinct opportunities and roles within high-need schools for strong teachers, such as teacher leader positions, or roles that extend the reach of the best teachers to more students.

If states — in conjunction with districts — examine issues of inequitable access using meaningful data and then develop specific plans for acting on these issues, they could actually move the needle on this critical issue.

Making the Achievement of All Student Groups Matter

The initial waiver guidelines required that states set ambitious, achievable goals for raising achievement and closing gaps between groups, but did not require that progress against these goals actually matter in school ratings. The result is that in most waiver states, schools that are missing their goals for individual groups of students — black, Latino, Native, low-income, English language learners, or students with disabilities — can still be highly rated, and meeting group goals does not necessarily help even lower-rated schools improve their rating.

The renewal criteria attempted to correct this by asking for more specific plans for what states will do to support and intervene in schools where groups consistently miss performance or graduation-rate goals, regardless of their rating. But even the best state plans are unlikely to encourage educators to work hard to meet goals that don't otherwise matter. Rather than simply asking states to provide more detail about these plans in their renewal applications, the Department should prompt states to make group goals count in their school ratings systems.

Let us be clear: We are not suggesting completely re-designing school rating systems, which would create instability at a time when educators and schools are already going through huge changes. There are ways — in fact, fairly simple ways — to link performance against goals to existing rating systems. For example, states could:

- Prohibit schools from earning the highest rating if they are *not* meeting goals for all groups, and prohibit schools from earning the lowest rating if they *are* meeting goals for all groups. For example, no school can earn an “A” grade if it is not meeting achievement and graduation-rate goals for all groups, and no school can earn an “F” grade if it is meeting goals for all groups; or
- Drop schools one rating if they consistently miss goals for any group. For example, a school that would have otherwise earned a “4 star” rating would be dropped to 3 stars if it misses goals for any group for two consecutive years.

By making these kinds of adjustments, states could ensure that achievement and gap-closing goals matter in their rating systems, and, as a result, that the achievement of every individual group of students counts. Such changes would also prompt more coherence by making group performance a central part of the main system of rewards, supports, and consequences tied to the rating system, rather than asking states to establish a separate, “on the side” system of supports and interventions driven by group performance.

Getting Clearer About the District Role

Districts play a critical role in standards implementation, teacher support and evaluation, and school improvement. But they are often overlooked in federal policy, including in the original waiver criteria. And state leaders themselves are often vague about who is responsible for what in educational improvement. This means that most approved state waiver plans barely mention the roles that districts can and should play to advance equity, such as ensuring that teachers in high-poverty and high-minority schools have access to the rich, targeted professional development they will need to teach to college and career-ready standards, and creating the conditions that will attract strong teachers and leaders to the most challenging schools.

The renewal guidelines take a step forward by requiring states to be clearer about how they will hold districts accountable for improving school and student performance. In response, however, most states are likely to do what is most familiar to them: evaluate districts based on the same kinds of indicators that they rate schools on. This is important. Districts and schools must absolutely be aiming toward the same goals. But it is not enough.

Both districts and states must also be accountable for utilizing the unique levers at their disposal. The Department should prompt states to:

- Work with district leaders to agree on how the basic work of equitable improvement will be apportioned between the state education agency and its districts, including clear specification of roles for each in implementing standards and improving teaching and leadership, with specific attention to ensuring that schools serving the highest concentrations of low-income students and students of color get the most intense support;
- Identify the sources of evidence — for example, data; surveys of teachers, parents and students; and curricular audits — that will be used to monitor district and statewide progress in each critical area; and,
- Articulate what actions will follow when states or their districts don't fulfill their responsibilities.

By taking these steps, states could go a long way toward making districts real partners in advancing standards, educator quality, and school improvement, and the Department could help put equity and fairness at the heart of the work of both.

With the changes above, we believe that the waiver renewal process could serve as a powerful tool for advancing achievement and equity. As always, The Education Trust stands ready to help the Department in whatever ways we can to advance our shared goal of ensuring that all students graduate from high school ready for college and career.

Sincerely,



Kati Haycock
The Education Trust

cc:
Emma Vadehra, Chief of Staff