



DEMOCRATS
for EDUCATION REFORM



Race to the Top
Docket ID: ED-2009-OESE-0006

August 27, 2009

Office of Elementary and Secondary Education
(Attention: Race to the Top Fund Comments)
U.S. Department of Education
400 Maryland Avenue, SW
Room 3W329
Washington, DC 20202

Secretary of Education Arne Duncan:

As you know, the undersigned organizations have longstanding commitments to improving the quality of public schools for all children. Our special focus, though, is on schools that are too often overlooked in general improvement efforts: those serving large numbers of low-income students, English-language learners, and students of color. We write together today because of our collective conviction that the American Recovery and Reinvestment Act (ARRA) provides an unprecedented opportunity to reinvigorate and refocus the school improvement effort in America. Done right, ARRA-financed initiatives can build on recent momentum at the elementary level by removing ambiguity about the aims of high school education, shaking an often complacent system out of its comfort with mediocre results, and elevating the most ambitious and effective reforms aimed at placing the needs of children—especially the most vulnerable—ahead of the privileges and prerogatives of adults.

We have no doubt that both Congress and the Administration are committed to doing this right. The ARRA legislation itself and the draft regulations are unequivocal in their focus on aligning K-12 expectations with the demands of post-secondary and the workforce and ensuring that both educators and the public more generally have good, honest, useful information on progress toward those goals. We wholeheartedly applaud your absolute clarity on the need to put the closing of long-standing gaps in achievement at the center of this effort. Your clear understanding that the most important gap-closing strategy is to focus like a laser on dramatically improving the effectiveness of those teaching low-income students and students of color, and your insistence that, to do any of this well, state data systems must link students to the teachers who teach them are exactly on target.

None of us underestimate, though, how hard it is to reorient big, lumbering, multi-layered systems like ours. And it is especially hard when times are tough. As we spend time in schools

and districts around the country, we see the effects of big budget cuts—decimated educational services and deeply damaged employee morale. In times like these, the pressure to use any and all available funds simply to fill in budget holes and ease pain is overwhelming.

But the temptation to use State Fiscal Stabilization and Race to the Top funds to “get things back to normal” must absolutely be resisted. A report issued in April by McKinsey & Company shows that *not* pursuing education reform may be the most costly decision of all. An economic analysis found that closing achievement gaps could raise gross domestic product (GDP) on the order of 2-4 percent. Any increase in GDP would mean an increase in revenues could then be reinvested in schools, toward continued economic recovery.

A study released in February by the Center for Reinventing Public Education found that economically illogical policy decisions are both costly *and* work against the aims of pursuing education excellence for all children. The report showed that if teacher layoffs were made on the basis of effectiveness, rather than on seniority—as is the case in virtually every school district in the country—there would be significant cost savings, layoffs would be reduced by about one-third, and the proportion of effective teachers in the active teaching force would be increased substantially.

These tough financial times present a singular opportunity to break with the past, shed old and ineffective policies, and forge new ones that use available dollars far more effectively and simultaneously drive toward the goals of better prepared students and a stronger and more vibrant economy. But this is only possible if all involved reject half measures and business-as-usual solutions and instead keep our eyes on the only prize that really matters—what’s right for students, especially the most vulnerable.

The regulations that govern distribution and use of dollars have to meet a far higher standard than is necessary in easier times. Though most will never say so, even the most focused and courageous state and local leaders will need the extra leverage that comes only from tough process and performance metrics if they are to act swiftly and stay true to the goals of this Act over time—metrics that give them no other choice but to address even the toughest issues and that give state and local advocates honest information to hold education leaders accountable for progress.

In four critical cases, we think the proposed regulations for the State Fiscal Stabilization Fund (SFSF) and Race to the Top Fund (RTTT) fall short of meeting that standard. In the detailed comments appended to this letter, we provide suggestions for how to improve them. We also provide three suggestions for better structuring the Race to the Top application to ensure that, in implementation, the law retains the focus and power that we believe the Administration and Congress intended it to have.

State Fiscal Stabilization Fund and Race to the Top Fund Reporting Metrics

1) Teacher Effectiveness

The regulations for both SFSF and RTTT are clearly designed to give state and local leaders the leverage they need to do something that most of them have known they needed to do for a long time: get serious about teacher quality, especially in high-poverty and high-minority schools. Because a thoughtful evaluation process is at the heart of *any* effective organizational improvement strategy, you have rightfully focused a lot of energy there, “outing” the meaningless results of current evaluation systems (in which 99.5 percent of teachers are above average) and helping to ensure that decision-makers have the data they need to include impact on student learning as a central element of their evaluation and improvement efforts.

The problem, though, is that even districts and states that move swiftly to build the necessary information systems and overhaul their evaluation processes are many years away from having sound systems that will routinely produce the kind of data necessary to measure whether the kids who are at the heart of federal policy—poor and minority kids—have the effective teachers they need to catch up with their peers. So unless we want them to delay attending to this issue until the systems and the data are perfect, we need a set of “good enough” measures that will help send up the alert and prompt action to make sure our most vulnerable children don’t continue to be taught by disproportionate numbers of not-good-enough teachers.

That is why—in addition to its drive toward effectiveness in growing student learning as the heart of teacher policy—the ARRA also requires states and districts, as does NCLB itself, to work to assure that low-income and minority students are not taught disproportionately by “inexperienced, out-of-field, or unqualified” teachers. These, of course, are not perfect proxies for effectiveness. But ample research tells us that teachers, like other professionals, aren’t as good in their first year as they will eventually become, that students learn most from teachers who know their subjects, and that teachers who know the subject which are teaching are more effective than those who don’t.

In truth, the three indicators that are actually in the law offer far better data for assessing equitable access to quality teachers than the wildly inflated ratings resulting from current teacher evaluation systems. Again, we applaud your effort to unmask bad evaluation systems by requiring those ratings to be publicly reported, but we strongly disagree with the claim that in the short term those data will offer any valuable information on equitable distribution of effective teachers. In fact, we believe that, much like the almost meaningless “highly qualified” designation, this information will cloud rather than clarify issues of equity and mislead parents and the public into thinking we no longer have any inequities in access to quality teachers.

After eight years of an Administration that did nothing to prompt attention to or action on the problem of poor quality teachers in high-poverty and high-minority schools, we are sure that

you don't want—even in the interest of better systems long-term—another eight years of inaction on this pressing problem. The regulations, then, need to reflect the law.

2) Struggling Schools

As we look closely at the data on what has happened to the lowest-performing schools over the past three to five years, two things are clear. First, as you have said so clearly, a lot of those schools are stuck. Students aren't learning much, and nothing seems to be changing. But second, and perhaps more relevant here, they are not stuck because no one knows what to do. In virtually every state whose data we have examined, at least a quarter of the schools that were among the lowest performing several years ago—most of them serving large numbers of poor and minority children—are now among the highest gaining in their respective states. What this means for us is that your demand for action is on the mark. There are, however, two serious problems with the proposed metrics.

- By focusing the metrics only on the interventions made, rather than requiring reporting of subsequent student achievement results, there is a very big danger that ARRA will reinforce an already pronounced tendency in education to count everything except results. Putting new leadership in place or re-staffing a dysfunctional school is the beginning, not the end, of the school improvement process.
- By focusing targets on percentages of schools in federal program improvement status, the numbers of which vary wildly across states, the regulations:
 - a) Compel action on far fewer schools than the Department's public pronouncements suggest;
 - b) Reward states that have gamed their NCLB accountability systems with too light a burden (five or fewer schools over four years for many states), imposing far heavier burdens on those that have played it straight; and
 - c) Leave out many of the lowest performing high schools, including many so-called "dropout factories." (We appreciate that Department staff sought a fix for the high school problem, but we don't think it is adequate.)

3) Curriculum and Other Supports for Teachers

We are delighted at the recent progress toward common standards that remove ambiguity about the central goal of high school: college and career readiness for all students. And we applaud your commitment to investing in helping states develop high-quality assessments to match these new standards.

But if we have learned anything from the past decade of "standards-based" reform, it is this: Better standards and better tests aren't enough. Like their counterparts in most other developed countries, our teachers need curriculum that will help guide them in what to teach, in the kind of lessons and assignments that will enable students to reach standards, and in what student work that meets standards actually looks like. Last time around, the federal

government left this to states and the states left it to districts. Given the limited capacity of the vast majority of school districts, that left most teachers struggling to figure things out for themselves.

Trying to intuit what they should teach from tests has left most teachers frustrated, angry, and just plain tired. After a long day of teaching and an evening spent grading homework, demanding that they also make up from scratch high-quality lessons that will engage and challenge each and every one of their students has proven to be just too much. The result for too many kids, especially those who are poor or minority, has been a series of low-level assignments and a lot of repetitive drill—hardly a recipe for high achievement.

Ideally, you would increase the amount of funding available to states that want to work together on quality assessments, and make certain that it was used to develop not just end-of-year assessments, but also high-quality curriculum, lessons, anchor assignments, and rubrics, as well as the interim and diagnostic assessments that teachers have been demanding. Short of that, at the very least, states that apply for RTTT should be asked to spell out their plans in each of these areas, as opposed to the rather generic request in the proposed regulations.

Despite what is often said about “tests worth teaching to,” another decade of teaching to tests will not get us where we need to go as a country. This is too important to be left to chance.

4) Standards, Assessments, and Other Indicators of College and Career Readiness

The proposed SFSF indicators under the standards and assessments umbrella focus almost exclusively on assessment. Because of ongoing work among states to transition toward new, common, internationally-benchmarked standards aligned with college- and career-ready expectations, it is understandable that the regulations would not include indicators related to standards outside of that effort.

That said, much like the dilemma with teacher effectiveness data cited above, the danger here is that while they await the inevitably long process of developing common standards and assessments, and the even longer process of getting them adopted, states won't take the immediate steps they could take to help more of their students get college and career ready—which is about more than passing a state test, anyway.

Fortunately, there are some fairly simple indicators of state action to increase college and career readiness that can be added, including information on the proportion of students taking a college- and career-ready course of study in high school and the proportion taking existing tests of college readiness.

Race to the Top Fund Application Structure

In the attached comments, we make three suggestions that we believe will improve the likelihood that the Race to the Top initiative will produce real change:

- 1. Assure a stronger focus on equity by (a) asking states not just about the amount of funding in education, but also about the fairness of its distribution to high- and low-*

poverty and high- and low-minority districts and schools, and (b) asking states to document their efforts (required under federal law) to address gaps in teacher quality between high- and low-poverty and high- and low-minority schools.

2. *Ensure that higher education does its part by including a sign-off from the state's chief higher education officer (or CEO of the public university system) on the application.* “College-ready” standards and assessments, for example, won’t mean anything to anybody unless higher education endorses them and uses their results to signify readiness for credit-bearing coursework. Similarly, teachers need to be prepared to teach to the new standards and to use the new tools—and most of that preparation is still done in higher education. They need some skin in the game, too.
3. *Bolster the evidence of progress in raising achievement and closing gaps requested of states.* The proposed measure of achievement, the National Assessment of Educational Progress (NAEP), is a valuable measure of state progress. But especially because there are no state NAEP results at the high school level, NAEP alone is not enough to provide any assurance that the state has a demonstrated record of accomplishment at all levels that extends beyond process. A public analysis of progress—or lack thereof—on state assessments is also important.

Perhaps it should go without saying, but we will say two more things anyway. The rigor of the review process for these applications is absolutely central to maximizing impact. And, while they might feel rigid and burdensome at first, tight performance contracts will actually provide more leverage to state leaders than loose ones.

We believe that the proposed regulations represent a strong and good-faith effort by this Administration to face head-on some of the toughest and most important education issues confronting America today. We hope the attached recommendations are helpful as you work to refine the regulation to ensure that ARRA-supported initiatives drive meaningful and powerful change for students.

Cordially,

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Kati Haycock, President, The Education Trust
Joe Williams, Executive Director, Democrats for Education Reform
Ellen Winn, Director, Education Equality Project

Race to the Top Comments

Overarching Grant Design

Eligibility Requirements

We strongly support requiring that States have no legal, statutory, or regulatory barriers to linking student achievement or student growth data to teachers for the purpose of teacher and principal evaluation, but also for other important purposes, including measuring the effects of different professional development, curriculum, or instructional approaches. Decades of research demonstrate that a student with an effective teacher can catch up to and even surpass his peers, while a student in an ineffective teacher's classroom falls further behind. Without linking students to their teachers, we can't identify our most effective teachers. If we expect to close the achievement gap, we must identify, retain, nurture and incentivize our most effective teachers to teach in our highest need schools.

Application Requirements

Proposed Application Requirement (II)(B)(a): If we're going to get real traction on promoting college readiness and a well-aligned P-20 education system, higher education needs to be actively involved. We recommend the following revision to Proposed Application Requirement (a):

The State's application must be signed by the Governor, the State's chief school officer, the president of the State board of education, and the State's higher education executive officer.

Proposed Application Requirement (II)(B)(c): We appreciate the Administration's attention to State commitment to education funding in Proposed Application Requirement (II)(B)(c). We believe, however, that Race to the Top States should demonstrate a dedication not only to maintaining education funding in general, but to providing equitable resources to its high-poverty and high-minority districts. Attention to funding equity will be necessary to achieving the Administration's goal of closing the achievement gap.

We recommend adding the following requirement to the Proposed Application Requirements:

The State must describe and document its progress in ensuring that schools and districts serving the highest proportions of low-income students, students of color, and English Language Learners have access to equitable State and local funding.

And we recommend including equitable funding as a State Reform Condition Criteria under Overall Selection Criteria by modifying proposed Overall Selection Criteria (III)(E)(2) as follows:

- (III)(E)(2) Making equitable education funding a priority: The extent to which--
- i. the percentage of the total revenues available to the State (as defined in this notice) that were used to support elementary, secondary, and public higher education for FY 2009 was greater than or equal to the percentage of the total revenues available to the State (as defined in this notice) that were used to support elementary, secondary, and public higher education for FY 2008;
 - ii. the State had made progress in ensuring that schools and districts serving the highest proportions of low-income students, students of color, and English Language Learners have access to equitable state and local funding.

Definition of High-Need LEA

Consistent with the requirements of the American Recovery and Reinvestment Act (ARRA – Sec. 14005(c)(4)), proposed Application Requirement (II)(B)(e)(2) asks States to provide budget information on how they will give priority to high-need LEAs in the distribution of the 50% of grant funds not allocated on the basis of the LEAs’ share of Title I funds. The definition of “high-need LEA” proposed in the notice, however, is at odds with the ARRA statute, which defines “high-need local education agencies” as follows:

ARRA – Sec. 14013. Definitions

“(2) the term “high-need local educational agency” means a local educational agency –

- (A) that serves not fewer than 10,000 children from families with incomes below the poverty line; or
- (B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line;”

Since the Administration is legally bound to abide by the statute, we urge the Administration to replace the definition of “high-need LEA” proposed in the notice with the statutory definition above.

Other Program Requirements – Evaluation (Sections (II)(B) and (II)(D)(a))

Race to the Top offers an unprecedented opportunity to not only spur reform in the K-12 system, but to learn from innovative State and district efforts. If we are to take full advantage of this opportunity, we must ensure that program evaluation is a central component of State reform efforts from the planning stage onwards.

We recommend modifying Application Requirement (II)(B)(g)(2) as follows:

(II)(B)(g) The State must provide, for each Reform Plan Criterion (listed later in this notice) a detailed plan for use of grant funds that includes, but need not be limited to-

2. The goals and rationale for the activities, which must include a logic model describing the sequence of activities thought to bring about change and how these activities are linked to the desired results and may include but need not be limited to evidence of the past effectiveness of those activities, as documented in research or through the effective implementation of an activity in one or more States, LEAs, or schools (which may include charter schools);

We urge the Administration to consider the extent to which a State has included an independent evaluation plan into its plans when considering applications.

We recommend adding an optional Application Requirement (II)(B)(i), as follows:

(II)(B)(i) The State may submit an evaluation plan describing how the State will evaluate all of its Race to the Top activities, or activities pertaining to a specific criterion.

To minimize uncertainty around funding—a key challenge for States that are considering applying for Race to the Top—we recommend putting a ceiling on the percent of funds that the Administration can ask States to spend on evaluating their reform efforts that is consistent with guidelines issued by both private and public grant-making institutions.

We suggest the following revisions to the proposed Other Program Requirement (II)(D)(a):

The Department reserves the right to require the State and its participating LEAs to set aside up to 10% of its funds under this program for evaluation purposes. The State and its participating LEAs must participate in a national evaluation, if the Department chooses to conduct one. In addition, the Department reserves the right to ask each State to conduct an evaluation of all of its activities under this program, OR of its activities pertaining to one or more specific criteria. State evaluations must be conducted by organizations independent of the State and Local Education Agencies. In deciding on the required evaluation approach, the Department shall take into account, but shall not be restricted to the evaluation plans submitted by the State under Application Requirement (II)(B)(i). The Department shall inform the State of any evaluation requirements at the time of awarding the grant under this program.

Selection Criteria

We support the Administration's efforts to encourage coherence in data collection and reporting among federal programs by allowing States to submit updated submissions for other programs in support of their Race to the Top application. This is especially important in the case of the State Fiscal Stabilization Fund (SFSF), given the overlap of indicators and reform efforts between these programs and the fact that some States will likely be unable to pull together all of their Phase II SFSF reporting for such indicators as information on teacher and principal evaluation systems by the October 2009 deadline.

To ensure that these States continue to make necessary investments in collection and reporting of key SFSF indicators, we encourage the Administration to be explicit in its communications with States about the continued opportunity to collect and report these Phase II SFSF data, beyond the submission deadline for that program, in support of their Race to the Top application.

Developing and Adopting Common Standards

Reform Conditions Criteria (Section (III)(A)(1))

We fully support the Administration's dedication to ensuring that States develop and adopt a set of common standards and assessments that are at internationally benchmarked, college and career ready levels. But in order to ensure that these new standards are truly meaningful, representatives from the higher education community *must* be involved in the process. We recommend that this section also include the following language:

The extent to which the State has demonstrated that their public higher education institutions will certify readiness for entry into credit-bearing coursework if students meet the high school common standards through completing a course of study aligned with those standards and scoring at the defined college-ready level on high school assessments.

Reform Plan Criteria (Section (III)(A)(3))

The implementation strategies that the Administration has identified for supporting a transition to and implementation of new standards are sound. The Administration should go a step further and require States to describe their plans for how they will develop, disseminate, and implement each one of them separately.

We recommend that the proposed criteria be revised to read as follows:

The extent to which the State, in collaboration with its participating LEAs and in support of a statewide transition to and implementation of (a) internationally benchmarked K-12 standards that build toward college and career readiness by the time of high school graduation, and (b) high-quality assessments tied to these standards, has a high-quality plan for developing, disseminating, and implementing the following strategies:

- i. Curricular frameworks and materials that include, but are not limited to, lesson plans, anchor assignments, and grading rubrics;
- ii. Formative and interim assessments; and
- iii. Professional development materials.

To ensure that these materials are not only developed, but widely disseminated and used by educators, we also recommend that the Administration require the following performance measures to apply after the transition to common standards:

- Survey results from a representative sample of current teachers demonstrating:
 - a) The number and percentage of teachers in the State that are using the curricular frameworks and materials provided by the State.
 - b) The number and percentage of teachers in the State that are using the interim assessments provided by the State.
 - c) The number and percentage of teachers in the State that believe they are receiving meaningful professional development in teaching to the new, common standards.
- Survey results from a representative sample of new teacher candidates demonstrating:
 - a) The number and percentage of new teacher candidates in the State that received instruction in their teacher preparation programs on how to utilize the standards, curricular frameworks, and materials provided by the State.
 - b) The number and percentage of new teacher candidates in the State that received instruction in their teacher preparation programs on how to utilize the interim assessments provided by the State.

Fully Implementing a Statewide Longitudinal Data System

Reform Plan Criteria ((III)(B)(2-3))

We support the Administration’s strong focus on data access, availability, and use in the Reform Plan Criteria for longitudinal data systems. However, the proposed Reform Plan Criteria are missing an element that is critical for ensuring that data are used to improve instruction—the need to build State capacity for data accuracy, analysis, and dissemination.

We recommend adding the Reform Plan Criteria below *prior to the current criteria (III)(B)(3)(i)* and renumbering accordingly:

Build State capacity for data accuracy, analysis, and dissemination.

Great Teachers and Leaders

We applaud the Administration’s unwavering focus on using Race to the Top funds to spur States to make significant changes in the way we manage our schools’ most important resource: teachers. However, there are several changes and additions that will ensure that States who receive Race to the Top funds use them not only to make important teacher quality reforms but to ensure low- income and minority students have equitable access to effective teachers and school leaders.

State Reform Conditions Criteria

Implementing high-quality alternate routes to certification is one strategy states might use to give low-income and minority students more equitable access to strong teachers and school leaders. But there are many other strategies a State might pursue to provide low-income and minority students with their fair share of strong teachers. States should have to demonstrate they take requirements in ESEA to address teacher equity seriously. We propose that a second Reform Conditions Criteria be added and that subsequent Reform Plan Criteria be renumbered appropriately.

Add Reform Plan Criteria (III)(C)(2) that reads:

(III)(C) (2) Taking steps to achieve equity in access to qualified and effective teachers: The extent to which the State has taken specific steps to ensure that low-income and minority students are not taught by inexperienced, unqualified, out of field, or ineffective teachers at higher rates than other students and collected data and evidence to monitor and track whether those steps made a difference for low-income and minority children.

Proposed Selection Criteria

Accordingly, we recommend adding a new criterion (C)(1) to the list of Proposed Selection Criteria and renumbering appropriately:

(C)(1) Taking steps to ensure that poor and minority students are not taught by inexperienced, unqualified, out of field, or ineffective teachers, along with evidence that those steps are making a difference for low-income and minority children.

Reform plan criteria

We support the effort to move States toward using student achievement data in evaluation of teachers and to link evaluation, compensation, tenure and dismissal to a teacher's effectiveness with her students. But, the plan criteria under (III)(C)(2)(d) ignore another human resource policy that is vital for ensuring equitable distribution of effective teachers—teacher assignment.

We suggest revising (III)(C)(2)(d)(ii) to read:

Compensating and promoting teachers and principals, including by providing opportunities for teachers and principals who are highly effective (as defined in this notice) to obtain additional compensation and responsibilities, including accepting assignments to teach effectively in high-poverty or high-minority schools.

And we propose adding:

(III)(C)(2)(d)(iv): Placing highly effective teachers in high need schools and assigning them strategically within schools to ensure that struggling students have access to the strongest possible instruction.

As States move forward with measuring the impact teachers and principals have on student learning, it is important that we have systems that produce robust results about performance.¹ We suggest a change to (III)(C)(2)(a):

(a) establish and provide a clear description of a system to measure impact on student growth (as defined in this notice) that uses a rigorous statistical approach (as defined in this notice);

We also suggest when linking evaluation, compensation, tenure, and dismissal to teacher effectiveness, basing those decisions on more than one year of data. We propose revision to (III)(C)(2)(b):

(b) employ rigorous...that take into account more than one year's data on impact on student growth (as defined in this notice) as a significant factor;

Under (III)(C)(3), increasing the number of effective teachers in high-poverty schools is an important strategy for achieving equity, but State plans should also attend to achieving actual equity in access to effective teachers, both in terms of action steps and measurable goals and objectives.

We suggest revising (III)(C)(3) to read:

¹To encourage transparency and the utility of achievement data, we believe it is important that wherever data on student growth or teacher impact are reported, data on the percentage of the relevant group of in each of the state's achievement levels specified under ESEA 1111 should also be reported.

Ensuring equitable distribution of effective teachers and principals: The extent to which the State has a high-quality plan and ambitious yet achievable annual targets to increase the number and percentage of highly effective teachers and principals (as defined in this notice) in high-poverty and high-minority schools (as defined in this notice), to ensure that low-income and minority students have equitable access to effective teachers and are not taught by ineffective teachers at higher rates than other students, and to increase the number and percentage of effective teachers (as defined in this notice) teaching hard-to-staff subjects ...

Appendix: Proposed Evidence and Performance Measures

We suggest adding the following performance measures for the revised indicator (III)(C)(3):

- The number and percentage of teachers in high-poverty and low-poverty schools (as defined in this notice) who are in each of the following categories (separately)
 - the top quartile of the effectiveness measure statewide
 - the bottom decile of the effectiveness measure statewide
- The number and percentage of teachers in high-minority and low-minority schools (separately) who are in each of the following categories (separately)
 - the top quartile of the effectiveness measure statewide
 - bottom decile of the effectiveness measure statewide
- The number and percentage of principals in high-poverty and low-poverty schools (separately) who are effective principals
- The number and percentage of principals in high-minority and low-minority schools (separately) who are effective principals (as defined in this notice).

Definitions

We recommend an addition to the definition of alternative certification routes that reads:

(e) is selective in choosing teaching candidates.

The proposed definition of “student growth” is inadequate. Allowing poorly designed growth measures will undermine the Administration’s attempt to move States and districts to adopt and use more valid and reliable measures of teacher effectiveness.

We propose that the first sentence of the definition be changed to read:

Student growth means the annual change in achievement data for an individual student.

We propose adding a definition that outlines the characteristics of a rigorous statistical approach:

Rigorous statistical approach means a system that moves beyond simple regression analyses and simple matched paired gains and does not have the effect of labeling as acceptable lower rates of growth for certain racial or economic groups when taking into account student demographic variables.

We propose adding definitions of high-minority, low-minority, and low-poverty schools consistent with the current proposed definition of high-poverty school:

High-minority school means a school in the highest quartile of schools in the state with respect to the percent of students that are minority.

Low-minority school means a school in the lowest quartile of schools in the state with respect to the percent of students that are minority.

Low-poverty school means a school in the lowest quartile of schools in the state with respect to poverty level, using a measure of poverty determined by the state.

Turning Around Struggling Schools

We applaud the Administration's focus on ensuring that our lowest-performing schools, particularly those that can't or won't improve, get timely and effective intervention. We are concerned, however, about the lack of emphasis on the results of turnaround efforts and of transparency around the identification of lowest-achieving schools, as well as the small number of interventions that States would be required to undertake.

Minimum Proposed Evidence (Appendix – Section (D)(3))

The Minimum Proposed Evidence of States' historic performance on school turnaround (Proposed Evidence and Performance Measure (D)(3)) asks States to report the number of schools in restructuring that have been turned around with new leadership, converted to CMO- or EMO-operated schools, and closed in each of the last five years.

To require evidence of the results of these efforts, we propose revisions to the Minimum Proposed Evidence indicator (D)(3) that would collect data not only on the number of schools in restructuring where interventions have taken place, but on the results of these actions. Note that to minimize the combined reporting burden of the State Fiscal Stabilization Fund Phase II and Race to the Top applications, we propose to use the same indicator in both data collections.²

We recommend that the Minimum Proposed Evidence indicator (D)(3) be revised as follows:

- For each LEA in the State, report the number of Title 1 schools in restructuring in each of the last 5 years, and of this total number of schools,
 - a) The number each year that have been turned around with new leadership and a majority of new staff;
 - b) The number each year that have been turned around through conversion to charter schools, CMO-operated schools, or EMO-operated schools; and
 - c) The number each year that have been closed and the students placed in high-performing schools.
- For each school that has been turned around or converted to charter (schools in (a) and (b) above) report as many years of math and reading/ELA test results (and graduation rates for high schools) as are available. For example, for a school that was turned around in SY 2006, report these data for SY 2006, SY2007, SY2008 and SY2009. For a school that was turned around in SY 2008, report data for SY2008 and SY2009.

Definition of Lowest-Achieving (Section IV)

We commend the Administration for requiring States to take into account *both* absolute performance *and* progress on State math and reading/language arts assessments when considering which schools are lowest-achieving. But we are concerned that the phrase “whether schools have made progress” may allow States to exempt some schools from being identified as lowest-achieving despite the fact that these schools have consistently been some of the lowest-performing in the State. To ensure that States consider the performance and improvement of each school relative to other schools in the State, we recommend changing the phrase “whether schools have made progress” to “the extent to which schools have made progress.” Moreover, we are concerned that this definition will fail to capture high schools with high dropout rates—a key priority of this Administration.

² We recommend replacing both the current Minimum Proposed Evidence indicator (D)(3) in Race to the Top and State Fiscal Stabilization Fund metrics (d)(3) – d(5) with the revised indicator (D)(3) above.

We recommend modifying the proposed definition of lowest-achieving as follows:

When considering which schools are the lowest-achieving, the State must consider both the absolute performance of schools on the State assessments in reading/language arts and mathematics and the extent to which schools have made progress on those assessments. When identifying lowest-achieving high schools, the State must also consider both the most recent graduation rate (as defined in this notice) and the extent to which schools have improved their graduation rate.

Reform Plan Criteria (Section (III)(D)(3))

Under the proposed Reform Plan Criteria, States must identify and support its LEAs in turning around the lowest-achieving 5% of Title I schools (or 5 schools, whichever is larger) in Program Improvement (PI: School Improvement, Corrective Action or Restructuring) and similarly low-achieving non-Title I secondary schools that “are eligible for, but do not receive, Title I funds.”

We have four concerns with these criteria. First, the scale of the intervention efforts (the number of schools that would be turned around under the current criteria) is far too small given the amount of funding States stand to receive under Race to the Top, especially since, as proposed in the August 26, 2009 School Improvement Grants Guidance, improvement funds will also target this set of schools. Based on 2007-2008 counts of schools in Program Improvement, the proposed plan criteria would result in interventions at only 612 schools during the entire life of the Race to the Top, if every State were to intervene in the lowest-achieving 5% (or 5) of these schools – a number far smaller than the 1,000 schools per year that the Secretary has mentioned in his speeches on a multitude of occasions. Of the 50 States and the District of Columbia, 27 would only have to intervene in 5 schools.³

Second, because of wide variations in State accountability systems under the Adequate Yearly Progress (AYP) provisions of the ESEA, linking the number of schools a State must intervene in to the number of schools in Program Improvement penalizes States with more stringent AYP criteria. For example, in 2007-2008, Massachusetts, a State widely recognized as having high standards, had a total of 1,870 schools, with 463 schools in Program Improvement. Tennessee, on the other hand, had 1,643 schools and only 77 in Program Improvement. Under the current requirements, Massachusetts would have to intervene in approximately 23 schools, while Tennessee would be responsible for the minimal 5.⁴

Third, while we commend the Administration for explicitly focusing on secondary schools in the definition of *persistently low-performing*, we are concerned that the requirement to include “equally low-achieving” non-Title I secondary schools will not be enough to ensure that

³ U.S. Department of Education. (2009). SY 2007-2008 Consolidated State Performance Reports Part I. Available at: <http://www.ed.gov/admins/lead/account/consolidated/sy07-08part1/index.html>. (Accessed 8/10/2009).

⁴ U.S. Department of Education, 2009.

struggling high schools get help. To make sure that the Reform Plan Criteria are consistent with the Administration’s emphasis on secondary schools, we propose setting separate intervention targets for elementary/middle and high schools.

Lastly, we are concerned that if States are not required to report their definition of “lowest-achieving” in their Reform Plan, the Administration and the public will be unable to hold them accountable for identifying schools based on the criteria they set.

Our recommended revisions to the Reform Plan Criteria augment the required scope of State intervention efforts to the Secretary’s goal, eliminate the biases introduced by tying the number of schools States must turn around to Program Improvement, ensure an adequate focus on high schools, and increase transparency.

The recommended Reform Plan Criteria (III)(D)(3) are as follows:

- (III)(D)(3)(A) The extent to which the State has a high-quality plan and ambitious yet achievable annual targets to identify and support its LEAs in turning around (using options listed in part (III)(D)(3)(B) of this notice) at least the lowest-achieving (as defined in this notice) 1% (or 1 school, whichever is larger) of all elementary/middle/combined grade schools and the lowest-achieving (as defined in this notice) 1% (or 1 school, whichever is larger) of all high schools for each of the full academic years for which the State will receive Race to the Top funds. The State Reform Plan must include detailed definitions, consistent with requirements outlined in this notice, that the State will use to identify lowest-achieving elementary/middle schools and lowest-achieving high schools.
- (III)(D)(3)(B) The options that States and LEAs may use to turn around schools identified in (D)(3)(A) are:
 - *We recommend retaining the options listed in section (III)(D)(3) of the Notice of Proposed Priorities.*

Proposed Performance Measures (Appendix – Section (D)(3))

We recommend that in addition to the current proposed performance measures, the Administration require States to report outcomes (test scores and graduation rates for high schools) of schools that have been turned around.

We recommend the following revisions to the performance measures for Turning Around Struggling Schools (D)(3):

- **Race to the Top Application - Annual Targets:** The number of schools – from the total number of lowest-achieving schools identified in (III)(D)(3)(A)– for which one of the four school transformation strategies described in (III)(D)(3)(B) will be implemented each year.
- **Annual Report Performance Measure 1:** Identify each school where the State has implemented one of the four transformation strategies described in (III)(D)(3)(B) in the current reporting year. When identifying schools, include the old, and for any school that was turned around, re-opened as a charter, or transformed, the new school and LEA identification numbers and names. For each school, indicate the transformation strategy implemented.
- **Annual Report Performance Measure 2:** For each school that was turned around, re-opened as a charter, or transformed in the current reporting year or in prior years of Race to the Top, report the most recent math and reading/ language arts proficiency rates as well as the most recent 4-year cohort graduation rate for high schools.

A proposed reporting from for section (D)(3) is in **Appendix A** of this commenting document.

Overall Selection Criteria

Reform Conditions Criteria (III)(E)(1)

We appreciate the Administration’s attention to progress not just on the tools of reform but on progress in improving results for all groups of children. The proposed measure of achievement, NAEP, is a valuable measure of state progress. But especially because there are no State NAEP high school results, NAEP alone is not enough to provide any assurance that the State has a demonstrated record of accomplishment at all levels that extends beyond process. A public analysis of progress—or lack thereof—on State assessments is also important.

We recommend the following addition to (III)(E)(1)(iv):

Increased student achievement and decreased the achievement gap, as reported on the NAEP since 2003 and the assessments described in Section 1111 of the ESEA; and increased graduation rates.

Reform Plan Criteria (III)(E)(4)

Again, we believe that State assessments are important to consider alongside NAEP scores when setting goals and evaluating State progress and should thus be required rather than optional.

We recommend the following revision to (III)(E)(4)(i):

The extent to which the State has set ambitious yet achievable targets for increasing its students' achievement results overall and by student subgroup...in reading and math, as reported by the NAEP and the assessments described in Section 1111 of the ESEA; annual targets using other statewide assessments may be submitted as well.

And we recommend the following revision to (III)(E)(4)(ii):

The extent to which the State has set ambitious yet achievable targets for decreasing the reading and mathematics achievement gaps between subgroups... as reported by the NAEP and the assessments described in Section 1111 of the ESEA; annual targets using other statewide assessments may be submitted as well.

APPENDIX A

Recommended Reporting Form for Minimum Proposed Evidence Indicator (D)(3):

- For each LEA in the State, report the number of Title I schools in restructuring in each of the last 5 years, and of this total number of schools,
 - a) The number each year that have been turned around with new leadership and a majority of new staff.
 - b) The number that have been turned around through conversion to charter schools, CMO-operated schools, or EMO-operated schools; and
 - c) The number that have been closed at and the students placed in high-performing schools.

LEA ID	LEA Name	School Year	Number of schools in Restructuring	Of the schools in restructuring in each school year		
				Number turned around (A)	Number closed and re-opened as charters (B)	Number that were closed (C)

- For each school that has been turned around or converted to charter (schools in (A) and (B) above) report as many years of math and reading/language arts test results (and graduation rates for high schools) as are available. For example, for a school that was turned around in SY 2006, report these data for SY 2006, SY2007, SY2008 and SY2009. For a school that was turned around in SY 2008, report data for SY2008 and SY2009.

				Year schools was turned around/ closed and re-opened	Percent of students proficient in Math					Percent of students proficient in Reading/ Language Arts					Graduation Rate (High schools only)				
Old LEA ID	Old School ID	New LEA ID	New School ID		SY 2005	SY 2006	SY 2007	SY 2008	SY 2009	SY 2005	SY 2006	SY 2007	SY 2008	SY 2009	SY 2005	SY 2006	SY 2007	SY 2008	SY 2009

Performance Measures (D)(3) – Annual Reporting Indicator 1

Identify each school where the state has implemented one of the four transformation strategies described in (III)(D)(3)(B) in the current reporting year. When identifying schools, include the old, and for any school that was turned around, re-opened as a charter, or transformed, the new school and LEA identification numbers and names. For each school, indicate the transformation strategy implemented.

School Year

Pre-Intervention				Type of Intervention Implemented	Post-Intervention			
LEA ID	LEA Name	School ID	School Name		LEA ID	LEA Name	School ID	School Name

Performance Measures (D)(3) – Annual Reporting Indicator 2

For each school that was turned around, re-opened as a charter, or transformed in the current reporting year or in prior years of Race to the Top, report the most recent math and reading/ language arts proficiency rates as well as the most recent 4-year cohort graduation rate for high schools.

Note: The sample form below is for SY 2011. This form would include any schools that received intervention in SY 2011 and 2010.

Post-Intervention				Year of intervention	% Proficient in Math, SY 2011	% Proficient in English/ Language Arts, SY 2011	Graduation Rates (High school only), SY 2011
LEA ID	LEA Name	School ID	School Name				